City of Phoenix

Agenda
City Council Formal Meeting

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

Wednesday, November 3, 2021 **2:30 PM** **phoenix.gov**

*****REVISED Nov. 2, 2021*****
Item Revised: 47; Item Added: 50

OPTIONS TO ACCESS THIS MEETING

Request to speak at a meeting:

- Register online by visiting the City Council Meetings page on phoenix.gov **at least 1 hour prior to the start of this meeting**. Then, click on this link at the time of the meeting and join the Webex to speak: https://phoenixcitycouncil.webex.com/phoenixcitycouncil/onstage/g.php?MTID=e386077917951f827324d350cbfb8a176

- Register via telephone at 602-262-6001 **at least 1 hour prior to the start of this meeting**, noting the item number. Then, use the Call-in phone number and Meeting ID listed below at the time of the meeting to call-in and speak.

At the time of the meeting:

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

- Call-in to listen to the meeting. Dial 602-666-0783 and Enter Meeting ID 2552 190 3214# (for English) or 2555 463 5508# (for Spanish). Press # again when prompted for attendee ID.

Para nuestros residentes de habla hispana:

- Para registrarse para hablar en español, llame al 602-262-6001 **al menos 1 hora antes del inicio de esta reunión** e indique el número del tema. El día de la reunión, llame al 602-666-0783 e ingrese el número de identificación de la reunión 2555 463 5508#. El intérprete le indicará cuando sea su turno de hablar.

- Para solamente escuchar la reunión en español, llame a este mismo número el día de la reunión (602-666-0783; ingrese el número de identificación de la reunión 2555 463 5508#). Se proporciona interpretación simultánea para nuestros residentes durante todas las reuniones.

CALL TO ORDER AND ROLL CALL

BOARDS AND COMMISSIONS

1	**Mayor and Council Appointments to Boards and Commissions**	Page 7

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

2	**Liquor License - Special Event - Hermandad del Senor de los Milagros (Mesa, AZ)**	District 1 - Page 9
3	**Liquor License - Angry Crab Shack**	District 2 - Page 10
4	**Liquor License - Butters Pancakes & Cafe**	District 2 - Page 15
5	**Liquor License - Tacos Calafia**	District 3 - Page 20
6	**Liquor License - In & Out Convenience**	District 5 - Page 25
7	**Liquor License - IHOP**	District 6 - Page 31
8	**Liquor License - Anhelo**	District 7 - Page 33
9	**Liquor License - Pho Bowl**	District 7 - Page 38
10	**Liquor License - Mariscos Camaron Pelao**	District 8 - Page 43

PAYMENT ORDINANCE (Ordinance S-48072) (Items 11-12) Page 48

11	**Canyon Taxi LLC**	
12	**Central Arizona Water Conservation District doing business as Central Arizona Project**	

ADMINISTRATION

13	**Crane Rentals - Requirements Contract IFB 16-004 (Ordinance S-48078)**	Citywide - Page 49

14 **Authorization to Enter into Contract with Area Agency on Aging, Region One, Inc. for COVID-19 Senior Assistance - Goods2Home Program (Ordinance S-48085)** Citywide - Page 50

COMMUNITY SERVICES

15 **Arizona Commission on the Arts FY 2021-22 AZ Organizational Relief Grant (Ordinance S-48087)** Citywide - Page 51

ECONOMIC DEVELOPMENT

16 **Issuance of Economic Development Revenue Bonds (All Sports Village, Inc. Project), Series 2021 (Resolution 21974)** Out of City - Page 52

17 **Issuance of Project Revenue Bonds (Provident Group - Costa Isabela Properties LLC; Costa Isabela Conference Hotel Project), Series 2021 (Resolution 21975)** Out of City - Page 54

18 **Issuance of Multifamily Housing Revenue Notes (Harmony at the Park Two Project), Series 2021 (Resolution 21976)** District 8 - Page 55

PUBLIC SAFETY

19 **Randox Evidence Investigator Analyzer Instruments - EXC 22-051 (Ordinance S-48074)** Citywide - Page 56

20 **Additional Expenditures for Fire Fighting Protective Hoods T16-151-01 - Cooperative Requirements Contract (Ordinance S-48083)** Citywide - Page 58

21 **Public Safety Communications Equipment - Requirements Contract RFP 11-0004 / VH10965 (B) (Ordinance S-48080)** Citywide - Page 59

TRANSPORTATION AND INFRASTRUCTURE

22	**Phoenix Sky Harbor International Airport West Air Cargo Reconstruction - Engineering Services - AV06000026 FAA (Ordinance S-48073)**	District 8 - Page 60
23	**Phoenix Sky Harbor International Airport Terminal 4 Infrastructure Fire Alarm Replacement - Design-Build Services - AV21000102 (Ordinance S-48075)**	District 8 - Page 63
24	**Maintenance and Repair of Vehicle Barriers and Security Gates - Amendment (Ordinance S-48079)**	District 1 - Page 66 District 8 Out of City
25	**I-10 West Extension Route and Transit Type Recommendation**	District 4 - Page 68 District 7
26	**Capitol Extension and I-10 West Extension Equitable Housing and Land Use Planning Request for Proposals**	District 5 - Page 74 District 7
27	**Northwest Extension Phase II Active Transportation and Land Use Planning Request for Proposals**	District 3 - Page 78 District 4 District 5
28	**West Phoenix High Capacity Transit Study**	District 4 - Page 82 District 5 District 7
29	**Capitol Extension Route Recommendation and Preconstruction Estimate (Ordinance S-48076)**	District 7 - Page 89
30	**Purchase of Polaris Ranger Utility Vehicles (Ordinance S-48082)**	Citywide - Page 97
31	**Intergovernmental Agreement with Flood Control District of Maricopa County for 51st Avenue and Dobbins Road Storm Drain Project (Ordinance S-48077)**	District 7 - Page 99 District 8
32	**Salt River Project Construction License for 27th Avenue and Thomas Road: Railroad Crossing Upgrade - ST85100198 (Ordinance S-48086)**	District 4 - Page 101 District 7

33	**Support for Formation of Terrell Terrace Irrigation Water Delivery District (Resolution 21973)**	District 4 - Page 102
34	**Inspection and Repair of Hoist and Crane, American Inspection and Test, Inc. - Amendment (Ordinance S-48081)**	Citywide - Page 110
35	**Anchor Point Inspection Testing and Repair Services Agreement - Request for Award (Ordinance S-48084)**	Citywide - Page 111
	PLANNING AND ZONING MATTERS	
36	**Final Plat - Broadstone Uptown - PLAT 210009 - Camelback Road East of 7th Avenue**	District 4 - Page 113
37	**Final Plat - Larkey Subdivision - PLAT 210037 - East of 23rd Avenue and North of South Mountain Avenue**	District 8 - Page 114
38	**Map of Dedication - 59th & Baseline, LLC - MOD 210002 - Southeast Corner of 59th Avenue and Baseline Road**	District 8 - Page 115
39	**Amend City Code - Ordinance Adoption - Rezoning Application Z-37-21-4 - Approximately 207 Feet North of the Northeast Corner of 17th Avenue and Colter Street (Ordinance G-6911)**	District 4 - Page 116
40	**Amend City Code - Ordinance Adoption - Rezoning Application Z-46-21-4 - Approximately 240 Feet West of the Southwest Corner of 7th Street and Palm Lane (Ordinance G-6910)**	District 4 - Page 123
41	**Amend City Code - Ordinance Adoption - Rezoning Application Z-36-21-6 - Approximately 565 Feet South of the Southeast and Southwest Corners of 13th Place and Colter Street (Ordinance G-6909)**	District 6 - Page 130
42	**Amend City Code - Ordinance Adoption - Rezoning Application Z-39-21-6 - Approximately 180 Feet South of the Southeast Corner of 44th Street and Clarendon Avenue (Ordinance G-6908)**	District 6 - Page 136

43	**Amend City Code - Ordinance Adoption - Rezoning Application Z-15-21-7 - Southeast Corner of 67th Avenue and Broadway Road (Ordinance G-6912)**	District 7 - Page 143
44	**Amend City Code - Ordinance Adoption - Rezoning Application Z-SP-1-21-7 - Southeast Corner of 67th Avenue and Broadway Road (Ordinance G-6913)**	District 7 - Page 153
45	**Public Hearing and Ordinance Adoption - Amend City Code - Rezoning Application Z-41-21-7 - Approximately 615 Feet North of the Northwest Corner of 59th Avenue and Dobbins Road (Ordinance G-6915)**	District 7 - Page 164
46	**Public Hearing and Ordinance Adoption - Planning Hearing Officer Application PHO-1-21--Z-10-18-8- Northwest Corner of 27th Street and Baseline Road (Ordinance G-6914)**	District 8 - Page 226
*47	**Public Hearing and Modification of Stipulation Request for Ratification of Aug. 18, 2021 Planning Hearing Officer Action - PHO-2-21--Z-63-05-8 - Approximately 820 Feet East of the Northeast Corner of 24th Street and Baseline Road (Ordinance G-6916) ***REVISED***	District 8 - Page 370
48	**Public Hearing and Ordinance Adoption - Planning Hearing Officer Application PHO-1-21--Z-59-18-8 - Approximately 615 Feet North of the Northwest Corner of 25th Street and Baseline Road (Ordinance G-6917)**	District 8 - Page 429
49	***REQUEST TO WITHDRAW (SEE ATTACHED MEMO)*** (CONTINUED FROM JULY 1 AND AUG. 25, 2021) - Public Hearing and Ordinance Adoption - Rezoning Application Z-49-20-3 - Located Approximately 970 Feet North of the Northeast Corner of 34th Street and Sweetwater Avenue (Ordinance G-6871)**	District 3 - Page 491

ADD-ON ITEMS

*50 **Request for City Council to Call to Meet in Executive Session on Nov. 17, 2021 ***REQUEST TO ADD-ON*** Citywide - Page 544

REPORTS FROM CITY MANAGER, COMMITTEES OR CITY OFFICIALS

000 CITIZEN COMMENTS

ADJOURN

City of Phoenix

Report

Agenda Date: 11/3/2021, **Item No.** 1

Mayor and Council Appointments to Boards and Commissions

Summary

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

Responsible Department

This item is submitted by the Mayor's Office.

ATTACHMENT A

City of Phoenix

To: City Council **Date:** November 3, 2021

From: Mayor Kate Gallego

Subject: BOARDS AND COMMISSIONS – APPOINTEES

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

Camelback East Village Planning Committee

Councilman Sal DiCiccio recommends the following for appointment:

John Czerwinski
Mr. Czerwinski is the Managing Director of Merit Partners, Inc. and a resident of District 6. He fills a vacancy for a partial term to expire November 19, 2021.

Desert View Village Planning Committee

Councilman Jim Waring recommends the following for appointment:

Marla Neely
Ms. Neely is the Chief Financial Officer at Accredited Appliance of Arizona and a resident of District 2. She fills a vacancy for a term to expire November 19, 2022.

Phoenix Business Workforce Development Board

I recommend the following for appointment:

Karen Hartson
Ms. Hartson is the Vice President of Human Resources at Honeywell. She fills a vacancy in the Business IT category for a partial term to expire June 30, 2023.

City of Phoenix

Report

Agenda Date: 11/3/2021, **Item No.** 2

Liquor License - Special Event - Hermandad del Senor de los Milagros (Mesa, AZ)

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

Summary

Applicant
Sofia Vasquez Diaz

Location
10626 N. 43rd Ave.
Council District: 1

Function
Cultural Celebration

Date(s) - Time(s) / Expected Attendance
Nov. 26, 2021 - 7 p.m. to 1:30 a.m. / 250 attendees

Staff Recommendation
Staff recommends approval of this application.

Responsible Department

This item is submitted by Deputy City Manager Toni Maccarone and the City Clerk Department.

City of Phoenix

Report

Agenda Date: 11/3/2021, **Item No.** 3

Liquor License - Angry Crab Shack

Request for a liquor license. Arizona State License Application 161889.

Summary

Applicant
Jeffrey Miller, Agent

License Type
Series 12 - Restaurant

Location
3227 E. Bell Road, Ste. D110
Zoning Classification: C-2
Council District: 2

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

The 60-day limit for processing this application is Nov. 21, 2021.

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

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

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

Angry Crab Shack (Series 12)
11340 W. Bell Road, Ste. 118A, Surprise
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

Angry Crab Shack & BBQ (Series 12)
1365 W. Grant Road, Tucson
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I am a Franchise owner of two other Angry Crab Shacks. I will continue to ensure my employees abide by Title 4 Arizona Liquor law."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"We would like to offer our patrons a place to sit down relax and enjoy some amazing food."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Angry Crab Shack
Liquor License Map - Angry Crab Shack

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

Liquor License Data: ANGRY CRAB SHACK

Liquor License

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

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	46.78	65.47	88.95
Violent Crimes	8.73	15.07	16.98

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

Property Violation Data

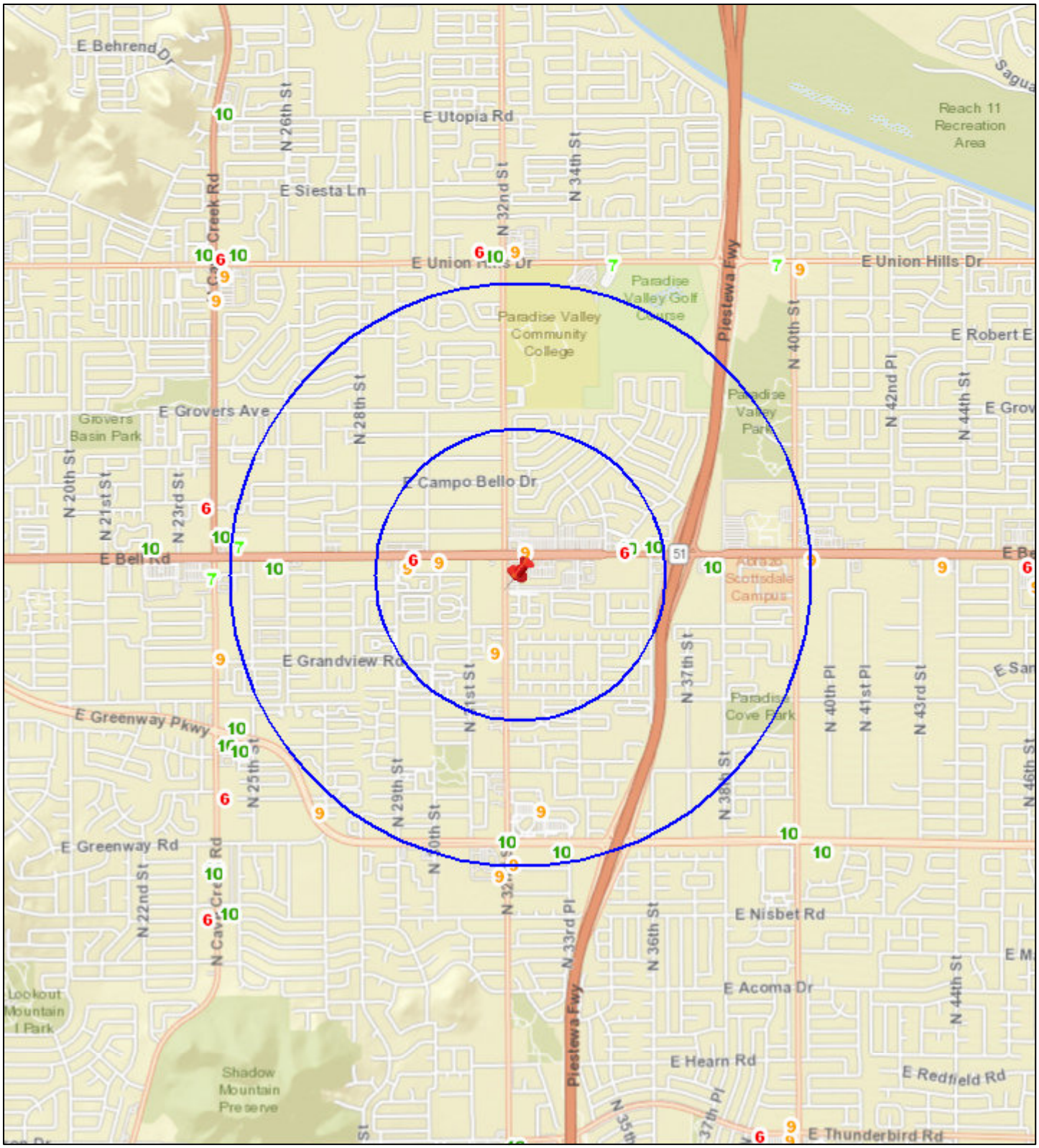
Description	Average	1/2 Mile Average
Parcels w/Violations	56	85
Total Violations	92	165

Census 2010 Data 1/2 Mile Radius

BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1033032	1103	78 %	9 %	18 %
1033033	1037	75 %	23 %	0 %
1033041	1926	47 %	13 %	34 %
1033042	1219	2 %	16 %	38 %
1033043	1952	26 %	28 %	48 %
1033052	2333	59 %	9 %	30 %
6195003	2362	65 %	14 %	8 %
6196001	2094	72 %	11 %	3 %
Average		61 %	13 %	19 %

Liquor License Map: ANGRY CRAB SHACK

3227 E BELL RD



N

Date: 9/23/2021

0 0.2 0.4 0.8 1.2 1.6 mi

City Clerk Department

City of Phoenix

Report

Agenda Date: 11/3/2021, **Item No.** 4

Liquor License - Butters Pancakes & Cafe

Request for a liquor license. Arizona State License Application 161029.

Summary

Applicant
Christopher Syregelas, Agent

License Type
Series 12 - Restaurant

Location
7000 E. Mayo Blvd., Ste. 1032
Zoning Classification: PUD PCD
Council District: 2

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

The 60-day limit for processing this application is Nov. 14, 2021.

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

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

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

Butters Pancakes & Cafe (Series 12)
8300 N. Hayden Road, Ste. F104, Scottsdale
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

Butters Pancakes & Cafe (Series 12)
14795 N. Northsight Blvd., Scottsdale
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"We have over 40 years experience owning an operating restaurants and currently have two other Butters Pancakes & Cafe restaurants in Scottsdale with liquor licenses. Our staff has been through state certified liquor training and are knowledgeable in responsible liquor service."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Butters is Arizona's best breakfast and lunch cafe. We know that it takes fresh, innovative food served consistently and with unsurpassed quality by dedicated team members in a clean and warm environment. We also believe in being responsible shepherds of the environment by limiting our carbon footprint and whenever possible, we seek out organically grown ingredients from local farmers an producers. We believe in giving back to the community and are excited to open our first Phoenix location."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Butters Pancakes & Cafe
Liquor License Map - Butters Pancakes & Cafe

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

Liquor License Data: BUTTERS PANCAKES & CAFE

Liquor License

Description	Series	1 Mile	1/2 Mile
Bar	6	3	3
Liquor Store	9	1	1
Restaurant	12	14	13

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	46.78	13.19	22.71
Violent Crimes	8.73	1.24	1.48

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

Property Violation Data

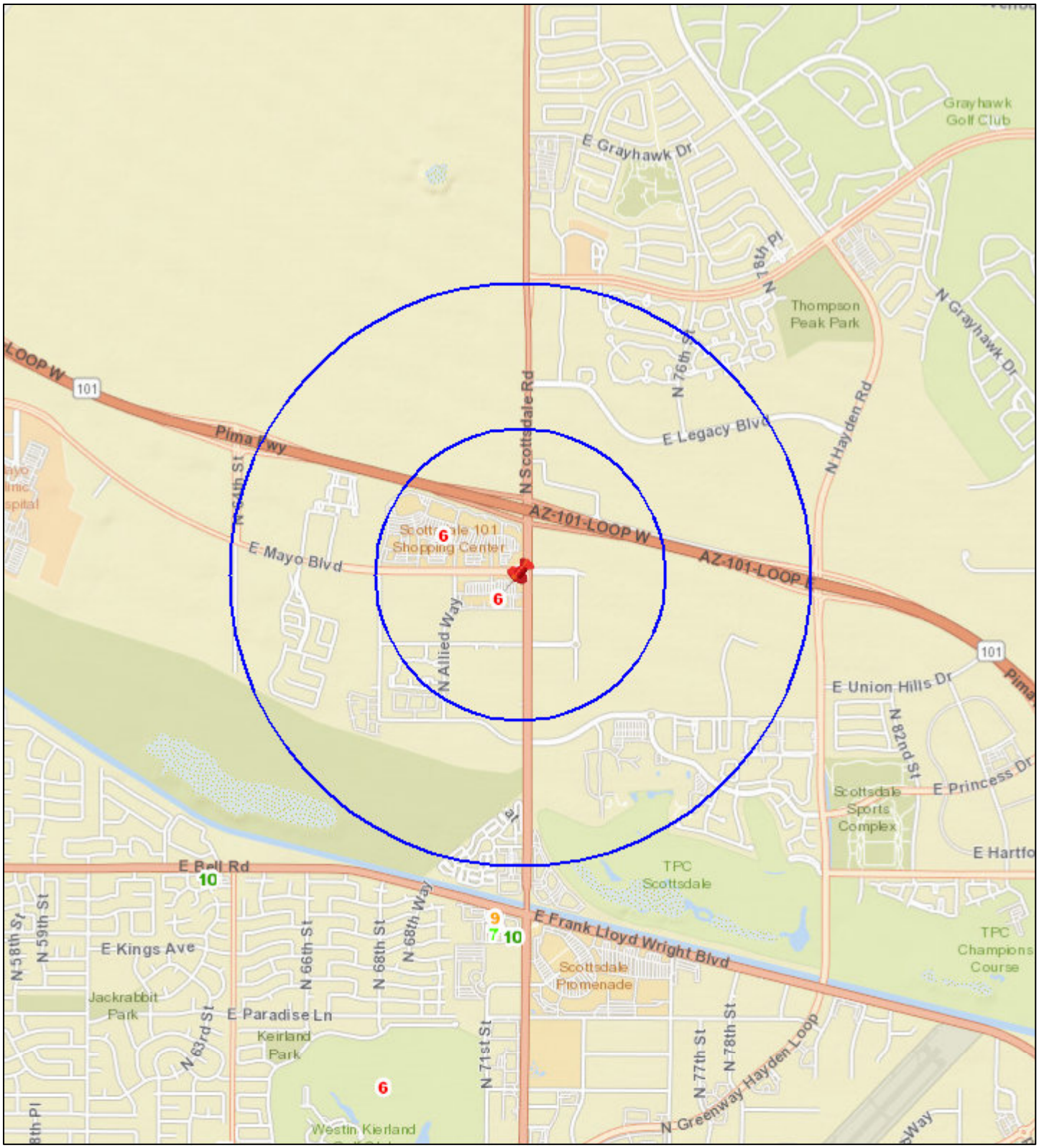
Description	Average	1/2 Mile Average
Parcels w/Violations	56	0
Total Violations	91	

Census 2010 Data 1/2 Mile Radius

BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
2168442	1681	50 %	43 %	4 %
2168452	694	23 %	38 %	8 %
6152001	1993	8 %	29 %	12 %
Average		61 %	13 %	19 %

Liquor License Map: BUTTERS PANCAKES & CAFE

7000 E MAYO BLVD



N

Date: 9/15/2021

0 0.2 0.4 0.8 1.2 1.6 mi

City Clerk Department

City of Phoenix

Report

Agenda Date: 11/3/2021, **Item No.** 5

Liquor License - Tacos Calafia

Request for a liquor license. Arizona State License Application 160974.

Summary

Applicant
Perla Del Rio, Agent

License Type
Series 12 - Restaurant

Location
1606 E. Bell Road, Ste. 101-104
Zoning Classification: C-2
Council District: 3

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

The 60-day limit for processing this application is Nov. 15, 2021.

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

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"We believe that we can sell alcohol responsibly and ensure that consuption of alcoholic drinks remains within safe parameters. We understand that there are risks with not taking the sell of liquor responsibly could be dangerous and harm someone."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"We understand and are willing to respect and serve our community by providing a safe space for our customers, if we saw a risk to the neighbors that live in our area, we would not pursue this license."

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

Attachments
Liquor License Data - Tacos Calafia
Liquor License Map - Tacos Calafia

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

Liquor License Data: TACOS CALAFIA

Liquor License

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

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	46.78	80.36	99.68
Violent Crimes	8.73	10.96	13.48

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

Property Violation Data

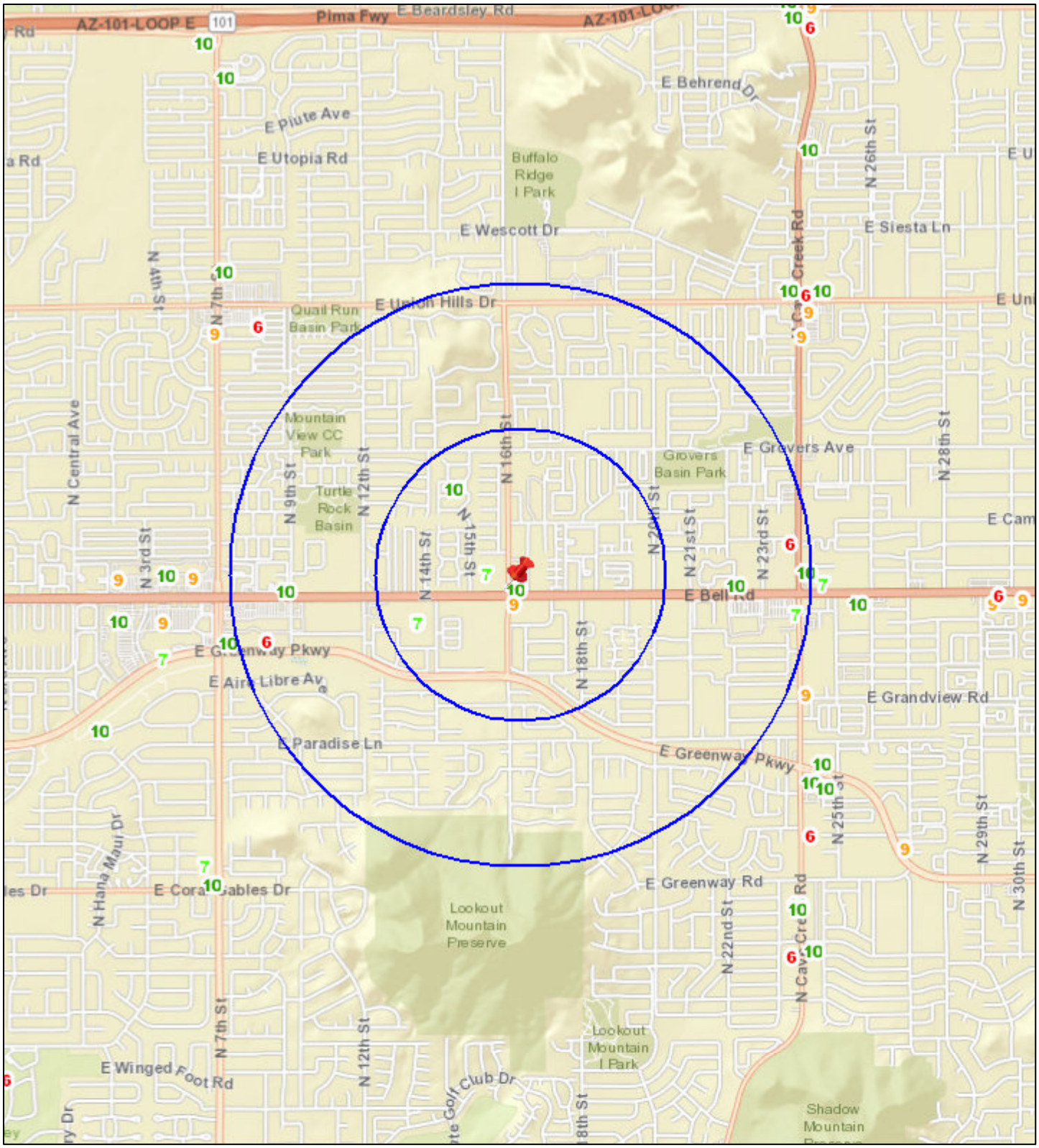
Description	Average	1/2 Mile Average
Parcels w/Violations	56	54
Total Violations	92	99

Census 2010 Data 1/2 Mile Radius

BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1036062	854	90 %	13 %	4 %
1036063	2174	78 %	13 %	25 %
1036111	1396	66 %	14 %	3 %
6190002	1340	91 %	0 %	9 %
6192001	1053	20 %	23 %	17 %
6192003	2370	48 %	17 %	12 %
6193001	1220	87 %	12 %	14 %
6194001	1068	54 %	32 %	9 %
6194002	1484	18 %	18 %	8 %
6194003	1151	79 %	9 %	31 %
Average		61 %	13 %	19 %

Liquor License Map: TACOS CALAFIA

1606 E BELL RD



N

Date: 9/17/2021

0 0.2 0.4 0.8 1.2 1.6 mi

City Clerk Department

City of Phoenix

Report

Agenda Date: 11/3/2021, **Item No.** 6

Liquor License - In & Out Convenience

Request for a liquor license. Arizona State License Application 009070006684.

Summary

Applicant
Nirav Patel, Agent

License Type
Series 9 - Liquor Store

Location
6024 N. 23rd Ave.
Zoning Classification: C-2
Council District: 5

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

The 60-day limit for processing this application is Nov. 14, 2021.

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

Other Active Liquor License Interest in Arizona
The ownership of this business has an interest in other active liquor license(s) in the

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

Heena Mini Mart (Series 9)
2202 E. Route 66, Flagstaff
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

Shell Cave Creek (Series 10)
31414 N. Cave Creek Road, Phoenix
Calls for police service: 4
Liquor license violations: None

Herbal Nail & Spa (Series 7)
6590 N. Scottsdale Road, #150, Scottsdale
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

Pebblestone Market (Series 9)
3399 N. Scottsdale Road, Scottsdale
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I am currently an operator of 2 store with liquor license for past 17 years and I have not had and issues or any type of denial. I operate all my store to the best of my capability and with capable employees."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"The location will continue to provide a convenient location to purchase liquor for the

people in the neighbhour hood with easy access. The location is also very easily accessible off Bethany Home Road and it is right on 23rd Ave.”

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - In & Out Convenience
Liquor License Map - In & Out Convenience

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

Liquor License Data: IN & OUT CONVENIENCE

Liquor License

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

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	48.11	275.21	218.89
Violent Crimes	9.06	52.78	70.06

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

Property Violation Data

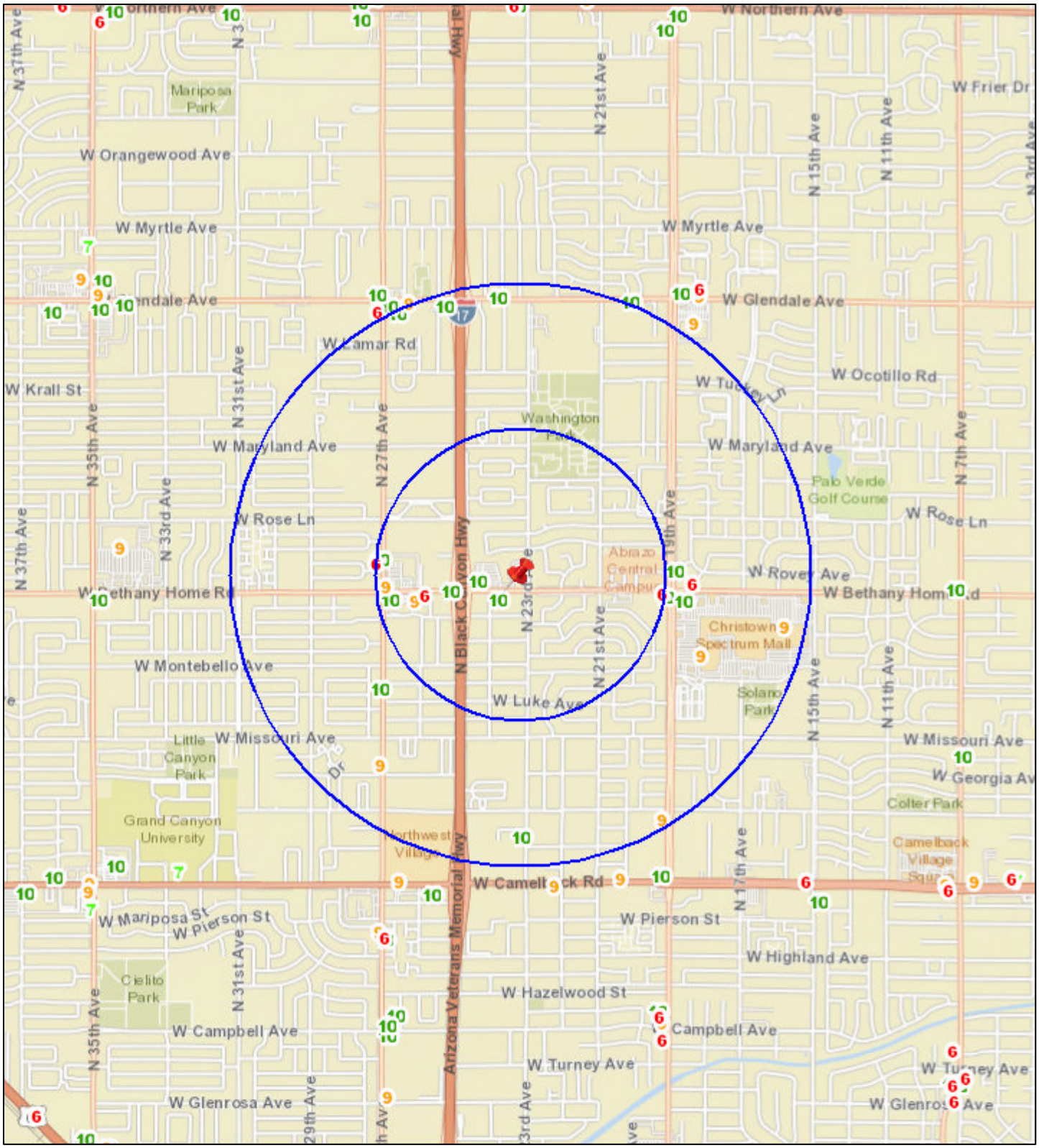
Description	Average	1/2 Mile Average
Parcels w/Violations	57	214
Total Violations	95	373

Census 2010 Data 1/2 Mile Radius

BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1068012	1670	5 %	28 %	55 %
1068013	1083	30 %	20 %	33 %
1068021	1099	60 %	0 %	9 %
1068022	1105	85 %	21 %	1 %
1068023	1633	17 %	17 %	34 %
1069002	2629	71 %	5 %	22 %
1072022	2085	62 %	5 %	22 %
1073001	2203	79 %	3 %	6 %
1073004	2614	23 %	5 %	31 %
Average		61 %	13 %	19 %

Liquor License Map: IN & OUT CONVENIENCE

6024 N 23RD AVE



N

Date: 9/17/2021

0 0.2 0.4 0.8 1.2 1.6 mi

City Clerk Department

City of Phoenix

Report

Agenda Date: 11/3/2021, **Item No.** 7

Liquor License - IHOP

Request for a liquor license. Arizona State License Application 1207B294.

Summary

Applicant
Thomas Aguilera, Agent

License Type
Series 12 - Restaurant

Location
1743 E. Camelback Road
Zoning Classification: PSC
Council District: 6

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

The 60-day limit for processing this application is Nov. 8, 2021.

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

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

IHOP (Series 12)
705 S. Rural Road, #101, Tempe
Calls for police service: N/A - not in Phoenix

Liquor license violations: None

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I serve as agent on numerous liquor licenses in Arizona. I have been fingerprinted and background checked. I have Title IV expertise and have practiced liquor law for over 20 years in Arizona I have completed all paperwork for this AOC and submitted same to the Arizona Deptartment of Liquor License and Control."

Staff Recommendation
Staff recommends approval of this application.

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

City of Phoenix

Report

Agenda Date: 11/3/2021, **Item No.** 8

Liquor License - Anhelo

Request for a liquor license. Arizona State License Application 161426.

Summary

Applicant
Jose Jacobo, Agent

License Type
Series 12 - Restaurant

Location
114 W. Adams St., Ste. C103
Zoning Classification: DTC - Business Core HP
Council District: 7

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

The 60-day limit for processing this application is Nov. 16, 2021.

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

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

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

Hidden Kitchen (Series 12)
628 E. Adams St., Phoenix
Calls for police service: 1
Liquor license violations: None

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I have completed the required certification. I have 10 years restaurant experience and this is my second restaurant."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"All of my staff will go through the required training to comply with all of the state rules."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Anhelo
Liquor License Map - Anhelo

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

Liquor License Data: ANHELO

Liquor License

Description	Series	1 Mile	1/2 Mile
Microbrewery	3	3	1
Wholesaler	4	1	0
Government	5	8	2
Bar	6	43	28
Beer and Wine Bar	7	13	6
Liquor Store	9	2	2
Beer and Wine Store	10	12	2
Hotel	11	8	6
Restaurant	12	85	43
Club	14	3	0

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	46.78	146.33	184.18
Violent Crimes	8.73	47.13	54.56

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

Property Violation Data

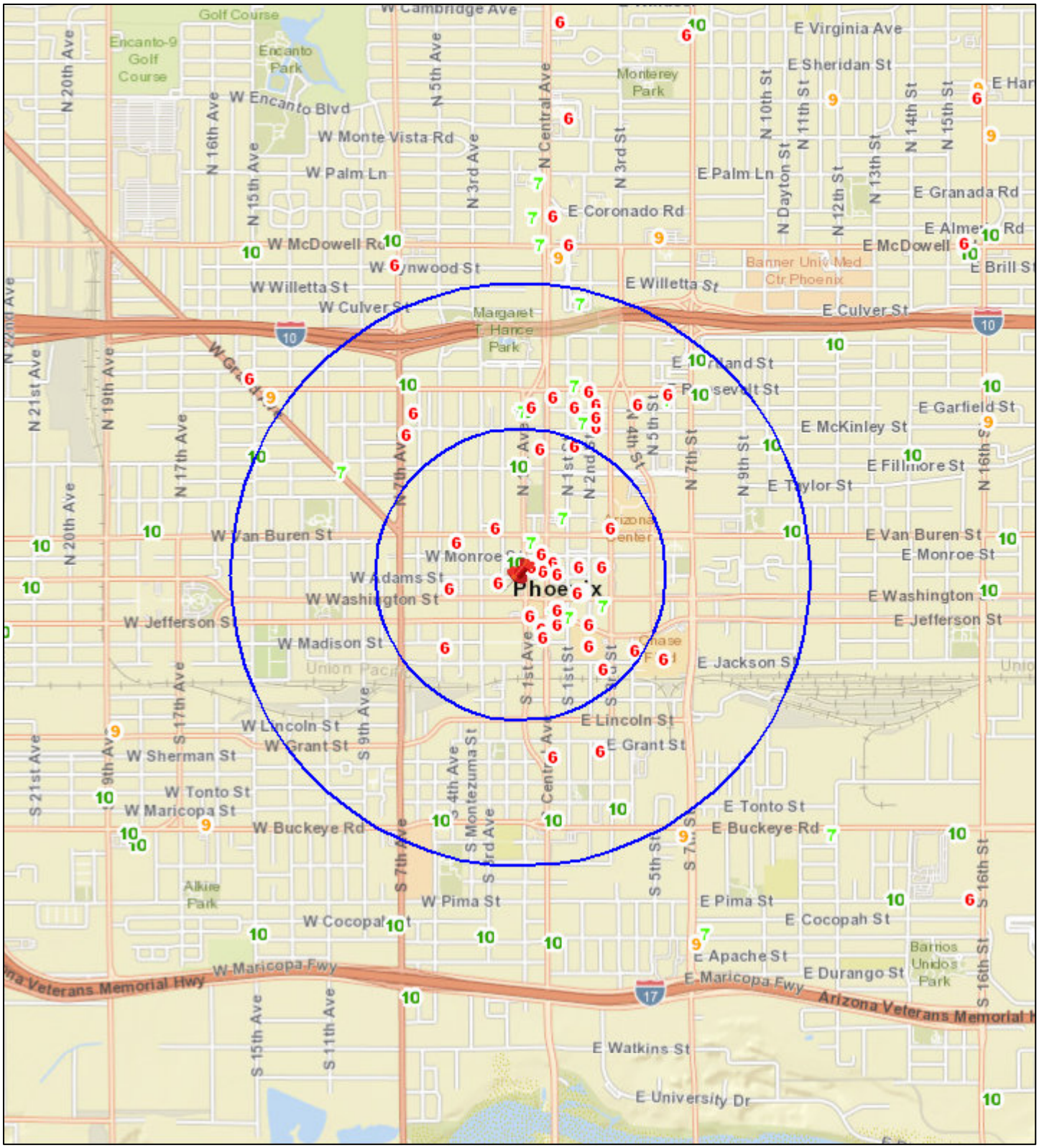
Description	Average	1/2 Mile Average
Parcels w/Violations	56	38
Total Violations	92	68

Census 2010 Data 1/2 Mile Radius

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

Liquor License Map: ANHELO

114 W ADAMS ST



N

Date: 9/21/2021

0 0.2 0.4 0.8 1.2 1.6 mi

City Clerk Department

City of Phoenix

Report

Agenda Date: 11/3/2021, **Item No.** 9

Liquor License - Pho Bowl

Request for a liquor license. Arizona State License Application 161018.

Summary

Applicant
Jenny Le, Agent

License Type
Series 12 - Restaurant

Location
1820 N. 75th Ave., Ste. 108
Zoning Classification: C-2
Council District: 7

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

The 60-day limit for processing this application is Nov. 10, 2021.

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

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I have a restaurant space and would love to increase sales by adding alcohol."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"I have multiple customers asked if we sell acohol. This would make them happy."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Pho Bowl
Liquor License Map - Pho Bowl

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

Liquor License Data: PHO BOWL

Liquor License

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

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	46.78	185.69	309.76
Violent Crimes	8.73	25.37	40.76

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

Property Violation Data

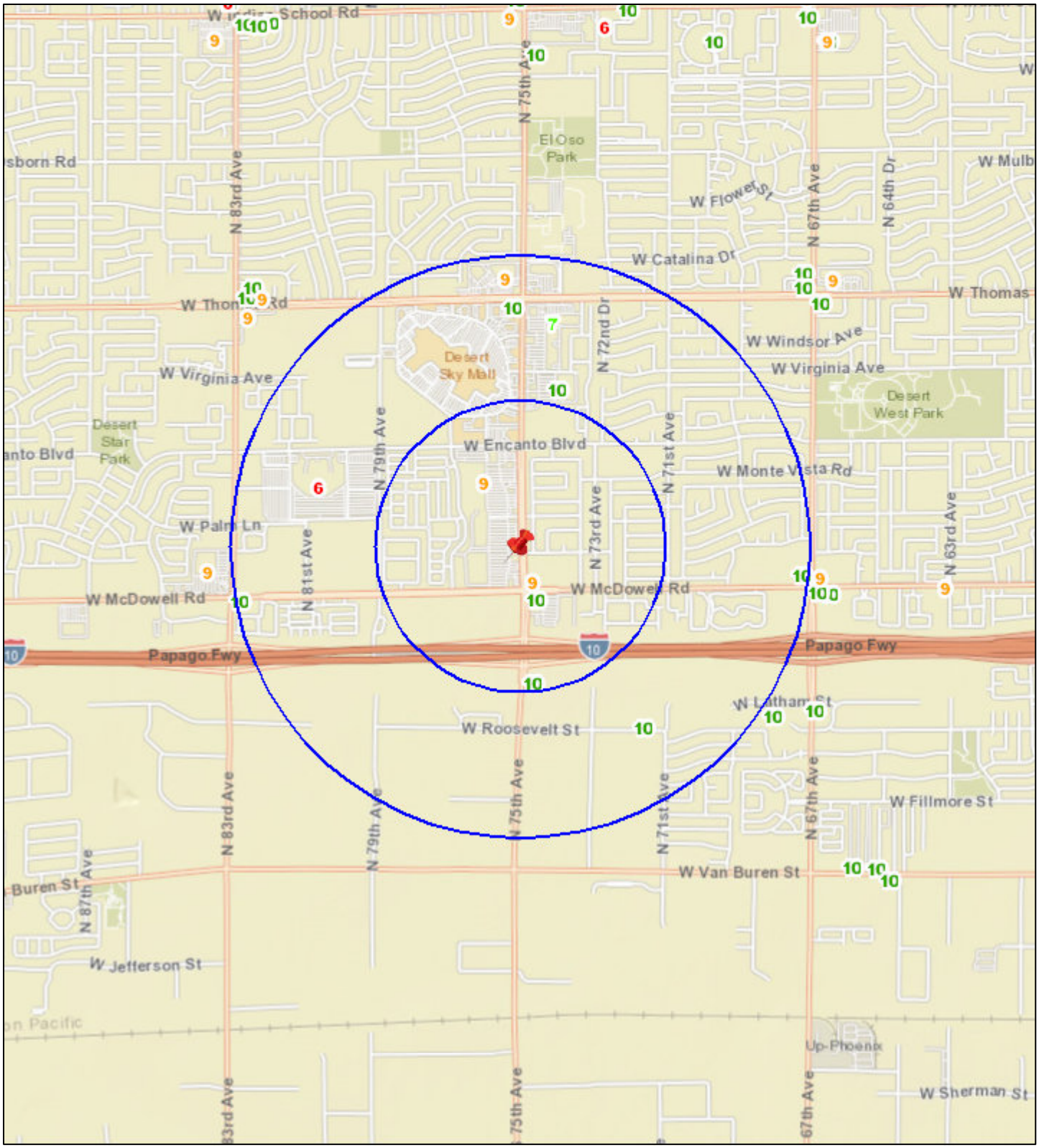
Description	Average	1/2 Mile Average
Parcels w/Violations	56	94
Total Violations	91	154

Census 2010 Data 1/2 Mile Radius

BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1125033	1448	67 %	6 %	8 %
1125034	1913	70 %	12 %	32 %
1125081	2267	87 %	9 %	19 %
1125091	1905	0 %	15 %	22 %
1125092	1564	47 %	23 %	9 %
1125093	2841	0 %	14 %	49 %
Average		61 %	13 %	19 %

Liquor License Map: PHO BOWL

1820 N 75TH AVE



N

Date: 9/15/2021

0 0.2 0.4 0.8 1.2 1.6 mi

City Clerk Department

City of Phoenix

Report

Agenda Date: 11/3/2021, **Item No.** 10

Liquor License - Mariscos Camaron Pelao

Request for a liquor license. Arizona State License Application 152182.

Summary

Applicant
Alfonso Romero, Agent

License Type
Series 12 - Restaurant

Location
2445 E. Thomas Road
Zoning Classification: C-2
Council District: 8

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

The 60-day limit for processing this application was Aug. 20, 2021. However, the applicant submitted a written request for more time.

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

Other Active Liquor License Interest in Arizona
The ownership of this business has an interest in other active liquor license(s) in the

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

Mariscos Camaron Pelao (Series 12)
350 N. Dysart Road, #201, Goodyear
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I currently have a liquor license with the same name in the City of Goodyear. I had another liquor license in the city of Glendale several years ago and I sold the bar."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"There is no other mariscos/seafood restaurants within miles of our location. We pride ourselv on the quality of our food. Mariscos/seafood is best served with a cocktail or an ice cold bee Our restaurant is family orientated."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Mariscos Camaron Pelao
Liquor License Map - Mariscos Camaron Pelao

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

Liquor License Data: MARISCOS CAMARON PELAO

Liquor License

Description	Series	1 Mile	1/2 Mile
Microbrewery	3	1	0
Bar	6	4	2
Beer and Wine Bar	7	3	2
Liquor Store	9	8	2
Beer and Wine Store	10	11	2
Restaurant	12	11	4

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	45.54	106.74	105.30
Violent Crimes	8.44	23.46	20.16

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

Property Violation Data

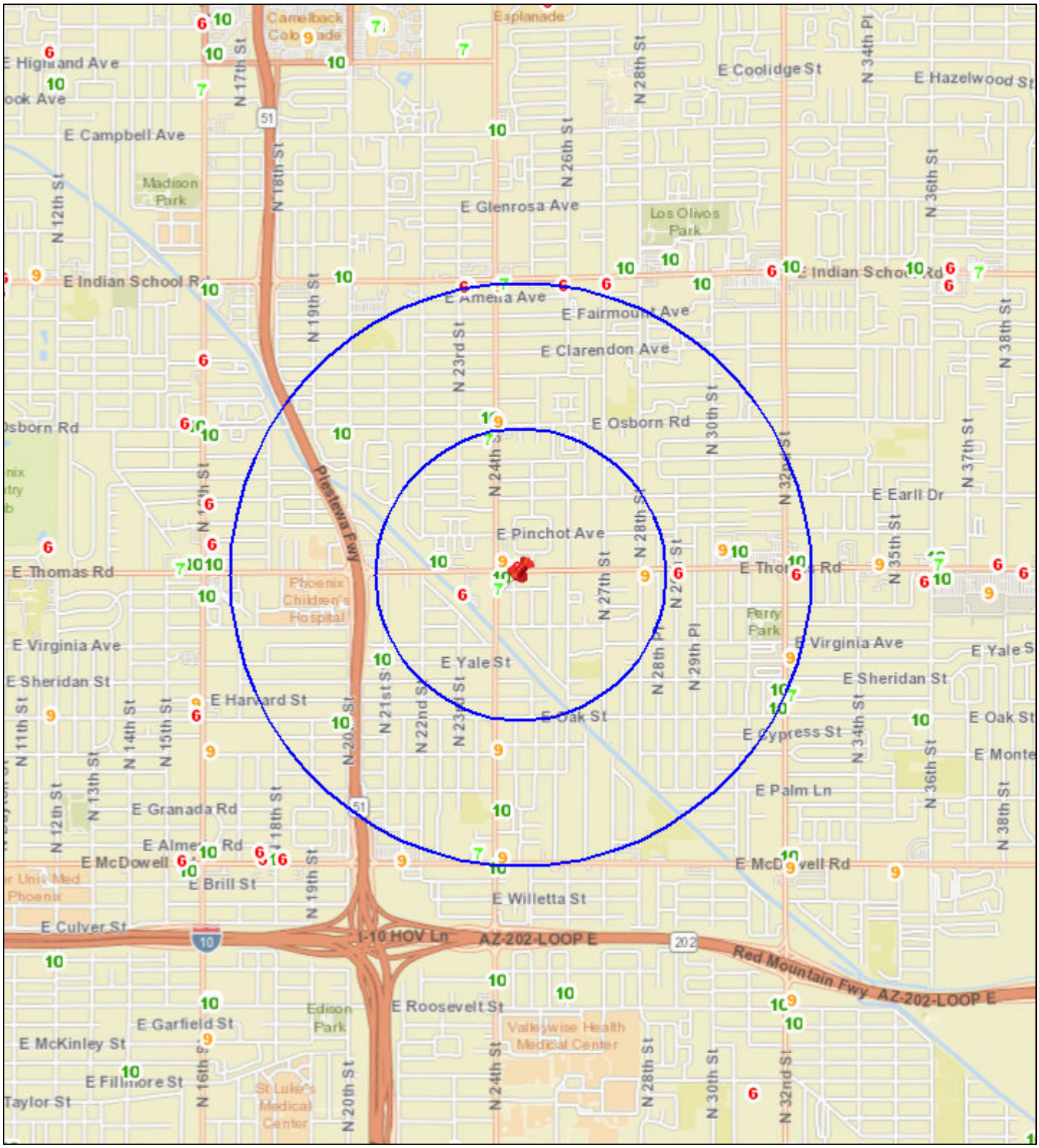
Description	Average	1/2 Mile Average
Parcels w/Violations	55	62
Total Violations	88	94

Census 2010 Data 1/2 Mile Radius

BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1107022	2172	32 %	20 %	32 %
1108021	948	75 %	27 %	13 %
1108022	1168	33 %	16 %	7 %
1115011	2020	44 %	16 %	43 %
1115021	1414	46 %	21 %	34 %
1115022	2109	42 %	7 %	17 %
1116011	1492	55 %	13 %	39 %
1116012	1200	65 %	11 %	40 %
Average		61 %	13 %	19 %

Liquor License Map: MARISCOS CAMARON PELAO

2445 E THOMAS RD



N

Date: 6/24/2021

0 0.2 0.4 0.8 1.2 1.6 mi

City Clerk Department

PAYMENT ORDINANCE (Ordinance S-48072) (Items 11-12)

Ordinance S-48072 is a request to authorize the City Controller to disburse funds, up to amounts indicated below, for the purpose of paying vendors, contractors, claimants and others, and providing additional payment authority under certain existing city contracts. This section also requests continuing payment authority, up to amounts indicated below, for the following contracts, contract extensions and/or bids awarded. As indicated below, some items below require payment pursuant to Phoenix City Code section 42-13.

11 **Canyon Taxi LLC**

For $52,500.00 in payment authority for a new contract, entered on or about Nov. 1, 2021 for a term of five years for Wheelchair Transportation Services for the Police Department. The Police Department identified that wheelchair transportation services are needed for patrol officers to transport suspects, victims, or witnesses, who are wheelchair-bound and are transported during their investigations. The patrol vehicles are not equipped to transport wheelchair-bound citizens. The lack of wheelchair transportation services could potentially hinder, delay or interfere with an investigation or criminal justice proceedings.

12 **Central Arizona Water Conservation District doing business as Central Arizona Project**

For $32,619.00 in payment authority for a land lease license necessary for the on-going right to use Central Arizona Project land and maintain underground water lines for a five-year term for the Water Services Department. The five-year term is March 21, 2021 to March 20, 2026 for the Dynamite Road Land Lease number 2000-002, and July 1, 2021 to June 30, 2026 for the Jomax Road Land Lease number 99-013 and Sept. 1, 2021 to Aug. 31, 2026 for the Tatum Boulevard and the Canal Lands Case #2014-007.

City of Phoenix

Report

Agenda Date: 11/3/2021, **Item No.** 13

Crane Rentals - Requirements Contract IFB 16-004 (Ordinance S-48078)

Request to authorize the City Manager, or his designee, to extend and continue using Ordinance S-42151 under Contract 141829 with Southwest Industrial Rigging to provide crane rentals for Citywide use. Further request authorization for the City Controller to disburse all funds related to this item. No additional funds are needed.

Summary
The contract provides crane rentals as required for various facility operation projects requiring heavy lifting citywide.

Contract Term
Upon approval, the term of the contract will be extended through Dec. 31, 2022.

Financial Impact
The contract was originally approved on Nov. 18, 2015 with an aggregate value of $250,000. No additional funds are needed. Any remaining funds authorized by previous City Council action will be applied to the extended contract terms.

Concurrence/Previous Council Action
The contract was originally approved by City Council on Nov. 18, 2015.

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

City of Phoenix

Report

Agenda Date: 11/3/2021, **Item No.** 14

Authorization to Enter into Contract with Area Agency on Aging, Region One, Inc. for COVID-19 Senior Assistance - Goods2Home Program (Ordinance S-48085)

Request to authorize the City Manager, or his designee, to enter into an agreement with Area Agency on Aging, Region One, Incorporated (AAA) for $2,000,000 to continue the Goods2Home program which provides home delivery of groceries, prescriptions and other medical supplies for Phoenix senior residents. Further request to authorize the City Controller to disburse all funds related to this item.

Summary
Due to the COVID-19 pandemic, Phoenix senior residents have concerns leaving their homes to purchase groceries and pick-up prescriptions and other medical supplies. Many older adults are unable to afford delivery fees associated with commercial grocery home delivery programs and/or lack technology/computer literacy skills to complete online ordering. In response, AAA created the Goods2Homes program which provides personalized assistance to seniors with home delivery of groceries, prescriptions and medical supplies. In July 2020, the City contracted with AAA for this program using one-time CARES Act funding and will continue this service for Phoenix seniors using American Rescue Plan Act (ARPA) funds.

Contract Term
The term of this contract will begin on or about Nov. 1, 2021 and end on Dec. 31, 2024.

Financial Impact
Aggregate expenditures will not exceed $2,000,000. There is no impact to the General Fund. Funding is available through the City’s allocation of the ARPA funds.

Concurrence/Previous Council Action
On June 24, 2020, City Council approved the initial contract with AAA utilizing one-time CARES Act funding through Ordinance S-46817.

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

City of Phoenix

Report

Agenda Date: 11/3/2021, **Item No.** 15

Arizona Commission on the Arts FY 2021-22 AZ Organizational Relief Grant (Ordinance S-48087)

Request authorization for the City Manager, or his designee, to apply for, accept, and, if awarded, enter into an agreement for up to $25,000 in Arizona Commission on the Arts (ACA) Organizational Relief Grant funds for Fiscal Year (FY) 2021-22. Further authorize the City Treasurer to accept and the City Controller to disburse the funds for purposes of this ordinance. The grant funds would be used by the Phoenix Office of Arts and Culture in FY 2021-22 to support the agency's operations and projects.

Summary

The ACA Organizational Relief Grant is intended to provide relief and recovery support to arts and cultural organizations of all sizes, local arts and cultural organizations from Sovereign Tribal Nations, whose primary mission is to produce, present, teach or serve the arts. Funds may be used to support the agency's operations and projects. The Phoenix Office of Arts and Culture has applied for and received annual grant funds from the ACA since 1994. However, for FY 2021-22, the ACA only received federal funds from the American Rescue Plan Act (ARPA) versus the state's general fund regrant. This is the only category the Phoenix Office of Arts and Culture can apply to this year.

If awarded, the grant funds will support the development and distribution of informational materials regarding the arts and cultural community; provision of management and technical assistance services to artists and cultural organizations; development of educational public outreach programs that promote an appreciation of arts and culture; and support for community arts and culture initiatives.

Financial Impact

There is no impact to the General Fund.

Responsible Department

This item is submitted by Deputy City Manager Inger Erickson and the Phoenix Office of Arts and Culture.

City of Phoenix

Report

Agenda Date: 11/3/2021, **Item No.** 16

Issuance of Economic Development Revenue Bonds (All Sports Village, Inc. Project), Series 2021 (Resolution 21974)

Requests City Council approval for the issuance of Economic Development Revenue Bonds (All Sports Village, Inc. Project), Series 2021, to be issued in one or more tax-exempt or taxable series in an aggregate principal amount not to exceed $200,000,000.

Summary

Request City Council adoption of a resolution granting approval of the proceedings under which The Industrial Development Authority of the City of Phoenix, Arizona (the "Phoenix IDA") has previously resolved to issue up to $200,000,000 of Economic Development Revenue Bonds (the "Revenue Bonds") for use by All Sports Village, Inc. (the "Borrower"), a Connecticut not-for-profit corporation, to

a) finance, and/or refinance, as applicable, a portion of the acquisition, construction, renovation, improvement, equipping, and operation of a state of the art, premier family multi-sports park facility and entertainment complex in Windsor Locks, Connecticut, and
b) pay certain costs related to the issuance of the Revenue Bonds.

Concurrence/Previous Council Action

The Phoenix IDA Board has previously resolved to issue the Revenue Bonds at its meeting held on October 14, 2021.

Location

The Project is located at or near the northeast corner of the intersection of Old County Road and Connecticut Highway 20 in Windsor Locks, Connecticut.

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

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer.

City of Phoenix

Report

Agenda Date: 11/3/2021, **Item No.** 17

Issuance of Project Revenue Bonds (Provident Group - Costa Isabela Properties LLC; Costa Isabela Conference Hotel Project), Series 2021 (Resolution 21975)

Requests City Council approval for the issuance of Project Revenue Bonds (Provident Group - Costa Isabela Properties LLC; Costa Isabela Conference Hotel Project), Series 2021, to be issued in one or more tax-exempt and/or taxable series in an aggregate principal amount not to exceed $350,000,000.

Summary
Request City Council adoption of a resolution granting approval of the proceedings under which The Industrial Development Authority of the City of Phoenix, Arizona (the "Phoenix IDA") has previously resolved to issue up to $350,000,000 of Project Revenue Bonds (the "Revenue Bonds") for use by Provident Group - Costa Isabela Properties LLC (the "Borrower"), a Delaware limited liability company, to

a) finance, and/or refinance, as applicable, a portion of the acquisition, design, construction, operation, and equipping of an approximately 356-room hotel and related facilities in Isabela, Puerto Rico, and
b) pay certain costs related to the issuance of the Revenue Bonds.

Concurrence/Previous Council Action
The Phoenix IDA Board has previously resolved to issue the Revenue Bonds at its meeting held on Oct. 14, 2021.

Location
The Project is located at or near 396 Avenue Noel Estrada, Isabela, Puerto Rico.

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

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

City of Phoenix

Report

Agenda Date: 11/3/2021, **Item No.** 18

Issuance of Multifamily Housing Revenue Notes (Harmony at the Park Two Project), Series 2021 (Resolution 21976)

Requests City Council approval for the issuance of Multifamily Housing Revenue Notes (Harmony at the Park Two Project), Series 2021, to be issued in one or more tax -exempt and/or taxable series in an aggregate principal amount not to exceed $20,000,000.

Summary

Request City Council adoption of a resolution granting approval of the proceedings under which The Industrial Development Authority of the City of Phoenix, Arizona (the "Phoenix IDA") has previously resolved to issue up to $20,000,000 of Multifamily Housing Revenue Notes (the "Revenue Notes") for use by Harmony at the Park Two, LLC (the "Borrower"), an Arizona limited liability company, to

a) finance, and/or refinance, as applicable, all or a portion of the acquisition, construction, improvement, equipping, or operation of a multifamily residential rental housing facility in Phoenix, Arizona, and
b) pay certain costs related to the issuance of the Revenue Notes.

Concurrence/Previous Council Action

The Phoenix IDA Board has previously resolved to issue the Revenue Notes at its meeting held on October 14, 2021.

Location

The Project is located at or near 600 North 20th Street in Phoenix, Arizona.

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

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer.

City of Phoenix

Report

Agenda Date: 11/3/2021, **Item No.** 19

Randox Evidence Investigator Analyzer Instruments - EXC 22-051 (Ordinance S-48074)

Request to authorize the City Manager, or his designee, to enter into a contract with Randox Toxicology for the one-time purchase of two Randox evidence investigator analyzer instruments for the Police Department. Further request authorization for the City Controller to disburse all funds related to this item. The aggregate contract value will not exceed $113,520.

Summary

The Randox evidence investigator analyzer instruments serve as the preliminary drug screening for all the blood specimens received in the toxicology section related to driving under the influence of drugs/traffic, drug-facilitated crimes/sexual assault, aggravated assault, and homicide investigations. The Randox instruments provide simultaneous analysis for a large scope of analytes using a small volume, which is ideal for this specific type of analysis. The Randox system is currently being used by the laboratory and already validated for use for screening biological specimens for drugs. The purchase of these instruments will replace the current system and provide redundancy to minimize the risk of any delays due to instrument downtime.

Procurement Information

In accordance with Administrative Regulation 3.10, normal competition was waived as a result of an approved determination, indicating that there is no other manufacturer of the evidence investigator analyzer instruments.

The Assistant Finance Director recommends the one-time purchase with Randox Toxicology be accepted.

Contract Term

This one-time purchase will begin on or about Nov. 3, 2021.

Financial Impact

The aggregate contract value will not exceed $113,520 and funds are available in the Police Department’s budget.

Responsible Department

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

City of Phoenix

Report

Agenda Date: 11/3/2021, **Item No.** 20

Additional Expenditures for Fire Fighting Protective Hoods T16-151-01 - Cooperative Requirements Contract (Ordinance S-48083)

Request to authorize the City Manager, or his designee, to allow additional expenditures under Contract 146399, with United Fire Equipment Company, dba Matlick Enterprises, for the purchase of fire fighting protective hoods for the Phoenix Fire Department (PFD). Further request authorization for the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $75,000.

Summary
The additional funds are needed to purchase extra protective hoods due to the increased hiring of new firefighters, the increase of fires and the replacement of damaged and worn hoods. The fire protective hoods are used by the Phoenix Fire Department to protect the head and neck areas against extreme heat, hot particles and other hazards encountered during a fire. The protective hood is essential personal protective equipment (PPE) to daily firefighter protection and safety in high atmospheric temperatures.

Contract Term
The contract term is Dec. 1, 2017 through Nov. 30, 2022.

Financial Impact
Upon approval of $75,000 in additional funds, the revised aggregate value of the contract will not exceed $581,752. Funds are available in the Fire Department’s budget.

Concurrence/Previous Council Action
This contract was originally approved by City Council on Nov. 15, 2017.

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

City of Phoenix

Report

Agenda Date: 11/3/2021, **Item No.** 21

Public Safety Communications Equipment - Requirements Contract RFP 11-0004 / VH10965 (B) (Ordinance S-48080)

Request to authorize the City Manager, or his designee, to allow additional expenditures under Contract 143649 with Tessco Incorporated for the purchase of public safety communication equipment for the Information Technology Services (ITS) Department. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $150,000.

Summary
The contract is used by ITS to support the Phoenix Police and Fire departments, and the Regional Wireless Cooperative (RWC). The Phoenix Police and Fire departments lease copper circuits from the City's telephone communications provider to link the RWC, which are used to operate public safety radio communication equipment. The telephone communications provider will no longer repair the circuits and related equipment. Additional funds are needed to purchase wireless microwave hardware to replace the leased circuits to ensure continued support of radio communications for the Fire and Police departments.

Contract Term
The contract term is Sept. 1, 2016 to Dec. 30, 2021.

Financial Impact
Upon approval of $150,000 in additional funds, the revised aggregate value of the contract will not exceed $733,500. Funds are available in the Information Technology Services Department's budget.

Concurrence/Previous Council Action
This contract was originally approved by City Council on Aug. 31, 2016.

Responsible Department
This item is submitted by Deputy City Manager Toni Maccarone and the Information Technology Services Department.

City of Phoenix

Report

Agenda Date: 11/3/2021, **Item No.** 22

Phoenix Sky Harbor International Airport West Air Cargo Reconstruction - Engineering Services - AV06000026 FAA (Ordinance S-48073)

Request to authorize the City Manager, or his designee, to enter into an agreement with Trace Consulting, LLC, to provide Engineering Services that include project management, design, and possible construction administration and inspection services for the Phoenix Sky Harbor International Airport West Air Cargo Reconstruction project. Further request to authorize execution of amendments to the agreement as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The fee for services will not exceed $2,046,000.

Additionally, request to authorize the City Manager, or his designee, to take all action as may be necessary or appropriate and to execute all design and construction agreements, licenses, permits, and requests for utility services relating to the development, design, and construction of the project. Such utility services include, but are not limited to: electrical, water, sewer, natural gas, telecommunications, cable television, railroads and other modes of transportation. Further request the City Council to grant an exception pursuant to Phoenix City Code 42-20 to authorize inclusion in the documents pertaining to this transaction of indemnification and assumption of liability provisions that otherwise should be prohibited by Phoenix City Code 42-18. This authorization excludes any transaction involving an interest in real property.

Summary

The purpose of this project is to provide a complete reconstruction of the West Air Cargo Apron at Phoenix Sky Harbor International Airport (PSHIA) in accordance with the Aviation Capital Improvement Management Plan, the Airside Pavement Assessment Program, and the most current Federal Aviation Administration (FAA) Advisory Circulars. This project is necessary because the West Cargo Apron has been scheduled for remediation since originally identified on PSHIA Airfield Pavement Management Program with a “poor” Pavement Condition Index rating. Airport maintenance staff have completed repairs and replacements over the useful life to keep operations open, but a reconstruction is needed to facilitate ongoing and growing cargo operations at PSHIA. The project will optimize drainage and address existing

drainage structures, along with minor utilities, lighting, and striping work.

Trace Consulting, LLC's services include, but are not limited to: coordinate with all City departments and aviation sections; perform environmental services requirements, archeological review, and geotechnical engineering investigation; design new hot mix asphalt concrete per FAA requirements; design airport service roads and traffic controls; investigate the needs for replacing markings, signage, airfield lighting, and utility conflicts; perform a project-wide survey to confirm existing surface and structure elevation conditions; update drainage plans, electrical plans, and airside barricade plan and service road detours; perform and provide documentation for FAA and Airport Improvement Program grant compliance; provide cost estimates and package the project to be constructed in different phases per grant allocations; provide possible construction administration and inspection services; and other tasks as assigned for a complete project.

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

Selected Firm:
Rank 1: Trace Consulting, LLC

Additional Proposers:
Rank 2: Stantec Consulting Services, Inc.
Rank 3: C&S Engineers, Inc.

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

Financial Impact
The agreement value for Trace Consulting, LLC will not exceed $2,046,000, including all subconsultant and reimbursable costs.

Funding is available in the Aviation Department's Capital Improvement Program budget. The Aviation Department anticipates grant funding for this project. The Budget

and Research Department will separately review and approve funding availability prior to execution of any amendments. Payments may be made up to agreement limits for all rendered agreement services, which may extend past the agreement termination.

Location
3400 E. Sky Harbor Blvd.
Council District: 8

Responsible Department
This item is submitted by Deputy City Manager Mario Paniagua, the Aviation Department, and the City Engineer.

City of Phoenix

Report

Agenda Date: 11/3/2021, **Item No.** 23

Phoenix Sky Harbor International Airport Terminal 4 Infrastructure Fire Alarm Replacement - Design-Build Services - AV21000102 (Ordinance S-48075)

Request to authorize the City Manager, or his designee, to enter into an agreement with Chasse Building Team, Inc. to provide Design-Build Services for the Phoenix Sky Harbor International Airport Terminal 4 Infrastructure Fire Alarm Replacement project. Further request to authorize execution of amendments to the agreement as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The fee for services will not exceed $1 million.

Additionally, request to authorize the City Manager, or his designee, to take all necessary and appropriate action to execute all design and construction agreements, licenses, permits, and requests for utility services relating to the development, design, and construction of the project. Such utility services include, but are not limited to: electrical, water, sewer, natural gas, telecommunications, cable television, railroads and other modes of transportation. Further request the City Council to grant an exception pursuant to Phoenix City Code 42-20 to authorize the City Manager to include in this transaction's documents indemnification and assumption-of-liability provisions otherwise prohibited by Phoenix City Code 42-18. This authorization excludes any transaction involving an interest in real property.

Summary

This initial request is to enter into an agreement with Chasse Building Team, Inc. for Design-Build Design Phase Services. At a future date, the City will request City Council approval of the construction phase services after the project scope requirements are developed and estimated.

The purpose of this project is to replace the existing Terminal 4 Fire Alarm (FA)/Voice Evacuation System with a new, updated system. The existing fire alarm system in Terminal 4 has been in place since 2003 and some parts of the system much longer than that. The existing system has reached the end of its service life, according to the manufacturer. To minimize the impact on terminal operations, this project will proceed in phases while the existing system stays active. Night work and multiple shifts to expedite the work will be required at certain locations.

Chasse Building Team, Inc. will initially confirm project scope requirements and then prepare a conceptual design adequate to provide a Guaranteed Maximum Price (GMP) proposal. Chasse Building Team, Inc. will assume the risk of delivering the project through a GMP agreement. Chasse Building Team, Inc. will be responsible for construction means and methods related to the project and fulfilling the Small Business Enterprise program requirements. Chasse Building Team, Inc. will be required to solicit bids from pre-qualified subcontractors and to perform the work using the City's subcontractor selection process. Chasse Building Team, Inc. may also compete to self-perform limited amounts of work.

Chasse Building Team, Inc.'s services for the initial design phase will include: verify existing as-built conditions against record drawings, provide options and recommendations for the new FA/Voice Evacuation System, ensure the new system will communicate with the existing network, identify code-related upgrades, assume responsibility for design, engineering and permitting of entire FA/Voice Evacuation System, develop project schedule and detailed phasing plan with stakeholder input, develop cost estimates and a GMP that is within the City's budget, execute the construction plan in coordination with stakeholders, and ensure existing FA/Voice Evacuation System remains operable during all phases of the project to allow continuous occupancy and use of the facility.

This Agreement is essential to the health, safety, and welfare of the Public and critical operations for the City.

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

Selected Firm
Rank 1: Chasse Building Team, Inc.

Additional Proposers
Rank 2: Caliente Construction, Inc.
Rank 3: Sun Eagle Corporation
Rank 4: The Whiting-Turner Contracting Company, Inc.

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

Financial Impact
The agreement value for Chasse Building Team, Inc.'s initial design phase services will not exceed $1 million, including all subcontractor and reimbursable costs.

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

Location
3400 E. Sky Harbor Blvd.
Council District: 8

Responsible Department
This item is submitted by Deputy City Manager Mario Paniagua, the Aviation Department, and the City Engineer.

City of Phoenix

Report

Agenda Date: 11/3/2021, **Item No.** 24

Maintenance and Repair of Vehicle Barriers and Security Gates - Amendment (Ordinance S-48079)

Request to authorize the City Manager, or his designee, to execute an amendment to Contract 146545 with Phoenix Fence Company, Inc. to provide additional funding for installation, inspection, repair, maintenance, and/ or replacement of vehicle barriers and security gates on an as needed basis at Phoenix Sky Harbor International Airport, Phoenix Deer Valley Airport, and Phoenix Goodyear Airport (Airports). Further request to authorize the City Controller to disburse all funds related to this item. The additional funds will not exceed $150,000.

Summary

On Dec. 13, 2017, the City Council approved this contract to provide installation, inspection, repair, maintenance, and/or replacement of vehicle barriers, turnstiles, security gates, gate operating systems, controls bollards, and their supporting infrastructure on an as need basis for the Airports.

The purpose of this amendment is to provide additional funds, which are necessary for repairs related to an increase in unanticipated damages caused by storms, vehicles and other similar incidents.

Contract Term

There is no change to the current five-year term of the contract, which began on Jan. 1, 2018 and includes three, one-year options to extend the term that may be exercised at the sole discretion of the Aviation Director.

Financial Impact

The initial authorization for the Maintenance and Repair of Vehicle Barriers and Security Gates contract was for an expenditure not-to-exceed $500,000. This amendment will increase the authorization for the contract by an additional $150,000, for a new total not-to-exceed contract value of $650,000.

Funding is available in the Aviation Department's budget.

Concurrence/Previous Council Action
The City Council approved Contract 146545 (Ordinance S-44125) on Dec. 13, 2017.

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

Responsible Department
The Item is submitted by Deputy City Manager Mario Paniagua and the Aviation Department.

City of Phoenix

Report

Agenda Date: 11/3/2021, **Item No.** 25

I-10 West Extension Route and Transit Type Recommendation

This report requests City Council approve an amendment to the current Locally Preferred Alternative (LPA) of the 10WEST Project (formerly known as the Capitol/I-10 West Light Rail Extension Phase II Project) to include extending to the Desert Sky Transit Center in a future phase (**Attachment A**), and to reaffirm light rail as the mode of transit for the 10WEST Project.

Summary

In 2012, the Phoenix City Council approved the current LPA (**Attachment B**), extending light rail from downtown Phoenix to the 79th Avenue/I-10 Park-and-Ride facility. Then in 2016, City Council and the Valley Metro Rail Board of Directors approved a phased approach to the Project:

- Phase I - connect downtown Phoenix to the State Capitol Complex; and
- Phase II - extend the system west along I-10 to the 79th/I-10 Avenue park-and-ride.

In 2019, the Phoenix City Council requested additional public outreach and input on both phases. Public input was sought in three key areas:

- Identify a preferred Capitol Extension option;
- Explore a potential 10WEST extension to the Desert Sky Transit Center; and
- Review all options for high-capacity, high-frequency transit types for the 10WEST extension.

Technical Analysis Summary

As part of the analysis of other transit types for 10WEST, staff considered other high-capacity transit (HCT) types for the corridor, including bus rapid transit (BRT).

Staff evaluated the following criteria in considering other transit types:

- Community input;
- Ridership potential;
- Capital and operating cost;
- Constructability;
- Operational characteristics;
- Consistency with other local plans; and

- Economic development potential.

The technical analysis involving all of the criteria above revealed that light rail is still warranted as the transit type for 10WEST because it provides the highest ridership potential of all HCT types considered, with the potential for approximately 50 percent more riders than BRT. Although light rail involves higher upfront capital costs, the total lifecycle cost of light rail when accounting for all associated costs and total project ridership is comparable to enhanced BRT.

Since most of the project corridor is not located within an existing local roadway, traditional light rail constructability challenges (such as utility relocations and right-of-way acquisition) are also significantly lowered. This should produce cost savings and schedule improvements during construction as compared to other light rail construction projects, as well as improved travel times and reliability during operations.

Operationally, light rail would integrate seamlessly into the region's HCT system by connecting with the Capitol Extension just west of the State Capitol Complex, providing west valley residents with a one-seat ride to various notable destinations (like Phoenix Sky Harbor International Airport and ASU's Main Campus, among others). It also would be able to travel approximately 10 percent faster than other HCT types, while providing a higher peak rider capacity. Lastly, the public has expressed support for light rail as the transit type for 10WEST, both during the public meetings summarized below and in local plans, such as the Maryvale Village Core Urban Design Plan and the Maryvale Character Area Plan. Both of these community documents favor light rail due to the associated economic development impacts that light rail can provide compared to other transit modes.

<u>Desert Sky Transit Center Extension</u>
Regarding extending service to the Desert Sky Transit Center, staff looked at the following criteria:

- Ridership potential;
- Competitiveness for federal funding;
- Connections to activity centers and other transit routes; and
- Consistency with local plans and public input.

The technical analysis revealed that extending 10WEST service to the Desert Sky Transit Center is warranted because it will serve additional riders with the potential of generating approximately 18 percent additional passenger boardings. The extension will connect two regional activity centers, Ak-Chin Pavilion and Desert Sky Mall, both of which have been identified as community assets in the Maryvale Character Area Plan.

In addition, the added potential ridership is supported by the proximity of two schools, as well as existing and planned multi-family housing. Also, the Desert Sky Transit Center, located adjacent to the mall, provides connectivity to existing and future transit service, including three local routes, a rural route to Ajo, and the MARY neighborhood circulator, as well as the potential to connect with BRT in the future. Lastly, the public has expressed support for this extended service, both during the public meetings and in the Maryvale Village Core Urban Design Plan.

Next Steps

Once approved by City Council, City of Phoenix and Valley Metro staff will:

- Conduct the necessary steps to progress the Project into preliminary engineering and environmental assessment; and
- Continue coordination with West Valley communities.

Financial Impact

Funding for the 10WEST Project is expected to be a mix of local, regional, and federal dollars. Federal funding for fixed guideway transit projects is generally provided through the Federal Transit Administration's Capital Investment Grant (CIG) program. Based on current eligibility criteria and preliminary analysis, the 10WEST Project remains competitive for federal funding.

Concurrence/Previous Council Action

The Citizens Transportation Commission to recommended approval of this item on Aug. 26, 2021, by a vote of 14-0.

The Transportation, Infrastructure and Planning subcommittee recommended approval of this item on Oct. 20, 2021, by a vote of 4-0.

Public Outreach

In January 2020, Valley Metro held three public meetings (two in English and one in Spanish) to provide information and seek input on the Project, including the Desert Sky Transit Center extension, options for phasing to possibly accelerate the Project, and transit-type options. Approximately 84 percent of the 183 survey respondents favored extension to the Desert Sky Transit Center. Respondents also expressed interest in exploring different transit types.

Due to the COVID-19 pandemic, outreach shifted to utilizing online platforms between May and June 2020. Throughout the process, members of the public had the ability to submit questions and comments to be evaluated by and responded to by project staff, and all meeting information was presented in English and Spanish. Additionally, four live (call-in) meetings were conducted (two in English and two in Spanish). In total, the

online public meeting website was visited 1,355 times, and 334 people provided feedback, either by general questions and comments or through a feedback survey form.

At the public meetings, Valley Metro provided information regarding a potential extension of 10WEST to the Desert Sky Transit Center. In response, 77 percent of the 198 survey respondents felt positive about adding this extension to the Project, with 14 percent remaining neutral and 9 percent feeling negative. The survey also sought input on 10WEST transit-type options (light rail compared to an exclusive bus way). Of the 149 responses to this question, 75 percent stated they preferred light rail over an exclusive bus way, with 16 percent preferring the bus way and 9 percent expressing no preference.

Location
10WEST will extend north to I-10 and along I-10 west to the Desert Sky Transit Center in a future phase via 79th Avenue.
Council Districts: 4 and 7

Responsible Department
This item is submitted by Deputy City Manager Mario Paniagua and the Public Transit Department.

Attachment A

Recommended Route: 10West

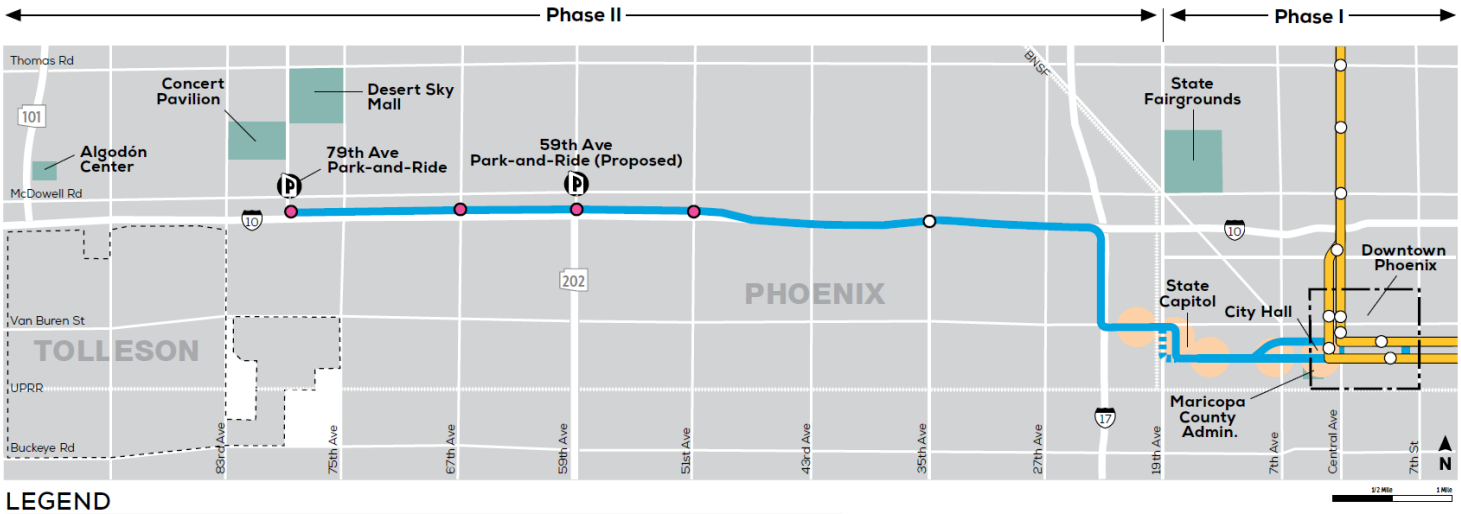


LEGEND

- I-10 West Extension/Station
- Capitol Extension
- Existing Park-and-Ride
- Proposed Park-and-Ride
- Recommended extension to Desert Sky Transit Center

Attachment B

2012 Locally Preferred Alternative



LEGEND

- Valley Metro Rail / Station
- Approved Route
- 19th Avenue Design Option
- Park-and-Ride
- Station Target Area
- Median Station Site
- North Side Station Site
- Activity Center
- City of Tolleson
- Unincorporated Maricopa County

City of Phoenix

Report

Agenda Date: 11/3/2021, **Item No.** 26

Capitol Extension and I-10 West Extension Equitable Housing and Land Use Planning Request for Proposals

This report requests City Council approval for issuance of a Request for Proposals to procure consulting services to assist with the research, implementation, and execution of the Capitol Extension and I-10 West Extension Transit-Oriented Development (TOD) Grant. This Grant will assist with equitable housing strategy development and proactive land use planning.

Summary

The Federal Transit Administration awarded to the City of Phoenix this TOD Grant on Sept. 1, 2020. The grant's purpose is to assist cities in developing equitable housing strategies and proactive land use planning along transit project corridors. Land use planning will advance TOD in the corridors and the region by advancing efforts with residents, business owners, and community leaders to create a comprehensive plan that lays the groundwork for new development that is urban, mixed-use, and built to a pedestrian scale. Such planning will also strengthen and improve opportunities for equitable housing that, when combined with new light rail lines, will improve the community's quality of life and economic vitality.

The TOD grant will cover the Capitol Light Rail Extension (CAPEX), as well as the subsequent I-10 West Light Rail Extension (10WEST), recognizing that the project is being evaluated to identify an end-of-line at either the 79th Avenue Park-and-Ride or the Desert Sky Transit Center (**Attachment A**). The CAPEX TOD planning area is generally bounded by 7th Avenue on the east, Interstate 17 on the west, Interstate 10 on the north, and the Union Pacific Railroad on the south. The 10WEST TOD planning area is generally bounded by I-17 on the east, 83rd Avenue on the west, Encanto Boulevard/Osborn Road on the north, and Van Buren Street on the south.

The grant will also provide resources for the City of Phoenix to work closely with the community to develop and implement policy plans in the corridor by: collecting a detailed inventory of existing land uses, hosting community stakeholder workshops and meetings, working with the community to develop a community vision, and identifying strategies and performance measures to implement the vision. Additionally, the TOD Grant will fund the development of an Equitable Housing Strategy, as well as

two TOD policy plans (one each for the CAPEX and 10WEST light rail extensions). The scope of work summary for these planning efforts are included in **Attachment B**.

Financial Impact

The estimated total expenditure of the project is $2.5 million from the following funding sources:

- Federal Transit Administration TOD Grant - $2 million; and
- City of Phoenix Transportation 2050 Funds - $500,000.

The project will be administered over two fiscal years:

- Fiscal Year 2021-22 - $750,000; and
- Fiscal Year 2022-23 - $1.75 million.

Concurrence/Previous Council Action

The Citizens Transportation Commission recommended approval of this item on Sept. 23, 2021, by a vote of 11-1.
The Transportation, Infrastructure and Planning subcommittee recommended approval of this item on Oct. 20, 2021, by a vote of 4-0.

Location

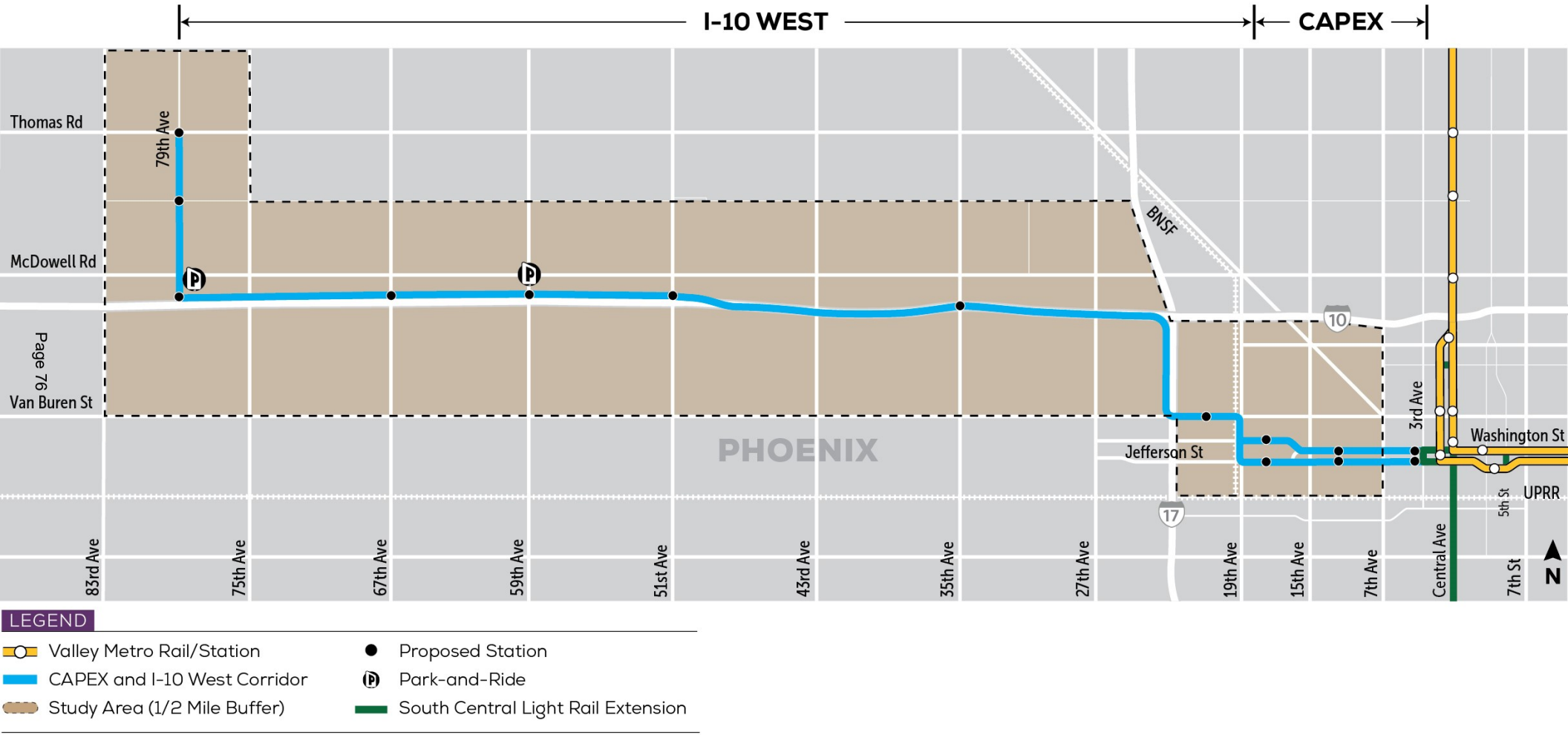
Capitol Extension will extend light rail from downtown Phoenix west to the Arizona State Capitol Complex.
Council District: 7

I-10 West Extension runs from the Arizona State Capitol to the Desert Sky Transit Center.
Council Districts: 5 and 7

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Public Transit Department.

Attachment A



Attachment B

CAPITOL/I-10 TRANSIT ORIENTED DEVELOPMENT (TOD) PLANNING GRANT
FTA TOD PLANNING GRANT PROPOSED SCOPE OF WORK SUMMARY

Phase, Task, & Subtasks	Description	Deliverables
PHASE ONE (WHO WE ARE)		**Two Draft "Who We Are" Sections of Policy Plans**
Task 1: Community Profile and Existing Conditions		
Subtask 1.1: Record Existing Conditions	Understand the unique characteristics, inventory, and evaluate the corridor through the six planning element framework (Land Use, Housing Economic Development, Health Mobility, and Green Systems).	Two Existing Conditions and Needs Assessment Reports (One for Capitol Area and One for I-10 Area)
Subtask 1.2: Create a Community Profile	Build upon the six planning element existing conditions assessment and clearly articulate community needs towards innovative "best practice community investments".	Two Community Profile reports (One for Capitol Area and One for I-10 Area)
Subtask 1.3: Capacity Building	Identify stakeholders and develop a plan to focused on reducing displacement and ensuring equitable engagement opportunities are provided early and throughout the process.	Two Stakeholder/Early Action Recommendations Memos (One for Capitol Area and One for I-10 Area)
PHASE TWO (WHAT WE WANT)		**Two Draft "What We Want" Sections of Policy Plans**
Task 2: Public Engagement and Early Action Implementation		
Subtask 2.1: Build Trust and Relationships	Listen to the community voice, concerns, needs, and shared understanding of the current state of their communities. Learn with the community what the existing conditions and community profile begin to reveal.	Two Early action public involvement plan (One for Capitol Area and One for I-10 Area)
Subtask 2.2: Meaningful Opportunities to Engage	Two week-long Public Engagement Workshops to engage and gather perspectives on current and desired conditions in the context of the six planning elements to generate a shared and collective community vision for the future.	Two Public Engagement Workshop Summary Reports (One for Capitol Area and One for I-10 Area)
Subtask 2.3: Early Action Implementation	Considering the results thus far, begin formulating early action implementation strategies to be considered prior to the start of construction and operation impacts and create report detailing suggested strategies	Two Early Action Implementation Reports (One for Capitol Area and One for I-10 Area)
Task 3: Community Vision and Master Plan		
Subtask 3.1: Conceptual Design Workshop	Two week-long Community Design Workshops building off previous tasks to demonstrate appropriate scale and intensity in alignment with community prioritized investments and the community vision.	Two Community Design Workshop Summary Reports (One for Capitol Area and One for I-10 Area)
Subtask 3.2: Illustrative Plans	A written and graphical series of illustrative plans and renderings which will delineate a generalized block pattern, building, street and open space typologies, consistent with the community identified and prioritized areas of change, investments, and vision for the future.	Two series of Illustrative Plans and written narratives describing the design components and development concepts reflecting the community vision for the future. (One for Capitol Area and One for I-10 Area)
Subtask 3.3: Character Areas	Provide distinct and descriptive character areas and associated building and housing typologies to be applied and consistent with the community vision for adoption into the Walkable Urban Code.	Form-Based Code recommendations Memo.
PHASE THREE (HOW WE GET THERE)		**Two Draft "How We Get There" Sections to bring Two full Draft Policy Plans to completion (One for Capitol Area and One for I-10 Area)**
Task 4: TOD Policy Plan(s)		
Subtask 4.1: Capitol Mall TOD Policy Plan	The State Capitol Complex is made up of mostly publicly held property, owned by either City of Phoenix, Maricopa County, or the State of Arizona. There is a large amount of vacant or underutilized land (parking lots and low-density development) in the State Capitol Complex area, providing significant opportunities for new TOD. This policy plan will also address how this new development will complement the existing neighborhoods in the State Capitol Complex area.	*Deliverables are reiterative of the all tasks and represent a synthesis of the full project scope formatted into representative Sections of the 3 key steps: "Who We Are", "What We Want", "How We Get There":*
Subtask 4.2: I-10 TOD Policy Plan	High capacity transit along Interstate 10 corridor may create challenges for pedestrian connectivity, higher densities, and TOD. This strategic plan will include peer analysis to determine best practices for developing TOD adjacent to a highway corridor. It will also address specific solutions for connectivity, especially to the areas north and south of Interstate 10.	*Deliverables are reiterative of the all tasks and represent a synthesis of the full project scope formatted into representative Sections of the 3 key steps: "Who We Are", "What We Want", "How We Get There":*
Task 5: Equitable Housing Strategy		
Subtask 5.1: Existing Housing Preservation	Understand the existing housing choices available prior to light rail and or high capacity transit, identify housing choices that provide the most just, fair, and inclusive (equitable) opportunities for residents in TOD environments.	One Full Draft Equitable Housing Strategy Report (inclusive of content and recommendations from subtasks 5.1, 5.2, and 5.3)
Subtask 5.2: New Housing Assessment	Identify the preferred locations for New Housing options and provide recommendations on the appropriate Housing Typologies to be consistent with the existing character and context.	One Full Draft Equitable Housing Strategy Report (inclusive of content and recommendations from subtasks 5.1, 5.2, and 5.3)
Subtask 5.3: Equitable Housing Typologies	Delineate the general boundaries of district character areas and develop a menu of potential building and housing typologies that will fit existing lot sizes and integrate with a transit-oriented environment.	One Full Draft Equitable Housing Strategy Report (inclusive of content and recommendations from subtasks 5.1, 5.2, and 5.3)

City of Phoenix

Report

Agenda Date: 11/3/2021, **Item No.** 27

Northwest Extension Phase II Active Transportation and Land Use Planning Request for Proposals

This report requests City Council approval for issuance of a Request for Proposals to procure services to assist with the research, implementation, and execution of the Northwest Extension Phase II Transit-Oriented Development Grant. This grant will assist with active transportation strategy development and proactive land use planning.

Summary

The Federal Transit Administration awarded to the City of Phoenix this Transit-Oriented Development (TOD) grant on Dec. 15, 2020. The grant's purpose is to assist cities in developing active transportation strategies and proactive land use planning along transit project corridors. Land use planning will advance TOD in the corridors and the region by working with residents, business owners, and community leaders to create a comprehensive plan that lays the groundwork for new development that is urban, mixed-use, and built to a pedestrian scale. Such planning will also strengthen and improve opportunities for multi-modal transportation that, when combined with new light rail lines, will improve the community's quality of life and economic vitality.

The grant will cover the Northwest Extension Phase II Light Rail Extension (NWEII) project area, generally bounded by 19th Avenue on the east, 35th Avenue on the west, Peoria Avenue on the north, and Butler Road on the south (**Attachment A**).

The grant will also provide resources for the City of Phoenix to work closely with the community to develop and implement policy plans in the corridor by: collecting a detailed inventory of existing land uses, hosting community stakeholder workshops and meetings, working with the community to develop a community vision, and identifying strategies and performance measures to implement the vision. Additionally, the TOD Grant will fund the development of an Active Transportation Plan and a TOD policy plan for the project area. The scope of work summary for the planning efforts are included in **Attachment B**.

Financial Impact

The estimated total expenditure of the project is $1.25 million from the following funding sources:

- Federal Transit Administration TOD Grant - $1 million; and
- City of Phoenix Transportation 2050 Funds - $250,000.

The project will be administered over three fiscal years as follows:
- FY 2021-22 - $250,000
- FY 2022-23 - $750,000
- FY 2023-24 - $250,000

Concurrence/Previous Council Action
The Citizen Transportation Commission recommended approval of this item on Sept. 23, 2021, by a vote of 11-1.
The Transportation, Infrastructure and Planning subcommittee recommended approval of this item on Oct. 20, 2021, by a vote of 4-0.

Location
The TOD Grant will cover the Northwest Extension Phase II Light Rail Extension project area.
Council Districts: 3, 4 and 5

Responsible Department
This item is submitted by Deputy City Manager Mario Paniagua and the Public Transit Department.



LEGEND

- Valley Metro Rail/Station
- Northwest Extension Phase II/Station
- TOD Planning Study Area
- Existing Transit Center
- Relocated Transit Center
- Existing Park-and-Ride
- Proposed Park-and-Ride

Attachment B

NWEII TRANSIT ORIENTED DEVELOPMENT (TOD) PLANNING GRANT
FTA TOD PLANNING GRANT PROPOSED SCOPE OF WORK SUMMARY

Phase, Task, & Subtasks	Description	Deliverables
PHASE ONE (WHO WE ARE)		**One "Who We Are" Section of Policy Plan**
Task 1: Community Profile and Existing Conditions		
Subtask 1.1: Record Existing Conditions	Understand the unique characteristics, inventory, and evaluate the corridor through the six planning element framework (Land Use, Housing Economic Development, Health, Mobility, and Green Systems).	One Existing Conditions and Needs Assessment Reports
Subtask 1.2: Create a Community Profile	Build upon the six planning element existing conditions assessment and clearly articulate community needs towards innovative “best practice community investments”.	One Community Profile reports
Subtask 1.3: Capacity Building	Identify stakeholders and build capacity towards reducing displacement and ensuring equitable engagement opportunities are provided early and throughout the process.	One Stakeholder/Early Action Recommendations Memos
PHASE TWO (WHAT WE WANT)		**One Draft "What We Want" Section of Policy Plan**
Task 2: Public Engagement and Early Action Implementation		
Subtask 2.1: Build Trust and Relationships	Listen to the community voice, concerns, needs, and shared understanding of the current state of their communities. Learn with the community what the existing conditions and community profile begin to reveal.	One Early action public involvement plan
Subtask 2.2: Meaningful Opportunities to Engage	One week-long Public Engagement Workshop to engage and gather perspectives on current and desired conditions in the context of the six planning elements to generate a shared and collective community vision for the future.	One Public Engagement Workshop Summary Report
Subtask 2.3: Early Action Implementation	Considering the results thus far, begin formulating early action implementation strategies to be considered prior to the start of construction and operation impacts.	One Early Action Implementation Report
Task 3: Community Vision and Master Plan		
Subtask 3.1: Conceptual Design Workshop	One week-long Community Design Workshop building off previous tasks to demonstrate appropriate scale and intensity in alignment with community prioritized investments and the community vision.	One Community Design Workshop Summary Reports
Subtask 3.2: Illustrative Plans	A written and graphical series of illustrative plans and renderings which will delineate a generalized block pattern, building, street and open space typologies, consistent with the community identified and prioritized areas of change, investments, and vision for the future.	One series of Illustrative Plans and written narratives describing the design components and development concepts reflecting the community vision for the future.
Subtask 3.3: Character Areas	Provide distinct and descriptive character areas and associated building and housing typologies to be applied and consistent with the community vision for adoption into the Walkable Urban Code.	Form-Based Code recommendations Memo.
PHASE THREE (HOW WE GET THERE)		**One Draft "How We Get There" Section to bring One full Draft Policy Plan to completion**
Task 4: Active Transportation Implementation Plan		
Subtask 5.1: Active Transportation Assessment	Understand the existing transportation network available prior to light rail, identify evaluation metrics for recommending an inclusive and equitable transportation network.	One Full Draft Active Transportation Implementation Plan Report (inclusive of content and recommendations from subtasks 5.1, 5.2, and 5.3)
Subtask 5.2: Active Transportation Decision Making	Conduct a planning and decision making process to identify an overarching vision for the area and propose specific recommendations consistent with the transit oriented environments.	One Full Draft Active Transportation Implementation Plan Report (inclusive of content and recommendations from subtasks 5.1, 5.2, and 5.3)
Subtask 5.3: Active Transportation Master Plan	Finalize recommendations for the active transportation infrastructure network and recommend implementation strategies, policies, and actions to achieve the vision.	One Full Draft Active Transportation Implementation Plan Report (inclusive of content and recommendations from subtasks 5.1, 5.2, and 5.3)

City of Phoenix

Report

Agenda Date: 11/3/2021, **Item No.** 28

West Phoenix High Capacity Transit Study

This report requests City Council approval to initiate a study of high-capacity transit options for West Phoenix.

Summary

In partnership with Valley Metro, City of Phoenix staff are recommending the study of high-capacity transit (HCT) options in West Phoenix (Central Avenue to 91st Avenues, McDowell Road to Camelback Roads). This study will build upon previous planning efforts to continue expanding mobility options for West Phoenix residents, workers, and visitors.

Adding HCT in West Phoenix is a key component of the expanded transit program outlined in the voter-approved Transportation 2050 (T2050) plan. The study would be funded by regional transit funds (Prop. 400) and also potentially funded by a Federal Transit Administration (FTA) grant available for areas of persistent poverty, as further explained in this report.

Background of previous HCT studies

HCT in West Phoenix was first studied in coordination with the City of Glendale in 2010. Planning efforts progressed in three studies until a Phoenix City Council action in 2019 put the project on hold. The three studies were as follows:

- Study I: Glendale HCT Study (2010-12);
- Study II: West Phoenix/Central Glendale Light Rail Extension Study (2013-17); and
- Study III: West Phoenix Light Rail Extension Study (2017-19).

Study I explored bringing HCT to the Westgate Entertainment District. Five preferred corridors were identified, two of which connected to Phoenix's Northwest Phase I extension (running along Glendale Avenue to Westgate). The remaining three corridor options connected to the future I-10 West Extension (running north from 79th Avenue/I-10 to Westgate). The results of the study advanced an option to extend light rail west on Glendale Avenue from 19th Avenue, with stations approximately every mile along Glendale Avenue to the Westgate area.

Study II built upon the Glendale HCT Study, but with two major changes in scope:

- Changing the end-of-line from the Westgate Entertainment District to downtown Glendale; and
- Comparing alternative alignments in West Phoenix to better serve activity centers in the area.

While Study I focused on extending light rail along Glendale Avenue, Study II evaluated a total of six alignments to identify the most productive corridor. At the conclusion of Study II, the proposed alignment would begin at the existing 19th Avenue/Camelback Road light rail station, head west along Camelback Road to 43rd Avenue, and then head north toward Glendale Avenue, where the alignment would then turn west toward downtown Glendale.

The benefits of this alignment for West Phoenix residents included higher ridership projections than Study I and better connectivity to activity centers, such as Grand Canyon University and Alhambra High School. In the selection of this alignment, a total of 110 public outreach activities were conducted and numerous stakeholders were engaged. Study II concluded in December 2017, at which time the Glendale City Council voted to withdraw from the project.

Study III explored building the Phoenix-only portion of the proposed Study II corridor, which would extend light rail on Camelback Road between 19th and 43rd avenues (**Attachment A**). Study III concluded in March 2019 when Council voted to defer the Camelback Road light rail project to the end of the T2050 program.

Phoenix BRT Status

The Phoenix BRT Program recently concluded its 2020 Council-directed analysis of potential corridors in Phoenix (**Attachment B**). At their May 21, 2021 meeting, the Citizens Transportation Commission unanimously recommended that City Council approve the 35th Avenue/Van Buren option as the initial BRT corridor in Phoenix. The same recommendation was approved unanimously at the Sept. 15, 2021 Transportation, Infrastructure and Planning Subcommittee meeting.

Next Steps

If this high-capacity study is approved, Valley Metro and the City of Phoenix will complete the West Phoenix HCT Study by building upon the previous studies and expanding the scope to further analyze how to better serve the West Phoenix Area (**Attachment C**), bounded by 35th and 67th avenues and McDowell and Camelback roads. Data from Valley Metro’s 2019 Origin and Destination Survey shows this area is one of the top areas in the region where transit trips begin.

Much of the area also qualifies as “Areas of Persistent Poverty” under federal guidelines, with a poverty rate of at least 20 percent of the population. The FTA's Areas of Persistent Poverty Program Grant is available to provide 90 percent of funds for planning, engineering, and technical studies to improve transit services in such identified communities.

Any work conducted for this West Phoenix HCT Study would be in close coordination with the Phoenix BRT Program to ensure that the planning efforts are cohesive and the preferred corridors identified for HCT will integrate into the overall transit plan to improve connections to West Phoenix. This Study and associated community outreach would analyze potential alternatives, looking both to identify the most productive corridors and HCT modes for West Phoenix.

Phoenix and Valley Metro staff would follow the outline below for the West Phoenix HCT Study’s scope:

- Provide project management from both Valley Metro and City of Phoenix staff;
- Prioritize and further develop community and stakeholder relationships;
- Identify existing and future conditions;
- Define purpose and needs;
- Analyze potential corridors for HCT;
- Develop and propose preferred networks;
- Define preferred alternatives for light rail corridors;
- Develop an implementation strategy; and
- Prepare results for City Council adoption of a HCT corridor.

Financial Impact

It is anticipated that the duration of this study effort would take 18-24 months. The total estimated cost of the study is approximately $950K. Phoenix has applied for FTA's Areas of Persistent Poverty Program Grant to fund up to 90 percent of the study cost. Matching grant funds are available through regional (Prop. 400) funds.

Concurrence/Previous Council Action

The Citizens Transportation Commission recommended approval of this item on Aug. 26, 2021, by a vote of 14-0.
The Transportation, Infrastructure and Planning subcommittee recommended approval of this item on Oct. 20, 2021 by a vote of 4-0.

Location

West Phoenix HCT would expand transit access in the greater Maryvale Area of West Phoenix, with a primary study area of roughly Central Avenue to 91st Avenues and

McDowell Road to Camelback Roads.
Council Districts: 4, 5 and 7

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Public Transit Department.

Attachment A

Study III: West Phoenix Light Rail Extension Study (2017-19)

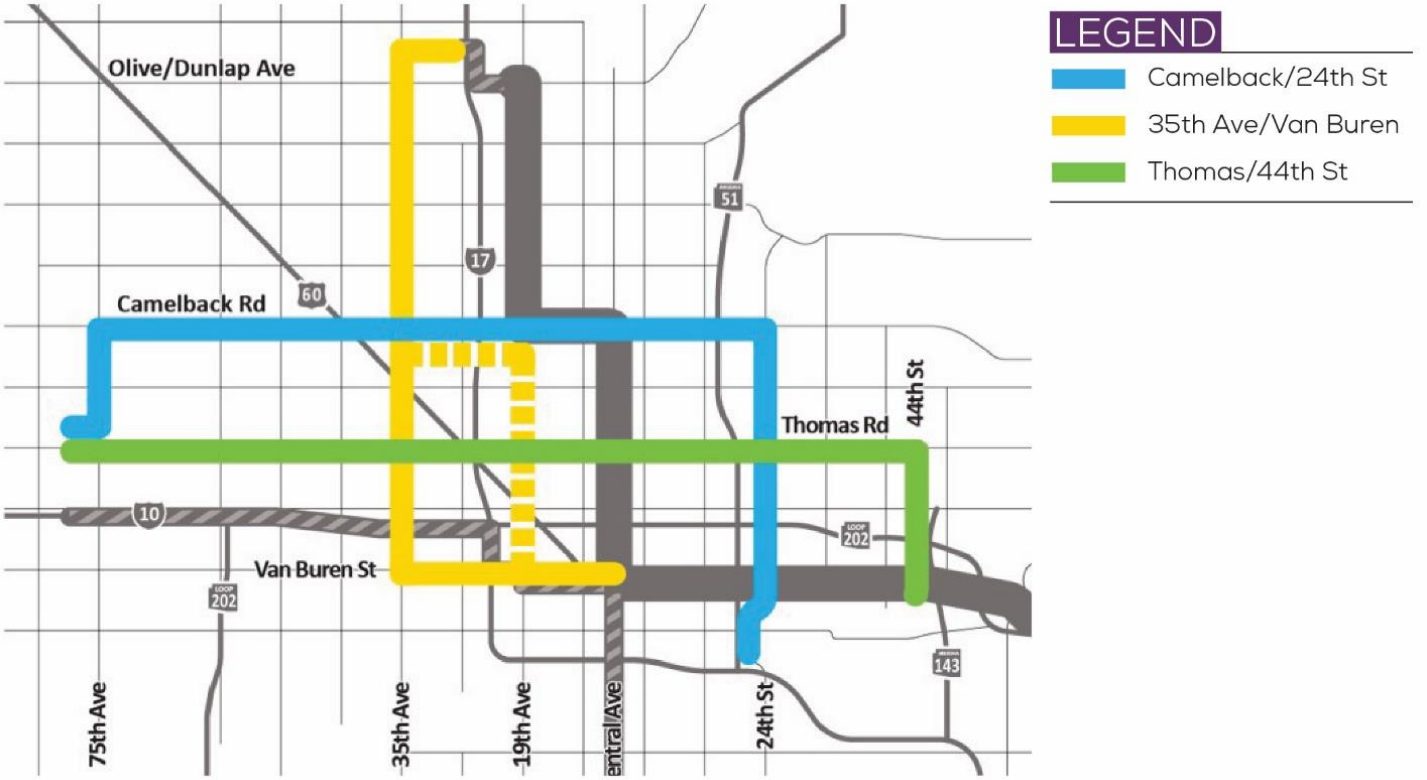


LEGEND

- Valley Metro Rail
- City Boundary
- Potential Station Area
- Leading Alternative Route
- Specific Route Options to be Determined
- End of Line Options to be Studied

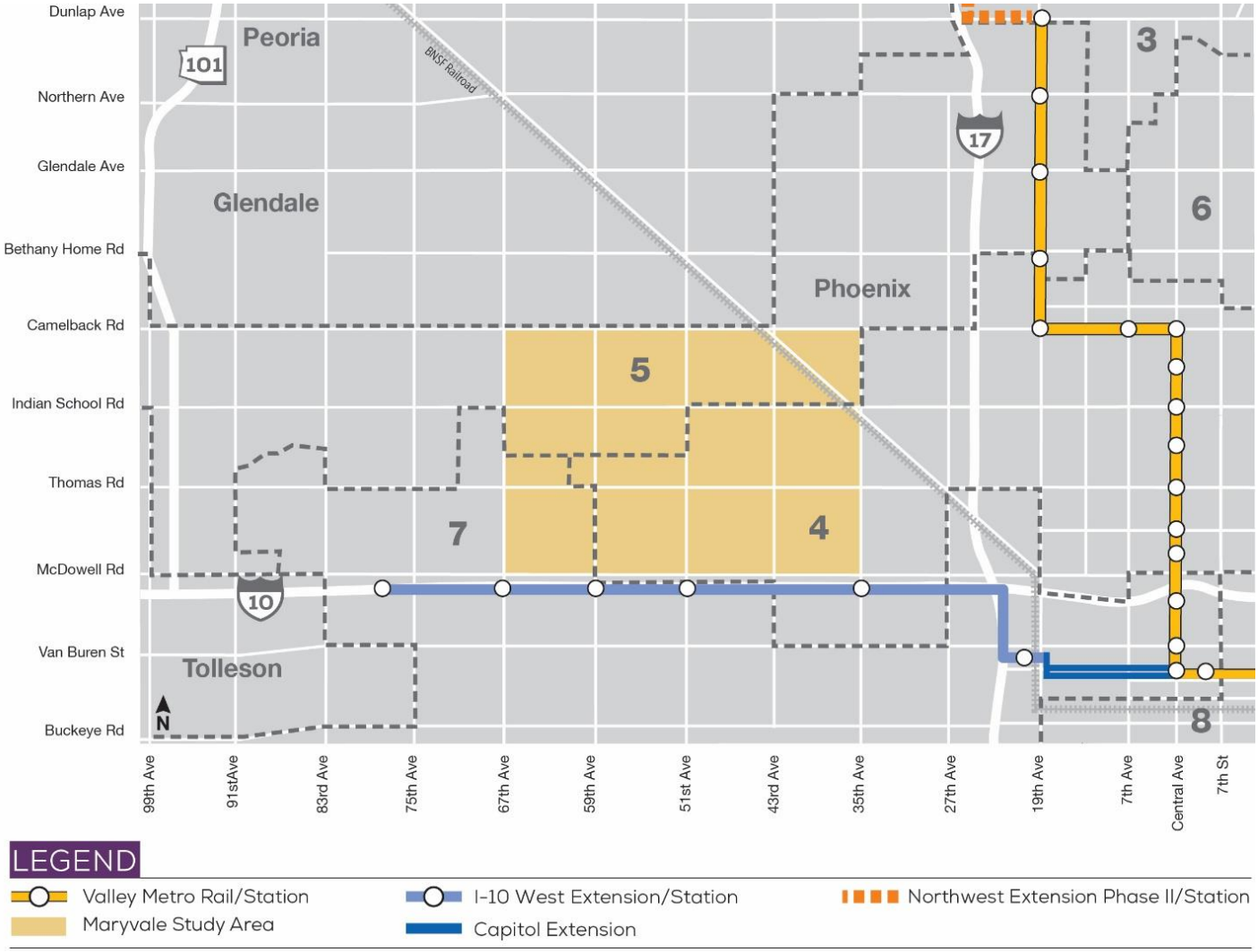
Attachment B

Phoenix BRT: Most Preferred Network Scenario



Attachment C

West Phoenix Council Districts and Study Area



City of Phoenix

Report

Agenda Date: 11/3/2021, **Item No.** 29

Capitol Extension Route Recommendation and Preconstruction Estimate (Ordinance S-48076)

This report requests City Council approval to amend the current Locally Preferred Alternative (LPA) for the 19th Avenue option of the Capitol Extension (CAPEX), formerly known as the Capitol/I-10 West Extension Phase I project (**Attachment A**), and requests an ordinance authorizing the City Manager, or his designee, to enter into an agreement with Valley Metro Rail for the Capitol Extension Light Rail Project to fund the completion of pre-construction activities for the extension. This report also requests the City Controller disburse funds not to exceed $45.3 million for these pre-construction activities. See **Attachment B** for additional details and cost breakdown.

Summary

In 2012, the Phoenix City Council approved the current LPA (**Attachment C**). Then in 2016, the Council and Valley Metro Rail Board of Directors approved a phased approach to the project:

- Phase I - connect downtown Phoenix to the State Capitol Complex; and
- Phase II - extend the system farther west along I-10 to 79th Avenue.

In 2019, the Phoenix City Council requested additional public input on both phases. Public input was sought in three key areas:

- Identify a preferred CAPEX option;
- Explore a potential extension to Desert Sky Transit Center; and
- Review all options for high-capacity, high-frequency transit types for the I-10 West Extension (10WEST).

Technical Analysis Summary

Opportunities to refine the CAPEX project emerged due to robust downtown development and the previous evolution of the South Central Extension/Downtown Hub (SCE/DH) project. Accordingly, the route between downtown Phoenix and the State Capitol Complex along Jefferson Street has been reevaluated, with input on all potential alternatives solicited from the public and local stakeholders.

Based on Valley Metro's technical analysis, the use of Washington Street (as opposed to the double-track on Jefferson Street as identified in the previous LPA) was given

further consideration recognizing the volume of residential and employment land uses in proximity to Washington Street, as well as the opportunity to provide an improved connection to the State Capitol Complex and to the 10WEST extension.

During the CAPEX reassessment process, Valley Metro identified and evaluated five potential alignments:

- 2012 LPA Route - Double-track on Jefferson Street, west of 8th Avenue;
- Concept A - Double-track on Washington Street, west of 8th Avenue;
- Concept B - 15th Avenue loop;
- Concept C - Separate 18th or 19th Avenue loop options (**Attachment D**); and
- Washington Street - Double-track on Washington Street, west of 3rd Avenue (this option was removed due to design challenges that could have negative impacts to the downtown core).

The technical analysis revealed that Concept C would outperform the other options given the benefits of the 18th/19th Avenue Loop, including:

- More service to residential and employment centers;
- Maximizes potential ridership and access for current and future users;
- Higher operational efficiencies and better preparation for a 10WEST connection;
- Lower impacts to historic and government properties;
- Mitigates impacts to bus operations and other vehicular traffic; and
- Greater opportunity to implement Council-approved Complete Streets concepts and multimodal transportation elements along Washington and Jefferson streets.

Concurrent with the technical evaluation, the project team pursued an extensive public engagement effort that included:

- Attending meetings with community groups;
- Attending meetings with key stakeholders and businesses along the corridor, including state government representatives; and
- Conducting and participating in public meetings and community events.

Valley Metro and the City of Phoenix will need to amend the funding agreement when the project is ready to advance to the construction phase.

Financial Impact

The City of Phoenix will fund an amount not to exceed $45.3 million for pre-construction activities. Funds are available in the Public Transit Department's Capital Improvement Program.

Concurrence/Previous Council Action

The Citizens Transportation Commission recommended approval of this item on Aug. 26, 2021, by a vote of 13-2.

The Transportation, Infrastructure and Planning Subcommittee recommend approval of this item on Oct. 20, 2021, by a vote of 4-0.

Public Outreach

In January 2020, Valley Metro held three public meetings (two in English and one in Spanish) to present the four CAPEX options. A majority of respondents expressed support for the 18th/19th Avenue Loop option (Concept C), with approximately 54 percent of the 183 surveys favoring the option. The results of these meetings were used to refine the meeting materials for the next series of public meetings.

Due to the COVID-19 pandemic, outreach shifted to utilizing online platforms from May 27 to June 30, 2020. Throughout the process, members of the public had the ability to submit questions and comments to be evaluated by and responded to by project staff, and all meeting information was presented in English and Spanish. Additionally, four live (call-in) meetings were conducted (two in English and two in Spanish) on June 16 and 20, 2020. In total, 356 people participated via either the online public meeting or live call-in sessions, as well as 183 individuals responding to a survey.

Given the advantages of Concept C compared to the other options, and the results of the January 2020 public meetings, the May/June 2020 online public meeting presented Concept C as the “leading alternative.” Staff asked participants to document whether they felt “positive,” “neutral,” or “negative” toward the option. Out of the 183 responses received from the May/June online survey, 67 percent of respondents expressed feeling positive about Concept C as the leading alternative, with 19 percent neutral and 14 percent negative.

State Stakeholder Coordination

In October 2020, the Arizona Department of Public Safety (DPS) sent a letter to the Phoenix City Council expressing concerns with the 18th Avenue option, resulting in a delay of the LPA approval process. Since November 2020, the project team has held multiple meetings with representatives from the State of Arizona, including DPS, the Arizona Department of Administration, Arizona Governor’s Office, and staff from the State Senate and House of Representatives to further examine the 18th Avenue segment of Concept C. As a result of these discussions and after further evaluation, Concept C was amended to remove 18th Avenue from consideration. Consequently, the project team conducted preliminary analysis and conceptual designs to refine and recommend 19th Avenue as the preferred north/south location of the loop portion of

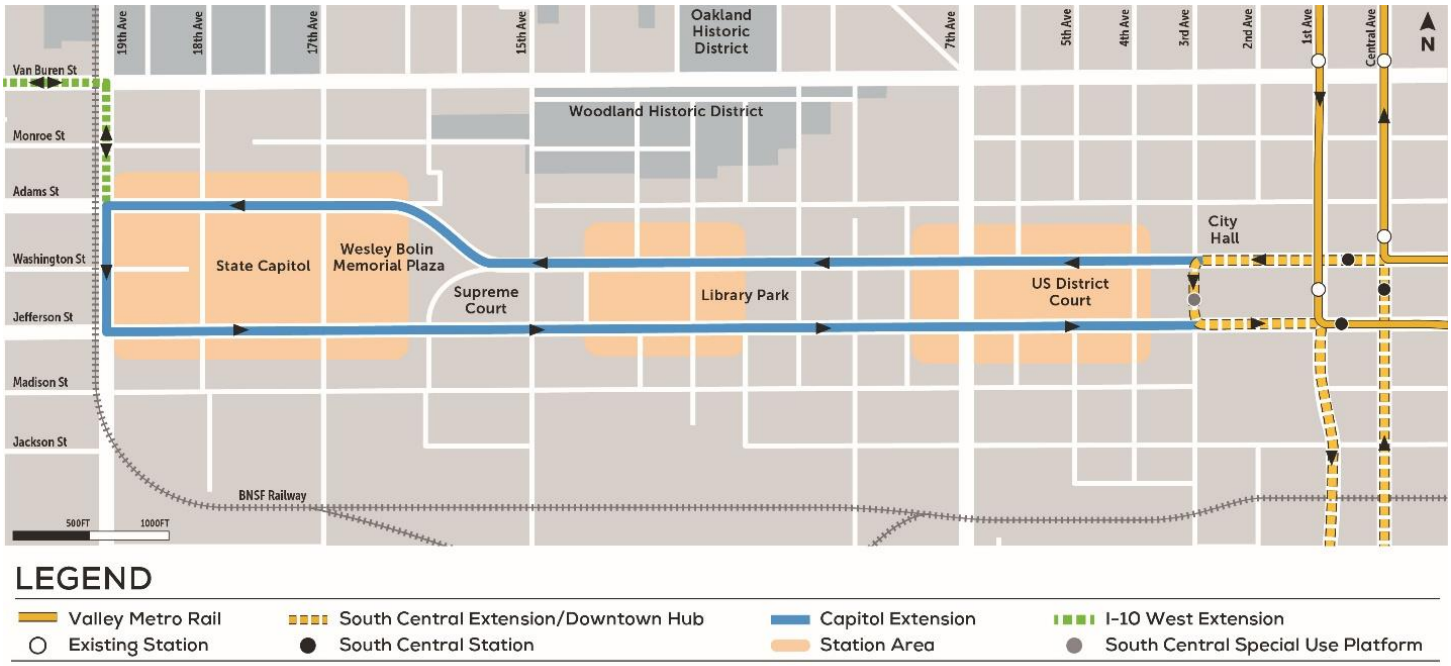
the LPA. Additional engagement, including public notification and stakeholder meetings, are underway to convey this change to the public.

Location
Capitol Extension will extend light rail from downtown Phoenix west to the State Capitol Complex.
Council District: 7

Responsible Department
This item is submitted by Deputy City Manager Mario Paniagua and the Public Transit Department.

Attachment A

Recommended Alignment "19th Avenue Option"



LEGEND

- Valley Metro Rail
- Existing Station
- South Central Extension/Downtown Hub
- South Central Station
- Capitol Extension
- Station Area
- I-10 West Extension
- South Central Special Use Platform

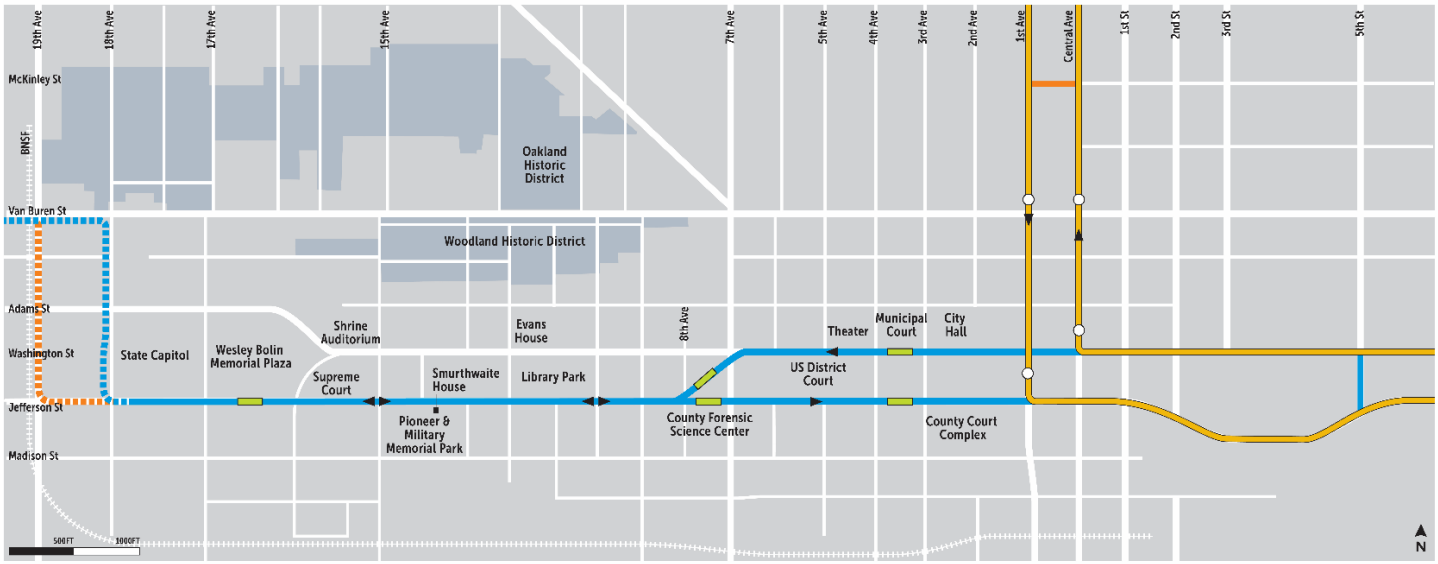
Attachment B

Estimated Design and Pre-construction Activities Budget

Activity	Estimated Budget	Notes
Preliminary Engineering (PE)	$5,400,000	Preliminary engineering including 15% and 30% designs, and community outreach during the PE and EA phases.
Environmental Assessment (EA)	$1,800,000	N/A
Final Design	$23,300,000	Includes design up to 100% with community outreach during this phase.
Pre-Construction	$10,600,000	Constructability, third party utility design and real estate support
Contingency	$4,200,000	Contingency at 10% of PE, EA, Final Design and Pre-construction total.
TOTAL	**$45,300,000**	

Attachment C

2012 Locally Preferred Alternative

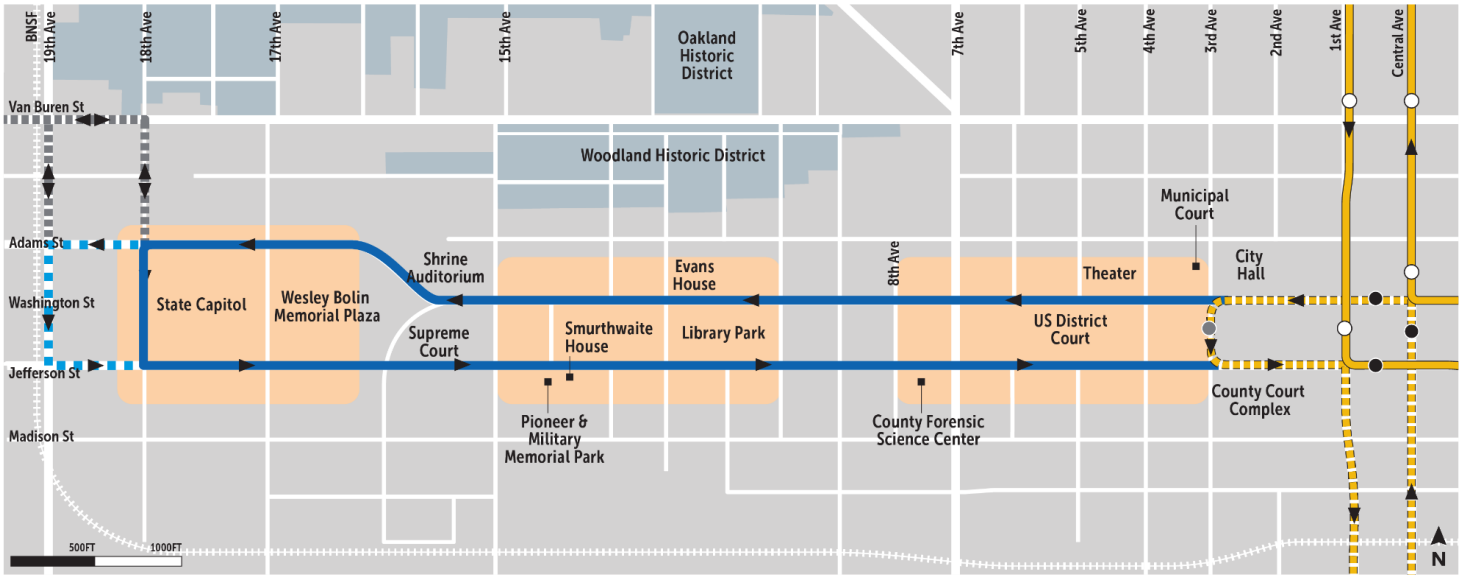


LEGEND

- Valley Metro Rail
- Existing Station
- Capitol/I-10 West Phase I
- Capitol/I-10 West Phase II
- Potential Station
- South Central Stations
- McKinley St Turnaround Design Option
- 19th Ave Design Option

Attachment D

Previously Recommended Route (2020) "Concept C"



LEGEND

- Valley Metro Rail
- Capitol/I-10 West Phase I
- South Central Extension/Downtown Hub
- Capitol/I-10 West Phase II
- Additional Route Under State Consideration
- Existing Station
- South Central Special Use Platform
- South Central Stations
- Station(s) Area

City of Phoenix

Report

Agenda Date: 11/3/2021, **Item No.** 30

Purchase of Polaris Ranger Utility Vehicles (Ordinance S-48082)

Request to authorize the City Manager, or his designee, to enter into a contract with C&W Motors, Inc., dba RideNow Powersports Chandler for the purchase of Polaris Ranger utility vehicles. Further request to authorize the City Controller to disburse all funds related to this item. This item will have an aggregate amount of $366,830.

Summary

The Public Works Department is seeking to enter into a contract with C&W Motors for the purchase of Polaris Ranger utility vehicles for various City departments including the Police, Fire, Water Services and Aviation departments. These vehicles are used for transport of staff or equipment in off road environments or where quick mobility is required, such as navigating through crowds during large events.

Procurement Information

Invitation for Bid 22-FSD-025 was conducted in accordance with Administrative Regulation 3.10. The Public Works Department notified 89 vendors in regards to the solicitation, and received one bid from C&W Motors. The bid was evaluated based on responsiveness, responsibility, as well as bid price, with the below bid being recommended for award based on the purchase price of two Polaris Rangers:

C&W Motors: $27,790

Contract Term

The contract will begin on or about Jan. 1, 2022, with an initial one-year contract period, and four contract option years to be exercised in increments of up to one year, for a total contract term of five years.

Financial Impact

This item will have an estimated annual expenditure of $73,366, with a total aggregate amount of $366,830 over the life of the contract.

Funding is available in various City departments' budgets.

Responsible Department

This item is submitted by Deputy City Manager Karen Peters and Public Works Department.

City of Phoenix

Report

Agenda Date: 11/3/2021, **Item No.** 31

Intergovernmental Agreement with Flood Control District of Maricopa County for 51st Avenue and Dobbins Road Storm Drain Project (Ordinance S-48077)

Request authorization for the City Manager, or his designee, to enter into an Intergovernmental Agreement with the Flood Control District of Maricopa County for the 51st Avenue and Dobbins Road Storm Drain Project. The design phase will include final design, rights-of-way acquisition, temporary construction easements, and utility relocations. Further request to authorize the City Treasurer to accept, and the City Controller to disburse, all funds related to this item. The estimated project cost for the design phase is $3.5 million of which the City's cost share is estimated to be $1.75 million.

Summary

In late 2015, the Flood Control District of Maricopa County (FCDMC), in partnership with the City of Phoenix, initiated a study to update the Laveen Area Drainage Master Plan for the South Phoenix/Laveen area using new mapping and comprehensive flood model software. The updated study used data gathered from heavy rains and flooding that occurred in August and September of 2014. The study included analysis of existing regional drainage improvements such as detention basins, channels, storm drains and culverts, much of which had been constructed based on recommendations from earlier versions of the regional drainage master plans. Construction efforts prior to this study focused mainly on the downstream portion of the overall recommended regional system to provide an outfall for future improvements closer to the foothills. The study recommends additional regional drainage facilities extending further up into the watershed area to address neighborhood flooding issues that became more apparent during the 2014 storms.

The regional rainfall-runoff model now covers the entire study area. The new model identifies sources of stormwater flows so mitigation alternatives can be developed. Flood prone areas known as Areas of Mitigation Interest (AoMIs) were identified through the updated study. A total of five potential mitigation alternatives were developed and presented at two public meetings held in May of 2017, at which time, comments were received from attendees. After further technical analysis of potential mitigation alternatives, the following alternative component is proposed as one of the recommended drainage master plans for the study area.

Financial Impact

The estimated cost for this design phase is $3.5 million, which includes final design, rights-of-way acquisition, temporary construction easements, and utility relocations. The terms of the Intergovernmental Agreement between the City and the FCDMC will jointly cost share for project development of the 51st Avenue and Dobbins Road Storm Drain Project. The cost-share distribution between the City of Phoenix and FCDMC will maintain an overall 50/50 cost share, which is the standard cost- share allocation for projects funded by FCDMC. The City's contribution for the design phase of this project will be up to $1.75 million dollars and is available in the City's five-year Capital Improvement Program (CIP) budget.

The project is generally located along 51st Avenue, between Dobbins Road and Sunrise Drive extending towards Olney Avenue the existing South Mountain Freeway Drainage Basin.
Council Districts: 7 and 8

Responsible Department

This item is submitted by Deputy City Managers Mario Paniagua and Karen Peters, and the Street Transportation and Public Works departments.

City of Phoenix

Report

Agenda Date: 11/3/2021, **Item No.** 32

Salt River Project Construction License for 27th Avenue and Thomas Road: Railroad Crossing Upgrade - ST85100198 (Ordinance S-48086)

Request to authorize the City Manager, or his designee, to enter into a Construction License with Salt River Project for railroad crossing modifications in the area of 27th Avenue and Thomas Road. Further request the City Council to authorize a change to indemnification to authorize inclusion in the document pertaining to this transaction of indemnification and assumption of liability provisions that are prohibited by Phoenix City Code 42-18.

Summary
The purpose of this license is to allow the City to construct railroad crossing modifications, including sidewalk, ramps and traffic signal upgrades that will include irrigation under crossings as well as equipment that will run parallel with Salt River Project irrigation facilities in the area of 27th Avenue and Thomas Road. This work is in conjunction with City Project ST85100198 27th Avenue and Thomas Road: Railroad Crossing Upgrade.

Contract Term
The term of the Construction License is one year, effective when the City begins construction, expected to be late November 2021.

Financial Impact
There is no financial impact to the City of Phoenix for this license.

Location
27th Avenue and Thomas Road
Council Districts: 4 and 7

Responsible Department
This item is submitted by Deputy City Manager Mario Paniagua and the Street Transportation Department.

City of Phoenix

Report

Agenda Date: 11/3/2021, **Item No.** 33

Support for Formation of Terrell Terrace Irrigation Water Delivery District (Resolution 21973)

Request to adopt a resolution to support formation of the Terrell Terrace Irrigation Water Delivery District through Maricopa County. The proposed Irrigation Water Delivery District includes the single-family residential properties bounded by Pinchot Avenue to the south, Curnow Drive to the north, 22nd Street to the west, and 24th Street to the east. This action has no financial impact to the City of Phoenix.

Summary

Under the provisions of Arizona Revised Statutes (A.R.S.) Chapter 20, title 48, Irrigation Water Delivery Districts, when the majority of the lot or parcel owners entitled to or capable of receiving irrigation water from the same system want irrigation water delivered to their lands, they may propose the organization of an Irrigation Water Delivery District (IWDD). Maricopa County requires that applicants for an IWDD within City of Phoenix boundaries obtain City Council support before the County will start the process of forming or re-establishing a district.

If approved by the City Council, landowning neighbors seeking an IWDD complete a special taxation impact statement and submit this document to the Maricopa County Board of Supervisors. The Board of Supervisors, along with Salt River Project (SRP), will decide if a petition to organize an IWDD may be circulated. See **Attachment A** for the Consent from SRP to the Board of Supervisors and map of the SRP delivery system.

This request has been reviewed by the Street Transportation and Water Services departments.

Financial Impact

This action has no financial impact to the City of Phoenix.

Public Outreach

On June 14, 2021, the City received a formal written request from City of Phoenix resident Eileen Wells, representative for the Terrell Terrace neighborhood, to pursue City Council approval to form an IWDD with Maricopa County (**Attachment B**).

Location
The proposed IWDD includes the single-family residential properties bounded by Pinchot Avenue to the south, Curnow Drive to the north, 22nd Street to the west, and 24th Street to the east.
Council District: 4

Responsible Department
This item is submitted by Deputy City Manager Mario Paniagua and the Street Transportation Department.

Attachment A – Consent from SRP to Board of Supervisors and Map of SRP Delivery System

EXHIBIT "C".

BEFORE THE BOARD OF SUPERVISORS OF MARICOPA COUNTY

In the Matter of the Application and	)	**CONSENT OF SALT RIVER PROJECT**
Petition for the Formation of an Irrigation	)	**AGRICULTURAL IMPROVEMENT**
Water Delivery District to be known as:	)	**AND POWER DISTRICT AND SALT**
Terrell Terrace Irrigation Water	)	**RIVER VALLEY WATER USERS'**
Delivery District of Maricopa County	)	**ASSOCIATION, COLLECTIVELY**
		REFERRED TO AS SRP.

TO: THE BOARD OF SUPERVISORS OF MARICOPA COUNTY, STATE OF ARIZONA

Erica Trapp, being first duly sworn upon her oath, deposes and says:

That she is the Director of Water Delivery Services of the SRP.

That the lands to be included within the **Terrell Terrace** Irrigation Water Delivery District are within the Salt River Project Agricultural Improvement and Power District and the Salt River Valley Water Users' Association.

That the Board of Directors of the Salt River Project Agricultural Improvement and Power District and the Board of Governors of the Salt River Valley Water Users' Association consent to the formation of said Irrigation Water Delivery District and said action was duly authorized by resolutions dated March 5, 2001.

That she has read this Consent and knows the content thereof and that the matters and things contained herein are true and correct to the best of her own knowledge, information, and belief.

Erica Trapp

SUBSCRIBED AND SWORN TO before me this 25th day of May 2021

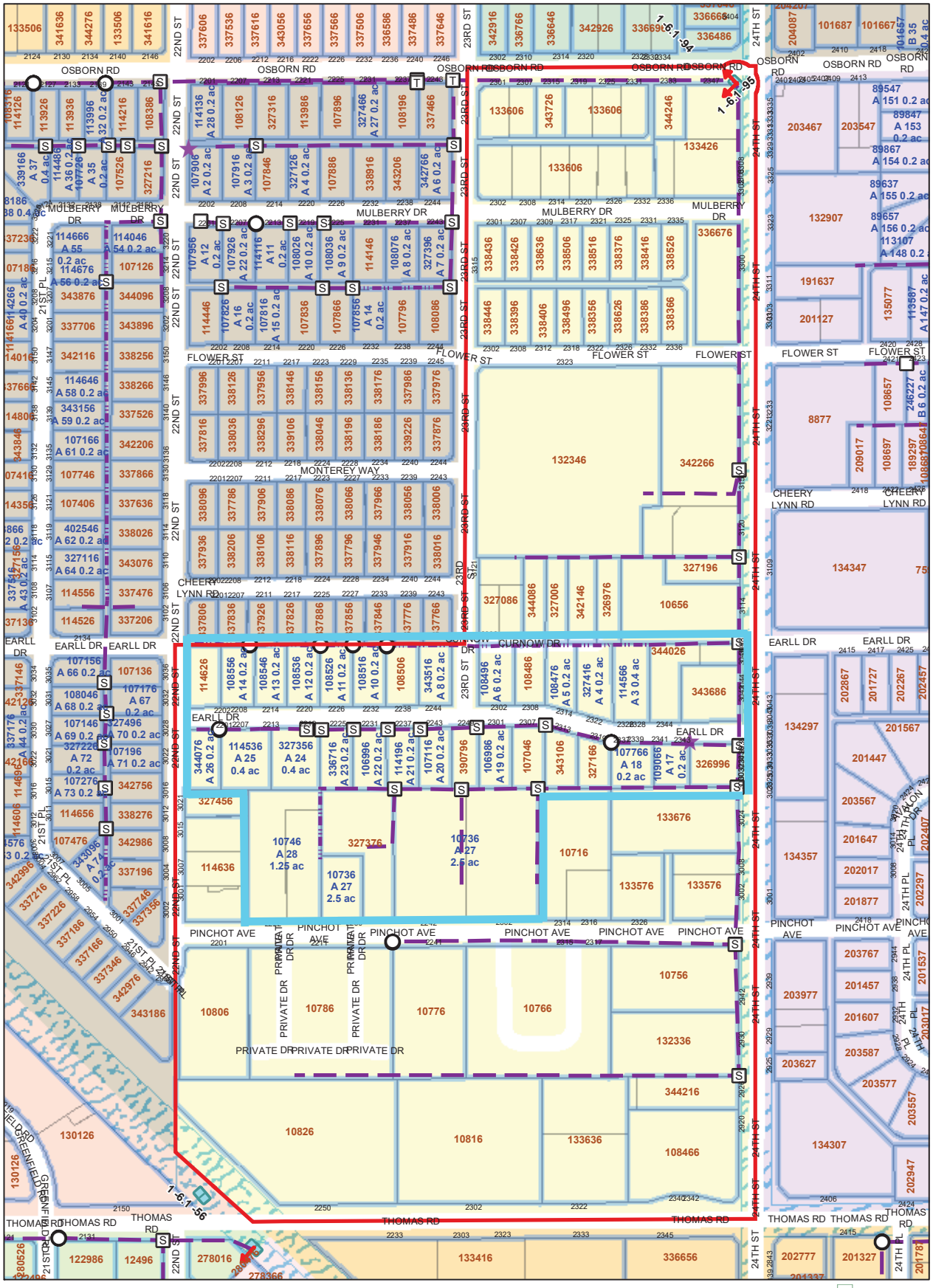
My commission expires:

March 2, 2022

Notary Public

STEPHANIE JO-ANN BERRY
Notary Public - State of Arizona
MARICOPA COUNTY
My Commission Expires
March 2, 2022

1-06.1-94.00



Unknown
Dirt
Pipe
Slipform
Signup Board
Delivery Point
Delivery Gate
Turnout Structure
Unknown Structure
Air Release Valve
Breather Pipe
Clean Out
Ditch Check
Field Drain
Inline Gate Valve
Plug
Pressure Valve
Pvt Pump
Pvt System Connection
Slide Standbox
Standbox
Trash Rack
Wheel Standbox
Wheel-Slide Standbox
Yard Box
Customer Readable Measurement Site
Excluded Land

N

Nov 18, 2020

SRP makes no representation as to the accuracy of this mapping product nor as to its fitness for a particular purpose.

0 300 600 900 Feet

Attachment B - Request Letter and Map Submitted by Terrell Terrace

To: City of Phoenix
CC: Salt River Project
Monday, June 14, 2021

From: Eileen Wells
RE: Request for Formation of Irrigation Water Delivery District

Dear City of Phoenix

We as a neighborhood Terrell Terrace, are requesting consent to form an Irrigation Water Delivery District (IWDD) from the City of Phoenix. The purpose of an IWDD is to create an equitable distribution of costs associated with the use and maintenance of the private neighborhood irrigation system. This is accomplished using an annual Maricopa County property assessment. We are asking the City of Phoenix to pass this request of resolution, authorizing the formation of Terrell Terrace IWDD .

Enclosed you will find Salt River Projects approval along with maps of the proposed district and the homeowner list. I will be the representative for the proposed IWDD. Once we receive approval from the City of Phoenix, an Impact Statement to form will be sent to the Maricopa County Board of Supervisors to move the process forward. We appreciate your attention to this request. For questions please contact me at the number below.

Sincerely,

Eileen Wells

EXHIBIT A

LEGAL DESCRIPTION

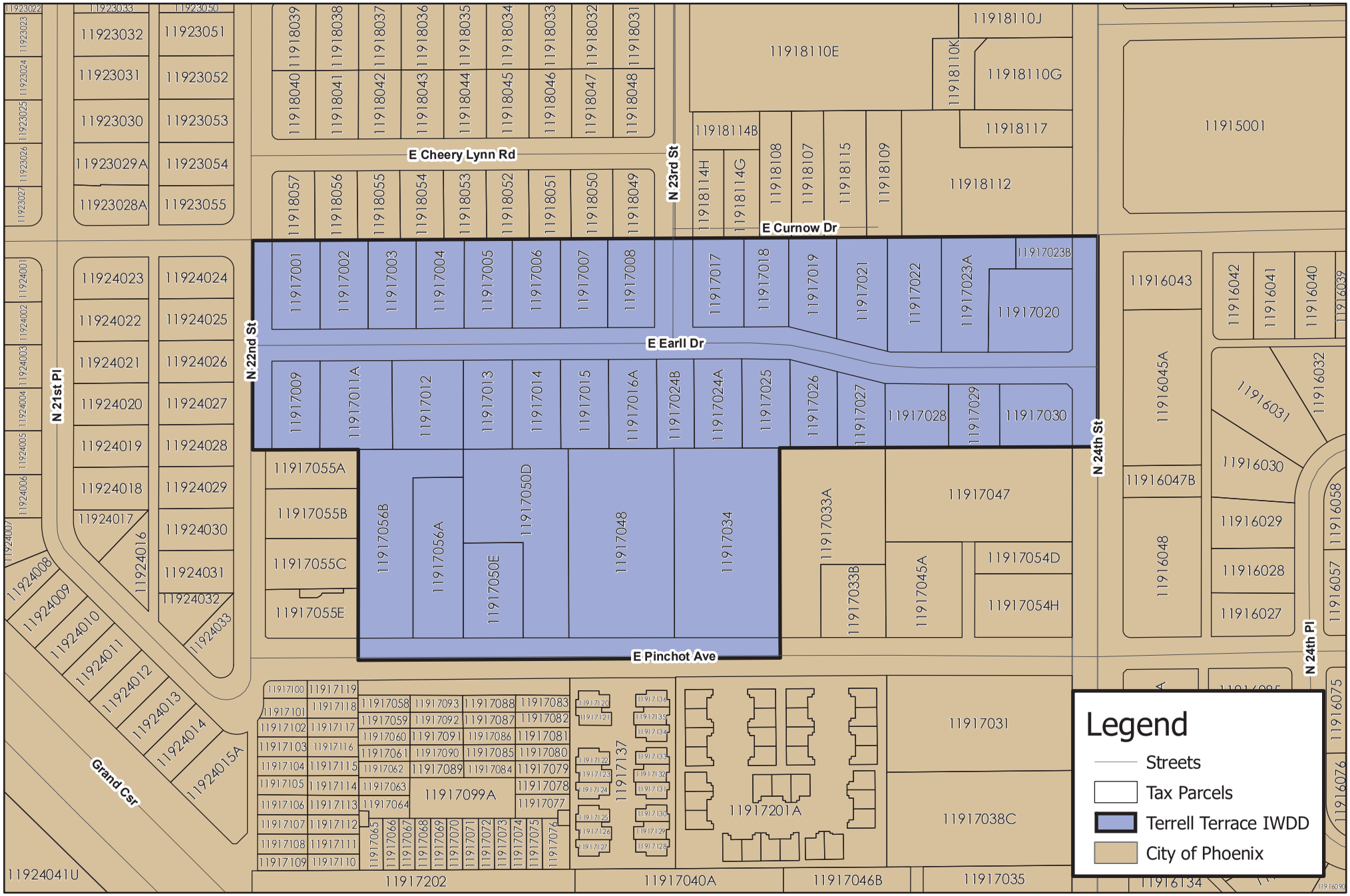
The North half of the Southeast Quarter of the Southeast Quarter of Section 27, Township 2 North, Range 3 East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPT the West 166.09 feet of the South 330.23 feet of the North half of the Southeast Quarter of the Southeast Quarter of said Section 27;

AND

EXCEPT the East 498.30 feet of the South 330.27 feet of the North half of the Southeast Quarter of the Southeast Quarter of said Section 27.

Terrell Terrace IWDD



Proposed Terrell terrace IWDD
5/3/2021

Count	Parcel No	Tax Year	Owner Name	In Care Of	Mailing Address	City State Zip	Situs Address	Situs City Zip	Exempt Status	Exempt Type	Land FCV	Improvement FCV	Total FCV	Total Assessed FCV	Total Exempt Assessed FCV	Total Net FCV	Total LPV	Total Assessed Value (LPV)	Exempt Assessed Value	Net Assessed Value (LPV)	Total Acreage
1	119-17-002	2021	2208 E EARLL LLC								$48,400	$193,600	$242,000	$24,200	$0	$24,200	$122,744	$12,274	$0	$12,274	0.245
2	119-17-027	2021	2319 E EARLL LLC								$50,400	$201,800	$252,200	$25,220	$0	$25,220	$166,005	$16,601	$0	$16,601	0.188
3	119-17-056A	2021	BAOS FARM AT SAN SIMON LLC								$60,700	$242,800	$303,500	$30,350	$0	$30,350	$159,425	$15,943	$0	$15,943	0.468
3	119-17-056B	2021	BAOS FARM AT SAN SIMON LLC								$116,300	$465,300	$581,600	$58,160	$0	$58,160	$176,871	$17,687	$0	$17,687	0.676
4	119-17-008	2021	BETTER NEIGHBORHOODS LLC								$57,700	$230,900	$288,600	$28,860	$0	$28,860	$157,105	$15,711	$0	$15,711	0.244
5	119-17-007	2021	BORGERSON MATTHEW								$73,300	$293,500	$366,800	$36,680	$0	$36,680	$235,123	$23,512	$0	$23,512	0.238
6	119-17-022	2021	BORZONE JENNIFER/DAN								$47,000	$188,300	$235,300	$23,530	$0	$23,530	$70,848	$7,085	$0	$7,085	0.342
7	119-17-016A	2021	BUCE GARY J								$44,700	$179,000	$223,700	$22,370	$0	$22,370	$111,132	$11,113	$0	$11,113	0.243
8	119-17-005	2021	CHAN JUDY P								$52,400	$209,600	$262,000	$26,200	$0	$26,200	$127,075	$12,708	$0	$12,708	0.241
8	119-17-013	2021	CHAN JUDY P								$43,200	$173,100	$216,300	$21,630	$0	$21,630	$106,025	$10,603	$0	$10,603	0.243
9	119-17-014	2021	COOK MICHELE L/NICOLE RENEE								$47,700	$190,800	$238,500	$23,850	$0	$23,850	$149,578	$14,958	$0	$14,958	0.245
10	119-17-024B	2021	CRONIN DOUGLAS JAY/WHEELER DELMA MARIE								$56,400	$225,700	$282,100	$28,210	$0	$28,210	$151,995	$15,200	$0	$15,200	0.193
11	119-17-012	2021	DIPIETRO REVOCABLE TRUST	DIPIETRO DORI TR							$78,500	$314,000	$392,500	$39,250	$0	$39,250	$259,860	$25,986	$0	$25,986	0.365
12	119-17-004	2021	GONZALES RUBEN M/ANNETTE M								$54,000	$216,000	$270,000	$27,000	$0	$27,000	$137,136	$13,714	$0	$13,714	0.243
13	119-17-006	2021	HERNANDEZ JOSE A/ROSA M								$44,200	$177,100	$221,300	$22,130	$0	$22,130	$130,181	$13,018	$0	$13,018	0.243
14	119-17-015	2021	HUERTA JOSEPH G/MINERVA S								$53,600	$214,500	$268,100	$26,810	$0	$26,810	$179,677	$17,968	$0	$17,968	0.240
15	119-17-017	2021	HUGHES BRIAN & C LAVENDER								$57,300	$229,400	$286,700	$28,670	$0	$28,670	$178,938	$17,894	$0	$17,894	0.265
16	119-17-011A	2021	KENNETH B WELLS AND EILEEN L WELLS REV TRUST								$60,100	$240,600	$300,700	$30,070	$0	$30,070	$153,232	$15,323	$0	$15,323	0.360
17	119-17-009	2021	KLIMIADES MARIO N								$55,400	$221,600	$277,000	$27,700	$0	$27,700	$144,411	$14,441	$0	$14,441	0.240
18	119-17-028	2021	MARDETTE HEMANN REVOCABLE TRUST								$60,100	$240,400	$300,500	$30,050	$0	$30,050	$91,427	$9,143	$4,117	$5,026	0.344
19	119-17-025	2021	OCAMPO JUSTA/SILVERIO MARCO A								$61,300	$245,300	$306,600	$30,660	$0	$30,660	$170,725	$17,073	$0	$17,073	0.244
20	119-17-021	2021	PERRY RAMONA								$48,000	$192,300	$240,300	$24,030	$0	$24,030	$120,420	$12,042	$0	$12,042	0.316
21	119-17-034	2021	PLJ PINCHOT HOLDINGS LLC								$406,000	$1,915,600	$2,321,600	$232,160	$0	$232,160	$708,771	$70,877	$0	$70,877	1.145
21	119-17-048	2021	PLJ PINCHOT HOLDINGS LLC								$406,000	$1,569,400	$1,975,400	$197,540	$0	$197,540	$604,756	$60,476	$0	$60,476	1.145
21	119-17-050D	2021	PLJ PINCHOT HOLDINGS LLC								$340,100	$1,589,400	$1,929,500	$192,950	$0	$192,950	$566,613	$56,661	$0	$56,661	0.959
21	119-17-050E	2021	PLJ PINCHOT HOLDINGS LLC								$116,400	$0	$116,400	$11,640	$0	$11,640	$32,926	$3,293	$0	$3,293	0.328
22	119-17-026	2021	QUINTANILLA ROBERT/GARCIA ANITA								$46,000	$184,200	$230,200	$23,020	$0	$23,020	$113,300	$11,330	$0	$11,330	0.227
23	119-17-003	2021	RAMIREZ JAVIER P								$54,500	$218,100	$272,600	$27,260	$0	$27,260	$150,447	$15,045	$0	$15,045	0.240
24	119-17-024A	2021	ROMERO SANTOS R								$45,700	$182,900	$228,600	$22,860	$0	$22,860	$121,657	$12,166	$0	$12,166	0.248
25	119-17-020	2021	SPRAKER LEONARD J								$311,400	$59,400	$370,800	$66,744	$0	$66,744	$316,726	$57,011	$0	$57,011	0.381
25	119-17-023B	2021	SPRAKER LEONARD J								$92,400	$68,700	$161,100	$28,998	$0	$28,998	$130,719	$23,529	$0	$23,529	0.102
26	119-17-029	2021	STREET DONNA K								$59,800	$239,300	$299,100	$29,910	$0	$29,910	$93,537	$9,354	$0	$9,354	0.184
27	119-17-019	2021	TRAVISE JOHN J III/SELLITTO SARA								$57,800	$231,300	$289,100	$28,910	$0	$28,910	$193,348	$19,335	$0	$19,335	0.245
E	119-17-023A	2021	UMOM NEW DAY CENTERS INC						E	4	$249,200	$284,100	$533,300	$79,995	$79,995	$0	$427,335	$64,100	$64,100	$0	0.352
28	119-17-001	2021	VALLADARES ROSALVA								$64,000	$256,300	$320,300	$32,030	$0	$32,030	$171,963	$17,196	$0	$17,196	0.240
29	119-17-018	2021	WOODMAN DEREK/BRYANT ZACHARY								$70,500	$282,000	$352,500	$35,250	$0	$35,250	$203,693	$20,369	$0	$20,369	0.222
30	119-17-030	2021	YEE JOHN M/HONG YOW TR								$206,000	$135,600	$341,600	$61,488	$0	$61,488	$233,861	$42,095	$0	$42,095	0.243
			Unique property owner								**$3,796,500**	**$12,301,900**	**$16,098,400**	**$1,706,385**	**$79,995**	**$1,626,390**	**$7,369,585**	**$812,834**	**$68,217**	**$744,617**	**12.687**
			Exempt property																		
																				Average property size	0.343

City of Phoenix

Report

Agenda Date: 11/3/2021, **Item No.** 34

Inspection and Repair of Hoist and Crane, American Inspection and Test, Inc. - Amendment (Ordinance S-48081)

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 150346 with American Inspection and Test, Inc., to provide additional funding to the contract. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $83,800.

Summary
Request additional payment authority of $83,800 for Agreement 150346. American Inspection and Test, Inc. is responsible for performing inspection and repairs of various sized overhead hoists and cranes for Water Services, Aviation, Public Works, and the Convention Center departments.

This amendment will add funding for repairs at multiple lift stations that were not included in the original payment ordinance. The additional funds will cover fiscal years 2021-22 through 2024-25.

Financial Impact
The initial agreement for Inspection and Repair of Hoist and Crane was authorized for a fee not-to-exceed $325,000. This amendment will increase the agreement by an additional $83,800, for a new total not-to-exceed agreement value of $408,800.

Funding for this amendment is available in the Water Services Department's Operating budget.

Concurrence/Previous Council Action
The City Council approved Inspection and Repair of Hoist and Crane Agreement 150346 (Ordinance S-45797) on June 19, 2019.

Responsible Department
This item is submitted by Deputy City Manager Karen Peters and the Water Services Department.

City of Phoenix

Report

Agenda Date: 11/3/2021, **Item No.** 35

Anchor Point Inspection Testing and Repair Services Agreement - Request for Award (Ordinance S-48084)

Request to authorize the City Manager, or his designee, to enter into an agreement with PK Industries LLC to provide Anchor Point Inspection Testing and Repair Services for the purpose of conducting load-testing, inspections and repairs of the sockets and surrounding matrix used for safety hoisting and tie-down. Further request to authorize for the City Controller to disburse all funds related to this item. The total value of the agreement will not exceed $1 million.

Summary

The purpose of the agreement is to conduct anchor point load-testing inspections and repair of the sockets and surrounding matrix located throughout Water Services Department buildings. All parts, control systems and safety requirements must be inspected annually to ensure they are in safe operating condition, in accordance with Occupational Safety and Health Administration (OSHA) requirements. OSHA mandates that acceptable anchor points be in safe operating condition with the capability of supporting 5,000 pounds of force per person tied to the device.

Procurement Information

The recommendation was made using an Invitation for Bid procurement process in accordance with City of Phoenix Administrative Regulation 3.10.

Four vendors submitted bids and are listed below. Three bids were found to be responsive and responsible.

Selected Bidder
PK Industries LLC: $118,225

Other Bidders
Safeguard US, Inc.: $39,574
ASR Crane: $130,130
Gravitec Systems: $281,298

Contract Term
The agreement will be for a five-year aggregate term beginning on Dec. 1, 2021.

Financial Impact
The agreement value for PK Industries LLC will not exceed a total aggregate value of $1 million.

Funding is available in the Water Services Department Operating and Capital Improvement Program budgets.

Responsible Department
This item is submitted by Deputy City Manager Karen Peters and the Water Services Department.

City of Phoenix

Report

Agenda Date: 11/3/2021, **Item No.** 36

Final Plat - Broadstone Uptown - PLAT 210009 - Camelback Road East of 7th Avenue

Plat: 210009
Project: 19-304
Name of Plat: Broadstone Uptown
Owner(s): CRP/AR Uptown Phx Owner, LLC
Engineer(s): David S. Klein, RLS
Request: A 1 Lot Commercial Plat
Reviewed by Staff: Oct. 4, 2021
Final Plat requires Formal Action Only

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

Location
Generally located at Camelback Road east of 7th Avenue.
Council District: 4

Responsible Department
This item is submitted by Deputy City Manager Ginger Spencer and the Planning and Development Department.

City of Phoenix

Report

Agenda Date: 11/3/2021, **Item No.** 37

Final Plat - Larkey Subdivision - PLAT 210037 - East of 23rd Avenue and North of South Mountain Avenue

Plat: 210037
Project: 20-3374
Name of Plat: Larkey Subdivision
Owner(s): Cheryl B. Larkey Trust
Engineer(s): Michael A. Banta, RLS
Request: A 33 Lot Residential Plat
Reviewed by Staff: Oct. 4, 2021
Final Plat requires Formal Action Only

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

Location
Generally located approximately 660 feet east of 23rd Avenue, north of South Mountain Avenue.
Council District: 8

Responsible Department
This item is submitted by Deputy City Manager Ginger Spencer and the Planning and Development Department.

City of Phoenix

Report

Agenda Date: 11/3/2021, **Item No.** 38

Map of Dedication - 59th & Baseline, LLC - MOD 210002 - Southeast Corner of 59th Avenue and Baseline Road

Map of Dedication: 210002
Project: 18-189
Name of MOD: 210002
Owner(s): 59th and Baseline, LLC
Engineer(s): Alliance Land Surveying
Request: Map of Dedication
Reviewed by Staff: Oct. 4, 2021
Final Map of Dedication requires Formal Action Only

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

Location
Generally located at the southeast corner of 59th Avenue and Baseline Road.
Council District: 8

Responsible Department
This item is submitted by Deputy City Manager Ginger Spencer and the Planning and Development Department.

City of Phoenix

Report

Agenda Date: 11/3/2021, **Item No.** 39

Amend City Code - Ordinance Adoption - Rezoning Application Z-37-21-4 - Approximately 207 Feet North of the Northeast Corner of 17th Avenue and Colter Street (Ordinance G-6911)

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-37-21-4 and rezone the site from R-3 (Multifamily Residence District) to WU Code T4:2 SL (Walkable Urban Code, Transect 4:2, Transit Solano Character Area) to allow multifamily residential.

Summary

Current Zoning: R-3
Proposed Zoning: WU Code T4:2 SL
Acreage: 0.50 acres
Proposed Use: Multifamily residential

Applicant: Ryker I, LLC/Scott Evans
Owner: Ryker I, LLC/Scott Evans
Representative: Withey Morris, PLC/William F. Allison

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Alhambra Village Planning Committee heard this case on Sept. 28, 2021 and recommended approval, per the staff recommendation, by a vote of 11-0.
PC Action: The Planning Commission heard this case on Oct. 7, 2021 and recommended approval, per the Alhambra Village Planning Committee recommendation, with additional stipulations, by a vote of 9-0.

Location

Approximately 207 feet north of the northeast corner of 17th Avenue and Colter Street
Council District: 4
Parcel Address: 5223 N. 17th Ave.

Responsible Department

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

ATTACHMENT A

THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL, ADOPTED ORDINANCE

ORDINANCE G-

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (Z-37-21-4) FROM R-3 (MULTIFAMILY RESIDENCE DISTRICT) TO WU CODE T4:2 SL (WALKABLE URBAN CODE, TRANSECT 4:3, TRANSIT SOLANO CHARACTER AREA).

_____

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

SECTION 1. The zoning of a 0.50-acre site located approximately 207 feet north of the northeast corner of 17th Avenue and Colter Street, in a portion of Section 18, Township 2 North and Range 3 East, as described more specifically in Exhibit “A”, is hereby changed from “R-3” (Multifamily Residence District) to “WU Code T4:2 SL” (Walkable Urban Code, Transect 4:3, Transit Solano Character Area).

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

SECTION 3. Due to the site’s specific physical conditions and the use district applied for by the applicant, this rezoning is subject to the following stipulations,

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violation of which shall be treated in the same manner as a violation of the City of Phoenix Zoning Ordinance:

1. Prior to the issuance of a Certificate of Occupancy for any units beyond seven, the developer shall detach the public sidewalk in compliance with Chapter 1312(E)(1)(c) of the Phoenix Zoning Ordinance and provide a minimum 75 percent shade, as approved by the Planning and Development Department. Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with the creation of a comfortable pedestrian environment. If the site plan is modified in accordance with Stipulation No. 4, the conditions of this stipulation shall be superseded by the provisions of the Walkable Urban Code.

2. Prior to the issuance of a Certificate of Occupancy for any units beyond seven, the developer shall provide secure bicycle parking for residents at a rate of 0.25 spaces per unit and Inverted-U style racks for 4 bicycles per the installation requirements of Chapter 13 of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. If the site plan is modified in accordance with Stipulation No. 4, the conditions of this stipulation shall be superseded by the provisions of the Walkable Urban Code.

3. Prior to the issuance of a Certificate of Occupancy for any units beyond seven, all on-site pedestrian pathways and required amenity areas shall be shaded to a minimum 50 percent through vegetative methods, as approved by the Planning and Development Department. If the site plan is modified in accordance with Stipulation No. 4, the conditions of this stipulation shall be superseded by the provisions of the Walkable Urban Code.

4. A conceptual site plan and elevations shall be administratively approved by the Planning Hearing Officer prior to preliminary site plan approval with specific regard to the inclusion of the below elements for any expansion or modification to the buildings on the site exceeding 10 percent from the site plan date stamped June 11, 2021. This review is for conceptual purposes only. Specific development standards and requirements will be determined by the Planning and Development Department.

    a. Shaded and detached sidewalks.

    b. Frontage types oriented to 17th Avenue.

    c. Maximum building setbacks of 15 feet along 17th Avenue.

    d. Minimum building setbacks of 15 feet along the east property line.

5. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping, and other incidentals, as per plans approved by

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the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.

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

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

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

PASSED by the Council of the City of Phoenix this 3rd day of November, 2021.

_____
MAYOR

ATTEST:

_____
Denise Archibald, City Clerk

APPROVED AS TO FORM:
Cris Meyer, City Attorney

By:
_____
_____

REVIEWED BY:

DRAFT

_____
Jeff Barton, City Manager

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

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EXHIBIT A

LEGAL DESCRIPTION FOR Z-37-21-4

Located in the Northeast Quarter of the Southwest Quarter of Section 18, Township 2 North, Range 3 East, Gila and Salt River Meridian, Maricopa County, Arizona.

Being a portion of Lot 5 & 6, Block 2 as shown on the Final Plat of Nile Tract, recorded in Book 14, Page 9, Maricopa County Records;

Commencing at the Southwest corner of said Northeast Quarter, from which the Southeast corner of said Northeast Quarter bears North 90°00’00” East;

Thence North 00°43'34" West, along the West line of said Northeast Quarter, a distance of 224.94 feet to the Point of Beginning;

Thence continuing along said West line, North 00°43'34" West, a distance of 120.00 feet to a line which is coincident with the North line of the South half of said Lot 5 and 6;

Thence departing said West line, North 89°59'58" East, along said coincident line and said North line a distance of 181.10 feet to the West line of the Final Plat for Colter Close, recorded in Book 525, Page 9, Maricopa County Records;

Thence departing said North line, South 00°43'34" East, along last said West line, a distance of 120.00 feet to the North line of that certain parcel of land as described in Special Warranty Deed document number 2019- 0811644, Maricopa County Records;

Thence departing said West line, South 89°59'58" West, along last said North line, a distance of 181.10 feet to the Point of Beginning.

Containing 21,730.25 square feet or 0.50 acres, more or less.

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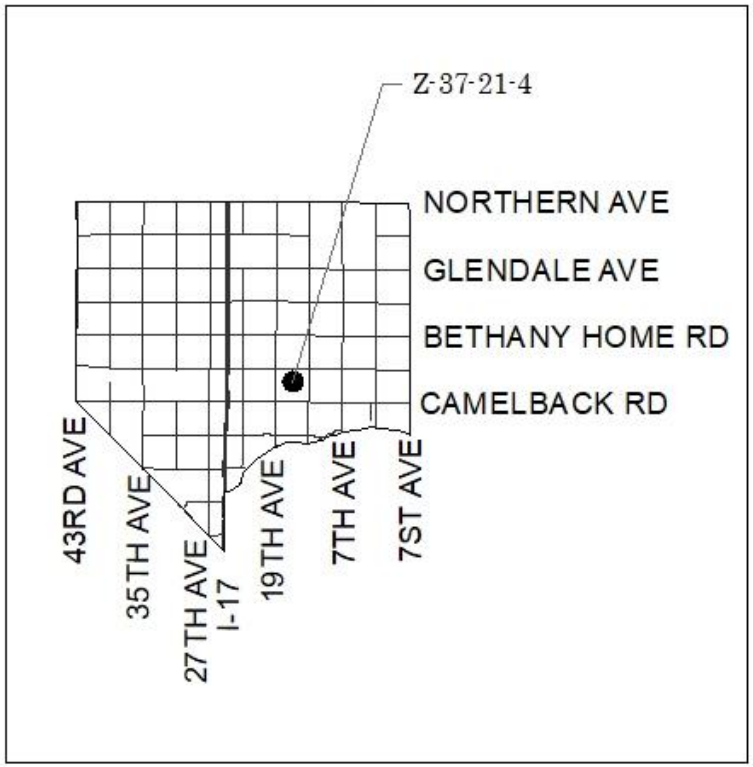
ORDINANCE LOCATION MAP

EXHIBIT B

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

Zoning Case Number: Z-37-21-4
Zoning Overlay: N/A
Planning Village: Alhambra





NOT TO SCALE



Drawn Date: 10/22/2021

\\one\pdd\Shared\Department Share\Information Systems\PLGIS\IS_Team\Core_Functions\Zoning\SuppMaps_OrdMaps\2021 Ord\11-3-21\Z-37-21-4.mxd

City of Phoenix

Report

Agenda Date: 11/3/2021, **Item No.** 40

Amend City Code - Ordinance Adoption - Rezoning Application Z-46-21-4 - Approximately 240 Feet West of the Southwest Corner of 7th Street and Palm Lane (Ordinance G-6910)

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-46-21-4 and rezone the site from C-O (Commercial Office) and P-1 (Parking District) to WU Code T4:3 MT (Walkable Urban Code, Transect 4:3, Transit Midtown Character Area) to allow single-family detached residences.

Summary

Current Zoning: C-O (Commercial Office) (0.71 acres) and P-1 (Parking District) (0.32 acres)
Proposed Zoning: WU Code T4:3 MT (Walkable Urban Code, Transect 4:3, Transit Midtown Character Area)
Acreage: 1.03 acres
Proposed Use: Single-family detached residences.

Owner: Goldwater Institute
Applicant: David Kitnick, Rosewood Homes, LLC
Representative: George Pasquel, III, Withey Morris, PLC

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Encanto Village Planning Committee heard this case on Oct. 4, 2021 and recommended approval, per the staff recommendation with direction by a vote of 11-0.
PC Action: The Planning Commission heard this case on Oct. 7, 2021 and recommended approval, per the Encanto Village Planning Committee recommendation with an additional stipulation by a vote of 9-0.

Location

Approximately 240 feet west of the southwest corner of 7th Street and Palm Lane
Council District: 4
Parcel Address: No address

Responsible Department

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

ATTACHMENT A

THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL, ADOPTED ORDINANCE

ORDINANCE G-

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (Z-46-21-4) FROM C-O (COMMERCIAL OFFICE) AND P-1 (PARKING DISTRICT) TO WU CODE T4:3 MT (WALKABLE URBAN CODE, TRANSECT 4:3, TRANSIT MIDTOWN CHARACTER AREA).

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

SECTION 1. The zoning of a 1.03 acre site located approximately 240 feet west of the southwest corner of 7th Street and Palm Lane, in a portion of Section 32, Township 2 North and Range 3 East, as described more specifically in Exhibit “A”, is hereby changed from 0.71-acres of “C-O” (Commercial Office) and 0.32-acres of “P-1” (Parking District) to WU Code T4:3 MT (Walkable Urban Code, Transect 4:3, Transit Midtown Character Area).

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

SECTION 3. Due to the site’s specific physical conditions and the use district applied for by the applicant, this rezoning is subject to the following stipulations,

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violation of which shall be treated in the same manner as a violation of the City of Phoenix Zoning Ordinance:

1. The mature California Fan Palms shall be preserved within the Palm Lane right-of-way, as approved or modified by the Planning and Development Department Landscape Architect. This stipulation shall not preclude the relocation of mature California Fan Palms within the right-of-way.

2. The developer shall pave the alley per the local street standards from western project boundary to 7th Street, as approved by the Planning and Development Department.

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

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

5. The developer shall grant and record an avigation easement to the City of Phoenix for the site, per the content and form prescribed by the City Attorney prior to final site plan approval.

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

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

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

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the

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decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 3rd day of November, 2021.

_____
MAYOR

ATTEST:

_____
Denise Archibald, City Clerk

APPROVED AS TO FORM:
Cris Meyer, City Attorney

By:
_____
_____

REVIEWED BY:

_____
Jeff Barton, City Manager

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

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EXHIBIT A

LEGAL DESCRIPTION FOR Z-46-21-4

LOT 1 OF “GOLDWATER INSTITUTE” AS RECORDED IN BOOK 516 OF MAPS, PAGE 35 IN THE RECORDS OF MARICOPA COUNTY, COUNTY OF MARICOPA, STATE OF ARIZONA ALSO BEING IN SECTION 32, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA

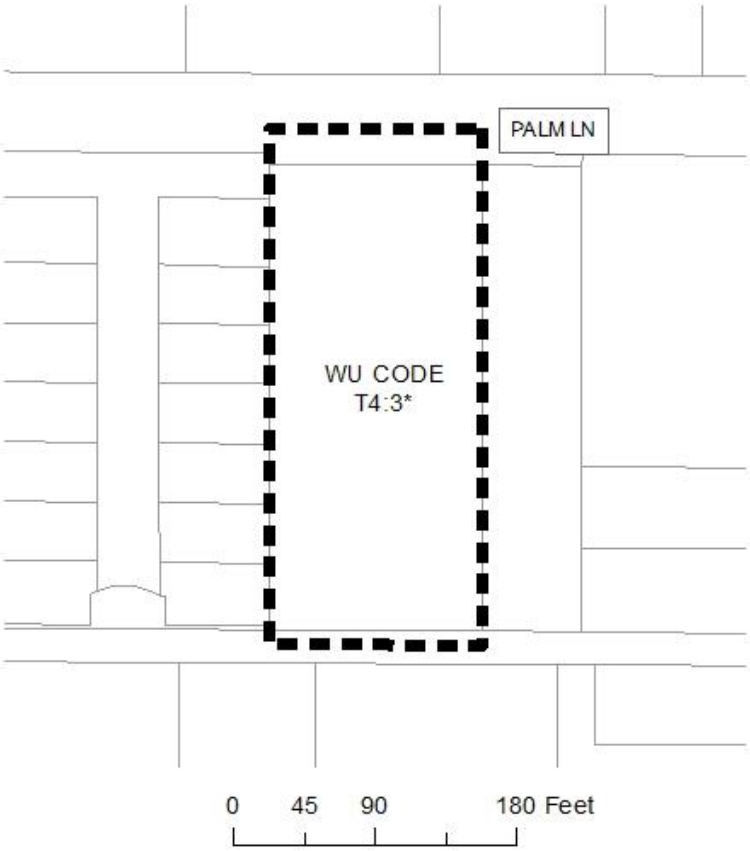
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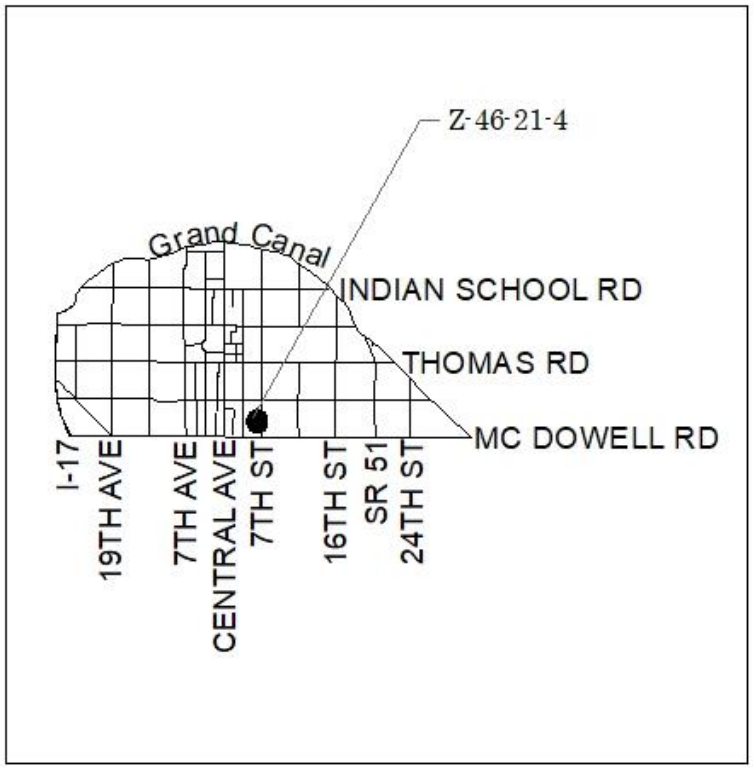
ORDINANCE LOCATION MAP

EXHIBIT B

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

Zoning Case Number: Z-46-21-4
Zoning Overlay: N/A
Planning Village: Encanto





NOT TO SCALE



Drawn Date: 9/30/2021

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City of Phoenix

Report

Agenda Date: 11/3/2021, **Item No.** 41

Amend City Code - Ordinance Adoption - Rezoning Application Z-36-21-6 - Approximately 565 Feet South of the Southeast and Southwest Corners of 13th Place and Colter Street (Ordinance G-6909)

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-36-21-6 and rezone the site from C-2 SP (Intermediate Commercial District, Special Permit) to R-3 (Multifamily Residence District) to allow multifamily residential.

Summary

Current Zoning: C-2 SP (Intermediate Commercial District, Special Permit)
Proposed Zoning: R-3 (Multifamily Residence District)
Acreage: 0.27 acres
Proposal: Multifamily residential

Owner: Koppinger, Kantak, and Parks
Applicant: Bernard Jantak III and Elizabeth Y. Koppinger
Representative: William F. Allison, Withey Morris, PLC

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Camelback East Village Planning Committee heard this case on Sept. 7, 2021 and recommended approval, per the staff recommendation, by a vote of 13-0.
PC Action: The Planning Commission heard this case on Oct. 7, 2021 and recommended approval, per the Camelback East Village Planning Committee recommendation with an additional stipulation, by a vote of 9-0.

Location

Approximately 565 feet south of the southeast and southwest corners of 13th Place and Colter Street
Council District: 6
Parcel Address: 5122 and 5125 N. 13th Place

Responsible Department

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

ATTACHMENT A

THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL, ADOPTED ORDINANCE

ORDINANCE G-

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-36-21-6) FROM C-2 SP (INTERMEDIATE COMMERCIAL DISTRICT, SPECIAL PERMIT) TO R-3 (MULTIFAMILY RESIDENCE DISTRICT).

_____

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

SECTION 1. The zoning of a 0.27 acre site located approximately 565 feet south of the southeast and southwest corners of 13th Place and Colter Street in a portion of Section 16, Township 2 North, Range 3 East, as described more specifically in Exhibit “A”, is hereby changed from “C-2 SP” (Intermediate Commercial District, Special Permit) to “R-3” (Multifamily Residence District).

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

SECTION 3. Due to the site’s specific physical conditions and the use district applied for by the applicant, this rezoning is subject to the following stipulations,

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violation of which shall be treated in the same manner as a violation of the City of Phoenix Zoning Ordinance:

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

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

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

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

PASSED by the Council of the City of Phoenix this 3rd day of November, 2021.

_____
MAYOR

ATTEST:

_____
Denise Archibald, City Clerk

APPROVED AS TO FORM:
Cris Meyer, City Attorney

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By:

_____
_____

REVIEWED BY:

_____
Jeff Barton, City Manager

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

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EXHIBIT A

LEGAL DESCRIPTION FOR Z-36-21-6

A PORTION OF SECTION 16, TOWNSHIP 2N, RANGE 3E.

TRACT A OF THE FINAL PLAT OF ABC NISSAN EXPANSION, RECORDED AS INSTRUMENT NO. 2005-0223440 IN THE OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA, BOOK 731, PAGE 3.

TRACT B OF FINAL PLAT OF ABC NISSAN EXPANSION, RECORDED AS INSTRUMENT NO. 2005-0223440 IN THE OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA, BOOK 731, PAGE 3.

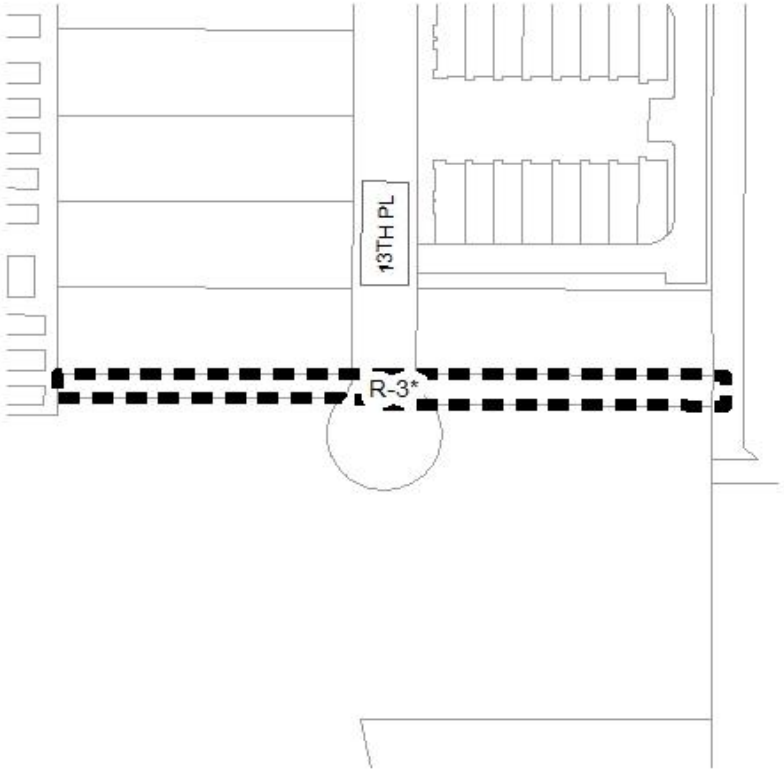
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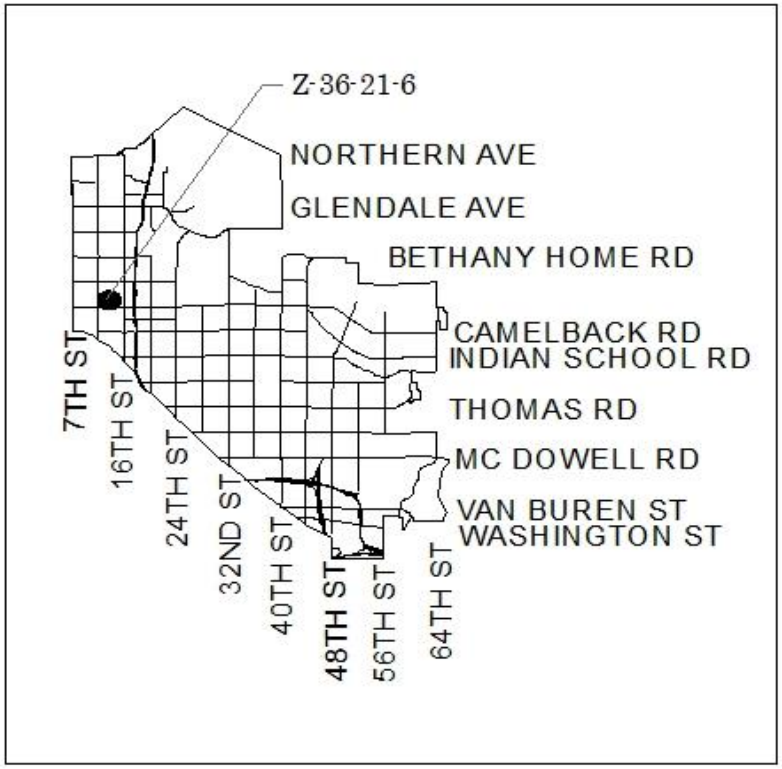
ORDINANCE LOCATION MAP

EXHIBIT B

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

Zoning Case Number: Z-36-21-6
Zoning Overlay: N/A
Planning Village: Camelback East





NOT TO SCALE

N

Drawn Date: 9/30/2021

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City of Phoenix

Report

Agenda Date: 11/3/2021, **Item No.** 42

Amend City Code - Ordinance Adoption - Rezoning Application Z-39-21-6 - Approximately 180 Feet South of the Southeast Corner of 44th Street and Clarendon Avenue (Ordinance G-6908)

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-39-21-6 and rezone the site from R1-10 (Single-Family Residence District) to R-O (Residential Office - Restricted Commercial District) to allow an office.

Summary

Current Zoning: R1-10 (Single-Family Residence District)
Proposed Zoning: R-O (Residential Office - Restricted Commercial District)
Acreage: 0.48 acres
Proposal: Office

Applicant: Brent Nardecchia, High Place Investments, LLC
Owner: High Place Investments, LLC
Representative: Rod Jarvis, Earl & Curley, P.C.

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Camelback East Village Planning Committee heard this case on Sept. 7, 2021 and recommended approval, per the staff recommendation, by a vote of 14-0.
PC Action: The Planning Commission heard this case on Oct. 7, 2021 and recommended approval, per the Camelback East Village Planning Committee recommendation with an additional stipulation, by a vote of 9-0.

Location

Approximately 180 feet south of the southeast corner of 44th Street and Clarendon Avenue
Council District: 6
Parcel Address: 3609 N. 44th St.

Responsible Department

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

ATTACHMENT A

THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL, ADOPTED ORDINANCE

ORDINANCE G-

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-39-21-6) FROM R1-10 (SINGLE-FAMILY RESIDENCE DISTRICT) TO R-O (RESIDENTIAL OFFICE – RESTRICTED COMMERCIAL DISTRICT).

_____

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

SECTION 1. The zoning of a 0.48 acre site located approximately 180 feet south of the southeast corner of 44th Street and Clarendon Avenue in a portion of Section 30, Township 2 North, Range 4 East, as described more specifically in Exhibit "A", is hereby changed from "R1-10" (Single-Family Residence District) to "R-O" (Residential Office – Restricted Commercial District).

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

SECTION 3. Due to the site's specific physical conditions and the use district applied for by the applicant, this rezoning is subject to the following stipulations,

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violation of which shall be treated in the same manner as a violation of the City of Phoenix Zoning Ordinance:

1. The development shall be in general conformance with the elevations date stamped June 14, 2021, as modified by the following stipulations and approved by the Planning and Development Department.

2. The public sidewalk along 44th Street shall be detached with a landscape strip located between the sidewalk and back of curb following the most recent Cross Section of the Street Classification Map and planted to the following standards, as approved by the Planning and Development Department.

    a. Minimum 2-inch caliper shade trees that provide a minimum 75 percent shade at maturity.

    b. Drought tolerant vegetation maintained at a maximum mature height of 24 inches and achieve minimum 75 percent live coverage.

3. A minimum 20-foot landscape setback shall be required adjacent to 44th Street and shall include large canopy shade trees 20 feet on center or in equivalent groupings between the sidewalk and proposed site development, as approved by the Planning and Development Department. Twenty-five percent of the trees shall be minimum four-inch caliper and 75 percent of the trees shall be minimum three-inch caliper. Five, five-gallon shrubs per tree, and additional shrubs or live groundcover, shall provide minimum 75 percent live cover at mature size, as approved by the Planning and Development Department.

4. A minimum 4-foot landscape setback shall be required along the eastern property line. This setback shall be planted with minimum 8-foot-tall shrubs or plants to provide a tall vegetative buffer from adjacent single-family residences to the east, as approved by the Planning and Development Department.

5. All uncovered surface parking lot areas shall be landscaped with minimum 2-inch caliper drought-tolerant shade trees. Landscaping shall be dispersed throughout the parking area and achieve 25 percent shade at maturity, as approved by Planning and Development Department. Shade may be provided with a combination of trees and structural shade.

6. There shall be no internally lit signs on the site. Signage shall be approved by the Planning and Development Department.

7. A minimum of four bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near building entrances and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.

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8. Clearly defined, accessible pedestrian pathways shall be provided to connect building entrances and public sidewalks, using the most direct route for pedestrians, as approved by the Planning and Development Department.

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

10. Trees shall be placed to provide 75 percent shade coverage on all pedestrian paths and sidewalks at full maturity, as approved by the Planning and Development Department. Shade structures may be used to meet the shade requirement in places where trees are unable to be located.

11. The developer shall record a cross-access agreement for any shared access drives along 44th Street.

12. The developer shall dedicate a 10-foot sidewalk easement and construct a minimum 5-foot-wide sidewalk and landscape strip along 44th Street, as approved by the Planning and Development Department.

13. The developer shall construct all streets within and 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 the current ADA Guidelines.

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

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

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

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PASSED by the Council of the City of Phoenix this 3rd day of November, 2021.

_____
MAYOR

ATTEST:

_____
Denise Archibald, City Clerk

APPROVED AS TO FORM:
Cris Meyer, City Attorney

By:
_____
_____

REVIEWED BY:

_____
Jeff Barton, City Manager

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

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EXHIBIT A

LEGAL DESCRIPTION FOR Z-39-21-6

TRACT ‘A’ OF RANCHO VENTURA PER MCR 60-37
3609 N. 44TH STREETT, PHOENIX, AZ 85018

SITUATED IN SECTION 30, T.2N., R.4E., OF THE G&S.R.B.&M.,
CITY OF PHOENIX, MARICOPA COUNTY, ARIZONA

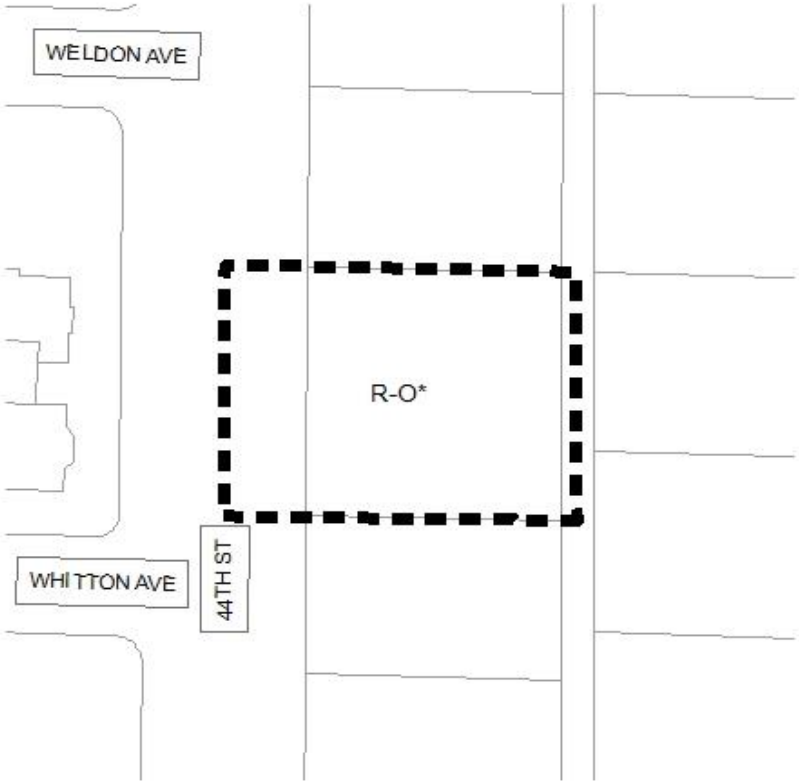
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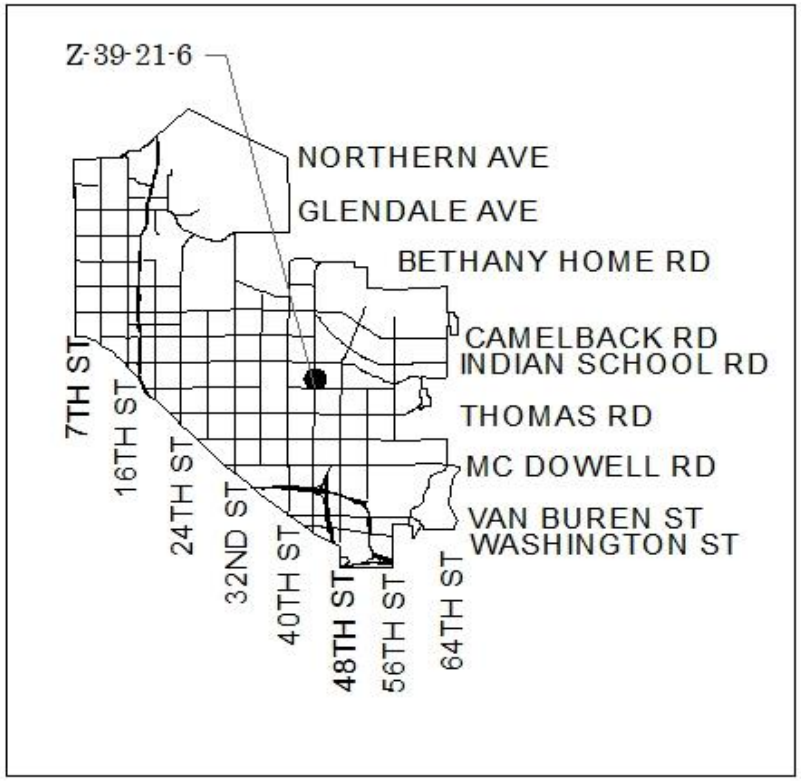
ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA:

Zoning Case Number: Z-39-21-6
Zoning Overlay: N/A
Planning Village: Camelback East





NOT TO SCALE

N

Drawn Date: 9/30/2021

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City of Phoenix

Report

Agenda Date: 11/3/2021, **Item No.** 43

Amend City Code - Ordinance Adoption - Rezoning Application Z-15-21-7 - Southeast Corner of 67th Avenue and Broadway Road (Ordinance G-6912)

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-15-21-7 and rezone the site from S-1 (Approved C-1) (Ranch or Farm Residence District, Approved Neighborhood Retail District) and S-1 (Ranch or Farm Residence District) to C-2 (Intermediate Commercial District) to allow commercial uses. This is a companion case to Z-SP-1-21 -7 and should be heard first, followed by Z-SP-1-21-7.

Summary

Current Zoning: S-1 (Approved C-1) (7.26 acres) and S-1 (0.37 acres)
Proposed Zoning: C-2
Acreage: 7.63 acres
Proposed Use: Commercial uses

Applicant: EAPC Architects Engineers, Michelle Bach
Owner: STORAGExperts at 6649 West Broadway, LLC
Representative: EAPC Architects Engineers, Michelle Bach

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Estrella Village Planning Committee was scheduled to hear this case on Sept. 21, 2021. No recommendation was made due to a lack of quorum.
PC Action: The Planning Commission heard this case on Oct. 7, 2021 and recommended approval, per the staff recommendation with an additional stipulation, by a vote of 9-0.

Location

Southeast corner of 67th Avenue and Broadway Road
Council District: 7
Parcel Address: 6649 W. Broadway Road

Responsible Department

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

ATTACHMENT A

THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL, ADOPTED ORDINANCE

ORDINANCE G-

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-15-21-7) FROM S-1 (APPROVED C-1) (RANCH OR FARM RESIDENCE DISTRICT, APPROVED NEIGHBORHOOD RETAIL DISTRICT) AND S-1 (RANCH OR FARM RESIDENCE DISTRICT) TO C-2 (INTERMEDIATE COMMERCIAL DISTRICT).

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

SECTION 1. The zoning of a 7.63-acre site located at the southeast corner of 67th Avenue and Broadway Road in a portion of Section 30, Township 1 North, Range 2 East, as described more specifically in Exhibit “A”, is hereby changed from 7.26 acres of “S-1 (Approved C-1)” (Ranch or Farm Residence District, Approved Neighborhood Retail District) and 0.37-acres of “S-1” (Ranch or Farm Residence District) to “C-2” (Intermediate Commercial District).

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

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

1. The development shall be in general conformance with the site plan date stamped July 26, 2021, except as noted in the stipulations, and approved by the Planning and Development Department. Additionally, if the existing water and sewer easement along 67th Avenue is not approved to be abandoned through a separate process, the western portion of Building C, within the self-storage portion of the site, must be modified to remove the building from the easement.

2. Buildings A through C shall be in general conformance with the building elevations date stamped July 26, 2021. Building elevations for Building Pads A and B as depicted in the conceptual site plan dated July 26, 2021, shall be developed to the following standards, as approved by the Planning and Development Department:

    a. Building elevations shall contain multiple colors, exterior accent materials and textural changes that exhibit quality and durability such as brick, stone, colored textured concrete or stucco, or other materials to provide a decorative and aesthetic treatment.

    b. Building elevations adjacent and oriented to public streets, shall contain a minimum of 25 percent brick, masonry, stone or another exterior accent material that exhibits quality and durability.

    c. All building elevations shall contain architectural embellishments and detailing such as textural changes, pilasters, offsets, recesses, variation in window size and location, and/or overhang canopies.

    d. Pitched roofs, elements or facades shall be incorporated in all buildings.

3. The development shall conform with the Estrella Village Arterial Street Landscaping Program landscape palette and landscaping standards along arterial streets in the Estrella Village, except as otherwise noted herein, as approved by the Planning and Development Department.

4. A minimum 500-square foot landscaped accent area shall be provided at the corner of 67th Avenue and Broadway Road. The landscaped accent area shall provide a visually unique character with drought-tolerant plant materials providing seasonal interest and 75 percent live cover, as approved by the Planning and Development Department.

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5. Evergreen trees shall be planted within the landscape setbacks along the south and east perimeter of the site, as approved by the Planning and Development Department.

6. All perimeter walls visible from the streets shall include material and textural differences, such as stucco and/or split face block with a decorative element, such as tile or stamped designs, as approved by the Planning and Development Department.

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

8. The following pedestrian shade standards shall be met as described below and as approved or modified by the Planning and Development Department:

    a. The bus stop along Broadway Road shall be shaded to a minimum of 50 percent;

    b. Pedestrian walkways connecting the commercial buildings to adjacent public sidewalks shall be shaded to a minimum of 75 percent using large canopy drought tolerant shade trees at maturity and/or architectural shade;

    c. The multi-use trail (MUT) along 67th Avenue shall be shaded to a minimum 50 percent by vegetative shade at maturity.

9. A system of pedestrian thoroughfares shall be provided, as described below and as approved or modified by the Planning and Development Department:

    a. Connections between the following via the most direct route:

        (1) All building entrances.

        (2) Adjacent public sidewalks.

        (3) The bus stop along Broadway Road.

    b. Where pedestrian walkways cross a vehicular path, the pathway shall be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrasts parking and drive aisle surfaces. Vehicular crossings shall be kept to a minimum.

10. The development shall incorporate bicycle infrastructure, as described below and as approved by the Planning and Development Department.

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a. A minimum of four bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near the main building entrances of Building A, Pad A and Pad B as depicted in the conceptual site plan dated July 26, 2021 and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.

b. One bicycle repair station ("fix it station") shall be provided and maintained within close proximity to building Pad A, as depicted in the conceptual site plan date stamped July 26, 2021. The bicycle repair station ("fix it station") shall be provided in an area of high visibility and separated from vehicular maneuvering areas, where applicable. The repair station shall include: standard repair tools affixed to the station; a tire gauge and pump affixed to the base of the station or the ground; and a bicycle repair stand which allows pedals and wheels to spin freely while making adjustments to the bike.

11. The developer shall dedicate a 30-foot wide multi-use trail easement (MUTE) along the east side of 67th Avenue and construct a minimum 10-foot wide multi-use trail (MUT) within the easement, in accordance with the MAG supplemental detail indicated in Section 429 and as approved by the Planning and Development Department.

12. The Public Transit Department requests dedication of right-of-way and construction one bus bay with an attached bus stop pad along eastbound Broadway Road east of 67th Avenue. The bus bay shall be constructed according to City of Phoenix Standard Detail P1256. The attached bus stop pad shall be constructed according to City of Phoenix Standard Detail P1261 with a minimum depth of 10 feet. The bus stop pad shall be spaced from the intersection of 67th Avenue and Broadway Road according to City of Phoenix Standard Detail P1258, as approved by the Planning and Development Department.

13. All sidewalks along 67th Avenue and Broadway Road shall be detached with a landscape strip located between the sidewalk and back of curb following the most recent Cross Section of the Street Classification Map and planted to the following standards, as approved and/or modified by the Planning and Development Department and/or Maricopa County Department of Transportation (MCDOT).

a. Minimum 2-inch caliper single-trunk large canopy drought-tolerant shade trees to provide a minimum 75 percent shade.

b. Drought tolerant vegetation maintained no higher than 24 inches to provide a minimum of 75 percent live coverage at maturity.

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c. The landscape palette and planting standards, unless otherwise provided herein, shall conform with the Estrella Village Arterial Street Landscaping Program requirements for arterial streets.

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

14. The developer shall dedicate 55 feet of right-of-way for the south side of Broadway Road, as approved by the Planning and Development Department and/or Maricopa County Department of Transportation (MCDOT).

15. The developer shall dedicate 55 feet of right-of-way for the east half of 67th Avenue, as approved by the Planning and Development Department and/or Maricopa County Department of Transportation (MCDOT).

16. The developer shall construct a 14-foot-wide landscaped median island along 67th Avenue, as approved by the Street Transportation Department and/or Maricopa County Department of Transportation (MCDOT).

17. The developer shall submit a Traffic Impact Study, including a Traffic Signal Warrant Analysis, to the City for this development. No preliminary approval of plans shall be granted until the study is reviewed and approved by the City. Contact the Street Transportation Department, to set up a meeting to discuss the requirements of the study. Upon completion of the TIS the developer shall submit the completed TIS to the Planning and Development Department counter with instruction to forward the study to the Street Transportation Department, Office of the City Engineer.

18. If the approved Traffic Impact Study with signal warrant analysis recommends deferring signal installation to a future volume condition, provide conduit and junction boxes at the southeast corner of 67th Avenue and Broadway Road. The developer shall provide 25 percent of the cost of the future traffic signal in an escrow account with the Street Transportation Department. Contact the Street Transportation Department to set up an account. If the TIS recommends the installation of the signal with this development, the developer shall install the signal, at their expense.

19. All street improvements outside of the Phoenix City Limits shall be reviewed and approved by Maricopa County. Provide documentation of county approval prior to preliminary site plan submittal, as approved by the Planning and Development Department.

20. A Red Border letter shall be processed for this development, as determined by the Planning and Development Department.

21. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights,

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median islands, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.

22. Prior to final site plan approval, the property owner shall record documents that disclose to purchasers of property within the development(s) the existence and operational characteristics of a dairy farm (west) and roping/rodeo arena (north). The form and content of such documents shall be reviewed and approved by the City Attorney.

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

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

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

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

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

PASSED by the Council of the City of Phoenix this 3rd day of November, 2021.

_____
MAYOR

ATTEST:

DRAFT

_____
Denise Archibald, City Clerk

APPROVED AS TO FORM:
Cris Meyer, City Attorney

By:

_____
_____

REVIEWED BY:

_____
Jeff Barton, City Manager

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

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EXHIBIT A

LEGAL DESCRIPTION FOR Z-15-21-7

The Northwest Quarter of the Northwest Quarter of Section 30, Township 1 North, Range 2 East of the G&SRB&M, except the South 30 feet of the East 100 feet and except the East 30 feet of the North 270 feet of the South 300 feet for ditch purposes, and except the North 40 feet and the West 33 feet for roads; and

The Northeast Quarter of the Northwest Quarter of Section 30, Township 1 North, Range 2 East of the G&SRB&M, except the North 40 feet for roads;

EXCEPT any portion of Parcels 1 and 2 conveyed by Grantor to D. R. Horton, Inc. - Dietz-Crane pursuant to Special Warranty Deed recorded as Instrument No. 2004-1498119, Records of Maricopa County, Arizona.

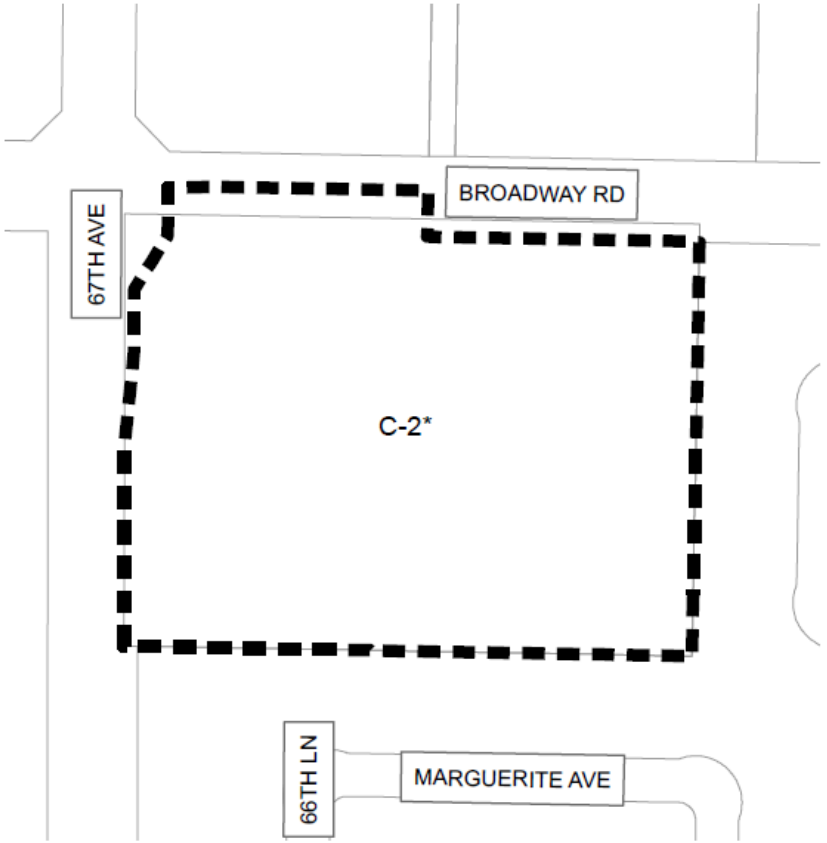
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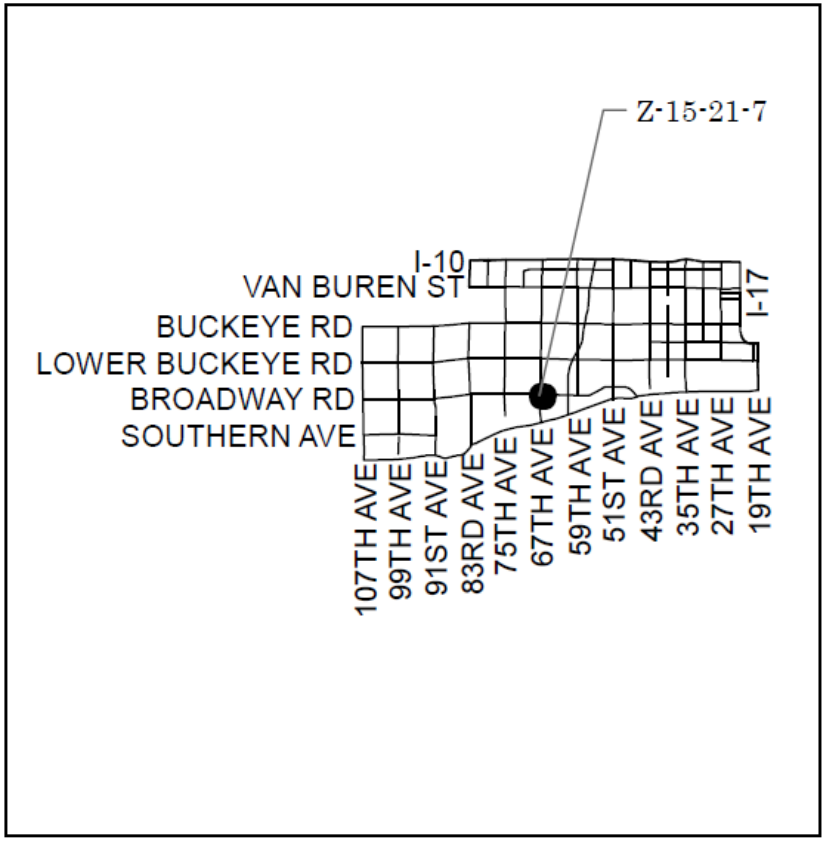
ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA:

Zoning Case Number: Z-15-21-7
Zoning Overlay: N/A
Planning Village: Estrella





NOT TO SCALE

N

Drawn Date: 9/30/2021

City of Phoenix

Report

Agenda Date: 11/3/2021, **Item No.** 44

Amend City Code - Ordinance Adoption - Rezoning Application Z-SP-1-21-7 - Southeast Corner of 67th Avenue and Broadway Road (Ordinance G-6913)

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-SP-1-21-7 and rezone the site from S-1 (Approved C-1) (Ranch or Farm Residence District, Approved Neighborhood Retail District), Pending C-2 (Intermediate Commercial District) and S-1 (Ranch or Farm Residence District), Pending C-2 (Intermediate Commercial District) to C-2 SP (Intermediate Commercial, Special Permit District) to allow a self-service storage warehouse and underlying commercial uses. This is a companion case to Z-15-21-7 and should be heard/ratified after Z-15-21-7.

Summary

Current Zoning: S-1 (Approved C-1) (Pending C-2) (7.26 acres) and S-1 (Pending C-2) (0.37 acres)
Proposed Zoning: C-2 SP
Acreage: 7.63 acres
Proposed Use: Self-service storage warehouse and underlying commercial uses

Applicant: EAPC Architects Engineers, Michelle Bach
Owner: STORAGExperts at 6649 West Broadway, LLC
Representative: EAPC Architects Engineers, Michelle Bach

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Estrella Village Planning Committee was scheduled to hear this case on Sept. 21, 2021. No recommendation was made due to a lack of quorum.
PC Action: The Planning Commission heard this case on Oct. 7, 2021 and recommended approval, per the staff recommendation with an additional stipulation, by a vote of 9-0.

Location

Southeast corner of 67th Avenue and Broadway Road
Council District: 7
Parcel Address: 6649 W. Broadway Road

Responsible Department

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

ATTACHMENT A

THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL, ADOPTED ORDINANCE

ORDINANCE G-

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-SP-21-7) FROM S-1, APPROVED C-1 (PENDING C-2) (RANCH OR FARM RESIDENCE DISTRICT, APPROVED NEIGHBORHOOD RETAIL DISTRICT, PENDING INTERMEDIATE COMMERCIAL DISTRICT) AND S-1 (PENDING C-2) (RANCH OR FARM RESIDENCE DISTRICT, PENDING INTERMEDIATE COMMERCIAL DISTRICT) TO C-2 SP (INTERMEDIATE COMMERCIAL DISTRICT, SPECIAL PERMIT).

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

SECTION 1. The zoning of a 7.63-acre site located at the southeast corner of 67th Avenue and Broadway Road in a portion of Section 30, Township 1 North, Range 2 East, as described more specifically in Exhibit “A”, is hereby changed from 7.26 acres of “S-1, Approved C-1, Pending C-2” (Ranch or Farm Residence District, Approved Neighborhood Retail District, Pending Intermediate Commercial District) and 0.37-acres of “S-1, Pending C-2” (Ranch or Farm Residence District, Pending Intermediate Commercial District) to “C-2 SP” (Intermediate Commercial

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district, Special Permit) to allow a self-service storage warehouse and underlying commercial uses.

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

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

1. The development shall be in general conformance with the site plan date stamped July 26, 2021, except as noted in the stipulations, and approved by the Planning and Development Department. Additionally, if the existing water and sewer easement along 67th Avenue is not approved to be abandoned through a separate process, the western portion of Building C, within the self-storage portion of the site, must be modified to remove the building from the easement.

2. Buildings A through C shall be in general conformance with the building elevations date stamped July 26, 2021. Building elevations for Building Pads A and B as depicted in the conceptual site plan date stamped July 26, 2021, shall be developed to the following standards, as approved by the Planning and Development Department:

    a. Building elevations shall contain multiple colors, exterior accent materials and textural changes that exhibit quality and durability such as brick, stone, colored textured concrete or stucco, or other materials to provide a decorative and aesthetic treatment.

    b. Building elevations adjacent and oriented to public streets, shall contain a minimum of 25 percent brick, masonry, stone or another exterior accent material that exhibits quality and durability.

    c. All building elevations shall contain architectural embellishments and detailing such as textural changes, pilasters, offsets, recesses, variation in window size and location, and/or overhang canopies.

    d. Pitched roofs, elements or facades shall be incorporated in all buildings.

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3. The development shall conform with the Estrella Village Arterial Street Landscaping Program landscape palette and landscaping standards along arterial streets in the Estrella Village, except as otherwise noted herein, as approved by the Planning and Development Department.

4. A minimum 500-square foot landscaped accent area shall be provided at the corner of 67th Avenue and Broadway Road. The landscaped accent area shall provide a visually unique character with drought-tolerant plant materials providing seasonal interest and 75 percent live cover, as approved by the Planning and Development Department.

5. Evergreen trees shall be planted within the landscape setbacks along the south and east perimeter of the site, as approved by the Planning and Development Department.

6. All perimeter walls visible from the streets shall include material and textural differences, such as stucco and/or split face block with a decorative element, such as tile or stamped designs, as approved by the Planning and Development Department.

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

8. The following pedestrian shade standards shall be met as described below and as approved or modified by the Planning and Development Department:

    a. The bus stop along Broadway Road shall be shaded to a minimum of 50 percent;

    b. Pedestrian walkways connecting the commercial buildings to adjacent public sidewalks shall be shaded to a minimum of 75 percent using large canopy drought tolerant shade trees at maturity and/or architectural shade;

    c. The multi-use trail (MUT) along 67th Avenue shall be shaded to a minimum 50 percent by vegetative shade at maturity.

9. A system of pedestrian thoroughfares shall be provided, as described below and as approved or modified by the Planning and Development Department:

    a. Connections between the following via the most direct route:

        (1) All building entrances.

        (2) Adjacent public sidewalks.

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(3) The bus stop along Broadway Road.

b. Where pedestrian walkways cross a vehicular path, the pathway shall be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrasts parking and drive aisle surfaces. Vehicular crossings shall be kept to a minimum.

10. The development shall incorporate bicycle infrastructure, as described below and as approved by the Planning and Development Department.

a. A minimum of four bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near the main building entrances of Building A, Pad A and Pad B as depicted in the conceptual site plan dated July 26, 2021 and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.

b. One bicycle repair station (“fix it station”) shall be provided and maintained within close proximity to building Pad A, as depicted in the conceptual site plan date stamped July 26, 2021. The bicycle repair station (“fix it station”) shall be provided in an area of high visibility and separated from vehicular maneuvering areas, where applicable. The repair station shall include: standard repair tools affixed to the station; a tire gauge and pump affixed to the base of the station or the ground; and a bicycle repair stand which allows pedals and wheels to spin freely while making adjustments to the bike.

11. The developer shall dedicate a 30-foot wide multi-use trail easement (MUTE) along the east side of 67th Avenue and construct a minimum 10-foot wide multi-use trail (MUT) within the easement, in accordance with the MAG supplemental detail indicated in Section 429 and as approved by the Planning and Development Department.

12. The Public Transit Department requests dedication of right-of-way and construction one bus bay with an attached bus stop pad along eastbound Broadway Road east of 67th Avenue. The bus bay shall be constructed according to City of Phoenix Standard Detail P1256. The attached bus stop pad shall be constructed according to City of Phoenix Standard Detail P1261 with a minimum depth of 10 feet. The bus stop pad shall be spaced from the intersection of 67th Avenue and Broadway Road according to City of Phoenix Standard Detail P1258, as approved by the Planning and Development Department.

13. All sidewalks along 67th Avenue and Broadway Road shall be detached with a landscape strip located between the sidewalk and back of curb following the most recent Cross Section of the Street Classification Map and planted to the

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following standards, as approved and/or modified by the Planning and Development Department and/or Maricopa County Department of Transportation (MCDOT).

a. Minimum 2-inch caliper single-trunk large canopy drought-tolerant shade trees to provide a minimum 75 percent shade.

b. Drought tolerant vegetation maintained no higher than 24 inches to provide a minimum of 75 percent live coverage at maturity.

c. The landscape palette and planting standards, unless otherwise provided herein, shall conform with the Estrella Village Arterial Street Landscaping Program requirements for arterial streets.

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

14. The developer shall dedicate 55 feet of right-of-way for the south side of Broadway Road, as approved by the Planning and Development Department and/or Maricopa County Department of Transportation (MCDOT).

15. The developer shall dedicate 55 feet of right-of-way for the east half of 67th Avenue, as approved by the Planning and Development Department and/or Maricopa County Department of Transportation (MCDOT).

16. The developer shall construct a 14-foot-wide landscaped median island along 67th Avenue, as approved by the Street Transportation Department and/or Maricopa County Department of Transportation (MCDOT).

17. The developer shall submit a Traffic Impact Study, including a Traffic Signal Warrant Analysis, to the City for this development. No preliminary approval of plans shall be granted until the study is reviewed and approved by the City. Contact the Street Transportation Department, to set up a meeting to discuss the requirements of the study. Upon completion of the TIS the developer shall submit the completed TIS to the Planning and Development Department counter with instruction to forward the study to the Street Transportation Department, Office of the City Engineer.

18. If the approved Traffic Impact Study with signal warrant analysis recommends deferring signal installation to a future volume condition, provide conduit and junction boxes at the southeast corner of 67th Avenue and Broadway Road. The developer shall provide 25 percent of the cost of the future traffic signal in an escrow account with the Street Transportation Department. Contact the Street Transportation Department to set up an account. If the TIS recommends the installation of the signal with this development, the developer shall install the signal, at their expense.

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19. All street improvements outside of the Phoenix City Limits shall be reviewed and approved by Maricopa County. Provide documentation of county approval prior to preliminary site plan submittal, as approved by the Planning and Development Department.

20. A Red Border letter shall be processed for this development, as determined by the Planning and Development Department.

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

22. Prior to final site plan approval, the property owner shall record documents that disclose to purchasers of property within the development(s) the existence and operational characteristics of a dairy farm (west) and roping/rodeo arena (north). The form and content of such documents shall be reviewed and approved by the City Attorney.

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

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

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

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

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

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PASSED by the Council of the City of Phoenix this 3rd day of November, 2021.

_____
MAYOR

ATTEST:

_____
Denise Archibald, City Clerk

APPROVED AS TO FORM:
Cris Meyer, City Attorney

By:
_____
_____

REVIEWED BY:

_____
Jeff Barton, City Manager

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

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EXHIBIT A

LEGAL DESCRIPTION FOR Z-SP-1-21-7

The Northwest Quarter of the Northwest Quarter of Section 30, Township 1 North, Range 2 East of the G&SRB&M, except the South 30 feet of the East 100 feet and except the East 30 feet of the North 270 feet of the South 300 feet for ditch purposes, and except the North 40 feet and the West 33 feet for roads; and

The Northeast Quarter of the Northwest Quarter of Section 30, Township 1 North, Range 2 East of the G&SRB&M, except the North 40 feet for roads;

EXCEPT any portion of Parcels 1 and 2 conveyed by Grantor to D. R. Horton, Inc. - Dietz-Crane pursuant to Special Warranty Deed recorded as Instrument No. 2004-1498119, Records of Maricopa County, Arizona.

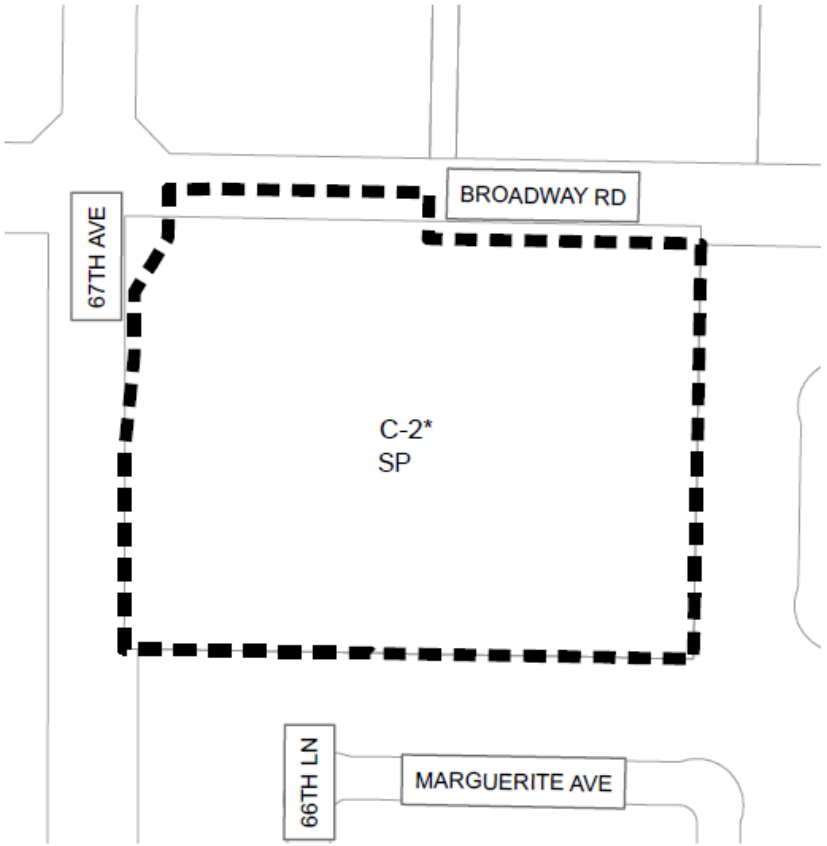
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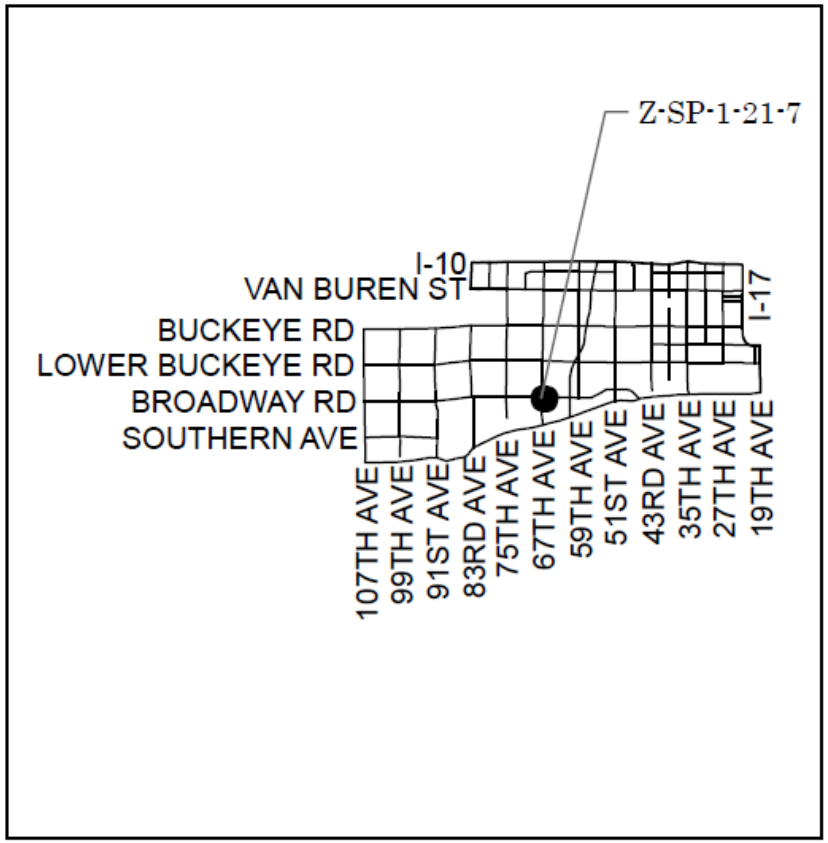
ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA:

Zoning Case Number: Z-SP-1-21-7
Zoning Overlay: N/A
Planning Village: Estrella





NOT TO SCALE

N

Drawn Date: 9/30/2021

City of Phoenix

Report

Agenda Date: 11/3/2021, **Item No.** 45

Public Hearing and Ordinance Adoption - Amend City Code - Rezoning Application Z-41-21-7 - Approximately 615 Feet North of the Northwest Corner of 59th Avenue and Dobbins Road (Ordinance G-6915)

Request to hold a public hearing on a proposal to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-41-21-7 and rezone the site from S-1 (Approved C-2 or CP/GCP) (Ranch or Farm Residence District, Approved Intermediate Commercial District or Commerce Park District, General Commerce Park Option) to C-2 HGT/WVR DNS/WVR (Intermediate Commercial District, Height Waiver, Density Waiver) to allow a multifamily residential development with a height and density waiver.

Summary

Current Zoning: S-1 (Approved C-2 or CP/GCP) (Ranch or Farm Residence District, Approved Intermediate Commercial District or Commerce Park District, General Commerce Park Option)
Proposed Zoning: C-2 HGT/WVR DNS/WVR (Intermediate Commercial District, Height Waiver, Density Waiver)
Acreage: 14.56 acres
Proposal: Multifamily residential development with a height and density waiver

Owner: The Williams Family Living 1996 Trust
Applicant: Anne Healy, P.B. Bell
Representative: Manjula M. Vaz, Gammage & Burnham, PLC

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Laveen Village Planning Committee heard this case on Sept. 13, 2021 and recommended denial, by a vote of 8-0.
PC Action: The Planning Commission heard this case on Oct. 7, 2021 and recommended approval, per the staff recommendation with additional stipulations, by a vote of 7-1.
The Planning Commission recommendation was appealed on Oct. 8, 2021.

Location

Approximately 615 feet north of the northwest corner of 59th Avenue and Dobbins

Road
Council District: 7
Parcel Address: N/A

Responsible Department
This item is submitted by Deputy City Manager Ginger Spencer and the Planning and Development Department.

ATTACHMENT A

THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL, ADOPTED ORDINANCE

ORDINANCE G-

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-41-21-7) FROM S-1 (APPROVED C-2 or CP/GCP) (RANCH OR FARM RESIDENCE DISTRICT, APPROVED INTERMEDIATE COMMERCIAL DISTRICT OR COMMERCE PARK DISTRICT, GENERAL COMMERCE PARK OPTION) TO C-2 HGT/WVR DNS/WVR (INTERMEDIATE COMMERCIAL DISTRICT, HEIGHT WAIVER, DENSITY WAIVER).

_____

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

SECTION 1. The zoning of a 14.56-acre site located approximately 615 feet north of the northwest corner of 59th Avenue and Dobbins Road in a portion of Section 6, Township 1 South, Range 2 East, as described more specifically in Exhibit “A”, is hereby changed from “S-1 (Approved C-2 or CP/GCP)” (Ranch or Farm Residence District, Approved Intermediate Commercial District or Commerce Park District, General Commerce Park Option) to C-2 HGT/WVR DNS/WVR (Intermediate Commercial District, Height Waiver, Density Waiver).

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

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

1. The development shall be in general conformance with the site plan and elevations date stamped August 30, 2021, as modified by the following stipulations and approved by the Planning and Development Department.

2. The buildings along 59th Avenue, as depicted on the site plan date stamped August 31, 2021, shall not exceed a maximum height of 2 stories and 30 feet. Other buildings on the site shall not exceed a maximum height of 3 stories and 40 feet.

3. The developer shall construct a 10-foot-wide public Shared Use Path (SUP) along 59th Avenue, which shall be detached with a landscape strip located between the sidewalk and back of curb following the most recent Cross Section of the Street Classification Map. The landscape area between the sidewalk and back of curb shall be planted to the following standards, as approved by the Planning and Development Department.

    a. Minimum 2-inch caliper shade trees that provide a minimum 75 percent shade at maturity.

    b. Drought tolerant vegetation maintained at a maximum height of 24 inches and achieve 75 percent live coverage.

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

4. A minimum landscape setback of 30 feet shall be required along 59th Avenue and shall be planted with minimum 50 percent 3-inch caliper, 50 percent 4-inch caliper large canopy drought-tolerant trees, 20 feet on center or in equivalent groupings, and five 5-gallon shrubs per tree, and 75 percent live groundcover, as approved by the Planning and Development Department. Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.

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5. The required landscape setback along the interior property lines shall be planted with minimum 2-inch caliper trees at 20 feet on center or in equivalent groupings, and 75 percent live groundcover at maturity, as approved by the Planning and Development Department.

6. The primary vehicular entrance to the development shall include the following elements, as approved by the Planning and Development Department:

    a. Pedestrian pathway connecting the interior of the development to the public sidewalk and shall be constructed of bricks, pavers, or similar material.

    b. The pedestrian pathway shall be detached from the vehicular driveway and lined with landscape areas on both sides of not less than 5 feet each. The landscape area shall be planted with drought-tolerant plant materials providing seasonal interest and 75 percent live cover.

    c. A mix of ornamental trees (no less than 2-inch caliper), shrubs (no less than five five-gallon shrubs per tree) and flower beds that will maintain a constant bloom throughout the year and 75 percent live cover, shall be provided along both sides of the entryway and within a landscaped median of no less than 5 feet in width.

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

7. Open view wrought iron fencing or a combination of maximum two feet of solid masonry topped by wrought iron open view fencing shall be utilized along pedestrian and vehicular entryway areas, as approved by the Planning and Development Department.

8. Walls along the perimeter of the site shall include material and textural differences, such as stucco and/or split face block with a decorative element, such as tile or stamped designs, as approved by the Planning and Development Department.

9. Decorative rail or similar fencing elements shall be provided along 59th Avenue, as approved by the Planning and Development Department.

10. The development shall provide a minimum of 18 percent of open space. A minimum of three district open space areas shall be provided as depicted on the site plan date stamped August 30, 2021. Additionally, three benches or seating features shall be provided throughout the development within shaded areas. One of the benches or seating features shall be located within close proximity to the primary entryway along 59th Avenue.

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11. A central amenity and open space area shall be provided within close proximity to the primary vehicular entrance into the development, and include the following amenities at a minimum, as approved by the Planning and Development Department:

    a. Swimming pool;

    b. Clubhouse.

12. No more than 50 percent of the landscape areas within common areas or 10 percent of the net lot area, whichever is less, should be planted in turf or high-water use plants. Turf areas should be located only in the common open space areas, including retention basins, as approved by the Planning and Development Department.

13. A system of pedestrian thoroughfares shall be provided at a minimum, as described below and as approved or modified by the Planning and Development Department:

    a. Pathways shall be illuminated by pedestrian scale lighting per Section 1304(H)5.

    b. Where pedestrian pathways cross a vehicular path, the pathway shall be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrasts parking and drive aisle surfaces. Vehicular crossings shall be kept to a minimum.

14. Active open space areas, with the exception of the pool, shall be shaded a minimum of 75 percent using architectural shade and/or shade trees at full maturity, as approved by the Planning and Development Department.

15. Pedestrian paths internal within the site and connecting the public sidewalk shall be shaded to a minimum of 75 percent using architectural shade and/or shade trees at full maturity, as approved by the Planning and Development Department.

16. All uncovered surface parking lot areas shall be landscaped with a minimum 2-inch caliper drought-tolerant shade trees. Landscaping shall be dispersed throughout the parking areas and achieve 25 percent shade at maturity, as approved by Planning and Development Department.

17. The development shall incorporate bicycle infrastructure as described below and as approved by the Planning and Development Department.

    a. Minimum of four bicycle parking spaces via inverted U-bicycle racks, artistic style bicycle racks or “Outdoor/Covered Facilities” shall be located near the vehicular entryway into the development or nearby amenity areas. All bicycle racks shall adhere to Appendix K of the Comprehensive Bicycle Master Plan.

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b. Secure bicycle parking for residents shall be provided at a minimum rate of 0.25 spaces per residential unit, with a maximum of 50 spaces, and shall adhere to the standards in Section 1307.H of the Zoning Ordinance.

c. One bicycle repair station (“fix it station”) shall be provided and maintained within close proximity to the primary vehicular entryway to the development. The bicycle repair station (“fix it station”) shall be provided in an area of high visibility and separated from vehicular maneuvering areas, where applicable. The repair station shall include: standard repair tools affixed to the station; a tire gauge and pump affixed to the base of the station or the ground; and a bicycle repair stand which allows pedals and wheels to spin freely while making adjustments to the bike.

18. The developer shall provide traffic calming measures at all vehicular points of ingress and egress to slow vehicles departing the development and crossing the public sidewalks, as approved by the Planning and Development Department.

19. The developer shall dedicate minimum 55 feet of right-of-way for the west half of 59th Avenue, as approved by the Planning and Development Department.

20. The developer shall construct and landscape a 14-foot-wide median island along 59th Avenue from Siesta Way to the northern edge of the development. A median opening shall be provided at 59th Avenue and Siesta Way for full access while the northern access shall be restricted to right-in/right-out only by the median island, as depicted on the site plan date stamped August 30, 2021 and as approved by the Street Transportation Department.

21. The developer shall construct a detached sidewalk and minimum 13-foot-wide landscape area located between the back of curb and sidewalk as required by the CM Cross Section along the west side of 59th Avenue, as approved by the Planning and Development Department.

22. The developer shall submit a Traffic Impact Study (TIS) to the City for this development. No preliminary approval of plans shall be granted until the study is reviewed and approved by the City. The TIS shall include signal warrant analysis for the intersections of 59th Avenue and Dobbins Road and 59th Avenue and South Mountain Boulevard. The developer shall be responsible for any additional dedications and construction and/or contribute funds in escrow for the traffic signals, as required by the approved TIS.

23. Existing irrigation facilities along any existing and or proposed right-of-way shall be either removed from city right-of-way or undergrounded and relocated outside of City right-of-way. Contact SRP to identify existing land rights and establish the appropriate process to remove or relocate the facility. Relocations that require additional dedications or land transfer, require completion prior to obtaining plat and or civil plan review approval.

DRAFT

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

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

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

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

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

29. A minimum of one pedestrian connection shall be provided within the west 600 feet of the property, along the south side, to allow access between the site and any future development to the south, as approved by the Planning and Development Department.

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

PASSED by the Council of the City of Phoenix this 3rd day of November, 2021.

_____

MAYOR

DRAFT

ATTEST:

_____
Denise Archibald, City Clerk

APPROVED AS TO FORM:
Cris Meyer, City Attorney

By:
_____
_____

REVIEWED BY:

_____
Jeff Barton, City Manager

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

DRAFT

EXHIBIT A

LEGAL DESCRIPTION FOR Z-41-21-8

THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 1 SOUTH, RANGE 2 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT THE EAST 33.00 FEET THEREOF; AND

THE SOUTH 663.17 FEET THEREOF; AND

EXCEPT THE NORTH 1304.13 FEET THEREOF; AND

EXCEPT THAT PORTION OF THE LAND CONVEYED TO THE STATE OF ARIZONA, DEPARTMENT OF TRANSPORTION, MORE PARTICULARLY DESCRIBED IN SPECIAL WARRANTY DEED, RECORDED JANUARY 9, 2019 AS 2019-0016336, OF OFFICIAL RECORDS AND RE-RECORDED JUNE 07, 2019 AS 2019-0426519, RECORDS OF MARICOPA COUNTY, ARIZONA.

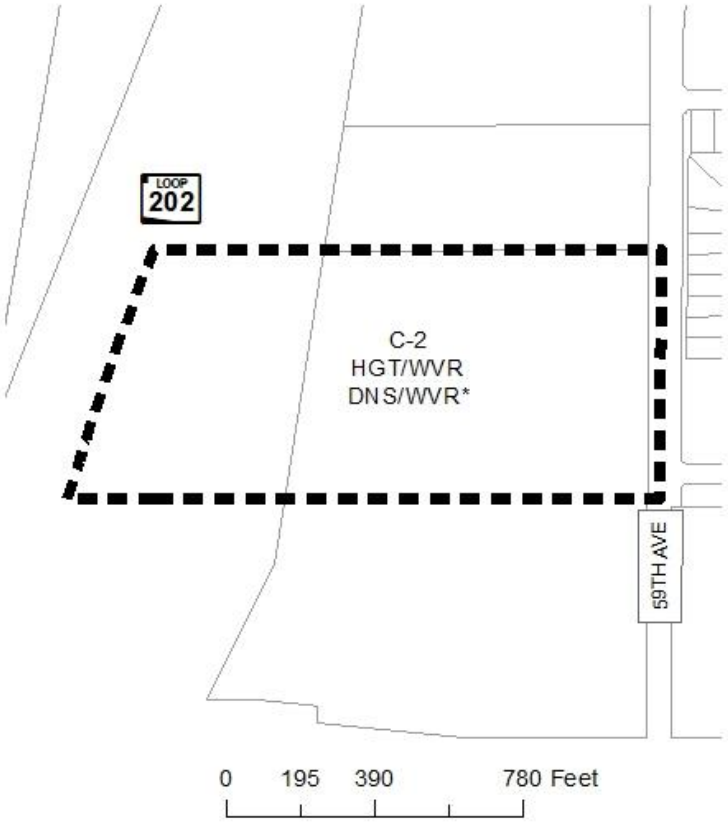
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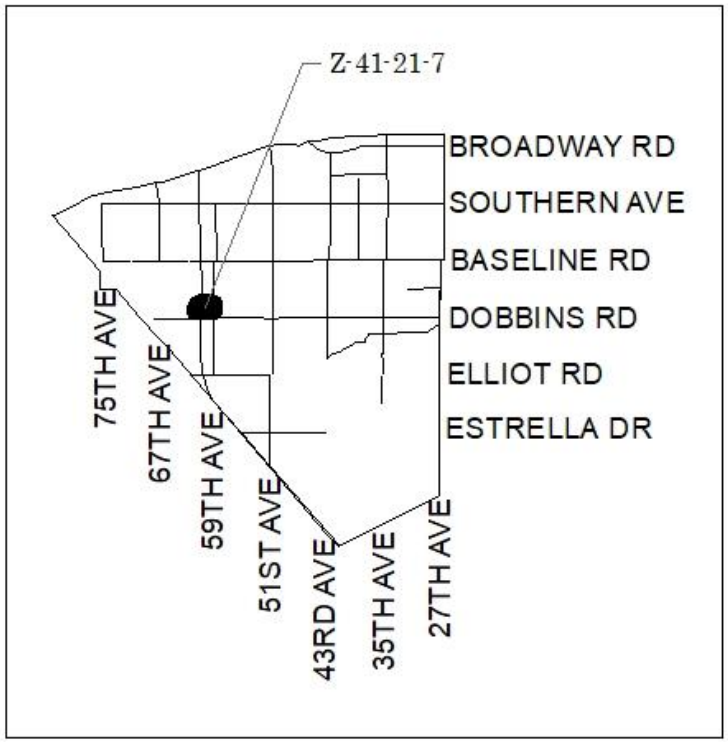
ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA:

Zoning Case Number: Z-41-21-7
Zoning Overlay: N/A
Planning Village: Laveen





NOT TO SCALE

N

Drawn Date: 9/30/2021

\\one\pdd\Shared\Department Share\Information Systems\PL GIS\IS_Team\Core_Functions\Zoning\SuppMaps_OrdMaps\2021 Ord\11-3-21\Z-41-21-7.mxd

City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

Staff Report: Z-41-21-7
September 10, 2021

Laveen Village Planning Committee Meeting Date	September 13, 2021
Planning Commission Hearing Date	October 7, 2021
Request From:	S-1 (Approved C-2/CP-GCP) (14.56 acres)
Request To:	C-2 HGT/WVR DNS/WVR (14.56 acres)
Proposed Use	Multifamily residential with a height and density waiver
Location	Approximately 615 feet north of the northwest corner of 59th Avenue and Dobbins Road
Owner	The Williams Family Living 1996 Trust
Applicant	Anne Healy, P.B. Bell
Representative	Manjula M. Vaz, Gammage & Burnham, PLC
Staff Recommendation	Approval, subject to stipulations

General Plan Conformity			
General Plan Land Use Map Designation		Commercial	
Street Map Classification	59th Avenue	Arterial	33-foot west half street

CONNECT PEOPLE AND PLACES CORE VALUE; CORES, CENTERS AND CORRIDORS; LAND USE PRINCIPLE: Locate land uses with the greatest height and most intense uses within village cores, centers and corridors based on village character, land use needs, and transportation system capacity.

The proposed development consists of high density multifamily residential housing on a site located within the Laveen Village Core, which is intended to be the clearly identifiable focus for the village. The proposed intensity is appropriate within the core and due to the site's adjacency to the Loop 202 Freeway.

CELEBRATE OUR DIVERSE COMMUNITIES & NEIGHBORHOODS CORE VALUE; CERTAINTY & CHARACTER; DESIGN PRINCIPLE: 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 incorporates an enhanced landscape buffer along its 59th Avenue frontage and restricts buildings to a maximum two-story height along this frontage. These will provide an appropriate transition from the single-family residential neighborhood adjacent to the east, to the proposed three-story buildings along the freeway to the west.

BUILD THE SUSTAINABLE DESERT CITY CORE VALUE; TREES AND SHADE; DESIGN PRINCIPLE: Integrate trees and shade into the design of new development and redevelopment projects throughout Phoenix.

As stipulated, the development will provide mature shade trees along its 59th Avenue frontage, throughout the surface parking areas, and in open space areas.

Applicable Plan, Overlays, and Initiatives
Laveen Southwest Growth Study – See Background Item No. 4.
Housing Phoenix – See Background Item No. 7.
Tree and Shade Master Plan – See Background Item No. 8.
Complete Streets Guiding Principles – See Background Item No. 9.
Comprehensive Bicycle Master Plan – See Background Item No. 10.
Zero Waste PHX – See Background Item No. 11.

Surrounding Land Uses/Zoning		
	Land Use	**Zoning**
On Site	Agricultural land	S-1 (Approved C-2/C-GCP)
North	Agricultural land	S-1 (Approved C-2/C-GCP)
South	Agricultural land	S-1 (Approved C-2/C-GCP)
East	Single-family residential subdivision	R1-8

West (Across Loop 202 freeway)	Dairy farm and agricultural land	C-2 H-R SP (App. C-2/CP-GCP), C-2/CP-GCP SP (App. C-2/CP-GCP), C-2 H-R (App. C-2/CP-GCP) and S-1 (App. C-2/CP-GCP)

R-5 Multifamily Residential (Planned Residential Development Option) *		
Standards	**Requirements**	**Proposed**
Gross Acreage	-	14.65 acres
Max. Total Number of Units	669, 764 with bonus	308 units (Met)
Max. Density (dwelling units/acre)	45.68; 52.20 with bonus	21.02 (Met)
Standards		
Building Height	4 stories or 48 feet Maximum***	3 stories, 37 feet (Met)
Lot Coverage	50% Maximum	32% (Met)
Open Space	5% Minimum of gross area (Per Section 703.B)	18% (Met)
Minimum Parking	474 required	606 provided (Met)
Minimum Building Setbacks		
Perimeter Standards	20 feet adjacent to a public street 10 feet adjacent to property line	Front (59th Avenue): 30 feet (Met)*** Interior property lines (north and south): 15 feet (Met)
Minimum Landscape Setbacks	20 feet adjacent to streets 5 feet adjacent to property lines	30 feet (59th Avenue) (Met) 15 feet interior property lines (Met)

* The C-2 zoning district permits multifamily zoning by right within the development parameters of the R-3 zoning district. Increased yard, height, area, and density may be permitted through a waiver up to the R-5 standards.

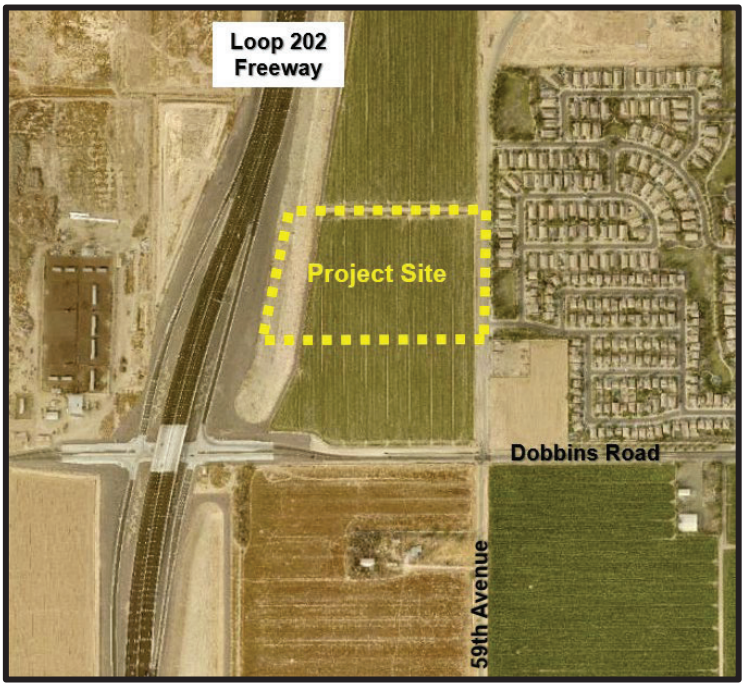
**If variance required.

***The height limitation of 4 stories or 48 feet applies to residential uses.

Background/Issues/Analysis

SUBJECT SITE

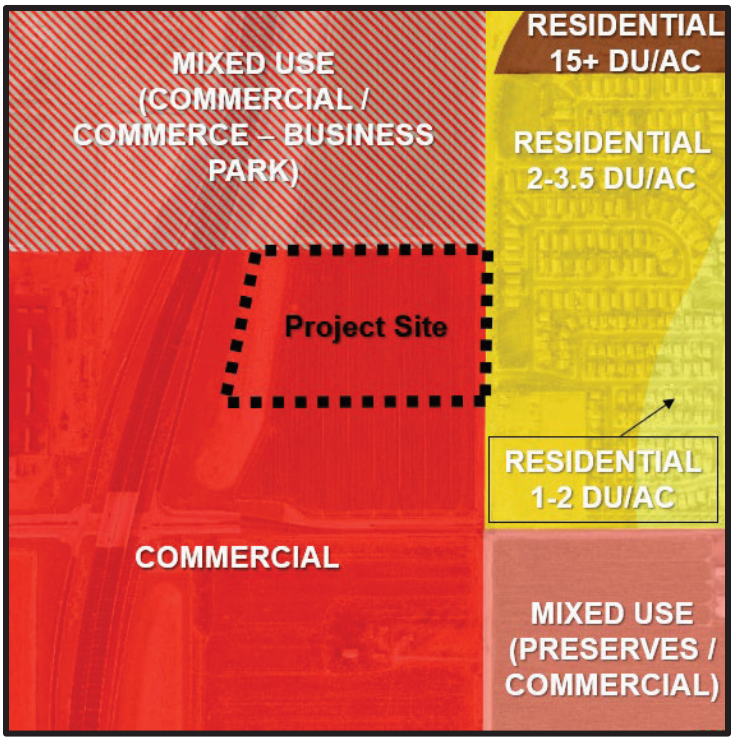
1. This request is to rezone a 14.56-acre site located approximately 615 feet north of the northwest corner of 59th Avenue and Dobbins Road from S-1 (Approved C-2/CP-GCP) (Ranch or Farm Residence District, Approved Intermediate Commercial District or Commerce Park District, General Commerce Park Option) to C-2 HGT/WVR DNS/WVR (Intermediate Commercial District, Height Waiver, Density Waiver) to allow a multifamily residential development.



Aerial Map
Source: City of Phoenix Planning and Development Department

2. The site has a General Plan Land Use Map designation of Commercial. The same designation exists to the south and west of the site. North of the subject site is a Mixed Use (Commercial / Commerce – Business Park) designation. East of the site, across 59th Avenue, is the Residential 2 to 3.5 dwelling units per acre designation.

   The proposal is consistent with the Commercial General Plan Land Use Map designation as the commercial land use designation accommodates



General Plan Land Use Map
Source: City of Phoenix Planning and Development Department

multifamily development at varying scales and intensities.

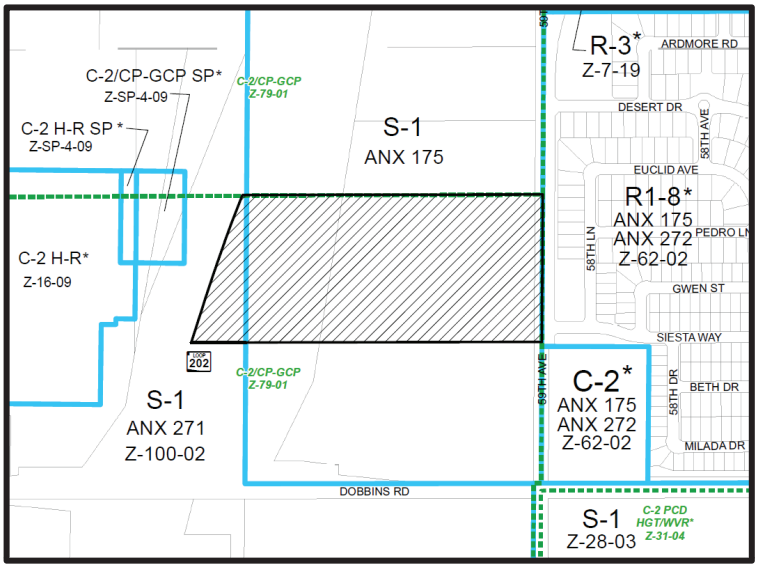
The site is also located within the Laveen Village Core, which is intended to be the clearly identifiable central focus for the village with a pedestrian-oriented mix of land uses. This proposal will be the first development within the Laveen Village Core, as all properties within these boundaries are currently used for agricultural operations. The proposal will provide high density housing within the core and adjacent to a major transportation corridor.



General Plan Land Use Map
Source: City of Phoenix Planning and Development Department

EXISTING CONDITIONS & SURROUNDING ZONING

3. The current zoning of the subject site is S-1 (Approved C-2/CP-GCP) (Ranch or Farm Residence District, Approved Intermediate Commercial District or Commerce Park District, General Commerce Park Option) and it is currently used for agricultural operations. This same zoning designation extends both to the north and south of the site, with the same agricultural land use. To the east, across 59th Avenue, is a residential subdivision zoned R1-8.



Zoning Map
Source: City of Phoenix Planning and Development Department

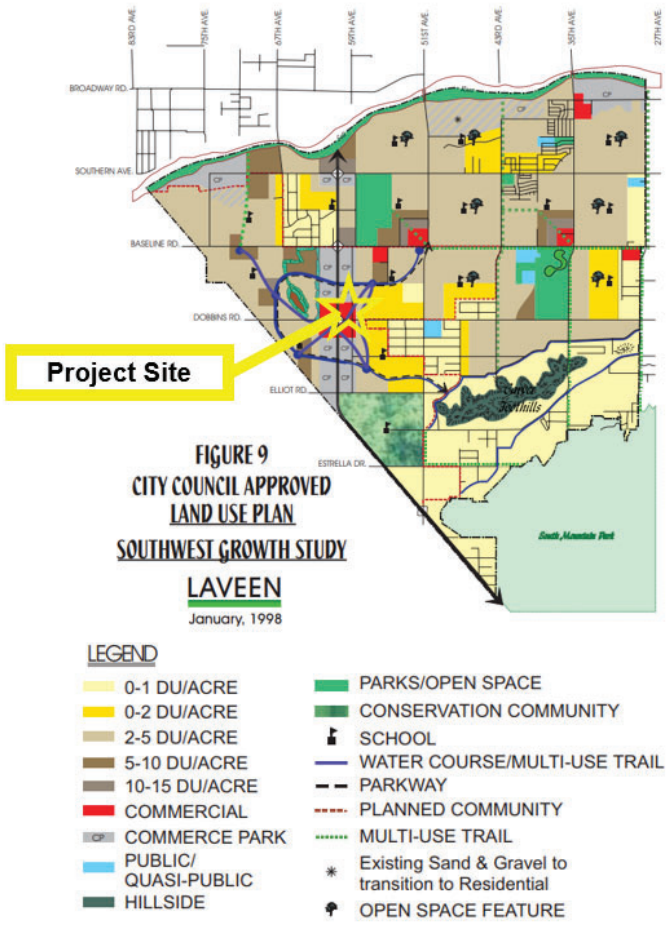
West of the site, across the Loop 202 freeway, are several zoning designations, as follows: C-2 H-R SP (Approved C-2/CP-GCP) (Intermediate Commercial District, High Rise District, Special Permit, Approved Intermediate Commercial District or Commerce Park District, General Commerce Park Option), C-2/CP-GCP SP (Approved C-2/CP-GCP) (Intermediate Commercial District or Commerce Park District, General Commerce Park Option Special Permit, Approved Intermediate Commercial District or Commerce Park District, General Commerce Park Option), C-2 H-R (Approved C-2/CP-GCP) (Intermediate Commercial District, High Rise District, Approved Intermediate Commercial District or Commerce Park District, General Commerce Park Option) and S-1 (Approved C-2/CP-GCP) (Ranch or Farm Residence District, Approved Intermediate Commercial District or Commerce Park District, General Commerce Park Option). This site is currently operated as a dairy farm.

AREA PLANS, OVERLAY DISTRICTS, AND INITIATIVES

4. **Laveen Southwest Growth Study**

The site is located within the boundaries of the Laveen Southwest Growth Study, which was developed in 1997 to analyze the existing conditions of the Laveen Village. It provides a land use and design planning framework to help shape the growth in Laveen, while accounting for newly annexed farmland as well as the future development of the South Mountain Freeway Loop, which has since been completed.

The Land Use Plan contained within this study designates the subject site as Commercial and is consistent with the current overall General Plan Land Use Map. The proposal is consistent with this designation and the proposed site plan and staff recommended stipulations also incorporate several

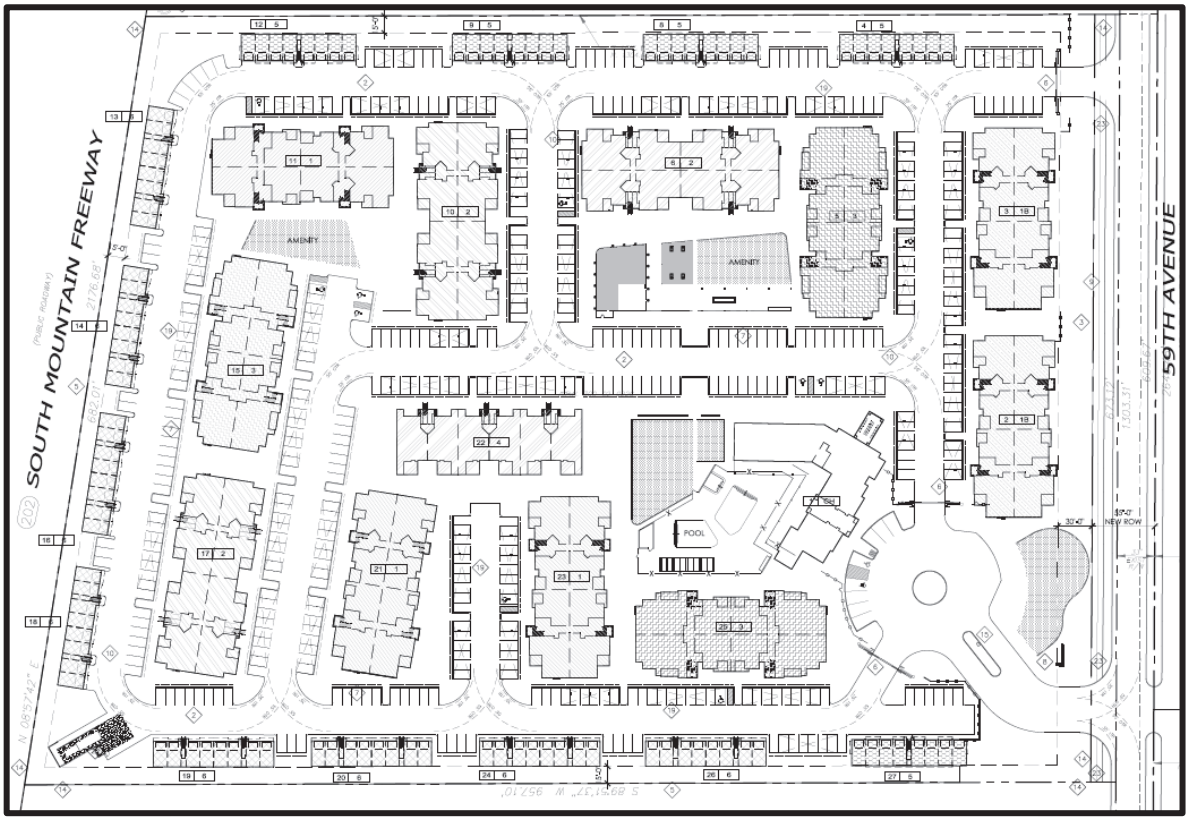


Land Use Plan, Laveen Southwest Growth Study
Source: City of Phoenix Planning and Development Department

of the design policies set forth in the study. These include incorporation of wide, detached sidewalks along 59th Avenue, robust landscaping standards, enhanced open space, and architectural style that pays homage to the agricultural heritage of Laveen.

PROPOSAL

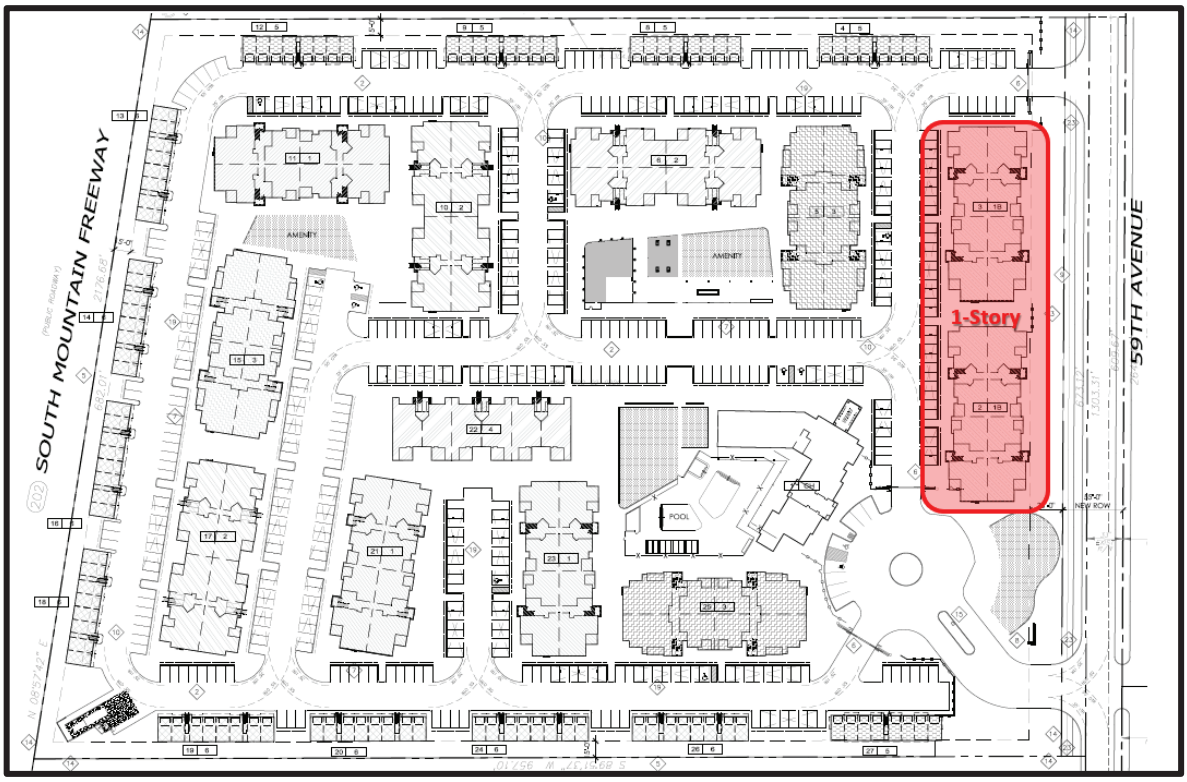
5. The proposed site plan depicts a multifamily residential development consisting of a mix of building types ranging from one to three stories in height, and residences ranging from one to three bedrooms units. The development proposes two vehicular entry drives along its 59th Avenue frontage. The southernmost driveway contains a roundabout style driveway entry that connects to two separate gated vehicular entries into the development. This driveway area will also have guest parking spaces with pedestrian access to the leasing office and clubhouse. The site plan depicts several desirable site design elements and amenities, which are further reinforced through staff recommended stipulations (discussed below). As such, staff is recommending general conformance to this site plan, per Stipulation No. 1.



Proposed Site Plan
Source: BMA Architecture

Building Heights

As noted in Background Item No. 3, the property to the east of the site, across 59th Avenue, consists of a single-family residential neighborhood with mostly single-story residences. To ensure an appropriate height transition as one moves west towards the Loop 202 freeway, staff is recommending that the buildings adjacent to 59th Avenue be restricted to a maximum building height of 2 stories and 30 feet, and all other buildings to a maximum of 3 stories and 40 feet. This is depicted on the proposed site plan and is addressed in Stipulation No. 2.



Proposed Site Plan
Source: BMA Architecture

59th Avenue Streetscape

To further ensure an appropriate transition from the single-family residential community to the west, staff is recommending that a minimum 30-foot-wide landscape setback be provided along 59th Avenue. Within the streetscape setback, staff is recommending that large caliper trees be planted to provide both shade for pedestrians and a vegetative buffer between this site and the homes across the street. This is addressed in Stipulation No. 4. The site is also located along a planned trail as depicted in the city's Parks and Trails Map. This will be provided via a 10-foot-wide public Shared Use Path (SUP) along 59th Avenue and will be detached. Staff is recommending that the landscape strip between the SUP and back of curb be planted with minimum two-inch caliper trees, vegetation to prevent

mid-block crossings, and that a minimum of 75 percent shade be provided along the path at maturity. These recommendations are addressed in Stipulation No. 3.

Staff is also recommending enhancements to the primary entry drive on the southeastern portion of the site. These enhancements shall include a pedestrian connection between the interior of the development and the public sidewalk, which shall be detached from the vehicular driveway and lined with landscape areas of no less than five feet in width along both sides, planted with a mixture of ornamental trees, shrubs and flower beds. Further, staff is recommending that the entire driveway surface (outside of the community access gates) be constructed of a material other than that used to pave the parking surfaces. These recommendations are addressed in Stipulation No. 6.

Additional improvements to the streetscape are recommended by staff, including the utilization of open fencing along 59th Avenue, or a combination of solid masonry and wrought iron open view fencing, as well as decorative ranch rail fencing elements to reflect the agricultural heritage of Laveen. These are addressed in Stipulation No. 7 and 9.

Perimeter Treatments

The proposed site plan depicts a minimum 15-foot landscape setback along the north, west and south perimeter property lines. Staff is recommending that these perimeter landscape areas be landscaped with minimum 2-inch caliper trees to buffer from adjacent properties, as well as with minimum 75 percent live groundcover. This is addressed in Stipulation No. 5. Staff is also recommending enhanced perimeter wall design around the property, per Stipulation No. 8.

Open Space and Shade

The site plan depicts three open space areas: a primary amenity area located within close proximity to the primary entry driveway, a secondary amenity area within the north-central part of the site, and a third open space area that also functions as a retention basin within the north-western portion of the site. Staff is recommending that a minimum 18 percent of the site be provided as open space, and that it be equitably distributed throughout the site, per Stipulation No. 10. Staff is also recommending that the primary amenity space remain in close proximity to the primary entry and that it include a minimum of one swimming pool and one clubhouse. Staff is also recommending that a minimum of three benches be provided throughout the development within shaded areas. One of these should be located near the primary entry drive. These recommendations are addressed in Stipulation Nos. 10 and 11. Furthermore, staff is recommending that no more than 50 percent of the landscape areas within common areas or ten percent of the net lot area, whichever is less, be planted in turf or other high-water use plants. This is addressed in Stipulation No. 12.

To ensure thermal comfort for residents and guests, staff is recommending that open space areas and pedestrian pathways be shaded at a minimum of 75 percent shade with a combination of trees and structural shade, per Stipulation No. 14. Further heat reduction is recommended through planting of shade trees throughout surface parking areas to achieve a minimum of 25 percent shade, per Stipulation No. 15.



Landscape Rendering
Source: Anderson

Pedestrian Safety

Due to the number of outdoor amenity areas and the site's proximity to major commercial centers to the north on 59th Avenue and Baseline Road, significant pedestrian activity is expected to occur. As such, staff is recommending that a pedestrian circulation plan be put in place for the development. All pedestrian pathways should incorporate pedestrian-scale lighting and, where the pathways cross drive aisles, they should be constructed of a material that visually contrasts from the drive aisle surface. This is addressed in Stipulation No. 13. Additional traffic calming measures at all vehicular points of entry are also recommended to enhance pedestrian safety on the site, per Stipulation No. 18.

As stated above, the site is located near commercial centers to the north, and 59th Avenue will be an important bicycle route for nearby residents to access these centers. To promote the use of alternative transportation modes, staff is

recommending that the development provide bicycle amenities per the standards set forth in Section 1307.H of the Zoning Ordinance, which is the Walkable Urban Code. Staff is also recommending the provision of one bicycle repair station so residents and guests can service their bicycles at a convenient location. These are addressed in Stipulation No. 17.

6. The proposed elevations depict a mixture of two- to three-story buildings and a single-story clubhouse building. The elevations feature pitched roof elements, pop-outs, balconies, and a variety of building materials on all building facades. Vertical siding and standing seam roofing recall the agricultural style of Laveen and have been incorporated into the overall modern architectural style. The homage to Laveen's agrarian architectural style is consistent with the design recommendations set forth in the Laveen Southwest Growth Study. As such, staff is recommending general conformance to these elevations, per Stipulation No. 1.



Building Elevations
Source: BMA Architecture

AREA PLANS, OVERLAY DISTRICTS, AND INITIATIVES

7. **Housing Phoenix Plan**
   In June 2020, the Phoenix City Council approved the Housing Phoenix Plan. This Plan contains policy initiatives for the development and preservation of housing with a vision of creating a stronger and more vibrant Phoenix through increased housing options for residents at all income levels and family sizes. Phoenix's rapid population growth and housing underproduction has led to a need for over 163,000 new housing units. Current shortages of housing supply relative to demand are a primary reason why housing costs are increasing. The proposed development supports the Plan's goal of preserving or creating 50,000 housing units by 2030 by providing an opportunity for high density residential development.

8. **Tree and Shade Master Plan**
   The Tree and Shade Master Plan has a goal of treating the urban forest as infrastructure to ensure that trees are an integral part of the city's planning and development process. By investing in trees and the urban forest, the city can reduce its carbon footprint, decrease energy costs, reduce storm water runoff, increase biodiversity, address the urban heat island effect, clean the air, and increase property values. In addition, trees can help to create walkable streets and vibrant pedestrian places. Staff is recommending significant tree shade cover for pedestrian pathways, SUP, open space areas, perimeter landscape areas, and surface parking areas, per Stipulation Nos. 3, 4, 5, 6, 14, 15, and 16.

9. **Complete Streets Guiding Principles**
   In 2014, the City of Phoenix City Council adopted the Complete Streets Guiding Principles. The principles are intended to promote improvements that provide an accessible, safe, connected transportation system to include all modes, such as bicycles, pedestrians, transit, and vehicles. To ensure pedestrian safety throughout the development and along the public right-of-way, staff is recommending a detached Shared Use Path, a pedestrian circulation plan which includes pedestrian-scale lighting, detached pedestrian connection to the street, and significant bicycle amenities, per Stipulation Nos. 3, 6, 13, and 17.

10. **Comprehensive Bicycle Master Plan**
    The City of Phoenix adopted the Comprehensive Bicycle Master Plan in 2014 to guide the development of its bikeway system and supportive infrastructure. The Comprehensive Bicycle Master Plan supports options for both short- and long-term bicycle parking as a means of promoting bicyclist traffic to a variety of destinations. The proposal incorporates requirements for bicycle parking that follows standards set forth in the Walkable Urban Code, which is the city's form-based zoning code intended to enhance the pedestrian realm and encourage multi-modal transportation. Staff is further recommending a bicycle fix-it station to provide residents and guests with a convenient place to service their bicycles. This is addressed in Stipulation No. 17.

11. **Zero Waste PHX**
The City of Phoenix is committed to its waste diversion efforts and has set a goal to become a zero waste city, as part of the city's overall 2050 Environmental Sustainability Goals. One of the ways Phoenix can achieve this is to improve and Section 716 of the Phoenix Zoning Ordinance expand its recycling and other waste diversion programs. Section 716 of the Phoenix Zoning Ordinance establishes standards to encourage the provision of recycling containers for multifamily, commercial and mixed-use developments meeting certain criteria. The proposal will utilize regular trash and recycling bins.

COMMUNITY INPUT SUMMARY

12. At the time this staff report was written, staff had not received any community correspondence regarding this request.

INTERDEPARTMENTAL COMMENTS

13. The Phoenix Fire Department has noted that they do not anticipate any problems with this case and that the site and/or buildings shall comply with the Phoenix Fire Code.

14. The Public Transit Department has requested that the developer provide clearly defined, accessible pathways that connect all building entrances and exits, and public sidewalks, and that they be constructed of materials that visually contrast with parking and drive aisle surfaces. These are addressed in Stipulation No. 13. This department has further requested that all pedestrian paths and sidewalks be shaded at 75 percent at maturity. This is addressed in Stipulation No. 15.

15. The Street Transportation Department has required a 55-foot dedication for the west half of 59th Avenue, a 14-foot-wide median along 59th Avenue from Siesta Way to the northern edge of the development, and a minimum five-foot-wide detached sidewalk and minimum 13-foot wide landscape area between the sidewalk and back of curb. As explained in Background Item No. 5, a Shared Use Path will be provided along the street in lieu of a sidewalk and will meet the intent of the sidewalk requirement. The department has further required a shaded pedestrian pathway constructed of bricks, paver, or similar material, connecting the site to 59th Avenue, which was also discussed in Background Item No. 5. Additionally, the department requires that a Traffic Impact Study (TIS) be submitted for the development, that any existing irrigation facilities be undergrounded and relocated outside of city right-of-way, and that all streets be constructed with all required improvements and comply with current ADA standards. These requirements are addressed in Stipulation Nos. 6, 18 through 24.

OTHER

16. The site is located in a larger area identified as being archaeologically sensitive. If further review by the City of Phoenix Archaeology Office determines the site and immediate area to be archaeologically sensitive, and if no previous archaeological projects have been conducted within this project area, it is recommended that

archaeological Phase I data testing of this area be conducted. Phase II archaeological data recovery excavations may be necessary based upon the results of the testing. A qualified archaeologist must make this determination in consultation with the City of Phoenix Archaeologist. In the event archaeological materials are encountered during construction, all ground disturbing activities must cease within a 33-foot radius of the discovery and the City of Phoenix Archaeology Office must be notified immediately and allowed time to properly assess the materials. This is addressed in Stipulation Nos. 25, 26, and 27.

17. Development and use of the site is subject to all applicable codes and ordinances. Zoning approval does not negate other ordinance requirements. Other formal actions such as, but not limited to, zoning adjustments and abandonments, may be required.

Findings

1. The proposed development will provide high density housing within the Laveen Village Core, where higher intensity land uses are encouraged. The site is also adjacent to the Loop 202 freeway, a major transportation corridor, in addition to a major commercial center to the north, on 59th Avenue and Baseline Road.

2. The proposal will provide an appropriate transition from single-family residential neighborhoods to the east to the freeway corridor to the west of the site.

3. As stipulated, the proposal includes several site design elements that exceed Zoning Ordinance requirements and that are consistent with the design recommendations set forth in the Laveen Southwest Growth Study.

Stipulations

1. The development shall be in general conformance with the site plan and elevations date stamped August 30, 2021, as modified by the following stipulations and approved by the Planning and Development Department.

2. The buildings along 59th Avenue, as depicted on the site plan date stamped August 31, 2021, shall not exceed a maximum height of 2 stories and 30 feet. Other buildings on the site shall not exceed a maximum height of 3 stories and 40 feet.

3. The developer shall construct a 10-foot-wide public Shared Use Path (SUP) along 59th Avenue, which shall be detached with a landscape strip located between the sidewalk and back of curb following the most recent Cross Section of the Street Classification Map. The landscape area between the sidewalk and back of curb shall be planted to the following standards, as approved by the Planning and Development Department.

a. Minimum 2-inch caliper shade trees that provide a minimum 75 percent shade at maturity.

b. Drought tolerant vegetation maintained at a maximum height of 24 inches and achieve 75 percent live coverage.

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

4. A minimum landscape setback of 30 feet shall be required along 59th Avenue and shall be planted with minimum 50 percent 3-inch caliper, 50 percent 4-inch caliper large canopy drought-tolerant trees, 20 feet on center or in equivalent groupings, and five 5-gallon shrubs per tree, and 75 percent live groundcover, as approved by the Planning and Development Department. Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.

5. The required landscape setback along the interior property lines shall be planted with minimum 2-inch caliper trees at 20 feet on center or in equivalent groupings, and 75 percent live groundcover at maturity, as approved by the Planning and Development Department.

6. The primary vehicular entrance to the development shall include the following elements, as approved by the Planning and Development Department:

a. Pedestrian pathway connecting the interior of the development to the public sidewalk and shall be constructed of bricks, pavers, or similar material.

b. The pedestrian pathway shall be detached from the vehicular driveway and lined with landscape areas on both sides of not less than 5 feet each. The landscape area shall be planted with drought-tolerant plant materials providing seasonal interest and 75 percent live cover.

c. A mix of ornamental trees (no less than 2-inch caliper), shrubs (no less than five five-gallon shrubs per tree) and flower beds that will maintain a constant bloom throughout the year and 75 percent live cover, shall be provided along both sides of the entryway and within a landscaped median of no less than 5 feet in width.

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

7. Open view wrought iron fencing or a combination of maximum two feet of solid masonry topped by wrought iron open view fencing shall be utilized along pedestrian and vehicular entryway areas, as approved by the Planning and Development Department.

8. Walls along the perimeter of the site shall include material and textural differences, such as stucco and/or split face block with a decorative element, such as tile or stamped designs, as approved by the Planning and Development Department.

9. Decorative rail or similar fencing elements shall be provided along 59th Avenue, as approved by the Planning and Development Department.

10. The development shall provide a minimum of 18 percent of open space. A minimum of three district open space areas shall be provided as depicted on the site plan date stamped August 30, 2021. Additionally, three benches or seating features shall be provided throughout the development within shaded areas. One of the benches or seating features shall be located within close proximity to the primary entryway along 59th Avenue.

11. A central amenity and open space area shall be provided within close proximity to the primary vehicular entrance into the development, and include the following amenities at a minimum, as approved by the Planning and Development Department:

    a. Swimming pool;

    b. Clubhouse.

12. No more than 50 percent of the landscape areas within common areas or 10 percent of the net lot area, whichever is less, should be planted in turf or high-water use plants. Turf areas should be located only in the common open space areas, including retention basins, as approved by the Planning and Development Department.

13. A system of pedestrian thoroughfares shall be provided at a minimum, as described below and as approved or modified by the Planning and Development Department:

    a. Pathways shall be illuminated by pedestrian scale lighting per Section 1304(H)5.

    b. Where pedestrian pathways cross a vehicular path, the pathway shall be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrasts parking and drive aisle surfaces. Vehicular crossings shall be kept to a minimum.

14. Active open space areas, with the exception of the pool, shall be shaded a minimum of 75 percent using architectural shade and/or shade trees at full maturity, as approved by the Planning and Development Department.

15. Pedestrian paths internal within the site and connecting the public sidewalk shall be shaded to a minimum of 75 percent using architectural shade and/or shade trees at full maturity, as approved by the Planning and Development Department.

16. All uncovered surface parking lot areas shall be landscaped with a minimum 2-inch caliper drought-tolerant shade trees. Landscaping shall be dispersed throughout the parking areas and achieve 25 percent shade at maturity, as approved by Planning and Development Department.

17. The development shall incorporate bicycle infrastructure as described below and as approved by the Planning and Development Department.

    a. Minimum of four bicycle parking spaces via inverted U-bicycle racks, artistic style bicycle racks or “Outdoor/Covered Facilities” shall be located near the vehicular entryway into the development or nearby amenity areas. All bicycle racks shall adhere to Appendix K of the Comprehensive Bicycle Master Plan.

    b. Secure bicycle parking for residents shall be provided at a minimum rate of 0.25 spaces per residential unit, with a maximum of 50 spaces, and shall adhere to the standards in Section 1307.H of the Zoning Ordinance.

    c. One bicycle repair station (“fix it station”) shall be provided and maintained within close proximity to the primary vehicular entryway to the development. The bicycle repair station (“fix it station”) shall be provided in an area of high visibility and separated from vehicular maneuvering areas, where applicable. The repair station shall include: standard repair tools affixed to the station; a tire gauge and pump affixed to the base of the station or the ground; and a bicycle repair stand which allows pedals and wheels to spin freely while making adjustments to the bike.

18. The developer shall provide traffic calming measures at all vehicular points of ingress and egress to slow vehicles departing the development and crossing the public sidewalks, as approved by the Planning and Development Department.

19. The developer shall dedicate minimum 55 feet of right-of-way for the west half of 59th Avenue, as approved by the Planning and Development Department.

20. The developer shall construct and landscape a 14-foot-wide median island along 59th Avenue from Siesta Way to the northern edge of the development. A median opening shall be provided at 59th Avenue and Siesta Way for full access while the northern access shall be restricted to right-in/right-out only by the median island, as depicted on the site plan date stamped August 30, 2021 and as approved by the Street Transportation Department.

21. The developer shall construct a detached sidewalk and minimum 13-foot-wide landscape area located between the back of curb and sidewalk as required by the CM Cross Section along the west side of 59th Avenue, as approved by the Planning and Development Department.

22. The developer shall submit a Traffic Impact Study (TIS) to the City for this development. No preliminary approval of plans shall be granted until the study is reviewed and approved by the City. The TIS shall include signal warrant analysis for the intersections of 59th Avenue and Dobbins Road and 59th Avenue and South Mountain Boulevard. The developer shall be responsible for any additional dedications and construction and/or contribute funds in escrow for the traffic signals, as required by the approved TIS.

23. Existing irrigation facilities along any existing and or proposed right-of-way shall be undergrounded and relocated outside of City right-of-way. Contact SRP to identify existing land rights and establish the appropriate process to relocate the facility. Relocations that require additional dedications or land transfer, require completion prior to obtaining plat and or civil plan review approval.

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

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

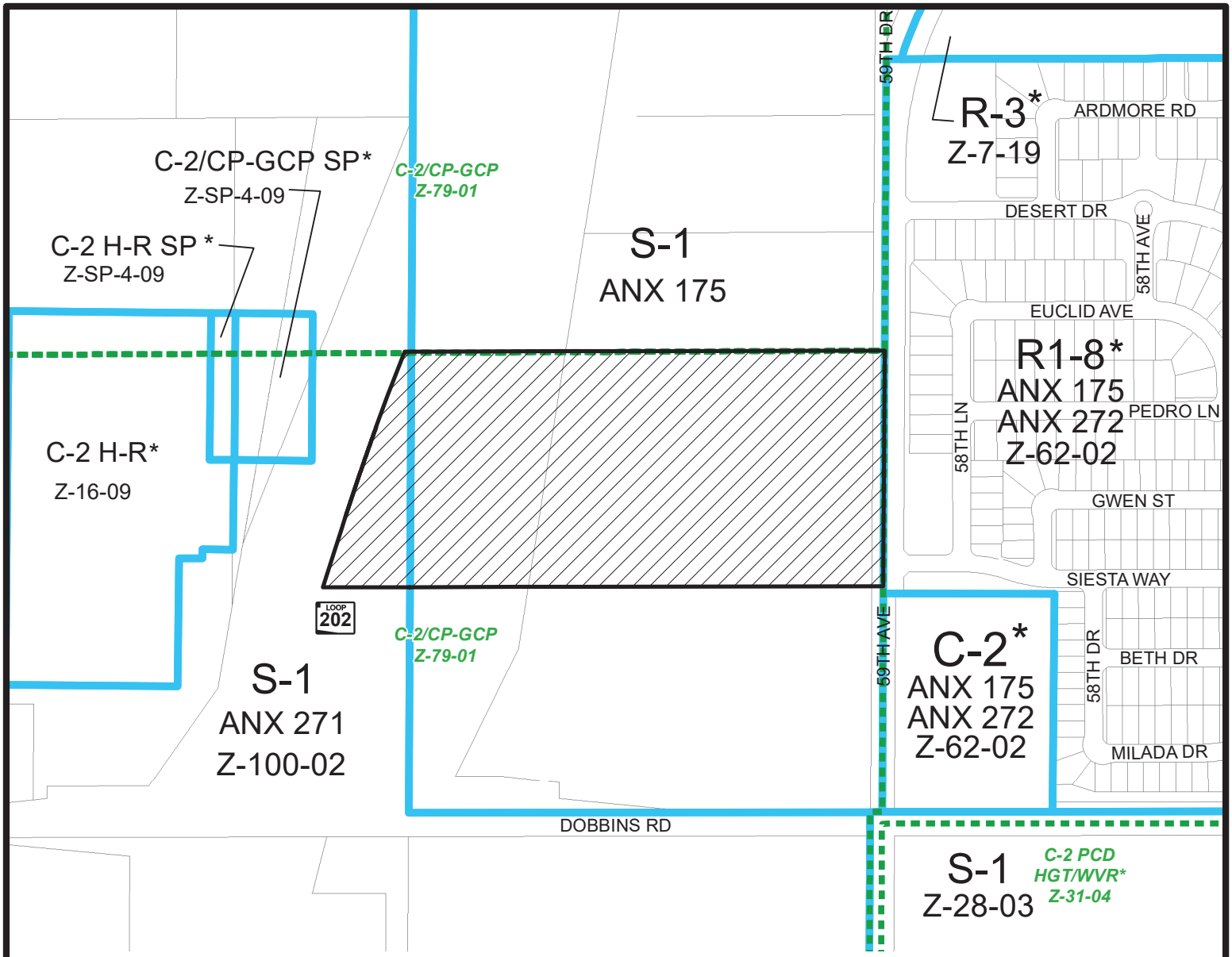
26. If Phase I data testing is required, and if, upon review of the results from the Phase I data testing, the City Archaeologist, in consultation with a qualified archaeologist, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archaeological data recovery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

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

Writer
Sofia Mastikhina
August 30, 2021

Team Leader
Samantha Keating

Exhibits
Sketch Map
Aerial
Site plan date stamped August 30, 2021 (1 page)
Elevations date stamped August 30, 2021 (8 pages)
Landscape plan date stamped August 30, 2021 (1 page)



Miles

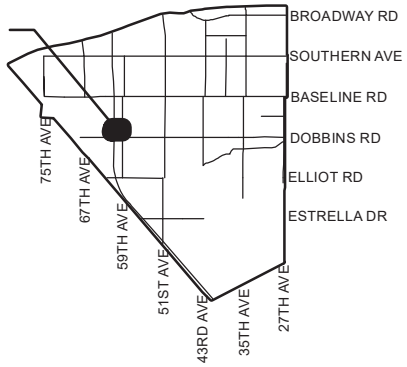
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LAVEEN VILLAGE

CITY COUNCIL DISTRICT: 7

City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

Z-41-21



APPLICANT'S NAME:	P.B. Bell/Bernard Pipan
APPLICATION NO.	Z-41-21
DATE:	8/03/2021
REVISION DATES:	
GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.	14.56 Acres
AERIAL PHOTO & QUARTER SEC. NO.	QS 02-14
ZONING MAP	C-5

REQUESTED CHANGE:

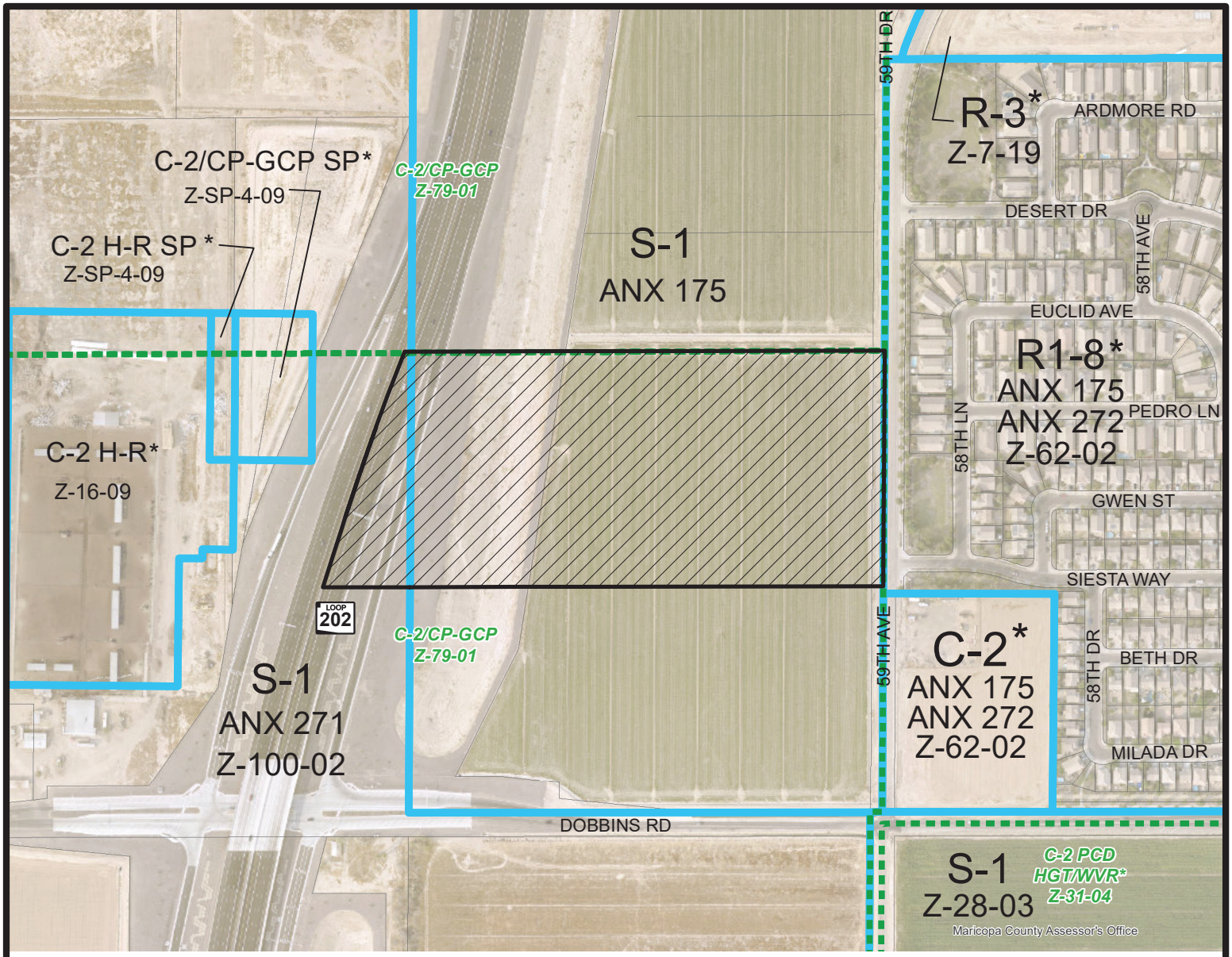
FROM: S-1 (Approved C-2/CP-GCP) (14.56 a.c.)

TO: C-2 HGT/WVR DNS/WVR (14.56 a.c.)

MULTIPLES PERMITTED	CONVENTIONAL OPTION	* UNITS P.R.D. OPTION
S-1 (Approved C-2/CP-GCP)	14 (211)	N/A (253)
C-2 HGT/WVR DNS/WVR	633	760

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

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Miles

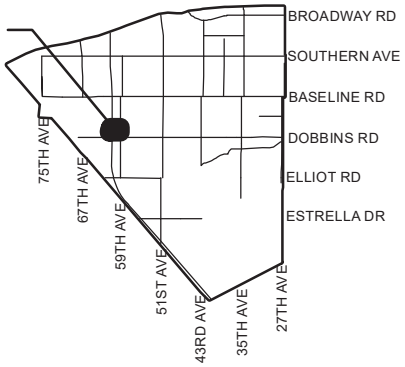
0.075 0.0375 0 0.075

LAVEEN VILLAGE

CITY COUNCIL DISTRICT: 7

City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

Z-41-21



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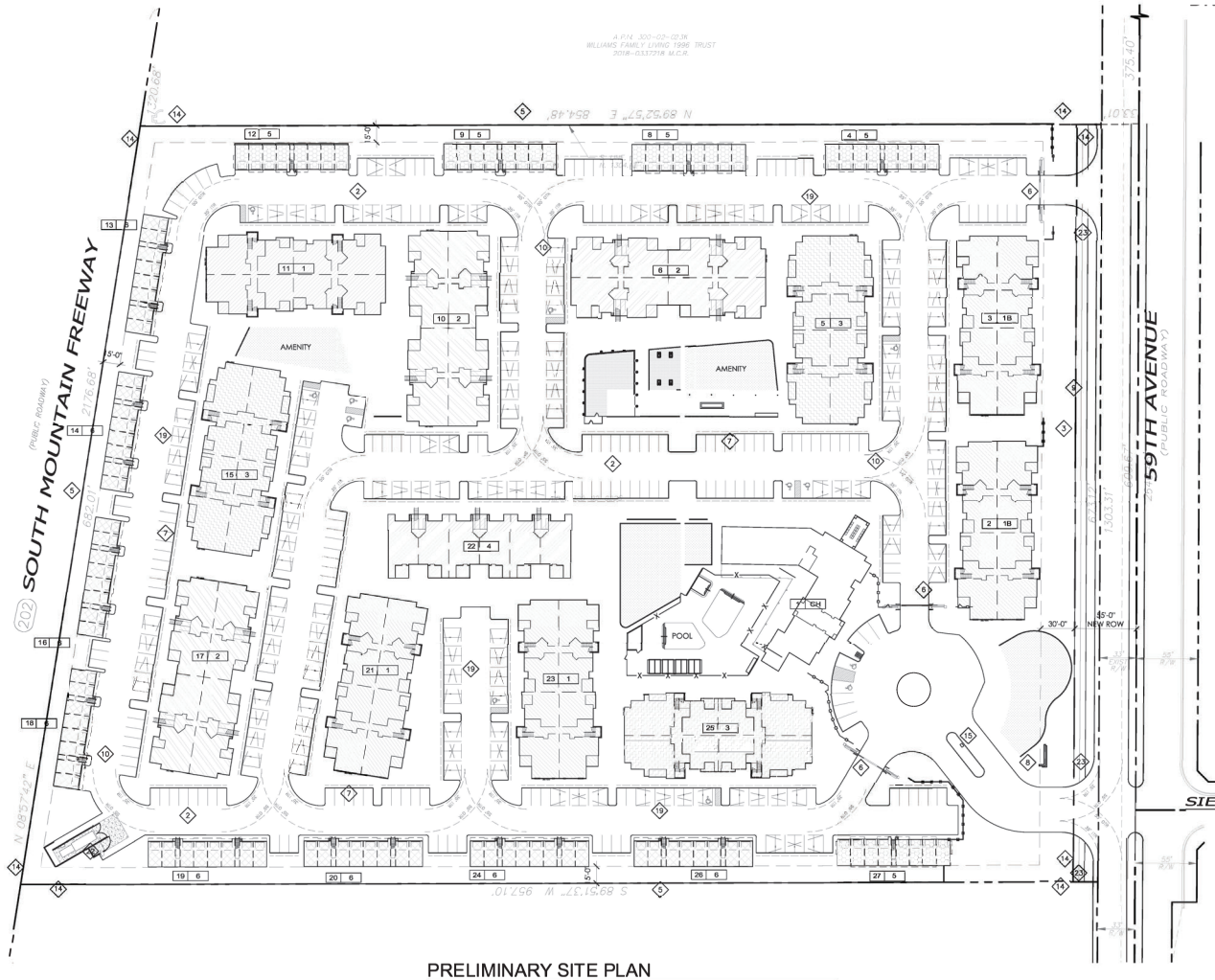
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* **Maximum Units Allowed with P.R.D. Bonus**

Document Path: S:\Department Share\Information Systems\PL GIS\IS_Team\Core_Functions\Zoning\sketch_maps\2021\Z-41-21.mxd



PRELIMINARY SITE PLAN
SCALE: 1" = 50'-0"

SITE KEY NOTES

2. ASPHALT PAVING OVER A.B.C. PER SOILS REPORT
3. 6' DECORATIVE VIEW FENCE.
4. 4'-0" WIDE SELF-CLOSING PEDESTRIAN GATE. FULLY ADA COMPLIANT FOR APPROACH, SWING, AND SPRING ACTION.
5. 6' SOLID MASONRY WALL
6. DOUBLE PANEL AUTOMATIC ROLLING GATE COMPLYING WITH PHOENIX FIRE PREVENTION ACCESS GATES REQUIREMENTS FOR AUTOMATIC GATES.
7. PARKING SPACE 8.5'x 15.5' WITH 2.5' OVERHANG
8. MONUMENT SIGN BY OTHERS. ALL SIGNAGE UNDER SEPARATE PERMIT TO BE COORDINATED BY CONTRACTOR. SEE LANDSCAPE FOR DESIGN INTENT
9. NEW PEDESTRIAN WALKWAY
10. FIRE TRUCK TURNING RADIUS (PER COPH) TYP WHERE SHOWN
14. PROPERTY LINE
15. KEYPAD ACCESS CONTROLLER AND KNOX EMERGENCY ACCESS OVERRIDE PER PHOENIX FIRE PREVENTION DIVISION REGULATIONS FOR AUTOMATIC GATES.
18. COVERED PARKING STRUCTURE WHERE INDICATED
22. TRASH COMPACTOR AND RECYCLE AREA
23. 10' WIDE PEDESTRIAN PATHWAY

PROJECT DATA

OWNER: P.B. BELL COMMERCIAL DEVELOPMENT
8434 N 90TH ST., SUITE 100
SCOTTSDALE, AZ 85258
ATTN: ANNE HEALY

ARCHITECT: BMA ARCHITECTURE
2915 E BASELINE RD. SUITE 120
GILBERT, AZ 85234
ATTN: BRIAN M ANDERSEN, AIA

SITE DATA

ADDRESS:	+/- 615 FEET NORTH OF NWC DOBBINS RD & 59TH AVE LAVEEN, AZ
APN NUMBER:	300-02-022C
SITE AREA (GROSS):	APPROX. 14.56 ACRES (634,233 S.F.)
SITE AREA (NET):	APPROX 13.66 ACRES (595,034 S.F.)
CURRENT ZONING:	S-1 (APPROVED C-2/C-P-GCP)
PROPOSED ZONING:	C-2 HGT/WVR DNS/WVR
PROPOSED USE:	MULTIFAMILY RESIDENTIAL
OPEN SPACE:	107,335 / 595,034 = 18.03%
LANDSCAPE AREA:	187,392SF / 595,034 = 31.49%
LOT COVERAGE BUILDINGS:	154,745 / 595,034 = 26%
LOT COVERAGE CARPORTS:	37,154 / 595,034 = 6%

BUILDING HEIGHT
PROVIDED: 1, 2, 3 STORIES

DENSITY:
PROVIDED: 308 UNITS/14.66 ACRES = 21.15 DU/ACRE

PERIMETER STANDARDS (PRD - C)	REQUIRED	PROVIDED
ADJACENT TO PUBLIC STREET	20'	30'
ADJACENT TO PROPERTY LINE	15'	15'

GROSS UNIT MIX

UNIT TYPE	# OF UNITS	% OF UNITS	NET LIVABLE	GROSS LIVABLE
1 BEDROOM	88 UNITS	32 %	792 SF	69,696 SF
1 BEDROOM LOFT	32 UNITS	6 %	900 SF	28,800 SF
2 BEDROOM	154 UNITS	40 %	1,078 SF	166,012 SF
2 BEDROOM CARRIAGE	10 UNITS	7 %	1,082 SF	10,820 SF
3 BEDROOM	24 UNITS	9 %	1,330 SF	31,920 SF
TOTAL	308 UNITS	100 %	AVG: 998 SF	307,248 SF

PARKING

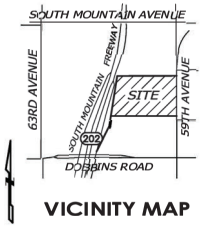
REQUIRED:	# UNITS	SPACES REQ'D	TOTAL		UNRESERVED SPACES
1 BEDROOM UNITS	120	x 1.5 =	180 P.S.	OF WHICH	120 x 0.5 = 60 P.S.
2 BEDROOM UNITS	164	x 1.5 =	246 P.S.		164 x 0.5 = 82 P.S.
3 BEDROOM UNITS	24	x 2.0 =	48 P.S.		24 x 1.0 = 24 P.S.
REQUIRED TOTAL:			474 P.S.		166 P.S.
PROVIDED TOTAL:					220 P.S.

PROVIDED:

GARAGES (RESERVED)	= 104 P.S.
RESERVED SPACES (COVERED SPACES)	= 282 P.S.
UNRESERVED SPACES (OPEN SPACES)	= 220 P.S.
PROVIDED TOTAL:	(1.96 :1) 606 P.S.

ACCESSIBLE PARKING SPACES:
REQUIRED: = 12 P.S.
PROVIDED: = 12 P.S.

LEGEND:
BUILDING NUMBER
1 GH BUILDING TYPE
CLUBHOUSE BUILDING - 1 STORY
BUILDING TYPE 1- 3 STORY (12-1BR, 12-2BR)
BUILDING TYPE 1B-2 STORY (8-1BR, 8-2BR)
BUILDING TYPE 2 - 3 STORY (24-2BR)
BUILDING TYPE 3 - 3 STORY (12-1BR, 4-2BR, 8-3BR)
BUILDING TYPE 4 - 3 STORY (18-2BR)
BUILDING TYPE 5- 2 STORY (2-2BR CARRIAGE)
BUILDING TYPE 6- 3 STORY (4-1BR CARRIAGE)



VICINITY MAP

CITY OF PHOENIX
AUG 30 2021
Planning & Development Department

BMA ARCHITECTURE
2915 East Baseline Road, Suite 120 - Gilbert, AZ 85234
p. 480.659.1524 | www.BMAarchitecture.com

PB Bell
Creating places that matter

PROPOSED NEW MULTI-FAMILY PROJECT FOR:
PB BELL
59th AVE MULTIFAMILY
PHOENIX, AZ

dwg name: PRELIMINARY SITE PLAN
dwg no: SD1.10
date: 8-23-2021
job no: 2021.07 log no:



FRONT ELEVATION - CLUBHOUSE
SCALE: 3/32" = 1'-0"

CITY OF PHOENIX
AUG 30 2021
Planning & Development Department



LEFT ELEVATION - CLUBHOUSE
SCALE: 3/32" = 1'-0"



RIGHT ELEVATION - CLUBHOUSE
SCALE: 3/32" = 1'-0"



REAR ELEVATION - CLUBHOUSE
SCALE: 3/32" = 1'-0"

EXTERIOR MATERIAL SCHEDULE

TAG	MATERIAL	MANUFACTURER	PRODUCT NO./ COLOR/ TEXTURE	NOTES
1	1 COAT STUCCO SYSTEM			
2	MASONRY VENEER			
3	HORIZONTAL SIDING			CEMENTICIOUS
4	VERTICAL SIDING			CEMENTICIOUS
5	STANDING SEAM ROOFING			
6	FLAT CONCRETE ROOF TILE			
7	METAL RAILING			

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PROPOSED NEW MULTI-FAMILY PROJECT FOR:
PB BELL
59th AVE MULTIFAMILY
PHOENIX, AZ

dwg name: PRELIMINARY CLUBHOUSE EXTERIOR ELEVATIONS
dwg no: SD4.11
date: 8-25-2021
job no: 2021.07 log no:



FRONT/REAR ELEVATION

SCALE: 1/8" = 1'-0"



LEFT/RIGHT ELEVATION

SCALE: 1/8" = 1'-0"

CITY OF PHOENIX

AUG 30 2021

Planning & Development Department

EXTERIOR MATERIAL SCHEDULE

TAG	MATERIAL	MANUFACTURER	PRODUCT NO./ COLOR/ TEXTURE	NOTES
1	1 COAT STUCCO SYSTEM			
2	MASONRY VENEER			
3	HORIZONTAL SIDING			CEMENTIOUS
4	VERTICAL SIDING			CEMENTIOUS
5	STANDING SEAM ROOFING			
6	FLAT CONCRETE ROOF TILE			
7	METAL RAILING			

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PROPOSED NEW MULTI-FAMILY PROJECT FOR:
PB BELL
59th AVE MULTIFAMILY
PHOENIX, AZ

dwg name: PRELIMINARY BLDG TYPE 1 EXTERIOR ELEVATIONS
dwg no: SD2.11
date: 08-27-2021
job no: 2021.07 log no:



FRONT/REAR ELEVATION

SCALE: 1/8" = 1'-0"



LEFT/RIGHT ELEVATION

SCALE: 1/8" = 1'-0"

CITY OF PHOENIX

AUG 3 0 2021

Planning & Development Department

EXTERIOR MATERIAL SCHEDULE

TAG	MATERIAL	MANUFACTURER	PRODUCT NO./ COLOR/ TEXTURE	NOTES
1	1 COAT STUCCO SYSTEM			
2	MASONRY VENEER			
3	HORIZONTAL SIDING			CEMENTIOUS
4	VERTICAL SIDING			CEMENTIOUS
5	STANDING SEAM ROOFING			
6	FLAT CONCRETE ROOF TILE			
7	METAL RAILING			

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PROPOSED NEW MULTI-FAMILY PROJECT FOR:
PB BELL
59th AVE MULTIFAMILY
PHOENIX, AZ

dwg name: PRELIMINARY BLDG TYPE 1-B EXTERIOR ELEVATIONS
dwg no: SD2.11-B
date: 08-27-2021
job no: 2021.07 log no:



FRONT/REAR ELEVATION

SCALE: 1/8" = 1'-0"



LEFT/RIGHT ELEVATION

SCALE: 1/8" = 1'-0"

CITY OF PHOENIX

AUG 30 2021

Planning & Development Department

EXTERIOR MATERIAL SCHEDULE

TAG	MATERIAL	MANUFACTURER	PRODUCT NO./ COLOR/ TEXTURE	NOTES
1	1 COAT STUCCO SYSTEM			
2	MASONRY VENEER			
3	HORIZONTAL SIDING			CEMENTIOUS
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5	STANDING SEAM ROOFING			
6	FLAT CONCRETE ROOF TILE			
7	METAL RAILING			

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PROPOSED NEW MULTI-FAMILY PROJECT FOR:
PB BELL
59th AVE MULTIFAMILY
PHOENIX, AZ

dwg name: PRELIMINARY BLDG TYPE 2 EXTERIOR ELEVATIONS
dwg no: SD2.21
date: 08-27-2021
job no: 2021.07 log no:



UNIT B2 UNIT C1 UNIT C1 | UNIT A1 UNIT A1 UNIT A1 | UNIT A1 UNIT A1 UNIT A1 | UNIT B2 UNIT C1 UNIT C1

FRONT/REAR ELEVATION

SCALE: 1/8" = 1'-0"



UNIT B2 UNIT C1 UNIT C1 | UNIT B2 UNIT C1 UNIT C1

LEFT/RIGHT ELEVATION

SCALE: 1/8" = 1'-0"

CITY OF PHOENIX

AUG 30 2021

Planning & Development Department

EXTERIOR MATERIAL SCHEDULE

TAG	MATERIAL	MANUFACTURER	PRODUCT NO./ COLOR/ TEXTURE	NOTES
1	1 COAT STUCCO SYSTEM			
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3	HORIZONTAL SIDING			CEMENTIOUS
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6	FLAT CONCRETE ROOF TILE			
7	METAL RAILING			

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PROPOSED NEW MULTI-FAMILY PROJECT FOR:
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59th AVE MULTIFAMILY
PHOENIX, AZ

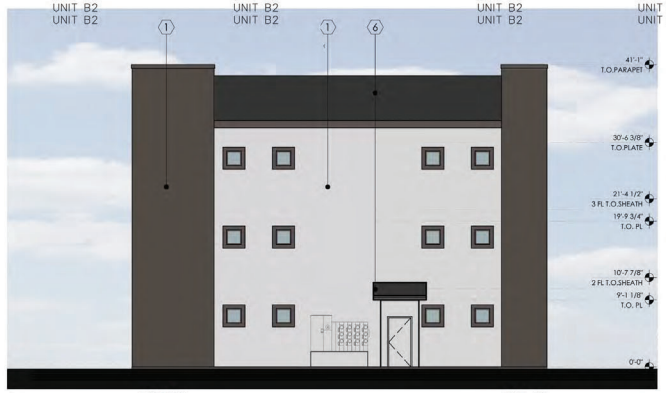
dwg name: PRELIMINARY BLDG TYPE 3 EXTERIOR ELEVATIONS
dwg no: SD2.31
date: 08-28-2021
job no: 2021.07 log no:



FRONT ELEVATION
SCALE: 1/8" = 1'-0"



REAR ELEVATION
SCALE: 1/8" = 1'-0"



LEFT / RIGHT ELEVATION
SCALE: 1/8" = 1'-0"

CITY OF PHOENIX
AUG 30 2021
Planning & Development Department

EXTERIOR MATERIAL SCHEDULE

TAG	MATERIAL	MANUFACTURER	PRODUCT NO./ COLOR/ TEXTURE	NOTES
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3	HORIZONTAL SIDING			CEMENTIOUS
4	VERTICAL SIDING			CEMENTIOUS
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6	FLAT CONCRETE ROOF TILE			
7	METAL RAILING			

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PROPOSED NEW MULTI-FAMILY PROJECT FOR:
PB BELL
59th AVE MULTIFAMILY
PHOENIX, AZ

dwg name: PRELIMINARY BLDG TYPE 4 EXTERIOR ELEVATIONS
dwg no: SD2.41
date: 08-27-2021
job no: 2021.07 log no:



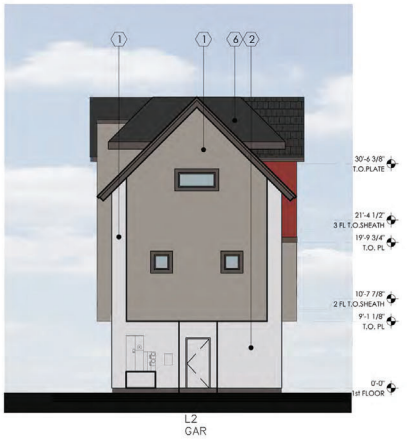
FRONT ELEVATION

SCALE: 1/8" = 1'-0"



REAR ELEVATION

SCALE: 1/8" = 1'-0"



LEFT/RIGHT ELEVATIONS

SCALE: 1/8" = 1'-0"

EXTERIOR MATERIAL SCHEDULE

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7	METAL RAILING			

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PROPOSED NEW MULTI-FAMILY PROJECT FOR:
PB BELL
59th AVE MULTIFAMILY
PHOENIX, AZ

dwg name: PRELIMINARY BLDG TYPE 5 EXTERIOR ELEVATIONS
dwg no: SD2.51
date: 08-27-2021
job no: 2021.07 log no:



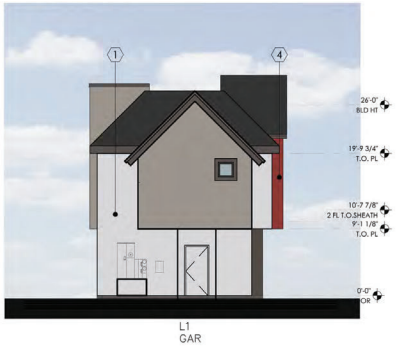
FRONT ELEVATION

SCALE: 1/8" = 1'-0"



REAR ELEVATION

SCALE: 1/8" = 1'-0"



LEFT/RIGHT ELEVATION

SCALE: 1/8" = 1'-0"

CITY OF PHOENIX

AUG 3 0 2021

Planning & Development Department

EXTERIOR MATERIAL SCHEDULE

TAG	MATERIAL	MANUFACTURER	PRODUCT NO./ COLOR/ TEXTURE	NOTES
1	1 COAT STUCCO SYSTEM			
2	MASONRY VENEER			
3	HORIZONTAL SIDING			CEMENTIOUS
4	VERTICAL SIDING			CEMENTIOUS
5	STANDING SEAM ROOFING			
6	FLAT CONCRETE ROOF TILE			
7	METAL RAILING			

BMA ARCHITECTURE
2915 East Baseline Road, Suite 120 - Gilbert, AZ 85234
p: 480.659.1524 | www.BMAarchitecure.com

PB Bell
Creating places that matter

PROPOSED NEW MULTI-FAMILY PROJECT FOR:
PB BELL
59th AVE MULTIFAMILY
PHOENIX, AZ

dwg name: PRELIMINARY BLDG TYPE 6 EXTERIOR ELEVATIONS
dwg no: SD2.61
date: 08-27-2021
job no: 2021.07 log no:



PLANT MATERIALS LEGEND

Trees		Size	Height	Width	Caliper
Acacia salicina Willow Acacia	-	24" Box	12'	6'	2"
Acacia smallii Sweet Acacia	-	24" Box	10'	6'	2"
Acacia stenophylla Shoestring Acacia	-	24" Box	12'	6'	2"
Chitalpa tashkinensis Chitalpa	-	15 gal.	5'	3'	1"
Olea europea 'Wilsonii' Olive	-	36" Box	10'	7'	2"
Olneya tesota Ironwood	-	72" Box Desert Salvage			
Parkinsonia hyb. 'Desert Museum' Palo Verde	-	24" Box	7'	2'	.75"
Phoenix dactylifera Date Palm	-		16'		
Pistacia lentiscus Mastic Tree	-	15 gal.	7'	2'	.75"
Pistacia x. Red Push 'Red Push' Pistache	-	24" Box	8'	3'	1.25"
Prosopis hybrid Thornless Mesquite	-	15 gal.	5'	3'	.75"
Quercus virginiana 'Cathedral' Oak	-	24" Box	8'	4'	1.25"
Ulmus parvifolia 'Allee' Elm	-	15 gal.	7'	3'	.75"

CITY OF PHOENIX
AUG 30 2021
Planning & Development Department

PBBell | Landscape Plan | PB Bell 59th Ave Multifamily

0' 40' 80' 120'
scale: 1:40 date: 08.30.21

anderson
815 n. 1st avenue, suite 3
phoenix, az 85003

Laveen
VILLAGE PLANNING COMMITTEE

Village Planning Committee Meeting Summary
Z-41-21-7

Date of VPC Meeting	September 13, 2021
Request From	S-1 (Approved C-2/CP-GCP) (14.56 acres)
Request To	C-2 HGT/WVR DNS/WVR (14.56 acres)
Proposed Use	Multifamily Residential Development
Location	Approximately 615 north of the northwest corner of 59th Avenue and Dobbins Road
VPC Recommendation	Denial as filed
VPC Vote	8-0

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

Sofia Mastikhina, staff, provided an overview of the request, including the location, surrounding and on-site zoning, surrounding land uses, and an explanation of proposed entitlement. She explained that the current zoning of C-1 (Intermediate Commercial District) permits multifamily residential development per R-3 (Multifamily Residence District) standards. The request is to add a height and density waiver to allow for a more intense development than would otherwise be permitted by right. She then outlined the General Plan Land Use Map designation, noting that the site is located within the Laveen Village Core, which is intended to be the central focus of the village where more height and density are appropriate. She presented the proposed site plan, pointing out the two entry driveways, three open space areas, and a height limitation for buildings along 59th Avenue of a maximum of two stories. She then presented the landscape plan, which includes robust landscaping within a 30-foot setback along 59th Avenue, per staff's request, and the proposed building elevations, which exhibit rural architectural elements such as pitched roofs and vertical siding. She concluded her presentation with staff's findings and recommendation, as well as the recommended stipulations of approval.

Manjula Vaz, representative with Gammage & Burnham, presented examples of other projects by PB Bell, noting the high quality of the developments. She provided an overview of the locational context of the site, outlining the relationship of the site to the village core, and noting that the site to the south is planned for commercial development, as well as several other commercial developments slated for construction along the Loop 202 freeway. She presented information regarding the rezoning case that established the commercial zoning on the site and pointed out that the approval letter called out the intent of the village core as a high-intensity area with a mix of

commercial and high density multifamily residential development. She then presented the proposed site plan, landscape plan, building renderings and elevations, noting the main development features, circulation, pedestrian areas, improvements to 59th Avenue, enhanced open space, and enhanced architecture. She also outlined the General Plan Land Use and Design policies that are met by this proposal, and the development impact fees, contributions of the school district, and property taxes that will be generated by this development.

QUESTIONS FROM COMMITTEE

Vice Chair Linda Abegg thanked the applicant for working with the committee and the applicant in incorporating many of the standards and design features that they requested, and thanked staff for the recommended stipulations to ensure that the Laveen Core is held to high standards. She stated that although the plan underwent many changes, her main concern is that this site is designated for mixed use and the request at hand is to increase the height and density yet does not provide a mix of uses. She expressed concern over the trend of commercially zoned properties being developed with only residential uses and stated that there is no guarantee that the property to the south will develop with commercial.

Rebecca Perrera thanked the applicant for their listing of the impact fees that will be applicable to this project and paid to the city but stated that ultimately those won't do much for the local community. She explained that the biggest fiscal impact at a local level comes from sales taxes and, if Laveen continues to add rooftops without any commercial uses, the sales taxes from Laveen residents will go to the communities that they have to commute to for their shopping and entertainment needs. She also expressed concern with the erosion of commercial properties in Laveen. She then asked if the development is designed to discourage mid-block pedestrian crossings, as there is a school on 59th Avenue with many students walking to and from every day. **Vaz** replied that the developer is working with the Street Transportation Department to ensure sufficient pedestrian safety along 59th Avenue.

Carlos Ortega expressed concern with the applicant's usage of the word "multi-use," as this is not a mixed-use project. He also expressed concern with the proposed height of 3-story units and the noise mitigation from the freeway. Although the developer incorporated some architectural features, the proposal does not meet the intent of a mixed-use core. There is no guarantee that the property to the south will develop as commercial, and he is opposed to the proposal at hand.

PUBLIC COMMENT

Scott Ward introduced himself as the property owner of the parcel to the south and stated that he and his development team have been trying to attract businesses to their site for several months. He expressed his excitement for this project as it will bring sufficient residential units to support the future commercial uses on his property, which will come to fruition more easily once the multifamily is developed.

Dan Penton expressed appreciation for the applicant having incorporated the community's desired features into the plan but stated that this proposal does not meet the intent of the Village Core, which is to provide a mix of land uses. He explained that the proposal means to add high density residential along the freeway corridor, which should be an area for new employment opportunities. He then asked if the development has considered incorporating affordable units, as affordable housing is something that

the community desperately needs. He requested that the committee deny this case or require that the applicant file a PUD to ensure commercial development on the property to the south.

Sandy Hamilton asked for clarification on the committee's position regarding multifamily housing, as they had previously made an assertion that they would no longer approve such projects yet, just at the previous meeting, they had approved two multifamily residential cases. He stated that the land of this subject request could be put to better use than for multifamily housing.

Erika Lopez expressed concern over the high density of the proposal, the traffic generation, the lack of school capacity for the new units, and the overall impact on the neighborhood to the east. She asked that the committee recommend a continuance so that the applicant can explore a PUD designation to solidify requirements for a commercial portion to support the residential.

Vice Chair Abegg expressed appreciation to the applicant for working extensively with staff, committee members, and members of the community to incorporate their suggestions into the project. She stated that, nevertheless, the proposal does not meet the intent of the Village Core due to a lack of a mixed-use component, and that the promise that there will be commercial on the parcel to the south is not enough to justify approval of this project.

MOTION
Vice Chair Abegg made motion to deny the request as filed. **Carlos Ortega** seconded the motion.

VOTE
8-0: Motion passes with committee members Glass, Abegg, Barraza, Buggs, Ortega, Perrera, Rouse, and Rowe in favor. Committee member Hurd experiences technical difficulties during the vote and was thus absent.

STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:
None.

City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

ADDENDUM A
Staff Report: Z-41-21-7
September 20, 2021

Laveen Village Planning Committee Meeting Date	September 13, 2021
Planning Commission Hearing Date	October 7, 2021
Request From:	S-1 (Approved C-2/CP-GCP) (14.56 acres)
Request To:	C-2 HGT/WVR DNS/WVR (14.56 acres)
Proposed Use	Multifamily residential with a height and density waiver
Location	Approximately 615 feet north of the northwest corner of 59th Avenue and Dobbins Road
Owner	The Williams Family Living 1996 Trust
Applicant	Anne Healy, P.B. Bell
Representative	Manjula M. Vaz, Gammage & Burnham, PLC
Staff Recommendation	Approval, subject to stipulations

The purpose of this addendum is to revise the staff recommended stipulations to modify language pertaining to the relocation of existing irrigation facilities. The applicant has coordinated with the Street Transportation Department to clarify the language in Stipulation No. 23 to allow for the removal of existing underground irrigation facilities. The previous stipulation language limited it to undergrounding and relocation only.

On September 13, 2021, the Laveen Village Planning Committee heard this request and denied it by a vote of 11-0.

Staff recommends approval subject to the following revised stipulations:

1. The development shall be in general conformance with the site plan and elevations date stamped August 30, 2021, as modified by the following stipulations and approved by the Planning and Development Department.

2. The buildings along 59th Avenue, as depicted on the site plan date stamped August 31, 2021, shall not exceed a maximum height of 2 stories and 30 feet. Other buildings on the site shall not exceed a maximum height of 3 stories and 40 feet.

3. The developer shall construct a 10-foot-wide public Shared Use Path (SUP) along 59th Avenue, which shall be detached with a landscape strip located between the sidewalk and back of curb following the most recent Cross Section of the Street Classification Map. The landscape area between the sidewalk and back of curb shall be planted to the following standards, as approved by the Planning and Development Department.

    a. Minimum 2-inch caliper shade trees that provide a minimum 75 percent shade at maturity.

    b. Drought tolerant vegetation maintained at a maximum height of 24 inches and achieve 75 percent live coverage.

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

4. A minimum landscape setback of 30 feet shall be required along 59th Avenue and shall be planted with minimum 50 percent 3-inch caliper, 50 percent 4-inch caliper large canopy drought-tolerant trees, 20 feet on center or in equivalent groupings, and five 5-gallon shrubs per tree, and 75 percent live groundcover, as approved by the Planning and Development Department. Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.

5. The required landscape setback along the interior property lines shall be planted with minimum 2-inch caliper trees at 20 feet on center or in equivalent groupings, and 75 percent live groundcover at maturity, as approved by the Planning and Development Department.

6. The primary vehicular entrance to the development shall include the following elements, as approved by the Planning and Development Department:

    a. Pedestrian pathway connecting the interior of the development to the public sidewalk and shall be constructed of bricks, pavers, or similar material.

    b. The pedestrian pathway shall be detached from the vehicular driveway and lined with landscape areas on both sides of not less than 5 feet each. The landscape area shall be planted with drought-tolerant plant materials providing seasonal interest and 75 percent live cover.

    c. A mix of ornamental trees (no less than 2-inch caliper), shrubs (no less than five five-gallon shrubs per tree) and flower beds that will maintain a constant bloom throughout the year and 75 percent live cover, shall be provided along both sides of the entryway and within a landscaped median of no less than 5 feet in width.

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

7. Open view wrought iron fencing or a combination of maximum two feet of solid masonry topped by wrought iron open view fencing shall be utilized along pedestrian and vehicular entryway areas, as approved by the Planning and Development Department.

8. Walls along the perimeter of the site shall include material and textural differences, such as stucco and/or split face block with a decorative element, such as tile or stamped designs, as approved by the Planning and Development Department.

9. Decorative rail or similar fencing elements shall be provided along 59th Avenue, as approved by the Planning and Development Department.

10. The development shall provide a minimum of 18 percent of open space. A minimum of three district open space areas shall be provided as depicted on the site plan date stamped August 30, 2021. Additionally, three benches or seating features shall be provided throughout the development within shaded areas. One of the benches or seating features shall be located within close proximity to the primary entryway along 59th Avenue.

11. A central amenity and open space area shall be provided within close proximity to the primary vehicular entrance into the development, and include the following amenities at a minimum, as approved by the Planning and Development Department:

    a. Swimming pool;

    b. Clubhouse.

12. No more than 50 percent of the landscape areas within common areas or 10 percent of the net lot area, whichever is less, should be planted in turf or high-water use plants. Turf areas should be located only in the common open space areas, including retention basins, as approved by the Planning and Development Department.

13. A system of pedestrian thoroughfares shall be provided at a minimum, as described below and as approved or modified by the Planning and Development Department:

    a. Pathways shall be illuminated by pedestrian scale lighting per Section 1304(H)5.

b. Where pedestrian pathways cross a vehicular path, the pathway shall be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrasts parking and drive aisle surfaces. Vehicular crossings shall be kept to a minimum.

14. Active open space areas, with the exception of the pool, shall be shaded a minimum of 75 percent using architectural shade and/or shade trees at full maturity, as approved by the Planning and Development Department.

15. Pedestrian paths internal within the site and connecting the public sidewalk shall be shaded to a minimum of 75 percent using architectural shade and/or shade trees at full maturity, as approved by the Planning and Development Department.

16. All uncovered surface parking lot areas shall be landscaped with a minimum 2-inch caliper drought-tolerant shade trees. Landscaping shall be dispersed throughout the parking areas and achieve 25 percent shade at maturity, as approved by Planning and Development Department.

17. The development shall incorporate bicycle infrastructure as described below and as approved by the Planning and Development Department.

    a. Minimum of four bicycle parking spaces via inverted U-bicycle racks, artistic style bicycle racks or “Outdoor/Covered Facilities” shall be located near the vehicular entryway into the development or nearby amenity areas. All bicycle racks shall adhere to Appendix K of the Comprehensive Bicycle Master Plan.

    b. Secure bicycle parking for residents shall be provided at a minimum rate of 0.25 spaces per residential unit, with a maximum of 50 spaces, and shall adhere to the standards in Section 1307.H of the Zoning Ordinance.

    c. One bicycle repair station (“fix it station”) shall be provided and maintained within close proximity to the primary vehicular entryway to the development. The bicycle repair station (“fix it station”) shall be provided in an area of high visibility and separated from vehicular maneuvering areas, where applicable. The repair station shall include: standard repair tools affixed to the station; a tire gauge and pump affixed to the base of the station or the ground; and a bicycle repair stand which allows pedals and wheels to spin freely while making adjustments to the bike.

18. The developer shall provide traffic calming measures at all vehicular points of ingress and egress to slow vehicles departing the development and crossing the public sidewalks, as approved by the Planning and Development Department.

19. The developer shall dedicate minimum 55 feet of right-of-way for the west half of 59th Avenue, as approved by the Planning and Development Department.

20. The developer shall construct and landscape a 14-foot-wide median island along 59th Avenue from Siesta Way to the northern edge of the development. A median opening shall be provided at 59th Avenue and Siesta Way for full access while the northern access shall be restricted to right-in/right-out only by the median island, as depicted on the site plan date stamped August 30, 2021 and as approved by the Street Transportation Department.

21. The developer shall construct a detached sidewalk and minimum 13-foot-wide landscape area located between the back of curb and sidewalk as required by the CM Cross Section along the west side of 59th Avenue, as approved by the Planning and Development Department.

22. The developer shall submit a Traffic Impact Study (TIS) to the City for this development. No preliminary approval of plans shall be granted until the study is reviewed and approved by the City. The TIS shall include signal warrant analysis for the intersections of 59th Avenue and Dobbins Road and 59th Avenue and South Mountain Boulevard. The developer shall be responsible for any additional dedications and construction and/or contribute funds in escrow for the traffic signals, as required by the approved TIS.

23. Existing irrigation facilities along any existing and or proposed right-of-way shall be EITHER REMOVED FROM CITY RIGHT-OF-WAY OR undergrounded and relocated outside of City right-of-way. Contact SRP to identify existing land rights and establish the appropriate process to REMOVE OR relocate the facility. Relocations that require additional dedications or land transfer, require completion prior to obtaining plat and or civil plan review approval.

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

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

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

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

Attachment E

REPORT OF PLANNING COMMISSION ACTION
October 7, 2021

ITEM NO: 11	
	DISTRICT NO.: 7
SUBJECT:	
Application #:	Z-41-21-7
Location:	Approximately 615 feet north of the northwest corner of 59th Avenue and Dobbins Road
From:	S-1 (Approved C-2/CP-GCP)
To:	C-2 HGT/WVR DNS/WVR
Acreage:	14.56
Proposal:	Multifamily residential with a height and density waiver
Applicant:	Anne Healy, P.B. Bell
Owner:	The Williams Family Living 1996 Trust
Representative:	Manjula M. Vaz, Gammage & Burnham, PLC

ACTIONS:

Staff Recommendation: Approval, subject to stipulations.

Village Planning Committee (VPC) Recommendation:
Laveen 9/13/2021 Denial. Vote: 8-0.

Planning Commission Recommendation: Approval, per the staff recommendation, with additional stipulations (Addendum A Staff Report).

Motion Discussion: N/A

Motion details: Commissioner Busching made a MOTION to approve Z-41-21-7, per the staff recommendation, with the additional stipulation as read into the record and a stipulation to require a minimum of one pedestrian connection within the west 600 feet of the property, along the south side, to allow access between the site and any future development to the south, as approved by the Planning and Development Department.

Maker: Busching
Second: Gaynor
Vote: 7-1 (Perez)
Absent: Shank
Opposition Present: Yes

Findings:

1. The proposed development will provide high density housing within the Laveen Village Core, where higher intensity land uses are encouraged. The site is also adjacent to the Loop 202 freeway, a major transportation corridor, in addition to a major commercial center to the north, on 59th Avenue and Baseline Road.

2. The proposal will provide an appropriate transition from single-family residential neighborhoods to the east to the freeway corridor to the west of the site.

3. As stipulated, the proposal includes several site design elements that exceed Zoning Ordinance requirements and that are consistent with the design recommendations set forth in the Laveen Southwest Growth Study.

Stipulations:

1. The development shall be in general conformance with the site plan and elevations date stamped August 30, 2021, as modified by the following stipulations and approved by the Planning and Development Department.

2. The buildings along 59th Avenue, as depicted on the site plan date stamped August 31, 2021, shall not exceed a maximum height of 2 stories and 30 feet. Other buildings on the site shall not exceed a maximum height of 3 stories and 40 feet.

3. The developer shall construct a 10-foot-wide public Shared Use Path (SUP) along 59th Avenue, which shall be detached with a landscape strip located between the sidewalk and back of curb following the most recent Cross Section of the Street Classification Map. The landscape area between the sidewalk and back of curb shall be planted to the following standards, as approved by the Planning and Development Department.

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

4. A minimum landscape setback of 30 feet shall be required along 59th Avenue and shall be planted with minimum 50 percent 3-inch caliper, 50 percent 4-inch caliper large canopy drought-tolerant trees, 20 feet on center or in equivalent groupings, and five 5-gallon shrubs per tree, and 75 percent live groundcover, as approved by the Planning and Development Department. Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.

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b. Secure bicycle parking for residents shall be provided at a minimum rate of 0.25 spaces per residential unit, with a maximum of 50 spaces, and shall adhere to the standards in Section 1307.H of the Zoning Ordinance.

c. One bicycle repair station (“fix it station”) shall be provided and maintained within close proximity to the primary vehicular entryway to the development. The bicycle repair station (“fix it station”) shall be provided in an area of high visibility and separated from vehicular maneuvering areas, where applicable. The repair station shall include: standard repair tools affixed to the station; a tire gauge and pump affixed to the base of the station or the ground; and a bicycle repair stand which allows pedals and wheels to spin freely while making adjustments to the bike.

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19. The developer shall dedicate minimum 55 feet of right-of-way for the west half of 59th Avenue, as approved by the Planning and Development Department.

20. The developer shall construct and landscape a 14-foot-wide median island along 59th Avenue from Siesta Way to the northern edge of the development. A median opening shall be provided at 59th Avenue and Siesta Way for full access while the northern access shall be restricted to right-in/right-out only by the median island, as depicted on the site plan date stamped August 30, 2021 and as approved by the Street Transportation Department.

21. The developer shall construct a detached sidewalk and minimum 13-foot-wide landscape area located between the back of curb and sidewalk as required by the CM Cross Section along the west side of 59th Avenue, as approved by the Planning and Development Department.

22. The developer shall submit a Traffic Impact Study (TIS) to the City for this development. No preliminary approval of plans shall be granted until the study is reviewed and approved by the City. The TIS shall include signal warrant analysis for the intersections of 59th Avenue and Dobbins Road and 59th Avenue and South Mountain Boulevard. The developer shall be responsible for any additional dedications and construction and/or contribute funds in escrow for the traffic signals, as required by the approved TIS.

23. Existing irrigation facilities along any existing and or proposed right-of-way shall be EITHER REMOVED FROM CITY RIGHT-OF-WAY OR undergrounded and relocated outside of City right-of-way. Contact SRP to identify existing land rights and establish the appropriate process to REMOVE OR relocate the facility. Relocations that require additional dedications or land transfer, require completion prior to obtaining plat and or civil plan review approval.

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

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

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

28. **PRIOR TO PRELIMINARY SITE PLAN APPROVAL, THE LANDOWNER SHALL EXECUTE A PROPOSITION 207 WAIVER OF CLAIMS FORM. THE WAIVER SHALL BE RECORDED WITH THE MARICOPA COUNTY RECORDER'S OFFICE AND DELIVERED TO THE CITY TO BE INCLUDED IN THE REZONING APPLICATION FILE FOR RECORD.**

29. **A MINIMUM OF ONE PEDESTRIAN CONNECTION SHALL BE PROVIDED WITHIN THE WEST 600 FEET OF THE PROPERTY, ALONG THE SOUTH SIDE, TO ALLOW ACCESS BETWEEN THE SITE AND ANY FUTURE DEVELOPMENT TO THE SOUTH, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT**

This publication can be made available in alternate format upon request. Please contact Angie Holdsworth at (602) 495-5622, TTY use 7-1-1.

Attachment F

CITY OF PHOENIX
PLANNING AND DEVELOPMENT DEPARTMENT

FORM TO REQUEST PC to CC **I HEREBY REQUEST THAT THE CC HOLD A PUBLIC HEARING ON:** 11/3/2021					
APPLICATION NO/ LOCATION	Z-41-21-7 Northwest corner of 59th Avenue and Dobbins Road	***(SIGNATURE ON ORIGINAL IN FILE)***			
		opposition	**x**	**applicant**	
APPEALED FROM:	PC 10/7/2021	5407 West Winston Drive Laveen, Arizona 85339			
	PC DATE	*STREET/ADDRESS/CITY/STATE/ZIP*			
TO PC/CC HEARING	CC 11/3/2021	Linda Abegg 801-358-1736 Linda.abegg@gmail.com			
	CC DATE	*NAME / PHONE / EMAIL*			
REASON FOR REQUEST: This application allows a change from mixed use to high density. Unless commercial is included the density and height waivers should be denied.					
RECEIVED BY:	Racelle Escolar	**RECEIVED ON:**		10/8/2021	

Alan Stephenson	Greg Harmon
Joshua Bednarek	Samantha Keating
Tricia Gomes	Paul M. Li
Racelle Escolar	Village Planner
Stephanie Vasquez	GIS
David Urbinato	Applicant
Vikki Cipolla-Murillo	

City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

The **PLANNING COMMISSION** agenda for **October 7, 2021** is attached.

The **CITY COUNCIL** may approve the recommendation of the Planning Commission without further hearing **unless**:

1. A **REQUEST FOR A HEARING** by the **CITY COUNCIL** is filed within seven (7) days.

   There is a $630.00 appeal fee for hearings requested by the applicant, due by 5:00 p.m. **October 14, 2021**.

   Any member of the public may, within seven (7) days after the Planning Commission's action, request a hearing by the City Council on any application. If you wish to request a hearing, fill out and sign the form below and return it to the Planning and Development Department by 5:00 p.m., **October 14, 2021**.

2. A **WRITTEN PROTEST** is filed, no later than seven (7) days after the Planning Commission's action, which requires a three-fourths vote. A written protest will require a three-fourths vote of the City Council to approve a zoning change when the owners of at least 20 percent of the property by area and number of lots, tracts, and condominium units within the zoning petition area have signed the petition. The zoning petition area includes both the area of the proposed amendment, and the area within 150 feet of the proposed amendment, including all rights-of-way. For condominium, townhouse and other types of ownership with common lands, authorized property owner signatures are required. Please see Planning and Development Department Staff for additional information prior to gathering signatures.

   To require a three-fourths vote of the City Council for approval, a written protest for applications on this agenda must be filed with the Planning and Development Department by 5:00 p.m. **October 14, 2021**.

   The Planning and Development Department will verify ownership by protestors to determine whether or not a three-fourths vote will be required.

3. A **CONTINUANCE** is granted at the **PLANNING COMMISSION**. In the event of a continuance, there is an $830.00 fee due from the applicant within fourteen (14) days, by 5:00 p.m. **October 21, 2021**.

FORM TO REQUEST CITY COUNCIL HEARING

I HEARBY REQUEST THAT THE CITY COUNCIL HOLD A PUBLIC HEARING:

Z-41-21 APPLICATION NO.		NW Corner of 59th Ave and Dobbins Rd LOCATION OF APPLICATION SITE
10/8/21 DATE APPEALED FROM	☑ OPPOSITION ☐ APPLICANT	R. Escolar 10/8/21 PLANNER (PLANNER TAKING THE APPEAL)

BY MY SIGNATURE BELOW, I ACKNOWLEDGE CITY COUNCIL APPEAL:

Linda Abegg PRINTED NAME OF PERSON APPEALING	Sign at here SIGNATURE
5407 W Winston Dr STREET ADDRESS	10/8/2021 DATE OF SIGNATURE
Laveen, AZ 85339 CITY, STATE & ZIP CODE	8013581736 TELEPHONE NO.
linda.abegg@gmail.com EMAIL ADDRESS	

REASON FOR REQUEST

CITY OF PHOENIX
OCT 08 2021
Planning & Development Department

This application allows a change from mixed use to high density. Unless commercial is included the density and height waivers should be denied.

APPEALS MUST BE FILED IN PERSON AT 200 WEST WASHINGTON, 2ND FLOOR, ZONING COUNTER

The Williams Family Living 1996 Trust
520 East Orange Drive
Phoenix, AZ 85012

September 13, 2021

Laveen Village Planning Committee
c/o Sofia Mastikhina, Planner II – Village Planner
City of Phoenix
Long Range Planning
200 West Washington Street
Phoenix, AZ 85003
(602) 256-5648

RE: City of Phoenix Rezoning Case No. Z-41-21-7

Dear Chair Glass, Vice Chair Abegg and Committee Members:

Our family has owned and farmed property in Laveen since the 1930s. Because of our deep roots in and commitment to the Laveen community, we have been seeking developers for our properties along and in proximity to the freeway that are committed to delivering, owning and managing a high-quality product that both our family and the community will be proud of for generations to come. In fact, we have already declined multiple offers from developers, including developers of multifamily housing, offering the highest purchase amounts for our properties because we did not believe that they would deliver the level of quality or the uses that we strongly believe the community deserves.

We selected P.B. Bell to develop the property before you this evening because they are a locally based and award winning company that constructs, owns and manages their developments. P.B. Bell has received multiple awards for both the quality of their developments and their management services. They are also known and recognized for tailoring their developments to complement the character of the area that they are being built in. We are proud of the high-quality product, appropriate character, and sensitive site layout design of the proposed development that P.B. Bell is presenting to you this evening. The development of a high-quality multifamily product on this property, which is located in the Laveen Village Core, is consistent with the property's zoning approved nearly 20 years ago, the Phoenix General Plan, and the Laveen Village Character Plan.

We understand there have been some questions raised regarding the development plans for the adjoining 14 acres of property we own to the south at the immediate corner of the freeway and Dobbins Road. As has been our plan since the early 2000s, we are committed to delivering commercial service uses on this property to help fulfill the vision of a vibrant Village Core accommodating a mix of uses. We have heard from multiple retail developers that P.B. Bell's project, if approved, will make the property along Dobbins much more desirable for commercial development. In return, it has been our commitment to providing commercial uses on these 14

acres that has attracted a high-quality, award winning developer like P.B. Bell for the adjoining property.

We respectfully request that you recommend approval of the referenced case and associated development proposal before you this evening. We look forward to continuing to work with you to deliver the mix of uses and high-quality development that has long been envisioned for our properties along and in proximity to the freeway, including the property before you this evening and the adjoining 14 acres at the corner of the freeway and Dobbins.

Sincerely,
The Williams Family Living 1996 Trust

By Stephen W. Williams
Chairman

Sofia Mastikhina

From: Scott Kuknyo <skuknyo@cox.net>
Sent: Wednesday, September 8, 2021 1:05 PM
To: Sofia Mastikhina
Subject: Laveen Village Planning Committee meeting September 13th, 6:30pm

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Sofia,

I understand you are the contact to submit general questions or comments to for the above mentioned meeting on Monday, September 13th.

If for any reason this email isn't sufficient, I would be willing to ask questions/comments during the call.

Comments:

- Developers are wanting to rezone land for high density multi-family apartments along 59th Ave, adjacent to South Mountain Rd. The developers are obviously focused on only their particular building proposals but the City needs to be more engaged to the broader "community" perspective to avoid over population saturation.

- There is not enough infrastructure to support the volume of traffic through the entire 59th Ave. corridor between Baseline Rd and Dobbins Rd. A single two lane road will NOT support the attendees of Fairfax High School, existing residential communities (specifically, Paseo Pointe), new apartments already built on the SE corner of 59th Ave and South Mountain Rd., the new retail stores that have yet to be developed between South Mountain Rd and Baseline Rd., in addition to the two separate high density apartment complexes being proposed between South Mountain Rd to Dobbins Rd.

- For the last several years, there hasn't been nearly enough Police (and likely Fire) resources for the Laveen Village population. This remains an ever-growing problem that continues to persist. Adding high density apartments throughout Laveen Village will create greater demand on those resources that do not exist.

- Anyone currently living in Laveen Village is well aware of the challenges of reliably finding routine food items on grocery store shelves. Residents like myself need to travel to other cities to grocery shop. Adding the volume of density proposed by these developers only further adds to the strain of our basic shopping needs.

- I am not opposed to apartments in general but there shouldn't be a cluster of high density apartments within less than a quarter mile from each other. Laveen Village requires a better land usage approach. Please consider creating a much greater distance between these high density apartments.

Sincerely,
Scott Kuknyo
8622 S. 58th Dr.
Laveen, AZ. 85339

Racelle Escolar

From: Linda Abegg <linda.abegg@gmail.com>
Sent: Tuesday, October 5, 2021 4:04 PM
To: Racelle Escolar
Subject: PC 10/7: Z-41-21

Hi Racelle,
Can you please send this to the commissioners or read it as a comment at the meeting? Unfortunately I am unable to be there to speak on Thursday. Thanks!

Planning Commission Members,

I am unable to attend Thursday's meeting, but as a community member and Vice Chair of the LVPC, I'd like to give input on the case NW of 59th Ave and Dobbins in Laveen (Z-41-21).

1. Right now the *entire* parcel is zoned mixed use, but could be developed into multi-family without a public hearing process. Only the northern portion is included in this case.

2. If the northern portion is granted the requested height and density variance, the land owner still has the ability to build multi-family on the southern portion without public hearings, eliminating the commercial part of the mixed use.

3. Because this is zoned and planned as mixed use, the LVPC and Laveen community oppose the height and density variance that would allow for an even higher density of multifamily without any commercial.

4. I would support the increase in height and density if the entire parcel were being rezoned as a PUD with commercial included so that the mixed use designation is preserved. Although the landowners have provided written assurances that they *intend* to build commercial on the southern portion, we all know that a letter is not enforceable; we need the zoning to match the agreement.

Thank you for your support of responsible development in our community,
Linda Abegg
Vice Chair LVPC
5407 W Winston Dr
Laveen, AZ 85339

City of Phoenix

Report

Agenda Date: 11/3/2021, **Item No.** 46

Public Hearing and Ordinance Adoption - Planning Hearing Officer Application PHO-1-21--Z-10-18-8- Northwest Corner of 27th Street and Baseline Road (Ordinance G-6914)

Request to authorize the City Manager, or his designee, to approve the Planning Commission recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on Aug. 18, 2021 and the Planning Commission on Oct. 7, 2021.

Summary

Application: PHO-1-21--Z-10-18-8
Existing Zoning: C-1 BAOD
Acreage: 10.31

Applicant: Cassandra Ayres, Beus Gilbert McGroder, PLLC
Owner: Baseline 25, LLC
Representative: Paul Gilbert, Beus Gilbert McGroder, PLLC

Proposal:
1. Modification of Stipulation 1 regarding general conformance to the conceptual planting plan date stamped June 25, 2018.
2. Deletion of Stipulation 1.a regarding the quantity and configuration of drive-through facilities.
3. Deletion of Stipulation 1.b regarding the configuration of 27th Street.
4. Deletion of Stipulation 2 regarding general conformance to elevations date stamped February 12, 2018.
5. Modification of Stipulation 2.a regarding pitched roof elements.
6. Modification of Stipulation 2.b regarding an equestrian corral area.

Concurrence/Previous Council Action

VPC Action: The South Mountain Village Planning Committee heard this case on Jul. 13, 2021 and recommended denial as filed and approval with modifications, by a vote of 10-1-1.
PHO Action: The Planning Hearing Officer heard this case on July 21, 2021 and recommended a continuance to the Aug. 18, 2021 agenda. The Planning Hearing

Officer heard this case on Aug. 18, 2021 and recommended denial as filed and approval with modifications and additional stipulations. See **Attachment B (Staff Report)** for the full list of Planning Hearing Officer recommended stipulations.
Staff Recommendation: Denial as filed and approval with modifications and additional stipulations, as recommended by the Planning Hearing Officer.
PC Action: The Planning Commission heard this case on Oct. 7, 2021 and recommended approval, per the Planning Hearing Officer recommendation with the deletion of a stipulation, by a vote of 6-2. See **Attachment C (PC Summary)** for the list of Planning Commission recommended stipulations. The item will be heard at a public hearing along with the two companion cases for the site.

Location
Northwest corner of 27th Street and Baseline Road
Council District: 8
Parcel Address: 7407, 7421, and 7435 S. 25th St.; 7420 S. 27th St.; 2520, 2600, 2620, and 2624 E. Baseline Road; and 2630 E. Ellis St.

Responsible Department
This item is submitted by Deputy City Manager Ginger Spencer and the Planning and Development Department.

ATTACHMENT A

THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL, ADOPTED ORDINANCE

ORDINANCE G-

AN ORDINANCE AMENDING THE STIPULATIONS APPLICABLE TO REZONING APPLICATION Z-10-18-8 PREVIOUSLY APPROVED BY ORDINANCE G-6478.

_____

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

SECTION 1. The zoning stipulations applicable located at the northwest corner of 27th Street and Baseline Road in a portion of Section 35, Township 1 North, Range 3 East, as described more specifically in Attachment “A”, are hereby modified to read as set forth below.

STIPULATIONS:

1. The development shall be in general conformance with the SITE PLAN AND ELEVATIONS ~~conceptual planting plan~~ date stamped MAY 26, 2021 ~~June 25, 2018~~, as modified by the following stipulations and approved by the Planning and Development Department, and with specific regard to the following:

   ~~a. The quantity and configuration of drive-through facilities on the subject site.~~

   ~~a. THE SITE PLAN SHALL BE MODIFIED TO ALIGN 27TH STREET WITH~~
   ~~b. THE EXISTING PORTION OF 27TH STREET SOUTH OF BASELINE ROAD OR PROVIDE AN ALTERNATIVE AS APPROVED BY THE STREET TRANSPORTATION AND PLANNING AND DEVELOPMENT DEPARTMENTS.~~

   ~~The configuration of 27th Street, which aligns with the existing portion of 27th Street south of Baseline Road.~~

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2. ~~The development shall be in general conformance with the elevations date stamped February 12, 2018, as modified by the following stipulations and approved by the Planning and Development Department.~~

   ~~a.~~ ~~Pitched roof elements shall be incorporated in all buildings.~~

   ~~b.~~ All building elevations, including those facing or visible from the Western Canal, shall contain architectural embellishments and detailing such as textural changes, pilasters, offsets, recesses, variation in window size and location, and/or other overhang canopies.

3. The developer shall provide the following amenities and open public access to the amenities, as approved by the Planning and Development Department:

   a. A multi-use trail or shared-use path which provides connectivity between Baseline Road and the Western Canal, in accordance with the MAG supplemental details.

   b. Equestrian ~~corral~~ AMENITY area containing hitching posts ~~for horses~~, WATER FOR EQUINE CONSUMPTION, AND STRUCTURAL OR LANDSCAPED SHADING along the north~~ern~~ property ~~align~~ LINE adjacent to the Western Canal.

   c. Minimum of two shaded benches, along the northern property align adjacent to the Western Canal.

   d. Bicycle parking area containing a minimum of eight spaces. The bicycle parking area shall utilize inverted-U bicycle racks or a similar design that accommodates lock placement on both wheels and the frame.

4. Any solid portion of a perimeter wall adjacent to the Western Canal shall not exceed a maximum height of three feet, as approved by the Planning and Development Department.

5. No drive-through facility shall locate its drive-through window facing a residential use or Baseline Road, as approved by the Planning and Development Department.

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

7. The developer shall dedicate a 30-foot wide multi-use trail easement (MUTE) along the north side of Baseline Road and construct a minimum 10-foot wide multi-use trail (MUT) within the easement, in accordance with the MAG supplemental detail and as approved by the Parks and Recreation and Planning and Development Departments.

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8. The location of the bus stop along Baseline Road shall be approved by the Public Transit Department.

9. THE DEVELOPER SHALL PROVIDE A MINIMUM 5-FOOT-WIDE SHADED PEDESTRIAN PATHWAY ALONG THE EAST SIDE OF THE 25TH STREET ALIGNMENT PROVIDING A DIRECT CONNECTION FROM THE PROPOSED MULTIFAMILY RESIDENTIAL DEVELOPMENT TO THE PUBLIC SIDEWALK ALONG BASELINE ROAD, AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

10. ~~9.~~ The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.

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

12. ~~11.~~ The developer shall notify the following individuals at a minimum 10 calendar days prior to any Planning Hearing Officer request to modify or delete stipulations. The notice shall include the date, time and location of the hearing.

a. Tanis Earle
3602 East Vineyard Road
Phoenix, AZ 85042

b. Sandy Bawden
3232 East Vineyard Road
Phoenix, AZ 85042

c. Kay Gunter
1821 East Latona Road
Phoenix, AZ 85042

d. Deandra Ervin
2914 East Constance Way
Phoenix, AZ 85042

e. Linda Martin
7049 South Golfside Lane
Phoenix, AZ 85042

f. Stephanie Watney
834 East Beverly Road
Phoenix, AZ 85042

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g. Anthony Siglar
2727 East Donnor Drive
Phoenix, AZ 85042

h. Kenneth And June Wood
2447 East Fremont Road
Phoenix, AZ 85042

i. Melissa Hinkle
7051 South 27th Way
Phoenix, AZ 85042

j. Steve And Robin Martin
8517 South 30th Way
Phoenix, AZ 85042

k. Heather Cannon
8032 South 27th Way
Phoenix, AZ 85042

l. Hayime Monge
7507 South 27th Terrace
Phoenix, AZ 85042

m. Steven Pace
2198 East Camelback Road, Suite 210
Phoenix, AZ 85016

n. Linda Anquoe
3923 East Carson Road
Phoenix, AZ 85042

o. Kent June
3917 East St. Catherine Avenue
Phoenix, AZ 85042

p. Monique Bontrager
6401 South 37th Street
Phoenix, AZ 85042

q. Amy Schneider
3232 East Maldonado
Phoenix, AZ 85042

r. Kim Figgins
2918 East Dunbar Drive
Phoenix, AZ 85042

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13. PRIOR TO PRELIMINARY SITE PLAN APPROVAL, THE LANDOWNER SHALL EXECUTE A PROPOSITION 207 WAIVER OF CLAIMS IN A FORM APPROVED BY THE CITY ATTORNEY'S OFFICE. THE WAIVER SHALL BE RECORDED WITH THE MARICOPA COUNTY RECORDER'S OFFICE AND DELIVERED TO THE CITY TO BE INCLUDED IN THE REZONING APPLICATION FILE FOR RECORD.

SECTION 2. Due to the site's specific physical conditions and the use district granted pursuant to Ordinance G-6478, this portion of the rezoning is now subject to the stipulations approved pursuant to Ordinance G-6478 and as modified in Section 1 of this Ordinance. Any violation of the stipulation is a violation of the City of Phoenix Zoning Ordinance. Building permits shall not be issued for the subject site until all the stipulations have been met.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 15th day of September, 2021.

_____
MAYOR

ATTEST:

_____
Denise Archibald, City Clerk

APPROVED AS TO FORM:
Cris Meyer, City Attorney

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By:

_____

_____

REVIEWED BY:

_____

Ed Zuercher City Manager

Exhibits:
A - Legal Description (9 Pages)
B - Ordinance Location Map (1 Page)

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EXHIBIT A

LEGAL DESCRIPTION FOR PHO-1-21--Z-10-18-8

That portion of the Southwest quarter of Section 35, Township 1 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:
COMMENCING at the Southwest corner of said Section 35;
Thence along the South line of said Section 35 as monumented, North 88 degrees 33 minutes 30 seconds East a distance of 1,015.53 feet;
Thence North 00 degrees 04 minutes 00 seconds West a distance of 583.76 feet to the TRUE POINT OF BEGINNING;
Thence continuing North 00 degrees 04 minutes 00 seconds West a distance of 192.00 feet to the South right-of-way line of the Western Canal;
Thence along said right-of-way line South 89 degrees 03 minutes 59 seconds East a distance of 169.98 feet;
Thence South 00 degrees 04 minutes 00 seconds East a distance of 184.95 feet;
Thence South 88 degrees 33 minutes 30 seconds West a distance of 170.00 feet to the TRUE POINT OF BEGINNING,
EXCEPT the West 25 feet thereof.

122-95-008E
THE WEST 170 FEET OF THE FOLLOWING DESCRIBED PROPERTY IS MEASURED ALONG THE SOUTH LINE THEREOF:

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 1 NORTH, RANGE 3 EAST, OF THE GILA AND SALT RJVER BASE AND MERJDIAN, ARIZONA, L YING SOUTH OF WESTERN CANAL AND DESCRJBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTH LINE OF SAID SECTION 35, WHICH BEARS NORTH 88 DEGREES, 30 MINUTES, 30 SECONDS EAST, 1015.53 FEET FROM THE SOUTHWEST CORNER THEREOF. THENCE NORTH 00 DEGREES, 04 MINUTES WEST, 775.75 FEET TO THE SOUTH LINE OF WESTERN CANAL RIGHT-OF-WAY; THENCE SOUTH 89 DEGREES, 07 MINUTES EAST, 570.29 FEET ALONG SAID WESTERN CANAL RIGHT-OF-WAY; THENCE SOUTH 00 DEGREES, 04 MINUTES EAST, 752.11 FEET TO THE SOUTH LINE OF SAID SECTION 35; THENCE 88 DEGREES, 30 MINUTES, 30 SECONDS WEST, 570.39 FEET ALONG SAID SECTION LINE TO THE POINT OF BEGINNING;

EXCEPT THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHJP I NORTH, RANGE 3 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE SAID SECTION 35; THENCE ALONG THE SOOTH LINE OF SAID SECTION 35 AS MONUMENTED, NORTH 88 DEGREES, 33 MINUTES, 30 SECONDS EAST, A DISTANCE OF 1015.53 FEET; THENCE NORTH 00 DEGREES, 04 MINUTES, 00 SECONDS WEST, A DISTANCE OF 33.01 FEET TO THE NORTH RIGHT-OF-WAY LINE OF BASELINE ROAD, ALSO THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH 00 DEGREES, 04 MINUTES, 00 SECONDS WEST, A DISTANCE OF 375.75 FEET; THENCE NORTH 88 DEGREES, 33 MINUTES, 30 SECONDS EAST, A DISTANCE

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OF 170.00 FEET; THENCE SOUTH 00 DEGREES, 04 MINUTES, 00 SECONDS EAST, A DISTANCE OF 375.75 FEET TO THE NORTH RIGHT-OF-WAY LINE OF BASELINE ROAD; THENCE ALONG SAID RIGHT-OF-WAY LINE SOUTH 88 DEGREES, 33 MINUTES, 30 SECONDS WEST, A DISTANCE OF 170.00 FEET TO THE TRUE POINT OF BEGINNING; AND

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

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 35; THENCE ALONG THE SOUTH LINE OF SAID SECTION 35 AS MONUMENTED, NORTH 88 DEGREES, 33 MINUTES, 30 SECONDS EAST, A DISTANCE OF 1015.53 FEET; THENCE NORTH 00 DEGREES, 04 MINUTES, 00 SECONDS WEST, A DISTANCE OF 583.76 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH 00 DEGREES, 04 MINUTES, 00 SECONDS WEST, A DISTANCE OF 192.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF THE WESTERN CANAL; THENCE ALONG SAID RIGHT-OF-WAY LINE SOUTH 89 DEGREES, 03 MINUTES, 59 SECONDS EAST, A DISTANCE OF 169.98 FEET; THENCE SOUTH 00 DEGREES, 04 MINUTES, 00 SECONDS EAST, A DISTANCE OF 184.95 FEET; THENCE SOUTH 88 DEGREES, 33 MINUTES, 30 SECONDS WEST, A DISTANCE OF 170.00 FEET TO THE TRUE POINT OF BEGINNING.

122-95-008M
THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP I NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 35;
THENCE NORTH 88 DEGREES, 33 MINUTES, 30 SECONDS EAST, A DISTANCE OF 1015.53 FEET;
THENCE NORTH 00 DEGREES, 04 MINUTES, 00 SECONDS WEST, A DISTANCE OF 233.01 FEET TO THE TRUE POINT OF BEGINNING;
THENCE CONTINUING NORTH 00 DEGREES, 04 MINUTES, 00 SECONDS WEST, A DISTANCE OF 175.75 FEET;
THENCE NORTH 88 DEGREES, 33 MINUTES, 30 SECONDS EAST, A DISTANCE OF 170.00 FEET;
THENCE SOUTH 00 DEGREES, 04 MINUTES, 00 SECONDS EAST FOR A DISTANCE OF 175.75 FEET;
THENCE SOUTH 88 DEGREES, 33 MINUTES, 30 SECONDS WEST FOR A DISTANCE OF 170.00 FEET TO THE TRUE POINT OF BEGINNING.

122-95-008X
PARCEL 1:
The South 200 feet of the Following Described Property:
That Portion of the Southwest quarter of Section 35, Township 1 North Range 3 East of the Glia and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:
COMMENCING at the Southwest comer of said Section 35;

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Thence along the South line of said Section 35, as monumented, North 88 degrees 30 minutes 30 seconds East, a distance of 1015.53 feet;
Thence North 00 degrees 04 minutes 00 seconds West, a distance of 33.01 feet to the North right of way line of Baseline Road and also the TRUE POINT OF BEGINNING;
Thence continuing North 00 degrees 04 minutes 00 seconds West, a distance of 375.75 feet;
Thence North 88 degrees 30 minutes 30 seconds East, a distance of 170.00 feet;
Thence South 00 degrees 04 minutes 00 seconds East, a distance of 375.75 feet to the North right of way line of Baseline Road;
Thence along said right of way line South 88 degrees 30 minutes 30 seconds West, a distance of 170.00 feet to the TRUE POINT OF BEGINNINru;official Document
EXCEPT that portion described as follows:
That Portion of the Southwest quarter of Section 35, Township 1 North Range 3 East, of the Glia and Salt River Base and Meridian, Maricopa County Arizona, described as follows:
COMMENCING at the Southwest corner of said Section 35;
Thence North 88 degrees 30 minutes 30 seconds East, along the South line of said Section 35, a distance of 1015.53 feet;
Thence departing said South line North 00 degrees 04 minutes 00 seconds West, a distance of 33.01 feet to the POINT OF BEGINNING;
Thence continuing North 00 degrees 04 minutes 00 seconds West, a distance of 52.78 feet;
Thence North 88 degrees 30 minutes 30 seconds East, a distance of 32.85 feet;
Thence South 00 degrees 04 minutes 00 seconds East, a distance of 7 .OS feet;
Thence South 65 degrees 11 minutes 31 seconds East, a distance of 24.17 feet;
Thence South 00 degrees 04 minutes 00 seconds East, a distance of 8.00 feet;
Thence North 88 degrees 30 minutes 30 seconds East, a distance of 115.22 feet;
Thence South 00 degrees 04 minutes 00 seconds East, a distance of 27.01 feet;
Thence South 88 degrees 30 minutes 30 seconds West, a distance of 170.00 feet to the POINT OF BEGINNING.
Except that portion conveyed to the City of Phoenix September 13, 2006 in Document No 2006- 1215152

PARCEL 2:
The South 240 feet of the following described property:
That portion of the Southwest quarter of Section 35, Township 1 North, Range 3 East, of the Glia and Salt River Base and Meridian, Maricopa County, Arizona, lying South of the Western Canal and described as follows:
BEGINNING at the point on the South line of Section 35, which bears North 88 degrees 30 minutes 30 seconds East, 1015.53 feet from the Southwest corner thereof;
thence North 00 degrees 04 minutes West, 775.75 feet to the South line of Western Canal right-of-way;
thence South 89 degrees 07 minutes East, 570.29 feet along said Western Canal right-of-way;
thence South 00 degrees 04 minutes East, 752.11 feet to the South line of said Section 35;
thence South 88 degrees 30 minutes 30 seconds West, 570.39 feet along said Section line to the POINT OF BEGINNING.
EXCEPT the West 170 feet; and also EXCEPT the East 173 feet; and also

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EXCEPT any portion lying South of the North line of the Following described property:
COMMENCING at the Southwest corner of said Section 35;
thence North 88 degrees 30 minutes 30 seconds East, along the South line of said Section 35, a distance of 1185.53 feet;
thence departing said South line North 00 degrees 04 minutes 00 seconds West, a distance of 33.01 feet to the POINT OF BEGINNING;
thence continuing North 00 degrees 04 minutes 00 seconds West, a distance of 27.01 feet;
thence North 88 degrees 30 minutes 30 seconds East, parallel with and 60.00 feet North of said South line, a distance of 227 .39 feet;
thence South 00 degrees 04 minutes 00 seconds East, a distance of 27.10 feet;
thence South 88 degrees 30 minutes 30 seconds West, parallel with and 33.00 feet North of said line, a distance of 227 .39 feet to the POINT OF BEGINNING

PARCEL 3:
That portion of the Southwest quarter of Section 35, Township 1 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:
COMMENCING at the Southwest corner of said Section 35; THENCE along the South line at said Section 35, as monumented North 88 degrees 33 minutes 30 seconds East a distance of 1435.92 feet;
THENCE North 00 degrees 04 minutes 00 seconds West a distance of 33.01 feet to the North right of way line of Baseline Road also being the TRUE POINT OF BEGINNING;
THENCE continuing North 00 degrees 04 minutes 00 seconds West a distance of 546.10 feet;
THENCE North 88 degrees 33 minutes 30 seconds East a distance of 173.00 feet;
THENCE South 00 degrees 04 minutes 00 seconds East a distance of 546.10 feet to the North right of way line of Baseline Road;
THENCE along said right of way line South 88 degrees 33 minutes 30 seconds West a distance of 173.00 feet to the TRUE POINT OF BEGINNING;
EXCEPT any portion thereof lying Easterly of the East line of the property conveyed to RONNIE COLWELL and BARBARA J. COLWELL, husband and wife, by Deed recorded in Docket 12146, Page 791; and
EXCEPT any portion thereof lying within the property conveyed to JOHN LOVERING and PATRICIA ANNE LOVERING, husband and wife, by Deed recorded in Document No. 85-0613754, described as follows:
That portion of the Southwest quarter of Section 35, Township 1 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, and being more particularly described as follows:
COMMENCING at the Southwest corner of said Section 35;
THENCE North 88 degrees 33 minutes 30 seconds East along the South line of Section 35 for 1412,92 feet; Unofficial Document
THENCE North 00 degrees 04 minutes 00 seconds West a distance of 419.10 feet to the TRUE POINT OF BEGINNING;
THENCE continuing North 00 degrees 04 minutes 00 seconds West 110.00 feet;
THENCE North 88 degrees 33 minutes 30 seconds East 135.71 feet;

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THENCE along the arc of a curve to the right 19.14 feet, radius 12.00 feet, central angle 91 degrees 22 minutes 30 seconds whose long chord bears South 45 degrees 45 minutes 15 seconds East 17.17 feet;
THENCE South 00 degrees 04 minutes 00 seconds East a distance of 97.71 feet;
THENCE South 88 degrees 33 minutes 30 seconds West a distance of 148.00 feet to the TRUE POINT OF BEGINNING; and
EXCEPT the property conveyed to the CITY OF PHOENIX by Quit Claim Deed recorded August 2, 1986 in Document No. 86-0427056; and
EXCEPT the property conveyed to the CITY OF PHOENIX by Quit Claim Deed recorded November 30, 1987 in Document No. 87-0716033; and
EXCEPT that property described in Final Order of Condemnation recorded in Document No. 2004-1092625.
PARCEL 4:
A strip of land approximately 23 feet in width located in the Southwest quarter of Section 35, Township 1 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, which is bounded on the North by the South right of way line of the Western canal, which is bounded on the East by the Westerly line of the parcel of land set forth in Deed recorded in Docket 16256, Page 1361 and also by the Westerly line (and its Southerly prolongation) of the parcel of land set forth In Deed recorded In Docket 16090, Page 197, bounded in the South by the South line of said Section 35, and bounded on the West by the Easterly line of the parcel of land set forth In Deed recorded in Docket 16212, Page 168;
EXCEPT any portion thereof which lies North of the South line of the property conveyed to JOHN LOVERLING and PATRICIA LOVERLING, husband and wife, by Deed recorded In Document No. 85-0613754; and
EXCEPT any portion thereof lying within the South 33 feet of said Section 35; and
EXCEPT any portion thereof lying within the property conveyed to the CITY OF PHOENIX by Deed recorded November 30, 1987 In Document No. 87-0716033; and
EXCEPT that property described in Final Order of Condemnation recorded in Document No. 2004-1092625.

<u>122-95-008W</u>
PARCEL 1:
The South 200 feet of the Following Described Property:
That Portion of the Southwest quarter of Section 35, Township 1 North Range 3 East of the GIia and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:
COMMENCING at the Southwest comer of said Section 35;
Thence along the South line of said Section 35, as monumented, North 88 degrees 30 minutes 30 seconds East, a distance of 1015.53 feet;
Thence North 00 degrees 04 minutes 00 seconds West, a distance of 33.01 feet to the North right of way line of Baseline Road and also the TRUE POINT OF BEGINNING;
Thence continuing North 00 degrees 04 minutes 00 seconds West, a distance of 375.75 feet;
Thence North 88 degrees 30 minutes 30 seconds East, a distance of 170.00 feet;
Thence South 00 degrees 04 minutes 00 seconds East, a distance of 375.75 feet to the North right of way line of Baseline Road;
Thence along said right of way line South 88 degrees 30 minutes 30 seconds West, a distance of 170.00 feet to the TRUE POINT OF BEGINNING

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EXCEPT that portion described as follows:
That Portion of the Southwest quarter of Section 35, Township 1 North Range 3 East, of the Gila and Salt River Base and Meridian, Maricopa County Arizona, described as follows:
COMMENCING at the Southwest corner of said Section 35;
Thence North 88 degrees 30 minutes 30 seconds East, along the South line of said Section 35, a distance of 1015.53 feet;
Thence departing said South line North 00 degrees 04 minutes 00 seconds West, a distance of 33.01 feet to the POINT OF BEGINNING;
Thence continuing North 00 degrees 04 minutes 00 seconds West, a distance of 52.78 feet;
Thence North 88 degrees 30 minutes 30 seconds East, a distance of 32.85 feet;
Thence South 00 degrees 04 minutes 00 seconds East, a distance of 7.05 feet;
Thence South 65 degrees 11 minutes 31 seconds East, a distance of 24.17 feet;
Thence South 00 degrees 04 minutes 00 seconds East, a distance of 8.00 feet;
Thence North 88 degrees 30 minutes 30 seconds East, a distance of 115.22 feet;
Thence South 00 degrees 04 minutes 00 seconds East, a distance of 27.01 feet;
Thence South 88 degrees 30 minutes 30 seconds West, a distance of 170.00 feet to the POINT OF BEGINNING.
Except that portion conveyed to the City of Phoenix September 13, 2006 in Document No 2006- 1215152

PARCEL 2:
The South 240 feet of the following described property:
That portion of the Southwest quarter of Section 35, Township 1 North, Range 3 East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, lying South of the Western Canal and described as follows:
BEGINNING at the point on the South line of Section 35, which bears North 88 degrees 30 minutes 30 seconds East, 1015.53 feet from the Southwest corner thereof;
thence North 00 degrees 04 minutes West, 775.75 feet to the South line of Western Canal right-of-way;
thence South 89 degrees 07 minutes East, 570.29 feet along said Western Canal right-of-way;
thence South 00 degrees 04 minutes East, 752.11 feet to the South line of said Section 35;
thence South 88 degrees 30 minutes 30 seconds West, 570.39 feet along said Section line to the POINT OF BEGINNING.
EXCEPT the West 170 feet; and also EXCEPT the East 173 feet; and also
EXCEPT any portion lying South of the North line of the Following described property:
COMMENCING at the Southwest corner of said Section 35;
thence North 88 degrees 30 minutes 30 seconds East, along the South line of said Section 35, a distance of 1185.53 feet;
thence departing said South line North 00 degrees 04 minutes 00 seconds West, a distance of 33.01 feet to the POINT OF BEGINNING;
thence continuing North 00 degrees 04 minutes 00 seconds West, a distance of 27.01 feet;
thence North 88 degrees 30 minutes 30 seconds East, parallel with and 60.00 feet North of said South line, a distance of 227 .39 feet;
thence South 00 degrees 04 minutes 00 seconds East, a distance of 27.10 feet;

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thence South 88 degrees 30 minutes 30 seconds West, parallel with and 33.00 feet North of said line, a distance of 227 .39 feet to the POINT OF BEGINNING

PARCEL 3:
That portion of the Southwest quarter of Section 35, Township 1 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:
COMMENCING at the Southwest corner of said Section 35; THENCE along the South line at said Section 35, as monumented North 88 degrees 33 minutes 30 seconds East a distance of 1435.92 feet;
THENCE North 00 degrees 04 minutes 00 seconds West a distance of 33.01 feet to the North right of way line of Baseline Road also being the TRUE POINT OF BEGINNING;
THENCE continuing North 00 degrees 04 minutes 00 seconds West a distance of 546.10 feet;
THENCE North 88 degrees 33 minutes 30 seconds East a distance of 173.00 feet;
THENCE South 00 degrees 04 minutes 00 seconds East a distance of 546.10 feet to the North right of way line of Baseline Road;
THENCE along said right of way line South 88 degrees 33 minutes 30 seconds West a distance of 173.00 feet to the TRUE POINT OF BEGINNING;
EXCEPT any portion thereof lying Easterly of the East line of the property conveyed to RONNIE COLWELL and BARBARA J. COLWELL, husband and wife, by Deed recorded in Docket 12146, Page 791; and
EXCEPT any portion thereof lying within the property conveyed to JOHN LOVERING and PATRICIA ANNE LOVERING, husband and wife, by Deed recorded in Document No. 85-0613754, described as follows:
That portion of the Southwest quarter of Section 35, Township 1 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, and being more particularly described as follows:
COMMENCING at the Southwest corner of said Section 35;
THENCE North 88 degrees 33 minutes 30 seconds East along the South line of Section 35 for 1412,92 feet; Unofficial Document
THENCE North 00 degrees 04 minutes 00 seconds West a distance of 419.10 feet to the TRUE POINT OF BEGINNING;
THENCE continuing North 00 degrees 04 minutes 00 seconds West 110.00 feet;
THENCE North 88 degrees 33 minutes 30 seconds East 135.71 feet;
THENCE along the arc of a curve to the right 19.14 feet, radius 12.00 feet, central angle 91 degrees 22 minutes 30 seconds whose long chord bears South 45 degrees 45 minutes 15 seconds East 17.17 feet;
THENCE South 00 degrees 04 minutes 00 seconds East a distance of 97.71 feet;
THENCE South 88 degrees 33 minutes 30 seconds West a distance of 148.00 feet to the TRUE POINT OF BEGINNING; and
EXCEPT the property conveyed to the CITY OF PHOENIX by Quit Claim Deed recorded August 2, 1986 in Document No. 86-0427056; and
EXCEPT the property conveyed to the CITY OF PHOENIX by Quit Claim Deed recorded November 30, 1987 in Document No. 87-0716033; and
EXCEPT that property described in Final Order of Condemnation recorded in Document No. 2004-1092625.

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PARCEL 4:
A strip of land approximately 23 feet in width located in the Southwest quarter of Section 35, Township 1 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, which is bounded on the North by the South right of way line of the Western canal, which Is bounded on the East by the Westerly line of the parcel of land set forth in Deed recorded in Docket 16256, Page 1361 and also by the Westerly line (and its Southerly prolongation) of the parcel of land set forth In Deed recorded In Docket 16090, Page 197, bounded in the South by the South line of said Section 35, and bounded on the West by the Easterly line of the parcel of land set forth In Deed recorded in Docket 16212, Page 168;
EXCEPT any portion thereof which lies North of the South line of the property conveyed to JOHN LOVERLING and PATRICIA LOVERLING, husband and wife, by Deed recorded In Document No. 85-0613754; and
EXCEPT any portion thereof lying within the South 33 feet of said Section 35; and
EXCEPT any portion thereof lying within the property conveyed to the CITY OF PHOENIX by Deed recorded November 30, 1987 In Document No. 87-0716033; and
EXCEPT that property described in Final Order of Condemnation recorded in Document No. 2004-1092625.

122-95-008T
THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 1 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, ARIZONA, LYING SOUTH OF THE WESTERN CANAL AND DESCRIBED AS FOLLOWS:
BEGINNING AT A PORTION OF THE SOUTH LINE OF SAID SECTION 35, WHICH BEARS NORTH 88 DEGREES 30 MINUTES 30 SECONDS EAST, A DISTANCE OF 1015.53 FEET FROM THE SOUTHWEST CORNER THEREOF;
THENCE NORTH O DEGREES 04 MINUTES WEST, A DISTANCE OF 775.75 FEET TO THE SOUTH LINE OF THE WESTERN CANAL RIGHT OF WAY;
THENCE SOUTH 89 DEGREES 07 MINUTES EAST, A DISTANCE OF 570.29 FEET ALONG SAID WESTERN CANAL RIGHT OF WAY;
THENCE SOUTH O DEGREES 04 MINUTES EAST, A DISTANCE OF 752.11 FEET TO THE SOUTH LINE OF SAID SECTION 35;
THENCE SOUTH 88 DEGREES 30 MINUTES 30 SECONDS WEST, A DISTANCE OF 570.39 FEET ALONG SAID SECTION LINE TO THE POINT OF BEGINNING;
EXCEPT THE WEST 170 FEET THEREOF; AND ALSO EXCEPT THE EAST 173 FEET THEREOF; AND ALSO EXCEPT THE SOUTH 240 FEET THEREOF.

122-95-008Q
A PORTION OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 1 NORTH, RANGE 3 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTH WEST CORNER OF SAID SECTION 35;
THENCE NORTH 88 DEGREES 33 MINUTES 30 SECONDS EAST ALONG THE SOUTH
LINE OF SECTION 35 FOR 1412.92 FEET;
THENCE NORTH 00 DEGREES 04 MINUTES 00 SECONDS WEST AT DISTANCE OF 419.10 FEET TO THE TRUE POINT OF BEGINNING;

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THENCE CONTINUING NORTH 00 DEGREES 04 MINUTES 00 SECONDS WEST 110.00 FEET;
THENCE NORTH 88 DEGREES 33 MINUTES 30 SECONDS EAST, 135.71 FEET;
THENCE ALONG THE ARC OF A CURVE TO THE RIGHT 19.14 FEET, RADIUS 12.00 FEET
CENTRAL ANGLE 91 DEGREES 22 MINUTES 30 SECONDS WHOSE LONG CHORD BEARS SOUTH 45 DEGREES 45 MINUTES 15 SECONDS EAST 17 FEET;
THENCE SOUTH 00 DEGREES 04 MINUTES 00 SECONDS EAST A DISTANCE OF 97.71 FEET;
THENCE SOUTH 88 DEGREES 33 MINUTES 30 SECONDS WEST A DISTANCE OF 148.00 FEET TO THE TRUE POINT OF BEGINNING.

122-95-008P

THAT PORTION OF THE SOUTHWEST 1/4 OF SECTION 35, TOWNSHIP 1 NORTH AND RANGE 3 EAST; ALONG THE SOUTH LINE AT SAID SECTION 35, MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 35;
THENCE ALONG THE SOUTH LINE AT SAID SECTION 35, AS MONUMENTED NORTH 88 DEGREES, 33' 30" EAST A DISTANCE OF 1412.92;
THENCE NORTH 00 DEGREES, 04' 00" WEST A DISTANCE OF 579.11 FEET TO THE TRUE POINT OF BEGINNING;
THENCE CONTINUING NORTH 00 DEGREES, 04' 00" WEST A DISTANCE OF 179.22 TO THE SOUTH RIGHT OF WAY LINE OF THE WESTERN CANAL;
THENCE ALONG SAID RIGHT OF WAY LINE SOUTH 89 DEGREES, 03' 57" EAST A DISTANCE OF 149.98 FEET;
THENCE SOUTH 00 DEGREES, 04' 00" EAST A DISTANCE OF 174.03 FEET;
THENCE SOUTH 88 DEGREES, 33' 30" WEST A DISTANCE OF 173.00 FEET TO THE TRUE POINT OF BEGINNING.

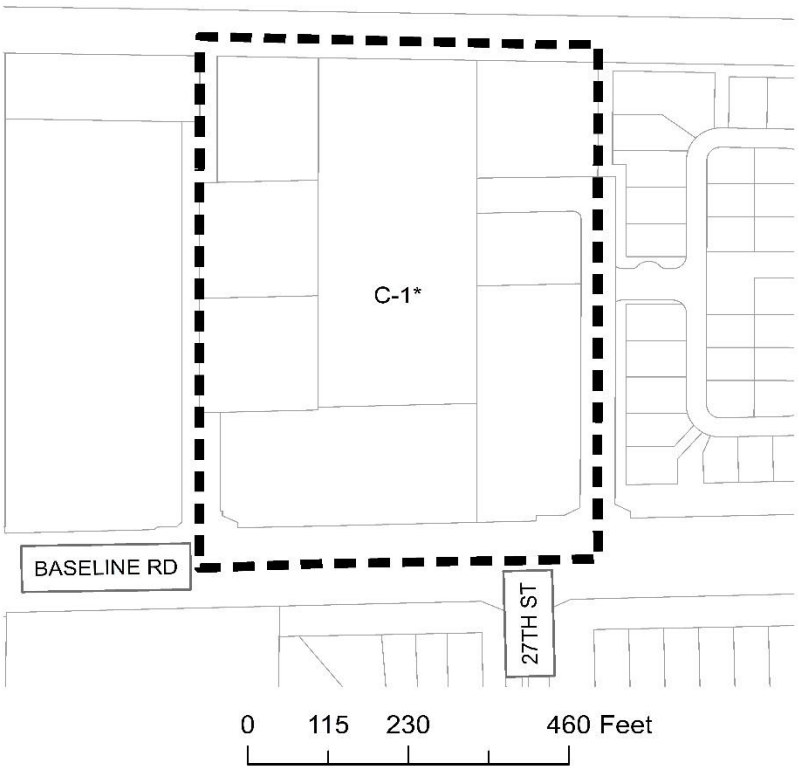
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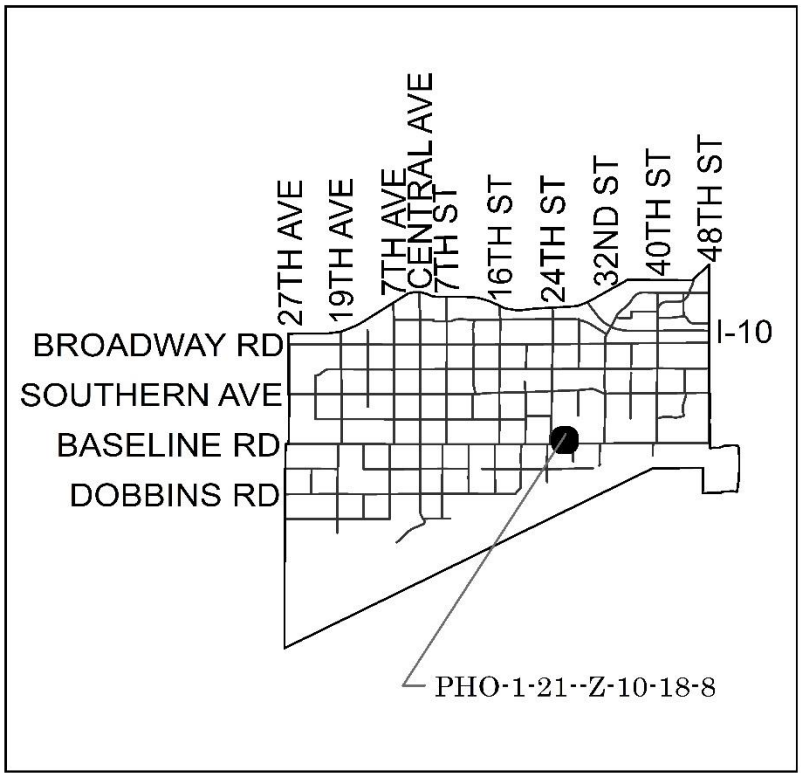
ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA:

Zoning Case Number: PHO-1-21--Z-10-18-8
Zoning Overlay: Baseline Area Plan and Overlay District
Planning Village: South Mountain





NOT TO SCALE

N

Drawn Date: 8/20/2021

\\one\pdd\Shared\Department Share\Information Systems\PL GIS\IS_Team\Core_Functions\Zoning\SuppMaps_OrdMaps\2021 Ord\9-15-21\PHO-1-21--Z-10-18-8.mxd

City of Phoenix

Staff Report: PHO-1-21--Z-10-18-8

APPLICATION #: PHO-1-21--Z-10-18-8

LOCATION: Northwest corner of 27th Street and Baseline Road

EXISTING ZONING: C-1 BAOD

ACREAGE: 10.31

REQUEST: 1) Modification of Stipulation 1 regarding general conformance to the conceptual planting plan date stamped June 25, 2018.
2) Deletion of Stipulation 1.a regarding the quantity and configuration of drive-through facilities.
3) Deletion of Stipulation 1.b regarding the configuration of 27th Street.
4) Deletion of Stipulation 2 regarding general conformance to elevations date stamped February 12, 2018.
5) Modification of Stipulation 2.a regarding pitched roof elements.
6) Modification of Stipulation 2.b regarding an equestrian corral area.

APPLICANT: Cassandra Ayres, Beus Gilbert McGroder, PLLC

OWNER: Baseline 25, LLC

REPRESENTATIVE: Paul Gilbert, Beus Gilbert McGroder, PLLC

STAFF RECOMMENDATION
Denial as filed and approval with modifications and additional stipulations, as recommended by the Planning Hearing Officer.

PLANNING HEARING OFFICER RECOMMENDATION
The Planning Hearing Officer heard this case on July 21, 2021 and recommended a continuance to the August 18, 2021 agenda. The Planning Hearing Officer heard this case on August 18, 2021 and recommended denial as filed and approval with modifications and additional stipulations.

VILLAGE PLANNING COMMITTEE RECOMMENDATION

The South Mountain Village Planning Committee heard this case on July 13, 2021 and recommended denial as filed and approval with modifications by a vote of 10-1-1.

BACKGROUND/REQUEST

The subject site is located on 10.31 gross acres located at the northwest corner of 27th Street and Baseline Road and is zoned C-1 BAOD (Neighborhood Retail, Baseline Area Overlay District). This case was heard concurrently with PHO-2-21—Z-63-05-8 and PHO-1-21—Z-59-18-8 which have not been appealed. The conceptual plans in all three cases depict the same development of a 15.54-gross acre site and comprise the subject properties.

The proposed conceptual site plan depicts the subject site of the three companion cases developing in a unified fashion with a mixed-use development. A combination of five commercial, retail, and drive-through businesses are depicted along Baseline Road comprising approximately 19,098 total square feet, with individual establishments between 2,050 and 6,500 square feet. Behind the commercial development, adjacent to the Western Canal, is a multifamily residential complex containing 138 units at a density of 16.99 dwelling units per gross acre. Open spaces are distributed throughout the development with a variety of pedestrian, equestrian, and recreational amenities adjacent to the canal. Conceptual elevations were provided for the multifamily buildings only and depict a façade that integrates stone, pop outs, balconies, shade awnings, multiple window sizes and styles, and variation in the roofline and pitches. The proposal is compatible in scale and intensity with existing development in the surrounding area.

The applicant requested modification of Stipulation 1, regarding general conformance to the conceptual planting plan date stamped June 25, 2018. The applicant stated the proposed use is allowed in the C-1 BAOD zoning district and the development will comply with the regulations of the BAOD.

The applicant requested deletion of Stipulation 1.a regarding the quantity and configuration of drive-through facilities. This stipulation was established to apply to the quantity and configuration of drive-throughs as depicted on the stipulated conceptual planting plan presented in the original rezoning case. The applicant stated that a limit on the number of drive-through restaurants was not appropriate as this is a use otherwise permitted by right, subject to performance standards, in this zoning district. The applicant stated that appropriate screening is provided and windows will face away from adjacent residential areas.

The applicant requested deletion of Stipulation 1.b regarding the configuration of 27th Street. Stipulation 1.b required the project to be developed in specific regard to the configuration of 27th Street and its alignment with the existing portion of 27th Street south of Baseline Road, as depicted on the stipulated plan. The applicant argued that this stipulation was originally proposed in the event a traffic signal were required at that intersection in the future and stated that the proposed development did not meet the signal warrants necessary to justify the installation of a traffic signal. They also stated that

there is public opposition to the alignment. They stated that they believed the stipulation was a last-minute addition at the June 27, 2018 City Council meeting and requested deletion of the stipulation.

The applicant stated that a door-to-door survey was completed within an 850-foot radius of the site and found residents supported the proposed development and no resident surveyed was in support of the realignment of 27th Street. The applicant noted that the result of this outreach was submitted to the Planning Hearing Officer (Exhibit M).

At the hearing, the applicant discussed the recommended realignment and stated that CivTech, a traffic engineering firm, completed a study on the intersection that noted a realignment would not alleviate traffic concerns near the site. They stated the study noted the potential number of users of 27th Street would not necessitate a realignment or a traffic signal at the intersection of 27th Street and Baseline Road. This study was not made available to staff in the initial application or during the Planning Hearing Officer hearing. They noted that the wait times to cross Baseline Road would not decrease due to a realignment and that a traffic signal at the intersection could increase cut-through traffic through the neighborhood south of the subject property and across Baseline Road. They stated that traffic accidents that have occurred at the intersection have largely been rear-end collisions and not due to the existing turn movements at the existing intersections. They stated that the realignment is not an exaction that meets the proportionality requirement as established by previous court cases and existing state statutes.

The applicant requested deletion of Stipulation 2 regarding general conformance to elevations date stamped February 12, 2018. They stated that the proposed elevations were for the multifamily portion of the site and that elevations were not proposed for the commercial sites because the potential users of the commercial pads have not been identified.

The applicant requested modification of Stipulation 2.a regarding pitched roof elements. The applicant requested to modify this stipulation to apply to “some of the buildings in the development.” At the Planning Hearing Officer hearing, the applicant stated that this modification request was discussed at the South Mountain Village Planning Committee meeting and was recommended to be retained and that the applicant decided not to pursue the original proposed modification of this stipulation.

The applicant requested modification of Stipulation 2.b regarding an equestrian corral area. The applicant stated in their narrative that there are potential liability issues regarding a privately owned and maintained corral for open public use. The applicant proposed alternative language that still requires equestrian related amenities while eliminating the specific requirement for a corral.

PREVIOUS HISTORY

On June 27, 2018, the Phoenix City Council approved Rezoning Case No. Z-10-18-8, a request to rezone approximately 10.55 acres on the northwest corner of 27th Street and

Baseline Road from R1-14 BAOD (One-Family Residence, Baseline Area Overlay District), R1-14 BAOD (Approved C-1 BAOD) (One-Family Residence, Baseline Area Overlay District, Approved Neighborhood Retail, Baseline Area Overlay District), and R1-14 BAOD (Approved R1-10 BAOD) (One-Family Residence, Baseline Area Overlay District, Approved Single-Family Residence District, Baseline Area Overlay District) to C-1 BAOD (Neighborhood Retail, Baseline Area Overlay District), subject to stipulations. On the same day, the Phoenix City Council also approved companion General Plan Amendment Case No. GPA-SM-2-18-8 to amend the General Plan Land Use Map designation from Residential 1 to 2 dwelling units per acre and Residential 5 to 10 dwelling units per acre to Commercial for the subject site.

Public correspondence received in response to the original rezoning case included concerns about the number of fast food restaurants in the area, increased traffic, and showed a desire for healthy restaurants and grocery stores.

At the May 8, 2018 South Mountain Village Planning Committee meeting, the applicant presented two conceptual street alignments for 27th Street and stated that they were continuing to work with staff on this issue. A nearby resident stated that a traffic light was not desired at the intersection. Multiple residents stated they did not wish to see fast food restaurants on the site, but desired shopping, healthy restaurants, and medical offices instead. The Committee ultimately recommended an additional stipulation requiring the alignment with the understanding that the specific design was yet to be approved by the City. The Committee also recommended two other stipulations that required no more than two drive-through facilities and that prior to any Planning Hearing Officer hearing, additional interested residents must be added to the notification.

At the June 7, 2018 Planning Commission meeting, the Commission recommended approval per the original staff recommendation primarily based on concerns regarding the Village Planning Committee's recommendation and related public comments at the Commission meeting regarding enforceability of proposed restrictions on drive-through and restaurant uses. At the hearing, concerns were raised regarding the alignment and nearby residents stated that a traffic light would not be preferred at this intersection, but rather at the intersection of 28th Street and Baseline Road. The desire for healthy restaurants was also a point of emphasis amongst the public at the hearing. The applicant stated that they had been working to identify healthy restaurants to bring to the site.

Following this hearing, the applicant submitted a revised conceptual plan, date stamped June 25, 2018, that depicted the alignment of 27th Street to align with the existing portion south of Baseline Road. Staff reviewed this plan and subsequently issued a City Council Backup Memo dated June 27, 2018 which recommended general conformance to this plan with specific regard to the alignment as depicted.

At the City Council Formal Meeting on June 27, 2018, a public hearing was opened regarding the rezoning case and General Plan Amendment. A review of the proposed conceptual plan was presented, and the City Council Backup Memo was summarized.

The Backup Memo provided three modifications to the stipulations recommended by the Planning Commission, which are summarized below. The applicant stated that a compromise had been made with the neighborhood over their concerns and stated they had worked with staff regarding the stipulation language. The item was approved per this memo with the applicant in support.

Stipulation 1 of the original rezoning case requires general conformance with the conceptual planting plan date stamped June 25, 2018 with specific regard to two components of that plan. The stipulated conceptual planting plan in the original case depicts six commercial buildings on the site, with the majority of the parking provided in the middle of the site. It includes five restaurants, two retail spaces, and two medical spaces. Stipulation 1.a calls for specific regard to the quantity and configuration of drive through facilities. Four drive-through restaurants are depicted on the conceptual planting plan that face away from the residential neighborhood to the east. Stipulation 1.b calls for specific regard to the alignment of 27th Street at the intersection on Baseline Road. The stipulated conceptual planting plan depicts the alignment of 27th Street aligning with 27th Street on the south side of Baseline Road. The alignment then progresses north and shifts to the northeast and connects to Darrow Street, which enters the Mountain Grove neighborhood. The street splits the development, and a drive-through restaurant pad is depicted east of 27th Street. Stipulation 11 requires that the developer notify interested community members in the case of a Planning Hearing Officer hearing to modify or delete stipulations.

NEIGHBORHOOD CONCERNS

Public Correspondence

Thirty-four letters were received regarding this request in addition to a petition signed by 24 people. Concerns expressed in the correspondence include the following:

- **Opposition to the alignment of 27th Street**
  - Increased traffic on 27th Street (13 letters);
  - Creation of additional safety hazards (12 letters);
  - Concerns regarding requirement for residents of Mountain Grove subdivision to the east to drive past commercial development to enter their community (13 letters);
  - Decrease in housing values (1 letter);
  - Decreased distance from restaurant uses (1 letter).

- **Support of the development**
  - The proposal will alleviate existing safety concerns on the vacant properties (18 letters);
  - The proposal provides less commercial intensity than the original stipulated plan (21 letters);
  - Enhance attractiveness of area (15 letters).

- **Petition Summary**
  - Fulfills demand for new housing in area;
  - Provides new benefits for the existing community;
  - Proposed development will provide less of an impact to the surrounding neighbors compared to the original stipulated plan.

GENERAL PLAN LAND USE MAP DESIGNATION

Commercial

CHARACTER OF SURROUNDING LAND USE

	Zoning	Land Use
On-site:	C-1 BAOD	Single-family detached, vacant
North:	R1-8 SP BAOD	Canal, Golf course
South: (Across Baseline Road)	MUA HP BAOD, R1-8 BAOD	Event center, Single-family detached
East:	R-2 BAOD	Single-family detached
West: (Across 25th Street)	C-1 BOAD	Vacant

PLANNING HEARING OFFICER FINDINGS

The Planning Hearing Officer's recommendation was based on the following findings:

1) This case was heard as a companion case to PHO-2-21--Z-63-05-8 and PHO-1-21--Z-59-18-8. The conceptual site plan and building elevations are the same in these three cases. The subject property in this case was originally envisioned to develop as a standalone commercial retail center and was stipulated to a site plan depicting a variety of drive-through restaurants and retail spaces in five individual buildings at a total of 58,140 square feet.

   The proposed conceptual site plan depicts the subject property of the three companion cases developing in a unified fashion with a mixed-use development. A combination of five commercial, retail, and drive-through businesses are depicted along Baseline Road comprising approximately 19,098 total square feet, with individual establishments between 2,050 and 6,500 square feet. Behind the commercial development, adjacent to the Western Canal, is a multifamily residential complex containing 138 units at a density of 16.99 dwelling units per gross acre. Open spaces are distributed throughout the development with a variety of pedestrian, equestrian, and recreational amenities adjacent to the canal. Conceptual elevations were provided for the multifamily buildings only and depict a

façade that integrates stone, pop outs, balconies, shade awnings, multiple window sizes and styles, and variation in the roofline and pitches. The proposal is compatible in scale and intensity with existing development in the surrounding area. General conformance to the proposed conceptual plans is recommended.

2) Stipulation 1.a was intended to apply solely to the specific quantity and configuration of drive-throughs as depicted on the stipulated conceptual planting plan presented in the original rezoning case. The stipulation is not relevant if this original plan is no longer stipulated. The South Mountain Village Planning Committee recommended revised language prohibiting drive-through facilities. It is not recommended to adopt any stipulation language that prohibits uses otherwise permitted in a zoning district. Therefore, the applicant's request to delete this stipulation is recommended to be approved.

3) Stipulation 1.b required the project to be developed in specific regard to the configuration of 27th Street and its alignment with the existing portion of 27th Street south of Baseline Road, as depicted on the stipulated plan. The applicant argued that this stipulation was originally proposed in the event a traffic signal were required at that intersection in the future and stated that the proposed development did not meet the signal warrants necessary to justify the installation of a traffic signal. They also stated that there is public opposition to the alignment. They stated that they believed the stipulation was a last-minute addition at the June 27, 2018 City Council meeting and requested deletion of the stipulation.

   It is not an accurate assessment to state that the stipulation was a last-minute addition at the City Council. Discussion regarding this proposed alignment was continuous throughout the original rezoning case process. The Street Transportation Department staff recommendation in the original rezoning case, dated March 16, 2018, stated that staff recommends the alignment to improve access to Baseline Road. They did note that the intersection may be signalized if warrants were met, but this was not the sole intention of the recommendation. In the applicant's Neighborhood Meeting Summary for a community meeting held April 16, 2018, during processing of the case, they indicated that they discussed the proposed alignment with community members and stated that while discussions were ongoing with staff, they were optimistic that they could accomplish a design that included the alignment. The Staff Report for Rezoning Case No. Z-10-18 dated May 1, 2018 referenced these discussions and noted a lack of certainty regarding the ultimate outcome of the alignment. This lack of certainty was the primary reason why general conformance to the conceptual site plan date stamped February 12, 2018, which was the site plan included in the staff report, was not recommended at that time. At the May 8, 2018 South Mountain Village Planning Committee meeting, the applicant presented two conceptual street alignments for 27th Street and stated that they were continuing to work with staff on this issue. The Committee ultimately recommended an additional stipulation requiring the alignment with the understanding that the specific design was yet to be approved by the City. At the June 7, 2018 Planning Commission

meeting, the Commission recommended approval per the original staff recommendation primarily based on concerns regarding the Village Planning Committee's recommendation and related public comments at the Commission meeting regarding enforceability of proposed restrictions on drive-through and restaurant uses. Following this meeting, the applicant submitted a revised conceptual plan, date stamped June 25, 2018, that depicted the alignment of 27th Street with the existing portion south of Baseline Road. Staff reviewed this plan and subsequently issued a City Council Backup Memo dated June 27, 2018 which recommended general conformance to this plan with specific regard to the alignment as depicted. At the June 27, 2018 City Council meeting, the item was approved per this memo with the applicant in support.

The applicant's argument that the proposed development did not meet the signal warrants necessary to justify the installation of a traffic signal is unclear. Street Transportation Department staff noted that they have not received a Traffic Impact Study that addresses signal warrant analysis for 27th Street and Baseline Road. The most recent study submitted for this location was in 2018 and did not include signal warrant analysis. Further, this study was relevant to the original development proposal from the 2018 rezoning case. No study has been provided that is relevant to the current development proposal, which is for a significantly different project. Finally, as stated above, staff supports the alignment of 27th Street independent from the specific outcome of a traffic signal analysis at this intersection.

The staff position regarding the proposed alignment has not changed over time. Regarding the current request, the Street Transportation Department has stated that they do not support the current site plan layout with specific regard to the depicted misalignment of 27th Street. The Street Transportation Department supports the realignment of 27th Street with the existing portion of this street south of Baseline Road. Staff noted that the alignment of 27th Street would improve traffic safety in the surrounding area by removing overlapping vehicle turns, providing predictability and consistency in the street grid, and creating a potential location for a future traffic signal.

For these reasons, the applicant's request to delete the stipulation is recommended to be denied as filed and approved with a modification. The modification provides new language that addresses the need to revise the site plan to depict the alignment of 27th Street which is not present on the proposed plan.

4) Stipulation 2 regarding general conformance to elevations is no longer required given the recommendation in this hearing regarding Stipulation 1. The applicant's request for deletion is recommended for approval.

5) Stipulation 2.a requires all buildings to provide pitched roofs. The applicant requested to modify this stipulation to apply to "some of the buildings in the

development". This language lacks clarity as to how many buildings this could or should apply to. The Baseline Area Overlay District (BAOD) already contains a design presumption regarding pitched roofs. The original intent of this stipulation was to enhance the rural or agrarian character by making this presumption a requirement. However, this property is now being developed in conjunction with two other adjacent companion rezoning cases. Neither of these cases contain this stipulation and the BAOD will apply to all property in all three cases. Therefore, the applicant's request for modification is recommended to be denied as filed and approved as a deletion. This will provide consistency between the stipulations in the three cases. Note that the recommended deletion of Stipulation 2 and 2.a leaves Stipulation 2.b. As Stipulation 2.b was not part of the applicant's request, the text of this stipulation becomes the text of Stipulation 2 by default.

6) New Stipulation 2.b (Original Stipulation 3.b) requires an equestrian corral area. (Note that Ordinance G-6478 regarding Rezoning Case No. Z-10-18-8 was mistakenly issued in legislative edit form. The original Stipulation 2.b was renumbered as Stipulation 3.b. In this PHO request it was advertised as Stipulation 2.b, which is also the new stipulation number based on this recommendation.) The applicant argued that there are potential liability issues regarding a privately owned and maintained corral intended for open public use. Therefore, they proposed alternative language that still requires equestrian related amenities while eliminating the specific requirement for this to be a corral. This is consistent with the original intent of the stipulation and is recommended for approval with minor modifications to clarify the requirements.

7) Street Transportation Department staff recommended an additional stipulation regarding a pedestrian pathway to provide safe pedestrian access through the site to the public sidewalk on Baseline Road. The stipulation is intended to provide safe pedestrian access to the commercial center as well as the bus stop on Baseline Road. An abandonment is anticipated along the 25th Street alignment where a sidewalk would have otherwise been required. The stipulation is not prescriptive regarding the form of shading along this pathway. Shade may be provided through a combination of landscaping and/or structural shade. This additional stipulation is recommended for adoption.

8) The South Mountain Village Planning Committee recommended a new stipulation requiring cross-access easements between all commercial and multifamily portions of the development and to the west. However, the proposed conceptual plans are for a unified development that already depicts this access. Significant deviation from the proposed plans would necessitate further public hearings in which this recommendation could be reassessed. This stipulation is not recommended to be adopted.

9) An additional stipulation is recommended to require the developer to execute a Proposition 207 waiver of claims. This form is a requirement of the Planning Hearing Officer process and was not completed prior to the hearing.

PLANNING HEARING OFFICER RECOMMENDED STIPULATIONS

1.	The development shall be in general conformance with the SITE PLAN AND ELEVATIONS ~~conceptual planting plan~~ date stamped MAY 26, 2021 ~~June 25, 2018~~, as modified by the following stipulations and approved by the Planning and Development Department, and with specific regard to the following:	
	~~a.~~	~~The quantity and configuration of drive-through facilities on the subject site.~~
	a. ~~b.~~	THE SITE PLAN SHALL BE MODIFIED TO ALIGN 27TH STREET WITH THE EXISTING PORTION OF 27TH STREET SOUTH OF BASELINE ROAD OR PROVIDE AN ALTERNATIVE AS APPROVED BY THE STREET TRANSPORTATION AND PLANNING AND DEVELOPMENT DEPARTMENTS. ~~The configuration of 27th Street, which aligns with the existing portion of 27th Street south of Baseline Road.~~
2.	~~The development shall be in general conformance with the elevations date stamped February 12, 2018, as modified by the following stipulations and approved by the Planning and Development Department.~~	
	~~a.~~	~~Pitched roof elements shall be incorporated in all buildings.~~
	~~b.~~	All building elevations, including those facing or visible from the Western Canal, shall contain architectural embellishments and detailing such as textural changes, pilasters, offsets, recesses, variation in window size and location, and/or other overhang canopies.
3.	The developer shall provide the following amenities and open public access to the amenities, as approved by the Planning and Development Department:	
	a.	A multi-use trail or shared-use path which provides connectivity between Baseline Road and the Western Canal, in accordance with the MAG supplemental details.
	b.	Equestrian ~~corral~~ AMENITY area containing hitching posts ~~for horses~~, WATER FOR EQUINE CONSUMPTION, AND STRUCTURAL OR LANDSCAPED SHADING along the north~~ern~~ property ~~align~~ LINE adjacent to the Western Canal.
	c.	Minimum of two shaded benches, along the northern property align

		adjacent to the Western Canal.
	d.	Bicycle parking area containing a minimum of eight spaces. The bicycle parking area shall utilize inverted-U bicycle racks or a similar design that accommodates lock placement on both wheels and the frame.
4.	Any solid portion of a perimeter wall adjacent to the Western Canal shall not exceed a maximum height of three feet, as approved by the Planning and Development Department.	
5.	No drive-through facility shall locate its drive-through window facing a residential use or Baseline Road, as approved by the Planning and Development Department.	
6.	Drive-throughs shall be screened from view of public rights-of-way and residential uses with a landscaped berm or a combination of a wall and landscaped berm at least four feet in height, as approved by the Planning and Development Department.	
7.	The developer shall dedicate a 30-foot wide multi-use trail easement (MUTE) along the north side of Baseline Road and construct a minimum 10-foot wide multi-use trail (MUT) within the easement, in accordance with the MAG supplemental detail and as approved by the Parks and Recreation and Planning and Development Departments.	
8.	The location of the bus stop along Baseline Road shall be approved by the Public Transit Department.	
9.	THE DEVELOPER SHALL PROVIDE A MINIMUM 5-FOOT-WIDE SHADED PEDESTRIAN PATHWAY ALONG THE EAST SIDE OF THE 25TH STREET ALIGNMENT PROVIDING A DIRECT CONNECTION FROM THE PROPOSED MULTIFAMILY RESIDENTIAL DEVELOPMENT TO THE PUBLIC SIDEWALK ALONG BASELINE ROAD, AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.	
10. ~~9.~~	The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.	
11. ~~10.~~	In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within	

	a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.	
12. ~~11.~~	The developer shall notify the following individuals at a minimum 10 calendar days prior to any Planning Hearing Officer request to modify or delete stipulations. The notice shall include the date, time and location of the hearing.	
	a.	Tanis Earle 3602 East Vineyard Road Phoenix, AZ 85042
	b.	Sandy Bawden 3232 East Vineyard Road Phoenix, AZ 85042
	c.	Kay Gunter 1821 East Latona Road Phoenix, AZ 85042
	d.	Deandra Ervin 2914 East Constance Way Phoenix, AZ 85042
	e.	Linda Martin 7049 South Golfside Lane Phoenix, AZ 85042
	f.	Stephanie Watney 834 East Beverly Road Phoenix, AZ 85042
	g.	Anthony Siglar 2727 East Donnor Drive Phoenix, AZ 85042
	h.	Kenneth And June Wood 2447 East Fremont Road Phoenix, AZ 85042
	i.	Melissa Hinkle 7051 South 27th Way Phoenix, AZ 85042

	j.	Steve And Robin Martin 8517 South 30th Way Phoenix, AZ 85042
	k.	Heather Cannon 8032 South 27th Way Phoenix, AZ 85042
	l.	Hayime Monge 7507 South 27th Terrace Phoenix, AZ 85042
	m.	Steven Pace 2198 East Camelback Road, Suite 210 Phoenix, AZ 85016
	n.	Linda Anquoe 3923 East Carson Road Phoenix, AZ 85042
	o.	Kent June 3917 East St. Catherine Avenue Phoenix, AZ 85042
	p.	Monique Bontrager 6401 South 37th Street Phoenix, AZ 85042
	q.	Amy Schneider 3232 East Maldonado Phoenix, AZ 85042
	r.	Kim Figgins 2918 East Dunbar Drive Phoenix, AZ 85042
13.	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.	

EXHIBITS

A – Appeal Document (3 pages)
B – Applicant's Narrative (10 pages)
C – Aerial Map (1 page)
D – Zoning Map (1 page)
E – Ordinance No. G-6478 from Rezoning Case No. Z-10-18-8 (8 pages)
F – Sketch Map from Rezoning Case No. Z-10-18-8 (1 page)
G – Proposed Site Plan date stamped May 26, 2021 (3 pages)
H – Stipulated Conceptual Planting Plan date stamped June 25, 2018 (1 page)
I – Proposed Elevations date stamped May 26, 2021 (4 pages)
J – Stipulated Elevations date stamped February 12, 2018 (1 page)
K – South Mountain Village Planning Committee Summary from July 13, 2021 (9 pages)
L – PHO Summary for PHO-1-21--Z-10-18-8 (15 pages)
M – Public Correspondence (39 pages)

EXHIBIT A

City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

CITY OF PHOENIX
AUG 25 2021
Planning & Development Department

The PLANNING HEARING OFFICER agenda for ***August 18, 2021*** is attached.

The City Council May Ratify the Recommendation of the Planning Hearing Officer on *September 15, 2021* Without Further Hearing Unless:

- **A REQUEST FOR A HEARING BY THE PLANNING COMMISSION** is filed by 5:00 p.m. on ***August 25, 2021***. (There is a **$630 fee** for hearings requested by the applicant.)

  Any member of the public may, within seven (7) days after the Planning Hearing Officer's action, request a hearing by the Planning Commission on any application. If you wish to request a hearing, fill out and sign the form below and return it to the Planning and Development Department by 5:00 p.m. on ***August 25, 2021***.

APPEAL FORM

I HEREBY REQUEST THAT THE PLANNING COMMISSION HOLD A PUBLIC HEARING ON:

PHO-1-21-Z-10-18-8
APPLICATION NO.

NWC of Baseline Rd and 27th St
LOCATION OF APPLICATION PROPERTY

Beus Gilbert McGroder PLLC
NAME (PLEASE PRINT)

☐ OPPOSITION ☒ APPLICANT

701 N 44th St
STREET ADDRESS

Phoenix, AZ 85008
CITY, STATE AND ZIP CODE

(480) 429-3000
TELEPHONE NO

BY MY SIGNATURE BELOW, I ACKNOWLEDGE THE SCHEDULED HEARING DATE AS FOLLOWS:

APPEALED FROM *August 18, 2021* (DATE) **PHO HEARING TO** October 7, 2021 (DATE) **PC HEARING**

SIGNATURE: _____ DATE: 08/25/2021

REASON FOR APPEAL: See attached narrative

APPEALS MUST BE FILED IN PERSON AT THE 2ND FLOOR ZONING COUNTER, 200 W. WASHINGTON STREET, 602-262-7131, Option 6

PLANNER TAKING APPEAL: _____

Copies to: Case File PHO Planner – Bradley Wylam PHO Secretary – Vikki Cipolla-Murillo

PHO Appeal Narrative
PHO-1-21-Z-10-18-8

The Applicant appeals the Hearing Officer's decision to modify Stipulation 1.a, concerning the realignment of the northern half of 27th Street to match the alignment south of Baseline Road. The exact wording of Stipulation 1.a as modified by the Hearing Officer is as follows:

THE SITE PLAN SHALL BE MODIFIED TO ALIGN 27TH STREET WITH THE EXISTING PORTION OF 27TH STREET SOUTH OF BASELINE ROAD OR PROVIDE AN ALTERNATIVE AS APPROVED BY THE STREET TRANSPORTATION AND PLANNING AND DEVELOPMENT DEPARTMENTS.

Instead of modification, the Applicant appeals the Hearing Officer's decision regarding Stipulation 1.a and seeks the deletion of this stipulation for the following reasons:

A) The realignment of 27th Street would solve a problem that does not currently exist. Representatives of the Street Transportation Department claim that the realignment would be helpful for safety and to accommodate a potential future traffic signal. However, there is no indication that the warrants will be met for a traffic signal. More importantly, there is no safety issue. The City's own data indicates that the majority of the traffic accidents that have occurred in the last few years in the relevant area have been rear-end collisions, not the left-hand turn collisions that would warrant the installation of a traffic light. Even assuming, *arguendo*, that there was a safety issue, realigning the streets would not be an effective solution, because there would be no traffic signal installed in the near future. In addition, if the intersection was realigned the intersection would be too close to the existing traffic light at 24th Street to add a traffic signal. The more appropriate location for additional signalization is the intersection of Baseline and 28th Street.

B) While the project proposed by the Applicant has broad community support, the realignment is opposed by the vast majority of the neighbors who would be most affected. We have provided the City with the names of 43 individuals who are supportive of the project, opposed to the realignment, or both, and have laid out the locations of those individuals (along with their positions) on a map that we supplied to the City. For convenience, a copy of the map is provided herewith. Notably, the neighbors on the north and the south sides of Baseline Road are broadly opposed to the realignment of 27th Street. The reasons for their opposition include, but is not limited to the following:(1) it is unreasonable to require residents to drive through a retail center to reach their homes, which would be the result of the proposed realignment; and (2) in addition to the evident inconvenience of the resultant limited access to their homes, residents believe their homes will be negatively impacted by having to drive through a retail center to access their gated community.

C) Requiring the developers to realign 27th Street as a condition of approval is disproportional to the scale of the request to develop and may constitute a regulatory taking. Realigning 27th Street will cause the loss of at least one pad site on the property, which is valued at approximately $2 million dollars, plus the cost of the future traffic signal, which stands to cost the developers hundreds of thousands of dollars. Requiring the developers to fix the condition that they did not cause and already existed at the time they purchased the property (both at this location and in a large number of other locations all over Phoenix) is simply too much for the developers to be asked to bear for a simple site plan substitution.

For these reasons, and for others that may be provided prior to the Planning Commission hearing, the Applicant requests that Stipulation 1.a be deleted from the Report of Planning Hearing Officer Action that resulted from the PHO hearing that took place on August 18, 2021.

EXHIBIT B

BEUS GILBERT MCGRODER
PLLC

ATTORNEYS AT LAW

701 NORTH 44TH STREET
PHOENIX, ARIZONA 85008-6504
FAX (480) 429-3111

PAUL E. GILBERT
DIRECT (480) 429-3002

E-MAIL: PGILBERT@BEUSGILBERT.COM

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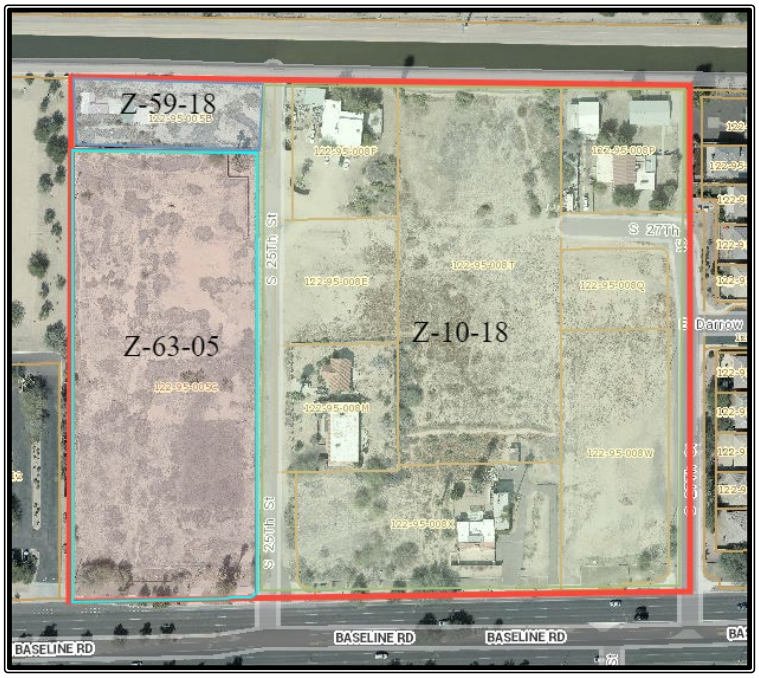
June 21, 2021

Via Hand Delivery

City of Phoenix
Planning and Development Department
2nd Floor – Zoning Counter
200 West Washington Street
Phoenix, AZ 85003

Re: *Stipulation Modification Request (Case Nos. PHO-2-21 – Z-63-05-8, PHO-1-21 – Z-59-18-8, and PHO-1-21 – Z-10-18-8) - Amended*

This application seeks to modify stipulations from three separate zoning cases (Z-63-05, Z-59-18, and Z-10-18) for properties located at the northwest corner of 27th Street and Baseline Road. The developers intend to assemble the ten parcels (collectively, the "Property") subject to the above zoning cases and develop them as an integrated unit with commercial uses along Baseline Road and residential uses adjacent to the canal.



Proposed Project

The Applicant, Beus Gilbert McGroder, PLLC, is representing Baseline 25, LLC ("Baseline 25"), Baseline RITD, LLC, Vahik Sahakian, and LG Acquisitions, LLC ("LGA") in this application. Baseline 25 is developing a retail component on the southern half of

the Property, and LGA is developing a residential component on the northern half of the Property. Importantly, this application does not seek to rezone the Property. All the uses are allowed under their current zoning (i.e., C-1). However, as there were three separate zoning cases with three separate sets of stipulations, the developers need to modify some of the stipulations in the previous cases in order to develop the Property as a whole. Additional background on the developers and reasons underlying this application to modify certain stipulations are described in greater detail herein.

Baseline 25, the developer of the retail portion adjacent to Baseline Road, is led by Randy Raskin, a long-time local developer of various commercial and residential projects in the south and southwest Valley. Previous examples of some Mr. Raskin's projects include, among others:

- Estrella Mountain Village Center, a mixed use 85-acre project with a 13-acre LA Fitness-anchored retail development at the northwest corner of 51st Avenue and Baseline Road;
- A Walmart Super Center and 60,000 square feet of shops at the southwest corner of 35th Avenue and Southern Avenue;
- A Walgreens-anchored development with 65,000 square feet of shops at the northeast corner of 35th Avenue and Southern Avenue;
- A mini-storage and Dunkin Donuts development at southwest corner of 19th Avenue and Baseline Road;
- A 40-acre mixed-use development at the northwest corner of Dobbins and 51st Avenue; and
- A Big Lots-anchored 103,000 square foot retail center redevelopment at the northwest corner of 35th Avenue and Baseline Road.

LGA, which is helmed locally by Jay Ramos, develops industrial, retail, self-storage, single family projects, but focuses on Class A rental communities. LGA has developed over 3,000 units since 2015 and currently has 4,700 units in development or construction. LGA Multifamily was recognized as one the nation's leading developers in 2019 by the National Multi Housing Council. LGA's markets include Dallas, Austin, Raleigh, and Phoenix. Each of LGA's products is designed specifically for the environment and neighborhood in which it is developed. LGA believes that good design, focused on each location, yields better neighborhoods.

The image of the proposed site plan below, a larger version of which is included in this application packet, represents the mix of retail and multifamily uses the developers are proposing. Importantly, the proposed development complies with material aspects of Section 651 of the Zoning Ordinance, the Baseline Area Overlay District ("BAOD") that governs development of the properties. In particular as described herein, the proposed development fulfills the purpose of the BAOD in that it "protects the rural, agricultural character of the area while allowing development in accord with the Baseline Area Master Plan."



Multifamily – The properties are zoned C-1, which allows multifamily development under the R-3 zoning category (Section 615 of the Zoning Ordinance). Specifically, LGA is proposing to utilize the Planned Residential Development ("PRD") option of the R-3 zoning category to construct 138 total units comprised of 1-, 2-, and 3-bedroom units with a mix of surface parking and tuck-under garages. The maximum density on the site using the PRD option is 17.40 dwelling units per acre with the bonus (15.23 without). The multifamily portion is 8.12 gross acres with a unit count of 138, which results in a density of 16.99 dwelling units per acre. Section 608.I.2 of the Zoning Ordinance provides guidance on additional amenities a developer can provide in order to achieve bonus density. LGA needs 32 bonus points in order to achieve an additional 1.76 dwelling units per acre. However, as shown on the proposed site plan, LGA is providing amenities that achieve 60 bonus density points, including but not limited to, a major entry feature into the multifamily development, accent material at the drive entry, furniture along the multi-use trail from Baseline to the Western Canal and along the Western Canal, and recreational amenities for the development.

The multifamily portion complies with the BAOD, but in particular, the multifamily portion maintains the overall BAOD requirement that no structures exceed two-stories or 30 feet, and the BAOD requirement specific to multifamily development that a minimum of one-third of the buildings do not exceed one-story or 15 feet. Three of the four buildings in the multifamily portion that abut the Western Canal are single story buildings. The multifamily development includes a dog park, shaded seating along the Western Canal, exterior view fencing , pedestrian connectivity to both the retail portion and the Western Canal, appropriate landscaping, clubhouse

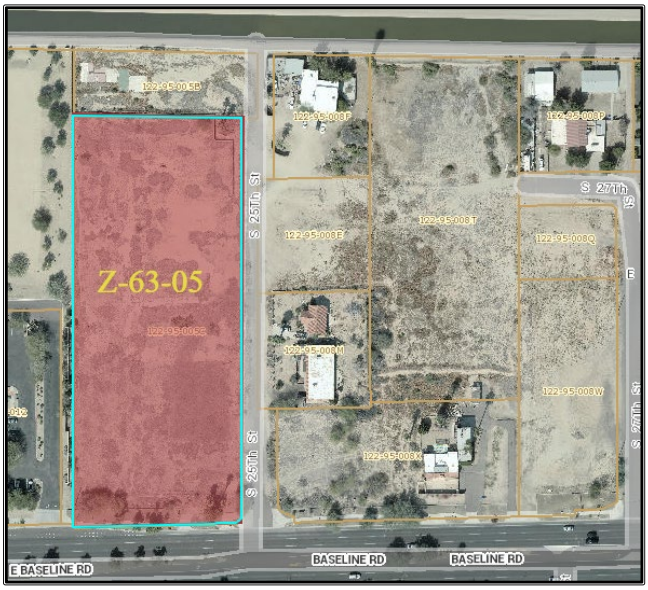
amenities, and maintains the multiuse trail easement along the eastern portion of the site that will provide pedestrian and equestrian connectivity between the Western Canal and Baseline Road. LGA is proposing a "prairie ranch house" architectural style as an homage to the rural, agricultural, and equestrian nature of the area.

Retail – The retail portion of the site is intended to be developed with five pad sites that are compatible with the needs of the community, including a mix of service retail and restaurants, all of which are allowed in C-1. Baseline 25 is in negotiations for development of four of the five pad sites. Thus, upon approval of this application, four of the pad sites will be in a position to file their own site-specific development applications. The developers are seeking a site plan substitution in connection with this application and are submitting proposed elevations for the multifamily portion. However, since the individual pad sites will need to file their own site-specific design and/or construction applications, the developers are not submitting proposed elevations in connection with this application in order to avoid a bombardment of stipulation modification requests. Such an approach would not be a productive use of either the City's or the neighbors' time and resources.

As stated above, since the properties are governed by three separate zoning cases, each with their own stipulations, the developers must seek a modification of some of the stipulations in each case in order to develop the site as an integrated, cohesive unit. The stipulations the developers are seeking to modify from each case are discussed below.

Case PHO-2-21 – Z-63-05-8

Introduction



On August 31, 2005, the then owner received approval from the City Council to rezone the property from R1-14 to C-1 to allow a neighborhood commercial shopping center. On June 10, 2016, in case PHO-1-16 – Z-63-05-8, the owner received approval to modify certain stipulations from the 2005 zoning approval. Although the property was rezoned over 15 years ago, it remains vacant to this day. As the property will now be part of a larger development comprised of the small piece immediately to the north and the property to the east, the developers must modify the following stipulations from PHO-1-16 – Z-63-05.

Requests

Stipulation No. 1 - Modification – "That the ~~subject property~~ DEVELOPMENT shall be ~~developed~~ in general conformance ~~to~~ WITH the CONCEPTUAL site plan and elevations date stamped ~~February 19, 2016~~ MAY 28, 2021, as modified by the following stipulations and as approved by the ~~Development Services Department~~ PLANNING AND DEVELOPMENT DEPARTMENT."

- Rationale – As the developers are seeking to incorporate the above property into a larger development, the February 19, 2016, site plan and elevations are no longer applicable. The developers are merely seeking to substitute the existing approved site plan for one that will be approved in this application.

Stipulation No. 2 - Deletion – "~~That the subject property be developed with only one access on 25th Street as approved by the Development Services Department.~~"

- Rationale - Limiting access from 25th Street was only necessary because of the narrow frontage on Baseline Road when the property was going to be developed independently. As shown on the above site plan, the property will now be part of the larger development that will have primary access from 25th Street as well as a driveway between 25th Street and 27th Street for the retail portion, and primary access from 27th Street for the multifamily portion. The multifamily portion will have secondary access from where 25th Street intersects with Baseline Road. In addition to the foregoing, deleting Stipulation No. 3 is consistent with the abandonment of 25th Street as required in Case No. Z-10-18.

Stipulation No. 3 - Deletion – "~~That the developer provide one point of cross access from the subject property to the commercial site located to the west of the site, as approved by the Planning and Development Department.~~"



- Rationale – Providing cross access to the west was only necessary because of the narrow frontage on Baseline Road when the property was going to be developed independently. As shown on the above site plan, the property will now be part of the larger development that will have cross access easements for all pad sites as well as the multifamily portion providing for optimum circulation within the site. In addition, although not required, the developers intend to seek the ability to use the private street to the west (yellow arrow in image to the left) that could provide an

additional point of ingress and egress that will mitigate traffic impacts on Baseline Road.

Case PHO-1-21 – Z-59-18-8

Introduction



On January 9, 2019, the owner of the small residential piece just north of the above zoning case received approval from the City Council to rezone the property from R1-14 to C-1 to combine the northern piece and the southern piece and incorporate the two into one commercial retail center. The owner of this property had also previously acquired the property to the south so they are now owned by a single owner. Although both rezoning cases were approved, no development has since occurred. This zoning case included a site plan that ostensibly replaced and superseded the site plan and elevations from the 2005 rezoning case. However, as no specific finding was made regarding the 2005 site plan, the Applicant is seeking the necessary modifications to both site plans in an effort to be clear and comprehensive. As the property will now be part of a larger development comprised of the small piece immediately to the north and the property to the east, the developers must modify the following stipulations.

Requests

Stipulation No. 1 - Modification – "THAT ~~T~~the development shall be in general conformance with the conceptual site plan AND ELEVATIONS date stamped ~~August 21, 2018~~ MAY 26, 2021, as ~~may be~~ modified ~~for compliance with the canal bank design guidelines in Section 507 Tab A of the Zoning Ordinance,~~ BY THE FOLLOWING STIPULATIONS and AS approved by the ~~Planning and Development Department, and with specific regard to the following:~~ PLANNING AND DEVELOPMENT DEPARTMENT"

- Rationale – As the developers are seeking to incorporate the above property into a larger development, the August 21, 2018, conceptual site plan is no longer applicable. Moreover, the development will be developed in conformance with design standards for property adjacent to the Western Canal. The developers are

merely seeking to substitute the existing approved site plan for one that will be approved in this application.

Stipulation No. 1.a - Deletion – "~~Pedestrian pathway to provide open public access to amenities on the adjacent property to the east to be constructed of decorative pavers, stamped or colored concrete, or another material, other than those used to pave the parking surfaces and drive aisles.~~"

- Rationale – Providing pedestrian pathways to be constructed of decorative materials to the property to the east was only included because of the narrow width of the property when it was going to be developed independently. As shown on the above site plan, the property will now be part of the larger development that will have pedestrian pathways and vehicular cross access easements for all pad sites as well as the multifamily portion providing for optimum circulation within the site. In addition, although not required, the developers intend to seek the ability to use the private street to the west (yellow arrow in image to the left) that could provide an additional point of ingress and egress and will mitigate traffic impacts on Baseline Road.

Stipulation No. 1.b - Deletion – "~~Vehicular cross access to adjacent properties to the east and south, as approved by the Planning and Development Department.~~"

- Rationale – Providing vehicular cross access to the properties to the east and south was only included because of the narrow width of the property when it was going to be developed independently. As shown on the above site plan, the property will now be part of the larger development that will have pedestrian pathways and vehicular cross access easements for all pad sites as well as the multifamily portion providing for optimum circulation within the site. In addition, although not required, the developers intend to seek the ability to use the private street to the west (yellow arrow in image above) that could provide an additional point of ingress and egress and will mitigate traffic impacts on Baseline Road.

Stipulation No. 3 - Deletion – "~~If the subject site develops as a stand-alone parcel and does not provide an alternative street frontage to that existing along 25th Street, then the developer shall be responsible for the dedication and construction of an offset cul-de-sac bulb at the northern portion of 25th Street, south of the Western Canal, as approved by the Planning and Development and Street Transportation Department.~~"

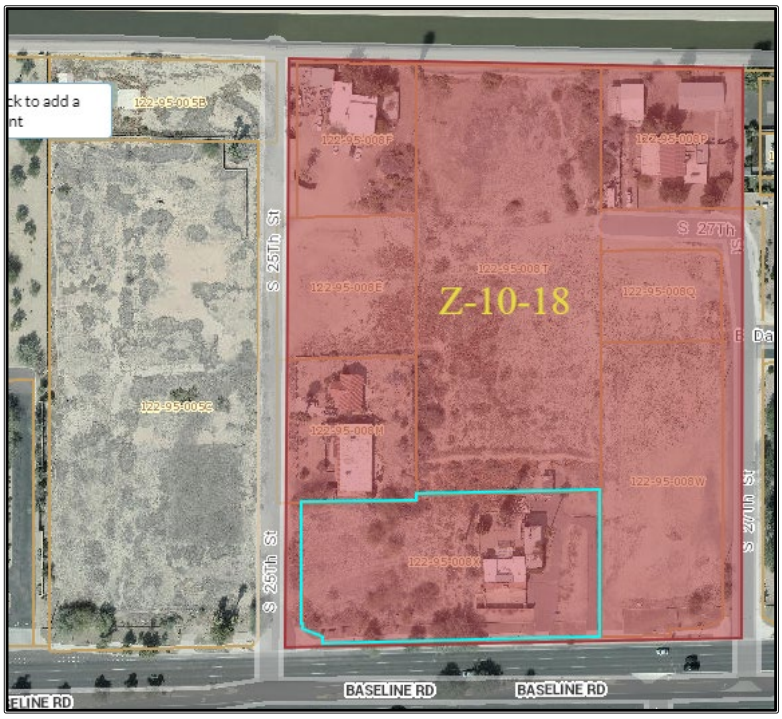
- Rationale – This stipulation was only necessary because of the narrow frontage on Baseline Road if the property was going to be developed independently. As shown on the above site plan, the property will now be part of the larger development that will have primary access from 25th Street and a driveway between 25th Street and 27th Street for the retail portion, and primary access from 27th Street for the multifamily portion. The multifamily portion will have secondary access from where 25th Street intersects with Baseline Road. In addition to the foregoing,

deleting Stipulation No. 3 is consistent with the abandonment of 25th Street as required in Case No. Z-10-18, which the developers intend to pursue.

Case PHO-1-21 – Z-10-18-8

Introduction

On July 2, 2018, Baseline 25 received approval from the City Council for a General Plan Amendment and rezoning case for property owned by Baseline 25 and Baseline RITD, LLC from R1-10 and R1-14 to C-1 to allow for commercial and medical uses. Although approved approximately three years prior, the properties have not developed as anticipated in the rezoning case. As the property will now be part of a larger development comprised of the properties to the west, the developers must modify the following stipulations.



Requests

Stipulation No. 1 - Modification – "THAT ~~T~~the development shall be in general conformance with the conceptual ~~planning~~ SITE plan AND ELEVATIONS date stamped ~~June 25, 2018~~ MAY 26, 2021, as modified by the following stipulations and AS approved by the Planning and Development Department.~~, and with specific regard to the following:~~"

- Rationale – As the developers are seeking to incorporate the above property into a larger development, the June 25, 2018, conceptual planting plan is no longer applicable. The developers are merely seeking to substitute the existing approved conceptual planting plan for one that will be submitted as part of this application.

Stipulation No. 1.a - Deletion – "~~The quantity and configuration of drive-through facilities on the subject site.~~"

- Rationale – As the developers are seeking to incorporate the above property into a larger development, which depicts the location and configuration of structures with drive-through facilities, this stipulation is no longer applicable. Under the proposed

site plan, the retail portion is providing appropriate screening, and parking along the street side is provided in order to ensure that any retail buildings with drive-through facilities have the windows facing away from residential areas and away from the perimeter street. As indicated on the proposed site plan included with this application, no drive through windows face east toward any residential areas or south towards Baseline Road.

Stipulation No. 1.b - Deletion – "~~The configuration of 27th Street, which aligns with the existing portion of 27th Street south of Baseline Road.~~"

- Rationale – It is the developer's understanding that the reconfiguration of 27th Street was proposed in the event a traffic signal were required at that intersection in the future. However, the proposed development did not meet the signal warrants necessary to justify the installation of a traffic signal. Moreover, the residential neighbors immediately to the east of the Properties across 27th Street as well as the neighbors across Baseline Road to the south were, and are, opposed to the reconfiguration of 27th Street. Thus, the City did not want to incur the expense associated with an unwarranted and unwanted traffic signal. Nevertheless, it is the developer's understanding that the reconfiguration of the 27th Street alignment was added at the last minute during the City Council hearing in this case over the objection of the applicant and the residential neighbors. Accordingly, the developers request that this stipulation be deleted.

Stipulation No. 2 - Deletion – "~~The development shall be in general conformance with the elevations date stamped February 12, 2018, as modified by the following stipulations and approved by the Planning and Development Department.~~"

- Rationale – As the developers are seeking to incorporate the above property into a larger development, the February 12, 2018, elevations are no longer applicable. It is not necessary to have a separate stipulation concerning elevations.

Stipulation No. 2.a: Modification – "Pitched roof elements shall be incorporated in ~~all~~ SOME OF THE buildings IN THE DEVELOPMENT."

- Rationale – Although pitched roofs are a presumption in the BAOD, the developers of the retail portion are seeking some relief from that presumption but are providing increased standards of the quality of development consistent with the BAOD as is evident from the attached documents. In addition, some of the pad sites are incorporating pitched roof elements into their individual designs that will be submitted to the City in connection with those applications. Having alternative styles of roof elements provides architectural interest along the streetscape.

Stipulation No. 3.b: Modification – "~~Equestrian corral area containing h~~Hitching posts WITH ROOM for MULTIPLE horses, SHADED LANDSCAPING, AND WATER FOR EQUINE CONSUMPTION WILL BE PROVIDED along the northern property ~~align~~ LINE adjacent to the Western Canal."

- Rationale – The request for a corral may have been well-intentioned, but the developers are cognizant of the potential liability associated with a corral on private property that is made available for public use. However, although the corral will likely never be used, the developers also recognize the desire to maintain the rural, agricultural ambiance of the BAOD, and accordingly are not seeking to delete the stipulation entirely. The developers are willing to provide an area that is consistent with the equestrian trials in the area, but seek to create an environment that is more safe and secure than an open corral.

Conclusion

The Applicant and the developers thank you for your time and consideration of this complicated request and look forward to an open dialogue regarding this application.

The proposed zoning stipulation modification is accompanied by the following documents:

1. Application Fee;
2. Ownership Verification forms;
3. Information Form;
4. Property Owners Information;
5. Site Plan (2 copies – 24" x 36"; 1 copy – 8 ½" x 11");
6. Parcel map with project area identified;
7. Legal Description(s)
8. Property Owner Notification Requirements;
9. CD with electronic copies of submittal

Please feel free to contact the undersigned if you have any questions, or if you need any additional information.

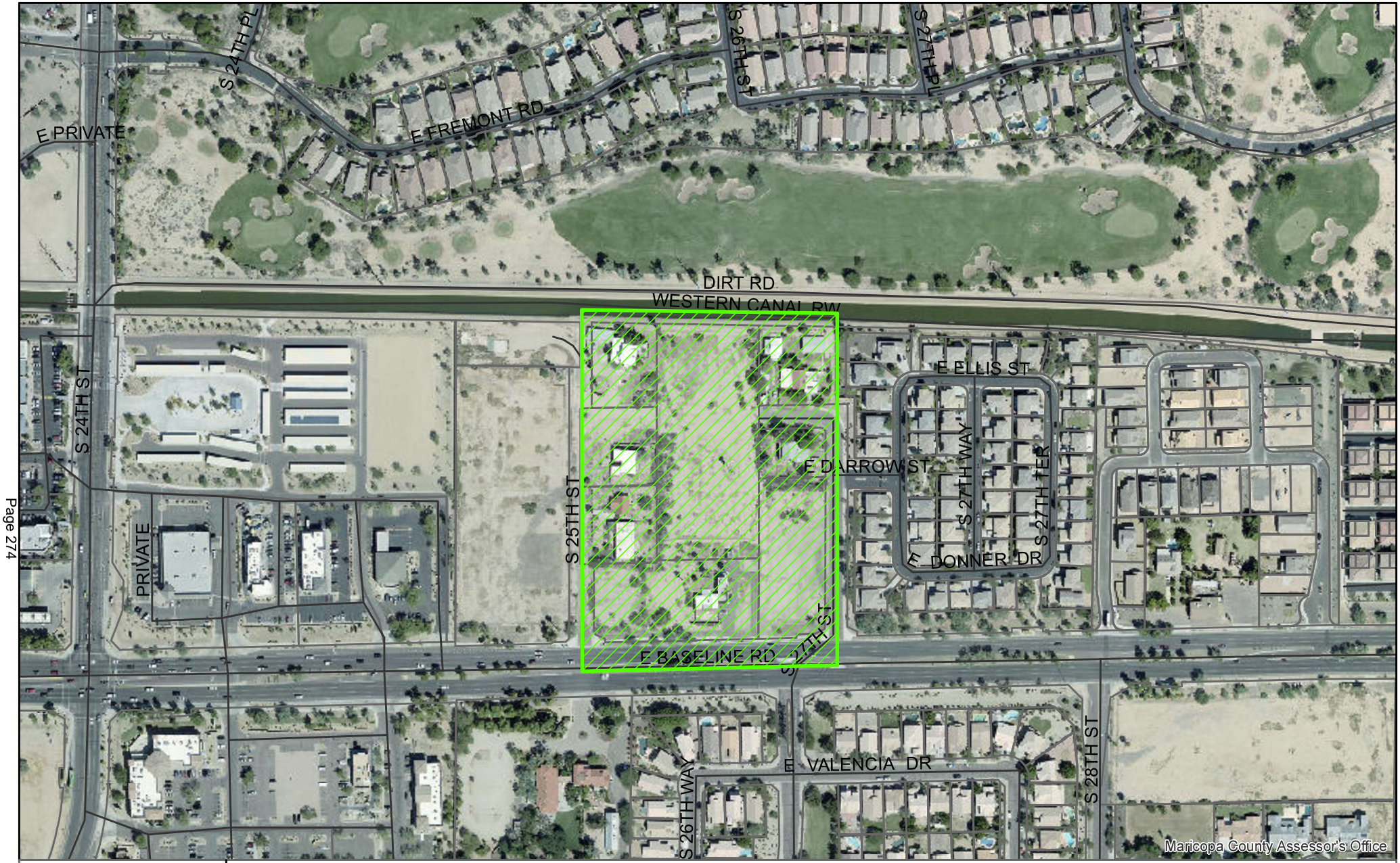
Very truly,

BEUS GILBERT McGRODER PLLC

Paul E. Gilbert

PEG: CHA
Enclosures as indicated

EXHIBIT C



PHO-1-21--Z-10-18-8	**Property Location: Northwest corner of 27th Street and Baseline Road**

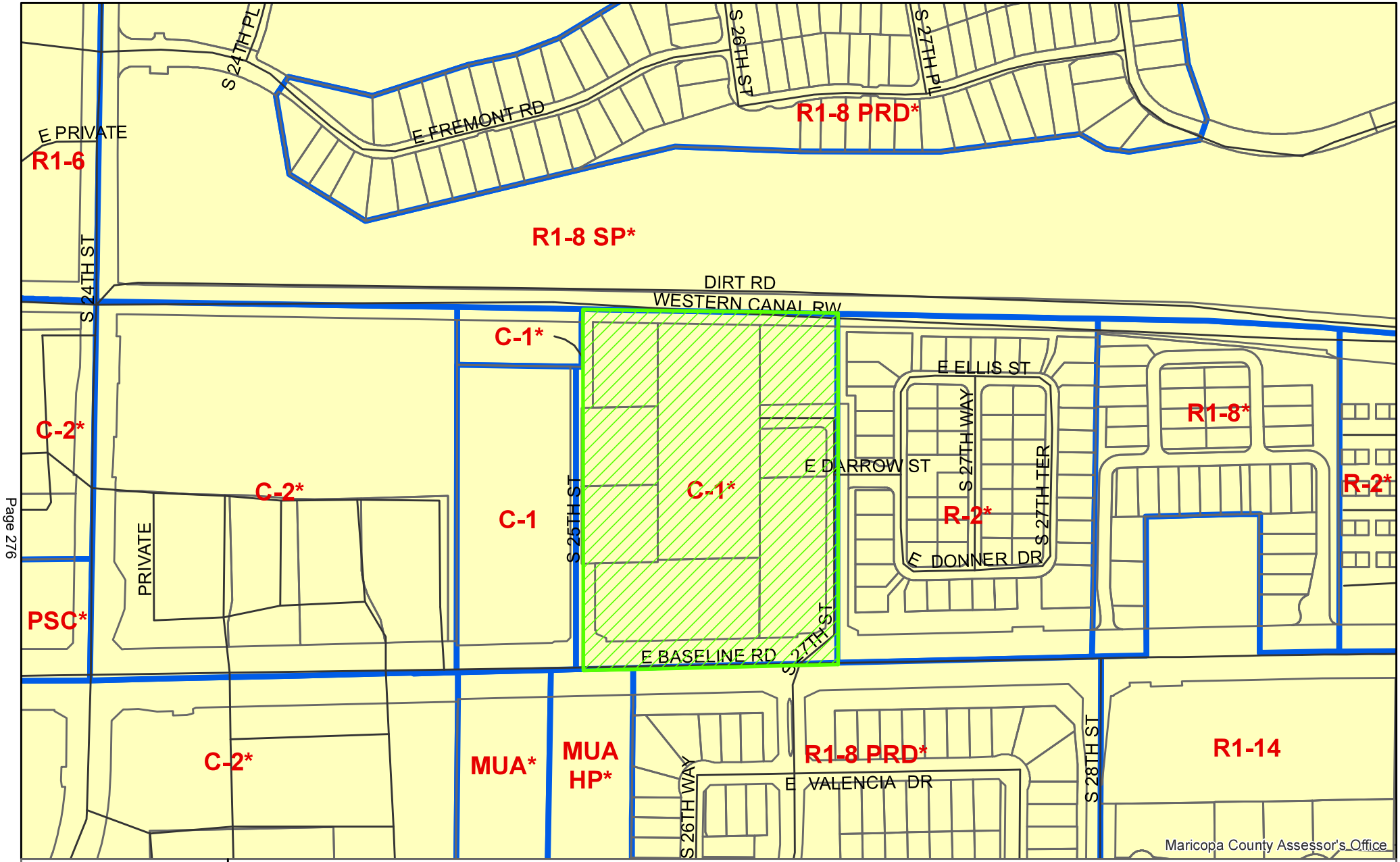
City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

Planning & Development Department

0 140 280 560 Feet

N

EXHIBIT D



Page 276

PHO-1-21--Z-10-18-8	**Property Location: Northwest corner of 27th Street and Baseline Road**

City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

Planning & Development Department

0 140 280 560 Feet

N

EXHIBIT E

Official Records of Maricopa County Recorder
ADRIAN FONTES
20180561140 07/25/2018 10:34
ELECTRONIC RECORDING
6478G-8-1-1--

ORDINANCE G-6478

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-10-18-8) FROM R1-14 BAOD (ONE FAMILY RESIDENCE DISTRICT, BASELINE AREA OVERLAY DISTRICT); R1-14 BAOD (ONE FAMILY RESIDENCE DISTRICT, BASELINE AREA OVERLAY DISTRICT), APPROVED C-1 BAOD (APPROVED NEIGHBORHOOD RETAIL DISTRICT, BASELINE AREA OVERLAY DISTRICT); AND R1-14 BAOD (ONE FAMILY RESIDENCE DISTRICT, BASELINE AREA OVERLAY DISTRICT), APPROVED R1-10 BAOD (APPROVED SINGLE-FAMILY RESIDENCE DISTRICT, BASELINE AREA OVERLAY DISTRICT) TO C-1 BAOD (NEIGHBORHOOD RETAIL DISTRICT, BASELINE AREA OVERLAY DISTRICT).

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

SECTION 1. The zoning of an approximately 10.55-acre property located at the northwest corner of 27th Street and Baseline Road in a portion of Section 35, Township 1 North, Range 3 East, as described more specifically in Exhibit "A", is hereby changed from 5.51 acres of "R1-14 BAOD" (One Family Residence District, Baseline Area Overlay District), 2.16 acres of "R1-14 BAOD, Approved C-1 BAOD" (One Family Residence District, Baseline Area Overlay District, Approved Neighborhood Retail

District, Baseline Area Overlay District), and 2.88 acres of "R1-14 BAOD, Approved R1-10 BAOD" (One Family Residence District, Baseline Area Overlay District, Approved Single-Family Residence District, Baseline Area Overlay District) to 10.55 acres of "C-1 BAOD" (Neighborhood Retail District, Baseline Area Overlay District).

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

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

1. THE DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE CONCEPTUAL PLANTING PLAN DATE STAMPED JUNE 25, 2018, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT, AND WITH SPECIFIC REGARD TO THE FOLLOWING:

   A. THE QUANTITY AND CONFIGURATION OF DRIVE-THROUGH FACILITIES ON THE SUBJECT SITE.

   B. THE CONFIGURATION OF 27TH STREET, WHICH ALIGNS WITH THE EXISTING PORTION OF 27TH STREET SOUTH OF BASELINE ROAD.

~~1.~~ 2. The development shall be in general conformance with the elevations date stamped February 12, 2018, as modified by the following stipulations and approved by the Planning and Development Department.

   a. Pitched roof elements shall be incorporated in all buildings.

   b. All building elevations, including those facing or visible from the Western Canal, shall contain architectural embellishments and detailing such as textural changes, pilasters, offsets, recesses, variation in window size and location, and/or other overhang canopies.

~~2.~~ 3. The developer shall provide the following amenities and open public access to the amenities, as approved by the Planning and Development Department:

a. A multi-use trail or shared-use path which provides connectivity between Baseline Road and the Western Canal, in accordance with the MAG supplemental details.

b. Equestrian corral area containing hitching posts for horses, along the northern property align adjacent to the Western Canal.

c. Minimum of two shaded benches, along the northern property align adjacent to the Western Canal.

d. Bicycle parking area containing a minimum of eight spaces. The bicycle parking area shall utilize inverted-U bicycle racks or a similar design that accommodates lock placement on both wheels and the frame.

~~3.~~ 4. Any solid portion of a perimeter wall adjacent to the Western Canal shall not exceed a maximum height of three feet, as approved by the Planning and Development Department.

~~4.~~ 5. No drive-through facility shall locate its drive-through window facing a residential use or Baseline Road, as approved by the Planning and Development Department.

~~5.~~ 6. Drive-throughs shall be screened from view of public rights-of-way and residential uses with a landscaped berm or a combination of a wall and landscaped berm at least four feet in height, as approved by the Planning and Development Department.

~~6.~~ 7. The developer shall dedicate a 30-foot wide multi-use trail easement (MUTE) along the north side of Baseline Road and construct a minimum 10 foot wide multi-use trail (MUT) within the easement, in accordance with the MAG supplemental detail and as approved by the Parks and Recreation and Planning and Development Departments.

~~7.~~ 8. The location of the bus stop along Baseline Road shall be approved by the Public Transit Department.

~~8.~~ 9. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.

~~9.~~ 10. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.

11. THE DEVELOPER SHALL NOTIFY THE FOLLOWING INDIVIDUALS AT A MINIMUM 10 CALENDAR DAYS PRIOR TO ANY PLANNING HEARING OFFICER REQUEST TO MODIFY OR DELETE STIPULATIONS. THE NOTICE SHALL INCLUDE THE DATE, TIME AND LOCATION OF THE HEARING.

A. TANIS EARLE
3602 EAST VINEYARD ROAD
PHOENIX, AZ 85042

B. SANDY BAWDEN
3232 EAST VINEYARD ROAD
PHOENIX, AZ 85042

C. KAY GUNTER
1821 EAST LATONA ROAD
PHOENIX, AZ 85042

D. DEANDRA ERVIN
2914 EAST CONSTANCE WAY
PHOENIX, AZ 85042

E. LINDA MARTIN
7049 SOUTH GOLFSIDE LANE
PHOENIX, AZ 85042

F. STEPHANY WATNEY
834 EAST BEVERLY ROAD
PHOENIX, AZ 85042

G. ANTHONY SIGLAR
2727 EAST DONNOR DRIVE
PHOENIX, AZ 85042

H. KENNETH AND JUNE WOOD
2447 EAST FREMONT ROAD
PHOENIX, AZ 85042

I. MELISSA HINKLE
7051 SOUTH 27TH WAY
PHOENIX, AZ 85042

J. STEVE AND ROBIN MARTIN
8517 SOUTH 30TH WAY
PHOENIX, AZ 85042

K. HEATHER CANNON

8032 SOUTH 27TH WAY
PHOENIX, AZ 85042

L. HAYIME MONGE
7507 SOUTH 27TH TERRACE
PHOENIX, AZ 85042

M. STEVEN PACE
2198 EAST CAMELBACK ROAD
SUITE 210
PHOENIX, AZ 85016

N. LINDA ANQUOE
3923 EAST CARSON ROAD
PHOENIX, AZ 85042

O. KENT JUNE
3917 EAST ST. CATHERINE AVENUE
PHOENIX, AZ 85042

P. MONIQUE BONTRAGER
6401 SOUTH 37TH STREET
PHOENIX, AZ 85042

Q. AMY SCHNEIDER
3232 EAST MALDONADO
PHOENIX, AZ 85042

R. KIM FIGGINS
2918 EAST DUNBAR DRIVE
PHOENIX, AZ 85042

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

PASSED by the Council of the City of Phoenix this 27th day of June, 2018.

Thelda Williams
MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

Acting City Attorney pml

REVIEWED BY:

City Manager

PL:efl:2046424_1.docx:(LF#18-2081) 6/27/18

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

EXHIBIT A

LEGAL DESCRIPTION FOR Z-10-18-8

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

COMMENCING AT A 3 INCH CITY OF PHOENIX BRASS CAP FLUSH MARKING THE SOUTH QUARTER CORNER OF SAID SECTION 35, FROM WHICH A 3 INCH BRASS CAP IN HANDHOLE MARKING THE SOUTHWEST CORNER OF SAID SECTION 35 BEARS SOUTH 88 DEGREES 30 MINUTES 30 SECONDS WEST 2,657.39 FEET;

THENCE SOUTH 88 DEGREES 30 MINUTES 30 SECONDS WEST 1,071.48 FEET ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER TO THE CENTERLINE OF 27TH STREET AND THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 88 DEGREES 30 MINUTES 30 SECONDS WEST 570.38 FEET ALONG SAID SOUTH LINE TO THE CENTERLINE OF 25TH STREET;

THENCE NORTH 00 DEGREES 04 MINUTES 00 SECONDS WEST 775.75 FEET ALONG SAID CENTERLINE TO THE SOUTH LINE OF THE WESTERN CANAL;

THENCE SOUTH 89 DEGREES 07 MINUTES 00 SECONDS EAST 570.29 FEET ALONG SAID SOUTH LINE TO THE NORTHERLY EXTENSION OF SAID CENTERLINE OF 27TH STREET;

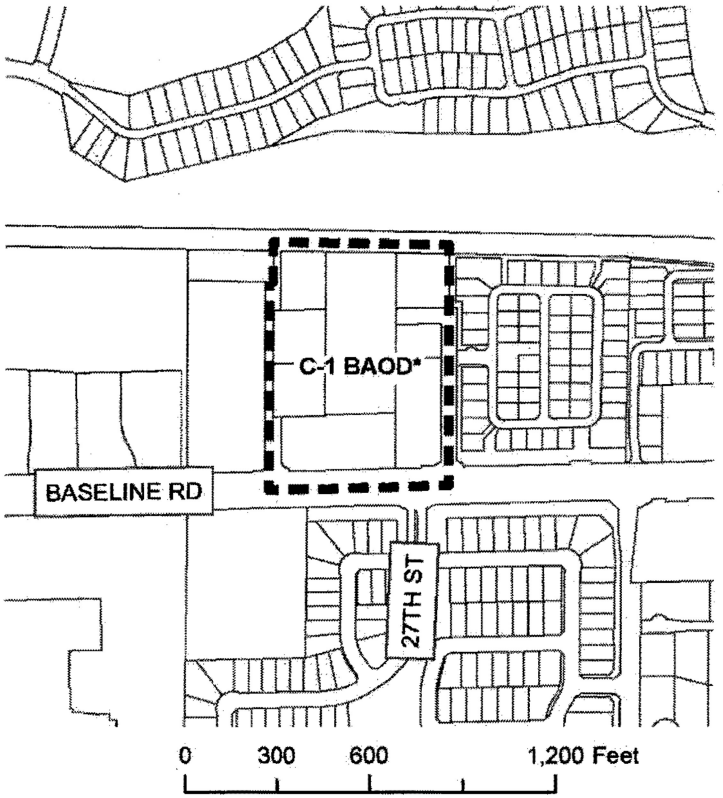
THENCE SOUTH 00 DEGREES 04 MINUTES 00 SECONDS EAST 752.11 FEET ALONG SAID CENTERLINE TO THE POINT OF BEGINNING.

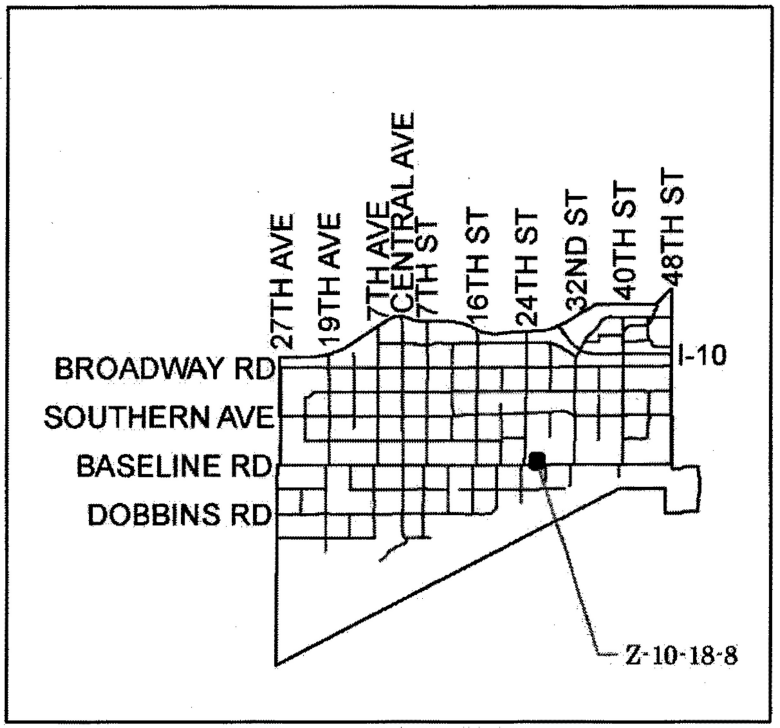
ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA:

Zoning Case Number: Z-10-18-8
Zoning Overlay: Baseline Area Plan and Overlay District
Planning Village: South Mountain





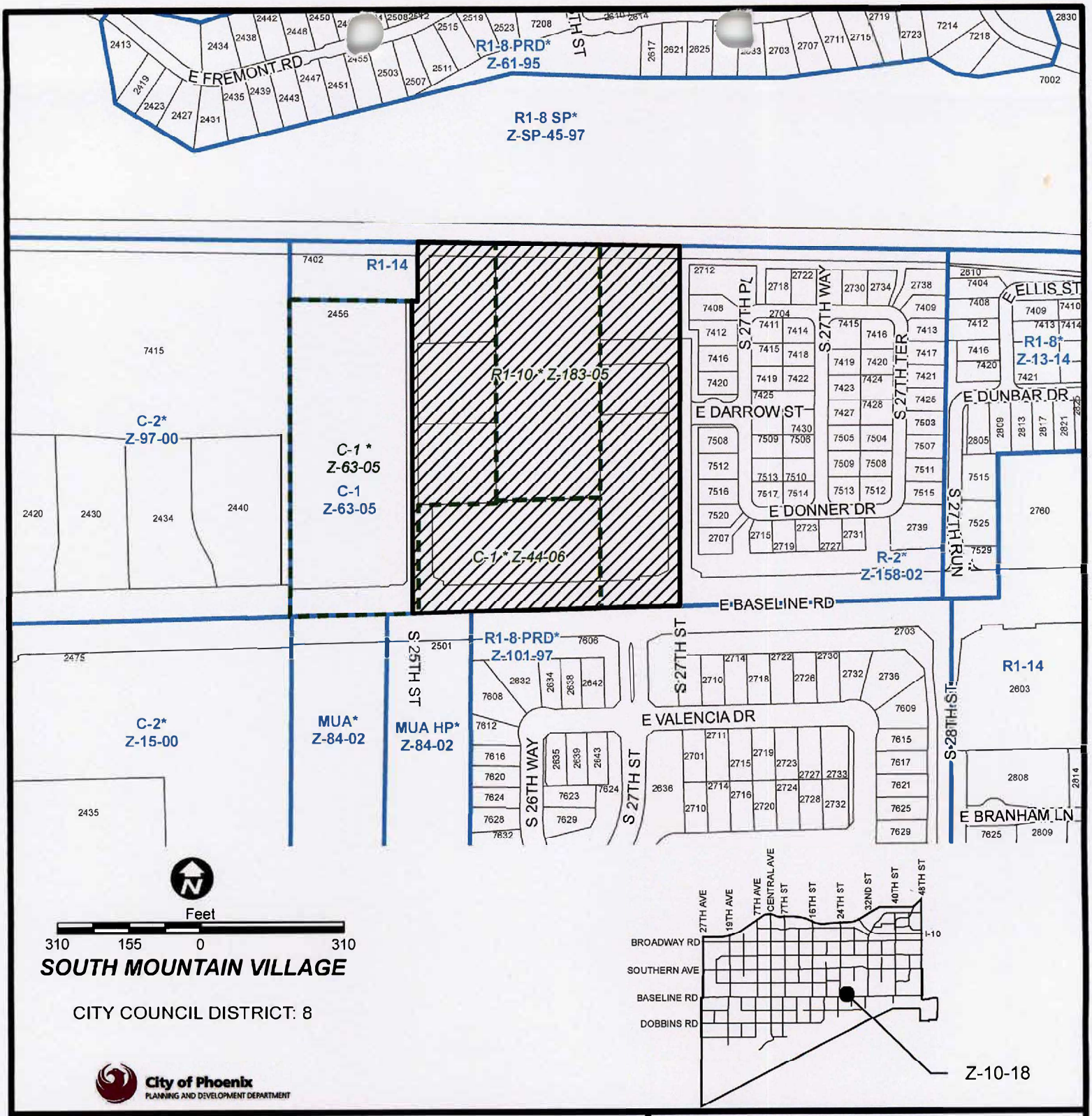
NOT TO SCALE

N

Drawn Date: 6/7/2018

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EXHIBIT F



City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

APPLICANT'S NAME: Randall Raskin, Partner Investments 7

REQUESTED CHANGE:

FROM:
R1-14 BAOD (5.51 a.c.)
R1-14 BAOD (Approved C-1 BAOD) (2.16 a.c.)
R1-14 BAOD (Approved R1-10 BAOD) (2.88 a.c.)

TO: C-1 BAOD (10.55 a.c.)

APPLICATION NO.	DATE	REVISION DATES:
Z-10-18	03/09/2018	

GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX	AERIAL PHOTO & QUARTER SEC. NO.	ZONING MAP
10.55 Acres	QS 1-33	D-9

MULTIPLES PERMITTED	CONVENTIONAL OPTION	* UNITS P.R.D. OPTION
R1-14 BAOD, R1-14 BAOD (Approved C-1 BAOD), R1-14 BAOD (Approved R1-10 BAOD)	12, 4 (31), 6 (10)	N/A, N/A (37), N/A (13)
C-1 BAOD	153	183

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

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EXHIBIT G



MULTIFAMILY DATA:

GROSS ACREAGE: 8.12 ACRES
- 6-PLEX BUILDINGS: 3
- 27-PLEX BUILDING: 2
- 33-PLEX BUILDING: 2

TOTAL UNITS: 138
- PRIVATE GARAGE SPACES: 82
  - PRIVATE DRIVEWAY SPACES: 62
  - TANDEM PARKING IS ALLOWED TO COUNT TOWARDS REQUIRED PARKING

ADDITIONAL SURFACE/COVERED SPACES: 161
REQUIRE PARKING SPACES: 304
TOTAL PARKING SPACES PROVIDED: 304
SPACES TO UNIT RATION: 2.20

6-PLEX UNIT TYPE COUNT
- 2-BEDROOMS: 6

27-PLEX UNIT TYPE COUNT:
- 1-BEDROOMS: 12
- 2-BEDROOMS: 5
- 3-BEDROOMS: 10

33-PLEX UNIT TYPE COUNT:
- 1-BEDROOMS: 7
- 2-BEDROOMS: 22
- 3-BEDROOMS:4

AVERAGE UNIT SF:
- 1-BEDROOM: 730 SF
- 2-BEDROOM: 1100 SF
- 3-BEDROOM: 1300 SF

*LANDSCAPE NOTES:
- PROVIDE SHRUBS AND VINE SCREENING OF ALL SOLID PERIMETER FENCING. SCREEN TO PROVIDE A MINIMUM OF 50% COVERAGE OF THE WALL WITHIN 2 YEARS. COVERAGE MAY BE REDUCED FOR DECORATIVE WALLS. SHRUBS TO BE A MINIMUM OF 5 GALS. TYP.
- ENTRY MONUMENT FEATURE SHALL INCLUDE A MINIMUM OF 250 SQ FT OF LANDSCAPE MATERIAL. A MINIMUM OF 3 PLANT VARIETIES INCLUDING ANNUALS RE TO BE PROVIDED WITHIN THE 250 SQ FT AREA. LANDSCAPE TO MAINTAIN A CONSTANT BLOOM.

Retail Lot Mix

Lot #	Building Size	Site Coverage	Parking Spaces Required	Parking Spaces Provided
Lot 2	3,800	6.4%	30	33
Lot 3	2,050	6.4%	30	41
Lot 4	3,745	5.6%	38	40
Lot 5	3,003	5.8%	31	40
Lot 6	6,500	6.9%	65	66
Totals	**19,098**		**194**	**220**

CITY OF PHOENIX
MAY 26 2021
Planning & Development Department

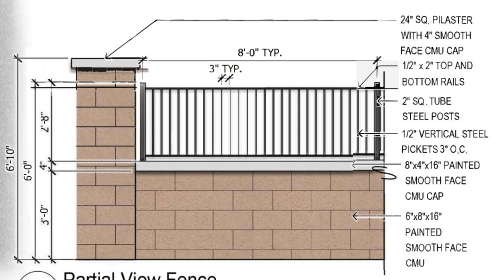
UNIT MIX				
	UNIT TYPE	SF	OCCURRENCES	TOTAL NET RENTABLE
A1	1 BED / 1 BATH	718	34	24,412
A2	1 BED / 1 BATH	853	4	3,412
B1	2 BED / 2 BATH	1100	52	57,200
B2	2 BED / 2 BATH	1100	20	22,000
C1	3 BED / 2 BATH	1300	28	36,400
Total			138	143,424

GROSS PROJECT SQUARE FOOTAGE			
LEVEL	GROSS	NET RENTABLE	COUNT
6-PLEX	8,246	6,600	3
27-PLEX	38,456	27,386	2
33-PLEX	48,956	34,426	2
CLUBHOUSE	3,000	N/A	1
TOTAL (ALL BLDGS)	202,562	143,424	

Baseline Density Point Calculation

	R-3 Zoning	Current Plan	Units Required	Bonus Points Required
Density	15.23	16.99	1.76	32
Maximum with Bonus	17.4			

Bonus Point Goals	Points	Notes
Major Entry Feature	10	Monument Sign with enhanced L 2500
Accent Material at Drive Entry	10	Stamped Concrete or Pavers at Club/Entry
Street (trail/canal) furniture	5	Bench and shade structure at trail/canal
Recreational Amenities		
Pool	10	Pool
Amenity Area	10	West Side Amenity Area
Community Room	10	Club Room and Gym
Trail	5	Equestrian Trail
Potential Points	**60**	



1 Partial View Fence
SCALE: 1/2"=1'-0"

LEON Capital Group

27th Street & Baseline

Combined Multifamily & Retail Conceptual Site Plan

Plan Scale 1:40 Date:05-05-2021

ABLASTUDIO.COM

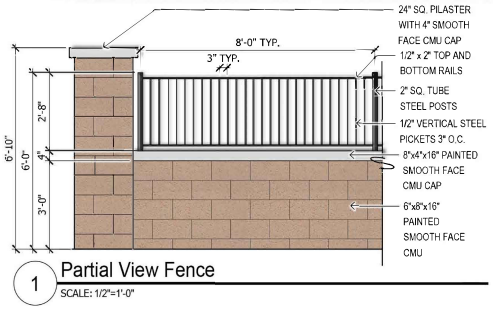
AB LA

PHO-1-21--Z-10-18-8

Proposed Site Plan

Hearing Date: 7/21/2021





1 Partial View Fence
SCALE: 1/2"=1'-0"

GROSS ACREAGE: 8.12 ACRES
- 6-PLEX BUILDINGS: 3
- 27-PLEX BUILDING: 2
- 33-PLEX BUILDING: 2

TOTAL UNITS: 138
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C1	3 BED / 2 BATH	1300	28	36,400
Total			138	143,424

GROSS PROJECT SQUARE FOOTAGE			
LEVEL	GROSS	NET RENTABLE	COUNT
6-PLEX	8,246	6,600	3
27-PLEX	38,456	27,386	2
33-PLEX	48,956	34,426	2
CLUBHOUSE	3,000	N/A	1
TOTAL (ALL BLDGS)	202,562	143,424	

Baseline Density Point Calculation				
	R-3 Zoning	Current Plan	Units Required	Bonus Points Required
Density	15.23	16.99	1.76	32
Maximum with Bonus	17.4			
Bonus Point Goals	**Points**	**Notes**		
Major Entry Feature	10	Monument Sign with enhanced L, 2500		
Accent Material at Drive Entry	10	Stamped Concrete or Pavers at Club/Entry		
Street (trail/canal) furniture	5	Bench and shade structure at trail/canal		
Recreational Amenities				
Pool	10	Pool		
Amenity Area	10	West Side Amenity Area		
Community Room	10	Club Room and Gym		
Trail	5	Equestrian Trail		
Potential Points	**60**			

*LANDSCAPE NOTES:
- PROVIDE SHRUBS AND VINE SCREENING OF ALL SOLID PERIMETER FENCING. SCREEN TO PROVIDE A MINIMUM OF 50% COVERAGE OF THE WALL WITHIN 2 YEARS. COVERAGE MAY BE REDUCED FOR DECORATIVE WALLS. SHRUBS TO BE A MINIMUM OF 5 GALS. TYP.
- ENTRY MONUMENT FEATURE SHALL INCLUDE A MINIMUM OF 250 SQ FT OF LANDSCAPE MATERIAL. A MINIMUM OF 3 PLANT VARIETIES INCLUDING ANNUALS RE TO BE PROVIDED WITHIN THE 250 SQ FT AREA. LANDSCAPE TO MAINTAIN A CONSTANT BLOOM.

CITY OF PHOENIX
MAY 26 2021
Planning & Development Department

LEON Capital Group

27th Street & Baseline
Multifamily Conceptual Site Plan

30' 60' 90'
Plan Scale 1: 30 Date:05-05-2021
ABLASTUDIO.COM

AB LA

PHO-1-21--Z-10-18-8

Proposed Site Plan

Hearing Date: 7/21/2021



Retail Lot Mix				
Lot #	Building Size	Site Coverage	Parking Spaces Required	Parking Spaces Provided
Lot 2	3,800	6.4%	30	33
Lot 3	2,050	6.4%	30	41
Lot 4	3,745	5.6%	38	40
Lot 5	3,003	5.8%	31	40
Lot 6	6,500	6.9%	65	66
Totals	**19,098**		**194**	**220**

CITY OF PHOENIX
MAY 26 2021
Planning & Development Department

LEON Capital Group

27th Street & Baseline

Retail Conceptual Site Plan

Plan Scale 1:30 Date:05-05-2021

ABLASTUDIO.COM

ABLA

PHO-1-21--Z-10-18-8

Proposed Site Plan

Hearing Date: 7/21/2021

EXHIBIT H



PLANT PALETTE

	BOTANICAL NAME	COMMON NAME
	TREES	
	Acacia salicina	Willow Acacia
	Citrus Species	As Selected
	Chitalpa tashkentensis	Chitalpa
	Delbergia Sissoo	Delbergia
	Pinus eldarica	Afghan Pine
	Parkinsonia praecox	Palo Brea
	Pistacia x 'Red Push'	'Red Push' Pistache
	Quercus virginiana	Southern Live Oak
	Sophora secundiflora	Texas Mountain Laurel
	Ulmus parvifolia	Evergreen Elm
	ACCENTS/VINES	
	Agave americana	Smooth Agave
	Aloe barbadensis	Medicinal Aloe (Yellow Flower)
	Aloe 'Blue Elf'	'Blue Elf' Aloe
	Bouteloua gracilis 'Blonde Ambition'	'Blonde Ambition' grass
	Dasylirion texanum	Green Spoon
	Dasylirion quadrangulatum	Toothless Spoon
	Euphorbia antisyphilitica	Candelilla
	Hesperaloe funifera	Giant Hesperaloe
	Hesperaloe parviflora 'Perpa'	Brakelights Red Yucca
	VINES	
	Bigonia 'Tangerine Beauty'	'Tangerine Beauty'
	Rosa banksiae 'Lutea'	Lady Bank's Rose
	SHRUBS	
	Bougainvillea 'Torch Glow'	'Torch Glow' Bougainvillea
	Callandra californica	Baja Red Fairy Duster
	Calliandra 'Little John'	'Little John' Bottlebrush
	Dodonaea viscosa	Hopbush
	Ericameria laricifolia	Turpentine Bush
	Myrtus communis 'Compacta'	Dwarf Myrtle
	Myrtus 'Improved'	'Boetica' Twisted Myrtle
	Justicia spicigera	Mexican Honeysuckle
	Plumbago capensis	Cape Plumbago
	Ruellia peninsularis	Baja Ruellia
	Tecoma hybrid 'Bells of Fire'	Bells of Fire
	Tecoma stans 'Orange Jubilee'	Orange Jubilee
	GROUND COVERS	
	Bougainvillea 'Alexandra'	'Alexandra' Bougainvillea
	Asparagus densiflorus 'sprenger'	Sprenger Asparagus
	Lantana hybrid 'New Gold'	New Gold Lantana
	Lantana montevidensis	Purple Trailing Lantana
	Tecoma x 'Gamelandra'	Gamelandra
	Trachelospermum asiaticum	Asiatic Jasmine
	Wedelia trilobata	Wedelia
	Seasonal Annuals	Seasonal Annuals
	MISCELLANEOUS	
DG	Decomposed Granite - Color: Express Brown Size: 1/2" Screened 3" Depth in All Planting Areas (Typ)	
	Turf - 'Mid-Iron' Hybrid Sod	

CITY OF PHOENIX
JUN 25 2018
Planning & Development Department

COLLABORATIVE V DESIGN STUDIO

COLLABORATIVE V DESIGN STUDIO INC.
7119 EAST 11TH AVE., UNIT 103
SCOTTSDALE, ARIZONA 85251
OFFICE: 480.347.1191
FAX: 480.616.6013

LANDSCAPE IMPROVEMENTS
South Mountain Promenade
25th - 27th Street & East Baseline Road, Phoenix, AZ

Conceptual Planting Plan

AH
AH
PV/AH
05.07.18

L1.0
1 of 1

EXHIBIT I





DESIGN STUDIO ARCHITECTS

5730 SOUTH CURTICE ST
LITTLETON, CO 80120
(720) 485-5577

PHO-1-21--Z-10-18-8

RESIDENCES AT BASELINE

PHOENIX, ARIZONA

SCHEMATIC ELEVATIONS
05.11.2021

Proposed Elevations

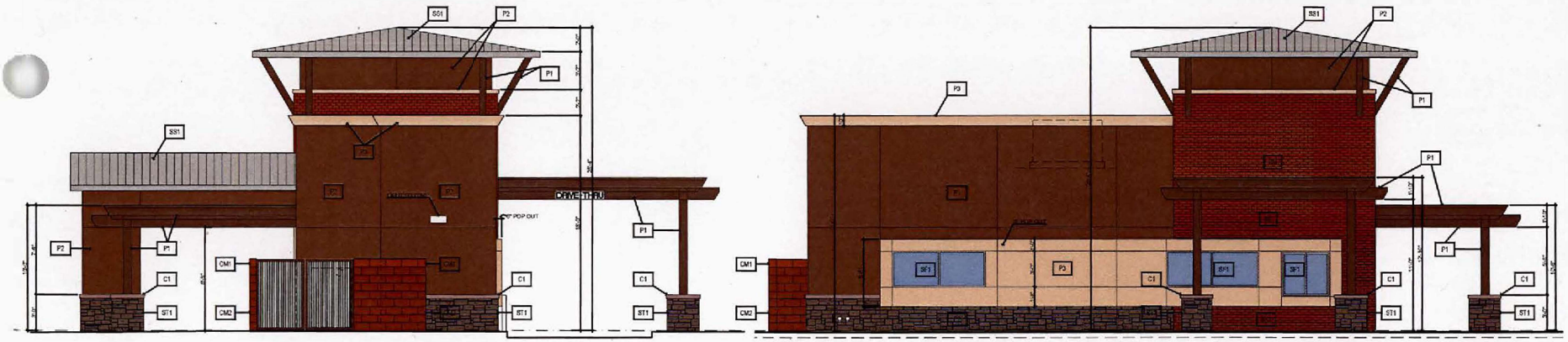
CITY OF PHOENIX
MAY 26 2021
Planning & Development Department

Hearing Date: 7/21/2021

EXHIBIT J

COLOR SCHEDULE

P1	WOOD PAINTED SHERWIN WILLIAMS "PORTABELLO" SW6102, LRV 21	SS1	STANDING SEAM METAL ROOF GALVANIZED FINISH ATAS INC OR SIM
P2	EIFS, PAINTED SHERWIN WILLIAMS "PORTABELLO" SW6102, LRV 21	ST1	CULTURED STONE COUNTRY LEDGESTONE COLOR: ASPEN
P3	EIFS, PAINTED SHERWIN WILLIAMS "INTERACTIVE CREAM" SW6013, LRV 65	SF1	STOREFRONT SYSTEM W/GLAZING CLEAR ANODIZED ALUMN. FINISH ARCADIA GLAZING OR SIM
C1	INTEGRALLY COLORED CONCRETE SAND COLORS COLOR: CANYON	CM1	C.M.U. BLOCK SUPERLITE BLOCK INC. FOUNDERS FINISH "HIGHLAND RED"
BR1	THIN BRICK MONGAR BRICK & BLOCK COMMERCIAL SERIES "RED RUG"	CM2	C.M.U. BLOCK SUPERLITE BLOCK INC. FOUNDERS FINISH "CANYON RED"



1 EAST ELEVATION 1/4"=1'-0"

2 NORTH ELEVATION 1/4"=1'-0"



3 WEST ELEVATION 1/4"=1'-0"

4 SOUTH ELEVATION 1/4"=1'-0"

CITY OF PHOENIX
FEB 12 2018
Planning & Development Department

BRISSETTE ARCHITECTS
10229 N. SCOTTSDALE RD. STE. F
SCOTTSDALE, ARIZONA 85253
OFFICE@BRISSETTEARCHITECTS.COM
T: (480) 596-3882
WWW.BRISSETTEARCHITECTS.COM

BRISSETTE ARCHITECTS, INC. 2018
ALL RIGHTS RECORDED TO REPRODUCTION IN ANY FORMAT OR MEDIA

SOUTH MOUNTAIN PROMINADE
25TH - 27TH STREET & EAST BASELINE ROAD,
PHOENIX, AZ 85042

PRELIMINARY NOT FOR CONSTRUCTION

DATE: 05/07/18
DRAWN:
REVISIONS

EXTERIOR ELEVATIONS
SCALE: 1/4"=1'-0"
A-201

EXHIBIT K

Fatima Said asked if there is an incentive to developers to use WU code zoning and stated that the Chicanos Por La Causa rezoning PUD case should be considered as this project is displacing residents.

Mr. Bojórquez responded that WU code zoning does not have a density cap and requires enhanced street frontages that will help improve a project.

Greg Brownell stated that there is no real incentive for developers and does not foresee new park sites being built in the future.

Chairwoman Daniels likes WU code due to potential economic development opportunities and could see new projects being built along the Rio Salado and between 7th Avenue to 7th Street. She agrees that no new park sites will likely be built in the South Mountain Village.

Bramley Paulin, member of the public, introduced himself and discussed two questions that he had regarding this text amendment case:

- Are there any land uses allowed today that would be considered legally non-conforming if this text amendment is approved?
- Will the rezoning process to seek WU code allow for public input?

Chairwoman Daniels thanked Mr. Paulin and asked staff for clarification on the questions.

Mr. Bojórquez responded that this text amendment case does not affect individual properties, only properties that would be seeking rezoning in the future. He also mentioned that public input will remain part of the rezoning process, including for WU code zoning.

Cases PHO-2-21—Z-63-05-8, PHO-1-21—Z-59-18-8, and PHO-1-21—Z-10-18-8 were heard concurrently.

7) **PHO-2-21--Z-63-05-8:** Presentation, discussion, and possible recommendation regarding a request to modify stipulations of entitlement for the property located approximately 820 feet east of the northeast corner of 24th Street and Baseline Road. Request to modify Stipulation No. 1 regarding general conformance to the site plan and elevations date stamped February 19, 2016. Request to delete Stipulation Nos. 2 and 3 regarding maximum access points on 25th Street and cross access to the commercial site along the west.

8) **PHO-1-21--Z-59-18-8:** Presentation, discussion, and possible recommendation regarding a request to modify stipulations of entitlement for the property located approximately 615 feet north of the northwest corner of 25th Street and Baseline

Road. Request to modify Stipulation No. 1 regarding general conformance to the site plan date stamped August 21, 2018. Request to delete Stipulation Nos. 1.a, 1.b, and 3 regarding access to amenities to the east, vehicular cross access to adjacent properties, and conditional requirements to dedicate and construct 25th Street.

9) **PHO-1-21--Z-10-18-8:** Presentation, discussion, and possible recommendation regarding a request to modify stipulations of entitlement for the property located at the northwest corner of 27th Street and Baseline Road. Request to modify Stipulation Nos. 1, 2.a and 2.b regarding general conformance to a conceptual planting plan date stamped June 25, 2018, pitched roof elements and equestrian corral area. Request to delete Stipulation Nos. 1a., 1.b and 2 regarding quantity and configuration of drive-through facilities, configuration of 27th Street, and general conformance to elevations.

Cases PHO-2-21—Z-63-05-8, PHO-1-21—Z-59-18-8, and PHO-1-21—Z-10-18-8 were heard concurrently.

One member of the public registered to speak on this item during the public meeting.

Enrique Bojórquez, staff, introduced himself and provided a presentation regarding each of the three PHO cases. He discussed the location of the overall project site and individual PHO cases. The requested stipulation modifications by the applicant were shown for each case. He also showed previously approved site plans and/or building elevations, in addition to the new proposed site plan for the overall project site and building elevations.

Greg Brownell asked if staff provides a recommendation on the requested modifications. He prefers that no drive-throughs are approved for the site.

Mr. Bojórquez responded that staff does not provide recommendation on Planning Hearing Officer (PHO) cases.

Chairwoman Daniels asked why no building elevations were provided for the commercial phase of the project.

Mr. Bojórquez responded that the applicant can address this question.

Marcia Busching asked if a detailed review of the plans has been conducted.

Mr. Bojórquez responded that usually a development services pre-application meeting is conducted by the applicant to gather technical review comments on the site plan proposed and that PHO staff review the documents once submitted.

Martin Hayime Monge Kotake lives east of the proposed development. Currently, the 27th Street alignment is dangerous and prefers that the street alignment remains as shown in the site plan approved in 2018.

Gene Holmerud discussed the 27th Street and Baseline Road alignment involving the topographical survey of the area.

Trent Marchuk asked about the conformance to the Baseline Area Overlay District (BAOD) in the site plan and referenced several potential conflicts. The drive-throughs should be eliminated and prefers that the pitched roofs stay in the stipulations.

Muriel Smith discussed the 27th Street alignment and previous concerns raised then about this.

Mr. Bojórquez responded that the applicant might be able to address questions about their current layout and why it changed from the 2018 site plan.

Chairwoman Daniels discussed several aspects of the proposed stipulations pertaining to:

- New site layout is an improvement, as it is adding new housing units to the area;
- Discussed the public access and the changes to the overall site plan;
- Pedestrian access for the multifamily should be provided to commercial areas;
- 25th Street no longer being a public street, now proposed as a private drive;
- Pitched roof elements should be kept;
- Equestrian corral area was discussed;
- Would love to see Walkable Urban code elements added to the project;

Mr. Bojórquez responded that the multifamily portion of the site could be a gated community, as show in the site plan provided by the applicant. Furthermore, that 25th Street is no longer proposed as a public street, but rather a private drive.

Paul Gilbert, with Beus Gilbert McGroder PLLC, introduced himself as the representative of the developer and introduced the project. The proposed site plan meets all of the required standards, while exceeding some standards such as open space, where 30-percent open space is provided to account for water retention. He introduced the project team, PHO case boundaries and discussed the conceptual site plan for the entire site. He showed the commercial and multifamily residential phases of the conceptual site plan. One-hundred thirty eight total units are proposed with a maximum density of 16.99 dwelling units per acre. The site plan complies with the BAOD requirements and discussed the

amenities proposed, including the corral area. He discussed the stipulation modification language proposed for each of the 3 PHO cases and stated that drive-through facilities are needed. The 27th Street alignment was addressed, adding that no traffic signal was warranted based on the traffic statement conducted. An overview of the enhanced notification and outreach was provided. Other aspects of the project such as pathways, health-safety enhancements, architecture and walls were discussed. He no longer is requesting modification of Stipulation No. 2.a on case PHO-1-21—Z-10-18-8 pertaining to pitched roof elements.

Carl Starry, with LG Acquisitions LLC, introduced himself as the developer for the residential phase of the project. He gave an overview of different multifamily development projects built in other cities. He reviewed the three lists created by the South Mountain Village Planning Committee and discussed why this property was selected. He discussed amenities, layout, access, public art, and the clubhouse.

Mr. Holmerud asked whether the multi-use trail along Baseline Road had been constructed. He asked for clarification on the electric charging station proposed.

Mr. Gilbert responded that the multi-use trail along Baseline Road will be provided.

Mr. Starry discussed the electric charging outline and possible locations for this within the community.

Twanna Ray asked for clarification on the number of individuals that were spoken to regarding this project.

Mr. Gilbert stated that within an 850-foot radius, over 600 people were contacted, and no issues were raised on the project. Approximately 2.5 weeks were spent doing the outreach.

Lee Coleman asked why some of the setbacks were not being met.

Cassandra Ayres, with Beus Gilbert McGroder PLLC, introduced herself and stated that they are asking for some of the parking to be allowed within the front setback along Baseline Road. Thus, a variance is proposed to be requested to address this aspect of the site plan.

Dr. George Brooks asked if the applicant met individually or as a group with surrounding neighbors, and if a neighborhood meeting was held.

Susan Bitter Smith, with Technical Solutions, introduced herself as part of the development team. Her group knocked on doors and assisted with the outreach for this project.

Mr. Bojórquez added that no neighborhood meeting is required as part of PHO applications.

Mr. Marchuk asked if the site plan will need to comply with BAOD standards. He is concerned that some of the standards are not being met.

Mr. Bojórquez responded that the site plan will have to comply with the BAOD standards.

Mr. Starry stated that their project will comply with BAOD standards, including walkways.

Mr. Gilbert responded that they will review the Zoning Ordinance once again.

Mr. Monge Kotake asked if a traffic statement will be required for this project and stated that his household was contacted, but no information about the project was left for him to follow up on.

Mr. Gilbert stated that the city did not require a traffic report, but one was conducted anyway about a year ago.

Mr. Bojórquez stated that he did not observe a stipulation from the 2018 rezoning case requiring a traffic statement to be submitted to the city at a later date.

Mr. Coleman discussed the intersection at 27th Street and Baseline Road.

Chairwoman Daniels allowed Ms. Jones to provide public comment on the cases.

JoLouise Jones, member of the public, introduced herself as a resident in the area and stated that traffic is bad along this intersection now. Traffic will worsen if this project is approved. The 27th Street alignment was approved in 2018 with the intent to develop a traffic signal light.

Mr. Gilbert stated that the current site plan reduces traffic counts as there is a reduction of commercial uses.

Mr. Monge Kotake stated that the traffic report is from a year ago and thus outdated now.

Mr. Coleman stated that aligning both sides of 27th Street north and south of Baseline Road would be challenging.

Chairwoman Daniels asked why the stipulation pertaining to 27th Street was added in the 2018 rezoning case.

Mr. Bojórquez responded that the 2018 rezoning case minutes are included in the packet sent to all VPC members but cannot identify a specific reason while browsing the minutes from 2018.

Kassandra Alvarez asked if the applicant had spoken with the Street Transportation Department regarding the traffic.

Mr. Gilbert responded that he had contacted the traffic section and no traffic signal was required.

Ms. Busching would like to stipulate several elements including:

- Cross-access agreement between the commercial and residential phases, plus the property along the west;
- Maximum of one drive-through facility;
- Applicant to work with the Planning and Development Department, Street Transportation Department and the community on the 27th Street alignment, thus keeping Stipulation No. 1.b on PHO-1-21—Z-10-18-8;
- Keep Stipulation No. 2.a on case PHO-1-21—Z-10-18-8;

Greg Brownell, **Kay Shepard** and **Kassandra Alvarez** support these stipulations.

Mr. Gilbert would like flexibility to work out these issues with city staff.

Ms. Busching is concerned that the requested changes will not be addressed.

Mr. Holmerud is opposed to aligning 27th Street.

Mr. Marchuk agrees on aligning 27th Street and adding language pertaining to berms and the BAOD.

Mr. Brownell and **Ms. Busching** agree with Mr. Marchuk's comments.

Mr. Holmerud disagrees with Mr. Marchuk on aligning 27th Street.

Lee Coleman and Shelly Smith left the meeting at 10:10pm, bringing the quorum to 14 members.

MOTION – PHO-2-21—Z-63-05-8:

Ms. Busching motioned to deny case PHO-2-21—Z-63-05-8 as filed, approve with modifications. **Ms. Shepard** seconded the motion to approve.

Stipulation modifications approved for PHO-2-21—Z-63-05-8:

- Stipulation No. 1: That the ~~subject property~~ DEVELOPMENT shall be ~~developed~~ in general conformance ~~to~~ WITH the CONCEPTUAL site plan and elevations date stamped ~~February 19, 2016~~ MAY 28, 2021, as modified by the following stipulations and as approved by the PLANNING AND DEVELOPMENT DEPARTMENT, **EXCEPT THAT NO MORE THAN ONE DRIVE-THROUGH FACILITY SHALL BE PROVIDED. THE DRIVE-THROUGHS SHOULD BE SCREENED FROM VIEW OF THE PERIMETER STREET WITH A LANDSCAPED BERM OR A COMBINATION OF A WALL AND LANDSCAPED BERM AT LEAST FOUR FEET IN HEIGHT.**

- Stipulation No. 2 was deleted.

- Stipulation No. 3: **THERE SHALL BE VEHICULAR AND PEDESTRIAN CROSS ACCESS EASEMENTS FOR ALL COMMERCIAL PAD SITES AS WELL AS THE MULTIFAMILY PORTION OF THE DEVELOPMENT. A PEDESTRIAN AND VEHICULAR CROSS ACCESS EASEMENT SHALL BE PROVIDED ALONG THE COMMERCIAL PAD SITES WEST OF THE DEVELPPMENT IN ORDER TO CONNECT TO THE ADJACENT COMMERCIAL PROPERTY WEST OF THE PROJECT SITE.**

VOTE – PHO-2-21—Z-63-05-8:
10-2-1, motion passed; Members Alvarez, Brooks, Brownell, Busching, Holmerud, Marchuk, Ray, Shepard, Smith, and Daniels in favor. Members Larios and Said in dissent. Member Monge Kotake abstained.

MOTION – PHO-1-21—Z-59-18-8:

Ms. Busching motioned to deny case PHO-1-21—Z-59-18-8 as filed, approve with modifications. **Ms. Shepard** seconded the motion to approve.

Stipulation modifications approved for PHO-1-21—Z-59-18-8:

- **Stipulation No. 1:** THAT ~~T~~the development shall be in general conformance with the conceptual site plan AND ELEVATIONS date stamped ~~August 21, 2018~~ MAY 26, 2021, as ~~may be~~ modified ~~for compliance with the canal bank design guidelines in Section 507 Tab A of the Zoning Ordinance,~~ BY THE FOLLOWING STIPULATIONS and AS approved by the ~~Planning and Development Department, and with specific regard to the following:~~ PLANNING AND DEVELOPMENT DEPARTMENT

- Stipulation No. 1.a: **THERE SHALL BE PEDESTRIAN CROSS ACCESS EASEMENTS TO ADJACENT COMMERCIAL PADS ALONG THE SOUTH AND WEST OF THE PROJECT SITE.**

- Stipulation No. 1.b: **THERE SHALL BE VEHICULAR CROSS ACCESS EASEMENTS FOR ALL COMMERCIAL PAD SITES AS WELL AS THE MULTIFAMILY PORTION OF THE DEVELOPMENT. A VEHICULAR CROSS ACCESS EASEMENT SHALL BE PROVIDED ALONG THE COMMERCIAL PADS SITES WEST OF THE DEVELOPMENT IN ORDER TO CONNECT TO THE ADJACENT COMMERCIAL PROPERTY WEST OF THE PROJECT SITE.**

- Stipulation No. 3 was deleted.

Joseph Larios left the meeting at 10:20pm, bringing the quorum to 13 members.

VOTE – PHO-1-21—Z-59-18-8:
11-0-2, motion passed; Members Aldama, Alvarez, Brooks, Brownell, Busching, Holmerud, Marchuk, Ray, Shepard, Smith, and Daniels in favor. None in dissent. Members Monge Kotake and Said abstained.

Fatima Said left the meeting at 10:25pm, bringing the quorum to 12 members.

MOTION – PHO-1-21—Z-10-18-8:

Ms. Busching motioned to deny case PHO-1-21—Z-10-18-8 as filed, approve with modifications. **Ms. Shepard** seconded the motion to approve.

Stipulation modifications approved for PHO-1-21—Z-10-18-8:

- **Stipulation No. 1:** THAT ~~T~~the development shall be in general conformance with the conceptual ~~planning~~ SITE plan AND ELEVATIONS date stamped ~~June 25, 2018~~ MAY 26, 2021, as modified by the following stipulations and AS approved by the Planning and Development Department.~~, and with specific regard to the following:~~

- Stipulation No. 1.a: **NO DRIVE-THROUGH FACILITIES SHALL BE PERMITTED.**

- **Stipulation No. 1.b:** The configuration of 27th Street, which aligns with the existing portion of 27th Street south of Baseline Road, **OR OTHER ALTERNATIVES AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT AND STREET TRANSPORTATION DEPARTMENT.**

- **Stipulation No. 2** was deleted.

- **Stipulation No. 2.a:** Pitched roof elements shall be incorporated in all buildings.

- **Stipulation No. 3.b:** ~~Equestrian corral area containing h~~Hitching posts WITH ROOM for MULTIPLE horses, SHADED LANDSCAPING, AND WATER FOR EQUINE CONSUMPTION WILL BE PROVIDED along the northern property ~~align~~ LINE adjacent to the Western Canal.

- New Stipulation No. 12: **THERE SHALL BE VEHICULAR AND PEDESTRIAN CROSS ACCESS EASEMENTS FOR ALL COMMERCIAL PAD SITES AS WELL AS THE MULTIFAMILY PORTION OF THE DEVELOPMENT. A PEDESTRIAN AND VEHICULAR CROSS ACCESS EASEMENT SHALL BE PROVIDED ALONG THE COMMERCIAL PAD SITES WEST OF THE DEVELOPMENT IN ORDER TO CONNECT TO THE ADJACENT COMMERCIAL PROPERTY WEST OF THE PROJECT SITE.**

VOTE – PHO-1-21—Z-10-18-8:
10-1-1, motion passed; Members Aldama, Alvarez, Brooks, Brownell, Busching, Marchuk, Ray, Shepard, Smith, and Daniels in favor. Member Holmerud in dissent. Member Monge Kotake abstained.

10) Staff update on cases recently reviewed by the Committee.

None.

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

Mr. Brownell suggested that an agenda item be added for next month's meeting to discuss the creation of a subcommittee for the South Mountain Village Planning Committee.

Ms. Alvarez stated that South Mountain Community College (SMCC) is reopening and having in-person services in the upcoming semester.

Mr. Holmerud stated that the earbuds used by Mr. Bojórquez during the meeting may not be transmitting sound into the microphone.

12) Adjournment.

Ms. Shepard moved to adjourn the meeting. **Mr. Holmerud** seconded the motion.

All in favor. Meeting adjourned at 10:36 pm.

EXHIBIT L

REPORT OF PLANNING HEARING OFFICER ACTION
Adam Stranieri, Planner III, Hearing Officer
Bradley Wylam, Planner I, Assisting

August 18, 2021

ITEM NO: 10	
	DISTRICT 8
SUBJECT:	
Application #:	PHO-1-21--Z-10-18-8 **(Continued from 7/21/21 agenda)**
Location:	Northwest corner of 27th Street and Baseline Road
Existing Zoning:	C-1 BAOD
Acreage:	10.31
Request:	1) Modification of Stipulation 1 regarding general conformance to the conceptual planting plan date stamped June 25, 2018. 2) Deletion of Stipulation 1.a regarding the quantity and configuration of drive-through facilities. 3) Deletion of Stipulation 1.b regarding the configuration of 27th Street. 4) Deletion of Stipulation 2 regarding general conformance to elevations date stamped February 12, 2018. 5) Modification of Stipulation 2.a regarding pitched roof elements. 6) Modification of Stipulation 2.b regarding an equestrian corral area.
Applicant:	Cassandra Ayres, Beus Gilbert McGroder PLLC
Owner:	Baseline 25, LLC
Representative:	Paul Gilbert, Beus Gilbert McGroder PLLC

ACTIONS

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

Village Planning Committee (VPC) Recommendation: The South Mountain Village Planning Committee heard the request on July 13, 2021 and recommended denial as filed and approval with modifications by a vote of 10-1-1.

DISCUSSION

Paul Gilbert, representative with Beus Gilbert McGroder, gave an overview of the project team and property location. He reviewed the South Mountain Village Planning Committee meeting on August 10, 2021, which resulted in a

recommendation for approval with modifications for Case Nos. PHO-2-21—Z-63-05-8 and PHO-1-21—Z-59-18-8 and denial as filed, approval with modifications for Case No. PHO-1-21—Z-10-18-8. He stated the proposed uses are allowed in the C-1 BAOD zoning district and stipulation modifications are needed to allow development per the proposed conceptual site plan for each case. He stated the proposed conceptual site plan depicts 138 multifamily residential units at a density of 16.99 dwelling units per gross acre on the northern portion of the combined site with 5 commercial pads to provide retail or restaurants on the southern portion of the combined site. He stated that the proposed site plan complies with the regulations of the Baseline Area Overlay District (BAOD) and is compatible with the rural, agricultural, and equestrian character of the surrounding area.

Mr. Gilbert stated that the applicant is opposed to the South Mountain VPC recommendation regarding the realignment of 27th Street with the existing portion of 27th Street south of Baseline Road, limiting the number of drive-throughs permitted on the site, and providing pedestrian and vehicular access to the commercial property to the west. He stated that the applicant completed a door-to-door survey within an 850-foot radius of the site and found residents supported the proposed development and no resident surveyed was in support of the realignment of 27th Street. He noted that they have submitted letters from the public generally showing support for the development and letters of opposition regarding the existing stipulated realignment of 27th Street. He also noted that a petition of 24 people was provided that supports the proposed development generally. He discussed the recommended realignment and stated that CivTech, a traffic engineering firm, completed a study on the intersection that noted a realignment would not alleviate traffic concerns near the site. He stated the study noted the potential number of users of 27th Street would not necessitate a realignment or a traffic signal at the intersection of 27th Street and Baseline Road. He noted that the wait times to cross Baseline Road would not decrease due to a realignment and that a traffic signal at the intersection could increase cut-through traffic through the neighborhood south of the subject property and across Baseline Road. He stated that traffic accidents that have occurred at the intersection have largely been rear-end collisions and not due to the existing turn movements at the existing intersections. He stated that the realignment is not an exaction that meets the proportionality requirement as established by previous court cases and existing state statutes. He addressed the VPC recommendation regarding drive-throughs and stated that a limit on the number of drive-through restaurants was not appropriate as this is a land use otherwise permitted by right, subject to performance standards, in this zoning district. He stated that the VPC recommended a stipulation regarding vehicular and pedestrian access to the site to the west, but conditions on this adjacent site do not allow for cross access and the stipulation is both impractical and unenforceable. He stated that the VPC also

recommended a stipulation regarding pedestrian and vehicular access between the commercial and residential portions within the subject site, which the applicant supports.

Mr. Gilbert gave an overview of the proposed stipulation modifications on PHO-2-21—Z-63-05-8 regarding general conformance to the conceptual site plan and a deletion of stipulations regarding 25th Street access and cross access to the commercial site to the west. He gave an overview of the proposed stipulation modifications on PHO-1-21—Z-59-18-8 and noted a comment from a VPC member that supported the multifamily housing design depicted on the conceptual site plan. He stated that the proposed deletion of Stipulation 1.a and 1.b regarding pedestrian and vehicular cross access would be addressed through the proposed conceptual site plan. He gave an overview of the proposed stipulation modifications on PHO-1-21—Z-10-18-8. He stated the limitations on drive throughs and stipulation regarding the alignment of 27th Street should be deleted per the rationale discussed earlier. He stated that modification to Stipulation 2.a was discussed at the VPC meeting and recommended to be retained and that the applicant had decided to not pursue the original proposed modification of that stipulation. He stated Stipulation 3.b regarding equestrian corral areas is requested to be modified to change the language to allow for more reasonably sized and feasible equestrian facilities.

JoJo Jones, Mountain Grove community member, stated there are existing issues in the traffic movements at the 27th Street and Baseline intersection. She expressed concerns regarding increased traffic on 27th Street related to the proposed multifamily residential development in addition to the commercial portion of the development. She stated that the previous developer agreed that a realignment would be necessary, but that this disagreement during the original rezoning case had largely centered around who would be responsible for the improvements.

Rhonda Neff, Mountain Grove community member, stated she is opposed to the realignment of 27th Street and stated that the proposed realignment would require residents of Mountain Grove to enter their neighborhood from within the proposed commercial development. She stated that property values and public safety would be decreased by entering through the proposed commercial development. She stated the applicant has responded to the concerns raised by the surrounding community after the original rezoning case regarding the realignment. She stated that she spoke to her neighbors that mentioned that they would consider selling their properties if 27th Street was realigned per the staff recommendation due to concerns with property values and public safety. She stated that she understood the legal concerns from the applicant regarding the limitation on drive-through uses, although she hoped there would be sit-down restaurants included within the development. She stated that regardless of the

final alignment, 27th Street would likely see increased traffic with any development on the subject site, but that should be expected.

Mr. Gilbert stated that concerns regarding increased traffic are understood but noted that the entrance near the current alignment of 25th Street would be the main entrance to the development and allow for trucks and other vehicles to enter at this location rather than at 27th Street. He stated that most residents in the surrounding area support the plan as proposed and oppose the realignment of 27th Street.

Trent Marchuk, member of the South Mountain VPC, stated that the purpose of the VPC's recommendation regarding limiting the number of drive-throughs is in response to the South Mountain Village Character Plan which noted a lack of healthy restaurants in the area. He discussed the Village's recommendation regarding the realignment of 27th Street and the suggestion to allow the applicant to explore alternative options and noted that the original stipulation regarding the realignment of 27th Street asked the developer to work with the Street Transportation Department to come up with potential options for the realignment. He noted that the rationale behind the applicant's disagreement with the recommended cross access to the site to the west made sense and that he supported their request.

Mr. Gilbert stated that the presence of drive-throughs does not guarantee that the restaurants themselves are solely unhealthy restaurants and noted two restaurants they are in discussions with regarding the site. He noted that the BAOD does not contain limitations on the number of drive-through restaurants permitted on a site and only addresses design guidelines for these uses.

Adam Stranieri, Planning Hearing Officer, agreed that the BAOD does not limit the number of drive-throughs, but does include design guidelines for drive-throughs including screening and grouping of pads. He noted that the Street Transportation Department does not support the request to delete the stipulation regarding the realignment of 27th Street in PHO-1-21--Z-10-18-8. He asked the applicant if they believed the CivTech study would provide information that would potentially alter the recommendation made by the Street Transportation Department regarding the realignment. Mr. Gilbert stated he believed the results of that study could potentially change their recommendation, but he would not want to continue the case at this time to wait for this analysis. He noted he supported how the VPC worded the stipulation in their recommendation to allow the developer to work with the Planning and Development and Street Transportation Department to come to a decision. Mr. Stranieri stated that the CivTech documents have not been received by staff and that he would not make a recommendation based on a study that neither he nor Street Transportation Department staff had reviewed, particularly if the applicant wished to have a

decision during this hearing. He stated he would be moving forward using the recommendation from the Street Transportation Department regarding the realignment with a modification to include the South Mountain Village recommendation regarding the option for alternative alignments. He noted that the intent with the recommended modification was not to allow the applicant to avoid the realignment, but rather allow flexibility in how the alignment would be implemented.

Mr. Stranieri stated that public correspondence was received prior to the hearing. This included a petition with 24 signers that indicated support for the development but did not address the alignment, 21 letters of support for the development that did not address the alignment, and 12 letters in opposition to the alignment which highlighted safety hazards and concerns about residential access to Mountain Grove. He stated that a letter submitted by Rhonda Neff also highlighted many points made during her comments earlier in the hearing. He stated that a letter from Marcia Busching, South Mountain VPC member, was received which expressed communication issues with the applicant and noted a desire to see the VPC recommendation upheld.

Recommendation regarding PHO-2-21--Z-63-05-8

Mr. Stranieri stated PHO-2-21—Z-63-05-8 is located on the southwestern side of the proposed conceptual site plan and includes both residential and commercial portions of the development. He stated that the complete multifamily residential complex provides 138 units at a density of 16.99 dwelling units per gross acre and noted that conceptual elevations were submitted for the residential portion but not the commercial portion. He stated the elevations depict a variety of desirable architectural features and recommended general conformance. He stated that the scale and intensity is compatible with the surrounding area and the character intended by the BAOD. He stated that Stipulation 2 regarding one access point on 25th Street is no longer applicable due to the proposed abandonment of 25th Street and the lack of single-family units to the east, which the stipulation was originally intended to address. He stated that Stipulation 3 regarding one point of cross access to the site to the west is recommended to be deleted due to circumstances regarding development of the neighboring property. He stated that the VPC recommendation regarding limitations on the number of drive-through restaurants will not be approved because it would improperly prohibit uses otherwise allowed by right in the zoning district. He noted that the recommendation regarding screening of drive-throughs is established by the BOAD as a design presumption, but it could be included as a stipulation to create a requirement and provide consistency with the existing stipulations in Z-10-18-8.

Recommendation regarding PHO-1-21--Z-59-18-8

Mr. Stranieri stated PHO-1-21—Z-59-18-8 is located at the northwestern side of the proposed conceptual site plan and includes a residential portion of the development. He stated that the complete multifamily residential complex provides 138 units at a density of 16.99 dwelling units per gross acre and noted that conceptual elevations were submitted for the residential portion but not the commercial portion. He stated the elevations depict a variety of desirable architectural features and recommended general conformance. He stated that the scale and intensity is compatible with the surrounding area and the character intended by the BAOD. He stated Stipulations 1.a and 1.b were intended to provide connectivity with the property to the east from Z-10-18-8 and that the unified proposed conceptual site plan between the cases alleviates the concerns regarding connectivity. He stated that the request to delete Stipulation 3 regarding a conditional requirement to dedicate and construct 25th Street if the property was developed as a stand-alone parcel is recommended to be approved because the conceptual site plan shows a unified development and the applicant would pursue abandonment of 25th Street. He stated that the VPC proposed modifications of Stipulations 1.a and 1.b would not be required because the property lines are internal and cross-access would be reviewed as part of the conceptual site plan review process.

Recommendation regarding PHO-1-21--Z-10-18-8

Mr. Stranieri stated PHO-1-21—Z-10-18-8 is located on the eastern side of the proposed conceptual site plan and includes both residential and commercial portions of the development. He stated that the complete multifamily residential complex provides 138 units at a density of 16.99 dwelling units per gross acre and noted that conceptual elevations were submitted for the residential portion but not the commercial portion. He stated the elevations depict a variety of desirable architectural features and recommended general conformance. He stated that the scale and intensity is compatible with the surrounding area and the character intended by the BAOD.

Mr. Stranieri stated that the deletion of Stipulation 1.a regarding the quantity and configuration of drive-throughs is recommended to be approved. He stated the stipulation was originally proposed by staff to stipulate to the configuration of buildings on the original site plan, but that this had been altered through the original rezoning hearing process. He stated that deletion of Stipulation 1.b regarding the realignment of 27th Street is not supported by the Street Transportation Department. He stated that the Street Transportation Department noted the realignment of 27th Street is intended to support and improve traffic safety in the surrounding area. He noted that there are numerous conflicting turn patterns at the intersection with Baseline Road and that the alignment would

provide predictability, alignment with the grid, and allow for a potential traffic signal at the intersection. He stated there is no Traffic Impact Study addressing signal warrant analysis and that the most recent study submitted in 2018 does not reference the current proposed land uses.

Mr. Gilbert stated that the applicant would meet with the Street Transportation Department to discuss the findings of the CivTech study. Mr. Stranieri noted that the South Mountain VPC recommended modification of the stipulation to allow the applicant to work with staff to address options for the realignment. He stated that the modification should not allow the applicant to continue the misalignment of 27th Street. Cassandra Ayre, representative with Beus Gilbert McGroder, stated the VPC recommendation allows alternative options to address traffic issues without stipulating the realignment. She stated that the CivTech report provides options for flexibility, which could be worked through with the Planning and Development and Street Transportation Departments. Mr. Stranieri stated that the recommended modification to Stipulation 1.b would address the need to revise the site plan to depict the realignment of 27th Street.

Mr. Stranieri stated that he would recommend the deletion of Stipulation 2.a regarding pitched roof elements to provide consistency with the two companion cases. He stated that pitched roof elements are already a design presumption of the BAOD and could be addressed through the Ordinance. He also noted that it may be unclear to have different standards applied within the site to the same buildings. He stated that the modification of Stipulation 2.b regarding an equestrian corral would be recommended to be modified to allow for some flexibility in the type of amenities to be provided. He stated the original intent was to provide equestrian amenities to support the active equestrian lifestyle and trails along the canal.

Mr. Stranieri stated that the Street Transportation Department recommended an additional stipulation regarding a safe, shaded pedestrian pathway through the site to connect the residential portion of the site to the sidewalk along Baseline Road. He noted that this pathway should be provided in the area with the current alignment of 25th Street. He noted that if 25th Street was developed, a public sidewalk would otherwise have been provided here. Mr. Gilbert sought clarification that the type of shade would be flexible and allow either trees or structural shade. Mr. Stranieri confirmed that the type of shading would not be stipulated and would allow for flexibility.

FINDINGS

1) This case was heard as a companion case to PHO-2-21--Z-63-05-8 and PHO-1-21--Z-59-18-8. The conceptual site plan and building elevations are the same in these three cases. The subject property in this case was

originally envisioned to develop as a standalone commercial retail center and was stipulated to a site plan depicting a variety of drive-through restaurants and retail spaces in five individual buildings at a total of 58,140 square feet.

The proposed conceptual site plan depicts the subject property of the three companion cases developing in a unified fashion with a mixed-use development. A combination of five commercial, retail, and drive-through businesses are depicted along Baseline Road comprising approximately 19,098 total square feet, with individual establishments between 2,050 and 6,500 square feet. Behind the commercial development, adjacent to the Western Canal, is a multifamily residential complex containing 138 units at a density of 16.99 dwelling units per gross acre. Open spaces are distributed throughout the development with a variety of pedestrian, equestrian, and recreational amenities adjacent to the canal. Conceptual elevations were provided for the multifamily buildings only and depict a façade that integrates stone, pop outs, balconies, shade awnings, multiple window sizes and styles, and variation in the roofline and pitches. The proposal is compatible in scale and intensity with existing development in the surrounding area. General conformance to the proposed conceptual plans is recommended.

2) Stipulation 1.a was intended to apply solely to the specific quantity and configuration of drive-throughs as depicted on the stipulated conceptual planting plan presented in the original rezoning case. The stipulation is not relevant if this original plan is no longer stipulated. The South Mountain Village Planning Committee recommended revised language prohibiting drive-through facilities. It is not recommended to adopt any stipulation language that prohibits uses otherwise permitted in a zoning district. Therefore, the applicant's request to delete this stipulation is recommended to be approved.

3) Stipulation 1.b required the project to be developed in specific regard to the configuration of 27th Street and its alignment with the existing portion of 27th Street south of Baseline Road, as depicted on the stipulated plan. The applicant argued that this stipulation was originally proposed in the event a traffic signal were required at that intersection in the future and stated that the proposed development did not meet the signal warrants necessary to justify the installation of a traffic signal. They also stated that there is public opposition to the alignment. They stated that they believed the stipulation was a last-minute addition at the June 27, 2018 City Council meeting and requested deletion of the stipulation.

It is not an accurate assessment to state that the stipulation was a last-minute addition at the City Council. Discussion regarding this proposed alignment was continuous throughout the original rezoning case process.

The Street Transportation Department staff recommendation in the original rezoning case, dated March 16, 2018, stated that staff recommends the alignment to improve access to Baseline Road. They did note that the intersection may be signalized if warrants were met, but this was not the sole intention of the recommendation. In the applicant's Neighborhood Meeting Summary for a community meeting held April 16, 2018, during processing of the case, they indicated that they discussed the proposed alignment with community members and stated that while discussions were ongoing with staff, they were optimistic that they could accomplish a design that included the alignment. The Staff Report for Rezoning Case No. Z-10-18 dated May 1, 2018 referenced these discussions and noted a lack of certainty regarding the ultimate outcome of the alignment. This lack of certainty was the primary reason why general conformance to the conceptual site plan date stamped February 12, 2018, which was the site plan included in the staff report, was not recommended at that time. At the May 8, 2018 South Mountain Village Planning Committee meeting, the applicant presented two conceptual street alignments for 27th Street and stated that they were continuing to work with staff on this issue. The Committee ultimately recommended an additional stipulation requiring the alignment with the understanding that the specific design was yet to be approved by the City. At the June 7, 2018 Planning Commission meeting, the Commission recommended approval per the original staff recommendation primarily based on concerns regarding the Village Planning Committee's recommendation and related public comments at the Commission meeting regarding enforceability of proposed restrictions on drive-through and restaurant uses. Following this meeting, the applicant submitted a revised conceptual plan, date stamped June 25, 2018, that depicted the alignment of 27th Street with the existing portion south of Baseline Road. Staff reviewed this plan and subsequently issued a City Council Backup Memo dated June 27, 2018 which recommended general conformance to this plan with specific regard to the alignment as depicted. At the June 27, 2018 City Council meeting, the item was approved per this memo with the applicant in support.

The applicant's argument that the proposed development did not meet the signal warrants necessary to justify the installation of a traffic signal is unclear. Street Transportation Department staff noted that they have not received a Traffic Impact Study that addresses signal warrant analysis for 27th Street and Baseline Road. The most recent study submitted for this location was in 2018 and did not include signal warrant analysis. Further, this study was relevant to the original development proposal from the 2018 rezoning case. No study has been provided that is relevant to the current development proposal, which is for a significantly different project. Finally, as stated above, staff supports the alignment of 27th Street independent from the specific outcome of a traffic signal analysis at this intersection.

The staff position regarding the proposed alignment has not changed over time. Regarding the current request, the Street Transportation Department has stated that they do not support the current site plan layout with specific regard to the depicted misalignment of 27th Street. The Street Transportation Department supports the realignment of 27th Street with the existing portion of this street south of Baseline Road. Staff noted that the alignment of 27th Street would improve traffic safety in the surrounding area by removing overlapping vehicle turns, providing predictability and consistency in the street grid, and creating a potential location for a future traffic signal.

For these reasons, the applicant's request to delete the stipulation is recommended to be denied as filed and approved with a modification. The modification provides new language that addresses the need to revise the site plan to depict the alignment of 27th Street which is not present on the proposed plan.

4) Stipulation 2 regarding general conformance to elevations is no longer required given the recommendation in this hearing regarding Stipulation 1. The applicant's request for deletion is recommended for approval.

5) Stipulation 2.a requires all buildings to provide pitched roofs. The applicant requested to modify this stipulation to apply to "some of the buildings in the development". This language lacks clarity as to how many buildings this could or should apply to. The Baseline Area Overlay District (BAOD) already contains a design presumption regarding pitched roofs. The original intent of this stipulation was to enhance the rural or agrarian character by making this presumption a requirement. However, this property is now being developed in conjunction with two other adjacent companion rezoning cases. Neither of these cases contain this stipulation and the BAOD will apply to all property in all three cases. Therefore, the applicant's request for modification is recommended to be denied as filed and approved as a deletion. This will provide consistency between the stipulations in the three cases. Note that the recommended deletion of Stipulation 2 and 2.a leaves Stipulation 2.b. As Stipulation 2.b was not part of the applicant's request, the text of this stipulation becomes the text of Stipulation 2 by default.

6) New Stipulation 2.b (Original Stipulation 3.b) requires an equestrian corral area. (Note that Ordinance G-6478 regarding Rezoning Case No. Z-10-18-8 was mistakenly issued in legislative edit form. The original Stipulation 2.b was renumbered as Stipulation 3.b. In this PHO request it was advertised as Stipulation 2.b, which is also the new stipulation number based on this recommendation.) The applicant argued that there are potential liability issues regarding a privately owned and maintained

corral intended for open public use. Therefore, they proposed alternative language that still requires equestrian related amenities while eliminating the specific requirement for this to be a corral. This is consistent with the original intent of the stipulation and is recommended for approval with minor modifications to clarify the requirements.

7) Street Transportation Department staff recommended an additional stipulation regarding a pedestrian pathway to provide safe pedestrian access through the site to the public sidewalk on Baseline Road. The stipulation is intended to provide safe pedestrian access to the commercial center as well as the bus stop on Baseline Road. An abandonment is anticipated along the 25th Street alignment where a sidewalk would have otherwise been required. The stipulation is not prescriptive regarding the form of shading along this pathway. Shade may be provided through a combination of landscaping and/or structural shade. This additional stipulation is recommended for adoption.

8) The South Mountain Village Planning Committee recommended a new stipulation requiring cross-access easements between all commercial and multifamily portions of the development and to the west. However, the proposed conceptual plans are for a unified development that already depicts this access. Significant deviation from the proposed plans would necessitate further public hearings in which this recommendation could be reassessed. This stipulation is not recommended to be adopted.

9) An additional stipulation is recommended to require the developer to execute a Proposition 207 waiver of claims. This form is a requirement of the Planning Hearing Officer process and was not completed prior to the hearing.

STIPULATIONS

1.	The development shall be in general conformance with the SITE PLAN AND ELEVATIONS ~~conceptual planting plan~~ date stamped MAY 26, 2021 ~~June 25, 2018~~, as modified by the following stipulations and approved by the Planning and Development Department, and with specific regard to the following:	
	~~a.~~	~~The quantity and configuration of drive-through facilities on the subject site.~~
	a. ~~b.~~	THE SITE PLAN SHALL BE MODIFIED TO ALIGN 27TH STREET WITH THE EXISTING PORTION OF 27TH STREET SOUTH OF BASELINE ROAD OR PROVIDE AN ALTERNATIVE AS APPROVED BY THE STREET TRANSPORTATION AND PLANNING AND DEVELOPMENT DEPARTMENTS.

		~~The configuration of 27th Street, which aligns with the existing portion of 27th Street south of Baseline Road.~~
2.	~~The development shall be in general conformance with the elevations date stamped February 12, 2018, as modified by the following stipulations and approved by the Planning and Development Department.~~	
	~~a.~~	~~Pitched roof elements shall be incorporated in all buildings.~~
	~~b.~~	All building elevations, including those facing or visible from the Western Canal, shall contain architectural embellishments and detailing such as textural changes, pilasters, offsets, recesses, variation in window size and location, and/or other overhang canopies.
3.	The developer shall provide the following amenities and open public access to the amenities, as approved by the Planning and Development Department:	
	a.	A multi-use trail or shared-use path which provides connectivity between Baseline Road and the Western Canal, in accordance with the MAG supplemental details.
	b.	Equestrian ~~corral~~ AMENITY area containing hitching posts ~~for horses~~, WATER FOR EQUINE CONSUMPTION, AND STRUCTURAL OR LANDSCAPED SHADING along the north~~ern~~ property ~~align~~ LINE adjacent to the Western Canal.
	c.	Minimum of two shaded benches, along the northern property align adjacent to the Western Canal.
	d.	Bicycle parking area containing a minimum of eight spaces. The bicycle parking area shall utilize inverted-U bicycle racks or a similar design that accommodates lock placement on both wheels and the frame.
4.	Any solid portion of a perimeter wall adjacent to the Western Canal shall not exceed a maximum height of three feet, as approved by the Planning and Development Department.	
5.	No drive-through facility shall locate its drive-through window facing a residential use or Baseline Road, as approved by the Planning and Development Department.	

6.	Drive-throughs shall be screened from view of public rights-of-way and residential uses with a landscaped berm or a combination of a wall and landscaped berm at least four feet in height, as approved by the Planning and Development Department.	
7.	The developer shall dedicate a 30-foot wide multi-use trail easement (MUTE) along the north side of Baseline Road and construct a minimum 10-foot wide multi-use trail (MUT) within the easement, in accordance with the MAG supplemental detail and as approved by the Parks and Recreation and Planning and Development Departments.	
8.	The location of the bus stop along Baseline Road shall be approved by the Public Transit Department.	
9.	THE DEVELOPER SHALL PROVIDE A MINIMUM 5-FOOT-WIDE SHADED PEDESTRIAN PATHWAY ALONG THE EAST SIDE OF THE 25TH STREET ALIGNMENT PROVIDING A DIRECT CONNECTION FROM THE PROPOSED MULTIFAMILY RESIDENTIAL DEVELOPMENT TO THE PUBLIC SIDEWALK ALONG BASELINE ROAD, AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.	
10. ~~9.~~	The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.	
11. ~~10.~~	In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.	
12. ~~11.~~	The developer shall notify the following individuals at a minimum 10 calendar days prior to any Planning Hearing Officer request to modify or delete stipulations. The notice shall include the date, time and location of the hearing.	
	a.	Tanis Earle 3602 East Vineyard Road Phoenix, AZ 85042
	b.	Sandy Bawden 3232 East Vineyard Road Phoenix, AZ 85042

	c.	Kay Gunter 1821 East Latona Road Phoenix, AZ 85042
	d.	Deandra Ervin 2914 East Constance Way Phoenix, AZ 85042
	e.	Linda Martin 7049 South Golfside Lane Phoenix, AZ 85042
	f.	Stephanie Watney 834 East Beverly Road Phoenix, AZ 85042
	g.	Anthony Siglar 2727 East Donnor Drive Phoenix, AZ 85042
	h.	Kenneth And June Wood 2447 East Fremont Road Phoenix, AZ 85042
	i.	Melissa Hinkle 7051 South 27th Way Phoenix, AZ 85042
	j.	Steve And Robin Martin 8517 South 30th Way Phoenix, AZ 85042
	k.	Heather Cannon 8032 South 27th Way Phoenix, AZ 85042
	l.	Hayime Monge 7507 South 27th Terrace Phoenix, AZ 85042
	m.	Steven Pace 2198 East Camelback Road, Suite 210 Phoenix, AZ 85016

	n.	Linda Anquoe 3923 East Carson Road Phoenix, AZ 85042
	o.	Kent June 3917 East St. Catherine Avenue Phoenix, AZ 85042
	p.	Monique Bontrager 6401 South 37th Street Phoenix, AZ 85042
	q.	Amy Schneider 3232 East Maldonado Phoenix, AZ 85042
	r.	Kim Figgins 2918 East Dunbar Drive Phoenix, AZ 85042
13.	PRIOR TO PRELIMINARY SITE PLAN APPROVAL, THE LANDOWNER SHALL EXECUTE A PROPOSITION 207 WAIVER OF CLAIMS IN A FORM APPROVED BY THE CITY ATTORNEY'S OFFICE. THE WAIVER SHALL BE RECORDED WITH THE MARICOPA COUNTY RECORDER'S OFFICE AND DELIVERED TO THE CITY TO BE INCLUDED IN THE REZONING APPLICATION FILE FOR RECORD.	

Upon request, this publication will be made available within a reasonable length of time through appropriate auxiliary aids or services to accommodate an individual with a disability. This publication may be made available through the following auxiliary aids or services: large print, Braille, audiotape or computer diskette. Please contact the Planning and Development Department, Tamra Ingersoll at voice number 602-534-6648 or TTY use 7-1-1.

EXHIBIT M

Mary Kavito
2606 E. Beautiful Lane
Phoenix, AZ 85042

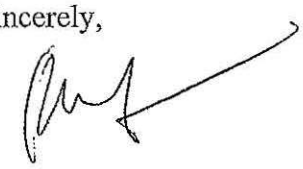
May 31, 2021

Dear Mayor and Council:

As a nearby resident, I feel it is my duty to encourage you to support the proposed development near 27th Street and Baseline Road. This project will certainly enhance the area and reduce the impact of the current intense commercial zoning. In addition, this gated community will be a much more pleasant neighbor than the current unappealing vacant lot.

Please vote in support of this exciting project. I look forward to seeing this project completed.

Sincerely,



Maria Castillo
2614 E. Beautiful Lane
Phoenix, AZ 85042

May 31, 2021

Dear Mayor and Council:

As a nearby resident, I feel it is my duty to encourage you to support the proposed development near 27th Street and Baseline Road. This project will certainly enhance the area and reduce the impact of the current intense commercial zoning. In addition, this gated community will be a much more pleasant neighbor than the current unappealing vacant lot.

Please vote in support of this exciting project. I look forward to seeing this project completed.

Sincerely,

Walter A. Knox
7612 South 26th Way
Phoenix, AZ 85042

May 31, 2021

Dear Mayor and Council:

As a nearby resident, I feel it is my duty to encourage you to support the proposed development near 27th Street and Baseline Road. This project will certainly enhance the area and reduce the impact of the current intense commercial zoning. In addition, this gated community will be a much more pleasant neighbor than the current unappealing vacant lot.

Please vote in support of this exciting project. I look forward to seeing this project completed.

Walter A. Knox

Sincerely,

Maryanne Quinones
7606 South 26th Way
Phoenix, AZ 85042

June 1, 2021

Dear Mayor and Council:

I am writing this letter to urge your support for the proposed residential project near Baseline Road and 27th Street. I strongly support this exciting project as it will clean up this unattractive vacant property and add a less intense residential use compared to the currently approved commercial use. This development by Leon Capital Group will be an upscale community that we can be proud to have as a neighbor.

Please vote yes for this excellent project.

Sincerely,

Maryanne Quinones

Helene Patel
2632 E. Valencia Drive
Phoenix, AZ 85042

June 1, 2021

Dear Mayor and Council:

As a nearby resident, I feel it is my duty to encourage you to support the proposed development near 27th Street and Baseline Road. This project will certainly enhance the area and reduce the impact of the current intense commercial zoning. In addition, this gated community will be a much more pleasant neighbor than the current unappealing vacant lot.

Please vote in support of this exciting project. I look forward to seeing this project completed.

Sincerely, HPatel

Albert Halle III
2723 E. Branham Lane
Phoenix, AZ 85042

June 2, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

I am writing this letter to urge your support for the proposed residential project near Baseline Road and 27th Street. I strongly support this exciting project as it will clean up this unattractive vacant property and add a less intense residential use compared to the currently approved commercial use. This development by Leon Capital Group will be an upscale community that we can be proud to have as a neighbor.

Please vote yes for this excellent project.

A. Halle

Sincerely,

Larry Marsh
7628 South 26th Way
Phoenix, AZ 85042

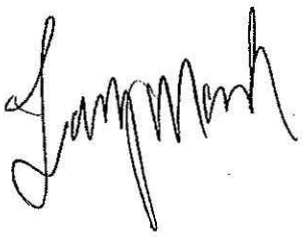
June 2, 2021

Dear Mayor and Council:

I am writing this letter to urge your support for the proposed residential project near Baseline Road and 27th Street. I strongly support this exciting project as it will clean up this unattractive vacant property and add a less intense residential use compared to the currently approved commercial use. This development by Leon Capital Group will be an upscale community that we can be proud to have as a neighbor.

Please vote yes for this excellent project.

Sincerely,



Makisha Rian Hiller
2730 E. Ellis Street
Phoenix, AZ 85042

June 2, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

I am writing this letter to urge your support for the proposed residential project near Baseline Road and 27th Street. I strongly support this exciting project as it will clean up this unattractive vacant property and add a less intense residential use compared to the currently approved commercial use. This development by Leon Capital Group will be an upscale community that we can be proud to have as a neighbor.

Please vote yes for this excellent project.

Sincerely,

Makisha R Hiller

Jennifer Harris
2618 E. Beautiful Lane
Phoenix, AZ 85042

June 2, 2021

Dear Mayor and Council:

I am writing this letter to urge your support for the proposed residential project near Baseline Road and 27th Street. I strongly support this exciting project as it will clean up this unattractive vacant property and add a less intense residential use compared to the currently approved commercial use. This development by Leon Capital Group will be an upscale community that we can be proud to have as a neighbor.

Please vote yes for this excellent project.

Sincerely,

Cheyenne Hill Defender
7416 S. 27th Place
Phoenix, AZ 85042

June 3, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

As a nearby resident, I feel it is my duty to encourage you to support the proposed development near 27th Street and Baseline Road. This project will certainly enhance the area and reduce the impact of the current intense commercial zoning. In addition, this gated community will be a much more pleasant neighbor than the current unappealing vacant lot.

Please vote in support of this exciting project. I look forward to seeing this project completed.

Sincerely,

Cheyenne Hill Defender

Maria Roman
7512 S. 27th Place
Phoenix, AZ 85042

June 3, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

As a nearby resident, I feel it is my duty to encourage you to support the proposed development near 27th Street and Baseline Road. This project will certainly enhance the area and reduce the impact of the current intense commercial zoning. In addition, this gated community will be a much more pleasant neighbor than the current unappealing vacant lot.

Please vote in support of this exciting project. I look forward to seeing this project completed.

Sincerely,



Caryn Foster
7647 S. 27th Way
Phoenix, AZ 85042

June 3, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

As a nearby resident, I feel it is my duty to encourage you to support the proposed development near 27th Street and Baseline Road. This project will certainly enhance the area and reduce the impact of the current intense commercial zoning. In addition, this gated community will be a much more pleasant neighbor than the current unappealing vacant lot.

Please vote in support of this exciting project. I look forward to seeing this project completed.

Sincerely,

Caryn Foster

Jennifer La Fate
2726 E. Beautiful Lane
Phoenix, AZ 85042

June 3, 2021

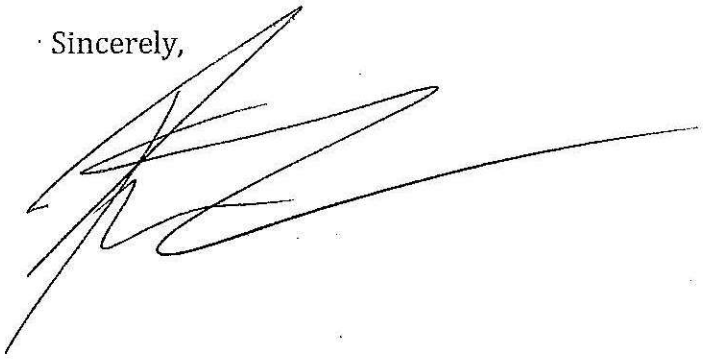
Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

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Please vote yes for this excellent project.

Sincerely,



Reese Lester
2719 E. Branham Lane
Phoenix, AZ 85042

June 3, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

As a nearby resident, I feel it is my duty to encourage you to support the proposed development near 27th Street and Baseline Road. This project will certainly enhance the area and reduce the impact of the current intense commercial zoning. In addition, this gated community will be a much more pleasant neighbor than the current unappealing vacant lot.

Please vote in support of this exciting project. I look forward to seeing this project completed.

Sincerely,



Irene Stevenson
2722 E. Valencia Drive
Phoenix, AZ 85042

June 3, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

As a nearby resident, I feel it is my duty to encourage you to support the proposed development near 27th Street and Baseline Road. This project will certainly enhance the area and reduce the impact of the current intense commercial zoning. In addition, this gated community will be a much more pleasant neighbor than the current unappealing vacant lot.

Please vote in support of this exciting project. I look forward to seeing this project completed.

Sincerely,



Anthony Siglar
2727 E. Donner Drive
Phoenix, AZ 85042

June 3, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

As a nearby resident, I feel it is my duty to encourage you to support the proposed development near 27th Street and Baseline Road. This project will certainly enhance the area and reduce the impact of the current intense commercial zoning. In addition, this gated community will be a much more pleasant neighbor than the current unappealing vacant lot.

Please vote in support of this exciting project. I look forward to seeing this project completed.

Sincerely,

Alex Bondejas
7418 S. 27th Way
Phoenix, AZ 85042

June 4, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

I am writing this letter to urge your support for the proposed residential project near Baseline Road and 27th Street. I strongly support this exciting project as it will clean up this unattractive vacant property and add a less intense residential use compared to the currently approved commercial use. This development by Leon Capital Group will be an upscale community that we can be proud to have as a neighbor.

Please vote yes for this excellent project.

Sincerely,



Cedric Warren
7415 S. 27th Place
Phoenix, AZ 85042

June 4, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

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Please vote yes for this excellent project.

Sincerely, Cedric Warren

Li Mano
7609 S. 27th Way
Phoenix, AZ 85042

June 4, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

I am writing this letter to urge your support for the proposed residential project near Baseline Road and 27th Street. I strongly support this exciting project as it will clean up this unattractive vacant property and add a less intense residential use compared to the currently approved commercial use. This development by Leon Capital Group will be an upscale community that we can be proud to have as a neighbor.

Please vote yes for this excellent project.

Sincerely,

Li Mano

Marko Sredanovich
7412 S. 27th Place
Phoenix, AZ 85042

June 4, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

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Please vote yes for this excellent project.

Sincerely,



Rowena Lillibridge
2720 E. Branham Lane
Phoenix, AZ 85042

June 4, 2021

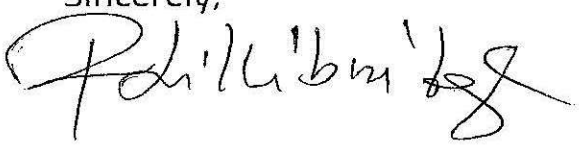
Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

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Please vote yes for this excellent project.

Sincerely,



Christopher Harsh
7512 S. 27th Place
Phoenix, AZ 85042

June 4, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

I am writing this letter to urge your support for the proposed residential project near Baseline Road and 27th Street. I strongly support this exciting project as it will clean up this unattractive vacant property and add a less intense residential use compared to the currently approved commercial use. This development by Leon Capital Group will be an upscale community that we can be proud to have as a neighbor.

Please vote yes for this excellent project.

Sincerely,

Christopher Harsh

August 3, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

I live in the Mountain Grove subdivision. I strongly oppose the recent South Mountain Village Planning Committee's recommendation that 27th Street be aligned on the north and south sides of Baseline Road as part of the Leon Capital multifamily residential proposal. Realignment is not necessary for this project and would make this portion of 27th Street busier for both our neighborhood and the new development, creating additional safety hazards. In addition, it is unfair to expect the residents of the Mountain Grove community to drive through a commercial development to gain access to the only gate entering our community. The developer did outreach in our community and overwhelmingly it objected to this alignment. Please listen to the neighbors on this issue!

Sincerely,

Stefan Sbiera
7420 S 27th, our lot nr 59.

480. 223. 8698

August 3, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

I live in the Mountain Grove subdivision. I strongly oppose the recent South Mountain Village Planning Committee's recommendation that 27th Street be aligned on the north and south sides of Baseline Road as part of the Leon Capital multifamily residential proposal. Realignment is not necessary for this project and would make this portion of 27th Street busier for both our neighborhood and the new development, creating additional safety hazards. In addition, it is unfair to expect the residents of the Mountain Grove community to drive through a commercial development to gain access to the only gate entering our community. The developer did outreach in our community and overwhelmingly it objected to this alignment. Please listen to the neighbors on this issue!

Sincerely,

Richard Quintanilla
Rick.Quintanilla21@gmail.com
602-332-0180
7504 S. 27th Ter
Phoenix, AZ 85042

August 3, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

I live in the Mountain Grove subdivision. I strongly oppose the recent South Mountain Village Planning Committee's recommendation that 27th Street be aligned on the north and south sides of Baseline Road as part of the Leon Capital multifamily residential proposal. Realignment is not necessary for this project and would make this portion of 27th Street busier for both our neighborhood and the new development, creating additional safety hazards. In addition, it is unfair to expect the residents of the Mountain Grove community to drive through a commercial development to gain access to the only gate entering our community. The developer did outreach in our community and overwhelmingly it objected to this alignment. Please listen to the neighbors on this issue!

Sincerely,

Ryan Hill Defender 7416 S 27th Pl

Cheyenne Hill Defender

Cheyenne Hill Defender 7416 S 27th PL

August 3, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

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Sincerely,

Marcus Strider

Marcus Strider
7508 S 27th Pl
602 334 6050

August 3, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

I live in the Mountain Grove subdivision. I strongly oppose the recent South Mountain Village Planning Committee's recommendation that 27th Street be aligned on the north and south sides of Baseline Road as part of the Leon Capital multifamily residential proposal. Realignment is not necessary for this project and would make this portion of 27th Street busier for both our neighborhood and the new development, creating additional safety hazards. In addition, it is unfair to expect the residents of the Mountain Grove community to drive through a commercial development to gain access to the only gate entering our community. The developer did outreach in our community and overwhelmingly it objected to this alignment. Please listen to the neighbors on this issue!

Sincerely,

Painters - Houser.
480-458-8457

August 3, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

I live in the Mountain Grove subdivision. I strongly oppose the recent South Mountain Village Planning Committee's recommendation that 27th Street be aligned on the north and south sides of Baseline Road as part of the Leon Capital multifamily residential proposal. Realignment is not necessary for this project and would make this portion of 27th Street busier for both our neighborhood and the new development, creating additional safety hazards. In addition, it is unfair to expect the residents of the Mountain Grove community to drive through a commercial development to gain access to the only gate entering our community. The developer did outreach in our community and overwhelmingly it objected to this alignment. Please listen to the neighbors on this issue!

Sincerely,

Paul K

7508 S 27th Ter
Phoenix, AZ 85042
pkoh@cox.net

August 3, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

I live in the Mountain Grove subdivision. I strongly oppose the recent South Mountain Village Planning Committee's recommendation that 27th Street be aligned on the north and south sides of Baseline Road as part of the Leon Capital multifamily residential proposal. Realignment is not necessary for this project and would make this portion of 27th Street busier for both our neighborhood and the new development, creating additional safety hazards. In addition, it is unfair to expect the residents of the Mountain Grove community to drive through a commercial development to gain access to the only gate entering our community. The developer did outreach in our community and overwhelmingly it objected to this alignment. Please listen to the neighbors on this issue!

Sincerely,

Joe Minter
480-467-9768
7425 S. 27th Ter.
Phoenix, AZ 85042

August 3, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

I live in the Mountain Grove subdivision. I strongly oppose the recent South Mountain Village Planning Committee's recommendation that 27th Street be aligned on the north and south sides of Baseline Road as part of the Leon Capital multifamily residential proposal. Realignment is not necessary for this project and would make this portion of 27th Street busier for both our neighborhood and the new development, creating additional safety hazards. In addition, it is unfair to expect the residents of the Mountain Grove community to drive through a commercial development to gain access to the only gate entering our community. The developer did outreach in our community and overwhelmingly it objected to this alignment. Please listen to the neighbors on this issue!

Sincerely,

Angie Muntzer

August 3, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

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Sincerely,

Jesús M. Campa

Joanne Campa

Joanne Campa
7421 S. 27th Terrace
Phoenix, AZ 85042

August 3, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

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Sincerely,

Terrence Donner
2730 E Ellis St
Phoenix, AZ 85042
theehilldonners@gmail.com
312 391 2900

August 3, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

I live in the Mountain Grove subdivision. I strongly oppose the recent South Mountain Village Planning Committee's recommendation that 27th Street be aligned on the north and south sides of Baseline Road as part of the Leon Capital multifamily residential proposal. Realignment is not necessary for this project and would make this portion of 27th Street busier for both our neighborhood and the new development, creating additional safety hazards. In addition, it is unfair to expect the residents of the Mountain Grove community to drive through a commercial development to gain access to the only gate entering our community. The developer did outreach in our community and overwhelmingly it objected to this alignment. Please listen to the neighbors on this issue!

Sincerely,

Dana

812-369-1792

2723 E Donner Dr, Phoenix AZ. 85042

August 3, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

I live in the Mountain Grove subdivision. I strongly oppose the recent South Mountain Village Planning Committee's recommendation that 27th Street be aligned on the north and south sides of Baseline Road as part of the Leon Capital multifamily residential proposal. Realignment is not necessary for this project and would make this portion of 27th Street busier for both our neighborhood and the new development, creating additional safety hazards. In addition, it is unfair to expect the residents of the Mountain Grove community to drive through a commercial development to gain access to the only gate entering our community. The developer did outreach in our community and overwhelmingly it objected to this alignment. Please listen to the neighbors on this issue!

Sincerely,

260-416-9201
2723 E Donner Dr, Phoenix AZ, 85042

Law Offices of Rhonda Neff, PLLC
3200 North Central Avenue, Suite 2250
Phoenix, Arizona 85012
(602) 704-2041 Office
(602) 654-1233 Fax
www.rhondanefflaw.com
rhonda@rhondanefflaw.com

August 4, 2021

Mayor and City Council Members
City of Phoenix
200 West Washington Street
Phoenix, AZ 85003

Re: Change of Address

Dear Mayor and Council,

My husband and I are residents of the Mountain Grove subdivision off 27th Street and Baseline. Our residential address is 7503 S. 27th Terrace, Phoenix, AZ 85042. We strongly oppose the recent South Mountain Village Planning Committee's recommendation that 27th Street be aligned on the north and south sides of Baseline Road as part of the proposed development of a mixed commercial and multifamily residential plan. I attended the South Mountain Planning Committees hearing, but was not able to speak. I was very disappointed when our Mountain Grove HOA president, and member of the South Mountain Planning Committee, Martin spoke up and insinuated that he was speaking on behalf of our development that we wanted the alignment. Nothing could be further from the truth. That was a personal opinion of Martin and not the position of our HOA or the members within our development. At no point has the Mountain Grove HOA or its officers sought the opinion of its members on this nor was he authorized to speak on our behalf in this regard. What was even more concerning was that the Planning Committee took the word of Martin, a sitting member, over the extensive outreach done by the developer. The developer's outreach was one of the largest and most comprehensive that I have ever seen. According to the developer's statements at the hearing, it confirmed that an overwhelming number of residents in our development, as well as the one south of Baseline, objected to this alignment. Despite that, the Planning Committee voted to require as a stipulation for approval that the road be aligned. There is no need and no justification for this stipulation for alignment and it will only raise more issues for those of us that live here.

There are many reasons for the objection to the alignment. First, we purchased in this development because of its central location and its rise in development. The only entry and exit from this development is the gate on 27th Street. Under the new stipulation for the alignment, we would be required to drive through a commercial development in order to access our house. There would be no other way into our development except by driving through the commercial development. This is not only a concern because of the increase in traffic that it would cause, but also because of the potential impact to housing values. There is also a possible increase in crime as a result. It is inconceivable that the City would require owners to drive through a commercial

RN

development in order to access their residence rather than taking the road currently built that leads directly to the development – a road that has been being used since this development was founded more than a decade ago. Second, there is a lot of concern that the commercial structure that would be put on the east side of the road after the realignment would impact our development. While there is a stipulation currently for the number of drive thru locations, which I agree with, there is no stipulation that would prevent a restaurant or other smell emitting business from being built right up against our development wall. Placing a building directly against the development wall, whether a restaurant or otherwise, would directly affect the houses along that fence line. That could decrease those property values because, again, no one wants a commercial building in their backyard.

In addition, the alignment would cause traffic issues for those of us that have been using 27th Street since living in this development. We have gotten used to using 27th Street as it is. We have the ability to make a left hand turn out of the development without impacting traffic on the south portion of 27th Street. We also have a dedicated lane to make a left hand turn from Baseline onto the north portion of 27th Street. While there is some congestion and dangers associated with crossing Baseline at 27th Street, those are minor in comparison to the other issues caused by the alignment. They are also primarily only an issue during peak hours, such as rush hour. It is unlikely that the 27th Street alignment would qualify for a traffic light because of its proximity to 24th Street's major intersection, but also because we lack the traffic to qualify for one. Even if we had a light at 27th Street, it would only cause more congestion on Baseline than what already exists. The current traffic patterns and ingress and egress on 27th Street work great as it is currently designed.

As you will see from the number of letters being provided to you from members of our development, we strongly oppose this stipulation and the alignment of 27th Street. This issue has come up before when the prior plan went through the approval process and it was well known that we opposed the alignment. The developer took our input and or objections into account when formulating the most recent plan for approval. The developer acknowledged to the South Mountain Planning Committee that the reason for changing the alignment in this proposal was due to these objections. The developer is trying to work with our development and consider our concerns. In the event this alignment is required, it may require an easement or other right of way of our development property, which from the opinions of our neighbors would not pass through our HOA. In the event a vote of our HOA was required, I believe it would fail and, thus, the new development would fail with it.

The land to the west of 27th Street across from our development has been a public nuisance and a danger for several years because of the squatters and other illegal activity at the vacant house on the lot. It has been the subject of numerous police raids and has brought danger to our community. The development as planned, with some adjustments, would be a good addition to our neighborhood. I strongly agree with the stipulation limiting the number of drive thru locations on the property and would ask that you keep that requirement. Otherwise, the development is a welcome change.

RN

Please strongly consider the position of myself and my husband, and the numerous other neighbors, that have provided objections to this alignment. Consider our housing values, our gate location, and the requirement to drive through a commercial development to get to our housing gates. Please do not allow an alignment of 27th Street!

I will be available to answer any questions that you have. Please do not hesitate to reach out to me with questions.

Sincerely yours,

LAW OFFICES OF RHONDA NEFF, PLLC

Rhonda Elaine Neff

Andrew Witte

RN

PETITION IN SUPPORT OF 27th STREET & BASELINE

To the Mayor, City Council and City Clerk:
We, the undersigned, support the proposed residential development, located near 27th Street and Baseline Road in Phoenix. This project will help fulfill the demand for new housing in the area and bring new benefits for the existing community. By eliminating an existing commercial use adjacent to the canal, this proposed development will be of less impact to the surrounding neighborhoods.

	Signature	Printed Name	Address	Date of Signing
1.		Maria Castillo	2614 E Beautiful Ln	5/3/21
2.		Jennifer Harris	2618 E Beautiful Ln	6/3/21
3.		Aaron Griffith	2611 E Beautiful Ln	6/3/21
4.		[illegible]	2606 E Beautiful Ln.	6/3/21
5.		Lonny Marsh	7628 S. 26th Way PHx AZ	6/3/21
6.		Walter A. Knox	7612 S 26th Way PHX AZ	6/3/21
7.		Helena Patel	2632 E Valencia DR PHX AZ	6/3/21
8.		IRENE STEVENSON	2722 E Valencia Dr PHX	6/4/21
9.		Li Mao	7609 S 27th way PHX.	6/4/21
10.		Cary Foster	7617 S. 27th Way	06/04/21
11.		ROWENA LILLIBRIDGE	2720 E. Branham Ln, Phoenix	6/4/21
12.		Reese Lester	2719 e Branham	6/4/21
13.		ALBERT HALLE III	2723 E. ~~BASELINE~~ BRANHAM LN	6/4/21
14.				
15.		Maryanne Quinones	7606 S 26 Way	6/3/21

PETITION IN SUPPORT OF 27th STREET & BASELINE

To the Mayor, City Council and City Clerk:
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	Signature	Printed Name	Address	Date of Signing
1.		Jermaine LaFate	2736 E Beautiful Ln	6/4/
2.		ANTHONY L. SIGLAR	2727 S. DONNER DR.	6/4/21
3.		ALEX [illegible]	7418 S. 27TH WAY	6/4/20
4.		Makisha Hiller	2730 E. Ellis St. Phoenix, AZ 85042	6/4/21
5.		MARCO SANDOVAL	7C12 S. 27th PL. PHOENIX, AZ 85042	6/4/21
6.	Cheyenne Hill Defender	Cheyenne Hill Defender	7416 S 27th PL. Phoenix, AZ 85042	6/4/21
7.		Christopher Harsh	7512 S 27th PL. Phoenix, AZ 85282	6/5/21
8.		Maria Roman	7512 S 27th pl. Phoenix, AZ 85042	6/5/21
9.		Cedric Warren	7415 S 27th Pl. Phoenix, AZ 85042	6/5/21
10.				
11.				
12.				
13.				
14.				
15.				

Attachment C

REPORT OF PLANNING COMMISSION ACTION
October 7, 2021

ITEM NO: 5	
	DISTRICT NO.: 8
SUBJECT:	
Application #:	PHO-1-21--Z-10-18-8
Location:	Northwest corner of 27th Street and Baseline Road
Request:	1) Modification of Stipulation 1 regarding general conformance to the conceptual planting plan date stamped June 25, 2018. 2) Deletion of Stipulation 1.a regarding the quantity and configuration of drive-through facilities. 3) Deletion of Stipulation 1.b regarding the configuration of 27th Street. 4) Deletion of Stipulation 2 regarding general conformance to elevations date stamped February 12, 2018. 5) Modification of Stipulation 2.a regarding pitched roof elements. 6) Modification of Stipulation 2.b regarding an equestrian corral area.
Acreage:	10.31
Applicant:	Cassandra Ayres, Beus Gilbert McGroder, PLLC
Owner:	Baseline 25, LLC
Representative:	Paul Gilbert, Beus Gilbert McGroder, PLLC

ACTIONS:

Staff Recommendation: Denial as filed and approval with modifications and additional stipulations, as recommended by the Planning Hearing Officer.

Village Planning Committee (VPC) Recommendation:
South Mountain 7/13/2021 Denial as filed and approval with modifications.
Vote: 10-1-1.

Planning Hearing Officer Recommendation: The Planning Hearing Officer heard this case on July 21, 2021 and recommended a continuance to the August 18, 2021 agenda. The Planning Hearing Officer heard this case on August 18, 2021 and recommended denial as filed and approval with modifications and additional stipulations.

Planning Commission Recommendation: Approval, per the Planning Hearing Officer recommendation with a deletion of a stipulation.

Motion Discussion: N/A

Motion details: Commissioner Johnson made a MOTION to approve PHO-1-21—Z-10-18-8, per the Planning Hearing Officer recommendation with the deletion of Stipulation No. 1.a.

Maker: Johnson
Second: Gorraiz
Vote: 6-2 (Busching, Perez)
Absent: Shank
Opposition Present: No

Stipulations:

1. The development shall be in general conformance with the SITE PLAN AND ELEVATIONS ~~conceptual planting plan~~ date stamped MAY 26, 2021 ~~June 25, 2018~~, as modified by the following stipulations and approved by the Planning and Development Department, and with specific regard to the following:

   ~~a. The quantity and configuration of drive-through facilities on the subject site.~~

   ~~a.~~ **THE SITE PLAN SHALL BE MODIFIED TO ALIGN 27TH STREET WITH**
   ~~b.~~ **THE EXISTING PORTION OF 27TH STREET SOUTH OF BASELINE ROAD OR PROVIDE AN ALTERNATIVE AS APPROVED BY THE STREET TRANSPORTATION AND PLANNING AND DEVELOPMENT DEPARTMENTS.**

   ~~The configuration of 27th Street, which aligns with the existing portion of 27th Street south of Baseline Road.~~

2. ~~The development shall be in general conformance with the elevations date stamped February 12, 2018, as modified by the following stipulations and approved by the Planning and Development Department.~~

   ~~a. Pitched roof elements shall be incorporated in all buildings.~~

   ~~b.~~ All building elevations, including those facing or visible from the Western Canal, shall contain architectural embellishments and detailing such as textural changes, pilasters, offsets, recesses, variation in window size and location, and/or other overhang canopies.

3. The developer shall provide the following amenities and open public access to the amenities, as approved by the Planning and Development Department:

   a. A multi-use trail or shared-use path which provides connectivity between Baseline Road and the Western Canal, in accordance with the MAG supplemental details.

   b. Equestrian ~~corral~~ AMENITY area containing hitching posts ~~for horses~~, WATER FOR EQUINE CONSUMPTION, AND STRUCTURAL OR LANDSCAPED SHADING along the north~~ern~~ property ~~align~~ LINE adjacent to the Western Canal.

   c. Minimum of two shaded benches, along the northern property align adjacent to the Western Canal.

d. Bicycle parking area containing a minimum of eight spaces. The bicycle parking area shall utilize inverted-U bicycle racks or a similar design that accommodates lock placement on both wheels and the frame.

4. Any solid portion of a perimeter wall adjacent to the Western Canal shall not exceed a maximum height of three feet, as approved by the Planning and Development Department.

5. No drive-through facility shall locate its drive-through window facing a residential use or Baseline Road, as approved by the Planning and Development Department.

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

7. The developer shall dedicate a 30-foot wide multi-use trail easement (MUTE) along the north side of Baseline Road and construct a minimum 10-foot wide multi-use trail (MUT) within the easement, in accordance with the MAG supplemental detail and as approved by the Parks and Recreation and Planning and Development Departments.

8. The location of the bus stop along Baseline Road shall be approved by the Public Transit Department.

9. THE DEVELOPER SHALL PROVIDE A MINIMUM 5-FOOT-WIDE SHADED PEDESTRIAN PATHWAY ALONG THE EAST SIDE OF THE 25TH STREET ALIGNMENT PROVIDING A DIRECT CONNECTION FROM THE PROPOSED MULTIFAMILY RESIDENTIAL DEVELOPMENT TO THE PUBLIC SIDEWALK ALONG BASELINE ROAD, AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

10. ~~9.~~ The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.

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

12. ~~11.~~ The developer shall notify the following individuals at a minimum 10 calendar days prior to any Planning Hearing Officer request to modify or delete stipulations. The notice shall include the date, time and location of the hearing.

a. Tanis Earle
3602 East Vineyard Road
Phoenix, AZ 85042

b. Sandy Bawden
3232 East Vineyard Road

Phoenix, AZ 85042

c. Kay Gunter
1821 East Latona Road
Phoenix, AZ 85042

d. Deandra Ervin
2914 East Constance Way
Phoenix, AZ 85042

e. Linda Martin
7049 South Golfside Lane
Phoenix, AZ 85042

f. Stephanie Watney
834 East Beverly Road
Phoenix, AZ 85042

g. Anthony Siglar
2727 East Donnor Drive
Phoenix, AZ 85042

h. Kenneth And June Wood
2447 East Fremont Road
Phoenix, AZ 85042

i. Melissa Hinkle
7051 South 27th Way
Phoenix, AZ 85042

j. Steve And Robin Martin
8517 South 30th Way
Phoenix, AZ 85042

k. Heather Cannon
8032 South 27th Way
Phoenix, AZ 85042

l. Hayime Monge
7507 South 27th Terrace
Phoenix, AZ 85042

m. Steven Pace
2198 East Camelback Road, Suite 210
Phoenix, AZ 85016

n. Linda Anquoe
3923 East Carson Road
Phoenix, AZ 85042

o. Kent June
3917 East St. Catherine Avenue
Phoenix, AZ 85042

p. Monique Bontrager
6401 South 37th Street
Phoenix, AZ 85042

q. Amy Schneider
3232 East Maldonado
Phoenix, AZ 85042

r. Kim Figgins
2918 East Dunbar Drive
Phoenix, AZ 85042

13. 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.

This publication can be made available in alternate format upon request. Please contact Angie Holdsworth at (602) 495-5622, TTY use 7-1-1.

Racelle Escolar

From: Beau Woodring <beau@generaldevelop.com>
Sent: Thursday, October 7, 2021 3:09 PM
To: PDD Planning Commission
Subject: comment card for tonight's hearing

Item number 5
Case Number: PHO-1-21--Z-10-18-8

On behalf of the Woodring family, we would like to strongly support item number 3: deletion of stipulation of 27th Street alignment. To be clear, we want to leave it the way it is, for many reasons. It does NOT need to be rearranged or realigned. Doing so is just silly.

Thank You,
Woodring Family, Phoenix AZ

City of Phoenix

Report

Agenda Date: 11/3/2021, **Item No.** *47

REVISED ITEM (SEE ATTACHED MEMO) Public Hearing and Modification of Stipulation Request for Ratification of Aug. 18, 2021 Planning Hearing Officer Action - PHO-2-21--Z-63-05-8 - Approximately 820 Feet East of the Northeast Corner of 24th Street and Baseline Road (Ordinance G-6916)

Request to hold a public hearing on the item and consider approval of the Planning Hearing Officer recommendation on Aug. 18, 2021.

Summary

Application: PHO-2-21--Z-63-05-8
Existing Zoning: C-1 BAOD
Acreage: 4.17

Applicant: Cassandra Ayres, Beus Gilbert McGroder, PLLC
Owner: Vahik Sahakian
Representative: Paul Gilbert, Beus Gilbert McGroder, PLLC

Proposal:
1. Modification of Stipulation 1 regarding general conformance to the site plan and elevations date stamped Feb. 19, 2016.
2. Deletion of Stipulation 2 regarding maximum one access point on 25th Street.
3. Deletion of Stipulation 3 regarding cross access to the commercial site to the west.

Concurrence/Previous Council Action

VPC Action: The South Mountain Village Planning Committee heard this case on July 13, 2021 and recommended denial as filed and approval with modifications, by a 10-2-1 vote.
PHO Action: The Planning Hearing Officer heard this case on Aug. 18, 2021, and recommended approval with a modification and additional stipulation. Please see **Attachment A** for a complete list of the Planning Hearing Officer's recommended stipulations.
The Planning Hearing Officer recommendation was not appealed.
The Phoenix City Council withdrew this request from the September 15, 2021 Formal agenda in order for it to be advertised for a public hearing with two other companion cases.

Location
Approximately 820 feet east of the northeast corner of 24th Street and Baseline Road
Council District: 8
Parcel Address: 2450, 2456, 2460, 2462, and 2470 E. Baseline Road

Responsible Department
This item is submitted by Deputy City Manager Ginger Spencer and the Planning and Development Department.

City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

To: Ginger Spencer
Deputy City Manager

Date: November 1, 2021

From: Alan Stephenson
Planning and Development Director

Subject: CORRECTION TO ITEM 47 ON THE NOVEMBER 3, 2021 - FORMAL AGENDA – ORDINANCE ADOPTION OF PHO-2-21--Z-63-05-8 (G-6916)

Item 47 on the November 3, 2021, Formal Agenda, is a request for Ordinance Adoption for Planning Hearing Officer Action Application PHO-2-21--Z-63-05-8 - Approximately 820 feet east of the Northeast Corner of 24th Street and Baseline Road (Ordinance G-6916).

The Phoenix City Council approved the original rezoning case, Z-63-05-8, on August 31, 2005. Rezoning cases were not adopted via ordinance at that time and as a result there is no ordinance to attach and amend. This memo clarifies that the City Council only needs to take Formal Action on this item.

Approved:

Ginger Spencer, Deputy City Manager

Attachment A- Stipulations- PHO-2-21--Z-63-05-8

Location: Approximately 820 feet east of the northeast corner of 24th Street and Baseline Road

Stipulations:

1. ~~That the subject property shall be developed~~ THE DEVELOPMENT SHALL BE in general conformance ~~to~~ WITH the site plan and elevations date stamped MAY 26, 2021 ~~February 19, 2016~~, as modified by the following stipulations and ~~as~~ approved by the Planning and Development Department.

~~2. That the subject property be developed with only one access on 25th Street as approved by the Planning and Development Department.~~

~~3. That the developer provide one point of cross access from the subject property to the commercial site located to the west of the site, as approved by the Planning and Development Department.~~

2. DRIVE-THROUGHS SHALL BE SCREENED FROM VIEW OF PUBLIC RIGHTS-OF-WAY AND RESIDENTIAL USES WITH A LANDSCAPED BERM OR A COMBINATION OF A WALL AND LANDSCAPED BERM AT LEAST FOUR FEET IN HEIGHT, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

3. ~~That~~ Prior to site plan approval, the property owner shall record documentation ~~4.~~ that discloses to purchasers of property within the development the existence and operational characteristics of Sky Harbor International Airport. The form and content of such documents shall be reviewed and approved by the City Attorney.

4. ~~That~~ The developer SHALL provide a 10-foot wide multi-use trail with a 30-foot ~~5.~~ trail easement along the north side of Baseline Road, as approved by the Planning and Development Department.

5. ~~That~~ Right-of-way totaling 60-feet and a 20-foot sidewalk/trail easement shall be ~~6.~~ dedicated for the north half of Baseline Road, as approved by the Planning and Development Department.

6. ~~That~~ A 21-foot by 21-foot right-of-way triangle shall be dedicated at the northwest ~~7.~~ corner of 24th Street and Baseline Road, as approved by the Planning and Development Department.

7. ~~That~~ The developer shall construct all streets adjacent to the development with ~~8.~~ paving, curb, gutter, sidewalk, curb ramps, streetlights, landscaping, and other incidentals as per plans approved or modified by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.

8. ~~That~~ All perimeter walls shall consist of 3-feet block and 3-feet wrought iron, as ~~9.~~ approved or modified by the Planning and Development Department.

DRAFT

9. Prior to preliminary site plan approval, the landowner shall execute a Proposition ~~10.~~ 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.

DRAFT

South Mountain
VILLAGE PLANNING COMMITTEE

Village Planning Committee Meeting Summary
PHO-2-21—Z-63-05-8

Date of VPC Meeting	July 13, 2021
Planning Hearing Officer Hearing Date	July 21, 2021 (Continued)
Request	1) Modification of Stipulation 1 regarding general conformance to the site plan and elevations date stamped February 19, 2016. 2) Request to delete Stipulation Nos. 2 and 3 regarding maximum access points on 25th Street and cross access to the commercial site along the west.
Location	Approximately 820 feet east of the northeast corner of 24th Street and Baseline Road.
VPC Recommendation	Denial as filed, approved with modifications.
VPC Vote	**10-2-1,** motion passed; Members Alvarez, Brooks, Brownell, Busching, Holmerud, Marchuk, Ray, Shepard, Smith, and Daniels in favor. Members Larios and Said in dissent. Member Monge Kotake abstained.

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

Cases PHO-2-21—Z-63-05-8, PHO-1-21—Z-59-18-8, and PHO-1-21—Z-10-18-8 were heard concurrently.

One member of the public registered to speak on this item during the public meeting.

Enrique Bojórquez, staff, introduced himself and provided a presentation regarding each of the three PHO cases. He discussed the location of the overall project site and individual PHO cases. The requested stipulation modifications by the applicant were shown for each case. He also showed previously approved site plans and/or building elevations, in addition to the new proposed site plan for the overall project site and building elevations.

Greg Brownell asked if staff provides a recommendation on the requested modifications. He prefers that no drive-throughs are approved for the site.

Mr. Bojórquez responded that staff does not provide recommendation on Planning Hearing Officer (PHO) cases.

Chairwoman Daniels asked why no building elevations were provided for the commercial phase of the project.

Mr. Bojórquez responded that the applicant can address this question.

Marcia Busching asked if a detailed review of the plans has been conducted.

Mr. Bojórquez responded that usually a development services pre-application meeting is conducted by the applicant to gather technical review comments on the site plan proposed and that PHO staff review the documents once submitted.

Martin Hayime Monge Kotake lives east of the proposed development. Currently, the 27th Street alignment is dangerous and prefers that the street alignment remains as shown in the site plan approved in 2018.

Gene Holmerud discussed the 27th Street and Baseline Road alignment involving the topographical survey of the area.

Trent Marchuk asked about the conformance to the Baseline Area Overlay District (BAOD) in the site plan and referenced several potential conflicts. The drive-throughs should be eliminated and prefers that the pitched roofs stay in the stipulations.

Muriel Smith discussed the 27th Street alignment and previous concerns raised then about this.

Mr. Bojórquez responded that the applicant might be able to address questions about their current layout and why it changed from the 2018 site plan.

Chairwoman Daniels discussed several aspects of the proposed stipulations pertaining to:

- New site layout is an improvement, as it is adding new housing units to the area;
- Discussed the public access and the changes to the overall site plan;
- Pedestrian access for the multifamily should be provided to commercial areas;
- 25th Street no longer being a public street, now proposed as a private drive;
- Pitched roof elements should be kept;
- Equestrian corral area was discussed;
- Would love to see Walkable Urban code elements added to the project;

Mr. Bojórquez responded that the multifamily portion of the site could be a gated community, as show in the site plan provided by the applicant. Furthermore, that 25th Street is no longer proposed as a public street, but rather a private drive.

Paul Gilbert, with Beus Gilbert McGroder PLLC, introduced himself as the representative of the developer and introduced the project. The proposed site plan meets all of the required standards, while exceeding some standards such as open space, where 30-percent open space is provided to account for water retention. He introduced the project team, PHO case boundaries and discussed the conceptual site plan for the entire site. He showed the commercial and multifamily residential phases of the conceptual site plan. One-hundred thirty eight total units are proposed with a maximum density of 16.99 dwelling units per acre. The site plan complies with the BAOD requirements and discussed the amenities proposed, including the corral area. He discussed the stipulation modification language proposed for each of the 3 PHO cases and stated that drive-through facilities are needed. The 27th Street alignment was addressed, adding that no traffic signal was warranted based on the traffic statement conducted. An overview of the enhanced notification and outreach was provided. Other aspects of the project such as pathways, health-safety enhancements, architecture and walls were discussed. He no longer is requesting modification of Stipulation No. 2.a on case PHO-1-21—Z-10-18-8 pertaining to pitched roof elements.

Carl Starry, with LG Acquisitions LLC, introduced himself as the developer for the residential phase of the project. He gave an overview of different multifamily development projects built in other cities. He reviewed the three lists created by the South Mountain Village Planning Committee and discussed why this property was selected. He discussed amenities, layout, access, public art, and the clubhouse.

Mr. Holmerud asked whether the multi-use trail along Baseline Road had been constructed. He asked for clarification on the electric charging station proposed.

Mr. Gilbert responded that the multi-use trail along Baseline Road will be provided.

Mr. Starry discussed the electric charging outline and possible locations for this within the community.

Twanna Ray asked for clarification on the number of individuals that were spoken to regarding this project.

Mr. Gilbert stated that within an 850-foot radius, over 600 people were contacted, and no issues were raised on the project. Approximately 2.5 weeks were spent doing the outreach.

Lee Coleman asked why some of the setbacks were not being met.

Cassandra Ayres, with Beus Gilbert McGroder PLLC, introduced herself and stated that they are asking for some of the parking to be allowed within the front setback along Baseline Road. Thus, a variance is proposed to be requested to address this aspect of the site plan.

Dr. George Brooks asked if the applicant met individually or as a group with surrounding neighbors, and if a neighborhood meeting was held.

Susan Bitter Smith, with Technical Solutions, introduced herself as part of the development team. Her group knocked on doors and assisted with the outreach for this project.

Mr. Bojórquez added that no neighborhood meeting is required as part of PHO applications.

Mr. Marchuk asked if the site plan will need to comply with BAOD standards. He is concerned that some of the standards are not being met.

Mr. Bojórquez responded that the site plan will have to comply with the BAOD standards.

Mr. Starry stated that their project will comply with BAOD standards, including walkways.

Mr. Gilbert responded that they will review the Zoning Ordinance once again.

Mr. Monge Kotake asked if a traffic statement will be required for this project and stated that his household was contacted, but no information about the project was left for him to follow up on.

Mr. Gilbert stated that the city did not require a traffic report, but one was conducted anyway about a year ago.

Mr. Bojórquez stated that he did not observe a stipulation from the 2018 rezoning case requiring a traffic statement to be submitted to the city at a later date.

Mr. Coleman discussed the intersection at 27th Street and Baseline Road.

Chairwoman Daniels allowed Ms. Jones to provide public comment on the cases.

JoLouise Jones, member of the public, introduced herself as a resident in the area and stated that traffic is bad along this intersection now. Traffic will worsen if this project is approved. The 27th Street alignment was approved in 2018 with the intent to develop a traffic signal light.

Mr. Gilbert stated that the current site plan reduces traffic counts as there is a reduction of commercial uses.

Mr. Monge Kotake stated that the traffic report is from a year ago and thus outdated now.

Mr. Coleman stated that aligning both sides of 27th Street north and south of Baseline Road would be challenging.

Chairwoman Daniels asked why the stipulation pertaining to 27th Street was added in the 2018 rezoning case.

Mr. Bojórquez responded that the 2018 rezoning case minutes are included in the packet sent to all VPC members but cannot identify a specific reason while browsing the minutes from 2018.

Kassandra Alvarez asked if the applicant had spoken with the Street Transportation Department regarding the traffic.

Mr. Gilbert responded that he had contacted the traffic section and no traffic signal was required.

Ms. Busching would like to stipulate several elements including:

- Cross-access agreement between the commercial and residential phases, plus the property along the west;
- Maximum of one drive-through facility;
- Applicant to work with the Planning and Development Department, Street Transportation Department and the community on the 27th Street alignment, thus keeping Stipulation No. 1.b on PHO-1-21—Z-10-18-8;
- Keep Stipulation No. 2.a on case PHO-1-21—Z-10-18-8;

Greg Brownell, **Kay Shepard** and **Kassandra Alvarez** support these stipulations.

Mr. Gilbert would like flexibility to work out these issues with city staff.

Ms. Busching is concerned that the requested changes will not be addressed.

Mr. Holmerud is opposed to aligning 27th Street.

Mr. Marchuk agrees on aligning 27th Street and adding language pertaining to berms and the BAOD.

Mr. Brownell and **Ms. Busching** agree with Mr. Marchuk's comments.

Mr. Holmerud disagrees with Mr. Marchuk on aligning 27th Street.

Lee Coleman and Shelly Smith left the meeting at 10:10pm, bringing the quorum to 14 members.

MOTION – PHO-2-21—Z-63-05-8:

Ms. Busching motioned to deny case PHO-2-21—Z-63-05-8 as filed, approve with modifications. **Ms. Shepard** seconded the motion to approve.

Stipulation modifications approved for PHO-2-21—Z-63-05-8:

- Stipulation No. 1: That the ~~subject property~~ DEVELOPMENT shall be ~~developed~~ in general conformance ~~to~~ WITH the CONCEPTUAL site plan and elevations date stamped ~~February 19, 2016~~ MAY 28, 2021, as modified by the following stipulations and as approved by the PLANNING AND DEVELOPMENT DEPARTMENT, **EXCEPT THAT NO MORE THAN ONE DRIVE-THROUGH FACILITY SHALL BE PROVIDED. THE DRIVE-THROUGHS SHOULD BE SCREENED FROM VIEW OF THE PERIMETER STREET WITH A LANDSCAPED BERM OR A COMBINATION OF A WALL A LANDSCAPED BERM AT LEAST FOUR FEET IN HEIGHT.**

- Stipulation No. 2 was deleted.

- Stipulation No. 3: **THERE SHALL BE VEHICULAR AND PEDESTRIAN CROSS ACCESS EASEMENTS FOR ALL COMMERCIAL PAD SITES AS WELL AS THE MULTIFAMILY PORTION OF THE DEVELOPMENT. A PEDESTRIAN AND VEHICULAR CROSS ACCESS EASEMENT SHALL BE PROVIDED ALONG THE COMMERCIAL PAD SITES WEST OF THE DEVELPPMENT IN ORDER TO CONNECT TO THE ADJACENT COMMERCIAL PROPERTY WEST OF THE PROJECT SITE.**

VOTE – PHO-2-21—Z-63-05-8:
10-2-1, motion passed; Members Alvarez, Brooks, Brownell, Busching, Holmerud, Marchuk, Ray, Shepard, Smith, and Daniels in favor. Members Larios and Said in dissent. Member Monge Kotake abstained.

STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:

None.

Attachment C

REPORT OF PLANNING HEARING OFFICER ACTION
Adam Stranieri, Planner III, Hearing Officer
Bradley Wylam, Planner I, Assisting

August 18, 2021

ITEM NO: 8	
	DISTRICT 8
SUBJECT:	
Application #:	PHO-2-21--Z-63-05-8 **(Continued from 7/21/21 agenda)**
Location:	Approximately 820 feet east of the northeast corner of 24th Street and Baseline Road
Existing Zoning:	C-1 BAOD
Acreage:	4.17
Request:	1) Modification of Stipulation 1 regarding general conformance to the site plan and elevations date stamped February 19, 2016. 2) Deletion of Stipulation 2 regarding maximum one access point on 25th Street. 3) Deletion of Stipulation 3 regarding cross access to the commercial site to the west.
Applicant:	Cassandra Ayres, Beus Gilbert McGroder
Owner:	Vahik Sahakian
Representative:	Paul Gilbert, Beus Gilbert McGroder

ACTIONS

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended approval with a modification and additional stipulation.

Village Planning Committee (VPC) Recommendation: The South Mountain Village Planning Committee heard this request on July 13, 2021 and recommended denial as filed and approval with modifications by a vote of 10-2-1.

DISCUSSION

Paul Gilbert, representative with Beus Gilbert McGroder, gave an overview of the project team and property location. He reviewed the South Mountain Village Planning Committee meeting on August 10, 2021, which resulted in a recommendation for approval with modifications for Case Nos. PHO-2-21—Z-63-05-8 and PHO-1-21—Z-59-18-8 and denial as filed, approval with modifications for Case No. PHO-1-21—Z-10-18-8. He stated the proposed uses are allowed in the C-1 BAOD zoning district and stipulation modifications are needed to allow development per the proposed conceptual site plan for each case. He stated the

proposed conceptual site plan depicts 138 multifamily residential units at a density of 16.99 dwelling units per gross acre on the northern portion of the combined site with 5 commercial pads to provide retail or restaurants on the southern portion of the combined site. He stated that the proposed site plan complies with the regulations of the Baseline Area Overlay District (BAOD) and is compatible with the rural, agricultural, and equestrian character of the surrounding area.

Mr. Gilbert stated that the applicant is opposed to the South Mountain VPC recommendation regarding the realignment of 27th Street with the existing portion of 27th Street south of Baseline Road, limiting the number of drive-throughs permitted on the site, and providing pedestrian and vehicular access to the commercial property to the west. He stated that the applicant completed a door-to-door survey within an 850-foot radius of the site and found residents supported the proposed development and no resident surveyed was in support of the realignment of 27th Street. He noted that they have submitted letters from the public generally showing support for the development and letters of opposition regarding the existing stipulated realignment of 27th Street. He also noted that a petition of 24 people was provided that supports the proposed development generally. He discussed the recommended realignment and stated that CivTech, a traffic engineering firm, completed a study on the intersection that noted a realignment would not alleviate traffic concerns near the site. He stated the study noted the potential number of users of 27th Street would not necessitate a realignment or a traffic signal at the intersection of 27th Street and Baseline Road. He noted that the wait times to cross Baseline Road would not decrease due to a realignment and that a traffic signal at the intersection could increase cut-through traffic through the neighborhood south of the subject property and across Baseline Road. He stated that traffic accidents that have occurred at the intersection have largely been rear-end collisions and not due to the existing turn movements at the existing intersections. He stated that the realignment is not an exaction that meets the proportionality requirement as established by previous court cases and existing state statutes. He addressed the VPC recommendation regarding drive-throughs and stated that a limit on the number of drive-through restaurants was not appropriate as this is a land use otherwise permitted by right, subject to performance standards, in this zoning district. He stated that the VPC recommended a stipulation regarding vehicular and pedestrian access to the site to the west, but conditions on this adjacent site do not allow for cross access and the stipulation is both impractical and unenforceable. He stated that the VPC also recommended a stipulation regarding pedestrian and vehicular access between the commercial and residential portions within the subject site, which the applicant supports.

Mr. Gilbert gave an overview of the proposed stipulation modifications on PHO-2-21—Z-63-05-8 regarding general conformance to the conceptual site plan and a deletion of stipulations regarding 25th Street access and cross access to the commercial site to the west. He gave an overview of the proposed stipulation modifications on PHO-1-21—Z-59-18-8 and noted a comment from a VPC member that supported the multifamily housing design depicted on the conceptual site plan. He stated that the proposed deletion of Stipulation 1.a and 1.b regarding pedestrian and vehicular cross access would be addressed through the proposed conceptual site plan. He gave an overview of the proposed stipulation modifications on PHO-1-21—Z-10-18-8. He stated the limitations on drive throughs and stipulation regarding the alignment of 27th Street should be deleted per the rationale discussed earlier. He stated that modification to Stipulation 2.a was discussed at the VPC meeting and recommended to be retained and that the applicant had decided to not pursue the original proposed modification of that stipulation. He stated Stipulation 3.b regarding equestrian corral areas is requested to be modified to change the language to allow for more reasonably sized and feasible equestrian facilities.

JoJo Jones, Mountain Grove community member, stated there are existing issues in the traffic movements at the 27th Street and Baseline intersection. She expressed concerns regarding increased traffic on 27th Street related to the proposed multifamily residential development in addition to the commercial portion of the development. She stated that the previous developer agreed that a realignment would be necessary, but that this disagreement during the original rezoning case had largely centered around who would be responsible for the improvements.

Rhonda Neff, Mountain Grove community member, stated she is opposed to the realignment of 27th Street and stated that the proposed realignment would require residents of Mountain Grove to enter their neighborhood from within the proposed commercial development. She stated that property values and public safety would be decreased by entering through the proposed commercial development. She stated the applicant has responded to the concerns raised by the surrounding community after the original rezoning case regarding the realignment. She stated that she spoke to her neighbors that mentioned that they would consider selling their properties if 27th Street was realigned per the staff recommendation due to concerns with property values and public safety. She stated that she understood the legal concerns from the applicant regarding the limitation on drive-through uses, although she hoped there would be sit-down restaurants included within the development. She stated that regardless of the final alignment, 27th Street would likely see increased traffic with any development on the subject site, but that should be expected.

Mr. Gilbert stated that concerns regarding increased traffic are understood but noted that the entrance near the current alignment of 25th Street would be the main entrance to the development and allow for trucks and other vehicles to enter at this location rather than at 27th Street. He stated that most residents in the surrounding area support the plan as proposed and oppose the realignment of 27th Street.

Trent Marchuk, member of the South Mountain VPC, stated that the purpose of the VPC's recommendation regarding limiting the number of drive-throughs is in response to the South Mountain Village Character Plan which noted a lack of healthy restaurants in the area. He discussed the Village's recommendation regarding the realignment of 27th Street and the suggestion to allow the applicant to explore alternative options and noted that the original stipulation regarding the realignment of 27th Street asked the developer to work with the Street Transportation Department to come up with potential options for the realignment. He noted that the rationale behind the applicant's disagreement with the recommended cross access to the site to the west made sense and that he supported their request.

Mr. Gilbert stated that the presence of drive-throughs does not guarantee that the restaurants themselves are solely unhealthy restaurants and noted two restaurants they are in discussions with regarding the site. He noted that the BAOD does not contain limitations on the number of drive-through restaurants permitted on a site and only addresses design guidelines for these uses.

Adam Stranieri, Planning Hearing Officer, agreed that the BAOD does not limit the number of drive-throughs, but does include design guidelines for drive-throughs including screening and grouping of pads. He noted that the Street Transportation Department does not support the request to delete the stipulation regarding the realignment of 27th Street in PHO-1-21--Z-10-18-8. He asked the applicant if they believed the CivTech study would provide information that would potentially alter the recommendation made by the Street Transportation Department regarding the realignment. Mr. Gilbert stated he believed the results of that study could potentially change their recommendation, but he would not want to continue the case at this time to wait for this analysis. He noted he supported how the VPC worded the stipulation in their recommendation to allow the developer to work with the Planning and Development and Street Transportation Department to come to a decision. Mr. Stranieri stated that the CivTech documents have not been received by staff and that he would not make a recommendation based on a study that neither he nor Street Transportation Department staff had reviewed, particularly if the applicant wished to have a decision during this hearing. He stated he would be moving forward using the recommendation from the Street Transportation Department regarding the realignment with a modification to include the South Mountain Village

recommendation regarding the option for alternative alignments. He noted that the intent with the recommended modification was not to allow the applicant to avoid the realignment, but rather allow flexibility in how the alignment would be implemented.

Mr. Stranieri stated that public correspondence was received prior to the hearing. This included a petition with 24 signers that indicated support for the development but did not address the alignment, 21 letters of support for the development that did not address the alignment, and 12 letters in opposition to the alignment which highlighted safety hazards and concerns about residential access to Mountain Grove. He stated that a letter submitted by Rhonda Neff also highlighted many points made during her comments earlier in the hearing. He stated that a letter from Marcia Busching, South Mountain VPC member, was received which expressed communication issues with the applicant and noted a desire to see the VPC recommendation upheld.

Recommendation regarding PHO-2-21--Z-63-05-8

Mr. Stranieri stated PHO-2-21—Z-63-05-8 is located on the southwestern side of the proposed conceptual site plan and includes both residential and commercial portions of the development. He stated that the complete multifamily residential complex provides 138 units at a density of 16.99 dwelling units per gross acre and noted that conceptual elevations were submitted for the residential portion but not the commercial portion. He stated the elevations depict a variety of desirable architectural features and recommended general conformance. He stated that the scale and intensity is compatible with the surrounding area and the character intended by the BAOD. He stated that Stipulation 2 regarding one access point on 25th Street is no longer applicable due to the proposed abandonment of 25th Street and the lack of single-family units to the east, which the stipulation was originally intended to address. He stated that Stipulation 3 regarding one point of cross access to the site to the west is recommended to be deleted due to circumstances regarding development of the neighboring property. He stated that the VPC recommendation regarding limitations on the number of drive-through restaurants will not be approved because it would improperly prohibit uses otherwise allowed by right in the zoning district. He noted that the recommendation regarding screening of drive-throughs is established by the BOAD as a design presumption, but it could be included as a stipulation to create a requirement and provide consistency with the existing stipulations in Z-10-18-8.

Recommendation regarding PHO-1-21--Z-59-18-8

Mr. Stranieri stated PHO-1-21—Z-59-18-8 is located at the northwestern side of the proposed conceptual site plan and includes a residential portion of the development. He stated that the complete multifamily residential complex

provides 138 units at a density of 16.99 dwelling units per gross acre and noted that conceptual elevations were submitted for the residential portion but not the commercial portion. He stated the elevations depict a variety of desirable architectural features and recommended general conformance. He stated that the scale and intensity is compatible with the surrounding area and the character intended by the BAOD. He stated Stipulations 1.a and 1.b were intended to provide connectivity with the property to the east from Z-10-18-8 and that the unified proposed conceptual site plan between the cases alleviates the concerns regarding connectivity. He stated that the request to delete Stipulation 3 regarding a conditional requirement to dedicate and construct 25th Street if the property was developed as a stand-alone parcel is recommended to be approved because the conceptual site plan shows a unified development and the applicant would pursue abandonment of 25th Street. He stated that the VPC proposed modifications of Stipulations 1.a and 1.b would not be required because the property lines are internal and cross-access would be reviewed as part of the conceptual site plan review process.

Recommendation regarding PHO-1-21--Z-10-18-8

Mr. Stranieri stated PHO-1-21—Z-10-18-8 is located on the eastern side of the proposed conceptual site plan and includes both residential and commercial portions of the development. He stated that the complete multifamily residential complex provides 138 units at a density of 16.99 dwelling units per gross acre and noted that conceptual elevations were submitted for the residential portion but not the commercial portion. He stated the elevations depict a variety of desirable architectural features and recommended general conformance. He stated that the scale and intensity is compatible with the surrounding area and the character intended by the BAOD.

Mr. Stranieri stated that the deletion of Stipulation 1.a regarding the quantity and configuration of drive-throughs is recommended to be approved. He stated the stipulation was originally proposed by staff to stipulate to the configuration of buildings on the original site plan, but that this had been altered through the original rezoning hearing process. He stated that deletion of Stipulation 1.b regarding the realignment of 27th Street is not supported by the Street Transportation Department. He stated that the Street Transportation Department noted the realignment of 27th Street is intended to support and improve traffic safety in the surrounding area. He noted that there are numerous conflicting turn patterns at the intersection with Baseline Road and that the alignment would provide predictability, alignment with the grid, and allow for a potential traffic signal at the intersection. He stated there is no Traffic Impact Study addressing signal warrant analysis and that the most recent study submitted in 2018 does not reference the current proposed land uses.

Mr. Gilbert stated that the applicant would meet with the Street Transportation Department to discuss the findings of the CivTech study. Mr. Stranieri noted that the South Mountain VPC recommended modification of the stipulation to allow the applicant to work with staff to address options for the realignment. He stated that the modification should not allow the applicant to continue the misalignment of 27th Street. Cassandra Ayre, representative with Beus Gilbert McGroder, stated the VPC recommendation allows alternative options to address traffic issues without stipulating the realignment. She stated that the CivTech report provides options for flexibility, which could be worked through with the Planning and Development and Street Transportation Departments. Mr. Stranieri stated that the recommended modification to Stipulation 1.b would address the need to revise the site plan to depict the realignment of 27th Street.

Mr. Stranieri stated that he would recommend the deletion of Stipulation 2.a regarding pitched roof elements to provide consistency with the two companion cases. He stated that pitched roof elements are already a design presumption of the BAOD and could be addressed through the Ordinance. He also noted that it may be unclear to have different standards applied within the site to the same buildings. He stated that the modification of Stipulation 2.b regarding an equestrian corral would be recommended to be modified to allow for some flexibility in the type of amenities to be provided. He stated the original intent was to provide equestrian amenities to support the active equestrian lifestyle and trails along the canal.

Mr. Stranieri stated that the Street Transportation Department recommended an additional stipulation regarding a safe, shaded pedestrian pathway through the site to connect the residential portion of the site to the sidewalk along Baseline Road. He noted that this pathway should be provided in the area with the current alignment of 25th Street. He noted that if 25th Street was developed, a public sidewalk would otherwise have been provided here. Mr. Gilbert sought clarification that the type of shade would be flexible and allow either trees or structural shade. Mr. Stranieri confirmed that the type of shading would not be stipulated and would allow for flexibility.

FINDINGS

1) This case was heard as a companion case to PHO-1-21--Z-10-18-8 and PHO-1-21--Z-59-18-8. The conceptual site plan and building elevations are the same in these three cases. The subject property in this case was originally envisioned to develop as a standalone commercial retail center and stipulated to a site plan depicting a variety of drive-throughs and small shops with individual retail spaces ranging from approximately 2,500 to 21,472 square feet.

The proposed conceptual site plan depicts the subject property of the three companion cases developing in a unified fashion with a mixed-use development. A combination of five commercial, retail, and drive-through businesses are depicted along Baseline Road comprising approximately 19,098 total square feet, with individual establishments between 2,050 and 6,500 square feet. Behind the commercial development, adjacent to the Western Canal, is a multifamily residential complex containing 138 units at a density of 16.99 dwelling units per gross acre. Open spaces are distributed throughout the development with a variety of pedestrian, equestrian, and recreational amenities adjacent to the canal. Conceptual elevations were provided for the multifamily buildings only and depict a façade that integrates stone, pop outs, balconies, shade awnings, multiple window sizes and styles, and variation in the roofline and pitches. The proposal is compatible in scale and intensity with existing development in the surrounding area. General conformance to the proposed conceptual plans is recommended.

2) The South Mountain Village Planning Committee recommended a modification to Stipulation 1 that would limit drive-throughs and establish an enhanced screening requirement for drive-throughs. It is not recommended to adopt stipulation language that limits land uses otherwise permitted in the underlying zoning district. However, the recommended language regarding screening is consistent with existing Stipulation 6 in Rezoning Case No. Z-10-18-8 and is compatible with design goals in the Baseline Area Master Plan and Overlay District. The screening language is recommended for adoption as a new additional stipulation.

3) Stipulation 2 limits the development to a single access point on 25th Street. This stipulation was established in the original rezoning case when the site was envisioned to develop as a standalone commercial development to mitigate and restrict vehicular access along 25th Street where there were existing single-family residences on the east side of this local street. The conceptual plans recommended for general conformance in this request depict this property developing in conjunction with properties to the north and east, with the single-family residences removed, and 25th Street being abandoned. Therefore, the applicant's request to delete this stipulation is recommended for approval.

4) Stipulation 3 requires the developer to provide cross-access with the commercial parcel to the west. This stipulation was established at a time when the adjacent parcels to the west were envisioned to develop as a large-scale commercial retail center. In the ensuing years, the City of Phoenix acquired the northern portion of this site and developed a Park and Ride facility. The Park and Ride parcel is configured with a flag that extends from the Western Canal to Baseline Road, along the entire west

property line of the subject property in this request. Additionally, the commercial parcel to the west, across the flag, was not developed to accommodate a cross-access driveway. Due to these conditions, the applicant's request to delete this stipulation is recommended for approval.

The South Mountain Village Planning Committee recommended that this stipulation be replaced with a new stipulation requiring cross-access easements between all commercial and multifamily portions of the development and to the west. The recommendation regarding the west property line is not recommended for inclusion per the discussion above. The recommendation regarding the easements within the site is not recommended for inclusion as the proposed conceptual plans are for a unified development that already depicts this access. Significant deviation from the proposed plans would necessitate further public hearings in which this recommendation could be reassessed. This stipulation is not recommended to be adopted.

5) During the hearing, it was noted that the applicant did not submit a complete, notarized, recorded Proposition 207 waiver of claims form and an additional stipulation was recommended. Later, it was noted that this requirement already exists in Stipulation 10. Therefore, an additional stipulation is unnecessary, and the existing stipulation will remain. The applicant still must submit a complete, notarized, recorded Proposition 207 waiver of claims form per this stipulation for this request.

STIPULATIONS

1.	~~That the subject property shall be developed~~ THE DEVELOPMENT SHALL BE in general conformance ~~to~~ WITH the site plan and elevations date stamped MAY 26, 2021 ~~February 19, 2016~~, as modified by the following stipulations and ~~as~~ approved by the Planning and Development Department.
~~2.~~	~~That the subject property be developed with only one access on 25th Street as approved by the Planning and Development Department.~~
~~3.~~	~~That the developer provide one point of cross access from the subject property to the commercial site located to the west of the site, as approved by the Planning and Development Department.~~
2.	DRIVE-THROUGHS SHALL BE SCREENED FROM VIEW OF PUBLIC RIGHTS-OF-WAY AND RESIDENTIAL USES WITH A LANDSCAPED BERM OR A COMBINATION OF A WALL AND LANDSCAPED BERM AT LEAST FOUR FEET IN HEIGHT, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

3. ~~4.~~	~~That~~ Prior to site plan approval, the property owner shall record documentation that discloses to purchasers of property within the development the existence and operational characteristics of Sky Harbor International Airport. The form and content of such documents shall be reviewed and approved by the City Attorney.
4. ~~5.~~	~~That~~ The developer SHALL provide a 10-foot wide multi-use trail with a 30-foot trail easement along the north side of Baseline Road, as approved by the Planning and Development Department.
5. ~~6.~~	~~That~~ Right-of-way totaling 60-feet and a 20-foot sidewalk/trail easement shall be dedicated for the north half of Baseline Road, as approved by the Planning and Development Department.
6. ~~7.~~	~~That~~ A 21-foot by 21-foot right-of-way triangle shall be dedicated at the northwest corner of 24th Street and Baseline Road, as approved by the Planning and Development Department.
7. ~~8.~~	~~That~~ 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 or modified by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
8. ~~9.~~	~~That~~ All perimeter walls shall consist of 3-feet block and 3-feet wrought iron, as approved or modified by the Planning and Development Department.
9. ~~10.~~	Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 waiver of claims in a form approved by the City Attorney's Office. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the city to be included in the rezoning application file for record.

Upon request, this publication will be made available within a reasonable length of time through appropriate auxiliary aids or services to accommodate an individual with a disability. This publication may be made available through the following auxiliary aids or services: large print, Braille, audiotape or computer diskette. Please contact the Planning and Development Department, Tamra Ingersoll at voice number 602-534-6648 or TTY use 7-1-1.

PETITION IN SUPPORT OF 27th STREET & BASELINE

To the Mayor, City Council and City Clerk:
We, the undersigned, support the proposed residential development, located near 27th Street and Baseline Road in Phoenix. This project will help fulfill the demand for new housing in the area and bring new benefits for the existing community. By eliminating an existing commercial use adjacent to the canal, this proposed development will be of less impact to the surrounding neighborhoods.

	Signature	Printed Name	Address	Date of Signing
1.		Maria Castillo	2614 E Beautiful Ln	5/3/21
2.		Jennifer Harris	2618 E Beautiful Ln	6/3/21
3.		Aaron Griffith	2611 E Beautiful Ln	6/3/21
4.		[illegible]	2606 E Beautiful Ln.	6/3/21
5.		Lonny Marsh	7628 S. 26th Way PHx AZ	6/3/21
6.		Walter A. Knox	7612 S 26th Way PHX AZ	6/3/21
7.		Heena Patel	2632 E Valencia DR PHX AZ	6/3/21
8.		IRENE STEVENSON	2722 E Valencia Dr PHX	6/4/21
9.		Li Mao	7609 S 27th way PHX.	6/4/21
10.		Cary Foster	7617 S. 27th Way	06/04/21
11.		ROWENA LILLIBRIDGE	2720 E. Branham Ln, Phoenix	6/4/21
12.		Reese Lester	2719 e Branham	6/4/21
13.		ALBERT HALLE III	2723 E. ~~BASELINE~~ BRANHAM LN	6/4/21
14.				
15.		Maryanne Quinones	7606 S 26 Way	6/3/21

PETITION IN SUPPORT OF 27th STREET & BASELINE

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	Signature	Printed Name	Address	Date of Signing
1.		Jermaine LaFate	2736 E Beautiful Ln	6/4/
2.		ANTHONY L. SIGLAR	2727 S. DONNER DR.	6/4/21
3.		ALEX [illegible]	7418 S. 27TH WAY	6/4/20
4.		Makisha Hiller	2730 E. Ellis St. Phoenix, AZ 85042	6/4/21
5.		MARCO SANDOVAL	7C12 S. 27th PL. PHOENIX, AZ 85042	6/4/21
6.	Cheyenne Hill Defender	Cheyenne Hill Defender	7416 S 27th PL. Phoenix, AZ 85042	6/4/21
7.		Christopher Harsh	7512 S 27th PL. Phoenix, AZ 85282	6/5/21
8.		Maria Roman	7512 S 27th pl. Phoenix, AZ 85042	6/5/21
9.		Cedric Warren	7415 S 27th Pl. Phoenix, AZ 85042	6/5/21
10.				
11.				
12.				
13.				
14.				
15.				

Walter A. Knox
7612 South 26th Way
Phoenix, AZ 85042

May 31, 2021

Dear Mayor and Council:

As a nearby resident, I feel it is my duty to encourage you to support the proposed development near 27th Street and Baseline Road. This project will certainly enhance the area and reduce the impact of the current intense commercial zoning. In addition, this gated community will be a much more pleasant neighbor than the current unappealing vacant lot.

Please vote in support of this exciting project. I look forward to seeing this project completed.

Walter A. Knox

Sincerely,

Mary Kavito
2606 E. Beautiful Lane
Phoenix, AZ 85042

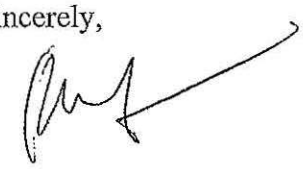
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Please vote in support of this exciting project. I look forward to seeing this project completed.

Sincerely,



Maria Castillo
2614 E. Beautiful Lane
Phoenix, AZ 85042

May 31, 2021

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Please vote in support of this exciting project. I look forward to seeing this project completed.

Sincerely,

Maryanne Quinones
7606 South 26th Way
Phoenix, AZ 85042

June 1, 2021

Dear Mayor and Council:

I am writing this letter to urge your support for the proposed residential project near Baseline Road and 27th Street. I strongly support this exciting project as it will clean up this unattractive vacant property and add a less intense residential use compared to the currently approved commercial use. This development by Leon Capital Group will be an upscale community that we can be proud to have as a neighbor.

Please vote yes for this excellent project.

Sincerely,

Maryanne Quinones

Helene Patel
2632 E. Valencia Drive
Phoenix, AZ 85042

June 1, 2021

Dear Mayor and Council:

As a nearby resident, I feel it is my duty to encourage you to support the proposed development near 27th Street and Baseline Road. This project will certainly enhance the area and reduce the impact of the current intense commercial zoning. In addition, this gated community will be a much more pleasant neighbor than the current unappealing vacant lot.

Please vote in support of this exciting project. I look forward to seeing this project completed.

Sincerely, HPatel

Jennifer Harris
2618 E. Beautiful Lane
Phoenix, AZ 85042

June 2, 2021

Dear Mayor and Council:

I am writing this letter to urge your support for the proposed residential project near Baseline Road and 27th Street. I strongly support this exciting project as it will clean up this unattractive vacant property and add a less intense residential use compared to the currently approved commercial use. This development by Leon Capital Group will be an upscale community that we can be proud to have as a neighbor.

Please vote yes for this excellent project.

Sincerely,

Makisha Rian Hiller
2730 E. Ellis Street
Phoenix, AZ 85042

June 2, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

I am writing this letter to urge your support for the proposed residential project near Baseline Road and 27th Street. I strongly support this exciting project as it will clean up this unattractive vacant property and add a less intense residential use compared to the currently approved commercial use. This development by Leon Capital Group will be an upscale community that we can be proud to have as a neighbor.

Please vote yes for this excellent project.

Sincerely,

Makisha R Hiller

Larry Marsh
7628 South 26th Way
Phoenix, AZ 85042

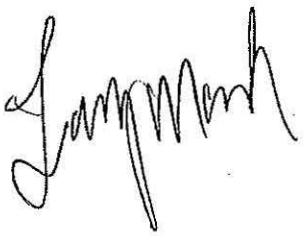
June 2, 2021

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Please vote yes for this excellent project.

Sincerely,



Albert Halle III
2723 E. Branham Lane
Phoenix, AZ 85042

June 2, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

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Please vote yes for this excellent project.

A. Halle

Sincerely,

Caryn Foster
7647 S. 27th Way
Phoenix, AZ 85042

June 3, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

As a nearby resident, I feel it is my duty to encourage you to support the proposed development near 27th Street and Baseline Road. This project will certainly enhance the area and reduce the impact of the current intense commercial zoning. In addition, this gated community will be a much more pleasant neighbor than the current unappealing vacant lot.

Please vote in support of this exciting project. I look forward to seeing this project completed.

Sincerely,

Caryn Foster

Cheyenne Hill Defender
7416 S. 27th Place
Phoenix, AZ 85042

June 3, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

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Please vote in support of this exciting project. I look forward to seeing this project completed.

Sincerely,

Cheyenne Hill Defender

Reese Lester
2719 E. Branham Lane
Phoenix, AZ 85042

June 3, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

As a nearby resident, I feel it is my duty to encourage you to support the proposed development near 27th Street and Baseline Road. This project will certainly enhance the area and reduce the impact of the current intense commercial zoning. In addition, this gated community will be a much more pleasant neighbor than the current unappealing vacant lot.

Please vote in support of this exciting project. I look forward to seeing this project completed.

Sincerely,



Irene Stevenson
2722 E. Valencia Drive
Phoenix, AZ 85042

June 3, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

As a nearby resident, I feel it is my duty to encourage you to support the proposed development near 27th Street and Baseline Road. This project will certainly enhance the area and reduce the impact of the current intense commercial zoning. In addition, this gated community will be a much more pleasant neighbor than the current unappealing vacant lot.

Please vote in support of this exciting project. I look forward to seeing this project completed.

Sincerely,



Maria Roman
7512 S. 27th Place
Phoenix, AZ 85042

June 3, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

As a nearby resident, I feel it is my duty to encourage you to support the proposed development near 27th Street and Baseline Road. This project will certainly enhance the area and reduce the impact of the current intense commercial zoning. In addition, this gated community will be a much more pleasant neighbor than the current unappealing vacant lot.

Please vote in support of this exciting project. I look forward to seeing this project completed.

Sincerely,



Jennifer La Fate
2726 E. Beautiful Lane
Phoenix, AZ 85042

June 3, 2021

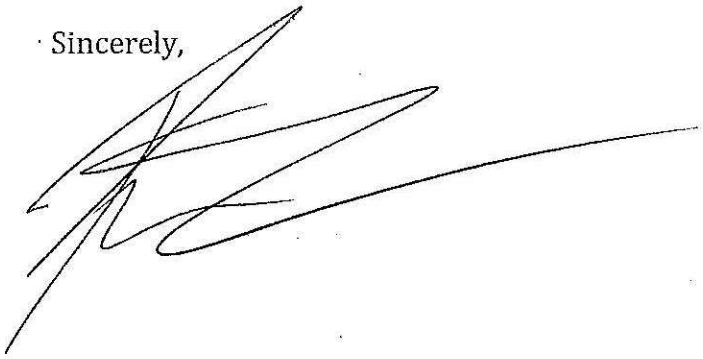
Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

I am writing this letter to urge your support for the proposed residential project near Baseline Road and 27th Street. I strongly support this exciting project as it will clean up this unattractive vacant property and add a less intense residential use compared to the currently approved commercial use. This development by Leon Capital Group will be an upscale community that we can be proud to have as a neighbor.

Please vote yes for this excellent project.

Sincerely,



Anthony Siglar
2727 E. Donner Drive
Phoenix, AZ 85042

June 3, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

As a nearby resident, I feel it is my duty to encourage you to support the proposed development near 27th Street and Baseline Road. This project will certainly enhance the area and reduce the impact of the current intense commercial zoning. In addition, this gated community will be a much more pleasant neighbor than the current unappealing vacant lot.

Please vote in support of this exciting project. I look forward to seeing this project completed.

Sincerely,

Alex Bondejas
7418 S. 27th Way
Phoenix, AZ 85042

June 4, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

I am writing this letter to urge your support for the proposed residential project near Baseline Road and 27th Street. I strongly support this exciting project as it will clean up this unattractive vacant property and add a less intense residential use compared to the currently approved commercial use. This development by Leon Capital Group will be an upscale community that we can be proud to have as a neighbor.

Please vote yes for this excellent project.

Sincerely,



Cedric Warren
7415 S. 27th Place
Phoenix, AZ 85042

June 4, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

I am writing this letter to urge your support for the proposed residential project near Baseline Road and 27th Street. I strongly support this exciting project as it will clean up this unattractive vacant property and add a less intense residential use compared to the currently approved commercial use. This development by Leon Capital Group will be an upscale community that we can be proud to have as a neighbor.

Please vote yes for this excellent project.

Sincerely,

Li Mano
7609 S. 27th Way
Phoenix, AZ 85042

June 4, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

I am writing this letter to urge your support for the proposed residential project near Baseline Road and 27th Street. I strongly support this exciting project as it will clean up this unattractive vacant property and add a less intense residential use compared to the currently approved commercial use. This development by Leon Capital Group will be an upscale community that we can be proud to have as a neighbor.

Please vote yes for this excellent project.

Sincerely,

Li Mano

Marko Sredanovich
7412 S. 27th Place
Phoenix, AZ 85042

June 4, 2021

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City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

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Please vote yes for this excellent project.

Sincerely,



Rowena Lillibridge
2720 E. Branham Lane
Phoenix, AZ 85042

June 4, 2021

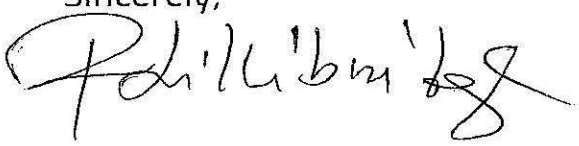
Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

I am writing this letter to urge your support for the proposed residential project near Baseline Road and 27th Street. I strongly support this exciting project as it will clean up this unattractive vacant property and add a less intense residential use compared to the currently approved commercial use. This development by Leon Capital Group will be an upscale community that we can be proud to have as a neighbor.

Please vote yes for this excellent project.

Sincerely,



Christopher Harsh
7512 S. 27th Place
Phoenix, AZ 85042

June 4, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

I am writing this letter to urge your support for the proposed residential project near Baseline Road and 27th Street. I strongly support this exciting project as it will clean up this unattractive vacant property and add a less intense residential use compared to the currently approved commercial use. This development by Leon Capital Group will be an upscale community that we can be proud to have as a neighbor.

Please vote yes for this excellent project.

Sincerely,

Christopher Harsh

August 3, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

I live in the Mountain Grove subdivision. I strongly oppose the recent South Mountain Village Planning Committee's recommendation that 27th Street be aligned on the north and south sides of Baseline Road as part of the Leon Capital multifamily residential proposal. Realignment is not necessary for this project and would make this portion of 27th Street busier for both our neighborhood and the new development, creating additional safety hazards. In addition, it is unfair to expect the residents of the Mountain Grove community to drive through a commercial development to gain access to the only gate entering our community. The developer did outreach in our community and overwhelmingly it objected to this alignment. Please listen to the neighbors on this issue!

Sincerely,

Stefan Sbiera
7420 S 27th, our lot nr 59.

480. 223. 8698

August 3, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

I live in the Mountain Grove subdivision. I strongly oppose the recent South Mountain Village Planning Committee's recommendation that 27th Street be aligned on the north and south sides of Baseline Road as part of the Leon Capital multifamily residential proposal. Realignment is not necessary for this project and would make this portion of 27th Street busier for both our neighborhood and the new development, creating additional safety hazards. In addition, it is unfair to expect the residents of the Mountain Grove community to drive through a commercial development to gain access to the only gate entering our community. The developer did outreach in our community and overwhelmingly it objected to this alignment. Please listen to the neighbors on this issue!

Sincerely,

Richard Quintanilla
Rick.Quintanilla21@gmail.com
602-332-0180
7504 S. 27th Ter
Phoenix, AZ 85042

August 3, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

I live in the Mountain Grove subdivision. I strongly oppose the recent South Mountain Village Planning Committee's recommendation that 27th Street be aligned on the north and south sides of Baseline Road as part of the Leon Capital multifamily residential proposal. Realignment is not necessary for this project and would make this portion of 27th Street busier for both our neighborhood and the new development, creating additional safety hazards. In addition, it is unfair to expect the residents of the Mountain Grove community to drive through a commercial development to gain access to the only gate entering our community. The developer did outreach in our community and overwhelmingly it objected to this alignment. Please listen to the neighbors on this issue!

Sincerely,

Ryan Hill Defender 7416 S 27th Pl

Chynne Hill Defender

Chynne Hill Defender 7416 S 27th PL

August 3, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

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Sincerely,

Marcus Strider

Marcus Strider
7508 S 27th Pl
602 334 6050

August 3, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

I live in the Mountain Grove subdivision. I strongly oppose the recent South Mountain Village Planning Committee's recommendation that 27th Street be aligned on the north and south sides of Baseline Road as part of the Leon Capital multifamily residential proposal. Realignment is not necessary for this project and would make this portion of 27th Street busier for both our neighborhood and the new development, creating additional safety hazards. In addition, it is unfair to expect the residents of the Mountain Grove community to drive through a commercial development to gain access to the only gate entering our community. The developer did outreach in our community and overwhelmingly it objected to this alignment. Please listen to the neighbors on this issue!

Sincerely,

Painters - Houser.
480-458-8457

August 3, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

I live in the Mountain Grove subdivision. I strongly oppose the recent South Mountain Village Planning Committee's recommendation that 27th Street be aligned on the north and south sides of Baseline Road as part of the Leon Capital multifamily residential proposal. Realignment is not necessary for this project and would make this portion of 27th Street busier for both our neighborhood and the new development, creating additional safety hazards. In addition, it is unfair to expect the residents of the Mountain Grove community to drive through a commercial development to gain access to the only gate entering our community. The developer did outreach in our community and overwhelmingly it objected to this alignment. Please listen to the neighbors on this issue!

Sincerely,

Paul K

7508 S 27th Ter
Phoenix, AZ 85042
pkoh@cox.net

August 3, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

I live in the Mountain Grove subdivision. I strongly oppose the recent South Mountain Village Planning Committee's recommendation that 27th Street be aligned on the north and south sides of Baseline Road as part of the Leon Capital multifamily residential proposal. Realignment is not necessary for this project and would make this portion of 27th Street busier for both our neighborhood and the new development, creating additional safety hazards. In addition, it is unfair to expect the residents of the Mountain Grove community to drive through a commercial development to gain access to the only gate entering our community. The developer did outreach in our community and overwhelmingly it objected to this alignment. Please listen to the neighbors on this issue!

Sincerely,

Joe Minter
480-467-9768
7425 S. 27th Ter,
Phoenix, AZ 85042

August 3, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

I live in the Mountain Grove subdivision. I strongly oppose the recent South Mountain Village Planning Committee's recommendation that 27th Street be aligned on the north and south sides of Baseline Road as part of the Leon Capital multifamily residential proposal. Realignment is not necessary for this project and would make this portion of 27th Street busier for both our neighborhood and the new development, creating additional safety hazards. In addition, it is unfair to expect the residents of the Mountain Grove community to drive through a commercial development to gain access to the only gate entering our community. The developer did outreach in our community and overwhelmingly it objected to this alignment. Please listen to the neighbors on this issue!

Sincerely,

Angie Muntzer

August 3, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

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Sincerely,

Jesús M. Campa

Joanne Campa

Joanne Campa
7421 S. 27th Terrace
Phoenix, AZ 85042

August 3, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

I live in the Mountain Grove subdivision. I strongly oppose the recent South Mountain Village Planning Committee's recommendation that 27th Street be aligned on the north and south sides of Baseline Road as part of the Leon Capital multifamily residential proposal. Realignment is not necessary for this project and would make this portion of 27th Street busier for both our neighborhood and the new development, creating additional safety hazards. In addition, it is unfair to expect the residents of the Mountain Grove community to drive through a commercial development to gain access to the only gate entering our community. The developer did outreach in our community and overwhelmingly it objected to this alignment. Please listen to the neighbors on this issue!

Sincerely,

Terrence Donner
2730 E Ellis St
Phoenix, AZ 85042
theehilldonners@gmail.com
312 391 2900

August 3, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

I live in the Mountain Grove subdivision. I strongly oppose the recent South Mountain Village Planning Committee's recommendation that 27th Street be aligned on the north and south sides of Baseline Road as part of the Leon Capital multifamily residential proposal. Realignment is not necessary for this project and would make this portion of 27th Street busier for both our neighborhood and the new development, creating additional safety hazards. In addition, it is unfair to expect the residents of the Mountain Grove community to drive through a commercial development to gain access to the only gate entering our community. The developer did outreach in our community and overwhelmingly it objected to this alignment. Please listen to the neighbors on this issue!

Sincerely,

Dana

812-369-1792

2723 E Donner Dr, Phoenix AZ. 85042

August 3, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

I live in the Mountain Grove subdivision. I strongly oppose the recent South Mountain Village Planning Committee's recommendation that 27th Street be aligned on the north and south sides of Baseline Road as part of the Leon Capital multifamily residential proposal. Realignment is not necessary for this project and would make this portion of 27th Street busier for both our neighborhood and the new development, creating additional safety hazards. In addition, it is unfair to expect the residents of the Mountain Grove community to drive through a commercial development to gain access to the only gate entering our community. The developer did outreach in our community and overwhelmingly it objected to this alignment. Please listen to the neighbors on this issue!

Sincerely,

260-416-9201
2723 E Donner Dr, Phoenix AZ, 85042

Law Offices of Rhonda Neff, PLLC
3200 North Central Avenue, Suite 2250
Phoenix, Arizona 85012
(602) 704-2041 Office
(602) 654-1233 Fax
www.rhondanefflaw.com
rhonda@rhondanefflaw.com

August 4, 2021

Mayor and City Council Members
City of Phoenix
200 West Washington Street
Phoenix, AZ 85003

Re: Change of Address

Dear Mayor and Council,

My husband and I are residents of the Mountain Grove subdivision off 27th Street and Baseline. Our residential address is 7503 S. 27th Terrace, Phoenix, AZ 85042. We strongly oppose the recent South Mountain Village Planning Committee's recommendation that 27th Street be aligned on the north and south sides of Baseline Road as part of the proposed development of a mixed commercial and multifamily residential plan. I attended the South Mountain Planning Committees hearing, but was not able to speak. I was very disappointed when our Mountain Grove HOA president, and member of the South Mountain Planning Committee, Martin spoke up and insinuated that he was speaking on behalf of our development that we wanted the alignment. Nothing could be further from the truth. That was a personal opinion of Martin and not the position of our HOA or the members within our development. At no point has the Mountain Grove HOA or its officers sought the opinion of its members on this nor was he authorized to speak on our behalf in this regard. What was even more concerning was that the Planning Committee took the word of Martin, a sitting member, over the extensive outreach done by the developer. The developer's outreach was one of the largest and most comprehensive that I have ever seen. According to the developer's statements at the hearing, it confirmed that an overwhelming number of residents in our development, as well as the one south of Baseline, objected to this alignment. Despite that, the Planning Committee voted to require as a stipulation for approval that the road be aligned. There is no need and no justification for this stipulation for alignment and it will only raise more issues for those of us that live here.

There are many reasons for the objection to the alignment. First, we purchased in this development because of its central location and its rise in development. The only entry and exit from this development is the gate on 27th Street. Under the new stipulation for the alignment, we would be required to drive through a commercial development in order to access our house. There would be no other way into our development except by driving through the commercial development. This is not only a concern because of the increase in traffic that it would cause, but also because of the potential impact to housing values. There is also a possible increase in crime as a result. It is inconceivable that the City would require owners to drive through a commercial

RN

development in order to access their residence rather than taking the road currently built that leads directly to the development – a road that has been being used since this development was founded more than a decade ago. Second, there is a lot of concern that the commercial structure that would be put on the east side of the road after the realignment would impact our development. While there is a stipulation currently for the number of drive thru locations, which I agree with, there is no stipulation that would prevent a restaurant or other smell emitting business from being built right up against our development wall. Placing a building directly against the development wall, whether a restaurant or otherwise, would directly affect the houses along that fence line. That could decrease those property values because, again, no one wants a commercial building in their backyard.

In addition, the alignment would cause traffic issues for those of us that have been using 27th Street since living in this development. We have gotten used to using 27th Street as it is. We have the ability to make a left hand turn out of the development without impacting traffic on the south portion of 27th Street. We also have a dedicated lane to make a left hand turn from Baseline onto the north portion of 27th Street. While there is some congestion and dangers associated with crossing Baseline at 27th Street, those are minor in comparison to the other issues caused by the alignment. They are also primarily only an issue during peak hours, such as rush hour. It is unlikely that the 27th Street alignment would qualify for a traffic light because of its proximity to 24th Street's major intersection, but also because we lack the traffic to qualify for one. Even if we had a light at 27th Street, it would only cause more congestion on Baseline than what already exists. The current traffic patterns and ingress and egress on 27th Street work great as it is currently designed.

As you will see from the number of letters being provided to you from members of our development, we strongly oppose this stipulation and the alignment of 27th Street. This issue has come up before when the prior plan went through the approval process and it was well known that we opposed the alignment. The developer took our input and or objections into account when formulating the most recent plan for approval. The developer acknowledged to the South Mountain Planning Committee that the reason for changing the alignment in this proposal was due to these objections. The developer is trying to work with our development and consider our concerns. In the event this alignment is required, it may require an easement or other right of way of our development property, which from the opinions of our neighbors would not pass through our HOA. In the event a vote of our HOA was required, I believe it would fail and, thus, the new development would fail with it.

The land to the west of 27th Street across from our development has been a public nuisance and a danger for several years because of the squatters and other illegal activity at the vacant house on the lot. It has been the subject of numerous police raids and has brought danger to our community. The development as planned, with some adjustments, would be a good addition to our neighborhood. I strongly agree with the stipulation limiting the number of drive thru locations on the property and would ask that you keep that requirement. Otherwise, the development is a welcome change.

RN

Please strongly consider the position of myself and my husband, and the numerous other neighbors, that have provided objections to this alignment. Consider our housing values, our gate location, and the requirement to drive through a commercial development to get to our housing gates. Please do not allow an alignment of 27th Street!

I will be available to answer any questions that you have. Please do not hesitate to reach out to me with questions.

Sincerely yours,

LAW OFFICES OF RHONDA NEFF, PLLC

Rhonda Elaine Neff

Andrew Witte

RN

City of Phoenix

Report

Agenda Date: 11/3/2021, **Item No.** 48

Public Hearing and Ordinance Adoption - Planning Hearing Officer Application PHO-1-21--Z-59-18-8 - Approximately 615 Feet North of the Northwest Corner of 25th Street and Baseline Road (Ordinance G-6917)

Request to hold a public hearing on the item and consider adoption of the Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on Aug. 18, 2021.

Summary

Application: PHO-1-21--Z-59-18-8
Existing Zoning: C-1 BAOD
Acreage: 0.80

Applicant: Cassandra Ayres, Beus Gilbert McGroder, PLLC
Owner: Vahik Sahakian
Representative: Paul E. Gilbert, Beus Gilbert McGroder, PLLC

Proposal:
1. Modification of Stipulation 1 regarding general conformance to the site plan date stamped August 21, 2018.
2. Deletion of Stipulation 1.a regarding access to amenities to the east.
3. Deletion of Stipulation 1.b regarding vehicular cross access to adjacent properties to the east and south.
4. Deletion of Stipulation 3 regarding a conditional requirement to dedicate and construct 25th Street.

Concurrence/Previous Council Action

VPC Action: The South Mountain Village Planning Committee heard this case on July 13, 2021 and recommended denial as filed and approval with modifications, by a vote of 11-0-2.
PHO Action: The Planning Hearing Officer heard this case on Aug. 18 , 2021 and recommended approval with a modification and an additional stipulation. See **Attachment A** for the full list of Planning Hearing Officer recommended stipulations. The Planning Hearing Officer recommendation was not appealed.
The Phoenix City Council withdrew this request from the September 15, 2021 Formal

agenda in order for it to be advertised for a public hearing with two other companion cases.

Location

Approximately 615 feet north of the northwest corner of 25th Street and Baseline Road
Council District: 8
Parcel Address: 7402 S. 25th St.

Responsible Department

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

ATTACHMENT A

THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL, ADOPTED ORDINANCE

ORDINANCE G-

AN ORDINANCE AMENDING THE STIPULATIONS APPLICABLE TO REZONING APPLICATION Z-59-18-8 PREVIOUSLY APPROVED BY ORDINANCE G-6546.

_____

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

SECTION 1. The zoning stipulations applicable located approximately 615 feet north of the northwest corner of 25th Street and Baseline Road in a portion of Section 35, Township 1 North, Range 3 East, as described more specifically in Attachment "A", are hereby modified to read as set forth below.

STIPULATIONS:

1. The development shall be in general conformance with the ~~conceptual~~ site plan and elevation date stamped MAY 26, 2021 ~~August 21, 2018~~, as ~~may be~~ modified by the following stipulations ~~for compliance with the canal bank design guidelines in Section 507 Tab A of the Zoning Ordinance,~~ and approved by the Planning and Development Department.~~, and with specific regard to the following:~~

    ~~a. Pedestrian pathway to provide open public access to amenities on the adjacent property to the east to be constructed of decorative pavers, stamped or colored concrete, or another material, other than those used to pave the parking surfaces and drive aisles.~~

    ~~b. Vehicular cross access to adjacent properties to the east and south, as approved by the Planning and Development Department.~~

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2. Landscaping along the north property line shall be in conformance with the Baseline Area Master Plan Plant List with specific regard to maximizing shade and thermal comfort for pedestrians and active users along the canal, as approved by the Planning and Development Department.

~~3. If the subject site develops as a stand-alone parcel and does not provide an alternative street frontage to that existing along 25th Street, then the developer shall be responsible for the dedication and construction of an offset cul-de-sac bulb at the northern portion of 25th Street, south of the Western Canal, as approved by the Planning and Development and Street Transportation Department.~~

3. ~~4.~~ Any solid portion of a perimeter wall adjacent to the Western Canal shall not exceed a maximum height of three feet, as approved by the Planning and Development Department.

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

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

6. ~~7.~~ Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 waiver of claims in a form approved by the City Attorney's Office. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the city to be included in the rezoning application file for record.

SECTION 2. Due to the site's specific physical conditions and the use district granted pursuant to Ordinance G-6546, this portion of the rezoning is now subject to the stipulations approved pursuant to Ordinance G-6546 and as modified in Section 1 of this Ordinance. Any violation of the stipulation is a violation of the City of Phoenix Zoning Ordinance. Building permits shall not be issued for the subject site until all the stipulations have been met.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the

DRAFT

decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 3rd day of November, 2021.

_____
MAYOR

ATTEST:

_____
Denise Archibald, City Clerk

APPROVED AS TO FORM:
Cris Meyer, City Attorney

By:
_____
_____

REVIEWED BY:

_____
Jeff Barton, City Manager

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

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EXHIBIT A

LEGAL DESCRIPTION FOR PHO-1-21--Z-59-18-8

The North 100 feet of the following described property:

That portion of the Southwest quarter of Section 35, Township 1 North, Range 3 East of the Gila and Salt River Base and Meridian, lying South of the Western Canal, described as follows:

Beginning at a point of the South line of Section 35, Township 1 North, Range 3 East, from which bears North 88 degrees, 30 Minutes, 30 Seconds East 736. 7 4 feet from the Southwest corner thereof;

thence North 00 Degrees, 04 Minutes, West 787 .30 feet to the South line of the Western Canal right of way;

Thence South 89 Degrees, 07 Minutes, East 278.74 feet along said Western Canal right of way

Thence South 00 Degrees, 04 Minutes, East, 775.75 feet to the South line of said Section 35;

Thence South 88 Degrees, 30 Minutes, 30,·seconds West 278.79 feet along said Section.

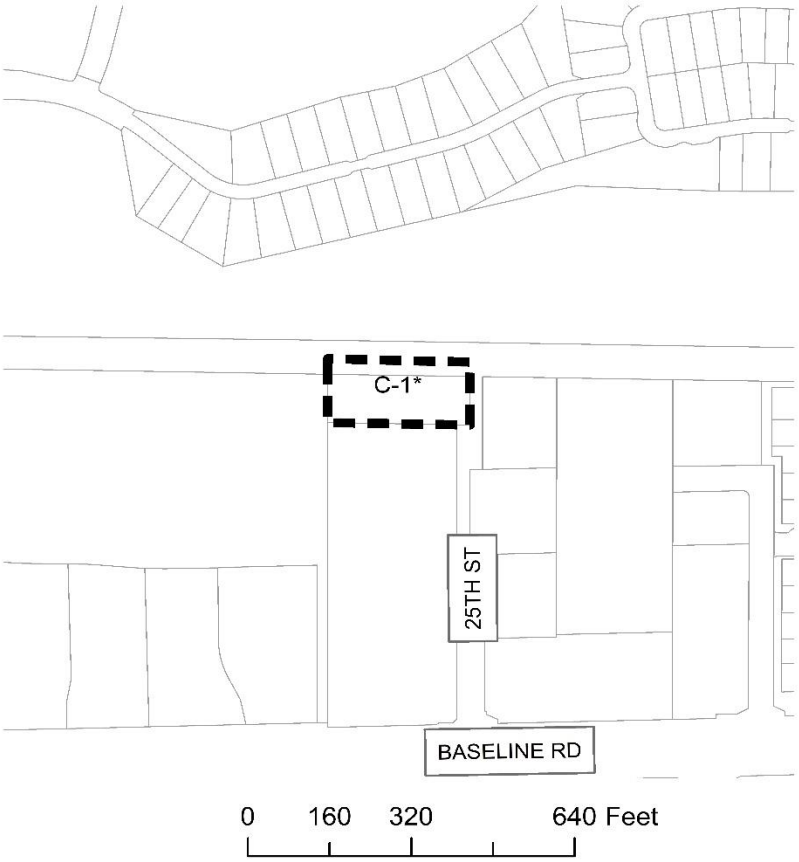
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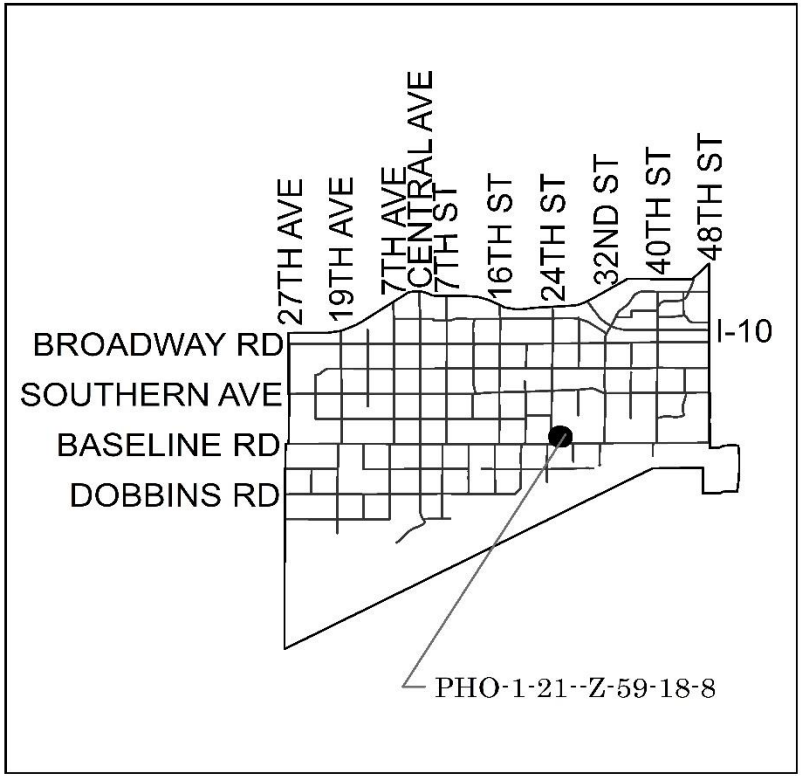
ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA:

Zoning Case Number: PHO-1-21--Z-59-18-8
Zoning Overlay: Baseline Area Plan and Overlay District
Planning Village: South Mountain





NOT TO SCALE

N

Drawn Date: 8/20/2021

\\one\pdd\Shared\Department Share\Information Systems\PL GIS\IS_Team\Core_Functions\Zoning\SuppMaps_OrdMaps\2021 Ord\9-15-21\PHO-1-21--Z-59-18-8.mxd

South Mountain
VILLAGE PLANNING COMMITTEE

Village Planning Committee Meeting Summary
PHO-1-21—Z-59-18-8

Date of VPC Meeting	July 13, 2021
Planning Hearing Officer Hearing Date	July 21, 2021 (Continued)
Request	1) Modification of Stipulation 1 regarding general conformance to the site plan date stamped August 21, 2018. 2) Request to delete Stipulation Nos. 1.a, 1.b, and 3 regarding access to amenities to the east, vehicular cross access to adjacent properties, and conditional requirements to dedicate and construct 25th Street.
Location	Approximately 615 feet north of the northwest corner of 25th Street and Baseline Road
VPC Recommendation	Denial as filed, approved with modifications.
VPC Vote	**11-0-2,** motion passed; Members Aldama, Alvarez, Brooks, Brownell, Busching, Holmerud, Marchuk, Ray, Shepard, Smith, and Daniels in favor. None in dissent. Members Monge Kotake and Said abstained.

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

Cases PHO-2-21—Z-63-05-8, PHO-1-21—Z-59-18-8, and PHO-1-21—Z-10-18-8 were heard concurrently.

One member of the public registered to speak on this item during the public meeting.

Enrique Bojórquez, staff, introduced himself and provided a presentation regarding each of the three PHO cases. He discussed the location of the overall project site and individual PHO cases. The requested stipulation modifications by the applicant were shown for each case. He also showed previously approved site plans and/or building elevations, in addition to the new proposed site plan for the overall project site and building elevations.

Greg Brownell asked if staff provides a recommendation on the requested modifications. He prefers that no drive-throughs are approved for the site.

Mr. Bojórquez responded that staff does not provide recommendation on Planning Hearing Officer (PHO) cases.

Chairwoman Daniels asked why no building elevations were provided for the commercial phase of the project.

Mr. Bojórquez responded that the applicant can address this question.

Marcia Busching asked if a detailed review of the plans has been conducted.

Mr. Bojórquez responded that usually a development services pre-application meeting is conducted by the applicant to gather technical review comments on the site plan proposed and that PHO staff review the documents once submitted.

Martin Hayime Monge Kotake lives east of the proposed development. Currently, the 27th Street alignment is dangerous and prefers that the street alignment remains as shown in the site plan approved in 2018.

Gene Holmerud discussed the 27th Street and Baseline Road alignment involving the topographical survey of the area.

Trent Marchuk asked about the conformance to the Baseline Area Overlay District (BAOD) in the site plan and referenced several potential conflicts. The drive-throughs should be eliminated and prefers that the pitched roofs stay in the stipulations.

Muriel Smith discussed the 27th Street alignment and previous concerns raised then about this.

Mr. Bojórquez responded that the applicant might be able to address questions about their current layout and why it changed from the 2018 site plan.

Chairwoman Daniels discussed several aspects of the proposed stipulations pertaining to:

- New site layout is an improvement, as it is adding new housing units to the area;
- Discussed the public access and the changes to the overall site plan;
- Pedestrian access for the multifamily should be provided to commercial areas;
- 25th Street no longer being a public street, now proposed as a private drive;
- Pitched roof elements should be kept;
- Equestrian corral area was discussed;
- Would love to see Walkable Urban code elements added to the project;

Mr. Bojórquez responded that the multifamily portion of the site could be a gated community, as show in the site plan provided by the applicant. Furthermore, that 25th Street is no longer proposed as a public street, but rather a private drive.

Paul Gilbert, with Beus Gilbert McGroder PLLC, introduced himself as the representative of the developer and introduced the project. The proposed site plan meets all of the required standards, while exceeding some standards such as open space, where 30-percent open space is provided to account for water retention. He introduced the project team, PHO case boundaries and discussed the conceptual site plan for the entire site. He showed the commercial and multifamily residential phases of the conceptual site plan. One-hundred thirty eight total units are proposed with a maximum density of 16.99 dwelling units per acre. The site plan complies with the BAOD requirements and discussed the amenities proposed, including the corral area. He discussed the stipulation modification language proposed for each of the 3 PHO cases and stated that drive-through facilities are needed. The 27th Street alignment was addressed, adding that no traffic signal was warranted based on the traffic statement conducted. An overview of the enhanced notification and outreach was provided. Other aspects of the project such as pathways, health-safety enhancements, architecture and walls were discussed. He no longer is requesting modification of Stipulation No. 2.a on case PHO-1-21—Z-10-18-8 pertaining to pitched roof elements.

Carl Starry, with LG Acquisitions LLC, introduced himself as the developer for the residential phase of the project. He gave an overview of different multifamily development projects built in other cities. He reviewed the three lists created by the South Mountain Village Planning Committee and discussed why this property was selected. He discussed amenities, layout, access, public art, and the clubhouse.

Mr. Holmerud asked whether the multi-use trail along Baseline Road had been constructed. He asked for clarification on the electric charging station proposed.

Mr. Gilbert responded that the multi-use trail along Baseline Road will be provided.

Mr. Starry discussed the electric charging outline and possible locations for this within the community.

Twanna Ray asked for clarification on the number of individuals that were spoken to regarding this project.

Mr. Gilbert stated that within an 850-foot radius, over 600 people were contacted, and no issues were raised on the project. Approximately 2.5 weeks were spent doing the outreach.

Lee Coleman asked why some of the setbacks were not being met.

Cassandra Ayres, with Beus Gilbert McGroder PLLC, introduced herself and stated that they are asking for some of the parking to be allowed within the front setback along Baseline Road. Thus, a variance is proposed to be requested to address this aspect of the site plan.

Dr. George Brooks asked if the applicant met individually or as a group with surrounding neighbors, and if a neighborhood meeting was held.

Susan Bitter Smith, with Technical Solutions, introduced herself as part of the development team. Her group knocked on doors and assisted with the outreach for this project.

Mr. Bojórquez added that no neighborhood meeting is required as part of PHO applications.

Mr. Marchuk asked if the site plan will need to comply with BAOD standards. He is concerned that some of the standards are not being met.

Mr. Bojórquez responded that the site plan will have to comply with the BAOD standards.

Mr. Starry stated that their project will comply with BAOD standards, including walkways.

Mr. Gilbert responded that they will review the Zoning Ordinance once again.

Mr. Monge Kotake asked if a traffic statement will be required for this project and stated that his household was contacted, but no information about the project was left for him to follow up on.

Mr. Gilbert stated that the city did not require a traffic report, but one was conducted anyway about a year ago.

Mr. Bojórquez stated that he did not observe a stipulation from the 2018 rezoning case requiring a traffic statement to be submitted to the city at a later date.

Mr. Coleman discussed the intersection at 27th Street and Baseline Road.

Chairwoman Daniels allowed Ms. Jones to provide public comment on the cases.

JoLouise Jones, member of the public, introduced herself as a resident in the area and stated that traffic is bad along this intersection now. Traffic will worsen if this project is approved. The 27th Street alignment was approved in 2018 with the intent to develop a traffic signal light.

Mr. Gilbert stated that the current site plan reduces traffic counts as there is a reduction of commercial uses.

Mr. Monge Kotake stated that the traffic report is from a year ago and thus outdated now.

Mr. Coleman stated that aligning both sides of 27th Street north and south of Baseline Road would be challenging.

Chairwoman Daniels asked why the stipulation pertaining to 27th Street was added in the 2018 rezoning case.

Mr. Bojórquez responded that the 2018 rezoning case minutes are included in the packet sent to all VPC members but cannot identify a specific reason while browsing the minutes from 2018.

Kassandra Alvarez asked if the applicant had spoken with the Street Transportation Department regarding the traffic.

Mr. Gilbert responded that he had contacted the traffic section and no traffic signal was required.

Ms. Busching would like to stipulate several elements including:

- Cross-access agreement between the commercial and residential phases, plus the property along the west;
- Maximum of one drive-through facility;
- Applicant to work with the Planning and Development Department, Street Transportation Department and the community on the 27th Street alignment, thus keeping Stipulation No. 1.b on PHO-1-21—Z-10-18-8;
- Keep Stipulation No. 2.a on case PHO-1-21—Z-10-18-8;

Greg Brownell, **Kay Shepard** and **Kassandra Alvarez** support these stipulations.

Mr. Gilbert would like flexibility to work out these issues with city staff.

Ms. Busching is concerned that the requested changes will not be addressed.

Mr. Holmerud is opposed to aligning 27th Street.

Mr. Marchuk agrees on aligning 27th Street and adding language pertaining to berms and the BAOD.

Mr. Brownell and **Ms. Busching** agree with Mr. Marchuk's comments.

Mr. Holmerud disagrees with Mr. Marchuk on aligning 27th Street.

Lee Coleman and Shelly Smith left the meeting at 10:10pm, bringing the quorum to 14 members.

MOTION – PHO-1-21—Z-59-18-8:

Ms. Busching motioned to deny case PHO-1-21—Z-59-18-8 as filed, approve with modifications. **Ms. Shepard** seconded the motion to approve.

Stipulation modifications approved for PHO-1-21—Z-59-18-8:

- **Stipulation No. 1:** THAT ~~T~~the development shall be in general conformance with the conceptual site plan AND ELEVATIONS date stamped ~~August 21, 2018~~ MAY 26, 2021, as ~~may be~~ modified ~~for compliance with the canal bank design guidelines in Section 507 Tab A of the Zoning Ordinance,~~ BY THE FOLLOWING STIPULATIONS and AS approved by the ~~Planning and Development Department, and with specific regard to the following:~~ PLANNING AND DEVELOPMENT DEPARTMENT

- Stipulation No. 1.a: **THERE SHALL BE PEDESTRIAN CROSS ACCESS EASEMENTS TO ADJACENT COMMERCIAL PADS ALONG THE SOUTH AND WEST OF THE PROJECT SITE.**

- Stipulation No. 1.b: **THERE SHALL BE VEHICULAR CROSS ACCESS EASEMENTS FOR ALL COMMERCIAL PAD SITES AS WELL AS THE MULTIFAMILY PORTION OF THE DEVELOPMENT. A VEHICULAR CROSS ACCESS EASEMENT SHALL BE PROVIDED ALONG THE COMMERCIAL PADS SITES WEST OF THE DEVELOPMENT IN ORDER TO CONNECT TO THE ADJACENT COMMERCIAL PROPERTY WEST OF THE PROJECT SITE.**

- Stipulation No. 3 was deleted.

Joseph Larios left the meeting at 10:20pm, bringing the quorum to 13 members.

VOTE – PHO-1-21—Z-59-18-8:
11-0-2, motion passed; Members Aldama, Alvarez, Brooks, Brownell, Busching, Holmerud, Marchuk, Ray, Shepard, Smith, and Daniels in favor. None in dissent. Members Monge Kotake and Said abstained.

Fatima Said left the meeting at 10:25pm, bringing the quorum to 12 members.

STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:

None.

REPORT OF PLANNING HEARING OFFICER ACTION
Adam Stranieri, Planner III, Hearing Officer
Bradley Wylam, Planner I, Assisting

August 18, 2021

ITEM NO: 11	
	DISTRICT 8
SUBJECT:	
Application #:	PHO-1-21--Z-59-18-8 **(Continued from 7/21/21 agenda)**
Location:	Approximately 615 feet north of the northwest corner of 25th Street and Baseline Road
Existing Zoning:	C-1 BAOD
Acreage:	.80
Request:	1) Modification of Stipulation 1 regarding general conformance to the site plan date stamped August 21, 2018. 2) Deletion of Stipulation 1.a regarding access to amenities to the east. 3) Deletion of Stipulation 1.b regarding vehicular cross access to adjacent properties to the east and south. 4) Deletion of Stipulation 3 regarding a conditional requirement to dedicate and construct 25th Street.
Applicant:	Cassandra Ayres, Beus Gilbert McGroder PLLC
Owner:	Vahik Sahakian
Representative:	Paul E. Gilbert, Beus Gilbert Mcgroder PLLC

ACTIONS

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended approval with a modification and an additional stipulation.

Village Planning Committee (VPC) Recommendation: The South Mountain Village Planning Committee heard the request on July 13, 2021 and recommended denial as filed and approval with modifications by a vote of 11-0-2.

DISCUSSION

Paul Gilbert, representative with Beus Gilbert McGroder, gave an overview of the project team and property location. He reviewed the South Mountain Village Planning Committee meeting on August 10, 2021, which resulted in a recommendation for approval with modifications for Case Nos. PHO-2-21—Z-63-05-8 and PHO-1-21—Z-59-18-8 and denial as filed, approval with modifications for Case No. PHO-1-21—Z-10-18-8. He stated the proposed uses are allowed in the C-1 BAOD zoning district and stipulation modifications are needed to allow

development per the proposed conceptual site plan for each case. He stated the proposed conceptual site plan depicts 138 multifamily residential units at a density of 16.99 dwelling units per gross acre on the northern portion of the combined site with 5 commercial pads to provide retail or restaurants on the southern portion of the combined site. He stated that the proposed site plan complies with the regulations of the Baseline Area Overlay District (BAOD) and is compatible with the rural, agricultural, and equestrian character of the surrounding area.

Mr. Gilbert stated that the applicant is opposed to the South Mountain VPC recommendation regarding the realignment of 27th Street with the existing portion of 27th Street south of Baseline Road, limiting the number of drive-throughs permitted on the site, and providing pedestrian and vehicular access to the commercial property to the west. He stated that the applicant completed a door-to-door survey within an 850-foot radius of the site and found residents supported the proposed development and no resident surveyed was in support of the realignment of 27th Street. He noted that they have submitted letters from the public generally showing support for the development and letters of opposition regarding the existing stipulated realignment of 27th Street. He also noted that a petition of 24 people was provided that supports the proposed development generally. He discussed the recommended realignment and stated that CivTech, a traffic engineering firm, completed a study on the intersection that noted a realignment would not alleviate traffic concerns near the site. He stated the study noted the potential number of users of 27th Street would not necessitate a realignment or a traffic signal at the intersection of 27th Street and Baseline Road. He noted that the wait times to cross Baseline Road would not decrease due to a realignment and that a traffic signal at the intersection could increase cut-through traffic through the neighborhood south of the subject property and across Baseline Road. He stated that traffic accidents that have occurred at the intersection have largely been rear-end collisions and not due to the existing turn movements at the existing intersections. He stated that the realignment is not an exaction that meets the proportionality requirement as established by previous court cases and existing state statutes. He addressed the VPC recommendation regarding drive-throughs and stated that a limit on the number of drive-through restaurants was not appropriate as this is a land use otherwise permitted by right, subject to performance standards, in this zoning district. He stated that the VPC recommended a stipulation regarding vehicular and pedestrian access to the site to the west, but conditions on this adjacent site do not allow for cross access and the stipulation is both impractical and unenforceable. He stated that the VPC also recommended a stipulation regarding pedestrian and vehicular access between the commercial and residential portions within the subject site, which the applicant supports.

Mr. Gilbert gave an overview of the proposed stipulation modifications on PHO-2-21—Z-63-05-8 regarding general conformance to the conceptual site plan and a deletion of stipulations regarding 25th Street access and cross access to the commercial site to the west. He gave an overview of the proposed stipulation modifications on PHO-1-21—Z-59-18-8 and noted a comment from a VPC member that supported the multifamily housing design depicted on the conceptual site plan. He stated that the proposed deletion of Stipulation 1.a and 1.b regarding pedestrian and vehicular cross access would be addressed through the proposed conceptual site plan. He gave an overview of the proposed stipulation modifications on PHO-1-21—Z-10-18-8. He stated the limitations on drive throughs and stipulation regarding the alignment of 27th Street should be deleted per the rationale discussed earlier. He stated that modification to Stipulation 2.a was discussed at the VPC meeting and recommended to be retained and that the applicant had decided to not pursue the original proposed modification of that stipulation. He stated Stipulation 3.b regarding equestrian corral areas is requested to be modified to change the language to allow for more reasonably sized and feasible equestrian facilities.

JoJo Jones, Mountain Grove community member, stated there are existing issues in the traffic movements at the 27th Street and Baseline intersection. She expressed concerns regarding increased traffic on 27th Street related to the proposed multifamily residential development in addition to the commercial portion of the development. She stated that the previous developer agreed that a realignment would be necessary, but that this disagreement during the original rezoning case had largely centered around who would be responsible for the improvements.

Rhonda Neff, Mountain Grove community member, stated she is opposed to the realignment of 27th Street and stated that the proposed realignment would require residents of Mountain Grove to enter their neighborhood from within the proposed commercial development. She stated that property values and public safety would be decreased by entering through the proposed commercial development. She stated the applicant has responded to the concerns raised by the surrounding community after the original rezoning case regarding the realignment. She stated that she spoke to her neighbors that mentioned that they would consider selling their properties if 27th Street was realigned per the staff recommendation due to concerns with property values and public safety. She stated that she understood the legal concerns from the applicant regarding the limitation on drive-through uses, although she hoped there would be sit-down restaurants included within the development. She stated that regardless of the final alignment, 27th Street would likely see increased traffic with any development on the subject site, but that should be expected.

Mr. Gilbert stated that concerns regarding increased traffic are understood but noted that the entrance near the current alignment of 25th Street would be the main entrance to the development and allow for trucks and other vehicles to enter at this location rather than at 27th Street. He stated that most residents in the surrounding area support the plan as proposed and oppose the realignment of 27th Street.

Trent Marchuk, member of the South Mountain VPC, stated that the purpose of the VPC's recommendation regarding limiting the number of drive-throughs is in response to the South Mountain Village Character Plan which noted a lack of healthy restaurants in the area. He discussed the Village's recommendation regarding the realignment of 27th Street and the suggestion to allow the applicant to explore alternative options and noted that the original stipulation regarding the realignment of 27th Street asked the developer to work with the Street Transportation Department to come up with potential options for the realignment. He noted that the rationale behind the applicant's disagreement with the recommended cross access to the site to the west made sense and that he supported their request.

Mr. Gilbert stated that the presence of drive-throughs does not guarantee that the restaurants themselves are solely unhealthy restaurants and noted two restaurants they are in discussions with regarding the site. He noted that the BAOD does not contain limitations on the number of drive-through restaurants permitted on a site and only addresses design guidelines for these uses.

Adam Stranieri, Planning Hearing Officer, agreed that the BAOD does not limit the number of drive-throughs, but does include design guidelines for drive-throughs including screening and grouping of pads. He noted that the Street Transportation Department does not support the request to delete the stipulation regarding the realignment of 27th Street in PHO-1-21--Z-10-18-8. He asked the applicant if they believed the CivTech study would provide information that would potentially alter the recommendation made by the Street Transportation Department regarding the realignment. Mr. Gilbert stated he believed the results of that study could potentially change their recommendation, but he would not want to continue the case at this time to wait for this analysis. He noted he supported how the VPC worded the stipulation in their recommendation to allow the developer to work with the Planning and Development and Street Transportation Department to come to a decision. Mr. Stranieri stated that the CivTech documents have not been received by staff and that he would not make a recommendation based on a study that neither he nor Street Transportation Department staff had reviewed, particularly if the applicant wished to have a decision during this hearing. He stated he would be moving forward using the recommendation from the Street Transportation Department regarding the realignment with a modification to include the South Mountain Village

recommendation regarding the option for alternative alignments. He noted that the intent with the recommended modification was not to allow the applicant to avoid the realignment, but rather allow flexibility in how the alignment would be implemented.

Mr. Stranieri stated that public correspondence was received prior to the hearing. This included a petition with 24 signers that indicated support for the development but did not address the alignment, 21 letters of support for the development that did not address the alignment, and 12 letters in opposition to the alignment which highlighted safety hazards and concerns about residential access to Mountain Grove. He stated that a letter submitted by Rhonda Neff also highlighted many points made during her comments earlier in the hearing. He stated that a letter from Marcia Busching, South Mountain VPC member, was received which expressed communication issues with the applicant and noted a desire to see the VPC recommendation upheld.

Recommendation regarding PHO-2-21--Z-63-05-8

Mr. Stranieri stated PHO-2-21—Z-63-05-8 is located on the southwestern side of the proposed conceptual site plan and includes both residential and commercial portions of the development. He stated that the complete multifamily residential complex provides 138 units at a density of 16.99 dwelling units per gross acre and noted that conceptual elevations were submitted for the residential portion but not the commercial portion. He stated the elevations depict a variety of desirable architectural features and recommended general conformance. He stated that the scale and intensity is compatible with the surrounding area and the character intended by the BAOD. He stated that Stipulation 2 regarding one access point on 25th Street is no longer applicable due to the proposed abandonment of 25th Street and the lack of single-family units to the east, which the stipulation was originally intended to address. He stated that Stipulation 3 regarding one point of cross access to the site to the west is recommended to be deleted due to circumstances regarding development of the neighboring property. He stated that the VPC recommendation regarding limitations on the number of drive-through restaurants will not be approved because it would improperly prohibit uses otherwise allowed by right in the zoning district. He noted that the recommendation regarding screening of drive-throughs is established by the BOAD as a design presumption, but it could be included as a stipulation to create a requirement and provide consistency with the existing stipulations in Z-10-18-8.

Recommendation regarding PHO-1-21--Z-59-18-8

Mr. Stranieri stated PHO-1-21—Z-59-18-8 is located at the northwestern side of the proposed conceptual site plan and includes a residential portion of the development. He stated that the complete multifamily residential complex

provides 138 units at a density of 16.99 dwelling units per gross acre and noted that conceptual elevations were submitted for the residential portion but not the commercial portion. He stated the elevations depict a variety of desirable architectural features and recommended general conformance. He stated that the scale and intensity is compatible with the surrounding area and the character intended by the BAOD. He stated Stipulations 1.a and 1.b were intended to provide connectivity with the property to the east from Z-10-18-8 and that the unified proposed conceptual site plan between the cases alleviates the concerns regarding connectivity. He stated that the request to delete Stipulation 3 regarding a conditional requirement to dedicate and construct 25th Street if the property was developed as a stand-alone parcel is recommended to be approved because the conceptual site plan shows a unified development and the applicant would pursue abandonment of 25th Street. He stated that the VPC proposed modifications of Stipulations 1.a and 1.b would not be required because the property lines are internal and cross-access would be reviewed as part of the conceptual site plan review process.

Recommendation regarding PHO-1-21--Z-10-18-8

Mr. Stranieri stated PHO-1-21—Z-10-18-8 is located on the eastern side of the proposed conceptual site plan and includes both residential and commercial portions of the development. He stated that the complete multifamily residential complex provides 138 units at a density of 16.99 dwelling units per gross acre and noted that conceptual elevations were submitted for the residential portion but not the commercial portion. He stated the elevations depict a variety of desirable architectural features and recommended general conformance. He stated that the scale and intensity is compatible with the surrounding area and the character intended by the BAOD.

Mr. Stranieri stated that the deletion of Stipulation 1.a regarding the quantity and configuration of drive-throughs is recommended to be approved. He stated the stipulation was originally proposed by staff to stipulate to the configuration of buildings on the original site plan, but that this had been altered through the original rezoning hearing process. He stated that deletion of Stipulation 1.b regarding the realignment of 27th Street is not supported by the Street Transportation Department. He stated that the Street Transportation Department noted the realignment of 27th Street is intended to support and improve traffic safety in the surrounding area. He noted that there are numerous conflicting turn patterns at the intersection with Baseline Road and that the alignment would provide predictability, alignment with the grid, and allow for a potential traffic signal at the intersection. He stated there is no Traffic Impact Study addressing signal warrant analysis and that the most recent study submitted in 2018 does not reference the current proposed land uses.

Mr. Gilbert stated that the applicant would meet with the Street Transportation Department to discuss the findings of the CivTech study. Mr. Stranieri noted that the South Mountain VPC recommended modification of the stipulation to allow the applicant to work with staff to address options for the realignment. He stated that the modification should not allow the applicant to continue the misalignment of 27th Street. Cassandra Ayre, representative with Beus Gilbert McGroder, stated the VPC recommendation allows alternative options to address traffic issues without stipulating the realignment. She stated that the CivTech report provides options for flexibility, which could be worked through with the Planning and Development and Street Transportation Departments. Mr. Stranieri stated that the recommended modification to Stipulation 1.b would address the need to revise the site plan to depict the realignment of 27th Street.

Mr. Stranieri stated that he would recommend the deletion of Stipulation 2.a regarding pitched roof elements to provide consistency with the two companion cases. He stated that pitched roof elements are already a design presumption of the BAOD and could be addressed through the Ordinance. He also noted that it may be unclear to have different standards applied within the site to the same buildings. He stated that the modification of Stipulation 2.b regarding an equestrian corral would be recommended to be modified to allow for some flexibility in the type of amenities to be provided. He stated the original intent was to provide equestrian amenities to support the active equestrian lifestyle and trails along the canal.

Mr. Stranieri stated that the Street Transportation Department recommended an additional stipulation regarding a safe, shaded pedestrian pathway through the site to connect the residential portion of the site to the sidewalk along Baseline Road. He noted that this pathway should be provided in the area with the current alignment of 25th Street. He noted that if 25th Street was developed, a public sidewalk would otherwise have been provided here. Mr. Gilbert sought clarification that the type of shade would be flexible and allow either trees or structural shade. Mr. Stranieri confirmed that the type of shading would not be stipulated and would allow for flexibility.

FINDINGS

1) This case was heard as a companion case to PHO-2-21--Z-63-05-8 and PHO-1-21--Z-10-18-8. The conceptual site plan and building elevations are the same in these three cases. The subject property in this case was originally envisioned to develop as an extension of a planned commercial development to the south. The stipulated site plan depicted only retention and parking on this portion of the site.

The proposed conceptual site plan depicts the subject property of the three companion cases developing in a unified fashion with a mixed-use development. A combination of five commercial, retail, and drive-through businesses are depicted along Baseline Road comprising approximately 19,098 total square feet, with individual establishments between 2,050 and 6,500 square feet. Behind the commercial development, adjacent to the Western Canal, is a multifamily residential complex containing 138 units at a density of 16.99 dwelling units per gross acre. Open spaces are distributed throughout the development with a variety of pedestrian, equestrian, and recreational amenities adjacent to the canal. Conceptual elevations were provided for the multifamily buildings only and depict a façade that integrates stone, pop outs, balconies, shade awnings, multiple window sizes and styles, and variation in the roofline and pitches. The proposal is compatible in scale and intensity with existing development in the surrounding area. General conformance to the proposed conceptual plans is recommended.

2) Stipulations 1.a and 1.b addressed access to the parcels to the east and south. In Rezoning Case No. Z-10-18-8, Stipulation 3.a and 3.b were established to require an equestrian amenity and shaded benches along the Western Canal. Stipulation 1.a in this case required a pedestrian pathway to these public amenities to ensure access and connectivity for users moving between these adjacent, but independent, parcels. Stipulation 1.b in this case was intended to ensure vehicular connectivity between this parcel and properties to the east and south which were planned under separate cases. This was also required because the future status of 25th Street was unknown at the time this case was approved. Because the proposed plans in this case depict a unified development with vehicular and pedestrian access between the three case areas, these stipulations are no longer required and are recommended to be deleted.

   The South Mountain Village Planning Committee recommended additional language regarding cross-access easements along the south and west property lines. These additional conditions are not required because the south property line is internal to the proposed multifamily development depicted on the conceptual site plan. The west property line is shared with a City of Phoenix owned parcel that contains a Park and Ride facility. Additionally, this parcel currently does not have any clear location where vehicular cross access could be provided and the best condition to move residential traffic through the Park and Ride Facility. Finally, note that significant deviation from the proposed plans would necessitate further public hearings in which this recommendation could be reassessed.

3) Stipulation 3 regarding a conditional requirement to dedicate and construct 25th Street was established to address uncertainty regarding the future of 25th Street, and potential issues if the parcel was developed as a

standalone development, at the time of the original rezoning case. The proposed conceptual plans in this case are for a unified development. Significant deviation from the proposed plans would necessitate further public hearings in which this recommendation could be reassessed. The stipulation is recommended to be deleted.

4) During the hearing, it was noted that the applicant did not submit a complete, notarized, recorded Proposition 207 waiver of claims form and an additional stipulation was recommended. Later, it was noted that this requirement already exists in Stipulation 7. Therefore, an additional stipulation is unnecessary, and the existing stipulation will remain. The applicant still must submit a complete, notarized, recorded Proposition 207 waiver of claims form per this stipulation for this request.

STIPULATIONS

1.	The development shall be in general conformance with the ~~conceptual~~ site plan and elevation date stamped MAY 26, 2021 ~~August 21, 2018~~, as ~~may be~~ modified by the following stipulations ~~for compliance with the canal bank design guidelines in Section 507 Tab A of the Zoning Ordinance,~~ and approved by the Planning and Development Department.~~, and with specific regard to the following:~~	
	~~a.~~	~~Pedestrian pathway to provide open public access to amenities on the adjacent property to the east to be constructed of decorative pavers, stamped or colored concrete, or another material, other than those used to pave the parking surfaces and drive aisles.~~
	~~b.~~	~~Vehicular cross access to adjacent properties to the east and south, as approved by the Planning and Development Department.~~
2.	Landscaping along the north property line shall be in conformance with the Baseline Area Master Plan Plant List with specific regard to maximizing shade and thermal comfort for pedestrians and active users along the canal, as approved by the Planning and Development Department.	
~~3.~~	~~If the subject site develops as a stand-alone parcel and does not provide an alternative street frontage to that existing along 25th Street, then the developer shall be responsible for the dedication and construction of an offset cul-de-sac bulb at the northern portion of 25th Street, south of the Western Canal, as approved by the Planning and Development and Street Transportation Department.~~	

3. ~~4.~~	Any solid portion of a perimeter wall adjacent to the Western Canal shall not exceed a maximum height of three feet, as approved by the Planning and Development Department.
4. ~~5.~~	In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.
5. ~~6.~~	The property owner shall record documents that disclose the existence and operational characteristics of Sky Harbor International Airport (PHX) to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.
6. ~~7.~~	Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 waiver of claims in a form approved by the City Attorney's Office. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the city to be included in the rezoning application file for record.

Upon request, this publication will be made available within a reasonable length of time through appropriate auxiliary aids or services to accommodate an individual with a disability. This publication may be made available through the following auxiliary aids or services: large print, Braille, audiotape or computer diskette. Please contact the Planning and Development Department, Tamra Ingersoll at voice number 602-534-6648 or TTY use 7-1-1.

PETITION IN SUPPORT OF 27th STREET & BASELINE

To the Mayor, City Council and City Clerk:
We, the undersigned, support the proposed residential development, located near 27th Street and Baseline Road in Phoenix. This project will help fulfill the demand for new housing in the area and bring new benefits for the existing community. By eliminating an existing commercial use adjacent to the canal, this proposed development will be of less impact to the surrounding neighborhoods.

	Signature	Printed Name	Address	Date of Signing
1.		Maria Castillo	2614 E Beautiful Ln	5/3/21
2.		Jennifer Harris	2618 E Beautiful Ln	6/3/21
3.		Aaron Griffith	2611 E Beautiful Ln	6/3/21
4.		[illegible]	2606 E Beautiful Ln.	6/3/21
5.		Lonny Marsh	7628 S. 26th Way PHx AZ	6/3/21
6.		Walter A. Knox	7612 S 26th Way PHX AZ	6/3/21
7.		Heena Patel	2632 E Valencia DR PHX AZ	6/3/21
8.		IRENE STEVENSON	2722 E Valencia Dr PHX	6/4/21
9.		Li Mao	7609 S 27th way PHX.	6/4/21
10.		Cary Foster	7617 S. 27th Way	06/04/21
11.		ROWENA LILLIBRIDGE	2720 E. Branham Ln, Phoenix	6/4/21
12.		Reese Lester	2719 e Branham	6/4/21
13.		ALBERT HALLE III	2723 E. ~~BASELINE~~ BRANHAM LN	6/4/21
14.				
15.		Maryanne Quinones	7606 S 26 Way	6/3/21

Attachment D

PETITION IN SUPPORT OF 27th STREET & BASELINE

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	Signature	Printed Name	Address	Date of Signing
1.		Jermaine LaFate	2736 E Beautiful Ln	6/4/
2.		ANTHONY L. SIGLAR	2727 S. DONNER DR.	6/4/21
3.		ALEX [illegible]	7418 S. 27TH WAY	6/4/20
4.		Makisha Hiller	2730 E. Ellis St. Phoenix, AZ 85042	6/4/21
5.		MARCO SANDOVAL	7C12 S. 27TH PL. PHOENIX, AZ 85042	6/4/21
6.	Cheyenne Hill Defender	Cheyenne Hill Defender	7416 S 27th PL. Phoenix, AZ 85042	6/4/21
7.		Christopher Harsh	7512 S 27th PL. Phoenix, AZ 85282	6/5/21
8.		Maria Roman	7512 S 27th pl. Phoenix, AZ 85042	6/5/21
9.		Cedric Warren	7415 S 27th Pl. Phoenix, AZ 85042	6/5/21
10.				
11.				
12.				
13.				
14.				
15.				

Walter A. Knox
7612 South 26th Way
Phoenix, AZ 85042

May 31, 2021

Dear Mayor and Council:

As a nearby resident, I feel it is my duty to encourage you to support the proposed development near 27th Street and Baseline Road. This project will certainly enhance the area and reduce the impact of the current intense commercial zoning. In addition, this gated community will be a much more pleasant neighbor than the current unappealing vacant lot.

Please vote in support of this exciting project. I look forward to seeing this project completed.

Walter A. Knox

Sincerely,

Mary Kavito
2606 E. Beautiful Lane
Phoenix, AZ 85042

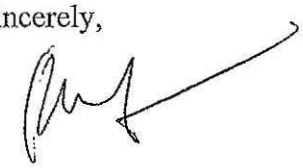
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Please vote in support of this exciting project. I look forward to seeing this project completed.

Sincerely,



Maria Castillo
2614 E. Beautiful Lane
Phoenix, AZ 85042

May 31, 2021

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As a nearby resident, I feel it is my duty to encourage you to support the proposed development near 27th Street and Baseline Road. This project will certainly enhance the area and reduce the impact of the current intense commercial zoning. In addition, this gated community will be a much more pleasant neighbor than the current unappealing vacant lot.

Please vote in support of this exciting project. I look forward to seeing this project completed.

Sincerely,

Maryanne Quinones
7606 South 26th Way
Phoenix, AZ 85042

June 1, 2021

Dear Mayor and Council:

I am writing this letter to urge your support for the proposed residential project near Baseline Road and 27th Street. I strongly support this exciting project as it will clean up this unattractive vacant property and add a less intense residential use compared to the currently approved commercial use. This development by Leon Capital Group will be an upscale community that we can be proud to have as a neighbor.

Please vote yes for this excellent project.

Sincerely,

Maryanne Quinones

Helene Patel
2632 E. Valencia Drive
Phoenix, AZ 85042

June 1, 2021

Dear Mayor and Council:

As a nearby resident, I feel it is my duty to encourage you to support the proposed development near 27th Street and Baseline Road. This project will certainly enhance the area and reduce the impact of the current intense commercial zoning. In addition, this gated community will be a much more pleasant neighbor than the current unappealing vacant lot.

Please vote in support of this exciting project. I look forward to seeing this project completed.

Sincerely, HPatel

Jennifer Harris
2618 E. Beautiful Lane
Phoenix, AZ 85042

June 2, 2021

Dear Mayor and Council:

I am writing this letter to urge your support for the proposed residential project near Baseline Road and 27th Street. I strongly support this exciting project as it will clean up this unattractive vacant property and add a less intense residential use compared to the currently approved commercial use. This development by Leon Capital Group will be an upscale community that we can be proud to have as a neighbor.

Please vote yes for this excellent project.

Sincerely,

Makisha Rian Hiller
2730 E. Ellis Street
Phoenix, AZ 85042

June 2, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

I am writing this letter to urge your support for the proposed residential project near Baseline Road and 27th Street. I strongly support this exciting project as it will clean up this unattractive vacant property and add a less intense residential use compared to the currently approved commercial use. This development by Leon Capital Group will be an upscale community that we can be proud to have as a neighbor.

Please vote yes for this excellent project.

Sincerely,

Makisha R Hiller

Larry Marsh
7628 South 26th Way
Phoenix, AZ 85042

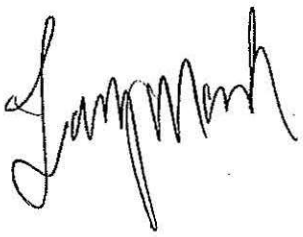
June 2, 2021

Dear Mayor and Council:

I am writing this letter to urge your support for the proposed residential project near Baseline Road and 27th Street. I strongly support this exciting project as it will clean up this unattractive vacant property and add a less intense residential use compared to the currently approved commercial use. This development by Leon Capital Group will be an upscale community that we can be proud to have as a neighbor.

Please vote yes for this excellent project.

Sincerely,



Albert Halle III
2723 E. Branham Lane
Phoenix, AZ 85042

June 2, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

I am writing this letter to urge your support for the proposed residential project near Baseline Road and 27th Street. I strongly support this exciting project as it will clean up this unattractive vacant property and add a less intense residential use compared to the currently approved commercial use. This development by Leon Capital Group will be an upscale community that we can be proud to have as a neighbor.

Please vote yes for this excellent project.

A. Halle

Sincerely,

Caryn Foster
7647 S. 27th Way
Phoenix, AZ 85042

June 3, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

As a nearby resident, I feel it is my duty to encourage you to support the proposed development near 27th Street and Baseline Road. This project will certainly enhance the area and reduce the impact of the current intense commercial zoning. In addition, this gated community will be a much more pleasant neighbor than the current unappealing vacant lot.

Please vote in support of this exciting project. I look forward to seeing this project completed.

Sincerely,

Caryn Foster

Cheyenne Hill Defender
7416 S. 27th Place
Phoenix, AZ 85042

June 3, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

As a nearby resident, I feel it is my duty to encourage you to support the proposed development near 27th Street and Baseline Road. This project will certainly enhance the area and reduce the impact of the current intense commercial zoning. In addition, this gated community will be a much more pleasant neighbor than the current unappealing vacant lot.

Please vote in support of this exciting project. I look forward to seeing this project completed.

Sincerely,

Cheyenne Hill Defender

Reese Lester
2719 E. Branham Lane
Phoenix, AZ 85042

June 3, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

As a nearby resident, I feel it is my duty to encourage you to support the proposed development near 27th Street and Baseline Road. This project will certainly enhance the area and reduce the impact of the current intense commercial zoning. In addition, this gated community will be a much more pleasant neighbor than the current unappealing vacant lot.

Please vote in support of this exciting project. I look forward to seeing this project completed.

Sincerely,



Irene Stevenson
2722 E. Valencia Drive
Phoenix, AZ 85042

June 3, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

As a nearby resident, I feel it is my duty to encourage you to support the proposed development near 27th Street and Baseline Road. This project will certainly enhance the area and reduce the impact of the current intense commercial zoning. In addition, this gated community will be a much more pleasant neighbor than the current unappealing vacant lot.

Please vote in support of this exciting project. I look forward to seeing this project completed.

Sincerely,



Maria Roman
7512 S. 27th Place
Phoenix, AZ 85042

June 3, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

As a nearby resident, I feel it is my duty to encourage you to support the proposed development near 27th Street and Baseline Road. This project will certainly enhance the area and reduce the impact of the current intense commercial zoning. In addition, this gated community will be a much more pleasant neighbor than the current unappealing vacant lot.

Please vote in support of this exciting project. I look forward to seeing this project completed.

Sincerely,



Jennifer La Fate
2726 E. Beautiful Lane
Phoenix, AZ 85042

June 3, 2021

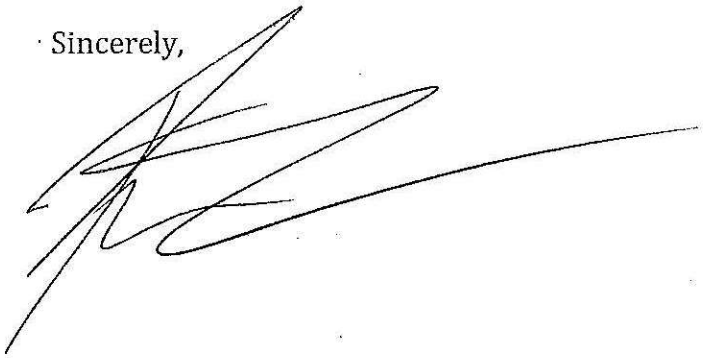
Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

I am writing this letter to urge your support for the proposed residential project near Baseline Road and 27th Street. I strongly support this exciting project as it will clean up this unattractive vacant property and add a less intense residential use compared to the currently approved commercial use. This development by Leon Capital Group will be an upscale community that we can be proud to have as a neighbor.

Please vote yes for this excellent project.

Sincerely,



Anthony Siglar
2727 E. Donner Drive
Phoenix, AZ 85042

June 3, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

As a nearby resident, I feel it is my duty to encourage you to support the proposed development near 27th Street and Baseline Road. This project will certainly enhance the area and reduce the impact of the current intense commercial zoning. In addition, this gated community will be a much more pleasant neighbor than the current unappealing vacant lot.

Please vote in support of this exciting project. I look forward to seeing this project completed.

Sincerely,

Alex Bondejas
7418 S. 27th Way
Phoenix, AZ 85042

June 4, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

I am writing this letter to urge your support for the proposed residential project near Baseline Road and 27th Street. I strongly support this exciting project as it will clean up this unattractive vacant property and add a less intense residential use compared to the currently approved commercial use. This development by Leon Capital Group will be an upscale community that we can be proud to have as a neighbor.

Please vote yes for this excellent project.

Sincerely,



Cedric Warren
7415 S. 27th Place
Phoenix, AZ 85042

June 4, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

I am writing this letter to urge your support for the proposed residential project near Baseline Road and 27th Street. I strongly support this exciting project as it will clean up this unattractive vacant property and add a less intense residential use compared to the currently approved commercial use. This development by Leon Capital Group will be an upscale community that we can be proud to have as a neighbor.

Please vote yes for this excellent project.

Sincerely,

Li Mano
7609 S. 27th Way
Phoenix, AZ 85042

June 4, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

I am writing this letter to urge your support for the proposed residential project near Baseline Road and 27th Street. I strongly support this exciting project as it will clean up this unattractive vacant property and add a less intense residential use compared to the currently approved commercial use. This development by Leon Capital Group will be an upscale community that we can be proud to have as a neighbor.

Please vote yes for this excellent project.

Sincerely,



Marko Sredanovich
7412 S. 27th Place
Phoenix, AZ 85042

June 4, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

I am writing this letter to urge your support for the proposed residential project near Baseline Road and 27th Street. I strongly support this exciting project as it will clean up this unattractive vacant property and add a less intense residential use compared to the currently approved commercial use. This development by Leon Capital Group will be an upscale community that we can be proud to have as a neighbor.

Please vote yes for this excellent project.

Sincerely,



Rowena Lillibridge
2720 E. Branham Lane
Phoenix, AZ 85042

June 4, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

I am writing this letter to urge your support for the proposed residential project near Baseline Road and 27th Street. I strongly support this exciting project as it will clean up this unattractive vacant property and add a less intense residential use compared to the currently approved commercial use. This development by Leon Capital Group will be an upscale community that we can be proud to have as a neighbor.

Please vote yes for this excellent project.

Sincerely,

Christopher Harsh
7512 S. 27th Place
Phoenix, AZ 85042

June 4, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

I am writing this letter to urge your support for the proposed residential project near Baseline Road and 27th Street. I strongly support this exciting project as it will clean up this unattractive vacant property and add a less intense residential use compared to the currently approved commercial use. This development by Leon Capital Group will be an upscale community that we can be proud to have as a neighbor.

Please vote yes for this excellent project.

Sincerely,

Christopher Harsh

August 3, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

I live in the Mountain Grove subdivision. I strongly oppose the recent South Mountain Village Planning Committee's recommendation that 27th Street be aligned on the north and south sides of Baseline Road as part of the Leon Capital multifamily residential proposal. Realignment is not necessary for this project and would make this portion of 27th Street busier for both our neighborhood and the new development, creating additional safety hazards. In addition, it is unfair to expect the residents of the Mountain Grove community to drive through a commercial development to gain access to the only gate entering our community. The developer did outreach in our community and overwhelmingly it objected to this alignment. Please listen to the neighbors on this issue!

Sincerely,

Stefan Sbiera
7420 S 27th, our lot nr 59.

480. 223. 8698

August 3, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

I live in the Mountain Grove subdivision. I strongly oppose the recent South Mountain Village Planning Committee's recommendation that 27th Street be aligned on the north and south sides of Baseline Road as part of the Leon Capital multifamily residential proposal. Realignment is not necessary for this project and would make this portion of 27th Street busier for both our neighborhood and the new development, creating additional safety hazards. In addition, it is unfair to expect the residents of the Mountain Grove community to drive through a commercial development to gain access to the only gate entering our community. The developer did outreach in our community and overwhelmingly it objected to this alignment. Please listen to the neighbors on this issue!

Sincerely,

Richard Quintanilla
Rick.Quintanilla21@gmail.com
602-332-0180
7504 S. 27th Ter
Phoenix, AZ 85042

August 3, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

I live in the Mountain Grove subdivision. I strongly oppose the recent South Mountain Village Planning Committee's recommendation that 27th Street be aligned on the north and south sides of Baseline Road as part of the Leon Capital multifamily residential proposal. Realignment is not necessary for this project and would make this portion of 27th Street busier for both our neighborhood and the new development, creating additional safety hazards. In addition, it is unfair to expect the residents of the Mountain Grove community to drive through a commercial development to gain access to the only gate entering our community. The developer did outreach in our community and overwhelmingly it objected to this alignment. Please listen to the neighbors on this issue!

Sincerely,

Ryan Hill Defender 7416 S 27th Pl

Chynne Hill Defender

Chynne Hill Defender 7416 S 27th PL

August 3, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

I live in the Mountain Grove subdivision. I strongly oppose the recent South Mountain Village Planning Committee's recommendation that 27th Street be aligned on the north and south sides of Baseline Road as part of the Leon Capital multifamily residential proposal. Realignment is not necessary for this project and would make this portion of 27th Street busier for both our neighborhood and the new development, creating additional safety hazards. In addition, it is unfair to expect the residents of the Mountain Grove community to drive through a commercial development to gain access to the only gate entering our community. The developer did outreach in our community and overwhelmingly it objected to this alignment. Please listen to the neighbors on this issue!

Sincerely,

Marcus Strider

Marcus Strider
7508 S 27th Pl
602 334 6050

August 3, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

I live in the Mountain Grove subdivision. I strongly oppose the recent South Mountain Village Planning Committee's recommendation that 27th Street be aligned on the north and south sides of Baseline Road as part of the Leon Capital multifamily residential proposal. Realignment is not necessary for this project and would make this portion of 27th Street busier for both our neighborhood and the new development, creating additional safety hazards. In addition, it is unfair to expect the residents of the Mountain Grove community to drive through a commercial development to gain access to the only gate entering our community. The developer did outreach in our community and overwhelmingly it objected to this alignment. Please listen to the neighbors on this issue!

Sincerely,

Painters - Houser.
480-458-8457

August 3, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

I live in the Mountain Grove subdivision. I strongly oppose the recent South Mountain Village Planning Committee's recommendation that 27th Street be aligned on the north and south sides of Baseline Road as part of the Leon Capital multifamily residential proposal. Realignment is not necessary for this project and would make this portion of 27th Street busier for both our neighborhood and the new development, creating additional safety hazards. In addition, it is unfair to expect the residents of the Mountain Grove community to drive through a commercial development to gain access to the only gate entering our community. The developer did outreach in our community and overwhelmingly it objected to this alignment. Please listen to the neighbors on this issue!

Sincerely,

Paul K

7508 S 27th Ter
Phoenix, AZ 85042
pkoh@cox.net

August 3, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

I live in the Mountain Grove subdivision. I strongly oppose the recent South Mountain Village Planning Committee's recommendation that 27th Street be aligned on the north and south sides of Baseline Road as part of the Leon Capital multifamily residential proposal. Realignment is not necessary for this project and would make this portion of 27th Street busier for both our neighborhood and the new development, creating additional safety hazards. In addition, it is unfair to expect the residents of the Mountain Grove community to drive through a commercial development to gain access to the only gate entering our community. The developer did outreach in our community and overwhelmingly it objected to this alignment. Please listen to the neighbors on this issue!

Sincerely,

Joe Minter
480-467-9768
7425 S. 27th Ter,
Phoenix, AZ 85042

August 3, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

I live in the Mountain Grove subdivision. I strongly oppose the recent South Mountain Village Planning Committee's recommendation that 27th Street be aligned on the north and south sides of Baseline Road as part of the Leon Capital multifamily residential proposal. Realignment is not necessary for this project and would make this portion of 27th Street busier for both our neighborhood and the new development, creating additional safety hazards. In addition, it is unfair to expect the residents of the Mountain Grove community to drive through a commercial development to gain access to the only gate entering our community. The developer did outreach in our community and overwhelmingly it objected to this alignment. Please listen to the neighbors on this issue!

Sincerely,

Angie Muntzer

August 3, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

I live in the Mountain Grove subdivision. I strongly oppose the recent South Mountain Village Planning Committee's recommendation that 27th Street be aligned on the north and south sides of Baseline Road as part of the Leon Capital multifamily residential proposal. Realignment is not necessary for this project and would make this portion of 27th Street busier for both our neighborhood and the new development, creating additional safety hazards. In addition, it is unfair to expect the residents of the Mountain Grove community to drive through a commercial development to gain access to the only gate entering our community. The developer did outreach in our community and overwhelmingly it objected to this alignment. Please listen to the neighbors on this issue!

Sincerely,

Jesús M. Campa

Joanne Campa

Joanne Campa
7121 S. 27th Terrace
Phoenix, AZ 85042

August 3, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

I live in the Mountain Grove subdivision. I strongly oppose the recent South Mountain Village Planning Committee's recommendation that 27th Street be aligned on the north and south sides of Baseline Road as part of the Leon Capital multifamily residential proposal. Realignment is not necessary for this project and would make this portion of 27th Street busier for both our neighborhood and the new development, creating additional safety hazards. In addition, it is unfair to expect the residents of the Mountain Grove community to drive through a commercial development to gain access to the only gate entering our community. The developer did outreach in our community and overwhelmingly it objected to this alignment. Please listen to the neighbors on this issue!

Sincerely,

Terrence Donner
2730 E Ellis St
Phoenix, AZ 85042
theehilldonners@gmail.com
312 391 2900

August 3, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

I live in the Mountain Grove subdivision. I strongly oppose the recent South Mountain Village Planning Committee's recommendation that 27th Street be aligned on the north and south sides of Baseline Road as part of the Leon Capital multifamily residential proposal. Realignment is not necessary for this project and would make this portion of 27th Street busier for both our neighborhood and the new development, creating additional safety hazards. In addition, it is unfair to expect the residents of the Mountain Grove community to drive through a commercial development to gain access to the only gate entering our community. The developer did outreach in our community and overwhelmingly it objected to this alignment. Please listen to the neighbors on this issue!

Sincerely,

Dana

812-369-1792

2723 E Donner Dr, Phoenix AZ. 85042

August 3, 2021

Mayor and City Council Members
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

Dear Mayor and Council:

I live in the Mountain Grove subdivision. I strongly oppose the recent South Mountain Village Planning Committee's recommendation that 27th Street be aligned on the north and south sides of Baseline Road as part of the Leon Capital multifamily residential proposal. Realignment is not necessary for this project and would make this portion of 27th Street busier for both our neighborhood and the new development, creating additional safety hazards. In addition, it is unfair to expect the residents of the Mountain Grove community to drive through a commercial development to gain access to the only gate entering our community. The developer did outreach in our community and overwhelmingly it objected to this alignment. Please listen to the neighbors on this issue!

Sincerely,

260-416-9201
2723 E Donner Dr, Phoenix AZ, 85042

Law Offices of Rhonda Neff, PLLC
3200 North Central Avenue, Suite 2250
Phoenix, Arizona 85012
(602) 704-2041 Office
(602) 654-1233 Fax
www.rhondanefflaw.com
rhonda@rhondanefflaw.com

August 4, 2021

Mayor and City Council Members
City of Phoenix
200 West Washington Street
Phoenix, AZ 85003

Re: Change of Address

Dear Mayor and Council,

My husband and I are residents of the Mountain Grove subdivision off 27th Street and Baseline. Our residential address is 7503 S. 27th Terrace, Phoenix, AZ 85042. We strongly oppose the recent South Mountain Village Planning Committee's recommendation that 27th Street be aligned on the north and south sides of Baseline Road as part of the proposed development of a mixed commercial and multifamily residential plan. I attended the South Mountain Planning Committees hearing, but was not able to speak. I was very disappointed when our Mountain Grove HOA president, and member of the South Mountain Planning Committee, Martin spoke up and insinuated that he was speaking on behalf of our development that we wanted the alignment. Nothing could be further from the truth. That was a personal opinion of Martin and not the position of our HOA or the members within our development. At no point has the Mountain Grove HOA or its officers sought the opinion of its members on this nor was he authorized to speak on our behalf in this regard. What was even more concerning was that the Planning Committee took the word of Martin, a sitting member, over the extensive outreach done by the developer. The developer's outreach was one of the largest and most comprehensive that I have ever seen. According to the developer's statements at the hearing, it confirmed that an overwhelming number of residents in our development, as well as the one south of Baseline, objected to this alignment. Despite that, the Planning Committee voted to require as a stipulation for approval that the road be aligned. There is no need and no justification for this stipulation for alignment and it will only raise more issues for those of us that live here.

There are many reasons for the objection to the alignment. First, we purchased in this development because of its central location and its rise in development. The only entry and exit from this development is the gate on 27th Street. Under the new stipulation for the alignment, we would be required to drive through a commercial development in order to access our house. There would be no other way into our development except by driving through the commercial development. This is not only a concern because of the increase in traffic that it would cause, but also because of the potential impact to housing values. There is also a possible increase in crime as a result. It is inconceivable that the City would require owners to drive through a commercial

development in order to access their residence rather than taking the road currently built that leads directly to the development – a road that has been being used since this development was founded more than a decade ago. Second, there is a lot of concern that the commercial structure that would be put on the east side of the road after the realignment would impact our development. While there is a stipulation currently for the number of drive thru locations, which I agree with, there is no stipulation that would prevent a restaurant or other smell emitting business from being built right up against our development wall. Placing a building directly against the development wall, whether a restaurant or otherwise, would directly affect the houses along that fence line. That could decrease those property values because, again, no one wants a commercial building in their backyard.

In addition, the alignment would cause traffic issues for those of us that have been using 27th Street since living in this development. We have gotten used to using 27th Street as it is. We have the ability to make a left hand turn out of the development without impacting traffic on the south portion of 27th Street. We also have a dedicated lane to make a left hand turn from Baseline onto the north portion of 27th Street. While there is some congestion and dangers associated with crossing Baseline at 27th Street, those are minor in comparison to the other issues caused by the alignment. They are also primarily only an issue during peak hours, such as rush hour. It is unlikely that the 27th Street alignment would qualify for a traffic light because of its proximity to 24th Street's major intersection, but also because we lack the traffic to qualify for one. Even if we had a light at 27th Street, it would only cause more congestion on Baseline than what already exists. The current traffic patterns and ingress and egress on 27th Street work great as it is currently designed.

As you will see from the number of letters being provided to you from members of our development, we strongly oppose this stipulation and the alignment of 27th Street. This issue has come up before when the prior plan went through the approval process and it was well known that we opposed the alignment. The developer took our input and or objections into account when formulating the most recent plan for approval. The developer acknowledged to the South Mountain Planning Committee that the reason for changing the alignment in this proposal was due to these objections. The developer is trying to work with our development and consider our concerns. In the event this alignment is required, it may require an easement or other right of way of our development property, which from the opinions of our neighbors would not pass through our HOA. In the event a vote of our HOA was required, I believe it would fail and, thus, the new development would fail with it.

The land to the west of 27th Street across from our development has been a public nuisance and a danger for several years because of the squatters and other illegal activity at the vacant house on the lot. It has been the subject of numerous police raids and has brought danger to our community. The development as planned, with some adjustments, would be a good addition to our neighborhood. I strongly agree with the stipulation limiting the number of drive thru locations on the property and would ask that you keep that requirement. Otherwise, the development is a welcome change.

RN

Please strongly consider the position of myself and my husband, and the numerous other neighbors, that have provided objections to this alignment. Consider our housing values, our gate location, and the requirement to drive through a commercial development to get to our housing gates. Please do not allow an alignment of 27th Street!

I will be available to answer any questions that you have. Please do not hesitate to reach out to me with questions.

Sincerely yours,

LAW OFFICES OF RHONDA NEFF, PLLC

Rhonda Elaine Neff

Andrew Witte

RN

City of Phoenix

Report

Agenda Date: 11/3/2021, **Item No.** 49

REQUEST TO WITHDRAW (SEE ATTACHED MEMO) (CONTINUED FROM JULY 1 AND AUG. 25, 2021) - Public Hearing and Ordinance Adoption - Rezoning Application Z-49-20-3 - Located Approximately 970 Feet North of the Northeast Corner of 34th Street and Sweetwater Avenue (Ordinance G-6871)

Request to hold a public hearing and amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-49-20-3 and rezone the site from R1-6 (Single-Family Residence District) to R-3 (Multifamily Residence District) for a Community Residence Center.

Summary

Current Zoning: R1-6
Proposed Zoning: R-3
Acreage: 1.11 acres
Proposed Use: Community Residence Center

Owner: Fedzin Enterprises, LLC
Applicant: Matt Ihms
Representative: Matt Ihms

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Paradise Valley Village Planning Committee heard the case on May 3, 2021 and recommended approval, per the staff recommendation by a vote of 11-6.
PC Action: The Planning Commission heard the case on June 3, 2021 and recommended approval, per the Paradise Valley Village Planning Committee recommendation, with an additional stipulation by a vote of 8-0.

The Planning Commission recommendation was appealed and a petition for a three-quarter vote was submitted on June 10, 2021. A three-quarter vote is not required.

Location

Approximately 970 feet north of the northeast corner of 34th Street and Sweetwater Avenue
Council District: 3
Parcel Addresses: 13225 N. 34th St.

Responsible Department

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

City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

To: Ginger Spencer
Deputy City Manager

Date: October 28, 2021

From: Alan Stephenson
Planning and Development Director

Subject: WITHDRAWAL OF ITEM 49 ON THE NOVEMBER 3, 2021 FORMAL AGENDA - ORDINANCE ADOPTION OF Z-49-20-3 (G-6871)

Item 49, Rezoning Application Z-49-20-3 and Ordinance G-6871, is a request to rezone 1.11 acres located approximately 970 feet north of the northeast corner of 34th Street and Sweetwater Avenue from R1-6 to R-3 to allow for a Community Residence Center.

Staff has received correspondence from the owner's representative requesting this item be withdrawn to allow the applicant time to work with neighbors to address concerns about the request.

Staff concurs with this request for withdrawal.

Attachment

Approved: _____ 10/28/2021
Ginger Spencer, Deputy City Manager Date

Earl & Curley

ZONING & LAND USE LAW

October 26, 2021

Submitted via email: zoning@phoenix.gov
Mr. Alan Stephenson, Director
City of Phoenix
Planning and Development Department
200 W Washington St
Phoenix, AZ 85003

RE: Request for withdrawal of Z-49-20-3

Dear Mr. Stephenson,

The purpose of this letter is to request to withdraw application Z-49-20-3. After a very lengthy community outreach process, our client, Solace Hospice/ Thomas Fedzin has decided to withdraw the application as submitted and will resubmit a rezone application for a PUD in order to respond to neighbor concerns.

Sincerely,

Rodney Q. Jarvis
Partner
o (602) 265-0094
rjarvis@earlcurley.com

ATTACHMENT A

THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL, ADOPTED ORDINANCE

ORDINANCE G-

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-49-20-3) FROM R1-6 (SINGLE-FAMILY RESIDENCE) TO R-3 (MULTIFAMILY RESIDENCE DISTRICT).

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

SECTION 1. The zoning of a 1.11 acre site located approximately 970 feet north of the northeast corner of 34th Street and Sweetwater Avenue in a portion of Section 13, Township 3 North, Range 3 East, as described more specifically in Exhibit "A", is hereby changed from "R1-6" (Single-Family Residence District) to "R-3" (Multifamily Residence District).

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

SECTION 3. Due to the site's specific physical conditions and the use district applied for by the applicant, this rezoning is subject to the following stipulations,

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violation of which shall be treated in the same manner as a violation of the City of Phoenix Zoning Ordinance:

1. The development shall maintain a minimum 50-foot building setback, exclusive of carports and perimeter walls, from the southern site boundary where adjacent to R1-6 zoning.

2. The maximum building height shall be limited to 2 stories and 30 feet.

3. Building elevations shall contain multiple colors, exterior accent materials and textural changes that exhibit quality and durability such as brick, stone, colored textured concrete or stucco, to provide a decorative and aesthetic treatment, as approved by the Planning and Development Department.

4. All elevations of the building(s) shall contain architectural embellishments and detailing such as textural changes, pilasters, offsets, recesses, variation in window size and location, pitched roofs and/or overhang canopies, as approved by the Planning and Development Department.

5. The required landscape setbacks shall include minimum 2-inch caliper large canopy shade trees, planted 20 feet on center or in equivalent groupings, and five 5-gallon shrubs per tree, as approved by the Planning and Development Department. Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.

6. Where a landscaped median is provided within the ingress or egress to the site, a landscaped accent area shall provide a visually unique character with drought-tolerant plant materials providing seasonal interest and 75 percent live cover, as approved by the Planning and Development Department.

7. Perimeter walls shall be constructed to the following standards, as approved by the Planning and Development Department.

    a. Perimeter walls visible from public streets shall have a finished appearance compatible with primary structures that includes material and textural differences, such as stucco and/or split face block with a decorative element, such as tile or stamped designs.

    b. A combination of solid masonry wall not exceeding 4 feet in height, and wrought iron view fencing or similar material shall be utilized along the eastern property lines where open space is adjacent to the drainage channel/floodway (Indian Bend Wash) east of the site.

8. Clearly defined, accessible pedestrian pathways shall be provided connecting all building entrances and exits, community amenity areas, and all public sidewalks

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utilizing the minimum possible distance and providing the most direct route, as approved by the Planning and Development Department.

9. The developer shall provide clearly defined, accessible pathways, constructed of decorative pavement that visually contrasts with the adjacent parking and drive aisle surfaces, as approved by the Planning and Development Department.

10. Pedestrian walkways, including adjacent public sidewalks, shall be shaded to a minimum of 75 percent, as approved by the Planning and Development Department.

11. A minimum of two inverted U-bicycle racks or artistic style racks shall be provided, located near the main building entrance. All bicycle racks shall adhere to Appendix K, “Outdoor/Open Facilities”, of the Comprehensive Bicycle Master Plan, and as approved by the Planning and Development Department.

12. The developer shall construct a minimum 45-foot radius cul-de-sac at the terminus of 34th Street, as approved by the Planning and Development Department.

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

14. A portion of this parcel is located in a Special Flood Hazard Area (SFHA) called Zone AE Floodplain, on panels 1735L of the Flood Insurance Rate Map (FIRM) revised December 22, 2017. If the plans show no building and/or construction encroachment including fill within this portion of the site in the SFHA, then no floodplain requirements will be required. If encroachment does occur, then the following requirements must be met, as approved by the Planning and Development Department:

    a. The Architect/Engineer is required to show the special flood hazard area boundary limits on plans and ensure that impacts to the proposed facilities and surrounding properties have been considered, following the National Flood Insurance Program (NFIP) Regulations (44 CFR Paragraph 60.3). This includes, but not limited to provisions in the latest versions of the Floodplain Ordinance of the Phoenix City Code.

    b. A copy of the Grading and Drainage Plan needs to be submitted to the Floodplain Management section of Public Works Department for review and approval of Floodplain requirements prior to issuance of a Grading Permit.

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

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

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

PASSED by the Council of the City of Phoenix this 1st day of July 2021.

_____
MAYOR

ATTEST:

_____City Clerk

APPROVED AS TO FORM:

_____City Attorney

REVIEWED BY:

_____City Manager

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

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EXHIBIT A

LEGAL DESCRIPTION FOR Z-49-20-3

THAT PART OF LOT 4, OASIS ACRES, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, IN BOOK 45 OF MAPS AT PAGE 20, LOCATED WITHIN THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 3 NORTH, RANGE 3 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 4;

THENCE SOUTH 00 DEGREES 22 MINUTES 14 SECONDS EAST ALONG THE WEST LINE OF SAID LOT 4, A DISTANCE OF 35.58 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 87 DEGREES 42 MINUTES 58 SECONDES EAST A DISTANCE OF 35.07 FEET;

THENCE SOUTH 68 DEGREES 11 MINUTES 59 SECONDES EAST A DISTANCE OF 31.89 FEET;

THENCE SOUTH 42 DEGREES 07 MINUTES 39 SECONDES EAST A DISTANCE OF 56.86 FEET;

THENCE SOUTH 23 DEGREES 07 MINUTES 56 SECONDES EAST A DISTANCE OF 77.99 FEET;

THENCE SOUTH 20 DEGREES 06 MINUTES 12 SECONDES EAST A DISTANCE OF 75.10 FEET;

THENCE SOUTH 25 DEGREES 10 MINUTES 24 SECONDES EAST A DISTANCE OF 58.75 FEET;

THENCE SOUTH 20 DEGREES 54 MINUTES 49 SECONDES EAST A DISTANCE OF 46.86 FEET;

THENCE SOUTH 89 DEGREES 04 MINUTES 46 SECONDES WEST A DISTANCE OF 199.07 FEET TO A POINT IN THE WEST LINE OF SAID LOT 4;

THENCE NORTH 00 DEGREES 22 MINUTES 14 SECONDS WEST ALONG SAID WEST LINE, A DISTANCE OF 297.82 FEET TO THE POINT OF BEGINNING;

EXCEPT THAT PORTION CONVERYED TO CITY OF PHOENIX, RECORDED FEBRUARY 18, 2016 IN RECORDING NO 2016-103579, RECORDS OF MARICOPA COUNTY, ARIZONA.

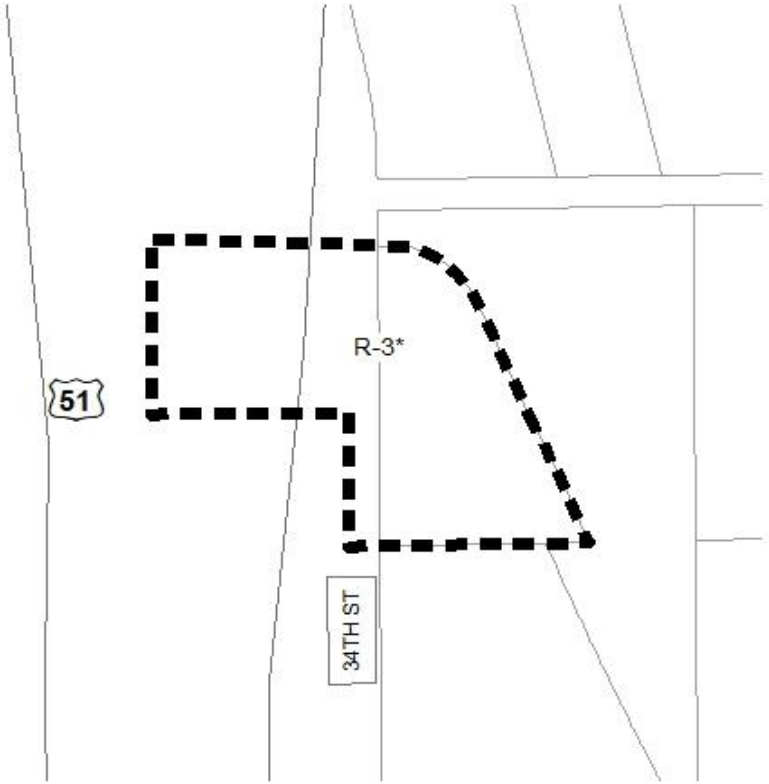
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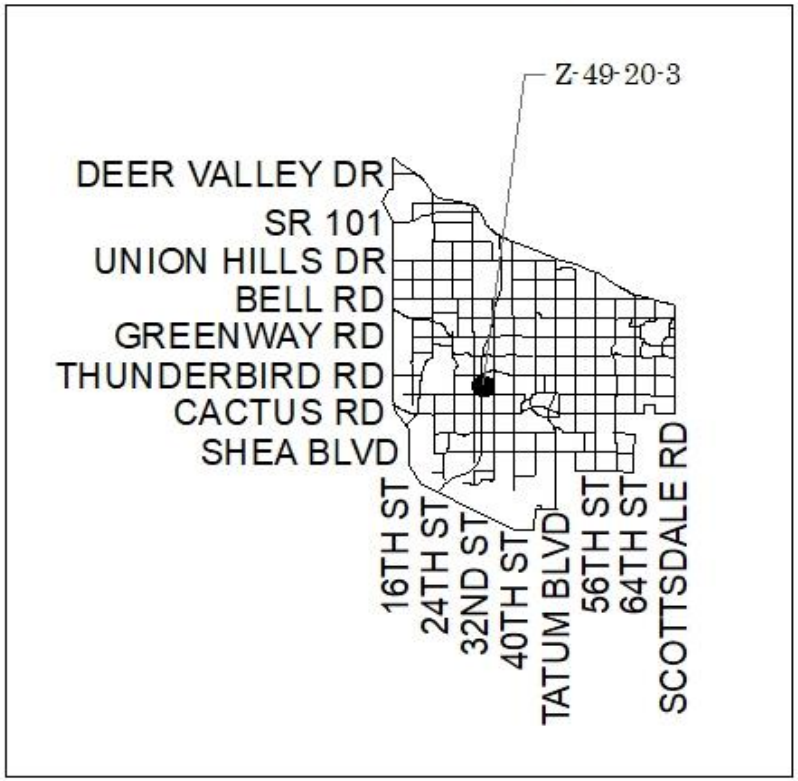
ORDINANCE LOCATION MAP

EXHIBIT B

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

Zoning Case Number: Z-49-20-3
Zoning Overlay: N/A
Planning Village: Paradise Valley





NOT TO SCALE

N

Drawn Date: 5/28/2021

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Attachment B

City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

Staff Report Z-49-20-3
April 20, 2021

Paradise Valley Village Planning Committee Meeting Date:	May 3, 2021
Planning Commission Hearing Date:	June 3, 2021
Request From:	R1-6 (Single-Family Residence District) (1.11 acres)
Request To:	R-3 (Multifamily Residence District) (1.11 acres)
Proposed Use:	Community Residence Center
Location:	Approximately 970 feet north of the northeast corner of 34th Street and Sweetwater Avenue
Owner:	Fedzin Enterprises, LLC
Applicant and Representative:	Matt Ihms
Staff Recommendation:	Approval, subject to stipulations

General Plan Conformity			
General Plan Land Use Map Designation		Residential 3.5 to 5 dwelling units per acre and Parks/Open Space-Publicly Owned	
Street Map Classification	34th Street	Local Street	30-feet east half street

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

Per historic aerial photography, the subject site has remained vacant since it was annexed from Maricopa County into the City of Phoenix in 1962. The development

would permit a new use in the area at a scale that is compatible with the surrounding land uses and appropriately located at the end of a local street absent of residential homes immediately fronting it. Furthermore, this local street, 34th Street, connects to Sweetwater Avenue, a minor collector street, which will provide easy access to other parts of the Village.

CELEBRATE OUR DIVERSE COMMUNITIES AND NEIGHBORHOODS CORE VALUE; DIVERSE NEIGHBORHOODS; LAND USE PRINCIPLE: Include a mix of housing types and densities where appropriate within each village that support a broad range of lifestyles.

The proposal, a community residence center, is compatible with surrounding land uses in the area which are residential and quasi-public in nature. This use allows a new housing type that will serve individuals with disabilities in the community to support a broad range of lifestyles. As stipulated, the development will incorporate elements to maintain an appropriate scale with the existing neighborhood.

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

The development provides a reasonable level of intensity that is respectful of local conditions and surrounding neighborhood, which are predominantly built out and zoned single-family and multifamily residential. The subject site is located at the end of a local street that presently serves as primary access to residential uses in the area and a church south of the site. The subject site is adjacent to non-residential uses, including a church, freeway and a wash, thus no adverse impacts are anticipated on adjacent land uses if this rezoning request is approved.

BUILD THE SUSTAINABLE DESERT CITY CORE VALUE; TREES AND SHADE; DESIGN PRINCIPLE: Integrate trees and shade into the design of new development and redevelopment projects throughout Phoenix.

The proposal, as stipulated, will be required to provide shade along internal pedestrian paths and the adjacent public street. This will help to encourage walking and to mitigate the urban heat island effect by shading hard surfaces, thus cooling the micro-climate around the project vicinity.

Applicable Plans, Overlays, and Initiatives
Tree and Shade Master Plan: See Background Item No. 7.
Complete Streets Guidelines: See Background Item No. 8.
Comprehensive Bicycle Master Plan: See Background Item No. 9.
Piestewa Peak Freeway Specific Plan: See Background Item No. 10.
State Route 51 & Loop 101 Scenic Corridor Policy: See Background Item No. 11.
Zero Waste PHX: See Background Item No. 12.
Housing Phoenix: See Background Item No. 13.

Surrounding Land Uses and Zoning		
	Land Use	**Zoning**
On Site	Vacant / Undeveloped	R1-6
North	Vacant / Undeveloped, Indian Bend Wash	R1-6
South	Single-Family Residential	R1-6
East (across Indian Bend Wash)	Phoenix Indian Bend Wash Park and Single-Family Residential	R1-6
West	State Route 51	R1-6

R-3 – Multifamily Residential (Subdivision Development Option)		
Standards	**R-3 Requirements**	**Proposed**
Gross Acreage	-	1.11 acres
Maximum Number of Units	16 units	None (Met, community residence center with 50 beds proposed)
Maximum Density	Maximum 14.5 dwelling units per acre	None (Met, community residence center with 50 beds proposed)

Standards	**R-3 Requirements**	**Proposed**
Maximum Building Height	2 stories or 30 feet (except that there shall be a 15-foot maximum height within ten feet of a single-family zoned district, which height may be increased one foot for each additional one foot of building setback to the maximum permitted height.)	2 stories or 30 feet (Met)
Maximum Lot Coverage	45 percent	22 percent (Met)
MINIMUM BUILDING SETBACKS		
Front: 34th Street	25 feet	30 feet (Met)
Rear: East property line	15 feet	21 feet (Met)
Sides: North and south property lines	10 feet and 3 feet	15 feet and 127 feet (Met)
MINIMUM LANDSCAPE SETBACKS AND STANDARDS		
Front: 34th Street	25 feet	Not specified*
Rear and sides: North, south and east property lines	5 feet	Not specified*
Minimum Open Space	5% of gross area	Not specified*
MINIMUM PARKING REQUIREMENTS		
Parking	1 space per two resident/patient beds (Community Residence Center/Nursing Home) and 1 space per 300 square feet (Office).	32 spaces provided (Square footage of office space not provided)*

*Site plan revision or variance required.

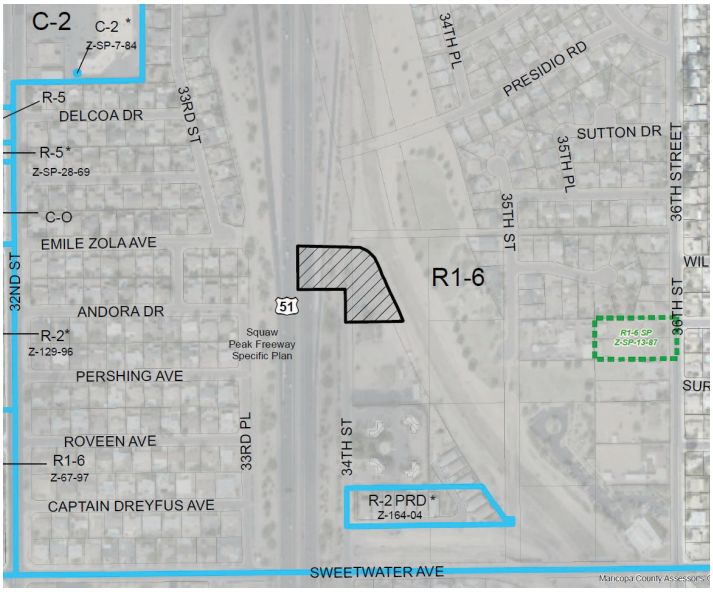
Background/Issues/Analysis

SUBJECT SITE

1. This request is to rezone 1.11 acres located approximately 970 feet north of the northeast corner of 34th Street and Sweetwater Avenue from R1-6 (Single-Family Residence District) to R-3 (Multifamily Residence District) for a community residence center, subject to a use permit process. Community residence centers are permitted subject to a use permit in multifamily zoning districts, including the R-3 zoning district, while permitted by right in some of the commercial zoning districts. The site is presently vacant and undeveloped.

SURROUNDING LAND USES AND ZONING

2. The request for R-3 (Multifamily Residence District) zoning is located in an area surrounded by single-family zoning, although adjacent to non-residential uses. These non-residential uses include a vacant lot/wash area (north), church (south), State Route 51 (west) and Phoenix Indian Bend Wash Park (east).



Zoning Aerial Map, Source: Planning and Development Department

Multifamily zoning is located near the northeast corner of 34th Street and Sweetwater Avenue, developed with a single-family detached use. Multifamily uses developed under the R1-6 (Single-Family Residence District) zoning exists along 34th Street, less than 500 feet south of the subject site.

Access to the subject site is along 34th Street, a local street, which terminates at the subject site. Overall, the general area has been developed with a variety of residential uses, including single-family and multifamily, plus non-residential uses. The proposed multifamily zoning is consistent with existing uses in the area and will allow a new residential use to be established on the subject site without impacting nearby residential properties due to its geographic location.

GENERAL PLAN LAND USE MAP DESIGNATIONS

3. The General Plan Land Use Map designation for the subject site is Residential 3.5 to 5 dwelling units per acre and Parks/Open Space -Publicly Owned. The proposal is not consistent with the existing General Plan Land Use map designation, as the R-3 zoning district is consistent with Commercial and Residential 10 to 15 dwelling units per acre Land Use Map designations. However, a Minor General Plan Amendment is not required since the site is under 10 acres in size.

   North and east of the site has been designated as Parks/Open-Space-Publicly Owned and a small portion as Residential 3.5 to 5 dwelling units per acre. South of the site has been designated as Residential 3.5 to 5 dwelling units per acre, and west of the site has been designated as Transportation along State Route 51.

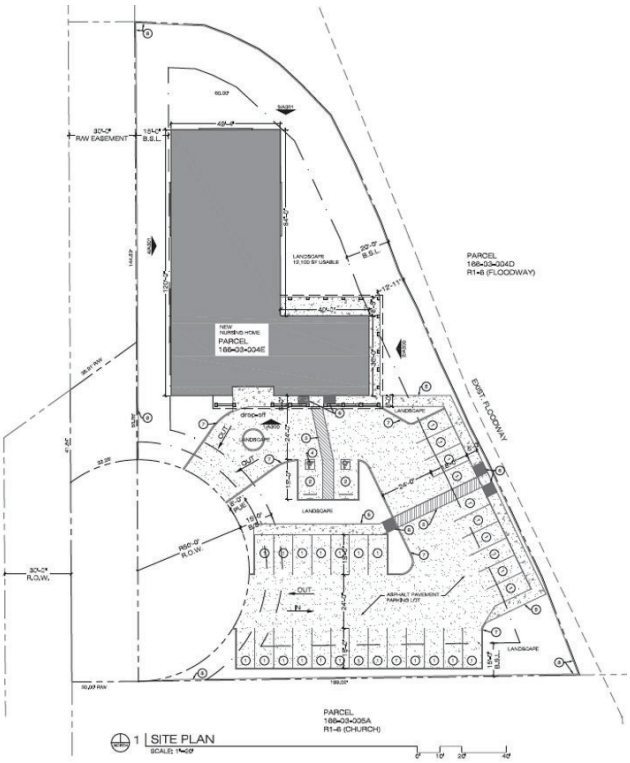


General Plan Land Use Map, Source: Planning and Development Department

PROPOSAL

4. **Site Plan**

The development proposes a community residence center, subject to a use permit, on the subject site. The conceptual site plan shows a single two-story building located on the north-half of the site, with vehicular surface parking spaces located on the south-half of the site. An open space area is proposed west of the building, within proximity to the eastern property line bordering Indian Bend Wash.



Conceptual Site Plan, Source: Another Look LLC.

Access to the site is proposed exclusively along 34th Street, envisioned to terminate as a cul-de-sac to be constructed as part of this development. A sidewalk connecting to Sweetwater Avenue presently exists along most of 34th Street, located either on the west or east side of the street.

As mentioned previously in this report, no residential uses are adjacent to the subject site. However, staff recommends Stipulation No. 1 which would limit the location of buildings on the site away from an adjacent single-family zoned property to the south, shall this property develop in the future as single-family. Stipulation No. 1 would require a minimum 50-foot building setback from the south property line, exclusive of carports or perimeter walls. A church is adjacent to the site along the south property line, while a freeway and wash bound the remaining property lines.

General conformance to the conceptual site plan is not proposed since zoning variances may be requested by the applicant following the rezoning process if site plan modifications cannot be made. Furthermore, the subject parcel is non-symmetrical in shape and constrained by topographical features such as a wash and freeway, thus additional flexibility during the develop review phase for the

site could be beneficial. In addition, a community residence center is subject to a use permit within the R-3 multifamily district. Use permits and variances undergo a separate review process, subject to the Zoning Adjustment hearing process.

5. **Elevations**

The conceptual building elevations depict various architectural features such as pitched roofs, windows, a covered patio and four-sided architecture. Building materials referenced in the conceptual elevations include brick façade, cement board siding, stucco and tile roofs. The conceptual building elevations proposed for the site depict a maximum height of two stories and 30 feet to the mid-point of the roof. Stipulation No. 2 recommends limiting the maximum height of buildings on site to two stories and 30 feet to help keep the building on this site consistent with adjacent R1-6 zoning district permitted height standards.

Staff is recommending a stipulation to require building elevations to incorporate a variety of colors, materials and textural changes. This is addressed in Stipulation No. 3. Stipulation No. 4 also recommends that all building elevations contain architectural embellishments and detailing, including pitched roofs, and/or overhang canopies. Stipulation Nos. 3 and 4 will ensure that the site provides aesthetically pleasing building materials and architecture across from a public park and adjacent to a single-family zoned property.

A conformance to the conceptual building elevations is not currently proposed as the building elevations show no colors and since zoning variances may be requested following the rezoning process if site plan modifications cannot be made, which could result in a change of layout for the building. However, the stipulations listed above will help ensure that the proposed buildings will incorporate pleasing aesthetics, materials that will withstand the weather for many years and architectural features consistent with those found in the adjacent residential areas.



Conceptual Building Elevations, Source: Another Look LLC.

6. **Landscaping, Walls and Walkways**

The development features one usable open space area, northeast of the site at approximately 12,100 square feet in area. This open space area is oriented towards Indian Bend Wash, east of the site, and will serve to enhance the viewscape from the wash area towards this adjacent bank. Furthermore, the R-3 zoning district requires that a minimum of 100 square feet of open space is provided per bed in community residence centers.

In order to buffer the site from adjacent uses, increase shade and to provide an enhanced landscape treatment along Indian Bend Wash, Stipulation No. 5 recommends enhanced plantings within landscape setbacks that include minimum 2-inch caliper large canopy shade trees planted 20 feet on center or equivalent groupings and five 5-gallon shrubs per tree.

Stipulation No. 6 recommends that where a landscaped median is provided within the ingress or egress to the site, a landscaped accent area shall be provided. This will help to provide a visually unique character and provide seasonal interest along the streetscape.

Stipulation No. 7 recommends several wall enhancements to be aesthetically pleasing along the street frontage and Indian Bend Wash. The wall enhancements include:

- Finished appearance with textural differences where visible from public streets;
- Combination of view fencing and solid walls along Indian Bend Wash.

Stipulation Nos. 8 and 9 recommend several pedestrian enhancements to promote walking and safety. The enhancements include:

- Pedestrian pathways that connect all buildings, community amenity areas and public sidewalks via the most direct route;
- Pathways constructed of decorative pathways that visually contrast with parking and drive aisle surfaces.



Conceptual Site Plan, Source: Another Look LLC. with Planning and Development Department annotations

STUDIES AND POLICIES

7. **Tree and Shade Master Plan**
The Tree and Shade Master Plan encourages treating the urban forest as infrastructure to ensure the trees are an integral part of the City's planning and development process. Staff is recommending several stipulations designed to provide trees and enhance shade within the development. Staff is recommending Stipulation No. 10 to require a minimum of 75 percent shade within pedestrian walkways, including the public sidewalk, to encourage walking by employees and residents by providing thermal comfort.

8. **Complete Streets Guidelines**
In 2014, the City of Phoenix City Council adopted the Complete Streets Guiding Principles. The principles are intended to promote improvements that provide an accessible, safe, connected transportation system to include all modes, such as bicycles, pedestrians, transit, and vehicles. This development will help to pedestrianize the immediate street frontages by shading sidewalks adjacent to the development, addressed in Stipulation No. 10. A minimum of two inverted u-bicycle racks located near the main building entrance are recommended in Stipulation No. 11.

9. **Comprehensive Bicycle Master Plan**
The City of Phoenix adopted the Comprehensive Bicycle Master Plan in 2014 to guide the development of its Bikeway System and supportive infrastructure. Bicycle lanes have been designed within the Sweetwater Avenue corridor; thus Stipulation No. 11 recommends a minimum of two inverted u-bicycle racks located near the main building entrance to promote the use of bicycling as a means of transportations for future employees and residents of this facility.

10. **Piestewa Peak Freeway Specific Plan**
The Piestewa Peak Freeway Specific Plan was approved in 1991 to help address the impacts of the State Route 51 (SR-51) freeway on adjacent neighborhoods. The plan proposes ways to maximize the compatibility of the freeway with adjacent and nearby land uses, while encouraging neighborhood cohesion and stability. The subject site is located within Segment 5 of this Specific Plan and was envisioned as a park within the existing and proposed land use map, part of a larger linear park along Indian Bend Wash. Thus, the proposal is consistent with the Piestewa Peak Freeway Specific Plan existing and proposed land use map. However, the existing freeway noise mitigation wall and landscape area within the SR-51 freeway portion, in addition to landscape setbacks adjacent to the SR-51, will help mitigate any potential impacts to this new proposed development.

11. **State Route 51 & Loop 101 Scenic Corridor Policy**
The State Route 51 & Loop 101 Scenic Corridor Policy was approved in 2011 to help establish and protect this scenic corridor from outdoor uses, such as outdoor storage and off-premise advertising structures, along portions of the State Route 51 and Loop 101. The requested R-3 (Multifamily Residence District) zoning does not allow outdoor uses such as outdoor storage or off-premise advertising structures, thus the proposal is consistent with this policy document and will promote the vision for this scenic corridor.

12. **Zero Waste PHX**
The City of Phoenix is committed to its waste diversion efforts and has set a goal to become a zero-waste city, as part of the city's overall 2050 Environmental Sustainability Goals. One of the ways Phoenix can achieve this is to improve and expand its recycling and other waste diversion programs. Section 716 of the Phoenix Zoning Ordinance establishes standards to encourage the provision of recycling containers for multifamily, commercial and mixed-use developments meeting certain criteria. The applicant materials indicate that recycling services will be part of the development.

13. **Housing Phoenix**
In June 2020, the Phoenix City Council approved the Housing Phoenix Plan. This Plan contains policy initiatives for the development and preservation of housing with a vision of creating a stronger and more vibrant Phoenix through increased housing options for residents at all income levels and family sizes. Phoenix's rapid population growth and housing underproduction has led to a need for over 163,000 new housing units. Current shortages of housing supply relative to demand are a primary reason why housing costs are increasing. The proposed development supports the Plan's goal of preserving or creating 50,000 housing units by 2030 by contributing to a variety housing types that will address the supply shortage at a more rapid pace while using vacant land in a more sustainable fashion.

Although the proposed community residence center is not a traditional residential use, it will allow for disabled residents to be housed and cared for at this location, which proposes up to 50 beds as part of this facility. Shall the proposed use not be developed on this site, the proposed zoning would permit a variety of residential uses including single-family and multifamily.

COMMUNITY INPUT SUMMARY

14. As of the writing of this report, staff had not received any letters in support or opposition to this rezoning application. Staff did receive a letter from an individual

in the area that listed concerns regarding the manner in which the virtual neighborhood meeting was held by the applicant.

INTERDEPARTMENTAL COMMENTS

15. The Fire Department indicated there are no problems anticipated with the case and that the site and/or buildings shall comply with the 2018 International Fire Code with Phoenix Amendments, and the facility will require fire sprinklers and an alarm system. Further, the Department commented that they do not know the water supply at this site and noted that additional water supply may be required to meet the required fire flow per the Phoenix Fire Code.

16. The Floodplain Management division of the Public Works Department has indicated that a sliver of the parcel is located in a Special Flood Hazard Area (SFHA) called Zone AE Floodplain, on panels 1735L of the Flood Insurance Rate Maps (FIRM) dated December 22, 2017. If the plans show no building and/or construction encroachment including fill within the sliver, then no floodplain requirements will be required. If an encroachment does occur, Stipulation No. 14 addresses these floodplain requirements.

17. The Public Transit Department provided comments expressing the importance of direct, clearly defined accessible, and well shaded pedestrian pathways on the site. Shaded pathways should connect the public sidewalks with site amenities and gathering areas. Lastly, that alternative pavement material be used where pedestrian pathways cross drive aisles. These comments were addressed in Stipulation Nos. 8, 9 and 10.

18. The Pedestrian Safety Coordinator with the Street Transportation Department commented that pedestrian accesses to the site from the public sidewalk should be attractive plus inviting, in addition to providing a shaded plus illuminated pedestrian circulation on the site. Furthermore, that alternative paving material be used to delineate pedestrian walkways where vehicle conflicts exist. Also, that the public sidewalk be detached to help provide shade and thick vegetation to discourage mid-block pedestrian crossings. Lastly, that pedestrian walkways are marked where these are located in parking areas, and that buildings with varied setbacks are located near sidewalks to encourage walking plus create visual vibrancy.

    Stipulation No. 6 requires a landscaped accent area where a median is provided along the main entrance to the site to create visual vibrancy. Stipulation No. 8 addresses pedestrian pathways that connect the site to adjacent sidewalks, while Stipulation No. 9 requires decorative pavement to be utilized in order to visually contrast the parking surfaces. Lastly, Stipulation No. 10 requires the

shading of pedestrian walkways to encourage walking. Variation in building setbacks was not stipulated due to the unique shape of the parcel, which constraints development on the site.

19. The Street Transportation Department requires the construction of a cul-de-sac at the terminus of 34th Street. Furthermore, that the developer construct all streets within and adjacent to the development with all required elements. These are addressed in Stipulation Nos. 12 and 13.

OTHER

20. The site is not located in an area identified as being archaeologically sensitive. In the event archaeological materials are encountered during construction, all ground disturbing activities must cease within a 33-foot radius of the discovery and the City of Phoenix Archaeology Office must be notified immediately and allowed time to properly assess the materials. This is addressed in Stipulation No. 15.

21. Development and use of the site is subject to all applicable codes and ordinances. Zoning approval does not negate other ordinance requirements such as obtaining a use permit to conduct the proposed outdoor use in this zoning district. Other formal actions such as, but not limited to, zoning adjustments and abandonments, may be required.

Findings

1. This proposed development provides a new non-traditional housing option that is consistent with surrounding developments and serves a need in the community for disabled individuals.

2. The development, as stipulated, will maintain an appropriate scale to ensure that it remains compatible with the area.

3. This development proposes to develop an asymmetrical parcel that is bounded by a wash and freeway with a use that is consistent with the goals of the State Route 51 & Loop 101 Scenic Corridor Policy plan.

Stipulations

1. The development shall maintain a minimum 50-foot building setback, exclusive of carports and perimeter walls, from the southern site boundary where adjacent to R1-6 zoning.

2. The maximum building height shall be limited to 2 stories and 30 feet.

3. Building elevations shall contain multiple colors, exterior accent materials and textural changes that exhibit quality and durability such as brick, stone, colored textured concrete or stucco, to provide a decorative and aesthetic treatment, as approved by the Planning and Development Department.

4. All elevations of the building(s) shall contain architectural embellishments and detailing such as textural changes, pilasters, offsets, recesses, variation in window size and location, pitched roofs and/or overhang canopies, as approved by the Planning and Development Department.

5. The required landscape setbacks shall include minimum 2-inch caliper large canopy shade trees, planted 20 feet on center or in equivalent groupings, and five 5-gallon shrubs per tree, as approved by the Planning and Development Department. Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.

6. Where a landscaped median is provided within the ingress or egress to the site, a landscaped accent area shall provide a visually unique character with drought-tolerant plant materials providing seasonal interest and 75 percent live cover, as approved by the Planning and Development Department.

7. Perimeter walls shall be constructed to the following standards, as approved by the Planning and Development Department.

    a. Perimeter walls visible from public streets shall have a finished appearance compatible with primary structures that includes material and textural differences, such as stucco and/or split face block with a decorative element, such as tile or stamped designs.

    b. A combination of solid masonry wall not exceeding 4 feet in height, and wrought iron view fencing or similar material shall be utilized along the eastern property lines where open space is adjacent to the drainage channel/floodway (Indian Bend Wash) east of the site.

8. Clearly defined, accessible pedestrian pathways shall be provided connecting all building entrances and exits, community amenity areas, and all public sidewalks utilizing the minimum possible distance and providing the most direct route, as approved by the Planning and Development Department.

9. The developer shall provide clearly defined, accessible pathways, constructed of decorative pavement that visually contrasts with the adjacent parking and drive aisle surfaces, as approved by the Planning and Development Department.

10. Pedestrian walkways, including adjacent public sidewalks, shall be shaded to a minimum of 75 percent, as approved by the Planning and Development Department.

11. A minimum of two inverted U-bicycle racks or artistic style racks shall be provided, located near the main building entrance. All bicycle racks shall adhere to Appendix K, “Outdoor/Open Facilities”, of the Comprehensive Bicycle Master Plan, and as approved by the Planning and Development Department.

12. The developer shall construct a minimum 45-foot radius cul-de-sac at the terminus of 34th Street, as approved by the Planning and Development Department.

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

14. A portion of this parcel is located in a Special Flood Hazard Area (SFHA) called Zone AE Floodplain, on panels 1735L of the Flood Insurance Rate Map (FIRM) revised December 22, 2017. If the plans show no building and/or construction encroachment including fill within this portion of the site in the SFHA, then no floodplain requirements will be required. If encroachment does occur, then the following requirements must be met, as approved by the Planning and Development Department:

    a. The Architect/Engineer is required to show the special flood hazard area boundary limits on plans and ensure that impacts to the proposed facilities and surrounding properties have been considered, following the National Flood Insurance Program (NFIP) Regulations (44 CFR Paragraph 60.3). This includes, but not limited to provisions in the latest versions of the Floodplain Ordinance of the Phoenix City Code.

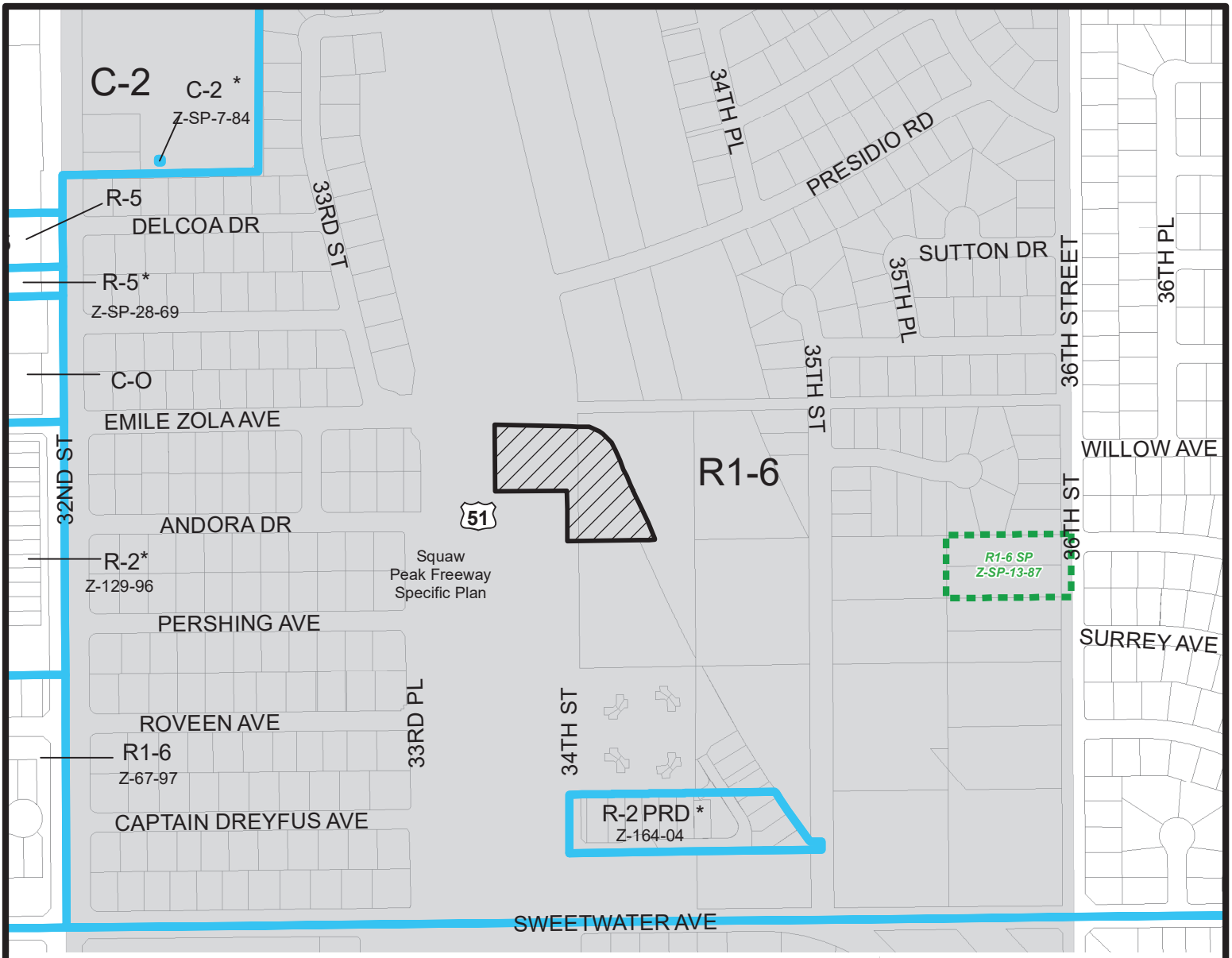
    b. A copy of the Grading and Drainage Plan needs to be submitted to the Floodplain Management section of Public Works Department for review and approval of Floodplain requirements prior to issuance of a Grading Permit.

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

Writer
Enrique Bojórquez-Gaxiola
April 20, 2021

Team Leader
Samantha Keating

Exhibits
Zoning sketch map
Aerial sketch map
Conceptual Site Plan date stamped September 17, 2020 (1 page)
Conceptual Elevations date stamped September 17, 2020 (2 pages)
Community Correspondence (1 page)

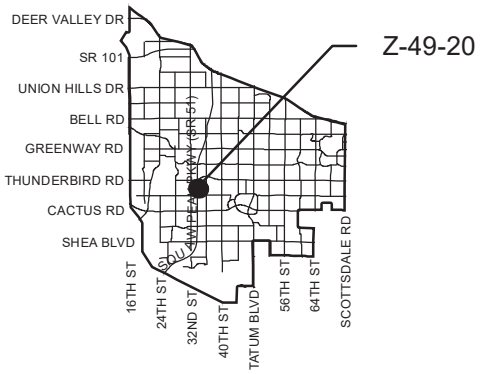


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PARADISE VALLEY VILLAGE

CITY COUNCIL DISTRICT: 3



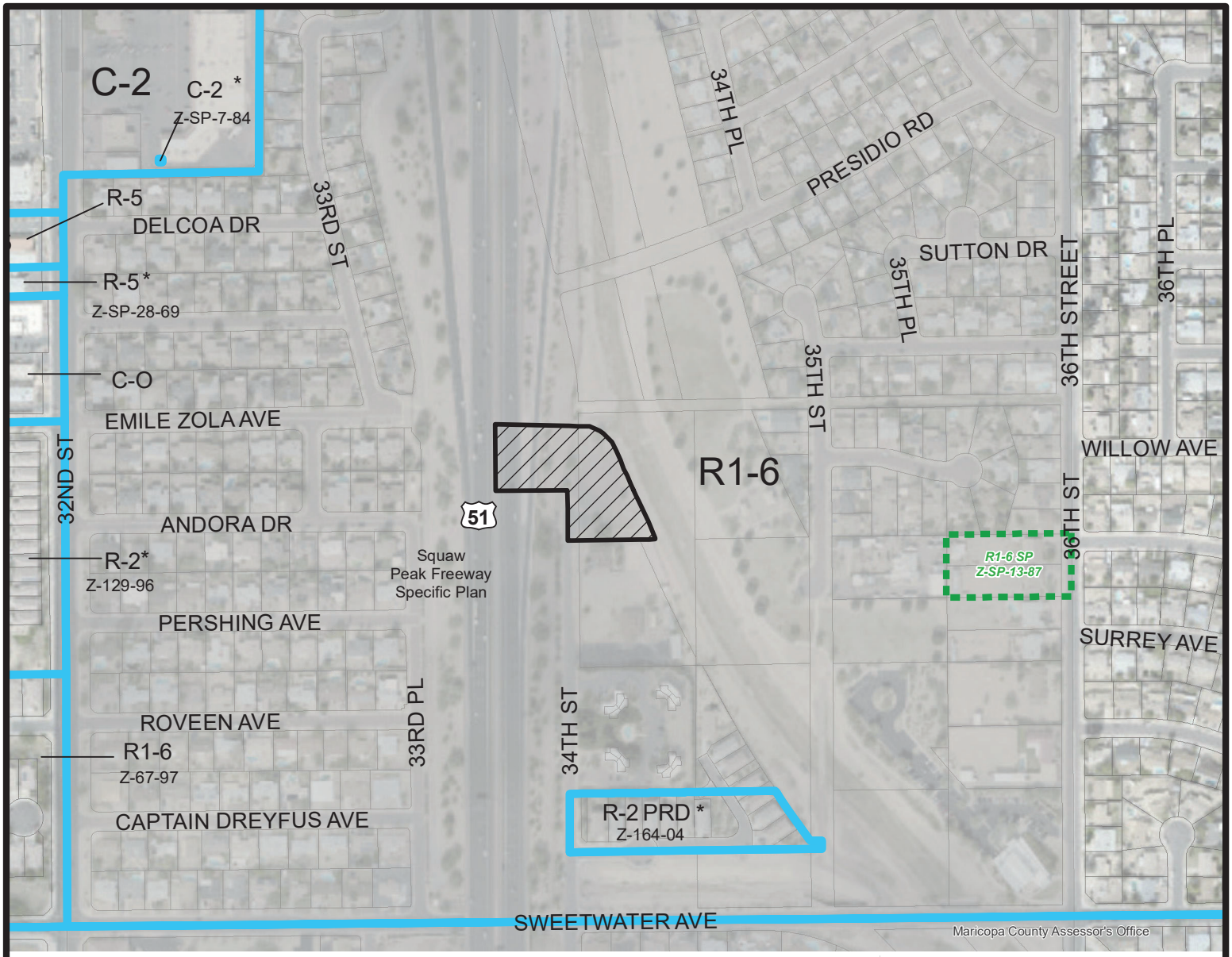
City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

APPLICANT'S NAME: Matt Ihms	**REQUESTED CHANGE:**
APPLICATION NO. Z-49-20	DATE: 12/09/2020
	REVISION DATES:
GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX. 1.11 Acres	AERIAL PHOTO & QUARTER SEC. NO. QS 32-35
	ZONING MAP L-10
	FROM: R1-6 (1.11 a.c.)
	TO: R-3 (1.11 a.c.)

MULTIPLES PERMITTED	CONVENTIONAL OPTION	* UNITS P.R.D. OPTION
R1-6	6	7
R-3	16	19

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

Document Path: S:\Department Share\Information Systems\PL GIS\IS_Team\Core_Functions\Zoning\sketch_maps\2020\Z-49-20.mxd

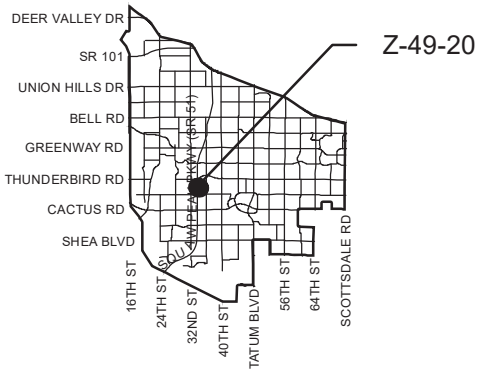


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City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

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Document Path: S:\Department Share\Information Systems\PL GIS\IS_Team\Core_Functions\Zoning\sketch_maps\2020\Z-49-20.mxd

ARCHITECTURE SITE PLAN

FOR

SOLACE HOSPICE AZ

A PORTION OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 3 NORTH, RANGE 3 EAST OF THE G.&S.R.B&M., MARICOPA COUNTY, AZ

APN: 166-03-004E

13225 N. 34TH ST., PHOENIX, AZ 85032

KEYED NOTES

1. 8'-0" x 18' STANDARD PARKING SPACE
2. 11'x18' ADA PARKING STALL.
3. 8' WIDE ADA ACCESS AISLE.
4. HANDICAP PARKING SIGN.
5. CONC. SIDEWALK
6. CONCRETE RAMP.
7. 6" CONC. CURB.
8. 8' HIGH WALL

ACCESSIBILITY NOTES

THE CONTRACTOR SHALL BECOME FAMILIAR WITH THE A.D.A. AND LOCAL BARRIER FREE REQUIREMENTS AND SHALL ENSURE THAT THIS FACILITY WILL MEET THE STRICTEST OF THE APPLICABLE REQUIREMENTS. THE FOLLOWING IS A PARTIAL LIST OF SITE RELATED ITEMS WITHIN THE SCOPE OF WORK TO PAY PARTICULAR ATTENTION TO:

- ACCESSIBLE PARKING STALL REQUIREMENTS.
- ACCESSIBILITY FROM PARKING TO BUILDING INTERIOR.
- PATH OF EGRESS FROM BUILDING TO PUBLIC RIGHT OF WAY.

PROJECT DESCRIPTION

THE PROJECT IS FOR A NURSING HOME AND MEMORY CARE FACILITY. WORK PERFORMED, BUT NOT LIMITED TO, WILL INCLUDE:
- NEW BUILDING
- RE-WORK SITE & PARKING

FIXTURE CALCS

PARKING

IN ACCORDANCE WITH CITY OF PHX #7 - PARKING REGULATIONS

REQUIREMENT:	CAR PARKING
NURSING HOME:	1 SPACE / 2 RESIDENT/PATIENT BEDS
OFFICE:	1/300 SF FLOOR AREA

PARKING REQUIRED: 30 ESTIMATED
ACCESSIBLE PARKING REQUIRED: 26-50 SPACES = 2 SPACES
ACCESSIBLE PARKING PROVIDED: 2 SPACES
REGULAR PARKING PROVIDED: 30 SPACES

NEW PARKING PROVIDED: 32 SPACES

PROJECT DATA

OVERALL NET ACREAGE: 0.90 ACRES (39,558 SF)
GROSS ACREAGE: 1.03 ACRES

ZONING: R1-6 EXISTING - R-3 PROPOSED (ZONING CHANGE)
S/T/R: 13-3N-3E
OCCUPANCY TYPE: I-2 (INSTITUTIONAL)
OCCUPANCY LOAD: -
CONSTRUCTION TYPE: V-A
PARCEL: 166-03-004E

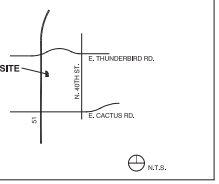
FIRE SPRINKLERS: YES
FIRE ALARMS: YES
EMERGENCY LIGHTING: YES

SETBACKS:	REQUIRED	MIN. PROVIDED
FRONT:	15'-0"	30'-4"
SIDE:	15'-0"	15'-4"
SIDE:	15'-0"	127'-6"
REAR:	20'-0"	21'-0"

BLDG #	SPACE	OCCUPANCY	NET AREA	GROSS AREA UNDER ROOF	HT.	CONST. TYPE
1	NURSING HOME	I-2	- SF	-	30'	VA

INTERIOR FOOTPRINT: 7,286 SF
TOTAL FOOTPRINT (W/ PATIOS): 8,464 SF
MAX. ALLOWABLE LOT COVERAGE: 25% R-3
LOT COVERAGE: 21.39%
ALLOWABLE BUILDING HEIGHT: 30 FEET / 2 STORIES
ADDITIONAL REQUIREMENTS: 100 SF OF USABLE OUTDOOR SPACE PER BED
MAX. # OF BEDS: 50 BEDS (5,000 SF USABLE OUTDOOR SPACE REQ'D)
ALLOWABLE AREA: $A_A=[(-10,500)] = A_A < 1.0$

VICINITY MAP



BUILDING CODES:

ALL CONSTRUCTION SHALL COMPLY WITH THE FOLLOWING CODES AND AMENDMENTS PER THEIR ADOPTING ORDINANCES.

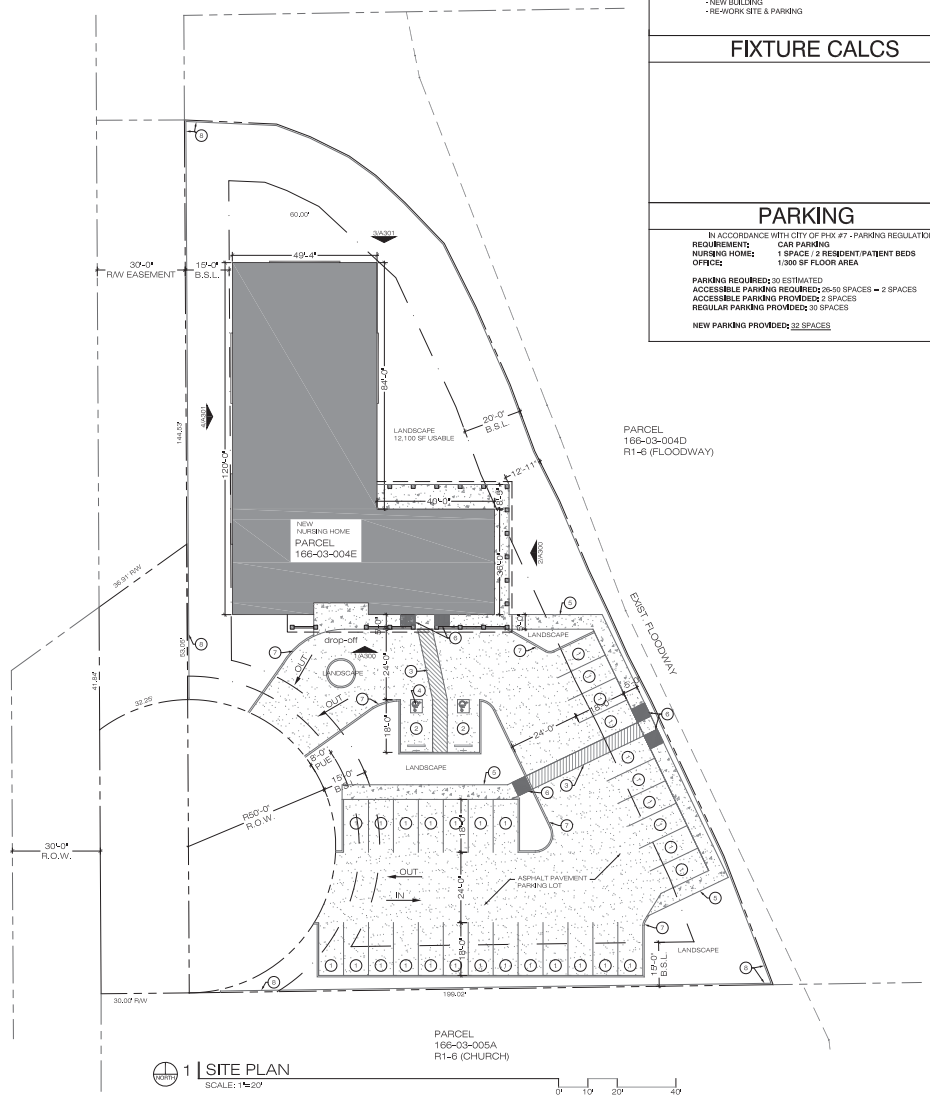
2018 INTERNATIONAL BUILDING CODE (IBC) W/ AMENDMENTS
2018 INTERNATIONAL ENERGY CONSERVATION CODE (IECC) W/ AMENDMENTS
2018 INTERNATIONAL FUEL GAS CODE W/ AMENDMENTS
2018 INTERNATIONAL MECHANICAL CODE W/ AMENDMENTS
2018 INTERNATIONAL PLUMBING CODE W/ AMENDMENTS
2017 NATIONAL ELECTRIC CODE (NEC)
2018 INTERNATIONAL FIRE CODE W/ AMENDMENTS
2010 ADA STANDARDS

OWNER:

FEDZIN ENTERPRISES LLC
ADDRESS: PO BOX 7426
SURPRISE, AZ 85374
Contact: Thomas Fedzin
Phone: 602.888.7037
Email: thomasf@solacehospiceaz.com

ARCHITECT:

ANOTHER LOOK, LLC
2506 E. CAMPBELL AVE
PHOENIX, AZ 85016
PHONE: 480.266.8193
EMAIL: matt.lhms@gmail.com



1 SITE PLAN
SCALE: 1"=20'

LEGAL DESCRIPTION:

LOT 4, OASIS ACRES, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA IN BOOK 45 OF MAPS, PAGE 20.

COMMENCING AT THE CENTER OF SECTION 13, TOWNSHIP 3 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA

CITY OF PHOENIX SITE NOTES:

1. Development and use of this site will conform with all applicable codes and ordinances.
2. All new or relocated utilities will be placed underground.
3. Any lighting will be placed so as to direct light away from adjacent residential districts and will not exceed one foot candle at the property line. No noise, odor, or vibration will be emitted at any level exceeding the general level of noise, odor, or vibration emitted by uses in the area outside of the site.
4. Owners of property adjacent to public right-of-ways will have the responsibility for maintaining all landscaping located within the right-of-ways, in accordance with approved plans.
5. All rooftop equipment and satellite dishes shall be screened to the height of the tallest equipment.
6. All service areas shall be screened to conceal trash containers, loading docks, transformers, backflow preventers and other mechanical or electrical equipment from eye level adjacent to all public streets.
7. Barbed, razor, or concertina wire (or similar) shall not be used on this site where visible from public streets or adjacent residential areas.
8. All signage requires separate reviews, approvals, and permits. No signs are approved per this plan.

I consent to the reproduction of this site plan provided that if modifications are made, the professionals who make such changes assume full responsibility and liability for the modified portions of the plan.

SIGNATURE OF COPYRIGHT OWNER _____ DATE _____

PRINTED NAME OF COPYRIGHT OWNER _____

CITY OF PHOENIX
SEP 17 2020
Planning & Development Department

PROJECT:
SOLACE HOSPICE AZ

13225 N. 34TH ST.
PHOENIX, AZ 85032

ARIZONA U.S.A. 65314 MATTHEW IHMS REGISTERED ARCHITECT EXPIRES 12/31/2020

ANOTHER LOOK

2506 E. CAMPBELL AVE
PHOENIX, AZ 85016
MATT IHMS
T. 480.266.8193
matt.lhms@gmail.com

Issued	rev	date
PRE-APP #19-160		12/30/19

SITE PLAN

Drawing Title

AS NOTED
Scale

A000
Drawing No.

CITY OF PHOENIX
SEP 17 2020
Planning & Development
Department



1 | SOUTH ELEVATION
SCALE: 3/16"=1'-0"



2 | EAST ELEVATION
SCALE: 3/16"=1'-0"

PROJECT:
SOLACE HOSPICE AZ

13225 N. 34TH ST.
PHOENIX, AZ 85032

65314
MATTHEW
IHMS
EXPIRES 12/31/2020

ANOTHER LOOK
2506 E. CAMPBELL AVE
PHOENIX, AZ 85016
MATT IHMS
T. 480.266.8193
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Issued	rev	date
PRE-APP #19-160		12/30/19

ELEVATIONS
Drawing Title

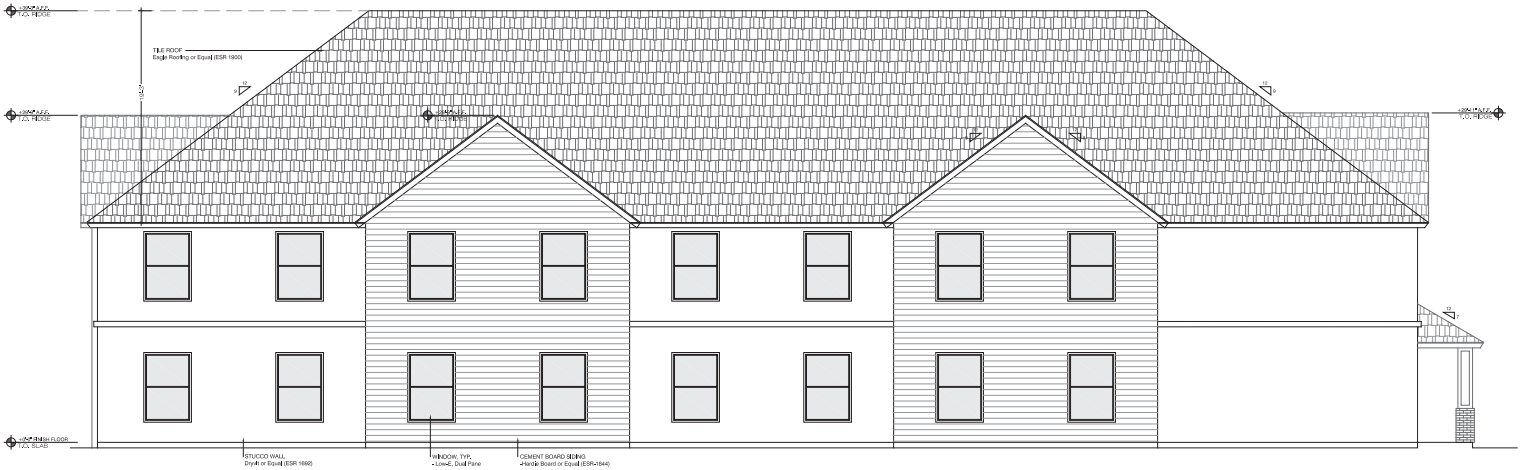
AS NOTED
Scale

A300
Drawing No.

CITY OF PHOENIX
SEP 17 2020
Planning & Development
Department



3 | NORTH ELEVATION
SCALE: 3/16"=1'-0"



4 | WEST ELEVATION
SCALE: 3/16"=1'-0"

PROJECT:
SOLACE HOSPICE AZ

13225 N. 34TH ST.
PHOENIX, AZ 85032

65314
MATTHEW
IHMS
EXPIRES 12/31/2020

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matt.ihms@gmail.com

Issued	rev	date
PRE-APP #19-160		12/30/19

ELEVATIONS

Drawing Title

AS NOTED
Scale

A301
Drawing No.

From:	Emad Zaki
To:	matt.ihms@gmail.com
Cc:	David O Simmons; Enrique A Bojorquez-Gaxiola
Subject:	Case Z-49-20-3
Date:	Monday, February 22, 2021 12:39:10 PM
Attachments:	Rezoning Letter .pdf

Dear Mr. Ihms,

I am attaching a copy of the letter you mailed regarding the above-mentioned case. I have few concerns that I would like to address:

1. The meeting is scheduled on a work day at 9AM, this is going to prevent a lot of the neighborhood members from attending. My experience with these meeting that it is usually scheduled after regular work hours.
2. The way this is set does not give the members an access to the meeting until they request it from you, this is another concern as members should have a direct link to access the meeting same as in-person meeting works.

Please consider the above concerns as it interferes with the main purpose of this meetings to allow the neighbors to voice their opinions and address their concerns. It would be great if you can reschedule this meeting for another day after 5PM and to have a direct link for anyone who would like to attend.
Please also let me know if you can provide me with the mailing list to make sure that our neighbors all got the letter, and if they share the same concerns we have.

Best Regards,

Emad Zaki

Paradise Valley
VILLAGE PLANNING COMMITTEE

Village Planning Committee Meeting Summary
Z-49-20-3

Date of VPC Meeting	May 3, 2021
Request From	R1-6 (Single-Family Residence District)
Request To	R-3 (Multifamily Residence District)
Proposed Use	Community Residence Center
Location	Approximately 970 feet north of the northeast corner of 34th Street and Sweetwater Avenue
VPC Recommendation	Approval, per the staff recommendation.
VPC Vote	**11-6** with committee members Cantor, Hall, Maggiore, Mortensen, Popovic, Severs, Stewart, Ward, Wise, Gubser and Lesher in favor. Committee members Balderrama, Cashman, Gerst, Goodhue, Mazza and Ulibarri not in favor.

VPC DISCUSSION:

Mr. David Simmons, staff, provided an overview of the request to include background of how the area developed over time, the General Plan Land Use Map designation and character of the surrounding area. Mr. Simmons went over conceptual site plans and elevations as well as proposed standards. Further, Mr. Simmons covered a series of stipulations tied to the case.

Chairman Robert Gubser asked staff is the stipulations included a general conformance stip to the site plans or elevations.

Mr. Enrique Bojórquez Gaxiola, staff, shared that there are no general conformance stipulations due to the required zoning adjustments the applicant will need to apply for after this case is approved.

Ms. Larisa Balderrama stated that he has concerns with this use being located in such close proximity to single-family homes.

Mr. Paul Severs asked how many residences will be allowed to be housed in this facility.

Mr. Bojórquez Gaxiola stated that the applicant could speak to this during his presentation.

Applicant Presentation:

Mr. Thomas Fedzin, applicant, provide a thorough background on his business model. He shared that this house will provide housing for elder care and assisted living. He emphasized that this is not a sober living home. He stated that up to 40 residence could reside int eh home at one time and the square footage of the structure is about 14k square feet in size.

Mr. Robert Goodhue asked if this were a mix of independent and assisted living.

Mr. Fedzin shared that it could be a mix.

Mr. Goodhue asked why the two groups would be separated.

Mr. Fedzin shared that those uses fall under the same license. The separation was for staffing purposes as each staff set has area of expertise.

Ms. Toby Gerst asked Mr. Fedzin to please define “wellness center”, as referenced in the applicant’s presentation. She also asked if there were a limited number of beds for Medicade patience.

Mr. Fedzin defined “wellness center” and expanded on the number of beds that would be allowed under Medicade.

Vicechair Joe Lesher shared that he had looked up Solace Hospice and they have outstanding reviews. He also stated that the existing facilities on the website look very nice.

Mr. Alex Popovic asked if his company has entered into a Public Private Partnership with the City of Phoenix for this proposal.

Mr. Fedzin stated that no Public Private Partnership has been discussed with the City of Phoenix for this site.

Mr. Popovic asked the applicant if he had developed in other areas or if this was his first venture in this industry.

Mr. Fedzin shared that yes, he has built from the ground up in Surprise, Goodyear and Peoria.

Mr. Popovic asked is he has sold them or if he retains them and manages them. He also asked if there were 3rd party operators.

Mr. Fedzin explained that they retain them. He stated that they build a good staff and intern provide a high quality product.

Mr. Popovic asked what community outreach was done prior to coming to this committee tonight.

Mr. Fedzin shared that they had a neighborhood meeting and send out neighborhood notification letters.

Ms. Jennifer Hall asked if there were any persons present voicing opposition at the neighborhood meeting.

Mr. David Simmons, staff, shared that one letter in opposition was received prior to the staff report being posted. He also shared a citizen participation report was submitted as part of the rezoning packet requirements. He shared that the applicant met all neighborhood meeting and notification requirements.

Ms. Balderrama stated that if this request were to pass, all community residence center product types would be allowed on this site. She asked how many employees will work there.

Mr. Fedzin shared that the staff size will be around 6-8 full time employees working regular business hours.

Mr. Goodhue stated that he has concerns with the amount of freedom this proposed use could encompass. I stated that if it were limited to assisted living, he could be supportive.

Ms. Hall shared that she too has concerns with the flexibility of the use.

Mr. Wise shared that he does not believe this use will have a negative impact on the area.

Ms. Jennifer Maggiore asked what the results of the citizen participation report was.

Mr. Bojórquez Gaxiola shared the results of the report.

Mr. Eric Cashman understands that there is a great need for these facilities in our area. However, he stated that he knows no one wants sober living facilities in their neighborhoods.

Ms. Louisa Ward shared that he has conducted a site visit prior to the meeting. She has concerns about the narrow roadway leading to the site.

Mr. Cashman asked if vehicles weighing in excess of 3 tons were allowed to drive down the narrow, unimproved roadway.

Mr. Simmons shared that the applicant is stipulated to improving the cul-de-sac as part of the approval and shared that this is public right of way, so there is no restriction that he is aware of.

MOTION:

Mr. Alex Popovic made a motion to recommend approval of Rezoning Case No. Z-49-20-3, per the staff recommendation.

Mr. Ben Stewart seconded the motion.

VOTE:

11-6 with committee members Cantor, Hall, Maggiore, Mortensen, Popovic, Severs, Stewart, Ward, Wise, Gubser and Lesher in favor. Committee members Balderrama, Cashman, Gerst, Goodhue, Mazza and Ulibarri not in favor.

Staff Comments:

None

Attachment D

REPORT OF PLANNING COMMISSION ACTION
June 3, 2021

ITEM NO: 11	
	DISTRICT NO.: 3
SUBJECT:	
Application #:	Z-49-20-3
Location:	Approximately 970 feet north of the northeast corner of 34th Street and Sweetwater Avenue
From:	R1-6
To:	R-3
Acreage:	1.11
Proposal:	Community Residence Center
Applicant:	Matt Ihms
Owner:	Fedzin Enterprises, LLC
Representative:	Matt Ihms

ACTIONS:

Staff Recommendation: Approval, subject to stipulations.

Village Planning Committee (VPC) Recommendation:
Paradise Valley 5/3/2021 Approval, per the staff recommendation. Vote: 11-6.

Planning Commission Recommendation: Approval, per the Paradise Valley Village Planning Committee recommendation with an additional stipulation.

Motion Discussion: N/A

Motion details: Commissioner Busching made a MOTION to approve Z-49-20-3, per the Paradise Valley Village Committee recommendation, with the additional stipulation, as read into the record.

Maker: Busching
Second: Perez
Vote: 8-0
Absent: Gorraiz
Opposition Present: Yes

Findings:

1. This proposed development provides a new non-traditional housing option that is consistent with surrounding developments and serves a need in the community for disabled individuals.

2. The development, as stipulated, will maintain an appropriate scale to ensure that it remains compatible with the area.

3. This development proposes to develop an asymmetrical parcel that is bounded by a wash and freeway with a use that is consistent with the goals of the State Route 51 & Loop 101 Scenic Corridor Policy plan.

Stipulations:

1. The development shall maintain a minimum 50-foot building setback, exclusive of carports and perimeter walls, from the southern site boundary where adjacent to R1-6 zoning.

2. The maximum building height shall be limited to 2 stories and 30 feet.

3. Building elevations shall contain multiple colors, exterior accent materials and textural changes that exhibit quality and durability such as brick, stone, colored textured concrete or stucco, to provide a decorative and aesthetic treatment, as approved by the Planning and Development Department.

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

14. A portion of this parcel is located in a Special Flood Hazard Area (SFHA) called Zone AE Floodplain, on panels 1735L of the Flood Insurance Rate Map (FIRM) revised December 22, 2017. If the plans show no building and/or construction encroachment including fill within this portion of the site in the SFHA, then no floodplain requirements will be required. If encroachment does occur, then the following requirements must be met, as approved by the Planning and Development Department:

    a. The Architect/Engineer is required to show the special flood hazard area boundary limits on plans and ensure that impacts to the proposed facilities and surrounding properties have been considered, following the National Flood Insurance Program (NFIP) Regulations (44 CFR Paragraph 60.3). This includes, but not limited to provisions in the latest versions of the Floodplain Ordinance of the Phoenix City Code.

    b. A copy of the Grading and Drainage Plan needs to be submitted to the Floodplain Management section of Public Works Department for review and approval of Floodplain requirements prior to issuance of a Grading Permit.

15. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-

foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.

16. **PRIOR TO PRELIMINARY SITE PLAN APPROVAL, THE LANDOWNER SHALL EXECUTE A PROPOSITION 207 WAIVER OF CLAIMS FORM. THE WAIVER SHALL BE RECORDED WITH THE MARICOPA COUNTY RECORDER'S OFFICE AND DELIVERED TO THE CITY TO BE INCLUDED IN THE REZONING APPLICATION FILE FOR RECORD.**

This publication can be made available in alternate format upon request. Please contact Tamra Ingersoll at (602) 534-6648, TTY use 7-1-1.

Attachment E

CITY OF PHOENIX
PLANNING AND DEVELOPMENT DEPARTMENT

FORM TO REQUEST PC to CC **I HEREBY REQUEST THAT THE CC HOLD A PUBLIC HEARING ON:** 7/01/2021, at 10:00 a.m.					
APPLICATION NO/ LOCATION	**Z-49-20-3** Approximately 970 feet north of the northeast corner of 34th Street and Sweetwater Avenue	***(SIGNATURE ON ORIGINAL IN FILE)***			
		opposition	**x**	**applicant**	
Phoenix, AZ 85013	PC 6/03/2021	13221 North 34th Street Phoenix, AZ 85032			
	PC DATE	*STREET/ADDRESS/CITY/STATE/ZIP*			
TO PC/CC HEARING	CC 7/01/2021 (at 10:00 a.m.)	Mina Aziz/Archangel Michael Coptic Orthodox Church 480-562-1619 frarsenyaziz@gmail.com			
	CC DATE	*NAME / PHONE / EMAIL*			
REASON FOR REQUEST: Community concerned about openness of R-3 Zoning and process undertaken by the Applicant to not address concerns. Applicant history of selling Community Centers.					
RECEIVED BY:	Tricia Gomes	**RECEIVED ON:**		6/10/2021	

Alan Stephenson
Joshua Bednarek
Tricia Gomes
Racelle Escolar
Ra'Desha Williams
Stephanie Vasquez
David Urbinato
Vikki Cipolla-Murillo
Village Planner
Samantha Keating
Paul M. Li
GIS
Applicant

CITY OF PHOENIX

JUN 10 2021

Planning & Development Department

City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

The **PLANNING COMMISSION** agenda for **June 3, 2021** is attached.

The **CITY COUNCIL** may approve the recommendation of the Planning Commission without further hearing **unless**:

1. A **REQUEST FOR A HEARING** by the **CITY COUNCIL** is filed within seven (7) days.

   There is a $630.00 appeal fee for hearings requested by the applicant, due by 5:00 p.m. **June 10, 2021**.

   Any member of the public may, within seven (7) days after the Planning Commission's action, request a hearing by the City Council on any application. If you wish to request a hearing, fill out and sign the form below and return it to the Planning and Development Department by 5:00 p.m., **June 10, 2021**.

2. A **WRITTEN PROTEST** is filed, no later than seven (7) days after the Planning Commission's action, which requires a three-fourths vote. A written protest will require a three-fourths vote of the City Council to approve a zoning change when the owners of at least 20 percent of the property by area and number of lots, tracts, and condominium units within the zoning petition area have signed the petition. The zoning petition area includes both the area of the proposed amendment, and the area within 150 feet of the proposed amendment, including all rights-of-way. For condominium, townhouse and other types of ownership with common lands, authorized property owner signatures are required. Please see Planning and Development Department Staff for additional information prior to gathering signatures.

   To require a three-fourths vote of the City Council for approval, a written protest for applications on this agenda must be filed with the Planning and Development Department by 5:00 p.m. **June 10, 2021**.

   The Planning and Development Department will verify ownership by protestors to determine whether or not a three-fourths vote will be required.

3. A **CONTINUANCE** is granted at the **PLANNING COMMISSION**. In the event of a continuance, there is an $830.00 fee due from the applicant within fourteen (14) days, by 5:00 p.m. **June 17, 2021**.

FORM TO REQUEST CITY COUNCIL HEARING

I HEARBY REQUEST THAT THE CITY COUNCIL HOLD A PUBLIC HEARING:

Z-49-20-3
APPLICATION NO.

970 FT. N. of NE CORNER 34TH ST. / Sweetwater
LOCATION OF APPLICATION SITE

June 10, 2021
DATE APPEALED FROM

☑ OPPOSITION
☐ APPLICANT

PLANNER
(PLANNER TAKING THE APPEAL)

BY MY SIGNATURE BELOW, I ACKNOWLEDGE CITY COUNCIL APPEAL:

MINA AZIZ / ARCHANGEL MICHAEL COPTIC ORTHODOX CHURCH
PRINTED NAME OF PERSON APPEALING

SIGNATURE

13221 N. 34TH ST.
STREET ADDRESS

June 10, 2021
DATE OF SIGNATURE

PHOENIX, AZ 85032
CITY, STATE & ZIP CODE

(480) 562 1619
TELEPHONE NO.

frarseryaziz@gmail.com
EMAIL ADDRESS

REASON FOR REQUEST

Community Concerned about openness of R-3 Zoning and process undertaken by Applicant to not address concerns - Applicant History of selling Community Centers.

APPEALS MUST BE FILED IN PERSON AT 200 WEST WASHINGTON, 2ND FLOOR, ZONING COUNTER

Petition for THREE-FOURTHS (3/4) Vote by City Council
For Rezoning Application # Z-49-20-3
Request: R1-6 to R-3

Location: Approximately 970 feet north of the northeast corner of 34th Street and Sweetwater Avenue

I the undersigned, am an owner of property within the area of the proposed amendment or the area within 150 feet of the proposed amendment, including all rights-of-way, requesting the rezoning action. I request that the City Council be required to pass this rezoning application by a three-fourths (3/4) vote.

.

SIGNATURE PRINT NAME ADDRESS DATE

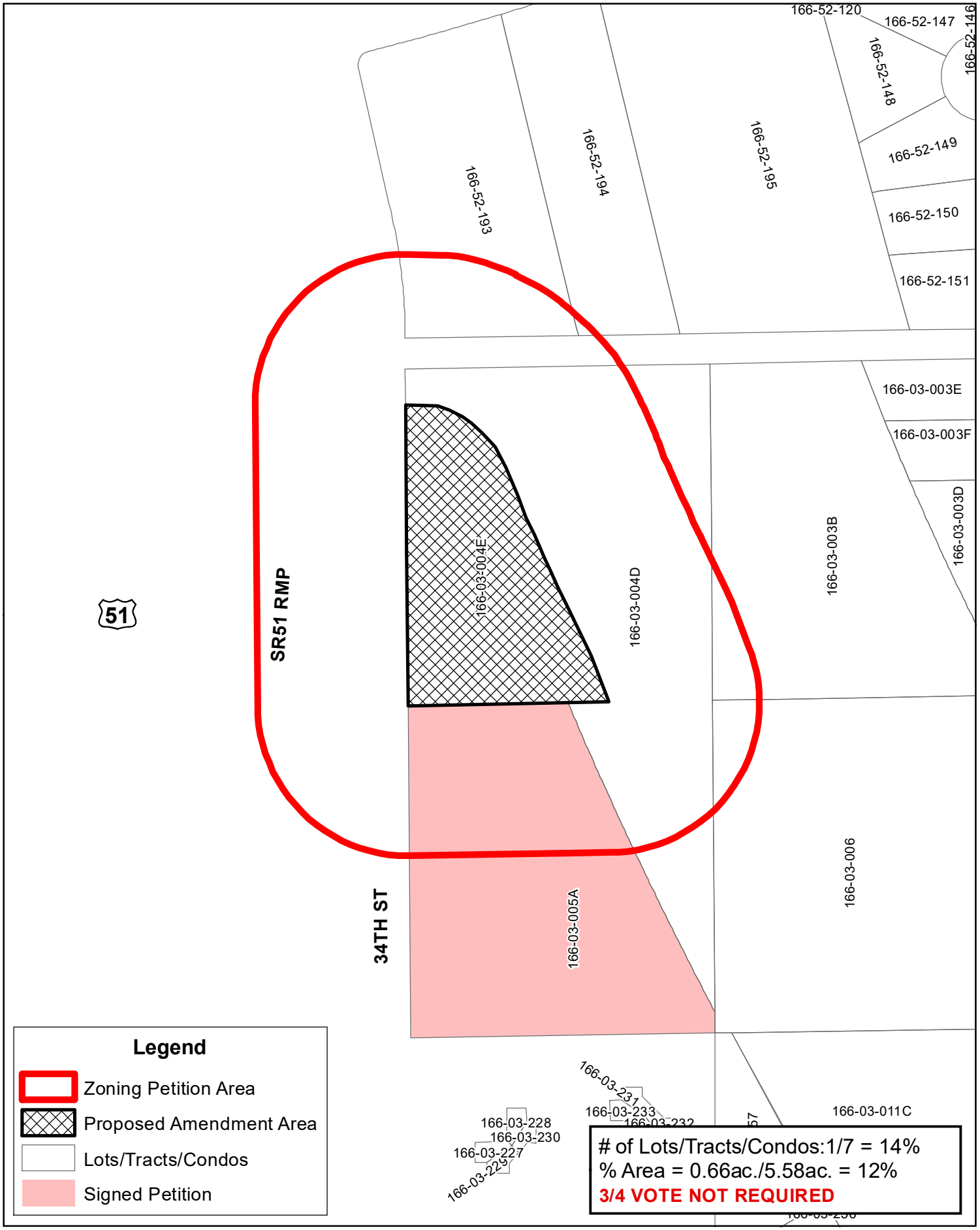
1 MINA AZIZ* (AKA FR. ARSENY AZIZ)
PRIEST, ARCHANGEL MICHAEL COPTIC ORTHODOX CHURCH

JUNE 10, 2021

*AUTHORIZED OFFICER OF ARCHANGEL MICHAEL COPTIC ORTHODOX CHURCH

13221 N. 34TH ST. PHOENIX, AZ. 85032

CITY OF PHOENIX
JUN 10 2021
Planning & Development Department



Petition Verification Map for Z-49-20-3

Map prepared by City of Phoenix, Planning and Development Services Dept. 6/11/2021

Attachment F

David O Simmons

From: mark atia <markyatia@gmail.com>
Sent: Monday, May 3, 2021 5:45 PM
To: David O Simmons
Subject: Z-49-20-3 comment

Hi Mr. Simmons,

How can I submit a comment for item z-49-20-3? We missed the deadline for tonight's meeting but I would like to submit a comment for the council to read before the June 1st vote.

My comment: "I would like to not have the rezoning approved due to all properties being single family residences. This will increase traffic in the neighborhood and especially on 34th street making it less safe for the community. It also will back up to the wash, where there is a local park, making it less of a family oriented park. I ask that you don't approve the rezoning because of this."

Thank you,
Mark Atia

Sent from my mobile phone

From:	Bishoy Soliman
To:	Enrique A Bojorquez-Gaxiola
Cc:	David O Simmons
Subject:	Fw: Z-49-20-3 comment
Date:	Tuesday, May 25, 2021 8:41:49 AM
Attachments:	Three Quarters Vote Petition (379) - Revised 7-31-17 (1).pdf image001.png image001.png

Good Morning Enrique,

I am a board member of the church adjacent to this property (Z-49-20-3). Unfortunately, we did not register in time to speak at the May 3rd meeting but there were many things I would have like to have said opposing this rezoning application and many times I would have like to have answered some of the questions that the committee had.

On May 9th, our priest explained how the meeting went to the congregation and announced that we would be putting together a petition opposing the rezoning of this land. Most of the congregation seemed like they were against this, but we did not have the petition ready for anyone to sign.

The next week, we found out that someone in the congregation had COVID and anyone in contact with this person was requested to get tested or just stay home. Because of this COVID scare, the next two weeks had very low attendance and we were only able to collect 18 signatures.

With this needing to be submitted ideally before May 27th, is it possible to distribute this petition electronically and gather electronic signatures?

These are the reasons we oppose of the rezoning that are mentioned in the petition:

<!--[if !supportLists]-->● <!--[endif]-->Due to the wide variety of dwellings under R-3 zoning, we are very concerned about the possibility of this land turning into something other than an assisted living facility, (i.e. Halfway House) which could potentially become a threat to neighboring properties and also to children at the public park across the wash from this property.

<!--[if !supportLists]-->● <!--[endif]-->The applicant has developed several assisted living facilities, none of which are currently owned by the applicant. The applicant has sold every assisted living facility he has developed, which gives us, and we hope give the committee, very little confidence that he will keep this property and operate it as an assisted living facility.

<!--[if !supportLists]-->● <!--[endif]-->Approving this application with the possibility of this facility becoming a halfway house or any type of group home would put owners of the neighboring community at a significant disadvantage when selling their properties. Meanwhile, this applicant will reap the benefits of having purchased single family residential land and selling it at a much higher value as a result of the rezoning.

I will also be submitting my own letter bringing up these reasons as well as a few others on why I do not think this rezoning will benefit the community without hurting others nearby.

Thank you,
Bishoy Soliman

----- Forwarded Message -----
From: mark atia <markyatia@gmail.com>
To: Father Arseny Aziz <Frarsenyaziz@gmail.com>; Mira keddis <mira.keddis@gmail.com>; Bishoy Soliman <bishoy_1@yahoo.com>; Bishoy Soliman <soliman.bishoy@gmail.com>
Sent: Tuesday, May 4, 2021, 10:39:47 AM MST
Subject: Fwd: Z-49-20-3 comment

General Petition Opposing Rezoning Application # Z-49-20-3

Request: R1-6 to R-3

Location: Approximately 970 feet north of the northeast corner of 34th Street and Sweetwater Avenue

We the undersigned citizens of the community strongly oppose the rezoning of this land from R1-6 (Single-Family Residence District) to #-3 (Multifamily Residence District), and would like the Planning Commission to deny this application due to the following reasons:

- Due to the openness of the application, we are very concerned about the possibility of this land turning into something other than an assisted living facility, (i.e. Halfway House) which could potentially become a threat to neighboring properties and also to children at the public park across the wash from this property.
- The applicant has developed several assisted living facilities, none of which are currently owned by the applicant. The applicant has sold every assisted living facility he has developed, which gives us, and we hope give the committee, very little confidence that he will keep this property and operate it as an assisted living facility.
- Approving this application with the possibility of this facility becoming a halfway house or any type of group home would put owners of the neighboring community at a significant disadvantage when selling their properties. Meanwhile, this applicant will reap the benefits of having purchasing land and selling it at a much higher value as a result of the rezoning.

SIGNATURE	PRINT NAME	ADDRESS	DATE
	BISHOY SOLIMAN	110 W LAWRENCE Rd. Phx 85013	5/23/21
	MARK MARCOS	4040 S McClintock Dr. #1201 Tempe AZ 85282	5/23/21
	NEHAD SOLOMON	9097 w Roberta Ln Peoria AZ 85382	5/23/21
	JOHN SAMAAN	6895 E CAMELBACK RD 85251	
	Mark Attia	24015 N. 64th St #2002 Phoenix AZ 85054	5/23/21
	Mary Attia	24015 N 64th St Scottsdale Phoenix AZ 85024	5/23/21
	George Gendy	5577 w. Pinnacle Hill Dr Glendale AZ 85310	5/23/21
	Teresa Diaz	5577 w. Pinnacle Hill Dr Glendale AZ 85310	5/22/21
	Denise Farag	6969 E Earll Rd Phx	5/23/21
	Jacinthe Soloman	9097 w Roberta Lane Peoria AZ 85382	5/23/21
	Alexander Soloman	9097 w Roberta Ln 85382	5/23/21
	Ernest Raheb	110 w. Lawrence Rd Phx	5/23/21
	Hany Kamel	7696 E Moura Dr. Scottsdale	5/23/21
	Mona Kamel	7696 E Moura Dr. Scotts	5/23/21
	BOTROS Soliman	2529 W. Cactus rd Phx 85029	5/23/21
	Lillian Soliman	13201 S. Wakial Loop Ph, 85044	5/23/21
	Girgis Girgis	13075 E. Shangrila Scottsdale 85259	5/24/21

General Petition Opposing Rezoning Application # Z-49-20-3

Request: R1-6 to R-3

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SIGNATURE	PRINT NAME	ADDRESS	DATE
Patricia Miller	Patricia Miller	13027 N 34th Way	5-28-21
JTella	Jesus Javier Tella	3414 E Captain Dr	5/28/21
Laila G.	Laila Gonzalez	3414 E Captain Dr	5/28/21
Jessica Wren	Jessica wren	13015 N. 34th Way	5-28-21
KSimpson	KIM DORMAN	3442 E CAPTAIN DR	5-29-21
A George	AARON GEORGE	3410 E CAPTAIN DREYFUS	5-28-21
Dean Trune	DEAN TRUNE	3501 E. DAHLIA DR	6-1-21
Linda Dettope	Linda Dettope	3524 E. JANICE WAY	6-1-21
Gregory R. Dettope	GREGORY R. Dettope	3524 E JANICE WAY	6-1-21
Paul S. Kladzyk	PAUL S. KLADZYK	3537 E. Emile Zola	6-1-21
Geraldine Kladzyk	Geraldine Kladzyk	3537 E Emile Zola	6-1-20
Kyuana Wright	Kyuana Wright	3430 E. Captain Dreyfus	6/1/20

General Petition Opposing Rezoning Application # Z-49-20-3

Request: R1-6 to R-3

Location: Approximately 970 feet north of the northeast corner of 34th Street and Sweetwater Avenue

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SIGNATURE	PRINT NAME	ADDRESS	DATE
	Stacy Culberson	13035 N. 34th St	5-31-21
	Jessica Elliott	13035 N 34th	5/31/21
	Corey Strawthun	13035 N 34th	5/31/21
	Erica Elliott	13033 N. 34th	5/31/21
	Dean Mayer	13033 N. 34th	5/31/21
	Angela Roglin	13035 N 34th St	5-31-21
	Erica Eggen	13109 N 34th St	5-31-21
	[illegible]	13113 N. 34th Way	5-31-21
	Alejandro Garza	3418 E Captain Dreyfus Ave	5-31-21

General Petition Opposing Rezoning Application # Z-49-20-3

Request: R1-6 to R-3

Location: Approximately 970 feet north of the northeast corner of 34th Street and Sweetwater Avenue

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SIGNATURE	PRINT NAME	ADDRESS	DATE
	Codi Mauch	1303S N 34th St Unit 12	5/31

1

General Petition Opposing Rezoning Application # Z-49-20-3

Request: R1-6 to R-3

Location: Approximately 970 feet north of the northeast corner of 34th Street and Sweetwater Avenue

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SIGNATURE	PRINT NAME	ADDRESS	DATE
	Michael Matousek	13023 N. 34th Way	06/01/2021
	Leslie Renteria	13023N. 34th Way	06/01/2021

1

From: J.J. Téllez <jjtellez@stanfordalumni.org>
Sent: Tuesday, June 1, 2021 9:34 AM
To: PDD Planning Commission
Cc: matt.ihms@gmail.com
Subject: Comment for Rezoning Case, Item 11, Application # Z-49-20-3

Hello,

I'd like to bring to the Planning Commission's attention that the parcel owner applying for rezoning has done the bare minimum to listen to the community and neighbor's concerns about the proposed development. The community meeting was held back in February during working hours and only one community member attended. Meager attendance and emailed concerns on 2/22 by Emad Zaki (below) should have signaled to the developer more needed to be done. Additionally, the 34th Street Enclave community was not invited or notified nor any neighbors across the wash, surrounding the park.

Rezoning opens several possibilities of 'community centers' that could evolve from developers' stated intentions of hospice care to other more profitable operations such as sober-living facilities within walking distance of a community park and single family homes.

Lastly, peer-reviewed research shows group homes have a negative impact on surrounding homes property values. Article below:

https://doi.org/10.2307/3146956 [doi.org]
https://www.nrc.gov/docs/ML1208/ML12088A314.pdf [nrc.gov]

Regards,
JJ Tellez,
3414 E Captain Dreyfus Ave, Phoenix, AZ 85032

From: Emad Zaki
To: matt.ihms@gmail.com
Cc: David O Simmons; Enrique A Bojorquez-Gaxiola
Subject: Case Z-49-20-3
Date: Monday, February 22, 2021 12:39:10 PM
Attachments: Rezoning Letter .pdf
Dear Mr. Ihms,
I am attaching a copy of the letter you mailed regarding the above-mentioned case. I have few concerns that I would like to address:
1. The meeting is scheduled on a work day at 9AM, this is going to prevent a lot of the neighborhood members from attending. My experience with these meeting that it is usually scheduled after regular work hours.
2. The way this is set does not give the members an access to the meeting until they request it from you, this is another concern as members should have a direct link to access the meeting same as in-person meeting works.
Please consider the above concerns as it interferes with the main purpose of this meetings to allow the neighbors to voice their opinions and address their concerns. It would be great if you can reschedule this meeting for another day after 5PM and to have a direct link for anyone who would like to attend.
Please also let me know if you can provide me with the mailing list to make sure that our neighbors all got the letter, and if they share the same concerns we have.

Best Regards,
Emad Zaki

City of Phoenix

Report

Agenda Date: 11/3/2021, **Item No.** *50

REQUEST TO ADD-ON (SEE ATTACHED MEMO) Request for City Council to Call to Meet in Executive Session on Nov. 17, 2021

Request for the City Council to call a meeting for the purpose of holding an Executive Session pursuant to Arizona Revised Statutes, section 38-431.03.A, on Nov. 17, 2021 at 1:00 p.m. in the Central Conference Room, 12th Floor of Phoenix City Hall, 200 W. Washington St., Phoenix, Arizona. This Executive Session is being scheduled to replace the cancelled Executive Session on Nov. 9, 2021.

Public Outreach
The Notice and Agenda for this Executive Session will be posted no later than 24 hours before the scheduled meeting.

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

City of Phoenix
OFFICE OF THE CITY ATTORNEY

To: Jeffrey J. Barton
City Manager

Date: November 1, 2021

From: David Benton
Acting Chief Asst. City Attorney

Subject: REQUEST TO ADD AN ITEM TO THE NOV. 3, 2021 FORMAL AGENDA – REQUEST TO CALL FOR AN EXECUTIVE SESSION ON NOV. 17, 2021 AT 1:00 P.M.

This memo requests to add an item to the Nov. 3, 2021 Formal agenda to call for an Executive Session on Nov. 17, 2021 at 1:00 p.m. This Executive Session is being scheduled to replace the cancelled Executive Session on Nov. 9, 2021.

Approved by:

Jeffrey J. Barton
City Manager

CAM/dh: 2287040