City of Phoenix

Agenda
City Council Formal Meeting

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

Wednesday, December 7, 2022 **2:30 PM** **phoenix.gov**

*****REVISED Dec. 6, 2022*****
Items with Additional Information: 20, 84; Item Requested to be Withdrawn: 79; Item Added: 85

OPTIONS TO ACCESS THIS MEETING

Virtual Request to speak at a meeting:

- Register online *by visiting the City Council Meetings page on phoenix.gov* ***at least 2 hours prior to the start of this meeting****. Then, click on this link at the time of the meeting and join the Webex to speak:* https://phoenixcitycouncil.webex.com/phoenixcitycouncil/onstage/g.php?MTID=ebdc6aec9166a3d5adafcc263917782fc

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

In-Person Requests to speak at a meeting:

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

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

At the time of the meeting:

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

- Call-in to listen to the meeting. Dial 602-666-0783 and Enter Meeting ID 2555 842 3093# (for English) or 2557 499 9443# (for Spanish). Press # again when prompted for attendee ID.

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

Para nuestros residentes de habla hispana:

- Para registrarse para hablar en español, llame al 602-262-6001 **al menos 2 horas antes del inicio de esta reunión** e indique el número del tema. El día de la reunión, llame al 602-666-0783 e ingrese el número de identificación de la reunión 2557 499 9443#. 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 2557 499 9443#). Se proporciona interpretación simultánea para nuestros residentes durante todas las reuniones.

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

CALL TO ORDER AND ROLL CALL

BOARDS AND COMMISSIONS

1	**Mayor and Council Appointments to Boards and Commissions**	Page 13

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

2	**Liquor License - Mercadito Chapin**	District 2 - Page 16
3	**Liquor License - Sicilian Butcher**	District 2 - Page 21
4	**Liquor License - Yasha from Russia**	District 3 - Page 26
5	**Liquor License - Special Event - Arizona Matsuri**	District 4 - Page 31
6	**Liquor License - Marz Market**	District 4 - Page 32
7	**Liquor License - Special Event - Arizona Super Bowl Host Committee**	District 7 - Page 37
8	**Liquor License - 125 Lounge**	District 7 - Page 38
9	**Liquor License - Miel de Agave**	District 7 - Page 40
10	**Liquor License - Sauvage Wine Bar + Shop**	District 7 - Page 45
11	**Liquor License - Selection Sauvage**	District 7 - Page 50
12	**Liquor License - Special Event - Community Food Connections, Inc.**	District 8 - Page 52

PAYMENT ORDINANCE (Ordinance S-49194) (Items 13-18) Page 53

13 **Baggage Airline Guest Services, Inc.**

14 **GBD Labs, LLC doing business as Crosswalk Labs**

15 **Phoenix Sister Cities, Inc.**

16 **BTE Body Company, Inc.**

17 **Settlement of Claim(s) Espinoza v. City of Phoenix**

18 **Settlement of Claim(s) Miller v. City of Phoenix**

ADMINISTRATION

19	**Canvass of Vote - November 2022 City Council Election**	District 2 - Page 55 District 4 District 6 District 8
*20	*****ADDTIONAL INFORMATION (SEE ATTACHED MEMOS)*** Union Comments on Proposed Changes to Memoranda of Understanding**	Citywide - Page 56
21	**Proposed 35th Avenue and Carter Road Annexation - Public Hearing**	District 7 - Page 57
22	**Acceptance and Dedication of Easements and Deeds for Sidewalk, Public Utility and Roadway Purposes (Ordinance S-49207)**	District 1 - Page 64 District 4 District 6 District 8
23	**Acceptance of an Access Easement Between 50th Street and Interstate 10 from Kyrene Elementary School District No. 28 (Ordinance S-49210)**	District 6 - Page 66
24	**Authorization to Sell City-owned Real Property Near 75th Avenue and Baseline Road to Salt River Project (Ordinance S-49198)**	District 7 - Page 67
25	**Acquisition of Real Property for Roadway Improvements along the Grand Canal at Indian School Road (Ordinance S-49200)**	District 4 - Page 69
26	**Acquisition of Real Property for a Pedestrian and Bicycle Path along the Grand Canal between 47th and**	District 4 - Page 70 District 5

75th Avenues (Ordinance S-49212)

27 **Acquisition of Real Property for Sidewalk Improvements along 7th Avenue from Mountain View Road to Cheryl Drive, and along Mountain View Road from 7th Avenue to 3rd Drive (Ordinance S-49208)** — District 3 - Page 72

28 **Service and Repair of Appliances - IFB 18-213 - Amendment (Ordinance S-49216)** — Citywide - Page 74

29 **Citywide Fence Supply and Service - Requirements Contract - IFB 18-207 - Amendment (Ordinance S-49223)** — Citywide - Page 75

30 **Real-Time Captioning (CART) and Sign Language Interpreter Services - ADSPO 13-00002282 - Amendment (Ordinance S-49232)** — Citywide - Page 77

31 **Printing of Optical Scan Ballots and Ballot Packet Assembly Contract - EXC 20-060 - Request for Award (Ordinance S-49238)** — Citywide - Page 78

32 **Background Screening and In-Processing/Onboarding Services Contract (Ordinance S-49219)** — Citywide - Page 80

33 **Transfer of Retirement Funds to Arizona State Retirement System (Ordinance S-49204)** — Citywide - Page 81

34 **Transfer of Retirement Funds to Arizona State Retirement System (Ordinance S-49215)** — Citywide - Page 82

COMMUNITY SERVICES

35 **Request to Enter Into a Lease Agreement with the Deer Valley Unified School District for a Modular Classroom for the Head Start Birth to Five Program and to Sublease to Head Start Birth to Five Program Partners (Ordinance S-49202)** — District 1 - Page 83

36 **Request to Enter Into an Agreement to Provide Caregiver Supportive Services with A.T. Still University** — Citywide - Page 85

	of Health Sciences - CarePlaCe Program (Ordinance S-49209)	
37	**Request to Amend Contract with Community Bridges, Inc for COVID-19 Related Homeless Services - Street Outreach (Ordinance S-49213)**	Citywide - Page 87
38	**Request to Retroactively Accept and Disburse Nina Mason Pulliam Charitable Trust Grant Funds (Ordinance S-49224)**	Citywide - Page 89
39	**Request to Enter into Agreements to Provide Refugee and Immigrant Services (Ordinance S-49227)**	Citywide - Page 90
40	**Request to Retroactively Accept American Association of Retired Persons Foundation Digital Skills Ready@50+ Grant Funds (Ordinance S-49228)**	Citywide - Page 92
41	**Request to Enter into an Agreement with Vander Weele Group, LLC for Home Visit Rating Scale Observation Services (Ordinance S-49231)**	Citywide - Page 93
42	**Phoenix Public Library's Fiscal Year 2022-23 Application for Arizona State Library's State Grants-In-Aid Funds**	District 5 - Page 95 District 7 District 8
43	**Maintenance of Environmental Units at Pueblo Grande Museum Requirements Contract - IFB 23-024 Request for Award (Ordinance S-49211)**	District 8 - Page 97
44	**First Things First Grant Application and IGA (Ordinance S-49230)**	Citywide - Page 99 District 1 District 7 District 8
45	**Community Development Block Grant Funded Housing Rehabilitation Americans with Disabilities Act Modifications Program Request For Proposal Issuance Request**	Citywide - Page 101

46	**Flood Irrigation Repair and Replacement Services Contract (Ordinance S-49225)**	Citywide - Page 102

ECONOMIC DEVELOPMENT

47	**Arizona Office of Economic Opportunity AZQUEST Grant (Ordinance S-49218)**	Citywide - Page 103
48	**Amend Ordinance - Redevelopment and Purchase Agreement (City Contract No. 147086) with High Street Fillmore, LLC. and High Street Fillmore Phase 2, LLC. (Ordinance S-49222)**	District 7 - Page 105
49	**Authorization to enter into a license with Steel & Spark, LLC for the installation of Temporary Structures for Activation of City-Owned Lots in Downtown Phoenix (Ordinance S-49226)**	District 7 - Page 107
50	**Theatrical Spotlights Contract - IFB 20-006 Request for Award (Ordinance S-49203)**	District 7 - Page 109
51	**Operable Wall Inspection, Maintenance and Repair Contract - RFA PCC 22-007 Request for Award (Ordinance S-49214)**	District 7 - Page 111 District 8

PUBLIC SAFETY

52	*****ITEM CORRECTED (SEE ATTACHED MEMO)*** (CONTINUED FROM JUNE 1 AND SEPT. 21, 2022) - Sale of Unclaimed and Forfeited Firearms Contract - Requirements Contract - RFP 22-113 (Ordinance S-48689)**	Citywide - Page 113
53	**Aircraft Parts and Services- IFB 18-137 - Amendment (Ordinance S-49197)**	Citywide - Page 118
54	**Fixed Wing Airplane Contract RFP 22-094 - Request for Award (Ordinance S-49201)**	Citywide - Page 120
55	**Fire Department Automatic Aid Agreement (Ordinance S-49233)**	Citywide - Page 122

56	**Intergovernmental Agreement with Maricopa County for Participation in the Securing the Cities Program (Ordinance S-49234)**	Citywide - Page 124
57	**Add Sworn Positions in Fire Department for Staffing Relief (Ordinance S-49237)**	Citywide - Page 126
58	**Wiretap Intercept System - Requirements Contract - RFA 19-015 - Amendment (Ordinance S-49206)**	Citywide - Page 128

TRANSPORTATION AND INFRASTRUCTURE

59	**Hydrant Fueling System Modification (Ordinance S-49196)**	District 8 - Page 130
60	**Heating, Ventilation, Air Conditioning, Refrigeration Systems, Components, Equipment/Controls, Maintenance, Repair, and Installation Services - AVN RFP 19-009 - Amendment (Ordinance S-49221)**	District 1 - Page 132 District 8 Out of City
61	**Ground Lease with KOR Medical Arizona, LLC. (Ordinance S-49235)**	District 8 - Page 134
62	**Geosynthetic Liner Purchase for State Route 85 Landfill, Cell 2 - IFB 23-SW-019 Requirements Contract (Ordinance S-49199)**	Out of City - Page 136
63	**Fuel Terminal Services - Contract Recommendation (Ordinance S-49220)**	Citywide - Page 139
64	**Amend City Code - Section 36-158, Schedule I, Local Speed Limits at 27 Locations (Ordinance G-7062)**	Citywide - Page 140
65	**Answering and Dispatching Services - RFP 63-2307 - Request for Award (Ordinance S-49195)**	Citywide - Page 183
66	**Street Transportation Department Soils and Materials Testing On-Call Services for Calendar Years 2023-24 (Ordinance S-49217)**	Citywide - Page 185
67	**Salt River Project Construction License for Subsurface**	District 5 - Page 188

	Utility Excavation Purposes for Lift Station 48 Redundant Force Main - WS90501007-1 (Ordinance S-49229)	
68	**Arizona Department of Transportation Off System Bridge Program Call for Projects through Maricopa Association of Governments in Federal Fiscal Year 2023 (Ordinance S-49236)**	Citywide - Page 189
69	**End Shores Contract - IFB 2223-WDD-512 - Request for Award (Ordinance S-49205)**	Citywide - Page 191

PLANNING AND ZONING MATTERS

70	**Final Plat - Desert Park 5 - PLAT 220009 - Northwest Corner of Desert Park Lane and 14th Street**	District 6 - Page 193
71	**Final Plat - 7th St. Industrial-Phase 2 - PLAT 220021 - Northeast Corner of 10th Street and Hammond Lane**	District 8 - Page 194
72	**Final Plat - Elevate on the Preserve Amended - PLAT 220098 - Southeast Corner of Central Avenue and Dobbins Road**	District 8 - Page 195
73	**Amend City Code - Ordinance Adoption - Rezoning Application Z-47-22-1 - Southwest Corner of 35th Avenue and Paradise Lane (Ordinance G-7058)**	District 1 - Page 196
74	**Amend City Code - Ordinance Adoption - Rezoning Application Z-SP-5-22-1 - Southwest Corner of 35th Avenue and Paradise Lane (Ordinance G-7059)**	District 1 - Page 204
75	**Amend City Code - Ordinance Adoption - Rezoning Application Z-57-22-4 - Southeast Corner of 7th Street and Whitton Avenue (Ordinance G-7060)**	District 4 - Page 212
76	**Amend City Code - Ordinance Adoption - Rezoning Application Z-41-22-8 (2333 Thomas PUD) - Approximately 270 Feet West of the Southwest Corner of 24th Street and Thomas Road (Ordinance G-7057)**	District 8 - Page 219

77	**Amend City Code - Ordinance Adoption - Rezoning Application Z-58-22-8 - Southeast Corner of 44th Street and Mckinley Street (Ordinance G-7061)**	District 8 - Page 227
78	*****REQUEST TO CONTINUE (SEE ATTACHED MEMO)*** (CONTINUED FROM OCT. 12, 2022) - Public Hearing - Appeal of Hearing Officer Decision - Abandonment of Right-of-Way - ABND 220011 - 4640 East Camelback Heights Way**	District 6 - Page 235
*79	*****REQUEST TO WITHDRAW (SEE ATTACHED MEMO)*** (CONTINUED FROM MARCH 2, APRIL 6, JUNE 1 AND SEPT. 7, 2022) - Public Hearing and Ordinance Adoption - Rezoning Application Z-20-21-4 - Approximately 1,300 Feet North of the Northeast Corner of Central Avenue and Indian School Road (Ordinance G-6964)**	District 4 - Page 290
80	**(CONTINUED FROM NOV. 2, 2022) - Public Hearing and Ordinance Adoption - Planning Hearing Officer Application PHO-1-22--Z-26-15-4 - Northwest Corner of Central Avenue and Pierson Street (Ordinance G-7053)**	District 4 - Page 307
81	**Public Hearing/Formal Action - PCD Major Amendment - Rezoning Application Z-91-C-99-2 - Approximately 815 Feet West of the Northwest Corner of North Valley Parkway and Dove Valley Road**	District 2 - Page 377
82	**Public Hearing and Ordinance Adoption - Rezoning Application Z-16-22-1 - Approximately 300 Feet South of the Southwest Corner of 31st Avenue and Dynamite Boulevard (Ordinance G-7063)**	District 1 - Page 426
83	**(CONTINUED FROM NOV. 2, 2022) - Public Hearing and Ordinance Adoption - Planning Hearing Officer Application PHO-2-22--Z-47-17-8 - Approximately 130 feet North of the Northwest Corner of 19th Avenue and Latona Lane (Ordinance G-7054)**	District 8 - Page 501

*84 ***ADDITIONAL INFORMATION (SEE ATTACHED MEMO)*** District 2 - Page 612
Public Hearing and Resolution Adoption - General Plan Amendment GPA-DSTV-3-22-2 - Mayo Boulevard between 40th Street and the Loop 101 Freeway, and Tatum Boulevard between Deer Valley Drive and Mayo Boulevard (Resolution 22087)

ADD-ON ITEMS

*85 ***REQUEST TO ADD-ON (SEE ATTACHED MEMO)*** District 2 - Page 625
Intergovernmental Agreement with Arizona State Land Department to Require and Fund Street Improvements in North Phoenix (Ordinance S-49239)

REPORTS FROM CITY MANAGER, COMMITTEES OR CITY OFFICIALS

000 CITIZEN COMMENTS

ADJOURN

City of Phoenix

Report

Agenda Date: 12/7/2022, **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:** December 7, 2022

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:

Central City Village Planning Committee

Councilwoman Yassamin Ansari recommends the following for appointment:

Jeff Sherman
Mr. Sherman is the Operations Manager at Fire Security Electronics and Communications and a resident of District 7. He replaces Ryan Boyd and will fulfill his term to expire November 19, 2023.

Mayor's Commission on Disability Issues

I recommend the following for appointment:

Carrie Collins-Fadell
Ms. Collins-Fadell is the Chief Executive Officer at Brain Injury Alliance. She fills a vacancy for a term to expire December 7, 2025.

David Steinmetz
Mr. Steinmetz is the Public Policy Manager at the Arizona Industries for the Blind. He fills a vacancy for a term to expire December 7, 2025.

North Gateway Village Planning Committee

Councilman Jim Waring recommends the following for appointment:

Jeff Johnson
Mr. Johnson is a Loan Officer at OneAZ Credit Union and a resident of District 2. He fills a vacancy for a term to expire November 19, 2024.

Paradise Valley Village Planning Committee

Councilwoman Debra Stark recommends the following for appointment:

Ana Bustamante
Ms. Bustamante is a Design Consultant and Landscape Designer at ABustaDesign and a resident of District 3. She fills a vacancy for a term to expire November 19, 2024.

Phoenix Parks and Preserve Initiative Oversight Committee

I recommend the following for appointment as Chair:

Patricia Duarte
Ms. Duarte will serve as Chair for a term to expire December 7, 2025.

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 2

Liquor License - Mercadito Chapin

Request for a liquor license. Arizona State License Application 206693.

Summary

Applicant
Gilda Schwendener, Agent

License Type
Series 10 - Beer and Wine Store

Location
15420 N. 32nd St., Ste. 4,5
Zoning Classification: C-2
Council District: 2

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

The 60-day limit for processing this application is Dec. 13, 2022.

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

Other Active Liquor License Interest in Arizona
This information is not provided due to the multiple ownership interests held by the

applicant in the State of Arizona.

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I have the capability, reliability to hold a liquor license because I currently hold 4 Series 10 license and one series 12. Two are in Mesa and Four are in Phoenix, AZ. I have been operating liquor licenses since 2016 with no violation. I follow all laws and make sure all my stores and restaurant follow the regulations and responsibilities of holding a liquor license."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"My convenience store will provide a safe and secure place for the neighborhood to buy beer and wine. We will specialties in beer from other countries like Guatemala, El Salvador, and Honduras."

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 - Mercadito Chapin
Liquor License Map - Mercadito Chapin

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

Liquor License Data: MERCADITO CHAPIN

Liquor License

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

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	55.88	88.85	101.06
Violent Crimes	10.65	19.02	23.35

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

Property Violation Data

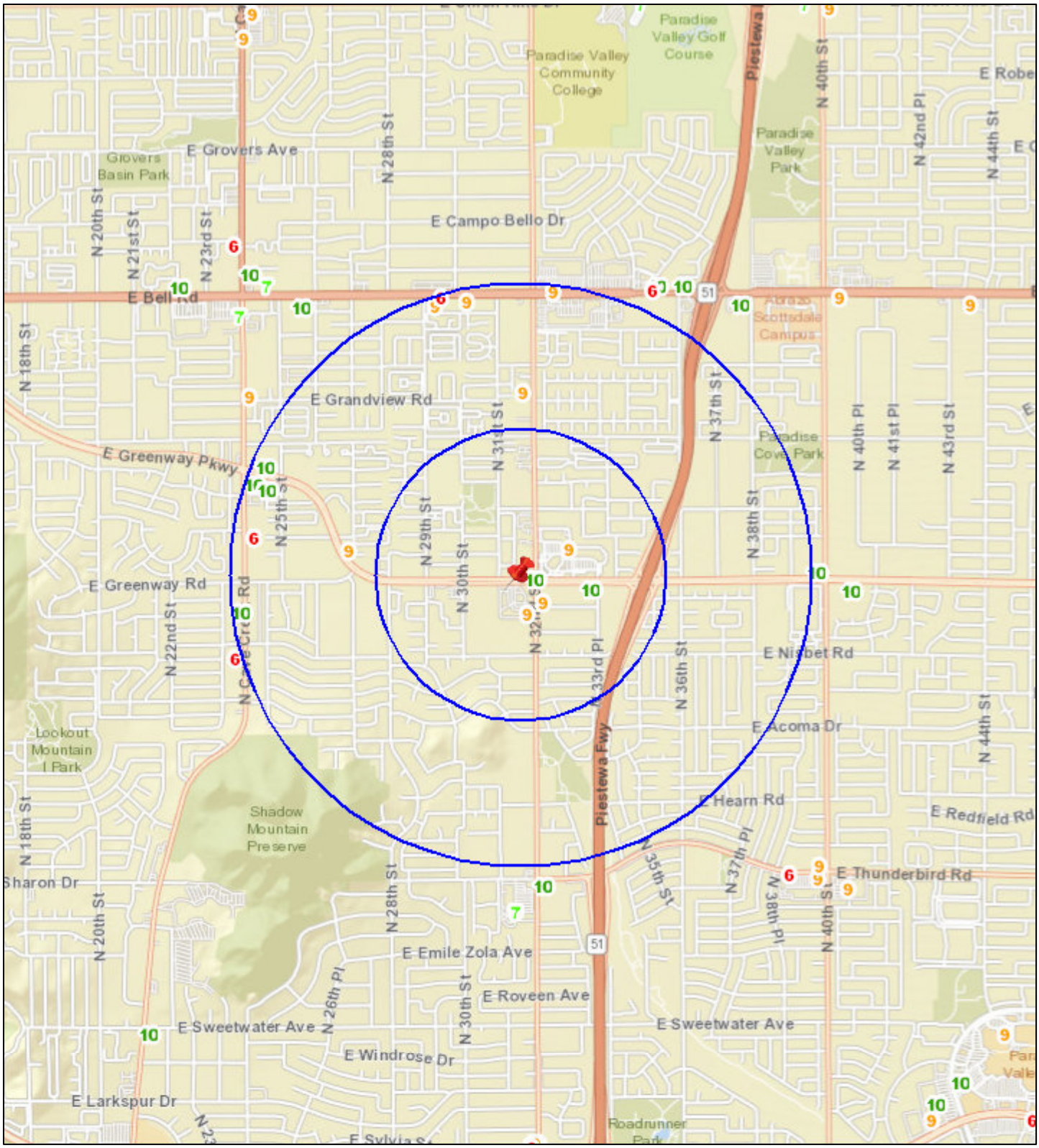
Description	Average	1/2 Mile Average
Parcels w/Violations	51	72
Total Violations	89	138

Census 2010 Data 1/2 Mile Radius

BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1033021	1993	86 %	0 %	41 %
1033023	1946	82 %	2 %	19 %
1033031	1578	87 %	10 %	14 %
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 %
1033062	2272	17 %	22 %	37 %
1035011	1381	67 %	5 %	23 %
1035012	999	80 %	8 %	26 %
1035013	1038	66 %	0 %	40 %
Average		61 %	13 %	19 %

Liquor License Map: MERCADITO CHAPIN

15420 N 32ND ST



N

Date: 11/10/2022

0 0.2 0.4 0.8 1.2 1.6 mi

City Clerk Department

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 3

Liquor License - Sicilian Butcher

Request for a liquor license. Arizona State License Application 210804.

Summary

Applicant
Andrea Lewkowitz, Agent

License Type
Series 12 - Restaurant

Location
15530 N. Tatum Blvd., Ste. 160
Zoning Classification: C-1
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 Dec. 11, 2022.

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

Other Active Liquor License Interest in Arizona
This information is not provided due to the multiple ownership interests held by the applicant in the State of Arizona.

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

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

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

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"The Sicilian Butcher is a casual family-friendly neighborhood restaurant featuring a variety of quality, fresh menu items, including hand-crafted meatballs, homemade pastas and house-cured meats. Applicant would like to continue to offer its guests 21 and over the opportunity to enjoy alcoholic beverages as an incident to their favorite menu items."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Sicilian Butcher
Liquor License Map - Sicilian Butcher

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

Liquor License Data: SICILIAN BUTCHER

Liquor License

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

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	55.88	47.90	39.70
Violent Crimes	10.65	3.79	2.76

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

Property Violation Data

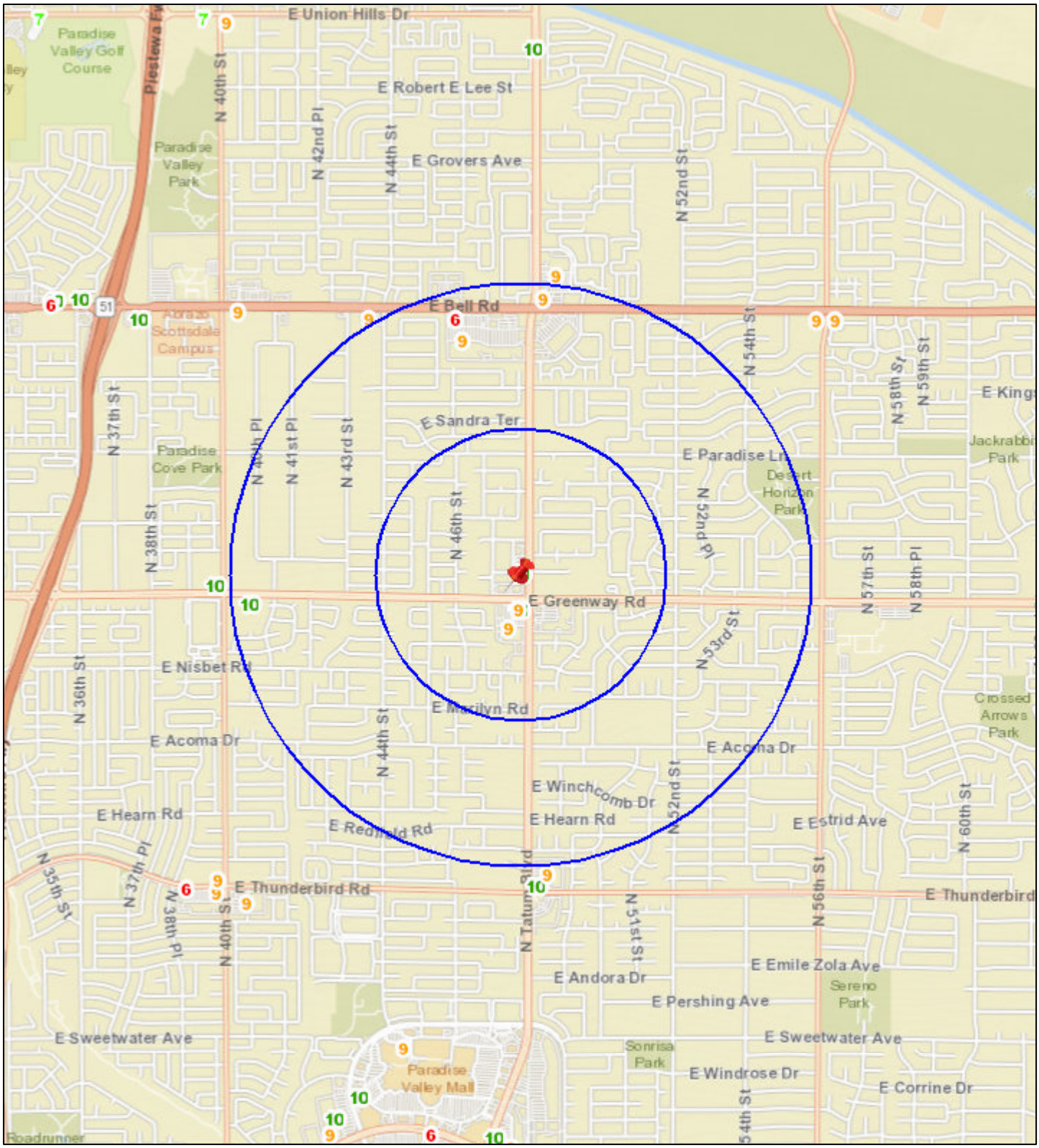
Description	Average	1/2 Mile Average
Parcels w/Violations	51	30
Total Violations	89	52

Census 2010 Data 1/2 Mile Radius

BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1032111	1273	95 %	6 %	9 %
1032112	1945	90 %	10 %	2 %
1032123	1092	97 %	13 %	7 %
1032151	1421	86 %	0 %	2 %
1032152	1418	91 %	18 %	4 %
1032162	1982	84 %	0 %	4 %
1032163	1647	68 %	5 %	2 %
Average		61 %	13 %	19 %

Liquor License Map: SICILIAN BUTCHER

15530 N TATUM BLVD



N

Date: 11/10/2022

0 0.2 0.4 0.8 1.2 1.6 mi

City Clerk Department

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 4

Liquor License - Yasha from Russia

Request for a liquor license. Arizona State License Application 10076743S.

Summary

Applicant
Nerik Gadaev, Agent

License Type
Series 10S - Addition of Sampling Privileges for a Beer and Wine Store

Location
10240 N. 32nd St.
Zoning Classification: C-1
Council District: 3

This request is for the addition of Sampling Privileges to an existing liquor license for a beer and wine store. This location is currently licensed for liquor sales.

The 60-day limit for processing this application is Dec. 19, 2022.

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

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

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

Yasha from Russia (Series 10)
10240 N. 32nd St., Phoenix
Calls for police service: 4
Liquor license violations: None

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I have been in this business for almost 20 years and have never had any previous complaints and violations."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"We will provide the public (of drinking age) to taste and experience what the Eastern European Market offers. We have been part of this community for almost 20 years and are well known in the neighborhood."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Yasha from Russia
Liquor License Map - Yasha from Russia

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

Liquor License Data: YASHA FROM RUSSIA

Liquor License

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

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	55.88	28.84	49.78
Violent Crimes	10.65	2.81	6.47

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

Property Violation Data

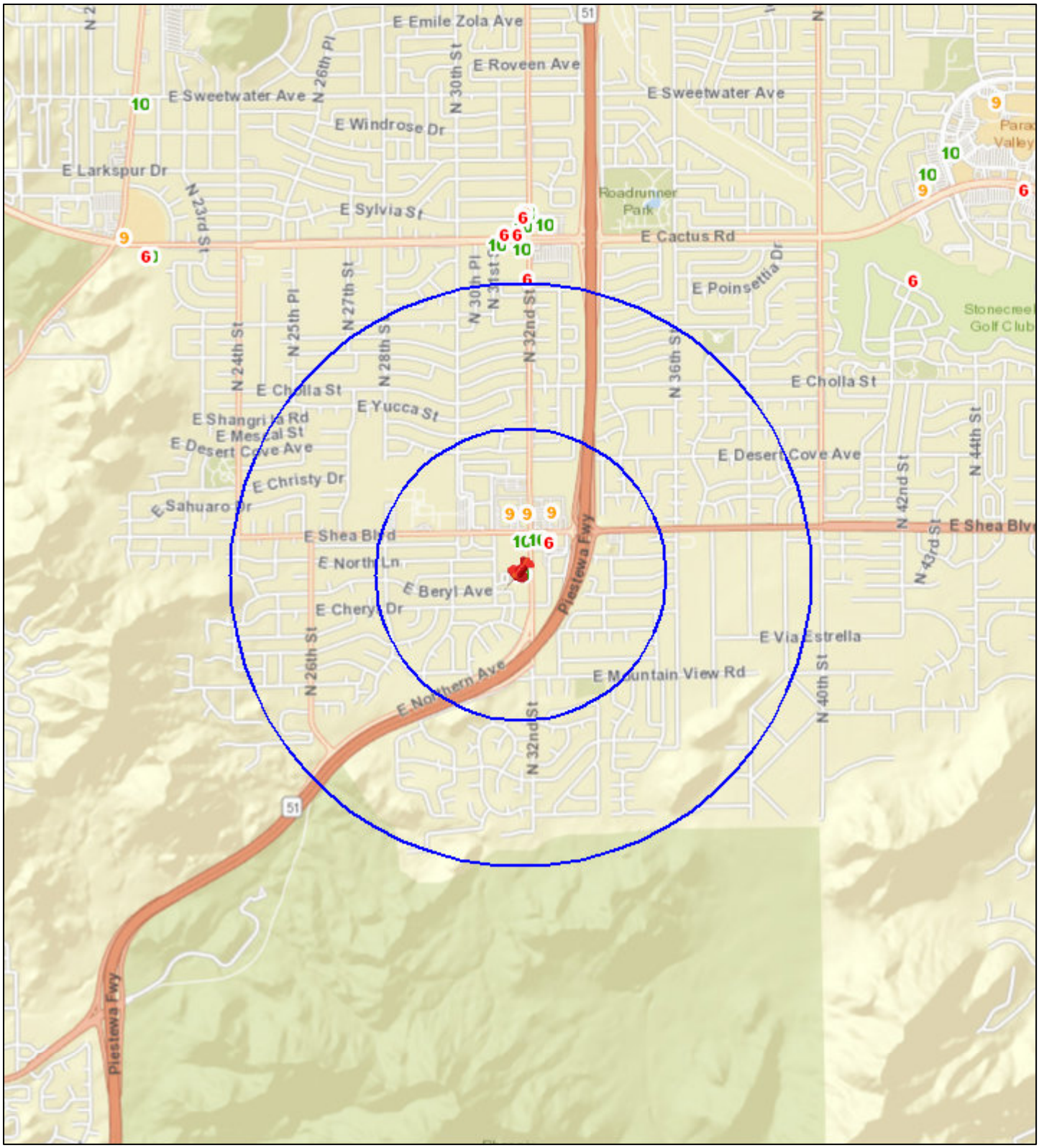
Description	Average	1/2 Mile Average
Parcels w/Violations	50	22
Total Violations	88	29

Census 2010 Data 1/2 Mile Radius

BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1048011	1972	96 %	7 %	8 %
1048021	941	84 %	0 %	4 %
1048023	1419	89 %	14 %	1 %
1048025	888	4 %	7 %	24 %
1049003	2131	84 %	6 %	2 %
1051011	1042	100 %	7 %	7 %
1051013	1549	100 %	4 %	1 %
Average		61 %	13 %	19 %

Liquor License Map: YASHA FROM RUSSIA

10240 N 32ND ST



N

Date: 10/24/2022

0 0.2 0.4 0.8 1.2 1.6 mi

City Clerk Department

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 5

Liquor License - Special Event - Arizona Matsuri

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

Summary

Applicant
Ilene Takiguchi

Location
300 E. Indian School Road
Council District: 4

Function
Japanese Cultural Festival

Date(s) - Time(s) / Expected Attendance
Feb. 25, 2023 - 10 a.m. to 5 p.m. / 20,000 attendees
Feb. 26, 2023 - 10 a.m. to 5 p.m. / 15,000 attendees

Staff Recommendation
Staff recommends approval of this application.

Responsible Department

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

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 6

Liquor License - Marz Market

Request for a liquor license. Arizona State License Application 211337.

Summary

Applicant
Ziyad Abdulmunem, Agent

License Type
Series 10 - Beer and Wine Store

Location
4111 N. 19th Ave.
Zoning Classification: C-2
Council District: 4

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

The 60-day limit for processing this application is Dec. 11, 2022.

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

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

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

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

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

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

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

Attachments
Liquor License Data - Marz Market
Liquor License Map - Marz Market

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

Liquor License Data: MARZ MARKET

Liquor License

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

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	55.88	201.27	258.70
Violent Crimes	10.65	55.59	67.62

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

Property Violation Data

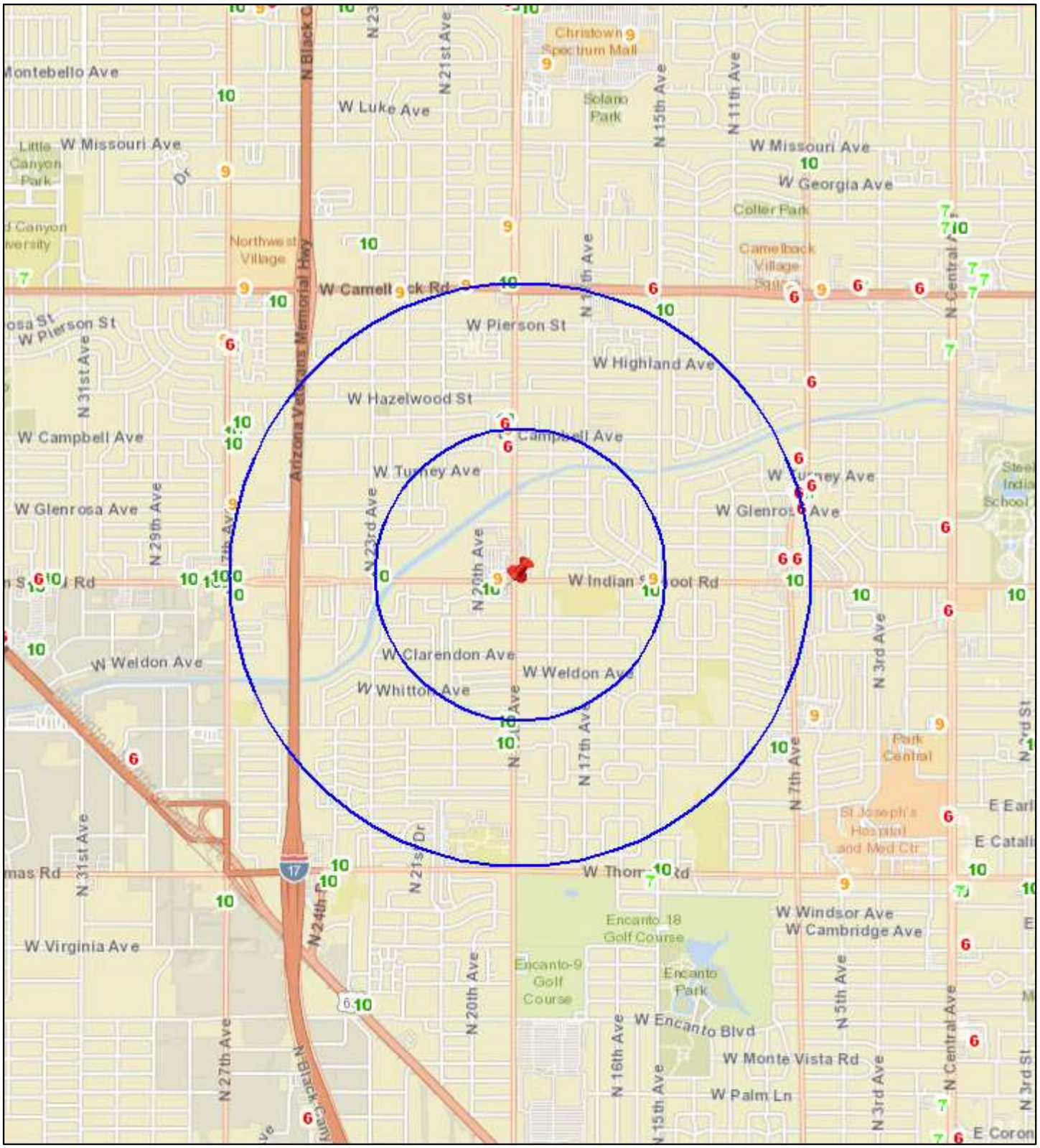
Description	Average	1/2 Mile Average
Parcels w/Violations	51	188
Total Violations	90	337

Census 2010 Data 1/2 Mile Radius

BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1089011	988	36 %	15 %	30 %
1089013	956	82 %	4 %	8 %
1089022	1250	42 %	26 %	22 %
1090023	622	62 %	39 %	4 %
1090031	2380	23 %	26 %	52 %
1090032	1204	16 %	30 %	56 %
1104001	1724	53 %	6 %	33 %
1104004	1344	49 %	16 %	20 %
1170001	2247	42 %	14 %	25 %
1170002	1845	32 %	9 %	34 %
Average		61 %	13 %	19 %

Liquor License Map: MARZ MARKET

4111 N 19TH AVE



N

Date: 10/19/2022

0 0.2 0.4 0.8 1.2 1.6 mi

City Clerk Department

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 7

Liquor License - Special Event - Arizona Super Bowl Host Committee

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

Summary

Applicant
Jay Parry

Location
67 W. Culver St.
Council District: 7

Function
Super Bowl Experience

Date(s) - Time(s) / Expected Attendance
Feb. 8, 2023 - 5 p.m. to 9 p.m. / 300 attendees
Feb. 9, 2023 - 2 p.m. to 10 p.m. / 25,000 attendees
Feb. 10, 2023 - 2 p.m. to 10 p.m. / 25,000 attendees
Feb. 11, 2023 - 10 a.m. to 10 p.m. / 25,000 attendees
Feb. 12, 2023 -11 a.m. to 9 p.m. / 25,000 attendees

Staff Recommendation
Staff recommends approval of this application.

Responsible Department

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

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 8

Liquor License - 125 Lounge

Request for a liquor license. Arizona State License Application 06070007.

Summary

Applicant
Amy Nations, Agent

License Type
Series 6 - Bar

Location
188 E. Jefferson St.
Zoning Classification: DTC-Downtown Core
Council District: 7

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

The 60-day limit for processing this application is Dec. 13, 2022.

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

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

Torch Cigar Bar (Series 6)
5450 E. High St., #115, Phoenix
Calls for police service: 16

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: "Harrington Acquisitions hold and manages other liquor establishments. We will be hiring servers and bartenders that will be required to attend ongoing liquor law training to ensure compliance of all liquor laws. The lounge is located inside an apartment complex for the need a convenience of the residence and others who choose to patronize our business."

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

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

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 9

Liquor License - Miel de Agave

Request for a liquor license. Arizona State License Application 210150.

Summary

Applicant
Theresa Morse, Agent

License Type
Series 12 - Restaurant

Location
705 N. 1st St., Ste. 110
Zoning Classification: DTC-Evans Churchill West
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 Dec. 10, 2022.

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

Other Active Liquor License Interest in Arizona
This information is not provided due to the multiple ownership interests held by the applicant in the State of Arizona.

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I have ownership in several restaurants with liquor licenses and have knowledge of the Arizona Liquor Laws as required. The staff at this new location will receive liquor law training to ensure they are familiar with the laws; specifically which ID's are valid, checking young looking customers ID, preventing obvious intoxication and protecting the health safety and welfare of our customers and any Arizona citizen by taking pro-active action."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"This location had a restaurant liquor license in the past however it was not operating as a restaurant. We have purchase all new kitchen equipment and table/chairs for dining at this location. We are confident due to the location and our extensive menu that the community will support our restaurant and the atmosphere. We will maintain relationships with any neighbors or community organizations and encourage the use of our restaurant for neighborhood meetings."

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 - Miel de Agave
Liquor License Map - Miel de Agave

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

Liquor License Data: MIEL DE AGAVE

Liquor License

Description	Series	1 Mile	1/2 Mile
Microbrewery	3	5	2
Wholesaler	4	1	0
Government	5	7	6
Bar	6	47	22
Beer and Wine Bar	7	17	9
Liquor Store	9	4	0
Beer and Wine Store	10	15	5
Hotel	11	6	4
Restaurant	12	108	58
Club	14	1	0

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	55.88	207	314.75
Violent Crimes	10.65	46.33	69.95

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

Property Violation Data

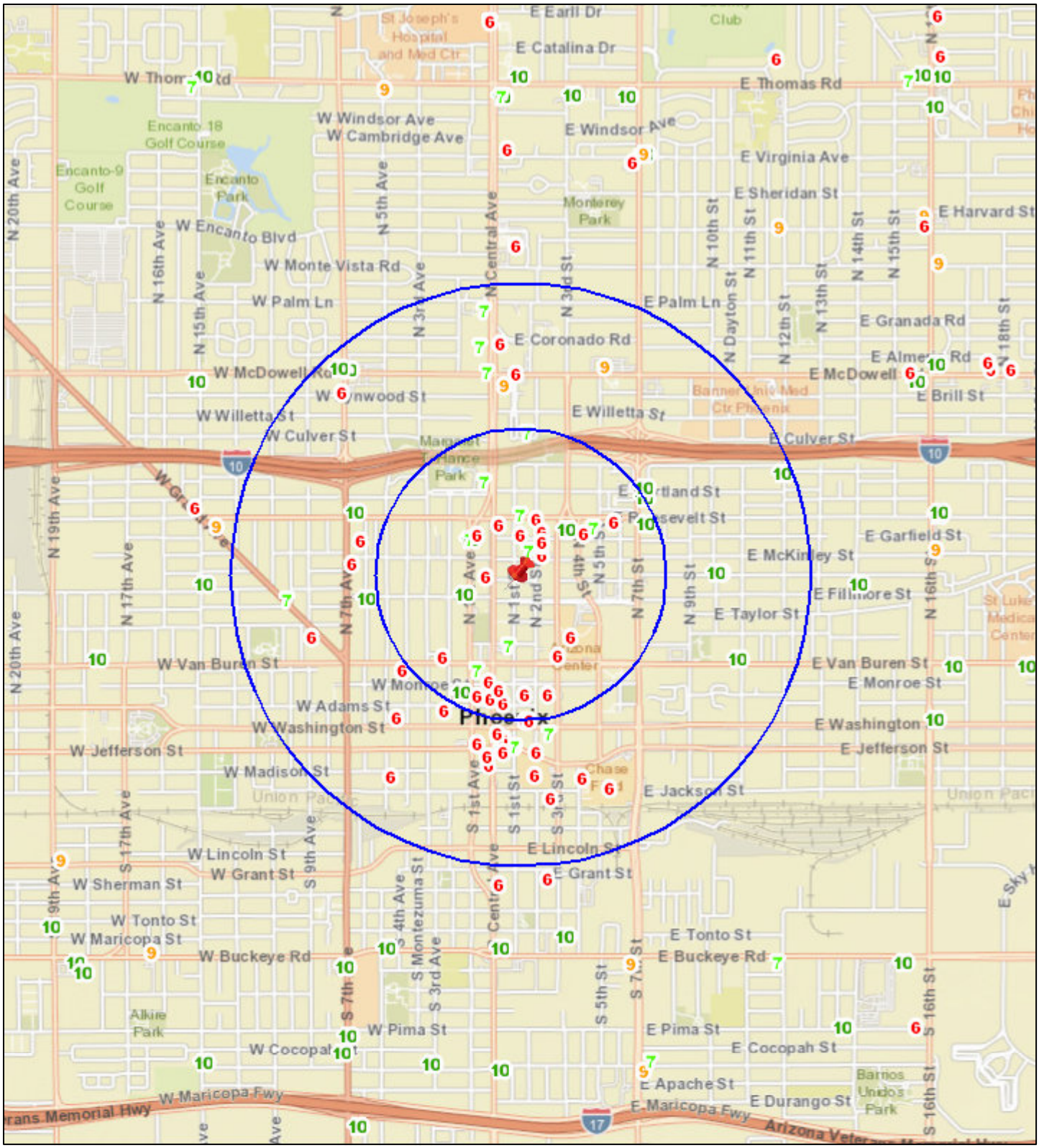
Description	Average	1/2 Mile Average
Parcels w/Violations	50	95
Total Violations	88	208

Census 2010 Data 1/2 Mile Radius

BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1130001	1218	23 %	16 %	11 %
1130002	873	29 %	21 %	38 %
1131001	1015	7 %	8 %	28 %
1131002	1242	3 %	7 %	33 %
1132021	731	33 %	20 %	74 %
1132022	1257	47 %	29 %	55 %
1132031	1473	30 %	20 %	57 %
1141001	2299	16 %	37 %	44 %
Average		61 %	13 %	19 %

Liquor License Map: MIEL DE AGAVE

705 N 1ST ST



N

Date: 10/14/2022

0 0.2 0.4 0.8 1.2 1.6 mi

City Clerk Department

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 10

Liquor License - Sauvage Wine Bar + Shop

Request for a liquor license. Arizona State License Application 07070138.

Summary

Applicant
Andrea Lewkowitz, Agent

License Type
Series 7 - Beer and Wine Bar

Location
149 W. McDowell Road
Zoning Classification: DTC - McDowell Corridor HP
Council District: 7

This request is for an ownership and location transfer of a liquor license for a beer and wine bar. This location was not previously licensed for liquor sales and does not have an interim permit.

The 60-day limit for processing this application is Dec. 11, 2022.

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

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

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

So Far, So Good/ Brill Line/ Sauvage Bottle Shop at the Churchill (Series 6)
901 N. 1st St., Phoenix
Calls for police service: 17
Liquor license violations: None

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

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

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

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Sauvage Wine Bar and Shop will introduce a wide variety of wines from throughout the world, encouraging guests to learn about and experience the culture that created them."

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 - Sauvage Wine Bar + Shop
Liquor License Map - Sauvage Wine Bar + Shop

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

Liquor License Data: SAUVAGE WINE BAR + SHOP

Liquor License

Description	Series	1 Mile	1/2 Mile
Microbrewery	3	5	1
Wholesaler	4	1	0
Government	5	5	2
Bar	6	24	3
Beer and Wine Bar	7	12	5
Liquor Store	9	3	1
Beer and Wine Store	10	11	2
Hotel	11	1	0
Restaurant	12	84	24
Club	14	2	1

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	55.88	169.85	146.81
Violent Crimes	10.65	34.36	36.83

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

Property Violation Data

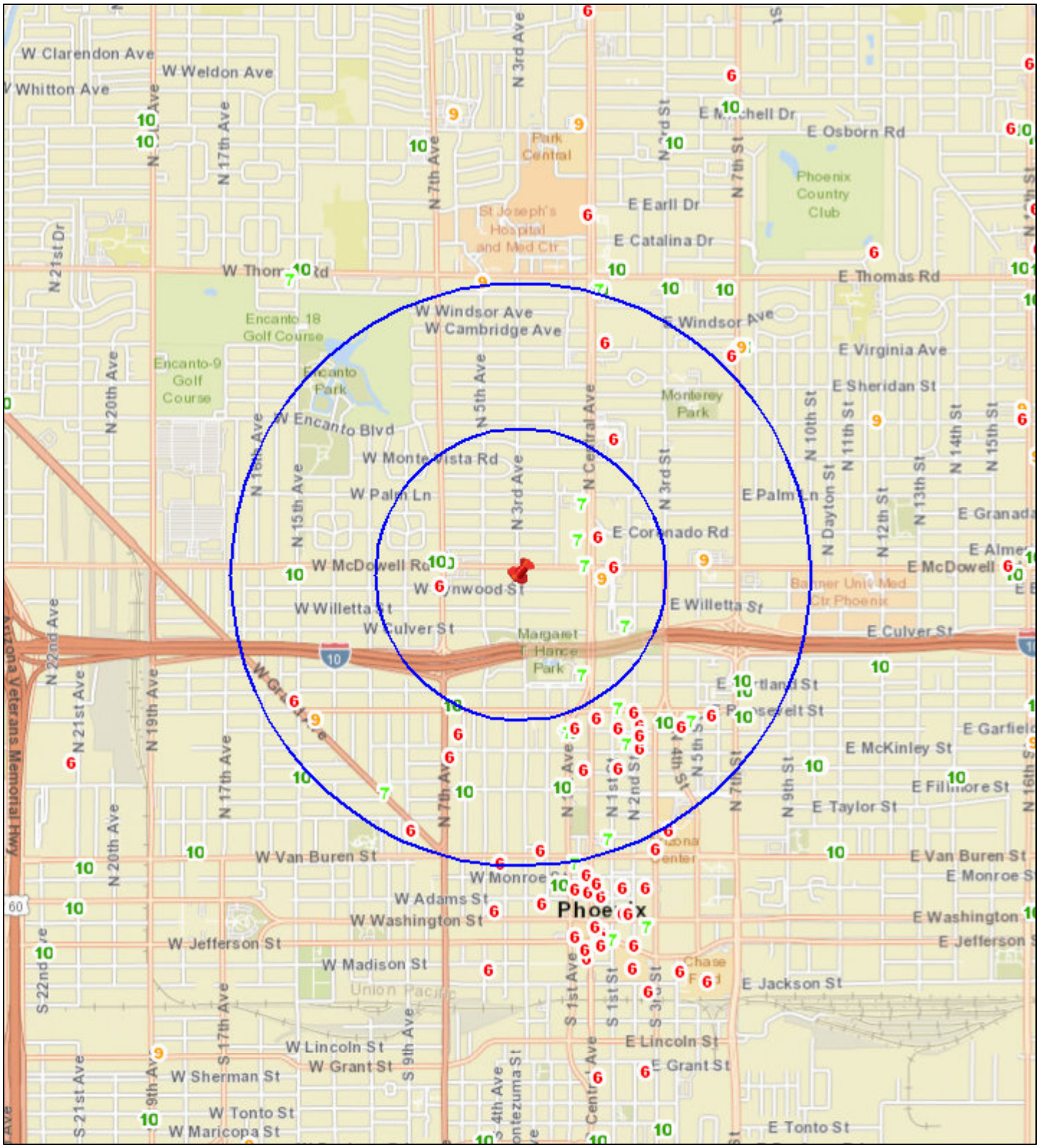
Description	Average	1/2 Mile Average
Parcels w/Violations	51	43
Total Violations	89	61

Census 2010 Data 1/2 Mile Radius

BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1118002	1030	67 %	9 %	17 %
1118004	671	62 %	6 %	6 %
1119002	899	68 %	5 %	9 %
1129001	1670	70 %	4 %	19 %
1129002	815	37 %	22 %	24 %
1130001	1218	23 %	16 %	11 %
1130002	873	29 %	21 %	38 %
1131001	1015	7 %	8 %	28 %
1131002	1242	3 %	7 %	33 %
Average		61 %	13 %	19 %

Liquor License Map: SAUVAGE WINE BAR + SHOP

149 W MCDOWELL RD



N

Date: 11/10/2022

0 0.2 0.4 0.8 1.2 1.6 mi

City Clerk Department

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 11

Liquor License - Selection Sauvage

Request for a liquor license. Arizona State License Application 210490.

Summary

Applicant
Timothy Geis, Agent

License Type
Series 4 - Wholesaler

Location
625 S. 27th Ave., Ste. 130-B SS
Zoning Classification: A-2
Council District: 7

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

The 60-day limit for processing this application is Dec. 9, 2022.

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

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

Selection Sauvage (Series 4)
2440 W. Lincoln St., Ste. 170S, Phoenix
Calls for police service: 3

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 responsible adult who has more than 10 years in the liquor industry. I recently passed the sommelier exam and have proven myself in the restaurant industry with my sales abilities and managerial style. I take pride in my professionalism and my sense of urgency and I feel that I am completely capable of holding a liquor license. I intend on enriching the Arizona wine community by importing the wholesaling craft and natural wines."

Staff Recommendation
Staff recommends approval of this application.

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

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 12

Liquor License - Special Event - Community Food Connections, Inc.

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

Summary

Applicant
Tanya Chakravarty

Location
720 N. 5th St.
Council District: 8

Function
Arts and Crafts Market

Date(s) - Time(s) / Expected Attendance
Dec. 14, 2022 - 5 p.m. to 10 p.m. / 4,000 attendees
Dec. 15, 2022 - 5 p.m. to 10 p.m. / 5,000 attendees

Staff Recommendation
Staff recommends approval of this application.

Responsible Department

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

PAYMENT ORDINANCE (Ordinance S-49194) (Items 13-18)

Ordinance S-49194 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.

13 **Baggage Airline Guest Services, Inc.**

For $90,000.00 in payment authority for a one-time service for the remote bag check-in service for the Aviation Department at Phoenix Sky Harbor International Airport (PHX) Consolidated Rental Car Center (RCC) and an additional location at 44th Street Sky Train station if operations warrant the need to support Super Bowl LVII 2023. The service will be provided to the traveling public at both locations to reduce high levels of passenger traffic in the terminals on the day after the Super Bowl. The service will provide PHX passengers an option to avoid busy terminal activities and have their luggage delivered to their selected airline carrier.

14 **GBD Labs, LLC doing business as Crosswalk Labs**

For $36,300.00 in payment authority for a study of Phoenix's greenhouse gas (GHG) emissions for the Office of Environmental Programs. The 2021 Climate Action Plan, approved by the City Council on Oct. 21, 2021, set reduction goals for GHG emissions to be achieved by 2030 and 2050. However, current GHG emissions data for the City is calculated as a total and does not provide a detailed breakdown of emissions sources, creating inefficiencies in climate planning. By leveraging previous data from Northern Arizona University's Vulcan and Hestia Projects, the study will produce GHG emissions data for 2018, 2019, and 2020 that is source-specific, policy-relevant, and will be presented to the Environmental Quality and Sustainability Commission. This will support the creation of targeted action items to meet the City's reduction goals for

GHG emissions efficiently. Funding for this purchase is available through the Office of Environmental Programs' air quality budget for the Fiscal Year 2022-23.

15 **Phoenix Sister Cities, Inc.**

For $20,000.00 in payment authority for sponsorship of Phoenix Sister Cities' El Grito celebration. El Grito is a special tradition to celebrate Mexican Independence Day and kick off Hispanic Heritage Month. The sponsorship ensures the event will be able to accommodate over 6,000 attendees in Downtown Phoenix, provide proper security, and construct the stage for various performers.

16 **BTE Body Company, Inc.**

For $25,000.00 in payment authority for a new contract to be entered into on or about Nov. 16, 2022, for a term of five years for Cement Silo Inspection and Maintenance Services for the Street Transportation Department. The cement silo is utilized to load cement directly into a mobile mix concrete truck that is used to deliver concrete materials to field staff to maintain various structures.

17 **Settlement of Claim(s) Espinoza v. City of Phoenix**

To make payment of up to $65,000.00 in settlement of claim(s) in *Espinoza v. City of Phoenix,* CV2019-015303, 18-1114-002, AU, BI, for the Finance Department pursuant to Phoenix City Code Chapter 42. This is a settlement for a bodily injury claim arising from a motor vehicle accident on Dec. 12, 2018, involving the Public Works Department.

18 **Settlement of Claim(s) Miller v. City of Phoenix**

To make payment of up to $750,000.00 in settlement of claim(s) in *Miller v. City of Phoenix*, CV2020-092847, 19-0351-001, GL, BI, for the Finance Department pursuant to Phoenix City Code Chapter 42. This is a settlement for a bodily injury claim incident on April 14, 2019, involving the Street Transportation Department.

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 19

Canvass of Vote - November 2022 City Council Election

Canvass of the vote for the Tuesday, Nov. 8, 2022 City Council Election for the City Council to canvass the votes and announce and declare the results of the election.

Summary
On Tuesday, Nov. 8, 2022, the City of Phoenix held a City Council Election for registered voters in Phoenix Council Districts 2, 4, 6 and 8 to elect council members for full four-year terms. There was no election for Mayor or council members in Districts 1, 3, 5 and 7 because the terms of the city council members are staggered. This Council Election was conducted by Maricopa County as part of the 2022 State General Election.

Citizen Notification
Voters on the Active Early Voting List (AEVL) received notification of the election from Maricopa County in early May 2022, and early ballots were mailed approximately 27 days before the election. The City mailed a Publicity Pamphlet in late September before early ballots were mailed, to each household with an eligible registered voter. The Pamphlet contained general information about the election, including the deadline to return early ballots by mail, in-person voting options, and voter identification requirements. The Pamphlet also contained a list of names of the qualified candidates for Council. Election information was available at phoenix.gov/elections and maricopa.vote. Additionally, information was provided through multiple publications, news releases, and the official Phoenix election Twitter account, @PHXClerk. All election information was available at phoenix.gov/elections and provided in English and Spanish.

Concurrence
Maricopa County was responsible for the tabulation of ballots and provided election results for the City Council races.

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

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** *20

ADDITIONAL INFORMATION (SEE ATTACHED MEMOS) Union Comments on Proposed Changes to Memoranda of Understanding

Under the terms of the Meet and Confer Ordinance, employee organizations are afforded an opportunity to comment after having submitted proposed changes to existing Memoranda of Understanding (MOUs) by Dec. 1, 2022.

This item on the agenda allows the unions to inform the City Council as to their priorities, concerns, and general goals for the Meet and Confer process.

The Meet and Confer Ordinance also requires that the public be given an opportunity to make comments on the union proposals at the Dec. 14, 2022, City Council meeting.

Responsible Department

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

City of Phoenix

To: Jeff Barton
City Manager

Date: December 5, 2022

From: David Mathews
Human Resources Director

Subject: ADDITIONAL INFORMATION FOR ITEM #20 ON THE DECEMBER 7, 2022 FORMAL AGENDA

The purpose of this memo is to provide additional information for Item #20 on the December 7, 2022 Formal Agenda. Attached is the following documentation the City received regarding the December 1 deadline established for authorized employee organizations (Unions) to submit their proposed memorandum of understanding. As outlined in Article XVII, Chapter 2-218 of the City Code, the Unions may present their proposals at the December 7, 2022 Council Formal Meeting. An item will also be placed on the December 14, 2022 Council Formal Meeting agenda for the public to comment on the proposals.

- Unit 1-LIUNA Local 777 Intent to Negotiate
- Unit 2-AFSCME Local 2384 Intent to Negotiate
- Unit 3-AFSCME Local 2960 Intent to Negotiate
- Unit 4-PLEA Intent to Negotiate
- Unit 5-IAFF Local 493 Intent to Negotiate

Jeff Barton, City Manager

LiUNA! Local 777
Feel the Power

November 30, 2022

Mr. David Mathews
Human Resources Director
City of Phoenix
251 West Washington Street
Human Resources – 7th Floor
Phoenix, AZ 85003

RE: Intent to Negotiate a New MOU

Dear Mr. Mathews,

In accordance with Article 6, Section 6-5, of the Memorandum of Understanding (MOU) between the City of Phoenix and the Laborers' International Union of North America, Local 777, this letter is to notify you of the Union's request to negotiate a new MOU to take effect on July 1, 2023.

As detailed in the Meet and Confer Ordinance, we are requesting monetary increases in wages and benefits, and to bargain over other conditions of employment.

A copy of this letter will be submitted to the City Clerk.

Sincerely,

Wendell Llopis
LIUNA Local 777 Representative

Riverside Office
4000 10th Street
Riverside, California 92501
T 951-682-4590
F 951-682-4592

Phoenix Office
1401 E Washington Street
Phoenix, Arizona 85034
T 602-253-3310
F 602-340-1610

AFSCME LOCAL 2384

AMERICAN FERERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES

3636 North 15th Avenue Phoenix Arizona 85015
Email: afscme2384@afscme2384.com
(602) 230-2301 Office
(602) 230-2282 Fax

November 28, 2022

Jeff Barton, City Manager
City of Phoenix
200 West Washington Street
Phoenix, Arizona 85003

Dear Mr. Barton:

We are in receipt of the letter dated November 1, 2022, from Jason Perkiser, Assistant Human Resources Director, Labor Relations for the City of Phoenix. This letter expresses the City's intent to negotiate a new contract with AFSCME Local 2384.

Over the past two years unprecedented inflation and skyrocketing cost of living have been an extraordinary burden to city workers, the City has witnessed this first hand with extreme vacancy rates that threaten most of the services we provide to the pubic, as we have seen in the past twenty-four months. We have witnessed the City's financial position preform far better than expected, this is in part due to a enormous increase in tax revenue.

Our members expectations for the City of Phoenix are to negotiate a contractual agreement that matches the efforts of its frontline employees. *"To have the best you have to pay the best".*

We expect to open various articles in the MOU and are developing specific proposals for the negotiation process. Some proposals will address safer working conditions, additional job security, compensation/hazard pay during the time of national pandemics along with fair and impartial treatment for every employee.

The sections that will be included will be 3-1, 3-5, 3-6, 3-9, 4-2, 1-3, 2-1, 1-4, 4-4, 4-5, 1-6 and 5-8.

We look forward to bargaining in good faith and will strive to reach an agreement prior to the expiration of the current contract for the good and welfare of the Unit II employees who serve the citizens of Phoenix.

Sincerely,

Jason Henley, President
AFSCME Local 2384

Local 2960

AFSCME

We Make America Happen

Date: December 1, 2022

To: City of Phoenix

From: AFSCME Local 2960

Subject: MOU Negotiations

In accordance with Article 6, Section 6-3A of our MOU with the City of Phoenix we want to modify our next contract for Unit 3 employees effective July 1, 2023. The Union will present our proposals at the negotiations table. We look forward to negotiating in good faith with the City.

1700 E Thomas Street • Phoenix, AZ 85016 • (602) 254-3966 • FAX (602) 716-9337 • Website: afscme2960.org

PHOENIX LAW ENFORCEMENT ASSOCIATION

The Professional Association of Phoenix Police Officers Since 1975

Jeff Barton, City Manager
City of Phoenix
200 W Washington St
Phoenix, AZ 85003

December 1, 2022

RE: Meet and Confer 2023

Dear Jeff,

In accordance with Section 2-218B of the Meet and Confer ordinance, the Phoenix Law Enforcement Association provides this notice of our intent to engage in wage and benefit negotiations beginning January of 2023.

During the course of negotiations, proposals will be submitted for your consideration. All mutual agreements shall be subject to ratification.

Sincerely,

Darrell Kriplean
President
Phoenix Law Enforcement Association

1102 WEST ADAMS STREET • PHOENIX, ARIZONA 85007
602.246.7869 • fax 602.246.0226
www.azplea.com

CITY CLERK DEPT.
2022 NOV 23 AM 11:26

November 23, 2022

Mr. Dave Mathews

City of Phoenix Human Resource Director

251 W. Washington

Phoenix, AZ 85003

Dave,

The purpose of this letter is to notify you of Unit 5's request to negotiate a new MOU to take effect on July 1, 2023.

Please accept this letter as Unit 5's official intent to meet and confer pursuant to Ordinance G-3303. It is our intent to negotiate in food faith concerning all Articles and/or Sections of our current 2021-2023 Memorandum of Understanding.

Respectfully,

Bryan Willingham

President, United Phoenix Fire Fighter's Association (Unit 5)

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 21

Proposed 35th Avenue and Carter Road Annexation - Public Hearing

A public hearing, as required by Arizona Revised Statutes section 9-471, on the proposed 35th Avenue and Carter Road Annexation. This public hearing allows the City Council to gather community input regarding this annexation proposal. The City Council will not act on the proposed annexation at this public hearing. Formal adoption of this proposed annexation will be considered at a later date.

Summary

This annexation was requested by Reese Anderson and Jon Gillespie with Pew & Lake, PLC for the purpose of receiving City of Phoenix services. The proposed annexation conforms to current City policies and complies with Arizona Revised Statutes section 9-471 regarding annexation. Additionally, the annexation is recommended for adoption per the attached Task Force Analysis Report (**Attachment A**).

Public Outreach

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

Location

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

Council District: 7

Responsible Department

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

Attachment A

CITY COUNCIL REPORT

TO: Alan Stephenson
Deputy City Manager

FROM: Joshua Bednarek
Planning and Development Acting Assistant Director

SUBJECT: Request for Task Force Analysis: 35th Avenue and Carter Road (Updated Request)

This report recommends the **approval** of the proposed annexation of **4.93** acres located at **35th Avenue and Carter Road Alignment (APN: 105-89-013L)**

THE REQUEST:

The applicant is requesting to annex approximately 4.93 acres near the 35th Avenue and Carter Road alignment from Maricopa County. The applicant is requesting the annexation with the intention to rezone to R-2 and develop the property for multifamily residential (59 townhomes).

OTHER INFORMATION:

Planning Village:	Laveen
General Plan Designation:	Residential 10 - 15 du/ac
Current County Zoning District	RU-43
Equivalent Zoning District:	S-1
Proposed Zoning District:	R-2 (Z-48-22)
Current Land Use Conditions	
On Site:	Vacant
To the North:	Maricopa County jurisdiction, zoned RU-43, single-family residence and vacant lot
To the South:	Maricopa County jurisdiction, zoned RU-43, single-family residences
To the West:	Maricopa County jurisdiction, zoned RU-43, single-family residence and vacant lot
To the East:	City of Phoenix jurisdiction, across 35th Avenue, zoned R1-10, single-family residences
Maricopa County History of Non-Conformities Present?	NONE PRESENT

MARICIPA COUNTY ZONING CASE HISTORY

105-89-013L	VIOLATION CLOSED: V202102054 - Junk, trash and debris, and overgrown vegetation

ALTERNATIVES:

- Option A - Annex the land as requested:

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

- Option B - Deny the request for annexation:

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

RECOMMENDATION:

Located adjacent to City of Phoenix lands, this annexation is supported by the 2015 General Plan, particularly the Land Use goal for land uses and development standards for unincorporated land, under Policies 1 and 2. This annexation is recommended for approval.
Approval of annexation does not constitute recommendation for future rezoning actions.

SUPPORTING INFORMATION:

I. Water and Sewer Service

Q.S.#: 1-20, Water Pressure Zone Area: 1

Water
12-inch DIP water main within S 35th
Avenue fronting project site

Sewer
15-inch VCP sewer main within S 35th Avenue fronting project site

The proposed parcels can likely be served by the City's water and/or sewer system pending capacity review and approval. This review will be done at the time of preliminary site plan approval. Design and construction of any infrastructure will be the responsibility of the developer. Specifics regarding potential main extension requirements would be discussed and determined at a pre-app meeting after annexation. It is the City's intent to provide water and sewer service. However, the requirements and assurances for water and sewer service are determined during the site plan application review, or the building permit approval. Please be advised that capacity is a dynamic condition that can change over time due to a variety of factors.

II. Fire Protection

Servicing Station:	Phoenix Fire Station 39 2276 W. Southern Avenue Phoenix, AZ 85041			
Current Response Time:	3	Min.	45	Sec.
City Average Response Time:	5	Min.	0	Sec.

Difference from Typical Response Time:	-2	Min.	45	Sec.
Number of Service Calls Expected:	30			
Average Cost per Service Call:	$727			
Estimated Total Annual Fire Service Costs:	**$21,612**			

III. Police Protection

Servicing Station:	Maryvale/Estrella Precinct Estrella Mountain Substation 2111 S. 99th Ave. Tolleson, AZ 85353
Number Of New Officers Required:	0.20
Number Of New Patrol Cars Required:	0.12
Estimated Total Annual Police Service Costs:	**$38,641**

IV. Refuse Collection

Number of New Containers Required:	0
Cost for Refuse Containers, Each:	$59.90
Cost for Recycling Containers, Each:	$59.90
Total Start-Up Costs for Refuse Collection:	**$0**

V. Street Maintenance

Average Cost per Acre For Street Maintenance:	$131
Estimated Total Annual Street Maintenance Costs:	**$644**

VI. Public Transit

Servicing Routes:	Local routes 35 (35th Avenue), 77 (Baseline).

VII. Parks and Recreation

Neighborhood Park Demand in Acres:	0.76
Community Park Demand in Acres:	0.40
District Park Demand in Acres:	0.40
Total Park Demand in Acres:	1.56
Cost Per Acre, Annual Maintenance:	$17,000

	Total Annual Parks and Recreation Costs:	**$26,598**

VIII. Schools

Elementary School District:	Laveen
High School District:	Phoenix Union
Total Expected Elementary School Students:	52
Total Expected High School Students:	30
Total Expected New Students:	81

IX. Revenues

Expected Total Impact Fees at Buildout:	$566,513

Beginning Next Fiscal Year

Property Tax Income*:	$483
Utility Fee Income:	$9,244
State Shared Revenue:	$77,171
Solid Waste:	$31,518
Sales Tax Generated:	$0
Total Tax Related Income, Annually**:	**$118,416**

Beginning 2023-2024 Fiscal Year

Property Tax Income*:	$483
Utility Fee Income:	$9,244
State Shared Revenue:	$77,171
Solid Waste:	$31,518
Sales Tax Generated:	$0
Total Tax Related Income, Annually**:	**$118,416**

X. Total Costs

Revenue, First Year Only:	$684,929
Revenue, Year Two:	$118,416
Revenue, 2020 and Beyond:	$118,416
Expenses, First Year Only:	$87,495
Expenses, Year Two and Beyond:	$87,495
Total Annual Revenue, First Year:**	$597,434
Total Annual Revenue, 2023 and Beyond:**	$30,921

The above referenced **Property Tax Income numbers are based on vacant parcels only, it does not not refer to future development which will vary depending on number of lots and individual square footage.*
******Total Tax Related Income*** *and* ***Total Annual Revenues*** *will vary depending on project scope and size, the timing of permit issuance and build-out.*

Attachment B

ANNEXATION MAP
35TH AVE AND CARTER ROAD

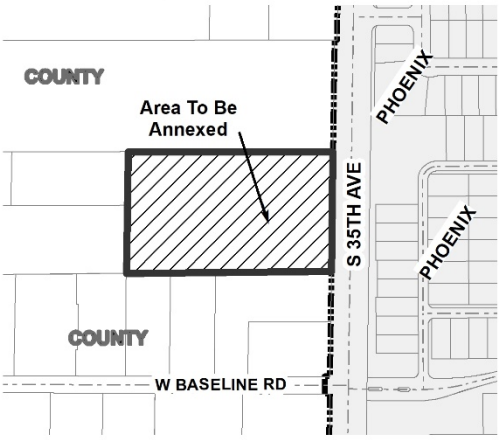
City of Phoenix

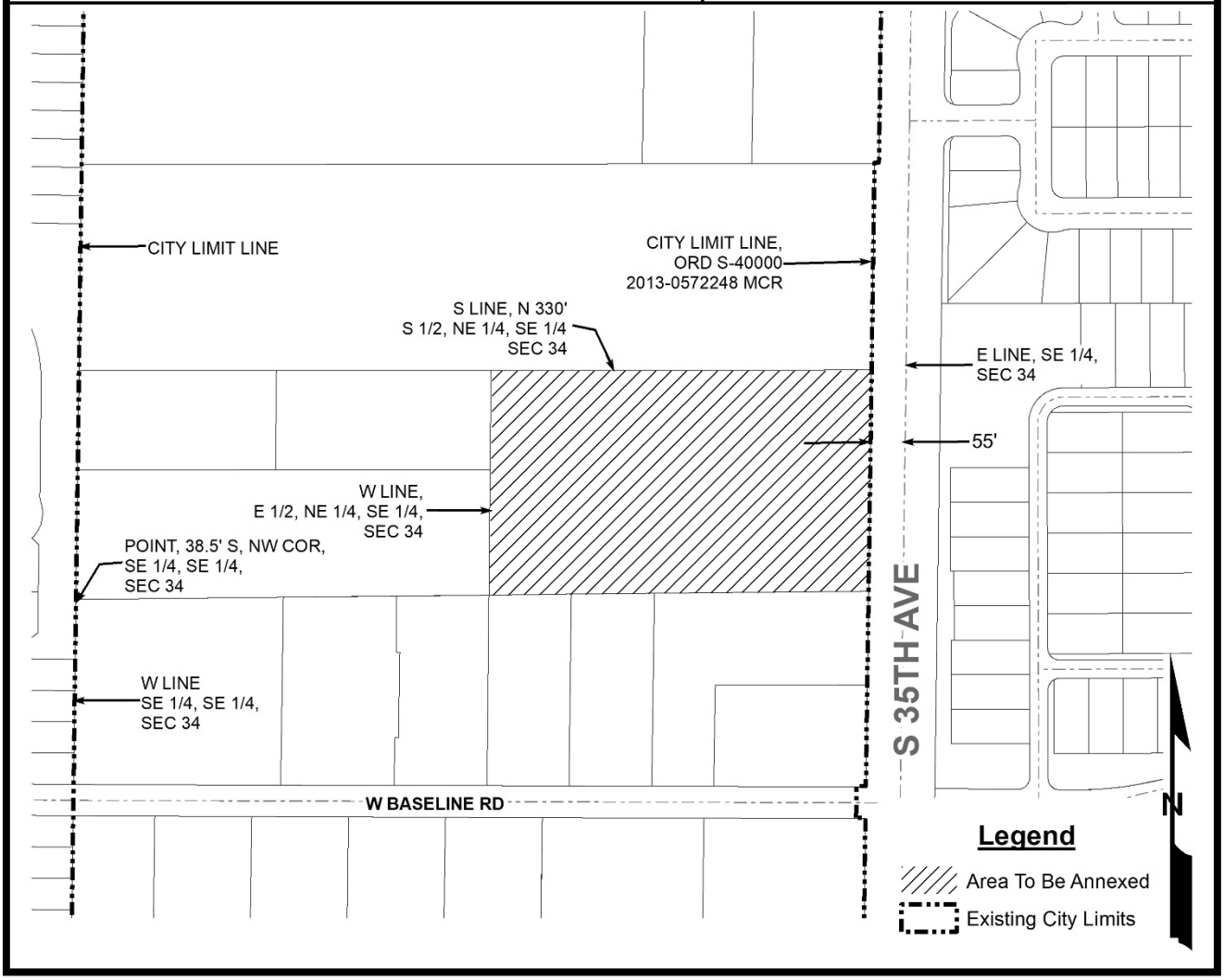
LEGAL DESCRIPTION
SECTION 34 T. 1 N., R. 2 E.,
G. & S. R. B. & M.

ANNEXATION NUMBER: XXX

AREA IN SQUARE MILES
0.0077

VICINITY MAP





City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 22

Acceptance and Dedication of Easements and Deeds for Sidewalk, Public Utility and Roadway Purposes (Ordinance S-49207)

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

Summary

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

Easement (a)
Applicant: United EM Holding, Inc., its successor and assigns
Purpose: Sidewalk
Location: 777 W. Alameda Road
File: FN 220054
Council District: 1

Easement (b)
Applicant: Richard N Reese Family Limited Liability Company, LLC, its successor and assigns
Purpose: Sidewalk
Location: 2302 E. Thomas Road
File: FN 220084
Council District: 4

Easement (c)
Applicant: Daniel Stone, its successor and assigns
Purpose: Public Utility
Location: 4737 E. Hubbell St.
File: FN 220080
Council District: 6

Deed (d)
Applicant: Daniel Stone, its successor and assigns

Purpose: Roadway
Location: 4737 E. Hubbell St.
File: FN 220080
Council District: 6

Deed (e)
Applicant: Loftsphx at Roosevelt LLC, its successor and assigns
Purpose: Roadway
Location: 1150 E. Roosevelt St.
File: FN 220082
Council District: 8

Easement (f)
Applicant: Loftsphx at Roosevelt LLC, its successor and assigns
Purpose: Sidewalk
Location: 1150 E. Roosevelt St.
File: FN 220082
Council District: 8

Easement (g)
Applicant: F & F 2, LLC, its successor and assigns
Purpose: Public Utility
Location: 2329 N. 29th St.
File: FN 220088
Council District: 8

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

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 23

Acceptance of an Access Easement Between 50th Street and Interstate 10 from Kyrene Elementary School District No. 28 (Ordinance S-49210)

Request for the City Council to accept an access easement between 50th Street and Interstate 10, North of East Chandler Boulevard from Kyrene Elementary School District No. 28; further ordering the ordinance recorded.

Summary
The approximate 20-foot easement provides access to a water and sewer easement located along the west side of Interstate 10 (I-10). The access easement is within Maricopa County Assessor's parcel number 301-84-002F between South 50th Street and I-10, further described in the legal description to be recorded with the ordinance.

Financial impact
Kyrene Elementary School District No. 28 donated the access easement at no cost to the City.

Location
Between South 50th Street and I-10, north of East Chandler Boulevard.
Council District: 6

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

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 24

Authorization to Sell City-owned Real Property Near 75th Avenue and Baseline Road to Salt River Project (Ordinance S-49198)

Request to authorize the City Manager, or his designee, to sell City-owned real property to Salt River Project. Further request authorization for the City Treasurer to accept all funds related to this item.

Summary

The land to be sold to Salt River Project (SRP) is an approximate 146,904 square foot site fully encumbered by multi-use easement granted to SRP for access, operation, and maintenance of irrigation facilities supporting the Laveen Area Conveyance Channel (LACC). The land is improved with an SRP holding pond that acts as a water storage facility that collects water from storm runoff and a fenced well station. The easement and SRP improvements significantly limit the utility of the site for any other purpose or development.

SRP will acquire the land for purposes of managing their existing improvements and drilling a new well site. The City will retain the LACC and a 55-foot strip of land along the north side of the property for the future Baseline Road right-of-way (ROW). SRP will have access across the 55-foot strip of land at the current access point until such time the roadway is constructed, and right-of-way is dedicated. The City will also reserve a 30-foot trail easement, along 55-foot strip of right-of-way, for connection to the trail east of this property and any future trails to the west and along the LACC. As a condition of the sale, SRP will remove infrastructure, if any, from the 55-foot strip of land to be retained for future right-of-way and the 30-foot trail easement.

The City and SRP will enter into an agreement for the purchase and sale of City-owned property, containing terms and conditions deemed necessary and appropriate by the City. The land will be conveyed by special warranty deed subject to all existing easements and encumbrances, including reservation of the 30-foot trail easement. The purchase price will be based on the appraised value of the land, and SRP will pay all closing costs.

Financial Impact

Revenue will be reflective of the appraised value.

Location
Along the south side of Baseline Road, approximately 155 feet west of 75th Avenue, identified by Maricopa County assessor parcel number 300-01-006B.
Council District: 7

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

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 25

Acquisition of Real Property for Roadway Improvements along the Grand Canal at Indian School Road (Ordinance S-49200)

Request to authorize the City Manager, or his designee, to acquire all real property and related property interests required by donation, purchase within the City's appraised value, or by the power of eminent domain for roadway improvements along the Grand Canal at Indian School Road. Further request to authorize dedication of land with roadway and/or public improvements to public use for right of way purposes via separate recording instrument. Additionally request to authorize the City Controller to disburse all funds related to this item.

Summary

Acquisition of real property is required for the installation of roadway improvements along the Grand Canal to enhance the safety of pedestrians and bicyclists crossing Indian School Road. Improvements include Americans with Disabilities Act compliant sidewalks, ramps, landscaping, lighting, and two High-Intensity Activated Crosswalk (HAWK) signals.

The parcels affected by this project and included in this request are identified by Maricopa County Assessor's parcel numbers 155-04-001 located at 4212 N. 16th St. and 118-01-101 located at 1551 E. Indian School Rd.

Financial Impact

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

Location

Along the Grand Canal at E. Indian School Rd.
Council District: 4

Responsible Department

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

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 26

Acquisition of Real Property for a Pedestrian and Bicycle Path along the Grand Canal between 47th and 75th Avenues (Ordinance S-49212)

Request to authorize the City Manager, or his designee, to acquire all real property and related property interests required by donation, purchase within the City's appraised value, or by the power of eminent domain for a pedestrian and bicycle path along the Grand Canal between 47th and 75th avenues. Further request to authorize dedication of land with roadway and/or public improvements to public use for right-of-way purposes via separate recording instrument. Additionally request to authorize the City Controller to disburse all funds related to this item.

Summary
Acquisition of real property is required to accommodate a new pedestrian and bicycle path along the Grand Canal between 47th and 75th avenues. Improvements include lighting, landscaping and six High-Intensity Activated Crosswalk (HAWK) signals to enhance user safety.

The parcels affected by this project are identified in **Attachment A.**

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

Location
Along the Grand Canal between 47th and 75th avenues.
Council Districts: 4 and 5

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

Attachment A
Property Identification

City of Phoenix Roadway Improvement Project - ST87600131-3 Acquisition of Real Property for a Pedestrian and Bicycle Path along the Grand Canal between 47th and 75th avenues

The following improved and/or unimproved parcels affected by acquisition and included in this request are identified by the Maricopa County Assessor's parcel number (APN) and the address or location.

APN	**Address / Location**
103-08-003D	5401 W. Clarendon Ave.
103-08-006K	3406 N. 51st Ave.
103-08-210F	west of 3406 N. 51st Ave.
144-42-001B	6440 W. Indian School Road

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 27

Acquisition of Real Property for Sidewalk Improvements along 7th Avenue from Mountain View Road to Cheryl Drive, and along Mountain View Road from 7th Avenue to 3rd Drive (Ordinance S-49208)

Request to authorize the City Manager, or his designee, to acquire all real property and related property interests required by donation, purchase within the City's appraised value, or by the power of eminent domain for sidewalk improvements along 7th Avenue from Mountain View Road to Cheryl Drive, and along Mountain View Road from 7th Avenue to 3rd Drive. Further request to authorize dedication of land with roadway and/or public improvements to public use for right-of-way purposes via separate recording instrument. Further request authorization for the City Controller to disburse all funds related to this item.

Summary
Acquisition of real property is required to accommodate sidewalk improvements along 7th Avenue from Mountain View Road to Cheryl Drive, and along Mountain View Road from 7th Avenue to 3rd Drive. The improvements will enhance pedestrian, bicyclist, and vehicular traffic safety, and include new curbs and gutter and upgrading sidewalks to comply with Americans with Disabilities Act.

The parcels affected by this project are identified in **Attachment A.**

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

Location
Along N. 7th Avenue from W. Mountain View Road to W. Cheryl Drive, and along W. Mountain View Road from N. 7th Avenue to N. 3rd Drive.
Council Districts: 3

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

Attachment A
Property Identification

City of Phoenix Street Improvement Project: ST87110154-1 Acquisition of Real Property Sidewalk Improvements along N. 7th Avenue from W. Mountain View Road to W. Cheryl Drive and along W. Mountain View Road from N. 7th Avenue to N. 3rd Drive

The following improved and/or unimproved parcels affected by acquisition and included in this request are identified by the Maricopa County Assessor's parcel number (APN) and the address or location.

APN	Address / Location
159-52-058	9638 N. 4th Ave.
159-52-098A	9639 N. 4th Ave.
159-53-038	9803 N. 4th Ave.
159-53-041	542 W. Mountain View Road
159-53-047	9803 N. 7th Ave.
159-53-048A	9805 N. 7th Ave.
159-53-048B	9811 N. 7th Ave.

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 28

Service and Repair of Appliances - IFB 18-213 - Amendment (Ordinance S-49216)

Request to authorize the City Manager, or his designee, to allow additional expenditures under contract 149044 with Byassee Equipment, Inc for the purchase of maintenance and repair services for appliances for Citywide departments. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $90,000.

Summary
This contract will provide service and repair of commercial, residential and miscellaneous appliances, including gas and electric stoves and ranges that are used to support the public after school programs and Citywide projects for multiple departments. Primary users of the contract are the Fire, Human Services, and Parks and Recreation departments and this change will ensure sufficient funds over the remaining contract term.

Contract Term
The contract term remains unchanged, ending on Dec. 31, 2023.

Financial Impact
Upon approval of $90,000 in additional funds, the revised aggregate value of the contract will not exceed $440,000. Funds are available in the various department budgets.

Concurrence/Previous Council Action
The City Council previously reviewed this request:
• Service and Repair of Appliances 149044 (S-45254) on Dec. 12, 2018.

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

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 29

Citywide Fence Supply and Service - Requirements Contract - IFB 18-207 - Amendment (Ordinance S-49223)

Request to authorize the City Manager, or his designee to allow additional expenditures under contracts 147320 with Western Fence Co., Inc.; 147321 with Phoenix Fence Company; and 147322 with LP Steel Industries, LLC. for the purchase of fencing supplies and services related to installation, repair, and replacement of chain-link, block, and ornamental fencing, gates, and fencing rental for Citywide use. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $942,000.

Summary

This contract will provide fencing that is routinely used to secure City facilities from vandalism and theft. The contracts are also used to secure and mitigate risk at City-operated construction sites and have been amended to include fencing for the Gated Alley Program. Fire, Parks and Recreation, and Public Works departments have been identified as the primary departmental users of this contract.

Additional funds are needed due to higher than anticipated usage of these contracts and anticipated spend for the Gated Alley Program.

Contract Term

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

Financial Impact

Upon approval of $942,000 in additional funds, the revised aggregate value of the contract will not exceed $6,477,000. Funds are available in the various department budgets.

Concurrence/Previous Council Action

The City Council previously reviewed this request:
• Citywide Fence Supply and Services Contracts 147320, 147321, and 147322 (Ordinance S-44486) on April 18, 2018;
• Increase Expenditure Authority for Citywide Fence Supply and Services Contracts 147320, 147321, and 147322 (Ordinance S-46556) on May 6, 2020;

• Fence Supply and Services Contracts 147320, 147321, and 147322 (Ordinance S-47987) on Oct. 6, 2021.

Responsible Department

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

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 30

Real-Time Captioning (CART) and Sign Language Interpreter Services - ADSPO 13-00002282 - Amendment (Ordinance S-49232)

Request to authorize the City Manager, or his designee to allow additional expenditures under Contract 147846 with Arizona Interpreting Services, Inc, and Contract 147847 with Karla M. Martin, RPR, CSR, CR, and to extend contract term. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $650,000.

Summary

This contract will provide onsite and remote interpreter and captioning services to include sign language interpreters, oral interpreters, Video Remote Interpreting (VRI) and real-time captioning or communication access real-time translation (CART) services on an as-needed basis to all City departments. Interpreter and captioning services will support the City's efforts to remove language and other communication barriers during public, private and community meetings and events in addition to complying with the provisions of the Americans with Disabilities Act. Extending these contracts and adding funds will enable the various departments to provide uninterrupted services to the residents of the City.

Contract Term

Upon approval these contracts will be extended through April 30, 2024.

Financial Impact

Upon approval of $650,000 in additional funds, the revised aggregate value of the contracts will not exceed $675,000. Funding is available in the various department budgets.

Concurrence/Previous Council Action

The City Council previously reviewed this request:
• Real-time Captioning (CART) and Sign Language Interpreter Services Contract 147846,147847 (Ordinance S-44494) on April 18, 2018.

Responsible Department

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

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 31

Printing of Optical Scan Ballots and Ballot Packet Assembly Contract - EXC 20-060 - Request for Award (Ordinance S-49238)

Request to authorize the City Manager, or his designee, to enter into a contract with Runbeck Election Services Inc. to provide printing of optical scan ballots and ballot packet assembly for the City Clerk Department. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract[s] will not exceed $10,000,000.

Summary

This contract will provide printing of optical scan ballots and ballot packet assembly for use in City of Phoenix elections. The ballots are issued to voters through mail ballot packets, in-person early voting and at voting centers. The optical scan ballots must be compatible with the State-certified ballot tabulation systems from Dominion Voting Systems (DVS) that is currently being used for City of Phoenix elections. The vendor will also prepare early ballot packets, which contain an optical scan ballot, an affidavit envelope, a frequently asked questions (FAQ) flyer, and a voting instructions sheet, and will send to voters voting by mail.

Procurement Information

In accordance with AR 3.10, standard competition was waived as a result of an approved Determination Memo based on the following reason: Special Circumstances Without Competition. City conducted election ballots must be created to meet very unique specifications and requirements to be able to work with the existing tabulation equipment. Additionally, there are specific legal and technical packet assembly and mailing requirements. Contracting with Runbeck Election Services Inc. will ensure consistency and compatibility with current systems in place.

Contract Term

The contract will begin on or about Dec. 15, 2022, for a five-year term with no options to extend.

Financial Impact

The aggregate contract value for will not exceed $10,000,000 for the five-year aggregate term.

Funding is available in the City Clerk Department's Operating budget.

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

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 32

Background Screening and In-Processing/Onboarding Services Contract (Ordinance S-49219)

Request to authorize the City Manager, or his designee, to execute an amendment to Contract 146656 with Sterling Infosystems, Inc., d/b/a Sterling to extend the contract term for three additional months. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $30,000.

Summary
This contract will provide background screening and in-processing/onboarding services for employees and volunteers. The costs for employee and volunteer background services are paid by the departments utilizing these services. The Human Resources Department issued a Request for Proposals, however, additional time is needed for the evaluation process and to ensure there is no interruption of services.

Contract Term
Upon approval, the contract will be extended through April 4, 2023.

Financial Impact
Upon approval of $30,000 in additional funds, the revised aggregate value of the contract will not exceed $524,000. Funds are available in various City departments' budgets.

Concurrence/Previous Council Action
The City Council previously reviewed this request:

- Background Screening and In-Processing/Onboarding Services (Ordinance S-43751) on June 28, 2017.
- Additional payment authority: Sterling Infosystems, Inc., d/b/a Sterling Contract 146656 (Ordinance S-48392-0018) on March 23, 2022.

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

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 33

Transfer of Retirement Funds to Arizona State Retirement System (Ordinance S-49204)

Request to authorize the City Manager, or his designee, to transfer retirement funds for Milo Neild in the amount of $7,239.15 to the Arizona State Retirement System. Further request to authorize the City Controller to disburse the funds.

Summary

Pursuant to Arizona Revised Statutes, sections 38-730 and 38-922, retirement service credits for former members of the City of Phoenix Employees' Retirement System (COPERS) may be transferred to the Arizona State Retirement System upon approval by the City Council. The following former City of Phoenix employee has requested transfer of the balance of their credited service:

Neild, Milo: $7,239.15

Concurrence/Previous Council Action

This item was approved by the COPERS Board at the Nov. 3, 2022 meeting.

Responsible Department

This item is submitted by Deputy City Manager Inger Erickson and the Retirement Office.

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 34

Transfer of Retirement Funds to Arizona State Retirement System (Ordinance S-49215)

Request to authorize the City Manager, or his designee, to transfer retirement funds for Morgan Bowers in the amount of $12,104.76 to the Arizona State Retirement System. Further request to authorize the City Controller to disburse the funds.

Summary

Pursuant to Arizona Revised Statutes, sections 38-730 and 38-922, retirement service credits for former members of the City of Phoenix Employees' Retirement System (COPERS) may be transferred to the Arizona State Retirement System upon approval by the City Council. The following former City of Phoenix employee has requested transfer of the balance of their credited service:

Bowers, Morgan: $12,104.76

Concurrence/Previous Council Action

This item was approved by the COPERS Board at the Nov. 3, 2022 meeting.

Responsible Department

This item is submitted by Deputy City Manager Inger Erickson and the Retirement Office.

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 35

Request to Enter Into a Lease Agreement with the Deer Valley Unified School District for a Modular Classroom for the Head Start Birth to Five Program and to Sublease to Head Start Birth to Five Program Partners (Ordinance S-49202)

Request to authorize the City Manager, or his designee, to enter into an agreement with the Deer Valley Unified School District (Deer Valley) to lease a modular classroom for the Head Start Birth to Five Program. Further request to authorize the City Manager, or his designee, to enter subleases with Head Start Birth to Five subrecipients and contractors to allow them to use the modular classroom for Head Start Birth to Five activities.

Summary

The Human Services Department requests to enter into a 15-year property lease agreement with Deer Valley for a modular classroom at Sunrise Elementary School to operate the Head Start Birth to Five Preschool Program. The Human Services Department further requests authority to enter subleases to allow Head Start Birth to Five subrecipients and contractors to use the modular classroom for purposes consistent with the Head Start Birth to Five program, for a maximum term of five years per sublease.

In 1994, the City of Phoenix purchased a modular classroom for Head Start preschool programming and placed it on the Sunrise Elementary School campus. The current modular classroom requires extensive repair. Due to the age of the structure, a new modular classroom will be placed on the same site, ensuring continuity of services for children and families in the area.

The Office of Head Start requires a property lease agreement for a minimum of 15 years for any modular classroom purchased with Head Start grant funds and placed on land owned by another entity. The City will lease the modular from Deer Valley to ensure the modular is used for Head Start activities for a 15-year period.

The lease at Sunrise Elementary School includes plumbing, electricity, water, fencing, parking, a playground and access to the main campus.

Contract Term
The term of the property lease agreement will be 15 years from the installation of the modular classroom, beginning on or about Jan. 1, 2023, and ending on or about Jan. 1, 2038.

Financial Impact
The Deer Valley Unified School District does not charge a lease amount or taxes for the property where the modular classroom will be placed. Consideration for any subleases to Head Start Birth to Five subrecipients and contractors will be the subleasee's performance of Head Start Birth to Five activities within the modular classroom.

Location
17624 N. 31st Ave.
Council District: 1

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

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 36

Request to Enter Into an Agreement to Provide Caregiver Supportive Services with A.T. Still University of Health Sciences - CarePlaCe Program (Ordinance S-49209)

Request to authorize the City Manager, or his designee, to enter into an agreement with A.T. Still University of Health Sciences - CarePlaCe Program for supportive services for individuals caring for loved ones affected by dementia and other related conditions. Further request to authorize the City Controller to disburse all funds related to this item for the life of the contract. Funding is available from the City's allocation of the American Rescue Plan Act (ARPA) received from the federal government and is part of the Memory Cafe program of the strategic plan.

Summary

In April 2020, Phoenix became the largest city in the nation to be designated a Dementia Friendly City. Dementia-friendly cities foster the ability of individuals living with dementia to remain, thrive, and feel part of the community in which they live. During the COVID-19 pandemic, individuals living with dementia and their caregivers were disproportionately impacted as they lost access to resources, supportive services, in-person programs, and recreational activities. Caregivers also lack opportunities to learn self-care strategies and to build their own support systems resulting in chronic conditions, depressive symptoms, and mental health concerns.

Through the Memory Cafe Program, the CarePlaCe program will enhance services for caregivers by expanding their capabilities and better equipping them with tools needed to best meet the needs of individuals living with dementia and other related conditions. Supportive services, include but are not limited to: program intake and assessments; home evaluations; care plan development; educational modules; classes for caregivers; and follow-up services which will assist in mitigating the impacts of the COVID-19 pandemic by improving the quality of life and care for individuals living with dementia and their caregivers.

Contract Term

The contract term will begin on or about Dec. 1, 2022, and expire on Dec. 31, 2023.

Financial Impact

The total value of the contract will not exceed $400,000. There is no impact to the General Fund. Funding is available through the City's ARPA allocation.

Responsible Department

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

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 37

Request to Amend Contract with Community Bridges, Inc for COVID-19 Related Homeless Services - Street Outreach (Ordinance S-49213)

Request to authorize the City Manager, or his designee, to amend Contract 154940 with Community Bridges, Inc. (CBI) for COVID-19 Related Homeless Services - Street Outreach to add $595,670 for a new contract total of $2,881,649. The additional funding is applicable for the period Oct. 1, 2022, to June 30, 2023. Funding is available from the Community Development Block Grant-CV. There is no impact to the General Fund.

Summary

CBI provides essential services to address issues related to homelessness at and around the area of the Human Services Campus. CBI provides case management, navigation services and transportation for participants in the new project as part of the continuing efforts to address unsheltered homelessness in the City of Phoenix. This funding provides multiple outreach teams, each paired with Emergency Medical Technicians (EMT) to immediately respond to health concerns of unsheltered individuals in the area around the Human Services Campus. Funding is used to prevent, prepare for, and mitigate the effects of the Coronavirus pandemic among individuals and/or families experiencing homelessness who are at greater risk of exposure and susceptibility to alleviate the impacts of COVID-19 within the community.

Contract Term

The contract term will remain unchanged, ending on Sept. 30, 2023.

Financial Impact

The initial authorization for Contract 154940 was for an expenditure not-to-exceed $785,979. An additional $1.5 million was authorized per Ordinance S-48547. This amendment will increase the authorization for the contract by an additional $595,670, for a new total not-to-exceed aggregate contract value of $2,881,649.

There is no impact to the General Funds. The additional funding is available from the Community Development Block Grant-CV.

Concurrence/Previous Council Action

- The City Council approved Contracts 154922, 154923, 154921, 155179, 154939, 154940, 154968, 154969, 154962, and 154896 (Ordinance S-47793) on July 1, 2021.
- The City Council approved additional funding for CBI 154940 (Ordinance S-48547) on April 20, 2022.
- The City Council approved contract extension through Sept. 30, 2023, for Contracts 154922, 154923, 154921, 155179, 154939, 154940, 154968, 154969, 154962, and 154896 (Ordinance S-48975) on Sept. 7, 2022.

Responsible Department

This item is submitted by Deputy City Manager Gina Montes and the Office of Homeless Solutions.

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 38

Request to Retroactively Accept and Disburse Nina Mason Pulliam Charitable Trust Grant Funds (Ordinance S-49224)

Request to authorize the City Manager, or his designee, to retroactively accept a grant award in the amount of $22,800 from the Nina Mason Pulliam Charitable Trust. Further request to authorize the City Treasurer to accept, and the City Controller to disburse, all funds related to this item.

Summary

The Nina Mason Pulliam Charitable Trust has donated holiday funds to the City of Phoenix Human Services Department for several years. The funds are specifically targeted to assist low-income individuals and families by removing housing barriers through rental assistance and eviction prevention services during the Thanksgiving and Christmas holiday months. This donation will allow the Human Services Department to assist approximately 12 households to remain safely housed during the upcoming holiday season. Notice of this grant award was received on Oct. 31, 2022, with a requirement to sign and accept the grant by Nov. 7, 2022.

Financial Impact

No General Funds are required to receive this funding of $22,800 from the Nina Mason Pulliam Charitable Trust.

Responsible Department

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

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 39

Request to Enter into Agreements to Provide Refugee and Immigrant Services (Ordinance S-49227)

Request to authorize the City Manager, or his designee, to enter into agreements with the International Rescue Committee, Inc. (IRC), Arizona Immigration and Refugee Services, Inc. (AIRS), Catholic Charities Community Services, Inc. (Catholic Charities) and Lutheran Social Services of the Southwest (Lutheran Social Services) to provide refugee and immigrant services for an aggregate amount not to exceed $5.3 million. Further request to authorize the City Controller to disburse all funds related to this item for the life of the contracts. Funding is available through the City's allocation of the American Rescue Act Plan (ARPA) funding received from the federal government and is under the City's Financial Assistance for Phoenix Refugee and Asylee Community.

Summary

Funding provided to IRC, AIRS, Catholic Charities and Lutheran Social Services will assist to mitigate the impact of the COVID-19 pandemic by maintaining critical humanitarian aid. Funding will provide support in areas where there are critical gaps in services to comprehensively address the needs of refugees and immigrants in the areas of housing, medical case management, employment, access to benefits, and legal aid. Many refugee and immigrant populations have been disproportionately impacted by the recent housing crisis with rising rent costs and lack of affordable housing. Those with medical, dental, or behavioral health needs need support in navigating complex systems to access care and financial assistance for non-Medicaid eligible services. Other services will include increasing access to English as Second Language (ESL) classes, citizenship education, and food assistance programs. Due to the COVID-19 pandemic, the need for these services has increased substantially.

Contract Term

The term for each contract will be for two years beginning on or about Dec. 1, 2022, and ending on Dec. 31, 2024.

Financial Impact

Aggregate expenditures will not exceed $5.3 million over the life of the agreements. Funding breakdown for each agreement is as follows:

IRC: $2.3 million;
AIRS: $1 million;
Catholic Charities: $1 million; and
Lutheran Social Services: $ 1 million.

There is no impact to the General Fund. Funding is available through the City's allocation of ARPA funding received from the federal government and is under the City's Financial Assistance for Phoenix Refugee and Asylee Community.

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

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 40

Request to Retroactively Accept American Association of Retired Persons Foundation Digital Skills Ready@50+ Grant Funds (Ordinance S-49228)

Request to authorize the City Manager, or his designee, to retroactively accept a grant award in the amount of $4,000 from the American Association of Retired Persons (AARP) Foundation. Further request authorization for the City Treasurer to accept, and the City Controller to disburse, all funds related to this item.

Summary

The AARP Foundation provides micro grants to non-profits, public agencies, and other organizations to support the facilitation of Digital Skills Ready@50+ workshops and lectures. The Digital Skills Ready@50+ program offers free digital training to seniors to develop the digital confidence and skills necessary to thrive in today's society. Workshops will be offered at five of the City of Phoenix Senior Centers to registered senior center participants. The workshops will be delivered virtually by Older Adults Technology Services. This micro grant will enable the Human Services Department to facilitate training to a minimum of 50 older adults through this program. Notice of the grant award was received on Oct. 19, 2022, with a requirement to sign and accept the grant by Oct. 25, 2022.

Financial Impact

The is no General Fund impact.

Responsible Department

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

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 41

Request to Enter into an Agreement with Vander Weele Group, LLC for Home Visit Rating Scale Observation Services (Ordinance S-49231)

Request to authorize the City Manager, or his designee, to enter into an agreement with Vander Weele Group, LLC to conduct observations utilizing the Home Visit Rating Scales-3 (HOVRS3) tool for their Head Start Birth to Five Programs Home-Based option in an amount not to exceed $764,170 for a five-year period. Further request to authorize the City Controller to disburse all funds related to this item.

Summary

The City of Phoenix Head Start Birth to Five Program is a high-quality early education and child development program whose goal is to prevent and eliminate a learning gap for low-income families. Early Head Start serves 300 infants, toddlers, and pregnant women through home visitation and monthly socialization groups, emphasizing the parent's role as their child's first and most important teacher. Services are delivered using a developmental parenting approach through weekly, 90-minute home visits and monthly socialization groups. The consultant will provide reliable observers to administer and complete the HOVRS3 to measure the quality of home visit practices and engagement for the Head Start Program Home-Based option.

Procurement Information

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

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

Method of Approach and Service Implementation (500 points);
Experience and Qualifications of Key Staff (400 points); and
Fee Schedule (100 points).

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

Vander Weele Group, LLC.

Contract Term
The contract term will begin on or about Jan. 2, 2023, for a five-year term with no options to extend.

Financial Impact
Expenditures shall not exceed $764,170 over the life of the contract. Funding is available from the U.S. Department of Health and Human Services, Administration of Children, Youth and Families. No additional General Funds are required.

Concurrence/Previous Council Action
On Dec. 13, 2021, the Head Start Birth to Five Policy Council approved the request to release the Home Visit Rating Scale Observation Services RFP.

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

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 42

Phoenix Public Library's Fiscal Year 2022-23 Application for Arizona State Library's State Grants-In-Aid Funds

Request to authorize the City Manager, or his designee, to apply for Fiscal Year 2022-23 Arizona State Library's State Grants-in-Aid (SGIA) grant funds in an amount of $74,440 for use by Phoenix Public Library. Further request to authorize the City Treasurer to accept and the City Controller to disburse all funds for purposes of this ordinance.

Summary

Arizona State Grants-in-Aid are allocated annually to the Library based on a per capita distribution of funds by the Arizona State Legislature through the Arizona State Library, Archives and Public Records. The amount allocated for Phoenix Public Library this year is $74,440.

For the ninth year running, the above funds will be utilized to assist Phoenix Public Library with its efforts in the areas of Workforce Assistance and Early Literacy Outreach. A portion of the funds will be used for continued funding of a part time employee to assist with the implementation of workforce literacy classes and drop in workforce assistance at the Ocotillo Library and Workforce Literacy Center. The Ocotillo Library and Workforce Literacy Center assists job seekers by offering classes in resume writing, interviewing skills, and computer use. It also offers PHXWorks, which is a collection of materials to support workforce needs including resume writing, occupational testing, language learning and computer skills.

Additionally, a portion of the funds will be used to continue to fund two part time Early Literacy Outreach employees to conduct outreach into the communities of the Harmon, Cesar Chavez, Palo Verde, Ocotillo and Desert Sage libraries. SGIA funds allow Phoenix Public Library to extend critical early literacy outreach into areas of the City identified with the most need.

Finally, a portion of the funds will be used to pay for employee mileage incurred.

Concurrence/Previous Council Action

This item was recommended for approval at the Community and Cultural Investment

Subcommittee on Nov. 2, 2022, by a vote of 4-0.

Financial Impact

The amount allocated for Phoenix Public Library this year is $74,440 and no matching funds are required. There is no impact to the general fund.

Location

Ocotillo Library and Workforce Literacy Center - 102 W. Southern Ave.
Harmon Library - 1325 S. 5th Ave.
Cesar Chavez Library - 3635 W. Baseline Road.
Palo Verde Library - 4402 N. 51st Ave.
Desert Sage Library - 7602 W. Encanto Blvd.
Council Districts: 5, 7, 8

Responsible Department

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

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 43

Maintenance of Environmental Units at Pueblo Grande Museum Requirements Contract - IFB 23-024 Request for Award (Ordinance S-49211)

Request to authorize the City Manager, or his designee, to enter into a contract with Crawford Mechanical Services, LLC. to provide preventative maintenance services for the Parks and Recreation Department. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will not exceed $300,000.

Summary
This contract will provide the City of Phoenix Parks and Recreation Department's Pueblo Grande Museum with preventative maintenance and repairs for temperature control units installed at the museum. Collections and artifacts in the museum are best preserved when the environment is kept within professional best practices and standards. Preventative maintenance services for environmental units are crucial to maintaining the archaeological artifacts curated by the Pueblo Grande Museum.

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

One vendor submitted a bid deemed to be responsive to posted specifications and responsible to provide the required goods and services. Following an evaluation based on comparisons with market prices and previous contracts for these services, the procurement officer recommends award to the following vendor:

Crawford Mechanical Services, LLC

Contract Term
The term of the contract will be two years with three optional years to extend for a maximum of five years, beginning on or about Dec. 15, 2022.

Financial Impact
The aggregate contract value will not exceed $300,000. Funding is available in the Parks and Recreation Department's budget.

Location
The Pueblo Grande Museum is located at 4619 E. Washington St.
Council District: 8

Responsible Department
This item is submitted by Deputy City Manager Inger Erickson and the Parks and Recreation Department.

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 44

First Things First Grant Application and IGA (Ordinance S-49230)

Request to authorize the City Manager, or his designee, to apply for, accept, and expend First Things First (FTF) grant funds for both Phoenix Public Library's (PPL) Early Literacy Outreach Team (ELOT) and the City of Phoenix Youth and Education Office's Phoenix Families First Resource Centers and to enter into an Intergovernmental Agreement with the Arizona Early Childhood Development and Health Board regarding the same. PPL requests approval to apply for up to $2.6 million total for the life of the agreement, to be expended over a four-year grant cycle (up to $650,000 annually), to support ELOT efforts; and Phoenix Families First Resource Centers requests approval to apply for up to $3.2 million total for the life of the agreement, to be expended over a four-year grant cycle (up to $800,000 annually), beginning in City of Phoenix Fiscal Year (FY) 2023-24.

Summary

Phoenix Public Library Early Literacy Outreach Team

Phoenix Public Library has maintained a productive partnership and received grant funding from Arizona's First Things First in support of PPL's Early Literacy Outreach Team since 2009. PPL/FTF outreach workshops for parents and caregivers focus on strategies to help children get ready to read by kindergarten. Hands-on workshops guide parents and caregivers in assisting children with critical pre-literacy skills such as letter knowledge, print awareness, developing a rich vocabulary and comprehension. In addition, when visiting neighborhood events and organizations, library staff present parents with a coupon that can be redeemed at any PPL location for a free children's book, further encouraging families to regularly visit the library and begin building a book collection for the home.

Phoenix Families First Resource Centers

The Human Services Department and Youth and Education Office entered into an intergovernmental agreement with First Things First in July 2018 to create four Family Resource Centers in current City facilities controlled by the Library, Housing, and Parks and Recreation departments. The Phoenix Families First Resource Centers increase families' access to concrete support and services in times of need; improve knowledge of parenting and child development; foster parental resilience and successfully connect families to support in the community; and promote social and

emotional competence in children.

Contract Term
In January of 2023, First Things First will start the funding cycle for Arizona state fiscal years 2024 through 2027 by formally issuing requests for proposals. FTF Regional Councils vote to approve proposals by May and then all funding plans go to the First Things First State Board for final approval in June for contracts that will begin in July 2023 and end in June 2027.

Concurrent/Previous Council Action
This item was recommended for approval at the Community and Cultural Investment Subcommittee on Nov. 2, 2021, by a vote of 4-0.

Financial Impact
The amount of the two grants: PPL's ELOT up to $2.6 million total and to be expended over a four-year grant cycle (up to $650,000 annually) and Phoenix Families First Resource Centers up to $3.2 million total and to be expended over a four-year grant cycle (up to $800,000 annually) beginning in FY 2023-24, and no matching funds are required.

Location
Phoenix Public Library ELOT
Citywide

Phoenix Families First Resource Centers
Goelet A.C. Beuff Community Center - 3435 W. Pinnacle Peak Road
Burton Barr Central Library - 1221 N. Central Ave.
Cesar Chavez Library - 3635 W. Baseline Road
Aeroterra Housing Community - 675 N. 16th St.
Council Districts: 1, 7, and 8

Responsible Department
This item is submitted by Deputy City Manager Inger Erickson, the Library Department and the Youth and Education Office.

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 45

Community Development Block Grant Funded Housing Rehabilitation Americans with Disabilities Act Modifications Program Request For Proposal Issuance Request

Request City Council approval to issue the Community Development Block Grant (CDBG) Housing Rehabilitation Americans with Disabilities Act (ADA) Modifications Program Request for Proposals (RFP). The total allocation available for the RFP is $200,000.

Summary

On May 4, 2022, the City Council approved the 2022-23 Annual Action Plan, which outlined the broad activity areas for CDBG funding and included an allocation for the CDBG Home ADA Modifications Program. The program is intended to provide home accessibility modification services to low- and moderate-income disabled residents of Phoenix.

Procurement Information

The proposed RFP seeks non-profits, neighborhood organizations, and faith-based organizations to provide accessibility modification services for income eligible physically, visually, and hearing impaired Phoenix residents. The RFP will be available for download December 2022. A review committee consisting of City of Phoenix employees and community stakeholders will evaluate each proposal using a 1,000 point scale. NSD will seek City Council approval to award and enter into an agreement with the panel recommended proposer.

Public Outreach

The CDBG Housing Rehabilitation ADA Modifications Program will be publicly advertised in local publications and online.

Responsible Department

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

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 46

Flood Irrigation Repair and Replacement Services Contract (Ordinance S-49225)

Request retroactive authorization for the City Manager, or his designee, to enter into a one-year contract with Premier Irrigation LLC to provide Flood Irrigation Repair and Replacement Services for the Parks and Recreation Department. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will not exceed $150,000.

Summary
The contract with Premier Irrigation, LLC is needed immediately to provide flood irrigation repair and replacement services due to the unexpected early termination of the current contract with Luebkin & Walker Enterprises, Inc dba Salt River Irrigation. These services are necessary to maintain the irrigation system for water flow to the turf, trees, shrubs and other plant material in City parks.

Procurement Information
This item was procured in accordance with AR 3.10. Premier Irrigation, LLC was the second lowest bidder in the previous competitive procurement process in which the awarded contractor has since terminated their agreement.

Contract Term
The term of the contract will be retroactive to June 1, 2022, for a one-year term with no options to extend. The one-year agreement will give the Parks and Recreation Department time to begin a competitive procurement process.

Financial Impact
The aggregate contract value for will not exceed $150,000 for the one-year aggregate term. Funding is available in the Parks and Recreation Department's Operating Budget.

Responsible Department
This item is submitted by Deputy City Manager Inger Erickson and the Parks and Recreation Department.

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 47

Arizona Office of Economic Opportunity AZQUEST Grant (Ordinance S-49218)

Request to authorize the City Manager, or his designee, to enter into an intergovernmental agreement (IGA) with the Arizona Office of Economic Opportunity (OEO) and accept up to $6 million to administer the Arizona Quality Jobs, Equity, Strategy, and Training (AZQUEST) Disaster Recovery National Dislocated Worker Grant in Phoenix. Further request authorization to enter into a separate IGA with the Maricopa County Community College District (Maricopa Community Colleges) to implement the AZQUEST training and authorization for the City Treasurer to accept and the City Controller to disburse funds related to this item.

Summary

The U.S. Department of Labor (USDOL) Employment and Training Administration issued $199 million in Quality Jobs, Equity, Strategy, and Training (QUEST) Disaster Recovery National Dislocated Worker Grants to provide employment and training services to individuals and industries impacted by COVID-19. For these grants, OEO designed the AZQUEST program in partnership with staff from the City of Phoenix Business and Workforce Development (PBWD) Board in the Community and Economic Development Department and other local workforce area boards and was subsequently awarded a two-year $15 million QUEST grant. With its allocation of AZQUEST funding, the City of Phoenix Local Workforce Area will provide more than 900 eligible participants with tuition assistance at Maricopa Community Colleges, stipends to cover non-training expenses, and support services, and will fund administrative costs for managing the program. To assist with the implementation of this program, this request includes authorization to fund one full-time temporary Accountant II and the equivalent of one full-time Case Worker II, that may be filled as temporary full-time City staff positions or through the City's contracted employment services providers. AZQUEST grant dollars will also be used to pay 10 percent of the costs associated with the full-time Workforce Development Supervisor who will oversee this program.

The goal of the AZQUEST program is to enable individuals who have been adversely affected by the COVID-19 pandemic, and the social and economic inequities that the pandemic exacerbated, to enter, return to, or advance in high-quality jobs in growth industries/infrastructure-related sectors, including manufacturing, construction,

communications, transportation, distribution, and logistics. The program will serve individuals whose employment has been negatively impacted by the pandemic, including individuals from historically marginalized and under-served populations who have been disproportionately impacted. These include women, immigrants, lower-wage earners, people of color, people with disabilities, individuals who were formerly incarcerated, and others from historically marginalized communities that are more likely to face unsafe working conditions, be laid off, or forced to leave the workforce to protect the health and safety of themselves or care for family members.

This project supports and leverages Workforce Innovation and Opportunity Act (WIOA) grant funding, which is supported by the USDOL. The long-term sustainability plan for AZQUEST is to integrate this service delivery model with the City's existing dislocated worker programs, for which the PBWD Board contracts with the Business and Workforce Development Division of the Human Services Department (HSD), to continue building an industry pipeline to meet businesses' post COVID-19 employment and hiring needs.

Procurement Information
IGAs are excluded from the Procurement Code per Administrative Regulation 3.10 Section I (2) (B) (2).

Contract Term
If approved, the contract term will be for two years: September 2022-24.

Financial Impact
No impact to the General Fund. OEO and WIOA grant funding will be used for this program.

Public Outreach
The PBWD Board approved the receipt of these funds at its Nov. 10 meeting.

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

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 48

Amend Ordinance - Redevelopment and Purchase Agreement (City Contract No. 147086) with High Street Fillmore, LLC. and High Street Fillmore Phase 2, LLC. (Ordinance S-49222)

Request to authorize the City Manager, or his designee, to amend the Redevelopment and Purchase Agreement (RPA), City Contract 147086 (Agreement) with High Street Fillmore, LLC, and High Street Fillmore Phase 2, LLC, (Developer) to modify performance benchmarks and project descriptions as needed to allow for development of city-owned parcels located between 4th and 6th Avenues, on the south side of Fillmore Street in downtown Phoenix. There is no expense impact as a result of this action.

Summary

In November 2015, the Community and Economic Development Department issued a Request for Proposals (RFP) for the disposition and redevelopment of City-owned parcels located between 4th and 6th Avenues, on the south side of Fillmore Street (collectively "Fillmore Properties" or "Site") in downtown Phoenix. On July 6, 2017, the City Council authorized the City Manager to enter into the Agreement with the successful proposer for the sale and redevelopment of the Site through Ordinance S-43802 (Ordinance).

The Developer chose to develop the site in several phases: Phases 1 and 2, on the east and west side of 5th Avenue, north of Taylor Street, with approximately 659 market-rate units in a seven-story podium apartment building with ground-floor retail; Lot 4, on the west side of 5th Avenue and south of Taylor Street, with a use to be determined at a later date; and Lot 5 ("Condo Site") with "for sale" residential uses. The Developer completed construction of Phase 1, on the east side of 5th Avenue, and is working to commence Phase 2 construction, located on the west side of 5th Avenue, in the summer 2023. Development plans for the Condo Site, have been submitted to the Planning and Development Department and are currently under review. The Developer has also completed construction of Taylor Street, per the City's specifications for the Taylor Street Paseo concept, and has dedicated the street as public right-of-way.

The Developer intends to assign development rights to Lots 4 and 5 to Cardon

Development Group (Cardon) which will construct six three-store townhomes on the west portion of the Condo Site (Lot 5 West), and a seven-story for-sale multifamily residential building on the east portion of the Condo Site (Lot 5 East). Cardon is the successor in interest to Metrowest Development, a partner in the RFP proposal. Cardon will work with the community and City staff to develop a development plan for Lot 4 which will be brought back before City Council at a later date. The Developer is nearing completion of the design and permitting of the Condo Site and has spent significant funds toward the redevelopment of the Site and on public right-of-way improvements. As plans are solidified for the future phases of the project, Developer has requested to amend the Agreement to better accommodate development of the Condo Site and Lot 4.

If approved, this amendment will:
1. Assign the Condo Site to Cardon Development Group, LLC.
2. Modify the project description for the Condo Site.
3. Modify Section 401.3 of the RPA to modify Condo Site construction commencement date.
4. Modify Section 401.1 of the RPA to change the Condo Site and Future Phase completion dates.
5. Amend Section 409.1 of the RPA to define Condo Site Completion.

Financial Impact
There is no expense impact as a result of this action.

Concurrence/Previous City Council Action
The City Council approved Ordinance S-43802 on July 6, 2017.

Location
Several properties located between 4th and 6th Avenues, south of Fillmore Street in downtown Phoenix. Parcel Nos.: 111-41-183, 111-41-184, 111-41-185, 111-41-186 and 111-41-187.
Council District: 7

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

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 49

Authorization to enter into a license with Steel & Spark, LLC for the installation of Temporary Structures for Activation of City-Owned Lots in Downtown Phoenix (Ordinance S-49226)

Authorize the City Manager, or his designee, to enter into a license and other agreements as necessary with Steel & Spark, LLC. for the installation of temporary structures on vacant City-owned property in downtown Phoenix between Jan. 1, 2023, and Jun. 30, 2023. Further request authorization for the City Treasurer to accept all necessary funds related to this item. No impact to the General Fund.

Summary

The Community and Economic Development Department (CEDD) manages three City-owned parcels in the heart of the Roosevelt Row Arts District in downtown Phoenix, on 2nd Street, north of Roosevelt Street. The parcels have been vacant since 2007 until they were developed as a temporary parking lot in 2016. CEDD is seeking to activate these lots so that they may contribute to the vitality of the downtown community. The installation of the temporary structures manufactured by a local downtown business, Steel & Spark LLC., has been identified as a solution to create short term activation of the site.

Steel & Spark, LLC. manufactures SPARKBOXES, which are building structures made from repurposed shipping containers. The company has several successful installations in the City of Phoenix, including living spaces for residential back yards, to larger commercial developments such as The Churchill, located at the northeast corner of 1st Street and McKinley Street. The interior space of SPARKBOXES can be used for a variety of uses, such as living space, retail or restaurant space, art galleries, and many more.

The Community and Economic Development Department requests authorization to enter into a license to install these temporary structures on the three City-owned lots in downtown Phoenix to allow for a rotation of pop-up uses that will support the local downtown community and economy. Steel & Spark, LLC will be responsible for the installation, maintenance, and programming of the site.

Contract Term
The term of the license is between Jan. 1, 2023 through Jun. 30, 2023.

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

Location
1016, 1020, and 1024 N. 2nd St.
Council District: 7

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

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 50

Theatrical Spotlights Contract - IFB 20-006 Request for Award (Ordinance S-49203)

Request to authorize the City Manager, or his designee, to enter into a contract with Barbizon Light of the Rockies Inc. to provide Theatrical Spotlights for the Orpheum Theatre and Symphony Hall. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will not exceed $252,000.00.

Summary
This contract will provide replacement spotlights for current equipment that has exceeded the manufacture expected lifecycle. The spotlights are used in the Orpheum Theatre and Symphony Hall for stage performances. The spotlights are manually operated and used to "spotlight" performers as they move around the stage. The replacement units will be 50-75 percent brighter than the current equipment in order to better highlight specific areas and performers during live performances. Manually operated spotlights are a standard fixture in theatrical venues.

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

One vendor submitted a bid deemed to be responsive to the posted specifications and responsible to provide the required goods and services. Following an evaluation based on price, the procurement officer recommends award to the following vendor:

Barbizon Light of the Rockies, Inc.: $190,511.20.

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

Financial Impact
The aggregate contract value will not exceed $252,000.00.

Funding is available in the Phoenix Convention Center Department's operating budget.

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

Responsible Department
This item is submitted by Deputy City Manager Inger Erickson and the Phoenix Convention Center Department.

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 51

Operable Wall Inspection, Maintenance and Repair Contract - RFA PCC 22-007 Request for Award (Ordinance S-49214)

Request to authorize the City Manager, or his designee, to enter into a contract with Sunstate Installations, Inc. to provide operable walls maintenance, inspection, and repair for the Phoenix Convention Center Department (PCCD). Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will not exceed $750,000.

Summary

This contract will provide inspection, maintenance and repair services for operable walls in the South, West and North buildings on an as-needed basis. Operable walls are used inside meeting rooms, ballrooms and exhibit halls to divide space into multiple sections, which provides greater versatility of the space. Services include: labor, transportation, supplies, materials, parts, tools, machinery, lifts, employee safety equipment, equipment lubricant, and supervision.

Procurement Information

In accordance with AR 3.10, standard competition was waived as a result of an approved Determination Memo based on the following reason: **Emergency Procurement.** PCCD has 85 operable walls which require annual maintenance and repairs on an as-needed basis to ensure safe and reliable operation. PCCD recently learned when scheduling annual inspection and maintenance, that the existing contractor, Hufcor, went out of business without notice. Due to the criticality of these services and the potential impact and loss of revenue to the City should the walls become inoperable, there is an urgent need to award a contract in lieu of the standard procurement process. We have been informed and have confirmed that Sunstate Installations, Inc. purchased Hufcor's equipment and hired most of Hufcor's technicians, making them a viable option to fill this urgent need.

Contract Term

The contract will begin on or about Dec. 12, 2022, for a five-year term with no options to extend.

Financial Impact

The aggregate contract value will not exceed $750,000 for the five-year aggregate term.

Funding is available in the Phoenix Convention Center Department's Operating budget.

Location

100 North 3rd. Street, Phoenix, AZ 85004.
Council District: 7 and 8

Responsible Department

This item is submitted by Deputy City Manager Inger Erickson and the Phoenix Convention Center Department.

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 52

ITEM CORRECTED (SEE ATTACHED MEMO) (CONTINUED FROM JUNE 1 AND SEPT. 21, 2022) - Sale of Unclaimed and Forfeited Firearms Contract - Requirements Contract - RFP 22-113 (Ordinance S-48689)

Request to authorize the City Manager, or his designee, to enter into a contract with Sierra Tactical Auctions, Inc. to provide auctioneering services for unclaimed and forfeited firearms on an as-needed basis for the Phoenix Police Department (PPD). Further request to authorize the City Treasurer to accept funds related to this item.

Summary

This contract will provide auctioneering services to facilitate the sale of forfeited and unclaimed firearms. The City is required to sell forfeited and unclaimed firearms to a federally licensed firearms dealer pursuant to A.R.S. § 13-3105 and A.R.S. § 12-945, respectively, unless the firearms are prohibited from being sold under federal or state law. The contract will be paid through proceeds received from the sale of the City's property and revenue will be deposited to the City's General Fund account.

Procurement Information

RFP 22-113 was conducted in accordance with Administrative Regulation 3.10. There were three offers received by the Procurement Division on March 11, 2022. The notification was sent to 136 suppliers and was publicly posted and available for download from the City's website.

The proposals were scored by a three-member evaluation panel on the following criteria:

Experience and Qualifications: 400 points
Method of Approach: 350 points
Price: 250 points

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

Sierra Tactical Auctions, Inc: 912.5 total points

The Assistant Finance Director recommends that the offer from Sierra Tactical Auctions, Inc. be accepted as the highest scored, responsive, and responsible offer most advantageous to the City.

Contract Term

The contract will begin on or about June 1, 2022, for a five-year term with no options to extend.

Financial Impact

The aggregate contract value of the revenue generated for the City of Phoenix is approximately $750,000, with estimated annual revenues of $150,000. No public funds will be expended.

Responsible Department

This item is submitted by City Manager Jeffrey Barton, Assistant City Manager Lori Bays, and the Police and Finance departments.

City of Phoenix

To: Lori Bays
Assistant City Manager

Date: November 29, 2022

From: Garrett Griggs
Assistant City Attorney

Subject: CORRECTION TO ITEM 52 ON THE DEC. 7, 2022 FORAML AGENDA -SALE OF UNCLAIMED AND FORFEITED FIREARMS CONTRACT - REQUIREMENTS CONTRACT - RFP 22-113 (ORDINANCE S-48689)

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

1. Update the Contract Term begin date to "on or about Jan. 1, 2023."

2. Replace the current summary with the following:
"This contract will provide auctioneering services to facilitate the sale of forfeited and unclaimed firearms. Forfeited or unclaimed firearms sold by the City shall be sold to a federally licensed firearms dealer, pursuant to A.R.S. § 12-945 and A.R.S. § 13-3105. The contract will be paid through proceeds received from the sale of the City's property and revenue will be deposited to the City's General Fund account."

APPROVED:

Lori Bays
Assistant City Manager

City of Phoenix

To: Lori Bays
Assistant City Manager

Date: September 21, 2022

From: Jeri L. Williams
Police Chief

Subject: REQUEST TO CONTINUE ITEM 36 ON THE SEPTEMBER 21, 2022 FORMAL COUNCIL AGENDA - (CONTINUED FROM JUNE 1, 2022) - SALE OF UNCLAIMED AND FORFEITED FIREARMS CONTRACT - REQUIREMENTS CONTRACT - RFP 22-113 (ORDINANCE S-48689)

This memo respectfully requests to continue Item 36 - (CONTINUED FROM JUNE 1, 2022) - Sale of Unclaimed and Forfeited Firearms Contract - Requirements Contract - RFP 22-113 (Ordinance S-48689) on the September 21, 2022, Formal Council meeting agenda. This item is a request to enter into a contract with Sierra Tactical Auctions, Inc. to provide auctioneering services for unclaimed and forfeited firearms on an as-needed basis for the Phoenix Police Department (PPD). This continuance request will allow staff additional time to provide briefings and answer any questions from City Council.

Staff recommends continuing this item to December 7, 2022 Formal Council meeting agenda.

Approval: _____ Date: 9/14/22

Lori Bays
Assistant City Manager

City of Phoenix

To: Lori Bays
Assistant City Manager

Date: June 1, 2022

From: Jeri Williams
Police Chief

Subject: CONTINUANCE OF ITEM 25 ON THE JUNE 1, 2022 FORMAL AGENDA – SALE OF UNCLAIMED AND FORFEITED FIREARMS CONTRACT - REQUIREMENTS CONTRACT - RFP 22-113 (ORDINANCE S-48689)

This memo requests the continuance of Item 25 – Sale of Unclaimed and Forfeited Firearms Contract - Requirements Contract - RFP 22-113 (Ordinance S-48689) to the September 21, 2022 Formal agenda.

Lori Bays, Assistant City Manager

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 53

Aircraft Parts and Services- IFB 18-137 - Amendment (Ordinance S-49197)

Request to authorize the City Manager, or his designee, to allow additional expenditures under Contract 148992 with Airbus Helicopters, Inc.; Contract 148977 with Precision Heli-Support, LLC; Contract 148991 with AgustaWestland Philadelphia Corp.; and Contract 148978 with Able Aerospace Services for the purchase of various aircraft parts and services for the Phoenix Police Department. Further request authorization for the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $5,775,270.

Summary

This contract will provide aircraft parts and services to operate and maintain the fleet of Airbus AS350B3 (A-Star) helicopters. Currently, the Air Support Unit has five Airbus helicopters that provide airborne surveillance and patrol support to bureaus and precincts of the Police Department. In accordance with Federal Aviation Administration (FAA) mandates, routine maintenance and overhauls must be performed to ensure the safe operation of the aircraft fleet. The protocols of routine preventative maintenance require scheduled and unscheduled aircraft maintenance on each of the helicopters. The additional funds for continued preventative maintenance and repair work is critical to prevent the helicopters, that are vital to public safety, from being grounded for long periods of time.

Contract Term

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

Financial Impact

Upon approval of $5,775,270 in additional funds, the revised aggregate value of the contract will not exceed $9,275,270. Funds are available in the Police Department's budget.

Concurrence/Previous Council Action

The City Council approved the original request:

- Aircraft Parts and Services - Contract 148992, 148991, 148977, 148978 (Ordinance S-45150) on Nov. 14, 2018.

Responsible Department

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

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 54

Fixed Wing Airplane Contract RFP 22-094 - Request for Award (Ordinance S-49201)

Request to authorize the City Manager, or his designee, to enter into a contract with Pilatus Business Aircraft, Ltd. for the purchase of a fixed wing airplane for the Police Department. Further request authorization for the City Controller to disburse all funds related to this item. The total value of the contract will not exceed $18 million.

Summary

This contract will provide the Police Department's Air Support Unit (ASU) with a new fixed wing airplane, including all necessary pilot and mechanic training to operate and maintain the aircraft. The contractor will manage and oversee completion of the aircraft and its installation of specific mission configurations. The new fixed wing airplane will be used in observation and apprehension of known violent offenders, transport of department personnel in furtherance of ongoing criminal investigations, and transport of City and department-owned cargo and property. This will replace ASU's two Cessna airplanes that can no longer provide the required level of service the City needs. The current airplanes have become expensive to operate due to increased maintenance and inspections resulting in reduced aircraft availability and mission effectiveness.

Procurement Information

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

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

Performance and Safety: 0- 275 points
Aircraft and Mission Configuration: 0-250 points
Experience and Qualifications: 0-200 points
Method of Approach: 0-150 points
Pricing: 0-125 points

After reaching consensus, the evaluation committee recommends awarding to Pilatus

Business Aircraft, Ltd., which received 781 points.

Contract Term
The contract will begin on or about Dec. 1, 2022, for a five-year term with no options to extend.

Financial Impact
The aggregate contract value will not exceed $18 million. Funding is available in the Police Department's budget.

Concurrence/Previous Council Action
This request is based on the Council-approved Public Safety Aerial Fleet replacement plan. This plan was approved by Public Safety and Justice Subcommittee on Dec. 9, 2020 and City Council on Jan. 6, 2021.

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

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 55

Fire Department Automatic Aid Agreement (Ordinance S-49233)

Request to authorize the City Manager, or his designee, to enter into an intergovernmental agreement (IGA) for automatic aid with 23 cities, towns, fire districts, and governmental jurisdictions in the Phoenix metropolitan area. If approved, the term of the agreement will be from Dec. 20, 2022, through Dec. 19, 2032.

Summary

The City of Phoenix has been a leader and participant in the automatic aid system since the 1970s and spearheaded a more formalized arrangement amongst the membership in 1997. Today, there are 23 fire response providers that are part of the automatic aid system, which is a system that is unique to the Phoenix metropolitan area. The automatic aid agreement calls for the automatic dispatch of fire apparatus and other fire resources to an emergency incident without regard to jurisdictional boundary.

Standards for Fire Department deployment, suppression, and emergency medical operations of career fire departments, including in Phoenix and surrounding communities, are established by the National Fire Protection Association (NFPA) Standard 1710. The standard addresses response times, numbers of personnel, minimum equipment required on various apparatus, and other critical aspects of fire response. In order to meet NFPA Standard 1710, amendments to the 1997 agreement are proposed to add certain requirements to the levels of apparatus staffing and equipment provided by each participant, in order to meet NFPA Standard 1710.

A 2011 Efficiency Study of the Fire Department, conducted by Management Partners, Inc., recognized the Phoenix Fire Department's current automatic aid system as outstanding and stated, "If this system was diluted, Phoenix as well as other surrounding cities could have to expend more resources to obtain the same level of system performance."

Automatic aid systems result in significant savings to the taxpayers of participating jurisdictions through the sharing of resources and avoiding the need to build redundant capital facilities. In addition, residents also receive a standard level of response across jurisdictional boundaries.

The current Automatic Aid System participants include 23 regional Fire Departments: Arizona Fire and Medical Authority, Avondale Fire and Medical, Buckeye Fire and Medical, Buckeye Valley Fire District, Chandler Fire, Health & Medical, Daisy Mountain Fire and Medical, El Mirage Fire Department, Goodyear Fire Department, Gilbert Fire Department, Glendale Fire Department, Guadalupe Fire Department, Maricopa Fire Department, Mesa Fire and Medical, Peoria Fire and Medical, Phoenix Fire Department, Queen Creek Fire Department, Rio Verde Fire District, Scottsdale Fire Department, Sun City Fire District, Superstition Fire and Medical District, Surprise Fire and Medical, Tempe Fire and Medical, and Tolleson Fire Department.

Contract Term

The term for the Automatic Aid Agreement will be from Dec. 20, 2022, through Dec. 19, 2032.

Financial Impact

There is no financial impact to the City to authorize the automatic aid agreement.

Responsible Department

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

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 56

Intergovernmental Agreement with Maricopa County for Participation in the Securing the Cities Program (Ordinance S-49234)

Request to authorize the City Manager, or his designee, to enter into an intergovernmental agreement with Maricopa County for participation in the Maricopa County Securing the Cities ("STC") Program. The term for the agreement will be upon execution by all the Principal Partners and remain in effect for the duration of the performance period of the grant.

Summary

This agreement establishes the formal commitment and active participation of participants in the Maricopa County Securing the Cities ("STC") Program. The STC Program is a regional effort geared to enhance radiological and nuclear detection and interdiction (Preventative Radiological and Nuclear Detection or "PRND") capabilities in Maricopa County. The Maricopa County STC Program is funded by the STC Program grant from the United States Department of Homeland Security Countering Weapons of Mass Destruction Office. The grant is awarded to Maricopa County to assist participants in acquiring equipment, training, and support to enhance PRND capabilities in Maricopa County. By entering into this agreement, each Participant agrees to commit personnel, equipment, and other support for the development and sustainment of the STC Program and to accomplish the goals of the program.

Participants include Maricopa County, Arizona State University, Arizona Department of Military Affairs, Arizona Department of Health Services, Arizona Department of Public Safety, Arizona Fire Medical Authority, Town of Gilbert, City of Buckeye, City of Tempe, and the City of Scottsdale. The agencies collectively are the Principal Partners or Participants.

As the primary applicant and recipient of the grant, Maricopa County shall be the fiscal agent and serve as the lead agency with regards to the use of grant funds for the STC Program. All fiscal matters regarding the grant funds and its use in the STC Program shall be managed and overseen by Maricopa County. Further, the procurement of any equipment and services, including trainings and exercises, acquired with grant funds shall be managed and overseen by Maricopa County.

Contract Term
The term of the agreement will begin upon execution by all the Principal Partners and remain in effect for the duration of the performance period of the grant.

Financial Impact
As the primary applicant and recipient of the grant, Maricopa County shall be the fiscal agent and serve as the lead agency with regards to the use of grant funds in the STC Program. All fiscal matters regarding the grant funds and its use in the STC Program shall be managed and overseen by Maricopa County. There is no financial impact to the City.

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

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 57

Add Sworn Positions in Fire Department for Staffing Relief (Ordinance S-49237)

Request to authorize the City Manager, or his designee, to allow the Phoenix Fire Department to add positions to provide sworn staffing relief. The estimated annual cost of these additions is $7,800,000.

Summary

As discussed at the October 12 and November 9 Public Safety and Justice Subcommittee meetings, the Phoenix Fire Department is working to address sworn staffing challenges, high call volume, and longer than desired response times. Due to these challenges, a comprehensive plan was developed to address current and ongoing needs.

As part of this comprehensive plan, the City Council previously approved the addition of 19 sworn positions for the current FY 2022-23 budget and the award acceptance of the 2021 SAFER Grant providing an additional 32 sworn positions.

To continue addressing the Fire Department's current and ongoing needs, staff requests City Council authorization of funding to add a total of 58 sworn positions to the Fire Department's FY 2023-24 budget. This recommended funding request includes adding 31 new sworn positions and ongoing funding for 27 existing positions that were previously grant funded.

This recommendation will add 58 positions by:

- Providing sworn staffing of Fire Station 62 with 24 new General Fund positions;
- Funding seven new positions for Aviation to support 24-hour operation of Rescue 19; and
- Authorizing General Fund funding to continue 27 positions currently being supported by the 2019 SAFER Grant.

If approved, the City Council will have authorized funding for an additional 109 sworn positions in total between FY 2022-23 and FY 2023-24.

Financial Impact

The additional annual cost of $7,800,000 will be added to the Fire Department's General Fund in development of the FY 2023-24 budget. This will be partially offset by$900,000 from the Aviation Fund.

Concurrence/Previous Council Action

The Public Safety and Justice Subcommittee recommended approval for this item on Nov. 9, 2022, by a vote of 4-0.

Responsible Department

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

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 58

Wiretap Intercept System - Requirements Contract - RFA 19-015 - Amendment (Ordinance S-49206)

Request to authorize the City Manager, or his designee, to execute an amendment to Contract 149174 with JSI Telecom, Inc. to extend the contract term. Further request authorization for the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $126,571.

Summary

This contract will provide additional support and maintenance to include warranties on all software, hardware technical support, engineering support, and upgrades for the existing wire intercept system. The Police Department's Drug Enforcement Bureau utilizes wire intercept systems to conduct joint complex conspiracy investigations with the United States Drug Enforcement Administration and other federal, state, and local agencies. The wiretap system will provide the ability to continue utilizing the wire intercepts, geo-locate cellular phones, locate endangered citizens, and investigate a variety of crimes. The amendment is necessary to provide more time to prepare for re-solicitation.

The use of this system requires a department or agency to present evidence to a judge or magistrate and a search warrant to be issued. The request must include the criminal offense under investigation, the type of intercept device, the physical location of the device and the duration of intercept.

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

Contract Term

Upon approval, the contract will be extended through Dec. 12, 2023.

Financial Impact

Upon approval of $126,571 in additional funds, the revised aggregate value of the contract will not exceed $1,042,571. Funds are available in the Police Department’s budget.

Concurrence/Previous Council Action

The City Council previously reviewed this request:

- Wiretap Intercept System, Contract 149174 (Ordinance S-45216) on Dec. 5, 2018.

Responsible Department

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

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 59

Hydrant Fueling System Modification (Ordinance S-49196)

Request to authorize the City Manager, or his designee, to enter into a sale and purchase agreement and to amend Hydrant and Fueling Agreement Lease No 57871-ARL with the Arizona Fueling Facilities Corporation (AFFC) for the modification of the fuel line hydrant system at Phoenix Sky Harbor International Airport.

Summary

The AFFC is a consortium of airlines that operates under a ground lease for its piping system which allows the airlines to fuel their aircraft at the gates from hydrants tied to the system. The hydrant fueling system at Terminal 3 was modified and extended during the terminal modernization and inner ramp reconstruction projects to provide fueling service to six (6) additional gates on the South Concourse and to reconfigure the existing system on the North Concourse to accommodate a greater fleet mix. To facilitate the accelerated schedule for the projects, the Aviation Department included the design and construction of the hydrant fuel line into its building contract. Having completed both projects, the Aviation Department wishes to recover the cost of the improvements from AFFC through the sale of the assets.

Financial Impact

The total cost for design and construction is approximately $4.9 million. Following receipt of final payment by AFFC, the Aviation Department will transfer pipeline ownership by a bill of sale.

Concurrence/Previous Council Action

The City Council approved Ordinance S-38281 allowing the City to enter into amended and restated Lease Agreement No. 57871 with AFFC on Nov. 2, 2011.
The Business Development Subcommittee recommended approval of the item on Nov. 3, 2022 by a vote of 3-0.
The Phoenix Aviation Advisory Board recommended approval of this item on Nov. 17, 2022 by a vote of 9-0.

Location

Phoenix Sky Harbor International Airport, 3400 E. Sky Harbor Blvd.
Council District: 8

Responsible Department

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

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 60

Heating, Ventilation, Air Conditioning, Refrigeration Systems, Components, Equipment/Controls, Maintenance, Repair, and Installation Services - AVN RFP 19-009 - Amendment (Ordinance S-49221)

Request to authorize the City Manager, or his designee, to allow additional expenditures under Contracts 149505 with Climatec, LLC and 149506 with Mesa Energy Systems, Inc. dba EMCOR Services Arizona for the purchase of Heating, Ventilation, Air Conditioning, and Refrigeration (HVACR) systems, components, equipment or controls or both, maintenance, repair, and installation services for the Aviation Department. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $1,690,000.

Summary

These Contracts will provide HVACR systems, components, equipment or controls or both, maintenance, repair, and installation services on an as-needed basis at Phoenix Sky Harbor International Airport, Phoenix Deer Valley Airport, and Phoenix Goodyear Airport. The Contracts will establish full-service maintenance of all three airports' HVACR systems and related equipment and controls, water treatment equipment and Building Automation Systems (BAS) to ensure the equipment operates at peak efficiency and optimal energy and water efficiency 24 hours-a-day, everyday, all year round.

The purpose of this request is to provide additional funds to pay for unforeseen expenditures for emergency repair or replacement or both of failed equipment, the installation of new equipment related to water conservation and energy management as part of the City's goal for the sustainability program, and increases in price due to inflation and rising costs of materials. Additionally, in the third year of the contracts, two additional Aviation-owned central plants were added to the monthly maintenance expenditures.

Contract Term

The contract terms for both Contracts remain unchanged, ending on March 31, 2023, with one additional option to extend the terms through March 31, 2024.

Financial Impact

Upon approval of $1,690,000 in additional funds, the revised value of the contracts will not exceed $9,790,000 for the aggregate contract terms. Funds are available in the Aviation Department's budget.

Concurrence/Previous Council Action

The City Council previously reviewed this request:
• HVACR Systems, Components, Equipment/Controls, Maintenance, Repair, and Installation Services Contracts 149505, 149506 (Ordinance S-45454) on March 20, 2019.

Location

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

Responsible Department

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

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 61

Ground Lease with KOR Medical Arizona, LLC. (Ordinance S-49235)

Request to authorize the City Manager, or his designee, to enter into a Ground Lease with KOR Medical Arizona, LLC (KOR Medical) for 56,628 square feet (1.3 acres) of Phoenix Sky Harbor International Airport (PHX) owned vacant property at 120 S. & 130 S. 29th St., Phoenix, Ariz.

Summary

PHX acquired 120 S. 29th St. (APN 121-60-011) in October 2001 and 130 S. 29th St. (APN 121-60-013B) in January 2000. Since acquisition, both properties have been vacant. KOR Medical owns the building at 175 S. 29th St., a property across the street from the PHX owned property. KOR Medical is requesting to enter into a Ground Lease with PHX for the purpose of constructing a paved employee parking lot in support of KOR Medical's business. KOR Medical will have one year to construct a paved parking lot on the premises in strict compliance with the Phoenix City Code. KOR Medical's paved parking lot improvements are subject to the Aviation Department's Tenant Improvement Process.

Contract Term

The lease term will be two years, with five one-year options to renew, to be exercised at the sole discretion of the Director of Aviation Services. The term and rent shall commence upon the Tenant's receipt of a Certificate of Completion for the development of the parking lot.

Financial Impact

Rent for the first year of the lease will be approximately $59,459.40 per year ($1.05 per square foot). Rent will be adjusted annually commencing one year after the Rent Commencement date based on the Consumer Price Index for Phoenix-Mesa-Scottsdale, not to exceed three percent during any given year. Total anticipated rent from this lease over the term, if all options are exercised, will be approximately $416,215.80, not including CPI.

Concurrence/Previous Council Action

The Business and Development Subcommittee recommended approval of this item on Nov. 3, 2022 by a vote of 3-0.

The Phoenix Aviation Advisory Board recommended approval of this item on Nov. 17, 2022 by a vote of 9-0.

Location

Phoenix Sky Harbor International Airport - 120 S. & 130 S. 29th St., Phoenix, Ariz.
Council District: 8

Responsible Department

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

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 62

Geosynthetic Liner Purchase for State Route 85 Landfill, Cell 2 - IFB 23-SW-019 Requirements Contract (Ordinance S-49199)

Request to authorize the City Manager, or his designee, to enter into an agreement with PBR, Inc. dba SKAPS Industries, to provide various geosynthetic liners for the State Route 85 (SR 85) Landfill, Cell Two. Further request authorization for the City Controller to disburse all funds related to this item. The aggregate value of the agreement will not exceed $3,000,000.

Summary

The agreement will provide various layers of the geosynthetic liner for the SR 85 Landfill design and construction project for cell two, phases one and two. The various layers of the liner conform to all industry standards and meet federal and state requirements for groundwater monitoring. The geosynthetic liner consists of approximately 2,522,700 square feet and ensures landfill leachate does not contaminate groundwater sources.

Procurement Information

Invitation for Bid (IFB) 23-SW-019 was conducted in accordance with Administrative Regulation 3.10. Four offers were evaluated based on price for the estimated square footage of the project, responsiveness to all specifications, terms and conditions, and responsibility to provide the required goods. The offers submitted by PBR, Inc. dba SKAPS Industries were deemed fair and reasonable.

See **Attachment A** for the bid summary of offers submitted for lines 1-4.

Contract Term

The agreement will begin after Council approval for an initial three-year term with two one-year options to extend.

Financial Impact

The aggregate value of the agreement, including all option years, will not exceed $3,000,000.

Funding is available in the Public Works Department's Capital Improvement Program budget.

Location

SR 85 Landfill, 28633 W. Patterson Road, Buckeye
Council District: Out of City

Responsible Department

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

Attachment A - Bid Summary
IFB 23-SW-019
Geosynthetic Liner Purchase for State Route 85 Landfill, Cell 2
Award Recommendation

		BIDS RECEIVED	AWARD RECOMMENDATION
Item 1.	**60 mil DT HDPE flexible membrane liner (FML)**		
	Argu America, Inc.	$479,999.50	
	PBR, Inc. dba SKAPS Industries	$476,103.88	X
	White Cap	$776,658.33	
Item 2.	**Geosynthetic Clay Liner (GCL)**		NO AWARD WILL BE MADE FOR ITEM 2.
	Argu America, Inc.	No Bid	
	PBR, Inc. dba SKAPS Industries	No Bid	
	White Cap	$708,337.18	
Item 3.	**Drainage geocomposite Double sided (10 oz non-woven, 250 mil geonet)**		
	Argu America, Inc.	No Bid	
	PBR, Inc. dba SKAPS Industries	$472,319.10	X
	White Cap	$826,072.50	
Item 4.	**Geotextile, 12oz non-woven**		
	Argu America, Inc.	No Bid	
	PBR, Inc. dba SKAPS Industries	$14,218.80	X
	White Cap	$28,700.00	

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 63

Fuel Terminal Services - Contract Recommendation (Ordinance S-49220)

Request to authorize the City Manager, or his designee, to enter into an agreement with Caljet of America, LLC to provide fuel storage and pipeline space. Further request to authorize the City Controller to disburse all funds related to this item. The aggregate contract value will not exceed $432,000.

Summary
The City of Phoenix Public Works Department is responsible for procuring fuel for the majority of the City. This fuel must be moved through a pipeline, as well as stored and blended locally for fuel trucks to distribute to designated citywide fuel sites. This contract will provide pipeline receipts, guaranteed storage space, as well as loading services at the rack with additive injection capabilities.

Procurement Information
In accordance with Administrative Regulation 3.10, normal competition was waived as the result of a determination memo citing unusual nature. The City of Phoenix requests storage space, blending and loading capabilities that are only provided by a limited number of vendors, and due to the volume of fuel purchased, fuel storage terminal services connected to the pipeline are currently required.

Contract Term
This contract will be begin on or about Dec.1, 2022, for a one-year term.

Financial Impact
The aggregate contract value will not exceed $432,000.

Funding is available in the Public Works Department's budget.

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

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 64

Amend City Code - Section 36-158, Schedule I, Local Speed Limits at 27 Locations (Ordinance G-7062)

Request to amend Phoenix City Code, section 36-158, Schedule I, Local Speed Limits at 27 locations due to record keeping and road and traffic conditions.

Summary

Speed limits are established under Arizona Revised Statutes, section 28-703, which requires an "engineering study and traffic investigation." The Phoenix City Code and Charter require that all local speed limits on City streets be approved by City Council in the form of an amendment to Phoenix City Code in **Attachment A**.

The Street Transportation Department (Streets) conducted a comprehensive review of the speed limit ordinance and is recommending record keeping and local speed limit changes at 27 locations summarized in **Attachment B**. Twenty-three changes are record keeping, where speed limits posted on City streets do not match the speed limits included in the current ordinance or where street segments included in the current ordinance are not maintained by the City. The four other changes are related to road and traffic conditions. As with all recommended speed limit changes, they are based on traffic investigations conducted with the engineering judgment of Streets staff.

Concurrence/Previous Council Action

The Transportation, Infrastructure and Planning Subcommittee recommended approval of this item on Nov.16, 2022.

Responsible Department

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

ATTACHMENT A

ARTICLE XII. PENALTY AND SCHEDULES

36-158 Schedule I—Local speed limits.

It is hereby determined upon the basis of an engineering and traffic investigation that the speed limit permitted by state law on the following streets or intersections is greater or less than is reasonable under existing conditions, and it is hereby declared that the maximum speed limits shall be as hereinafter set forth on those streets, parts of streets or intersections herein designated at the times specified when signs are erected giving notice thereof.

The City Traffic Engineer may declare a maximum speed limit that is determined pursuant to this section to be effective at all times or at such times as indicated on the speed limit signs. The City Traffic Engineer may establish lower speed limits for different times of day, different types of vehicles, varying weather conditions, special events, work zones for construction, maintenance or other activity in the roadway and other factors bearing on safe speeds. The lower limits are effective when posted on appropriate fixed, variable or portable signs.

Table A. Prima Facie Speed Limit 30 Miles Per Hour at All Times.	
Acoma Drive	51st Avenue to 43rd Avenue
Acoma Drive	Black Canyon Freeway to 23rd Avenue
Acoma Drive	36th Street to 40th Street
Acoma Drive	Tatum Boulevard to 64th Street
Arroyo Norte Drive	Northbound I-17 Frontage Road to 3900 West
Beardsley Road	32nd Street to 34th Street
Butler Drive	39th Avenue to 27th Avenue
Butler Drive	Black Canyon Freeway to 19th Avenue
Campbell Avenue	71st Avenue to 51st Avenue
Campbell Avenue	113th Avenue to 107th Avenue
Campbell Avenue	35th Avenue to 15th Avenue
Campbell Avenue	12th Street to 16th Street

Table A. Prima Facie Speed Limit 30 Miles Per Hour at All Times.	
Campbell Avenue	20th Street to 44th Street
Canterbury Drive	Thunderbird Road to Tam-O-Shanter Drive
Cashman Drive	Pinnacle Peak Road to 44th Street
Central Avenue	Lincoln Street to Madison Street
Central Avenue	Grovers Avenue to Union Hills Drive
Chauncey Lane	68th Street to Scottsdale Road
Cholla Street	24th Street to 56th Street
Clarendon Avenue	55th Avenue to Maryvale Parkway
Colter Street	16th Street to SR-51
Copperhead Trail	North Valley Parkway to Gambit Trail
Copperhead Trail	West of 14th Lane Traffic Circle to Gambit Trail
Coral Gables Drive	Thunderbird Road to 7th Street
Deer Valley Drive	1,200 feet west of 35th Avenue to 35th Avenue
Desert Willow Parkway	East Dixileta Drive to Dynamite Boulevard
Desert Willow Parkway West	30200 North Cave Creek Road to 31000 North Cave Creek Road
Dove Valley Road	52nd Place to 56th Street
Dunlap Avenue	7th Street to 12th Street
Durango Street	67th Avenue to 63rd Avenue
Elwood Street	40th Street to 48th Street
Encanto Boulevard	93rd Avenue to 91st Avenue

Table A. Prima Facie Speed Limit 30 Miles Per Hour at All Times.	
Encanto Boulevard	75th Avenue to 73rd Avenue
Encanto Boulevard	71st Avenue to 51st Avenue
Encanto Boulevard	49th Avenue to 31st Avenue
Encanto Boulevard	Grand Avenue to 19th Avenue
Freemont Road	Rough Rider Road to Cashman Drive
Galvin Parkway	100 Feet +/- North of East Papago Park to Traffic Circle at Botanical Garden Entrance
Grand Ave	7th Avenue to 15th Avenue
Greenway Road	20th Street to Cave Creek Road
Grovers Avenue	51st Avenue to 27th Avenue
Grovers Avenue	Central Avenue to Cave Creek Road
Hatcher Road	Central Avenue to 12th Street
Highland Avenue	Campbell Avenue to 107th Avenue
Highland Avenue	16th Street to 24th Street
Illini Street	30th Street to Riverpoint Parkway
Jefferson Street	27th Avenue to 23rd Avenue
Jefferson Street	7th Avenue to 4th Avenue
Jesse Owens Parkway	Central Avenue to 7th Street
Jones Avenue	103rd Avenue to 99th Avenue
Kelton Lane	29th Avenue to 28th Avenue
Knox Road	Warpaint Drive to 36th Street

Table A. Prima Facie Speed Limit 30 Miles Per Hour at All Times.	
Lakewood Parkway West	3300 East to 3600 East to 17000 South to 15800 South
Lakewood Parkway East	3600 East to 3800 East to 17000 South to 15800 South
Lindner Drive (West Section)	45th Avenue to Augusta North
Lindner Drive (East Section)	45th Avenue to Grovers Avenue
Lockwood Drive	Freemont Road to Cashman Drive
Marriott Drive	Pathfinder Drive to Deer Valley Drive
Maryland Avenue	43rd Avenue to Black Canyon Freeway
Maryvale Parkway	51st Avenue to Indian School Road
Missouri Avenue	43rd Avenue to 27th Avenue
Missouri Avenue	Black Canyon Freeway to 19th Avenue
Mohave Street	7th Avenue to 7th Street
Morningside Drive	Black Canyon Freeway to 21st Avenue
Morten Avenue	16th Street to 1900 East
Mountain View Road	23rd Avenue to 15th Avenue
Mountain View Road	12th Street to 17th Street
Mountain View Road	32nd Street to 36th Street
Northern Avenue	26th Street to 32nd Street
North Valley Parkway	Carefree Highway to 33rd Lane
Oak Street	16th Street to 24th Street

Table A. Prima Facie Speed Limit 30 Miles Per Hour at All Times.	
Oak Street	32nd Street to 44th Street
Oak Street	48th Street to 52nd Street
Oak Street (Eastbound)	56th Street to 64th Street
Olympic Drive	Central Avenue to Jesse Owens Parkway
Orangewood Avenue	43rd Avenue to 19th Avenue
Osborn Road	83rd Avenue to 75th Avenue
Osborn Road	73rd Avenue to Grand Avenue
Osborn Road	Black Canyon Freeway to 19th Avenue
Osborn Road	40th Street to 56th Street
Paradise Lane	7th Street to 16th Street
Paradise Lane	Tatum Boulevard to 56th Street
Paradise Lane	47th Avenue to 43rd Avenue
Pathfinder Drive	44th Street to Marriott Drive
Piedmont Road	48th Street to 51st Street
Pinnacle Vista Drive	Pyramid Peak Parkway to Inspiration Mountain Parkway
Pinnacle Vista Drive	52nd Street to 56th Street
Quail Track Drive	North Valley Parkway to Copperhead Trail
Ranger Drive	Tatum Boulevard to 55th Street
Riverpoint Parkway	Wood Street to Illini Street
Roeser Road	7th Avenue to Central Avenue

Table A. Prima Facie Speed Limit 30 Miles Per Hour at All Times.	
Roeser Road	40th Street to 48th Street
Roosevelt Street	51st Avenue to 43rd Avenue
Roosevelt Street	39th Avenue to 35th Avenue
Roosevelt Street	33rd Avenue to 27th Avenue
Roosevelt Street	19th Avenue to 7th Avenue
Roosevelt Street	Central Avenue to 16th Street
Rose Garden Lane	29th Avenue to 19th Avenue
~~Rough Rider Road~~	~~Aviano Way to 40th Street~~
ROUGH RIDER ROAD	**BLACK MOUNTAIN BOULEVARD TO 40TH STREET**
Sells Drive	79th Drive to 71st Drive
~~Sky Crossing Way~~	~~Deer Valley Road to 33rd Street~~
SKY CROSSING WAY	**DEER VALLEY ROAD TO BLACK MOUNTAIN BOULEVARD**
SR-51 (East Access Road)	500 Feet North of Camelback Road to Colter Street
Stanford Drive	40th Street to 44th Street
Stetson Hills Loop	43rd Avenue to 39th Drive
Sweetwater Avenue	51st Avenue to Black Canyon Freeway
Sweetwater Avenue	32nd Street to 42nd Street
Sweetwater Avenue	Paradise Valley Parkway East to Scottsdale Road
Thunderbird Road	28th Street to 32nd Street
Trailblazer Drive	44th Street to Tatum Boulevard

Table A. Prima Facie Speed Limit 30 Miles Per Hour at All Times.	
University Drive	24th Street to Magnolia Street (2700 East)
Utopia Road	23rd Avenue to 19th Avenue
Van Buren Street	7th Street to 16th Street
Via Del Deserto	33rd Lane to Via Puzzola
Via Puzzola	Carefree Highway to Cloud Road
Via Tramonto	Carefree Highway to Via Vista
Via Vista	27th Avenue to Via Tramonto
Vineyard Road	47th Avenue to 43rd Avenue
Virginia Avenue	35th Avenue to 27th Avenue
Virginia Avenue	Central Avenue to 7th Street
Warpaint Drive	Knox Road to Coconino Street
Washington Street	7th Avenue to 4th Avenue
Wier Avenue	39th Avenue to 35th Avenue
Winchcomb Drive	26th Avenue to Acoma Drive (2300 West)
Wood Street	Riverpoint Parkway to University Drive
1st Avenue	Grant Street to Roosevelt Street
3rd Avenue	Thomas Road to Osborn Road
~~3rd Street~~	~~Monroe Street to Fillmore Street~~
3RD STREET	**MONROE STREET TO INDIAN SCHOOL ROAD**
4TH STREET	**5TH STREET CROSSOVER TO ROOSEVELT STREET**

Table A. Prima Facie Speed Limit 30 Miles Per Hour at All Times.	
5th Street	Van Buren Street to 5th Street Crossover
5th Street Crossover	5th Street to Fillmore Street
7th Avenue	Jackson Street to Van Buren Street
7th Avenue	Coral Gables Drive to Greenway Parkway
7th Street	Jefferson Street to Van Buren Street
11th Avenue	Greenway Parkway to Bell Road
11th Street	Washington Street to Moreland Street
12th Street	Vineyard Road to Southern Avenue
12th Street	Moreland Street to Thomas Road
12th Street	Osborn Road to Indian School Road
12th Street	Bell Road to Agua Fria Freeway
15th Avenue	Bethany Home Road to Northern Avenue
15th Avenue	Hatcher Road to Shangri-La Road
15th Avenue	Bell Road to Grovers Avenue
15th Avenue	Union Hills Drive to Utopia Road
16th Street	Grovers Avenue to Beardsley Road
18th Street	Camelback Road to 500 Feet North of Camelback Road
20th Street	Dobbins Road to Baseline Road
20th Street	Roeser Road to Broadway Road
20th Street	Jefferson Street to Roosevelt Street

Table A. Prima Facie Speed Limit 30 Miles Per Hour at All Times.	
20th Street	McDowell Road to Cambridge Avenue
20th Street	Greenfield Road to Highland Avenue
20th Street	Missouri Avenue to Bethany Home Road
21st Avenue	Bell Road to Union Hills Drive
23rd Avenue	Indian School Road to Bethany Home Road
23rd Avenue	Orangewood Avenue to Dunlap Avenue
23rd Avenue	Acoma Drive to Greenway Road
23rd Avenue	Union Hills Drive to Utopia Road
24th Street	Shea Boulevard to Sweetwater Avenue
26th Avenue	Thunderbird Road to Acoma Drive
26th Street	SR-51 to Shea Boulevard
27th Avenue	Rose Garden Lane to Deer Valley Drive
27th Drive	Carefree Highway to Via Vista
28th Street	Cholla Street to Thunderbird Road
28th Street	Oak Street to Camelback Road
28th Avenue	29th Avenue to Kelton Lane
29th Avenue	Union Hills Drive to Kristal Way
29th Avenue	Beardsley Road to Rose Garden Lane
31st Avenue	Van Buren Street to Encanto Boulevard
31st Avenue	Thomas Road to Grand Avenue

Table A. Prima Facie Speed Limit 30 Miles Per Hour at All Times.	
31st Avenue	Indian School Road to Camelback Road
31st Avenue	Missouri Avenue to Orangewood Avenue
31st Avenue	Northern Avenue to Dunlap Avenue
31st Avenue	Cheryl Drive to Thunderbird Road
31st Avenue	Bell Road to Kristal Way
31st Avenue	Yorkshire Drive to Beardsley Road
32nd Street	750 Feet South of Beautiful Lane to Baseline Road
32nd Street	Deer valley Road to Sky Crossing Way
32nd Street	Puget Avenue to Mountain View Road
33rd Lane	North Valley Parkway to Via Del Deserto
36th Street	Ranch Circle North to Suncrest Court
36th Street	Roeser Road to Broadway Road
36th Street	McDowell Road to Camelback Road
36th Street	Mountain View Road to Shea Boulevard
36th Street	Cactus Road to Greenway Road
39th Avenue	Van Buren Street to Osborn Road
39th Avenue	Missouri Avenue to Camino Acequia
39th Avenue	Peoria Avenue to Cactus Road
39th Avenue	Bell Road to Yorkshire Drive
40th Street	University Drive to 0.25 Miles North of University Drive

Table A. Prima Facie Speed Limit 30 Miles Per Hour at All Times.	
40th Street	Mountain View Road to Shea Boulevard
44th Street	Frye Road to Chandler Boulevard
44th Street	Ray Road to Warner-Elliot Loop
44th Street	Paradise Village Parkway North to Bell Road
44th Street	Deer Valley Drive to Cashman Drive
45th Avenue	Bell Road to Union Hills Drive
46th Street	Paradise Village Parkway North to Thunderbird Road
47th Avenue	Baseline Road to Vineyard Road
47th Avenue	Thomas Road to Camelback Road
47th Avenue	Thunderbird Road to Greenway Road
47th Avenue	Acoma Drive to Bell Road
48th Street	Pecos Park Entrance to Frye Road
48th Street	Elwood Street to University Drive
48th Street	Van Buren Street to McDowell Road
48th Street	Cholla Street to Paradise Village Parkway South
50th Street	Frye Road to Chandler Boulevard
51st Street	Elliot Road to Piedmont Road
52nd Place	Rancho Paloma Drive to Dove Valley Road
52nd Street	Thomas Road to Osborn Road
52nd Street	Cholla Street to Cactus Road

Table A. Prima Facie Speed Limit 30 Miles Per Hour at All Times.	
52nd Street	Thunderbird Road to Bell Road
52nd Street	Jomax Road to Pinnacle Vista Drive
53rd Avenue	Maryvale Parkway to Indian School Road
55th Avenue	McDowell Road to Camelback Road
55th Avenue	Pinnacle Peak Road to Alameda Road
56th Street	Mountain View Road to Shea Boulevard
59th Avenue	South Mountain Avenue to Baseline Road
60th Street	Desert Cove Avenue to Cholla Street Alignment
60th Street	Cactus Road to Bell Road
63rd Avenue	Lower Buckeye Road to Pima Street
63rd Avenue	Thomas Road to Osborn Road
63rd Avenue	Indian School Road to Camelback Road
70th Street	Princess Drive to Mayo Boulevard
71st Avenue	Van Buren Street to Roosevelt Street
71st Avenue	McDowell Road to Indian School Road
71st Avenue	Campbell Avenue to Camelback Road
71st Drive	Indian School Road to Sells Drive
79th Drive	Osborn Road to Sells Drive
80th Lane	Thomas Road to Osborn Road
93rd Avenue	Encanto Boulevard to Thomas Road

Table A. Prima Facie Speed Limit 30 Miles Per Hour at All Times.	
103rd Avenue	Broadway Road to Country Place Boulevard
103rd Avenue	Indian School Road to Campbell Avenue
111th Avenue	Campbell Avenue to Camelback Road

Table A1. Prima Facie Speed Limit 30 Miles Per Hour from 7:00 a.m. to 4:00 p.m. on School Days.

Cactus Road	Wb 350 ft +/- east of 37th Avenue and eb 350 ft +/- west of 37th Avenue
Ray Road	400 Feet North of Thunderhill Drive to 100 Feet South of Mountain Sky Avenue
19th Avenue	450 Feet North of Orangewood Avenue to 450 Feet South of Orangewood Avenue

Table B. Prima Facie Speed Limit 35 Miles Per Hour at All Times.

Adams Street	27th Avenue to Washington Street
Anthem Way	46th Drive to Black Canyon Freeway
Ball Park Boulevard	Camelback Road to Grand Canal
Beardsley Road	20th Street to Cave Creek Road
Bethany Home Road	16th Street to 18th Street
~~Black Canyon Freeway Frontage Road~~	~~Madison Street to Van Buren Street~~
~~Black Canyon Freeway Frontage Road (Southbound)~~	~~Interstate 17 Milepost No. 213.34 (North of Bell Road) to Bell Road~~
Black Mountain Boulevard	SR101 to Mayo Boulevard

Table B. Prima Facie Speed Limit 35 Miles Per Hour at All Times.

Black Mountain Boulevard	Rancho Paloma Drive to Carefree Highway
Buckeye Road	31st Avenue to 27th Street
Camelback Road	27th Avenue to 28th Street
Central Avenue	Briarwood Terrace to Chandler Boulevard
Central Avenue	Mineral Road to Thunderbird Trail
Central Avenue (Southbound)	Thunderbird Trail to Dobbins Road
Central Avenue	Vineyard Road to Pioneer Street
Central Avenue	Watkins Street to Lincoln Street
Central Avenue	Roosevelt Street to Mountain View Road
Central Avenue	Happy Valley Road to 2,050 Feet +/- North of Happy Valley Road
Chandler Boulevard	Shaughnessey Road To 19th Avenue
Chandler Boulevard (Westbound)	19th Avenue to 15th Avenue
Chandler Boulevard	Pecos Road to Shaughnessey Road
Cheryl Drive	35th Avenue to Metro Parkway West
Circle Mountain Road	New River Road to Barko Lane
Cotton Center Boulevard	40th Street to 48th Street
Desert Foothills Parkway	Chandler Boulevard to 5th Avenue
Desert Willow Parkway East	31000 North Cave Creek Road (East Side) to 5000 East Dixileta Drive
~~Dobbins Road~~	~~Central Avenue to 16th Street~~

Table B. Prima Facie Speed Limit 35 Miles Per Hour at All Times.

DOBBINS ROAD	**CENTRAL AVENUE TO 19TH STREET**
Dove Valley Road	North Valley Parkway to 16th Avenue
Dunlap Avenue	7th Avenue to 7th Street
Encanto Boulevard	83rd Avenue to 75th Avenue
Frye Road	3rd Street to Desert Foothills Parkway
Galvin Parkway	North of Traffic Circle at Botanical Garden Entry to McDowell Road
Grand Avenue	18th Avenue to 15th Avenue
Grant Street	Black Canyon Freeway to Lincoln Street
Grant Street	16th Street to Sky Harbor Circle
Greenway Road	Cave Creek Road to Greenway Parkway
Guadalupe Road	48th Street to Interstate 10
~~Happy Valley Road~~	~~29th Avenue to 23rd Avenue~~
Hatcher Road	19th Avenue to Central Avenue
Holmes Boulevard	Bell Road to Grovers Avenue
Indian School Road	27th Avenue to 20th Street
Indian School Road	45th Street to 48th Street
Jefferson Street	23rd Avenue to 7th Avenue
Jefferson Street	7th Street to Washington Street
Jefferson Street	7th Street to 265 Feet +/- East of 26th Street (except frontage road which is 25 mph)
Jomax Road	Cave Creek Road to Tatum Boulevard

Table B. Prima Facie Speed Limit 35 Miles Per Hour at All Times.

Jomax Road	Tatum Boulevard to 52nd Street
Knox Road	36th Street to 48th Street
Lafayette Boulevard	44th Street to 64th Street
Liberty Lane	17th Avenue to Central Avenue
Liberty Lane	Desert Foothills Parkway to 13th Way
Lincoln Street	Grant Street to 7th Street
Lone Mountain Road	40th Street to Cave Creek Road
Lower Buckeye Road	300 Feet West to 300 Feet East of 99th Avenue
Lower Buckeye Road	22nd Avenue to 19th Avenue
Maryland Avenue	19th Avenue to 16th Street
Maryvale Parkway	Indian School Road to 51st Avenue
McDowell Road	27th Avenue to 32nd Street
Metro Parkway	Entire Street Surrounding Metro Center
Missouri Avenue	19th Avenue to 24th Street
Mohave Street	7th Street to Sky Harbor Circle
Mohave Street	22nd Street to 24th Street
Mountain View Road	Central Avenue to 12th Street
Norterra Parkway	Happy Valley Road to Jomax Road
Oak Street	24th Street to 32nd Street
Oak Street	52nd Street to 56th Street

Table B. Prima Facie Speed Limit 35 Miles Per Hour at All Times.

Osborn Road	19th Avenue to 36th Street
Paloma Parkway	Bronco Butte Trail to Dove Valley Road
Paradise Village Parkway	Entire Street Surrounding Paradise Village
Peoria Avenue	19th Avenue to 7th Avenue
Pinnacle Peak Road	19th Avenue to 7th Street
Pocono Way	800 feet north of Hackamore Drive to 33rd Avenue
Pointe Golf Club Drive	Thunderbird Road to Sharon Drive
Princess Drive	68th Street to Scottsdale Road
Pyramid Peak Parkway (Northbound)	1,900 Feet +/- north of Brookhart Way to City Limits
Ranch Circle North	Ray Road (3600 East) to Ray Road (4300 East)
Ranch Circle South	Ray Road to Mountain Parkway
Rancho Paloma Drive	Black Mountain Boulevard to 56th Street
Roeser Road	Central Avenue to 40th Street
Roosevelt Street	16th Street to 32nd Street
Rose Garden Lane	19th Avenue to 7th Avenue
Shea Boulevard	24th Street to 32nd Street
Sky Harbor Circle	22nd Street to Grant Street, Mohave Street to Grant Street, and Mohave Street to 22nd Street
Southern Avenue	7th Avenue to 7th Street
Sweetwater Avenue	Cave Creek Road to 32nd Street

Table B. Prima Facie Speed Limit 35 Miles Per Hour at All Times.

Tatum Boulevard	40th Street to Cave Creek Road
Thistle Landing Drive	48th Street to 50th Street
Thomas Road	27th Avenue to 32nd Street
Thunderbird Road	32nd Street to 38th Place
Tombstone Trail	Norterra Parkway to 21st Avenue
University Drive	16th Street to 24th Street
Utopia Road	Black Canyon Freeway to 23rd Avenue
Utopia Road	Cave Creek Road to 32nd Street
Van Buren Street	35th Avenue to 7th Avenue
Van Buren Street	16th Street to 44th Street
Washington Street	Adams Street to 7th Avenue
Washington Street	7th Street to 24th Street (except frontage road which is 25 mph)
Williams Drive	Black Canyon Freeway to 19th Avenue
Yorkshire Drive	43rd Avenue to Black Canyon Freeway
1st Avenue Crossover	Grant Street to Hadley Street
3rd Avenue	Osborn Road to Indian School Road
3rd Street	Frye Road to Chandler Boulevard
~~3rd Street~~	~~Fillmore Street to Indian School Road~~
~~4th Street~~	~~5th Street Crossover to Roosevelt Street~~
5th Avenue	Desert Foothills Parkway to Chandler Boulevard

Table B. Prima Facie Speed Limit 35 Miles Per Hour at All Times.

5th Street Crossover	Fillmore Street to 4th Street
7th Avenue	Dobbins Road to Baseline Road
7th Avenue	Magnolia Street to Jackson Street
7th Avenue	Van Buren Street to Missouri Avenue
7th Avenue	Dunlap Avenue to Hatcher Road
7th Avenue	Greenway Parkway to Bell Road
7th Street	Mineral Road to Baseline Road
7th Street	Lincoln Street to Jefferson Street
7th Street	Van Buren Street to Missouri Avenue
7th Street	Butler Drive to Cinnabar Avenue
12th Street	Indian School Road to Mountain View Road
15th Avenue	Southern Avenue to Broadway Road
15th Avenue	0.25 miles south of Magnolia Street to Bethany Home Road
16th Street	Dobbins Road to Baseline Road
16th Street	Maricopa Freeway to Bethany Home Road
16th Street	Bell Road to Grovers Avenue
17th Avenue	Pecos Road to Chandler Boulevard
17th Avenue	Buckeye Road to Grant Street
19th Avenue	Buckeye Road to the Grand Canal
19th Avenue	Glendale Avenue to Northern Avenue (Except where noted in subsection A.1 of this section)

Table B. Prima Facie Speed Limit 35 Miles Per Hour at All Times.

20th Street	Highland Avenue to Missouri Avenue
21st Avenue	Jomax Road to Tombstone Trail
23rd Avenue	Bethany Home Road to Glendale Avenue
23rd Avenue	Mountain View Road to Cactus Road
23rd Avenue	Utopia Road to Deer Valley Drive
23rd Avenue	Pinnacle Peak Road to Happy Valley Road
24th Street	South Mountain Avenue to Baseline Road
24th Street	Buckeye Road to Indian School Road
25th Avenue	Dunlap Avenue to Peoria Avenue
27th Avenue	South Mountain Avenue to Baseline Road
27th Avenue	Lower Buckeye Road to Van Buren Street
27th Avenue	Northern Avenue to Dunlap Avenue
27th Avenue	Grovers Avenue to Union Hills Drive
27th Avenue	Yorkshire Drive to Rose Garden Lane
27th Drive	North Valley Parkway to Carefree Highway
28th Drive	Peoria Avenue to Cactus Road
29th Avenue	Dunlap Avenue to Metro Parkway
29th Avenue	Greenway Road to Bell Road
32nd Street	Air Lane to Van Buren Street
32nd Street	Chandler Boulevard to Pecos Road

Table B. Prima Facie Speed Limit 35 Miles Per Hour at All Times.

33rd Avenue	Pocono Way to Pinnacle Vista Drive
35th Avenue	South Mountain Avenue to Baseline Road
35th Avenue	Van Buren Street to Encanto Boulevard
35th Avenue	Happy Valley Road to 800 feet north of Hackamore Drive
36th Street	Shea Boulevard to Cactus Road
39th Drive	Pinnacle Peak Road to Happy Valley Road
40th Street	0.39 miles South of Air Lane to Washington Street
40th Street	McDowell Road to Missouri Avenue
40th Street (Southbound)	Shea Boulevard to Mercer Lane
40th Street	Potter Drive to Deer Valley Drive
40th Street	Tatum Boulevard to Lone Mountain Road
43rd Avenue	Olney Avenue to Dobbins Road
43rd Avenue	Elwood Street Alignment to Lower Buckeye Road
43rd Avenue	Anthem Way to 1,930 Feet North of Anthem Way
44th Street	Campbell Avenue to Calle Feliz
44th Place	Cotton Center Boulevard to Broadway Road
48th Street	Frye Road to Chandler Boulevard
48th Street	Washington Street to Van Buren Street
48th Street	Piedmont Road to Guadalupe Road
50th Street	Chandler Boulevard to Ray Road

Table B. Prima Facie Speed Limit 35 Miles Per Hour at All Times.

51st Street	500 Feet South of Elliot Road to Warner-Elliot Loop
52nd Street	McDowell Road to Thomas Road
52nd Street	Cactus Road to Thunderbird Road
55th Avenue	Alameda Road to Happy Valley Road
56th Street	South City Limit to Van Buren Street
56th Street	Oak Street to Camelback Road
56th Street	Bell Road to Central Arizona Project Canal
56th Street	Lone Mountain Road to Rancho Paloma Drive
64th Street	Oak Street to McDowell Road (Southbound Only)
64th Street	255 Feet North of Hillcrest Boulevard to Chaparral Road
68th Street	Princess Drive to Mayo Boulevard
71st Avenue	Baseline Road to Vineyard Road
107th Avenue	Camelback Road to Missouri Avenue

Table B1. Prima Facie Speed Limit 35 Miles Per Hour from 7:00 a.m. to 4:00 p.m. on School Days.

Dunlap Avenue	For Westbound, 650 Feet +/- West of 29th Avenue to 625 +/- West of 35th Avenue
Dunlap Avenue	For Eastbound, 545 Feet +/- West of 35th Avenue to 30th Avenue

Table B2. Prima Facie Speed Limit 35 Miles Per Hour from 7:00 a.m. to 5:00 p.m. on School Days.

Greenway Parkway	400 Feet West of 7th Avenue to 250 Feet East of 5th Avenue

Table C. Prima Facie Speed Limit 40 Miles Per Hour at All Times.

Air Lane	24th Street to 32nd Street
Baseline Road	43rd Avenue to 35th Avenue
Baseline Road	7th Avenue to 7th Street
Beardsley Road (Eastbound Frontage)	37th Avenue to 27th Avenue
Beardsley Road	Cave Creek Road to 32nd Street
Bell Road	19th Avenue to 12th Street
Bell Road	0.25 miles West of Cave Creek Road to 1,500 Feet East of 40th Street
Bethany Home Road	43rd Avenue to 16th Street
~~Black Canyon Freeway Frontage Roads~~	~~Maricopa Freeway to Madison Street~~
~~Black Canyon Freeway Frontage Road (Northbound)~~	~~Thomas Road to Cactus Road~~
~~Black Canyon Freeway Frontage Road (Northbound)~~	~~Bell Road to Union Hills Drive~~
~~Black Canyon Freeway Frontage Road (Southbound)~~	~~Mountain View Road (Alignment) to Thomas Road~~
Black Mountain Boulevard	Mayo Boulevard to Pinnacle Peak Road
Broadway Road	19th Avenue to 32nd Street
Buckeye Road	39th Avenue to 31st Avenue
Cactus Road	39th Avenue to 350 ft west of 37th Avenue

Table C. Prima Facie Speed Limit 40 Miles Per Hour at All Times.

Cactus Road	350 ft east of 37th Avenue to 19th Avenue
Cactus Road	Cave Creek Road to 60th Street
Camelback Road	43rd Avenue to 27th Avenue
Camelback Road	28th Street to 64th Street
Carefree Highway	700 feet west of North Valley Parkway to Via Puzzola ~~Drive~~
Cave Creek Road	Dunlap Avenue to Peoria Avenue
Cave Creek Road	Marco Polo Road to Rose Garden Lane
Central Avenue (Northbound)	Thunderbird Trail to Dobbins Road
Central Avenue	Dobbins Road to Vineyard Road
Central Avenue	Pioneer Street to Watkins Street
Chandler Boulevard	Marketplace Way to 34th Street
Deer Valley Drive	600 Feet West of 27th Avenue to 0.25 Miles East of 19th Avenue
Deer Valley Drive	600 Feet West of 16th Street to 56th Street
Desert Foothills Parkway	Pecos Road to Chandler Boulevard
Desert Peak Parkway	Lieber Place to Cave Creek Road
Dobbins Road	From West City Limit to 1,320 Feet +/- East
Dobbins Road	23rd Avenue to Central Avenue
Dunlap Avenue	43rd Avenue to 7th Avenue (Except where noted in Table B1 of this section)
Durango Street	35th Avenue to Black Canyon Freeway

Table C. Prima Facie Speed Limit 40 Miles Per Hour at All Times.

Elliot Road	2,085 Feet +/- West of 59th Avenue to 51st Avenue
Elliot Road	46th Street to 51st Street
Elwood Street	7th Street to 16th Street
Galvin Parkway	Van Buren Street to 100 Feet +/- North of East Papago Park (Zoo Entrance)
Gavilan Peak Parkway	800 Feet +/- West of 33rd Lane to Cloud Road
Glendale Avenue	43rd Avenue to 21st Street
Greenway Parkway	500 Feet West of 7th Avenue to 3rd Avenue (Except where noted in Table B2 of this section)
Greenway Parkway	Cave Creek Road to Greenway Road
Greenway Road	51st Avenue to 19th Avenue
Greenway Road	Greenway Parkway to 300 Feet East of 30th Street
Greenway Road	52nd Street to 500 Feet East of 60th Street
Indian School Road	67th Avenue to 27th Avenue
Indian School Road	20th Street to 45th Street
Indian School Road	48th Street to 60th Street
Jomax Road	Black Canyon Freeway to Norterra Parkway
Liberty Lane	13th Way to 24th Street
Lincoln Drive	21st Street to 800 Feet East of Ocotillo Road
Lower Buckeye Road	103rd Avenue to 300 Feet +/- West of 99th Avenue
Lower Buckeye Road	300 Feet +/- East of 99th Avenue to 95th Avenue

Table C. Prima Facie Speed Limit 40 Miles Per Hour at All Times.

Lower Buckeye Road	27th Avenue to 22nd Avenue
Maricopa Freeway Frontage Roads	23rd Avenue to 16th Street
Mayo Boulevard	Black Mountain Boulevard to 40th Street
McDowell Road	43rd Avenue to 27th Avenue
McDowell Road	32nd Street to 52nd Street
Mountain Parkway	Chandler Boulevard to Ray Road
Norterra Parkway	Jomax Road to North Valley Parkway
Northern Avenue	43rd Avenue to SR-51
North Valley Parkway	Jomax Road to 30th Avenue
North Valley Parkway	800 Feet +/- West of 33rd Lane to 33rd Lane
Peoria Avenue	43rd Avenue to 19th Avenue
PRIEST DRIVE	**SALT RIVER DRIVE TO VAN BUREN STREET**
Pyramid Peak Parkway (Southbound)	67th Avenue to City Limits
Pyramid Peak Parkway (Northbound)	67th Avenue to 1,900 Feet +/- North of Brookhart Way
Ray Road	Chandler Boulevard to Interstate 10 (Except where noted in Table A1 of this section)
Rose Garden Lane	Cave Creek Road to 32nd Street
Shea Boulevard	32nd Street to 450 Feet East of 40th Street
Southern Avenue	39th Avenue to 31st Avenue

Table C. Prima Facie Speed Limit 40 Miles Per Hour at All Times.

Southern Avenue	19th Avenue to 7th Avenue
Southern Avenue	7th Street to 24th Street
Thomas Road	800 Feet West of 59th Avenue to Grand Avenue
Thomas Road	32nd Street to 56th Street
Thunderbird Road	31st Avenue to Coral Gables Drive
Thunderbird Road	38th Place to Scottsdale Road
Union Hills Drive	27th Avenue to 19th Avenue
Union Hills Drive	7th Street to 20th Street
University Drive	Wood Street to 48th Street
Van Buren Street	67th Avenue to 200 Feet West of 63rd Avenue
Van Buren Street	39th Avenue to 35th Avenue
Van Buren Street	44th Street to 56th Street
Warner-Elliot Loop	4600 East Elliot Road to 578 Feet East of Wakial Loop
Washington Street	24th Street to 34th Street
7th Avenue	Baseline Road to Magnolia Street
7th Avenue	Missouri Avenue to Dunlap Avenue
7th Avenue	Bell Road to Union Hills Drive
7th Avenue	Rose Garden Lane to Deer Valley Drive
7th Street	Baseline Road to Lincoln Street
7th Street	Missouri Avenue to Butler Drive

Table C. Prima Facie Speed Limit 40 Miles Per Hour at All Times.

7th Street	Cinnabar Avenue to 400 Feet North of Peoria Avenue
7th Street	Thunderbird Road to 600 Feet North of Bell Road
16th Street	Baseline Road to the Maricopa Freeway
16th Street	Bethany Home Road to Northern Avenue
19th Avenue	Southern Avenue to Buckeye Road
19th Avenue	Grand Canal to Glendale Avenue
19th Avenue	Northern Avenue to Evans Drive
24th Street	Pecos Road to Chandler Boulevard
24th Street	Baseline Road to Buckeye Road
24th Street	Indian School Road to Montebello Avenue
27th Avenue	Baseline Road to 500 Feet +/- North
27th Avenue	Van Buren Street to Northern Avenue
32nd Street	Baseline Road to Wood Street
32nd Street	Van Buren Street to the Arizona Canal
32nd Street	Mountain View Road to Bell Road
32nd Street	Beardsley Road to Rose Garden Lane
35th Avenue	Dobbins Road to South Mountain Avenue
35th Avenue	Baseline Road to Broadway Road
35th Avenue	Lower Buckeye Road to Van Buren Street
35th Avenue	Encanto Boulevard to Bell Road

Table C. Prima Facie Speed Limit 40 Miles Per Hour at All Times.

35th Avenue	Union Hills Drive to Beardsley Road
40th Street	Pecos Road to Chandler Boulevard
40th Street	800 Feet South of Roeser Road to University Drive
40th Street	Washington Street to McDowell Road
40th Street (Northbound)	Shea Boulevard to Mercer Lane
40th Street	Mercer Lane to Union Hills Drive
~~40th Street~~	~~Mayo Boulevard to Deer Valley Drive~~
~~40th Street~~	~~Deer Valley Drive to Pinnacle Peak Road~~
40TH STREET	**MAYO BOULEVARD TO PINNACLE PEAK ROAD**
43rd Avenue	Buckeye Road to Glendale Avenue
43rd Avenue	Thunderbird Road to Beardsley Road
43rd Avenue	Pinnacle Peak Road to Happy Valley Road
44th Street	Washington Street to Campbell Avenue
44th Street	Calle Feliz to McDonald Drive
48th Street	Chandler Boulevard to Piedmont Road
51st Avenue	Dobbins Road to Baseline Road
51st Avenue	0.5 Miles South of Lower Buckeye Road to Lower Buckeye Road
51st Avenue	Roosevelt Street to Camelback Road
51st Avenue	250 Feet South of Cactus Road to Union Hills Drive
51st Avenue	Pinnacle Peak Road to Happy Valley Road

Table C. Prima Facie Speed Limit 40 Miles Per Hour at All Times.

52nd Street	Van Buren Street to McDowell Road
56th Street	Shea Boulevard to Bell Road
56th Street	Central Arizona Project Canal to Pinnacle Peak Road
59th Avenue	Dobbins Road to South Mountain Avenue
59th Avenue	Roosevelt Street to Camelback Road
64th Street	Cactus Road to Bell Road
67th Avenue	400 Feet +/- South of Elwood Street to Camelback Road
67th Avenue	Happy Valley Road to Pyramid Peak Parkway
75th Avenue	Baseline Road to Vineyard Road
75th Avenue	0.25 Miles South of Thomas Road to Devonshire Avenue
83rd Avenue	Van Buren Street to Papago Freeway
91st Avenue	McDowell Road to Indian School Road
99th Avenue	0.5 Miles South of Lower Buckeye Road to Durango Street
107th Avenue	Indian School Road to Camelback Road

Table D. Prima Facie Speed Limit 45 Miles Per Hour at All Times.

Baseline Road	55th Avenue to 43rd Avenue
Baseline Road	35th Avenue to 7th Avenue
Baseline Road	7th Street to 48th Street
Beardsley Road (Frontage Roads)	27th Avenue to 20th Street

Table D. Prima Facie Speed Limit 45 Miles Per Hour at All Times.

Beardsley Road Frontage Road (Westbound)	27th Avenue to 51st Avenue
Beardsley Road Frontage Road (Eastbound)	51st Avenue to 37th Avenue
Bell Road	51st Avenue to 19th Avenue
Bell Road	12th Street to 0.25 Miles West of Cave Creek Road
Bell Road	1,500 Feet East of 40th Street to Scottsdale Road
~~Black Canyon Frontage Road~~	~~Van Buren Street to Thomas Road~~
~~Black Canyon Frontage Road (Northbound)~~	~~Cactus Road to Greenway Road~~
~~Black Canyon Frontage Road (Southbound)~~	~~Union Hills Drive to MP 213.34 (North of Bell Road)~~
~~Black Canyon Frontage Road (Southbound)~~	~~Bell Road to Mountain View Road Frontage Road (Alignment)~~
Broadway Road	107th Avenue to 99th Avenue
Broadway Road	27th Avenue to 19th Avenue
Broadway Road	32nd Street to 48th Street
Buckeye Road	71st Avenue to 39th Avenue
Cactus Road	51st Avenue to 39th Avenue
Camelback Road	113th Avenue to 99th Avenue
~~Carefree Highway~~	~~Via Puzzola Drive to 0.5 miles east of Via Tramonto~~
CAREFREE HIGHWAY	**VIA PUZZOLA TO 0.5 MILES EAST OF VIA TRAMONTO/PALOMA PARKWAY**

Table D. Prima Facie Speed Limit 45 Miles Per Hour at All Times.

Cave Creek Road	Peoria Avenue to Marco Polo Road
Cave Creek Road	Rose Garden Lane to Pinnacle Peak Road
Cave Creek Road (Southbound)	Pinnacle Peak To 660 Feet +/- North of Quiet Hollow Lane
Cave Creek Road	Peak View Road to Westland Road
Chandler Boulevard (Eastbound)	19th Avenue to 15th Avenue
Chandler Boulevard	15th Avenue to Marketplace Way
Chandler Boulevard	34th Street to Interstate 10
Deer Valley Drive	35th Avenue to 600 Feet West of 27th Avenue
Deer Valley Drive	0.25 Miles East of 19th Avenue to 600 Feet West of 16th Street
Dixileta Drive	Tatum Boulevard to 52nd Street
Dobbins Road	1,320 Feet +/- East of City Limit to 200 Feet +/- West of 56th Glen
DOBBINS ROAD	**43RD AVENUE TO 0.25 MILES WEST OF 35TH AVENUE**
DOBBINS ROAD	**650 FEET WEST OF 35TH AVENUE TO 33RD AVENUE**
DOBBINS ROAD	**30TH LANE TO 23RD AVENUE**
~~Dobbins Road~~	~~27th Avenue to 23rd Avenue~~
Dove Valley Road	16th Avenue to Sonoran Desert Drive
Dynamite Boulevard	Cave Creek Road to 40th Street
Greenway Parkway	17th Drive to 500 Feet West of 7th Avenue
Greenway Parkway	3rd Avenue to Cave Creek Road

Table D. Prima Facie Speed Limit 45 Miles Per Hour at All Times.

Greenway Road	19th Avenue to 17th Drive
Greenway Road	300 Feet East of 30th Street to 52nd Street
Greenway Road	500 Feet East of 60th Street to Scottsdale Road
Happy Valley Road	67th Avenue to 29th Avenue
HAPPY VALLEY ROAD	**800 FEET WEST OF 23RD AVENUE TO 7TH STREET**
Indian School Road	99th Avenue to 67th Avenue
Jomax Road	Norterra Parkway to 19th Avenue
Lincoln Drive	800 Feet East of Ocotillo Road to 32nd Street
Lone Mountain Road	56th Street to 63rd Street
Lower Buckeye Road	95th Avenue to 83rd Avenue
Lower Buckeye Road	79th Avenue to 75th Avenue
Lower Buckeye Road	67th Avenue to 27th Avenue
Mayo Boulevard	Tatum Boulevard to Scottsdale Road
McDowell Road	83rd Avenue to 43rd Avenue
McDowell Road	52nd Street to 1,350 Feet East of 52nd Street
McDowell Road	1,575 Feet West of Galvin Parkway to 64th Street
New River Road	1.0 Mile Southwest of Black Canyon Freeway to Black Canyon Freeway
Pinnacle Peak Road	55th Avenue to 19th Avenue
Pinnacle Peak Road	Cave Creek Road to Tatum Boulevard
Shea Boulevard	450 Feet East of 40th Street to 64th Street

Table D. Prima Facie Speed Limit 45 Miles Per Hour at All Times.

Sonoran Desert Drive	Dove Valley Road to Cave Creek Road
Southern Avenue	59th Avenue to 51st Avenue
Southern Avenue	31st Avenue to 19th Avenue
Southern Avenue	24th Street to 48th Street
Tatum Boulevard	Mockingbird Lane to Pinnacle Peak Road
Tatum Boulevard	Prickly Pear Trail to Cave Creek Road
Thomas Road	99th Avenue to 800 Feet West of 59th Avenue
Thunderbird Road	51st Avenue to 31st Avenue
THUNDERBIRD ROAD	**CORAL GABLES DRIVE TO CAVE CREEK ROAD**
~~Thunderbird Road~~	~~Coral Gables Drive to 1,400 Feet East of 7th Street~~
~~Thunderbird Road~~	~~18th Street to Cave Creek Road~~
Union Hills Drive	51st Avenue to 27th Avenue
Union Hills Drive	19th Avenue to 7th Street
Union Hills Drive	20th Street to Tatum Boulevard
Van Buren Street	83rd Avenue to 67th Avenue
Van Buren Street	200 Feet West of 63rd Avenue to 39th Avenue
Van Buren Street	56th Street to 508 Feet East of Project Drive
Washington Street	34th Street to 56th Street
7th Avenue	Union Hills Drive to Rose Garden Lane
7th Street	400 Feet North of Peoria Avenue to Thunderbird Road

Table D. Prima Facie Speed Limit 45 Miles Per Hour at All Times.

7th Street	600 Feet North of Bell Road to Happy Valley Road
19th Avenue	Dobbins Road to Southern Avenue
19th Avenue	Evans Drive to Jomax Road
24th Street	Baseline Road to Roeser Road
24th Street	Montebello Avenue to Lincoln Drive
27th Avenue	Southern Avenue to Broadway Road
29th Avenue	Pinnacle Peak Road to Happy Valley Road
32nd Street	Arizona Canal to Lincoln Drive
32nd Street	Bell Road to Beardsley Road
35th Avenue	200 Feet South of Elliot Road to Dobbins Road
35th Avenue	Baseline Road to 500 Feet +/- North
35th Avenue	Broadway Road to Lower Buckeye Road
35th Avenue	Bell Road to Union Hills Drive
35th Avenue	Beardsley Road to Pinnacle Peak Road
40th Street	Baseline Road to 800 Feet South of Roeser Road
43rd Avenue	South Mountain Avenue to Southern Avenue
43rd Avenue	Lower Buckeye Road to Buckeye Road
43rd Avenue	Glendale Avenue to Thunderbird Road
48th Street	Baseline Road to Southern Avenue
51st Avenue	Baseline Road to Roosevelt Street

Table D. Prima Facie Speed Limit 45 Miles Per Hour at All Times.

51st Avenue	Union Hills Drive to Beardsley Road
59th Avenue	Elliot Road to Dobbins Road
59th Avenue	Buckeye Road to Roosevelt Street
75th Avenue	Broadway Road to Van Buren Street
75th Avenue	Roosevelt Street 0.25 miles South of Thomas Road
75th Avenue	Devonshire Avenue to Camelback Road
83rd Avenue	Broadway Road to Buckeye Road
83rd Avenue	Papago Freeway to Camelback Road
91st Avenue	Elwood Street to Buckeye Road
91st Avenue	Indian School Road to Camelback Road
99th Avenue	Durango Street to Buckeye Road

Table E. Prima Facie Speed Limit 50 Miles Per Hour at All Times.

Broadway Road	99th Avenue to 91st Avenue
~~Black Canyon Freeway Frontage Road (Northbound)~~	~~Greenway Road to Bell Road~~
~~Black Canyon Freeway Frontage Road~~	~~Union Hills Drive to Pinnacle Peak Road~~
~~Black Canyon Freeway Frontage Roads~~	~~Happy Valley Road to Interstate 17 Mile Post No. 220.82 (South of Dixileta Drive Alignment)~~
Buckeye Road	75th Avenue to 71st Avenue
~~Carefree Highway~~	~~0.5 miles east of Via Tramonto to 1.1 Miles East of Via Tramonto~~

Table E. Prima Facie Speed Limit 50 Miles Per Hour at All Times.

CAREFREE HIGHWAY	**0.5 MILES EAST OF VIA TRAMONTO/PALOMA PARKWAY TO 7TH AVENUE**
Cave Creek Road (Northbound)	Pinnacle Peak Road to 660 Feet +/- North of Quiet Hollow Lane
Cave Creek Road	660 Feet +/- North of Quiet Hollow Lane to Peak View Road
~~Dobbins Road~~	~~43rd Avenue to 0.25 Miles West of 35th Avenue~~
El Mirage Road	0.25 Miles South of Camelback Road to 0.50 Miles North of Camelback Road
Lower Buckeye Road	107th Avenue to 103rd Avenue
Lower Buckeye Road	83rd Avenue to 79th Avenue
Lower Buckeye Road	75th Avenue to 71st Avenue
McDowell Road	1,350 Feet East of 52nd Street to 1,575 Feet West of Galvin Parkway
New River Road	Cloud Road to 1.0 Mile Southwest of Black Canyon Freeway
Pinnacle Peak Road	Tatum Boulevard to Scottsdale Road
Tatum Boulevard	Pinnacle Peak Road to Prickly Pear Trail
~~Thunderbird Road~~	~~1,400 Feet East of 7th Street to 18th Street~~
51st Avenue	Estrella Drive to Olney Avenue
59th Avenue	Broadway Road to Durango Street Alignment
75th Avenue	Van Buren Street to Roosevelt Street
91st Avenue	1.56 Miles South of Broadway Road to 0.5 Miles South of Broadway Road
99th Avenue	Indian School Road to Camelback Road

Table E. Prima Facie Speed Limit 50 Miles Per Hour at All Times.

99th Avenue	0.25 Miles North of Broadway Road to 0.5 Miles South of Lower Buckeye Road

Table F. Prima Facie Speed Limit 55 Miles Per Hour at All Times.

G. Parks.

1. North Mountain Park.

a. Prima Facie Speed Limit 25 Miles Per Hour at All Times.

North Mountain Park Drive	Entire Length

2. Papago Park.

a. Prima Facie Speed Limit 25 Miles Per Hour at All Times.

All roadways except Galvin Parkway.

3. Pecos Park.

a. Prima Facie Speed Limit 25 Miles Per Hour at All Times.

All roadways within park boundary.

4. South Mountain Park.

a. Prima Facie Speed Limit 25 Miles Per Hour at All Times.

All roadways within park boundary.

5. Piestewa Peak Park.

a. Prima Facie Speed Limit 30 Miles Per Hour at All Times.

Piestewa Peak Road	Piestewa Peak Park Boundary to End of Road Within Piestewa Peak Park

H. Sky Harbor Airport.

1. Prima Facie Speed Limit 15 Miles Per Hour at All Times.

Sky Harbor Boulevard (North and South Roadway)	Between Terminal Curb and Sky Harbor Boulevard Median on All Terminals 2 and 3 and on Level 1 of Terminal 4
Sky Harbor Boulevard (North and South Roadway)	All Ticketing/Check-in Lanes on Level 2 of Terminal 4

2. Prima Facie Speed Limit 20 Miles Per Hour at All Times.

Sky Harbor Boulevard (South Roadway)	4,400 Feet East of 24th Street to 6,300 Feet East of 24th Street

3. Prima Facie Speed Limit 25 Miles Per Hour at All Times.

Sky Harbor Boulevard (North and South Roadway)	All Ramps, Entries and Exits for All Ticketing/Check-in and Baggage Claim Lanes at Terminals 3 and 4

4. Prima Facie Speed Limit 30 Miles Per Hour at All Times.

Sky Harbor Boulevard (South Roadway)	3,000 Feet East of 24th Street to 4,400 Feet East of 24th Street

5. Prima Facie Speed Limit 35 Miles Per Hour at All Times.

Sky Harbor Boulevard (North and South Roadway)	Between 24th Street and SR 143, Except as Provided in the Prior Subsections

ATTACHMENT B

SUMMARY OF CHANGES IN CITY OF PHOENIX SPEED LIMITS
AMENDING SECTION 36-158, SCHEDULE I - LOCAL SPEED LIMITS

Locations to be removed from ordinance not within Phoenix right-of-way

Street Changed	*Segment Changed*	*Reason for Change*	*Council District*
Black Canyon Freeway Frontage Road	Madison Street to Van Buren Street	Record keeping. Remove from ordinance. Street maintained by Arizona Department of Transportation.	7
Black Canyon Freeway Frontage Road (Southbound)	Interstate 17 Milepost No. 213.34 (North of Bell Road) to Bell Road	Record keeping. Remove from ordinance. Street maintained by Arizona Department of Transportation.	1
Black Canyon Freeway Frontage Road	Maricopa Freeway to Madison Street	Record keeping. Remove from ordinance. Street maintained by Arizona Department of Transportation.	7
Black Canyon Freeway Frontage Road	Thomas Road to Cactus Road	Record keeping. Remove from ordinance. Street maintained by Arizona Department of Transportation.	3, 4 and 5
Black Canyon Freeway Frontage Road (Northbound)	Bell Road to Union Hills Drive	Record keeping. Remove from ordinance. Street maintained by Arizona Department of Transportation.	1
Black Canyon Freeway Frontage Road (Southbound)	Mountain View Road (alignment) to Thomas Road	Record keeping. Remove from ordinance. Street maintained by Arizona Department of Transportation.	1, 4 and 5
Black Canyon Freeway Frontage Road	Van Buren to Thomas Road	Record keeping. Remove from ordinance. Street maintained by Arizona Department of Transportation.	7
Black Canyon Frontage Road (Northbound)	Cactus Road to Greenway Road	Record keeping. Remove from ordinance. Street maintained by Arizona Department of Transportation.	1 and 3
Black Canyon Frontage Road (Southbound)	Union Hills Drive to MP 213.34 (North of Bell Road)	Record keeping. Remove from ordinance. Street maintained by Arizona Department of Transportation.	1
Black Canyon Freeway Frontage Road (Southbound)	Bell Road to Mountain View Road Frontage Road (Alignment)	Record keeping. Remove from ordinance. Street maintained by Arizona Department of Transportation.	1 and 3
Black Canyon Freeway Frontage Road	Greenway Road to Bell Road	Record keeping. Remove from ordinance. Street maintained by Arizona Department of Transportation.	1 and 3
Black Canyon Freeway Frontage Road	Union Hills Drive to Pinnacle Peak Road	Record keeping. Remove from ordinance. Street maintained by Arizona Department of Transportation.	1
Black Canyon Freeway Frontage Roads	Happy Valley Road to Interstate 17 Mile Post No. 220.82 (South of Dixileta Drive Alignment)	Record keeping. Remove from ordinance. Street maintained by Arizona Department of Transportation.	1

Prima Facie Speed Limit **30 mph** at all times

Street Changed	*Segment Changed*	*Reason for Change*	*Council District*
Rough Rider Road	Black Mountain Boulevard to Aviano Way	Record keeping. Speed limit posted as 30 mph when constructed.	2
Sky Crossing Way	33rd Street to Black Mountain Boulevard	Record keeping. Speed limit changed to 30 mph to be consistent with Sky Crossing Way to the west and Rough Rider Road to the east.	2
3rd Street	Fillmore to Indian School Road	Recommend reduction from 35 mph to 30 mph.	7, 8
4th Street	5th Street Crossover to Roosevelt Street	Recommend reduction from 35 mph to 30 mph.	8

Prima Facie Speed Limit **35 mph** at all times

Street Changed	*Segment Changed*	*Reason for Change*	*Council District*
Dobbins Road	16th Street to 19th Street	Record keeping. Posted as 35 mph but not currently included in ordinance	8
Happy Valley Road	29th Avenue to 23rd Avenue	Record keeping. Remove from ordinance. Street maintained by Arizona Department of Transportation.	1

Prima Facie Speed Limit **40 mph** at all times

Street Changed	*Segment Changed*	*Reason for Change*	*Council District*
Carefree Highway	700 feet west of North Valley Parkway to Via Puzzola Drive	Record keeping. Remove the word “Drive” from ordinance.	2
Priest Drive	Salt River Drive to Van Buren Street	Record keeping. Posted as 40 mph but not currently included in ordinance.	6
40th Street	Mayo Boulevard to Deer Valley Drive, Deer Valley Drive to Pinnacle Peak Road	Record keeping. Combine Mayo Boulevard to Deer Valley Drive with Deer Valley Drive to Pinnacle Peak Road segments in ordinance.	2

Prima Facie Speed Limit **45 mph** at all times

Street Changed	*Segment Changed*	*Reason for Change*	*Council District*
Carefree Highway	Via Puzzola Drive to 0.5 miles east of Via Tramonto	Record keeping. Remove the word “Drive” and change Via Tramonto to Via Tramonto/Paloma Parkway in ordinance.	2
Dobbins Road	43rd Avenue to 0.25 miles west of 35th Avenue	Recommend reduction from 50 mph to 45 mph.	7, 8
Happy Valley Road	800 feet west of 23rd Avenue to 23rd	Record keeping. Adding 800 feet west of 23rd Avenue to ordinance that was	1

	Avenue	not previously included.	
Thunderbird Road	1,400 Feet east of 7th Street to 18th St	Recommend reduction from 50 mph to 45 mph.	3

Prima Facie Speed Limit **50 mph** at all times

Street Changed	*Segment Changed*	*Reason for Change*	*Council District*
Carefree Highway	0.5 miles east of Via Tramonto to 1.1 miles east of Via Tramonto	Record keeping. Change Via Tramonto to Via Tramonto/Paloma Parkway and extend segment to 7th Avenue in ordinance.	2

Note: All speed limit changes were recommended based on a traffic study and approved by a Traffic Engineer.

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 65

Answering and Dispatching Services - RFP 63-2307 - Request for Award (Ordinance S-49195)

Request to authorize the City Manager, or his designee, to enter into a contract with Contact One Call Center, Inc., to provide answering and dispatch services for the Street Transportation, Public Works, Water Services, and Planning and Development departments. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will not exceed $320,000.

Summary

This contract will provide answering and dispatch services for emergency and non-emergency calls 24 hours per day, 7 days per week, as needed. These calls include but are not limited to traffic signal malfunctions at intersections; debris blocking the roadways or sidewalks; burst water pipes; construction noise complaints; and plumbing, electrical, and HVAC issues for Public Works buildings.

Procurement Information

The Street Transportation Department conducted a Request for Proposals (RFP) procurement in accordance with City of Phoenix Code Chapter 43 and Administrative Regulation 3.10.

Three vendors submitted proposals deemed responsive and responsible. The panel consisted of staff from the Water Services, Public Works, Street Transportation, and Planning and Development departments. Each proposal was evaluated and scored on the following criteria (1,000 total possible points):

- Experience and Qualifications (400 points)
- Method of Approach (350 points)
- References (100 points)
- Price (150 points)

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

Vendor Selected
Contact One Call Center, Inc.: Rank 1

Additional Proposers
Daupler, Inc.: Rank 2
Quik Pik, LLC.: Rank 3

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

Financial Impact
The aggregate contract value will not exceed $320,000. Funding is available in the Street Transportation, Planning and Development, Water Services, and Public Works departments' operating budgets.

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

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 66

Street Transportation Department Soils and Materials Testing On-Call Services for Calendar Years 2023-24 (Ordinance S-49217)

Request to authorize the City Manager, or his designee, to enter into separate agreements with the fifteen consultants listed on **Attachment A** to provide Soils and Materials Testing On-Call services for the Street Transportation Department for projects citywide. Further request to authorize execution of amendments to the agreements as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The total fee for services will not exceed $22.5 million.

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 On-Call consultants will be responsible for providing On-Call Soils and Materials Testing services that include miscellaneous geotechnical, materials testing and laboratory services including, but not limited to, sampling; laboratory and field testing of soil, concrete and asphalt; asphalt, concrete and aggregate plan inspections; and analysis and preparation of reports. The consultants will have appropriate certifications such as Occupational Safety and Health Administration Trench Safety, Mine Safety Health Administration, American Concrete Institute, Concrete and Cement Reference Laboratory, American Association of State Highway and Transportation Officials, and American Society for Testing and Materials.

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

Contract Term
The term of each agreement is up to two years, or up to $1.5 million, whichever occurs first. Work scope identified and incorporated into the agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the agreement. No additional changes may be executed after the end of the term.

Financial Impact
The agreement value for each of the On-Call consultants will not exceed $1.5 million, including all subconsultant and reimbursable costs. The total fee for all services will not exceed $22.5 million.

Funding is available in the Street Transportation Department's Capital Improvement Program and Operating budgets. The Budget and Research Department will review and approve funding availability prior to issuance of any On-Call task order of $100,000 or more. Payments may be made up to agreement limits for all rendered agreement services, which may extend past the agreement termination.

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

ATTACHMENT A

Selected Firms

Rank 1: Speedie & Associates, LLC
Rank 2: Terracon Consultants, Inc.
Rank 3: ACS Services, L.L.C.
Rank 4: Ninyo & Moore Geotechnical and Environmental Sciences Consultants, Inc.
Rank 5: Wood Environment & Infrastructure Solutions, Inc.
Rank 6: Western Technologies, Inc.
Rank 7: Ricker, Atkinson, McBee, Morman & Associates, Inc.
Rank 8: Quality Testing, L.L.C.
Rank 9: ATEK Engineering Consultants, LLC
Rank 10: Alta CMTI, LLC dba Alta Arizona
Rank 11: Olsson, Inc.
Rank 12: Smith & Annala Engineering Co.
Rank 13: Alpha Geotechnical and Materials, Inc.
Rank 14: Hoque & Associates, Inc.
Rank 15: GeoTek, Inc.

Additional Proposers:

Rank 16: Integer Consulting, LLC
Rank 17: Professional Service Industries, Inc.
Rank 18: Fenagh, LLC dba Fenagh Engineering and Testing
Rank 19: ATL, Inc. dba CMT Engineering Laboratories
Rank 20: Phoenix Testing & Inspection, LLC

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 67

Salt River Project Construction License for Subsurface Utility Excavation Purposes for Lift Station 48 Redundant Force Main - WS90501007-1 (Ordinance S-49229)

Request to authorize the City Manager, or his designee, to enter into a Construction License with Salt River Project for Substance Utility Excavation purposes. Further request the City Council to grant an exception pursuant to Phoenix City Code 42-20 to authorize inclusion in the pertaining to this transaction to indemnification and assumption of liability provisions that otherwise should be prohibited by Phoenix City Code 42-18.

Summary
The purpose of this license is to allow the City's on-call contractor to perform Subsurface Utility Excavation (SUE) to determine the depth of Salt River Project irrigation facilities. It is expected that these facilities are within the scope of the City's design for project WS90501007-1 Lift Station 48 Redundant Force Main on Camelback Road from 99th and 105th avenues. Depth verification allows the City to design accordingly to avoid underground utility conflicts.

Contract Term
The term of the Construction License is one year, beginning when the Notice to Proceed date is issued to the on-call SUE contractor, on or about Dec. 16, 2022.

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

Location
Camelback Road from 99th and 105th avenues.
Council District: 5

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

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 68

Arizona Department of Transportation Off System Bridge Program Call for Projects through Maricopa Association of Governments in Federal Fiscal Year 2023 (Ordinance S-49236)

Request to authorize the City Manager, or his designee, to apply for, accept, and if awarded, enter into agreements for fiscal year 2023 transportation funding through the Maricopa Association of Governments Call for Projects for the Arizona Department of Transportation Off System Bridge Program. Further request an exemption from the indemnification prohibition set forth in the Phoenix City Code section 42-18 for a governmental entity pursuant to Phoenix City Code section 42-20. Additionally request to authorize the City Treasurer to accept and the City Controller to disburse all funds related to this item. Funding for this grant opportunity is available through the Infrastructure Investment and Job Act, Federal Bipartisan Infrastructure Law. If awarded the maximum $6.7 million, the City's estimated cost share would not exceed $381,900.

Summary

On Oct. 3, 2022, the Maricopa Association of Governments (MAG) announced a call for projects for the Arizona Department of Transportation (ADOT) Off System Bridge (OSB) Program. The purpose of the OSB Program is to fund the design and construction for replacement, rehabilitation, preservation, and protection of roadway bridges over waterways, other topographic barriers, other roadways, and railroads and canals for bridges specifically not on the Federal-aid highway system, which means bridges over local roads or minor rural collectors.

There are two separate funding programs available for the OSB Program: the Surface Transportation Block Grant Program (STBG) and the Bridge Formula Program (BFP). Both opportunities utilize federal funding under the Infrastructure Investment and Job Act, Bipartisan Infrastructure Law, and the funding can be used for replacement, rehabilitation and/or strengthening a bridge in either poor or fair condition having a load capacity rating that requires the bridge to be posted for weight restrictions based on the National Bridge Inspection Standards. Funding can also be used for preservation, prevention maintenance, or protection measures. Under the STBG program, the local participation is 5.7 percent of the total project cost. Under the BFP program, no local match is required. The maximum award under the OSB Program is

up to $6.7 million of federal funds that can be used for the whole project, including both design and construction phases. All other funding must come from another source such as local funding. Staff is reviewing program details to determine which city bridge program would be most competitive.

Financial Impact

The maximum federal participation and the local match requirements vary with each program. For the STBG program, the City contribution is estimated at 5.7 percent of the total project cost. The total opportunity is up to $6.7 million. If the City were to be awarded the full amount, the City share would be up to $381,900. Funds are available in the Street Transportation Department's Capital Improvement Program. If BFP funds are pursued, there would be no local match required.

Responsible Department

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

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 69

End Shores Contract - IFB 2223-WDD-512 - Request for Award (Ordinance S-49205)

Request to authorize the City Manager, or his designee, to enter into an agreement with United Rentals (North America), Inc. to provide End Shores for the Water Services Department. Further request to authorize the City Controller to disburse all funds related to this item. The agreement will not exceed $3,000,000.

Summary
This agreement will provide hydraulic shoring systems which consist of end shores, corrugated sheeting, struts, and sheeting guides which will be used while performing excavations in trenches for the Water Services Department management of water for City of Phoenix residents.

Procurement Information
An Invitation for Bid procurement process was used in accordance with City of Phoenix Administrative Regulation 3.10.

Two vendors submitted bids. One vendor was deemed responsive and responsible, listed below.

Selected Bidder
United Rentals (North America), Inc.: $2,446,148

Agreement Term
The agreement will begin on or about Dec. 1, 2022 for a five-year aggregate term with no options to extend.

Financial Impact
The aggregate value for United Rentals (North America), Inc. will not exceed $3,000,000.

Funding is available in the Water Services Department operating budget.

Responsible Department

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

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 70

Final Plat - Desert Park 5 - PLAT 220009 - Northwest Corner of Desert Park Lane and 14th Street

Plat: 220009
Project: 20-4406
Name of Plat: Desert Park 5
Owner: Chadwic Gifford
Engineer: Thomas L. Rope, RLS
Request: A Five Lot Residential Plat
Reviewed by Staff: Nov. 9, 2022
Final Plat requires Formal Action Only

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

Location
Generally located at the northwest corner of Desert Park Lane and 14th Street
Council District: 6

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

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 71

Final Plat - 7th St. Industrial-Phase 2 - PLAT 220021 - Northeast Corner of 10th Street and Hammond Lane

Plat: 220021
Project: 17-1149
Name of Plat: 7th St. Industrial-Phase 2
Owner: Prologis, LP
Engineer: James A. Brucci, RLS
Request: One-Lot Commercial Plat
Reviewed by Staff: Oct. 30, 2022
Final Plat requires Formal Action Only

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

Location
Generally located at the Northeast corner of 10th Street and Hammond Lane
Council District: 8

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

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 72

Final Plat - Elevate on the Preserve Amended - PLAT 220098 - Southeast Corner of Central Avenue and Dobbins Road

Plat: 220098
Project: 19-1716
Name of Plat: Elevate on the Preserve
Owner: Alydar Ventures, LLC
Engineer: David S. Klein, RLS
Request: A 38-Lot Residential Plat
Reviewed by Staff: Nov. 15, 2022
Final Plat requires Formal Action Only.

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

Location
Generally located at the southeast corner of Central Avenue and Dobbins Road
Council District: 8

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

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 73

Amend City Code - Ordinance Adoption - Rezoning Application Z-47-22-1 - Southwest Corner of 35th Avenue and Paradise Lane (Ordinance G-7058)

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-47-22-1 and rezone the site from C-1 (Neighborhood Retail) to C-2 (Intermediate Commercial) to allow commercial use. This is a companion case to Z-SP-5-22-1, and must be heard first, followed by Z-SP-5-22-1.

Summary

Current Zoning: C-1
Proposed Zoning: C-2
Acreage: 1.56 acres
Proposal: Commercial use

Owner: Sunrise 1, LLC
Applicant: David E. Richert
Representative: David E. Richert

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Deer Valley Village Planning Committee heard this case on Oct. 13, 2022, and recommended approval, per the staff recommendation, by a vote of 7-2.
PC Action: The Planning Commission heard this case on Nov. 3, 2022, and recommended approval, per the staff memo dated Nov. 3, 2022, with a modification and a deletion of a stipulation, by a vote of 7-2.

Location

Southwest corner of 35th Ave. and Paradise Ln.
Council District: 1
Parcel Address: 16044 and 16100 N. 35th Ave.

Responsible Department

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

ATTACHMENT A

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

ORDINANCE G-

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-47-22-1) FROM C-1 (NEIGHBORHOOD RETAIL) TO C-2 (INTERMEDIATE COMMERCIAL).

_____

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

SECTION 1. The zoning of a 1.56-acre property located at the southwest corner of 35th Avenue and Paradise Lane in a portion of Section 3, Township 3 North, Range 2 East, as described more specifically in Exhibit “A,” is hereby changed from “C-1” (Neighborhood Retail) to “C-2” (Intermediate Commercial).

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:

DRAFT

1. The maximum building height shall be 12 feet.

2. A minimum building setback of 25 feet shall be required along the west property line.

3. The primary customer parking area shall be located on the southeast quadrant of the site, as approved by the Planning and Development Department.

4. The applicant shall provide a 25-foot by 25-foot enhanced landscape area at the northeast corner of the site to include a minimum of two 4-inch caliper trees with five 5-gallon shrubs per tree and raised flower beds to compliment the landscape theme, as approved by the Planning and Development Department.

5. The developer shall construct a minimum 5-foot-wide detached sidewalk and minimum 11-foot-wide landscape strip located between the sidewalk and back of curb, along the west side of 35th Avenue, planted to the following standards and as approved by the Planning and Development Department.

    a. Minimum 75 percent two-inch caliper single-trunk drought-tolerant shade trees and 25 percent three-inch caliper single-trunk drought-tolerant shade trees planted a minimum of 20 feet on center or in equivalent groupings and provide a minimum of 75 percent shade at maturity.

    b. Drought tolerant vegetation to achieve 75 percent live coverage at maturity.

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

6. The developer shall construct a minimum 5-foot-wide detached sidewalk and minimum 8-foot-wide landscape strip located between the sidewalk and back of curb, along the south side of Paradise Lane, planted to the following standards and as approved by the Planning and Development Department.

    a. Minimum 75 percent two-inch caliper single-trunk drought-tolerant shade trees and 25 percent three-inch caliper single-trunk drought-tolerant trees planted a minimum of 20 feet on center or in equivalent groupings and provide a minimum of 75 percent shade at maturity.

    b. Drought tolerant vegetation to achieve 75 percent live coverage at maturity.

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

DRAFT

7. A 25-foot-wide multi-use trail easement (MUTE) shall be dedicated along the south side of Paradise Lane and a minimum 10-foot-wide multi-use trail (MUT) shall be constructed within the easement, in accordance with the MAG supplemental detail indicated in Section 429 and as modified or approved by the Planning and Development Department.

8. 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 with parking and drive aisle surfaces, as approved by the Planning and Development Department.

9. A minimum of 4 bicycle parking spaces shall be provided through Inverted U and/or artistic racks installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, or in a secure room, as approved by the Planning and Development Department.

10. The developer shall construct a bus stop pad along southbound 35th Avenue with right-of-way dedication as necessary. The design shall be according to City of Phoenix Standard Detail P1260 with a depth of 10 feet and located from the intersection of Paradise Lane according to City of Phoenix Standard Detail P1258.

11. The developer shall dedicate minimum 30-feet of right-of-way for the south half of Paradise Lane, as approved by the Planning and Development Department.

12. The developer shall dedicate minimum 55-feet of right-of-way for the west half of 35th Avenue, 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. 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.

16. No signage shall be located along Paradise Lane, as approved by the Planning and Development Department.

17. No digital or neon signage or graphics shall be allowed.

DRAFT

18. Any vehicular access along Paradise Lane shall be restricted to emergency vehicle use only. The gate and fence shall be wrought iron with slats to compliment the building and roof materials, as approved by the Planning and Development Department.

19. A minimum 8-foot-high wall shall be provided along the west side of the site, as approved by the Planning and Development Department. This wall shall either replace the existing shared wall or a new wall shall be constructed adjacent to the existing wall.

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 7th day of December, 2022.

_____
MAYOR

ATTEST:

_____
Denise Archibald, City Clerk

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

By:
_____
_____

REVIEWED BY:

DRAFT

_____
Jeffrey Barton, City Manager

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

DRAFT

EXHIBIT A

THE NORTH 205 FEET OF LOT 5, SECTION 3, TOWNSHIP 3 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE & MERIDIAN, ACCORDING TO THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA;

EXCEPT ALL COAL, GAS, OIL, AND OTHER MINERAL DEPOSITS, AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA.

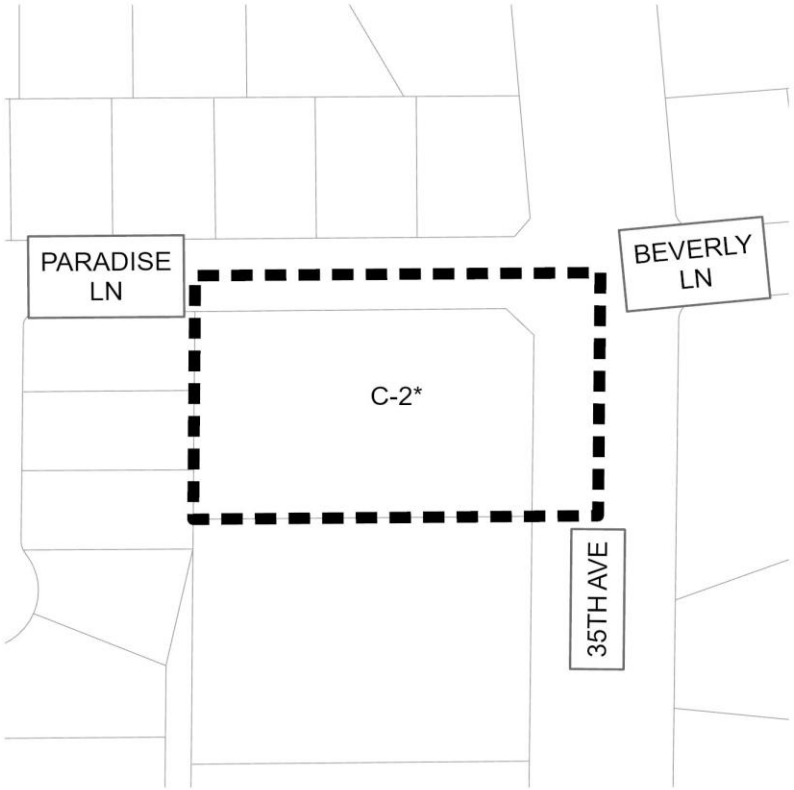
DRAFT

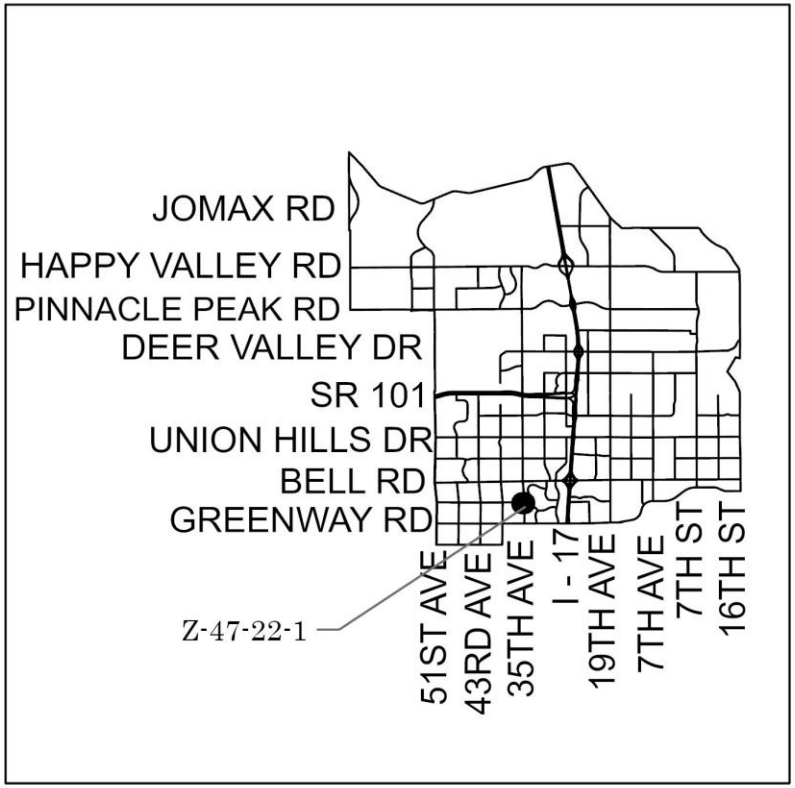
ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA:

Zoning Case Number: Z-47-22-1
Zoning Overlay: N/A
Planning Village: Deer Valley





NOT TO SCALE

N

Drawn Date: 11/8/2022

\\one\pdd\Shared\Department Share\Information Systems\PL GIS\IS_Team\Core_Functions\Zoning\SuppMaps_OrdMaps\2022 Ord\12-7-22\12-7-22.aprx

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 74

Amend City Code - Ordinance Adoption - Rezoning Application Z-SP-5-22-1 - Southwest Corner of 35th Avenue and Paradise Lane (Ordinance G-7059)

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-SP-5-22-1 and rezone the site from C-1 (Pending C-2) (Neighborhood Retail, Pending Intermediate Commercial) to C -2 SP (Intermediate Commercial, Special Permit) to allow a self-service storage facility. This is a companion case to Z-47-22-1, and must be heard immediately following.

Summary

Current Zoning: C-1 (Pending C-2)
Proposed Zoning: C-2 SP
Acreage: 1.56 acres
Proposal: Self-service storage facility

Owner: Sunrise 1, LLC
Applicant: David E. Richert
Representative: David E. Richert

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Deer Valley Village Planning Committee heard this case on Oct. 13, 2022, and recommended approval, per the staff recommendation, by a vote of 7-2.
PC Action: The Planning Commission heard this case on Nov. 3, 2022, and recommended approval, per the staff memo dated Nov. 3, 2022, with a modification and a deletion of a stipulation, by a vote of 7-2.

Location

Southwest corner of 35th Avenue and Paradise Lane
Council District: 1
Parcel Address: 16044 and 16100 N. 35th Ave.

Responsible Department

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

ATTACHMENT A

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

ORDINANCE G-

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-SP-5-22-1) FROM C-1 (PENDING C-2) (NEIGHBORHOOD RETAIL, PENDING INTERMEDIATE COMMERCIAL) TO C-2 SP (INTERMEDIATE COMMERCIAL SPECIAL PERMIT).

_____

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

SECTION 1. The zoning of a 1.56-acre property located at the southwest corner of 35th Avenue and Paradise Lane in a portion of Section 3, Township 3 North, Range 2 East, as described more specifically in Exhibit “A,” is hereby changed from “C-1 (Pending C-2)” (Neighborhood Retail, Pending Intermediate Commercial) to “C-2 SP” (Intermediate Commercial, Special Permit) to allow a self-service storage facility.

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.”

DRAFT

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

1. The maximum building height shall be 12 feet.

2. A minimum building setback of 25 feet shall be required along the west property line.

3. The primary customer parking area shall be located on the southeast quadrant of the site, as approved by the Planning and Development Department.

4. The applicant shall provide a 25-foot by 25-foot enhanced landscape area at the northeast corner of the site to include a minimum of two 4-inch caliper trees with five 5-gallon shrubs per tree and raised flower beds to compliment the landscape theme, as approved by the Planning and Development Department.

5. The developer shall construct a minimum 5-foot-wide detached sidewalk and minimum 11-foot-wide landscape strip located between the sidewalk and back of curb, along the west side of 35th Avenue, planted to the following standards and as approved by the Planning and Development Department.

    a. Minimum 75 percent two-inch caliper single-trunk drought-tolerant shade trees and 25 percent three-inch caliper single-trunk drought-tolerant shade trees planted a minimum of 20 feet on center or in equivalent groupings and provide a minimum of 75 percent shade at maturity.

    b. Drought tolerant vegetation to achieve 75 percent live coverage at maturity.

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

6. The developer shall construct a minimum 5-foot-wide detached sidewalk and minimum 8-foot-wide landscape strip located between the sidewalk and back of curb, along the south side of Paradise Lane, planted to the following standards and as approved by the Planning and Development Department.

    a. Minimum 75 percent two-inch caliper single-trunk drought-tolerant

DRAFT

shade trees and 25 percent three-inch caliper single-trunk drought-tolerant trees planted a minimum of 20 feet on center or in equivalent groupings and provide a minimum of 75 percent shade at maturity.

b. Drought tolerant vegetation to achieve 75 percent live coverage at maturity.

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

7. A 25-foot-wide multi-use trail easement (MUTE) shall be dedicated along the south side of Paradise Lane and a minimum 10-foot-wide multi-use trail (MUT) shall be constructed within the easement, in accordance with the MAG supplemental detail indicated in Section 429 and as modified or approved by the Planning and Development Department.

8. 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 with parking and drive aisle surfaces, as approved by the Planning and Development Department.

9. A minimum of 4 bicycle parking spaces shall be provided through Inverted U and/or artistic racks installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, or in a secure room, as approved by the Planning and Development Department.

10. The developer shall construct a bus stop pad along southbound 35th Avenue with right-of-way dedication as necessary. The design shall be according to City of Phoenix Standard Detail P1260 with a depth of 10 feet and located from the intersection of Paradise Lane according to City of Phoenix Standard Detail P1258.

11. The developer shall dedicate minimum 30-feet of right-of-way for the south half of Paradise Lane, as approved by the Planning and Development Department.

12. The developer shall dedicate minimum 55-feet of right-of-way for the west half of 35th Avenue, 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.

DRAFT

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.

16. No signage shall be located along Paradise Lane, as approved by the Planning and Development Department.

17. No digital or neon signage or graphics shall be allowed.

18. Any vehicular access along Paradise Lane shall be restricted to emergency vehicle use only. The gate and fence shall be wrought iron with slats to compliment the building and roof materials, as approved by the Planning and Development Department.

19. A minimum 8-foot-high wall shall be provided along the west side of the site, as approved by the Planning and Development Department. This wall shall either replace the existing shared wall or a new wall shall be constructed adjacent to the existing wall.

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 7th day of December, 2022.

_____
MAYOR

ATTEST:

DRAFT

_____
Denise Archibald, City Clerk

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

By:
_____
_____

REVIEWED BY:

_____
Jeffrey Barton, City Manager

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

DRAFT

EXHIBIT A

THE NORTH 205 FEET OF LOT 5, SECTION 3, TOWNSHIP 3 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE & MERIDIAN, ACCORDING TO THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA;

EXCEPT ALL COAL, GAS, OIL, AND OTHER MINERAL DEPOSITS, AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA.

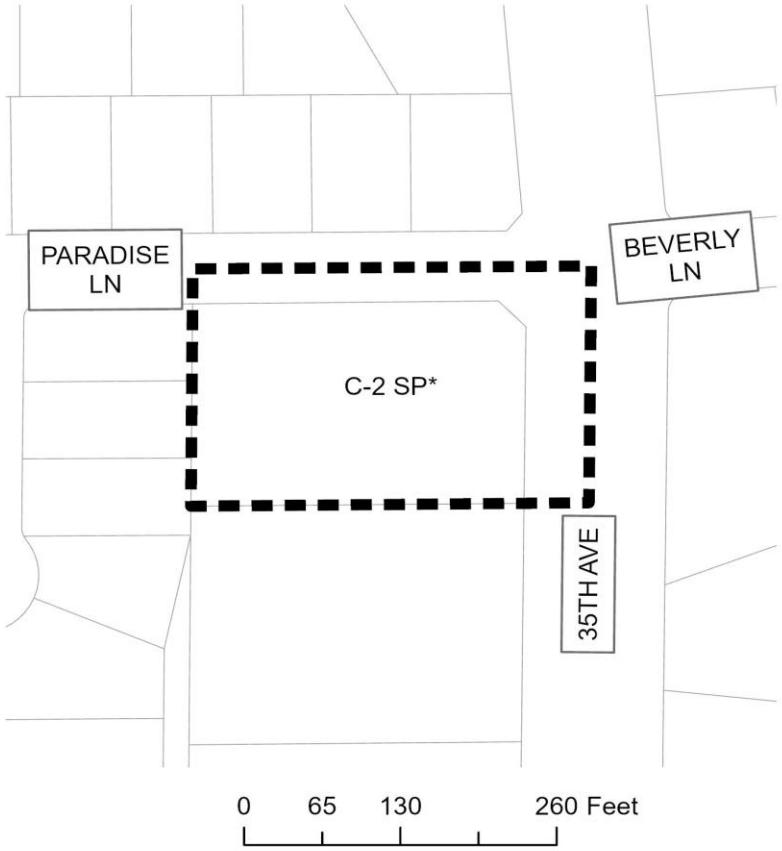
DRAFT

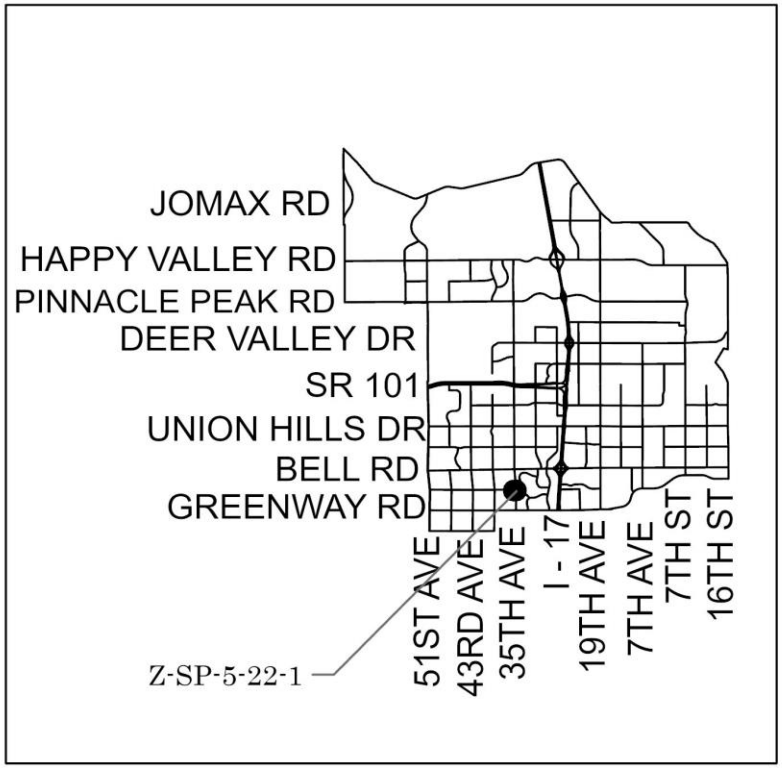
ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA:

Zoning Case Number: Z-SP-5-22-1
Zoning Overlay: N/A
Planning Village: Deer Valley





NOT TO SCALE

N

Drawn Date: 11/8/2022

\\one\pdd\Shared\Department Share\Information Systems\PL GIS\IS_Team\Core_Functions\Zoning\SuppMaps_OrdMaps\2022 Ord\12-7-22\12-7-22.aprx

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 75

Amend City Code - Ordinance Adoption - Rezoning Application Z-57-22-4 - Southeast Corner of 7th Street and Whitton Avenue (Ordinance G-7060)

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-57-22-4 and rezone the site from C-2 (Intermediate Commercial) and R1-6 (Approved P-1) (Single-Family Residence District, Approved Passenger Automobile Parking, Limited) to C-2 (Intermediate Commercial) and R-3 (Multifamily Residence District) to allow multifamily residential.

Summary

Current Zoning: C-2 (0.76 acres) and R1-6 (Approved P-1) (0.15 acres)
Proposed Zoning: C-2 (0.76 acres), R-3 (0.15 acres)
Acreage: 0.91 acres
Proposal: Multifamily residential

Owner: Winnie Tang
Applicant: EAPC Architects Engineers
Representative: Michelle Bach

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Encanto Village Planning Committee heard this case on Oct. 10, 2022, and recommended approval, per the staff recommendation with an additional stipulation, by a vote of 14-0.
PC Action: The Planning Commission heard this case on Nov. 3, 2022, and recommended approval, per the Encanto Village Planning Committee recommendation, by a vote of 9-0.

Location

Southeast corner of 7th Street and Whitton Avenue
Council District: 4
Parcel Address: 3543 N. 7th St.

Responsible Department

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

ATTACHMENT A

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

ORDINANCE G-

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (Z-57-22-4) FROM C-2 (INTERMEDIATE COMMERCIAL) AND R1-6 (APPROVED P-1) (SINGLE-FAMILY RESIDENCE DISTRICT, APPROVED PASSENGER-AUTOMOBILE PARKING, LIMITED) TO C-2 (INTERMEDIATE COMMERCIAL) AND R-3 (MULTIFAMILY RESIDENCE DISTRICT).

_____

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

SECTION 1. The zoning of a 0.91 acre site located at the southeast corner of 7th Street and Whitton Avenue, in a portion of Section 28, Township 2 North, and Range 3 East, as described more specifically in Exhibit “A”, is hereby changed from 0.76-acres of “C-2” (Intermediate Commercial) and 0.15-acres of “R1-6” (Approved P-1) (Single-Family Residence District, Approved Passenger-Automobile Parking, Limited) to 0.76-acres of “C-2” (Intermediate Commercial) and 0.15-acres of “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”.

DRAFT

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 public sidewalk along 7th Street shall be constructed to a width of 5 feet and detached from the back of curb by a minimum 11-foot-wide landscape area planted to the following standards, as approved by the Planning and Development Department. Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with the creation of a comfortable pedestrian environment.

    a. Minimum 3-inch caliper, large canopy, single-trunk, shade trees shall be placed 25 feet on center or in equivalent groupings.

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

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

2. The developer shall dedicate a 10-foot-wide sidewalk easement for the east side of 7th Street along the subject site's frontage, as approved by the Planning and Development Department.

3. The public sidewalk along Whitton Avenue shall be constructed to a width of 5 feet and detached from the back of curb by a minimum 5-foot-wide landscape area located between the sidewalk and planted to the following standards, as approved by the Planning and Development Department. Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with the creation of a comfortable pedestrian environment.

    a. Large canopy, single-trunk, shade trees shall be placed 25 feet on center or in equivalent groupings. Fifty percent of the required trees shall be a minimum 3-inch caliper and 50 percent shall be a minimum 2-inch caliper.

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

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

DRAFT

4. The development shall be limited to 15 feet in height within 30 feet of the east property line where adjacent to a residential zoning district, as approved by the Planning and Development Department.

5. All building elevations oriented to 7th Street and Whitton Avenue shall contain architectural embellishments such as textural changes, pilasters, offsets, recesses, variation in window size and location, and/or overhang canopies, as approved by the Planning and Development Department.

6. The developer shall provide secure bicycle parking at a rate of two spaces per dwelling unit which may be located inside garages if a dedicated space is allocated, as approved by the Planning and Development Department.

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

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

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

10. 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.

11. Recycling services shall be provided on site.

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

DRAFT

PASSED by the Council of the City of Phoenix this 7th day of December, 2022.

_____
MAYOR

ATTEST:

_____
Denise Archibald, City Clerk

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

By:
_____
_____

REVIEWED BY:

_____
Jeffrey Barton, City Manager

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

DRAFT

EXHIBIT A

Within a portion of Section 28, Township 2 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

Parcel No. 1:
Lot 1, Block 2, Amended Plat of Lots 1, 2, 3, 4, 5, 6, and 7, of Whitton Acres, according to Book 4 of Maps, page 23, records of Maricopa County, Arizona; and the North 6.75 feet of Lot 2, Block 2, Amended Plat of Lots 1, 2, 3, 4, 5, 6, and 7, of Whitton Acres, according to Book 4 of Maps, Page 23, records of Maricopa County, Arizona;
Except the West 7 feet thereof; and
Except that part of said Lot 1 as follows:
Beginning at the Northeast corner of the West 7 feet of said Lot;
Thence easterly along the North line of said lot, a distance of 7 feet;
Thence Southwesterly to the intersection of the South line of the North 7 feet of said Lot with the East line of the West 7 feet thereof;
Thence to the point of beginning.

Parcel No. 2:
Lot 2, Block 2, and the North 7.35 feet of Lot 3, Block 2, Amended Plat of Lots 1, 2, 3, 4, 5, 6, and 7, of Whitton Acres, according to Book 4 of Maps, page 23, records of Maricopa County, Arizona;
Except the North 6.75 feet of said Lot 2;
Except the West 7 feet thereof.

Parcel No. 3:
Lot 3, Block 2, and the North 8.75 feet of Lot 4, Block 2, Amended Plat of Lots 1, 2, 3, 4, 5, 6, and 7, of Whitton Acres, according to Book 4 of Maps, page 23, records of Maricopa County, Arizona;
Except the North 7.53 feet of said Lot 3;
Except the West 7 feet thereof conveyed to the City of Phoenix in Deed recorded in Docket 2870, page 85.

Parcel No. 4:
Lot 6, Block 2, Amended Plat of Lots 1, 2, 3, 4, 5, 6, and 7, of Whitton Acres, according to Book 4 of Maps, page 23, records of Maricopa County, Arizona.

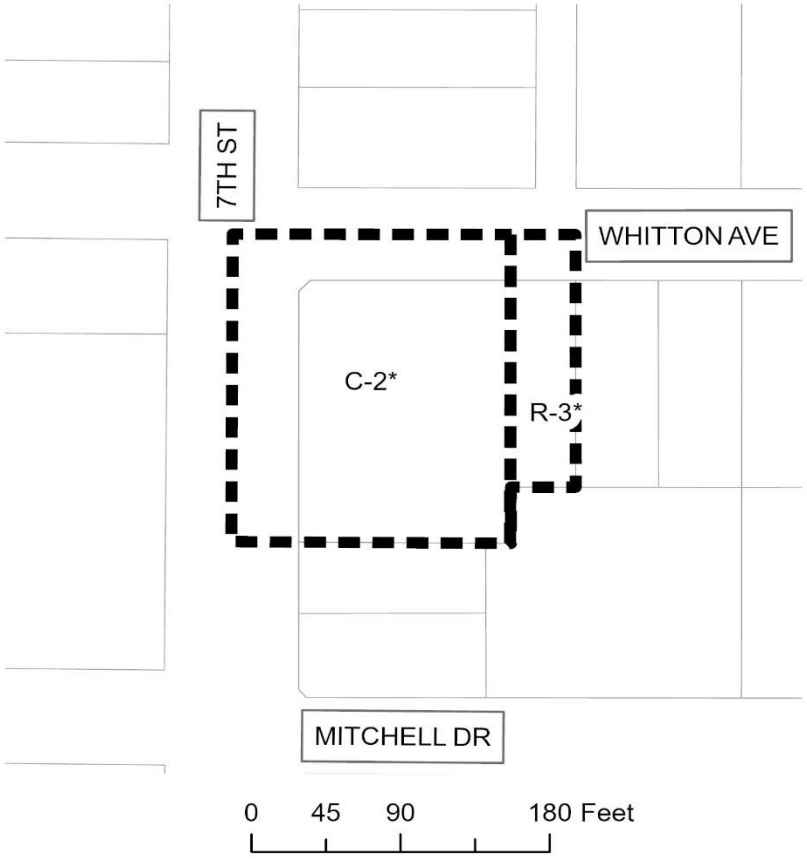
DRAFT

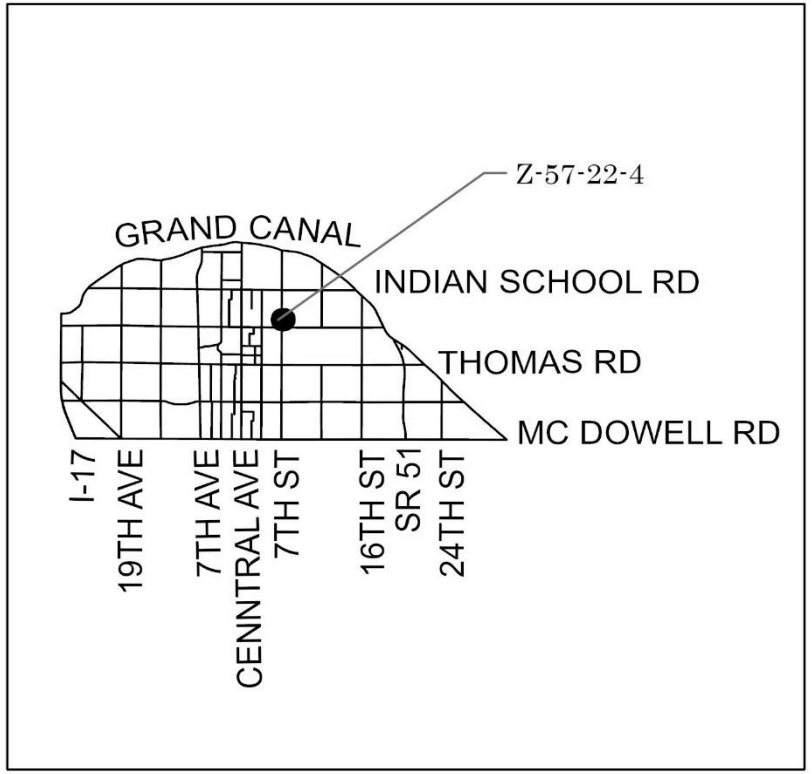
ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA:

Zoning Case Number: Z-57-22-4
Zoning Overlay: N/A
Planning Village: Encanto





NOT TO SCALE

N

Drawn Date: 11/8/2022

\\one\pdd\Shared\Department Share\Information Systems\PL GIS\IS_Team\Core_Functions\Zoning\SuppMaps_OrdMaps\2022 Ord\12-7-22\12-7-22.aprx

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 76

Amend City Code - Ordinance Adoption - Rezoning Application Z-41-22-8 (2333 Thomas PUD) - Approximately 270 Feet West of the Southwest Corner of 24th Street and Thomas Road (Ordinance G-7057)

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-41-22-8 and rezone the site from C-2 (Intermediate Commercial District) to PUD (Planned Unit Development) to allow multifamily residential and commercial uses.

Summary

Current Zoning: C-2
Proposed Zoning: PUD
Acreage: 3.79 acres
Proposal: Multifamily residential and commercial uses

Owner: Thomas 24 JL, LLC
Applicant: Jason Morris, Withey Morris, LLC
Representative: Jason Morris, Withey Morris, LLC

Staff Recommendation: Approval, subject to stipulations.
VPC Info: The Camelback East Village Planning Committee heard this case on Aug. 2, 2022 for information only.
VPC Action: The Camelback East Village Planning Committee heard this case on Oct. 11, 2022 and recommended approval, per the staff recommendation, by a vote of 15-0.
PC Action: The Planning Commission heard this case on Nov. 3, 2022 and recommended approval, per the Camelback East Village Planning Committee recommendation, by a vote of 9-0.

Location

Approximately 270 feet west of the southwest corner of 24th Street and Thomas Road
Council District: 8
Parcel Address: 2323, 2333, and 2337 E. Thomas Rd.

Responsible Department

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

ATTACHMENT A

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

ORDINANCE G-

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-41-22-8) FROM C-2 (INTERMEDIATE COMMERCIAL) TO PUD (PLANNED UNIT DEVELOPMENT).

_____

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

SECTION 1. The zoning of a 3.79-acre property located approximately 270 feet west of the southwest corner of 24th Street and Thomas Road in a portion of Section 34, Township 2 North, Range 3 East, as described more specifically in Exhibit "A," is hereby changed from "C-2" (Intermediate Commercial), to "PUD" (Planned Unit Development).

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

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

DRAFT

violation of which shall be treated in the same manner as a violation of the City of

Phoenix Zoning Ordinance:

1. An updated Development Narrative for the 2333 Thomas PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with the Development Narrative date stamped September 23, 2022, as modified by the following stipulations:

    a. Front cover: Revise the submittal date information on the bottom to add the
    following: Hearing draft submittal: September 23, 2022; City Council adopted: [Add adoption date].

    b. Page 9, Development Standards Table, Maximum Density: update to “200 units.”

    c. Page 10, Landscape Standards Table, Parking Lot Area Landscape standards: revise to “Minimum 14 percent shade coverage at maturity. Planting standards per C-2 standards (Section 623).”

    d. Page 12, Design Guidelines, Site Layout: Add an item number 5 stating “A minimum 36-inch-high perimeter wall shall be provided along the northern edge of the property, adjacent to the back of the Thomas Road sidewalk easement, except where vehicular entry/exit or pedestrian walkways are proposed. The perimeter wall and the building shall exhibit a cohesive architectural theme and style with regard to color, texture, and materials.”

2. The applicant shall submit a Traffic Impact Study/Statement to the City for this development. The developer shall be responsible for cost and construction of all mitigation identified through the analysis. No preliminary approval of plans shall be granted until the study is reviewed and approved by the Street Transportation Department.

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

DRAFT

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 provide documentation to the City prior to final site plan approval that Form 7460-1 has been filed for the development and that the development received a No Hazard Determination from the FAA. If temporary equipment used during construction exceeds the height of the permanent structure a separate Form 7460-1 shall be submitted to the FAA and a "No Hazard Determination" obtained prior to the construction start date.

6. This parcel is in a Special Flood Hazard Area (SFHA) called Zone A, on panel 2210L of the Flood Insurance Rate Maps (FIRM) dated October 16, 2013. The following requirements shall apply, as approved by the Planning and Development Department:

    a. The Architect/Engineer is required to show the floodplain boundary limits on the Grading and Drainage plan and ensure that impacts to the proposed facilities 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.

    c. The developer shall provide a FEMA approved CLOMR-F or CLOMR prior to issuance of a Grading and Drainage permit.

7. 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.

8. 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.

9. 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.

DRAFT

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

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

PASSED by the Council of the City of Phoenix this 7th day of December, 2022.

_____
MAYOR

ATTEST:

_____
Denise Archibald, City Clerk

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

By:
_____
_____

REVIEWED BY:

_____
Jeffrey Barton, City Manager

DRAFT

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

DRAFT

EXHIBIT A

That portion of the Northeast quarter of Section 34, Township 2 North, Range 3 East, Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

Commencing at the Northeast corner of said Section 34;

Thence North 90 Degrees 00 Minutes 00 Seconds West along the North line of said Northeast quarter a distance of 300.12 feet to the TRUE POINT OF BEGINNING;

Thence South 00 Degrees 35 Minutes 05 Seconds West a distance of 718.69 feet to the Northeast line of the Grand Canal as shown on Book 1225 of Maps, Page 38, records of said county;

Thence South 47 Degrees 50 Minutes 24 Seconds West a distance of feet 25.0l feet;

Thence North 40 Degrees 52 Minutes 20 Seconds West a distance of feet 20.24 feet;

Thence North 45 Degrees 30 Minutes 49 Seconds West a distance of 299.07 feet;

Thence North 45 Degrees 29 Minutes 04 Seconds West a distance of 128.32 feet;

Thence North 47 Degrees 47 Minutes 23 Seconds West a distance of 92.72 feet;

Thence North 43 Degrees 09 Minutes 54 Seconds East a distance of 25.00 feet to said Northeast line;

Thence North 89 Degrees 58 Minutes 18 Seconds East a distance of 162.17 feet;

Thence North 00 Degrees 35 Minutes 23 Seconds East a distance of 340.00 feet to said North line;

Thence South 90 Degrees 00 Minutes 00 Seconds East along said North line a distance of 229.88 feet to the POINT OF BEGINNING.

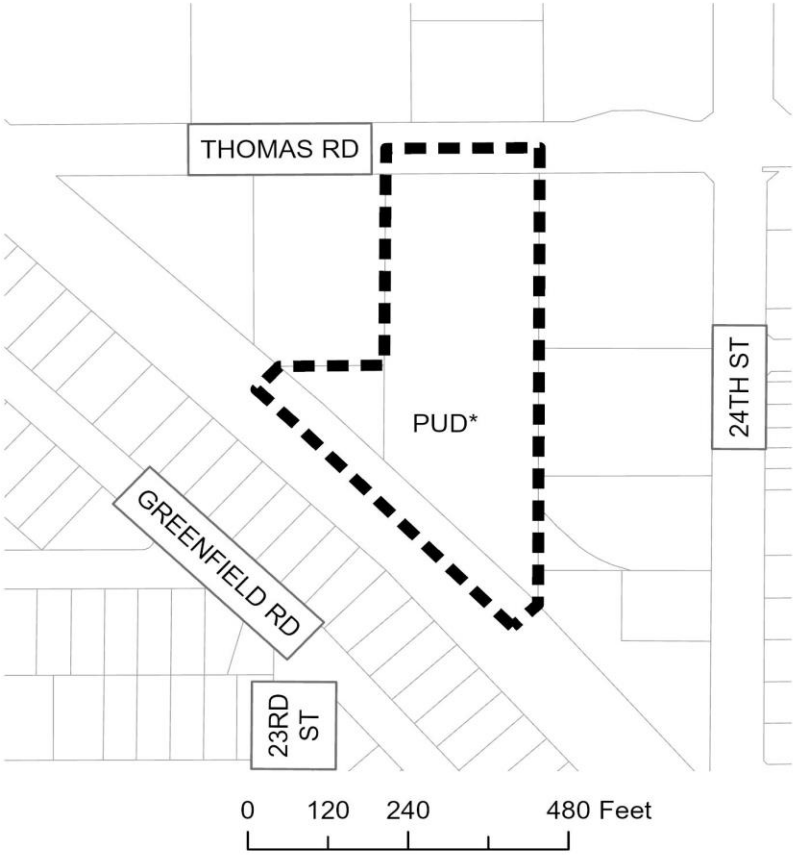
DRAFT

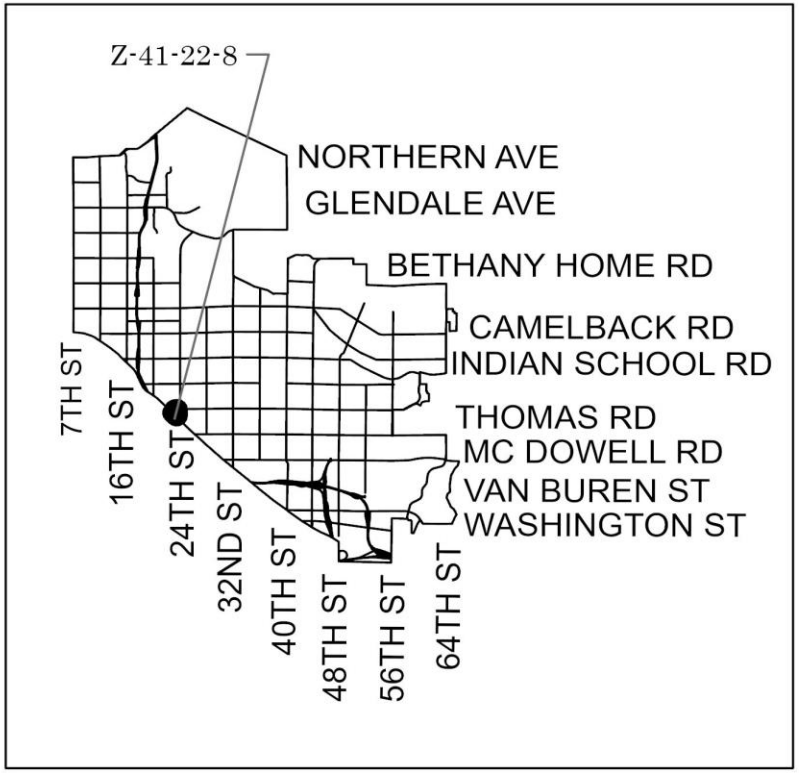
ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA:

Zoning Case Number: Z-41-22-8
Zoning Overlay: N/A
Planning Village: Camelback East





NOT TO SCALE

N

Drawn Date: 11/8/2022

\\one\pdd\Shared\Department Share\Information Systems\PL GIS\IS_Team\Core_Functions\Zoning\SuppMaps_OrdMaps\2022 Ord\12-7-22\12-7-22.aprx

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 77

Amend City Code - Ordinance Adoption - Rezoning Application Z-58-22-8 - Southeast Corner of 44th Street and Mckinley Street (Ordinance G-7061)

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-58-22-8 and rezone the site from C-2 M-R (Intermediate Commercial, Mid-Rise District), P-2 (Parking), and R-3 (Approved C-2 HR) (Multifamily Residence District, Approved Intermediate Commercial, High-Rise and High Density District) to WU Code T5:6 GW (Walkable Urban Code, Transect 5:6 District, Transit Gateway Character Area) to allow multifamily residential.

Summary

Current Zoning: C-2 M-R (1.30 acres), P-2 (1.82 acres), and R-3 (Approved C-2 HR) (3.02 acres)
Proposed Zoning: WU Code T5:6 GW
Acreage: 6.14 acres
Proposed Use: Multifamily residential

Owner: LDAC Holdings, LLLP
Applicant: Investment Development Management
Representative: Jason Morris, Withey Morris, PLC

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Camelback East Village Planning Committee heard this case on Oct. 11, 2022, and recommended approval, per the staff recommendation, by a vote of 15-0.
PC Action: The Planning Commission heard this case on Nov. 3, 2022, and recommended approval, per the Camelback East Village Planning Committee recommendation, by a vote of 8-1.

Location

Southeast corner of 44th Street and McKinley Street
Council District: 8
Parcel Address: 4425, 4441, 4447, 4455, 4501, 4511, and 4525 E. McKinley St.

Responsible Department

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

ATTACHMENT A

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

ORDINANCE G-

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (Z-58-22-8) FROM C-2 MR (INTERMEDIATE COMMERCIAL, MID-RISE DISTRICT), P-2 (PARKING), AND R-3 (APPROVED C-2 HR) (MULTIFAMILY RESIDENCE DISTRICT, APPROVED INTERMEDIATE COMMERCIAL, HIGH-RISE AND HIGH-DENSITY DISTRICT) TO WU CODE T5:6 GW (WALKABLE URBAN CODE, TRANSECT 5:6, TRANSIT GATEWAY CHARACTER AREA).

_____

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

SECTION 1. The zoning of a 6.14-acre site located at the southeast corner of 44th Street and McKinley Street, in a portion of Section 6, Township 1 North, and Range 4 East, as described more specifically in Exhibit “A”, is hereby changed from 1.30 acres of “C-2 M-R” (Intermediate Commercial, Mid-Rise District), 1.82 acres of “P-2” (Parking), and 3.02 acres of “R-3 (Approved C-2 HR)” (Multifamily Residence District, Approved Intermediate Commercial, High-Rise and High Density District) to “WU Code T5:6 GW” (Walkable Urban Code, Transect 5:6 District, Transit Gateway Character Area).

DRAFT

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

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

1. The developer shall incorporate bicycle infrastructure as described below and as approved by the Planning and Development Department.

    a. All required bicycle parking for multifamily use, per Section 1307.H.6.d of the Phoenix Zoning Ordinance, shall be secured parking.

    b. Guest bicycle parking for multifamily residential use shall be provided at a minimum of 0.05 spaces per unit with a maximum of 50 required spaces near entrances of buildings and installed per the requirements of Section 1307.H of the Phoenix Zoning Ordinance.

    c. One bicycle repair station shall be provided and maintained by the developer near the secure bicycle parking area.

2. The developer shall dedicate a minimum 6-foot-wide sidewalk easement for the east side of 44th Street along the subject site’s frontage, as approved by the Planning and Development Department.

3. The developer shall construct a minimum 6-foot-wide detached sidewalk and minimum 10-foot-wide landscape strip located between the back of curb and sidewalk along the east side of 44th Street, as approved by the Planning and Development Department.

4. The developer shall dedicate a 10-foot sidewalk easement at the McKinley Street cul-de-sac to ensure that all public facilities are in public right of way or public easement, as approved by the Planning and Development Department.

5. The applicant shall submit a Traffic Impact Analysis to the City for this development. No preliminary approval of plans shall be granted until the analysis is reviewed and approved by the City.

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

DRAFT

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

7. The 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.

8. 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.

9. 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.

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. 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 7th day of December, 2022.

_____

MAYOR

DRAFT

ATTEST:

_____
Denise Archibald, City Clerk

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

By:
_____
_____

REVIEWED BY:

_____
Jeffrey Barton, City Manager

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

DRAFT

EXHIBIT A

A portion of land situated within Lot 2 of Phoenix Gateway East III, Restated and Amended Final Plat, as recorded in Book 350, Page 47, together with and Lots 9, 10 and 11 of the Final Plat of Lessans Acres, as recorded in Book 29, Page 16, Records of Maricopa County, Arizona, and a portion of the Southeast Quarter of Section 6, Township 1 North, Range 4 East of the Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

BEGINNING at found 3 inch Arizona Highway Department brass cap, accepted as the intersection of 44th Street and McKinley Street, from which a found 3 inch City of Phoenix brass cap in hand hole accepted as the South Quarter Corner of said Section 6, bears South 00°15’58” East, 1651.21 feet;

Thence South 89°58'31" East, 928.01 feet, along the centerline of said McKinley Street;

Thence South 00°24'38" East, 330.18 feet, along the east line of said Lot 11 and the extension thereof, to the southeast corner of said Lot 11;

Thence North 89°59'03" West, 398.25 feet, along the south line of said Lots 9, 10 and 11 to the southwest corner of said Lot 9;

Thence South 00°20'51" East, 8.21 feet, along the east line of said Lot 2 to the southeast corner of said Lot 2;

Thence North 89°58'41" West, 217.75 feet, along the south line of said Lot 2 to the southeast corner of that property as conveyed in Document No. 2022-0122793, in the records of Maricopa County, Arizona;

Thence North 00°15'58" West, 157.94 feet, along the east line to the northeast corner thereof;

Thence North 89°58'31" West, 312.85 feet, along the north line and the extension thereof to the centerline of said 44th Street;

Thence North 00°15'58" West, 180.52 feet, along the centerline of said 44th Street to the POINT OF BEGINNING.

The above described parcel contains a computed area of 261,534 sq. ft. (6.0040 acres) more or less and being subject to any easements, restrictions, rights-of-way of record or otherwise.

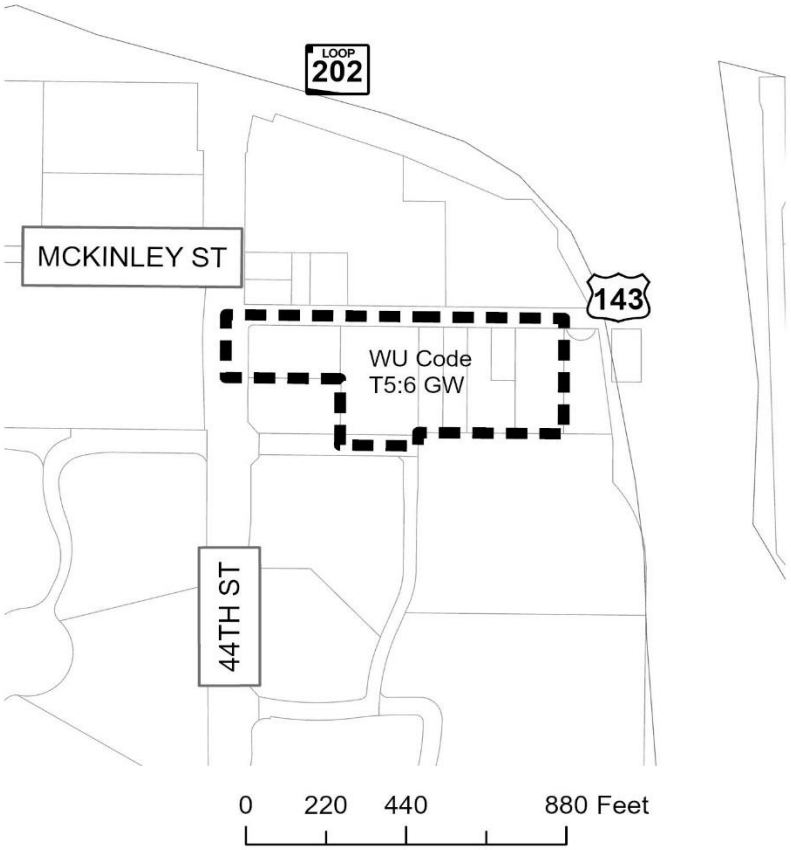
DRAFT

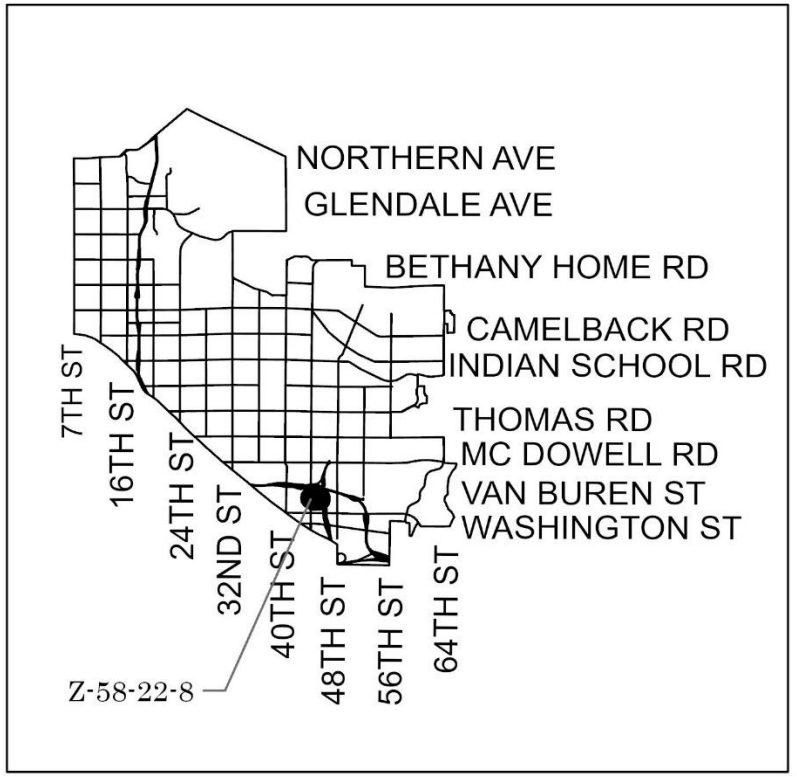
ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA:

Zoning Case Number: Z-58-22-8
Zoning Overlay: N/A
Planning Village: Camelback East





NOT TO SCALE

N

Drawn Date: 11/8/2022

\\one\pdd\Shared\Department Share\Information Systems\PL GIS\IS_Team\Core_Functions\Zoning\SuppMaps_OrdMaps\2022 Ord\12-7-22\12-7-22.aprx

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 78

REQUEST TO CONTINUE (SEE ATTACHED MEMO) (CONTINUED FROM OCT. 12, 2022) - Public Hearing - Appeal of Hearing Officer Decision - Abandonment of Right-of-Way - ABND 220011 - 4640 East Camelback Heights Way

Abandonment: ABND 220011
Project: 99-3459
Abandonment Applicant: Lauren Proper Potter
Date of Abandonment Hearing Officer's Decision:
Appellant: Benjamin Graff, Quarles & Brady, LLP on Behalf of Kim Komando & Barry Young

Summary

Rationale: The subject of the abandonment is a portion of land at North Camelback Canyon Drive and East Camelback Heights Way, located directly across from the Appellant's home (the "Abandonment Area"). The abandonment was approved on April 14, 2022, despite opposition from the Appellant and a request to continue the case to allow for further discussions between the neighbors. The Applicant would not agree to a continuance and the Hearing Officer forwarded a recommendation of approval to the City Council. Since April 14, 2022, the entire neighborhood along Camelback Heights Way (six parcel owners in total), have expressed opposition. One hundred percent of the property owners located along Camelback Heights Way, with the exception of the Applicant, and an additional property owner on Camelback Canyon Drive (directly north of the Applicant's home) have joined in this appeal and respectfully request the Phoenix City Council overturn the Hearing Officer's approval and deny the requested abandonment.

Location

4640 East Camelback Heights Way
Council District: 6

Responsible Department

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

City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

To: Alan Stephenson
Deputy City Manager
Planning and Development Director

Date: November 28, 2022

From: Joshua Bednarek JB
Acting Assistant Director, Planning Division
Planning and Development Department

Subject: CONTINUANCE OF ITEM 78 ON THE DECEMBER 7, 2022 FORMAL AGENDA –PUBLIC HEARING – APPEAL OF HEARING OFFICER DECISION ABANDONMENT OF RIGHT-OF-WAY – ABND 220011 – 4640 EAST CAMELBACK HEIGHTS WAY

Item 78, is a request to hold a public hearing on an appeal of the Abandonment Hearing Officer's decision to approve the abandonment of right-of-way (ABND 220011) located at 4640 East Camelback Heights Way.

Staff has received correspondence from the representatives of the applicant and the appellant requesting a continuance to allow their clients additional time to work on a resolution to this matter.

Staff recommends continuing this item to the February 15, 2023 City Council Formal meeting.

Approved:
Alan Stephenson
Deputy City Manager/Planning and Development Director

MEMORANDUM

To: Mayor Gallego & Phoenix City Council Members
From: Appellant's Representative Ben Graff & Appellee's Representative Lauren Proper Potter
Re: Joint Request to Continue Appeal of ABND220011to February 15, 2023
Date: November 16, 2022

Mayor Gallego and City Council Members:

We are jointly requesting that the City Council continue the appeal hearing scheduled for December 7, 2022, to February 15, 2023, to allow our clients additional time to work on a resolution to this matter.

Thank you for your consideration.

Sincerely,

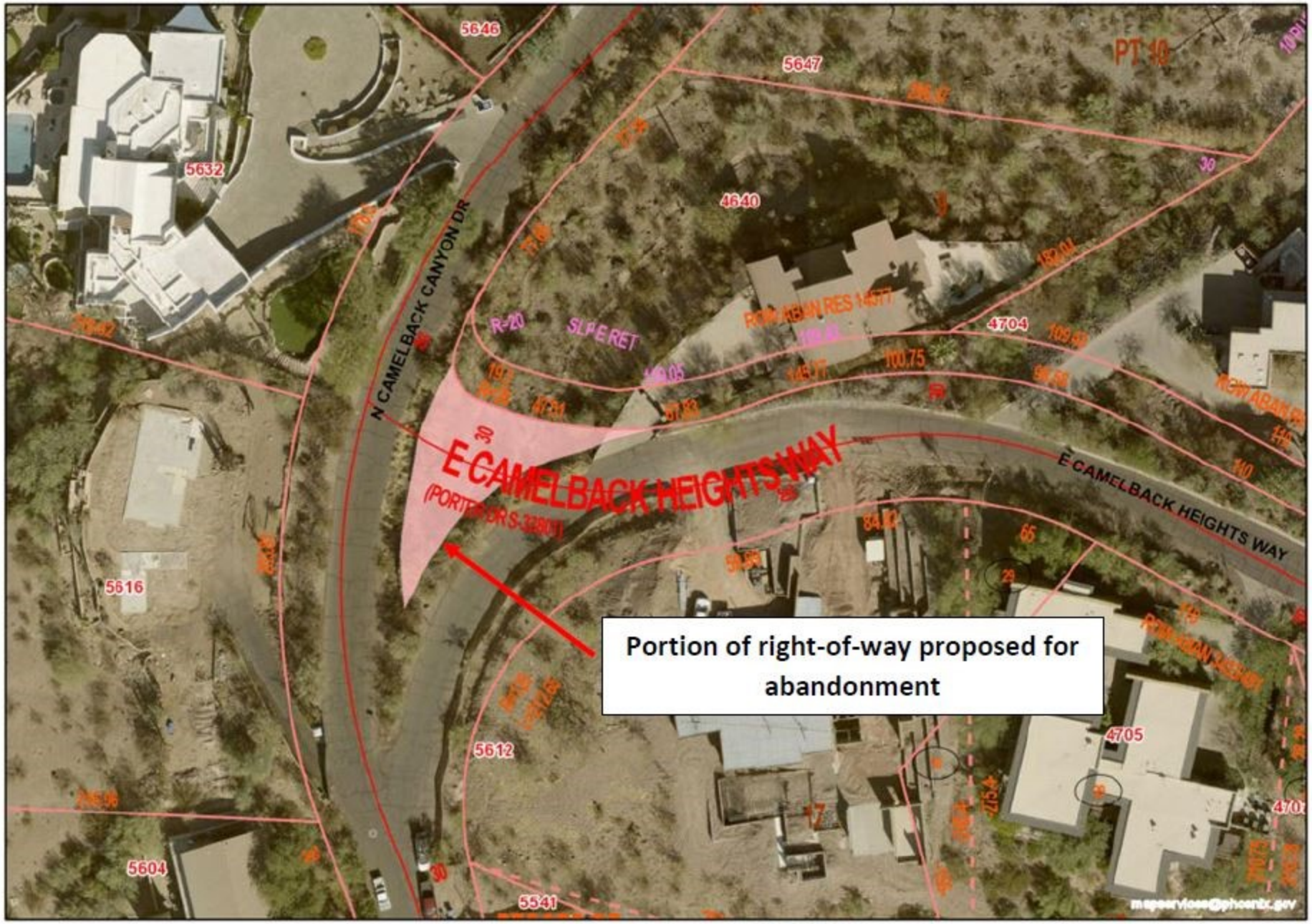
Benjamin Graff
Attorney for Appellant

Lauren Proper Potter
Attorney for Appellee

ATTACHMENT A

ABND 220011-Map

Planning and Development



Disclaimer : The information provided on this map is based on record drawings submitted by others.
Users of this information are cautioned that independent verification of actual conditions may be necessary. Printing Water Data is for Internal Staff Only

1 inch = 60 feet
0 25 50 100 Feet

N

Date: 4/11/2022

City of Phoenix

City of Phoenix

Planning and Development Department

CONDITIONAL APPROVAL – ABND 220011

Your abandonment request was granted **CONDITIONAL APPROVAL** by **Christopher DePerro, Abandonment Hearing Officer**.

This request will NOT be completed until all the stipulations have been met and this request is formally adopted by City Council. It is the **APPLICANT'S RESPONSIBILITY** to ensure that all stipulations are satisfied. **Please contact the Abandonment Coordinator at (602) 256-3487** for questions and notification of your completion of the stipulations.

Upon completion of the stipulations your request will be scheduled for City Council action.

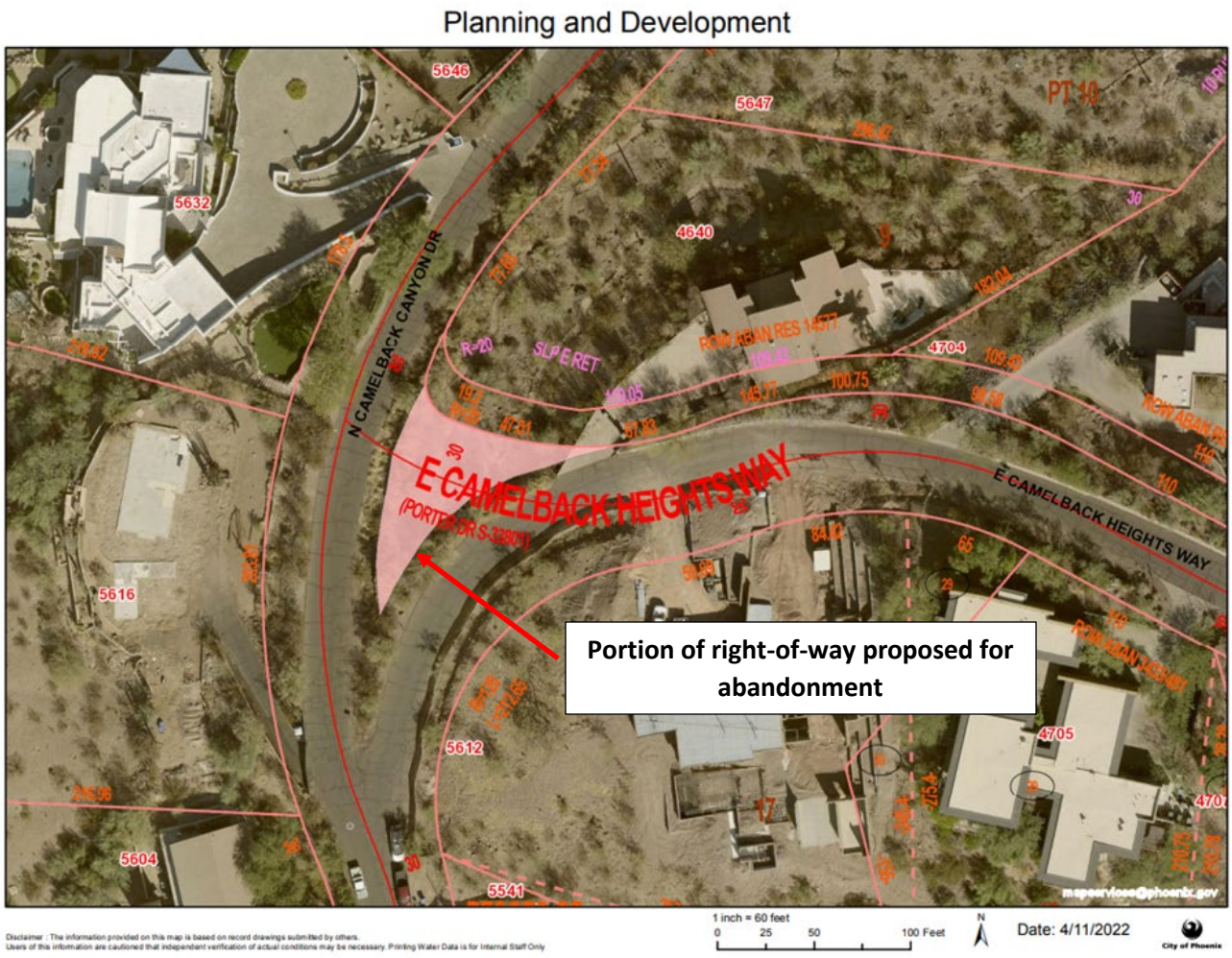
If the stipulations of abandonment are not completed within **two years** from the date of your conditional approval **(your expiration date is April 14, 2024),** this request will then expire. At that time a new submittal will be required along with the required payment for the abandonment process. A one-time, **one year** extension can be requested prior to the expiration date, with applicable extension fee due.

City of Phoenix

Planning and Development Department

April 14, 2022
Abandonment Staff Report: **ABND 220011**
Project# **99-3459**
Quarter Section: **20-38**
Council District: **6**

Location:	4640 East Camelback Heights Way
Applicant:	Lauren Proper Potter
Request to abandon:	The triangular portion of land where North Camelback Canyon Drive and East Camelback Heights Way meet as illustrated on the attached exhibit.
Purpose of request:	The applicant states to allow access to the private residence directly from the roadway right-of-way, to place responsibility to maintain vegetation upon the property owner instead of the City, and to allow the property owner to provide guest parking on their property instead of the street.
Hearing date:	**April 14, 2022**



Hearing Summary

Mr. Christopher DePerro, the Abandonment Hearing Officer, called the hearing to order at 9:32 am on April 14, 2022.

Ms. Maggie Dellow, the Abandonment Coordinator introduced the abandonment case ABND 220011 by reading the abandonment case into the record by stating the applicant, location, abandonment request, and purpose of the request, as well as City staff research.

Mr. DePerro then started the discussion by asking the applicant if they would like to add any additional comments regarding the abandonment request.

Mr.Charles Huellmantel, the applicant, explained that the proposed abandonment area is a tough piece of property that doesn't serve a purpose, nor is maintained, and his client would like the opportunity to landscape it and beautify it.

Mr. DePerro explained that because this property is hillside there would be a limitation to what can be done in terms of landscaping and disturbance.

Ms. Dellow reviewed the city staff and utility provider comments received during the review period. Mr. DePerro explained that per the Street Transportation Department's comments, if the abandonment received conditional approval, it would only by for a portion of the original requested area. Mr. Huellmantel confirmed he understood.

Mr. DePerro then invited Mr. Benjamin Graff to provide public comment. Mr. Graff explained that he represented Kim Commando and Barry Young who lived across the Camelback Heights Way to the south. Mr. Graff explained that his clients had some concerns about the reasons the applicant was applying for the abandonment as stated on the application materials, such as to provide additional access to the property when existing access appears adequate. Mr. Graff also explained that the application states the abandonment would provide additional guest parking area, which raised concerns over additional disturbance area and reasons as to why such an ample amount of guest parking was being sought.

Mr. Graff requested a 30-day continuance on the case so that his client could meet with the applicant and learn more about the reasons for the request. and reasons for the request.

Ms. Lauren Proper Potter, the applicant, explained that there were no plans for additional work within the area and there would not be guest parking within the abandonment area. Ms. Potter stated that the nature of the request was to harmonize vegetation with the redevelopment of the property.

Mr. DePerro explained that even with the abandonment, the natural vegetation could not be touched or maintained without being part of the disturbance area. It must remain native and natural.

Mr. DePerro stated that he did understand Mr. Graff's concerns, but that these concerns fell outside of the purview of the abandonment request.

Mr. Graff explained that the only reason those concerns have been brought to the hearing are due to the fact that they are stated within the applicant's narrative and rationale on the abandonment application. Because the applicant stated during the hearing that the reasons for abandonment as provided on the abandonment application are not accurate, Mr. Graff shared that he was still confused as to the purpose of the abandonment request and requested continuance.

Ms. Potter stated that the abandonment would not impact Mr.Graff's concerns. Mr. Huellmantel stated that he was not supportive of a continuance.

Mr. DePerro explained that he was having trouble justifying a continuance as the abandonment request would not result in an additional hillside permissions.

Ms. Dellow then reviewed the staff recommended stipulations of approval.

Mr. DePerro stated that the concerns voiced by the opposition have more to do with hillside and zoning regulations rather than the abandonment. He further explained that what needs to be done in an abandonment hearing is determine whether or nit the proposed right-of-way to be abandoned was need. Mr. DePerro felt that in this case the right-of-way was clearly not needed and that the proposed abandonment would not permit those things shared by the opposition as concerns.

Mr. Graff agreed that the concerns brought by the opposition were not generally proper for an abandonment hearing, however they were stated in the abandonment applicant narrative as reasons for the abandonment.

The Hearing Officer granted a conditional approval subject to stipulations in the staff report.

Stipulations of Conditional Approval

The request of abandonment is conditionally approved by the Abandonment Hearing Officer. The following stipulations will need to be met:

1. Either a or b shall be complied with:

    a. All utilities shall be relocated to locations approved by each affected utility company. All work is to be done by each affected utility company at no expense to the affected utility company. An appropriate performance agreement, in an approved form and cost amount, must be posted with the Planning and Development Department to guarantee the improvements.

    b. All right-of-way shall be retained as a public utilities easement with 24-hour vehicle maintenance access.

2. Consideration which provides a public benefit to the City is required in accordance with City Code Art. 5, Sec. 31-64 and Ordinance G-5332. Cost for abandoned Right-of-Way adjacent to property not zoned single family residential will be $500 OR Fair Market Value whichever is greater. Cost for property zoned single family residential is $1.00 a square foot for the first 500 square feet, $0.10 a square foot thereafter; OR Fair Market Value at the option of the Planning and Development Director or designee. The applicant shall submit calculation and fee to Planning and Development Department. The applicant shall request a selection of approved appraisers from the current list maintained by the Real Estate division of the Finance Department.

3. No right-of-way within 30-feet of the Camelback Canyon Drive monument line may be abandoned.

4. No right-of-way south of the existing monument line of Camelback Heights Way may be abandoned.

5. The right-of-way shall be retained as a slope easement.

6. All stipulations must be completed within two years from the Abandonment Hearing Officer's decision.

This conditional approval has been reviewed and approved by the Abandonment Hearing Officer.

Hearing Officer Signature: _____ **Date:** 9/15/22

REPORT SUBMITTED BY: Maggie Dellow, Abandonment Coordinator

cc: Lauren Proper Potter, Applicant/Representative
Christopher DePerro, Abandonment Hearing Officer

City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

Abandonment
Decision Appeal

In accordance with Section 31-70, Article V of the City Code, the decision of the Abandonment Hearing Officer regarding the abandonment of public rights-of way may be appealed. Any decision of the Abandonment Hearing Officer shall be considered final unless a person aggrieved thereby, files a written Notice of Abandonment Appeal with the Planning & Development Department within fifteen calendar days after the decision is made. The completed abandonment appeal form and filing fee* must be submitted to the Planning & Development Department, Check-In/Information Counter, located at 200 West Washington Street, 2nd floor, Phoenix, Arizona 85003.

***All fees are pursuant to the current Fee Schedule contained in Appendix A.2. of the Phoenix City Code.**

Appellant's Name: Benjamin Graff, Quarles & Brady, LLP on Behalf of Kim Komando & Barry Young

Address: 2 N. Central Avenue, 6th Floor City: Phoenix State: AZ Zip: 85004

Phone: (602) 229-5683 Email: Benjamin.Graff@Quarles.com

Affiliation: Attorney for Appellant

Appeal to City Council
Be specific as to what you are appealing. Include the rationale for your appeal. Attachments may be included.

Abandonment # **V-**ABND 220011 Date Heard: April 14, 2022

Located at approximately: 4640 E Camelback Heights Way, Phoenix AZ 85018

Abandonment Hearing Officer: ☒ Approved ☐ Denied

Appealing Decision: Request to Deny Abandonment. See attached Notice of Abandonment Appeal Narrative.

Appealing Stipulation:

Appealing Stipulation:

Appealing Stipulation:

---------- Staff Use Only ----------

Received By: MDE Receipt #: Date: 4/29/2022
Reviewed By: MDE Receipt #: Date: 4/29/2022

An applicant may receive a clarification from the city of its interpretation or application of a statute, ordinance, code or authorized substantive policy statement. To request clarification or to obtain further information on the application process and applicable review time frames, please call 602-262-7811 or visit our website at http://phoenix.gov/pdd/licensetimes.html. This publication can be made available in alternate formats (Braille, large print, or digital media) upon request. Contact Planning & Development at (602) 262-7811 voice or (602) 534-5500 TTY.

Quarles & Brady LLP

Renaissance One
Two North Central Avenue
Phoenix, Arizona 85004-2391
602.229.5200
Fax 602.229.5690
www.quarles.com

Benjamin W. Graff
Direct Dial: (602) 229-5683
E-Mail: Benjamin.Graff@Quarles.com

Attorneys at Law in
Chicago
Indianapolis
Madison
Milwaukee
Minneapolis
Naples
Phoenix
Tampa
Tucson
Washington, D.C.

April 29, 2022

VIA EMAIL

Phoenix City Council
City of Phoenix
200 West Washington Street
Phoenix, AZ 85003
Mayor.Gallego@phoenix.gov
Council.District.6@phoenix.gov

RE: Formal Notice of Abandonment Appeal: ABND 220011

Honorable Mayor Gallego, Councilmember DiCiccio, and Councilmembers,

Our firm represents Ms. Kim Komando and Mr. Barry Young (EK Holdings Delaware, LLC) (the "Appellant"), the owners of the property located at 4655 E Camelback Heights Way, Phoenix, AZ 85018 within Phoenix Council District 6, in regard to this Notice of Abandonment Appeal of the April 14, 2022 Hearing Officer approval of Case No. ABND 220011 (the "Abandonment Application"). In accordance with Section 31-70, Article V of the City Code, the decision of the Abandonment Hearing Officer regarding the abandonment of public rights-of way may be appealed. Any decision of the Abandonment Hearing Officer shall be considered final unless a person aggrieved thereby, files a written Notice of Abandonment Appeal with the Planning & Development Department within fifteen calendar days after the decision is made. Here, the Appellant has submitted the requested appeal and requisite filing fee in a timely manner before the April 29, 2022 5:00 PM deadline.

The subject of the abandonment is a portion of land at North Camelback Canyon Drive and East Camelback Heights Way, located directly across from the Appellant's home (the "Abandonment Area"). See Aerial Maps Attached at **Tab A.** The abandonment was approved on April 14, 2022, despite opposition from the Appellant and a request to continue the case to allow for further discussions between the neighbors. The Applicant would not agree to a continuance and the Hearing Officer forwarded a recommendation of approval to the City Council. Since April 14, 2022, the entire neighborhood along Camelback Heights Way (six parcel owners in total), have expressed opposition. See Opposition Map Attached at **Tab B.** 100% of the property owners located along Camelback Heights Way, with the exception of the Applicant, and an additional

property owner on Camelback Canyon Drive (directly north of the Applicant's home) have joined in this appeal and respectfully request the Phoenix City Council overturn the Hearing Officer's approval and deny the requested abandonment. See Letters of Opposition from Six Parcel Owners Attached at **Tab C.**

Site History

City records show the subject right-of-way was dedicated through the Camelback Heights Plat, recorded on December 16, 1956 on docket 69, page 49 of the Maricopa County Recorder. If abandoned, the right-of-way will be conveyed back in ownership to the Applicant. This appeal does not question to whom the abandoned area should be conveyed to if approved, but instead, that the loss of naturally vegetated public right-of-way combined with the Applicant's intended use of the Abandonment Area, is detrimental to the surrounding neighborhood. As is further discussed, the proposed abandonment also conflicts with the goals of the neighborhood as a whole to privatize Camelback Heights Way and install a private access gate.

The Abandonment Should be Denied for Lack of Proper Notice, Petition Signatures, and Failure to Communicate with the Appellant Prior to the April 14, 2022 Abandonment Hearing.

The City of Phoenix Abandonment process does not include a robust notification procedure, which frequently results in concerned neighbors being informed of abandonments at the last minute by signage or through word-of-mouth. However, the City also requires an abandonment petition to be signed by "one hundred percent of the property owners in and/or abutting the affected area." See Abandonment, Right-of-Way Petition included within Applicant's Application Attached at **Tab D.** In this case, the Appellant's home (Parcel No. 171-16-017A), as well as Parcel Nos. 171-16-007 and 171-16-006, are located directly adjacent to the Abandonment Area. In fact, the Appellant's home and view looking directly Northwest includes the Abandonment Area. Despite these facts, the Abandonment Petition provided by the Applicant only includes a single signature – the Applicant's signature. The petition fails to include signatures from the other affected parcels and therefore the Applicant failed to provide proper notice.

Additionally, prior to the April 14, 2022 Abandonment Hearing, the Applicant informed the Appellant that their son would be contacting them prior to the hearing to discuss the abandonment. But as the hearing began on April 14th, the Appellant had not received any communication from the Applicant.

Finally, it should be noted that during the April 14, 2022 Abandonment Hearing, the Appellant requested a continuance to allow the parties time to discuss the request, before it was forwarded to the City Council for final approval. The Applicant refused to agree to a continuance and the Hearing Officer forwarded a recommendation of approval to the City Council, notwithstanding the strong opposition present the hearing. The refusal to allow for a continuance forced the hand of the Appellant, and the other six surrounding property owners, to file this appeal. Now, the only equitable measure is for the City Council to deny the requested abandonment before the resulting use and disturbance of the area creates irreparable harm to the neighborhood.

The Neighbors Are Opposed to the Proposed Use of the Right-of-Way, the Detrimental Impact on the Neighborhood, and the Interference With the Long-Term Goal of Privatizing Camelback Heights Way

The property owners along Camelback Heights Way have recently begun discussions to privatize this road and construct a private access gate near the convergence of Camelback Canyon Drive and Camelback Heights Way. See Map of Approximate Locations of the Access Gate Attached at **Tab A.** The Applicant was fully aware of this intent prior to submitting the abandonment application. The privatization of the road will require coordination between the neighbors and notably, coordination with the City of Phoenix on the use (via a revocable permit) and abandonment of any public right-of-way to allow for the privatization of the road and the construction of the access gate. Despite these ongoing discussions, the Applicant's request seeks to utilize the public right-of-way for the Applicant's sole benefit, while also moving the Applicant's driveway closer to the intersection of Camelback Canyon Drive and Camelback Heights Way in conflict with possible locations for the access gate. The requested abandonment should be denied thereby allowing all property owners along Camelback Heights Way to discuss and agree upon what is beneficial for the neighborhood, rather than this unilateral request which only benefits the Applicant.

The Abandonment Should be Denied Because Applicant's Abandonment Narrative and Submitted Site Plans Confirm the Applicant's Intent to Use the Abandonment Area for an Access Driveway, Guest Parking, and Disturbed/New Vegetation.

An Examination of the Applicant's Abandonment Application and Narrative

The proposed Abandonment Application No. ABND 220011 requested to abandon a portion of land where North Camelback Canyon Drive and East Camelback Heights Way meet, as shown on the attached Abandonment Aerial Map Exhibit at **Tab A**. The Applicant provided a narrative along with the abandonment application which provided justifications for the request. See Applicant's Narrative Dated February 14, 2022 Attached at **Tab D.** The City of Phoenix also issued a Staff Report. See Abandonment Staff Report Dated April 14, 2022 Attached at **Tab E.**

As is discussed in detail in this section, the Appellant was surprised by the discrepancies between the written narrative and the Applicant's statements made during the April 14th, 2022 Hearing. The Applicant's testimony also directly conflicts with the site plan submitted to the City by the Applicant, which is further discussed in this appeal. While the Applicant stated during the hearing that the Abandonment Area would be left undisturbed with its existing natural desert vegetation, the Applicant's own narrative and site plan tell the story of significant disturbance and an extended driveway within the Abandonment Area. After a review of the Abandonment Application, Staff Report, Hearing and prior submittals, the Appellant is able to clarify the Applicant's intent for the Abandonment Area.

First, the Applicant's Right-of-Way Petition states the Applicant supports the abandonment because it "allows access from the driveway to occur directly from the street right-of-way instead of across the additional City-owned land." In response to this and similar statements within the Applicant's narrative, the City's Staff Report also states, "[t]he applicant states [the purpose is] to

allow access to the private residence directly from the roadway right-of-way, to place responsibility to maintain vegetation upon the property owner instead of the City, and to allow the property owner to provide guest parking on their property instead of the street." See the Abandonment Application attached at **Tab D** and Staff Report attached at **Tab E**.

Regarding parking and the expansion of the driveway, Applicant's Abandonment Application states, "[i]ncorporating the City's right-of-way into the subject property will allow a longer driveway with room for a guest parking area that will increase safety for all residents in this area and their visitors." Contrary to the Applicant's own narrative, the Applicant stated during the Hearing that there would be no additional disturbance, driveway expansion, or parking in the proposed Abandonment Area. Based on the Applicant's testimony, the Hearing Officer forwarded his recommendation of approval to City Council. But it is the Appellant's position that if the Hearing Officer had been provided copies of the Applicant's site plan, the proposed driveway extension and disturbed land within the Abandonment Area shown on the plan may have resulted in a recommendation of denial.

An Examination of the Applicant's Site Plan Submittals to the City of Phoenix

In order to accurately compare the hearing testimony with the proposed construction of Applicant's home, the Appellant made two separate requests to the Applicant to provide copies of the most current proposed site plan for the Applicant's home and driveway configuration. Each time the Applicant stated the site plans would be provided. However, as of the date of this appeal, the Applicant has not provided any documents or site plans to the Appellant. After filing a public records request with the City and confirming with City Staff, the Appellant was able to locate the most recent site plan dated September 20, 2021. This site plan was reviewed during the Applicant's prior Hillside Waiver (DSAP 21252) Hearing on January 19, 2022. See Site Plan Dated September 20, 2021 Attached at **Tab F**. Three months have passed since the DSAP Hearing and based on available public records, the Applicant has not submitted a more recent site plan. We were also able to locate an identical site plan submitted by the Applicant as part of Zoning Adjustment Case No. ZA-570-21, which requested a setback variance along the eastern property line. The site plan for this variance case also shows the same expanded driveway and disturbed area. See Variance Site Plan Dated September 20, 2021 Attached at **Tab G.** All written statements in the Applicant's Abandonment Application Narrative regarding the expanding driveway, guest parking, and disturbed vegetation are consistent with the site plans submitted as part of Case Nos. DSAP 21252 and ZA-570-21. As mentioned above, the Applicant's testimony during the Abandonment Hearing stated there would be no additional disturbance, driveway, or parking in the proposed Abandonment Area. However, after examining the Desert Sky Residence Survey ROW diagram provided by City of Phoenix Abandonment Staff with the most recent site plan, it is clear the proposed driveway runs through the proposed abandonment area. See Survey ROW & Site Plan Comparison attached at **Tab H**. This comparison exhibit shows the Applicant intends to remove the natural vegetation within the abandonment area and install an elongated mass of pavement to serve as a driveway and additional parking. Thus, after a review of the facts, Applicant's purpose for the abandonment request within the Abandonment Hearing Application

and prior site plan submittals does not align with the statements made at the April 14th, 2022 Hearing.

The Applicant's proposed use of public right-of-way, which currently benefits all residents, also does not align with the goals of the united property owners along Camelback Heights Way. The Appellant and the six additional property owners joining in this appeal firmly believe the disturbance and replacement of this naturally vegetated area with the proposed driveway will only serve as a detriment which is incompatible with the goal to beautify and privatize Camelback heights Way.

Conclusion

This Notice of Abandonment Appeal serves to memorialize and provide evidence of the differences between the Applicant's verbal testimony which lead to the Hearing Officer's approval, and the documented intent of the Applicant to not only remove vegetation from the Abandonment Area, but also place an elongated driveway within the same area. After a review of the facts and confirmation of evidence showing the discrepancy between Applicant's testimony and the narrative/site plans submitted to the City, we respectfully request that the Phoenix City Council reverse the decision of the Abandonment Hearing Officer and deny the Abandonment Application. Our firm can provide additional information as requested by the City. Thank you for your time and consideration.

Very truly yours,

QUARLES & BRADY LLP

Benjamin W. Graff

TAB A

APPLICANT'S PROPOSED ABANDONMENT AREA AERIAL MAP

ABANDONMENT APPLICANT APN: 171-16-009

4640 E CAMELBACK HEIGHTS WAY PHOENIX ARIZONA 85018

Quarles & Brady LLP

APPLICANT'S APPROVED ABANDONMENT AREA AERIAL MAP

Quarles & Brady LLP

ABANDONMENT APPLICANT APN: 171-16-009
4640 E CAMELBACK HEIGHTS WAY PHOENIX ARIZONA 85018

APPLICANT'S PROPERTY VS APPELLANT'S PROPERTY

APPLICANT APN: 171-16-009

APPELLANT APN: 171-16-017A

Quarles & Brady LLP

OPTIONS FOR LOCATIONS OF NEW ACCESS GATE

ABANDONMENT APPLICANT APN: 171-16-009

4640 E CAMELBACK HEIGHTS WAY PHOENIX ARIZONA 85018

Quarles & Brady LLP

TAB B

OPPOSED NEIGHBORS AERIAL MAP

APN: 171-16-017A; 171-16-018E; 171-16-018J; 171-16-025G; 171-16-025E; 171-16-016A; 171-16-010

Quarles & Brady LLP

TAB C

April 19, 2022

Phoenix City Council
City of Phoenix
200 West Washington Street
Phoenix, AZ 85003
mayor.gallego@phoenix.gov
Council.district.6@phoenix.gov

RE: Formal Opposition and Appeal of Abandonment Application: ABND 220011

Dear Mayor Gallego and Councilmember DiCiccio:

As the owner of the property located at 5647 N Camelback Canyon Drive, Phoenix, AZ 85018, I formally oppose the Abandonment Application No. ABND 220011 for the abandonment of a triangular portion of land at North Camelback Canyon Drive and East Camelback Heights Way. The abandonment was approved on April 14, 2022 despite opposition from the neighborhood. The proposed abandonment will alter the existing hillside and natural vegetation in a detrimental manner. Therefore, we are joining our neighbors Kim Komando and Barry Young (owners of the home located at 4655 E Camelback Heights Way, Phoenix, AZ 85018) in filing a formal appeal of the abandonment approval and respectfully request that the Phoenix City Council reverse the decision of the Abandonment Hearing Officer and deny the abandonment application.

Thank you for your consideration of our request.

Sincerely,
Elaine Shay Revocable Deed of Trust

Heather Shay-Herzig, P/O/A Elaine Shay

Cc:
Alan Stephenson, Deputy City Manager and Planning Director
Maggie Dellow, Planner II, Abandonment Coordinator
Benjamin W. Graff, Quarles & Brady LLP

April 19, 2022

Phoenix City Council
City of Phoenix
200 West Washington Street
Phoenix, AZ 85003
mayor.gallego@phoenix.gov
Council.district.6@phoenix.gov

RE: Formal Opposition and Appeal of Abandonment Application: ABND 220011

Dear Mayor Gallego and Councilmember DiCiccio:

As the owner of the property located at 4704 E Camelback Heights Way, Phoenix, AZ 85018, I formally oppose the Abandonment Application No. ABND 220011 for the abandonment of a triangular portion of land at North Camelback Canyon Drive and East Camelback Heights Way. The abandonment was approved on April 14, 2022 despite opposition from the neighborhood. The proposed abandonment will alter the existing hillside and natural vegetation in a detrimental manner. Therefore, we are joining our neighbors Kim Komando and Barry Young (owners of the home located at 4655 E Camelback Heights Way, Phoenix, AZ 85018) in filing a formal appeal of the abandonment approval and respectfully request that the Phoenix City Council reverse the decision of the Abandonment Hearing Officer and deny the abandonment application.

Thank you for your consideration of our request.

Sincerely,
David Alan Oursland

Cc:
Alan Stephenson, Deputy City Manager and Planning Director
Maggie Dellow, Planner II, Abandonment Coordinator
Benjamin W. Graff, Quarles & Brady LLP

April 19, 2022

Phoenix City Council
City of Phoenix
200 West Washington Street
Phoenix, AZ 85003
mayor.gallego@phoenix.gov
Council.district.6@phoenix.gov

RE: Formal Opposition and Appeal of Abandonment Application: ABND 220011

Dear Mayor Gallego and Councilmember DiCiccio:

As the owner of the property located at 4705 E Camelback Heights Way, Phoenix, AZ 85018, I formally oppose the Abandonment Application No. ABND 220011 for the abandonment of a triangular portion of land at North Camelback Canyon Drive and East Camelback Heights Way. The abandonment was approved on April 14, 2022 despite opposition from the neighborhood. The proposed abandonment will alter the existing hillside and natural vegetation in a detrimental manner. Therefore, we are joining our neighbors Kim Komando and Barry Young (owners of the home located at 4655 E Camelback Heights Way, Phoenix, AZ 85018) in filing a formal appeal of the abandonment approval and respectfully request that the Phoenix City Council reverse the decision of the Abandonment Hearing Officer and deny the abandonment application.

Thank you for your consideration of our request.

Sincerely,
Martori Arthur J/Louis Sue Tr

Cc:
Alan Stephenson, Deputy City Manager and Planning Director
Maggie Dellow, Planner II, Abandonment Coordinator
Benjamin W. Graff, Quarles & Brady LLP

April 19, 2022

Phoenix City Council
City of Phoenix
200 West Washington Street
Phoenix, AZ 85003
mayor.gallego@phoenix.gov
Council.district.6@phoenix.gov

RE: Formal Opposition and Appeal of Abandonment Application: ABND 220011

Dear Mayor Gallego and Councilmember DiCiccio:

As the owner of the property located at 4707 E Camelback Heights Way, Phoenix, AZ 85018, I formally oppose the Abandonment Application No. ABND 220011 for the abandonment of a triangular portion of land at North Camelback Canyon Drive and East Camelback Heights Way. The abandonment was approved on April 14, 2022 despite opposition from the neighborhood. The proposed abandonment will alter the existing hillside and natural vegetation in a detrimental manner. Therefore, we are joining our neighbors Kim Komando and Barry Young (owners of the home located at 4655 E Camelback Heights Way, Phoenix, AZ 85018) in filing a formal appeal of the abandonment approval and respectfully request that the Phoenix City Council reverse the decision of the Abandonment Hearing Officer and deny the abandonment application.

Thank you for your consideration of our request.

Sincerely,
Martori Arthur J

Cc:
Alan Stephenson, Deputy City Manager and Planning Director
Maggie Dellow, Planner II, Abandonment Coordinator
Benjamin W. Graff, Quarles & Brady LLP

April 19, 2022

Phoenix City Council
City of Phoenix
200 West Washington Street
Phoenix, AZ 85003
mayor.gallego@phoenix.gov
Council.district.6@phoenix.gov

RE: Formal Opposition and Appeal of Abandonment Application: ABND 220011

Dear Mayor Gallego and Councilmember DiCiccio:

As the owner of the property located at 4720 E Camelback Heights Way, Phoenix, AZ 85018, I formally oppose the Abandonment Application No. ABND 220011 for the abandonment of a triangular portion of land at North Camelback Canyon Drive and East Camelback Heights Way. The abandonment was approved on April 14, 2022 despite opposition from the neighborhood. The proposed abandonment will alter the existing hillside and natural vegetation in a detrimental manner. Therefore, we are joining our neighbors Kim Komando and Barry Young (owners of the home located at 4655 E Camelback Heights Way, Phoenix, AZ 85018) in filing a formal appeal of the abandonment approval and respectfully request that the Phoenix City Council reverse the decision of the Abandonment Hearing Officer and deny the abandonment application.

Thank you for your consideration of our request.

Sincerely,
Robert Utterback & Jennifer Fried

Cc:
Alan Stephenson, Deputy City Manager and Planning Director
Maggie Dellow, Planner II, Abandonment Coordinator
Benjamin W. Graff, Quarles & Brady LLP

April 19, 2022

Phoenix City Council
City of Phoenix
200 West Washington Street
Phoenix, AZ 85003
mayor.gallego@phoenix.gov
Council.district.6@phoenix.gov

RE: Formal Opposition and Appeal of Abandonment Application: ABND 220011

Dear Mayor Gallego and Councilmember DiCiccio:

As the owner of the property located at 4713 E Camelback Heights Way, Phoenix, AZ 85018, I formally oppose the Abandonment Application No. ABND 220011 for the abandonment of a triangular portion of land at North Camelback Canyon Drive and East Camelback Heights Way. The abandonment was approved on April 14, 2022 despite opposition from the neighborhood. The proposed abandonment will alter the existing hillside and natural vegetation in a detrimental manner. Therefore, we are joining our neighbors Kim Komando and Barry Young (owners of the home located at 4655 E Camelback Heights Way, Phoenix, AZ 85018) in filing a formal appeal of the abandonment approval and respectfully request that the Phoenix City Council reverse the decision of the Abandonment Hearing Officer and deny the abandonment application.

Thank you for your consideration of our request.

Sincerely,
Ivy Catherine E Tr

Cc:
Alan Stephenson, Deputy City Manager and Planning Director
Maggie Dellow, Planner II, Abandonment Coordinator
Benjamin W. Graff, Quarles & Brady LLP

TAB D

City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

Abandonment
Application

This application must be submitted to start the process to abandon any public rights-of-way and/or easements controlled by the city of Phoenix. A completed application must be submitted, together with a sketch of the area to be abandoned and the appropriate fee to the Planning & Development Department, 200 West Washington Street (2nd floor), Phoenix, Arizona 85003. For additional information, call (602) 256-3487.

Applicant: Lauren Proper Potter - Huellmantel & Affiliates

Address: P.O. Box 1833

City: Tempe State: Arizona Zip: 85280-1833

Phone: (480) 921-2800 Email: lauren.proper@huellmantel.com

Contact (If other than Applicant): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

APN# of Parcel(s) Adjacent to Requested Abandonment: 171-16-009

Name of Street(s) to be abandoned: N/A

Location/Description of Alley(s) or Easement(s) to be Abandoned (please be specific):
Triangular portion of land where N. Camelback Canyon Drive and E. Camelback Heights Way meet. Please see the attached exhibit.

Quarter Section #: Q20-38 Zoning District: RE-35 Village: Camelback East

Reason to Abandon (additional pages may be attached): Please see the attached justification

---------- **Staff Use Only** ----------

Abandonment #: _____ Folder #: _____ Total Abandonment Application Fee: $ 1075

Submittal Date: 2/14/2022

Reviewed By: MDE

Annexation Date: November 2, 1961

City Council District #: 6

Site Plan # (if applicable): 99-34593 | SDEV 9902634

☐ Informal Abandonment (w/o hearing): $ _____

☐ Abandonment, Non-Single Family: $ _____

☒ Abandonment, Single Family: 1075

☐ Complexity Fee $ _____

☐ Appraisal Section Notified: ☐ Yes ☐ No ☐ N/A

An applicant may receive a clarification from the city of its interpretation or application of a statute, ordinance, code or authorized substantive policy statement. To request clarification or to obtain further information on the application process and applicable review time frames, please call 602-262-7811 or visit our website at http://phoenix.gov/pdd/licensetimes.html. This publication can be made available in alternate formats (Braille, large print, or digital media) upon request. Contact Planning & Development at (602) 262-7811 voice or (602) 534-5500 TTY.

4640 E. Camelback Heights Way

Abandonment

Huellmantel Affiliates

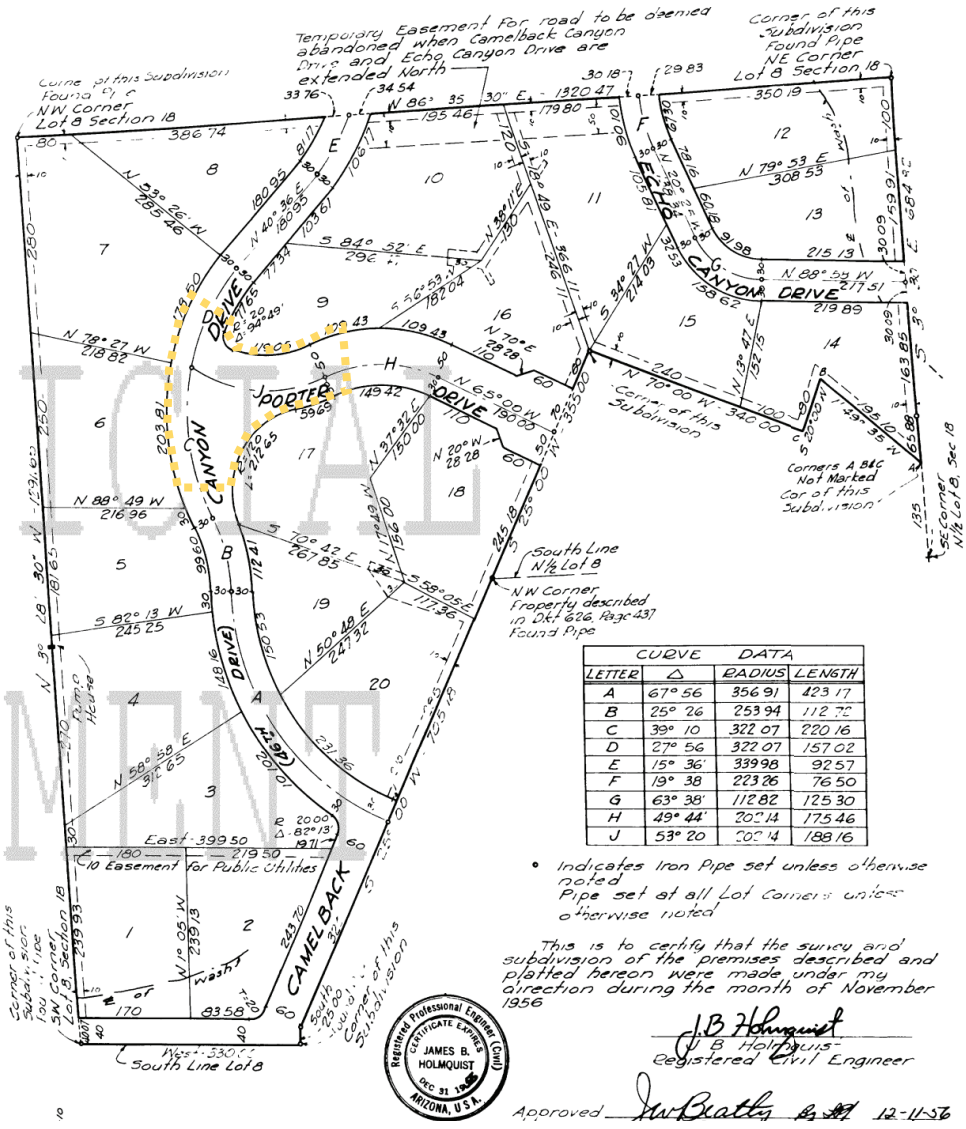
P.O. Box 1833, Tempe, Arizona 85280-1833 ✦ T: (480) 921-2800 ✦ E: lauren.proper@huellmantel.com

REASON TO ABANDON

The property owner at 4640 E. Camelback Heights Way seeks the abandonment of the City right-of-way between Camelback Canyon Drive and Camelback Heights Way to allow access to the private residence directly from the roadway right-of-way.

The right-of-way the property owner seeks to abandon appears to be a remnant leftover from a previous 1973 abandonment (V-66-73) to accommodate the realignment of Camelback Heights Way – previously Porter Drive – into its current configuration. The image below depicts the subject property outlined in teal and the right-of-way the property owner seeks to have abandoned outlined with a yellow dashed line.

The subject property is located along Camelback Heights Way and currently has a portion of its driveway located in the adjacent right-of-way due to the extreme grade of Camelback Heights Way, which increases nearly 40’ along the frontage of the property, particularly as the street continues up the mountain. This area appears to be a portion of the originally-planned alignment of Camelback Heights Way based on the 1956 plat shown below:



CURVE DATA			
LETTER	Δ	RADIUS	LENGTH
A	67° 56	356 91	423 17
B	25° 26	253 94	112 75
C	39° 10	322 07	220 16
D	27° 56	322 07	157 02
E	15° 36'	339 98	92 57
F	19° 38	223 26	76 50
G	63° 38'	112 82	125 30
H	49° 44'	305 14	175 46
J	53° 20	205 14	188 16

• Indicates Iron Pipe set unless otherwise noted
Pipe set at all Lot Corners unless otherwise noted

This is to certify that the survey and subdivision of the premises described and platted hereon were made under my direction during the month of November 1956

J B Holmquist
Registered Civil Engineer

This roadway alignment was modified in 1973 with a partial abandonment but the sliver the property owner seeks to abandon now was left as City-owned right-of-way.

Camelback Heights Way as it exists today includes curbing that was installed at the expense of the previous property owner at the subject property as well as the neighboring property to increase the safety of the existing street. It does not appear there are future plans to modify the alignment of Camelback Heights Way and accordingly seems most appropriate to allow the property owner adjacent to the right-of-way to incorporate it into their property to allow direct access for their driveway from the roadway instead of crossing onto City-owned right-of-way.

Furthermore, this places the responsibility to maintain the vegetation in this area upon the property owner instead of the City, which will allow it to be more properly and cohesively maintained.

Lastly, the abandonment would allow the property owner to provide guest parking on their property instead of the street. Although it is permitted that guests of all properties may park on the public street, the extreme slope and narrow configuration of Camelback Heights Way leads to unsafe conditions as the street is not wide enough to accommodate two-way traffic when there are vehicles parked on the street. The curvature of the roadway and elevation negatively impacts visibility when vehicles are located on the street. Incorporating the City's right-of-way into the subject property will allow a longer driveway with room for a guest parking area that will increase safety for all residents in this area and their visitors.

For the reasons set forth, we believe this request for an abandonment is appropriate. Thank you for your consideration.

Abandonment, Right-of-Way
Petition

A signed right-of-way abandonment petition must be submitted when filing your abandonment application. Please read the entire form before signing. For additional information, contact the Planning and Development Department at (602) 256-3487.

We, as property owners, support the proposed abandonment for the following reasons:

- ☒ It will help to increase security,
- ☐ It will increase the buildable area of the lot(s),
- ☒ It will remove unnecessary right-of-way or easements to permit development of the property, or
- ☒ Other: allows access from the driveway to occur directly from the street right-of-way instead of across additional City-owned land

We, as property owners, understand that if there are public utilities located within the area to be abandoned, all right-of-way within the proposed abandonment area shall be retained as a public utilities easement (PUE) or as may be modified by the affected utility companies with 24-hour vehicle maintenance access. We further understand that no structure of any kind shall be constructed or placed within the easement except removable-type fencing and/or paving. Removable type fencing must not require the installation of footers within the PUE. No planting within the PUE unless approved by the City of Phoenix. **The affected utility company shall not be required to replace any obstructions, paving or planting that must be removed during the course of required maintenance, reconstruction and/or construction.**

Or

We, as property owners, understand that we may choose to relocate all utilities affected by the abandonment. If we choose this alternative, we understand that we, as the property owners, would be responsible for the cost of relocating any affected utilities to locations approved by that utility company.

To ensure continued maintenance and repairs of the street, the public rights-of-way would be abandoned to the adjacent individual property owner(s) or a Homeowners Association where one exists. The Homeowners Association or adjacent individual property owners would assume all liability and maintenance cost of the abandoned public right-of-way and any improvements.

We, as the property owners, understand that if the abandonment of the public right-of-way is approved, the Homeowners Association (or individual property owners) shall purchase all streetlights from the City of Phoenix in the proposed abandonment area, or the Homeowners Association (or individual property owners) will be responsible for replacing them with private lighting. This will be done at no expense to the City of Phoenix. We also understand that the Homeowners Association (or individual property owners) will be responsible for and set up their own electric account with the proper electric company in order to assume the responsibility of payment of the electric costs.

We, as the property owners, understand that there may be additional costs incurred due to required improvements to provide code compliant entrances/gating, etc. Requirements may include, but are not limited to, gates, provisions for fire apparatus, dedicated right-of-way for required turnarounds, etc.

Any and all requirements and costs will be the responsibility of the Homeowners Association (or individual property owners). All required improvements within the proposed abandonment area, as required by the stipulations of the approved abandonment, will be completed at no expense to the City of Phoenix.

Per Phoenix City Code, Section 31-64 (e), **if** the request of abandonment is approved there will be a consideration fee due and payable after the Abandonment Hearing Officer's decision. Consideration fees are the costs associated with purchasing land within the abandoned right-of-way from the City of Phoenix and are calculated as follows:

Non-single family zoned right-of-way the greater of $500 or Fair Market Value (FMV)[1] of abandoned right-of-way
Single family residential zoned right-of-way $1 per square foot for first 500 square feet, $0.10 per square foot thereafter; or FMV of abandoned right-of-way, as determined by City[2]

Notes:

[1] If the area to be abandoned is within or adjacent to an established redevelopment area, consideration may be given in determining the FMV.

[2] For the area to be abandoned, consideration may be given to the transfer of ongoing property maintenance responsibilities in determining the Abandonment Consideration Fee.

This publication can be made available in alternate formats (Braille, large print, computer diskette, or audiotape) upon request. Contact the Planning & Development Department at (602) 262-7811 voice or (602) 534-5500 TTY.

Neighborhood Notification Petition Requirement (required prior to filing for abandonment)
One hundred percent of the property owners in and/or abutting the affected area, as determined by the Street Transportation Department, must be notified.

Street Abandonment Petition Requirement (signatures verified upon application for abandonment)

- One hundred percent of property owners abutting the proposed abandonment must sign the petition in support if four or fewer properties are immediately impacted.
- Two-thirds of the residential property owners or a majority of the commercial property owners abutting the proposed right-of-way abandonment must sign the petition in support if more than four properties are immediately impacted.

Compliance with the above petition requirement does not guarantee approval of the request. It only allows for the submittal of the Abandonment Application.

We, as the adjacent property owners, do hereby support the abandonment of: _____

the right-of-way between Camelback Heights Way and Camelback Canyon Drive

as shown in the attached map dated _____

ADDRESS	LOT NO.	PRINT NAME	SIGNATURE
4640 E. Camelback Heights Way	9	Brenda van der Hout	

Does not include signatures from other adjacent property owners

By abandoning the public right-of-way after all stipulations have been met, the City of Phoenix relinquishes its ownership and future obligations.

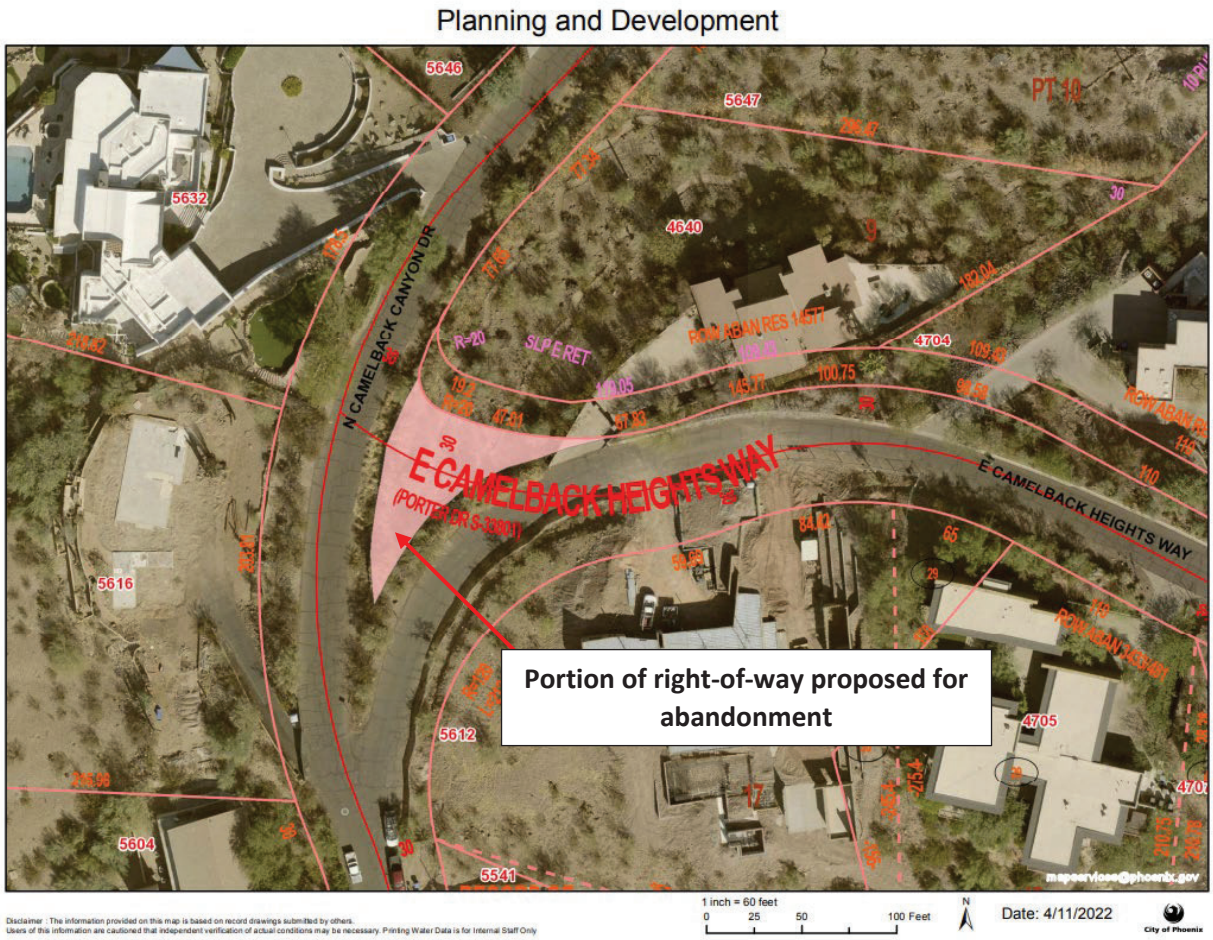
TAB E

City of Phoenix

Planning and Development Department

April 14, 2022
Preliminary Abandonment Staff Report: **ABND 220011**
Project# **99-3459**
Quarter Section: **20-38**
Council District: **6**

Location:	4640 East Camelback Heights Way
Applicant:	Lauren Proper Potter
Request to abandon:	The triangular portion of land where North Camelback Canyon Drive and East Camelback Heights Way meet as illustrated on the attached exhibit.
Purpose of request:	The applicant states to allow access to the private residence directly from the roadway right-of-way, to place responsibility to maintain vegetation upon the property owner instead of the City, and to allow the property owner to provide guest parking on their property instead of the street.
Hearing date:	**April 14, 2022**



City Staff Research

Staff research shows that the subject right-of-way was dedicated through the Camelback Heights Plat, recorded on December 16, 1956 on docket 69, page 49 of the Maricopa County Recorder. If abandoned, the right-of-way will be conveyed back in ownership to the abutting property owner.

City Staff Comments

This request was routed to various City departments for their recommendations. Listed below are the responses from each department.

Street Transportation Department – Maja Brkovic

1. No right-of-way within 25-feet of the Camelback Canyon Drive monument line may be abandoned.

2. No right-of-way with 25-feet of the Camelback Heights Way monument lines may be abandoned.

PDD Traffic Department – Derek Fancon

"Recommend approval."

PDD Site Planning – Maggie Dellow

"PDD Site Planning would like to ensure the customer understands the abandonment will not grant any additional disturbance. The Hillside Waiver (DSAP 21252) for this site approved a total disturbance of 16,680 sf. The abandonment will not increase this allowance. If the customer wants more disturbance, the City would require a new hillside waiver submittal."

Street Lights – Jason Fernandez
"Recommend approval."

Water Services – Don Reynolds
"A 25' ft. portion of the right of way shall be retained as water easement for the existing water main with 24-hour maintenance access subject to the following standard stipulation:

No structure of any kind and/or block wall shall be constructed or placed within the easement except wood or wire fencing and/or paving. No planting except grass and/or approved ground cover shall be placed within the easement. It shall be further understood that the City of Phoenix shall not be required to replace any obstructions, paving or planting that must be removed during the course of required maintenance, reconstruction and/or construction."

PDD Village Planner – Sarah Stockham
No comments received.

Public Transit Department – Michael Dwyer
"The abandonment will not affect solid waste service."

PDD Civil Department – Todd Coy
"Recommend approval."

Neighborhood Services – Lynda Lee
No comments received.

Utility Comments

The request was also routed to outside utility companies for their input. Listed below are the responses from each utility.

Cox – Zach Lawson
"I have reviewed the abandonment request at **ABND 220011 4640 E CAMELBACK HEIGHTS WAY** in Phoenix, {Maricopa County}, AZ. Based upon the supplied drawings/exhibits that you've submitted it has been determined that COX has no facilities within the easements and therefore we approve your request to abandon.

Please note that although Cox Communications approves this abandonment, we do so with the understanding that we will not assume any construction, relocation and/or repairs costs associated or in result of this abandonment."

Southwest Gas – Tami Garcia
"After reviewing the plans for the above-referenced project, it has been determined that a gas line lies within the area in question. We require that a clearance of at least two feet be maintained between the gas line and other underground facilities. The procedure requires calling Blue Stake at 602-263-1100 and following their excavation instructions to determine the

exact location of the gas line. Permission is granted to abandon a portion of the right-of-way on the area located at the above-referenced location under those conditions."

Arizona Public Service – James Generoso
"APS has no objection to the abandonment proposed in ABND220011."

CenturyLink – Mary Hutton
"Qwest Corporation d/b/a CENTURYLINK QC ("CenturyLink") has reviewed the request for the subject vacation/abandonment and has determined that it has no objections with respect to the areas proposed at this project site.

It is the intent and understanding of CenturyLink that this notice shall not reduce our rights to any other existing easement or rights we have on this site or in the area.

This vacation response is submitted WITH THE STIPULATION that if CenturyLink facilities are found within the vacated area as described, the Applicant will relocate the facilities at Applicant's expense and within guidelines set by CenturyLink and all regulating entities. All relocations will be done under the supervision of a CenturyLink Inspector."

Salt River Project – Sherry Wagner
"Salt River Project has no objection the abandonment of the triangular portion of land where Camelback Canyon Drive and Camelback Heights Way meet as shown in your application ABND220011. This is in the Arizona Public Service serving area"

Staff Recommended Stipulations of Approval

The request of abandonment, if approved by the Abandonment Hearing Officer, will be subject to the following stipulations:

1. Either a or b shall be complied with:

    a. All utilities shall be relocated to locations approved by each affected utility company. All work is to be done by each affected utility company at no expense to the affected utility company. An appropriate performance agreement, in an approved form and cost amount, must be posted with the Planning and Development Department to guarantee the improvements.

    b. All right-of-way shall be retained as a public utilities easement with 24-hour vehicle maintenance access.

2. Consideration which provides a public benefit to the City is required in accordance with City Code Art. 5, Sec. 31-64 and Ordinance G-5332. Cost for abandoned Right-of-Way adjacent to property not zoned single family residential will be $500 OR Fair Market Value whichever is greater. Cost for property zoned single family residential is $1.00 a square foot for the first 500 square feet, $0.10 a square foot thereafter; OR Fair Market Value at the option of the Planning and Development Director or designee. The applicant shall submit calculation and fee to Planning and Development Department. The applicant shall request a selection of approved appraisers from the current list maintained by the Real Estate division of the Finance Department.

3. No right-of-way within 30-feet of the Camelback Canyon Drive monument line may be abandoned.

4. No right-of-way south of the existing monument line of Camelback Heights Way may be abandoned.

5. The right-of-way shall be retained as a slope easement.

6. All stipulations must be completed within two years from the Abandonment Hearing Officer's decision.

For assistance regarding the above stipulations, please contact the Abandonment Coordinator at 602-256-3487.

REPORT SUBMITTED BY: Maggie Dellow, Abandonment Coordinator

cc: Lauren Proper Potter, Applicant/Representative
Christopher DePerro, Abandonment Hearing Officer

If the area to be abandoned is within or adjacent to a redevelopment area established pursuant to A.R.S.§36-1471 ET.SEQ., Consideration may be given to the restrictions upon the property and the covenants, conditions and obligations assumed by the redeveloper in the determination of fair market value.

TAB F

City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

Hillside Grading Waiver Appeal
Application

Phoenix City Code Section 32-32

Please be advised if there is a rezoning case in process on the subject property a Technical Appeal cannot be filed until the case has been acted on by City Council.	DATE
Note that an appeal meeting with staff will be arranged in approximately 1 week. Please indicate your preference in attending this meeting: ☐ Yes ☐ No	DSAP #

PROJECT NAME	PROJECT ADDRESS OR LOCATION	PROJECT #
OWNERS NAME	ADDRESS ZIP CODE	PHONE
APPLICANT'S NAME (NOT COMPANY NAME)	APPLICANT'S ADDRESS SUITE NUMBER	PHONE
APPLICANT'S E-MAIL ADDRESS	P&D STAFF FAMILIAR WITH PROJECT	
RELATIONSHIP TO PROJECT AND COMPANY NAME		

A request is hereby made for an appeal, to Section(s) _____
of the Ordinance and/or Code, which require(s) that: (**use attachment if necessary):**

_____

_____

State the factual and/or legal basis for the appeal. Include the alternate design and design parameters based on a recognized standard and the reason(s) why the proposed appeal meets the intent of the Phoenix City Code Section 32-32 C (5)(d)(1):
(**use attachment if necessary):** _____

_____

_____

_____

_____ _____ _____

If applicant is not the owner or the owner's architect or engineer, owner's signature must appear on line above | Applicant's Signature | Title

FOR CITY USE ONLY

Technical Lead Print Name _____ Fee Code _____

☐ **APPROVED** ☐ **APPROVED WITH STIPULATIONS** ☐ **DENIED**

Attendees: _____

_____

_____

_____ _____

DATE | CITY MANAGER'S REPRESENTATIVE OR DELEGATE

An applicant may receive a clarification from the city of its interpretation or application of a statute, ordinance, code or authorized substantive policy statement. To request clarification or to obtain further information on the application process and applicable review time frames, please call 602-262-7811 or visit our website at http://phoenix.gov/pdd/licensetimes.html. This publication can be made available in alternate formats upon request. Contact Planning & Development at (602) 262-7811 voice or (602) 534-5500 TTY.

Pre-log Checklist:

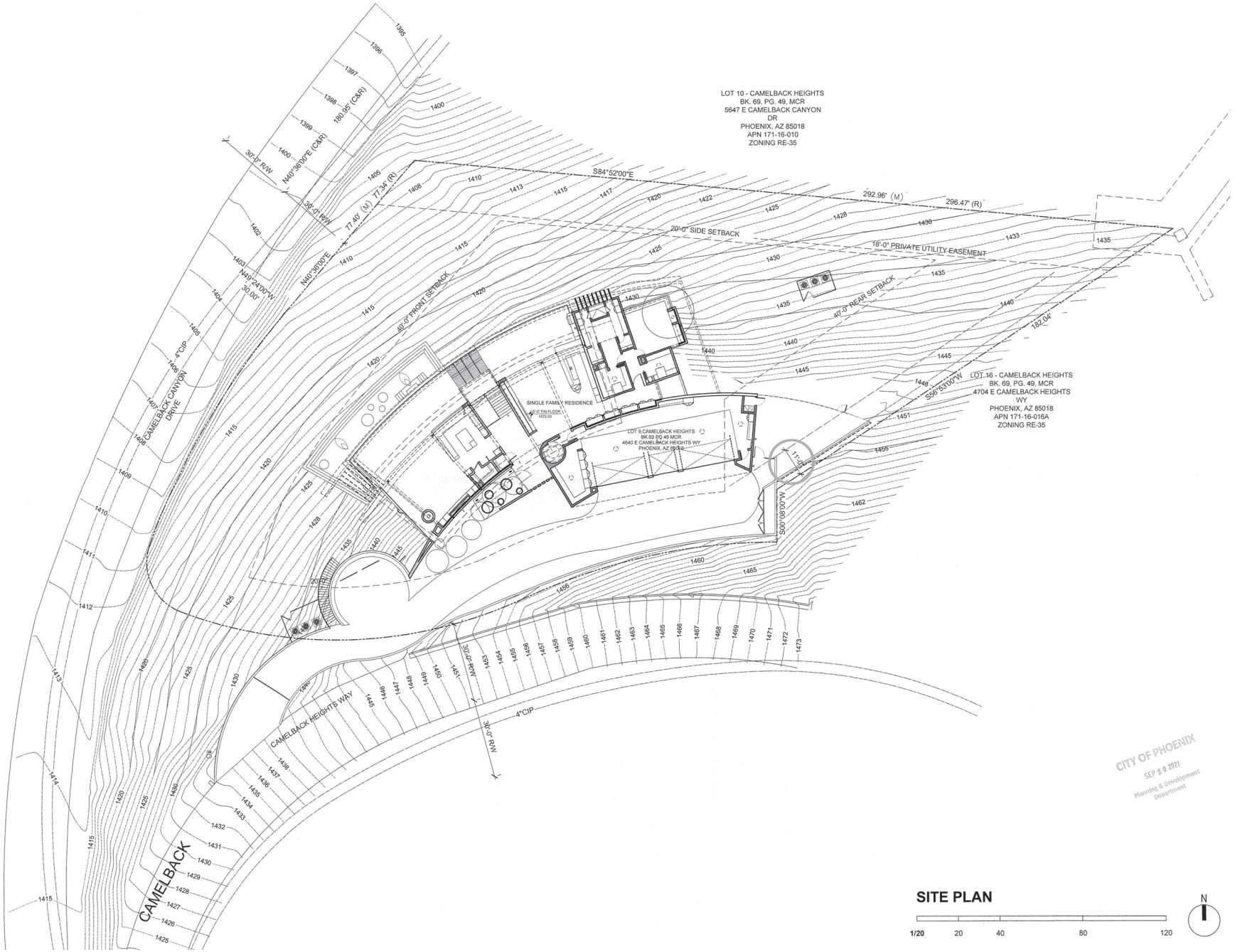
Hillside Grading Waiver
Phoenix City Code Section 32-32.

☐ **Initial Appeal to City Manager's Representative**

- 3 copies of narrative and graphic exhibit describing applicant proposal and basis for appeal.
- Photographs: On-site, adjacent to site within 300.'
- ~~List of property owners within 300' of site. Please contact Maricopa County Assessors website at~~ http://www.maricopa.gov/Assessor/GIS/Map.html~~.~~
- ~~Install Autodesk MapGuide (R) Viewer Active X Control) to obtain a list of property owners.~~
- Verification must be provided that owners have been notified by certified letter at least 15 days prior to the hearing.
- Dimensioned single-family plot plan or site plan/subdivision.
- Hillside calculations (See Hillside Grading Waiver Submittal Requirements).
  Total Lot Area: _____ SF Total Hillside Area: _____ SF
  Total Area under Roof: _____ SF (From total lot) _____ %
  Proposed Under Roof: _____ SF
  Total Area Disturbed Beyond Roof: _____ SF
  Total % of Hillside Disturbed: _____ %
- If administrative approval to be done by City Manager Representative, the property must be posted for a period of 15 days prior to the administrative approval date. It shall be the responsibility of the applicant to ensure that the posting remains in place for the entire 15 day period.
- Fee(s) per Chapter 9, Appendix A.2 of Phoenix City Code are:
  - $600.00 first appeal item plus **- SPAPPCM**
  - $300.00 each additional appeal item

☐ **Subsequent Appeal to Development Advisory Board**

- Must submit appeal request within 10 days of the CMR decision.
- 1 copy of City Manager's Representative decision.
- Fee(s) per Chapter 9, Appendix A.2 of Phoenix City Code are:
  - $600.00 first appeal item plus **- SPAPPDAB**
  - $300.00 each additional appeal item



SITE PLAN

1/20 20 40 80 120

N

CITY OF PHOENIX
SEP 9 0 2021
Planning & Development Department

KENDLE DESIGN COLLABORATIVE
6115 NORTH CATTLETRACK
SCOTTSDALE, ARIZONA 85250
PH 480.951.8558
BRENT@KENDLEDESIGN.COM
KENDLEDESIGN.COM

Desert Sky Residence

4640 E Camelback Heights Way
Phoenix, AZ 85018

All drawings and written material appearing herein constitute the original and unpublished work of Kendle Design Collaborative. Any duplication or reproduction of these documents or any portion herein without the expressed written permission from Kendle Design Collaborative is prohibited by law.

MARK	DATE	DESCRIPTION
5		
4		
3		
2		
1		

VARIANCE SUBMITTAL 9-10-21

PROJECT NO:

CAD DWG FILE:

DRAWN BY: CK

CHECKED BY: BK

SHEET TITLE:

ARCHITECTURAL SITE PLAN

A-1.0

TAB G

City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR ZONING ADJUSTMENT

APPLICATION NO: ZA-570-21

CASE TYPE: Variance **COUNCIL DISTRICT:** 6 **EXISTING ZONING:** RE-35
DATE FILED: 9/20/2021 **CASE STATUS:** Pending **FILING STAFF:** jbraswell

Fee	Fee Waived	Fee Date	Receipt	Purpose
$490.00	$0.00	09/20/2021		Original Filing Fee

HEARING DATES

ZA: 12/23/2021 9:00 AM **LOCATION:** Meeting will be held virtually.

BOA:

PROPERTY LOCATION: 4640 East Camelback Heights Way
LEGAL DESCRIPTION: See attached

CONTACT INFORMATION

NAME	ADDRESS	PHONE	FAX	EMAIL
4640 East Camelback Heights LLC (Owner)	4640 E Camelback Heights Way Phoenix AZ 85018			
4640 East Camelback Heights LLC (Applicant)	10679 N Frank Lloyd Wright Boulevard, 103 Scottsdale AZ 85259			bzanx5@gmail.com
Brent Kendle Kendle Design Collaborative (Representative)	6115 N Cattletrack Drive Scottsdale AZ 85250	(480) 951-8558		brent@kendledesign.com brent@kendledesign.com

If, during the course of review of a pending application, the applicant submits one or more additional applications that are related to the pending application, then and in such event, the substantive review time frame shall be reset on all related applications. In this event there shall be one applicable substantive review time for all of the related applications and the time frame shall be revised to be the longest substantive review time frame that was applicable to any one of the related applications. As a result, the entire substantive review time frame for the related applications shall start over, and a fee may be charged.

An applicant may receive a clarification from the city of its interpretation or application of a statute, ordinance, code or authorized substantive policy statement. To request clarification or to obtain further information on the application process and applicable review time frames, please call 602-262-7131 (option 6), email zoning.mailbox@phoenix.gov or visit our website at http://phoenix.gov/pdd/licensetimes.html.

In making this application, I understand that the filing of this application and payment of fees does not entitle me to the relief requested. (See Sec. 307 of City of Phoenix Zoning Ordinance for standards by which the hearing officer will review the application.) I understand the approval of this request does not replace the need for acquiring the appropriate building permits, site plan approval, liquor license or any other licenses required by governmental agencies. I also understand that in the case of liquor request approval of a use permit does not guarantee the CITY OF PHOENIX will recommend approval of the liquor license.

APPLICANT'S SIGNATURE: _____ DATE: 9.30.2021

NOTE TO APPLICANT: SUCH USE PERMITS AND VARIANCES AS ARE GRANTED BY THE ZONING ADMINISTRATOR SHALL BE VOID IF THE USE IS NOT COMMENCED OR IF A BUILDING PERMIT IS NOT OBTAINED **60 DAYS** OF SUCH GRANTING OR WITHIN THE TIME STIPULATED BY THE ADMINISTRATOR.

APPEALS OF DECISIONS OF THE ZONING ADMINISTRATOR MAY BE MADE BY ANY PERSON TO THE BOARD OF ADJUSTMENT WITHIN **15 DAYS** AFTER THE DATE OF ACTIONS.

REQUEST	ZONING ORD. SECTIONS
1. Variance to reduce the required side yard (east) setback to 11 feet. Minimum 20 feet required.	609.B.Table

GEOGRAPHIC INFORMATION

APN: 171-16-009
Qtr Section(Map Index): 20-38(I11)

ZA CASE NO: ZA-570-21 Date: 12/23/21 9AM

Zoning Administrator Action **Appeal Date:**

☒ Approved ☐ Denied ☐ Denied, as filed ☒ Stipulations ☐ Under Advisement ☐ Withdrawn ☐ Other
☐ Cont: _____

STIPULATIONS:

1) 2 years to apply and pay for building permits.

2) Per the setback reduction as shown on the site plan dated September 20, 2021.

Must appeal by January 7, 2022.

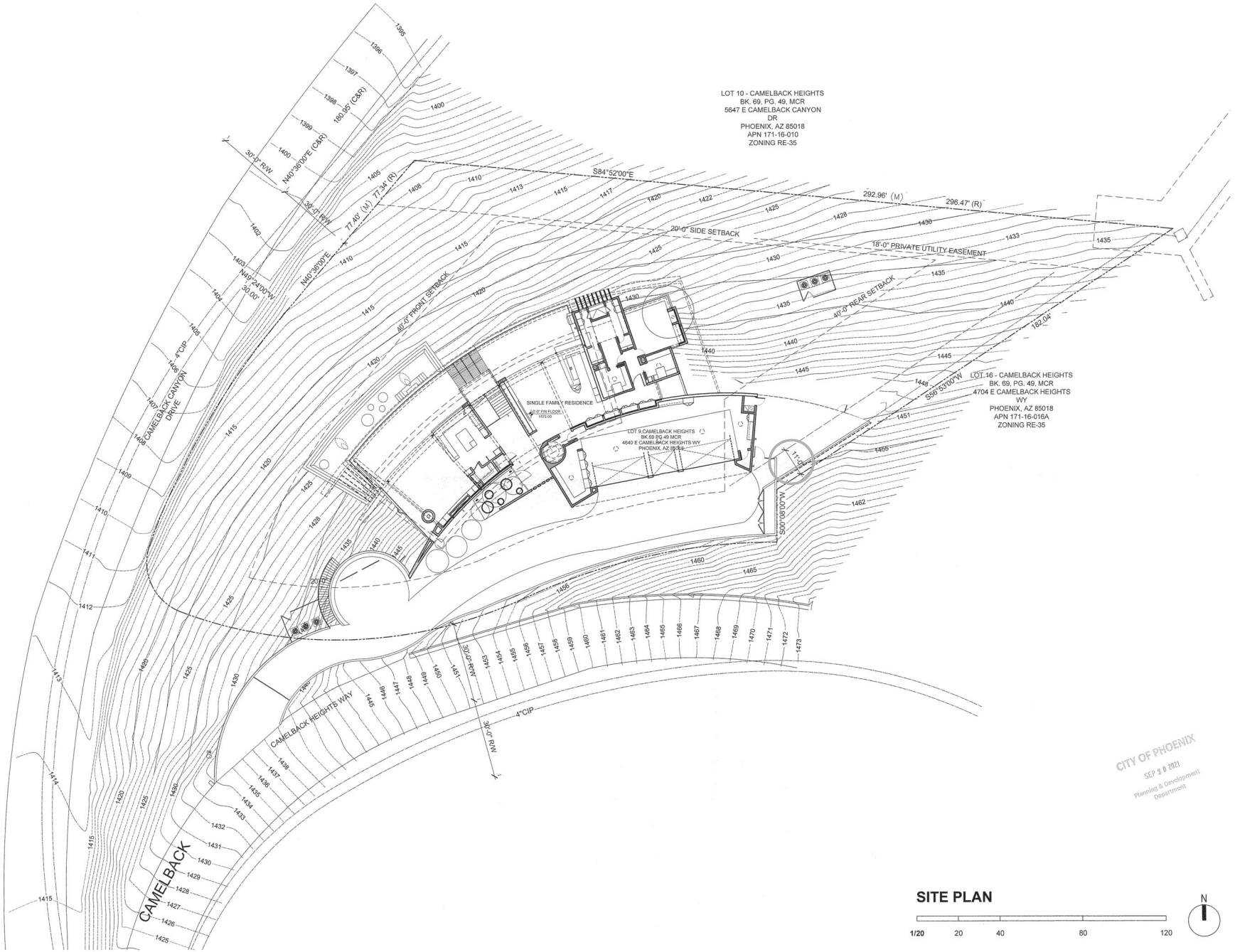
ZONING ADMINISTRATOR

12-23-21 Frank Dolanski

DATE BY

☐ Support Present ☐ Opposition Present

STIPULATIONS MET:
YES/NO



CITY OF PHOENIX
SEP 9 0 2021
Planning & Development Department

SITE PLAN

1/20 20 40 80 120

N

KENDLE DESIGN COLLABORATIVE
6115 NORTH CATTLETRACK
SCOTTSDALE, ARIZONA 85250
PH 480.951.8558
BRENT@KENDLEDESIGN.COM
KENDLEDESIGN.COM

Desert Sky Residence

4640 E Camelback Heights Way
Phoenix, AZ 85018

All drawings and written material appearing herein constitute the original and unpublished work of Kendle Design Collaborative. Any duplication or reproduction of these documents or any portion herein without the expressed written permission from Kendle Design Collaborative is prohibited by law.

MARK	DATE	DESCRIPTION
5		
4		
3		
2		
1		

VARIANCE SUBMITTAL 9-10-21

PROJECT NO:

CAD DWG FILE:

DRAWN BY: CK

CHECKED BY: BK

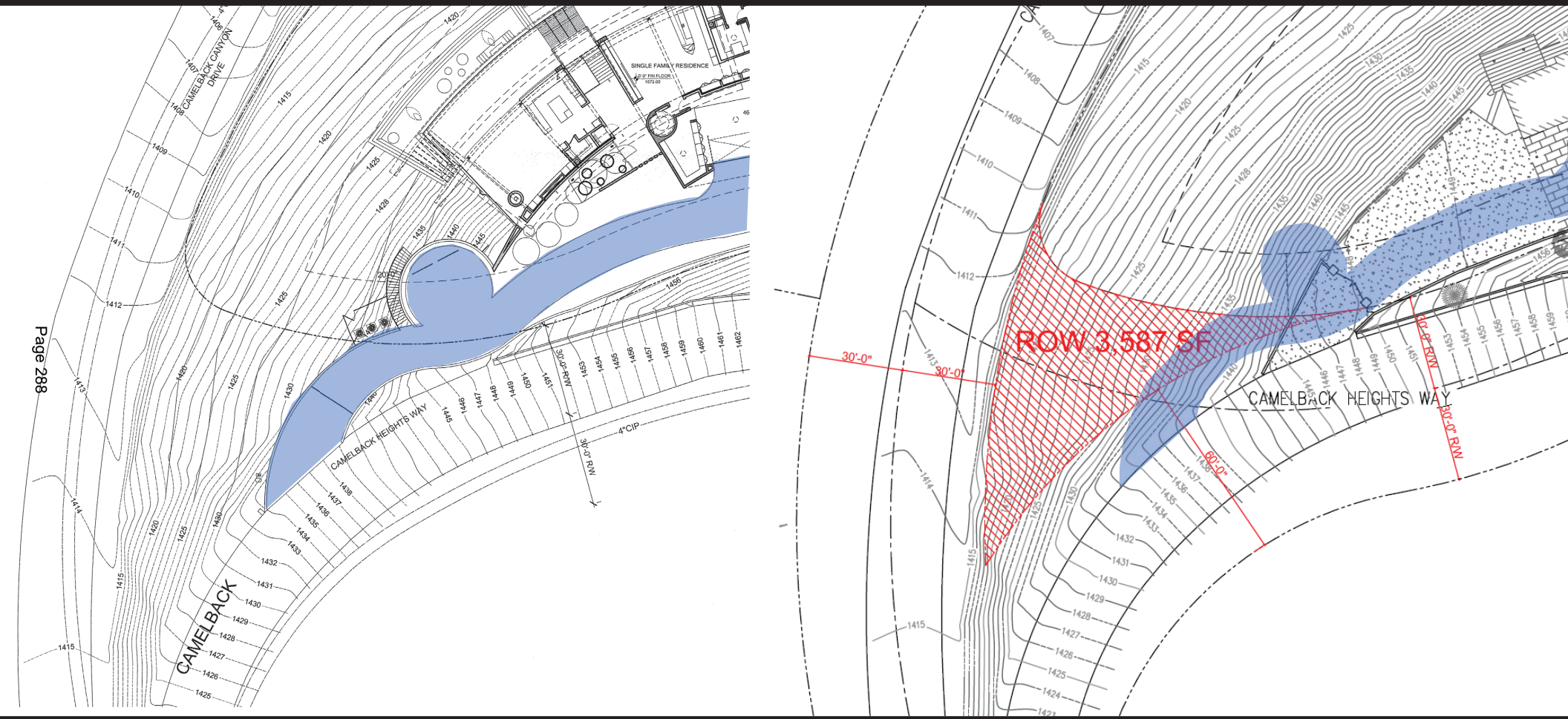
SHEET TITLE:

ARCHITECTURAL SITE PLAN

A-1.0

TAB H

SITE PLAN VS ROW EXHIBIT
APPROXIMATE LOCATION OF DRIVEWAY



Quarles & Brady LLP

APN: 171-16-009

4640 E CAMELBACK HEIGHTS WAY PHOENIX AZ 85018

City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

To: Alan Stephenson
Deputy City Manager
Planning and Development Director

Date: October 5, 2022

From: Joshua Bednarek
Planning and Development Deputy Director

Subject: CONTINUANCE OF ITEM 89 ON THE OCTOBER 12, 2022 FORMAL AGENDA -PUBLIC HEARING - APPEAL OF HEARING OFFICER DECISION ABANDONMENT OF RIGHT-OF-WAY - ABND 220011 - 4640 EAST CAMELBACK HEIGHTS WAY

Item 89, is a request to hold a public hearing on an appeal of the Abandonment Hearing Officer's decision to approve the abandonment of right-of-way (ABND 220011) located at 4640 East Camelback Heights Way.

Staff request this continuance to ensure requirements for notification are fulfilled and to allow the applicant and appellant additional time to discuss the request.

Staff recommends continuing this item to the December 7, 2022 City Council Formal meeting.

Approved:

Alan Stephenson
Deputy City Manager/Planning and Development Director

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** *79

REQUEST TO WITHDRAW (SEE ATTACHED MEMO) (CONTINUED FROM MARCH 2, APRIL 6, JUNE 1 AND SEPT. 7, 2022) - Public Hearing and Ordinance Adoption - Rezoning Application Z-20-21-4 - Approximately 1,300 Feet North of the Northeast Corner of Central Avenue and Indian School Road (Ordinance G-6964)

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-20-21-4 and rezone the site from UR TOD-1 (Urban Residential, Interim Transit-Oriented Zoning Overlay District One) to PUD (Planned Unit Development) to allow multifamily and single-family attached residential.

Summary

Current Zoning: UR TOD-1
Proposed Zoning: PUD
Acreage: 4.34 acres
Proposed Use: Multifamily and single-family attached residential

Owner: Midtown Central Hotel Corporation
Applicant: Cresleigh Homes Arizona, LLC
Representative: Alan Beaudoin, Norris Design

Staff Recommendation: Approval, subject to stipulations.
VPC Info: The Encanto Village Planning Committee heard this case on June 7, 2021, for information only.
VPC Action: The Encanto Village Planning Committee heard this case on Sept. 13, 2021, and recommended approval, per the staff recommendation, by a vote 11-3.
PC Action: The Planning Commission heard this case and continued the item on Oct. 7, Nov. 4, Dec. 2, 2021; and Jan. 6, 2022. The Planning Commission heard this case on Feb. 3, 2022, and recommended approval, per the Addendum A Staff Report, with an additional and modified stipulation by a vote of 6-2.
CC Action: The City Council continued the request on March 2, 2022 to April 6, 2022 to allow the item to be posted for a Public Hearing.

Location
Approximately 1,300 feet north of the northeast corner of Central Avenue and Indian School Road
Council District: 4
Parcel Address: 4325 N. Central Ave.

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

City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

To: Alan Stephenson
Deputy City Manager

Date: December 5, 2022

From: Joshua Bednarek JB
Acting Planning and Development Assistant Director, Planning Division

Subject: WITHDRAWAL OF ITEM 79 ON THE DECEMBER 7, 2022 FORMAL AGENDA – PUBLIC HEARING AND ORDINANCE ADOPTION- REZONG APPLICATION Z-20-21-4 (ORDINANCE G-6964) – APPROXIMATELY 1300 FEET NORTH OF THE NORTHEAST CORNER OF CENTRAL AVENUE AND INDIAN SCHOOL ROAD

Item 79, rezoning application Z-20-21-4 (Uptown Residential Community PUD) is a request to rezone 4.34 acres located approximately 1,300 feet north of the northeast corner of Central Avenue and Indian School Road from UR TOD-1 (Urban Residential, Interim Transit-Oriented Zoning Overlay District One) to PUD (Planned Unit Development) to allow for multifamily and single-family attached residential development.

The applicant has requested to withdraw the item and now intends to develop the property under the existing zoning on the property.

Approved: _____
Alan Stephenson, Deputy City Manager

*Attachment – email from applicant dated December 5, 2022

December 5, 2022

UpTown Development Proposal
Planned Unit Development Zoning Application Z-20-21-4
Letter of Withdrawal

Mr. Alan Stephenson
Planning & Development Director
City of Phoenix
Planning & Development Department

RE: Planned Unit Development Zoning (Z-20-21-4) / Letter of Zoning Withdrawal

Dear Mr. Stephenson,

As you may know from our recent interface, regarding the Planned Unit Development Application for the 4.59-acre property located at 4321 North Central Avenue, our team is now looking to advance an urban residential development proposal for the subject property. On behalf of my client, Cresleigh Homes Arizona, this letter is to formally request the open application for Planned Area Development (PUD) Zoning be withdrawn. Our team now intends to utilize the formally approved Urban Residential (UR) zoning on the subject property, while also complying with the Transit Overlay District standards that are also applicable to the property. Thank you for your consideration.

Respectfully submitted,

Alan Beaudoin, Principal
Norris Design

C: Phoenix City Council District 4 – Vice Mayor Laura Pastor
Mr. Josh Bednarek, Deputy Planning and Development Director
Mr. Eric Buskirk, Team Leader, Commercial Development
Mr. Wade Kempton, Senior Vice President, Cresleigh Homes Arizona

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-20-21-4) FROM UR TOD-1 (URBAN RESIDENTIAL, INTERIM TRANSIT-ORIENTED ZONING OVERLAY DISTRICT ONE) TO PUD (PLANNED UNIT DEVELOPMENT).

_____

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

SECTION 1. The zoning of a 4.34-acre site located approximately 1,300 feet north of the northeast corner of Central Avenue and Indian School Road, in a portion of Section 20, Township 2 North and Range 3 East, as described more specifically in Exhibit “A,” is hereby changed from “UR TOD-1” (Urban Residential, Interim Transit-Oriented Zoning Overlay District One) to “PUD” (Planned Unit Development).

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

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

DRAFT

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

1. An updated Development Narrative for Uptown Residential Community PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with the Development Narrative date stamped July 12, 2021, as modified by the following stipulations:

    a. Page 12, PUD Development Standards Table (Single-Family Attached), Add a row titled “Pedestrian connections to Central Avenue” with the following development standard: “Two pedestrian connections to the Central Avenue sidewalk from a system of interior pedestrian pathways. All units with a required stoop frontage type shall be connected to Central Avenue by a direct pedestrian pathway. The pedestrian connections to the public sidewalk shall be a minimum 5 feet wide.”

    b. Page 12, PUD Development Standards Table (Single-Family Attached), Add a row titled “Pedestrian system standards” with the following:
        - “Clearly defined, accessible pedestrian pathways shall be provided to connect building entrances, public sidewalks, and amenity areas, using the most direct route for pedestrians.”

    c. Page 14, 4. Shade. Replace with the following language and formatting:
        - 75 percent minimum shade shall be provided on public sidewalk along Central Avenue.
        - 75 percent minimum shade shall be provided on private walkways through a combination of vegetative and architectural shade but architectural shade shall not comprise more than 30 percent of the total shade.
        - All interior pedestrian pathways shall be shaded to a minimum of 75 percent

    d. Page 12, PUD Development Standards Table (Single-Family Attached), Add a row titled “Pedestrian system standards” with the following: “Clearly defined, accessible pedestrian pathways shall be provided to connect building entrances, public sidewalks, and amenity areas, using the most direct route for pedestrians.”

    e. Page 15, 6. Walls and Fences, Replace the first sentence with the following “Walls will be in accordance with the wall exhibits herein”

    f. Page 15, PUD Wall & Fence Design Standards Table, Replace the development standards for all perimeters adjacent to private parcels located near the northwest and northeast corners of the PUD from “6’ minimum; 8’ maximum” to “maximum height of 6 feet.”

DRAFT

g. Page 12, PUD Development Standards Table (Single-Family Attached), Replace the development standards language for “WU Frontage Types” with the following: “All units adjacent to Central Avenue shall comply with the requirements of Section 1305, Table 1305.1. For stoop. Units 1 through 14, and 38 to 43, as depicted on the illustrative landscape plan date stamped February 1, 2022 shall comply with the requirements of Section 1305, Table 1305.1. For stoop with the frontage oriented to the south. Minimum width: 60% of building façade”

h. Page 11, PUD Development Standards Table (Single-Family Attached), Update “Maximum Projection by Porches, Patios, Balconies or port-cocheres into required Perimeter setbacks” to add “Stoops.”

i. Page 15, 7. Central Avenue Frontage, Replace “Porch” With “Stoop.”

j. Page 8. B. Land Use Plan. Replace all descriptions of “Porch” Frontage Types with “Stoop.”

k. Pages 9-10, 17, 22, 24, 25, and 30 - 34. Update the figures and exhibits contained in the narrative to be consistent with the illustrative landscape plan date stamped February 1, 2022 and add the architectural rendering figures date stamped February 1, 2022, to reflect the change from “porch” to “stoop” frontages and the added pedestrian pathway along the south property line.

l. Page 26, Section E.2. Architectural Design. Add the following to the beginning of the list and renumber the remaining entries: “The development shall be in general conformance with the architectural renderings with specific regard to parapet design, four-sided architecture, and multiple colors and materials on each building face, as approved by the Planning and Development Department.”

m. Page 3, Table of Contents. Update the table of contents to include the architectural renderings and renumber pages accordingly.

2. The developer shall dedicate a 12-foot Image Enhancement Easement along the east side of Central Avenue, as approved by the Planning and Development Department.

3. The developer shall provide improvements on Central Avenue in compliance with the Central Avenue Image Enhancement guidelines, as approved by the Planning and Development Department.

4. The developer shall dedicate a public access easement along the northern site boundary to provide legal access to APN 155-25-001L, as approved by the Planning and Development Department.

DRAFT

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

6. The 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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. A maximum one point of ingress/egress shall be allowed onto Central Avenue, not including the shared easement located along the north boundary of the subject site. The width of the vehicular ingress/egress shall be no greater than 30 feet, as approved or modified by the Planning and Development Department.

13. 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.

DRAFT

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

PASSED by the Council of the City of Phoenix this 2nd day of March, 2022.

_____
MAYOR

ATTEST:

_____
Denise Archibald, City Clerk

APPROVED AS TO FORM:
Cris Meyer, City Attorney

By:
_____
_____

REVIEWED BY:

_____
Jeffrey Barton, City Manager

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

DRAFT

EXHIBIT A

LEGAL DESCRIPTION FOR Z-20-21-4

THAT PORTION OF THE SOUTHEAST OF SECTION 20, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 20 FROM WHICH THE CENTER QUARTER CORNER BEARS NORTH 0°15'41” EAST, A DISTANCE OF 2636.90 FEET;

THENCE ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER NORTH 0°15'41" EAST A DISTANCE OF 1352.76 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID WEST LINE, NORTH 0°15'41" EAST A DISTANCE OF 250.00 FEET;

THENCE DEPARTING SAID WEST LINE, SOUTH 89°44'19" EAST A DISTANCE OF 250.00 FEET TO THE SOUTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN DOCUMENT NUMBER 2009-0913462, MARICOPA COUNTY RECORDS;

THENCE ALONG THE EAST LINE OF SAID PARCEL, NORTH 0°15'41" EAST A DISTANCE OF 250.00 FEET TO THE NORTHEAST CORNER THEREOF AND TO A POINT ON THE SOUTH LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN DOCUMENT NUMBER NOD-15422 MARICOPA COUNTY RECORDS;

THENCE ALONG SAID SOUTH LINE SOUTH 89°44'19" EAST A DISTANCE OF 200.00 FEET TO THE NORTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN DOCUMENT NUMBER 2009-0913462, MARICOPA COUNTY RECORDS;

THENCE ALONG THE WEST LINE OF SAID PARCEL SOUTH 0°15'41" WEST A DISTANCE OF 250.00 FEET TO THE SOUTHWEST CORNER THEREOF;

THENCE ALONG THE SOUTH LINE OF SAID PARCEL SOUTH 89°44'19" EAST A DISTANCE OF 100.00 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL AND TO A POINT ON THE WEST LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN DOCUMENT NUMBER 1996-0877263 MARICOPA COUNTY RECORDS;

THENCE ALONG THE WEST LINE OF SAID PARCEL SOUTH 0°15'41" WEST A DISTANCE OF 250.00 FEET;

THENCE DEPARTING SAID WEST LINE NORTH 89°44'19" WEST A DISTANCE OF 550.00 FEET TO THE POINT OF BEGINNING.
CONTAINS 187500 SQUARE FEET OR 4.3044 ACRES OF LAND, MORE OR LESS.

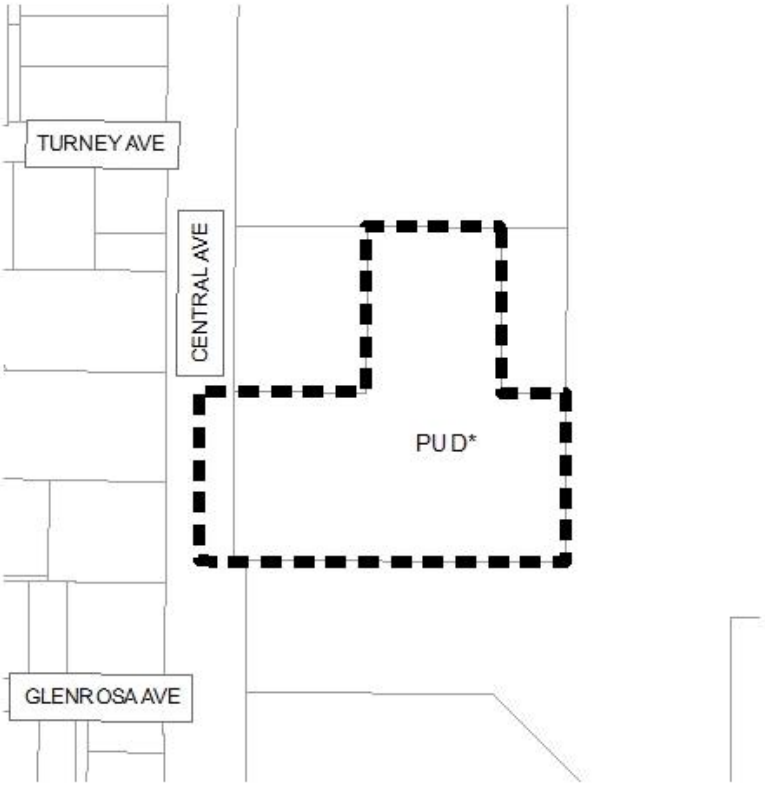
DRAFT

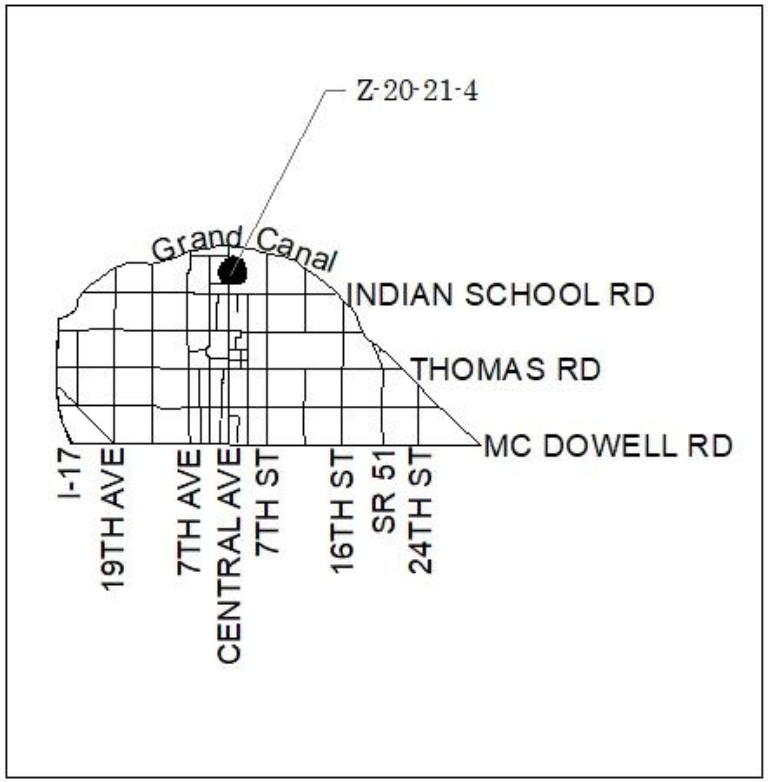
ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA:

Zoning Case Number: Z-20-21-4
Zoning Overlay: Transit Overlay District (TOD-1)
Planning Village: Encanto





NOT TO SCALE

N

Drawn Date: 9/30/2021

\\one\pdd\Shared\Department Share\Information Systems\PLGIS\IS_Team\Core_Functions\Zoning\SuppMaps_OrdMaps\2021 Ord\11-3-21\Z-20-21-4.mxd

City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

To: Alan Stephenson
Deputy City Manager
Planning and Development Director

Date: February 25, 2022

From: Joshua Bednarek
Planning and Development Deputy Director

Subject: CONTINUANCE OF ITEM 65 ON THE MARCH 2, 2022 FORMAL AGENDA – Z-20-21-4 (G-6964) – APPROXIMATELY 1,300 FEET NORTH OF THE NORTHEAST CORNER OF CENTRAL AVENUE AND INDIAN SCHOOL ROAD

Item 65, rezoning application Z-20-21-4 is a request to rezone 4.34 acres property located approximately 1,300 feet north of the northeast corner of Central Avenue and Indian School Road from UR TOD-1 to PUD to allow for multifamily and single-family attached residential.

Staff has received correspondence from the applicant requesting a continuance in order to work further with the community and Vice Mayor Pastor.

Staff recommends continuing this item to allow the case to be posted for a public hearing to be held at the April 6, 2022 City Council Formal meeting.

Approved: _____
Alan Stephenson
Deputy City Manager/Planning and Development Director

Stephanie Vasquez

From: Wade Kempton <WKempton@cresleigh.com>
Sent: Friday, February 25, 2022 1:06 PM
To: Alan Stephenson
Cc: Joshua Bednarek; Stephanie Vasquez; Wade Kempton; Alan Beaudoin
Subject: Zoning case # Z20-21-4

Mr. Stephenson:

Cresleigh Homes Arizona, Inc. is formally requesting a continuance from the Phoenix City Council Meeting to be held on March 2, 2022 for Zoning Case #Z20-21-4 for approximately 30 days until the scheduled Phoenix City Council Meeting to be held on April 6, 2022.

Please let me know if this request is received and will be on the agenda for approval.

We appreciate your interaction with our development on Central.

Wade Kempton
Senior Vice President | Designated Broker
Cresleigh Homes Arizona, Inc.
4100 S. Lindsay Rd., Suite 129
Gilbert, AZ 85297
P. 480.899.2202
C. 602.478.2188
Direct Email. *wkempton@cresleigh.com*

This email may contain confidential and privileged material for the sole use of the intended recipient(s). Any review, use, distribution or disclosure by others is strictly prohibited. If you are not the intended recipient (or authorized to receive for the recipient), please contact the sender by reply email and delete all copies of this message.

City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

To: Alan Stephenson
Deputy City Manager
Planning and Development Director

Date: April 6, 2022

From: Joshua Bednarek
Planning and Development Deputy Director

Subject: CONTINUANCE OF ITEM 80 ON THE APRIL 6, 2022 FORMAL AGENDA – Z-20-21-4 (G-6964) – APPROXIMATELY 1,300 FEET NORTH OF THE NORTHEAST CORNER OF CENTRAL AVENUE AND INDIAN SCHOOL ROAD

Item 80, rezoning application Z-20-21-4 is a request to rezone 4.34 acres property located approximately 1,300 feet north of the northeast corner of Central Avenue and Indian School Road from UR TOD-1 to PUD to allow for multifamily and single-family attached residential.

Staff has received correspondence from the applicant requesting a continuance to give them time to afford the developer and the design team an opportunity to explore an alternative development plan for the property.

Staff recommends continuing this item to allow the case to be posted for a public hearing to be held at the June 1, 2022 City Council Formal meeting.

Approved: _____
Alan Stephenson
Deputy City Manager/Planning and Development Director

Attachment:
Exhibit A - Applicant's request for continuance

From:	Alan Beaudoin
To:	Alan Stephenson
Cc:	Joshua Bednarek; Racelle Escolar; wkempton@cresleigh.com; Rachael Smith; cmoore@sunrise-eng.com
Subject:	Z-20-21-4 - Request for 60 day Continuance
Date:	Tuesday, April 5, 2022 10:36:30 AM

Alan,

On behalf of Cresleigh Homes Arizona, Inc. I am formally requesting a continuance from the Phoenix City Council Meeting to be held on April 6, 2022 for Zoning Case #Z20-21-4 for approximately 60 days until the scheduled Phoenix City Council Meeting to be held on June 1, 2022. We are requesting this time to afford the developer and the design team an opportunity to explore an alternative development plan intended to increase use intensity on the property. We intend to work diligently to find an alternative plan.

Please do not hesitate to reach out should we need to discuss our request. I plan to register and attend the City Council hearing as necessary to respond to any City Council member questions and urge the granting of the continuance request.

We appreciate your interaction with our development on Central Avenue.

Alan Beaudoin
Principal
901 East Madison Street | Phoenix, AZ 85034
P 602.254.9600

This email communication is confidential and is solely for the use of the intended recipients. Any use or dissemination of this transmission by anyone other than the intended recipients or their duly authorized agent(s) is strictly prohibited. The sender and Norris Design will not accept any responsibility for viruses (if any) associated with this email or its possible attachments.

City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

To: Alan Stephenson
Deputy City Manager
Planning and Development Director

Date: May 27, 2022

From: Joshua Bednarek
Planning and Development Deputy Director

Subject: CONTINUANCE OF ITEM 62 ON THE JUNE 1, 2022 FORMAL AGENDA – Z-20-21-4 (G-6964) – APPROXIMATELY 1,300 FEET NORTH OF THE NORTHEAST CORNER OF CENTRAL AVENUE AND INDIAN SCHOOL ROAD

Item 62, rezoning application Z-20-21-4 (Uptown Residential Community PUD) is a request to rezone 4.34 acres located approximately 1,300 feet north of the northeast corner of Central Avenue and Indian School Road from UR TOD-1 (Urban Residential, Interim Transit-Oriented Zoning Overlay District One) to PUD (Planned Unit Development) to allow for multifamily and single-family attached residential development.

Staff has received correspondence from the applicant requesting a continuance to facilitate more time to explore alternative site designs.

Staff recommends continuing this item to the September 7, 2022 City Council Formal meeting.

Approved:

Alan Stephenson
Deputy City Manager/Planning and Development Director

Attachment:
Exhibit A – Applicant's request for continuance

Stephanie Vasquez

From: Alan Beaudoin <abeaudoin@norris-design.com>
Sent: Tuesday, May 24, 2022 4:02 PM
To: Joshua Bednarek
Cc: Alan Stephenson; wkempton@cresleigh.com
Subject: UpTown Community (Z-20-21-4) Request for Continuance

Josh, per our discussion this afternoon, the Applicant is agreeable to a City Council hearing continuance at the June 1, 2022 hearing. To facilitate more time to explore alternative site designs, we are agreeable to continuing the City Council review to September 7, 2022.

Thank you for your assistance.

Alan Beaudoin
Principal
901 East Madison Street | Phoenix, AZ 85034
P 602.254.9600

This email communication is confidential and is solely for the use of the intended recipients. Any use or dissemination of this transmission by anyone other than the intended recipients or their duly authorized agent(s) is strictly prohibited. The sender and Norris Design will not accept any responsibility for viruses (if any) associated with this email or its possible attachments.

City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

To: Alan Stephenson
Deputy City Manager
Planning and Development Director

Date: September 1, 2022

From: Joshua Bednarek
Planning and Development Deputy Director

Subject: CONTINUANCE OF ITEM 63 ON THE SEPTEMBER 7, 2022 FORMAL AGENDA – Z-20-21-4 (G-6964) – APPROXIMATELY 1,300 FEET NORTH OF THE NORTHEAST CORNER OF CENTRAL AVENUE AND INDIAN SCHOOL ROAD

Item 63, rezoning application Z-20-21-4 (Uptown Residential Community PUD) is a request to rezone 4.34 acres located approximately 1,300 feet north of the northeast corner of Central Avenue and Indian School Road from UR TOD-1 (Urban Residential, Interim Transit-Oriented Zoning Overlay District One) to PUD (Planned Unit Development) to allow for multifamily and single-family attached residential development.

Staff has received correspondence from the applicant requesting a continuance to allow more time for the design team on the project to explore potential development of the site utilizing the existing zoning.

Staff recommends continuing this item to the December 7, 2022 City Council Formal meeting.

Approved:

Alan Stephenson
Deputy City Manager/Planning and Development Director

Attachment:
Exhibit A – Applicant's request for continuance

From:	Alan Beaudoin
To:	Joshua Bednarek; Stephanie Vasquez
Cc:	David Urbinato; Diana G Hernandez; wkempton@cresleigh.com
Subject:	RE: Continuance memo for Z-20-21-4 on the Sept. 7 City Council Agenda
Date:	Thursday, September 1, 2022 8:29:18 AM

Yes, three months would be great, Josh. I will be meeting with Councilwoman Pastor on the 6th to review our updated plans. We will also have our updated plan and General Conformance evaluation over to you and Adam early next week. The plan is shaping up.

Thank you both!

Alan Beaudoin
Principal

NORRIS DESIGN
P 602.254.9600

From: Joshua Bednarek <joshua.bednarek@phoenix.gov>
Sent: Tuesday, August 30, 2022 3:50 PM
To: Stephanie Vasquez <stephanie.vasquez@phoenix.gov>
Cc: David Urbinato <david.urbinato@phoenix.gov>; Diana G Hernandez <diana.hernandez@phoenix.gov>; Alan Beaudoin <abeaudoin@norris-design.com>
Subject: Continuance memo for Z-20-21-4 on the Sept. 7 City Council Agenda

Stephanie:

Can you please draft a continuance memo for Z-20-21-4 for next week's City Council Formal agenda? I have talked with the Vice Mayor about a three month continuance. Copied on the e-mail is the applicant, Alan Beaudoin.

Alan:

Based on our conversations you would like to request a three month continuance to allow your design team on the project to explore potential development of the site utilizing the existing zoning. Can you confirm that this is still the case and that three months is an adequate amount of time for the continuance?

PLANNING & DEVELOPMENT
PRESERVE SHAPE BUILD

Joshua Bednarek, LEED AP ND
Deputy Director, Planning Division
Office: 602-256-3555
E-mail: joshua.bednarek@phoenix.gov

City of Phoenix
Planning & Development Department
200 West Washington Street
Phoenix, AZ 85003

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 80

(CONTINUED FROM NOV. 2, 2022) - Public Hearing and Ordinance Adoption - Planning Hearing Officer Application PHO-1-22--Z-26-15-4 - Northwest Corner of Central Avenue and Pierson Street (Ordinance G-7053)

Request to hold a public hearing and authorize the City Manager, or his designee, to consider the Planning Commission recommendation by the City Council on matters heard by the Planning Hearing Officer on Aug. 17, 2022, and the Planning Commission on Oct. 6, 2022.

Summary

Application: PHO-1-22--Z-26-15-4
Existing Zoning: PUD
Acreage: 2.95

Owner: Kim Sperry, Omninet Central, LP
Applicant and Representative: Ed Bull, Burch & Cracchiolo, P.A.

Proposal:
1. Modification of Stipulation 5 regarding conditional approval upon development commencing within seven years.
2. Technical correction for Stipulation 2.

Concurrence/Previous Council Action

VPC Action: The Alhambra Village Planning Committee was scheduled to hear this request on July 26, 2022, but did not have a quorum.
PHO Action: The Planning Hearing Officer heard this case on Aug. 17, 2022, and recommended approval with additional stipulations.
Staff Recommendation: Approval, per the Planning Hearing Officer recommendation.
PC Action: The Planning Commission heard this case on Oct. 6, 2022, and recommended approval, per the Planning Hearing Officer recommendation, with an additional stipulation. See **Attachment C (PC Summary)** for the list of Planning Commission recommended stipulations.
The Planning Commission recommendation was appealed by a community member on Oct. 11, 2022.

Location

Northwest Corner of Central Avenue and Pierson Street
Council District: 4
Parcel Address: 4800, 4806, and 4820 N. Central Ave.; 11, 15, 21, and 25 W. Mariposa St.; and 6, 8, and 10 W. Pierson St.

Responsible Department

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

ATTACHMENT A

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

ORDINANCE G-

AN ORDINANCE AMENDING THE STIPULATIONS APPLICABLE TO REZONING APPLICATION Z-26-15-4 PREVIOUSLY APPROVED BY ORDINANCE G-6089.

_____

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

SECTION 1. The zoning stipulations applicable located approximately at the northwest corner of Central Avenue and Pierson Street in a portion of Section 20, Township 2 North, Range 3 East, as described more specifically in Attachment “A”, are hereby modified to read as set forth below.

STIPULATIONS:

1. An updated Development Narrative for the Omninet - West PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with the Development Narrative date stamped October 14, 2015.

2. The property owner shall provide a deposit in the amount of $50,000 into a Street Transportation Department escrow account at the City of Phoenix to be utilized for traffic calming measures in the Pierson Place Historic District. These funds may be contributed toward the purchase and installation of such devices as roundabouts, speed humps/cushions, or raised crosswalks (speed tables), limited turning, traffic diverters, gates or other such traffic calming or management tools for the area bounded by Central Avenue, Camelback Road,

7th Avenue, and the Grand Canal. Distribution of funds shall be at the mutual agreement of the five member neighborhood traffic team, the residents on affected streets, and the City of Phoenix Streets~~s~~ TRANSPORTATION Department Safety and Neighborhood Traffic section. Owner may apply for reimbursement of escrow funds from the Street Transportation Department if no special petition has been submitted within 5 years from the issuance of a certificate of occupancy.

3. Developer shall install a monument proximate to the northwest corner of the site identifying the Pierson Place Historic District and facing toward the Light Rail station, as approved by the Planning and Development Department. The monument shall be similar to the existing Pierson Place Historic District Monument located proximate to the southwest corner of 3rd Avenue and Camelback Road, or as otherwise agreed upon by the developer and the Board of Directors of the Pierson Place Historic District.

4. The developer shall construct a directional retail driveway to direct retail traffic away from the neighborhood as approved by the Planning and Development Department.

5. 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.

6. 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.

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. ~~5.~~ The approval shall be conditioned upon development commencing within EIGHT (8) ~~seven (7)~~ years of the City Council approval of this change of zoning in accordance with Section 506.B.1 of the Phoenix Zoning Ordinance. (For purposes of this stipulation, development shall commence with the issuance of building permits and erection of building walls on site).

DRAFT

9. PRIOR TO OCCUPANCY, THE DEVELOPER MUST PROVIDE A QUALIFIED ENGINEER'S REPORT CERTIFYING THE AVERAGE ANNUAL INTERIOR NOISE EXPOSURE FOR ANY RESIDENTIAL UNIT OR ENCLOSED PUBLIC ASSEMBLY AREA WILL NOT EXCEED 45 DECIBELS.

SECTION 2. Due to the site's specific physical conditions and the use district granted pursuant to Ordinance G-6089 this portion of the rezoning is now subject to the stipulations approved pursuant to Ordinance G-6089 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 2nd day of November, 2022.

_____
MAYOR

ATTEST:

_____
Denise Archibald, City Clerk

DRAFT

APPROVED AS TO FORM:
Cris Meyer, City Attorney

By:

_____
_____

REVIEWED BY:

_____
Jeffrey Barton, City Manager

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

DRAFT

EXHIBIT A

THAT PORTION OF LOTS 46 TROUGH 56, STANLEY PLACE, RECORDED AS BOOK 18 OF MAPS, PAGE 21 LOCATED IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE GILA RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 20, SAID POINT BEING MARKED BY A STONE IN A HANDHOLE LYING SOUTH 89 42'53" EAST A DISTANCE OF 2664.89 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 20, SAID POINT BEING MARKED BY A BRASS CAP IN HANDHOLE;

THENCE SOUTH 00 00'00" EAST (BASIS OF BEARINGS) A DISTANCE OF 659.91 FEET TO THE CENTER POINT IN THE INTERSECTION OF CENTRAL AVENUE AND WEST PIERSON STREET, SAID POINT BEING MARKED BY 2 BRASS CAP REFERENCE MONUMENTS LYING NORTH 53 31'35"WEST A DISTANCE OF 59.09 FEET, AND SOUTH 55 54'14" WEST A DISTANCE OF 57.79 FEET;
THENCE NORTH 89 43'49" WEST 50.00 FEET;
THENCE NORTH 00 00'00" EAST PARALLEL WITH AND 50.00 FEET WEST OF THE NORTH- SOUTH MIDSECTION LINE OF SAID SECTION 20, 30.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 53, BEING MARKED BY A FOUND "X" IN CONCRETE AND THE POINT OF BEGINNING;

THENCE NORTH 89 43'49" WEST PARALLEL WITH AND 30.00 FEET NORTH OF THE CENTERLINE OF WEST PIERSON STREET, 379.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 56, BEING MARKED BY A 1/2" REBAR WITH CAP L#l34711;
THENCE NORTH 00 00'00" EAST 135.03 FEET TO THE NORTHWEST CORNER OF SAID LOT 56, BEING MARKED BY A 1/2" REBAR WITH CAP L#41076;
THENCE NORTH 89 43'26" WEST 73.00 FEET, TO THE SOUTHWEST CORNER OF SAID LOT 46, BEING MARKED BY A 1/2" REBAR WITH CAP L#41076;
THENCE NORTH 00 00'00" EAST 135.03 FEET TO THE NORTHWEST CORNER OF SAID LOT 46, BEING MARKED BY A 1/2" REBAR WITH CAP LS#41076;
THENCE SOOTH 89 43'03" EAST 245.02 FEET BEING MARKED BY A 1/2" REBAR WITH CAP LS#38175;
THENCE SOUTH 62 41'29" EAST 79.57 FEET BEING MARKED BY A 1/2" REBAR WITH CAP LS#38175;
THENCE SOUTH 62 43'59" EAST 78.54 FEET BEING MARKED BY A 1/2" REBAR WITH CAP LS#39131;
THENCE SOUTH 60 22'32" EAST 25.98 FEET BEING MARKED BY A PK NAIL WITH TAG LS#38175;

DRAFT

THENCE SOUTH 57 07'28" EAST 26.07 FEET BEING MARKED A 1/2" REBAR WITH CAP LS#38168;
THENCE NORTH 89 59'52" EAST 7.65 FEET BEING MARKED BY A 1/2" REBAR WITH CAP LS#38175;
THENCE SOUTH 00 15'26" EAST 29.09 FEET BEING MARKED BY A WITNESS CORNER LYING 1.80 FEET EAST, SAID POINT BEING A "X" IN CONCRETE;
THENCE NORTH 89 59'51" EAST 14.22 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF CENTRAL AVENUE, BEING MARKED BY A "X" IN CONCRETE; THENCE SOUTH 00 00'00" EAST PARALLEL WITH AND 50.00 FEET WEST OF THE NORTH- SOUTH MIDSECTION LINE, 142.42 FEET TO THE POINT OF BEGINNING.

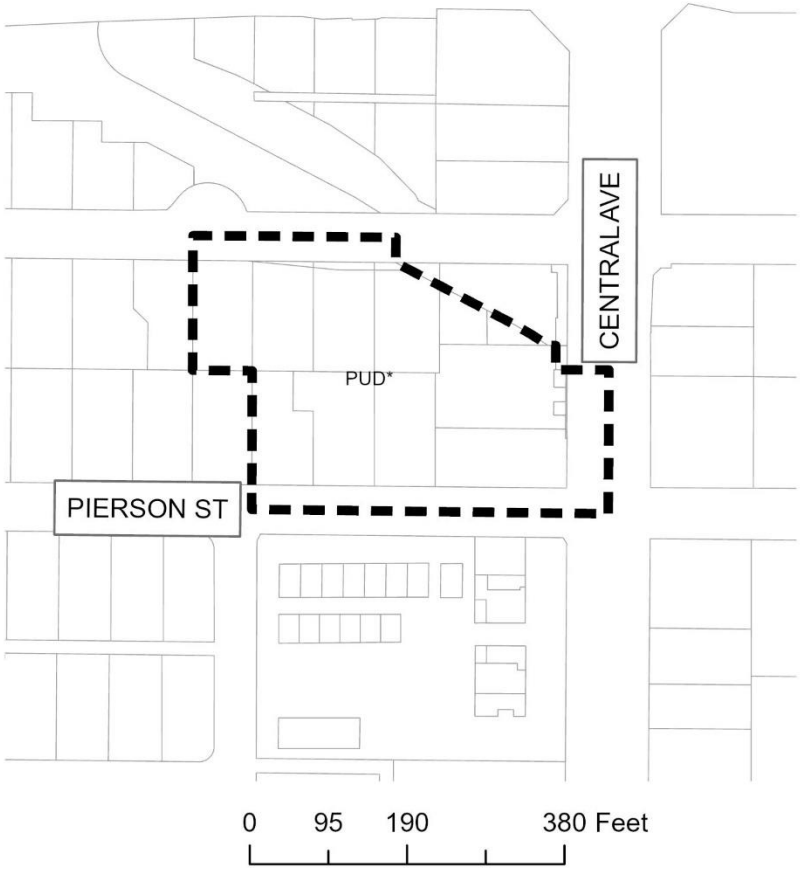
NET AREA OF PARCEL IS 100,792 S.F. OR 2.3139 ACRES MORE OR LESS

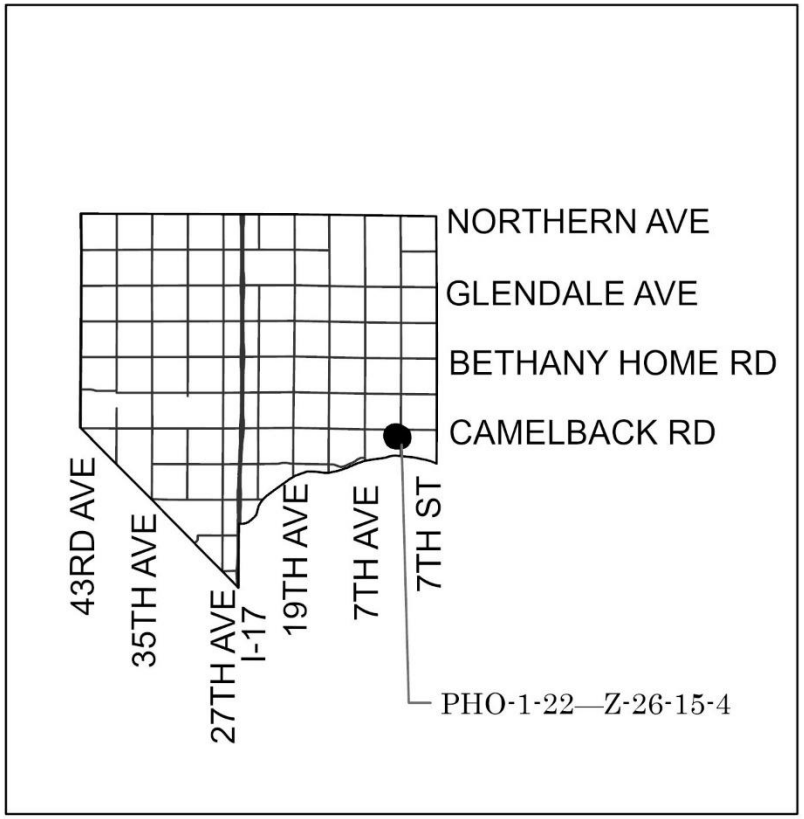
ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA:

Zoning Case Number: PHO-1-22—Z-26-15-4
Zoning Overlay: N/A
Planning Village: Alhambra





NOT TO SCALE

N

Drawn Date: 10/5/2022

\\one\pdd\Shared\Department Share\Information Systems\PL GIS\IS_Team\Core_Functions\Zoning\SuppMaps_OrdMaps\2022 Ord\11-2-22\11-2-22.aprx

City of Phoenix

Staff Report: PHO-1-22--Z-26-15-4

APPLICATION #: PHO-1-22--Z-26-15-4

LOCATION: Northwest corner of Central Avenue and Pierson Street

EXISTING ZONING: PUD

ACREAGE: 2.95

REQUEST: 1) Modification of Stipulation 5 regarding conditional approval upon development commencing within seven years.
2) Technical correction for Stipulation 2.

APPLICANT: Ed Bull, Burch & Cracchiolo, PA

OWNER: Kim Sperry, Omninet Central, LP

REPRESENTATIVE: Ed Bull, Burch & Cracchiolo, PA

STAFF RECOMMENDATION

Approval with additional stipulations, as recommended by the Planning Hearing Officer.

PLANNING HEARING OFFICER RECOMMENDATION

The Planning Hearing Officer heard the request on August 17, 2022 and recommended approval with additional stipulations.

VILLAGE PLANNING COMMITTEE RECOMMENDATION

The Alhambra Village Planning Committee was scheduled to hear this request on July 26, 2022 but did not have a quorum.

BACKGROUND/ANALYSIS

The subject site consists of 2.95 gross acres located at the northwest corner of Central Avenue and Pierson Street and is zoned PUD (Planned Unit Development) for the Omninet - West PUD. The applicant requested a modification of Stipulation 5 regarding conditional approval upon development commencing within seven years. The

modification would allow an extension of one additional year to commence development. The applicant's narrative (Exhibit B) notes that the development has received preliminary site plan approval however delays regarding utility relocation and other necessary approvals will likely prevent the development from occurring within the stipulated timeframe.

The appellant argues in their appeal document (Exhibit A) that the proposed development has been significantly modified since the original approval of the Omninet-West PUD. They argue that these modifications no longer reflect the transit-oriented, walkable character of the original PUD. The appellant argues that the time extension should not be granted due to these modifications.

PREVIOUS HISTORY

On December 16, 2015, the Phoenix City Council approved Rezoning Case No. Z-26-15-4, a request to rezone approximately 3.53 gross acres located at the northwest corner of Central Avenue and Pierson Street from R-3 TOD-1 (Multifamily Residence District, Interim Transit-Oriented Zoning Overlay District One), R-5 TOD-1 (Multifamily Residence District, Interim Transit-Oriented Zoning Overlay District One), C-2 TOD-1 (Intermediate Commercial, Interim Transit-Oriented Zoning Overlay District One), and P-1 TOD-1 (Parking District, Interim Transit-Oriented Zoning Overlay District One) to PUD (Planned Unit Development), subject to stipulations (Exhibit E). This approval established the Omninet – West PUD.

The Omninet – West PUD, was intended to enable the redevelopment of the site with a mixed-use development consisting of multifamily residential and commercial uses. Maximum building setbacks for the site are 12 feet from Central Avenue, 30 feet from the Light Rail frontage, 10 feet from Mariposa and Pierson Streets. The minimum building setbacks for the western property line are five (5) feet for the south portion and 15 feet for the north portion. The maximum number of dwelling units is 286. The maximum building height is 56 feet. Design guidelines include requirements for pedestrian connectivity to the Camelback Road/ Central Avenue Light Rail Station, Pierson Street, and retail shops. Mixed use buildings are required to provide a community pool and other gathering areas on the second level. Building accents, materials, and details are required to be consistent with elements of the Walkable Urban Code and compatible with the adjacent Pierson Place Historic Neighborhood. Streetscape landscaping is required to conform with existing plans and guidelines for Central Avenue including the Central Avenue Beautification Plan and the Central Avenue Development Standards. The complete PUD Development Narrative is available online at https://www.phoenix.gov/pdd/planning-zoning/pzservices/pud-cases.

NEIGHBORHOOD CONCERNS

Public Correspondence

One letter of opposition was received regarding this request. Concerns expressed in the correspondence include the following:

- Modifications to proposed plans originally presented to the public during the hearing process for the original rezoning case.
- The permitted building height was contingent on features that have been modified or removed since the original approval.
- Changes to the development team associated with the project.

GENERAL PLAN LAND USE MAP DESIGNATION

Commercial and Residential 10 to 15 dwelling units per acre

CHARACTER OF SURROUNDING LAND USE

	Zoning	Land Use
On-site:	PUD	Vacant
North:	R-3, C-2 (App. C-2 HR)	Vacant Light Rail Station
South:	R-5 HR, C-2 HR	Multifamily Residential Commercial
East: (Across Central Avenue)	PUD	Mixed-Use Development
West:	R-3 HP, R-5	Single-Family Residential Multifamily Residential

PLANNING HEARING OFFICER FINDINGS

The Planning Hearing Officer's recommendation was based on the following findings:

1) The request to modify Stipulation 5 regarding conditional approval of development is recommended to be approved. The request will allow an additional year (an increase from 7 to 8 years total) to commence development. The applicant noted unexpected delays related to the ongoing pandemic and infrastructure issues.

2) The site is identified as archaeologically sensitive and three additional stipulations are recommended to be included to address requirements for archaeological survey and testing.

PLANNING HEARING OFFICER RECOMMENDED STIPULATIONS

1.	An updated Development Narrative for the Omninet - West PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with the Development Narrative date stamped October 14, 2015.
2.	The property owner shall provide a deposit in the amount of $50,000 into a Street Transportation Department escrow account at the City of Phoenix to be utilized for traffic calming measures in the Pierson Place Historic District. These funds may be contributed toward the purchase and installation of such devices as roundabouts, speed humps/cushions, or raised crosswalks (speed tables), limited turning, traffic diverters, gates or other such traffic calming or management tools for the area bounded by Central Avenue, Camelback Road, 7th Avenue, and the Grand Canal. Distribution of funds shall be at the mutual agreement of the five member neighborhood traffic team, the residents on affected streets, and the City of Phoenix Streets TRANSPORTATION Department Safety and Neighborhood Traffic section. Owner may apply for reimbursement of escrow funds from the Street Transportation Department if no special petition has been submitted within 5 years from the issuance of a certificate of occupancy.
3.	Developer shall install a monument proximate to the northwest corner of the site identifying the Pierson Place Historic District and facing toward the Light Rail station, as approved by the Planning and Development Department. The monument shall be similar to the existing Pierson Place Historic District Monument located proximate to the southwest corner of 3rd Avenue and Camelback Road, or as otherwise agreed upon by the developer and the Board of Directors of the Pierson Place Historic District.
4.	The developer shall construct a directional retail driveway to direct retail traffic away from the neighborhood as approved by the Planning and Development Department.
5.	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.

6.	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.
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. ~~5.~~	The approval shall be conditioned upon development commencing within EIGHT (8) ~~seven (7)~~ years of the City Council approval of this change of zoning in accordance with Section 506.B.1 of the Phoenix Zoning Ordinance. (For purposes of this stipulation, development shall commence with the issuance of building permits and erection of building walls on site).

Exhibits

A – Appeal Document (2 pages)
B – Applicant's Narrative (25 pages)
C – Aerial Map (1 page)
D – Zoning Map (1 page)
E – Recorded Ordinance from Rezoning Case No. Z-26-15 (6 pages)
F – Sketch Map from Rezoning Case No. Z-26-15 (1 page)
G – PHO Summary for PHO-1-22--Z-26-15-4 from August 17, 2022 (5 pages)

EXHIBIT A

PLANNING HEARING OFFICER APPEAL

I HEREBY REQUEST THAT THE PLANNING COMMISSION/CITY COUNCIL HOLD A PUBLIC HEARING ON:

CASE NUMBER:	**PHO-1-22--Z-26-15-4**		
LOCATION:	Northwest corner of Central Avenue and Pierson Street		
PHO HEARING DATE:	August 17, 2022	**RECEIVED:**	August 24, 2022
APPEALED BY:	☒ Opposition	☐ Applicant	
APPEALED TO:	**PLANNING COMMISSION**	October 6, 2022	
		TENTATIVE DATE	
	CITY COUNCIL	November 2, 2022	
		TENTATIVE DATE	
APPELLANT NAME AND ADDRESS/EMAIL:		**PHONE:**	
Ken Waters 126 West Pierson Street Phoenix, AZ 85013 kennywaters602@gmail.com		602-373-1902	
RECEIPT NUMBER:	N/A		
REASON FOR REQUEST:			
The applicant is asking for an extension of zoning. That was granted by the Village, PC and Council; but they have significantly modified the TOD/WU centric plan, specifically the commercial/walkable urban “mix-use” portion . They presented to AVPC, PC, neighbors, and Council, making it undeserving of an extension.			
TAKEN BY:	Greg Harmon		

c: Alan Stephenson
Joshua Bednarek
Tricia Gomes
Racelle Escolar
Adam Stranieri
Greg Harmon
Brad Wylam
Victoria Cipolla-Murillo
Julie Garcia
Ben Ernyei - Posting
GIS Team

City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

CITY OF PHOENIX
AUG 24 2022
Planning & Development Department

The **PLANNING HEARING OFFICER** agenda for ***August 17, 2022*** is attached.

The City Council May Ratify the Recommendation of the Planning Hearing Officer on *September 21, 2022* Without Further Hearing Unless:

- **A REQUEST FOR A HEARING BY THE PLANNING COMMISSION** is filed by 5:00 p.m. on ***August 24, 2022***. (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 24, 2022***.

APPEAL FORM

I HEREBY REQUEST THAT THE PLANNING COMMISSION HOLD A PUBLIC HEARING ON:

PHO-1-22--Z-26-15-4
APPLICATION NO.

Northwest corner of Central Avenue and Pierson Street
LOCATION OF APPLICATION PROPERTY

Ken Waters
NAME (PLEASE PRINT)

☒ OPPOSITION ☐ APPLICANT

126 W. Pierson St.
STREET ADDRESS

Phoenix AZ 85013
CITY, STATE AND ZIP CODE

602 373-1902
TELEPHONE NO

BY MY SIGNATURE BELOW, I ACKNOWLEDGE THE SCHEDULED HEARING DATE AS FOLLOWS:

APPEALED FROM *August 17, 2022* (DATE) **PHO HEARING TO** 10/6/2022 (DATE) **PC HEARING**

SIGNATURE: Ken Waters DATE: 8-24-2022

REASON FOR APPEAL: The applicant is asking for an extension of Zoning That was granted by The Village, PC, and council but They have significantly modified The T.O.D./W.U. centric plan, specifically The commercial/walkable Urban "mix-use" portion They presented To AVPC, PC, neighbors and council making it undeserving of an extension.

APPEALS MUST BE FILED IN PERSON AT THE 2ND FLOOR ZONING COUNTER, 200 W. WASHINGTON STREET, 602-262-7131, Option 6

PLANNER TAKING APPEAL: GH

Copies to: Case File | PHO Planner – Bradley Wylam | PHO Secretary – Vikki Cipolla-Murillo

EXHIBIT B

BURCH & CRACCHIOLO

EDWIN C. BULL
DIRECT LINE: 602.234.9913
EMAIL: EBULL@BCATTORNEYS.COM

BRIAN GREATHOUSE
DIRECT LINE: 602.234.9903
EMAIL:BGREATHOUSE@BCATTORNEYS.COM

ALICIA M. BULL
DIRECT LINE: 602.234.8747
EMAIL: ABULL@BCATTORNEYS.COM

June 8, 2022

Mr. Adam Stranieri
Planning Hearing Officer
City of Phoenix
Planning and Development Department
200 W. Washington St., 2nd Floor
Phoenix, Arizona. 85003

Re: PHO Stipulation Modification Request for Z-26-15-4 (Stipulation 5)
Northwest Corner of Central Avenue and Pierson Street

Dear Mr. Stranieri:

On behalf of RangeWater Real Estate, LLC ("RangeWater"), who is the developer of the property located at the northwest corner of Central Avenue and Pierson Street ("Site"), we request the PHO's approval to modify Stipulation #5 (Z-26-15-4) to facilitate the development of a multi-family community on this infill redevelopment Site. *See* **Exhibit 1**, Aerial Map identifying the Site. Preliminary Site Plan ("PSP") approval was received on April 29, 2022. RangeWater's consultant team is currently preparing Final Site Plan and Improvement Plans for permitting.

The Site is zoned PUD (Planned Unit Development). *See* **Exhibit 2**, Zoning Map. In 2015, the City Council approved the rezoning for this vacant infill Site for a high quality multi-family development along the light rail corridor, subject to 5 stipulations of approval. *See* **Exhibit 3**, Ordinance G-6089.

We are not requesting a Rezoning, nor are we requesting an increase in building height or additional density. Rather, we are requesting modification of Stipulation 5 to extend the deadline to commence development for one additional year (8 years to commence development) to allow the time necessary for RangeWater to continue processing improvement plans, obtain permits, and commence development on the Site.

The proposed Stipulation modification is below:

5. THE APPROVAL SHALL BE CONDITIONED UPON DEVELOPMENT COMMENCING WITHIN EIGHT (8) ~~SEVEN (7)~~ YEARS OF THE CITY COUNCIL APPROVAL OF THIS

CHANGE OF ZONING IN ACCORDANCE WITH SECTION 506.B.1 OF THE PHOENIX ZONING ORDINANCE (FOR PURPOSES OF THIS STIPULATION, DEVELOPMENT SHALL COMMENCE WITH THE ISSUANCE OF BUILDING PERMITS AND ERECTION OF BUILDING WALLS ON SITE).

Providing a multi-family community with retail space will provide greater residential variety and shopping/entertainment/dining options for those living and/or working in the area. The City Council has already approved the rezoning and RangeWater is not requesting any additional entitlements – no increases to building height, building size or density. RangeWater is simply requesting additional time to commence the approved multi-family development that will benefit the area by providing a viable and sustainable use on this infill redevelopment Site along the Light Rail Corridor next to the Camelback and Central Light Rail Station.

RangeWater is a national builder and committed to seeing this development built and filled with tenants. However, a series of challenges and difficult circumstances have caused ongoing delays that will likely prevent RangeWater from commencing development within the 7 years provided in Stipulation 5. The challenges started several years ago and the development was put on hold with the COVID-19 pandemic.

The owner of the Site, Omninet, is selling the Site to RangeWater to build out the Site as originally envisioned during the original PUD Zoning approvals. RangeWater filed an Option 1 Site Plan Pre-Application ("Pre-App") on June 29, 2021. The Pre-App Option 1 meeting took place on August 2, 2021. Three primary issues needed to be solved prior to Pre-App approval to move forward to a PSP Application. First, a fire lane along the light rail needed to be removed, which required coordination with the Fire Department. Second, a private irrigation structure fed off SRP's irrigation facilities needed to be relocated from the ROW and onsite irrigation lines needed to be relocated, which required coordination with the Streets Department and downstream irrigation users. Third, PUE abandonments needed to be Conditionally Approved prior to PSP approval. These issues were resolved prior to RangeWater filing an Option 2 Pre-App, which was placed on Time Extension on February 24, 2022. After receiving conditional approval of abandonments on the Site, RangeWater received PSP approval on April 29, 2022.

While RangeWater has received PSP approval and is working diligently to keep the development moving forward, there are various complications that may extend the permit issuance and construction start dates beyond the 7-year deadline. For example, the ongoing abandonment delay delayed the submission of the Civil CD set of drawings until May 3, 2022. It is our understanding that the City's improvement plan review and approval process is taking approximately 20 weeks and may take as long as 26 weeks. Further, because of the Improvement Plan delays, APS facility relocation is also delayed. RangeWater is hoping to start the APS electrical line removal and relocation by September 1, 2022 with a completion date of November 15, 2022, but cannot commence the APS relocation without Improvement Plan approvals from the City. Delayed approval will also delay the required SRP irrigation line relocation, data and phone line relocation and gas line relocation, all of which need to be completed before RangeWater can start excavating for the planned underground parking garage.

RangeWater hopes to pull permits and be underway with erecting building walls in less than one year; however, an extension of one year to commence development is appropriate and necessary given the numerous challenges experienced since RangeWater began the PSP process. Without the extension, Uptown Phoenix may lose out on this quality development from an experienced builder. The area and residents will benefit from seeing this now vacant, infill redevelopment Site developed with a modern, pedestrian-friendly multi-family community along the Light Rail Corridor.

Referring to the Site Plan at **Exhibit 4**, RangeWater is proposing to develop a multi-family development incorporating an approximately 3,125 SF retail space and an approximately 237-unit mix of studio, 1-bedroom and 2-bedroom units. The proposed development will be a valuable addition to the area and an appropriate use for this infill redevelopment Site.

Consistent with RangeWater's national experience, the proposed development will incorporate high-quality materials, intriguing architectural design features, attractive landscaping and numerous amenities. As shown in the Elevations and Materials Board at **Exhibits 5 and 6,** respectively, varying roof heights, balconies of different sizes, contrasting but complimentary colors, varying wall depths and an assortment of building materials will create visual interest consistent with nearby developments. The development's ground floor landscaping will enhance the pedestrian experience by offering attractive greenery and shade trees along the pedestrian connections located around the perimeter of the building. *See* Landscape Plans at **Exhibit 7**. Moreover, the development's connection with the public and streetscape will be further enhanced by the ground level placement of retail space, co-workspace and lobby/leasing office. Additional amenities, such as fitness center, pool and cabanas, multiple ramadas and barbecue areas, turf area, fire pits and outdoor sitting areas are provided throughout the community. *See* **Exhibit 4**.

In addition, $50,000 has been deposited into a Street Transportation Department escrow account at the City of Phoenix to be used for traffic calming measures in the Pierson Place Historic District as required by Stipulation 2 from the 2015 zoning approval. RangeWater has already demonstrated its commitment to developing the Site through its considerable investment of time and resources. RangeWater has already spent approximately $1.7 million in pre-development planning, architecture, engineering and nonrefundable deposits. By August, RangeWater projects it will have invested approximately $2.7 million, including nonrefundable deposits. However, as a result of the delays, RangeWater has requested to extend the closing date. Assuming the seller agrees to the extension, RangeWater anticipates it will invest approximately $3.5 million, including nonrefundable deposits, by December 2022.

RangeWater's request to modify Stipulation 5 is appropriate and necessary to ensure this infill redevelopment Site is redeveloped with the already approved multi-family community. This quality redevelopment is a viable and sustainable use for this now vacant, infill Site and will provide much-needed housing variety and retail options for members of the downtown community. Please contact Ed Bull (602-234-9913, ebull@bcattorneys.com), Brian Greathouse (602-234-9903,

bgreathouse@bcattorneys.com), Ali Bull (602-234-8747, abull@bcattorneys.com) or Ricki Horowitz (602-234-8728, rhorowitz@bcattorneys.com) if you have questions or need additional information. Thank you for your help and consideration.

Very truly yours,

BURCH & CRACCHIOLO, P.A.

Ed Bull, Brian Greathouse and Ali Bull
For the Firm

ECB/jc

Exhibit 1

155-28-079
155-28-081A
155-28-408
155-28-086A
155-28-084C
155-28-080A
N CENTRAL AVE
155-28-114C
155-28-106A
155-28-107A
155-28-108B
155-28-109B
155-28-110B
155-28-111C
155-28-114B
155-28-113A
SITE
155-28-115F
155-28-123
155-28-122
155-28-121
155-28-120A
155-28-119A
155-28-118
155-28-117B
W Pierson St
W Pierson St
LANDMARK TOWERS
CONDOMINIUM
BUILDING B AMD
155-28-398
155-28-021
155-28-023
155-28-025
155-28-274
155-28-696
155-27-032
155-27-033
155-27-052
26*

Exhibit 2

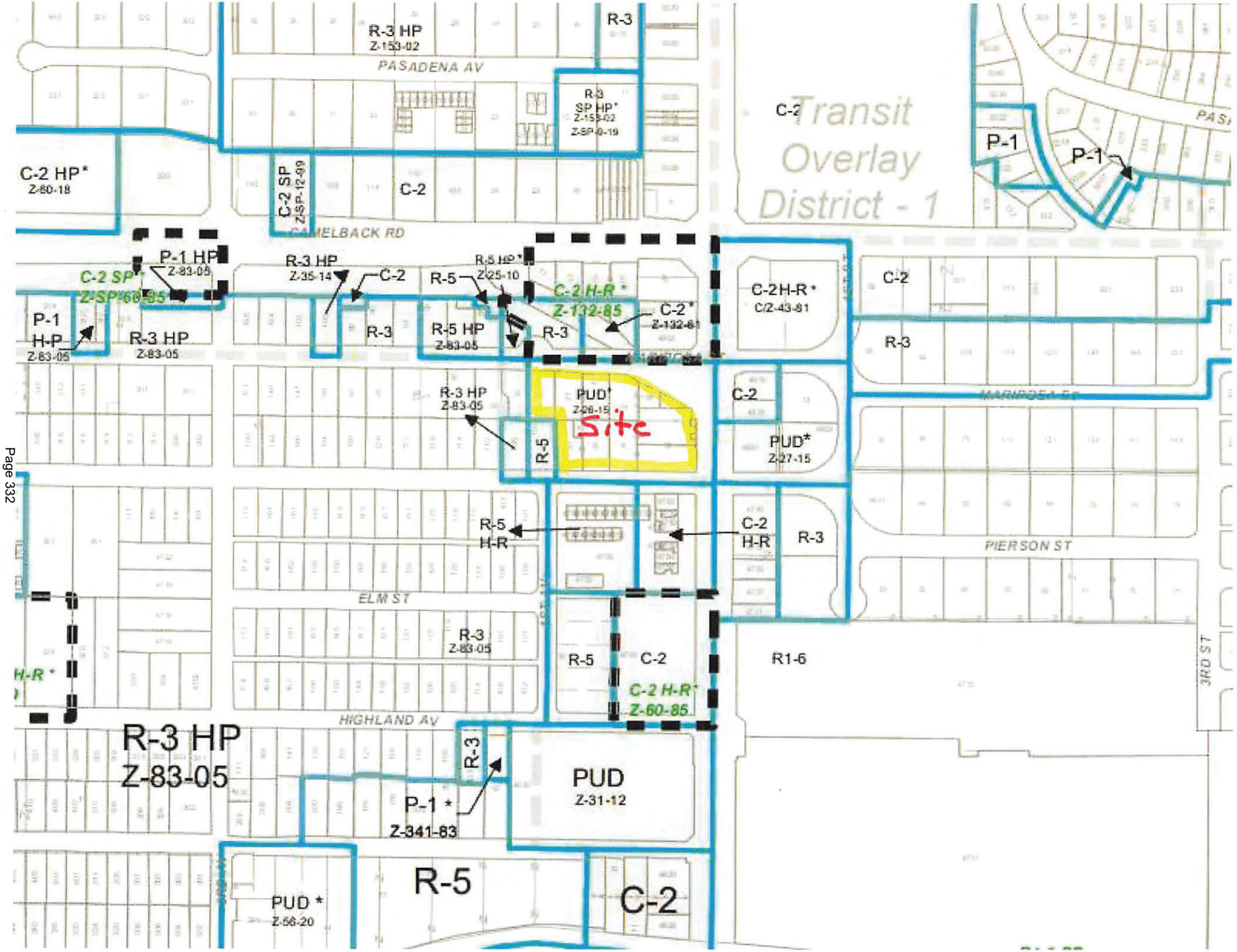

R-3 HP
Z-153-02
R-3
PASADENA AV
R-3
SP HP*
Z-153-02
Z-SP-9-19
C-2
Transit
Overlay
District - 1
P-1
P-1
C-2 HP*
Z-80-18
C-2 SP
Z-SP-12-99
C-2
CAMELBACK RD
P-1 HP
Z-83-05
C-2 SP*
Z-SP-60-85
P-1
H-P
Z-83-05
R-3 HP
Z-83-05
R-3 HP
Z-35-14
C-2
R-5
R-5 HP*
Z-25-10
C-2 H-R*
Z-132-85
C-2*
Z-132-85
R-3
R-5 HP
Z-83-05
R-3
C-2 H-R*
C/Z-43-81
C-2
R-3
MARIPOSA
R-3 HP
Z-83-05
PUD*
Z-26-15
Site
C-2
PUD*
Z-27-15
R-5
R-5
H-R
C-2
H-R
R-3
PIERSON ST
ELM ST
R-3
Z-83-05
R-5
C-2
R1-6
3RD ST
H-R*
C-2 H-R*
Z-60-85
HIGHLAND AV
R-3 HP
Z-83-05
R-3
PUD
Z-31-12
P-1*
Z-341-83
R-5
C-2
PUD*
Z-56-20

Exhibit 3

OFFICAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL
20150908025 12/24/2015 09:36 #6089G
ELECTRONIC RECORDING (6 pages)

ORDINANCE G-6089

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PROPERTY DESCRIBED HEREIN (CASE Z-26-15-4) FROM C-2 TOD-1 (1.59 ACRES), R-3 TOD-1 (0.82 ACRES), R-5 TOD-1 (0.56 ACRES), & P-1 TOD-1 (0.56 ACRES) TO PUD (PLANNED UNIT DEVELOPMENT – 3.53 ACRES).

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

SECTION 1: The zoning of an approximately 3.53 acre property located at the northwest corner of Central Avenue and Pierson Street in a portion of Section 20, Township 4 North, Range 3 East, as described more specifically in Attachment "A", is hereby changed from C-2 TOD-1 (1.59 Acres), R-3 TOD-1 (0.82 Acres), R-5 TOD-1 (0.56 Acres), & P-1 TOD-1 (0.56 Acres) to PUD (Planned Unit Development – 3.53 Acres).

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 Attachment "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 compliance with the PUD

narrative and the following stipulations, violation of which shall be treated in the same manner as a violation of the

City of Phoenix Zoning Ordinance:

1. An updated Development Narrative for the Omninet – West PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with the Development Narrative date stamped October 14, 2015.

2. The property owner shall provide a deposit in the amount of $50,000 into a Street Transportation Department escrow account at the City of Phoenix to be utilized for traffic calming measures in the Pierson Place Historic District. These funds may be contributed toward the purchase and installation of such devices as roundabouts, speed humps/cushions, or raised crosswalks (speed tables), limited turning, traffic diverters, GATES or other such traffic calming or management tools for the area bounded by Central Avenue, Camelback Road, 7th Avenue, and the Grand Canal. Distribution of funds shall be at the mutual agreement of the FIVE MEMBER NEIGHBORHOOD TRAFFIC TEAM ~~Board of Directors of Pierson Place Historic District~~, the residents on affected streets and the City of Phoenix Streets Department Safety and Neighborhood Traffic section~~, in accordance with all procedures required by the city~~. Owner may apply for reimbursement of escrow funds from the Street Transportation Department if no ~~formal~~ SPECIAL petition has been submitted within ~~3~~ 5 years from the issuance of a certificate of occupancy. ~~The Street Transportation Department may study any potential traffic impacts concurrent with construction to expedite the study process and construction of any traffic mitigation measures as approved by the Street Transportation Department.~~

3. Developer shall install a monument proximate to the northwest corner of the site identifying the Pierson Place Historic District and facing toward the Light Rail station, as approved by the Planning and Development Department. The monument shall be similar to the existing Pierson Place Historic District Monument located proximate to the southwest corner of 3rd Avenue and Camelback Road, or as otherwise agreed upon by the developer and the Board of Directors of the Pierson Place Historic District.

4. THE DEVELOPER SHALL CONSTRUCT A DIRECTIONAL RETAIL DRIVEWAY TO DIRECT RETAIL TRAFFIC AWAY FROM THE NEIGHBORHOOD AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

5. THE APPROVAL SHALL BE CONDITIONED UPON DEVELOPMENT COMMENCING WITHIN SEVEN (7) YEARS OF THE CITY COUNCIL APPROVAL OF THIS CHANGE OF ZONING IN ACCORDANCE WITH SECTION 506.B.1 OF THE PHOENIX ZONING ORDINANCE. (FOR PURPOSES OF THIS STIPULATION, DEVELOPMENT SHALL COMMENCE WITH THE ISSUANCE OF BUILDING PERMITS AND ERECTION OF BUILDING WALLS ON SITE).

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

PASSED by the Council of the City of Phoenix this 16th day of December, 2015.

MAYOR

ATTEST:

ACTING
City Clerk

APPROVED AS TO FORM:

Acting City Attorney

REVIEWED BY:

ACTING
City Manager

PML:efl/1212825v1: (CM#68)(Item#93) 12/16/15

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

ATTACHMENT A

LEGAL DESCRIPTION FOR Z-26-15-4

THAT PORTION OF LOTS 46 TROUGH 56, STANLEY PLACE, RECORDED AS BOOK 18 OF MAPS, PAGE 21 LOCATED IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 4 NORTH, RANGE 3 EAST OF THE GILA RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 20, SAID POINT BEING MARKED BY A STONE IN A HANDHOLE LYING SOUTH 89 42'53" EAST A DISTANCE OF 2664.89 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 20, SAID POINT BEING MARKED BY A BRASS CAP IN HANDHOLE;

THENCE SOUTH 00 00'00" EAST (BASIS OF BEARINGS) A DISTANCE OF 659.91 FEET TO THE CENTER POINT IN THE INTERSECTION OF CENTRAL AVENUE AND WEST PIERSON STREET, SAID POINT BEING MARKED BY 2 BRASS CAP REFERENCE MONUMENTS LYING NORTH 53 31'35" WEST A DISTANCE OF 59.09 FEET, AND SOUTH 55 54'14" WEST A DISTANCE OF 57.79 FEET;
THENCE NORTH 89 43'49" WEST 50.00 FEET;
THENCE NORTH 00 00'00" EAST PARALLEL WITH AND 50.00 FEET WEST OF THE NORTH- SOUTH MIDSECTION LINE OF SAID SECTION 20, 30.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 53, BEING MARKED BY A FOUND "X" IN CONCRETE AND THE POINT OF BEGINNING;

THENCE NORTH 89 43'49" WEST PARALLEL WITH AND 30.00 FEET NORTH OF THE CENTERLINE OF WEST PIERSON STREET, 379.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 56, BEING MARKED BY A 1/2" REBAR WITH CAP L#I34711;
THENCE NORTH 00 00'00" EAST 135.03 FEET TO THE NORTHWEST CORNER OF SAID LOT 56, BEING MARKED BY A 1/2" REBAR WITH CAP L#41076;
THENCE NORTH 89 43'26" WEST 73.00 FEET, TO THE SOUTHWEST CORNER OF SAID LOT 46, BEING MARKED BY A 1/2" REBAR WITH CAP L#41076;
THENCE NORTH 00 00'00" EAST 135.03 FEET TO THE NORTHWEST CORNER OF SAID LOT 46, BEING MARKED BY A 1/2" REBAR WITH CAP LS#41076;
THENCE SOOTH 89 43'03" EAST 245.02 FEET BEING MARKED BY A 1/2" REBAR WITH CAP LS#38175;
THENCE SOUTH 62 41'29" EAST 79.57 FEET BEING MARKED BY A 1/2" REBAR WITH CAP LS#38175;
THENCE SOUTH 62 43'59" EAST 78.54 FEET BEING MARKED BY A 1/2" REBAR WITH CAP LS#39131;
THENCE SOUTH 60 22'32" EAST 25.98 FEET BEING MARKED BY A PK NAIL WITH TAG LS#38175;

THENCE SOUTH 57 07'28" EAST 26.07 FEET BEING MARKED A 1/2" REBAR WITH CAP LS#38168;
THENCE NORTH 89 59'52" EAST 7.65 FEET BEING MARKED BY A 1/2" REBAR WITH CAP LS#38175;
THENCE SOUTH 00 15'26" EAST 29.09 FEET BEING MARKED BY A WITNESS CORNER LYING 1.80 FEET EAST, SAID POINT BEING A "X" IN CONCRETE;
THENCE NORTH 89 59'51" EAST 14.22 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF CENTRAL AVENUE, BEING MARKED BY A "X" IN CONCRETE;
THENCE SOUTH 00 00'00" EAST PARALLEL WITH AND 50.00 FEET WEST OF THE NORTH- SOUTH MIDSECTION LINE, 142.42 FEET TO THE POINT OF BEGINNING.

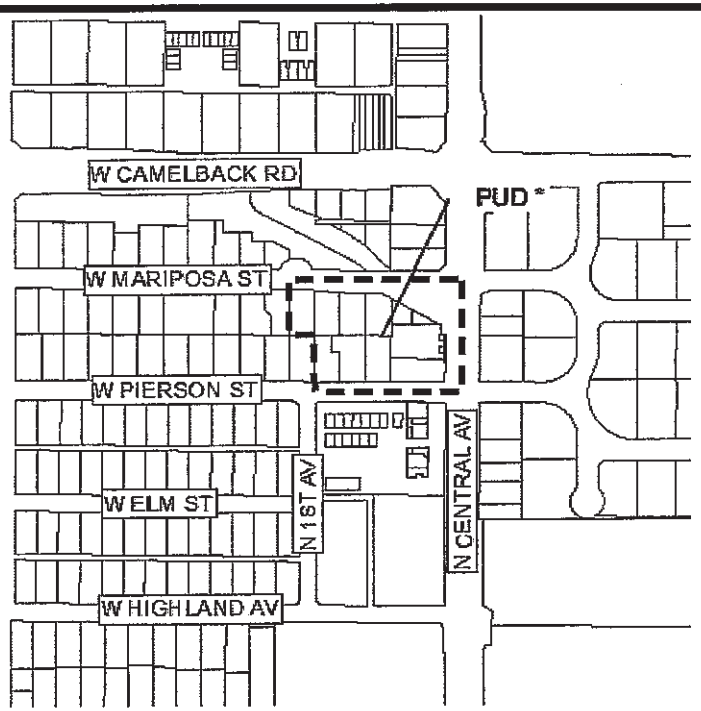
NET AREA OF PARCEL IS 100,792 S.F. OR 2.3139 ACRES MORE OR LESS

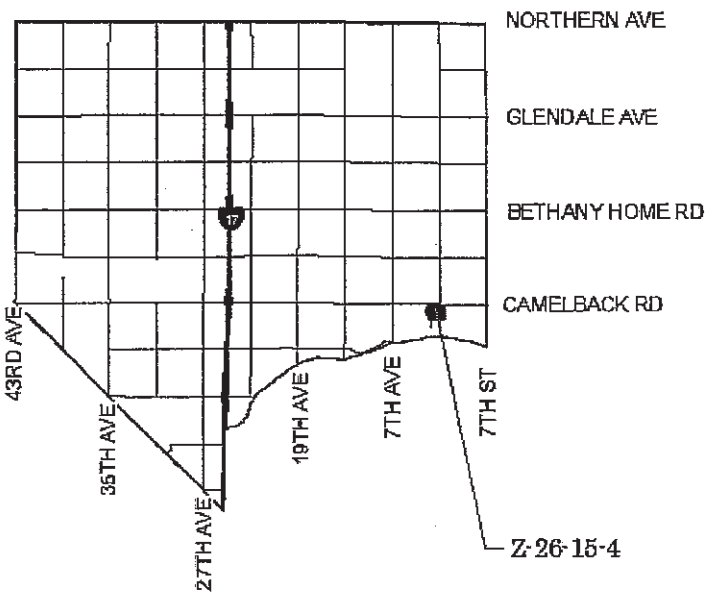
ORDINANCE LOCATION MAP

ATTACHMENT B

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA: ▬ ▬ ▬ ▬

Zoning Case Number: Z-26-15-4
Zoning Overlay: N/A
Planning Village: Alhambra





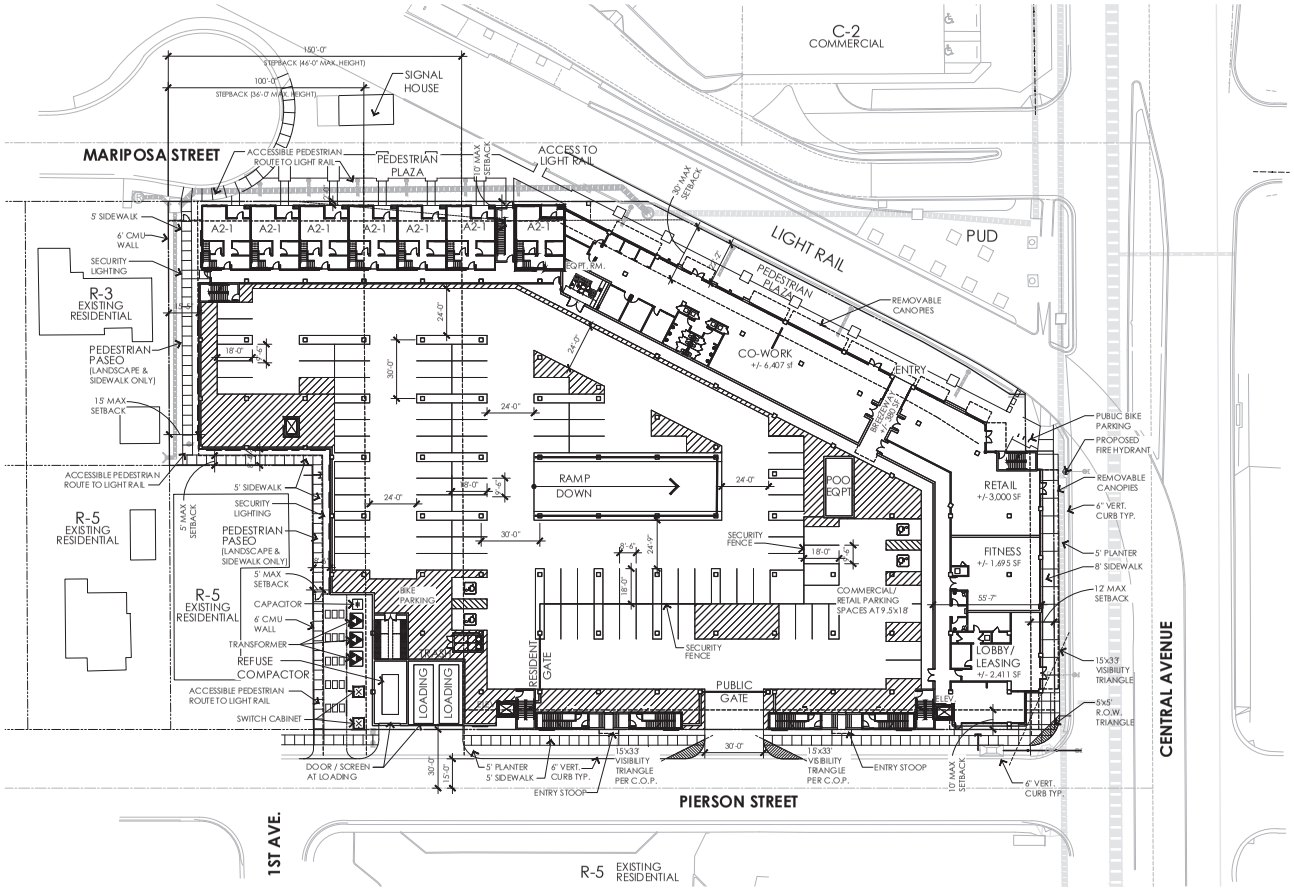
NOT TO SCALE

N

Drawn Date: 11/12/2015

N:\IS_Team\Core_Functions\Zoning\SuppMaps_OrdMaps\2015 Ord\Formal_Dec_2_2015\Z-26-15-4.mxd

Exhibit 4



SITE DATA

ASSESSOR'S PARCEL NO.: 155-28-108A, 108B, 109A, 109B, 110A, 110B, 111B, 111C, 113A, 114B, 115B, 115C, 115D, 115E, 115F, 117A, 117B, 118, 119A, 120A

PROJECT ADDRESS
4806 N CENTRAL AVE (NWC CENTRAL AVE & PIERSON ST)
PHOENIX, ARIZONA

OWNER:
RANGEWATER REAL ESTATE
2871 N SPEER BLVD.
DENVER, CO 80211
CONTACT: KIMBERLY SPERRY
(303) 909-0410

DESIGN PROFESSIONAL:
TODD & ASSOCIATES, INC.
4019 NORTH 44th STREET
PHOENIX, AZ. 85018
CONTACT - DENISE ANDREAS
(602) 952-8280

PARKING STANDARDS

PARKING STALL TYP. (RETAIL)	9'-6" x 18'-0"
PARKING STALL TYP. (RESIDENTIAL)	8'-6" x 18'-0"
ACCESSIBLE PARKING STALL	11'-0" x 18'-0"
ACCESSIBLE PARKING RATIO	2% x 261 = 7 P.S.
PARKING DRIVE AISLE WIDTH	24'-0" MIN.
FIRE TURNING RADII	35' IN / 55' OUT
LOADING AREAS (2 PROVIDED)	10' x 30' MIN.

SITE AREA

GROSS SITE AREA	3.53 AC (153,766.8 SF)
NET SITE AREA	2.31 AC (100,623.6 SF)

ZONING

EXISTING ZONING (CASE # Z-26-15-4)	PUD
PROPOSED ZONING	PUD

DENSITY

MAXIMUM DWELLING UNITS ALLOWED	286 DU
ALLOWED (286 DU)	±81.02 DU/AC
PROPOSED (248 DU)	±70.25 DU/AC

LOT COVERAGE

ALLOWED	90.0%
PROPOSED	87.6%
BUILDING FOOTPRINT: 88,179.3 SF NET AREA: 100,623.6 SF 88,179.3 SF / 100,623.6 SF = 87.6%	

BUILDING HEIGHT

ALLOWED	56' MAXIMUM BUILDING HEIGHT
PROPOSED	5 STORIES ABOVE GRADE - 56' MAX.

BUILDING TYPE

PODIUM:	TYPE I
2ND TO 5TH FLOOR:	TYPE V-A

BUILDING SETBACKS

PRIMARY FRONTAGE	
CENTRAL AVE.	12' MAXIMUM
LIGHT RAIL	30' MAXIMUM
MARIPOSA & PIERSON STREETS	10' MAXIMUM
WEST PROPERTY LINE	
NORTH PORTION OF THE SITE	15' MINIMUM
SOUTH PORTION OF THE SITE	5' MINIMUM

UNIT AREAS:
APARTMENTS - NET UNIT AREAS

UNIT TYPE		NET RENTABLE AREA - UNIT	#DU	RATIO	NET RENTABLE
S	STUDIO (NO BALCONY/JULIET)	590 SF	27	11%	15,930 SF
S1	STUDIO (NO BALCONY/JULIET)	540 SF	1	0%	540 SF
S2	STUDIO (NO BALCONY/JULIET)	507 SF	6	3%	3,142 SF
S3	STUDIO (NO BALCONY)	553 SF	3	1%	1,659 SF
S4	STUDIO (NO BALCONY/JULIET)	609 SF	1	0%	609 SF
S5	STUDIO (NO BALCONY/JULIET)	643 SF	4	2%	2,572 SF
TOTAL STUDIOS			**42**	**19%**	**24,472 SF**
A1	1 BED (INSIDE CORNER)	774 SF	53	22%	41,022 SF
A2	1 BED/VIEW/WORK	1,509 SF	6	3%	9,054 SF
A3	1 BED (NO BALCONY/JULIET)	820 SF	97	41%	79,540 SF
A4	1 BEDROOM (STOOP UNIT)	845 SF	4	2%	3,380 SF
A5	1 BEDROOM (END UNIT)	962 SF	4	2%	3,848 SF
A6	1 BEDROOM (END UNIT	924 SF	4	2%	19,680 SF
TOTAL 1 BEDROOM			**168**	**71%**	**140,540 SF**
B1	2 BED (INSIDE CORNER)	1,087 SF	10	4%	10,870 SF
B2	2 BED (NO BALCONY/JULIET)	1,115 SF	7	3%	7,805 SF
B3	2 BED (NO BALCONY/JULIET)	1,038 SF	4	2%	4,232 SF
B4	2 BED (END UNIT)	1,273 SF	4	2%	5,092 SF
B5	2 BED (LIVE/WORK)	1,910 SF	1	0%	1,910 SF
TOTAL 2 BEDROOM			**26**	**10%**	**29,909 SF**
SUB-TOTAL (UNIT)			**236**		**194,921 SF**
RETAIL (ON CENTRAL AVE.)					3,000 SF
AMENITIES (FITNESS/LEASING/CO-WORK)					10,513 SF
TOTAL (UNIT/RETAIL/AMENITIES)					**208,338 SF**

REQUIRED PARKING

RETAIL:	3,000 SF / 375 SF/P.S.	8 P.S.
STUDIO	42 x 1.0 P.S./DU	42 P.S.
1 BEDROOM	168 x 1.5 P.S./DU	252 P.S.
2 BEDROOM	26 x 1.5 P.S./DU	39 P.S.
TOTAL	236 DU	341 P.S.
25% REDUCTION TOTAL - RESIDENTIAL (REQUIRED):		**256 P.S.** (1.08 P.S./ DU)
RETAIL:	3,000 SF / 375 SF/P.S.	8 P.S.
15% REDUCTION TOTAL - RETAIL (REQUIRED):		**7 P.S.**
TOTAL (REQUIRED):		**263 P.S.**

PROVIDED PARKING

GROUND LEVEL GARAGE	±92 P.S.
BASEMENT LEVEL	±191 P.S.
TOTAL PROVIDED PARKING	**283 P.S.** (1.20 P.S./ DU)
PROVIDED PARKING FOR RETAIL:	±8 P.S.
PROVIDED PARKING FOR RESIDENTIAL:	±267 P.S.

REQUIRED ACCESSIBLE PARKING

REQUIRED:	236 DU x 0.2	5 P.S.
RETAIL		2 P.S.
TOTAL		7 P.S.

PROVIDED ACCESSIBLE PARKING

TOTAL	**8 P.S.** (1 VAN)

REQUIRED BIKE PARKING

RETAIL:	1 BIKE P.S. / 25 VEHICLE P.S. 25 MAX.	1 P.S.
RESIDENTIAL UNITS	0.25 BIKE P.S./DU 50 MAX.	50 P.S.
TOTAL BIKE P.S.:		**51 P.S.**

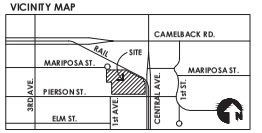
PROVIDED BIKE PARKING

RETAIL:	1 P.S.
RESIDENTIAL UNITS	50 P.S.
TOTAL	51 P.S.

BUILDING AREAS (GROSS)

RESIDENTIAL UNITS	± 256,186 SF
RETAIL (ON CENTRAL)	± 2,904 SF
AMENITIES (FITNESS/LEASING/CO-WORK)	± 10,513 SF
GARAGE	± 148,037 SF
TOTAL BUILDING	± 417,640 SF

VICINITY MAP



ASSUMPTIONS:

1. IT IS THE INTENTION OF THE APPLICANT TO ACCOMMODATE ELEMENTS OF THE WALKABLE URBAN CODE (WU CODE) IN THE DEVELOPMENT OF THIS PROJECT.
2. ASSUMES THAT FIRE DEPARTMENT WILL APPROVE HOSE PULL LENGTH OF UP TO 350 FEET FROM THE FIRE ACCESS DRIVE.
3. ASSUMES THAT STORM WATER WILL BE STORED IN UNDERGROUND FACILITIES.
4. ASSUMES THAT ALL EXISTING EASEMENTS CAN BE MODIFIED OR ABANDONED.

GENERAL NOTES:

1. LIGHTING PER CENTRAL AVENUE BEAUTIFICATION PLAN P897157. SIDEWALKS PER CENTRAL AVENUE DEVELOPMENT STANDARDS AS MODIFIED BY REINVENT PHX. UPTOWN TOD POLICY AND WU CODE.
2. ALTERNATIVE PAVING PROVIDED ON SITE TO REDUCE HEAT ISLAND.
3. SEE EXTERIOR ELEVATIONS FOR BUILDING HEIGHTS AND STEP BACKS, STOREFRONT, PATIO, ARCADE ETC.
4. REFER TO EXTERIOR ELEVATIONS FOR GLAZING PERCENTAGES OF MIN. 75% AT RETAIL / STOREFRONT AND MIN. 25% RESIDENTIAL UNITS.
5. PIERSON STREET PEDESTRIAN PASEO CONNECTION TO LIGHT RAIL.
6. PROVIDE LIGHT RAIL AND PATHWAY RELATED SIGNAGE AT PASEO ENTRANCES.
7. NFPA 13 SPRINKLER SYSTEM REQUIRED.
8. FIRE FLOW TEST REQUIREMENTS APPLY TO THIS PROJECT. THIS PROJECT WILL COMPLY WITH THE 2018 PFC SECTION 507. 507.2.1.1 (HYDRAULIC CALCULATIONS). 507.3 (REQUIRED WATER SUPPLY FOR FIRE PROTECTION) AND APPENDIX B.
9. NO CONTROLLED ACCESS/ SECURITY BARRIERS ARE PLACED ACROSS ANY FIRE APPARATUS ACCESS ROAD AT THIS PROJECT.
10. THE 2018 PFC SECTION 503.3 MARKING CODE APPLIES TO THIS PROJECT. THIS SECTION REFERS TO FIRE CODE OFFICIAL APPROVED SIGNAGE AND MARKINGS AS THEY RELATE TO FIRE APPARATUS ACCESS ROADS.

SITE PLAN 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. Structures and landscaping within a triangle measured back 10' from the property line and 20' along the property line on each side of the driveways entrances will be maintained at a maximum height of 3'.
4. Structures and landscaping within a triangle measuring 33' x 33' along the property lines will be maintained at a maximum height of 3'.
5. 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 admitted at any level exceeding the general level of noise, odor, or vibration emitted by uses in the area outside of the site.
6. Owners of property adjacent to public rights-of-way will have the responsibility for maintaining all landscaping located within the rights-of-way, in accordance with approved plans."
7. All rooftop equipment and satellite dishes shall be screened to the height of the tallest equipment.
8. 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.
9. Barbed, razor or concertina wire (or similar) shall not be used on this site where visible from public streets or adjacent residential areas.
10. 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

PRINTED NAME OF COPYRIGHT OWNER

DATE

REGISTERED ARCHITECT
CERTIFICATE NO.
32696
DANIEL P. BRUSNAHAN
Date Signed
10/21/21
ARIZONA

0" 15' 30' 60'
SCALE: 1" = 30'-0"

MDEV / SDEV NO.	1400342
DSD KIVA NO. / PAPP NO.	142168
VARIANCE NO.	----
ZONING MAP	----
QUARTER SECTION NO.	18-27
PRE-APPLICATION MEETING	08/02/2021

TODD + ASSOCIATES
602-952-8280 / TODDASSOC.COM
21-2036-00

RANGEWATER REAL ESTATE

APTS at NWC CENTRAL AVE & PIERSON ST

PHOENIX, ARIZONA

OPTION 2 PRE-APPLICATION

12-21-2021

CONCEPTUAL SITE PLAN

Preliminary Not For Construction

A1.1

Exhibit 5

1 **NORTH ELEVATION**
MARIPOSA (SECONDARY) - LIGHT RAIL ALIGNMENT B & STOOP ALIGNMENT A SCALE: 1/16" = 1'-0"

2 **EAST ELEVATION**
CENTRAL AVENUE (PRIMARY) - STOREFRONT ALIGNMENT C SCALE: 1/16" = 1'-0"

EXTERIOR MATERIALS

A	STUCCO COLOR 1	SHERWIN-WILLIAMS - SW7005 "PURE WHITE"
B	STUCCO COLOR 2	SHERWIN-WILLIAMS - SW6158 "SAWDUST"
C	STUCCO COLOR 3	SHERWIN-WILLIAMS - SW7604 "SMOKEY BLUE"
D	STUCCO COLOR 4	SHERWIN-WILLIAMS - SW7069 "IRON ORE"
E	COMPOSITE SIDING	PU08 ROMANTIC WALNUT
F	CMU BLOCK	8"x8"x16" HI-LITE MARK II, STACKED BOND
G	METAL PANELS	31 CHAMPAGNE
H	METAL MESH	TO MATCH METAL PANEL

CENTRAL AVENUE (PRIMARY) - STOREFRONT ALIGNMENT C
GLAZING @ FIRST FLOOR (STOREFRONT) = 890 S.F. / 994 S.F. = 90%
(MINIMUM 75 % GLAZING @ FIRST FLOOR)
GLAZING @ SECOND FLOOR (RESIDENTIAL) = 761 S.F. / 2,088 S.F. = 36%
(MINIMUM 25 % GLAZING @ SECOND FLOOR)
GLAZING @ THIRD FLOOR (RESIDENTIAL) = 761 S.F. / 2,088 S.F. = 36%
(MINIMUM 25 % GLAZING @ THIRD FLOOR

MARIPOSA (SECONDARY) - LIGHT RAIL ALIGNMENT A
GLAZING @ FIRST FLOOR (LIGHT RAIL) = 959 S.F. / 1,211 S.F. S.F. = 79%
(MINIMUM 50 % GLAZING @ FIRST FLOOR)
GLAZING @ SECOND FLOOR (RESIDENTIAL) = 412 S.F. / 1,157 S.F. = 36%
(MINIMUM 25 % GLAZING @ SECOND FLOOR)
GLAZING @ THIRD FLOOR (RESIDENTIAL) = 412 S.F. / 1,157 S.F. = 36%
(MINIMUM 25 % GLAZING @ THIRD FLOOR

REGISTERED ARCHITECT
CERTIFICATE NO.
32698
DANIEL P. BRUSNAHAN
12/21/21
ARIZONA, USA

0" 8' 16' 32'
SCALE: 1/16" = 1'-0"

TODD + ASSOCIATES
602-952-8280 / TODDASSOC.COM
21-2036-00

RANGEWATER REAL ESTATE

APTS at NWC CENTRAL AVE & PIERSON ST
PHOENIX, ARIZONA
OPTION 2 PRE-APPLICATION
12-20-2021

COLOR ELEVATIONS

Preliminary Not For Construction

A4.1_C

1 **SOUTH ELEVATION**
PIERSON (SECONDARY) - STOOP FRONTAGE ALIGNMENT D SCALE: 1/16" = 1'-0"

2 **WEST ELEVATION**
SCALE: 1/16" = 1'-0"

EXTERIOR MATERIALS

A	STUCCO COLOR 1	SHERWIN-WILLIAMS - SW7005 "PURE WHITE"
B	STUCCO COLOR 2	SHERWIN-WILLIAMS - SW6158 "SAWDUST"
C	STUCCO COLOR 3	SHERWIN-WILLIAMS - SW7604 "SMOKEY BLUE"
D	STUCCO COLOR 4	SHERWIN-WILLIAMS - SW7069 "IRON ORE"
E	COMPOSITE SIDING	PL108 ROMANTIC WALNUT
F	CMU BLOCK	8"x8"x16" HI-LITE MARK II, STACKED BOND
G	METAL PANELS	31 CHAMPAGNE
H	METAL MESH	TO MATCH METAL PANEL

CENTRAL AVENUE (PRIMARY) - STOREFRONT ALIGNMENT C
GLAZING @ FIRST FLOOR (STOREFRONT) = 890 S.F. / 994 S.F. = 90%
(MINIMUM 75 % GLAZING @ FIRST FLOOR)
GLAZING @ SECOND FLOOR (RESIDENTIAL) = 761 S.F. / 2,088 S.F. = 36%
(MINIMUM 25 % GLAZING @ SECOND FLOOR)
GLAZING @ THIRD FLOOR (RESIDENTIAL) = 761 S.F. / 2,088 S.F. = 36%
(MINIMUM 25 % GLAZING @ THIRD FLOOR

MARIPOSA (SECONDARY) - LIGHT RAIL ALIGNMENT A
GLAZING @ FIRST FLOOR (LIGHT RAIL) = 959 S.F. / 1,211 S.F. S.F. = 79%
(MINIMUM 50 % GLAZING @ FIRST FLOOR)
GLAZING @ SECOND FLOOR (RESIDENTIAL) = 412 S.F. / 1,157 S.F. = 36%
(MINIMUM 25 % GLAZING @ SECOND FLOOR)
GLAZING @ THIRD FLOOR (RESIDENTIAL) = 412 S.F. / 1,157 S.F. = 36%
(MINIMUM 25 % GLAZING @ THIRD FLOOR

REGISTERED ARCHITECT
CERTIFICATE NO.
32698
DANIEL P. BRUSNAHAN
Date Signed 12/21/21
ARIZONA, USA

0" 8' 16' 32'
SCALE: 1/16" = 1'-0"

TODD + ASSOCIATES
602-952-8280 / TODDASSOC.COM
21-2036-00

RANGEWATER REAL ESTATE

APTS at NWC CENTRAL AVE & PIERSON ST

PHOENIX, ARIZONA
OPTION 2 PRE-APPLICATION
12-20-2021

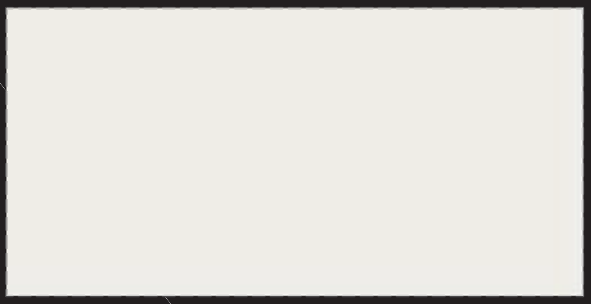
COLOR ELEVATIONS

Preliminary Not For Construction

A4.2_C

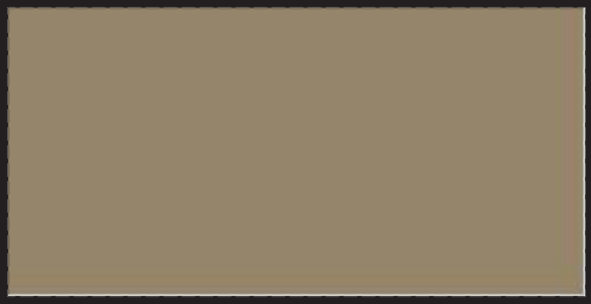
Exhibit 6

EXTERIOR COLOR SCHEDULE



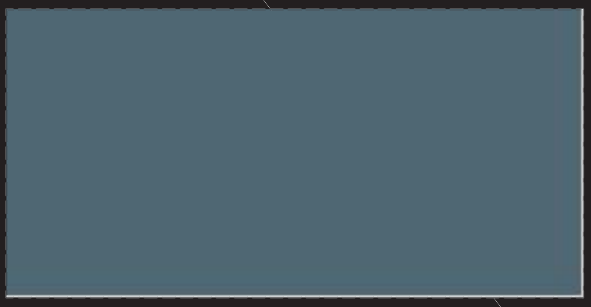
STUCCO 1

A | MFGR: SHERWIN-WILLIAMS
SW7005 "PURE WHITE"



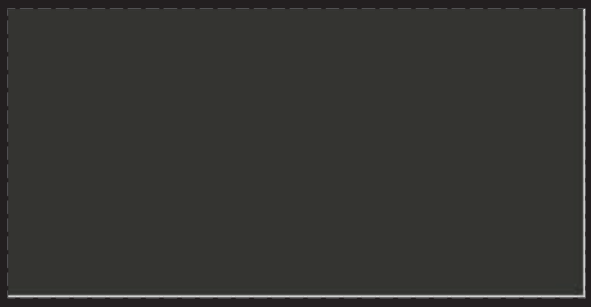
STUCCO 2

B | MFGR: SHERWIN-WILLIAMS
SW6158 "SAW DUST"



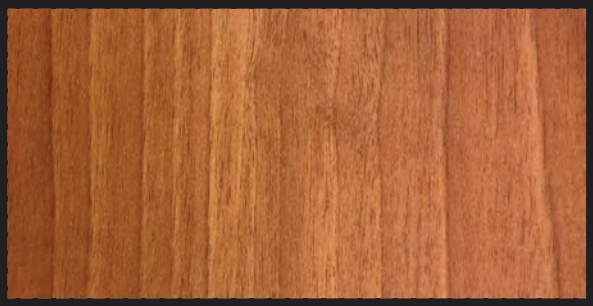
STUCCO 3

C | MFGR: SHERWIN-WILLIAMS
SW7604 "SMOKY BLUE"



STUCCO 4

D | MFGR: SHERWIN-WILLIAMS
SW7069 "IRON ORE"

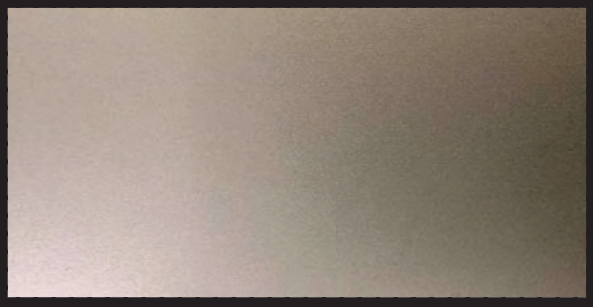


COMPOSITE SIDING

E | MFGR:
PU08 ROMANTIC WALNUT

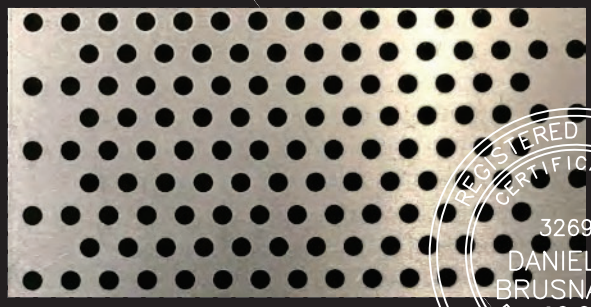
CMU BLOCK

F | MFGR:
8"x8"x16" HI-LITE MARK II, STACKED BOND



METAL PANELS

G | MFGR:
31 CHAMPAGNE



METAL MESH

H | MFGR:
TO MATCH METAL PANEL

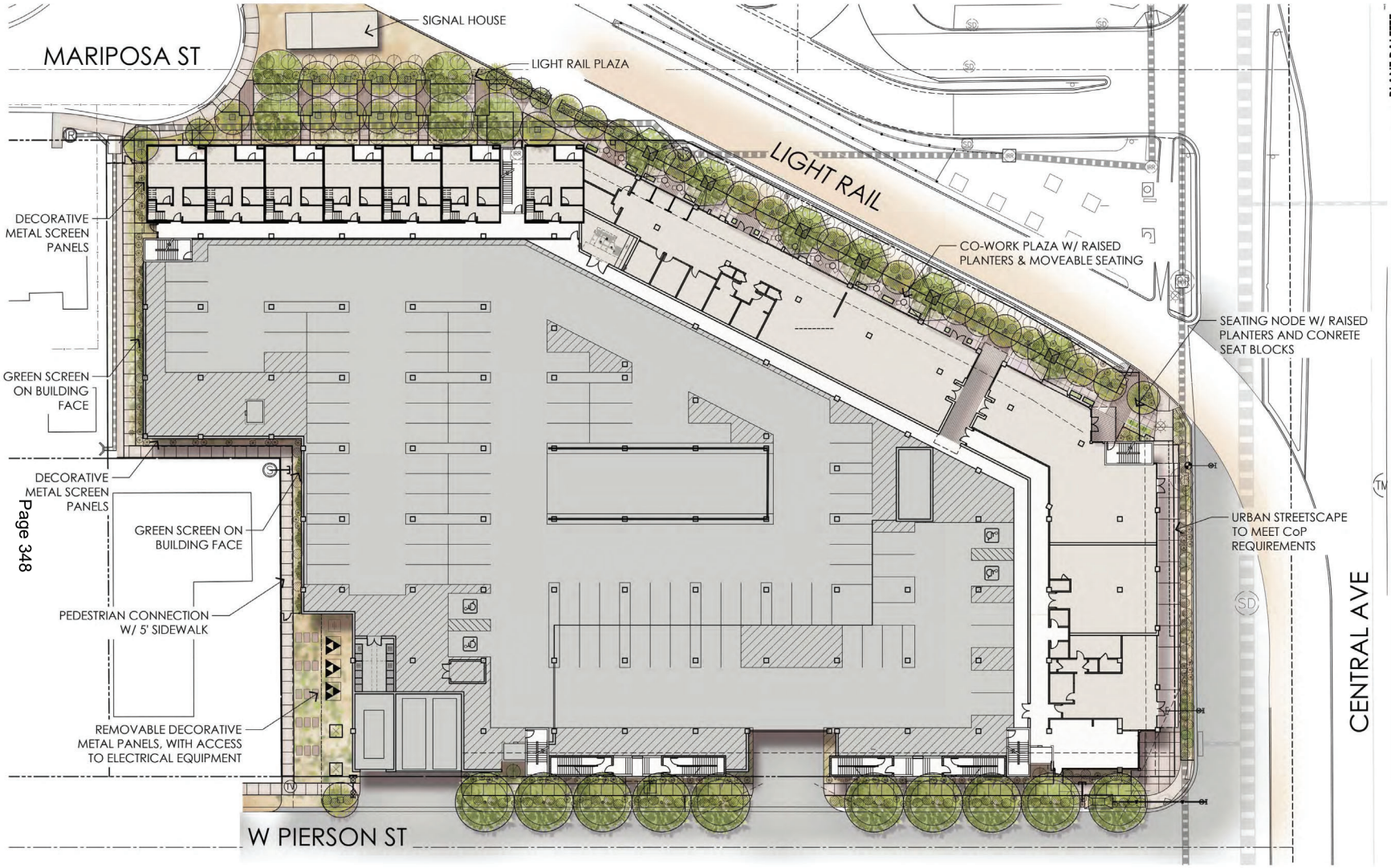
REGISTERED ARCHITECT
CERTIFICATE NO.
32698
DANIEL P. BRUSNAHAN
12-21-21
Date Signed
ARIZONA, U.S.A.

Materials Board

TODD & ASSOCIATES, INC.
ARCHITECTURE PLANNING LANDSCAPE ARCHITECTURE
602.952.8280p www.toddassoc.com

APTS at NWC CENTRAL AVE & PIERSON ST
• Phoenix, Arizona
Project Number: 21-2036-00 • 12-20-21
OPTION 2 PRE-APPLICATION

Exhibit 7



PLANT PALETTE

SYMBOL	BOTANICAL NAME w/ MATURITY (H x W)	COMMON NAME	SIZE	CAL.
TREES				
	ACACIA ANEURA (18'x15')	MULGA ACACIA	15 GAL.	.75"
	ACACIA WILLARDIANA (20'x15')	PALO BLANCO	15 GAL.	1"
	CAESALPINIA MEXICANA (15'x15')	MEXICAN BIRD OF PARADISE	15 GAL.	.75"
	IRENOPSIS EBANO (40'x40')	TEXAS EBONY	24" BOX 36" BOX	1.5" 2.25"
	OLNEYA TESOTA (30'x30')	IRONWOOD	48" BOX	6" (MULTI)
	PARKINSONIA MICROPHYLLA (25'x25')	FOOTHILLS PALO VERDE	15 GAL. 24" BOX	.75" 1.25" (MULTI)
	QUERCUS VIRGINIANA 'CATHEDRAL' (40'x40')	CATHEDRAL OAK	24" BOX	1"
	ULMUS PARVIFOLIA (40'x40')	EVERGREEN ELM	24" BOX	1"
	SOPHORA SECUNDIFLORA (20'x15')	TEXAS MOUNTAIN LAUREL	24" BOX	1.5" (MULTI)
PALMS				
	DATE PALM	PHOENIX DACTYLIFERA		
	MEDITERRANEAN FAN PALM	CHAMAEROPS HUMILIS		
SHRUBS			**SIZE**	
	ANISACANTHUS QUADRIFIDUS V. WRIGHTII	FLAME ACANTHUS	5 GAL.	
	CORDIA PARVIFOLIA	LITTLE LEAF CORDIA	5 GAL.	
	DODONAEA VISCOSA	GREEN HOPSEED	5 GAL.	
	EREMOPHILA MACULATA 'VALENTINE'	VALENTINE EREMOPHILA	5 GAL.	
	EREMOPHILA HYGROPHANA	BLUEBELLS	5 GAL.	
	EUPHORBIA TIRUCALLI	FIRE STICKS	5 GAL.	
	HYPTIS EMORYI	DESERT LAVENDER	5 GAL.	
	JUSTICIA SPICIGERA	MEXICAN HONEYSUCKLE	5 GAL.	
	LEUCOPHYLLUM 'LYNNS LEGACY'	HYBRID TEXAS SAGE	5 GAL.	
	RUELLIA PENINSULARIS	DESERT RUELLIA	5 GAL.	
	RUESSELIA EQUISETIFORMIS	CORAL FOUNTAIN	5 GAL.	
	SIMMONDSIA CHINENSIS	JOJOBA	5 GAL.	
	TECOMA STANS 'SIERRA APRICOT'	YELLOW BELLS	5 GAL.	
ACCENTS				
	AGAVE COLORATA	MESCAL CENIZA	5 GAL	
	AGAVE DESMETTIANA	SMOOTH AGAVE	5 GAL	
	AGAVE PARRYI	PARRY'S AGAVE	5 GAL	
	AGAVE WEBERI	WEBER'S AGAVE	5 GAL	
	DASYLIRION WHEELERI	DESERT SPOON	5 GAL.	
	ECHINOCACTUS GRUSONII	GOLDEN BARREL CACTUS	5 GAL.	
	HESPERALOE FUNIFERA 'CHIANGII'	WIDE LEAF HESPERALOE	5 GAL.	
	HESPERALOE PARVILORA x 'PERFU', 'PINK PARADE'	'PINK PARADE' RED YUCCA	5 GAL.	
	HESPERALOE PARVIFLORA x 'PERPA' BRAKELIGHTS	'BRAKELIGHTS' RED YUCCA	5 GAL.	
	MUHLENBERGIA LINDHEIMERI 'AUTUMN GLOW'	LINHEIMER MUHLY	5 GAL.	
	PACHYCERUS MARGINATUS	MEXICAN FENCE POST	25 GAL.	
	PEDILANTHUS MACROCARPUS	LADY'S SLIPPER	5 GAL.	
	PENSTEMON EATONI	FIRECRACKER PENSTEMON	5 GAL.	
	PENSTEMON PARRYI	PARRY'S PENSTEMON	5 GAL.	
	YUCCA PALLIDA	PALE LEAF YUCCA	5 GAL.	
GROUNDCOVERS				
	EREMOPHILA GLABRA 'MINGENEW GOLD'	OUTBACK SUNRISE EMU	1 GAL	
	GAZANIA RIGENS LEUCOLAENA	TRAILING GAZANIA	5 GAL.	
	LANTANA 'NEW GOLD'	NEW GOLD LANTANA	5 GAL.	
	LANTANA MONTEVIDENSIS	PURPLE LANTANA	1 GAL.	
	ROSMARINUS OFFICINALIS 'HUNTINGTON CARPET'	TRAILING ROSEMARY	5 GAL.	
	SPHAGNETICOLA TRILOBATA	'YELLOW DOT	5 GAL.	
	TETRANEURIS ACAULIS	ANGELITA DAISY	5 GAL.	
VINES				
	MACFADYENA UNGUIS-CATI	CAT CLAW VINE	5 GAL.	
	BIGNONIA CAPREOLATA 'TANGERINE BEAUTY'	TANGERINE BEAUTY CROSS VINE	5 GAL.	
GROUNDPLANE				
TYPICAL LANDSCAPE AREA	DECOMPOSED GRANITE, 2" DEPTH, 1/2" SCREENED, 'SADDLEBACK BROWN'			

0' 15' 30' 60'

SCALE: 1" = 30'-0"

N

STEVEN D. VOORHEES
21436
12-20-21
ARIZONA, U.S.A.
LICENSE EXPIRES 9/30/2022

TODD + ASSOCIATES
602-952-8280 / TODDASSOC.COM
21-2036-00

RANGEWATER REAL ESTATE

APTS at NWC CENTRAL AVE & PIERSON ST

PHOENIX, ARIZONA

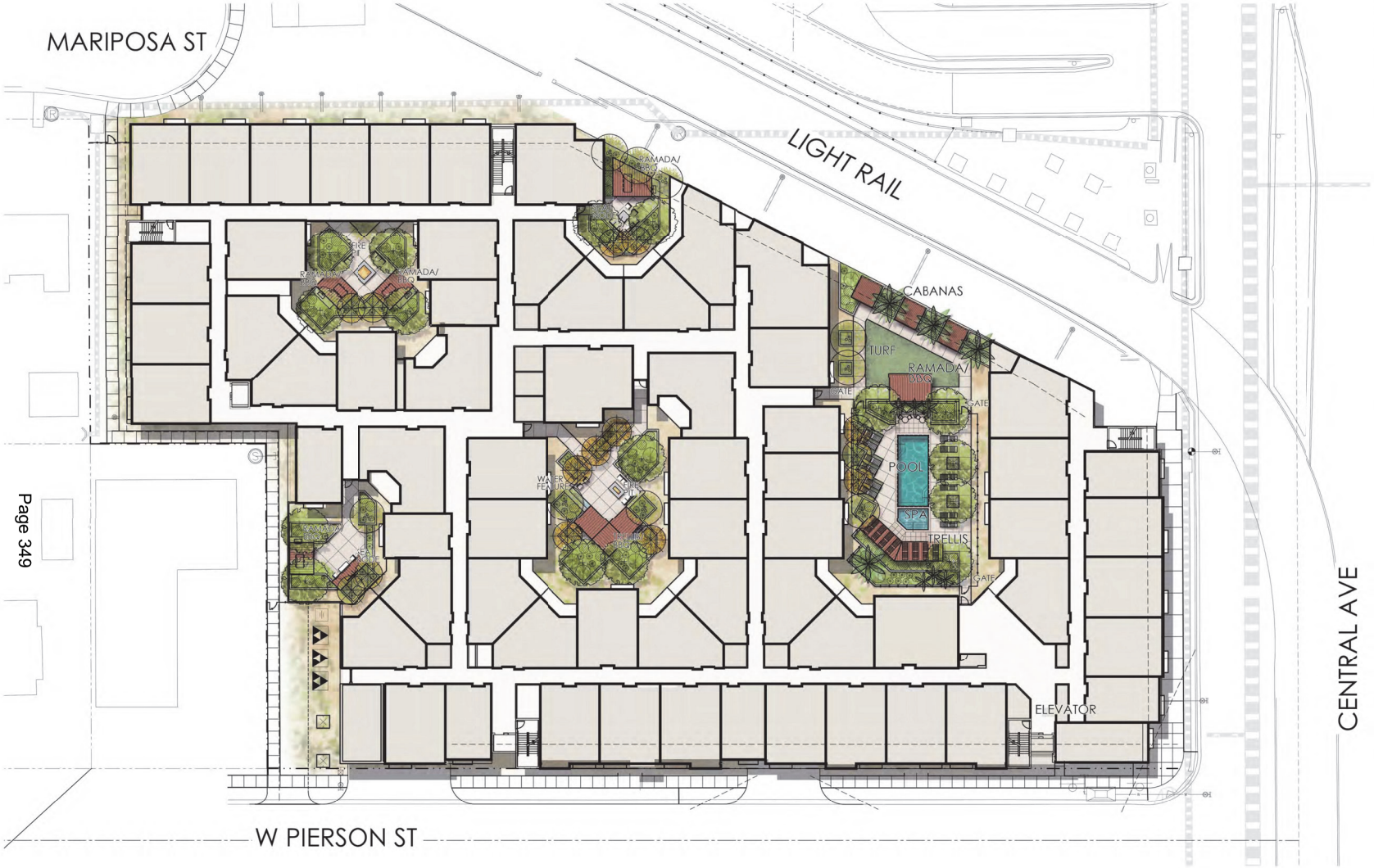
OPTION 2 PRE-APPLICATION

12-20-2021

GROUND LEVEL LANDSCAPE PLAN

Preliminary Not For Construction

L1.1_C



PLANT PALETTE

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	CAL
TREES				
	ACACIA ANEURA (18'x15')	MULGA ACACIA	15 GAL.	.75"
	ACACIA WILLARDIANA (20'x15')	PALO BLANCO	15 GAL.	1"
	CAESALPINIA MEXICANA (15'x15')	MEXICAN BIRD OF PARADISE	15 GAL.	.75"
	EBENOPSIS EBANO (40'x40')	TEXAS EBONY	24" BOX 36" BOX	1.5" 2.25"
	OLNEYA TESOTA (30'x30')	IRONWOOD	48" BOX	6" (MULTI)
	PARKINSONIA MICROPHYLLA (25'x25')	FOOTHILLS PALO VERDE	15 GAL. 24" BOX	.75" 1.25" (MULTI)
	QUERCUS VIRGINIANA 'CATHEDRAL' (40'x40')	CATHEDRAL OAK	24" BOX	1"
	ULMUS PARVIFOLIA (40'x40')	EVERGREEN ELM	24" BOX	1"
	SOPHORA SECUNDIFLORA (20'x15')	TEXAS MOUNTAIN LAUREL	24" BOX	1.5" (MULTI)
PALMS				
	DATE PALM	PHOENIX DACTYLIFERA		
	MEDITERRANEAN FAN PALM	CHAMAEROPS HUMILIS		
SHRUBS			SIZE	
	ANISACANTHUS QUADRIFIDUS V. WRIGHTII	FLAME ACANTHUS	5 GAL.	
	CORDIA PARVIFOLIA	LITTLE LEAF CORDIA	5 GAL.	
	DODONEA VISCOSA	GREEN HOPSEED	5 GAL.	
	EREMOPHILA MACULATA 'VALENTINE'	VALENTINE EREMOPHILA	5 GAL.	
	EREMOPHILA HYGROPHANA	BLUEBELLS	5 GAL.	
	EUPHORBIA TIRUCALLI	FIRE STICKS	5 GAL.	
	HYPTIS EMORYI	DESERT LAVENDER	5 GAL.	
	JUSTICIA SPICIGERA	MEXICAN HONEYSUCKLE	5 GAL.	
	LEUCOPHYLLUM 'LYNNS LEGACY'	HYBRID TEXAS SAGE	5 GAL.	
	RUELLIA PENINSULARIS	DESERT RUELLIA	5 GAL.	
	RUESSELIA EQUISETIFORMIS	CORAL FOUNTAIN	5 GAL.	
	SIMMONDSIA CHINENSIS	JOJOBA	5 GAL.	
	TECOMA STANS 'SIERRA APRICOT'	YELLOW BELLS	5 GAL.	
ACCENTS				
	AGAVE COLORATA	MESCAL CENIZA	5 GAL	
	AGAVE DESMETTIANA	SMOOTH AGAVE	5 GAL	
	AGAVE PARRYI	PARRY'S AGAVE	5 GAL	
	AGAVE WEBERI	WEBER'S AGAVE	5 GAL	
	DASYLIRION WHEELERI	DESERT SPOON	5 GAL.	
	ECHINOCACTUS GRUSONII	GOLDEN BARREL CACTUS	5 GAL.	
	HESPERALOE FUNIFERA 'CHIANGII'	WIDE LEAF HESPERALOE	5 GAL.	
	HESPERALOE PARVLORA x 'PERFU' 'PINK PARADE'	'PINK PARADE' RED YUCCA	5 GAL.	
	HESPERALOE PARVFLORA x 'PERPA BRAKELIGHTS'	'BRAKELIGHTS' RED YUCCA	5 GAL.	
	MUHLENBERGIA LINDHEIMERI 'AUTUMN GLOW'	LINHEIMER MUHLY	5 GAL.	
	PACHYCERUS MARGINATUS	MEXICAN FENCE POST	25 GAL.	
	PEDILANTHUS MACROCARPUS	LADY'S SLIPPER	5 GAL.	
	PENSTEMON EATONII	FIRECRACKER PENSTEMON	5 GAL.	
	PENSTEMON PARRYI	PARRY'S PENSTEMON	5 GAL.	
	YUCCA PALLIDA	PALE LEAF YUCCA	5 GAL.	
GROUNDCOVERS				
	EREMOPHILA GLABRA 'MINGINEW GOLD'	OUTBACK SUNRISE EMU	1 GAL	
	GAZANIA RIGENS LEUCOLAENA	TRAILING GAZANIA	5 GAL.	
	LANTANA 'NEW GOLD'	NEW GOLD LANTANA	5 GAL.	
	LANTANA MONTEVDENSIS	PURPLE LANTANA	1 GAL.	
	ROSMARINUS OFFICINALIS 'HUNTINGTON CARPET'	TRAILING ROSEMARY	5 GAL.	
	SPHAGNETICOLA TRILOBATA	YELLOW DOT	5 GAL.	
	TETRANEURIS ACAULIS	ANGELITA DAISY	5 GAL.	
VINES				
	MACFADYENA UNGUIS-CATI	CAT CLAW VINE	5 GAL.	
	BIGNONIA CAPREOLATA 'TANGERINE BEAUTY'	TANGERINE BEAUTY CROSS VINE	5 GAL.	
GROUNDPLANE				
	TYPICAL LANDSCAPE AREA	DECOMPOSED GRANITE, 2" DEPTH, 1/2" SCREENED, 'SADDLEBACK BROWN'		

0" 15' 30' 60'
SCALE: 1" = 30'-0"

STEVEN D. VOORHEES — 12-20-21 — ARIZONA U.S.A.
LICENSE EXPIRES 9/30/2022

TODD + ASSOCIATES
602-952-8280 / TODDASSOC.COM
21-2036-00

RANGEWATER REAL ESTATE

APTS at NWC CENTRAL AVE & PIERSON ST

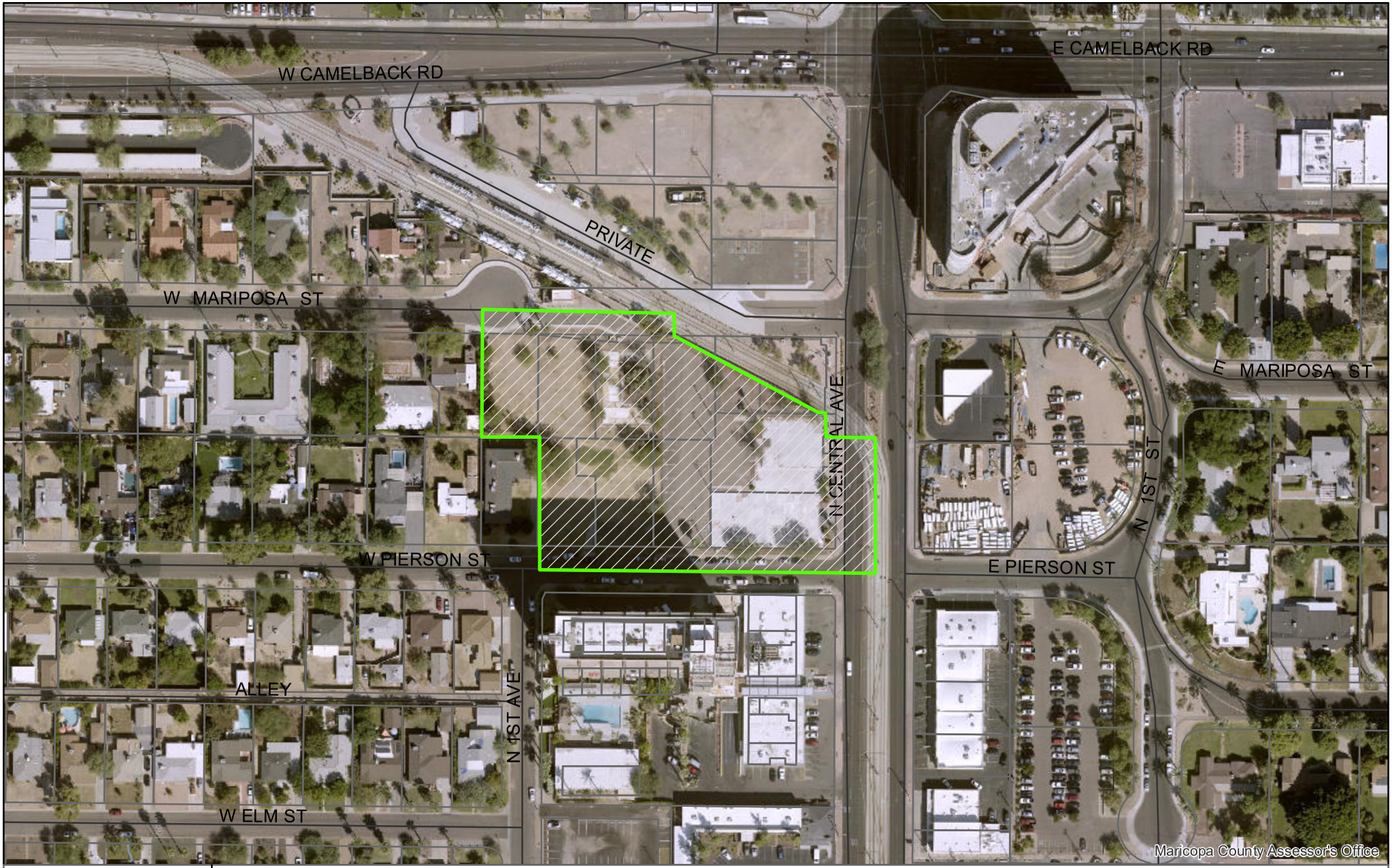
PHOENIX, ARIZONA
OPTION 2 PRE-APPLICATION
12-20-2021

PODIUM LANDSCAPE PLAN

Preliminary Not For Construction

L1.2

EXHIBIT C



PHO-1-22--Z-26-15-4

Property Location: Northwest corner of Central Avenue and Pierson Street

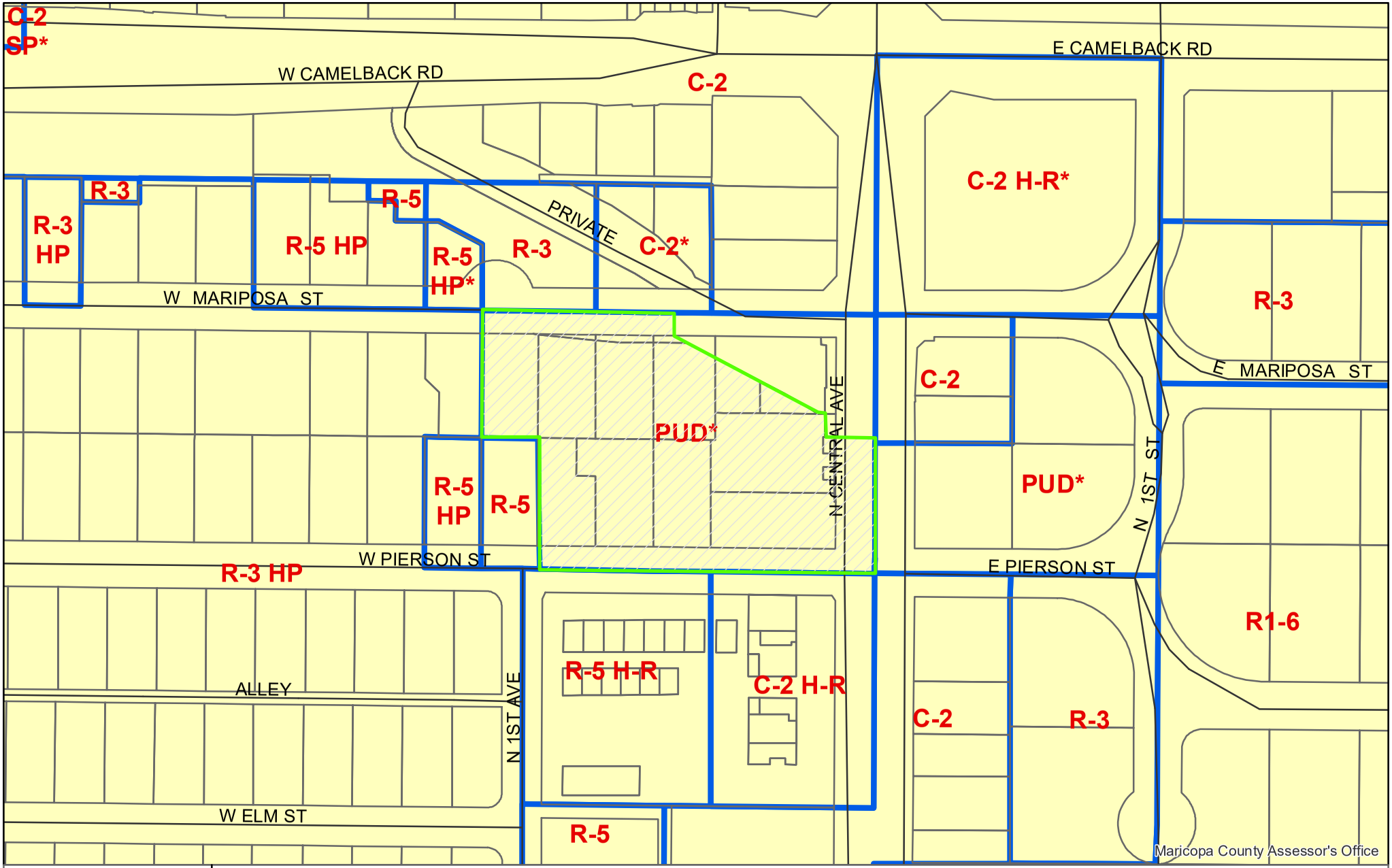
City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

Planning & Development Department

0 80 160 320 Feet

N

EXHIBIT D



Page 353

PHO-1-22--Z-26-15-4

Property Location: Northwest corner of Central Avenue and Pierson Street

City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

Planning & Development Department

0 80 160 320 Feet

N

EXHIBIT E

OFFICAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL
20150908025 12/24/2015 09:36 #6089G
ELECTRONIC RECORDING (6 pages)

ORDINANCE G-6089

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PROPERTY DESCRIBED HEREIN (CASE Z-26-15-4) FROM C-2 TOD-1 (1.59 ACRES), R-3 TOD-1 (0.82 ACRES), R-5 TOD-1 (0.56 ACRES), & P-1 TOD-1 (0.56 ACRES) TO PUD (PLANNED UNIT DEVELOPMENT – 3.53 ACRES).

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

SECTION 1: The zoning of an approximately 3.53 acre property located at the northwest corner of Central Avenue and Pierson Street in a portion of Section 20, Township 4 North, Range 3 East, as described more specifically in Attachment "A", is hereby changed from C-2 TOD-1 (1.59 Acres), R-3 TOD-1 (0.82 Acres), R-5 TOD-1 (0.56 Acres), & P-1 TOD-1 (0.56 Acres) to PUD (Planned Unit Development – 3.53 Acres).

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 Attachment "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 compliance with the PUD

narrative and the following stipulations, violation of which shall be treated in the same manner as a violation of the

City of Phoenix Zoning Ordinance:

1. An updated Development Narrative for the Omninet – West PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with the Development Narrative date stamped October 14, 2015.

2. The property owner shall provide a deposit in the amount of $50,000 into a Street Transportation Department escrow account at the City of Phoenix to be utilized for traffic calming measures in the Pierson Place Historic District. These funds may be contributed toward the purchase and installation of such devices as roundabouts, speed humps/cushions, or raised crosswalks (speed tables), limited turning, traffic diverters, GATES or other such traffic calming or management tools for the area bounded by Central Avenue, Camelback Road, 7th Avenue, and the Grand Canal. Distribution of funds shall be at the mutual agreement of the FIVE MEMBER NEIGHBORHOOD TRAFFIC TEAM ~~Board of Directors of Pierson Place Historic District~~, the residents on affected streets and the City of Phoenix Streets Department Safety and Neighborhood Traffic section~~, in accordance with all procedures required by the city~~. Owner may apply for reimbursement of escrow funds from the Street Transportation Department if no ~~formal~~ SPECIAL petition has been submitted within ~~3~~ 5 years from the issuance of a certificate of occupancy. ~~The Street Transportation Department may study any potential traffic impacts concurrent with construction to expedite the study process and construction of any traffic mitigation measures as approved by the Street Transportation Department.~~

3. Developer shall install a monument proximate to the northwest corner of the site identifying the Pierson Place Historic District and facing toward the Light Rail station, as approved by the Planning and Development Department. The monument shall be similar to the existing Pierson Place Historic District Monument located proximate to the southwest corner of 3rd Avenue and Camelback Road, or as otherwise agreed upon by the developer and the Board of Directors of the Pierson Place Historic District.

4. THE DEVELOPER SHALL CONSTRUCT A DIRECTIONAL RETAIL DRIVEWAY TO DIRECT RETAIL TRAFFIC AWAY FROM THE NEIGHBORHOOD AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

5. THE APPROVAL SHALL BE CONDITIONED UPON DEVELOPMENT COMMENCING WITHIN SEVEN (7) YEARS OF THE CITY COUNCIL APPROVAL OF THIS CHANGE OF ZONING IN ACCORDANCE WITH SECTION 506.B.1 OF THE PHOENIX ZONING ORDINANCE. (FOR PURPOSES OF THIS STIPULATION, DEVELOPMENT SHALL COMMENCE WITH THE ISSUANCE OF BUILDING PERMITS AND ERECTION OF BUILDING WALLS ON SITE).

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

PASSED by the Council of the City of Phoenix this 16th day of December, 2015.

MAYOR

ATTEST:

ACTING
City Clerk

APPROVED AS TO FORM:

Acting City Attorney

REVIEWED BY:

ACTING
City Manager

PML:efl:1212825v1: (CM#68)(Item#93) 12/16/15

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

ATTACHMENT A

LEGAL DESCRIPTION FOR Z-26-15-4

THAT PORTION OF LOTS 46 TROUGH 56, STANLEY PLACE, RECORDED AS BOOK 18 OF MAPS, PAGE 21 LOCATED IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 4 NORTH, RANGE 3 EAST OF THE GILA RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 20, SAID POINT BEING MARKED BY A STONE IN A HANDHOLE LYING SOUTH 89 42'53" EAST A DISTANCE OF 2664.89 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 20, SAID POINT BEING MARKED BY A BRASS CAP IN HANDHOLE;

THENCE SOUTH 00 00'00" EAST (BASIS OF BEARINGS) A DISTANCE OF 659.91 FEET TO THE CENTER POINT IN THE INTERSECTION OF CENTRAL AVENUE AND WEST PIERSON STREET, SAID POINT BEING MARKED BY 2 BRASS CAP REFERENCE MONUMENTS LYING NORTH 53 31'35" WEST A DISTANCE OF 59.09 FEET, AND SOUTH 55 54'14" WEST A DISTANCE OF 57.79 FEET;
THENCE NORTH 89 43'49" WEST 50.00 FEET;
THENCE NORTH 00 00'00" EAST PARALLEL WITH AND 50.00 FEET WEST OF THE NORTH- SOUTH MIDSECTION LINE OF SAID SECTION 20, 30.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 53, BEING MARKED BY A FOUND "X" IN CONCRETE AND THE POINT OF BEGINNING;

THENCE NORTH 89 43'49" WEST PARALLEL WITH AND 30.00 FEET NORTH OF THE CENTERLINE OF WEST PIERSON STREET, 379.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 56, BEING MARKED BY A 1/2" REBAR WITH CAP L#I34711;
THENCE NORTH 00 00'00" EAST 135.03 FEET TO THE NORTHWEST CORNER OF SAID LOT 56, BEING MARKED BY A 1/2" REBAR WITH CAP L#41076;
THENCE NORTH 89 43'26" WEST 73.00 FEET, TO THE SOUTHWEST CORNER OF SAID LOT 46, BEING MARKED BY A 1/2" REBAR WITH CAP L#41076;
THENCE NORTH 00 00'00" EAST 135.03 FEET TO THE NORTHWEST CORNER OF SAID LOT 46, BEING MARKED BY A 1/2" REBAR WITH CAP LS#41076;
THENCE SOOTH 89 43'03" EAST 245.02 FEET BEING MARKED BY A 1/2" REBAR WITH CAP LS#38175;
THENCE SOUTH 62 41'29" EAST 79.57 FEET BEING MARKED BY A 1/2" REBAR WITH CAP LS#38175;
THENCE SOUTH 62 43'59" EAST 78.54 FEET BEING MARKED BY A 1/2" REBAR WITH CAP LS#39131;
THENCE SOUTH 60 22'32" EAST 25.98 FEET BEING MARKED BY A PK NAIL WITH TAG LS#38175;

THENCE SOUTH 57 07'28" EAST 26.07 FEET BEING MARKED A 1/2" REBAR WITH CAP LS#38168;
THENCE NORTH 89 59'52" EAST 7.65 FEET BEING MARKED BY A 1/2" REBAR WITH CAP LS#38175;
THENCE SOUTH 00 15'26" EAST 29.09 FEET BEING MARKED BY A WITNESS CORNER LYING 1.80 FEET EAST, SAID POINT BEING A "X" IN CONCRETE;
THENCE NORTH 89 59'51" EAST 14.22 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF CENTRAL AVENUE, BEING MARKED BY A "X" IN CONCRETE;
THENCE SOUTH 00 00'00" EAST PARALLEL WITH AND 50.00 FEET WEST OF THE NORTH- SOUTH MIDSECTION LINE, 142.42 FEET TO THE POINT OF BEGINNING.

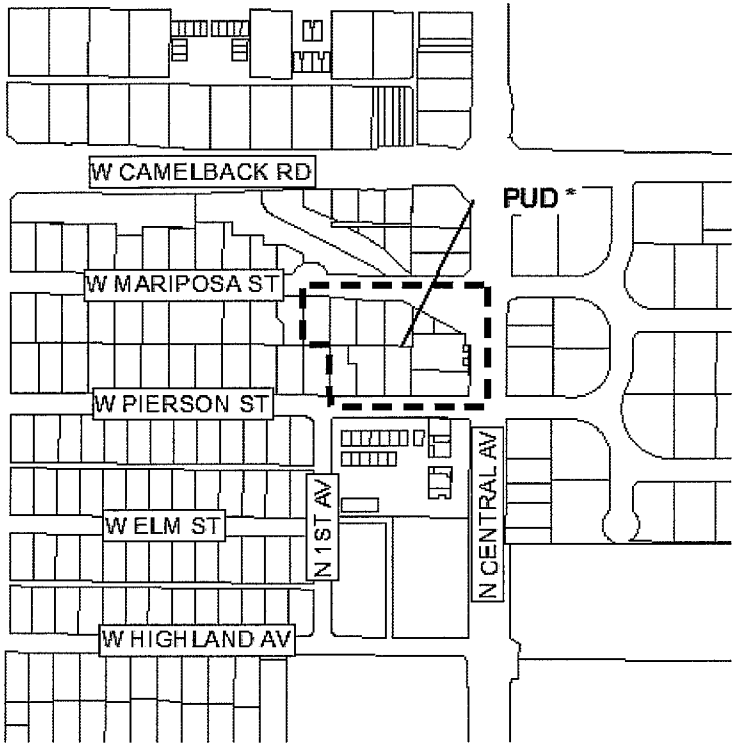
NET AREA OF PARCEL IS 100,792 S.F. OR 2.3139 ACRES MORE OR LESS

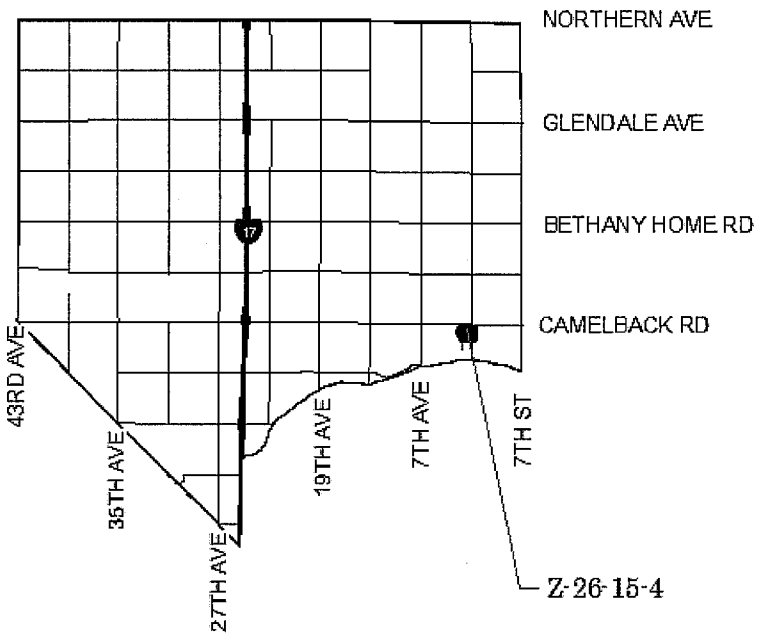
ORDINANCE LOCATION MAP

ATTACHMENT B

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA: ▪ ▪ ▪ ▪

Zoning Case Number: Z-26-15-4
Zoning Overlay: N/A
Planning Village: Alhambra





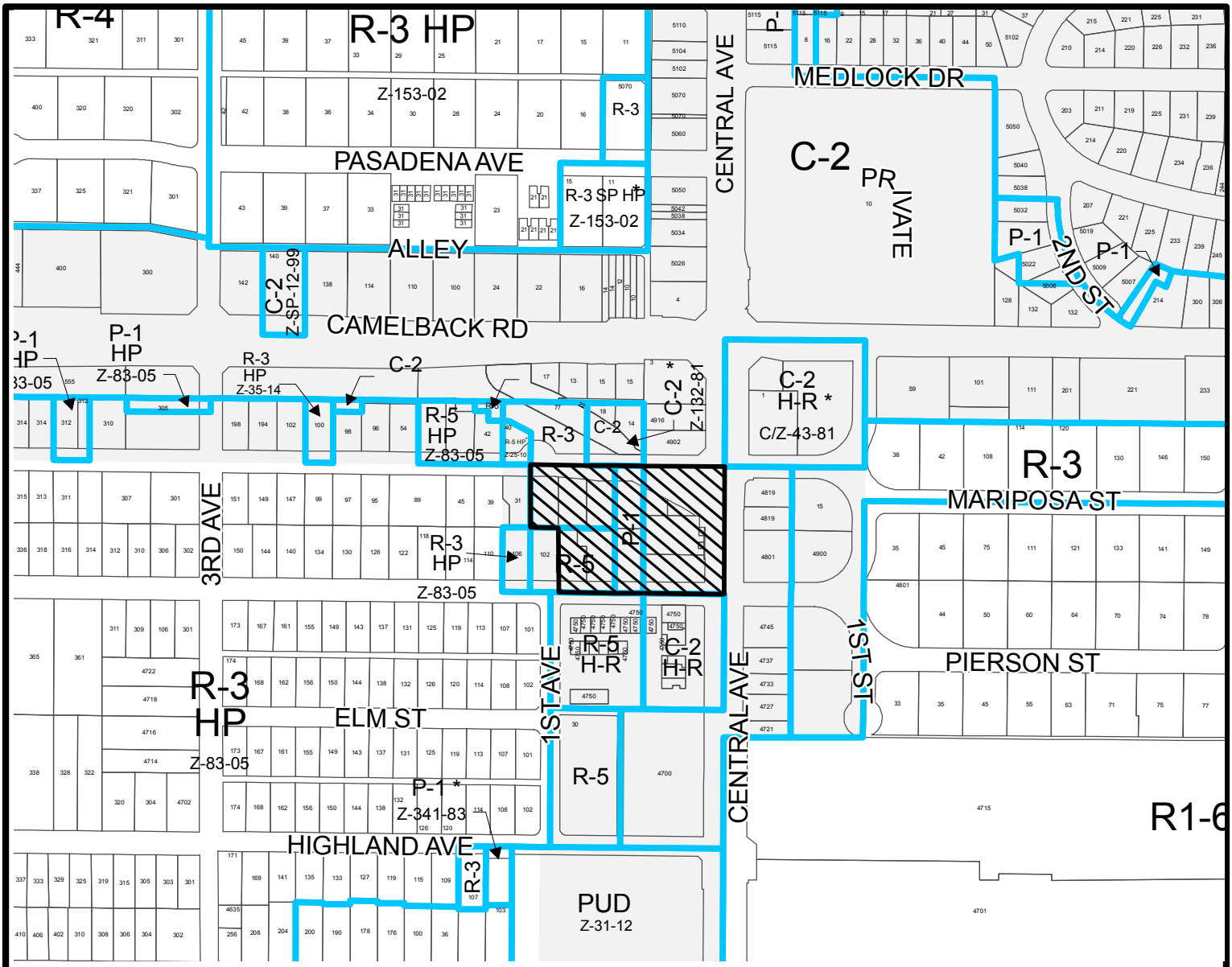
NOT TO SCALE

N

Drawn Date: 11/12/2015

N:\IS_Team\Core_Functions\Zoning\SuppMaps_OrdMaps\2015 Ord\Formal_Dec_2_2015\Z-26-15-4.mxd

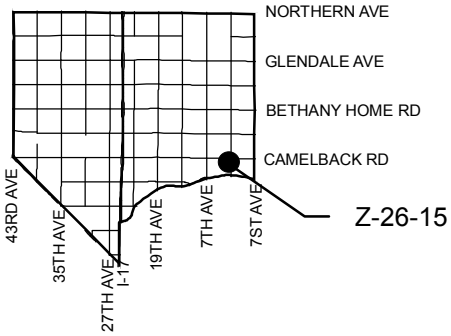
EXHIBIT F



NORTH

400 200 0 400 Feet

CITY OF PHOENIX PLANNING DEPARTMENT



ALHAMBRA VILLAGE

CITY COUNCIL DISTRICT: 4

APPLICANT'S NAME: Ed Bull/ Burch & Cracchiolo, PA

APPLICATION NO. Z-26-15

DATE: 5/21/15

REVISION DATES:

GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.

3.53 Acres

AERIAL PHOTO & QUARTER SEC. NO.: QS 18-27

ZONING MAP: H-8

REQUESTED CHANGE:

FROM: C-2 TOD-1 (1.59 a.c.)
R-3 TOD-1 (.82 a.c.)
R-5 TOD-1 (.56 a.c.)
P-1 TOD-1 (.56 a.c.)

TO: PUD, (3.53 a.c.)

MULTIPLES PERMITTED	CONVENTIONAL OPTION	* UNITS P.R.D. OPTION
C-2, R-3, R-5, P-1	23, 12, 24, N/A	27, 14, 29, N/A
PUD	286	286

* **Maximum Units Allowed with P.R.D. Bonus**

S:\Department Share\IS Share\PL GIS\IS_Team\Core_Functions\Zoning\sketch_maps\2015\Z-26-15.mxd

EXHIBIT G

REPORT OF PLANNING HEARING OFFICER ACTION
Adam Stranieri, Planner III, Hearing Officer
Bradley Wylam, Planner I, Assisting

August 17, 2022

ITEM NO: 3	
	DISTRICT 4
SUBJECT:	
Application #:	PHO-1-22--Z-26-15-4
Location:	Northwest corner of Central Avenue and Pierson Street
Zoning:	PUD
Acreage:	2.95
Request:	1) Modification of Stipulation 5 regarding conditional approval upon development commencing within seven (7) years. 2) Technical correction for Stipulation 2.
Applicant:	Ed Bull, Burch & Cracchiolo PA
Owner:	Kim Sperry, Omninet Central LP
Representative:	Ed Bull, Burch & Cracchiolo PA

ACTIONS:

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended approval with additional stipulations.

Village Planning Committee (VPC) Recommendation: The Alhambra Village Planning Committee was scheduled to hear this request on July 26, 2022 but did not have a quorum.

DISCUSSION:

Ed Bull, representative with Burch & Cracchiolo PA, described the subject site and provided an overview of the original PUD rezoning case. He noted that Stipulation 5 regarding conditional approval upon development commencing within seven years is requested to be extended by one year to allow time for the final plans to be approved. He stated that the project has received preliminary site plan approval. He stated that delays regarding utility relocation and other necessary approvals will likely prevent development from occurring within the stipulated time frame. He noted that the proposed project does not represent an increase in building height or density compared to the original project. He stated that site improvements have been made to address concerns from the City including demolition of existing buildings and fencing of the site.

Ken Waters, speaking in opposition to the request, stated that the development currently proposed for the site is not consistent with what was presented to the public during the public hearing process for the original rezoning case in 2015. He stated that the proposed retail space on the ground floor was not consistent with the retail space proposed in the original proposal. He stated that the original approval for the maximum height of the development was modeled after the Walkable Urban Code and that the development would not meet required standards to develop a 5-story building. He stated that there are existing parking issues in the surrounding area and the proposed project does not alleviate those concerns. He proposed that the time extension be denied unless at least 15,000 square feet of ground floor retail space and two floors of underground parking were developed.

Ray Muench, member of the public speaking in opposition to the request, reiterated the concerns made by Mr. Waters. He stated that there are major concerns in the area regarding parking and traffic. He stated that he had concerns about the proposed retail space appearing to be more oriented toward the residents of the development rather than to the general public.

Mr. Bull stated that some principles of the Walkable Urban Code were included in the PUD Narrative, but that the development has been deemed to be compliant with the approved PUD zoning. He stated that the development has been given preliminary site plan approval. He stated that the current PHO request is related to the time extension only. He noted that the site plan in question includes coworking space, live/ work units, and approximately 3,000 square feet of ground floor retail. He stated that the development would follow Walkable Urban Code concepts by placing buildings proximate to Central Avenue and Pierson Street, but that the PUD does not regulate the number of stories or establish a bonus system to allow the proposed height. He stated that a second floor of underground parking was previously proposed, but that the number of parking spaces is to be determined based on the final mix of residential units and retail space and that a second floor of parking has been determined to be unnecessary. He stated that the site plan proposes 283 parking spaces on the site, which is greater than the 263 spaces that are required.

Adam Stranieri, Planning Hearing Officer, stated that one item of correspondence was received prior to the hearing from Mr. Waters. He noted that the Alhambra Village Planning Committee was scheduled to hear this request on July 26, 2022 but did not have a quorum. He stated that the PHO request is regarding a time extension for a conditional approval upon development commencing within 7 years of the original approval. He noted that the PUD development narrative is not being reviewed and that the narrative includes development standards, design guidelines, and use standards that are not under review in this PHO hearing. He stated that a PUD amendment would be needed to alter any of these regulatory components of the PUD. He stated that a time extension of one year is

reasonable given the delays caused by the ongoing pandemic and infrastructure issues. He stated that the request from Mr. Waters to impose conditions regarding the provision of retail uses, the size of retail spaces, and parking standards would belong in the PUD development narrative but are not appropriately appended to the conditional time stipulation currently under review. He stated that the proposed stipulation modification is recommended to be approved. He noted that the site has been identified as archaeologically sensitive and three additional stipulations are recommended to be added. Mr. Bull stated that a July 22, 2021 archaeological assessment from the Archaeology Department noted that no archaeological work is necessary for the project. Mr. Stranieri noted that the status may have been reviewed by the Archaeology Department, but that the stipulations are recommended to be included.

FINDINGS:

1) The request to modify Stipulation 5 regarding conditional approval of development is recommended to be approved. The request will allow an additional year (an increase from 7 to 8 years total) to commence development. The applicant noted unexpected delays related to the ongoing pandemic and infrastructure issues.

2) The site is identified as archaeologically sensitive and three additional stipulations are recommended to be included to address requirements for archaeological survey and testing.

STIPULATIONS:

1.	An updated Development Narrative for the Omninet - West PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with the Development Narrative date stamped October 14, 2015.
2.	The property owner shall provide a deposit in the amount of $50,000 into a Street Transportation Department escrow account at the City of Phoenix to be utilized for traffic calming measures in the Pierson Place Historic District. These funds may be contributed toward the purchase and installation of such devices as roundabouts, speed humps/cushions, or raised crosswalks (speed tables), limited turning, traffic diverters, gates or other such traffic calming or management tools for the area bounded by Central Avenue, Camelback Road, 7th Avenue, and the Grand Canal. Distribution of funds shall be at the mutual agreement of the five member neighborhood traffic team, the residents on affected streets, and the City of Phoenix ~~Streets~~ TRANSPORTATION Department

	Safety and Neighborhood Traffic section. Owner may apply for reimbursement of escrow funds from the Street Transportation Department if no special petition has been submitted within 5 years from the issuance of a certificate of occupancy.
3.	Developer shall install a monument proximate to the northwest corner of the site identifying the Pierson Place Historic District and facing toward the Light Rail station, as approved by the Planning and Development Department. The monument shall be similar to the existing Pierson Place Historic District Monument located proximate to the southwest corner of 3rd Avenue and Camelback Road, or as otherwise agreed upon by the developer and the Board of Directors of the Pierson Place Historic District.
4.	The developer shall construct a directional retail driveway to direct retail traffic away from the neighborhood as approved by the Planning and Development Department.
5.	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.
6.	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.
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. ~~5.~~	The approval shall be conditioned upon development commencing within EIGHT (8) ~~seven (7)~~ years of the City Council approval of this change of zoning in accordance with Section 506.B.1 of the Phoenix Zoning Ordinance. (For purposes of this stipulation, development shall

	commence with the issuance of building permits and erection of building walls on site).

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. To request a reasonable accommodation, please contact Les Scott at leslie.scott@phoenix.gov or 602-376-3981 or TTY: 7-1-1.

ATTACHMENT C

REPORT OF PLANNING COMMISSION ACTION
October 6, 2022
REVISED October 17, 2022

ITEM NO: 16	
	DISTRICT NO.: 4
SUBJECT:	
Application #:	PHO-1-22--Z-26-15-4
Location:	Northwest corner of Central Avenue and Pierson Street
Request:	• Modification of Stipulation 5 regarding conditional approval upon development commencing within seven (7) years. • Technical correction for Stipulation 2.
Acreage:	2.95
Applicant:	Ed Bull, Burch & Cracchiolo, P.A.
Owner:	Kim Sperry, Omninet Central, LP
Representative:	Ed Bull, Burch & Cracchiolo, P.A.

ACTIONS:

Village Planning Committee (VPC) Recommendation:
Alhambra 7/26/2022 No quorum.

Planning Hearing Officer Recommendation: Approval with additional stipulations.

Staff Recommendation: Approval, per the Planning Hearing Officer recommendation

Planning Commission Recommendation: Approval, per the Planning Hearing Officer recommendation with an additional stipulation.

Motion Discussion: N/A

Motion details: Commissioner Busching made a MOTION to approve PHO-1-22--Z-26-15-4, per the Planning Hearing Officer recommendation with an additional stipulation to require that prior occupancy, the developer must provide a qualified engineer's report certifying the average annual interior noise exposure for any residential unit or enclosed public assembly area will not exceed 45 decibels.

Maker: Busching
Second: Gaynor
Vote: 7-1-1 (Boyd) (Howard conflict)
Absent: None
Opposition Present: Yes

Findings:

1. The request to modify Stipulation 5 regarding conditional approval of development is recommended to be approved. The request will allow an additional year (an increase from 7 to 8 years total) to commence development. The applicant noted unexpected delays related to the ongoing pandemic and infrastructure issues.

2. The site is identified as archaeologically sensitive and three additional stipulations are recommended to be included to address requirements for archaeological survey and testing.

Stipulations:

1. An updated Development Narrative for the Omninet - West PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with the Development Narrative date stamped October 14, 2015.

2. The property owner shall provide a deposit in the amount of $50,000 into a Street Transportation Department escrow account at the City of Phoenix to be utilized for traffic calming measures in the Pierson Place Historic District. These funds may be contributed toward the purchase and installation of such devices as roundabouts, speed humps/cushions, or raised crosswalks (speed tables), limited turning, traffic diverters, gates or other such traffic calming or management tools for the area bounded by Central Avenue, Camelback Road, 7th Avenue, and the Grand Canal. Distribution of funds shall be at the mutual agreement of the five member neighborhood traffic team, the residents on affected streets, and the City of Phoenix Street~~s~~ TRANSPORTATION Department Safety and Neighborhood Traffic section. Owner may apply for reimbursement of escrow funds from the Street Transportation Department if no special petition has been submitted within 5 years from the issuance of a certificate of occupancy.

3. Developer shall install a monument proximate to the northwest corner of the site identifying the Pierson Place Historic District and facing toward the Light Rail station, as approved by the Planning and Development Department. The monument shall be similar to the existing Pierson Place Historic District Monument located proximate to the southwest corner of 3rd Avenue and Camelback Road, or as otherwise agreed upon by the developer and the Board of Directors of the Pierson Place Historic District.

4. The developer shall construct a directional retail driveway to direct retail traffic away from the neighborhood as approved by the Planning and Development Department.

5. 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.

6. 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.

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. The approval shall be conditioned upon development commencing within EIGHT (8)
~~5.~~ ~~seven (7)~~ years of the City Council approval of this change of zoning in accordance with Section 506.B.1 of the Phoenix Zoning Ordinance. (For purposes of this stipulation, development shall commence with the issuance of building permits and erection of building walls on site).

9. PRIOR TO OCCUPANCY, THE DEVELOPER MUST PROVIDE A QUALIFIED ENGINEER'S REPORT CERTIFYING THE AVERAGE ANNUAL INTERIOR NOISE EXPOSURE FOR ANY RESIDENTIAL UNIT OR ENCLOSED PUBLIC ASSEMBLY AREA WILL NOT EXCEED 45 DECIBELS.

This publication can be made available in alternate format upon request. Please contact Les Scott at 602-261-8980, leslie.scott@phoenix.gov or TTY: Use 7-1-1.

ATTACHMENT D

CITY OF PHOENIX
PLANNING AND DEVELOPMENT DEPARTMENT

FORM TO REQUEST PC to CC **I HEREBY REQUEST THAT THE CC HOLD A PUBLIC HEARING ON:**					
APPLICATION NO/ LOCATION	**PHO-1-22—Z-26-15-4** Northwest corner of Central Avenue and Pierson Street	***(SIGNATURE ON ORIGINAL IN FILE)***			
		opposition	**x**	**applicant**	
APPEALED FROM:	PC October 6, 2022	126 West Pierson Street Phoenix, AZ 85013			
	PC DATE	*STREET/ADDRESS/CITY/STATE/ZIP*			
TO PC/CC HEARING	CC November 2, 2022	Ken Waters 602-373-1902 kennywaters602@gmail.com			
	CC DATE	*NAME / PHONE / EMAIL*			
REASON FOR REQUEST: The applicant is not honoring their 14,990 SF of Walkable Urban Mixed Use entitlement and original plan. They are sliding in residential support amenities into the ground floor retail space; decreasing more retail space in order to also drop an additional level of parking. It's a classic "Bait and Switch" before and after winning entitlements.					
RECEIVED BY:	Chase Hales	**RECEIVED ON:**		October 11, 2022	

Alan Stephenson
Joshua Bednarek
Tricia Gomes
Racelle Escolar
Stephanie Vasquez
Diana Hernandez
David Urbinato
Vikki Cipolla-Murillo

Greg Harmon
Paul M. Li
Village Planner
GIS
Applicant
Adam Stranieri (for PHO Appeals)

City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

CITY OF PHOENIX

OCT 11 2022

Planning & Development Department

The **PLANNING COMMISSION** agenda for **October 6, 2022** is attached.

The **CITY COUNCIL** may approve the recommendation of the Planning Commission without further hearing **unless**:

1. A **REQUEST FOR A HEARING** by the **CITY COUNCIL** is filed within seven (7) days.

   There is a $630.00 appeal fee for hearings requested by the applicant, due by 5:00 p.m. **October 13, 2022**.

   Any member of the public may, within seven (7) days after the Planning Commission's action, request a hearing by the City Council on any application. If you wish to request a hearing, fill out and sign the form below and return it to the Planning and Development Department by 5:00 p.m. **October 13, 2022**.

2. A **WRITTEN PROTEST** is filed, no later than seven (7) days after the Planning Commission's action, which requires a three-fourths vote. A written protest will require a three-fourths vote of the City Council to approve a zoning change when the owners of at least 20 percent of the property by area and number of lots, tracts, and condominium units within the zoning petition area have signed the petition. The zoning petition area includes both the area of the proposed amendment, and the area within 150 feet of the proposed amendment, including all rights-of-way. For condominium, townhouse and other types of ownership with common lands, authorized property owner signatures are required. Please see Planning and Development Department Staff for additional information prior to gathering signatures.

   To require a three-fourths vote of the City Council for approval, a written protest for applications on this agenda must be filed with the Planning and Development Department by 5:00 p.m. **October 13, 2022**

   The Planning and Development Department will verify ownership by protestors to determine whether or not a three-fourths vote will be required.

3. A **CONTINUANCE** is granted at the **PLANNING COMMISSION**. In the event of a continuance, there is an $830.00 fee due from the applicant within fourteen (14) days, by 5:00 p.m. **October 20, 2022**.

FORM TO REQUEST CITY COUNCIL HEARING

I HEARBY REQUEST THAT THE CITY COUNCIL HOLD A PUBLIC HEARING:

PHO-1-22--Z-26-15-4
APPLICATION NO.

NWC Central & Pierson St.
LOCATION OF APPLICATION SITE

10-6-22
DATE APPEALED FROM

☒ OPPOSITION
☐ APPLICANT

Chase Hales
PLANNER
(PLANNER TAKING THE APPEAL)

BY MY SIGNATURE BELOW, I ACKNOWLEDGE CITY COUNCIL APPEAL:

Ken Waters
PRINTED NAME OF PERSON APPEALING

Ken Waters
SIGNATURE

126 W. Pierson St.
STREET ADDRESS

10-11-22
DATE OF SIGNATURE

Phoenix AZ 85013
CITY, STATE & ZIP CODE

602 373-1902
TELEPHONE NO.

KennyWaters602@gmail.com
EMAIL ADDRESS

REASON FOR REQUEST The applicant is not honoring their 14,990 SF of walkable urban mixed use entitlement and original plan. They are sliding in residential support amenities into the ground floor retail space, decreasing more retail space in order to also drop an additional level of parking. It's a classic "Bait & Switch" before and after winning entitlements.

APPEALS MUST BE FILED IN PERSON AT 200 WEST WASHINGTON, 2ND FLOOR, ZONING COUNTER

ATTACHMENT E

Bradley A Wylam

From: Kenny W <kennywaters602@gmail.com>
Sent: Wednesday, August 17, 2022 9:03 AM
To: PDD PHO
Subject: Today's PHO Hearing, Item #3. PHO-1-22-Z-26-15-4 NWC of Central and Pierson St

Re: PHO Agenda Item #3 : PHO-1-22-Z-26-15-4, NWC of Central Ave and Pierson Street. Applicant: Omninet/RangeWater via Ed Bull

Hearing Date: Wednesday, August 17th, 10am.

Position: Denial of extension request; ***or*** … Adding a development stipulation that states: an extension is hereby granted for one additional year ***on the development STIPULATION condition*** that all original 14,000 sq ft of ***Walkable Urban*** PUBLIC retail space that was planned along the light rail station and Central Ave in the heart of Uptown is indeed built on the ground floor, AND two (2) floors of underground parking are also built, as both retail and parking elements were originally represented and highly touted when the applicant ***used*** those elements to win the 5th floor WU Code ***bonus award*** in 2015 … based upon their incorporated WU Code representations that were modeled into their PUD award. The applicant is now making highly significant changes to the *once* **Walkable Urban Project**, going back on their word, and making the previous staff and public participation process a total sham. The question is, is that even legal? It certainly deserves another public process as this **WU to Non-WU** *switch-a-roo* has gone under nearly EVERYONE's radar. Including, I reckon, a lot of the planning staff's radar as well.

Dear Planning Hearing Officers,

There is a great, great deal *more* to this PHO case than meets the eye with its seemingly simple extension request. Walkable Urban Code planning and development *was* coming to the heart of our Uptown. Evidently, not anymore? How is that possible? BUT … they'll keep the bonus award of a 5th floor while scuttling the very public retail elements that won them the Walkable Urban bonus award? Saying it's not fair doesn't begin to address this post-entitlement planning practice.

Furthermore, Mr. Ed Bull ***just*** informed me that RangeWater, the 'new' developer/applicant since the Spring of 2021 is OUT – they have dropped out of escrow with Omninet and will NOT be developing the site. Days or hours before the extension hearing?! And when they were rumored to have entered escrow in the spring of 2021 last year, we were all far beyond any and all Covid hardships. Covid economic stimulus's had actually *SPIKED* the markets and Zoom efficiency had taken over. So that hardship excuse is null and void.

This Z-26-15-4 PUD was approved in December, 2015 with a firm 7-year expiration STIPULATON. No ifs, ands or buts. Done so in a time period that has been the most wildly successful real estate market in Phoenix's history. But the owner, Omninet, NEVER sought to develop the site themselves. They almost immediately put the site up for sale after winning the zoning entitlements. Evidently they were asking too much and prospective buyer after buyer passed on Omninet's asking price. Until RW, then not RW either. This is exactly why it was capped at seven years – to spur actual *development*. Not entitlement enrichment and speculation.

I hope you will insist on proper planning practices and not reward this kind of planning and development behavior in Phoenix. Thank you for your consideration.

Sincerely

Ken Waters

Pierson Place resident

City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

To: Alan Stephenson
Deputy City Manager
Planning and Development Director

Date: October 26, 2022

From: Joshua Bednarek
Planning and Development Assistant Director

Subject: CONTINUANCE OF ITEM 53 ON THE NOVEMBER 2, 2022, PUBLIC HEARING/ FORMAL AGENDA – PHO-1-22--Z-26-15-4 (G-7053) – NORTHWEST CORNER OF CENTRAL AVENUE AND PIERSON STREET

Item 53, is a Public Hearing and Ordinance Adoption of a request to modify stipulations from an approved 2015 rezoning case. Modification of Stipulation case PHO-1-22--Z-26-15-4 is a request to modify stipulations for a 2.95-acre parcel located at the northwest corner of Central Avenue and Pierson Street for a proposed mixed-use development.

This request is to continue the item to December 7, 2022 due to a sign posting error.

Staff recommends continuing this item to the December 7, 2022 City Council Formal meeting.

Approved: _____
Alan Stephenson
Deputy City Manager/Planning and Development Director

*The Nov. 2, 2022 City Council Formal Meeting agenda listed this item in the memo as Item 52, instead of Item 53 as shown.

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 81

Public Hearing/Formal Action - PCD Major Amendment - Rezoning Application Z-91-C-99-2 - Approximately 815 Feet West of the Northwest Corner of North Valley Parkway and Dove Valley Road

Request to approve Rezoning Application Z-91-C-99-2 and rezone the site from PCD NBCOD (Planned Community District, North Black Canyon Overlay District), Approved C-2 HGT/WVR PCD NBCOD (Approved Intermediate Commercial, Height Waiver, Planned Community District, North Black Canyon Overlay District) to C-2 HGT/WVR DNS/WVR PCD NBCOD (Intermediate Commercial, Height Waiver, Density Waiver, Planned Community District, North Black Canyon Overlay District) for a major amendment to the Canyon Crossroads PCD to allow multifamily residential with a height and density waiver.

Summary

Current Zoning: PCD NBCOD (Approved C-2 HGT/WVR PCD NBCOD)
Proposed Zoning: C-2 HGT/WVR DNS/WVR PCD NBCOD
Acreage: 9.30 acres
Proposed Use: Major PCD amendment to the Canyon Crossroads PCD to allow multifamily residential uses

Owner: David Beckham, Canyon Crossroads, LLC
Applicant: Bob Bussone, Oakdale Realty, LLC
Representative: Larry Lazarus, Lazarus & Silvyn, P.C.

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The North Gateway Village Planning Committee heard this case on Oct. 13, 2022 and recommended approval, per the staff recommendation with modifications, by a vote of 6-0.
PC Action: The Planning Commission heard this case on Nov. 3, 2022 and recommended approval, per the North Gateway Village Planning Committee recommendation with a modification, by a vote of 8-1.
The Planning Commission recommendation was appealed by the representative on Nov. 10, 2022 to allow the case to be heard as a public hearing item.

Location

Approximately 815 feet west of the northwest corner of North Valley Parkway and Dove Valley Road
Council District: 2
Parcel Address: 2850 W. Dove Valley Road.

Responsible Department

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

ATTACHMENT A

Canyon Crossroads Planned Community District Major Amendment

Z-91-C-99-2

Planning Commission Recommended Stipulations from November 3, 2022:

1. The development shall be in general conformance with the site plan date stamped October 7, 2022, and elevations date stamped August 5, 2022, as modified by the following stipulations and approved by the Planning and Development Department.

2. The development shall utilize the R-5 Planned Residential Development option.

3. The maximum density for the project shall not exceed 31 dwelling units per acre.

4. The development shall provide a minimum of four amenities, such as a pool, ramadas, a bicycle repair station, or similar elements, as approved by the Planning and Development Department.

5. The developer shall construct a decorative path connecting from the subject site to the commercial development to the east, as approved by the Planning and Development Department.

6. 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% shade at maturity, as approved by Planning and Development Department.

7. The developer shall provide full street improvements to 29th Avenue, as per the approved Canyon Crossroads Master Street Plan.

8. The development shall install all required street improvements including those on Dove Valley Road connecting to existing improvements on the east, to the western limits of the Canyon Crossroads Development, complying with the approved Master Street Plan for Canyon Crossroads PCD.

9. The developer shall construct a detached sidewalk along the north side of Dove Valley Road as required by the approved Canyon Crossroad Master Plan and planted to the following standards, as approved by the Planning and Development Department:

    a. Minimum 2-inch caliper shade trees placed a minimum of 20 feet on center or in equivalent groupings along both sides of the sidewalk.

DRAFT

b. Drought tolerant shrubs and vegetative groundcovers with a maximum mature height of 24 inches to provide a minimum of 75% live coverage at maturity.

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

10. The applicant shall submit a 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.

11. The developer shall contribute 25% for the cost of the signal and installation at the intersection of Dove Valley Road and 29th Avenue. Please contact Bruce Littleton at bruce.littleton@phoneix.gov to coordinate the deposit of the funds in an escrow account with the City of Phoenix Streets Department.

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

13. A minimum of 14 bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near building entrances and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.

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

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

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

17. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 waiver of claims form. The waiver shall be recorded with the Maricopa

DRAFT

County Recorder's Office and delivered to the City to be included in the rezoning application file for record.

PCD STIPULATIONS – LAND USE

18. All development, both commercial and residential, shall be consistent with design guidelines for the North Black Canyon Corridor Plan and North Black Canyon Overlay District.

19. Updated master plans for the Canyon Crossroads PCD reflecting changes approved through this amendment shall be submitted as required by the Planning and Development Department.

PCD STIPULATIONS – WASHES AND OPEN SPACE

20. The use of pedestrian-scaled lighting should be utilized where taller or brighter lights are not needed for auto safety and security. Required lights are to be of minimum heights, utilizing shoebox type fixtures with maximum shielding or other fixtures, as approved by the Planning and Development Department and Street Transportation Department.

PCD STIPULATIONS – STREETS, SIDEWALKS, AND TRANSIT

21. The Master Street Plan shall include 27th Avenue, Parkway A, and Dove Valley Road with full dedication of all rights-of-way where the arterial is located wholly within the PCD and half the right-of-way where the arterial is located on the edge of the PCD.

22. All concrete structures built within this development (including but not limited to sidewalks and drainage structures) shall be internally colored to match the surrounding undisturbed desert floor. Sidewalks along arterial streets shall be integrally colored with salt, broom, or other comparable finish. Maintenance and replacement of those sidewalks under-the jurisdiction of the PCD Master Community Association (MCA) shall be by the MCA.

23. Along any collector and local streets within residential development, the sidewalk shall be detached, and a 5-foot-wide landscape strip shall be located between the sidewalk and back-of-curb. The planting area shall be planted with trees placed 20-feet on center, or in equivalent groupings, and groundcover. Alternatively, trees maybe planted to reach canopy to canopy at maturity, which will vary depending upon the type of tree planted. Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.

PCD STIPULATIONS – DEVELOPMENT DESIGN

24. All development within the PCD shall use CPTED (Crime Prevention Through Environmental Design) principles in their design.

DRAFT

25. A Comprehensive Sign Plan shall be processed in accordance with Section 705.F.2 of the Zoning Ordinance. They should be designed to integrate into the adjacent streetscape through use of colors, materials, and textures in the surrounding natural environment as well as the built environment.

PCD STIPULATIONS – ADMINISTRATION

26. One or more Homeowner's Associations (HOA) shall be formed, and they (or their designee) shall be responsible for the maintenance of all (non-dedicated) landscape areas, open space, washes, specialty paving or lighting, private drives or streets, and trails, bikeways, and drainageways under common ownership. The adjacent property owner or HOA (or their designee) shall also be responsible for the maintenance of landscaping located in rights-of-way. All areas dedicated to the City, except for landscaping located in the rights-of-way, shall be maintained by the City.

27. Prior to approval of any subdivision plat or site plan, Covenants, Conditions, and Restrictions (CCRs) for the plat or site plan to be submitted shall be developed, submitted to, and approved by Planning and Development Department staff and shall address the following:

    a. Describe maintenance of landscape areas, open space, washes, specialty paving or lighting, and of trails and drainageways under common ownership.

    b. Include a list of allowable plant materials and those prohibited as approved in the Master Landscape Plan.

    c. Inform prospective buyers of the proximity to possible neighborhood and community park sites, identifying those parcels, per language approved. by the Parks and Recreation Department.

    d. Inform prospective residential buyers of the proximity to the Ben Avery Shooting Range. The facility, located at the northwest comer of 1-17 and Carefree Highway, is operated by Arizona State Game and Fish Department and has the potential to be active seven days a week, 24 hours a day. This use will continue in perpetuity.

Exhibits:
A – Legal Description (2 Pages)

DRAFT

EXHIBIT A

LEGAL DESCRIPTION FOR Z-91-C-99-2

PARCEL NO. 1:

LOT 2, OF CANYON CROSSROADS FUNCTIONAL SEGMENT 1A, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER, MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 1248 OF MAPS, PAGE 9.

EXCEPTING ANY PORTION LYING WITHIN AND EASTERLY OF FOLLOWING PROPERTY, DESCRIBED IN WARRANTY DEED RECORDED 2018-0789385 OF OFFICIAL RECORDS:

THAT PART OF LOT 2, OF CANYON CROSSROADS FUNCTIONAL SEGMENT 1A, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER, MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 1248 OF MAPS, PAGE 9 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 2;

THENCE SOUTH 66° 35' 41" SECONDS EAST ALONG THE SOUTH RIGHT OF WAY LINE OF NORTH VALLEY PARKWAY AS PER BOOK 1248 OF MAPS, PAGE 9, A DISTANCE OF 412.91 FEET;

THENCE SOUTH 21° 27' 28" EAST, A DISTANCE OF 14.11 FEET; THENCE SOUTH 66° 35' 41" EAST, A DISTANCE OF 70.00 FEET;

THENCE NORTH 68° 58' 31" EAST, A DISTANCE OF 13.92 FEET TO A POINT ON A NON-TANGENT CURVE FROM WHICH THE RADIUS BEARS SOUTH 24° 30' 51" WEST;

THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 1362.39 FEET, THROUGH A CENTRAL ANGLE OF 16° 53' 05", AN ARC DISTANCE OF 401.49 FEET;

THENCE DEPARTING SOUTH RIGHT OF WAY LINE, SOUTH 40° 37' 30" WEST, A DISTANCE OF 200.02 FEET TO A POINT ON A NON-TANGENT CURVE, FROM WHICH THE RADIUS BEARS SOUTH 41 DEGREES 31 MINUTES 55 SECONDS WEST A DISTANCE OF 1162.39 FEET;

THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 1161.39 FEET, THROUGH A CENTRAL ANGLE OF 11° 58' 21", AN ARC DISTANCE OF 242.89 FEET TO A POINT ON THE EAST LINE OF SAID LOT 2;

THENCE SOUTH 55° 03' 28" WEST ALONG SAID LOT 2, A DISTANCE OF 61.53 FEET;

DRAFT

THENCE SOUTH 33° 00' 24" WEST, A DISTANCE OF 122.09 FEET;

THENCE SOUTH 89° 26' 22" WEST, A DISTANCE OF 708.68 FEET TO A POINT ON THE WEST LINE OF SAID LOT 2;

THENCE NORTH 00° 18' 53" WEST, A DISTANCE OF 892.78 TO THE POINT OF BEGINNING.

PARCEL NO. 2:

TRACT C, OF CANYON CROSSROADS FUNCTIONAL SEGMENT 1A, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER, MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 1248 OF MAPS, PAGE 9.

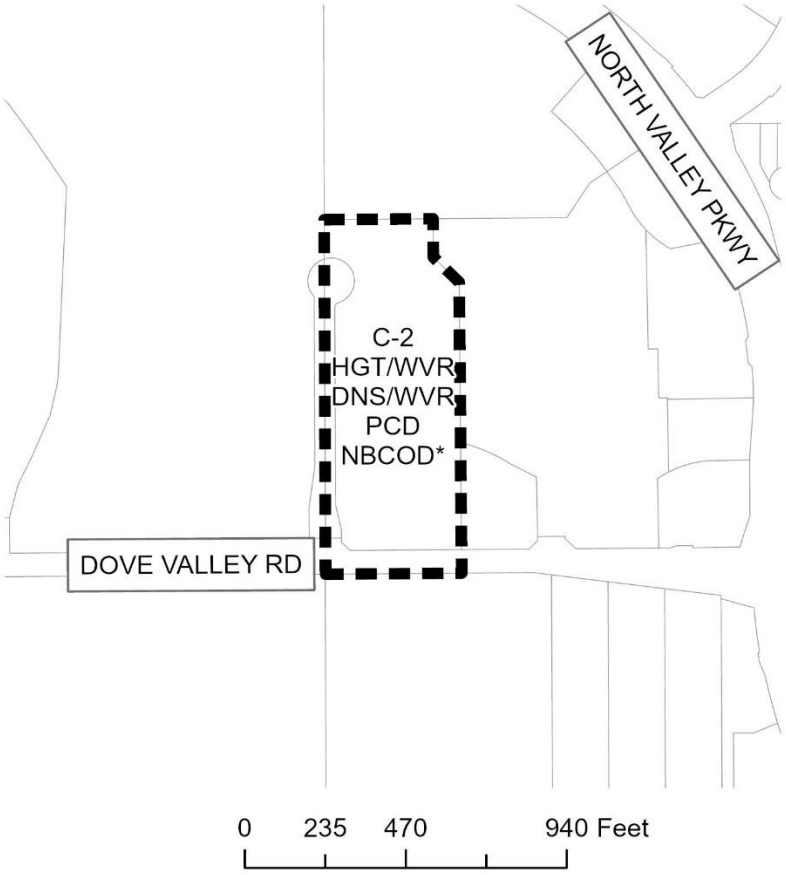
DRAFT

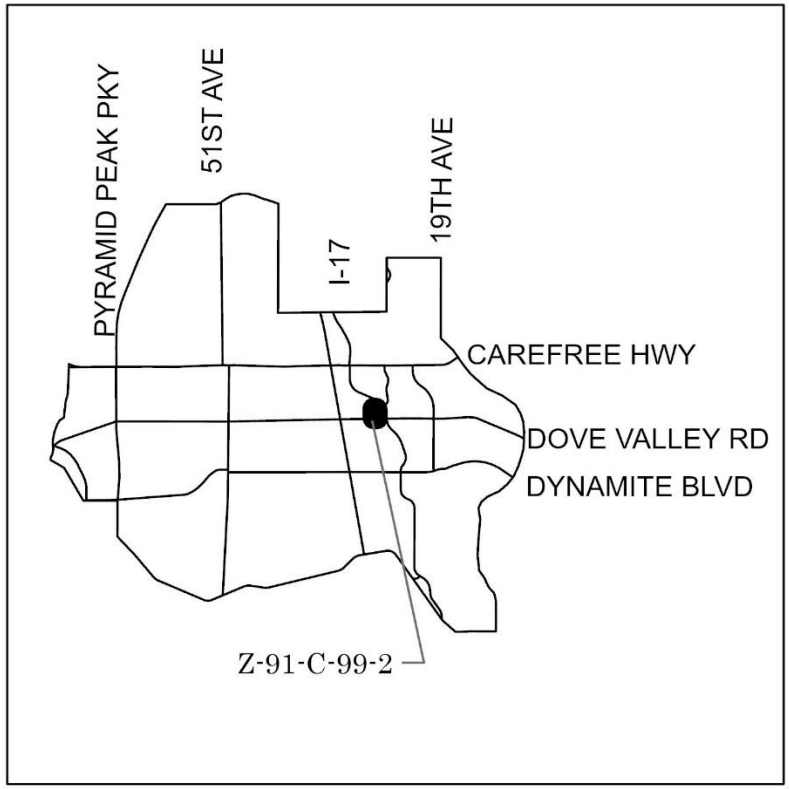
ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA:

Zoning Case Number: Z-91-C-99-2
Zoning Overlay: North Black Canyon Corridor Plan and Overlay District
Planning Village: North Gateway





NOT TO SCALE

N

Drawn Date: 11/8/2022

\\one\pdd\Shared\Department Share\Information Systems\PL GIS\IS_Team\Core_Functions\Zoning\SuppMaps_OrdMaps\2022 Ord\12-7-22\12-7-22.aprx

ATTACHMENT B

City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

Staff Report Z-91-C-99-2
October 12, 2022
REVISED

North Gateway Village Planning Committee Meeting Date:	October 13, 2022
Planning Commission Hearing Date:	November 3, 2022
Request From:	PCD NBCOD (Planned Community District, North Black Canyon Overlay District), Approved C-2 HGT/WVR PCD NBCOD (Intermediate Commercial, Height Waiver, Planned Community District, North Black Canyon Overlay District) (9.30 acres)
Request To:	C-2 HGT/WVR DNS/WVR PCD NBCOD (Intermediate Commercial, Height Waiver, Density Waiver, Planned Community District, North Black Canyon Overlay District) (9.30 acres)
Proposed Use:	Multifamily residential
Location:	Approximately 815 feet west of the northwest corner of North Valley Parkway and Dove Valley Road
Owner:	Canyon Crossroads, LLC, David Beckham
Applicant	Oakdale Realty, LLC, Bob Bussone
Representative	Larry Lazarus, Lazarus & Silvyn, P.C.
Staff Recommendation:	Approval, subject to stipulations

General Plan Conformity			
General Plan Land Use Map Designation		Commercial	
Street Map Classification	Dove Valley Road	Major arterial	Varies, 70- to 107-foot north half street

	29th Avenue	Local street	Varies, 30-foot to 88-foot east half street

CONNECT PEOPLE & PLACES CORE VALUE; OPPORTUNITY SITES; LAND USE PRINCIPLE: Support reasonable levels of increased intensity, respectful of local conditions and surrounding neighborhoods

The proposal is appropriately located along an arterial street, adjacent to a shopping center, and within close proximity to the North Gateway Village Core plus the I-17 freeway. Furthermore, the entitlements of surrounding properties allow additional height and intensity that is consistent with the requested zoning of C-2 HGT/WVR DNS/WVR PCD NBCOD.

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.

The proposal for multifamily on the subject site is consistent with the character of the surrounding neighborhood. The property is presently vacant and would allow residential units to be developed here within close proximity to existing shopping and future employment opportunities.

BUILD THE SUSTAINABLE DESERT CITY CORE VALUE; TREES & SHADE; DESIGN PRINCIPLE: Integrate trees and shade into the design of new development and redevelopment projects throughout Phoenix.

As stipulated, the site will provide shade along adjacent sidewalks on Dove Valley Road, plus shade uncovered surface parking lots a minimum of 25 percent. The shade trees will help to encourage walking by providing a thermally comfortable environment for pedestrians and alternative transportation users along the sidewalks.

Applicable Plans, Overlays, and Initiatives

North Black Canyon Corridor Plan: See Background Item No. 4.

North Black Canyon Overlay District: See Background Item No. 5.

North Black Canyon Employment Center: See Background Item No. 6

Tree and Shade Master Plan: See Background Item No. 9.

Complete Streets Guiding Principles: See Background Item No. 10.

Comprehensive Bicycle Master Plan: See Background Item No. 11.

Housing Phoenix: See Background Item No. 12.

Zero Waste PHX: See Background Item No. 13.

Surrounding Land Uses/Zoning		
	Land Use	**Zoning**
On Site	Vacant	PCD NBCOD (Approved C-2 HGT/WVR PCD NBCOD)
North	Multifamily	PCD NBCOD (Approved C-2 HGT/WVR PCD NBCOD)
West (including across 29th Avenue)	Vacant	PCD NBCOD (Approved C-2 HGT/WVR PCD NBCOD), C-2 PCD NBCOD and FH PCD NBCOD
East	Various commercial uses	C-2 HGT/WVR PCD NBCOD
South (across Dove Valley Road)	Vacant	C-2 M-R NBCOD

C-2 HGT/WVR DNS/WVR PCD NBCOD (Utilizing R-5 Development Standards – Planned Residential Development Option)		
Standards	**R-5 Requirements**	**Provisions on the Proposed Site Plan**
Gross Acreage	-	9.30 acres
Maximum Total Number of Units	425; 485 with bonus	280 (Met)
Maximum Density (dwelling unit/acre)	45.68; 52.2 with bonus	30.11 (Met)
Maximum Lot Coverage	50%	31% (Met)

Maximum Building Height	4 stories or 48 feet	4 stories or 48 feet (Met)
Standards	**R-5 Requirements**	**Provisions on the Proposed Site Plan**
MINIMUM BUILDING SETBACKS		
Perimeter Adjacent to a Street (South and west property lines)	20 feet	South: 60 feet (Met) West: 20 feet (Met)
Perimeter Adjacent to a Property Line (North and east property lines)	10 feet	North: 59 feet (Met) East: 53 feet (Met)
MINIMUM LANDSCAPE SETBACKS AND OPEN SPACE STANDARDS		
Adjacent to Street (South and west property lines)	20 feet	South: 60 feet (Met) West: 20 feet (Met)
Adjacent to Property Line (North and east property lines)	5 feet	North: 5 feet (Met) East: 5 feet (Met)
Minimum Open Space	5%	12% (Met)
Minimum Amenities Provided	2 amenities	4 amenities (Met)
MINIMUM PARKING REQUIREMENTS		
1.3 spaces per efficiency unit and 1.5 spaces per 1 or 2 bedroom unit and 2 spaces per 3 or more bedroom unit, 1.0 space per unit of less than 600 square feet regardless of number of bedrooms When the required parking is reserved for residents, additional	418 spaces	474 spaces (Met)

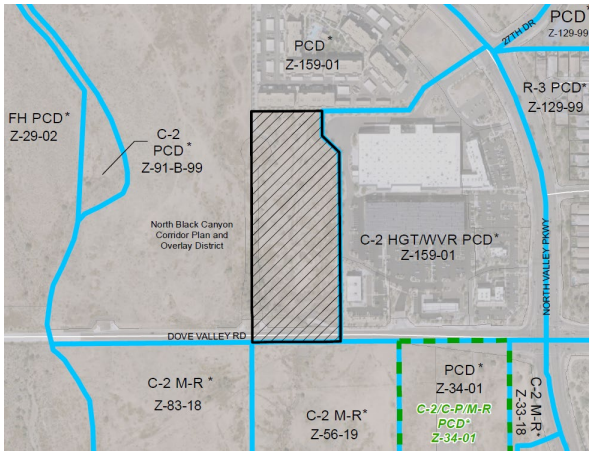
unreserved parking is required as follows: 0.3 spaces for each efficiency unit and 0.5 spaces per each 1 or 2 bedroom unit and 1.0 space per each 3 or more bedroom unit.		

*Variance or Site Plan modification needed.

Background/Issues/Analysis

REQUEST

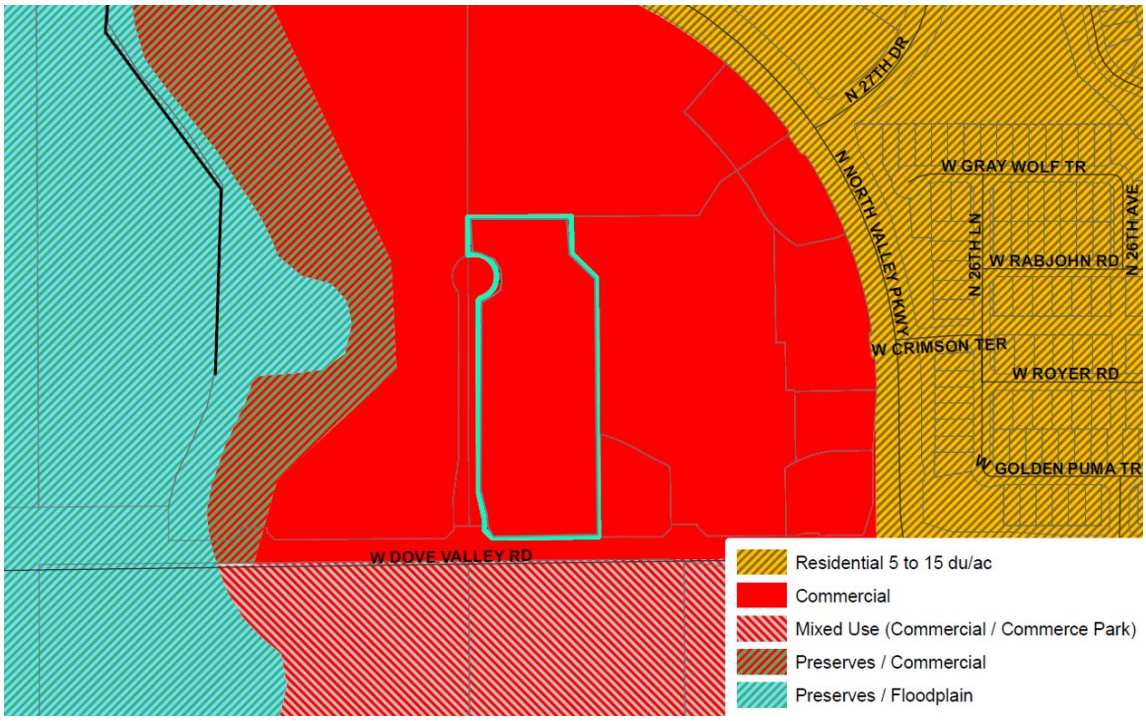
1. This request is to rezone a 9.30-gross acre site located approximately 815 feet west of the northwest corner of North Valley Parkway and Dove Valley Road from PCD NBCOD (Planned Community District, North Black Canyon Overlay District), Approved C-2 HGT/WVR PCD NBCOD (Intermediate Commercial, Height Waiver, Planned Community District, North Black Canyon Overlay District) to C-2 HGT/WVR DNS/WVR PCD NBCOD (Intermediate Commercial, Height Waiver, Density Waiver, Planned Community District, North Black Canyon Overlay District) for a major PCD amendment to allow multifamily residential development.



Zoning Map; Source: City of Phoenix Planning and Development Department

GENERAL PLAN LAND USE MAP DESIGNATION

2. The General Plan Land Use Map designation for the subject site is Commercial. A Commercial land use designation allows multifamily development at varying scales and intensities. The requested C-2 HGT/WVR DNS/WVR zoning is consistent with the Commercial General Plan Land Use Map designation due to the proposed density on the subject site.



General Plan Land Use Map; Source: City of Phoenix Planning and Development Department

The surrounding designations are as follows:

North
Commercial

South (across Dove Valley Road)
Mixed Use (Commercial/Commerce Park)

East
Commercial

West
Commercial, Preserves/Commercial, and Preserves/Floodplain

SURROUNDING USES AND ZONING

3. North of the site is a multifamily residential development zoned PCD NBCOD (Approved C-2 HGT/WVR PCD NBCOD) (Planned Community District, North Black Canyon Overlay District, Approved Intermediate Commercial, Height Waiver, Planned Community District, North Black Canyon Overlay District).

South of the site, across Dove Valley Road, is a vacant property zoned C-2 M-R NBCOD (Intermediate Commercial, Mid-Rise, North Black Canyon Overlay District).

East of the site is a commercial development that is zoned C-2 HGT/WVR PCD NBCOD (Intermediate Commercial, Height Waiver, North Black Canyon Overlay District).

West of the site, including across 29th Avenue, is vacant land zoned PCD NBCOD (Planned Community District, North Black Canyon Overlay District), Approved C-2 HGT/WVR PCD NBCOD (Intermediate Commercial, Height Waiver, Planned Community District, North Black Canyon Overlay District), C-2 PCD NBCOD (Intermediate Commercial, Planned Community District, North Black Canyon Overlay District), and FH PCD NBCOD (Flood Hazard, Planned Community District, North Black Canyon Overlay District).

NORTH BLACK CANYON CORRIDOR PLAN

4. The subject site is within the North Black Canyon Corridor Plan. The Phoenix City Council adopted the Corridor Plan in 1999 to guide growth and development within the planned area. The proposal is generally consistent with the intent of the following goals from the plan:

- *Goal 2: Achieve a balance between employment and housing.*
- *Goal 3: Concentrate growth within a defined corridor.*
  The proposal is to allow multifamily residential on a site that is located within the boundaries of the North Black Canyon Corridor Plan, where growth is encouraged. Furthermore, the proposal will provide additional housing units within the City of Phoenix and MAG designated North Black Canyon Employment Center. This area of the North Gateway Village has notable employers such as the Taiwan Semiconductor Manufacturing Company and Gore.

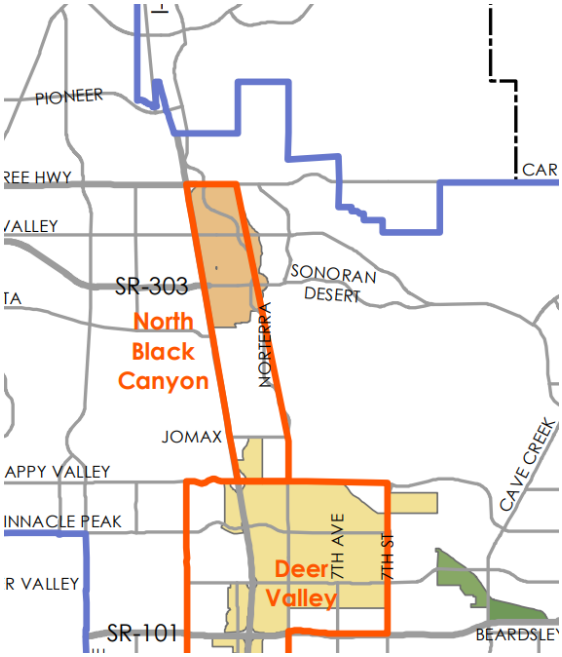
NORTH BLACK CANYON OVERLAY DISTRICT

5. The subject site is within the North Black Canyon Overlay District (NBCOD). The City Council adopted the NBCOD in 2001 in order to implement the designs and concepts of the North Black Canyon Corridor Plan. The NBCOD ensures development is compatible with the desert environment by providing comprehensive design guidelines.

In the event that this rezoning request is approved, staff recommends Stipulation No. 18 to ensure that the development will be consistent with the NBCOD guidelines by developing buildings with a desert color palette, as depicted in the building elevations submitted by the applicant. Building design is further discussed in Background Item No. 8.

NORTH BLACK CANYON EMPLOYMENT CENTER

6. The subject site is within the boundaries of the Maricopa Association of Governments and City of Phoenix designated North Black Canyon major employment center. The North Black Canyon employment center profile provided by the City of Phoenix Community and Economic Development Department identifies the area as having immediate access to a highly educated workforce and being an emerging employment center with a mix of development planned including office, regional retail, commerce park and residential. Providing additional residential options in close proximity to the nearby commercial uses will add to the sustainability of the employment center and the North Gateway Village Core area overall.



Phoenix Employment Centers; Source: Phoenix General Plan

PROPOSAL

7. The conceptual site plan proposes 280 multifamily units across two buildings up to a maximum height of 4 stories and 48 feet. These units are composed of 27 studio units, 121 one-bedroom units, 110 two-bedroom units, and 22 three-bedroom units.

Proposed Site Plan; Source: AO

There are two vehicular access points to the site from the 29th Avenue located to the west of the development, which connects to Dove Valley Road. There are two main open space and amenity areas located along the north and south portion of the site. The development is proposed to have a clubhouse, fitness room, pool, and outdoor amenity area. The development will also provide pedestrian connection via a pedestrian gate to the commercial area just east of the site.

In the event that this rezoning request is approved, staff recommends general conformance to the site plan, per Stipulation No. 1, to ensure the site is developed as depicted on the site plan; utilization of the R-5 Planned Residential Development option, per Stipulation No. 2; and limiting the maximum density to 36 dwelling units per acre, per Stipulation No. 3. Staff is also recommending Stipulation No. 4 to ensure the development provides a greater number of amenities due to the number of units proposed on the site. Lastly, staff recommends Stipulation No. 5 to ensure that a pedestrian connection is provided between this project and the adjacent commercial development to the east.

8. The conceptual building elevations depict four-story residential buildings. The elevations include a variety of exterior colors and materials including stucco, metal, composite shingles, and stone veneer. Each building creates architectural interest with textural changes, various window sizes, offsets, balcony pop-outs, and varied roof heights. The conceptual building elevations depict a maximum height of four stories and 48 feet to the top of the roof.

   In the event that this rezoning request is approved, staff has stipulated general conformance to the submitted building elevations to ensure quality design is carried through the development. This is addressed in Stipulation No. 1.

4-Story Building Elevation; Source: AO

CITYWIDE STUDIES AND POLICIES

9. **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. In the event that this rezoning request is approved, staff is recommending robust tree planting standards with minimum two-inch caliper trees in the landscape strip between the sidewalk and back of

curb along Dove Valley Road, in addition to requiring enhanced shading for uncovered surface parking lot areas. Furthermore, a detached sidewalk with a landscape strip between the back of curb and sidewalks would also be required along 29th Avenue. These are addressed in Stipulation Nos. 6, 9, and 23.

10. **Complete Streets Guiding Principles**
In 2014, the City of Phoenix City Council adopted the Complete Streets Guiding Principles. The principles are intended to promote improvements that provide an accessible, safe, connected transportation system to include all modes, such as bicycles, pedestrians, transit, and vehicles. In addition to detached sidewalks, the project will also incorporate bicycle parking spaces throughout the development, which will be installed per the requirements of the Walkable Urban (WU) Code. These elements are addressed in Stipulation Nos. 9, 13, and 23.

11. **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 designated within North Valley Parkway, east of the subject site. Bicycle parking is addressed in Stipulation No. 13.

12. **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 280 residential units to be developed within close proximity to major employers and an interstate highway.

13. **Zero Waste PHX**
The City of Phoenix is committed to its waste diversion efforts and has set a goal to become a zero-waste city, as part of the city's overall 2050 Environmental Sustainability Goals. One of the ways Phoenix can achieve this is to improve Section 716 of the Phoenix Zoning Ordinance and expand its recycling and other waste diversion programs. The application documents submitted by the applicant indicated that a recycling plan is not available at this time.

14. **Canyon Crossroads PCD**
The Canyon Crossroads Planned Community District (PCD) was originally approved in 1999. The boundaries of this PCD are generally bounded by Carefree Highway to the north and Dove Valley Road to the south, between 27th Avenue to the east and Skunk Creek Wash to the west. Several major amendments to the PCD have been approved over the years under cases Z-91-A-99-2, Z-91-B-99-2, and Z-159-01. Staff recommends Stipulation Nos. 18 through 27 from the original PCD case regarding land use and master plan integration, design, master plan updates, lighting, right-of-way dedication, finishes of concrete infrastructure, detached sidewalks, signage, Homeowner Associations (HOA) maintenance, and Covenant, Conditions and Restrictions (CCRs).

COMMUNITY INPUT SUMMARY

15. At the time the staff report was written, staff received one letter of support from W.L. Gore & Associates noting the existing zoning entitlements and additional housing units within proximity to their campus.

INTERDEPARTMENTAL COMMENTS

16. **Fire Prevention, Fire Department**
Fire Prevention does not anticipate any problems with the referenced case. However, the project team should be aware of the requirements for fire apparatus access road, turning radius, width and clear heights, access through security gates, as well as marking the fire apparatus access road in accordance with Chapter 5 of the 2018 Phoenix Fire Code. The site and or building(s) shall comply with the 2018 International Fire Code (IFC) with Phoenix Amendments. Currently, the water supply (GPM and PSI) for the referenced case is unknown. The water supply is required to meet fire flow as defined by Appendix B of the 2018 IFC with Phoenix Amendments.

17. **Water Services Department**
The Water Services Department indicated that there are existing water and sewer mains that can potentially serve this development. This development will be required to reuse and/or recover (production well), treat, and convey (transmission/distribution main) the reclaimed water generated by the development for potable uses. Furthermore, the development shall convey their wastewater to Lift Station 66 located on the North Gateway Water Reclamation Plant (NGWRP), both of which are located at the northeast corner of I-17 and the CAP Canal. Lastly, this development will be served by the North Gateway Water Reclamation Plant (NGWRP) located at the northeast corner of I-17 and the CAP Canal. The NGWRP will include onsite wastewater treatment and on/offsite reclaimed water reuse and recharge north of the CAP Canal. Therefore, the developer will be required to install the infrastructure or pay for their proportional share.

18. **Street Transportation Department**
The Street Transportation Department provided the following comments:

- Full street improvements along 29th Avenue and Dove Valley Road;
- Detached sidewalk along Dove Valley Road;
- Signal Warrant Analysis;
- Funding of equipment and installation cost for the signal at the intersection of 29th Avenue and Dove Valley Road shall apply to this development; and
- Construction of all streets within and adjacent to the development with required elements.

These are addressed in Stipulation Nos. 7 through 12.

OTHER

19. 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. 14 through 16.

20. Staff has not received a completed form for the Waiver of Claims for Diminution in Value of Property under Proposition 207 (A.R.S. 12-1131 et seq.), as required by the rezoning application process. Therefore, a stipulation has been added to require the form be completed and submitted prior to preliminary site plan approval. This is addressed in Stipulation No. 17.

21. Development and use of the site are subject to all applicable codes and ordinances. Zoning approval does not negate other ordinance requirements. Other formal action such as, but not limited to, zoning adjustments and abandonments, may be required.

Findings

1. The development is compatible with the General Plan Land Use Map designation of Commercial.

2. The proposed development contains enhanced standards that will result in a more walkable, shaded and pedestrian-friendly environment. The development will provide increased shade which will help to reduce the urban heat island effect.

3. The proposed development will provide additional housing options close to employers in a designated Major Employment Center.

Stipulations

1. The development shall be in general conformance with the site plan date stamped October 7, 2022, and elevations date stamped August 5, 2022, as modified by the following stipulations and approved by the Planning and Development Department.

2. The development shall utilize the R-5 Planned Residential Development option.

3. The maximum density for the project shall not exceed 36 dwelling units per acre.

4. The development shall provide a minimum of four amenities, such as a pool, ramadas, a bicycle repair station, or similar elements, as approved by the Planning and Development Department.

5. The developer shall construct a decorative path connecting from the subject site to the commercial development to the east, as approved by the Planning and Development Department.

6. 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% shade at maturity, as approved by Planning and Development Department.

7. The developer shall provide full street improvements to 29th Avenue, as per the approved Canyon Crossroads Master Street Plan.

8. The development shall install all required street improvements including those on Dove Valley Road connecting to existing improvements on the east, to the western limits of the Canyon Crossroads Development, complying with the approved Master Street Plan for Canyon Crossroads PCD.

9. The developer shall construct a detached sidewalk along the north side of Dove Valley Road as required by the approved Canyon Crossroad Master Plan and planted to the following standards, as approved by the Planning and Development Department:

    a. Minimum 2-inch caliper shade trees placed a minimum of 20 feet on center or in equivalent groupings along both sides of the sidewalk.

    b. Drought tolerant shrubs and vegetative groundcovers with a maximum mature height of 24 inches to provide a minimum of 75% live coverage at maturity.

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

10. The applicant shall submit a 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.

11. The development shall be responsible for 100% of the equipment and installation cost for the signal at the intersection of 29th Avenue and Dove Valley Road prior to preliminary site plan approval. If the signal is installed by others, then the development shall be responsible for 100% of the cost, provided in escrow to the Street Transportation Department for signal relocation and/or modification.

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

13. A minimum of 14 bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near building entrances and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.

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

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

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

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

PCD STIPULATIONS – LAND USE

18. All development, both commercial and residential, shall be consistent with design guidelines for the North Black Canyon Corridor Plan and North Black Canyon Overlay District.

19. Updated master plans for the Canyon Crossroads PCD reflecting changes approved through this amendment shall be submitted as required by the Planning and Development Department.

PCD STIPULATIONS – WASHES AND OPEN SPACE

20. The use of pedestrian-scaled lighting should be utilized where taller or brighter lights are not needed for auto safety and security. Required lights are to be of minimum heights, utilizing shoebox type fixtures with maximum shielding or other fixtures, as approved by the Planning and Development Department and Street Transportation Department.

PCD STIPULATIONS – STREETS, SIDEWALKS, AND TRANSIT

21. The Master Street Plan shall include 27th Avenue, Parkway A, and Dove Valley Road with full dedication of all rights-of-way where the arterial is located wholly within the PCD and half the right-of-way where the arterial is located on the edge of the PCD.

22. All concrete structures built within this development (including but not limited to sidewalks and drainage structures) shall be internally colored to match the surrounding undisturbed desert floor. Sidewalks along arterial streets shall be integrally colored with salt, broom, or other comparable finish. Maintenance and replacement of those sidewalks under-the jurisdiction of the PCD Master Community Association (MCA) shall be by the MCA.

23. Along any collector and local streets within residential development, the sidewalk shall be detached, and a 5-foot-wide landscape strip shall be located between the sidewalk and back-of-curb. The planting area shall be planted with trees placed 20-feet on center, or in equivalent groupings, and groundcover. Alternatively, trees maybe planted to reach canopy to canopy at maturity, which will vary depending upon the type of tree planted. Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.

PCD STIPULATIONS – DEVELOPMENT DESIGN

24. All development within the PCD shall use CPTED (Crime Prevention Through Environmental Design) principles in their design.

25. A Comprehensive Sign Plan shall be processed in accordance with Section 705.F.2 of the Zoning Ordinance. They should be designed to integrate into the adjacent streetscape through use of colors, materials, and textures in the surrounding natural environment as well as the built environment.

PCD STIPULATIONS – ADMINISTRATION

26. One or more Homeowner's Associations (HOA) shall be formed and they (or their designee) shall be responsible for the maintenance of all (non-dedicated) landscape areas, open space, washes, specialty paving or lighting, private drives or streets, and trails, bikeways, and drainageways under common ownership. The HOA (or their designee) shall also be responsible for the maintenance of landscaping located in rights-of-way. All areas dedicated to the City, except for landscaping located in the rights-of-way, shall be maintained by the City.

27. Prior to approval of any subdivision plat or site plan, Covenants, Conditions, and Restrictions (CCRs) for the plat or site plan to be submitted shall be developed, submitted to and approved by Planning and Development Department staff and shall address the following:

    a. Describe maintenance of landscape areas, open space, washes, specialty paving or lighting, and of trails and drainageways under common ownership.

b. Include a list of allowable plant materials and those prohibited as approved in the Master Landscape Plan.

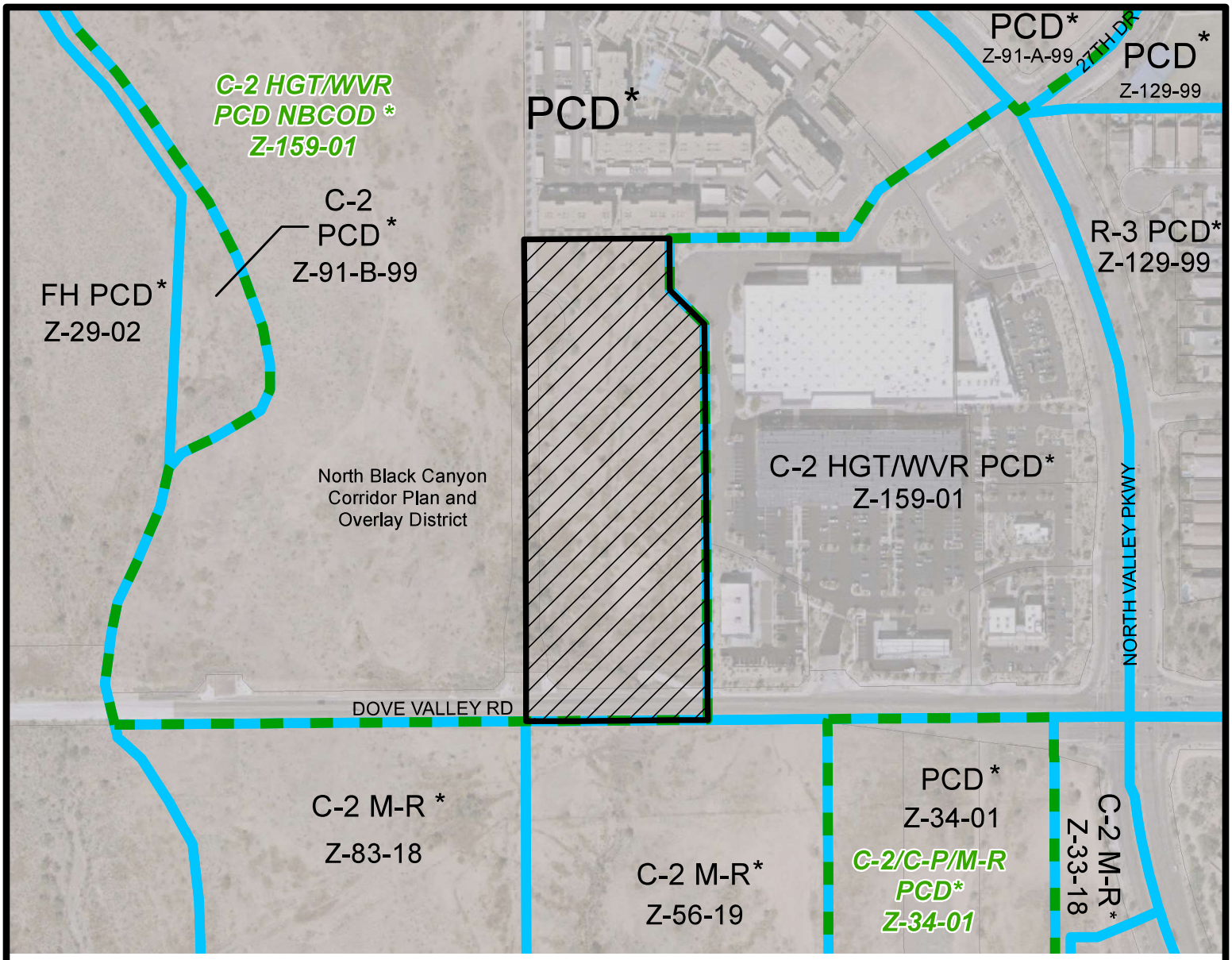
c. Inform prospective buyers of the proximity to possible neighborhood and community park sites, identifying those parcels, per language approved. by the Parks and Recreation Department.

d. Inform prospective residential buyers of the proximity to the Ben Avery Shooting Range. The facility, located at the northwest comer of 1-17 and Carefree Highway, is operated by Arizona State Game and Fish Department and has the potential to be active seven days a week, 24 hours a day. This use will continue in perpetuity.

Writer
Enrique Bojórquez Gaxiola
October 12, 2022

Team Leader
Racelle Escolar

Exhibits
Sketch map
Aerial sketch map
Conceptual site plan date stamped October 7, 2022
Conceptual building elevations date August 5, 2022 (2 pages)
Community correspondence (1 page)



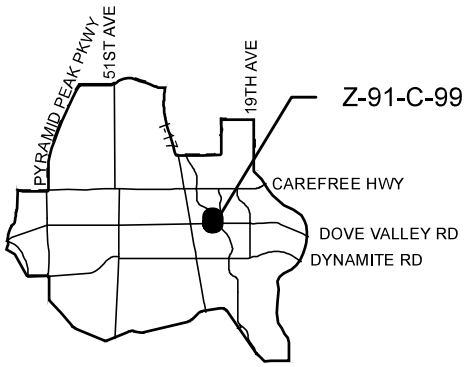
Miles

0.06 0.03 0 0.06

NORTH GATEWAY VILLAGE

CITY COUNCIL DISTRICT: 2

City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT



APPLICANT'S NAME:	Oakdale Realty, LLC, Bob Bussone
APPLICATION NO.	Z-91-C-99
DATE:	6/29/2022
REVISION DATES:	
GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.	9.30 Acres
AERIAL PHOTO & QUARTER SEC. NO.	QS 57-22
ZONING MAP	R-7

REQUESTED CHANGE:

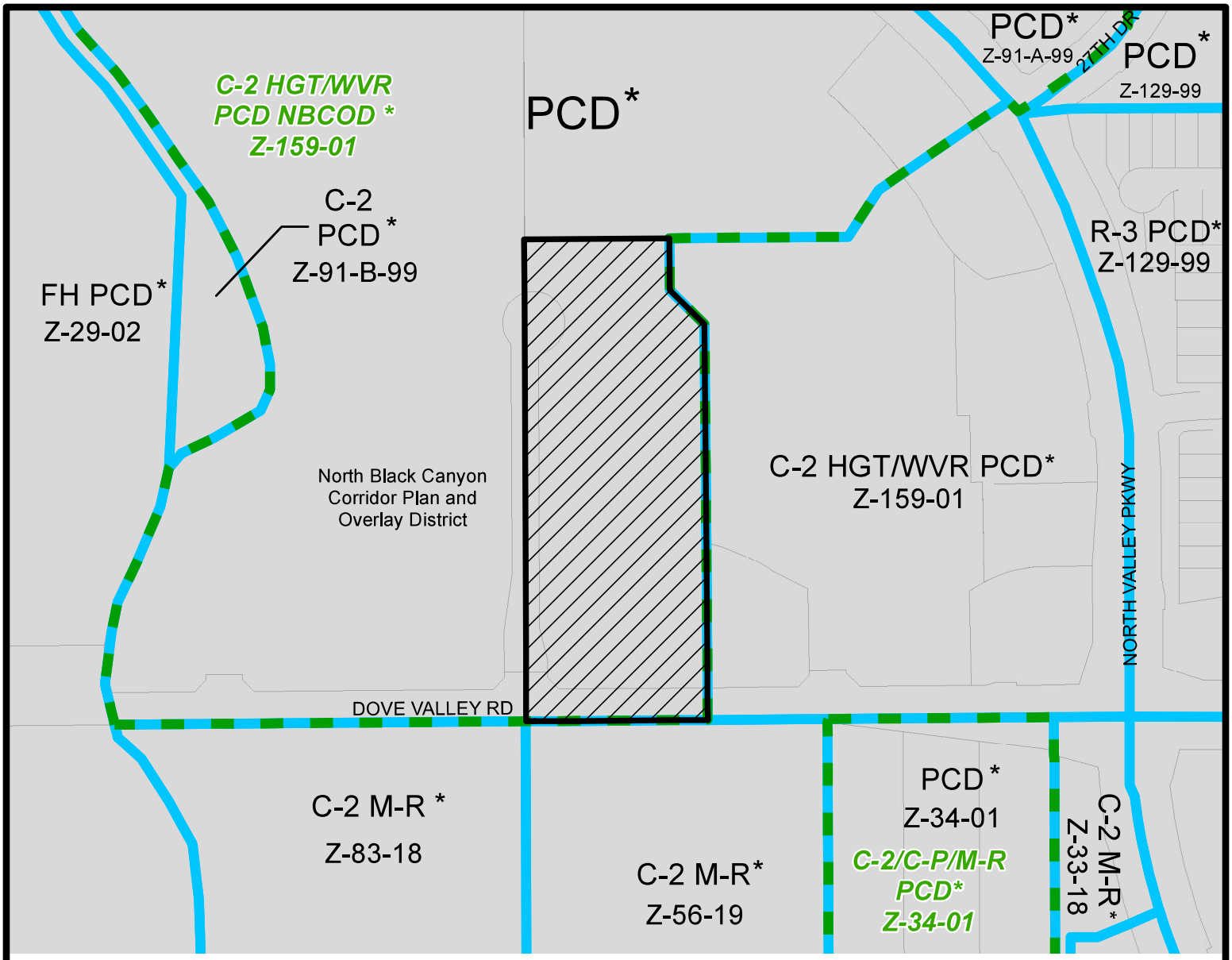
FROM:
PCD NBCOD
(Approved C-2 HGT/WVR PCD NBCOD) (9.30 a.c.)

TO: C-2 HGT/WVR DNS/WVR PCD NBCOD (9.30 a.c.)

MULTIPLES PERMITTED	CONVENTIONAL OPTION	* UNITS P.R.D. OPTION
PCD NBCOD (Approved C-2 HGT/WVR PCD NBCOD)	N/A (135)	N/A (162)
C-2 HGT/WVR DNS/WVR PCD NBCOD	404	485

* **Maximum Units Allowed with P.R.D. Bonus**

Document Path: S:\Department Share\Information Systems\PL GIS\IS_Team\Core_Functions\Zoning\sketch_maps\1999\Z-91-C-99.mxd



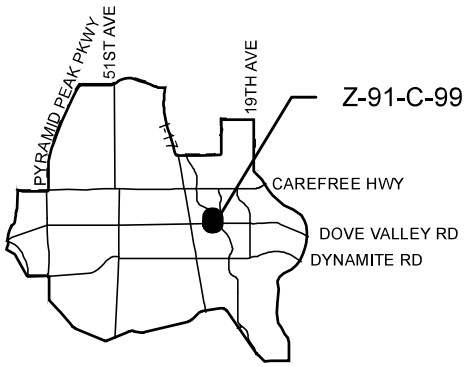
Miles

0.06 0.03 0 0.06

NORTH GATEWAY VILLAGE

CITY COUNCIL DISTRICT: 2

City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT



APPLICANT'S NAME:	Oakdale Realty, LLC, Bob Bussone
APPLICATION NO.	Z-91-C-99
DATE:	6/29/2022
REVISION DATES:	
GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.	9.30 Acres
AERIAL PHOTO & QUARTER SEC. NO.	QS 57-22
ZONING MAP	R-7

REQUESTED CHANGE:

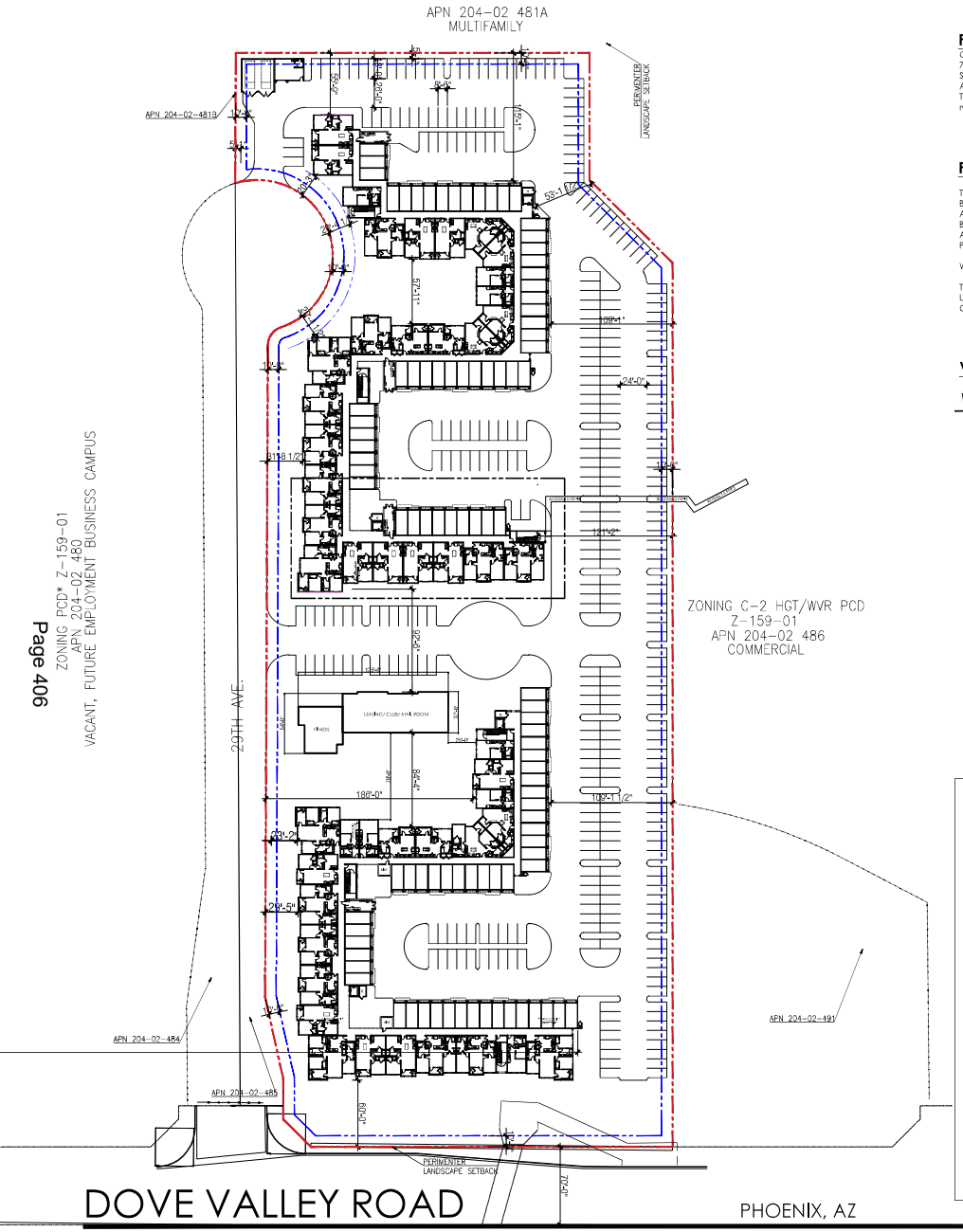
FROM: PCD NBCOD
(Approved C-2 HGT/WVR PCD NBCOD) (9.30 a.c.)

TO: C-2 HGT/WVR DNS/WVR PCD NBCOD (9.30 a.c.)

MULTIPLES PERMITTED	CONVENTIONAL OPTION	* UNITS P.R.D. OPTION
PCD NBCOD (Approved C-2 HGT/WVR PCD NBCOD)	N/A (135)	N/A (162)
C-2 HGT/WVR DNS/WVR PCD NBCOD	404	485

* **Maximum Units Allowed with P.R.D. Bonus**

Document Path: S:\Department Share\Information Systems\PL GIS\IS_Team\Core_Functions\Zoning\sketch_maps\1999\Z-91-C-99.mxd



PROPERTY OWNER

CANYON CROSSROADS, LLC
714 E. STETSON DRIVE, SUITE 350
SCOTTSDALE, ARIZONA 85251
ATTENTION RICK WEST
T. 602.953.8700
rwest@carefreepartners.com

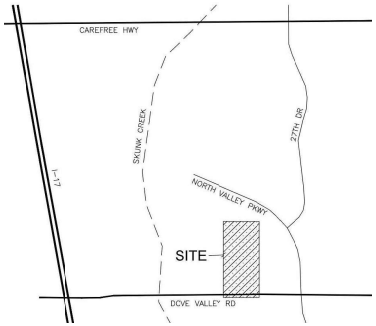
PROJECT DESCRIPTION

THE PROJECT IS LOCATED ON DOVE VALLEY ROAD. IT FEATURES TWO 4 STORY BUILDINGS WITH STATE OF THE ART MARKET RATE UNITS TOTALING 280 AND APPROXIMATELY 6,300 SQUARE FEET OF INTERIOR AMENITIES. EACH OF THE TWO BUILDINGS CONTAIN OUTDOOR COURTYARD'S FOR PASSIVE AND ACTIVE USES WITH APPROXIMATELY 50,000 SQUARE FEET OF COMMON OUTDOOR SPACES WITH A PEDESTRIAN CONNECTION TO THE EXISTING FRY'S SITE.

WE ARE REZONING APN 204-02-481B, APN 204-02-485 WILL BE DEDICATED TO THE CITY

THE ARCHITECTURE FEATURES TRADITIONAL ELEMENTS WITH ARTICULATED PLANES AND UNDULATING ROOF LINES TO BREAK THE SCALE AND MASSING OF THE BUILDINGS. THE COLOR SCHEMES CHOSEN REFLECT THE SURROUNDING CONTEXT OF THE SITE.

VICINITY MAP



KIVA NO:	06-298
PAPP NO:	2202071
SDEV:	2202071
QS:	57-22

CITY OF PHOENIX
OCT 07 2022
Planning & Development Department

SITE INFORMATION

ZONING CASES:
Z-159-01 (MAJOR AMENDMENT TO CANYON CROSSROADS PCD (Z-91-99)

EXISTING ZONING:
C-2 HGT/WVR PCD (NORTH BLACK CANYON OVERLAY DISTRICT)

PROPOSED ZONING:
C-2 HGT/WVR D/WVR R-5 PRD PCD

APN:
204-02-481B, 204-02-485

SITE ADDRESS
33500 N NORTH VALLEY PKWY

GROSS AREA:
7.8 ACRES (343,266 S.F.)

NET AREA:
7.8 ACRES (343,266 S.F.)

PROPOSED BUILDING HEIGHT:
4 STORY

HIGHPOINT	54' - 4"
ELEVATOR SHAFT ELEVATION	54' - 0"
PARAPET WALL ELEVATION	47' - 4"
FLAT ROOF ELEVATION	43' - 4"

LOT COVERAGE:

BUILDING COVERAGE	104,937 SF
NET LOT AREA	343,266 SF
%LOT COVERAGE	30.9%

OPEN SPACE:

REQUIRED:	17,000 SF
PROVIDED:	43,923 SF
%OPEN SPACE:	12.8%

DENSITY:

SITE GROSS AREA	7.88 ACRE
UNIT COUNT	280 UNITS
	35.5 UNITS PER ACRE

UNIT MIX

UNIT TYPE	NUMBER OF UNITS		%	UNIT %
EFFICIENCY	27	27	10%	
A1 CORNER	20	121 (1 BR)	7%	43%
A2	53		19%	
A3	48		17%	
B1	52	110 (2 BR)	19%	39%
B2	54		19%	
B3 CORNER	4			
B4				
C1	22	22 (3 BR)	8%	8%
C2				
C3				
TOTAL	280			100%

PARKING

REQUIRED PARKING

REQUIRED (PER CITY ZONING CODE)		CITY		
UNIT TYPE	QUANTITY	REQUIRED PARKING PER UNIT		TOTAL REQUIRED
EFFICIENCY UNITS	27	1		27
1 BEDROOM	121	1.5		182
2 BEDROOMS	110	1.5		165
3 BEDROOMS	22	2		44
TOTAL UNITS	280			
TOTAL STALLS REQUIRED - (1.50 SPACES/DU)				418
STALL REQUIRED - GUEST/20 UNITS		280	20%	56
TOTAL STALL REQUIRED				474

PROVIDED PARKING

GARAGE STALL MIN: 9.5' X 19'	
PROVIDED (STANDARD OPEN STALL 8.5' X 18')	
TYPE	QUANTITY
1 CAR GARAGES	105
OPEN STALL (90 DEGREE)	371 (COULD ALSO BE CARPORTS)
TOTAL STALLS	476 (1.70 SPACES/DU) (14 EXTRA FOR TRASH HC VAULTS & LANDSCAPE FINGERS)

NORTH
1"=50'-0" 0 25' 50' 100' 150'

CONCEPTUAL SITE PLAN

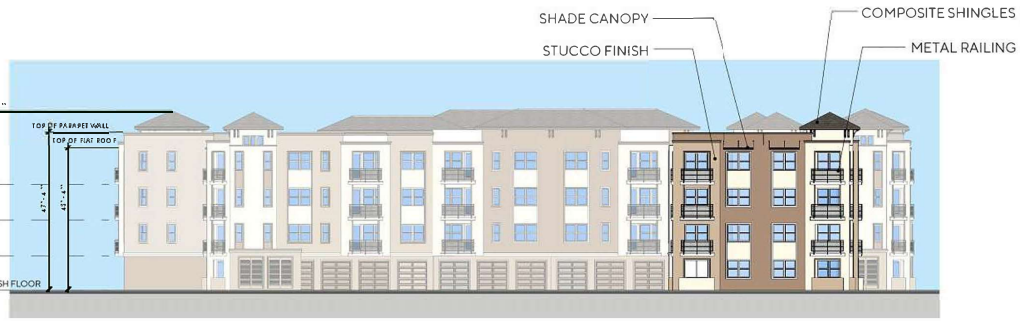
A1.1
SHEET X OF XX

DATE: 05-25-22
JOB NO.: 2021-673

DOVE VALLEY ROAD
PHOENIX, AZ
CANYON CROSSROADS, LLC

AO ARCHITECTS
144 NORTH ORANGE ST., ORANGE, CA 92866
(714) 639-9860
Architecture. Design. Relationships.

SOUTH ELEVATION



NORTH ELEVATION

WEST ELEVATION

EAST ELEVATION

CITY OF PHOENIX
AUG 05 2022
Planning & Development Department

DOVE VALLEY ROAD
Phoenix, Arizona
OAKDALE COMMUNITIES

OPTION ONE
Site Plan
0 8' 16' 32'
SCALE: 1/16" = 1'-0"

AO Architecture. Design. Relationships.

A.01
Job No. 002.1673
Date 2022-05-25

SOUTH ELEVATION

NORTH ELEVATION

WEST ELEVATION

EAST ELEVATION

CITY OF PHOENIX
AUG 05 2022
Planning & Development Department

DOVE VALLEY ROAD
Phoenix, Arizona
OAKDALE COMMUNITIES

OPTION ONE
Site Plan

0 8' 16' 32'
SCALE: 1/16" = 1'-0"

Architecture. Design. Relationships.

A.02

Job No. 002.1673
Date 2022-05-25

Together, improving life

Alan Stephenson
Deputy City Manager and Planning and Development Director
200 W. Washington St,
3rd Floor
Phoenix, AZ 85003-1611

Re: W. L. Gore Property on Dove Valley Rd

Dear Mr. Stephenson,

We own the approximately 47 acre property on the north side of Dove Valley Rd approximately a quarter mile east of I-17. We purchased this property from Canyon Crossroads, LLC in 2015, with an approved plan from the City of Phoenix for an office, research and manufacturing facility. We are aware that the principals of Canyon Crossroads built and own the Fry's shopping center east of our property and for many years have planned a multi-family project on the parcel between our property and the shopping center. Recently, the principals of Canyon Crossroads contacted us about their plan. Their property, like ours, is permitted for up to 56 feet in height (4 stories) and more than sufficient square footage for such a project. They told us, though, that the number of multi-family units currently allowed on their site is only 135 and is mis-matched with the height and square footage currently allowed. They said they want to build an upgraded 4 story complex with interior hallways, elevators, and tuck-under garages, comprising 290 units.
We welcome Canyon Crossroads' plan, especially given that the housing will be within a short walk to our property.

Sincerely,

Phil Reap
Enterprise Facility Service
1 928 699 9687

W. L. Gore & Associates, Inc.
1505 N. Fourth Street
Flagstaff, AZ 86004

T +1 928 864 2705
gore.com

GORE, *Together, improving life* and designs are trademarks of W. L. Gore & Associates

ATTACHMENT C

North Gateway
VILLAGE PLANNING COMMITTEE

Village Planning Committee Meeting Summary
Z-91-C-99-2
REVISED
November 1, 2022

Date of VPC Meeting	October 13, 2022
Request From	PCD NBCOD (Approved C-2 HGT/WVR PCD NBCOD)
Request To	C-2 HGT/WVR DNS/WVR PCD NBCOD
Proposed Use	Major PCD amendment to allow multifamily residential uses
Location	Approximately 815 feet west of the northwest corner of North Valley Parkway and Dove Valley Road
VPC Recommendation	Approval, per staff recommendation with modifications
VPC Vote	6-0

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

No members of the public registered to speak for this item.

Staff Presentation:

Enrique Bojórquez, staff, introduced himself and provided an overview of this rezoning case, describing the location, surrounding land uses and existing zoning. Mr. Bojórquez shared the proposal is consistent with the General Plan Land Use Map designation of Commercial and discussed several policy plans, including the North Black Canyon Corridor Plan, which seeks to achieve a balance between employment and residential uses within the Village. Mr. Bojórquez then described the proposed site plan and building elevations, noting that vehicular access will be solely along 29th Avenue, pedestrian access is proposed to the adjacent commercial property, and that the colors and materials of the elevations are typically what is seen in this part of the Village, as governed by the North Black Canyon Overlay District. Mr. Bojórquez noted that a revised staff report was recently published, clarifying that 29th Avenue will be a public street and clarifying Stipulation No. 13 which addressed bicycle parking. Mr. Bojórquez concluded the presentation by providing the staff findings, recommendation of approval per the staff recommendation with modifications to Stipulation Nos. 3 and 26 as presented by staff.

Applicant Presentation:

Larry Lazarus, representing the applicant with Lazarus and Silvyn P.C., introduced himself and his team, including David Beckham and Rick West with Canyon Crossroads LLC, the landowners and partners for the project, and Bob Bussone with Oakdale Realty LLC, the developer partner for the project. Mr. Lazarus clarified the request is only for a density waiver and is not changing the permitted use of multifamily, the underlying zoning, or the allowed height.

Mr. Beckham provided a history of the development's public/private partnership, the Planned Community Development, infrastructure, and development history of the surrounding area, noting the proposed multifamily use is adjacent to Fry's grocery store without the need to cross a major street, and is not adjacent to single-family.

Mr. Lazarus went over the proposed site plan and building elevations, noting the differentiated setbacks that provide visual interest rather than a box shape, and the substantial amount of landscaping proposed throughout the development and along Dove Valley Road. Mr. Lazarus also noted that the project is providing more open space and more parking than required by the underlying zoning. Mr. Lazarus stated that the building height is 4 stories and approximately 48 feet, which is complimentary to the Gore project and the Fry's shopping center. Mr. Lazarus then continued to discuss traffic, stating access is from 29th Avenue which connects directly to Dove Valley Road, which is the major arterial street. Mr. Lazarus stated that they have prepared a traffic impact and signal warrant study for the project, which shows that the intersection of 29th Avenue and Dove Valley Road will operate at a service level of B, which is very good. Mr. Lazarus clarified the study includes traffic from the project as well as future traffic in the area and shows that 70% of the trips from the project will head directly west on Dove Valley Road towards the I-17 freeway. Mr. Lazarus stated that the building elevations have a range of materials with soft colors and characteristics of the Sonoran Desert and will have 360-degree architecture. Mr. Lazarus went on to discuss the neighborhood meeting, stating notices were mailed on July 20th to property owners within 600 feet and homeowners associations registered with the City of Phoenix within one mile. Mr. Lazarus indicated that their neighborhood meeting began 15 minutes earlier at 5:45 p.m. to prepare for participants who may arrive early to the meeting and went on waiting until 6:30 p.m. to end the meeting, as there were no neighbors that had joined. Mr. Lazarus clarified that they had not received any phone calls or emails from neighbors regarding the project, and as a result, there were no issues from the neighborhood meeting to be addressed. Mr. Lazarus stated that Mr. Beckham also reached out to individual neighbors, members of the Village Planning Committee and a homeowners associated to inform them of the project and obtain input.

Mr. Beckham stated for a long time now, he has talked to everyone he could about their shopping center and how they can make it better and has also included the multifamily project in these discussions since they began designing it. Mr. Beckham stated he was disappointed with the lack of turnout at the neighborhood meeting, so afterwards he reached out to Vice Chair Simon who lives in the neighborhood, who put him in touch with the president of the HOA for the single-family community closest to the project. Mr. Beckham stated his offer stills stands and he would be glad to meet with anyone and receive input, and that they can contact him at his cell phone number 602-549-4624. Mr. Beckham stated they received interest from many companies when

seeking a multifamily partner for the project, and they chose Oakdale because they have extensive experience, including here in the Valley, and that they build great projects. Mr. Beckham added that they have gained experience with big companies and have chosen to stay small so they can really focus on their chosen projects rather than to do mass numbers of them. Mr. Beckham concluded by discussing schools, indicating that their contribution agreement with the school district was approved by the board in June, and has been fully executed and recorded, which will provide $280,000 to the district.

Questions from the Committee:

Chair Stokes asked for clarification on the stipulations showing a reduction of five units per acre and if it is accurate with their plans. **Mr. Lazarus** responded, stating that is correct, and that their initial application had not included half of the roadway, so when making the calculation with half of the roadway included, it does bring down the density. **Chair Stokes** asked if a traffic signal will be installed along Dove Valley Road between the I-17 freeway and Sonoran Desert Drive or 27th Drive. **Mr. Lazarus** responded that the City would like to have a signal at 29th Avenue and Dove Valley Road. **Chair Stokes** asked for clarification on the distance between signals that seem close together. Mr. Lazarus indicated they are still discussing it with the City and will continue to discuss it with the City between now and the City Council meeting.

Vice Chair Simon asked for clarification if the units will be rented apartments or owned condominiums. **Mr. Lazarus** responded that they are rentals but will be built to condominium standards so they can be converted at some point in the future. **Vice Chair Simon** asked what the rental rates are. Mr. Lazarus responded that the rates will be between $1800 to about $2800 per month.

Chair Stokes asked what types of floor plans will be offered. **Mr. Bussone** responded the floor plans will range from an efficiency unit of 580 square feet to a three-bedroom of about 1500 square feet. Mr. Bussone indicated there will be about 55% one-bedrooms, 35% two-bedrooms, and the rest will be three-bedrooms.

Michelle Ricart clarified that there will be 10% three-bedrooms and thanked Mr. Beckham for his transparency and for mentioning the donation to the school. Ms. Ricart stated there are many families that are living in one-bedrooms and two-bedrooms because of the housing situation. Ms. Ricart asked for clarification on the amenities being provided. **Mr. Bussone** responded that there will be a pool, gym, ramadas, a bike repair facility due to the stipulation requiring 14 bike stalls, a dog wash, and a community center with conference rooms. Mr. Bussone stated that they feel the biggest amenity will be the Fry's grocery store next door to be able to have residents not needing to get into their automobile and being able to walk to Fry's, Starbucks, or any other tenants in the development. **Ms. Ricart** asked if it is correct that the developer would be 100% responsible for the streetlight. **Mr. Lazarus** confirmed that is what the stipulation says, but that they are still talking with staff about it since there are other property owners around the four corners there and they are discussing whether they should be 100% responsible. **Ms. Ricart** asked for clarification that if the case is approved with that stipulation, that the streetlight will be 100% paid for by the applicant. **Mr. Lazarus** responded affirmatively. **Ms. Ricart** asked how many letters were physically mailed out for the neighborhood meeting notice. **Mr. Lazarus** did not have that information at hand but stated it was not as many as they had thought, since the

surrounding properties are large areas and it did not encompass a lot of the single-family residents, which is why Mr. Beckham reached out to the HOA and reached out further than the mailing list.

Public Comments:

None.

Applicant Response to Public Comment:

None.

Discussion:

None.

MOTION:

Vice Chair Simon motioned to recommend approval of Z-91-C-99-2, per the staff recommendation, with modifications to Stipulation Nos. 3 and 26 (as requested by staff). **Committee member Julie Read** seconded the motion.

VOTE:

6-0; motion to recommend approval of Z-91-C-99-2 per the staff recommendation, with modifications to Stipulation Nos. 3 and 26 passes with Committee members French, Krieger, Read, Ricart, Simon, and Stokes in favor.

APPROVED STIPULATIONS:

1. The development shall be in general conformance with the site plan date stamped October 7, 2022, and elevations date stamped August 5, 2022, as modified by the following stipulations and approved by the Planning and Development Department.

2. The development shall utilize the R-5 Planned Residential Development option.

3. The maximum density for the project shall not exceed ~~36~~ **31** dwelling units per acre.

4. The development shall provide a minimum of four amenities, such as a pool, ramadas, a bicycle repair station, or similar elements, as approved by the Planning and Development Department.

5. The developer shall construct a decorative path connecting from the subject site to the commercial development to the east, as approved by the Planning and Development Department.

6. 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% shade at maturity, as approved by Planning

and Development Department.

7. The developer shall provide full street improvements to 29th Avenue, as per the approved Canyon Crossroads Master Street Plan.

8. The development shall install all required street improvements including those on Dove Valley Road connecting to existing improvements on the east, to the western limits of the Canyon Crossroads Development, complying with the approved Master Street Plan for Canyon Crossroads PCD.

9. The developer shall construct a detached sidewalk along the north side of Dove Valley Road as required by the approved Canyon Crossroad Master Plan and planted to the following standards, as approved by the Planning and Development Department:

    a. Minimum 2-inch caliper shade trees placed a minimum of 20 feet on center or in equivalent groupings along both sides of the sidewalk.

    b. Drought tolerant shrubs and vegetative groundcovers with a maximum mature height of 24 inches to provide a minimum of 75% live coverage at maturity.

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

10. The applicant shall submit a 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.

11. The development shall be responsible for 100% of the equipment and installation cost for the signal at the intersection of 29th Avenue and Dove Valley Road prior to preliminary site plan approval. If the signal is installed by others, then the development shall be responsible for 100% of the cost, provided in escrow to the Street Transportation Department for signal relocation and/or modification.

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

13. A minimum of 14 bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near building entrances and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.

14. If determined necessary by the Phoenix Archaeology Office, the applicant shall conduct Phase I data testing and submit an archaeological survey report of the

development area for review and approval by the City Archaeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.

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

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

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

PCD STIPULATIONS – LAND USE

18. All development, both commercial and residential, shall be consistent with design guidelines for the North Black Canyon Corridor Plan and North Black Canyon Overlay District.

19. Updated master plans for the Canyon Crossroads PCD reflecting changes approved through this amendment shall be submitted as required by the Planning and Development Department.

PCD STIPULATIONS – WASHES AND OPEN SPACE

20. The use of pedestrian-scaled lighting should be utilized where taller or brighter lights are not needed for auto safety and security. Required lights are to be of minimum heights, utilizing shoebox type fixtures with maximum shielding or other fixtures, as approved by the Planning and Development Department and Street Transportation Department.

PCD STIPULATIONS – STREETS, SIDEWALKS, AND TRANSIT

21. The Master Street Plan shall include 27th Avenue, Parkway A, and Dove Valley Road with full dedication of all rights-of-way where the arterial is located wholly within the PCD and half the right-of-way where the arterial is located on the edge of the PCD.

22. All concrete structures built within this development (including but not limited to sidewalks and drainage structures) shall be internally colored to match the surrounding undisturbed desert floor. Sidewalks along arterial streets shall be integrally colored with salt, broom, or other comparable finish. Maintenance and replacement of those sidewalks under-the jurisdiction of the PCD Master Community Association (MCA) shall be by the MCA.

23. Along any collector and local streets within residential development, the sidewalk

shall be detached, and a 5-foot-wide landscape strip shall be located between the sidewalk and back-of-curb. The planting area shall be planted with trees placed 20-feet on center, or in equivalent groupings, and groundcover. Alternatively, trees maybe planted to reach canopy to canopy at maturity, which will vary depending upon the type of tree planted. Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.

PCD STIPULATIONS – DEVELOPMENT DESIGN

24. All development within the PCD shall use CPTED (Crime Prevention Through Environmental Design) principles in their design.

25. A Comprehensive Sign Plan shall be processed in accordance with Section 705.F.2 of the Zoning Ordinance. They should be designed to integrate into the adjacent streetscape through use of colors, materials, and textures in the surrounding natural environment as well as the built environment.

PCD STIPULATIONS – ADMINISTRATION

26. One or more Homeowner's Associations (HOA) shall be formed and they (or their designee) shall be responsible for the maintenance of all (non-dedicated) landscape areas, open space, washes, specialty paving or lighting, private drives or streets, and trails, bikeways, and drainageways under common ownership. The **ADJACENT PROPERTY OWNER OR** HOA (or their designee) shall also be responsible for the maintenance of landscaping located in rights-of-way. All areas dedicated to the City, except for landscaping located in the rights-of-way, shall be maintained by the City.

27. Prior to approval of any subdivision plat or site plan, Covenants, Conditions, and Restrictions (CCRs) for the plat or site plan to be submitted shall be developed, submitted to and approved by Planning and Development Department staff and shall address the following:

    a. Describe maintenance of landscape areas, open space, washes, specialty paving or lighting, and of trails and drainageways under common ownership.

    b. Include a list of allowable plant materials and those prohibited as approved in the Master Landscape Plan.

    c. Inform prospective buyers of the proximity to possible neighborhood and community park sites, identifying those parcels, per language approved. by the Parks and Recreation Department.

    d. Inform prospective residential buyers of the proximity to the Ben Avery Shooting Range. The facility, located at the northwest comer of 1-17 and Carefree Highway, is operated by Arizona State Game and Fish Department and has the potential to be active seven days a week, 24 hours a day. This use will continue in perpetuity.

STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:

At the October 13, 2022, North Gateway Village Planning Committee meeting, staff recommended a modification to Stipulation No. 3 to clarify the maximum number of dwelling units allowed on the site following a change to the gross acreage of the rezoning case. The number of dwelling units proposed by the applicant is consistent with the modification proposed by staff on Stipulation No. 3.

Staff also recommended the modification of Stipulation No. 26 to clarify the maintenance responsibility of landscaping within right-of-way next to this site, given that this site will no longer be part of a Homeowner's Association (HOA) and is intended to be owned by a single entity.

ATTACHMENT D

REPORT OF PLANNING COMMISSION ACTION
November 3, 2022

ITEM NO: 9	
	DISTRICT NO.: 2
SUBJECT:	
Application #:	Z-91-C-99-2
Location:	Approximately 815 feet west of the northwest corner of North Valley Parkway and Dove Valley Road
From:	PCD NBCOD (Approved C-2 HGT/WVR PCD NBCOD)
To:	C-2 HGT/WVR DNS/WVR PCD NBCOD
Acreage:	9.30
Proposal:	Major PCD amendment to allow multifamily residential uses.
Applicant:	Bob Bussone, Oakdale Realty, LLC
Owner:	David Beckham, Canyon Crossroads, LLC
Representative:	Larry Lazarus, Lazarus & Silvyn, P.C.

ACTIONS:

Staff Recommendation: Approval, subject to stipulations.

Village Planning Committee (VPC) Recommendation:
North Gateway 9/8/2022 Meeting canceled.
North Gateway 10/13/2022 Approval, per the staff recommendation with modifications.
Vote: 6-0.

Planning Commission Recommendation: Approval, per the North Gateway Village Planning Committee recommendation with a modification.

Motion Discussion: Commissioner Gorraiz agreed with the modification to Stipulation No. 11 as requested by the representative.

Motion details: Commissioner Gorraiz made a MOTION to approve Z-91-C-99-2, per the North Gateway Village Planning Committee recommendation with a modification as requested by the representative.

Maker: Commissioner Gorraiz
Second: Commissioner Simon
Vote: 8-1 (Boyd)
Absent: 0
Opposition Present: No

Findings:

1. The development is compatible with the General Plan Land Use Map designation of Commercial.

2. The proposed development contains enhanced standards that will result in a more walkable, shaded and pedestrian-friendly environment. The development will provide increased shade which will help to reduce the urban heat island effect.

3. The proposed development will provide additional housing options close to employers in a designated Major Employment Center.

Stipulations:

1. The development shall be in general conformance with the site plan date stamped October 7, 2022, and elevations date stamped August 5, 2022, as modified by the following stipulations and approved by the Planning and Development Department.

2. The development shall utilize the R-5 Planned Residential Development option.

3. The maximum density for the project shall not exceed ~~36~~ 31 dwelling units per acre.

4. The development shall provide a minimum of four amenities, such as a pool, ramadas, a bicycle repair station, or similar elements, as approved by the Planning and Development Department.

5. The developer shall construct a decorative path connecting from the subject site to the commercial development to the east, as approved by the Planning and Development Department.

6. 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% shade at maturity, as approved by Planning and Development Department.

7. The developer shall provide full street improvements to 29th Avenue, as per the approved Canyon Crossroads Master Street Plan.

8. The development shall install all required street improvements including those on Dove Valley Road connecting to existing improvements on the east, to the western limits of the Canyon Crossroads Development, complying with the approved Master Street Plan for Canyon Crossroads PCD.

9. The developer shall construct a detached sidewalk along the north side of Dove Valley Road as required by the approved Canyon Crossroad Master Plan and planted to the following standards, as approved by the Planning and Development Department:

    a. Minimum 2-inch caliper shade trees placed a minimum of 20 feet on center or in equivalent groupings along both sides of the sidewalk.

    b. Drought tolerant shrubs and vegetative groundcovers with a maximum mature height of 24 inches to provide a minimum of 75% live coverage at maturity.

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

10. The applicant shall submit a 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.

11. **~~The development shall be responsible for 100% of the equipment and installation cost for the signal at the intersection of 29th Avenue and Dove Valley Road prior~~**

~~to preliminary site plan approval. If the signal is installed by others, then the development shall be responsible for 100% of the cost, provided in escrow to the Street Transportation Department for signal relocation and/or modification.~~ **THE DEVELOPER SHALL CONTRIBUTE 25% FOR THE COST OF THE SIGNAL AND INSTALLATION AT THE INTERSECTION OF DOVE VALLEY ROAD AND 29TH AVENUE. PLEASE CONTACT BRUCE LITTLETON AT BRUCE.LITTLETON@PHONEIX.GOV TO COORDINATE THE DEPOSIT OF THE FUNDS IN AN ESCROW ACCOUNT WITH THE CITY OF PHOENIX STREETS DEPARTMENT.**

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

13. A minimum of 14 bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near building entrances and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.

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

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

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

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

PCD STIPULATIONS – LAND USE

18. All development, both commercial and residential, shall be consistent with design guidelines for the North Black Canyon Corridor Plan and North Black Canyon Overlay District.

19. Updated master plans for the Canyon Crossroads PCD reflecting changes approved through this amendment shall be submitted as required by the Planning and Development Department.

PCD STIPULATIONS – WASHES AND OPEN SPACE

20. The use of pedestrian-scaled lighting should be utilized where taller or brighter lights are not needed for auto safety and security. Required lights are to be of minimum heights, utilizing shoebox type fixtures with maximum shielding or other fixtures, as approved by the Planning and Development Department and Street Transportation Department.

PCD STIPULATIONS – STREETS, SIDEWALKS, AND TRANSIT

21. The Master Street Plan shall include 27th Avenue, Parkway A, and Dove Valley Road with full dedication of all rights-of-way where the arterial is located wholly within the PCD and half the right-of-way where the arterial is located on the edge of the PCD.

22. All concrete structures built within this development (including but not limited to sidewalks and drainage structures) shall be internally colored to match the surrounding undisturbed desert floor. Sidewalks along arterial streets shall be integrally colored with salt, broom, or other comparable finish. Maintenance and replacement of those sidewalks under-the jurisdiction of the PCD Master Community Association (MCA) shall be by the MCA.

23. Along any collector and local streets within residential development, the sidewalk shall be detached, and a 5-foot-wide landscape strip shall be located between the sidewalk and back-of-curb. The planting area shall be planted with trees placed 20-feet on center, or in equivalent groupings, and groundcover. Alternatively, trees maybe planted to reach canopy to canopy at maturity, which will vary depending upon the type of tree planted. Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.

PCD STIPULATIONS – DEVELOPMENT DESIGN

24. All development within the PCD shall use CPTED (Crime Prevention Through Environmental Design) principles in their design.

25. A Comprehensive Sign Plan shall be processed in accordance with Section 705.F.2 of the Zoning Ordinance. They should be designed to integrate into the adjacent streetscape through use of colors, materials, and textures in the surrounding natural environment as well as the built environment.

PCD STIPULATIONS – ADMINISTRATION

26. One or more Homeowner's Associations (HOA) shall be formed, and they (or their designee) shall be responsible for the maintenance of all (non-dedicated) landscape areas, open space, washes, specialty paving or lighting, private drives or streets, and trails, bikeways, and drainageways under common ownership. The ADJACENT PROPERTY OWNER OR HOA (or their designee) shall also be responsible for the maintenance of landscaping located in rights-of-way. All areas dedicated to the City, except for landscaping located in the rights-of-way, shall be maintained by the City.

27. Prior to approval of any subdivision plat or site plan, Covenants, Conditions, and Restrictions (CCRs) for the plat or site plan to be submitted shall be developed, submitted to, and approved by Planning and Development Department staff and shall address the following:

    a. Describe maintenance of landscape areas, open space, washes, specialty paving or lighting, and of trails and drainageways under common ownership.

b. Include a list of allowable plant materials and those prohibited as approved in the Master Landscape Plan.

c. Inform prospective buyers of the proximity to possible neighborhood and community park sites, identifying those parcels, per language approved. by the Parks and Recreation Department.

d. Inform prospective residential buyers of the proximity to the Ben Avery Shooting Range. The facility, located at the northwest comer of 1-17 and Carefree Highway, is operated by Arizona State Game and Fish Department and has the potential to be active seven days a week, 24 hours a day. This use will continue in perpetuity.

This publication can be made available in alternate format upon request. Please contact Les Scott at 602-261-8980, leslie.scott@phoenix.gov or TTY: Use 7-1-1.

ATTACHMENT 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:** 12/7/2022					
APPLICATION NO/ LOCATION	**Z-91-C-99-2** Approximately 815 feet west of the northwest corner of North Valley Parkway and Dove Valley Road	***(SIGNATURE ON ORIGINAL IN FILE)***			
		opposition		**applicant**	**X**
APPEALED FROM:	PC 11/03/2022	206 East Virginia Avenue Phoenix, AZ 85004			
	PC DATE	*STREET/ADDRESS/CITY/STATE/ZIP*			
TO PC/CC HEARING	CC 12/7/2022	**Michelle Green** 602-340-0900 mgreen@lslawaz.com and llazarus@lslawaz.com			
	CC DATE	*NAME / PHONE / EMAIL*			
REASON FOR REQUEST: On behalf of Oakdale Realty, LLC, we would like to remove case No. Z-91-C-99-2 from the Council Ratification agenda and have it placed on the agenda for Public Hearing, so that we may further address Stipulation No. 11.					
RECEIVED BY:		**RECEIVED ON:**			

Alan Stephenson
Joshua Bednarek
Tricia Gomes
Racelle Escolar
Stephanie Vasquez
Diana Hernandez
David Urbinato
Vikki Cipolla-Murillo

Greg Harmon
Paul M. Li
Village Planner
GIS
Applicant
Adam Stranieri (for PHO Appeals)

CITY OF PHOENIX

NOV 10 2022

Planning & Development Department

City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

The **PLANNING COMMISSION** agenda for **November 3, 2022** is attached.

The **CITY COUNCIL** may approve the recommendation of the Planning Commission without further hearing **unless**:

1. A **REQUEST FOR A HEARING** by the **CITY COUNCIL** is filed within seven (7) days.

   There is a $630.00 appeal fee for hearings requested by the applicant, due by 5:00 p.m. **November 10, 2022**.

   Any member of the public may, within seven (7) days after the Planning Commission's action, request a hearing by the City Council on any application. If you wish to request a hearing, fill out and sign the form below and return it to the Planning and Development Department by 5:00 p.m. **November 10, 2022**.

2. A **WRITTEN PROTEST** is filed, no later than seven (7) days after the Planning Commission's action, which requires a three-fourths vote. A written protest will require a three-fourths vote of the City Council to approve a zoning change when the owners of at least 20 percent of the property by area and number of lots, tracts, and condominium units within the zoning petition area have signed the petition. The zoning petition area includes both the area of the proposed amendment, and the area within 150 feet of the proposed amendment, including all rights-of-way. For condominium, townhouse and other types of ownership with common lands, authorized property owner signatures are required. Please see Planning and Development Department Staff for additional information prior to gathering signatures.

   To require a three-fourths vote of the City Council for approval, a written protest for applications on this agenda must be filed with the Planning and Development Department by 5:00 p.m. **November 10, 2022**

   The Planning and Development Department will verify ownership by protestors to determine whether or not a three-fourths vote will be required.

3. A **CONTINUANCE** is granted at the **PLANNING COMMISSION**. In the event of a continuance, there is an $830.00 fee due from the applicant within fourteen (14) days, by 5:00 p.m. **November 17, 2022**.

FORM TO REQUEST CITY COUNCIL HEARING

I HEARBY REQUEST THAT THE CITY COUNCIL HOLD A PUBLIC HEARING:

Z-91-C99
APPLICATION NO.

NE Corner 29th Ave / Dove Valley Roads
LOCATION OF APPLICATION SITE

Nov. 3, 2022
DATE APPEALED FROM

☐ OPPOSITION
☒ APPLICANT

Brad Whyte BWY
PLANNER
(PLANNER TAKING THE APPEAL)

BY MY SIGNATURE BELOW, I ACKNOWLEDGE CITY COUNCIL APPEAL:

Michelle Green
PRINTED NAME OF PERSON APPEALING

SIGNATURE

206 E. Virginia Ave
STREET ADDRESS

11/10/22
DATE OF SIGNATURE

Phoenix AZ 85004
CITY, STATE & ZIP CODE

602-340-0900
TELEPHONE NO.

mgreen@LSLAWAZ.com & LLazarus@LSLAWAZ.com
EMAIL ADDRESS

REASON FOR REQUEST on behalf of Oakdale Realty, LLC we would like to remove Case No. Z-91-C99-2 from the Council Ratification agenda and have it placed on the agenda for Public Hearing so that we may further address stipulation No. 11.

APPEALS MUST BE FILED IN PERSON AT 200 WEST WASHINGTON, 2ND FLOOR, ZONING COUNTER

Law Offices of
Lazarus & Silvyn, P.C.

CITY OF PHOENIX
NOV 10 2022
Planning & Development Department

November 10, 2022

City of Phoenix
Planning & Development Department
200 West Washington Street
Phoenix, AZ 8500

RE: Zoning Case No. Z-91-C99-2

To Whom it May Concern:

We are requesting on behalf of Oakdale Realty, LLC that we would like to remove Case No. Z-91-C-99-2 from the ratification agenda and be placed for public hearing so that we may further address Stipulation No. 11 and this matter will not be further delayed.

Sincerely,

Larry S. Lazarus
Lazarus & Silvyn, P.C.

206 E. Virginia Avenue | Phoenix, AZ 85004-1110
602.340.0900 | Fax 602.340.8955

5983 E. Grant Road, Suite 290 | Tucson, AZ 85712-2365
520.207.4464 | Fax 520.300.9662

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 82

Public Hearing and Ordinance Adoption - Rezoning Application Z-16-22-1 - Approximately 300 Feet South of the Southwest Corner of 31st Avenue and Dynamite Boulevard (Ordinance G-7063)

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-16-22-1 and rezone the site from S-1 (Ranch or Farm Residence) to R1-10 (Single-Family Residence District) to allow single-family residential.

Summary

Current Zoning: S-1
Proposed Zoning: R1-10
Acreage: 5.04 acres
Proposal: Single-family residential

Owner: Randy and Betty Schmille
Applicant: Ed Bull, Burch & Cracchiolo P.A.
Representative: Ed Bull, Burch & Cracchiolo P.A.

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Deer Valley Village Planning Committee heard this case on Aug. 11, 2022, and recommended denial, by a vote of 7-4.
PC Action: The Planning Commission heard this case on Oct. 6, 2022, and recommended approval, per the Addendum A Staff Report with a modification, by a vote of 8-1.

Location

Approximately 300 feet south of the southwest corner of 31st Avenue and Dynamite Boulevard
Council District: 1
Parcel Address: 28010 and 28020 N. 31st Ave.

Responsible Department

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

ATTACHMENT A

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

ORDINANCE G-

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-16-22-1) FROM S-1 (RANCH OR FARM RESIDENCE) TO R1-10 (SINGLE-FAMILY RESIDENCE DISTRICT).

_____

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

SECTION 1. The zoning of a 5.04 acre site located approximately 300 feet south of the southwest corner of 31st Avenue and Dynamite Boulevard in a portion of Section 35, Township 5 North, Range 2 East, as described more specifically in Exhibit "A," is hereby changed from "S-1" (Ranch or Farm Residence), to "R1-10" (Single-Family 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,

DRAFT

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

1. The development shall not exceed 14 lots.

2. The development shall be in general conformance with the conceptual elevations date stamped March 10, 2022, as approved by the Planning and Development Department.

3. A minimum of 10 lots, which shall include all lots adjacent to 31st Avenue, the lot at the northwest corner of the site, and all lots adjacent to the south perimeter of the site, shall be limited to 1 story and 20 feet in height, as approved by the Planning and Development Department.

4. The common open space area shall provide a minimum of 2 active recreational elements, such as, but not limited to, playground sets, ramadas, barbeque area, as approved by the Planning and Development Department.

5. The required landscape setback along 31st Avenue shall include minimum 50 percent 2-inch caliper and minimum 50 percent 3-inch caliper trees planted 20 feet on center or in equivalent groupings, as approved by the Planning and Development Department.

6. All sidewalks within the subdivision shall be detached with a minimum 5-foot-wide landscaped strip located between the sidewalk and back of curb and shall include minimum 2-inch caliper shade trees planted a minimum of 20 feet on center or in equivalent groupings along both sides of the sidewalk, as approved by the Planning and Development Department.

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

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

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

DRAFT

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

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

PASSED by the Council of the City of Phoenix this 7th day of December, 2022.

_____
MAYOR

ATTEST:

_____
Denise Archibald, City Clerk

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

By:
_____
_____

REVIEWED BY:

_____
Jeffrey Barton, City Manager

DRAFT

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

DRAFT

EXHIBIT A

Parcel 1:
The North half of the South half of the Northeast quarter of the Northeast quarter of the Northwest quarter of Section 35, Township 5 North, Range 2 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;
EXCEPTING the Easterly 25 feet for right of way purposes as found in Ordinance S-29091; and
EXCEPT all oil, gas and other mineral deposits as reserved to the United States of America in patent to said land recorded in Docket 3620, page 379.

Parcel 2:
The South half of the South half of the Northeast quarter of the Northeast quarter of the Northwest quarter of Section 35, Township 5 North, Range 2 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;
EXCEPTING the Easterly 25 feet for right of way purposes as found in Ordinance S-29091; and
EXCEPT all oil, gas and other mineral deposits as reserved to the Unites States of America in patent to said land recorded in Docket 3620, page 379.
together with all rights and privileges appurtenant thereto.

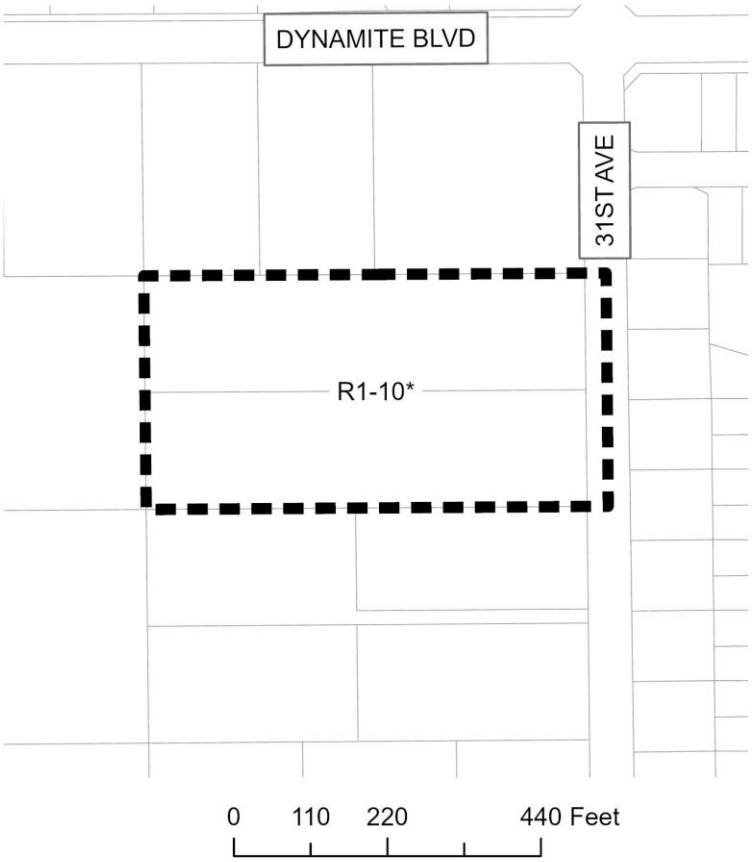
DRAFT

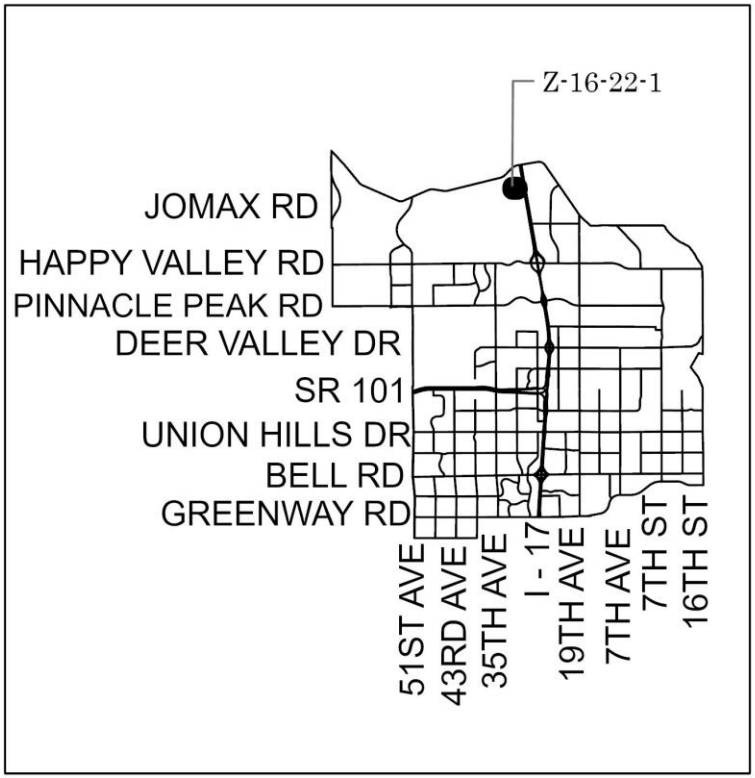
ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA:

Zoning Case Number: Z-16-22-1
Zoning Overlay: N/A
Planning Village: Deer Valley





NOT TO SCALE

N

Drawn Date: 10/4/2022

\\one\pdd\Shared\Department Share\Information Systems\PL GIS\IS_Team\Core_Functions\Zoning\SuppMaps_OrdMaps\2022 Ord\11-2-22\11-2-22.aprx

Attachment B

City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

Staff Report Z-16-22-1
August 8, 2022

Deer Valley Village Planning Committee Meeting Date:	August 11, 2022
Planning Commission Hearing Date:	October 6, 2022
Request From:	S-1 (Ranch or Farm Residence) (6.29 acres)
Request To:	R1-10 (Single-Family Residence District) (6.29 acres)
Proposed Use:	Single-family residential
Location:	Approximately 322 feet west of the southwest corner of 31st Avenue and Dynamite Boulevard
Owner:	Randy and Betty Schmille
Applicant/Representative:	Ed Bull, Burch & Cracchiolo P.A.
Staff Recommendation:	Approval, subject to stipulations

<table>
<tr><th colspan="4">General Plan Conformity</th></tr>
<tr><td colspan="2">General Plan Land Use Map Designation</td><td colspan="2">Residential 2 to 5 dwelling units per acre</td></tr>
<tr><td rowspan="2">Street Map Classification</td><td>Dynamite Boulevard</td><td>Collector</td><td>Width varies from 30-foot to 33-foot south half street</td></tr>
<tr><td>31st Avenue</td><td>Local Street</td><td>30-foot west half street</td></tr>
<tr><td colspan="4">CELEBRATE OUR DIVERSE COMMUNITIES & NEIGHBORHOODS CORE VALUE; CERTAINTY & CHARACTER; LAND USE PRINCIPLE: New development and expansion or redevelopment of existing development in or near residential areas should be compatible with existing uses and consistent with adopted plans.

The requested R1-10 zoning district is compatible with existing residential developments in the vicinity of the subject site and consistent with the General Plan Land Use Map designation of Residential 2 to 5 dwelling units per acre.</td></tr>
</table>

General Plan Conformity
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 requested R1-10 zoning district would allow development of a new residential community that is compatible with surrounding neighborhoods and respectful of local conditions. The proposed density and development pattern is similar to development in the surrounding area, and as stipulated, the proposal incorporates design features, such as enhanced landscaping, that prevent the development from having a negative impact on the surrounding area.
BUILD THE SUSTAINABLE DESERT CITY CORE VALUE; TREES AND SHADE; DESIGN PRINCIPLE: Integrate trees and shade into the design of new development and redevelopment projects throughout Phoenix. The proposal will be required to provide shade along the sidewalks within the community and along the adjacent public streets. This will help to provide shade for pedestrians in and around the community and to mitigate the urban heat island effect by covering hard surfaces, thus cooling the micro-climate around the vicinity.

Applicable Plans, Overlays, and Initiatives
Tree and Shade Master Plan: See Background Item No. 6. **Complete Streets Guiding Principles:** See Background Item No. 7. **Zero Waste PHX:** See Background Item No. 8. **Housing Phoenix:** See Background Item No. 9.

Surrounding Land Uses and Zoning		
	Land Use	**Zoning**
On Site	Vacant	S-1
North (across Dynamite Boulevard)	Single-family residential	R1-8

Northeast	Single-family residential	S-1
South	Single-family residential	S-1
East (across 31st Avenue)	Single-family residential	R1-6
West	Single-family residential	S-1

R1-10 – Single-Family Residence District (Planned Residential Development Option)		
Standards	**R1-10 Requirements**	**Provisions on the proposed site plan**
Gross Acreage	-	6.29 acres
Total Maximum Number of Units	22 units, up to 28 with bonus	19 units (Met)
Maximum Density	3.5 dwelling units per acre, up to 4.5 with bonus	3.02 dwelling units per acre (Met)
Minimum Lot Width	45 feet	56 feet (Met)
Minimum Lot Depth	None, except 110 feet adjacent to freeway or arterial	115 feet (Met)
Maximum Building Height	2 stories and 30 feet	2 stories and 26 feet (Met)
Maximum Lot Coverage	40 percent, up to 50 percent including attached shade structures	40 percent, up to 50 percent including attached shade structures
Minimum Parking	2 spaces per dwelling unit 38 spaces required	*Not specified*
MINIMUM PERIMETER BUILDING SETBACKS		
Perimeter Streets	15 feet (in addition to landscape setback)	15 feet (Met)
Perimeter Property Lines (Side and Rear)	Rear 1-story building: 15 feet 2-story building: 20 feet Side 1-story building: 10 feet 2-story building: 15 feet	Rear: 15 feet (*Not Met*)* Side: *Not specified*

R1-10 – Single-Family Residence District (Planned Residential Development Option)		
Standards	**R1-10 Requirements**	**Provisions on the proposed site plan**
MINIMUM LANDSCAPE SETBACKS AND STANDARDS		
Common landscaped setback adjacent to perimeter streets	15 feet average, 10 feet minimum	15 feet (Met)
Minimum Common Area	5 percent of gross site area	5 percent (Met)

*Variance or site plan revision required for lots with two-story buildings

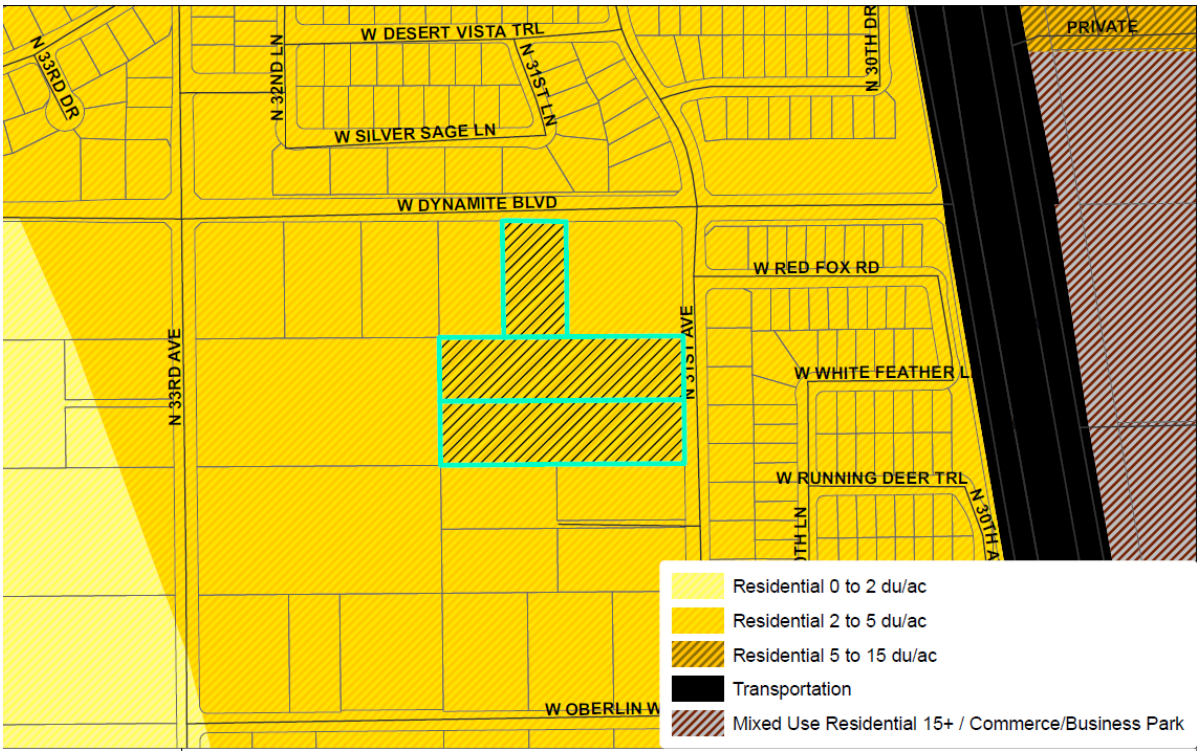
Background/Issues/Analysis

SUBJECT SITE

1. This request is to rezone 6.29 acres locate approximately 322 feet west of the southwest corner of 31st Avenue and Dynamite Boulevard from S-1 (Ranch or Farm Residence) to R1-10 (Single-Family Residence District) for a detached single-family residential development. The subject site is vacant land that was annexed from unincorporated Maricopa County in 1989.

GENERAL PLAN LAND USE MAP DESIGNATIONS

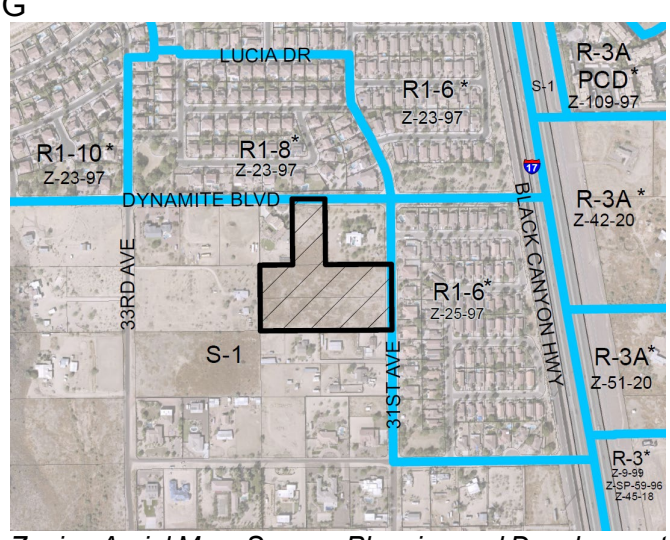
2. The subject site and the surrounding properties are designated as Residential 2 to 5 dwelling units per acre on the General Plan Land Use Map. Approximately one-quarter-mile to the west, the area transitions to the lower density designation of Residential 0 to 2 dwelling units per acre. East of the I-17 freeway, there are higher density designations of Residential 5 to 15 dwelling units per acre and Mixed Use (Residential 15+ dwelling units per acre / Commerce/Business Park). The proposed R1-10 district is consistent with the General Plan Land Use Map designation.



General Plan Land Use Map, Source: Planning and Development Department

SURROUNDING LAND USES AND ZONING

3. The surrounding area has existing detached single-family subdivions with single-family zoning, including R1-8 and R1-6 across Dynamite Boulevard and 31st Avenue, respecitvely. Immediately adjacent to the subject site is S-1 zoning to the west, south, and northwest. These areas are generally characterized by large lot, one-story single-family homes with lots typically greater than one acre.

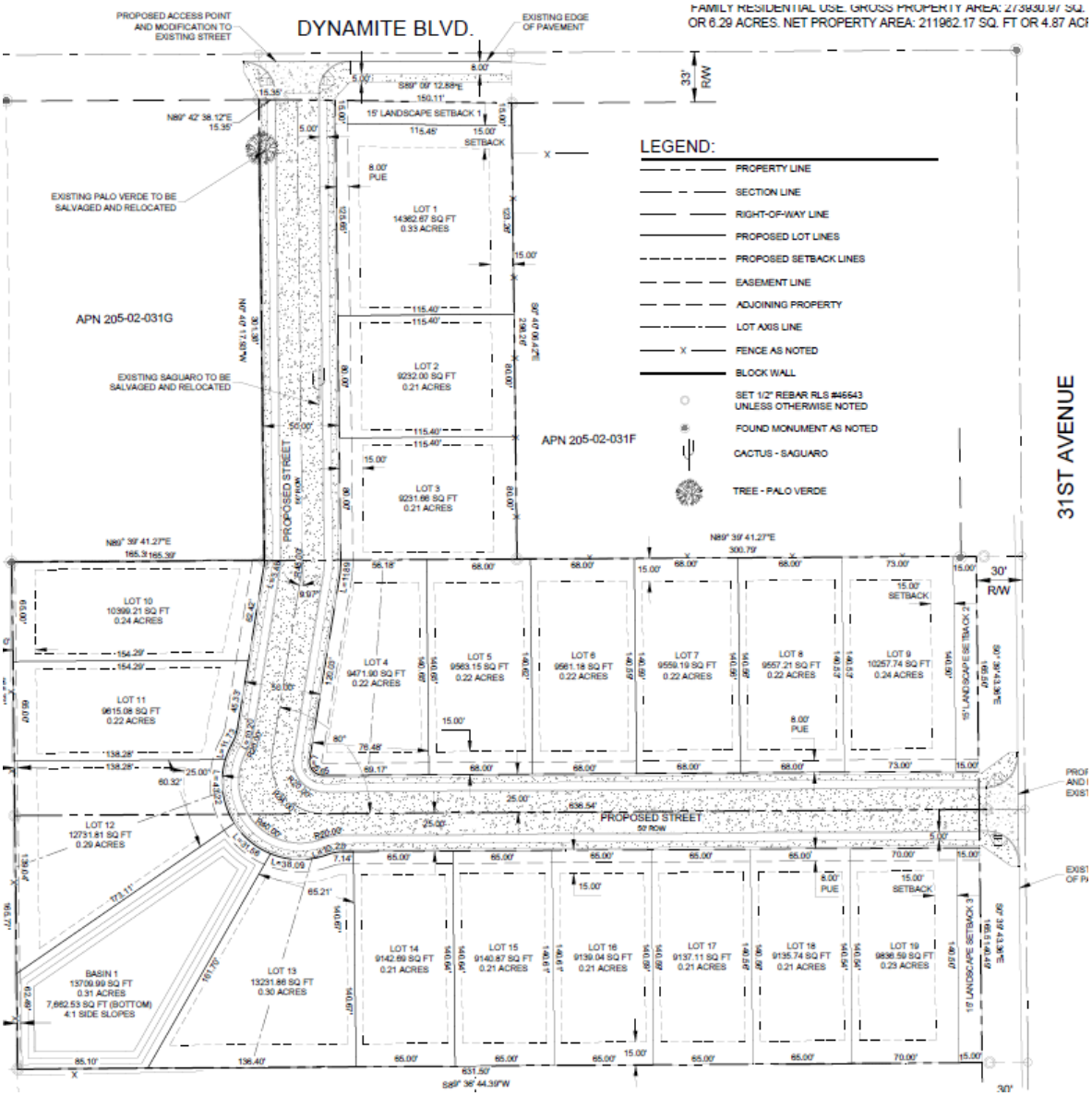


Zoning Aerial Map, Source: Planning and Development Department

PROPOSAL

4. **Site Plan**

The applicant proposes to develop a new 19-lot single-family residential community. The conceptual site plan depicts a proposed street to traverse the site with access to both existing streets, lot widths ranging from 43 feet to 125 feet, landscaping along both street frontages, and an open space area in the southwest corner of the property, also serving as a drainage basin. Stipulation No. 4 requires a minimum of two active recreational elements within the common open space area.



Conceptual Site Plan, Source: Wilson & Company

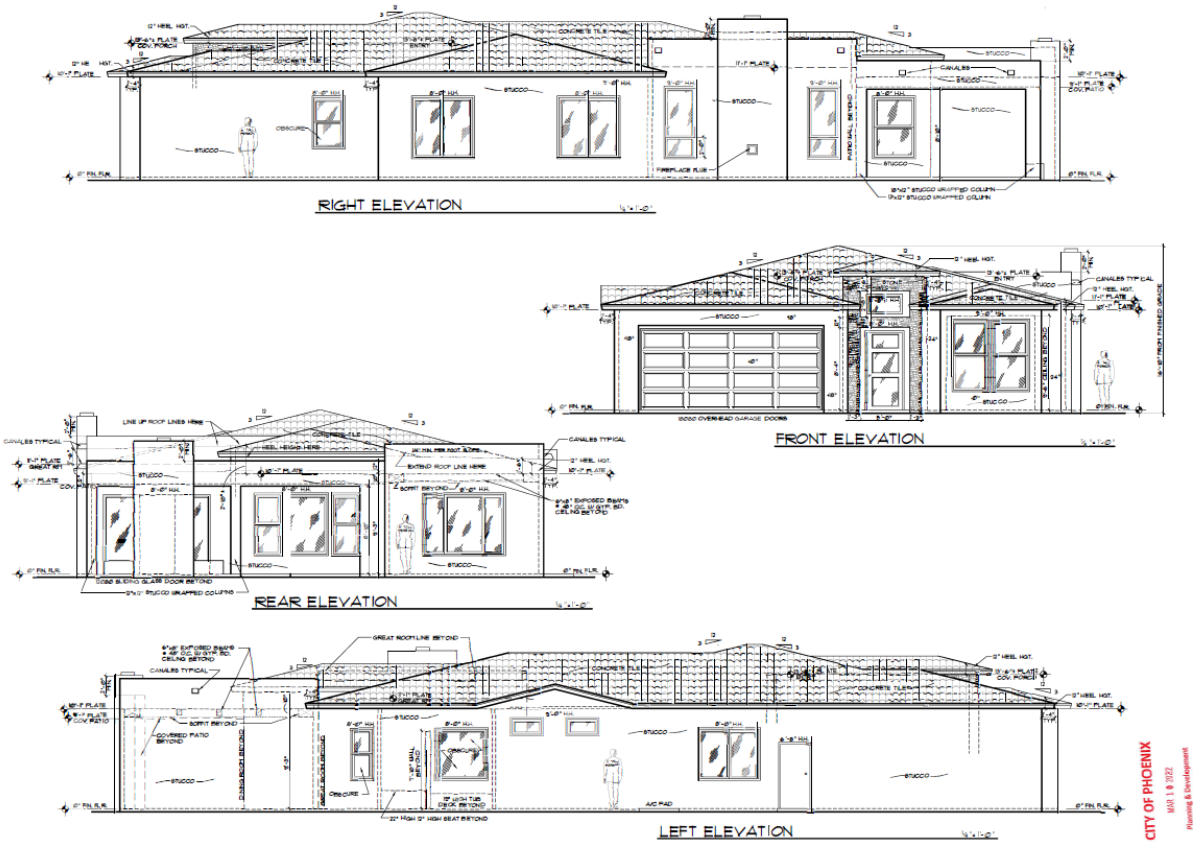
Staff recommends general conformance to the site plan (Stipulation No. 1) to ensure that the site develops as proposed. The proposed site plan depicts appropriate street access, orientation of lots and open space, and large lot sizes along the perimeter of the development to match the existing character across Dynamite Boulevard and 31st Avenue with single-story, single-family homes.

Staff recommends the following stipulations to enhance the development and minimize the impact to the surrounding area:

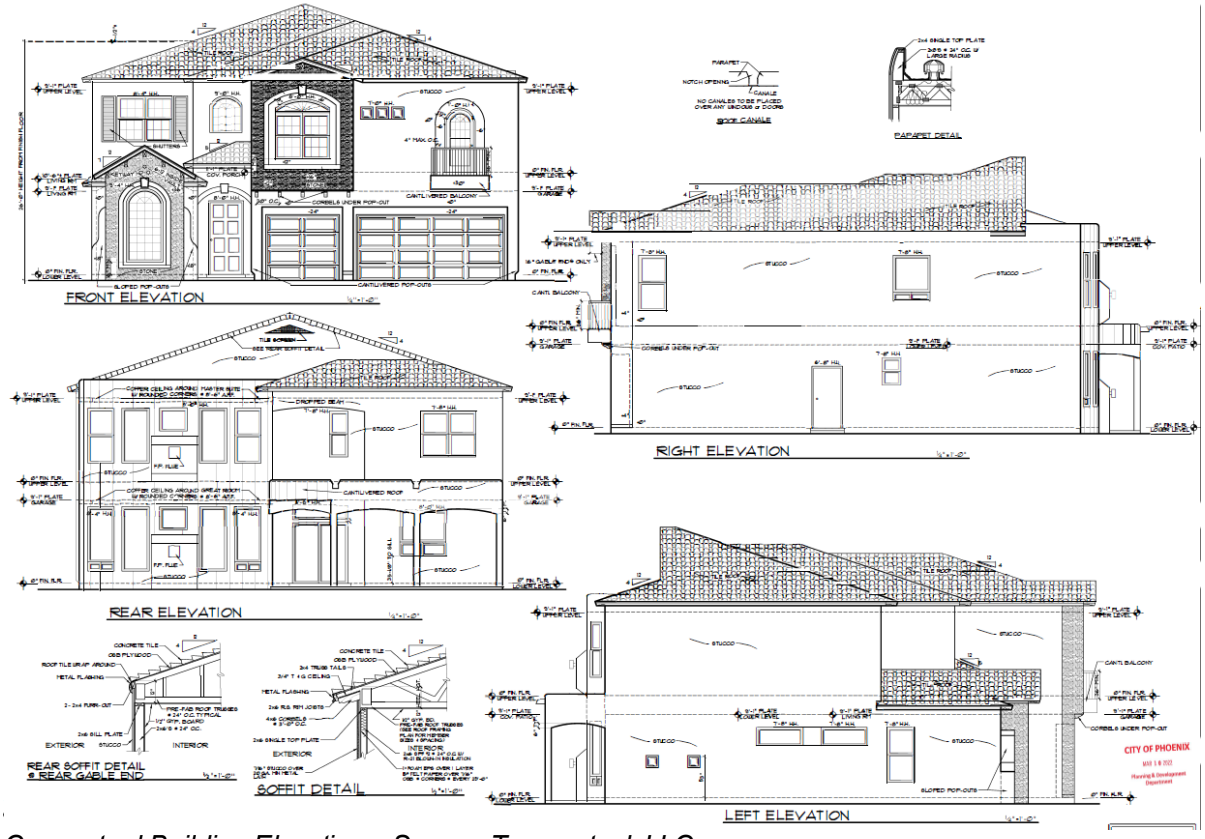
- A maximum height of one story and 20 feet for perimeter lots (Stipulation No. 3);
- A minimum of two active recreational elements in the common open space area (Stipulation No. 4);
- Enhanced landscaping with 50 percent two-inch and 50 percent three-inch caliper trees planted 20 feet on center within the required landscape setbacks (Stipulation No. 5).

5. **Elevations**

The conceptual building elevations depict one-and two-story homes with a variety of architectural styles, variation in textures and facades, and four-sided architecture. Staff recommends general conformance to the conceptual elevataions (Stipulation No. 2).



Conceptual Building Elevations, Source: Tomenstock LLC



Conceptual Building Elevations, Source: Tomenstock LLC

STUDIES AND POLICIES

6. **Tree and Shade Master Plan**

The Tree and Shade Master Plan encourages treating the urban forest as infrastructure to ensure the trees are an integral part of the City's planning and development process. Sidewalks on the street frontages should be detached from the curbs to allow trees to be planted on both sides of the sidewalk to provide thermal comfort for pedestrians and to reduce the urban heat island effect. To support these policies, staff is recommending the following stipulations designed to provide trees and enhance shade within the development.

- Fifty percent two-inch caliper and 50 percent three-inch caliper trees within the required landscape setbacks (Stipulation No. 5);
- The sidewalks within the development shall be detached with landscaped areas between the sidewalk and the back of the curb (Stipulation No. 6).
- The sidewalks along Dynamite Boulevard shall be detached with a landscaped area between the sidewalk and the back of the curb, providing 75 percent shade at maturity (Stipulation No. 7);

7. **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. As stipulated, the proposed development would enhance the streetscape for pedestrians by providing detached sidewalks along Dynamite Boulevard and within the development. These are addressed in Stipulation Nos. 6 and 7.

8. **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. The City of Phoenix offers recycling services for single-family residential properties.

9. **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, according to the Housing Phoenix Plan. 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 of housing types that will address the supply shortage at a more rapid pace while using vacant land in a more sustainable fashion.

COMMUNITY INPUT SUMMARY

10. As of the writing of this report, staff received five letters in opposition to this request. The letters cited issues with the proposed density and impacts to property values in the area.

INTERDEPARTMENTAL COMMENTS

11. The Street Transportation Department commented that the developer shall provide detached sidewalks along Dynamite Boulevard and construct streets within and adjacent to the development, including compliance with ADA accessibility standards. These comments are addressed in Stipulation Nos. 7 and 8.

12. The Water Services Department commented that the property has existing water and sewer mains that can potentially serve the development. In addition, the Water

Services Department commented that capacity is a dynamic condition that can change over time due to a variety of factors.

13. The Aviation Department requires that the property owner record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence, and operational characteristics of Deer Valley Airport to future owners or tenants of the property. This is addressed in Stipulation No. 9.

14. The Fire Department commented that the development will need to comply with the Phoenix Fire Code, including requirements for water supply for fire flow, provision of fire hydrants, and requirements for fire lanes.

OTHER

15. The site has not been identified as being archeologically sensitive. However, 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. 10.

16. Staff has not received a completed form for the Waiver of Claims for Diminution in Value of Property under Proposition 207 (A.R.S. 12-1131 et seq.), as required by the rezoning application process. Therefore, a stipulation has been added to require the form be completed and submitted prior to preliminary site plan approval. This is addressed in Stipulation No. 11.

17. The developer shall provide a hydraulic/hydrologic analysis of offsite storm water flows, when present, at the time of preliminary site plan submittal for verification of required infrastructure in regard to lot space and density.

18. 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 requested R1-10 zoning district will result in development that is consistent with the General Plan Land Use Map designation and with the character of the surrounding area.

2. As stipulated, the proposed development incorporates design elements that prevent the development from negatively impacting the surrounding area.

3. As stipulated, the proposed development enhances connectivity in the immediate vicinity, including enhanced shade elements.

Stipulations

1. The development shall be in general conformance with the conceptual site plan date stamped July 5, 2022, as modified by the following stipulations and approved by the Planning and Development Department.

2. The development shall be in general conformance with the conceptual elevations date stamped March 10, 2022, as approved by the Planning and Development Department.

3. The development shall be limited to 1 story and 20 feet in height for lots adjacent to 31st Avenue and Dynamite Boulevard.

4. The common open space area shall provide a minimum of 2 active recreational elements, such as, but not limited to, playground sets, ramadas, barbeque area, as approved by the Planning and Development Department.

5. The required landscape setbacks along 31st Avenue and Dynamite Boulevard shall include minimum 50 percent 2-inch caliper and minimum 50 percent 3-inch caliper trees planted 20 feet on center or in equivalent groupings, as approved by the planning and development department.

6. All sidewalks within the subdivision shall be detached with a minimum 5-foot-wide landscaped strip located between the sidewalk and back of curb and shall include minimum 2-inch caliper shade trees planted a minimum of 20 feet on center or in equivalent groupings along both sides of the sidewalk, as approved by the Planning and Development Department.

7. The developer shall construct a minimum 5-foot-wide detached sidewalk and a minimum 8-foot-wide landscape area between the back of curb and sidewalk along Dynamite Boulevard, planted to the following standards and as approved by the Planning and Development Department.

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

    b. Drought-tolerant vegetation to achieve 75 percent live coverage at maturity.

    Where utility conflicts arise, the developer shall work with the Planning and Development

Department on an alternative design solution consistent with a pedestrian environment.

8. The developer shall construct 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. The property owner shall record documents that disclose the existence, and operational characteristics of Deer Valley 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.

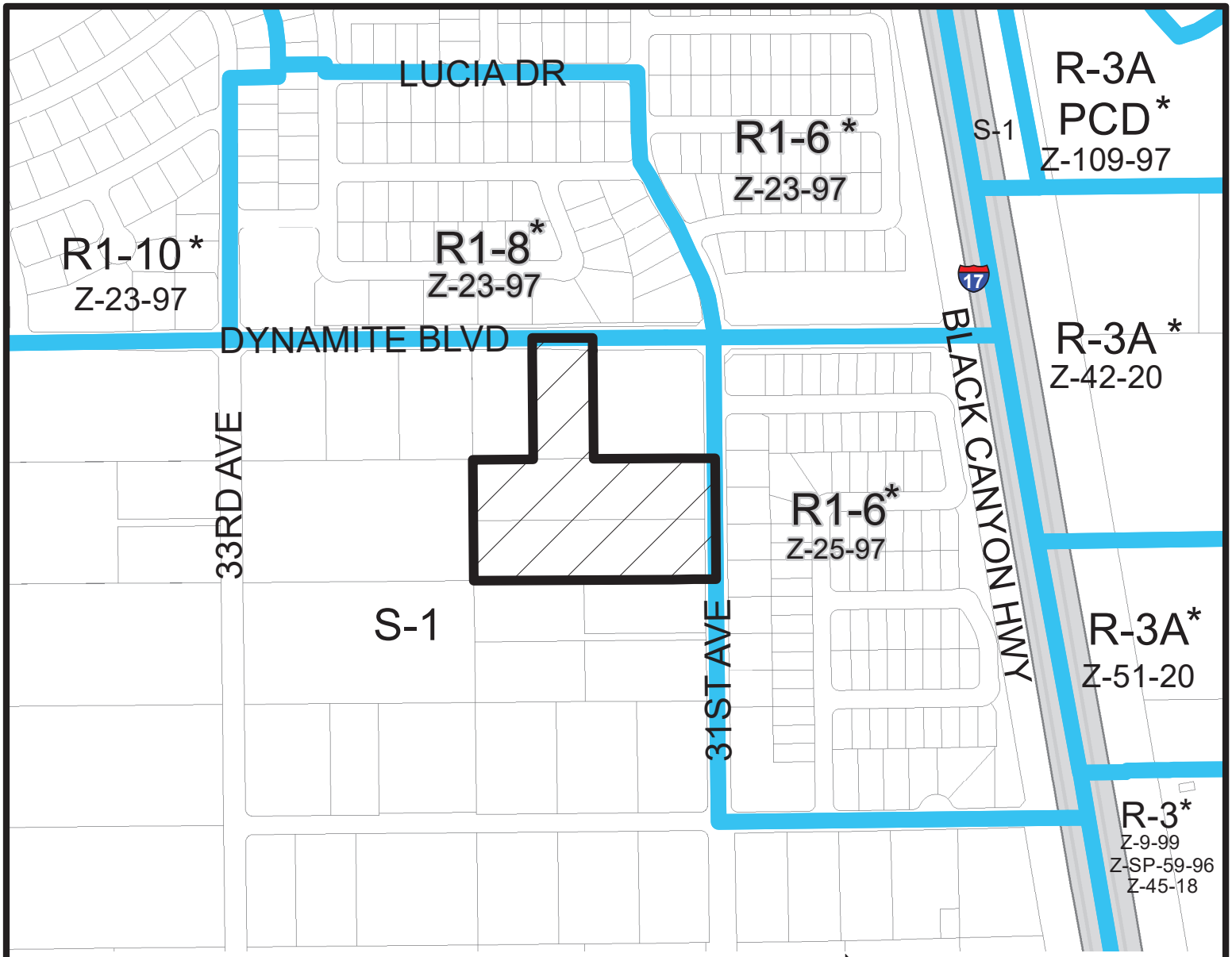
10. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.

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

Writer
Anthony Grande
August 8, 2022

Team Leader
Racelle Escolar

Exhibits
Zoning sketch map
Aerial sketch map
Conceptual Site Plan date stamped July 5, 2022
Conceptual Building Elevations date stamped March 10, 2022 (5 pages)
Community Correspondence (6 pages)

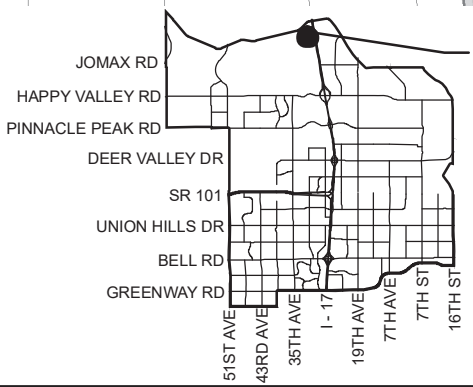


Miles

0.075 0.0375 0 0.075

DEER VALLEY VILLAGE

CITY COUNCIL DISTRICT: 1



City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

APPLICANT'S NAME:	Ed Bull - Burch & Cracchiolo P.A.
APPLICATION NO.	Z-16-22
DATE:	1/15/2022
REVISION DATES:	
GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.	6.29 Acres
AERIAL PHOTO & QUARTER SEC. NO.	QS 50-21
ZONING MAP	P-6

REQUESTED CHANGE:

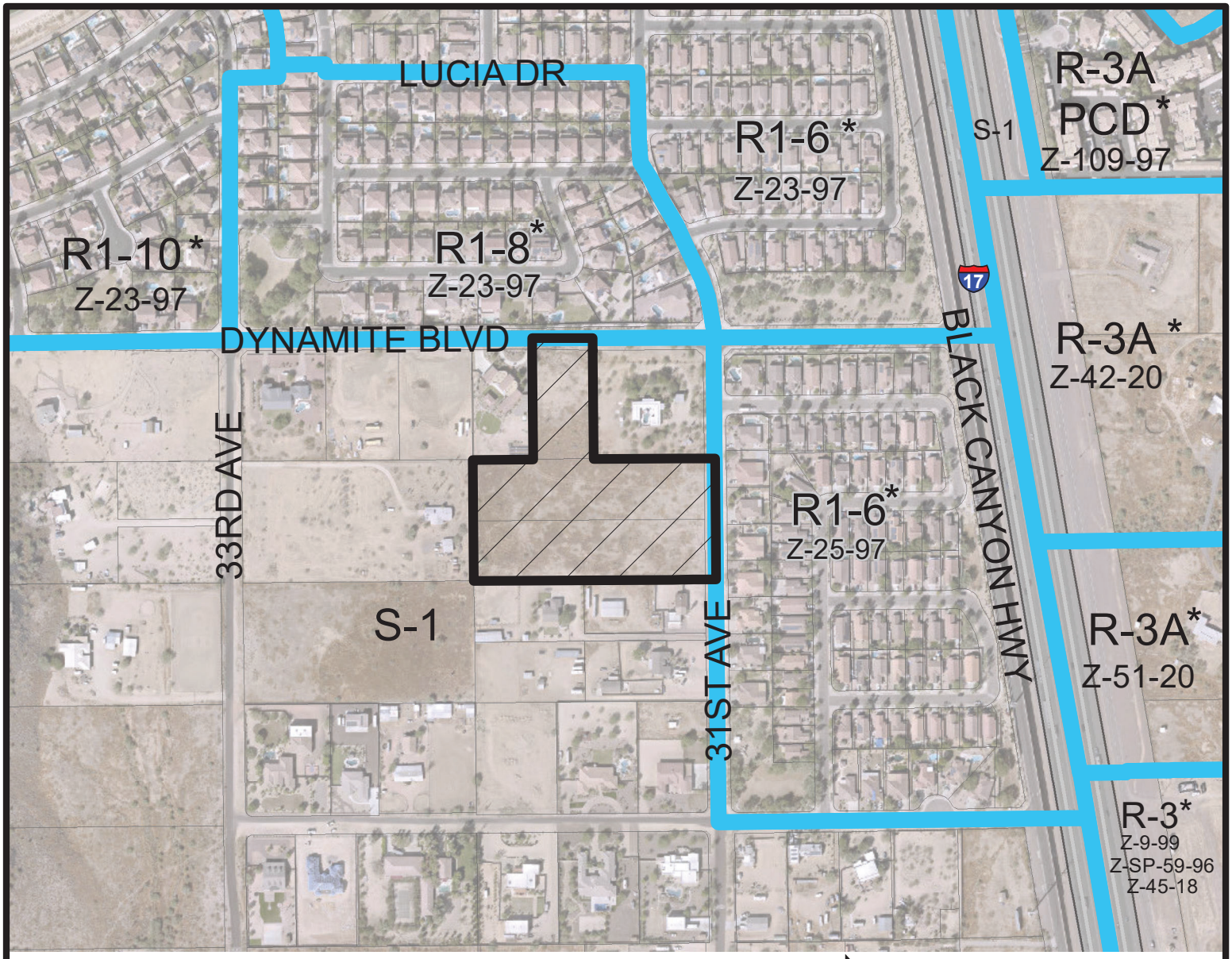
FROM: S-1 (6.29 a.c.)

TO: R1-10 (6.29 a.c.)

MULTIPLES PERMITTED	CONVENTIONAL OPTION	* UNITS P.R.D. OPTION
S-1	6	N/A
R1-10	22	28

* **Maximum Units Allowed with P.R.D. Bonus**

Document Path: S:\Department Share\Information Systems\PL GIS\IS_Team\Core_Functions\Zoning\sketch_maps\2022\Z-16-22.mxd

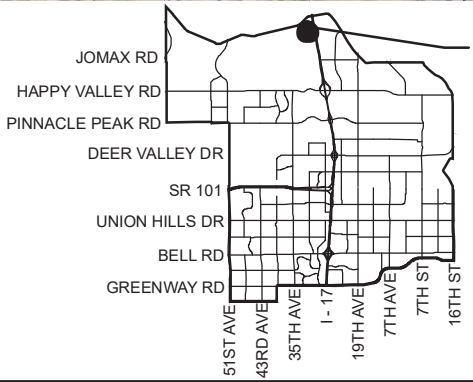


Miles

0.075 0.0375 0 0.075

DEER VALLEY VILLAGE

CITY COUNCIL DISTRICT: 1



City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

APPLICANT'S NAME:	Ed Bull - Burch & Cracchiolo P.A.
APPLICATION NO.	Z-16-22
DATE:	1/15/2022
REVISION DATES:	
GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.	6.29 Acres
AERIAL PHOTO & QUARTER SEC. NO.	QS 50-21
ZONING MAP	P-6

REQUESTED CHANGE:

FROM: S-1 (6.29 a.c.)

TO: R1-10 (6.29 a.c.)

MULTIPLES PERMITTED	CONVENTIONAL OPTION	* UNITS P.R.D. OPTION
S-1	6	N/A
R1-10	22	28

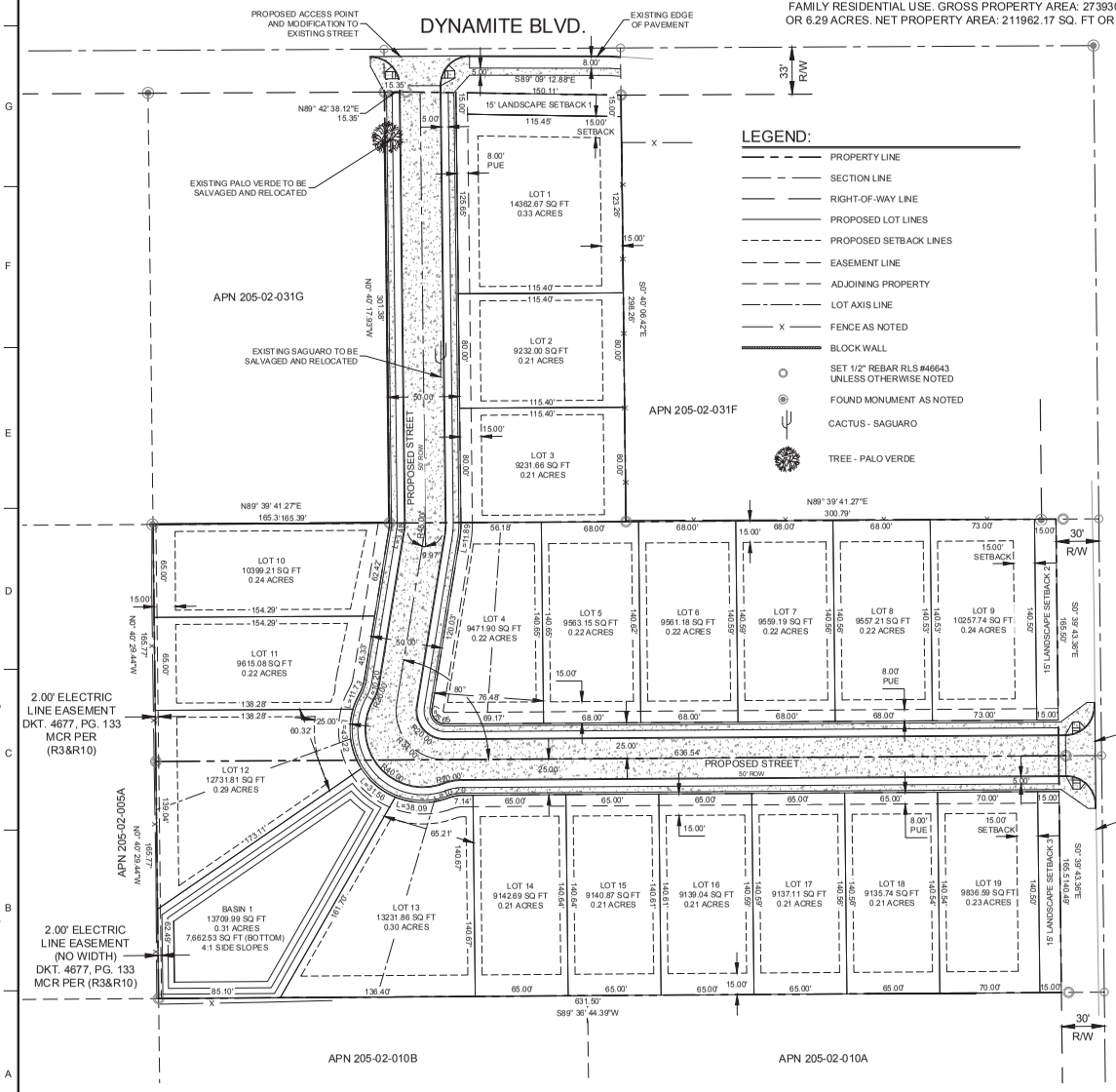
* **Maximum Units Allowed with P.R.D. Bonus**

Document Path: S:\Department Share\Information Systems\PL GIS\IS_Team\Core_Functions\Zoning\sketch_maps\2022\Z-16-22.mxd

REZONING SITE PLAN

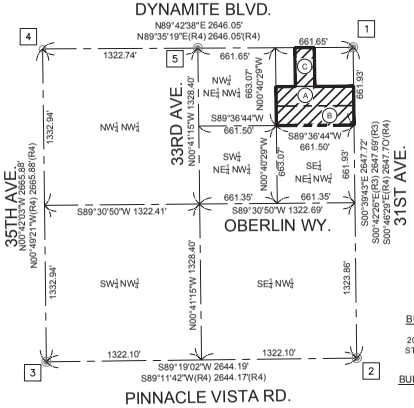
PARCEL A: APN 205-02-020A ADDRESS: 28020 N. 31ST AVENUE PHOENIX, ARIZONA 85083
PARCEL B: APN 205-02-020B ADDRESS: 28010 N. 31ST AVENUE PHOENIX, ARIZONA 85083
PARCEL C: APN 205-02-021H ADDRESS: 3125 W. DYNAMITE BOULEVARD PHOENIX, ARIZONA 85083
A PORTION OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 5 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PROJECT DESCRIPTION:
PROPERTY PROPOSED TO BE REZONED FROM S-1 TO R1-10 FOR SINGLE FAMILY RESIDENTIAL USE. GROSS PROPERTY AREA: 273930.97 SQ. FT. OR 6.29 ACRES. NET PROPERTY AREA: 211962.17 SQ. FT OR 4.87 ACRES



LEGEND:

- PROPERTY LINE
- SECTION LINE
- RIGHT-OF-WAY LINE
- PROPOSED LOT LINES
- PROPOSED SETBACK LINES
- EASEMENT LINE
- ADJOINING PROPERTY
- LOT AXIS LINE
- X FENCE AS NOTED
- BLOCK WALL
- SET 1/2" REBAR RLS #46643 UNLESS OTHERWISE NOTED
- FOUND MONUMENT AS NOTED
- CACTUS - SAGUARO
- TREE - PALO VERDE

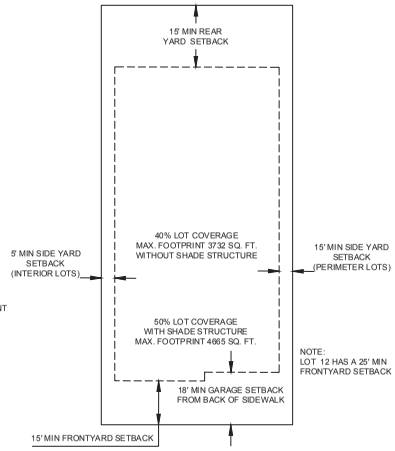


BASIS OF SURVEY CALCULATIONS AND VICINITY MAP

BEARINGS AND DISTANCES ARE ALL MEASURED UNLESS OTHERWISE NOTED
NORTHWEST QUARTER OF SECTION 35, T.5N.-R.2E.
SCALE 1"=500'

TYPICAL LOT WITH MINIMUM SETBACKS FROM PROPERTY LINE

NOT TO SCALE



BUILDING HEIGHT:
30' MAXIMUM
20' MAXIMUM, SINGLE STORY: LOTS 1, 2, 3, 9, 10, 12, 13, 19

BUILDING SETBACKS:
FRONT YARD: 15'
GARAGE: 18'
REAR YARD: 15'
SIDE YARD: 5'
STREET SIDE YARD: 15'
LANDSCAPE SETBACK: 15'

LOT COVERAGE:
PRIMARY STRUCTURE, NOT INCLUDING ATTACHED SHADE STRUCTURES: MAX 40%
MAX TOTAL: 50%

TOTAL DWELLING UNITS/DENSITY:
3.02 DU/ACRES
19 UNITS

OPEN SPACE:
BASIN 1 OPEN SPACE AREA = 13709.99 SQ. FT
(5.00% GROSS AREA)

CITY OF PHOENIX
JUL 05 2022
Planning & Development Department

A1 REWZONING SITE PLAN
SCALE: 1" = 40'

WILSON & COMPANY
410 NORTH 44TH ST., SUITE 450
PHOENIX, AZ 85008
PHONE: 602-283-2701
FAX: 602-273-1230
www.wilsonco.com

CONSULTANTS

SEAL

DEER VALLEY SUBDIVISION
REZONING SITE PLAN

REV.	DATE	DESCRIPTION	BY

PROJECT NO:	21-600-282
DESIGNED BY:	TRS
DRAWN BY:	JRP
CHECKED BY:	EAL
DATE:	JUNE 14, 2022

SHEET TITLE
REZONING SITE PLAN

SHEET NO:
C-101

6/14/2022 M:\MSD\21-600-282-00\2_Disciplines_REFERENCES\21600282_BASE.dwg

CITY OF PHOENIX
MAR 10 2022
Planning & Development Department

REVIEW ANY QUESTIONS W/ CONTRACTOR

SHEET No.	DATE:
5 OF 8	5/3/17

REVISIONS	DRAWN BY:
DATE: 10/20/16	TB
2/4/17	CHECKED BY:
5/1/17	TB/ OWNER
2/2/17	REVIEWED BY:
2/3/17	OWNER

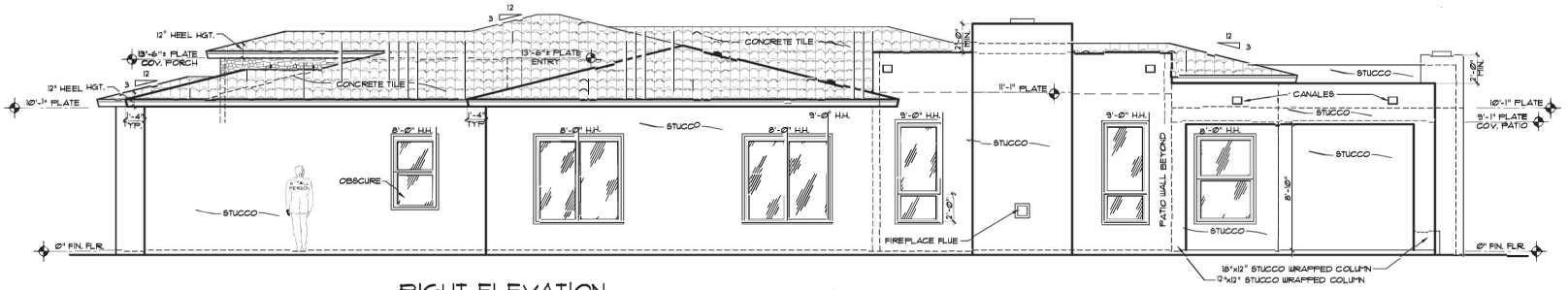
2568 MODEL
THE ESTATES AT GLENDALE, UNIT - 2
LOT - 4
9115 NORTH STAR LANE N.E.
ALBUQUERQUE, NEW MEXICO

COPYRIGHTED © BY DESERT WEST DEVELOPMENT LTD. LLC 2017
ALL MEASUREMENTS & DIMENSIONS TO BE CHECKED & CONFIRMED BY OWNER AND CONTRACTOR. THE STRUCTURAL INTEGRITY OF THIS PROJECT IS THE RESPONSIBILITY OF THE CONTRACTOR AND OWNER

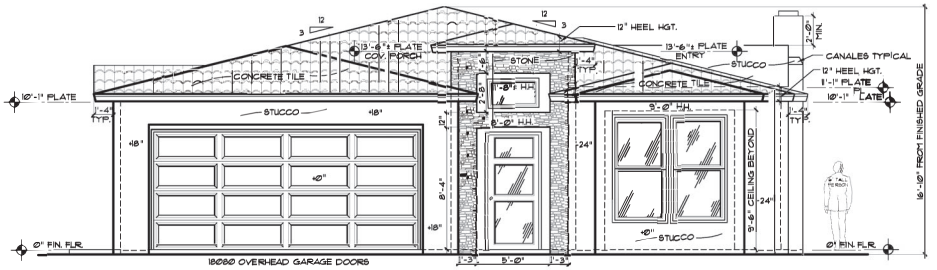
PLAN

DESERT WEST DEVELOPMENT LTD. LLC
NM. Lic. #91659
www.tomenstock@yahoo.com
11209 Spyglass Hill Lane N.E.
Albuquerque, New Mexico 87111
Office: 505-315-0312

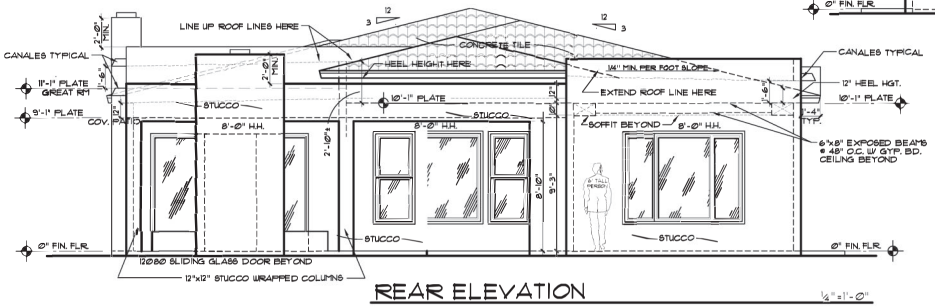
Tomenstock llc
25 Years of Service
Computer Designed Homes & Drafting Services
www.TomenstockLLC.com
E-mail:tomenstock@swcp.com
P.O. BOX 14667
Albuquerque, New Mexico 87191
Phone 505-239-2151
Fax 505-299-2348



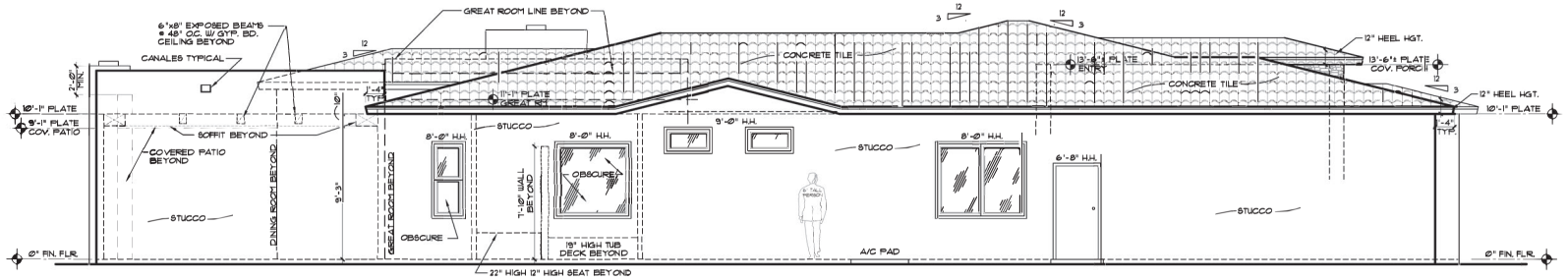
RIGHT ELEVATION ¼"=1'-0"



FRONT ELEVATION ¼"=1'-0"



REAR ELEVATION ¼"=1'-0"



LEFT ELEVATION ¼"=1'-0"

CITY OF PHOENIX
MAR 10 2022
Planning & Development Department

REVIEW ANY QUESTIONS W/ CONTRACTOR

Tomenstock llc
Design Services
Tom Stock
Phone: 505-269-2342
Fax: 505-299-2342
E-mail tomenstock@gmail.com
www.TomenstockDesign.com
2308 Rio Grande Blvd NW
Albuquerque, New Mexico 87104

DESERT WEST DEVELOPMENT LTD, LLC
NM Lic. #91659
www.SomeWaccoAgency.com
11209 Saddleback Hill Lane NE.
Albuquerque, New Mexico 87111
office: 505-318-6510

COPYRIGHTED © BY DESERT WEST DEVELOPMENT LTD, LLC 2018
ALL DESIGNS, DRAWINGS AND SPECIFICATIONS ARE CONFIRMED BY OWNER AND CONTRACTOR THE STRUCTURAL INTEGRITY OF HAS PROVED TO BE RESPONSIBILITY OF THE CONTRACTOR AND OWNER

PLAN 4530 PLAN

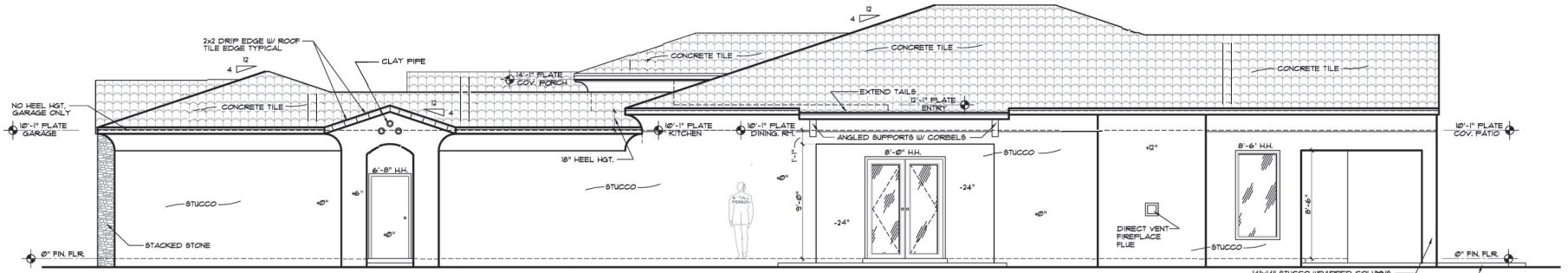
2879 MODEL
THE ESTATES AT GLENDALE, UNIT - 2
LOT - 1
9127 MOON DUST LANE N.E.
ALBUQUERQUE, NEW MEXICO

REVISIONS (2)	DRAWN BY:
DATE: 6/1/17	TS
N.O.P. 4/25/18	CHECKED BY:
N.R. 11/5/18	TS/ OWNER
11/24/18	REVIEWED BY:
12/4/18	OWNER

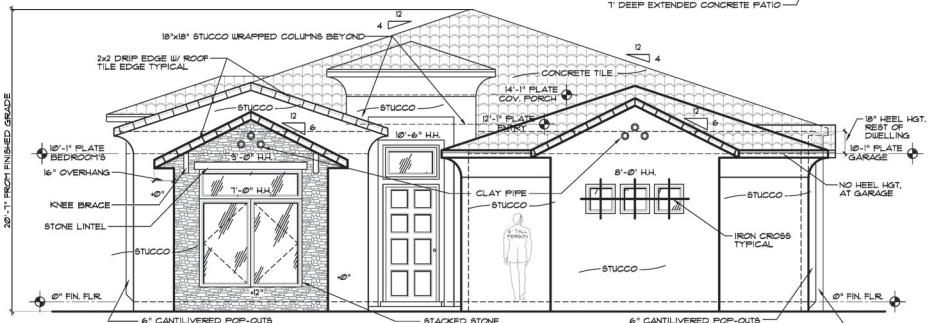
SHEET NO.
5 OF 8
DATE:
12/3/18

1/1/19 city changes

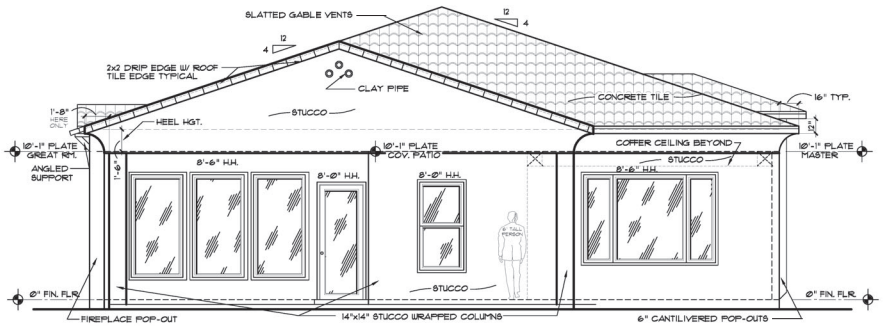
RAYMONDBUSTLOT92.dwg JAN 01, 2019 10:48 AM



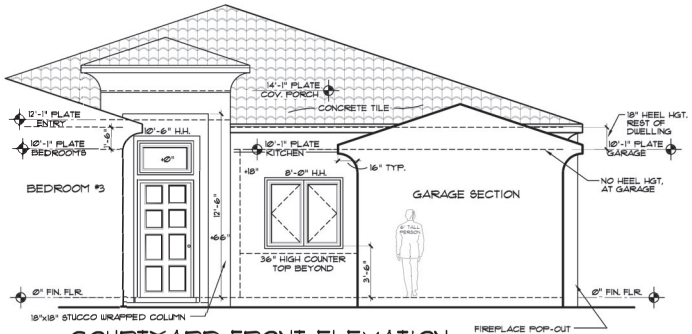
RIGHT ELEVATION ¼"=1'-Ø"



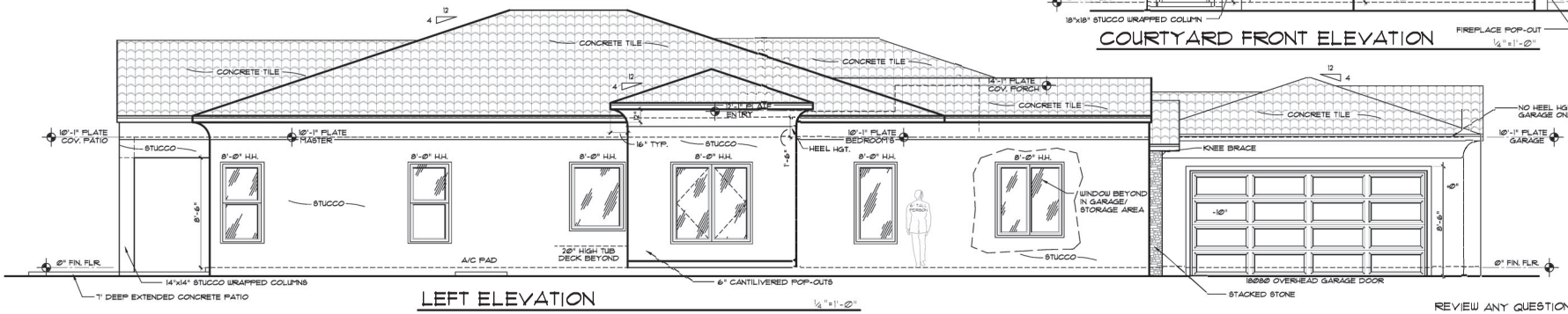
FRONT ELEVATION ¼"=1'-Ø"



REAR ELEVATION ¼"=1'-Ø"



COURTYARD FRONT ELEVATION ¼"=1'-Ø"



LEFT ELEVATION ¼"=1'-Ø"

CITY OF PHOENIX
MAR 10 2022
Planning & Development Department

REVIEW ANY QUESTIONS W/ CONTRACTOR

Tomenstock llc
Computer Designed Homes
Custom Residential Architecture
www.Tomenstock.com
E-mail:tomenstock@comcast.net
Phone 505-293-3151
Fax 505-299-2048
P.O. Box 14857
Albuquerque, New Mexico 87191

DESERT WEST DEVELOPMENT LTD, LLC
NM Lic. #36699
Mike Tomenstock
1625 Spyglass Hill Loop NE
Albuquerque
New Mexico 87111
Office: 505-315-6919

COPYRIGHTED ©BY DESERT WEST DEVELOPMENT LTD, LLC 2016
ALL MEASUREMENTS & DIMENSIONS TO BE CHECKED & CONFIRMED BY OWNER AT JOB PROJECT
THE STRUCTURES ARE THE RESPONSIBILITY OF THE CONTRACTOR AND OWNER

Page 1 of 1

2750 MODEL

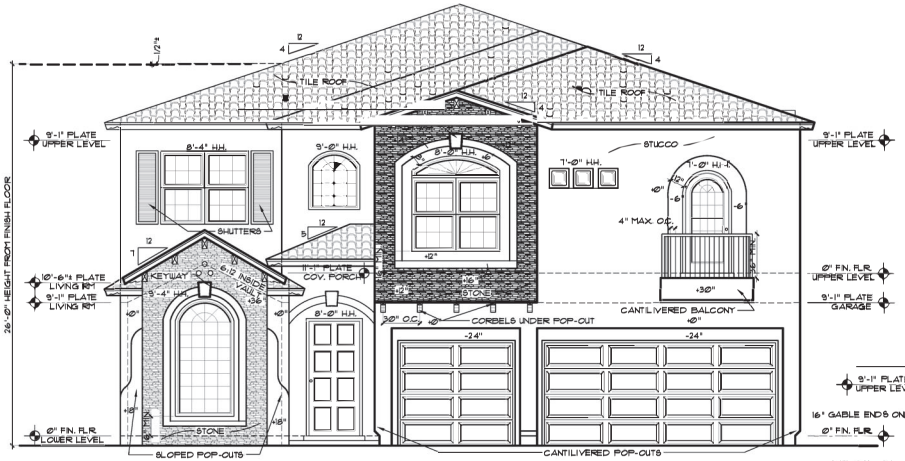
THE ESTATES AT GLENDALE, UNIT - 2
LOT - 1
9121 NORTH STAR LANE N.E.
ALBUQUERQUE, NEW MEXICO

REVISIONS					
DATE:	1Ø/3	4/1/16	10/1/16	10/5/16	10/20/16
					10/24/16

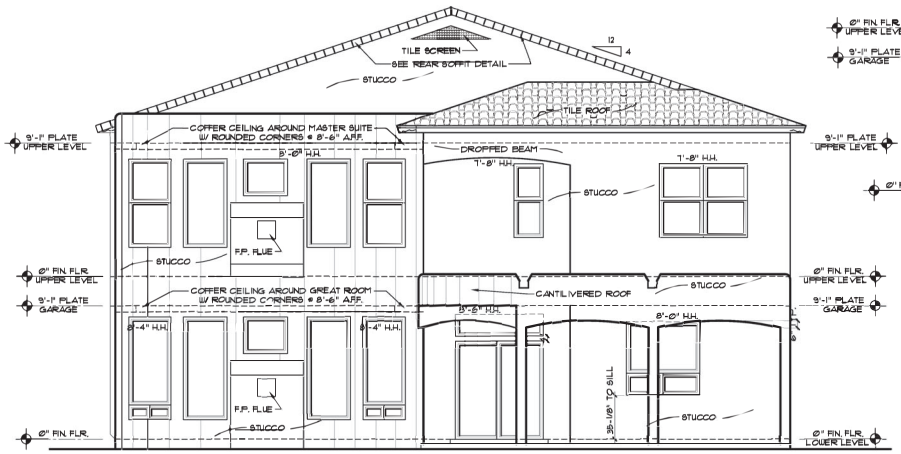
DRAWN BY:	CHECKED BY:	REVIEWED BY:
TB	TB/ OWNER	OWNER

SHEET No.
5 OF 8
DATE:
1Ø/23/16

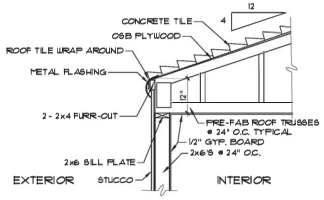
R:\2750\MODEL\RIGHTGARAGE16.dwg 10/27/2016 10:59:57 AM



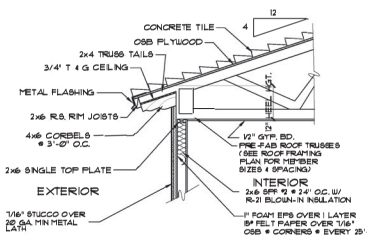
FRONT ELEVATION ¼"=1'-Ø"



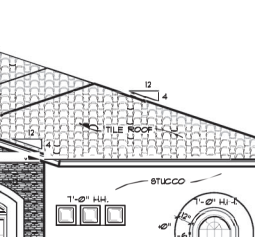
REAR ELEVATION ¼"=1'-Ø"



REAR SOFFIT DETAIL @ REAR GABLE END ½"=1'-Ø"

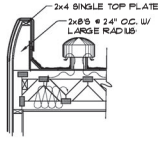


SOFFIT DETAIL ½"=1'-Ø"

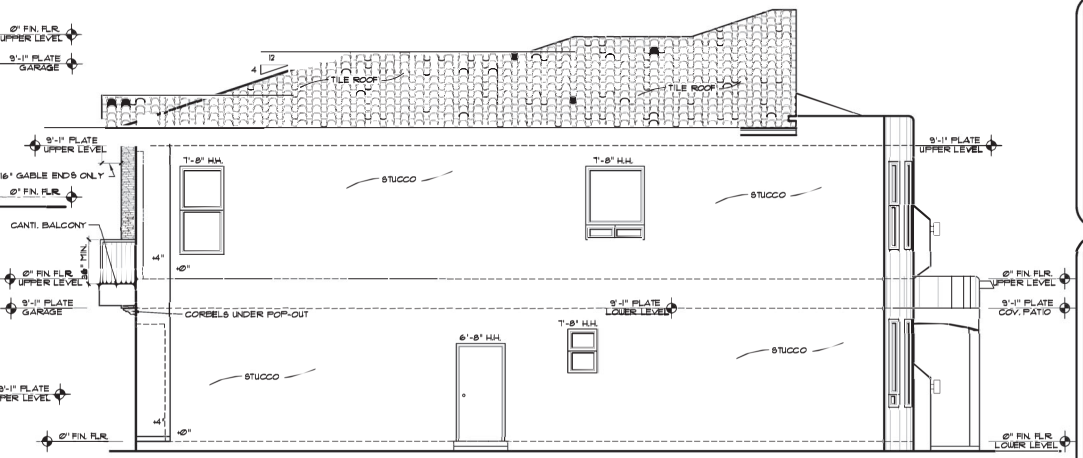


NO CANALES TO BE PLACED OVER ANY WINDOWS or DOORS

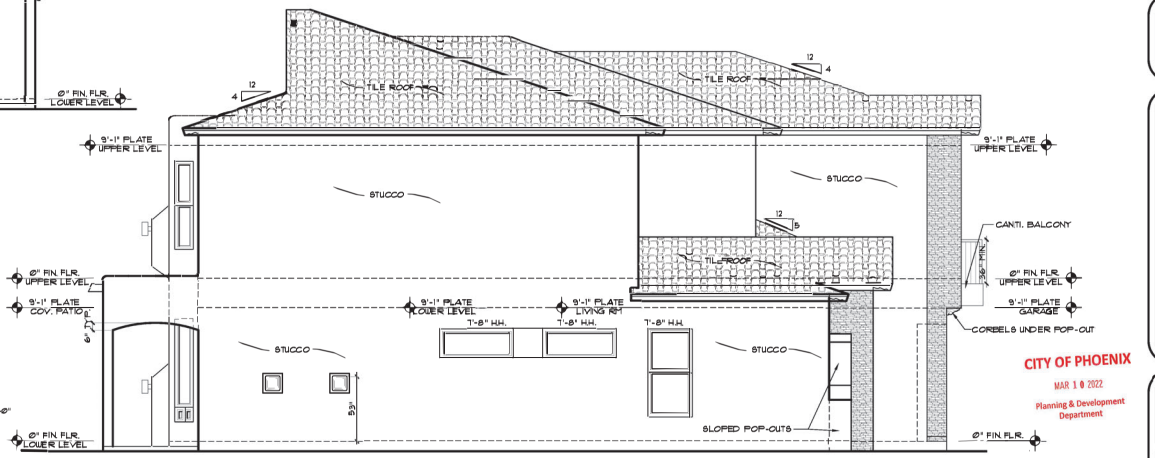
ROOF CANALE



PARAPET DETAIL



RIGHT ELEVATION ¼"=1'-Ø"



LEFT ELEVATION ¼"=1'-Ø"

CITY OF PHOENIX
MAR 1 0 2022
Planning & Development Department

3,329 SQ. FT.

Tomenstock
Computer Aided Drafting Services
Tom Burkhalter
1608 Carlsbad Blvd. N.E. Suite 47-U
Albuquerque, New Mexico 87110
Phone 505-239-2181
Fax 505-255-2348

RANDALL HOMES, LLC.
SCHMILLE CONSTRUCTION Co.
A NM Corporation
NM Lic. #352751
P.O. Box 16846
Albuquerque
New Mexico 87195
Office 505-797-0756
Mobile 221-9326
Fax 798-0871

COPYRIGHT 1997 RANDALL HOMES 2002
ALL IDEAS DESIGNS, ARRANGEMENTS AND PLANS INDICATED OR REPRESENTED BY THIS DRAWING ARE AND SHALL REMAIN THE PROPERTY OF RANDALL HOMES AND WERE CREATED, EVOLVED AND DEVELOPED FOR USE ON AND IN CONNECTION WITH THE SPECIFIED PROJECT. NONE OF SUCH IDEAS, ARRANGEMENTS OR PLANS SHALL BE USED BY OR DISCLOSED TO ANY PERSON, FIRM OR CORPORATION FOR ANY PURPOSE WITHOUT THE WRITTEN CONSENT OF RANDALL HOMES

ELEVATION PLAN

SHEET No. 6 OF 8

DATE: 12/21/02

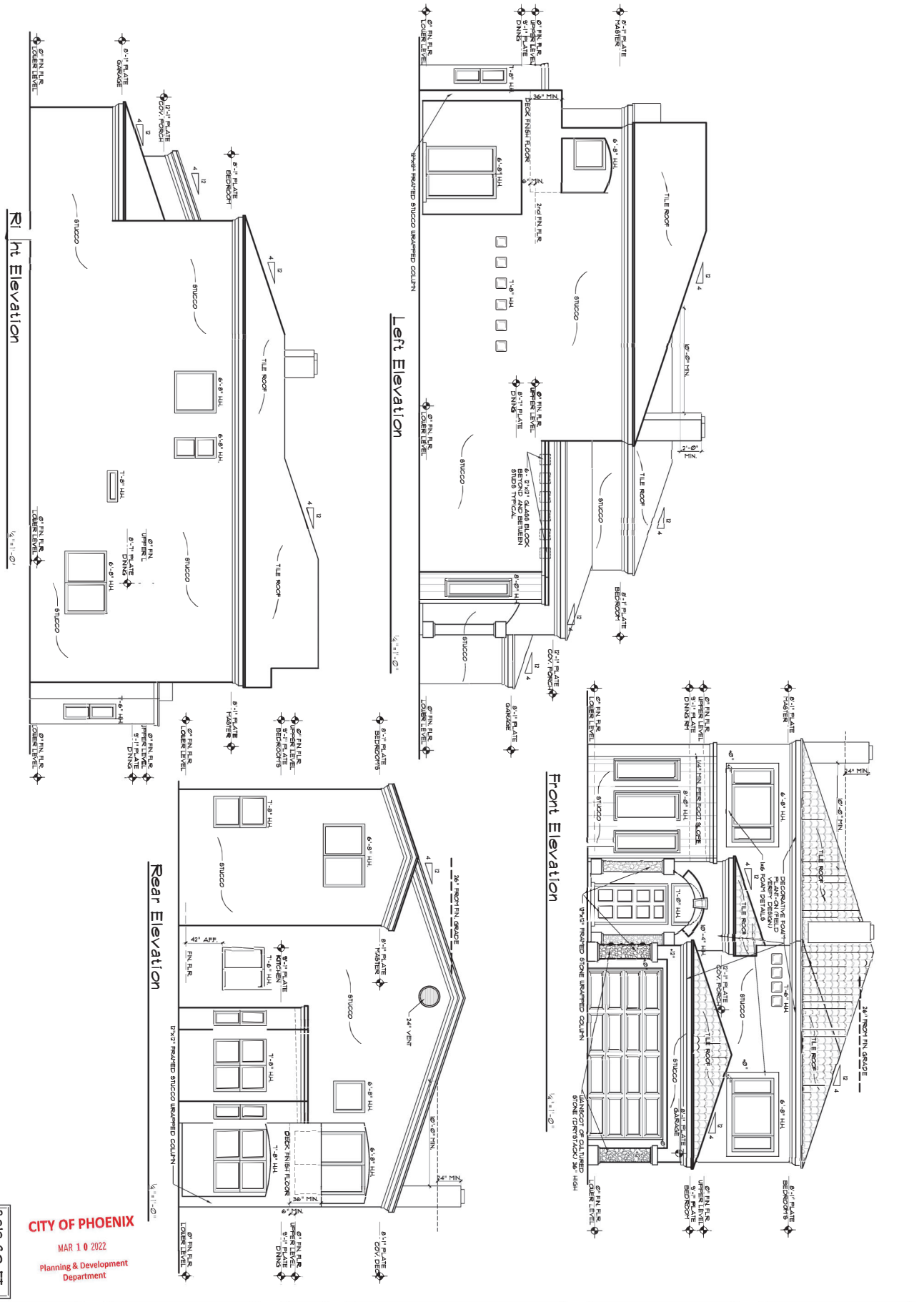
3,329 PLAN

DRAWN BY:	TB
CHECKED BY:	TB/ RS
REVIEWED BY:	RS

REVISIONS	
DATE:	4/5/02
	4/16/02
	6/6/02
	11/7/02
	11/20/02
	12/5/02
	12/21/02

RH3329R.dwg DEC 21, 2002 10:14 AM

RH2818.dwg JUN 14, 2001 2:38 PM



2,818 SQ. FT.

CITY OF PHOENIX
MAR 1 0 2022
Planning & Development Department

REVISIONS	DRAWN BY:
DATE:	TB
5/21/01	
5/24/01	CHECKED BY:
5/30/01	TB/ RS
6/4/01	
6/14/01	REVIEWED BY
	RS

PLAN 2,818

SHEET No. 6 OF 8
DATE: 6/14/01

COPYRIGHT © BY RANDALL HOMES 1999
ALL IDEAS, DESIGNS, ARRANGEMENTS AND PLANS INDICATED OR REPRESENTED BY THIS DRAWING ARE OWNED BY AND ARE THE PROPERTY OF RANDALL HOMES AND WERE CREATED, EVOLVED AND DEVELOPED FOR AND IN CONNECTION WITH A SPECIFIC PROJECT. NONE OF SUCH DESIGNS, ARRANGEMENTS, OR PLANS SHALL BE USED BY OR DISCLOSED TO ANY PERSON, FIRM, OR CORPORATION FOR ANY PURPOSE WITHOUT THE WRITTEN CONSENT OF RANDALL HOMES

ELEVATION PLAN

RANDALL HOMES, LLC.
SCHMILLE CONSTRUCTION Co.
A NM Corporation
NM. Lic. #252751
9014 Sunny Brook St. N.E.
Albuquerque,
New Mexico 87113
Office: 505-857-3117
Mobile: 934-1982
Fax: 796-6107

Tomenstock
Computer Designed Homes & Drafting Services
Tom Burkhalter
1000 Candelaria Blvd. NE. Suite 101-W
Albuquerque, New Mexico 8710
Phone 505-235-2151
Fax 505-255-2348

From:	Annaliese Cox
To:	Sarah Stockham
Subject:	Sunset Ridge Proposed Rezoning 31st Ave and Dynamite Blvd
Date:	Sunday, April 3, 2022 5:12:52 PM

Hello,

We received a notification about rezoning a site near us. We and several neighbors are strongly opposed to the proposal of 19 houses in such a small area directly in the middle of a block of S-1 acre and multi-acre lots.

What resources are available for us to learn more about this proposal and be involved in the decision making process?

Thank you,
—Annaliese Cox
801-836-1651

From:	Julie Green
To:	Sarah Stockham
Subject:	Case No. Z16-22
Date:	Monday, April 4, 2022 7:50:47 AM

Hello Sarah,
My name is Julie Green. I am writing in response to a letter I received regarding property located at Dynamite and 31st Ave. A future zoning meeting is to be held, and I would like information as to when and where I can attend and speak.
This proposal is incredibly upsetting to myself and neighbors. This area is an S-1 zone. All the property owners surrounding this area have over 1+acres. We cherish the open space. Many of these homes and farms were built well over 25 years ago.
I just happen to be the homeowner, that has property adjacent to the proposed new street and 4 homes on the 1 lot.
R&B Trust, is taking a 1 acre lot that is sandwiched in between my property and the corner lot, trying to turn it into a street with 4 homes. The other part of his proposed property wants to put 15 more homes onto a 5 acre parcel.
This builder has absolutely no regard for the surrounding homes that are so invested in the area. Our properties will be devalued if he turns this into a high density housing area. Where are the homeowner rights? Just because he can, doesn't mean he should.
I appreciate any information you can share.
Thank you for your time. Sincerely,
Tim and Julie Green
3135 W Dynamite Blvd.
Phoenix, Az 85083
480-414-9001

Anthony M Grande

From: Fred Renn <renn.fred@yahoo.com>
Sent: Monday, April 25, 2022 11:20 AM
To: Anthony M Grande
Cc: Ed Bull; Randy Schmille; Julie Green
Subject: Z-16-22

I want to go down on record as as being 100% opposed to the proposed zoning change to the 5.79-acres, which is the subject o the subject case number. I live on a 2-acre parcel at 28036 N. 31st Ave [google.com] (SWC of Dynamite and 31st Ave). An outsider to the area, Randy Schmille, purchased the property in question wants to change the zoning on property that borders my property on two sides from S1 to R1-10 so he can build 19 homes, under the pretense of providing much needed homes for desperate people that can afford $1 million dollar homes. Nine of the proposed homes will back up to my property. I am livid, especially since I know what happened with the whole Deem Hills/Taylor Morrison debacle over on 37th Avenue, when we were ignored by a majority of the Village Planning Committee first after we provided approximately 90 letters in opposition, and then the City Council went ahead and approved it even after the Planning Commission unanimously voted it down. With all of the opposition from the neighborhood it should have been voted down immediately and the case closed. However, the majority of the Village Planning Committee failed to to protect us and the City Council didn't seem to care, I guess because it was wasn't their neighborhood and were looking at additional revenue to be gained.

I've lived there for over 20 years and have no issues if somebody wants to build one house on one acre like the current zoning stipulates. Unlike the Deem Hills development, this one encroaches into the interior of the remaining block of S-1 zoned area and is not across the street from S-1 residents like Deem Hills is, plus this proposed change is nearly twice as dense. Allowing this to take place will greatly impact the quality of life for me and my neighbors. Mr. Schmille appears to have the same mindset that Taylor Morrison did. "It's in the General Plan, so they can do what they want and the City can ignore the people that live there." To me General Plan means "general", not something set in stone. This change will have a huge impact on the current residents and battling it will be an incredibly time consuming effort for me and my neighbors that we did not ask for. Additionally, it's not what we bought into and I for one was never asked for input to change the general plan. I also oppose any proposed two-story homes on 1-acre lots next to me for privacy concerns.

Fred Renn
28036 N. 31st Ave.

From: Julie Green
To: Anthony M Grande
Subject: REZONING case Z-16-22
Date: Wednesday, May 11, 2022 8:13:03 AM

Mr. Grande,

My name is Julie Green. My husband and I are asking for your help. I could make this a very long, and time consuming email, but I would rather ask you to look at a website we put together regarding rezoning S-1 properties, to an R1-10. The site is: luvmyland.com [luvmyland.com]

This will be before the Deer Valley planning committee soon. The entire proposed area is surrounded by 1 story, acre lot homes.

Our home would have a new street by our driveway, and 4 houses facing it. My neighbor, who has lived there for 20 years, would have 9 homes backing up to his property!

We are NOT saying don't build, we are just asking to keep it S-1. I would love to show you in person if you would be willing to meet at the property.

Please visit this site to understand our frustrations: luvmyland.com [luvmyland.com]

Thank you for your time,

Julie Green

480-414-9001

From:	Julie Green
To:	PDD Deer Valley VPC; Sarah Stockham; Anthony M Grande; Trilese DilLeo; Joseph Grossman; matthewjkenney85@gmail.com; william.novak@gmail.com
Subject:	Rezoning case: Z-16-22-1
Date:	Thursday, August 4, 2022 10:12:25 AM

Hello DV Planning committee,
I am not sure if you are familiar with the upcoming rezoning hearing case Z-16-22.
May I ask you to please consider driving to the location. The 5.98 acres in question are completely surrounded by S-1 homes.
Without going in to lengthy details, I just ask that you please take a look at the website: luvmyland.com [luvmyland.com]. The surrounding neighbors put together a website to explain why we oppose it. We are not opposed to building 5 or 6 homes, we are just asking that they be S-1 homes.
One of the owners home would have 9 houses surrounding him. He has lived on his property for 20 years. Another owner would be dealing with a new street directly beside their property, and 5 homes surrounding it, including 2 story homes.

Mr. Schmille sent me an email about the website we posted asking me to take down the following :

Tim and Julie,

I have noticed on your website http://www.luvmyland.com, [luvmyland.com,] that you two make a reference to the builder, that he was stating the following:

The builder states that the property is not suitable for the current zoning because "The larger lots, if developed with landscaping commensurate with other large lots in the area, will require greater water use per lot and greater costs for maintenance."

Would you kindly remove this as I did not say, in any way, shape, or form, this statement? I have no idea where that could have come from unless you two were referring to another builder that may have told you this. Your website makes it sound like you two are referring to me.

Thank you.

Randy Schmille, MM

ASHCON LLC
R & B Arizona Land LLC
Ashton 33rd Avenue LLC
Desert West Development Ltd LLC
39506 N Daisy Mountain Dr [google.com] 122611
Anthem, AZ 85086
505.315.0312

Mr. Schmille wrote on page 17 of 56 of his *APPLICATION INFORMATION FORM* this exact statement. What else is he being deceptive about?

Thank you for your time and consideration,
Julie Green

Deer Valley
VILLAGE PLANNING COMMITTEE

Village Planning Committee Meeting Summary
Z-16-22-1

Date of VPC Meeting	August 11, 2022
Request From	S-1
Request To	R1-10
Proposed Use	Single-family residential
Location	Approximately 322 feet west of the southwest corner of 31st Avenue and Dynamite Boulevard
VPC Recommendation	Denial
VPC Vote	7-4

There were five (5) speakers that spoke in opposition.

VPC DISCUSSION:

STAFF PRESENTATION:

Racelle Escolar, staff, provided an overview of the rezoning request, describing the location of the request, the existing and proposed zoning districts and the surrounding uses as well as the site plan and elevations for the proposed single-family subdivision. Ms. Escolar shared that the proposal has received nine letters of opposition and that staff recommends approval subject to eleven stipulations, including a revised stipulation limiting building height.

APPLICANT PRESENTATION:

Ed Bull, with Burch & Cracchiolo, PA, introduced himself on behalf of applicants Mr. and Mrs. Randy and Betty Schmille who are local developers based in Anthem. Mr. Bull displayed photos of the vacant subject site, the site's general plan designation, and the project's site plan including the lots that would be subject to the one-story maximum as stipulated. Mr. Bull described the project's community outreach process including neighborhood meetings and door knocking.

QUESTIONS FROM THE COMMITTEE:

Ricardo Romero asked for clarification as to the concerns raised during the public meetings. **Mr. Bull** clarified that the primary concerns were maintaining neighborhood

character as it relates to the existing S-1 zoning, concerns about height and the number of stories, and a general disdain for the influx of development in the area.

PUBLIC COMMENT:

Julie Green introduced herself as the owner of the home adjacent to the west. Ms. Green expressed that she believes the project is inappropriate given the surrounding zoning and that the density is inappropriate for the area, mentioning a previous discussion with the applicant in which it was suggested that the proposal be reduced to six homes instead of nineteen. Ms. Green shared her concerns about that the value of her property declining and the lack of consideration for homeowners in the area.

Committee Member **Trilese DiLeo** asked Ms. Green if she received water from the City or via well and **Ms. Green** responded that she was connected to City water services.

Lois Colcord introduced herself as a neighbor to the southwest who does not find the proposal appropriate. Ms. Colcord echoed Ms. Green's concerns about density in contrast with the surrounding S-1 zoning, as well as concerns about traffic and property value decline.

Fred Renn introduced himself as the neighbor directly adjacent to the northeast. Mr. Renn bought his property in the area twenty years ago with the notion that the area would remain low-density. Mr. Renn expressed serious concerns about privacy being so close to the proposed single-family units, as well as concerns about the integrity of the public hearing process.

Dan Cornette introduced himself as a nearby neighbor. Mr. Cornette shared his disdain for the difference in density between the proposal and surrounding property as well as the proposed street. Mr. Cornette stated that he is not anti-development though he finds this proposal to be inappropriate for the area.

Tim Green introduced himself as the neighbor directly adjacent to the west and the spouse of previous speaker Julie Green. Mr. Green shared that he and his wife had retirement in mind when purchasing their home in rural area, and that the project as it proposed threatens the longstanding low-density lifestyle of the area.

Trilese DiLeo asked for clarification as to the location of the Greens' home, as well as if the other neighboring homes in the area are occupied.

Committee Member **Ozzie Virgil** shared that he is familiar with the area and asked if all the property in the area was for equestrian and other farm uses. **Mr. Green** affirmed this.

Committee Member **Mark Lewis** asked about the existing homes to the east and the north and when they were developed. **Mr. Green** shared that he believes they were developed in the early 2000s. **Mr. Lewis** asked Mr. Green how long he has lived in the area to which **Mr. Green** replied since 2019. **Mr. Lewis** asked when the applicant had acquired the vacant land adjacent to the Greens' property; **Mr. Green** shared that it was sold in 2018. **Mr. Lewis** asked Mr. Green to share his greatest concern to which **Mr. Green** replied that it was drastic change in the character of the area.

APPLICANT REPONSE:

Mr. Bull iterated that the project was located within the City of Phoenix corporate limits and reiterated that the General Plan Designation for the property calls for a much higher density than what is being proposed. Mr. Bull shared that S-1 zoning has historically served as a placeholder district upon annexation subject to further development. Mr. Bull addressed concerns about property values citing that the proposed homes will be custom built and range from $750,000-$1,000,000 in value. Mr. Bull concluded by reiterating the staff recommendation for approval with stipulations.

FLOOR/PUBLIC DISCUSSION CLOSED: MOTION, DISCUSSION, AND VOTE:

Ozzie Virgil asked Mr. Bull to confirm the projected market rate of the homes and stated that projected value of the homes is too high considering the size of the lots. Mr. Bull replied that the rising costs of land acquisition has created the conditions for homes in this price range notwithstanding the 10,000 square foot lot size.

Trilese DiLeo expressed concerns about equestrian activity in the area. Ms. DiLeo shared that while she finds the project well-designed, she does not find it appropriate given the surrounding context and that it will likely lower the value of the adjacent homes. Ms. DiLeo referenced nearby residential development as a better example of development that is denser yet not surrounded entirely by rural zoning. Ms. DiLeo concluded by stating perhaps half-acre lots would be more appropriate.

Ozzie Virgil stated that the proposal goes against the character of the area that the property owners sought when choosing to live there, sharing that the existing nearby residential developments are not surrounded by one-acre per unit lots. Mr. Virgil echoed Ms. DiLeo's two lots per acre suggestion.

MOTION

Trilese DiLeo motioned to recommend denial Z-16-22-1. **James Sutphen** seconded the motion for denial.

Chair Joseph Grossman stated that while he understands the concerns of neighbors, the request and proposal is within the rights of the property owners and does not defy recent trends in development. Chair Grossman cited the limit on height as a proper response to concerns for privacy, though he is concerned about the roadway as proposed.

James Sutphen stated that the project is a misfit for the area and that it takes away valuable open space and detracts from the mountain views and neighborhood charm.

Trilese DiLeo emphasized the importance of offering diverse housing stock and the need for compromise, reiterating the sentiment that the project will severely interrupt the existing neighborhood.

Mark Lewis echoed Ms. DiLeo's comments stating that the proposal will bisect existing homeowners, though he believes the proposal may increase property values.
Ricardo Romero shared his experience in real estate and his opinion that the request is odd and improper given the neighboring homes.

Susan Herber expressed her support for the project citing the inevitability of development on the parcel.

Mark Lewis responded to Ms. Herber reminding the Committee of extensive build-to-rent communities being built in the area while the current proposal being for sale provides an advantage, though it is still not appropriate for the site itself.

Trilese DiLeo reiterated that the project is inconveniently situated between many neighbors and perhaps could be redesigned to fit better and that the Committee should not be hasty in approving projects for the sake of housing units.

Mark Lewis requested input from staff about the proposed road connecting Dynamite Boulevard. **Racelle Escolar**, staff, responded that the road is likely not required for fire access and is for ease of ingress/egress.

Trilese DiLeo asked staff which zoning district would allow for two dwelling units per acre. **Ms. Escolar** replied that the closest zoning district would be R1-18, though the proposal does not use the max density allotted by the requested R1-10 district. **Ms. DiLeo** asked if the Committee could recommend approval for the R1-18 district; **Ms. Escolar** responded that while the Committee could recommend denial as proposed and approval for R1-18, it would severely impact the current stipulations and site plan conformance.

Chair Grossman asked if the applicant would have to refile in the case that R1-18 zoning is approved by the Committee. **Ms. Escolar** responded that they applicant would not necessarily have to refile and that the committee could continue the application and ask the applicant to amend it to R1-18. **Ms. DiLeo** asked if that would prevent the application from moving forward. **Ms. Escolar** replied that it would be up to the applicant's discretion to ask for a continuance at the Planning Commission and at the Planning Commission's discretion to grant the continuance.

Ms. DiLeo stated that she would like to move forward with the motion on the table in order to have the committee's opinions are heard and ask the applicant to refile with an R1-18 zoning district.

Chair Grossman stated that a recommendation of denial from the committee will cause the Planning Commission likely to pause and try to determine the reason for the opposition, at which time the applicant could redesign the project to fit the R1-18 district.

Ms. Escolar stated that the motion could be amended to be for denial with direction to consider amending the proposal to R1-18. **Ms. DiLeo** stated that she agreed with that approach.

Chair Grossman asked the applicant to state whether he would be amenable to a continuance.

Ed Bull stated that he did not have contact with the applicant at the moment and did not have authority to agree to any particular proposal. He suggested that the committee vote on the motion on the table.

VOTE

7-4, the motion to recommend denial of Z-16-22-1 passes; Members Davenport, DiLeo, Field, Lewis, Romero, Sutphen, and Virgil in favor; and committee members Herber, Novak, Kenney, and Grossman opposed.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

None.

ATTACHMENT D

City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

ADDENDUM A
Staff Report: Z-16-22-1
September 26, 2022

Deer Valley Village Planning Committee Meeting Date:	August 11, 2022
Planning Commission Hearing Date:	October 6, 2022
Request From:	S-1 (Ranch or Farm Residence) (5.04 acres)
Request To:	R1-10 (Single-Family Residence District) (5.04 acres)
Proposed Use:	Single-family residential
Location:	Approximately 300 feet south of the southwest corner of 31st Avenue and Dynamite Boulevard
Owner:	Randy and Betty Schmille
Applicant/Representative:	Ed Bull, Burch & Cracchiolo P.A.
Staff Recommendation:	Approval, subject to stipulations

The applicant originally requested rezoning 6.29 acres located approximately 322 feet west of the southwest corner of 31st Avenue and Dynamite Boulevard. This included a parcel directly adjacent to Dynamite Boulevard. On August 11, 2022, the Deer Valley Village Planning Committee heard this request and recommended denial by a vote of 7-4. The applicant has since revised the application to remove the northern portion of the site from the rezoning area and submitted a revised site plan on September 22, 2022. The revisions are intended to address community and committee concerns about the proposed street connecting to Dynamite Boulevard and the unit count. In addition, since the staff report was published on August 8, 2022, staff has received three letters and one eight-page petition in opposition, which are included as an attachment. Concerns include privacy, density, and property values.

The revised site plan reflects the reduced rezoning boundary and unit count of 14 units, and introduces a cul-de-sac for the proposed street. Staff does not recommend general conformance to the site plan, as the length of the street leading to the cul-de-sac, as shown, will require a technical appeal. Alternatively, staff recommends a maximum unit count stipulation in addition to other revisions to reflect the revised site plan to address concerns about two-story buildings in the development as follows.

- **Stipulation No. 1** regarding general conformance to the site plan. The language of this stipulation is replaced with a maximum number of lots.

- **Stipulation No. 3**, regarding height limits, is revised to limit a minimum of 10 lots and all lots adjacent to 31st Avenue and the south perimeter to one story.
- **Stipulation No. 5**, regarding landscaping in required setbacks, is amended to remove references to Dynamite Boulevard, as the revised rezoning boundary does not have frontage on Dynamite Boulevard.
- **Stipulation No. 7**, regarding a detached sidewalk along Dynamite boulevard, is deleted, as the revised rezoning boundary does not have frontage on Dynamite Boulevard.

Staff recommends approval per the modified stipulations in bold font below.

1. ~~**The development shall be in general conformance with the conceptual site plan date stamped July 5, 2022, as modified by the following stipulations and approved by the Planning and Development Department.**~~
   THE DEVELOPMENT SHALL NOT EXCEED 14 LOTS.

2. The development shall be in general conformance with the conceptual elevations date stamped March 10, 2022, as approved by the Planning and Development Department.

3. ~~**The development shall be limited to 1 story and 20 feet in height for lots adjacent to 31st Avenue and Dynamite Boulevard**~~.
   A MINIMUM OF 10 LOTS, WHICH SHALL INCLUDE ALL LOTS ADJACENT TO 31ST AVENUE AND ALL LOTS ADJACENT TO THE SOUTH PERIMETER OF THE SITE, SHALL BE LIMITED TO 1 STORY AND 20 FEET IN HEIGHT, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

4. The common open space area shall provide a minimum of 2 active recreational elements, such as, but not limited to, playground sets, ramadas, barbeque area, as approved by the Planning and Development Department.

5. The required landscape setback~~**s**~~ along 31st Avenue ~~**and Dynamite Boulevard**~~ shall include minimum 50 percent 2-inch caliper and minimum 50 percent 3-inch caliper trees planted 20 feet on center or in equivalent groupings, as approved by the planning and development department.

6. All sidewalks within the subdivision shall be detached with a minimum 5-foot-wide landscaped strip located between the sidewalk and back of curb and shall include minimum 2-inch caliper shade trees planted a minimum of 20 feet on center or in equivalent groupings along both sides of the sidewalk, as approved by the Planning and Development Department.

~~**7. The developer shall construct a minimum 5-foot wide detached sidewalk and a minimum 8-foot wide landscape area between the back of curb and sidewalk along Dynamite Boulevard, planted to the following standards and as approved by the Planning and Development Department.**~~

a. ~~**Minimum 2-inch caliper drought-tolerant shade trees that provide shade to a minimum 75 percent at maturity.**~~

b. ~~**Drought-tolerant vegetation to achieve 75 percent live coverage at maturity.**~~

~~**Where utility conflicts arise, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.**~~

~~**8.**~~ **7.** The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.

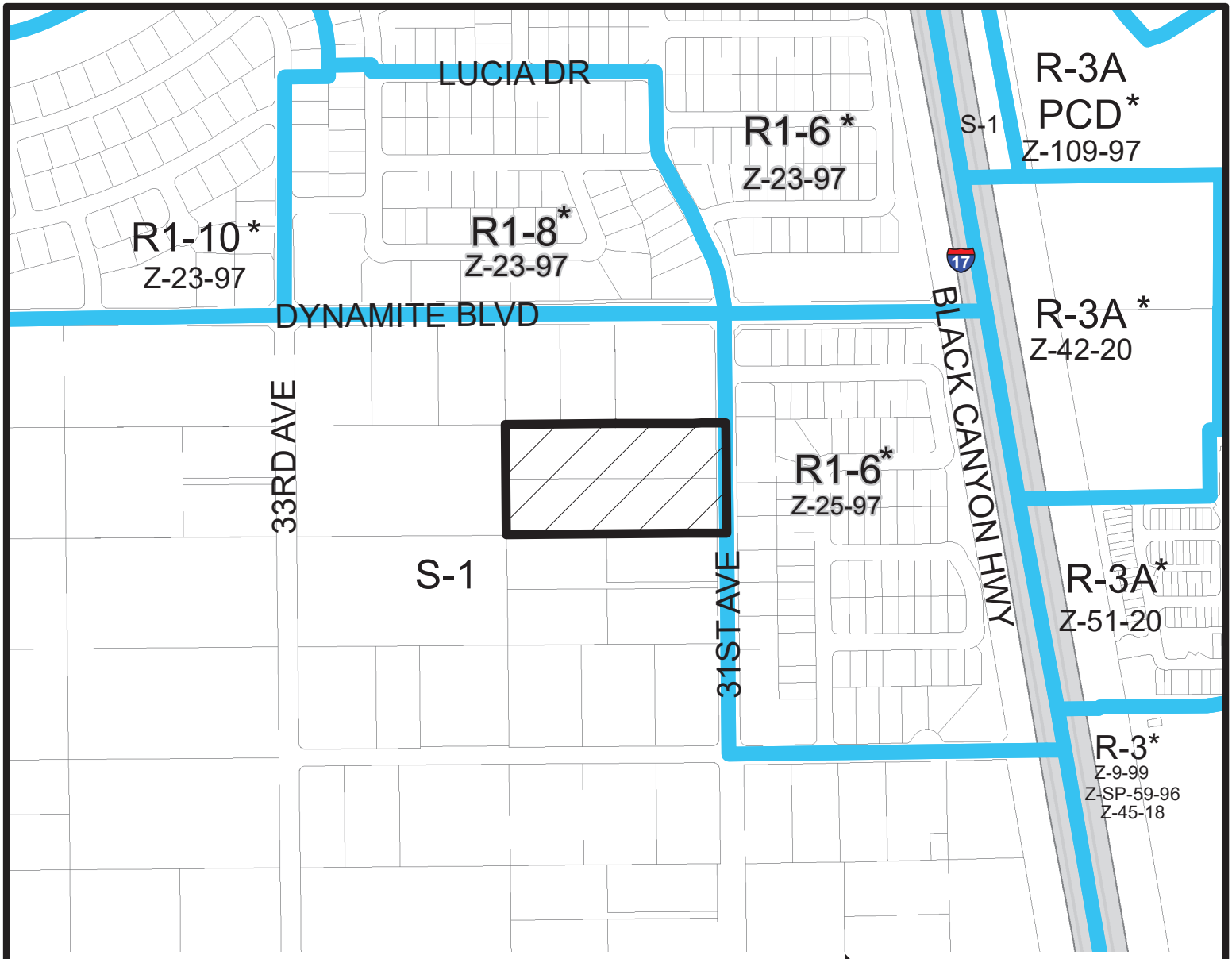
~~**9.**~~ **8.** The property owner shall record documents that disclose the existence, and operational characteristics of Deer Valley Airport to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.

~~**10.**~~ **9.** In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.

~~**11.**~~ **10.** Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 waiver of claims form. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record.

Exhibits

Revised Zoning Sketch Map
Revised Aerial Sketch Map
Conceptual Site Plan, date stamped September 22, 2022
Correspondence (12 pages)

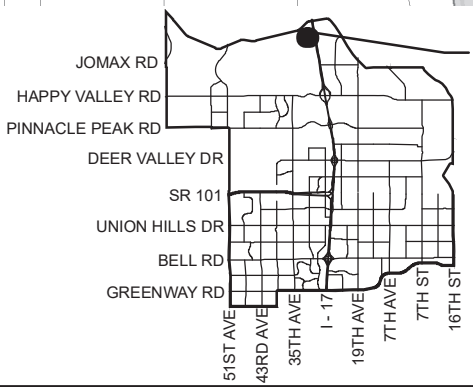


Miles

0.085 0.0425 0 0.085

DEER VALLEY VILLAGE

CITY COUNCIL DISTRICT: 1



City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

APPLICANT'S NAME:	Ed Bull - Burch & Cracchiolo P.A.
APPLICATION NO.	Z-16-22
DATE:	1/15/2022
REVISION DATES:	9/19/2022
GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.	5.04 Acres
AERIAL PHOTO & QUARTER SEC. NO.	QS 50-21
ZONING MAP	P-6

REQUESTED CHANGE:

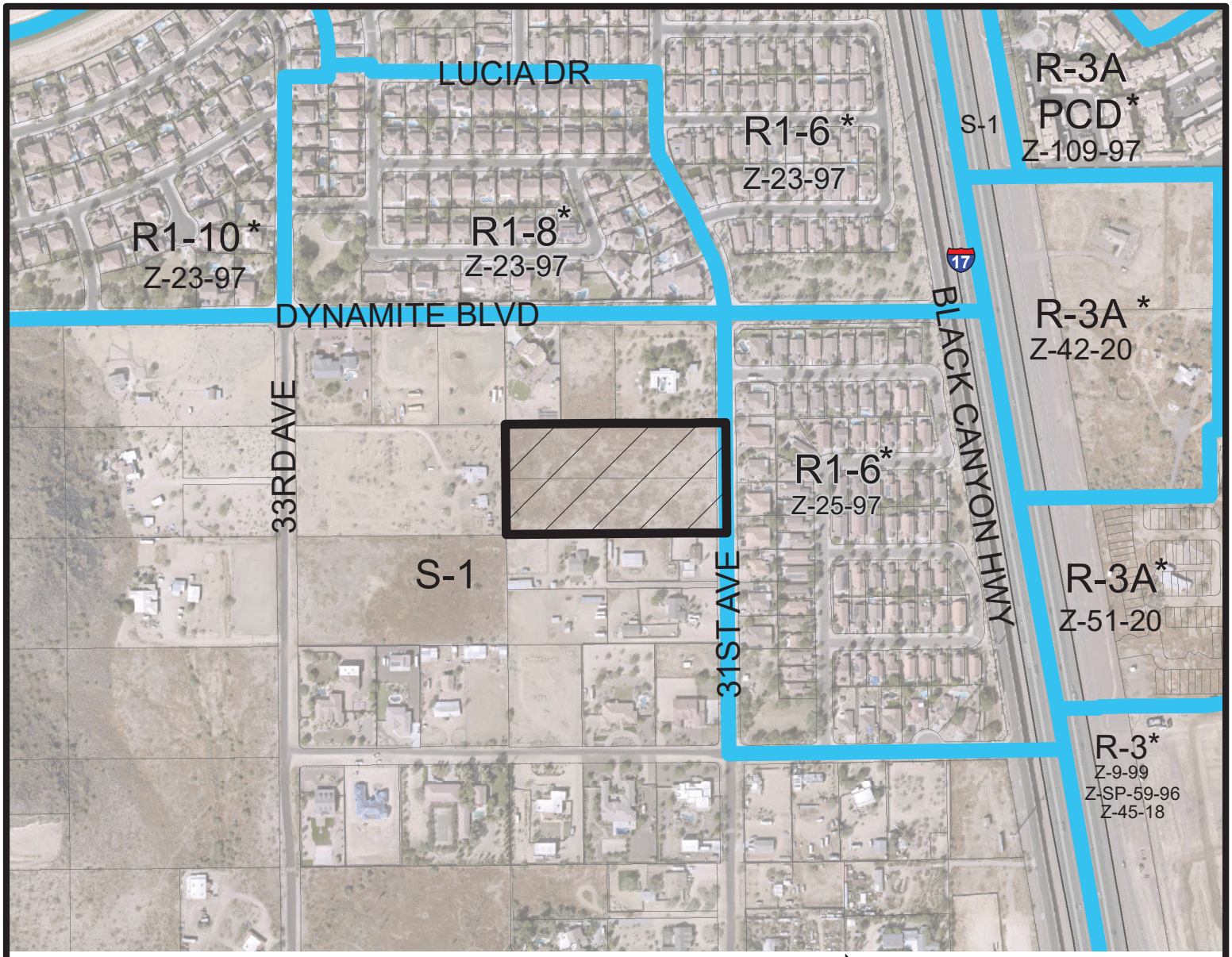
FROM: S-1 (5.04 a.c.)

TO: R1-10 (5.04 a.c.)

MULTIPLES PERMITTED	CONVENTIONAL OPTION	* UNITS P.R.D. OPTION
S-1	5	N/A
R1-10	17	22

* **Maximum Units Allowed with P.R.D. Bonus**

Document Path: S:\Department Share\Information Systems\PL GIS\IS_Team\Core_Functions\Zoning\sketch_maps\2022\Z-16-22.mxd



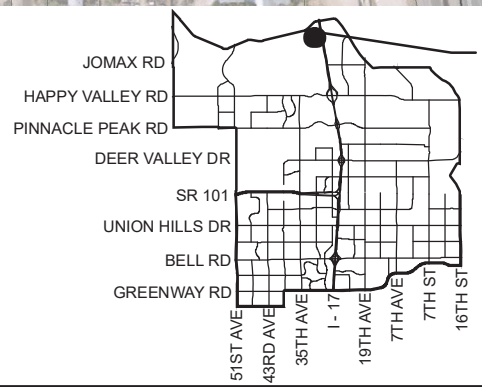
N

Miles

0.085 0.0425 0 0.085

DEER VALLEY VILLAGE

CITY COUNCIL DISTRICT: 1



City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

APPLICANT'S NAME:	Ed Bull - Burch & Cracchiolo P.A.
APPLICATION NO.	Z-16-22
DATE:	1/15/2022
REVISION DATES:	9/19/2022
GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.	5.04 Acres
AERIAL PHOTO & QUARTER SEC. NO.	QS 50-21
ZONING MAP	P-6

REQUESTED CHANGE:

FROM: S-1 (5.04 a.c.)

TO: R1-10 (5.04 a.c.)

MULTIPLES PERMITTED	CONVENTIONAL OPTION	* UNITS P.R.D. OPTION
S-1	5	N/A
R1-10	17	22

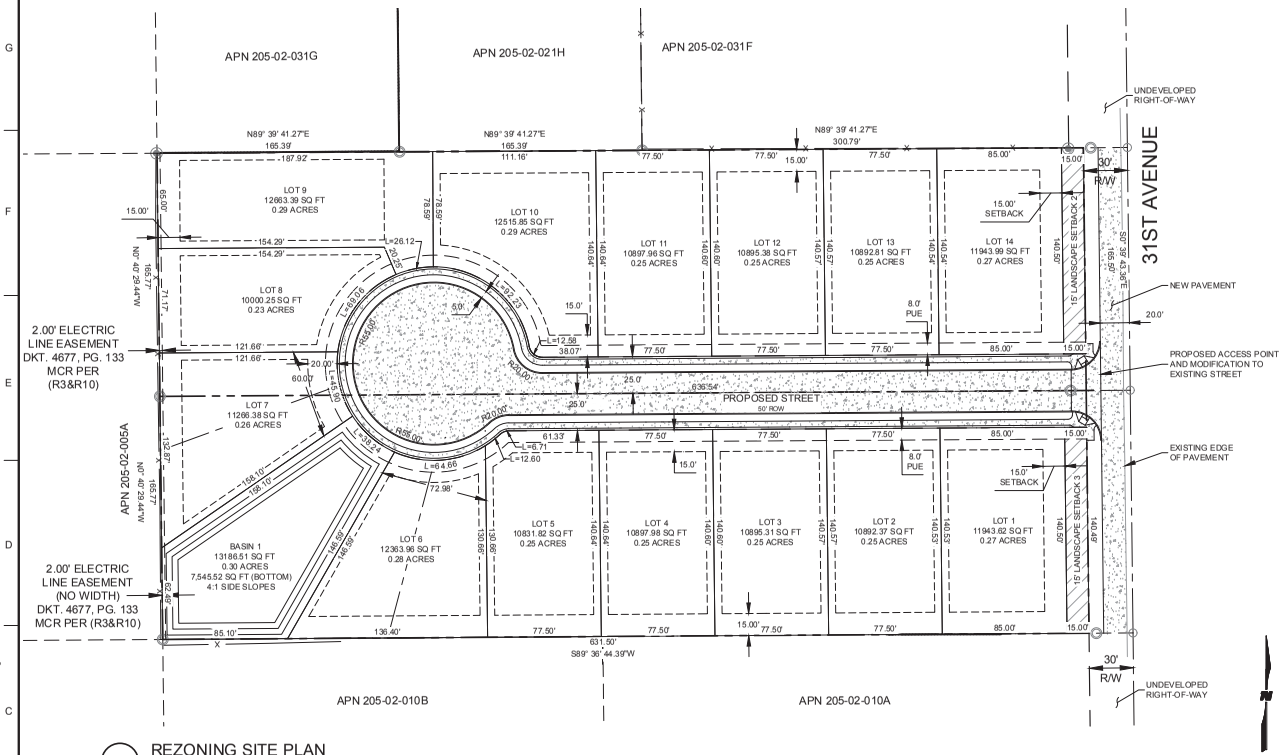
* **Maximum Units Allowed with P.R.D. Bonus**

Document Path: S:\Department Share\Information Systems\PL GIS\IS_Team\Core_Functions\Zoning\sketch_maps\2022\Z-16-22.mxd

REZONING SITE PLAN

PARCEL A: APN 205-02-020A ADDRESS: 28020 N. 31ST AVENUE PHOENIX, ARIZONA 85083
PARCEL B: APN 205-02-020B ADDRESS: 28010 N. 31ST AVENUE PHOENIX, ARIZONA 85083
A PORTION OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 5 NORTH, RANGE 2 EAST
OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PROJECT DESCRIPTION:
PROPERTY PROPOSED TO BE REZONED FROM S-1 TO R1-10 FOR SINGLE FAMILY RESIDENTIAL USE. GROSS PROPERTY AREA: 219130.49 SQ. FT. OR 5.03 ACRES. NET PROPERTY AREA: 176303.21 SQ. FT OR 4.05 ACRES



A1 REZONING SITE PLAN

SCALE: 1" = 40'

BUILDING HEIGHT:
30' MAXIMUM
20' MAXIMUM, SINGLE STORY: LOTS 1, 2, 3, 4, 5, 6, 7, 10, 11, 14

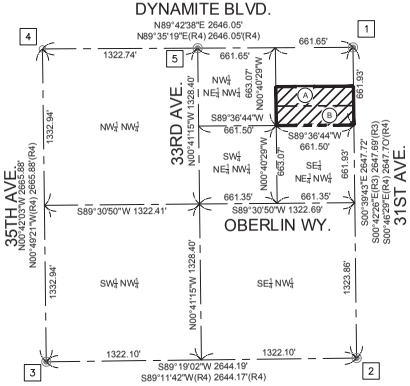
BUILDING SETBACKS:
FRONT YARD: 15'
GARAGE: 18'
REAR YARD: 15'
SIDE YARD: 5'
STREET SIDE YARD: 15'
LANDSCAPE SETBACK: 15'

LOT COVERAGE:
PRIMARY STRUCTURE, NOT INCLUDING ATTACHED SHADE STRUCTURES: MAX 40%
MAX TOTAL: 50%

TOTAL DWELLING UNITS/DENSITY:
2.78 DU/ACRES
14 UNITS

OPEN SPACE:
BASIN 1 OPEN SPACE AREA = 13186.51 SQ. FT (6.01% GROSS AREA)
RAMADA, HORSESHOE COURTS

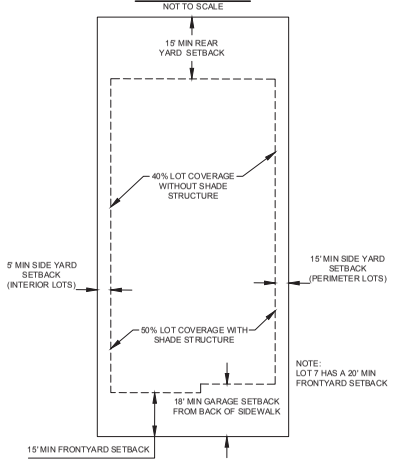
LEGEND:
- PROPERTY LINE
- SECTION LINE
- RIGHT-OF-WAY LINE
- PROPOSED LOT LINES
- PROPOSED SETBACK LINES
- EASEMENT LINE
- ADJOINING PROPERTY
- LOT AXIS LINE
- FENCE AS NOTED
- BLOCK WALL
- SET 1/2" REBAR RLS #46643 UNLESS OTHERWISE NOTED
- FOUND MONUMENT AS NOTED



BASIS OF SURVEY CALCULATIONS AND VICINITY MAP

BEARINGS AND DISTANCES ARE ALL MEASURED UNLESS OTHERWISE NOTED
NORTHWEST QUARTER OF SECTION 35, T.5N.-R.2E.
SCALE 1"=500'

TYPICAL LOT WITH MINIMUM SETBACKS FROM PROPERTY LINE
NOT TO SCALE



CITY OF PHOENIX
SEP 22 2022
Planning & Development Department

WILSON & COMPANY
410 NORTH 44TH ST., SUITE 450
PHOENIX, AZ 85008
PHONE: 602-263-2701
FAX: 602-273-1230
www.wilsonco.com

CONSULTANTS

SEAL

SUNSET RIDGE SUBDIVISION
REZONING SITE PLAN
PHOENIX, ARIZONA

BY	DESCRIPTION	DATE	REV.

PROJECT NO:	21-600-282
DESIGNED BY:	TRS
DRAWN BY:	JRP
CHECKED BY:	EAL
DATE:	SEPTEMBER 19, 2022

SHEET TITLE
REZONING SITE PLAN

SHEET NO:
C-101

9/20/2022 M:\MSD\21-600-282-00\2_Disciplines_REFERENCES\21600282_BASE.dwg

CITY OF PHOENIX

AUG 08 2022

Planning & Development Department

We, the community and owners at Norterra Point, Stetson Valley East, and surrounding areas OPPOSE any zoning change that allows more than 1 dwelling per acre.

NAME	ADDRESS
Jimmy NORMAN	3214 W. OBERLIN WAY
Lorie COLCORD	3214 W OBERLIN WAY
Beth Riggs	4024 E Navigator Lane Phx
Taylor Green	420 N Scottsdale Rd

We, the community and owners at Norterra Point, Stetson Valley East, and surrounding areas OPPOSE any zoning change that allows more than 1 dwelling per acre.

NAME	ADDRESS
Frank & Maria Rugo	3110 w oberlin way Phx.
Tim + Julie Green	3135 W. Dynamite Blvd
Dan & Julie Cornette	3022 W. Oberlin Way
Spencer + Annaliese Cox	3231 w Dynamite Blvd

CITY OF PHOENIX
AUG 08 2022
Planning & Development Department

We, the community and owners at Norterra Point, Stetson Valley East, and surrounding areas OPPOSE any zoning change that allows more than 1 dwelling per acre.

NAME		ADDRESS
JOHN ARTHUR		27840 N. 31ST AVE
CURTIS ARTHUR		27526 N. 33RD AVE
Margaret Arthur	Margaret Arthur	27526 N 33 Ave
Brenda Arthur		27840 N 31st Ave
Ed & Kerry Mawk		3135 W. Oberlin Way
Robert Overcash		
John Hamilla	John Miller	3211 W Dynamite Blvd
Judith Garrett		11586 E. Juan Tabo Scottsdale

CITY OF PHOENIX
AUG 08 2022
Planning & Development Department

We, the community and owners at Norterra Point, Stetson Valley East, and surrounding areas OPPOSE any zoning change that allows more than 1 dwelling per acre.

NAME	ADDRESS
Thomas and Abby Fisher	3120 W Oberlin Way

CITY OF PHOENIX
AUG 08 2022
Planning & Development Department

(1) X

(2) X

We, the community and owners at Norterra Point, Stetson Valley East, and surrounding areas OPPOSE any zoning change that allows more than 1 dwelling per acre.

NAME	ADDRESS
Sam Klein	28025 N. 31ST Ave Phx 85083
Stacey Klein	28025 N. 31ST Ave Phx 85083

CITY OF PHOENIX
AUG 08 2022
Planning & Development Department

We, the community and owners at Norterra Point, Stetson Valley East, and surrounding areas OPPOSE any zoning change that allows more than 1 dwelling per acre.

NAME	ADDRESS
Andrea Jones	27807 N. 33rd Ave. Phx, 85083
Rick Jones	— same —

CITY OF PHOENIX
AUG 08 2022
Planning & Development Department

We, the community and owners at Norterra Point, Stetson Valley East, and surrounding areas OPPOSE any zoning change that allows more than 1 dwelling per acre.

NAME	ADDRESS
Steve Kendall	27830 N. 31st Ave Phx 85083
Steve D. Smith	2785 N. 31st ave Phx. Az 85083
Marcel W. Barnhart	27830 N. 31 ave Phx 85083

CITY OF PHOENIX
AUG 08 2022
Planning & Development Department

We, the community and owners at Norterra Point, Stetson Valley East, and surrounding areas OPPOSE any zoning change that allows more than 1 dwelling per acre.

NAME	ADDRESS
Roger Hughes	28009 N. 31 Ave
Jerrie. Hughes	28009 N. 31 Ave
Roger Hughes	28009 N. 31 St Ave
Jerrie Hughes	28009 N. 31 St Ave

CITY OF PHOENIX
AUG 08 2022
Planning & Development Department

From: Anthony M Grande
To: Anthony M Grande
Subject: FW: CASE #Z-16-22
Date: Wednesday, August 10, 2022 7:59:48 AM

From: Julie Thill <nolefttturn_218@msn.com>
Sent: Tuesday, August 9, 2022 6:09 PM
To: anthonygrande@phoenix.gov; Sarah Stockham <sarah.stockham@phoenix.gov>
Subject: CASE #Z-16-22

Good Afternoon,

I just wanted to submit my concerns regarding the proposed development at 31st Ave and Dynamite, "Sunset Ridge".

While I understand the position of Phoenix government is more more more houses I strongly disagree, in this instance specifically. Our current, beautiful, mostly peaceful neighborhood is growing fast. This proposition to build is surrounded by single family homes on large lots and it is NOT surrounded by empty property or streets as the recent nearby developments in progress. I feel we've contributed our fair share in this area with 309 new homes being built within a one mile radius (This does not include the multi-dwellings east of I17). The 19 more they'd like to put are not just unnecessary but a complete disruption to the flow of our community. The street idea between 2 existing properties is so bizarre to me I can't comprehend it. Yes, I understand growth and change will and must happen - but let's be brave and let it happen in a way in keeping with the original intention of the neighborhood - large properties with space in between. Case in point - the area of 51st Ave between Happy Valley and Pinnacle Peak. While driving through there earlier this week it was obvious that space had been valued and the homes are large, with plenty of space between them. I'm not sure - but some may still have horses. It was a thing of beauty!!

Dynamite/31st Ave to Pinnacle Vista Dr to 35th Ave should remain the grand, open residential (possibly farm) idea as it started.
I implore all of you with a decision in this to not lead with the dollar signs, but to encourage development that supports community, integrity and some space. Be brave and bold and keep some islands of beauty in our city, please!!

Thank you for your consideration,
Julie Cornette
480-390-6684
3022 W. Oberlin Way
Phoenix, AZ 85032

From:	John Miller
To:	Trilese DilLeo; Joseph Grossman; matthewjkenney85@gmail.com; william.novak@gmail.com; Sarah Stockham; Anthony M Grande
Subject:	Rezoning Case # Z-16-22
Date:	Wednesday, August 10, 2022 10:37:30 AM

My name is john Miller my wife and i own the property at 3211 W Dynamite Blvd we bought the property because of the large size and rural setting. We against rezoning this type of property to this density as it will bring our home value down and destroy the rural setting we like. We are currently in design stage of, our new home and this development will be in our back yard. Please concenter voting against this zoning change.
Thank you.
John & Katie Miller

Across The Board Commercial LLC.
3211 W Dynamite Blvd
Phoenix, AZ 85083
Ph. 623-229-2299
Email: JohnMiller8844 @outlook.com

From:	Anthony M Grande
To:	Anthony M Grande
Subject:	FW: Rezoning Case No.: Z-16-22-1
Date:	Wednesday, August 10, 2022 5:06:12 PM

From: Fred Renn <renn.fred@yahoo.com>
Sent: Wednesday, August 10, 2022 4:47 PM
To: PDD Deer Valley VPC <deervalleyvpc@phoenix.gov>
Subject: Rezoning Case No.: Z-16-22-1

Deer Valley Village Planning Committee Members:

I want to go down on record as as being 100% opposed to the proposed zoning change to the property, which is the subject this case number Z-16-22-1. I live on a 2-acre parcel at 28036 N. 31st Ave [google.com] (SWC of Dynamite and 31st Ave). My neighbors and I were notified back in April that the developer, Randy Schmille, wants to change the zoning on property that borders my property on two sides from S1 to R1-10 so he can build 19 or more $1 million dollar homes. It appears the only way Mr. Schmille's land development scheme can make enough profit is to have the City assist him by changing the zoning regulations.

About three years ago, the Deem Hills/Taylor Morrison debacle over on 37th Avenue was an eye opening experience. A vast majority of residents opposed the plan and had on file approximately 90 letters of opposition prior to the Village Planning Committee meeting. Many people testified and in the end the Village Planning Committee voted (I believe 6 to 4) to allow the zoning to be amended, against the wishes of the existing residents. The zoning amendment then went to the Planning Commission where they unanimously voted it down. The case should have been closed then, but the issue went on to the City Council and they passed it with little to no discussion, and with no regard to the wishes of the existing residents or the Planning Commission.

I purchased my property over 20 years ago. Many of my neighbors have lived in the area longer than me. I oppose the zoning change for the following reasons:

1) Based on Mr. Schmille's preliminary sketch, half of his proposed 2-story homes will back up to my property, reducing the privacy to my backyard to zero.

2) This zoning change request is incompatible with the surrounding land use. All of the properties from 31st Ave to 37th Ave and Dynamite to Pinnacle Vista are within the S-1 zoned area. So far, the higher density development has been limited to the periphery of this area on the opposite sides of the streets. If this zoning change is allowed to occur, it will encroach within the established S-1 area.

3) I purchased my property 21 years ago because of the 1-acre zoning and have put a significant amount of money into the property since then. Changing the zoning to R1-10 will be robbing me and my neighbors from the life style we had bought into. If I had known that the zoning was going to change, and could be done so against the will of the existing residents in the area, I would have never bought the place, and certainly not have invested all of my time and money on improvements to the property.

4) This proposed development will lower our property values. A cookie cutter development in the middle of a semi-rural area like the one proposed will do nothing for the property values for those that live there already. Will the City or developer be reimbursing us for the money that each of us in the surrounding area have invested? Changing the zoning is the same as stealing from us.

5) The General Plan is just what it says "GENERAL". It's not something that is written in stone. It is a tool to be used for City planning. It appears that Mr. Schmille has come to the conclusion that because something is written in the General Plan that he has the right to see it implemented even though these

actions will adversely impact the lives of the existing residents. One would think that a document with so much supposed power over people's lives would be so obscure. In the 21 years I have lived there I have never been asked for input by the City regarding the General Plan.

5) Opposing this proposed zoning change has a huge impact on the current residents, and battling it is an incredibly time consuming effort for me and my neighbors that we did not ask for.

Because I play by the rules I bought into, I have no opposition to a residential project if Mr. Schmille wishes to construct one house per acre as the current S-1 zoning regulation stipulates.

Fred Renn
28036 N. 31st Avenue
Phoenix, AZ 85083

.

ATTACHMENT E

REPORT OF PLANNING COMMISSION ACTION
October 6, 2022

ITEM NO: 14	
	DISTRICT NO.: 1
SUBJECT:	
Application #:	Z-16-22-1
Location:	Approximately 300 feet south of the southwest corner of 31st Avenue and Dynamite Boulevard
From:	S-1
To:	R1-10
Acreage:	5.04
Proposal:	Single-family residential
Applicant:	Ed Bull, Burch & Cracchiolo, P.A.
Owner:	Randy and Betty Schmille
Representative:	Ed Bull, Burch & Cracchiolo, P.A.

ACTIONS:

Staff Recommendation: Approval, subject to stipulations.

Village Planning Committee (VPC) Recommendation:
Deer Valley 8/11/2022 Denial. Vote: 7-4.

Planning Commission Recommendation: Approval, per the Addendum A Staff Report with a modification.

Motion Discussion: N/A

Motion details: Commissioner Boyd made a MOTION to approve Z-16-22-1, per the Addendum A Staff Report with a modification to Stipulation No. 3 to include the lot at the northwest corner of site.

Maker: Boyd
Second: Gaynor
Vote: 8-1 (Perez)
Absent: None
Opposition Present: Yes

Findings:

1. The requested R1-10 zoning district will result in development that is consistent with the General Plan Land Use Map designation and with the character of the surrounding area.

2. As stipulated, the proposed development incorporates design elements that prevent the development from negatively impacting the surrounding area.

3. As stipulated, the proposed development enhances connectivity in the immediate vicinity, including enhanced shade elements.

Stipulations:

1. ~~The development shall be in general conformance with the conceptual site plan date stamped July 5, 2022, as modified by the following stipulations and approved by the Planning and Development Department.~~
   THE DEVELOPMENT SHALL NOT EXCEED 14 LOTS.

2. The development shall be in general conformance with the conceptual elevations date stamped March 10, 2022, as approved by the Planning and Development Department.

3. ~~The development shall be limited to 1 story and 20 feet in height for lots adjacent to 31st Avenue and Dynamite Boulevard~~.
   A MINIMUM OF 10 LOTS, WHICH SHALL INCLUDE ALL LOTS ADJACENT TO 31ST AVENU, **THE LOT ON THE NORTHWEST CORNER OF THE SITE,** AND ALL LOTS ADJACENT TO THE SOUTH PERIMETER OF THE SITE, SHALL BE LIMITED TO 1 STORY AND 20 FEET IN HEIGHT, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

4. The common open space area shall provide a minimum of 2 active recreational elements, such as, but not limited to, playground sets, ramadas, barbeque area, as approved by the Planning and Development Department.

5. The required landscape setback~~s~~ along 31st Avenue ~~and Dynamite Boulevard~~ shall include minimum 50 percent 2-inch caliper and minimum 50 percent 3-inch caliper trees planted 20 feet on center or in equivalent groupings, as approved by the planning and development department.

6. All sidewalks within the subdivision shall be detached with a minimum 5-foot-wide landscaped strip located between the sidewalk and back of curb and shall include minimum 2-inch caliper shade trees planted a minimum of 20 feet on center or in equivalent groupings along both sides of the sidewalk, as approved by the Planning and Development Department.

~~7.~~ ~~The developer shall construct a minimum 5-foot-wide detached sidewalk and a minimum 8-foot-wide landscape area between the back of curb and sidewalk along Dynamite Boulevard, planted to the following standards and as approved by the Planning and Development Department.~~

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

   b. ~~Drought-tolerant vegetation to achieve 75 percent live coverage at maturity.~~

   ~~Where utility conflicts arise, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.~~

~~8.~~ 7. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping, and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.

~~9.~~ 8. The property owner shall record documents that disclose the existence, and operational characteristics of Deer Valley 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.

~~10.~~ 9. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.

~~11.~~ 10. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 waiver of claims form. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record.

This publication can be made available in alternate format upon request. Please contact Les Scott at 602-261-8980, leslie.scott@phoenix.gov or TTY: Use 7-1-1.

Deer Valley Village Planner- Anthony Grande
City of Phoenix
Planning & Development Department
200 West Washington Street
Phoenix, AZ 85003
Re: Case No. Z-16-22

Dear Members of the Deer Valley Village, Planning Commission, Mayor and Council,

I am a resident who resides in the City of Phoenix, near this proposed development and I offer my support for these new homes. This new development has taken careful consideration to create a beautiful addition to our neighborhood. The oversized lots and semi-custom homes will provide a housing option to a market that has a demand and limited supply.

While I was originally opposed to this project, after reviewing the new plan which reconfigures that roads and lot sizes, I am now in support.

I have met with a representative of the developer, and I want to voice my support for this proposed development. I urge you to support this development as well.

Respectfully,

Printed Name Sam Klein Signature Sam Klein

Address 28025 N. 31ST Ave

City Phoenix State AZ Zip 85083

Phone Number or E-mail SnKlein@gmail.com

Sunset Ridge Subdivision
City of Phoenix Zoning Request
Z-16-22
31st Ave. and Dynamite

Planning and Zoning Department
City of Phoenix

I, Steve Smith, owner of property at Address: 27850 and 27830 N 31st Avenue, ~~Have~~ has made an agreement with Mr. Schmille, Managing Member of Southwest R&B Trust, owner of said Sunset Ridge Subdivision property at 31st and Dynamite, and agrees to the following:

1. Mr. Schmille has agreed that all lots bordering my property will be limited to single story homes. Designated lots are Lots # 15-18.

In lieu of this, I have agreed to the following:

SDS I will not oppose the rezoning of the adjacent property to 19 single family homes.

SDS I will support the rezoning of the adjacent property to 19 single family homes.

Steve D Smith — Homeowner

07-20-22 — Date

x Randall J. Schmille, MM — 7/16/22

Randall S. Schmille, MM
Southwest R&B Trust
11209 Spyglass Hill Ln NE
Albuquerque, NM 87111
505-315-0312

From: Randy Schmille
To: Ed Bull; Ricki Horowitz
Subject: Fw: Sunset Ridge development
Date: Thursday, April 21, 2022 2:42:18 PM

Caution! This message was sent from outside your organization. Allow sender | Block sender

FYI...Support info went to Sarah Stockham

Sent from Yahoo Mail on Android

----- Forwarded Message -----
From: "Sarah Stockham" <sarah.stockham@phoenix.gov>
To: "Terry_Ellen Horne" <terryellen.horne@gmail.com>
Cc: "Randy Schmille" <schmilleco@yahoo.com>, "Anthony M Grande" <anthony.grande@phoenix.gov>
Sent: Thu, Apr 21, 2022 at 1:26 PM
Subject: RE: Sunset Ridge development

Hi Terry,

Thank you for reaching out and sharing your letter of support. This letter will be added to the case file and will follow the case as it moves through the public hearing process.

Anthony: for the file.

Thank you,

Sarah Stockham
Planner III
City of Phoenix Planning and Development Department
200 West Washington Street, 3rd Floor
Phoenix, Arizona 85003
Phone: 602-261-8701
sarah.stockham@phoenix.gov

From: Terry_Ellen Horne <terryellen.horne@gmail.com>

Sent: Thursday, April 21, 2022 1:04 PM
To: Sarah Stockham <sarah.stockham@phoenix.gov>
Cc: Randy Schmille <schmilleco@yahoo.com>
Subject: Fwd: Sunset Ridge development

Sarah,

Below is our correspondence with Randy Schmille reflecting our support for the rezone Z-16-22 Sunset Ridge.

Thank you,

Terry and Ellen Horne

---------- Forwarded message ---------
From: **Randy Schmille** <schmilleco@yahoo.com>
Date: Wed, Apr 20, 2022 at 10:57 AM
Subject: Re: Sunset Ridge development Case # Z-16-22
To: Terry_Ellen Horne <terryellen.horne@gmail.com>

Terry and Ellen,

Thank you! Would you be willing to email this letter of support to Sarah Stockham at sarah.stockham@phoenix.gov. Please make sure to include the above case number (Z-16-22) in your email. Sarah is the Deer Valley Village Planner. Also, I made a mistake on the name of the subdivision. It should be Sunset Ridge instead of Desert Ridge.

Thank you so much!

Sent from Yahoo Mail on Android [go.onelink.me]

On Wed, Apr 20, 2022 at 9:05 AM, Terry_Ellen Horne

<terryellen.horne@gmail.com> wrote:

> Randy,
>
> Our property has been in the family for many years, we purchased the acreage from Ellen's father, and he had bought it probably sometime in the late 60's/early 70's.

So, we have seen many changes over the years. Happy to say all good!

We support your plan for the rezone and building high-end homes and are excited to watch this process move forward. The location is perfect is this type of development.

At this point, we don't have any plans for our property.

Thank you for reaching out to us and we will be in touch if we have any questions.

Regards,

Terry and Ellen Horne

On Tue, Apr 19, 2022 at 1:13 PM Randy Schmille <schmilleco@yahoo.com> wrote:

> Hi Terry,
>
> Would you have any questions for me on the proposed subdivision? I know you have the same piece of vacant land (5 acres) caddy corner to me, and I was wondering what your thoughts were on your piece moving forward. Please feel free to call me also.
>
> Thanks,
>
> **Randy Schmille, MM**
>
> **ASHCON LLC**
>
> **R & B Arizona Land LLC**
>
> **Ashton 33rd Avenue LLC**
>
> **Desert West Development Ltd LLC**
>
> **39506 N Daisy Mountain Dr 122611**
>
> **Anthem, AZ 85086**
>
> **505.315.0312**

Deer Valley Village Planner- Anthony Grande
City of Phoenix
Planning & Development Department
200 West Washington Street
Phoenix, AZ 85003
Re: Case No. Z-16-22

Dear Members of the Planning Commission, Mayor and Council,

My name is Bob Topolosek and I live at 3130 W. Oberlin Way. I support the proposed development of the 14 custom homes near Dynamite & 31st Ave. This new development has taken careful consideration to create a beautiful addition to our neighborhood. The oversized lots and custom homes will provide a housing option to a market that has a demand and limited supply.

The location of these homes has caused the developer to creatively blend in a product that respects the existing large lots as well as matches the newer single family residential homes in the community.

I have spoken with representatives of the developer, and I want to voice my support for this proposed development. I am also very appreciative of the willingness of the developer to limit lots to single story on 10 of the 14 lots. Those lots are identified in an attached exhibit as lots # 1,2,3,4,5,6,7,10, 11 & 14. I urge you to support this development as well.

Respectfully,

Bob Topolosek
3130 W. Oberlin Way
Phoenix, AZ 85083
602-570-0616

ATTACHMENT G

From: Julie Green
To: PDD Planning Commission
Subject: Z-16-22
Date: Thursday, September 29, 2022 5:23:46 PM
Attachments: 5F47A098-D2BB-4CB8-BB39-37B164E974A7.png
6C1F278F-6D8C-481E-805E-1C4CB02AEDDE.png

Planning commission members,
I am sure you are familiar with the rezoning attempt at this point, and probably have made up your mind. I ask you to PLEASE consider the following information.

We are not opposed to building beautiful 1 story homes on the acre parcels. The now revised plan is 4.81 acres. It is completely surrounded by S-1- 1 STORY homes. This area does NOT back up to open space, a mountain, or become a dead end street, this is literally “mid block”.

These are recently approved developments being built nearby:

TAYLOR MORRISON-Z-25-19:
29.17 acres
1.47 dwellings per acre
ALL 1 story homes- max 24 feet
20% open space
15 feet minimum to property line

STERLING HEIGHTS (K Hovnanian Homes) Z-53-20
15.52 acres
S-1 properties only touch on 1 side, with a 33 foot easement on NORTH boundary
All 1 story homes on the NORTH side
30% open space
Dark Sky Ordinance

Mr Schmilles proposal:
14 homes on 4.81 acres
2.78 homes per acre, average lot size 11,000 feet
2 STORY HOMES - approx. 30 feet high
ONLY 5 feet to property line
ONLY 6% open space

As you can see, this development wants density that the other 2 don’t have. This is such a small area, and once again- SURROUNDED by 1 story, 1 acre lots.

On a personal note, we bought our property on 11/19. The previous owners installed solar panels at the back of our property (2005). The house is run completely on solar. The panels are at ground level. I am sure they never imagined someone being able to build a 2 story home right behind our property. They would always be shaded by a 2 story home, 5 feet away from our property line.
We love living in Phoenix. I consider myself an “urban gardener.” I don’t want to live in Cave Creek, New River, etc. to have a rural feel. These areas are special, and shouldn’t just be concreted over to make every developer happy. Many people seek out larger lots, since developers constantly want postage stamp lots. I don’t own horses, but enjoy the rural feel they bring to the neighborhood.
The Phx General plan states this:

- **Growth Strategy Mapping Exercises:** Identification of three areas within each

village – Areas of Preservation, Areas of Retrofit and Areas of Growth. Why can't this area be an "area of preservation"?

We are in a stage 1 water alert.

The house on the corner was purchased over 20 years ago. He would have never imagined 4 homes backing up to his property, 2 story, and minimal distance between property lines. This is a horrible situation Mr. Schmille has put this owner in.

MR SCHMILLE SUBMITTED DRAWINGS FOR "DESERT DAWN ESTATES" WHICH IS LESS THAN 1 MILE AWAY, AND THE SAME AMOUT OF LAND INVOLVED IN THIS CASE. I HAVE ATTACHED HIS DRAWINGS. HE IS BUILDING 9 HOMES. IF THERE IS TO BE A DISCUSSION, PLEASE CONSIDER THE 9 HOMES, VS. 14.⬅⬅

Decisions should be based on logical and sound analysis rather than personalities, preferences, or property owner. Just because you can, doesn't mean you should…

Thank you for your time,
Julie Green
3135 W Dynamite Blvd
480-414-9001

09 PM Thu Sep 29
72%
mail-attachment.googleusercontent.com

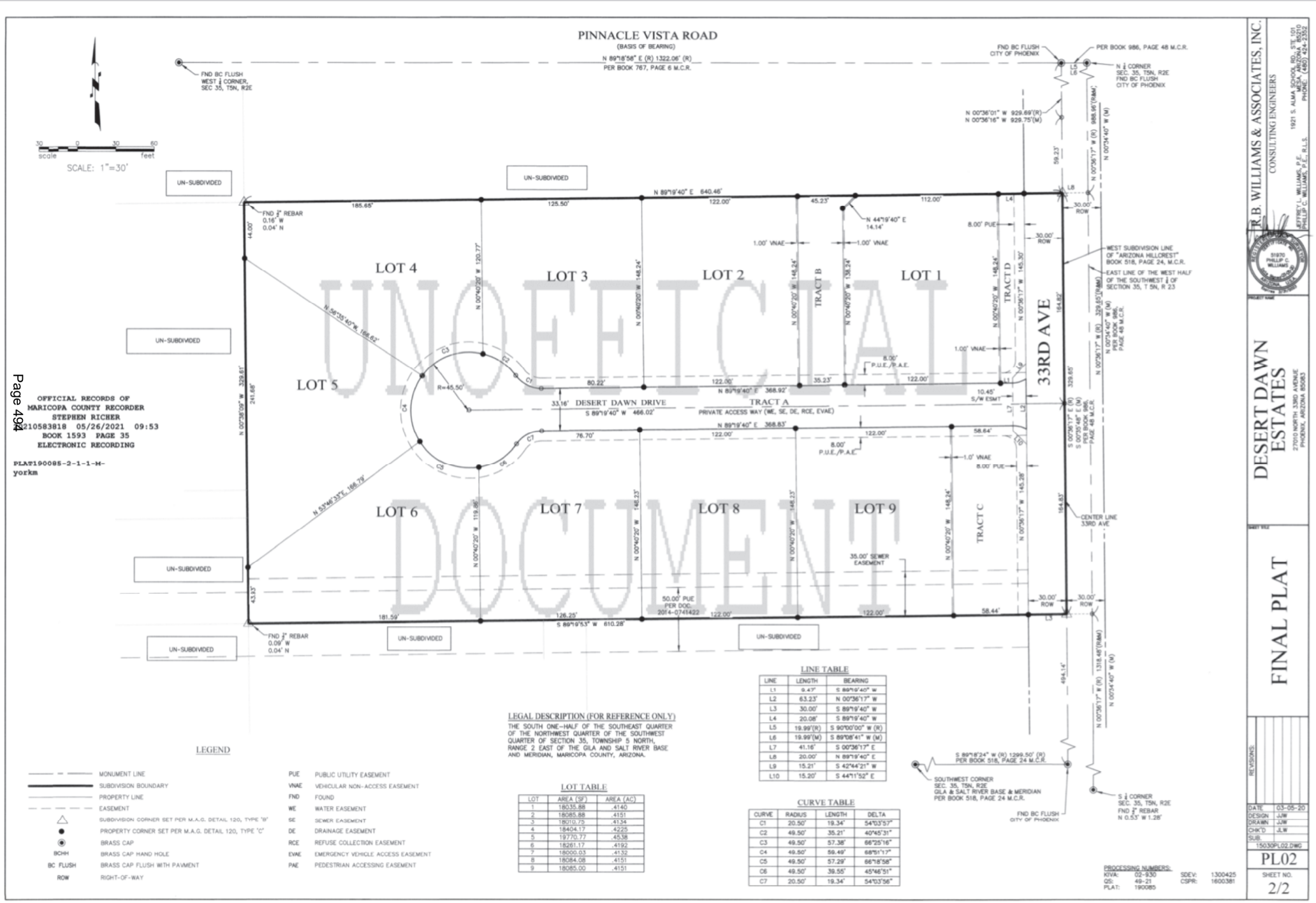
FINAL PLAT	PL02	2

PROCESSING NUMBERS:
KIVA: 02-930 SDEV: 1300425
QS: 49-21 CSPR: 1600381
PLAT: 190085

PL01
SHEET NO. 1/2

PINNACLE VISTA ROAD

(BASIS OF BEARING)
N 89°18'58" E (R) 1322.06' (R)
PER BOOK 767, PAGE 6 M.C.R.



UNOFFICIAL DOCUMENT

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
STEPHEN RICHER
20210583018 05/26/2021 09:53
BOOK 1593 PAGE 35
ELECTRONIC RECORDING

PLAT190085-2-1-1-M-
yorkm

Page 494

LEGEND

MONUMENT LINE	
SUBDIVISION BOUNDARY	
PROPERTY LINE	
EASEMENT	
△	SUBDIVISION CORNER SET PER M.A.G. DETAIL 120, TYPE "B"
●	PROPERTY CORNER SET PER M.A.G. DETAIL 120, TYPE "C"
◉	BRASS CAP
BCHH	BRASS CAP HAND HOLE
BC FLUSH	BRASS CAP FLUSH WITH PAVMENT
ROW	RIGHT-OF-WAY
PUE	PUBLIC UTILITY EASEMENT
VNAE	VEHICULAR NON-ACCESS EASEMENT
FND	FOUND
WE	WATER EASEMENT
SE	SEWER EASEMENT
DE	DRAINAGE EASEMENT
RCE	REFUSE COLLECTION EASEMENT
EVAE	EMERGENCY VEHICLE ACCESS EASEMENT
PAE	PEDESTRIAN ACCESSING EASEMENT

LEGAL DESCRIPTION (FOR REFERENCE ONLY)

THE SOUTH ONE-HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 5 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

LOT TABLE

LOT	AREA (SF)	AREA (AC)
1	18035.88	.4140
2	18085.88	.4151
3	18010.75	.4134
4	18404.17	.4223
5	19770.77	.4538
6	18261.17	.4192
7	18000.03	.4132
8	18084.08	.4151
9	18085.00	.4151

LINE TABLE

LINE	LENGTH	BEARING
L1	9.47'	S 89°19'40" W
L2	63.23'	N 00°36'17" W
L3	30.00'	S 89°19'40" W
L4	20.08'	S 89°19'40" W
L5	19.99'(R)	S 90°00'00" W (R)
L6	19.99'(M)	S 89°08'41" W (M)
L7	41.16'	S 00°36'17" E
L8	20.00'	N 89°19'40" E
L9	15.21'	S 42°44'21" W
L10	15.20'	S 44°11'52" E

CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA
C1	20.50'	19.34'	54°03'57"
C2	49.50'	35.21'	40°45'31"
C3	49.50'	57.38'	66°25'16"
C4	49.50'	59.49'	68°51'17"
C5	49.50'	57.29'	66°18'58"
C6	49.50'	39.55'	45°46'51"
C7	20.50'	19.34'	54°03'56"

R.B. WILLIAMS & ASSOCIATES, INC.
CONSULTING ENGINEERS
1921 S. ALMA SCHOOL RD., STE. 101
MESA, ARIZONA 85210
PHONE: (480) 424-2352
JEFFREY L. WILLIAMS, P.E.
PHILLIP C. WILLIAMS, P.E., R.L.S.

DESERT DAWN ESTATES
27010 NORTH 33RD AVENUE
PHOENIX, ARIZONA 85083

FINAL PLAT

REVISIONS:

DATE	03-05-20
DESIGN	JJW
DRAWN	JJW
CHK'D	JLW
SUB	15030PL02.DWG

PL02
SHEET NO. 2/2

PROCESSING NUMBERS:
KIVA: 02-930 SDEV: 1300425
QS: 49-21 CSPR: 1600381
PLAT: 190085

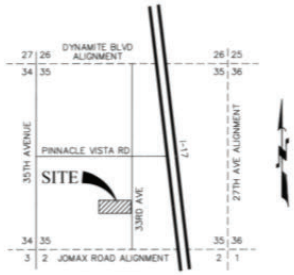
09 PM Thu Sep 29
72%
mail-attachment.googleusercontent.com

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
STEPHEN RICHER
2021083818 05/26/2021 09:53
BOOK 1593 PAGE 35
ELECTRONIC RECORDING

PLAT190085-2-1-1-M-
yorkm

FINAL PLAT
FOR
"DESERT DAWN ESTATES"

A DETACHED SINGLE FAMILY PLANNED RESIDENTIAL DEVELOPMENT SUBDIVISION LOCATED ON A PORTION OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 5 NORTH, RANGE 2 EAST, GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA



VICINITY MAP
T5N, R2E, SEC 35
(N.T.S.)

NOTES

1. NO STRUCTURE OF ANY KIND SHALL BE CONSTRUCTED ON, OVER, OR PLACED WITHIN A PUBLIC UTILITY EASEMENT, DRAINAGE EASEMENT, SANITARY SEWER EASEMENT, OR WATER EASEMENT EXCEPT AS NOTED BELOW. PAVING AND REMOVABLE TYPE FENCES, WITH NO CONTINUOUS FOOTING, ARE ALLOWED IN PUBLIC UTILITY EASEMENTS, SEWER EASEMENT, AND WATER EASEMENTS WITH APPROVAL FROM THE PLANNING AND DEVELOPMENT DEPARTMENT. NO VEGETATION SHALL BE PLANTED WITHIN ANY EASEMENT WITHOUT PRIOR APPROVAL FROM THE PLANNING AND DEVELOPMENT DEPARTMENT LANDSCAPE ARCHITECT. PUBLIC SANITARY SEWER OR WATER MAINS SHALL BE PLACED IN THE APPROPRIATE WATER AND SEWER EASEMENT. WATER MAINS THAT ARE PLACED WITHIN AN EASEMENT ARE REQUIRED TO BE DUCTILE IRON PIPE PER THE WATER SERVICES DEPARTMENT "DESIGN STANDARDS FOR WATER DISTRIBUTION MAIN". IT SHALL BE FURTHER UNDERSTOOD THAT THE CITY OF PHOENIX SHALL NOT BE REQUIRED DURING THE COURSE OF MAINTENANCE, CONSTRUCTION, RECONSTRUCTION, OR REPAIR. THE CITY OF PHOENIX MAY, BUT IS NOT REQUIRED TO, CONSTRUCT AND/OR MAINTAIN, AT ITS SOLE DISCRETION, DRAINAGE FACILITIES ON OR UNDER THE LAND IN THE DRAINAGE EASEMENTS.
2. DEVELOPMENT AND USE OF THIS SITE WILL CONFORM TO ALL APPLICABLE CODES AND ORDINANCES.
3. THIS SUBDIVISION IS LOCATED WITHIN THE CITY OF PHOENIX WATER SERVICE AREA AND HAS BEEN DESIGNATED AS HAVING AN ASSURED WATER SUPPLY.
4. ALL NEW OR RELOCATED UTILITIES WILL BE PLACED UNDERGROUND.
5. ALL SIGNAGE REQUIRES SEPARATE APPROVALS AND PERMITS.
6. ANY LIGHTING WILL BE PLACED SO AS TO DIRECT LIGHT AWAY FROM THE ADJACENT RESIDENTIAL DISTRICTS AND WILL NOT EXCEED ONE FOOT CANDLE AT THE PROPERTY LINE. NO NOISE, ODOR OR VIBRATION WILL BE EMITTED SO THAT IT EXCEEDS THE GENERAL NOISE, ODOR OR VIBRATION EMITTED BY USES OUTSIDE THE SITE.
7. OWNERS OF PROPERTY ADJACENT TO PUBLIC RIGHT-OF-WAY WILL HAVE THE RESPONSIBILITY FOR MAINTAINING ALL LANDSCAPING WITHIN THE RIGHTS-OF-WAY IN ACCORDANCE WITH APPROVED PLANS.
8. STRUCTURES AND LANDSCAPING AT THE INTERSECTION OF 33RD AVENUE WITH DESERT DAWN DRIVE WITHIN A TRIANGLE MEASURING 20' ALONG 33RD AVENUE AND 10' ALONG DESERT DAWN DRIVE WILL BE MAINTAINED AT A MAXIMUM HEIGHT OF THREE FEET (3').
9. AN ASSOCIATION, INCLUDING ALL PROPERTY OWNERS IN THE DEVELOPMENT, WILL BE FORMED AND HAVE THE RESPONSIBILITY FOR MAINTAINING ALL COMMON AREAS TO BE NOTES AS "TRACTS" OR EASEMENTS (INCLUDING LANDSCAPED AREAS AND DRAINAGE FACILITIES) IN ACCORDANCE WITH APPROVED PLANS.
10. EACH LOT IN THIS SUBDIVISION IS PERMITTED ONE DWELLING UNIT FOR A TOTAL OF 9 DWELLINGS WITHIN THE ENTIRE SUBDIVISION.
11. THIS SITE LIES WITHIN THE PARADISE VALLEY SUBSIDENCE AREA.
12. STRUCTURES AND LANDSCAPING WITHIN A TRIANGLE MEASURING 10' X 20' ALONG THE PROPERTY LINES WILL BE MAINTAINED AT A MAXIMUM HEIGHT OF 3'.

DEDICATION

STATE OF ARIZONA } SS
COUNTY OF MARICOPA }

KNOW ALL MEN BY THESE PRESENTS: R & B ARIZONA LAND, LLC, A NEW MEXICO LIMITED LIABILITY COMPANY, AS OWNER, HAS SUBDIVIDED UNDER THE NAME OF "DESERT DAWN ESTATES", A PORTION OF SECTION 35, TOWNSHIP 5 NORTH, RANGE 2 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, AS SHOWN AND PLATTED HEREON AND HEREBY PUBLISHES THIS PLAT AS AND FOR THE PLAT OF "DESERT DAWN ESTATES", A DETACHED SINGLE FAMILY PLANNED RESIDENTIAL DEVELOPMENT SUBDIVISION AND HEREBY DECLARES THAT SAID PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF THE LOTS, TRACTS, STREETS AND EASEMENTS CONSTITUTING SAME, AND THAT EACH LOT, TRACT, AND STREET SHALL BE KNOWN BY THE NUMBER, LETTER OR NAME GIVEN EACH RESPECTIVELY ON SAID PLAT. R & B ARIZONA LAND, LLC, AS OWNER, HEREBY DEDICATES TO THE PUBLIC, FOR USE AS SUCH, THE STREETS AND EASEMENTS AS SHOWN ON SAID PLAT AND INCLUDED IN THE ABOVE DESCRIBED PREMISES.

TRACT "A" IS HEREBY DECLARED AS A PRIVATE ACCESS WAY TO BE OWNED AND MAINTAINED BY THE HOMEOWNERS' ASSOCIATION. AN EASEMENT FOR PUBLIC WATER AND SEWER, REFUSE COLLECTION, DRAINAGE, AND EMERGENCY AND SERVICE TYPE VEHICLE ACCESS IS HEREBY DEDICATED TO THE PUBLIC OVER TRACT "A".

TRACTS "B", "C" AND "D" ARE HEREBY DECLARED AS COMMON AREAS TO BE OWNED AND MAINTAINED BY THE HOMEOWNERS' ASSOCIATION. AN EASEMENT FOR DRAINAGE AND RETENTION IS HEREBY DEDICATED OVER TRACTS "B" AND "C".

IN WITNESS WHERE OF, R & B ARIZONA LAND, LLC, A NEW MEXICO LIMITED LIABILITY COMPANY, AS OWNER, HAS HEREUNDER CAUSED ITS NAME TO BE SIGNED AND THE SAME TO BE ATTESTED BY THE SIGNATURE OF Connie Lee Gunter,
ITS MANAGING MEMBER
THEREUNTO DULY AUTHORIZED ON THIS 9 DAY OF March 2020.
Randall J. Schmille, MM
OWNER/AUTHORIZED SIGNER

JAMIE LEE GUNDER NOTARY PUBLIC - ARIZONA Maricopa County Commission # 556250 My Commission Expires August 8, 2022

APPROVALS

APPROVED BY: Dan Gesko for Darren Chapman 12/01/2020
PLANNING AND DEVELOPMENT DEPARTMENT DATE

APPROVED BY THE COUNCIL OF THE CITY OF PHOENIX, ARIZONA ON
THIS 2nd DAY OF December 2020
ATTEST: [signature] 12-04-2020
CITY CLERK DATE

CERTIFICATION

THIS IS TO CERTIFY THAT THE SURVEY AND SUBDIVISION OF THE PREMISES DESCRIBED AND PLATTED HEREON WAS MADE UNDER MY DIRECTION DURING THE MONTH OF FEBRUARY, 2016; THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN; THAT THE MONUMENTS SHOWN ACTUALLY EXIST OR WILL BE SET AS SHOWN; THAT THEIR POSITIONS ARE CORRECTLY SHOWN; AND THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

REGISTERED LAND SURVEYOR SIGNATURE 03-05-20 DATE

OWNER ACKNOWLEDGMENT

STATE OF ARIZONA } SS
COUNTY OF MARICOPA }

BEFORE ME THIS 9 DAY OF March, 2019,
PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY
PUBLIC, WHO ACKNOWLEDGED HIMSELF TO BE Randall Schmille
OF R&B Arizona Land, LLC THE LEGAL OWNER OF THE
PROPERTY PLATTED HEREON AND ACKNOWLEDGE THAT Randall Schmille
AS manager/member, EXECUTED THIS INSTRUMENT
FOR THE PURPOSES HEREIN CONTAINED.

IN WITNESS WHEREOF, I HEREUNTO SET MY HAND AND OFFICIAL SEAL
[signature] EXPIRES 8.8.2022
NOTARY PUBLIC

JAMIE LEE GUNDER NOTARY PUBLIC - ARIZONA Maricopa County Commission # 556250 My Commission Expires August 8, 2022

ENGINEER
R.B. WILLIAMS & ASSOCIATES, INC.
40 W. BASELINE ROAD
SUITE 110
TEMPE, ARIZONA 85283
PHONE: (480)424-2352
CONTACT: JEFFREY L. WILLIAMS, P.E.

SURVEYOR
R.B. WILLIAMS & ASSOCIATES, INC.
40 W. BASELINE ROAD
SUITE 110
TEMPE, ARIZONA 85283
PHONE: (480)424-2352
CONTACT: PHIL WILLIAMS, P.E., R.L.S.

OWNER
R & B ARIZONA LAND, LLC
P.O. BOX 90848
ALBUQUERQUE, NM 87199
PHONE: (505)315-0312
CONTACT: RANDY SCHMILLE

BASIS OF BEARING
THE CENTER LINE OF 33RD AVENUE AS RECORDED ON ALTA/ACSM LAND TITLE SURVEY M.C.R. BOOK 986, PAGE 48, S 00°36'17" E

TRACT TABLE

TRACT	USE
A	PRIVATE ACCESS WAY
B	COMMON AREA
C	COMMON AREA
D	COMMON AREA

LOT TABLE

LOT	AREA (SF)	AREA (AC)
1	18035.88	.4140
2	18085.88	.4151
3	18010.75	.4134
4	18404.17	.4225
5	19770.77	.4538
6	18261.17	.4192
7	18000.03	.4132
8	18084.08	.4151
9	18085.00	.4151

SHEET INDEX

DESCRIPTION	SHEET NO.	
COVER SHEET	PL01	1
FINAL PLAT	PL02	2

PROCESSING NUMBERS:
KIVA: 02-930 SDEV: 1300425
QS: 49-21 CSPR: 1600381
PLAT: 190085

R.B. WILLIAMS & ASSOCIATES, INC.
CONSULTING ENGINEERS
1921 S. ALMA SCHOOL RD., STE 101
MESA, ARIZONA 85210
PHONE: (480) 424-2352
JEFFREY L. WILLIAMS, P.E.
PHILLIP C. WILLIAMS, P.E., R.L.S.

51970 PHILLIP C. WILLIAMS REGISTERED LAND SURVEYOR ARIZONA U.S.A.

PROJECT NAME
DESERT DAWN ESTATES
27010 NORTH 33RD AVENUE
PHOENIX, ARIZONA 85083

SHEET TITLE
COVER SHEET

REVISIONS:

DATE	03-05-20
DESIGN	JJW
DRAWN	JJW
CHK'D	JLW
SUB.	

15030PL01.DWG

PL01
SHEET NO.
1/2

UNOFFICIAL DOCUMENT

RE: Z-16-22
APN 205-02-020A and B

Dear City of Phoenix Planning Commission:

I want to go down on record as being **100% opposed** to the proposed zoning change to the property, which is the subject this case number Z-16-22-1. I live on a 2-acre parcel at 28036 N. 31st Ave (SWC of Dynamite and 31st Ave) that lies on the NEC of the proposed development. It is my understanding that Mr. Schmille, has amended his original plan that was presented to the Deer Valley Village Planning Committee to reduce his development from 19 residential dwelling units to 14 residential units, and to limit his development to parcels 205-02-020A and B only. The two parcels encompass an area of 4.81 acres.

I do not oppose development to the subject parcels provided the zoning remains S-1 and only one single story dwelling unit per acre is allowed. I oppose the zoning change for the following reasons:

1) I purchased my property 21 years ago in 2001 because of the 1-acre zoning designation and the character of the neighborhood. I have always expected that the adjacent vacant lot would be developed at some point with residences on minimum 1-acre lots as the current S-1 zoning regulation stipulates. Since I moved in, I have put a significant amount of money into the property for improvements. **If I had known the zoning would be changed, (and could be done so against the will of the existing neighbors in the area) I would have never purchased property**.

2) **This is an established S-1 neighborhood.** My house was constructed in 1963 ans has been there for nearly 60 years. It is true, the City allowed rezoning of a portion of the neighborhood, and some tract development has been constructed, most of which was during or before 2002. Since then, not many of the vacant properties have been developed, with the exception of several custom homes on minimum 1–acre parcels and the Deem Hill/Taylor Morrison development. Currently, two new tract home developments are being constructed, one property (Desert Dawn Estates) is or was owned by Mr. Schmille. So far, the tract housing development in the neighborhood has been limited primarily to the periphery. The interior of the neighborhood is still composed of S-1 properties, as the attached exhibit shows. This area contains approximately 150 to 200+/- properties of 1-acre or greater with existing single-family homes.

3) **Changing the zoning in an established residential neighborhood to a higher density zoning designation is not appropriate**, especially when the proposed development is adjacent to existing S-1 properties. Up until recently, the existing tract homes in the neighborhood were located across the streets from the S-1 properties and do not butt up directly on the property lines. A notable exception is the aforementioned Deem Hills residential development. This property is located in the NWC of the neighborhood (see exhibit). **This development, when proposed, received extensive**

opposition from the area's residents and the City of Phoenix Planning Commission unanimously voted against it. I oppose Mr. Schmille's current proposed development for the same reasons the existing residents had regarding Deem Hills. Unfortunately, the City Council ignored the Planning Commission's recommendation on Deem Hills and approved the rezoning request. The biggest difference between this proposed development and Deem Hills was that the Deem Hills development had a lower density (R1-18) and set a precedent of providing **walled buffer zones between it and existing adjacent S-1 properties of 85 to 40 feet.**

4) One of the reasons that came up during the Deer Valley Village meeting for why the proposed development was needed was because there is a housing shortage in the Phoenix metro area. Recent research that I have conducted based on viewing the Maricopa County's Assessors website shows that within two miles of 31st Ave. and Dynamite there are currently 14 housing developments currently under construction at this time. The following table attempts to quantify the number of dwelling units that are currently being constructed. The number of apartments and condominiums, of which there are many, could not be determined and are not included. The number of units in Union Park could also not be determined, but I would assume number in the hundreds. The development is extremely large and some phases are constructed. A table showing these developments is shown below.

Residential Dwelling Units Currently Under Construction
Within 2 miles of Dynamite Blvd. and 31st Ave.

SUBDIVISION	LOT COUNT/DUs	LOCATION	ZONING
Stetson Village II Apartments		Happy Valley and 35th Ave	RE-35
Middle Vistas	228	I-17 and Dixileta	various
Avilla Canyon (condos or apartments)		I17 and Oberlin	R-3
17 North	250	I17 and Oberlin	R-3A
Sterling Vista	57	I17 and Pinnacle Vista	R1-8
Ascend at Dynamite	260	I17 and Oberlin	R-3A
I17 and Jomax Apartments		Jomax and I17	R-3A
Norterra PUD Parcel 21	114	Jomax and 19th Ave.	PUD
Norterra PUD Parcel 22	156	Jomax and Norterra Pkwy.	PUD
Norterra PUD Parcel 20	110	Jomax and 19th Ave.	PUD
Norterra PUD Parcel 19	49	Jomax and 21th Ave.	PUD
Union Park at Norterra	Huge	Happy Valley and 19th Ave.	PUD
Desert Dawn Estates	9	Bajada Dr and 33rd ave	R-18
Summit at Deem Hills	43	Dydnamite and 37th Ave.	R-18
TOTAL	**1,276**		

Additionally, numerous other residential developments have been constructed recently in the area and may not be fully occupied. These developments are not quantified in the above table.

As shown, Mr. Schmille's proposed 14 additional housing units will barely make an impact when compared to the number already under construction. Mr. Schmille's proposal for a zoning change will do little to alleviate the housing shortage and only serves to irritate the existing residents that live adjacent to the subject property for no overriding or valid reason.

5) Based on the Mr. Schmille's revised sketch, 2-story homes are still proposed on the north property line of his property, two of which are directly in a line of sight to my pool and patio. **The reason as to why Mr. Schmille needs four 2-story homes as part of his development at the locations he has chosen is suspect at best, especially when he has eliminated all the rest.** The vast majority of the tract homes that have been constructed, or are under construction, are single-story dwelling units. An exception are those constructed in Norterra Pointe on the north side of Dynamite. These homes, however, do not overlook any existing S-1 property.

6) **Mr. Schmille's proposed development will lower our property values.** A tract development, like the one proposed, in the middle of a semi-rural area will do nothing for the property values for those that live there already. **Will the City or developer be reimbursing us for the money that each of us in the surrounding area have invested?**

7) **The General Plan is just what it says "GENERAL".** It is a tool to be used by the City for infrastructure planning. Apparently, the City revised the General Plan in 2015. I was never been asked for my input by the City regarding a General Plan amendment in my area. Were others? While Mr. Schmille's proposed development may be consistent with the General Plan as written, there are still a number of overriding factors to be considered as outlined herein. I personally have better things to do than being drawn in to these endless hearings, writing letters and having to fight against someone that wants to come in and change the rules, make a lot money and leave. Trust me, I have plenty of other things to do.

8) **I find nothing in the zoning ordinance that states that the S-1 zoning designation is no lesser a zoning designation than any other zoning designation.** This statement was made in the previous hearing. I would like to know where in the City's statutes that this statement is written.

9) Regardless of what type of development is constructed, I would expect that development of the property will not inconvenience me in any way and will not cost me any money out-of-pocket to mitigate adverse impacts because of it. The following at a minimum:

a) Two-story or greater residential units are prohibited.

b) Removal and replacement of the existing fence between the adjacent properties and Mr. Schmille's with an attractive 8-foot high CMU block wall that does not require painting and extends along my 300'+/- southern property line.

c) Installation of privacy landscaping consisting of some type of vegetation that is capable of growing up to a minimum 10 to 12 feet in height.

d) Modification of my existing irrigation system to adequately irrigate the new vegetation.

e) Any street lighting shall be low level lighting only is required.

f) Provide all of the labor required for the above-described improvements.

Opposing this proposed zoning change has a huge impact on the current S-1 residents, and battling this proposal has been an incredibly time consuming effort for me and my neighbors that we did not ask for. Again, I have no opposition to a residential project if Mr. Schmille wishes to construct one single-story house per acre as the current S-1 zoning regulation stipulates.

Sincerely,

Fred Renn
28036 N. 31st Avenue
Phoenix, AZ 85083

Maricopa County Assessor's Office
Parcel Viewer

Home FAQ Contact Us Help Version 3.4

Address or Intersection

Draw

Step 1: Select a tool to draw with:

Step 2: Select a preset symbol to use:

Preview:

Color:

Style: Solid

Transparency: Opaque Transparent 0% 50% 100%

Width: 7

Show Measurements

Undo Redo Clear

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** 83

(CONTINUED FROM NOV. 2, 2022) - Public Hearing and Ordinance Adoption - Planning Hearing Officer Application PHO-2-22--Z-47-17-8 - Approximately 130 feet North of the Northwest Corner of 19th Avenue and Latona Lane (Ordinance G-7054)

Request to hold a public hearing and authorize the City Manager, or his designee, to consider the Planning Commission recommendation by the City Council on matters heard by the Planning Hearing Officer on Aug. 17, 2022, and the Planning Commission on Oct. 6, 2022.

Summary

Application: PHO-2-22--Z-47-17-8
Existing Zoning: R1-10
Acreage: 5.12

Owner: Bella Rosa Partners, LLC
Applicant and Representative: Terrascape Consulting, LLC

Proposal:
1. Modification of Stipulation 1 regarding general conformance with the site plan date stamped July 28, 2017.
2. Review of conceptual elevations by the Planning Hearing Officer per Stipulation 4.

Concurrence/Previous Council Action

VPC Action: The South Mountain Village Planning Committee heard this case on Aug. 9, 2022, and recommended approval by a vote of 7-4.
PHO Action: The Planning Hearing Officer heard this case on Aug. 17, 2022, and recommended approval with modifications and additional stipulations.
Staff Recommendation: Approval, per the Planning Hearing Officer recommendation.
PC Action: The Planning Commission heard this case on Oct. 6, 2022, and recommended approval, per the Planning Hearing Officer recommendation.
The Planning Commission recommendation was appealed by a community member on Oct. 11, 2022.

Location

Approximately 130 feet north of the northwest corner of 19th Avenue and Latona Lane
Council District: 8
Parcel Address: 8030 S. 19th Ave.

Responsible Department

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

ATTACHMENT A

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

ORDINANCE G-

AN ORDINANCE AMENDING THE STIPULATIONS APPLICABLE TO REZONING APPLICATION Z-47-17-8 PREVIOUSLY APPROVED BY ORDINANCE G-6560.

_____

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

SECTION 1. The zoning stipulations applicable located approximately 130 feet north of the northwest corner of 19th Avenue and Latona Lane in a portion of Section 1, Township 1 South, Range 2 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 date stamped JUNE 30, 2022 ~~July 28, 2017~~, as modified by the following stipulations and approved by the Planning and Development Department, WITH SPECIFIC REGARD TO THE FOLLOWING:

   A. THE SITE PLAN SHALL DEPICT STAGGERED FRONT SETBACKS FOR COVERED BUILDING ELEMENTS, SUCH THAT ANY TWO ADJACENT LOTS SHALL PROVIDE A MINIMUM VARIATION IN FRONT SETBACK OF 4 FEET.

2. All sidewalks shall be detached with a minimum 5-foot wide landscaped strip located between the sidewalk and back of curb and shall include a minimum 2-inch caliper shade trees planted a minimum of 20 feet on center or equivalent groupings staggered along both sides of the sidewalk, as approved by the Planning and Development Department.

DRAFT

The landscape strip shall be installed by the developer and maintained by the HOA.

3. Architectural elevations shall be presented to the South Mountain Village Planning Committee for review and comment prior to final site plan approval.

4. ~~Conceptual elevations shall be reviewed and approved for consistency with the Rio Montaña Area Plan by the Planning Hearing Officer through the public hearing process for stipulation modification prior to preliminary site plan approval. This is a legislative review for conceptual purposes only. Specific development standards and requirements may be determined by the Planning Hearing Officer and the Planning and Development Department.~~

   THE DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE ELEVATIONS DATE STAMPED AUGUST 17, 2022, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

5. COVERED PORCHES A MINIMUM OF SIXTY SQUARE FEET IN AREA AT A DEPTH OF AT LEAST SIX FEET SHALL BE PROVIDED IN THE FRONT YARD OF FIFTY PERCENT OF THE HOMES IN A SUBDIVISION. NO PORCH SHALL TERMINATE WITHIN THE PLANE OF A DOOR OR WINDOW.

6. ~~5.~~ The perimeter wall adjacent to 19th Avenue shall include minimum 3-foot offsets at a minimum spacing of every 50 feet and material and textural differences, such as stucco and/or split face block with a decorative element, such as tile, glass insets, or stamped designs, as approved by the Planning and Development Department.

7. ~~6.~~ Fence and wall materials adjacent to common areas and open space as depicted on the site plan date stamped July 28, 2017 shall consist of wrought iron, split rail, corral fencing, or a combination of 3 feet of solid masonry topped by open wrought iron or a similar material, or a combination of the aforementioned fence types and open farm fencing, as approved by the Planning and Development Department.

8. THE DEVELOPER SHALL DEDICATE MINIMUM 50-FEET OF RIGHT-OF-WAY ALONG THE WEST SIDE OF 19TH AVENUE. IMPROVEMENTS SHALL INCLUDE A MINIMUM 5-FOOT-WIDE DETACHED SIDEWALK AND MINIMUM 11-FOOT-WIDE LANDSCAPE STRIP LOCATED BETWEEN THE BACK OF CURB AND SIDEWALK, AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. LANDSCAPE STRIP PLANTING REQUIREMENTS TO BE APPROVED BY PLANNING AND DEVELOPMENT.

DRAFT

9. The developer shall dedicate right-of-way totaling 25 feet for the east half ~~7.~~ of 20th Avenue, as approved by the Planning and Development Department

10. The developer shall construct all streets within and adjacent to the ~~8.~~ development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping, and other incidentals as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.

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

12. The property owner shall record documents that disclose the existence, ~~10.~~ and operational characteristics of Phoenix Sky Harbor International Airport (PHX) to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.

13. 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 2. Due to the site’s specific physical conditions and the use district granted pursuant to Ordinance G-6560 this portion of the rezoning is now subject to the stipulations approved pursuant to Ordinance G-6560 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 2nd day of November, 2022.

_____
MAYOR

ATTEST:

_____
Denise Archibald, City Clerk

APPROVED AS TO FORM:
Cris Meyer, City Attorney

By:
_____
_____

REVIEWED BY:

_____
Jeffrey Barton, City Manager

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

DRAFT

EXHIBIT A

Located in the Northeast Quarter of Section 1, Township 1 South, Range 2 East, Gila and Salt River Meridian, Maricopa County, Arizona. Described as follows:

Commencing at the East Quarter corner of said Section 1;

Thence North 01°00'21" East, along the East line of said Northeast Quarter, a distance of 590.28 feet to the POINT OF BEGINNING;

Thence departing said East line, North 89°56'01" West, a distance of 658.57 feet;

Thence North 00°57'19" East, a distance of 336.90 feet;

Thence North 89°45'35" East, a distance of 658.94 feet to said East line;

Thence South 01°00'21" West, along said East line, a distance of 340.43 feet to the POINT OF BEGINNING.

Containing 223,056.73 square feet or 5.12 acres, more or less.

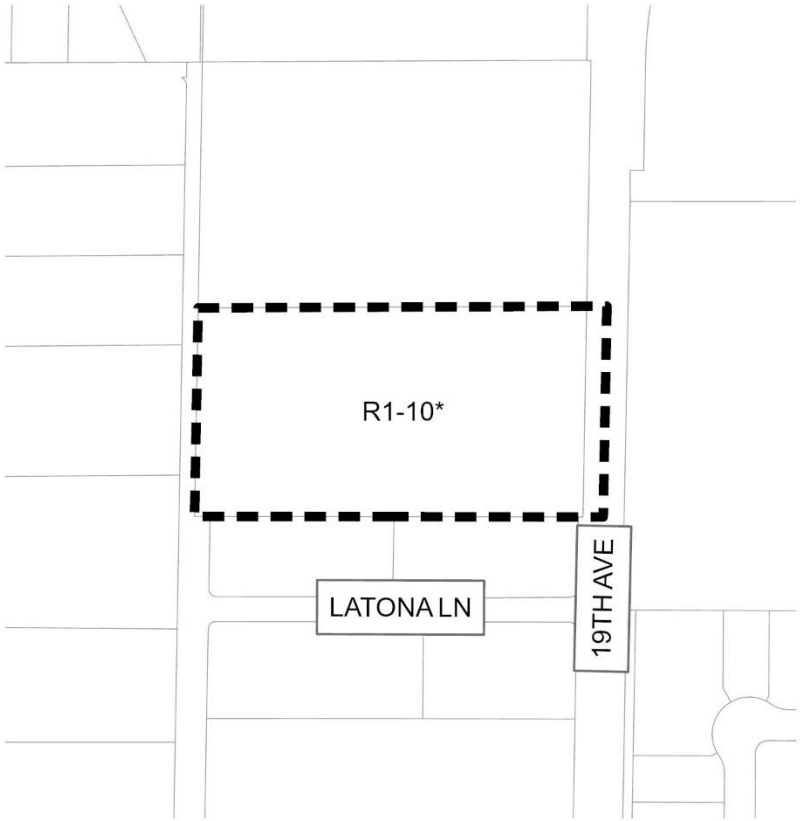
DRAFT

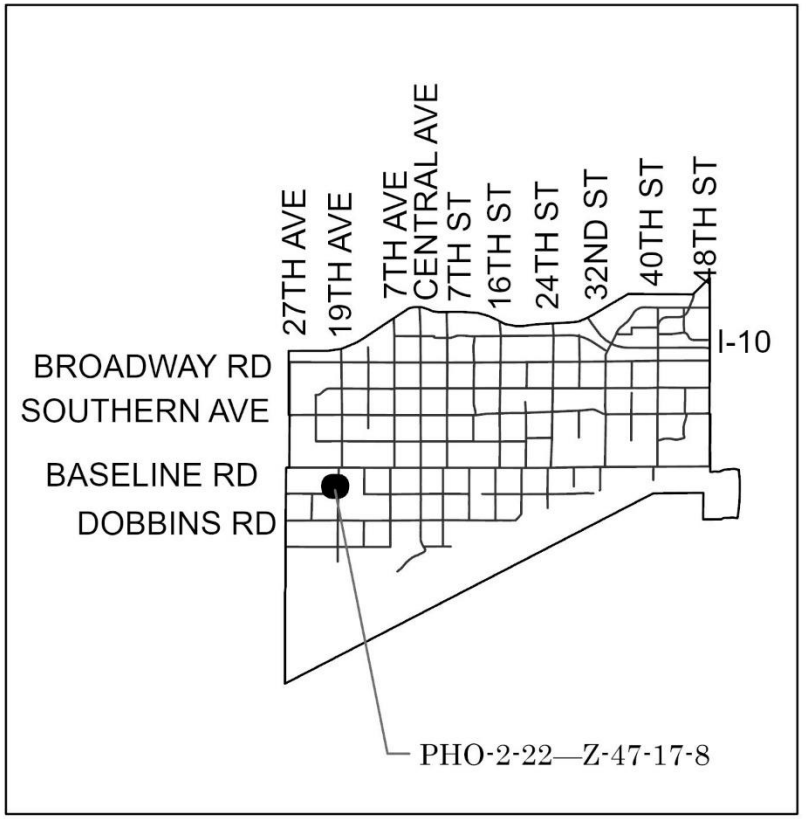
ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA:

Zoning Case Number: PHO-2-22—Z-47-17-8
Zoning Overlay: N/A
Planning Village: South Mountain





NOT TO SCALE

N

Drawn Date: 10/10/2022

\\one\pdd\Shared\Department Share\Information Systems\PL GIS\IS_Team\Core_Functions\Zoning\SuppMaps_OrdMaps\2022 Ord\11-2-22\11-2-22.aprx

Attachment B

City of Phoenix

Staff Report: PHO-2-22--Z-47-17-8

APPLICATION #: PHO-2-22--Z-47-17-8

LOCATION: Approximately 130 feet north of the northwest corner of 19th Avenue and Latona Lane

EXISTING ZONING: R1-10

ACREAGE: 5.12

REQUEST: 1) Modification of Stipulation 1 regarding general conformance with the site plan date stamped July 28, 2017.
2) Review of conceptual elevations by the Planning Hearing Officer per Stipulation 4.

APPLICANT: Terrascape Consulting, LLC

OWNER: Bella Rosa Partners, LLC

REPRESENTATIVE: Terrascape Consulting, LLC

STAFF RECOMMENDATION

Approval with modifications and additional stipulations, as recommended by the Planning Hearing Officer.

PLANNING HEARING OFFICER RECOMMENDATION

The Planning Hearing Officer heard the request on August 17, 2022 and recommended approval with modifications and additional stipulations.

VILLAGE PLANNING COMMITTEE RECOMMENDATION

The South Mountain Village Planning Committee heard this request on August 9, 2022 and recommended approval by a vote of 7-4.

BACKGROUND/ANALYSIS

The subject site consists of 5.12 gross acres located approximately 130 feet north of the northwest corner of 19th Avenue and Latona Lane and is zoned R1-10 (Single-Family Residence District). The subject property constitutes only the southern portion of the 11.15 gross acres included in original Rezoning Case No. Z-47-17.

The applicant requested modification of Stipulation 1 regarding general conformance with the site plan date stamped July 28, 2017. The stipulated site plan (Exhibit H) depicted a 32-unit subdivision at a density of approximately 3.03 dwelling units per gross acre on the full 11.15 gross acres of the original rezoning case area. Approximately 15 dwelling units were depicted on the southern half of the site. The proposed conceptual site plan (Exhibit G) depicts an 18-unit single-family subdivision at approximately 3.51 dwelling units per gross acre. A single street terminating in a cul-de-sac on the western edge of the site is proposed, and approximately 9 percent of the gross area would be reserved for common area open space. The lots are 58 feet wide with minor variations around the cul-de-sac.

Building elevations were not provided in the original rezoning case. Stipulation 4 requires that conceptual elevations be reviewed and approved for consistency with the Rio Montaña Area Plan by the Planning Hearing Officer through the public hearing process. The proposed conceptual elevations (Exhibit I) depict single-story homes at a maximum height of approximately 19 feet 6 inches to the ridge. These proposed elevations were also redesigned and resubmitted after the August 9, 2022 South Mountain Village Planning Committee (VPC) meeting to address their recommended additional stipulation regarding covered porches. The elevations depict a variety of building materials (stone façade, composite siding, wood elements, brick veneer), multiple building colors, variation in roof design, and multiple architectural features (wood posts, gable ornamentation, varied window sizes, decorative garage panels).

The appellant argues that the proposed increase in density is not appropriate for this community and does not provide any transition to S-1 zoned properties in the surrounding area. The appellant states that she supports preservation of rural character, consistency with the Rio Montaña Area Plan, single-story development, and a maximum density of 3 dwelling units per gross acre.

PREVIOUS HISTORY

On January 10, 2018, the Phoenix City Council approved Rezoning Case No. Z-47-17-8, a request to rezone approximately 11.15 gross acres located approximately 130 feet north of the northwest corner of 19th Avenue and Latona Lane from S-1 (Ranch or Farm Residence), R1-10 (Single-Family Residence District), and R1-18 (Single-Family Residence District) to R1-10 (Single-Family Residence District), subject to stipulations.

On February 20, 2019, the Phoenix City Council approved a modification of Stipulation 3 as recommended by the Planning Hearing Officer regarding the timing of the elevation review by the South Mountain VPC. This modification was intended to allow the VPC to

review elevations prior to final site plan approval rather than preliminary site plan approval. On August 9, 2022, the South Mountain VPC meeting reviewed the elevations per Stipulation 3 as a separate agenda item from the PHO request and recommended approval with two recommendations regarding staggered lots and front porches (Exhibit K). For further discussion, see Planning Hearing Officer Finding #1.

NEIGHBORHOOD CONCERNS

Public Correspondence

Twelve letters of opposition were received regarding this request. Concerns expressed include the following:

- Increase in density compared with the stipulated site plan (12 letters)
- Building height (12 letters)
- Reduction in open space compared with the stipulated site plan (11 letters)
- Enhanced setbacks along 19th and 20th Avenues (11 letters)
- Increased shade and heat mitigation measures (11 letters)
- Concern regarding Rio Montaña Area Plan conformity (11 letters)

GENERAL PLAN LAND USE MAP DESIGNATION

Residential 2 to 3.5 dwelling units per acre

CHARACTER OF SURROUNDING LAND USE

	Zoning	Land Use
On-site:	R1-10	Vacant
North:	R1-10	Vacant
South:	S-1	Single-Family Residential
East: (Across 19th Avenue)	S-1	Tree Farm
West: (Across 20th Avenue)	S-1	Single-Family Residential

PLANNING HEARING OFFICER FINDINGS

The Planning Hearing Officer's recommendation was based on the following findings:

1) The South Mountain Village Planning Committee (VPC) heard two agenda items regarding this case at their August 9, 2022 meeting. The first (Agenda Item #7)

was the PHO request itself. The second (Agenda Item #8) was for review and comment on architectural elevations per the requirements of Stipulation 3. Note that Stipulation 3 is redundant of, and less restrictive than, the requirement for PHO review of conceptual elevations required by Stipulation 4. However, during the review and comment item, the VPC made two recommendations regarding the provision of staggered front setbacks and front porches. These recommendations are addressed in these findings along with the consideration paid to the VPC's discussion during the PHO request itself.

2) The request to modify Stipulation 1 regarding general conformance with the site plan is recommended for approval with modifications to provide more standard conformance language and to add a new sub-stipulation requiring staggered front setbacks.

   The subject property includes only the southern 5.12 gross acres of the 11.15 gross acres rezoned in the original case. The stipulated site plan depicted a 32-unit single-family subdivision at approximately 3.03 dwelling units per gross acre and approximately 13.9% open space. Units were arranged around four cul-de-sacs oriented north/south, with most of the open space along the west property line. The street running east/west through the site terminated in an emergency gate along the west property line.

   The proposed conceptual site plan depicts an 18-unit single-family subdivision at approximately 3.51 dwelling units per gross acre, with approximately 9% open space. Units are arranged along a street running east/west through the site. The street terminates in a cul-de-sac along the west property line. Most of the open space is along the west property line. The proposal is substantially similar to the stipulated site plan, with the caveat that it is designed with less than half of the original area. The density remains below, and the open space above, Ordinance standards. The proposal is compatible with existing development in the surrounding area.

   A new sub-stipulation is recommended requiring staggered front setbacks. This recommendation is consistent with the recommendation of the South Mountain Village Planning Committee. It is also consistent with design recommendations in the Rio Montaña Area Plan (Page 39, Figure 71).

3) The applicant submitted conceptual elevations for review and approval per the requirements of Stipulation 4. The stipulation has been complied with and is recommended to be deleted and replaced with a standard language stipulation for general conformance to the elevations provided. Stipulation 4 states that the elevations submitted should be consistent with recommendations in the Rio Montaña Area Plan. The elevations depict a variety of building materials (stone façade, composite siding, wood elements, brick veneer), multiple building colors, variation in roof design, and multiple architectural features (wood posts, gable ornamentation, varied window sizes, decorative garage panels). This diversity is

consistent with the Rio Montaña Area Plan and many of the design choices are compatible with the rural and agricultural character described in the plan.

4) An additional stipulation is recommended to require front porches to be provided per the requirements of the Baseline Area Overlay District (651.E.3.b.(4)). This recommendation is consistent with the recommendation of the South Mountain Village Planning Committee. It is also consistent with the Rio Montaña Area Plan (Page 22; Page 23; Page 44, Figures 97 and 100) and the intent of Stipulation 4.

5) The Street Transportation Department recommends one additional stipulation addressing required dedications, detached sidewalks, and landscaping along 19th Avenue. This stipulation is recommended for inclusion.

   19th Avenue is identified on the City Council Approved Street Classification Map as a D-Section Arterial roadway. This cross section requires a total right-of-way dedication of 50-feet where the last 10-feet may consider a 10-foot-wide sidewalk easement. Within the ROW/sidewalk easement, an 11-foot-wide landscape strip located between back of curb and sidewalk is required to create a separated detached sidewalk and allow planting space for trees to mature and to adequately shade the sidewalk.

   While Stipulation 2 (not a part of this request) addresses detached sidewalks, requiring a minimum 5-foot-wide landscape strip between back of curb and sidewalk, this does not override the City Council approved Street Classification Map. While all other detached sidewalks within the development may allow the 5-foot-wide landscape strip, 19th Avenue cannot and shall comply with the recommended stipulation as described.

6) The applicant did not submit a Proposition 207 waiver of claims prior to the Planning Hearing Officer hearing. Submittal of this form is an application requirement. An additional stipulation is recommended to require the applicant to record this form and deliver it to the City to be included in the rezoning application file for record.

PLANNING HEARING OFFICER RECOMMENDED STIPULATIONS

1.	The development shall be in general conformance with the site plan date stamped JUNE 30, 2022 ~~July 28, 2017~~, as modified by the following stipulations and approved by the Planning and Development Department, WITH SPECIFIC REGARD TO THE FOLLOWING:	
	A.	THE SITE PLAN SHALL DEPICT STAGGERED FRONT SETBACKS FOR COVERED BUILDING ELEMENTS, SUCH THAT ANY TWO ADJACENT LOTS SHALL PROVIDE A MINIMUM VARIATION IN FRONT SETBACK OF 4 FEET.

2.	All sidewalks shall be detached with a minimum 5-foot wide landscaped strip located between the sidewalk and back of curb and shall include a minimum 2-inch caliper shade trees planted a minimum of 20 feet on center or equivalent groupings staggered along both sides of the sidewalk, as approved by the Planning and Development Department. The landscape strip shall be installed by the developer and maintained by the HOA.
3.	Architectural elevations shall be presented to the South Mountain Village Planning Committee for review and comment prior to final site plan approval.
4.	~~Conceptual elevations shall be reviewed and approved for consistency with the Rio Montaña Area Plan by the Planning Hearing Officer through the public hearing process for stipulation modification prior to preliminary site plan approval. This is a legislative review for conceptual purposes only. Specific development standards and requirements may be determined by the Planning Hearing Officer and the Planning and Development Department.~~ THE DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE ELEVATIONS DATE STAMPED AUGUST 17, 2022, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
5.	COVERED PORCHES A MINIMUM OF SIXTY SQUARE FEET IN AREA AT A DEPTH OF AT LEAST SIX FEET SHALL BE PROVIDED IN THE FRONT YARD OF FIFTY PERCENT OF THE HOMES IN A SUBDIVISION. NO PORCH SHALL TERMINATE WITHIN THE PLANE OF A DOOR OR WINDOW.
6. ~~5.~~	The perimeter wall adjacent to 19th Avenue shall include minimum 3-foot offsets at a minimum spacing of every 50 feet and material and textural differences, such as stucco and/or split face block with a decorative element, such as tile, glass insets, or stamped designs, as approved by the Planning and Development Department.
7. ~~6.~~	Fence and wall materials adjacent to common areas and open space as depicted on the site plan date stamped July 28, 2017 shall consist of wrought iron, split rail, corral fencing, or a combination of 3 feet of solid masonry topped by open wrought iron or a similar material, or a combination of the aforementioned fence types and open farm fencing, as approved by the Planning and Development Department.

8.	THE DEVELOPER SHALL DEDICATE MINIMUM 50-FEET OF RIGHT-OF-WAY ALONG THE WEST SIDE OF 19TH AVENUE. IMPROVEMENTS SHALL INCLUDE A MINIMUM 5-FOOT-WIDE DETACHED SIDEWALK AND MINIMUM 11-FOOT-WIDE LANDSCAPE STRIP LOCATED BETWEEN THE BACK OF CURB AND SIDEWALK, AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. LANDSCAPE STRIP PLANTING REQUIREMENTS TO BE APPROVED BY PLANNING AND DEVELOPMENT.
9. ~~7.~~	The developer shall dedicate right-of-way totaling 25 feet for the east half of 20th Avenue, as approved by the Planning and Development Department
10. ~~8.~~	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. ~~9.~~	In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.
12. ~~10.~~	The property owner shall record documents that disclose the existence, and operational characteristics of Phoenix Sky Harbor International Airport (PHX) to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.
13.	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.

Exhibits

A – Appeal Document (2 pages)
B – Applicant's Narrative (12 pages)
C – Aerial Map (1 page)
D – Zoning Map (1 page)
E – Recorded Ordinance from Rezoning Case No. Z-47-17 (5 pages)

F – Sketch Map from Rezoning Case No. Z-47-17 (1 page)
G – Proposed Site Plan date stamped June 30, 2022 (1 page)
H – Stipulated Site Plan date stamped July 28, 2017 (2 pages)
I – Proposed Elevations date stamped August 17, 2022 (4 pages)
J – South Mountain Village Planning Committee Summary from August 9, 2022 for PHO-2-22—Z-47-17-8 (4 pages)
K – South Mountain Village Planning Committee Summary from August 9, 2022 for Review and Comment Item Regarding Stipulation 3 (4 pages)
L– PHO Summary for PHO-2-22—Z-47-17-8 from August 17, 2022 (9 pages)

EXHIBIT A

PLANNING HEARING OFFICER APPEAL

I HEREBY REQUEST THAT THE PLANNING COMMISSION/CITY COUNCIL HOLD A PUBLIC HEARING ON:

CASE NUMBER:	**PHO-2-22—Z-47-17-8**		
LOCATION:	Approximately 130 feet north of the northwest corner of 19th Avenue and Latona Lane		
PHO HEARING DATE:	August 17, 2022	**RECEIVED:**	August 24, 2022
APPEALED BY:	☒ Opposition	☐ Applicant	
APPEALED TO:	**PLANNING COMMISSION**	October 6, 2022	
		TENTATIVE DATE	
	CITY COUNCIL	November 2, 2022	
		TENTATIVE DATE	
APPELLANT NAME AND ADDRESS/EMAIL:		**PHONE:**	
Jewel Clark 2020 West South Mountain Avenue Phoenix, AZ 85041 hjewelclark@fastmail.com		480-664-9436	
RECEIPT NUMBER:			
REASON FOR REQUEST:			

The community opposes the change from 3 houses/acre to 3.5 houses/acre on this application b/c it does not align with current appropriate density or even appropriate transition to the surrounding established properties, which are all S-1 Acre + homes.

The community has worked hard to keep our rural character by keeping density in new developments low, no more than 3 houses/acre, and working with developers to align better to the Rio Montana Plan, which guides Our area's look/feel. While we are grateful the development will be all single story, we do not want this density held up as a precedent for any future approvals in our area. It is a disappointing exception to the rule.

TAKEN BY:	Camryn Thompson

c: Alan Stephenson
Joshua Bednarek
Tricia Gomes
Racelle Escolar
Julie Garcia
Ben Ernyei - Posting
GIS Team
Adam Stranieri
Greg Harmon
Brad Wylam
Victoria Cipolla-Murillo

City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

CITY OF PHOENIX
AUG 24 2022
Planning & Development Department

The PLANNING HEARING OFFICER agenda for ***August 17, 2022*** is attached.

The City Council May Ratify the Recommendation of the Planning Hearing Officer on *September 21, 2022* Without Further Hearing Unless:

- **A REQUEST FOR A HEARING BY THE PLANNING COMMISSION** is filed by 5:00 p.m. on ***August 24, 2022***. (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 24, 2022***.

APPEAL FORM

I HEREBY REQUEST THAT THE PLANNING COMMISSION HOLD A PUBLIC HEARING ON:

PHO-2-22—Z-47-17-8
APPLICATION NO.

~ 130 feet north of the northwest corner of 19th Ave. & Latona Ln.
LOCATION OF APPLICATION PROPERTY

Jewel Clark
NAME (PLEASE PRINT)

☒ OPPOSITION ☐ APPLICANT

2020 West South Mountain Ave.
STREET ADDRESS

Phoenix, AZ 85041
CITY, STATE AND ZIP CODE

480.664.9436
TELEPHONE NO

BY MY SIGNATURE BELOW, I ACKNOWLEDGE THE SCHEDULED HEARING DATE AS FOLLOWS:

APPEALED FROM ***August 17, 2022*** **PHO HEARING TO** 10/6/22 **PC HEARING**
DATE DATE

SIGNATURE: Jewel Clark DATE: 8/24/22

REASON FOR APPEAL:
The community opposes the change from 3 houses/acre to 3.5 houses/acre on this application b/c it does not align with current appropriate density or even appropriate transition to the surrounding established properties, which are all S-1 Acre + homes. The community has worked hard to keep our rural character by keeping density in new developments low, no more than 3 houses/acre, and working with developers to align better to the Rio Montana Plan, which guides Our area's look/feel. While we are grateful the development will be all single story, we do not want this density held up as a precedent for any future approvals in our area. It is a disappointing exception to the rule.

APPEALS MUST BE FILED IN PERSON AT THE 2ND FLOOR ZONING COUNTER, 200 W. WASHINGTON STREET, 602-262-7131, Option 6

PLANNER TAKING APPEAL: CThompson

Copies to: Case File | PHO Planner – Bradley Wylam | PHO Secretary – Vikki Cipolla-Murillo

EXHIBIT B

June 30, 2022 (Revised July 8, 2022)

Adam Stranieri
Planning Hearing Officer
City of Phoenix
252 W. Washington Street
Phoenix, AZ 85003

RE: PHO Stipulation Modification Request for Z-47-17-8 / 2-22—Z-4717-8

On behalf of Bella Rosa 19 Partners LLC ("Developer"), Scapegoat/Terrascape ("Applicant") is providing a written request for a PHO stipulation modification request. The Developer is proposing to construct a single-family housing community consisting of eighteen (18) lots on a 5.12-acre (4.61 net acres) parcel of land located approximately 1,700 feet south of the SWC of W. Baseline Road and S. 19th Ave in Phoenix, Arizona with an APN# 300-17-004M, as shown in ***Figure 1*** below.

Figure 1 – AERIAL MAP

CASE HISTORY

Z-47-17-8: The Site was rezoned from S-1 to R1-10 PRD approved by City Council on January 10, 2018, through Ordinance G-6405 with eight (8) stipulations.

PHO-1-18--Z-47-17-8: Amendment to the Site was applied for and approved by City Council on February 20, 2019, through Ordinance G-6560 with 10-Stipulations (see ***Exhibit I***).

At the time of the original rezoning and PHO Amendment, the Site was planned as a larger 10.56-acre subdivision with 32 single-family lots. Access into the subdivision provided for an emergency

entry off of 20th Avenue, one resident entry off of 19th Avenue and four (4) cul-de-sacs connected by 50' wide private streets. See ***Exhibit II*** to view the original site plan.

After the rezoning, plans for the 10.56-acre parcel did not move forward and the subdivision was not constructed. The property was eventually split into two separate parcels for purposes of developing two different subdivisions using the recently approved R1-10 PRD zoning for single family residential housing.

As the property has been subdivided into two parcels and the design intent has changed since the original concept of the rezoning, a request for modifications from the original site plan and to Ordinance G-6560 is being required.

PROPOSED STIPULATION MODIFICATIONS:

This PHO requests modifications to the following stipulations outlined in Ordinance G-6560, as listed below:

Sitpulation 1. *The development shall be in general conformance with the site plan dated stamped ~~July 28, 2017, as modified by the following stipulations and approved by the Planning and Development Department.~~* ***June 30, 2022, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT***.

Rationale: As plans for a single 10.56-acre subdivision are no longer being considered and the lot has been split, the site plan for this particular parcel requires reconsideration for design and lot layout for the newly split parcel. The size of the parcel still allows enough feasibility to meet the requirements of R1-10 PRD with minor adjustments to the re-orientation and re-design of the lot and street layout.

Sitpulation 4. Conceptual elevations shall be reviewed and approved for consistency with the Rio Montaña Area Plan by the Planning Hearing Officer through the public hearing process for stipulation modification prior to preliminary site plan approval. This is a legislative review for conceptual purposes only. Specific development standards and requirements may be determined by the Planning Hearing Officer and the Planning and Development Department. – PHO is required for this stipulation, as stated. PHO must be complete prior to preliminary site plan submittal.

Rationale: The elevations attached with this application offer several design themes such as Rustic Spanish Colonial and Western Ranch that are consistent with the Rio Montaña Area Plan. Key architectural features include four (4) housing design options with a diverse façade palette and varying trim and building materials. The conceptual layout of the houses themselves will emphasis the house facade and maintain a 10' garage setback from the house's façade. Material and palette changes help to create breaks in the façade which specify undulation and changes in the overall building faces of each side.

As detailed in the attached exhibits, Bella Rosa, will continue to provide lotted single-family homes with some minor changes from the original stipulated site plan. Careful consideration has gone into planning the Site to create a community that is attractively designed and aesthetically landscaped while maintain consistency with the development guidelines of the R1-10 PRD lotting requirements. The property will be professional designed and managed to create the necessary open space and amenities that are desired in residential communities. Residents will be able to

enjoy neighborhood style living with modern finishes and private indoor/outdoor living areas.

The primary access for the community will be located off 19th Avenue and will serve as the entry and exit point for residents. The cul-de-sac provides for enough turning radii to allow easy maneuverability for emergency and trash collector vehicles.

Standards for the Site will continue to follow the R1-10 district with necessary site plan enhancements to achieve a slightly higher density from the original 3.5 DU/acre. The following table describes the proposal in comparison to the requirement of R1-10:

Standards	**R1-10 PRD**	**Proposed**
Minimum Lot Width:	45' (unless approved by either the design advisor or the Single-Family Architectural Appeals Board for demonstrating enhanced architecture that minimizes the impact of the garage (see Section 507 Tab A.2.12.1 B(2)(b) [sic]))	58'
Minimum Lot Depth:	None, except 100' adjacent to freeway or arterial	140' (Avg)
Dwelling Unit Density (units/gross acre)	3.5; 4.5 with bonus	18 Lots / ± 5.12-Acres = **3.5 DU/Acre**
Minimum Perimeter Building Setback:	Street (front, rear, side) – 15' Property Line (rear) – 15' (1-story); 20' (2-story) Property Line (rear) – 10' (1-story); 15' (2-story)	Street (front, rear, side) – 15' Property Line (rear) – 15' (1-story); 20' (2-story) Property Line (rear) – 10' (1-story); 15' (2-story)
Landscaped Setback Adjacent to Street:	15' average, 10' minimum (Does not apply to lots fronting onto perimeter streets)	15' average, 10' minimum (Does not apply to lots fronting onto perimeter streets)
Common Space Minimum:	5%	9%

CONCLUSION

Approval of the requested stipulation modification will allow the Project to move forward with the development of Bella Rosa as previously discussed by the Phoenix City Council in its approval of Z-47-17-8. This request maintains an efficient design layout that is similar to the originally approved lot sizing and density requirements while accommodating a newly proposed layout that will neither jeopardize the original intent nor compromise the remaining original stipulations. The proposed zoning stipulation modification is accompanied by the following documents:

1. PHO Checklist
2. Ownership Verification form
3. Information Form
4. Preliminary Site plan
5. Conceptual Landscape Plan
6. Elevations
7. Parcel map (with project area identified)
8. Legal Description

EXHIBIT I

Official Records of Maricopa County Recorder
ADRIAN FONTES
20190150288 03/05/2019 10:49
ELECTRONIC RECORDING
G6560-5-1-1--

ORDINANCE G-6560

AN ORDINANCE AMENDING THE STIPULATIONS APPLICABLE TO REZONING APPLICATION Z-47-17-8 PREVIOUSLY APPROVED BY ORDINANCE G-6405.

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

SECTION 1. The zoning stipulations applicable to the property located approximately 130 feet north of the northwest corner of 19th Avenue and Latona Lane in a portion of Section 1, Township 1 South, Range 2 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 date stamped July 28, 2017, as modified by the following stipulations and approved by the Planning and Development Department.
2. All sidewalks shall be detached with a minimum 5-foot wide landscaped strip located between the sidewalk and back of curb and shall include a minimum 2-inch caliper shade trees planted a minimum of 20 feet on center or equivalent groupings staggered along both sides of the sidewalk, as approved by the Planning and Development Department. The landscape strip shall be installed by the developer and maintained by the HOA.
3. Architectural elevations shall be presented to the South Mountain Village Planning Committee for review and comment prior to FINAL ~~preliminary~~ site plan approval.

4. Conceptual elevations shall be reviewed and approved for consistency with the Rio Montaña Area Plan by the Planning Hearing Officer through the public hearing process for stipulation modification prior to preliminary site plan approval. This is a legislative review for conceptual purposes only. Specific development standards and requirements may be determined by the Planning Hearing Officer and the Planning and Development Department.

5. The perimeter wall adjacent to 19th Avenue shall include minimum 3-foot offsets at a minimum spacing of every 50 feet and material and textural differences, such as stucco and/or split face block with a decorative element, such as tile, glass insets, or stamped designs, as approved by the Planning and Development Department.

6. Fence and wall materials adjacent to common areas and open space as depicted on the site plan date stamped July 28, 2017 shall consist of wrought iron, split rail, corral fencing, or a combination of 3 feet of solid masonry topped by open wrought iron or a similar material, or a combination of the aforementioned fence types and open farm fencing, as approved by the Planning and Development Department.

7. The developer shall dedicate right-of-way totaling 25 feet for the east half of 20th Avenue, as approved by the Planning and Development Department.

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

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

SECTION 2. Due to the site's specific physical conditions and the use district granted pursuant to Ordinance G-6405, this portion of the rezoning is now subject to the stipulations approved pursuant to Ordinance G-6405 and as modified in Section 1 of this Ordinance. Any violation of the stipulations 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 20th day of February, 2019.

Thelda Williams
MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

Acting City Attorney pml

REVIEWED BY:

City Manager

PL:tml:LF19-0248:02/20/19:2093585v1

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

EXHIBIT A

LEGAL DESCRIPTION FOR PHO-1-18--Z-47-17-8

PARCEL NO. 1: (Tax Parcel 300-17-004L)
THE NORTHERLY 396.52 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

THE EAST HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 1 SOUTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, SOMETIMES DESCRIBED AS THE EAST HALF OF FARM UNIT "H", ACCORDING TO THE FARM UNIT PLAT;
EXCEPT THE EAST 33 FEET THEREOF, AS TO CONVEYED TO MARICOPA COUNTY BY QUIT CLAIM DEED RECORDED IN BOOK 105 OF DEEDS, PAGE 418, RECORDS OF MARICOPA COUNTY, ARIZONA.

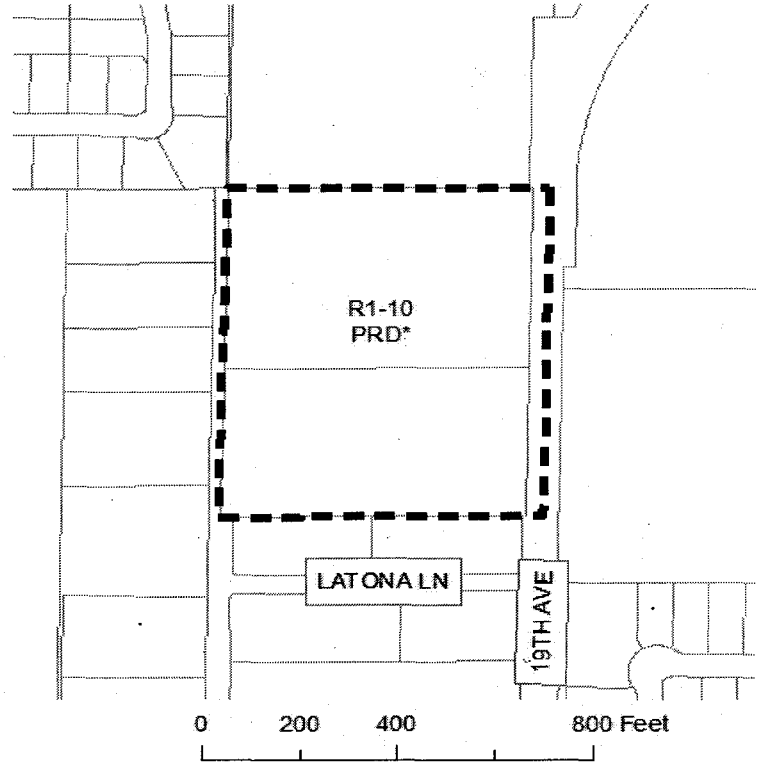
PARCEL NO. 2: (Tax Parcel 300-17-004M)
THAT PORTION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 1 SOUTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
THE EAST HALF OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER;
EXCEPT THE NORTHERLY 396.52 FEET; AND
EXCEPT THE SOUTH 590.28 FEET; AND
EXCEPT THE EAST 33 FEET AS CONVEYED TO MARICOPA COUNTY BY QUIT CLAIM DEED RECORDED IN BOOK 105 OF DEEDS, PAGE 418, RECORDS OF MARICOPA COUNTY, ARIZONA.

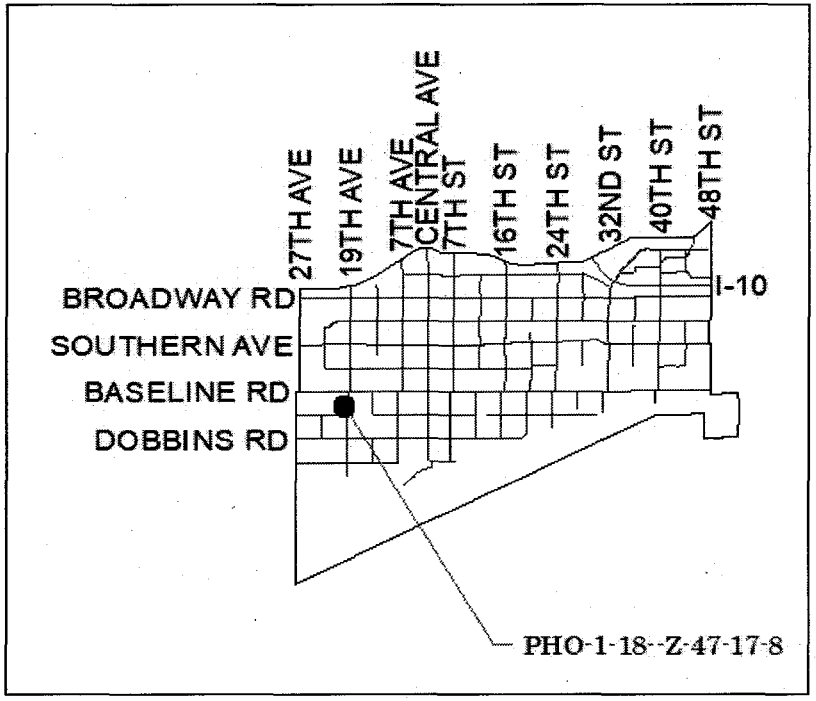
ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA:

Zoning Case Number: PHO-1-18--Z-47-17-8
Zoning Overlay: N/A
Planning Village: South Mountain





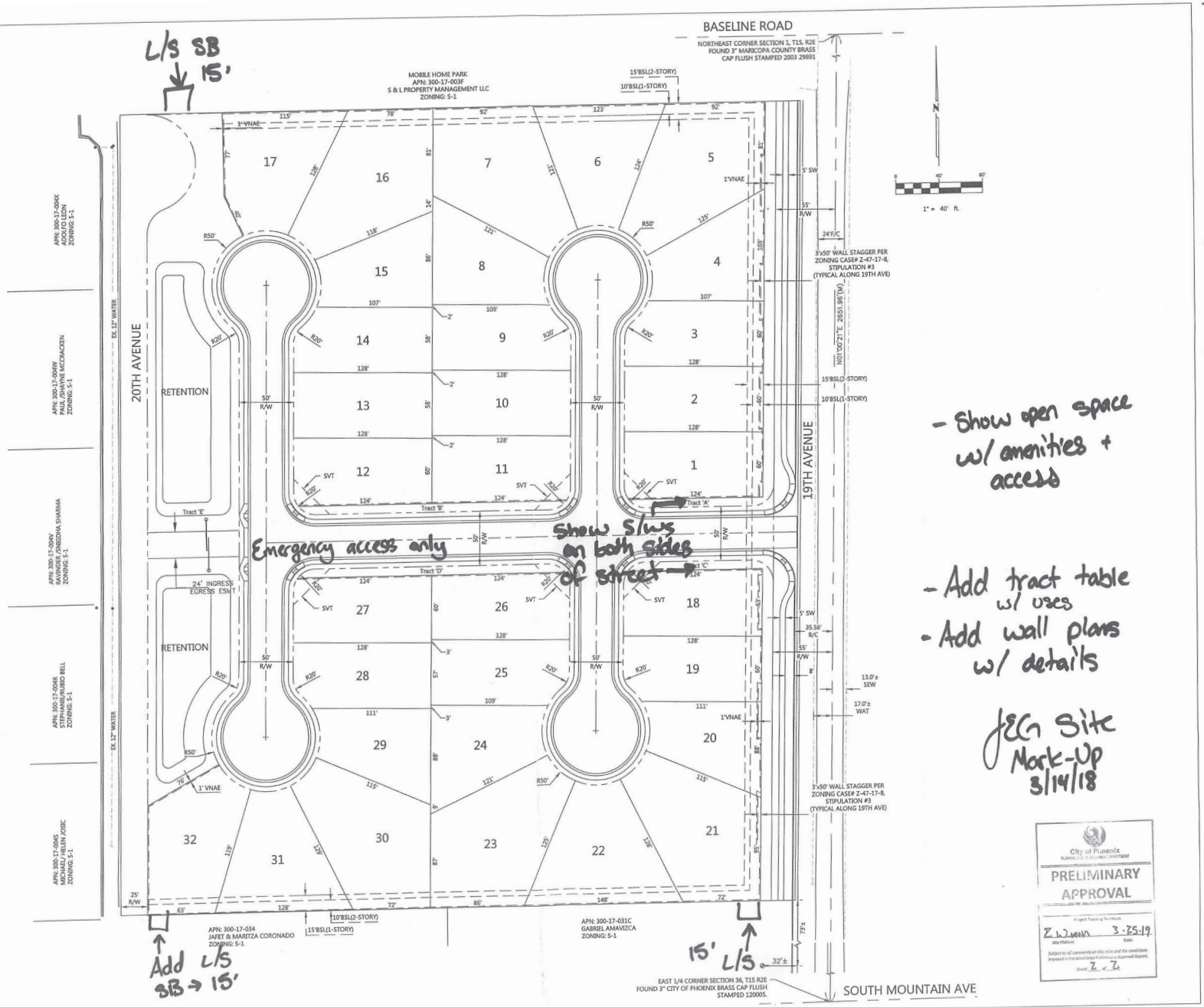
NOT TO SCALE

N

Drawn Date: 1/24/2019

\\one\pdd\Shared\Department Share\Information Systems\PL GIS\IS_Team\Core_Functions\Zoning\SupplMaps_OrdMaps\2019_Ord\2-20-19\PHO-1-18--Z-47-17-8.mxd

EXHIBIT II



City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT
PRELIMINARY APPROVAL
Project Tracking No:
Site Planner
Date
Sheet 2 of 2

PRELIMINARY PLAT
BELLA ROSA
PHOENIX

Westwood
6909 East Greenway Parkway, Suite 200
Scottsdale, AZ 85254
Westwood Professional Services, Inc.

46533
DAVID M. BOHN
REGISTERED
ARIZONA U.S.A.
EXPIRES 9-30-2020

SHEET NUMBER: 2 OF 2
DATE: 02/06/2018
PROJ#: 9023

N:\009023.00\DWG\CIVIL\PRELIM\RAYWORKING\009023PP.DWG

PRELIMINARY SITE PLAN
FOR
BELLA ROSA

BEING A PORTION OF THE NORTHEAST ONE-QUARTER OF SECTION 1, TOWNSHIP 1 SOUTH, RANGE 2 EAST, OF THE GILA & SALT RIVER BASE & MERIDIAN, MARICOPA COUNTY, ARIZONA

LEGAL DESCRIPTION

APN: 300-17-004L
THE NORTHERLY 396.52 FEET OF THE FOLLOWING DESCRIBED PROPERTY:THE EAST HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 1 SOUTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, SOMETIMES DESCRIBED AS THE EAST HALF OF FARM UNIT "H", ACCORDING TO THE FARM UNIT PLAT;

EXCEPT THE EAST 33 FEET THEREOF, AS TO CONVEYED TO MARICOPA COUNTY BY QUIT CLAIM DEED RECORDED IN BOOK 105 OF DEEDS, PAGE 418, RECORDS OF MARICOPA COUNTY, ARIZONA.

APN: 300-17-004M
THAT PORTION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 1 SOUTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EAST HALF OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER;
EXCEPT THE NORTHERLY 396.52 FEET; AND
EXCEPT THE SOUTH 590.28 FEET; AND
EXCEPT THE EAST 33 FEET AS CONVEYED TO MARICOPA COUNTY BY QUIT CLAIM DEED RECORDED IN BOOK 105 DEEDS, PAGE 418, RECORDS OF MARICOPA COUNTY, ARIZONA.

R1-10 DEVELOPMENT OPTION - PLANNED RESIDENTIAL DEVELOPMENT

STANDARDS	PLANNED RESIDENTIAL DEVELOPMENT	PROPOSED STANDARD
MIN LOT WIDTH (IN THE EVENT OF HORIZONTAL PROPERTY REGIMES, "LOT" SHALL REFER TO THE WIDTH OF THE STRUCTURE AND EXCLUSIVE USE AREA)	45' MINUMIN (UNLESS APPROVED BY EITHER THE DESIGN ADVISOR OR THE SINGLE FAMILY ARCHITECTURAL APPEALS BOARD FOR DEMONSTRATING ENHANCED ARCITECTURE THAT MINIMIZES THE IMPACT OF THE GARAGE.	45'
MINIMUM LOT DEPTH	NONE, EXCEPT 110' ADJACENT TO FREEWAY OR ARTERIAL	98'
DWELLING UNIT DENSITY (UNITS/GROSS ACRE)	3.5; 4.5 WITH BONUS	3.03 DU/AC
MIN. PERIMETER BUILDING SETBACKS	STREET (FRONT, REAR OR SIDE): 15' (IN ADDITION TO LANDSCAPE SETBACK); PROPERTY LINE (REAR): 15' (1-STORY), 20' (2-STORY); PROPERTY LINE (SIDE): 10' (1-STORY) 15' (2-STORY)	STREET (FRONT, REAR OR SIDE) 15'; (IN ADDITION TO LANDSCAPE SETBACK); PROPERTY LINE (REAR) 15' (1-STORY) 20' (2-STORY); PROPERTY LINE (SIDE); 10' (1-STORY) 15' (2-STORY)
COMMON LANDSCAPED SETBACK ADJACENT TO PERIMITER STREETS	15' AVERAGE, 10' MINIMUM (DOES NOT APPLY TO LOTS FRONTING ONTO PERIMETER STREETS)	15' AVERAGE, 10' MINIMUM (DOES NOT APPLY TO LOTS FRONTING ONTO PERIMETER STREETS)
MIN. INTERIOR BUILDING SETBACK	FRONT: 10';REAR: NONE; (ESTABLISHED BY BUILDING CODE); STREET SIDE: 10' SIDES; NONE (ESTABLISHED BY BUILDING CODE)	FRONT: 10';REAR: NONE; (ESTABLISHED BY BUILDING CODE); STREET SIDE; 10' SIDES; NONE (ESTABLISHED BY BUILDING CODE)
MIN. BUILDING SEPARATION	NONE	NONE
MIN. GARAGE SETBACK	18' FROM BACK OF SIDEWALK FOR FRONT-LOADED GARAGES, 10' FROM PROPERTY FOR SIDE-LOADED GARAGES	18' FROM BACK OF SIDEWALK FOR FRONT-LOADED GARAGES, 10' FROM PROPERTY FOR SIDE-LOADED GARAGES
MIN. GARAGE WIDTH	FOR LOTS <60': 2 CAR WIDTHS, FOR LOTS ≥60' TO 70': 3 CAR WIDTHS, FOR LOTS >70': NO MAXIMUM	FOR LOTS <60': 2 CAR WIDTHS, FOR LOTS ≥60' TO 70': 3 CAR WIDTHS, FOR LOTS >70': NO MAXIMUM
MAXIMUM HEIGHT	2 STORIES AND 30' (EXCEPT THAT 3 STORIES NOT EXCEEDING 30' ARE PERMITTED WHEN APPROVED BY THE DESIGN ADVISOR FOR DEMONSTRATING ENHANCED ARCHITECTURE.	2 STORIES AND 30' (EXCEPT THAT 3 STORIES NOT EXCEEDING 30' ARE PERMITTED WHEN APPROVED BY THE DESIGN ADVISOR FOR DEMONSTRATING ENHANCED ARCHITECTURE.
LOT COVERAGE	PRIMARY STRUCTURE, NOT INCLUDING ATTACHED SHADE STRUCTURES: 40% TOTAL 50%	AVERAGE LOT PRIMARY STRUCTURE 40%, TOTAL COVERAGE 50%
COMMON AREAS	MINIMUM 5% OF GROSS AREA	13.9%
ALLOWED USES	SINGLE-FAMILY DETACHED	SINGLE-FAMILY DETACHED
REQUIRED REVIEW	DEVELOPMENT REVIEW PER SECTION 507, AND SUBDIVISION TO CREATE 4 OR MORE LOTS	DEVELOPMENT REVIEW PER SECTION 507, AND SUBDIVISION TO CREATE 4 OR MORE LOTS
STREET STANDARDS	PUBLIC STREET OR PRIVATE ACCESSWAY(1)	PUBLIC STREET OR PRIVATE ACCESSWAY(1)
ON-LOT AND COMMON RETENTION	COMMON RETENTION REQUIRED FOR LOTS LESS THAN 8,000 SQ. FT. PER GRADING AND DRAINAGE ORDINANCE REQUIREMENTS	COMMON RETENTION AREA
LANDSCAPE STANDARDS	PERIMETER COMMON: TREES SPACED A MAXIMUM OD 20 TO 30 FEET ON CENTER (BASED ON SPECIES) OR IN EQUIVALENT GROUPINGS, AND 5 SHRUBS PER TREE.	PERIMETER COMMON: TREES SPACED A MAXIMUM OD 20 TO 30 FEET ON CENTER (BASED ON SPECIES) OR IN EQUIVALENT GROUPINGS, AND 5 SHRUBS PER TREE.

ZONING CASE NUMBER

Z-47-17-8 – Add date of approval

- List all stips + create index table on SP that proves conformance

STIPULATIONS FOR ZONING CASE NUMBER Z-47-17-8

1. ALL SIDEWALKS SHALL BE DETACHED WITH A MINIMUM 5-FOOT WIDE LANDSCAPED STRIP LOCATED BETWEEN THE SIDEWALK AND BACK OF CURB AND SHALL INCLUDE A MINIMUM 2-INCH CALIPER SHADE TREES PLANTED A MINIMUM OF 20 FEET ON CENTER OR EQUIVALENT GROUPINGS STAGGERED ALONG BOTH SIDES OF THE SIDEWALK, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. THE LANDSCAPE STRIP SHALL BE INSTALLED BY THE DEVELOPER AND MAINTAINED BY THE H.O.A.

2. CONCEPTUAL ELEVATIONS SHALL BE REVIEWED AND APPROVED FOR CONSISTENCY WITH THE RIO MONTAÑA AREA PLAN BY THE PLANNING HEARING OFFICER THROUGH THE PUBLIC HEARING PROCESS FOR STIPULATION MODIFICATION PRIOR TO PRELIMINARY SITE PLAN APPROVAL. THIS IS A LEGISLATIVE REVIEW FOR CONCEPTUAL PURPOSES ONLY. SPECIFIC DEVELOPMENT STANDARDS AND REQUIREMENTS MAY BE DETERMINED BY THE PLANNING HEARING OFFICER AND THE PLANNING AND DEVELOPMENT DEPARTMENT.

3. THE PERIMETER WALL ADJACENT TO 19TH AVENUE SHALL INCLUDE MINIMUM 3-FOOT OFFSETS AT A MINIMUM SPACING OF EVERY 50 FEET AND MATERIAL AND TEXTURAL DIFFERENCES, SUCH AS STUCCO AND/OR SPLIT FACE BLOCK WITH A DECORATIVE ELEMENT, SUCH AS TILE, GLASS INSETS, OR STAMPED DESIGNS, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

4. FENCE AND WALL MATERIALS ADJACENT TO COMMON AREAS AND OPEN SPACE AS DEPICTED ON THE SITE PLAN DATE STAMPED JULY 28, 2017 SHALL CONSIST OF WROUGHT IRON, SPLIT RAIL, CORRAL FENCING, OR A COMBINATION OF 3 FEET OF SOLID MASONRY TOPPED BY OPEN WROUGHT IRON OR A SIMILAR MATERIAL, OR A COMBINATION OF THE AFOREMENTIONED FENCE TYPES AND OPEN FARM FENCING, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT

5. THE DEVELOPER SHALL DEDICATE RIGHT-OF-WAY TOTALING 25 FEET FOR THE EAST HALF OF 20TH AVENUE, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

6. THE DEVELOPER SHALL CONSTRUCT ALL STREETS WITHIN AND ADJACENT TO THE DEVELOPMENT WITH PAVING, CURB, GUTTER, SIDEWALK, CURB RAMPS, STREETLIGHTS, MEDIAN ISLANDS, LANDSCAPING AND OTHER INCIDENTALS AS PER PLANS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. ALL IMPROVEMENTS SHALL COMPLY WITH ALL ADA ACCESSIBILITY STANDARDS.

7. IN THE EVENT ARCHAEOLOGICAL MATERIALS ARE ENCOUNTERED DURING CONSTRUCTION, THE DEVELOPER SHALL IMMEDIATELY CEASE ALL GROUND DISTURPING 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. THE PROPERTY OWNER SHALL RECORD DOCUMENTS THAT DISCLOSE THE EXISTENCE, AND OPERATIONAL CHARACTERISTICS OF PHOENIX SKY HARBOR INTERNATIONAL AIRPORT (PHX) TO FUTURE OWNERS OR TENANTS OF THE PROPERTY. THE FORM AND CONTENT OF SUCH DOCUMENTS SHALL BE ACCORDING TO THE TEMPLATES AND INSTRUCTIONS PROVIDED WHICH HAVE BEEN REVIEWED AND APPROVED BY THE CITY ATTORNEY.

PROJECT ADDRESS

8020 S. 19TH AVE
PHOENIX, AZ 85041

ASSESSORS PARCEL NUMBER

A.P.N. 300-17-004L, 300-17-004M

BASIS OF BEARING

THE EAST LINE OF THE NORTHEAST ONE-QUARTER OF SECTION 1, TOWNSHIP 1 SOUTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE MERIDIAN, MARICOPA COUNTY, ARIZONA: BEARING N01°00'21"E.

FLOOD ZONE

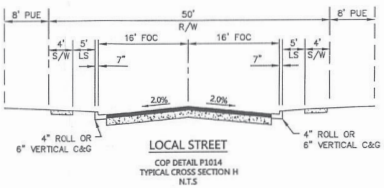
SUBJECT PARCEL IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION OF "X", ON FLOOD INSURANCE RATE MAP NO. 04013C2680L, WITH A DATE OF IDENTIFICATION OF OCTOBER 16, 2013, FOR COMMUNITY NUMBER 040037, IN MARICOPA COUNTY, STATE OF ARIZONA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.

ZONE X:
AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.

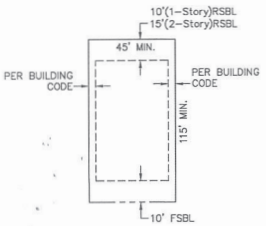
LOT COVERAGE CALCULATION

PRD LOT COVERAGE= (MAIN STRUCTURE) NET AREA-INTERNAL ROADWAY * 0.4 / TOTAL NUM OF LOTS = 338,957 SF * 0.4 / 32 = 4,237 SF

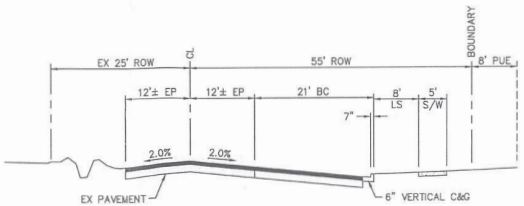
PRD LOT COVERAGE= (ATTACHED STRUCTURE) NET AREA-INTERNAL ROADWAY * 0.1 / TOTAL NUM OF LOTS = 338,957 SF * 0.1 / 32 = 1,059 SF



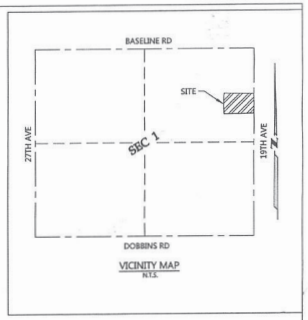
LOCAL STREET
COP DETAIL P1014
TYPICAL CROSS SECTION H
N.T.S



TYPICAL PERIMETER LOT DETAIL



19TH AVENUE
CROSS SECTION
LOOKING SOUTH
N.T.S.



VICINITY MAP
N.T.S.

OWNER

19TH AVENUE PARTNERS LLC
7330 E PALO VERDE 4
SCOTTSDALE, AZ 85250

ENGINEER

WESTWOOD PROFESSIONAL SERVICES
6909 EAST GREENWAY PARKWAY, SUITE 250
SCOTTSDALE, AZ 85254
TELE: 480-747-6558
CONTACT: DAVID BOHN
EMAIL: DAVID.BOHN@WESTWOODPS.COM

SITE DATA

GROSS ACREAGE:	10.56 ACRES MORE OR LESS
(NET):	8.0 ACRES MORE OR LESS
NUMBER OF LOTS:	32
PROPOSED ZONING:	R1-10 PRD
LOTS AREA:	6.05 ACRES
PROPOSED DENSITY:	3.03 DU/AC
LOTS SALES:	YES
OPEN SPACE:	1.47 ACRES = 13.9%
RETENTION:	COMMON RETENTION AREAS

Show density calcs

LEGEND

BOUNDARY LINE
CENTER LINE
RIGHT OF WAY LINE (R/W)
LOT LINE
SETBACK LINE

BENCHMARK

ADOT ALUMINUM CAP MARKED TEST SITE; ON NORTH WINGWALL OF IRRIGATION GATE NORTHWEST CORNER OF INTERSECTION OF 27TH AVE AND SOUTH MOUNTAIN AVE. ELEVATION IS 1095.42 PER CITY OF PHOENIX DATUM

PROJECT DESCRIPTION

BELLA ROSA IS A 32 SINGLE FAMILY RESIDENTIAL SUBDIVISION.

STATEMENT OF INTENT

THIS PROPOSAL INTENDS TO SUBDIVIDE THE 10.5 ACRE PROPERTY INTO 32 SINGLE FAMILY LOTS. THESE LOTS WILL BE DEVELOPED UNDER R1-6 ZONING STANDARDS. PRD DEVELOPMENT STANDARDS.

JGA Site Mark-Up 3/14/18

(Original Plan Date - Placed 4th Time & Expired)

Contact Arizona 811 at least two full working days before you begin excavation
Arizona811.com
Call 811 or click Arizona811.com

City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT
PRELIMINARY APPROVAL
Project Tracking Numbers
Site Planner 3-25-19 Date
Subject to all comments on this plan and the conditions imposed in the associated Preliminary Approval Report.
Sheet 1 of 2

DESIGNED: ####
CHECKED: ####
DRAWN: ####
FIELD CREW: ####
FIELD BOOK/ DATE: ####
SCALE: 1" = #HORIZONTAL
SCALE: 1" = VERTICAL

Westwood
Phone (480) 747-6558 Fax (480) 747-6811
6909 East Greenway Parkway, Suite 250 Scottsdale, Arizona 85254 westwoodps.com
Westwood Professional Services, Inc.

PRELIMINARY SITE PLAN
BELLA ROSA
PHOENIX

48533 DAVID M. BOHN REGISTERED LAND SURVEYOR ARIZONA, U.S.A.
EXPIRES 9-30-2020

SHEET NUMBER: 1 OF 2
DATE: 02/06/2018
PROJ: 9023

N:\0009023.00\DWG\CIVIL\PRELIMINARY\9023SP25.DWG

EXHIBIT C

PHO-2-22--Z-47-17-8

Property Location: Approximately 130 feet north of the northwest corner of 19th Avenue and Latona Lane

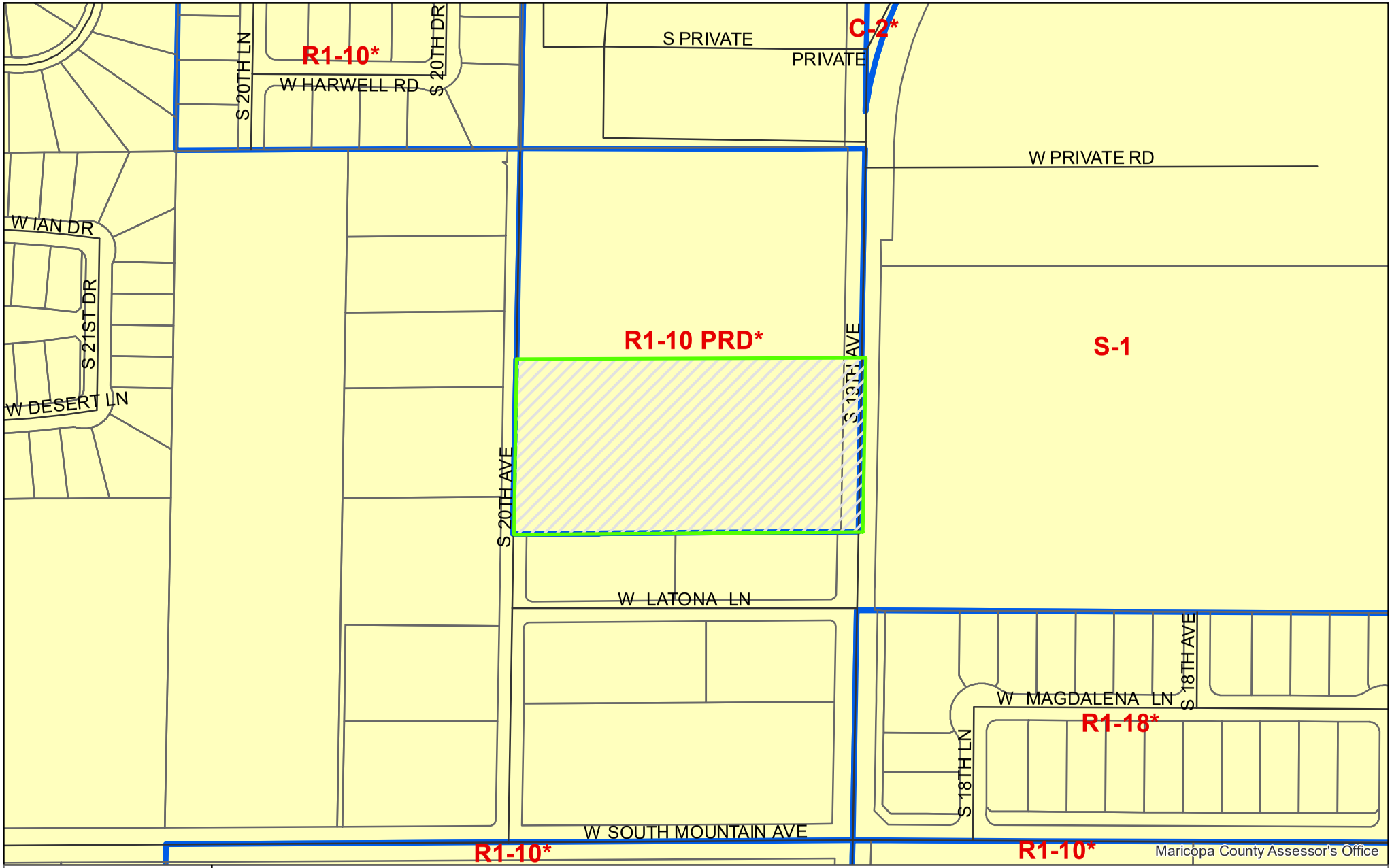
City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

Planning & Development Department

0 120 240 480 Feet

N

EXHIBIT D



Page 536

PHO-2-22--Z-47-17-8

Property Location: Approximately 130 feet north of the northwest corner of 19th Avenue and Latona Lane

City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

Planning & Development Department

0 120 240 480 Feet

N

EXHIBIT E

Official Records of Maricopa County Recorder
ADRIAN FONTES
20190150288 03/05/2019 10:49
ELECTRONIC RECORDING
G6560-5-1-1--

ORDINANCE G-6560

AN ORDINANCE AMENDING THE STIPULATIONS APPLICABLE TO REZONING APPLICATION Z-47-17-8 PREVIOUSLY APPROVED BY ORDINANCE G-6405.

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

SECTION 1. The zoning stipulations applicable to the property located approximately 130 feet north of the northwest corner of 19th Avenue and Latona Lane in a portion of Section 1, Township 1 South, Range 2 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 date stamped July 28, 2017, as modified by the following stipulations and approved by the Planning and Development Department.
2. All sidewalks shall be detached with a minimum 5-foot wide landscaped strip located between the sidewalk and back of curb and shall include a minimum 2-inch caliper shade trees planted a minimum of 20 feet on center or equivalent groupings staggered along both sides of the sidewalk, as approved by the Planning and Development Department. The landscape strip shall be installed by the developer and maintained by the HOA.
3. Architectural elevations shall be presented to the South Mountain Village Planning Committee for review and comment prior to FINAL ~~preliminary~~ site plan approval.

4. Conceptual elevations shall be reviewed and approved for consistency with the Rio Montaña Area Plan by the Planning Hearing Officer through the public hearing process for stipulation modification prior to preliminary site plan approval. This is a legislative review for conceptual purposes only. Specific development standards and requirements may be determined by the Planning Hearing Officer and the Planning and Development Department.

5. The perimeter wall adjacent to 19th Avenue shall include minimum 3-foot offsets at a minimum spacing of every 50 feet and material and textural differences, such as stucco and/or split face block with a decorative element, such as tile, glass insets, or stamped designs, as approved by the Planning and Development Department.

6. Fence and wall materials adjacent to common areas and open space as depicted on the site plan date stamped July 28, 2017 shall consist of wrought iron, split rail, corral fencing, or a combination of 3 feet of solid masonry topped by open wrought iron or a similar material, or a combination of the aforementioned fence types and open farm fencing, as approved by the Planning and Development Department.

7. The developer shall dedicate right-of-way totaling 25 feet for the east half of 20th Avenue, as approved by the Planning and Development Department.

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

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

SECTION 2. Due to the site's specific physical conditions and the use district granted pursuant to Ordinance G-6405, this portion of the rezoning is now subject to the stipulations approved pursuant to Ordinance G-6405 and as modified in Section 1 of this Ordinance. Any violation of the stipulations 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 20th day of February, 2019.

Thelda Williams
MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

Acting City Attorney pml

REVIEWED BY:

City Manager

PL:tml:LF19-0248:02/20/19:2093585v1

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

EXHIBIT A

LEGAL DESCRIPTION FOR PHO-1-18--Z-47-17-8

PARCEL NO. 1: (Tax Parcel 300-17-004L)
THE NORTHERLY 396.52 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

THE EAST HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 1 SOUTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, SOMETIMES DESCRIBED AS THE EAST HALF OF FARM UNIT "H", ACCORDING TO THE FARM UNIT PLAT;
EXCEPT THE EAST 33 FEET THEREOF, AS TO CONVEYED TO MARICOPA COUNTY BY QUIT CLAIM DEED RECORDED IN BOOK 105 OF DEEDS, PAGE 418, RECORDS OF MARICOPA COUNTY, ARIZONA.

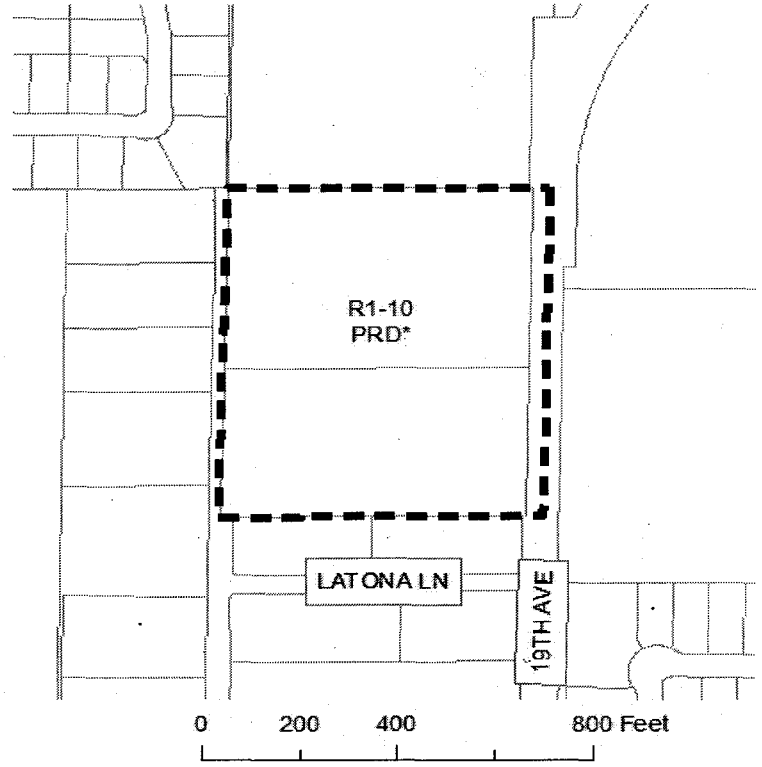
PARCEL NO. 2: (Tax Parcel 300-17-004M)
THAT PORTION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 1 SOUTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
THE EAST HALF OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER;
EXCEPT THE NORTHERLY 396.52 FEET; AND
EXCEPT THE SOUTH 590.28 FEET; AND
EXCEPT THE EAST 33 FEET AS CONVEYED TO MARICOPA COUNTY BY QUIT CLAIM DEED RECORDED IN BOOK 105 OF DEEDS, PAGE 418, RECORDS OF MARICOPA COUNTY, ARIZONA.

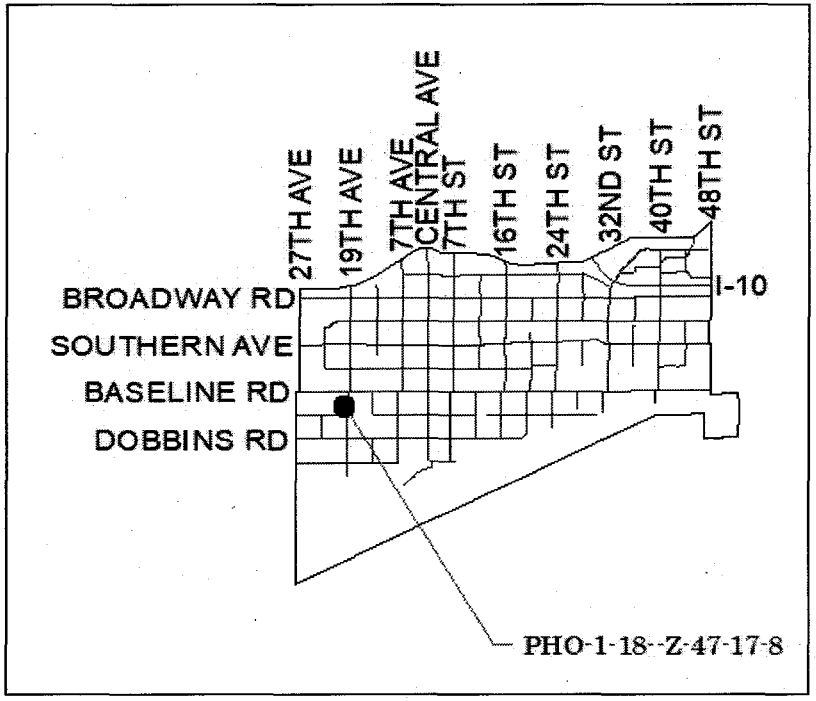
ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA:

Zoning Case Number: PHO-1-18--Z-47-17-8
Zoning Overlay: N/A
Planning Village: South Mountain





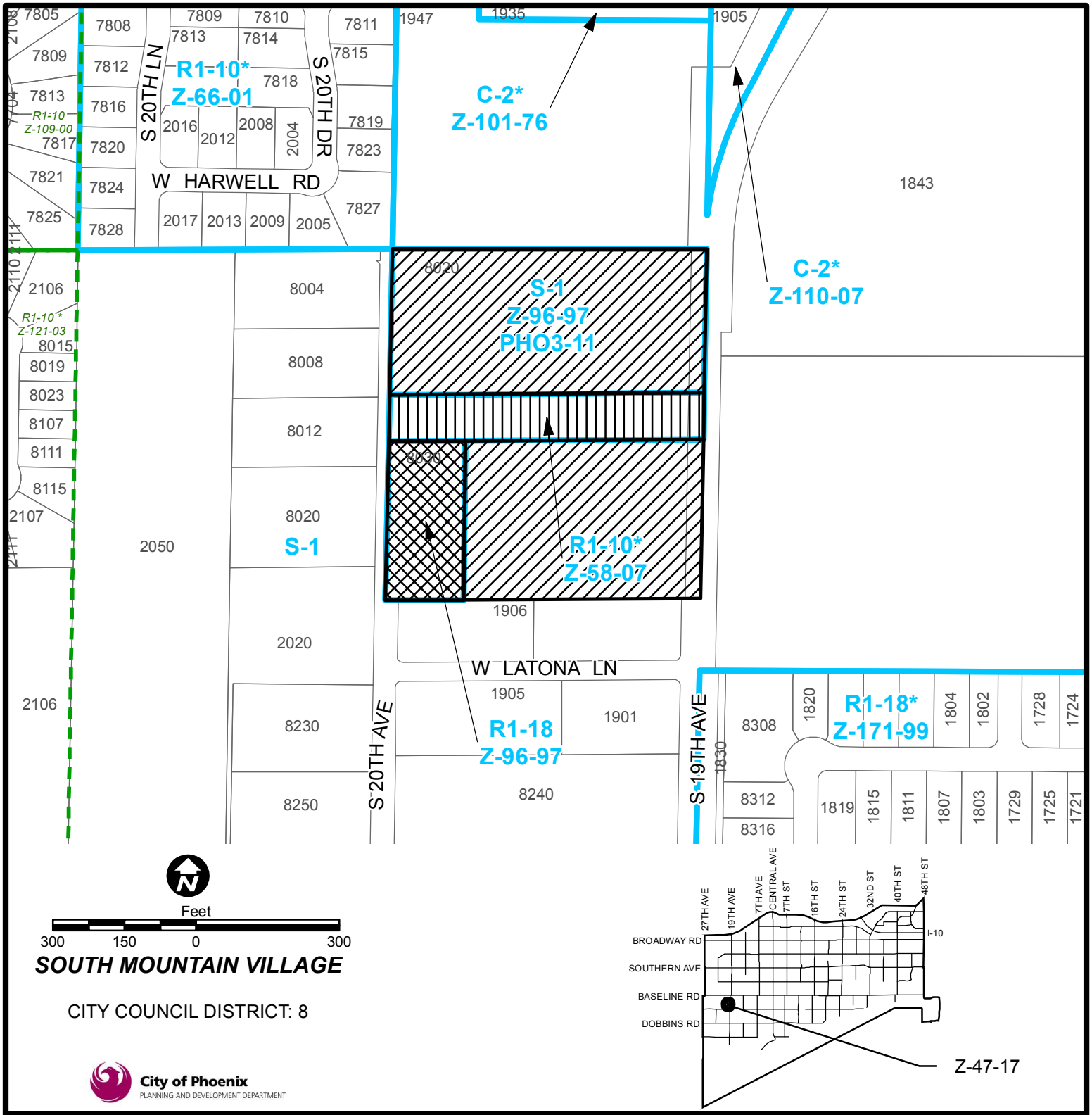
NOT TO SCALE

N

Drawn Date: 1/24/2019

\\one\pdd\Shared\Department Share\Information Systems\PL GIS\IS_Team\Core_Functions\Zoning\SupplMaps_OrdMaps\2019_Ord\2-20-19\PHO-1-18--Z-47-17-8.mxd

EXHIBIT F



APPLICANT'S NAME: Richard Jellies, The Lead Group

REQUESTED CHANGE:

FROM:
- S-1 (8.41 a.c.)
- R1-10 (1.49 a.c.)
- R1-18 (1.25 a.c.)

TO: R1-10 (11.15 a.c.)

APPLICATION NO.	DATE	REVISION DATES
Z-47-17	08/11/2017	

GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.: 11.15 Acres

AERIAL PHOTO & QUARTER SEC. NO.	ZONING MAP
QS 01-24	D-7

MULTIPLES PERMITTED	CONVENTIONAL OPTION	* UNITS P.R.D. OPTION
S-1, R1-10, R1-18	8, 5, 2	N/A, 6, 3
R1-10	39	50

* **Maximum Units Allowed with P.R.D. Bonus**

R:\IS_Team\Core_Functions\Zoning\sketch_maps\2017\Z-47-17.mxd

EXHIBIT G

CIVIL ENGINEER

TERRASCAPE CONSULTING, LLC
645 E. MISSOURI AVE, SUITE 420
PHOENIX, ARIZONA 85012

CONTACT: SCOTT LUCAS
PHONE: (480) 454-8007
EMAIL: SLUCAS@TERRASCAPE.US

DEVELOPER / APPLICANT

TERRASCAPE CONSULTING (DBA SCAPEGOAT DESIGN)
7507 E. MCDONALD
SCOTTSDALE, AZ 85250

CONTACT: KEVIN ZENK
PHONE: 602-666-2447 EXT. 138
EMAIL: KZENK@SCAPEGOATDS.COM

PROPERTY OWNER

BELLA ROSA PARTNERS 19, LLC
11811 N. TATUM BLVD., SUITE 1060
PHOENIX, AZ 85028

CONTACT: CHUCK KENNEDY
PHONE: 602-867-6501
EMAIL: CKENNEDY@GROSVENORHOLDINGS.COM

ARCHITECT

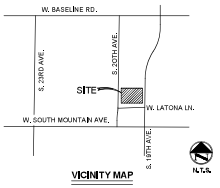
PHOENIX DESIGN GROUP, LLC
8222 S. 48TH ST., SUITE 236
PHOENIX, AZ 85044

CONTACT: DAVID ARAMBULA
PHONE: 480-451-9773
EMAIL: DAVIDA@PDGOFFICE.COM

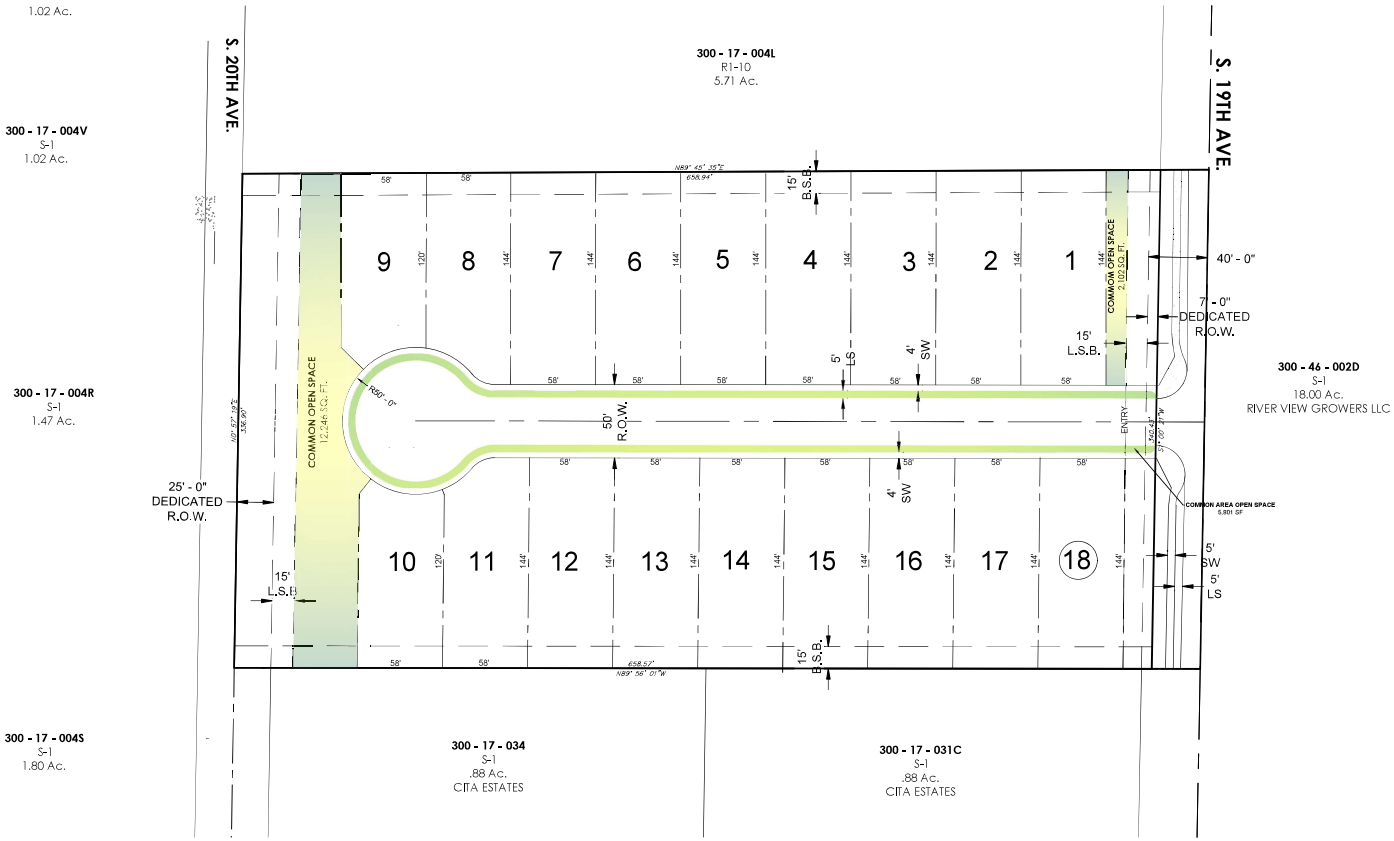
PRELIMINARY SITE PLAN FOR

BELLA ROSA

A SINGLE FAMILY DETACHED PLANNED RESIDENTIAL SUBDIVISION
PHOENIX, ARIZONA

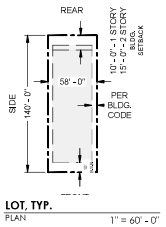


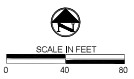
VICINITY MAP



SITE DATA:

JURISDICTION:	PHOENIX
LOCATION:	SOUTH OF SWC OF W. BASELINE RD. & S. 19TH AVE.
APN:	300-17-004M
SITE AREA	
GROSS:	+/- 5.12 Ac. (223,027 SQ. FT.)
NET:	+/- 4.61 Ac. (200,879 SQ. FT.)
EXISTING ZONING:	R1-10 PRD
REQUIRED	
MAX. DENSITY:	3.5 DU/Ac; 4.5 DU/Ac. WITH BONUS
ROW WIDTH:	50' - 0"
MIN. LOT WIDTH:	45' - 0"
MIN. LOT DEPTH:	110' - 0"
COMMON AREA:	5%
PROVIDED	
DENSITY (GROSS):	3.51 DU/Ac.
LOT:	18
LOT WIDTH:	58' - 0"
LOT DEPTH (AVG.):	140' - 0"
COMMON AREA:	9% OR +/- 20,149 SQ. FT. (INCL. LANDSCAPE SETBACK)





CITY OF PHOENIX
JUN 30 2022
Planning & Development Department

PRELIMINARY

BELLA ROSA

PRELIMINARY SITE PLAN

BELLA ROSA PARTNERS, LLC
11811 N TATUM BLVD, STE 1060
PHOENIX, AZ 85028

Contact Arizona 811 at least two full working days before you begin excavation
ARIZONA811
Call 811 or visit Arizona811.com

DATE	DESCRIPTION
date	_submittal_
06 / 30 / 2022	PHO

CHECKED BY: SL
DRAWN BY: KZ

TITLE: PRELIMINARY SITE PLAN

SHEET No. 1 of 1

PROJECT No. 1394

Terrascape consulting civil engineering • surveying • urban planning

EXHIBIT H

© 2017 Westwood Professional Services, Inc.

PRELIMINARY SITE/CONTEXT PLAN

BELLA ROSA

BEING A PORTION OF THE NORTHEAST ONE- QUARTER OF SECTION 1, TOWNSHIP 1 SOUTH, RANGE 2 EAST, OF THE GILA & SALT RIVER BASE & MERIDIAN, MARICOPA COUNTY, ARIZONA

LEGAL DESCRIPTION

APN: 300-17-004L
THE NORTHERLY 396.52 FEET OF THE FOLLOWING DESCRIBED PROPERTY:THE EAST HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 1 SOUTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, SOMETIMES DESCRIBED AS THE EAST HALF OF FARM UNIT "H", ACCORDING TO THE FARM UNIT PLAT;

EXCEPT THE EAST 33 FEET THEREOF, AS TO CONVEYED TO MARICOPA COUNTY BY QUIT CLAIM DEED RECORDED IN BOOK 105 OF DEEDS, PAGE 418, RECORDS OF MARICOPA COUNTY, ARIZONA.

APN: 300-17-004M
THAT PORTION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 1 SOUTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

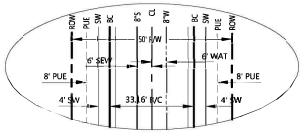
THE EAST HALF OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER;
EXCEPT THE NORTHERLY 396.52 FEET; AND
EXCEPT THE SOUTH 590.28 FEET; AND
EXCEPT THE EAST 33 FEET AS CONVEYED TO MARICOPA COUNTY BY QUIT CLAIM DEED RECORDED IN BOOK 105 DEEDS, PAGE 418, RECORDS OF MARICOPA COUNTY, ARIZONA.

R1-10 DEVELOPMENT OPTION - PLANNED RESIDENTIAL DEVELOPMENT

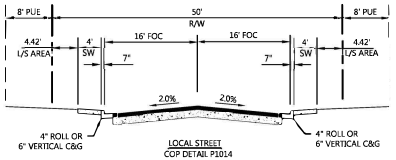
STANDARDS	PLANNED RESIDENTIAL DEVELOPMENT	PROPOSED STANDARD
MIN LOT WIDTH (IN THE EVENT OF HORIZONTAL PROPERTY REGIMES, "LOT" SHALL REFER TO THE WIDTH OF THE STRUCTURE AND EXCLUSIVE USE AREA)	45' MINUMIN (UNLESS APPROVED BY EITHER THE DESIGN ADVISOR OR THE SINGLE FAMILY ARCHITECTURAL APPEALS BOARD FOR DEMONSTRATING ENHANCED ARCHITECTURE THAT MINIMIZES THE IMPACT OF THE GARAGE.	45'
MINIMUM LOT DEPTH	NONE, EXCEPT 110' ADJACENT TO FREEWAY OR ARTERIAL	96'
DWELLING UNIT DENSITY (UNITS/GROSS ACRE)	3.5; 4.5 WITH BONUS	3.03 DU/AC
MIN. PERIMETER BUILDING SETBACKS	STREET (FRONT, REAR OR SIDE): 15' (IN ADDITION TO LANDSCAPE SETBACK); PROPERTY LINE (REAR): 15' (1-STORY), 20' (2-STORY); PROPERTY LINE (SIDE): 10' (1-STORY) 15' (2-STORY)	STREET (FRONT, REAR OR SIDE) 15'; (IN ADDITION TO LANDSCAPE SETBACK); PROPERTY LINE (REAR) 15' (1-STORY) 20' (2-STORY), PROPERTY LINE (SIDE); 10' (1-STORY) 15' (2-STORY)
COMMON LANDSCAPED SETBACK ADJACENT TO PERIMITER STREETS	15' AVERAGE, 10' MINIMUM (DOES NOT APPLY TO LOTS FRONTING ONTO PERIMETER STREETS)	15' AVERAGE, 10' MINIMUM (DOES NOT APPLY TO LOTS FRONTING ONTO PERIMETER STREETS)
MIN. INTERIOR BUILDING SETBACK	FRONT: 10';REAR: NONE; (ESTABLISHED BY BUILDING CODE); STREET SIDE; 10' SIDES; NONE (ESTABLISHED BY BUILDING CODE)	FRONT: 10';REAR: NONE; (ESTABLISHED BY BUILDING CODE); STREET SIDE; 10' SIDES; NONE (ESTABLISHED BY BUILDING CODE)
MIN. BUILDING SEPARATION	NONE	NONE
MIN. GARAGE SETBACK	18' FROM BACK OF SIDEWALK FOR FRONT-LOADED GARAGES, 10' FROM PROPERTY FOR SIDE-LOADED GARAGES	18' FROM BACK OF SIDEWALK FOR FRONT-LOADED GARAGES, 10' FROM PROPERTY FOR SIDE-LOADED GARAGES
MIN. GARAGE WIDTH	FOR LOTS <60': 2 CAR WIDTHS, FOR LOTS ≥60' TO 70': 3 CAR WIDTHS, FOR LOTS >70': NO MAXIMUM	FOR LOTS <60': 2 CAR WIDTHS, FOR LOTS ≥60' TO 70': 3 CAR WIDTHS, FOR LOTS >70': NO MAXIMUM
MAXIMUM HEIGHT	2 STORIES AND 30' (EXCEPT THAT 3 STORIES NOT EXCEEDING 30' ARE PERMITTED WHEN APPROVED BY THE DESIGN ADVISOR FOR DEMONSTRATING ENHANCED ARCHITECTURE.	2 STORIES AND 30' (EXCEPT THAT 3 STORIES NOT EXCEEDING 30' ARE PERMITTED WHEN APPROVED BY THE DESIGN ADVISOR FOR DEMONSTRATING ENHANCED ARCHITECTURE.
LOT COVERAGE	PRIMARY STRUCTURE, NOT INCLUDING ATTACHED SHADE STRUCTURES: 40% TOTAL 50%	AVERAGE LOT PRIMARY STRUCTURE 40%; TOTAL COVERAGE 50%
COMMON AREAS	MINIMUM 5% OF GROSS AREA	13.9%
ALLOWED USES	SINGLE-FAMILY DETACHED	SINGLE-FAMILY DETACHED
REQUIRED REVIEW	DEVELOPMENT REVIEW PER SECTION 507, AND SUBDIVISION TO CREATE 4 OR MORE LOTS	DEVELOPMENT REVIEW PER SECTION 507, AND SUBDIVISION TO CREATE 4 OR MORE LOTS
STREET STANDARDS	PUBLIC STREET OR PRIVATE ACCESSWAY(1)	PUBLIC STREET OR PRIVATE ACCESSWAY(1)
ON-LOT AND COMMON RETENTION	COMMON RETENTION REQUIRED FOR LOTS LESS THAN 8,000 SQ. FT. PER GRADING AND DRAINAGE ORDINANCE REQUIREMENTS	COMMON RETENTION AREA
LANDSCAPE STANDARDS	PERIMETER COMMON: TREES SPACED A MAXIMUM OD 20 TO 30 FEET ON CENTER (BASED ON SPECIES) OR IN EQUIVALENT GROUPINGS, AND 5 SHRUBS PER TREE.	PERIMETER COMMON: TREES SPACED A MAXIMUM OD 20 TO 30 FEET ON CENTER (BASED ON SPECIES) OR IN EQUIVALENT GROUPINGS, AND 5 SHRUBS PER TREE.

LEGEND

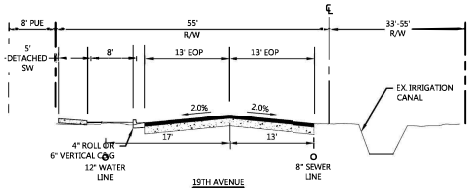
BOUNDARY LINE
CENTERLINE
RIGHT OF WAY (R/W)
LOT LINE
SETBACK LINE
PHOTO LOCATION
WATER VALVE
FIRE HYDRANT
SANITARY SEWER MANHOLE



TYPICAL STREET
NTS



LOCAL STREET
COP DETAIL P1014
TYPICAL CROSS SECTION H
N.T.S



19TH AVENUE
TYPICAL CROSS SECTION LOOKING NORTH
N.T.S.

SHEET INDEX

COVER SHEET	C-1
SITE PLAN	C-2

SITE ADDRESS

8020 S. 19TH AVE
PHOENIX, AZ 85041

ASSESSORS PARCEL NUMBER

A.P.N. 300-17-004L, 300-17-004M

SITE DATA

GROSS ACREAGE:	10.56 ACRES MORE OR LESS
(NET):	8.0 ACRES MORE OR LESS
NUMBER OF LOTS:	32
PROPOSED ZONING:	R1-10 PRD
LOTS AREA:	6.05 ACRES
PROPOSED DENSITY:	3.03 DU/AC
LOTS SALES:	YES
OPEN SPACE:	1.47 ACRES = 13.9%
RETENTION:	COMMON RETENTION AREAS

LOT COVERAGE CALCULATION

PRD LOT COVERAGE= (MAIN STRUCTURE) $\frac{\text{NET AREA-INTERNAL ROADWAY} * 0.4}{\text{TOTAL NUM OF LOTS}} = \frac{263,753\ SF * 0.4}{32} = 3,297\ SF$

PRD LOT COVERAGE= (ATTACHED STRUCTURE) $\frac{\text{NET AREA-INTERNAL ROADWAY} * 0.1}{\text{TOTAL NUM OF LOTS}} = \frac{263,753\ SF * 0.1}{32} = 824\ SF$

BENCHMARK

ADOT ALUMINUM CAP MARKED TEST SITE; ON NORTH WINGWALL OF IRRIGATION GATE NORTHWEST CORNER OF INTERSECTION OF 27TH AVE AND SOUTH MOUNTAIN AVE. ELEVATION IS 1095.42 PER CITY OF PHOENIX DATUM

BASIS OF BEARING

THE EAST LINE OF THE NORTHEAST ONE-QUARTER OF SECTION 1, TOWNSHIP 1 SOUTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE MERIDIAN, MARICOPA COUNTY, ARIZONA: BEARING N01°00'21"E.

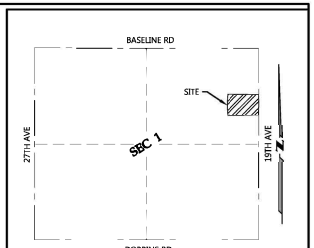
STATEMENT OF INTENT

THIS PROPOSAL INTENDS TO SUBDIVIDE THE 10.5 ACRE PROPERTY INTO 32 SINGLE FAMILY LOTS. THESE LOTS WILL BE DEVELOPED UNDER R1-6 ZONING STANDARDS. PRD DEVELOPMENT STANDARDS.

FLOOD ZONE

SUBJECT PARCEL IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION OF "X", ON FLOOD INSURANCE RATE MAP NO. 04013C2680L, WITH A DATE OF IDENTIFICATION OF OCTOBER 16, 2013, FOR COMMUNITY NUMBER 040037, IN MARICOPA COUNTY, STATE OF ARIZONA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.

ZONE X:
AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.



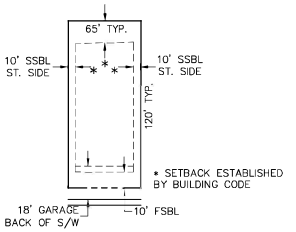
VICINITY MAP
N.T.S.

OWNER

19TH AVENUE PARTNERS LLC
7330 E PALO VERDE 4
SCOTTSDALE, AZ 85250

ENGINEER

WESTWOOD PROFESSIONAL SERVICES
6909 EAST GREENWAY PARKWAY, SUITE 250
SCOTTSDALE, AZ 85254
TELE: 480-747-6558
CONTACT: DAVID BOHN
EMAIL: DAVID. BOHN@WESTWOODPS.COM



TYPICAL LOT DETAIL

Contact Arizona 811 at least two full working days before you begin excavation
Arizona811.com
Call 811 or click Arizona811.com

CITY OF PHOENIX
JUL 28 2017
Planning & Development Department

INITIAL ISSUE: #### REV: #### REV: #### REV: #### REV: ####

DESIGNED: SG
DRAWN: JB
CHECKED: ####
DATE: ####
FIELD BOOK:
FIELD BOOK DATE:
SCALE: 1" = HORIZONTAL
SCALE: 1" = VERTICAL

Westwood
6909 East Greenway Parkway, Suite 250
Scottsdale, AZ 85254
Phone: (480) 747-6558
Fax: (480) 376-8025
westwoodps.com
Westwood Professional Services, Inc.

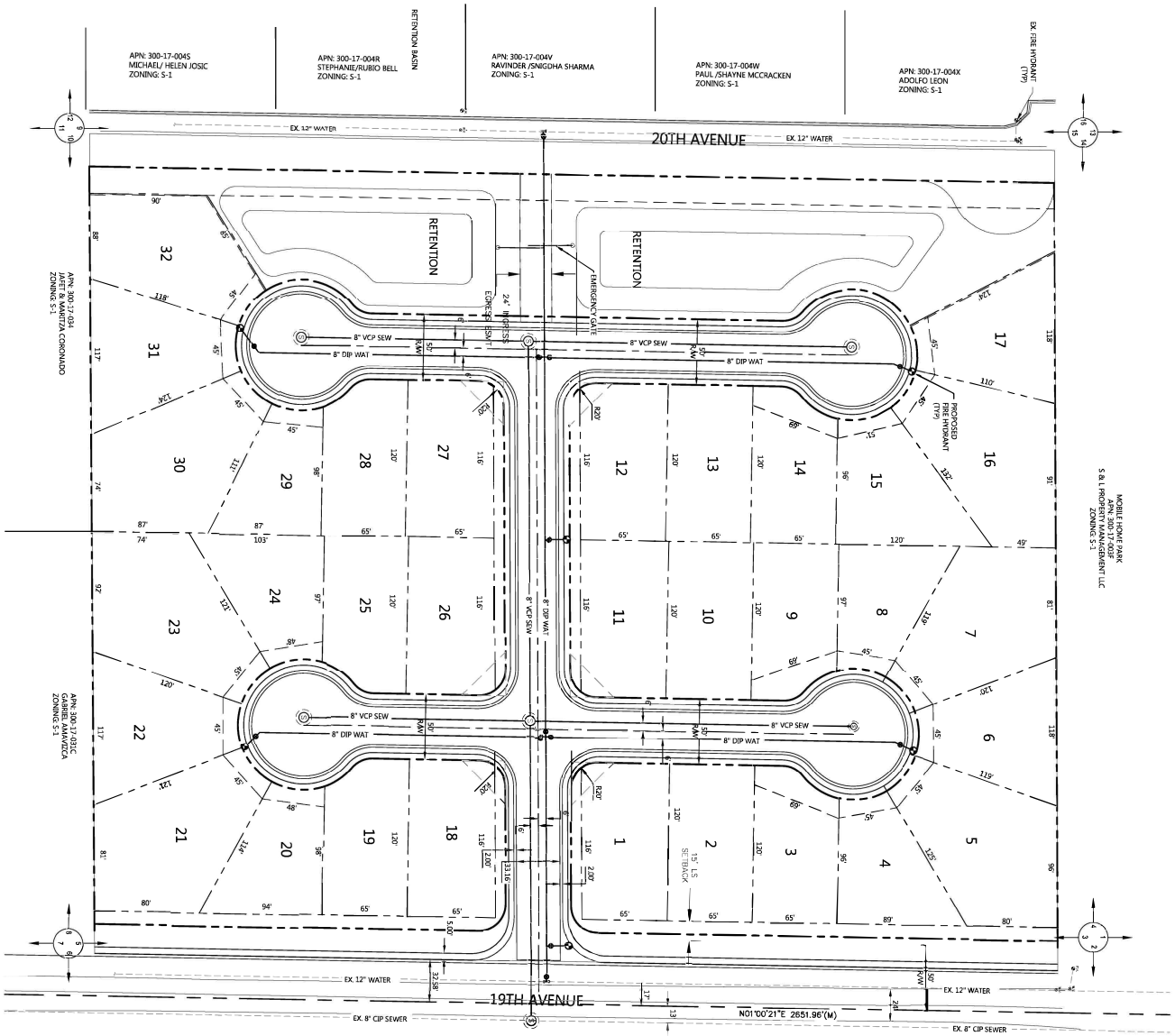
CONCEPTUAL SITE/CONTEXT PLAN
BELLA ROSA
PHOENIX, AZ

48533
DAVID M. BOHN
ARIZONA, U.S.A.
EXPIRES 9-30-2017

SHEET NUMBER: 1 OF 2
DATE: 02-13-17
PROJ: 9023

N:\009023.00\DWG\CIVIL\SITE PLAN\WORKING\9023-CP01.DWG

© 2017 Westwood Professional Services, Inc



CITY OF PHOENIX
JUL 28 2017
Planning & Development Department

SHEET NUMBER: 2 OF 2

DATE: 02-16-17
PROJ: 9023

REGISTERED PROFESSIONAL ENGINEER
DAVID M. BOHN
45533
ARIZONA U.S.A.
EXPIRES: 9-30-2017

CONCEPTUAL SITE/ CONTEXT PLAN
BELLA ROSA

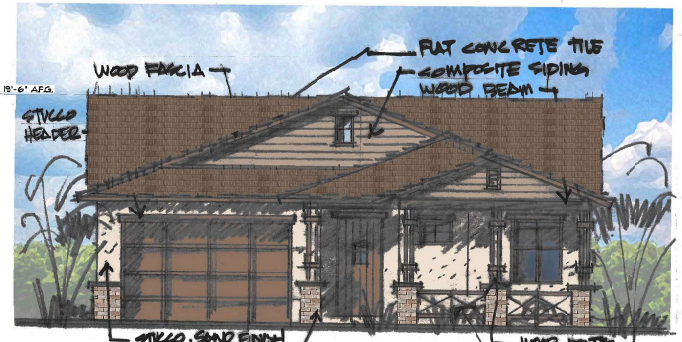
PHOENIX, AZ

Westwood
Phone (480) 747-6558
Fax (480) 376-8025
6909 East Greenway Parkway, Suite 250
Scottsdale, AZ 85254
westwoodps.com
Westwood Professional Services, Inc.

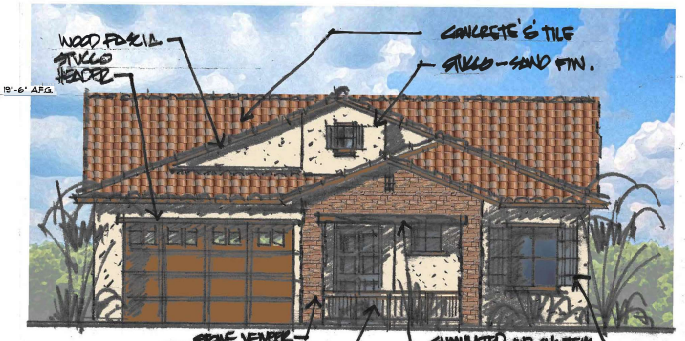
DESIGNED:	GG
CHECKED:	DB
DRAWN:	###
FIELD CREW:	
FIELD WORK DATE:	
SCALE 1" =	HORIZONTAL
SCALE 1" =	VERTICAL

INITIAL ISSUE:	####
REV:	####
REV:	####
REV:	####
REV:	####

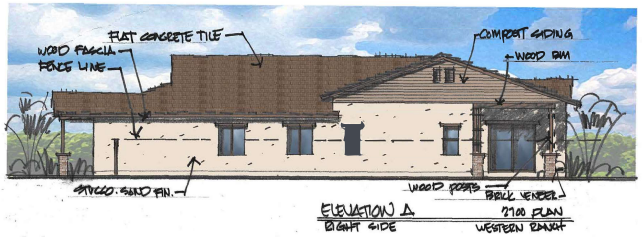
EXHIBIT I



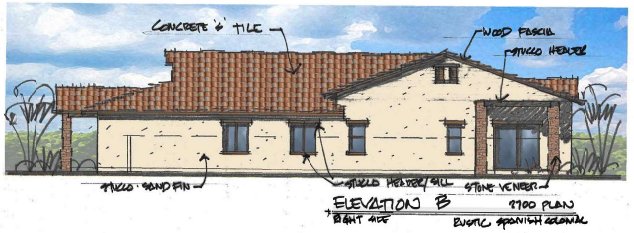
ELEVATION A
1/8" = 1'-0"
2700 PLAN
WESTERN RANCH



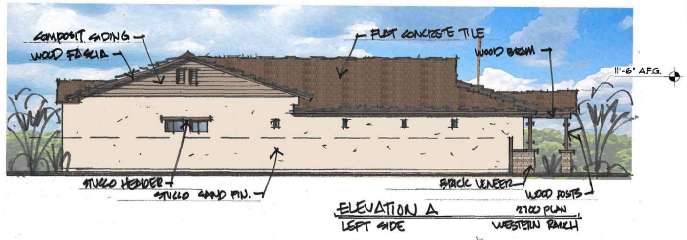
ELEVATION B
1/8" = 1'-0"
2700 PLAN
RUSTIC SPANISH COLONIAL



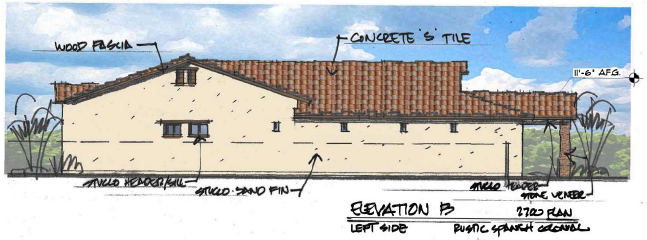
ELEVATION A
RIGHT SIDE
2700 PLAN
WESTERN RANCH



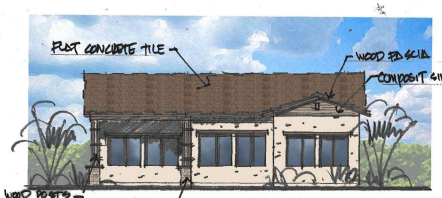
ELEVATION B
RIGHT SIDE
2700 PLAN
RUSTIC SPANISH COLONIAL



ELEVATION A
LEFT SIDE
2700 PLAN
WESTERN RANCH

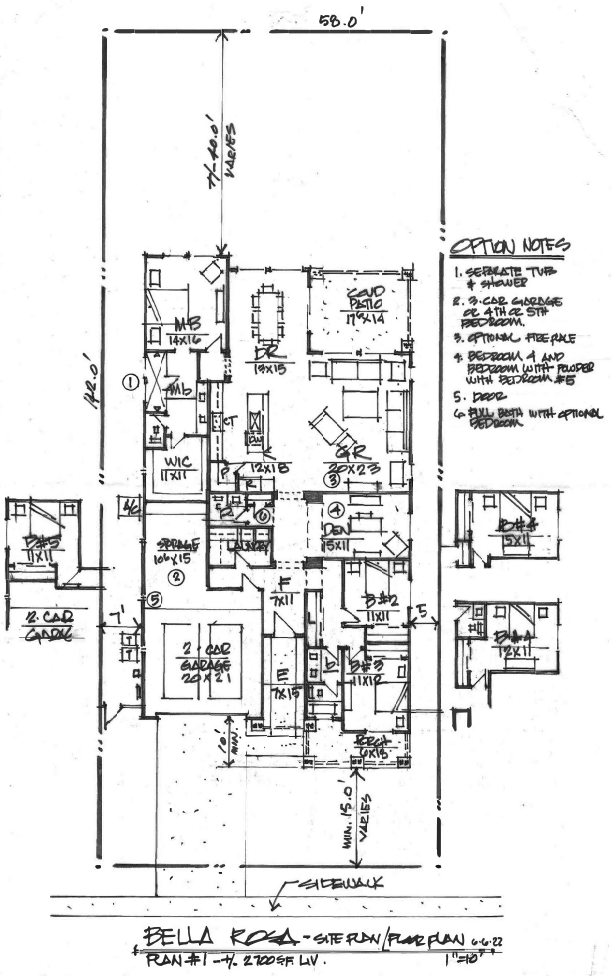


ELEVATION B
LEFT SIDE
2700 PLAN
RUSTIC SPANISH COLONIAL



ELEVATION A
REAR
2700 PLAN
WESTERN RANCH

ELEVATION B
REAR
2700 PLAN
RUSTIC SPANISH COLONIAL



BELLA ROSA - SITE PLAN/FLOOR PLAN 6-6-22
PLAN #1 - +/- 2700 SF LIV.
1"=10'

CITY OF PHOENIX
AUG 17 2022
Planning & Development Department

06 / 27 / 2022

PDG-1915

phoenix design group
8222 s. 48th street suite 236 phoenix arizona 85044 480 451 9773

BELLA ROSA

PHOENIX, AZ

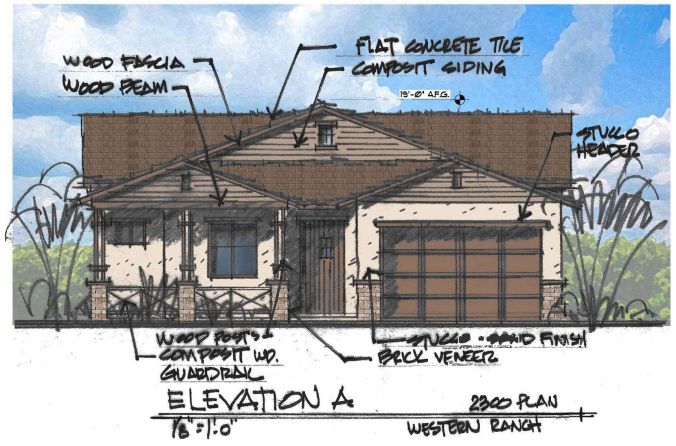
Proposed Elevations

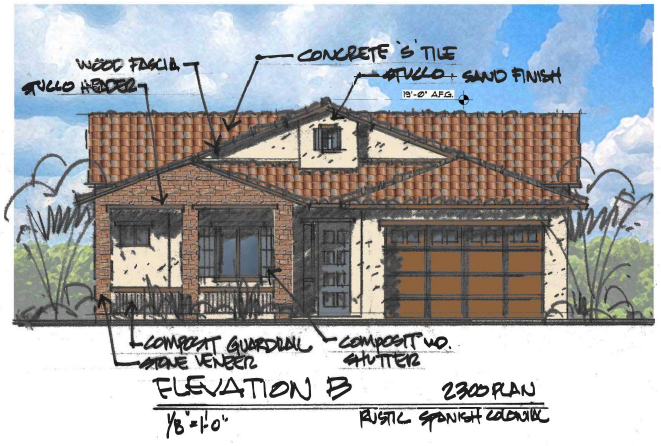
PLAN 1

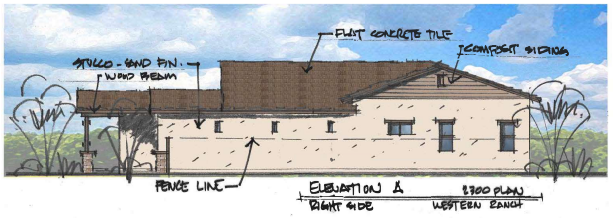
Hearing Date: August 17, 2022

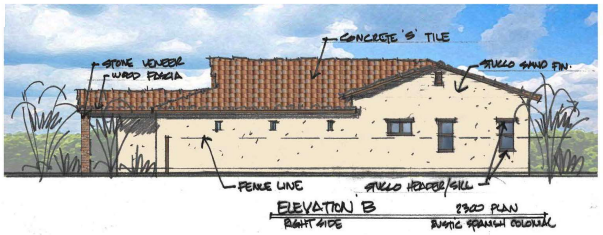
PHO-2-22--Z-47-17-8

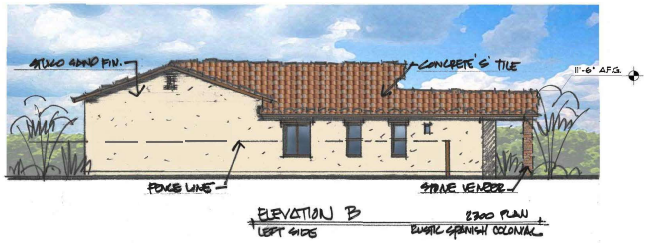
G:\PDG\PDG projects Files\1901-1950\1915 - BELLA ROSA HOMES-DYNALOW\ELEVS\ELEVS_24x36.dwg Jun 27, 2022 - 11:49pm

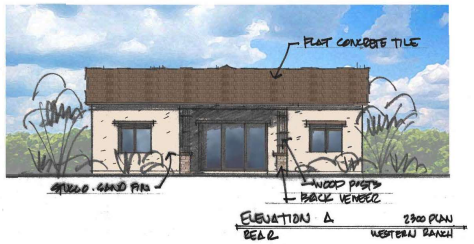


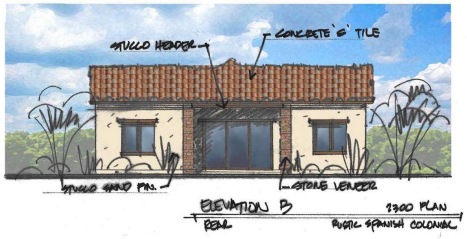


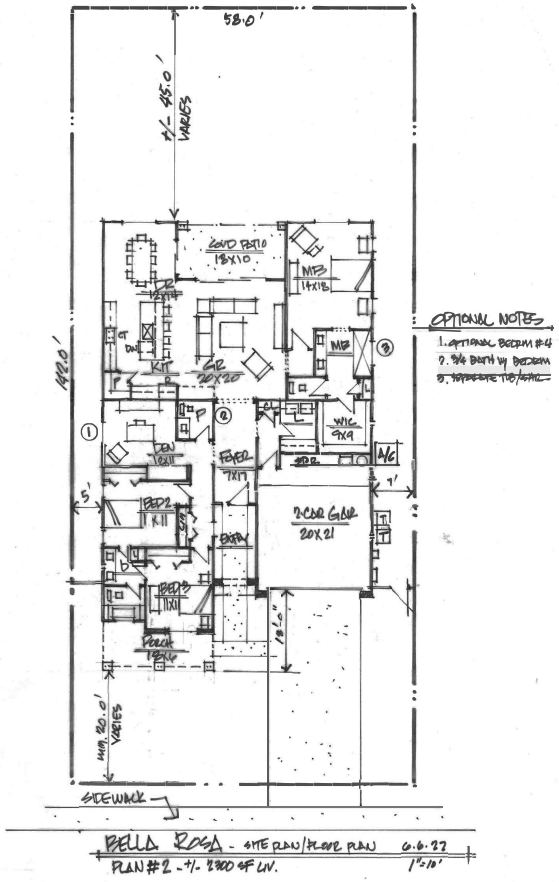












Page 552

Jun 28, 2022 - 8:24am

G:\PDG\PDG project files\HOI-HSG\HSG - BELLA ROSA HOMES-CHAD\DWGS\LCK 24x36.dwg

06 / 27 / 2022

phoenix design group

8222 s. 48th street suite 236 phoenix arizona 85044 480 451 9773

PDG-1915

BELLA ROSA

PHOENIX, AZ

Proposed Elevations

CITY OF PHOENIX

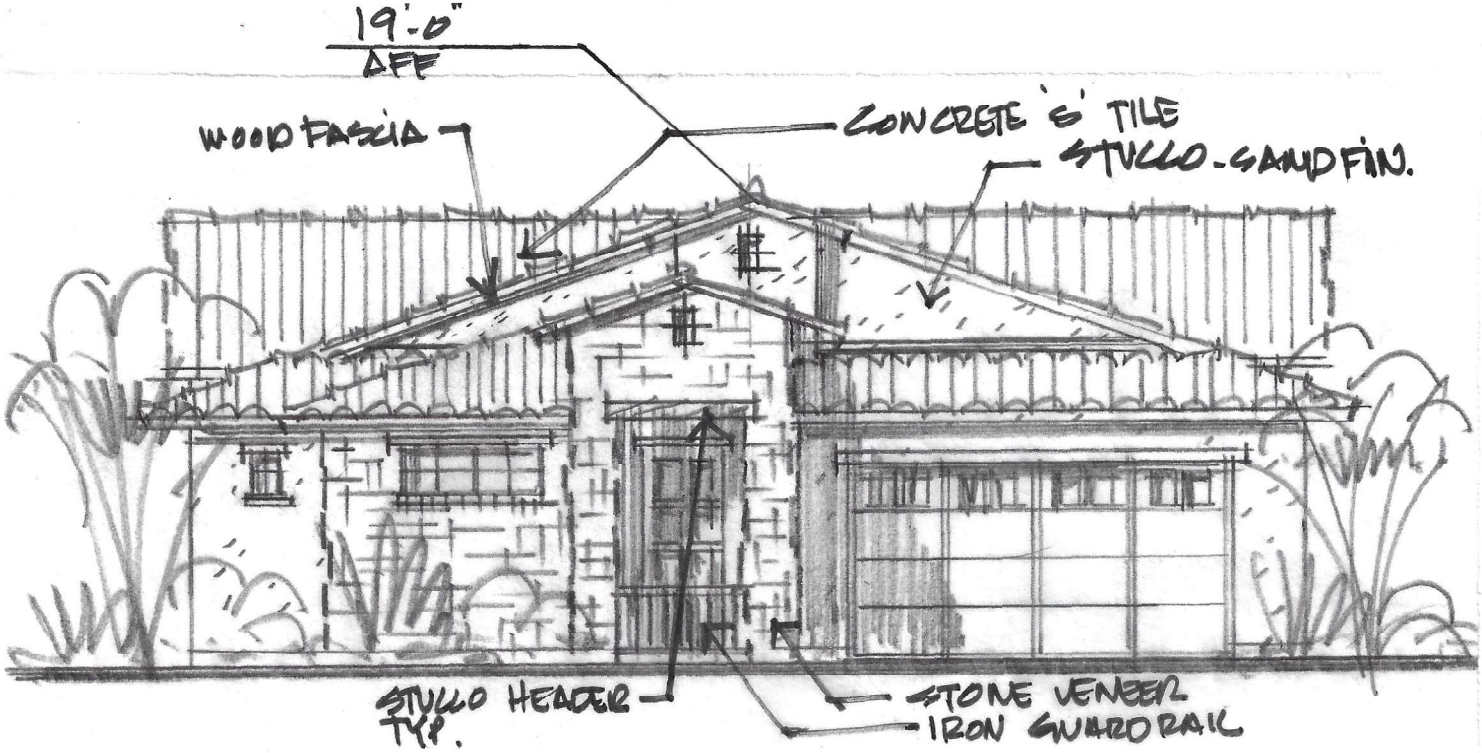
AUG 17 2022

Planning & Development Department

PLAN 2

Hearing Date: August 17, 2022

PHO-2-22--Z-47-17-8

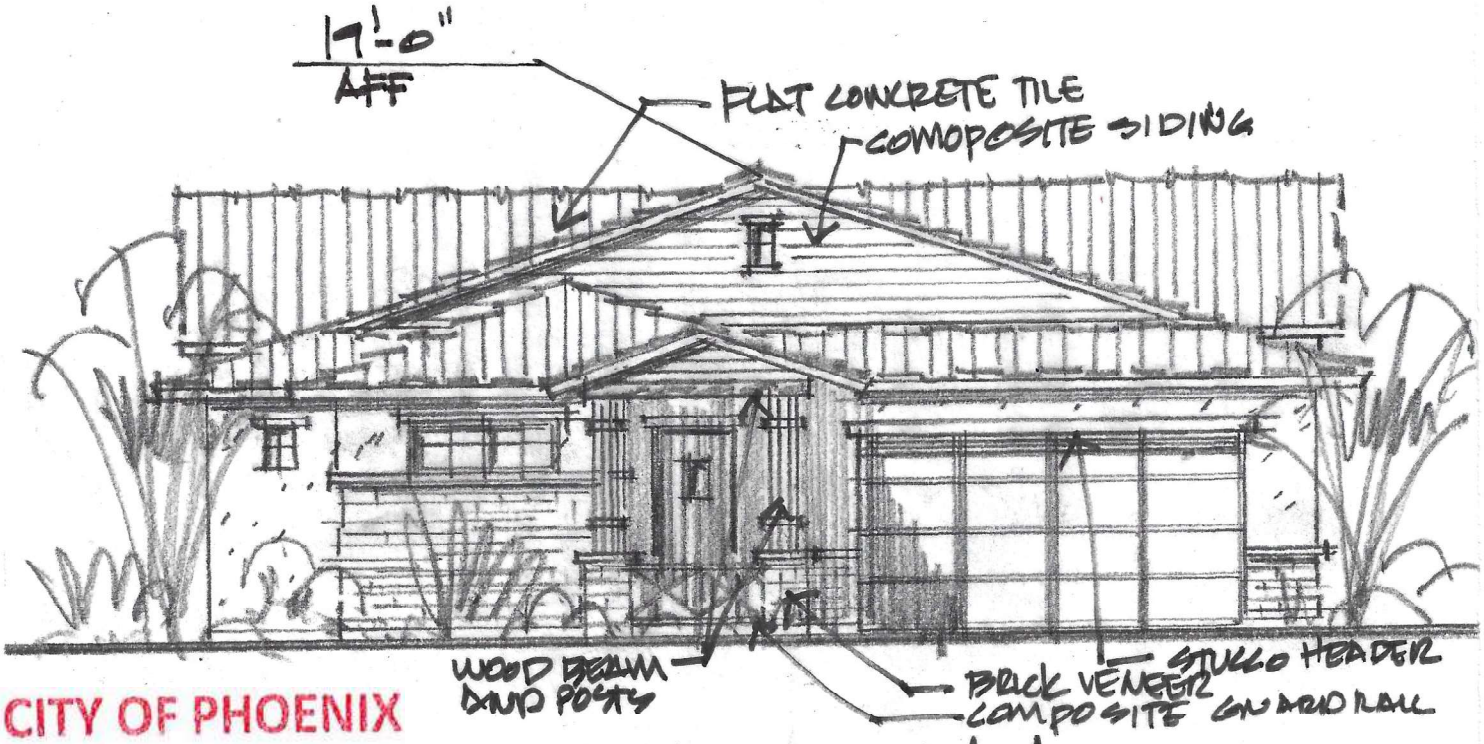


ELEVATION B

2200 PLAN

1/8"=1'-0"

RUSTIC SPANISH COLONIAL



ELEVATION A

2220 PLAN

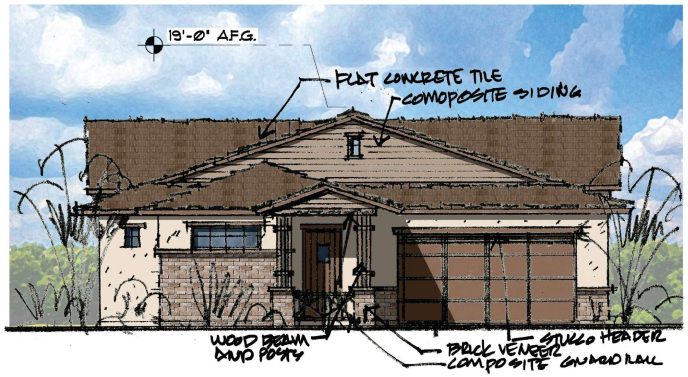
1/8"=1'-0"

WESTERN RANCH

CITY OF PHOENIX

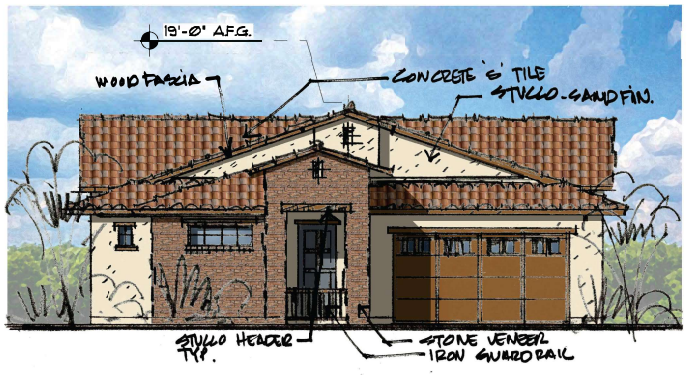
AUG 17 2022

Planning & Development Department



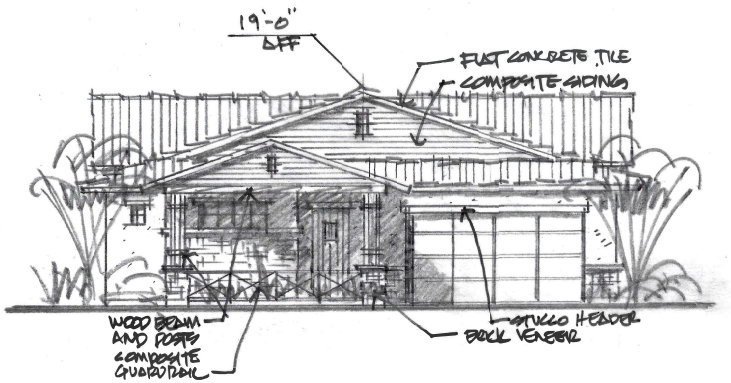
ELEVATION A (NO PORCH)

WESTERN RANCH SCALE: 3/16"=1'-0"



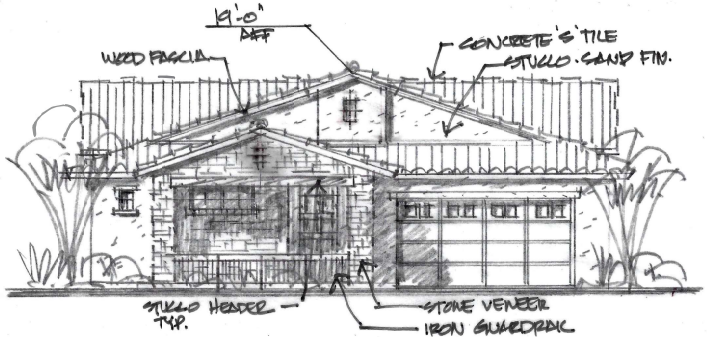
ELEVATION B (NO PORCH)

RUSTIC SPANISH COLONIAL SCALE: 3/16"=1'-0"



ELEVATION A (WITH PORCH)

WESTERN RANCH SCALE: 3/16"=1'-0"



ELEVATION B (WITH PORCH)

RUSTIC SPANISH COLONIAL SCALE: 3/16"=1'-0"

CITY OF PHOENIX
AUG 17 2022
Planning & Development Department

07 / 25 / 2022

phoenix design group
8222 s. 48th street suite 236 phoenix arizona 85044 480 451 8773

BELLA ROSA

PHOENIX, AZ

PDG-1915

PLAN #1 - 2,200 S.F. LIVABLE

G:\Users\hugh\Desktop\Job Files\PDG\PDG project files\1901-1150\1915 - BELLA ROSA HOMES-PHX\DWG\LOK 24x36.dwg Aug 15, 2022 - 8:05pm

EXHIBIT J

South Mountain
VILLAGE PLANNING COMMITTEE

Village Planning Committee Meeting Summary
PHO-2-22--Z-47-17-8

Date of VPC Meeting	August 9, 2022
Planning Hearing Officer Hearing Date	August 17, 2022
Request	1) Modification of Stipulation 1 regarding general conformance with the site plan date stamped July 28, 2017 2) Review of conceptual elevations by the Planning Hearing Officer per Stipulation 4
Location	130 feet north of the northwest corner of 19th Avenue and Latona Lane
VPC Recommendation	Approval
VPC Vote	**7-4**; Members Alvarez, Brooks, Busching, Montoya, Shepard, Marchuk and Daniels in favor. Coleman, Holmerud, Muhammad Roque, and Viera opposed.

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

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

Dean Chiarelli, Mike Josic, Cheverra Trillo, Gina Johnson, Nick Torrez, Ravi Sharma donated time to Jewel Clark.

Fatima Muhammad Roque asked what community outdoor areas and spaces were being provided for the community. **Chuck Kennedy** said that large retention basins, limited access to 20th Avenue, shade structures, picnic tables, and possible barbecue areas may be provided.

Dr. George Brooks asked how the site is capturing new resources to maximize efficiency, such as higher SEER rated units, Energy Star ratings, and electric vehicle outlets. **Mr. Kennedy** mentioned they are providing water efficient fixtures, drought tolerant planting, and landscaping that provides shade.

Chair Tamala Daniels stated a HERS rating of 55 or lower is a good energy efficient number. **Dr. Brooks** asked what the HERS rating was for the proposed homes. **Mr. Kennedy** answered they didn't have one at this stage

Dr. Brooks asked if the applicant read the South Phoenix Food Plan. **Chuck Kennedy** stated they did not.

Gene Holmerud asked if the developer is providing EV vehicle outlets in the homes. **Mr. Valencia** mentioned that things like EV outlets could be options the developer can provide but the city would not be able to enforce them. **Gene Holmerud** mentioned that would be one way to make incremental change.

Dr. Viera asked if more energy efficient items could be requested by the committee even if the city cannot enforce them instead of waiting five or more years for things to be required. **Mr. Valencia** answered that the committee can make any recommendation they'd like but advised to make enforceable stipulations to avoid being set up for disappointment. **Gene Holmerud** asked for examples of what the committee could stipulate. **Mr. Valencia** stated open space, landscaping, tree caliper size, and tree spacing to name a few.

Kevin Zenk wanted to clarify that he never received a copy of the Food Action Plan to review. **Mr. Valencia** said he would forward the Food Action plan to the applicant. **Dr. Viera** asked that the Climate Action Plan be forwarded too.

Chair Daniels asked if the streets would be tree lined. **Kevin Zenk** said they would be.

Chair Daniels asked for the original site plan to be showed and why the emergency access to 20th was removed from the new site plan. **Kevin Zenk** stated there was conversation with the Fire department and they said the cul-de-sac turnaround radius met fire requirements. This would also allow for more retention and open space area.

Chair Daniels asked staff if the Street Transportation Department was okay with only one access point. **Mr. Valencia** answered that a technical appeal would be required because the streets are not connecting. Mr. Valencia added that Fire is okay with the cul-de-sac radius because the cul-de-sac radius is designed with a fire truck being able to turn around in mind. Connecting the street and gating it off would not count as connectivity but connecting it does result in less open space. Mr. Valencia also showed an aerial to point out that 20th avenue does not connect any further north and how 19th avenue has the bigger build out and is more connected.

Chair Daniels asked if the cul-de-sac triggers the technical appeal. **Mr. Valencia** answered that it triggers two technical appeals. One for having an overlength distance to the cul-de-sac from 19th Avenue and one for not connecting to 20th Avenue. **Chair Daniels** asked if Streets was okay with that. **Mr. Valencia** replied that he did not receive any comments from Streets because this is a PHO case and street correspondence more than likely was sent to the Hearing Officer.

Chair Daniels asked if the developer had met with the PHO already. **Mr. Valencia** said that has not happened yet because the public hearing for PHO is after the Village. Recommendations made at the Village will be forwarded to the PHO for their analysis.

Gene Holmerud asked if a light duty fence for fire to smash through could be constructed. **Mr. Valencia** said the original proposal had an emergency gate and fire

could gain access through what's called a Knox box. Crashing through a fence would possibly be a last resort.

PUBLIC COMMENT:

Erin Hegedus was concerned that there are no real heat mitigations proposed. Ms. Hegedus talked about an open SRP irrigation canal across on 19th Avenue. There are numerous crashes that happen on 19th Avenue and Southern because it is a two-lane street that goes into a swerve. She expressed that there is a lack of infrastructure in the area to support the density that keeps coming in the area and that here are many reports of crashes in the irrigation ditch across from the site. Ms. Hegedus also expressed concerns with the lack of tree canopy, landscape enhancements, and sidewalk details not being shown on the plans.

Jewel Clark stated that the original development had three houses per acre and that anything with higher density is not keeping in character with the area. Mrs. Clark asked for the city to keep the density to the original approval and asked for greater street setbacks from the S-1 homes across the street. Mrs. Clark stated dropping the density would allow for the greater setbacks to be achieved and for an even greater open space percentage which is more consistent with the surrounding area. Mrs. Clark also brought up how all the existing and recently approved projects in the area are single-story in height and was not sure why the applicant is proposing two-story homes without showing any of those elevations. Mrs. Clark stated the Rio Montaña Area Plan calls for limited two-story homes, yet the applicant has given no indication of how many they intend to provide. Mrs. Clark said there is enough lacking to either continue or deny the request, an inconsistency with the character of the Rio Montaña Area Plan, and lack of commitment to heat mitigation from the applicant's proposal. Mrs. Clark mentioned their neighborhood area feels cooler because of the amount of open space there is, and as a strong supporter of sustainability she would like to see more requirements being placed on these final products since the site was only recently acquired in April there should be more time to review and improve the proposal. Mrs. Clark commented on the elevations and how the Rio Montaña Area Plan not only mentions garages be recessed 10-feet back from the front, but also calls for alley and side loaded garages. Mrs. Clark finished her remarks summarizing that the key issues are density, open space, setbacks, and single-story if possible.

APPLICANT RESPONSE

Kevin Zenk said that they submitted a landscape plan showing tree lined streets as well as the necessary vegetation in the landscape strips, but that it was denied, and they were told it was not needed. As for density and open space they are more than double what is required in R1-10 PRD. Density of 3.5 du/ac is within what is allowed in R1-10 PRD zoning and the Rio Montaña Area Plan. Mr. Zenk said they are willing to be stipulated to Energy Star conformance and to work with the utility and development teams to ensure theses homes are sustainable and energy efficient.

COMMITTEE DISCUSSION

Marcia Busching appreciated all the public and committee comments including irrigation, open space, and tree lined streets. She reminded the committee that unfortunately the request being presented is to provide comments for a modification to a previously approved site plan and as a result she is in favor of the item.

Kay Shepard agreed with Marcia Bushing and stated that she was ready to make a motion.

MOTION:

Kay Shepard motioned to approve case PHO-2-22--Z-47-17-8 as filed. **Marcia Busching** seconded the motion to approve.

VOTE:

7-4, motion passed; Members Alvarez, Brooks, Busching, Montoya, Shepard, Marchuk, and Daniels in favor. Coleman, Holmerud, Muhammad Roque, and Viera opposed. Mr. Holmerud stated with the site being purchased in April it seemed rushed together.

STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:

1) Note that this item is related to Item #8 (Review and Comment Item - regarding Rezoning Case No. PHO-2-22--Z-47-17-8) heard on this same agenda. See documents regarding that item and case file for further discussion on these items.

EXHIBIT K

South Mountain
VILLAGE PLANNING COMMITTEE

Village Planning Committee Meeting Summary
REVIEW AND COMMENT
PHO-2-22--Z-47-17-8

Date of VPC Meeting	August 9, 2022
Location	130 feet north of the northwest corner of 19th Avenue and Latona Lane
VPC Recommendation	Stipulation 3 met and two recommendations provided to staff regarding staggered lots and front porches
VPC Vote	**11-0**; Members Alvarez, Brooks, Busching, Coleman, Holmerud, Montoya, Muhammad Roque, Shepard, Viera, Marchuk, and Daniels in favor.

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

Mr. Valencia mentioned Stipulations 3 and 4 of the underlying case created redundancy. Stipulation 3 for review and comment would have less weight than providing PHO comments for their review as part of Stipulation 4. Mr. Valencia asked the committee if they would like to provide elevation comments to the PHO they should do so as part of this discussion, unless they would rather have the applicant come back to them prior to final site plan approval.

Chair Daniels stated that we don't really have elevations.

Mr. Valencia said exactly and that is why the committee could be specific as to what they would like to achieve from the elevations such as height, or side loaded garages.

Marcia Bushing asked for clarification on the elevations on pages 72 and 73 of the packet and if there are only four elevations being proposed.

Kevin Zenk answered that those are the preferred conceptual elevations.

Mr. Valencia shared two additional elevations for a single-story home that were emailed by the applicant after the packet had been sent out and asked the applicant if they had any two-story homes proposed. **Chuck Kennedy** answered that the majority would be single-story, but they wanted to allow some flexibility to be able to build two-story in case a buyer wanted additional floor area.

Mr. Valencia reminded the committee that if they wanted to restrict the heights or certain lots to be a certain height this would be the time to provide that information.

Chair Daniels said she did not have an issue with height as it creates diversity, but she did want to go over side loaded garages and characteristics for the Rio Montaña area plan while going over the elevations.

Mr. Valencia presented the elevations while bringing out that some key areas include reduction of garage dominance which could be done by stepping back the garage which all the elevations seem to indicate. Mr. Valencia stated that side loaded garages are closer to the front property line but break up garage dominance because it has windows and acts like a faux front. Mr. Valencia stated that none of the elevations indicate side loaded garages so of the committee wants that they will have to give some specifics such as percentage of elevations to provide that option. Mr. Valencia next mentioned front porches are also characteristic of the Rio Montaña Area Plan and that all the proposed elevations do not indicate porches or their dimensions. All elevations indicate pitched roofs which Mr. Valencia said was another Rio Montaña Area Plan character trait. As well as the variety of materials being proposed.

Chair Daniels asked how much percentage could be asked for on porches. **Mr. Valencia** cited earlier cases where the committee stipulated 75 percent of the elevations to have porches.

Chair Daniels stated she would like to see front porches on the elevations and asked if side loaded garages create a staggering effect. **Mr. Valencia** replied that a staggering effect is created by side loaded garages because the building projects forward on some lots while others are further back.

Chair Daniels asked for side loaded garages and for porches on 75 percent of the elevations since the applicant is also seeking the technical appeals creating a win-win situation.

Kevin Zenk mentioned that side loaded garages would be difficult to achieve on lots of this width because of turning radius requirements. Mr. Zenk added that they are accepting of the front porch requirements as it does create more massing and reduces the prominence of the garage. **Chair Daniels** replied that she has seen smaller lots with side loaded garages.

Gene Holmerud asked if the elevations are coming back for them to review. **Mr. Valencia** stated if the committee wants the applicant to come back with elevations as Stipulation 3 of the underlying case, then the comments they provide are under no guarantee of being implemented during site review. If the committee opts to provide comments to the PHO, then the PHO can use those comments as part of their review. Although there is no guarantee that the PHO will enact the committees' comments, the committees' comments hold more weight in that forum. **Gene Holmerud** stated that if a motion is made then it should be to provide comments to the PHO.

MOTION 1

Mr. Valencia asked if the motion the committee wanted was to consider Stipulation 3 met and to provide elevation comments to staff to include requiring 25 percent of the elevations to accommodate side loaded garages and 75 percent of the elevations to provide front porches, with porches to be designed consistent with recommendations in the Rio Montaña Area Plan, with a minimum 6-foot depth and a minimum 60 square-feet in area.

Gene Holmerud agreed and made that motion. No second was provided for this motion. The motion failed.

MOTION 2

Kay Shepard stated that side loaded garages would not look appealing due to the amount of concrete that would be required for the driveway and maneuvering area on lots of this width. **Chair Daniels** agreed with Kay Shepard and asked if they could still stagger the houses. **Mr. Valencia** answered that the lots are about 140 feet in depth and that there is that opportunity to create undulation. **Kay Shepard** stated that she liked the staggered idea.

Ms. Shepard made a motion to consider Stipulation 3 of PHO-2-22-Z-47-17-8 met and to provide two recommendations to staff:

1) The lots in the subdivision shall be staggered.

2) 75 percent of the elevations shall provide covered porches. Porches shall be consistent with recommendations in the Rio Montaña Area plan and provide a minimum of six-foot depth and a minimum sixty square feet in area.

Marcia Busching seconded the motion.

VOTE:

11-0; Members Alvarez, Brooks, Busching, Coleman, Holmerud, Montoya, Muhammad Roque, Shepard, Viera, Marchuk, and Daniels in favor.

STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:

1) Note that this item was advertised and intended to be heard as a '*Review and Comment*' item and therefore, no motion and vote was required. However, there is no impact from the VPC having taken a motion and vote and the recommendations will be provided to staff regardless.

2) Note that this item is related to Item #7 (Rezoning Case No. PHO-2-22--Z-47-17-8) heard on this same agenda. See documents regarding that item and case file for further discussion on these items.

3) The VPC did not provide specific dimensions for the staggering of front yard setback lines. However, an example of this staggering is depicted in Figures 71 and 72 on page 39 (42 in PDF) of the Rio Montaña Area Plan and is also mentioned as an option in the Single-Family Design Review Checklist (SFDR).

4) The Rio Montaña Area Plan, page 22 (25 in PDF), mentions “providing deep overhangs and covered porches on residential buildings”. Although no specific dimensions are given, note that the nearby Baseline Area Overlay District (BAOD) provides recommended dimensions in Section 651.E.3.b.(4).

EXHIBIT L

REPORT OF PLANNING HEARING OFFICER ACTION
Adam Stranieri, Planner III, Hearing Officer
Bradley Wylam, Planner I, Assisting

August 17, 2022

ITEM NO: 5	
	DISTRICT 8
SUBJECT:	
Application #:	PHO-2-22--Z-47-17-8
Location:	Approximately 130 feet north of the northwest corner of 19th Avenue and Latona Lane
Zoning:	R1-10
Acreage:	5.12
Request:	1) Modification of Stipulation 1 regarding general conformance with the site plan date stamped July 28, 2017. 2) Review of conceptual elevations by the Planning Hearing Officer per Stipulation 4.
Applicant:	Terrascape Consulting LLC
Owner:	Bella Rosa Partners LLC
Representative:	Terrascape Consulting LLC

ACTIONS:

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

Village Planning Committee (VPC) Recommendation: The South Mountain Village Planning Committee heard this request on August 9, 2022 and recommended approval by a vote of 7-4.

DISCUSSION:

Kevin Zenk, representative with Terrascape Consulting, reviewed the subject site and surrounding uses. He provided an overview of the original rezoning case and noted that both parcels in the original rezoning case area have changed ownership and will be developed separately. He reviewed the proposed conceptual site plan, which depicts an 18-unit single-family subdivision at approximately 3.51 dwelling units per gross acre. He stated that a single street with a cul-de-sac is proposed and that approximately 9% of the gross area would be reserved as common open space. He stated that the lot widths at approximately 58 feet are similar to the lot sizes on the stipulated site plan. He provided an overview of the proposed elevations and stated that the elevations are consistent with design guidelines from the Rio Montaña Area Plan, including

staggered lots with various front setbacks and a variety of building materials. He noted that only single-story elevations were submitted but noted that he hopes to include a two-story elevations in the final development of the subdivision. He noted that the Rio Montaña Area Plan states that houses with varying heights are encouraged to create housing diversity. He stated that landscaping was discussed at the South Mountain Village Planning Committee (VPC) and displayed a conceptual landscape plan that depicts landscaping along streets.

Michael Josic, adjacent property owner to the west speaking in opposition, expressed concerns regarding privacy and wished to eliminate all two-story homes from the western side of the subdivision. He specified that Lots 8, 9, 10, and 11 should be limited to single-story development only.

Jewel Clark, adjacent property owner to the west speaking in opposition, stated that she is representing multiple property owners in the surrounding area, including Miguel Rubio and Ravinder Sharma, who also own property adjacent to the subject site. She stated that the stipulated site plan depicts 3.03 dwelling units per gross acre, compared to the 3.51 dwelling units per gross acre currently proposed, and noted that the density would be greater than that approved in two recent rezoning cases at the southeast and southwest corners of 19th Avenue and South Mountain, approximately 600 feet south of the subject site. She stated that the proposed density is out of character with the surrounding community, which consists of large lot residences that are zoned S-1. She stated that the development should be limited to approximately 3 dwelling units per acre, consistent with the stipulated site plan. She stated that the Rio Montaña Area Plan states that the area is to be preserved with open space and create an area that feels rural. She noted that active agriculture is present in the surrounding area. She stated that by reducing the number of units, increased open space and perimeter setbacks could be introduced that may ease neighbors' concerns. She stated that she would like the development to consist of single-story units only, which would match the character of the area. She noted that there are no two-story residences near the property and that the two subdivisions recently approved to the south are limited to one story. She stated that the Rio Montaña Area Plan notes that two-story development should be limited. She reiterated that the density of 3.51 dwelling units per gross acre significantly deviates from the density on the stipulated site plan and noted that she hoped the site would be limited to single-story development. She stated that the lack of two-story elevations in the applicant's submittals is concerning.

Mr. Zenk stated that the developer is willing to stipulate that Lots 8, 9, 10, and 11 are to be limited to single-story development, as recommended by Mr. Josic. He stated that the Rio Montaña Area Plan notes that a diversity of building heights is recommended. He stated that the two-story residences are proposed to be staggered in development and not located directly adjacent to other two-story

units. He stated that the development would be in conformance with the density and height permitted by the R1-10 zoning district.

Adam Stranieri, Planning Hearing Officer, stated that 12 letters in opposition were received prior to the hearing and noted that Ms. Clark's letter comprised the text of 11 of those letters. He stated that the concerns noted in the correspondence include the increased density, building height, and reduction in open space. He provided an overview of the South Mountain Village Planning Committee (VPC) recommendation, which recommended approval by a vote of 7-4. He noted that the VPC made two recommendations during a "review and comment" item regarding architectural elevations per Stipulation 3. He noted that they recommended adding a stipulation that front setbacks be staggered and requiring front porches. He noted that the VPC recommendations were addressed in Mr. Zenk's presentation. He stated that Stipulations 3 and 4 are redundant and that he would consider the VPC's recommendations for Stipulation 3 made in conjunction with the recommendation on the PHO item. He stated none of the application materials provided by the applicant discuss or propose two-story buildings and that the conceptual elevations did not include any two-story home designs. He stated that he is not comfortable recommending any stipulation that infers that two-story development would be permitted due to the lack of two-story elevations. He also stated that the intent of Stipulation 4 was to address the lack of elevations in the original rezoning case and require the applicant to provide elevations, when available, through a public hearing process. He stated that he does not feel the stipulation has been complied with if the applicant did not provide any two-story elevations and now wants approval for such homes. He stated that he would be comfortable recommending a continuance to allow the applicant to provide elevations for the two-story homes they have discussed, or alternately he would be comfortable providing a recommendation based solely on the single-story elevations provided. He noted that a general conformance stipulation to solely single-story elevations would not allow the applicant to construct two-story homes without a subsequent PHO case to modify that stipulation to include those designs. He discussed the use of 'general conformance' as a term in zoning stipulations. Mr. Zenk stated that he would prefer to move forward with a recommendation based on the conceptual building elevations provided.

Mr. Stranieri provided an overview of the proposed conceptual site plan and stated that the density depicted consists of approximately two more units than what would be permitted using the density shown on the stipulated site plan. He stated that the change is modest and remains below the maximum permitted density in the R1-10 zoning district. He stated that approximately 9% open space is depicted on the proposed conceptual site plan, which is approximately twice the minimum open space required by the Zoning Ordinance. He stated that a technical appeal may be required regarding the termination of the cul-de-sac on the west portion of the site. Scott Lucas, representative with Terrascape

Consulting, stated that the technical appeal has not been applied for, but would be following the results of the PHO process.

Mr. Stranieri recommended approval of the request to modify Stipulation 1 with a modification to provide more standard language. He stated that the proposed conceptual elevations depict a variety of building materials, multiple building colors, variation in roof design, and multiple architectural features such as wood posts, gable ornamentation, varied window size, and decorative garage panels. He stated that the staggered front setbacks, which was recommended by the South Mountain VPC and recommended in the Rio Montaña Area Plan is recommended for approval as a new sub-stipulation of Stipulation 1. He stated that the stipulation would state that the front setback is to be staggered a minimum of 4 feet compared to adjacent lots. He stated that the South Mountain VPC recommendation requiring front porches is recommended for approval. He stated that this stipulation would follow standard language drawn from the Baseline Area Overlay District. He recommended that Stipulation 4 regarding the review and approval of conceptual elevations be replaced with a standard language general conformance stipulation with the elevations date stamped August 17, 2022. He requested that staff combine the multiple elevations submitted throughout the hearing process under a single cover and date stamp for simplicity. He stated that the Street Transportation Department recommended an additional stipulation regarding dedications, detached sidewalks, and landscaping along 19th Avenue.

Mr. Josic asked a question regarding an open irrigation canal on the west side of 19th Avenue. Mr. Lucas stated that the drainage would be updated through street improvements along the subject site's frontage. Mr. Stranieri noted that the proposed conceptual site plan approved by the PHO would not have an impact on any existing Subdivision or Zoning Ordinance technical requirements that may be implemented as the developer continues through the plan review process.

FINDINGS:

1) The South Mountain Village Planning Committee heard two agenda items regarding this case at their August 9, 2022 meeting. The first (Agenda Item #7) was the PHO request itself. The second (Agenda Item #8) was for review and comment on architectural elevations per the requirements of Stipulation 3. Note that Stipulation 3 is redundant of, and less restrictive than, the requirement for PHO review of conceptual elevations required by Stipulation 4. However, during the review and comment item, the VPC made two recommendations regarding the provision of staggered front setbacks and front porches. These recommendations are addressed in these findings along with the consideration paid to the VPC's discussion during the PHO request itself.

2) The request to modify Stipulation 1 regarding general conformance with the site plan is recommended for approval with modifications to provide more standard conformance language and to add a new sub-stipulation requiring staggered front setbacks.

   The subject property includes only the southern 5.12 gross acres of the 11.15 gross acres rezoned in the original case. The stipulated site plan depicted a 32-unit single-family subdivision at approximately 3.03 dwelling units per gross acre and approximately 13.9% open space. Units were arranged around four cul-de-sacs oriented north/south, with most of the open space along the west property line. The street running east/west through the site terminated in an emergency gate along the west property line.

   The proposed conceptual site plan depicts an 18-unit single-family subdivision at approximately 3.51 dwelling units per gross acre, with approximately 9% open space. Units are arranged along a street running east/west through the site. The street terminates in a cul-de-sac along the west property line. Most of the open space is along the west property line. The proposal is substantially similar to the stipulated site plan, with the caveat that it is designed with less than half of the original area. The density remains below, and the open space above, Ordinance standards. The proposal is compatible with existing development in the surrounding area.

   A new sub-stipulation is recommended requiring staggered front setbacks. This recommendation is consistent with the recommendation of the South Mountain Village Planning Committee. It is also consistent with design recommendations in the Rio Montaña Area Plan (Page 39, Figure 71).

3) The applicant submitted conceptual elevations for review and approval per the requirements of Stipulation 4. The stipulation has been complied with and is recommended to be deleted and replaced with a standard language stipulation for general conformance to the elevations provided. Stipulation 4 states that the elevations submitted should be consistent with recommendations in the Rio Montaña Area Plan. The elevations depict a variety of building materials (stone façade, composite siding, wood elements, brick veneer), multiple building colors, variation in roof design, and multiple architectural features (wood posts, gable ornamentation, varied window sizes, decorative garage panels). This diversity is consistent with the Rio Montaña Area Plan and many of the design choices are compatible with the rural and agricultural character described in the plan.

4) An additional stipulation is recommended to require front porches to be provided per the requirements of the Baseline Area Overlay District (651.E.3.b.(4)). This recommendation is consistent with the recommendation of the South Mountain Village Planning Committee. It is also consistent with the Rio Montaña Area Plan (Page 22; Page 23; Page 44, Figures 97 and 100) and the intent of Stipulation 4.

5) The Street Transportation Department recommends one additional stipulation addressing required dedications, detached sidewalks, and landscaping along 19th Avenue. This stipulation is recommended for inclusion.

   19th Avenue is identified on the City Council Approved Street Classification Map as a D-Section Arterial roadway. This cross section requires a total right-of-way dedication of 50-feet where the last 10-feet may consider a 10-foot-wide sidewalk easement. Within the ROW/sidewalk easement, an 11-foot-wide landscape strip located between back of curb and sidewalk is required to create a separated detached sidewalk and allow planting space for trees to mature and to adequately shade the sidewalk.

   While Stipulation 2 (not a part of this request) addresses detached sidewalks, requiring a minimum 5-foot-wide landscape strip between back of curb and sidewalk, this does not override the City Council approved Street Classification Map. While all other detached sidewalks within the development may allow the 5-foot-wide landscape strip, 19th Avenue cannot and shall comply with the recommended stipulation as described.

6) The applicant did not submit a Proposition 207 waiver of claims prior to the Planning Hearing Officer hearing. Submittal of this form is an application requirement. An additional stipulation is recommended to require the applicant to record this form and deliver it to the City to be included in the rezoning application file for record.

STIPULATIONS:

1.	The development shall be in general conformance with the site plan date stamped JUNE 30, 2022 ~~July 28, 2017~~, as modified by the following stipulations and approved by the Planning and Development Department, WITH SPECIFIC REGARD TO THE FOLLOWING:	
	A.	THE SITE PLAN SHALL DEPICT STAGGERED FRONT SETBACKS FOR COVERED BUILDING ELEMENTS, SUCH THAT ANY TWO ADJACENT LOTS SHALL PROVIDE A MINIMUM VARIATION IN FRONT SETBACK OF 4 FEET.

2.	All sidewalks shall be detached with a minimum 5-foot wide landscaped strip located between the sidewalk and back of curb and shall include a minimum 2-inch caliper shade trees planted a minimum of 20 feet on center or equivalent groupings staggered along both sides of the sidewalk, as approved by the Planning and Development Department. The landscape strip shall be installed by the developer and maintained by the HOA.
3.	Architectural elevations shall be presented to the South Mountain Village Planning Committee for review and comment prior to final site plan approval.
4.	~~Conceptual elevations shall be reviewed and approved for consistency with the Rio Montaña Area Plan by the Planning Hearing Officer through the public hearing process for stipulation modification prior to preliminary site plan approval. This is a legislative review for conceptual purposes only. Specific development standards and requirements may be determined by the Planning Hearing Officer and the Planning and Development Department.~~ THE DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE ELEVATIONS DATE STAMPED AUGUST 17, 2022, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
5.	COVERED PORCHES A MINIMUM OF SIXTY SQUARE FEET IN AREA AT A DEPTH OF AT LEAST SIX FEET SHALL BE PROVIDED IN THE FRONT YARD OF FIFTY PERCENT OF THE HOMES IN A SUBDIVISION. NO PORCH SHALL TERMINATE WITHIN THE PLANE OF A DOOR OR WINDOW.
6. ~~5.~~	The perimeter wall adjacent to 19th Avenue shall include minimum 3-foot offsets at a minimum spacing of every 50 feet and material and textural differences, such as stucco and/or split face block with a decorative element, such as tile, glass insets, or stamped designs, as approved by the Planning and Development Department.
7. ~~6.~~	Fence and wall materials adjacent to common areas and open space as depicted on the site plan date stamped July 28, 2017 shall consist of wrought iron, split rail, corral fencing, or a combination of 3 feet of solid masonry topped by open wrought iron or a similar material, or a combination of the aforementioned fence types and open farm fencing, as approved by the Planning and Development Department.

8.	THE DEVELOPER SHALL DEDICATE MINIMUM 50-FEET OF RIGHT-OF-WAY ALONG THE WEST SIDE OF 19TH AVENUE. IMPROVEMENTS SHALL INCLUDE A MINIMUM 5-FOOT-WIDE DETACHED SIDEWALK AND MINIMUM 11-FOOT-WIDE LANDSCAPE STRIP LOCATED BETWEEN THE BACK OF CURB AND SIDEWALK, AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. LANDSCAPE STRIP PLANTING REQUIREMENTS TO BE APPROVED BY PLANNING AND DEVELOPMENT.
9. ~~7.~~	The developer shall dedicate right-of-way totaling 25 feet for the east half of 20th Avenue, as approved by the Planning and Development Department
10. ~~8.~~	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. ~~9.~~	In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.
12. ~~10.~~	The property owner shall record documents that disclose the existence, and operational characteristics of Phoenix Sky Harbor International Airport (PHX) to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.
13.	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.

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. To request a reasonable accommodation, please contact Les Scott at leslie.scott@phoenix.gov or 602-376-3981 or TTY: 7-1-1.

ATTACHMENT C

REPORT OF PLANNING COMMISSION ACTION
October 6, 2022

ITEM NO: 17	
	DISTRICT NO.: 8
SUBJECT:	
Application #:	PHO-2-22--Z-47-17-8
Location:	Approximately 130 feet north of the northwest corner of 19th Avenue and Latona Lane
Request:	1) Modification of Stipulation 1 regarding general conformance with the site plan date stamped July 28, 2017. 2) Review of conceptual elevations by the Planning Hearing Officer per Stipulation 4.
Acreage:	5.12
Applicant:	Terrascape Consulting, LLC
Owner:	Bella Rosa Partners, LLC
Representative:	Terrascape Consulting, LLC

ACTIONS:

Village Planning Committee (VPC) Recommendation:
South Mountain 8/9/2022 Approval. Vote: 7-4.

Planning Commission Recommendation: Approval with modifications and additional stipulations.

Staff Recommendation: Approval, per the Planning Hearing Officer recommendation.

Planning Commission Recommendation: Approval, per the Planning Hearing Officer recommendation.

Motion Discussion: N/A

Motion details: Commissioner Busching made a MOTION to approve PHO-2-22--Z-47-17-8, per the Planning Hearing Officer recommendation.

Maker: Busching
Second: Vice-Chair Mangum
Vote: 7-2 (Gorraiz and Perez)
Absent: None
Opposition Present: Yes

Findings:

1. The South Mountain Village Planning Committee heard two agenda items regarding this case at their August 9, 2022 meeting. The first (Agenda Item #7) was the PHO request itself. The second (Agenda Item #8) was for review and comment on architectural elevations per the requirements of Stipulation 3. Note that Stipulation 3 is redundant of, and less restrictive than, the requirement for PHO review of conceptual elevations required by Stipulation 4. However, during the review and comment item, the VPC made two recommendations regarding the provision of staggered front setbacks and front porches. These recommendations are addressed in these findings

along with the consideration paid to the VPC's discussion during the PHO request itself.

2. The request to modify Stipulation 1 regarding general conformance with the site plan is recommended for approval with modifications to provide more standard conformance language and to add a new sub-stipulation requiring staggered front setbacks.

   The subject property includes only the southern 5.12 gross acres of the 11.15 gross acres rezoned in the original case. The stipulated site plan depicted a 32-unit single-family subdivision at approximately 3.03 dwelling units per gross acre and approximately 13.9% open space. Units were arranged around four cul-de-sacs oriented north/south, with most of the open space along the west property line. The street running east/west through the site terminated in an emergency gate along the west property line.

   The proposed conceptual site plan depicts an 18-unit single-family subdivision at approximately 3.51 dwelling units per gross acre, with approximately 9% open space. Units are arranged along a street running east/west through the site. The street terminates in a cul-de-sac along the west property line. Most of the open space is along the west property line. The proposal is substantially similar to the stipulated site plan, with the caveat that it is designed with less than half of the original area. The density remains below, and the open space above, Ordinance standards. The proposal is compatible with existing development in the surrounding area.

   A new sub-stipulation is recommended requiring staggered front setbacks. This recommendation is consistent with the recommendation of the South Mountain Village Planning Committee. It is also consistent with design recommendations in the Rio Montaña Area Plan (Page 39, Figure 71).

3. The applicant submitted conceptual elevations for review and approval per the requirements of Stipulation 4. The stipulation has been complied with and is recommended to be deleted and replaced with a standard language stipulation for general conformance to the elevations provided. Stipulation 4 states that the elevations submitted should be consistent with recommendations in the Rio Montaña Area Plan. The elevations depict a variety of building materials (stone façade, composite siding, wood elements, brick veneer), multiple building colors, variation in roof design, and multiple architectural features (wood posts, gable ornamentation, varied window sizes, decorative garage panels). This diversity is consistent with the Rio Montaña Area Plan and many of the design choices are compatible with the rural and agricultural character described in the plan.

4. An additional stipulation is recommended to require front porches to be provided per the requirements of the Baseline Area Overlay District (651.E.3.b.(4)). This recommendation is consistent with the recommendation of the South Mountain Village Planning Committee. It is also consistent with the Rio Montaña Area Plan (Page 22; Page 23; Page 44, Figures 97 and 100) and the intent of Stipulation 4.

5. The Street Transportation Department recommends one additional stipulation addressing required dedications, detached sidewalks, and landscaping along 19th Avenue. This stipulation is recommended for inclusion.

   19th Avenue is identified on the City Council Approved Street Classification Map as a D-Section Arterial roadway. This cross section requires a total right-of-way dedication of 50-feet where the last 10-feet may consider a 10-foot-wide sidewalk easement.

Within the ROW/sidewalk easement, an 11-foot-wide landscape strip located between back of curb and sidewalk is required to create a separated detached sidewalk and allow planting space for trees to mature and to adequately shade the sidewalk.

While Stipulation 2 (not a part of this request) addresses detached sidewalks, requiring a minimum 5-foot-wide landscape strip between back of curb and sidewalk, this does not override the City Council approved Street Classification Map. While all other detached sidewalks within the development may allow the 5-foot-wide landscape strip, 19th Avenue cannot and shall comply with the recommended stipulation as described.

6. The applicant did not submit a Proposition 207 waiver of claims prior to the Planning Hearing Officer hearing. Submittal of this form is an application requirement. An additional stipulation is recommended to require the applicant to record this form and deliver it to the City to be included in the rezoning application file for record.

Stipulations:

1. The development shall be in general conformance with the site plan date stamped JUNE 30, 2022 ~~July 28, 2017~~, as modified by the following stipulations and approved by the Planning and Development Department, WITH SPECIFIC REGARD TO THE FOLLOWING:

   A. THE SITE PLAN SHALL DEPICT STAGGERED FRONT SETBACKS FOR COVERED BUILDING ELEMENTS, SUCH THAT ANY TWO ADJACENT LOTS SHALL PROVIDE A MINIMUM VARIATION IN FRONT SETBACK OF 4 FEET.

2. All sidewalks shall be detached with a minimum 5-foot wide landscaped strip located between the sidewalk and back of curb and shall include a minimum 2-inch caliper shade trees planted a minimum of 20 feet on center or equivalent groupings staggered along both sides of the sidewalk, as approved by the Planning and Development Department. The landscape strip shall be installed by the developer and maintained by the HOA.

3. Architectural elevations shall be presented to the South Mountain Village Planning Committee for review and comment prior to final site plan approval.

4. ~~Conceptual elevations shall be reviewed and approved for consistency with the Rio Montaña Area Plan by the Planning Hearing Officer through the public hearing process for stipulation modification prior to preliminary site plan approval. This is a legislative review for conceptual purposes only. Specific development standards and requirements may be determined by the Planning Hearing Officer and the Planning and Development Department.~~
   THE DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE ELEVATIONS DATE STAMPED AUGUST 17, 2022, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

5. COVERED PORCHES A MINIMUM OF SIXTY SQUARE FEET IN AREA AT A DEPTH OF AT LEAST SIX FEET SHALL BE PROVIDED IN THE FRONT YARD OF FIFTY PERCENT OF THE HOMES IN A SUBDIVISION. NO PORCH SHALL TERMINATE WITHIN THE PLANE OF A DOOR OR WINDOW.

6. ~~5.~~ The perimeter wall adjacent to 19th Avenue shall include minimum 3-foot offsets at a minimum spacing of every 50 feet and material and textural differences, such as

stucco and/or split face block with a decorative element, such as tile, glass insets, or stamped designs, as approved by the Planning and Development Department.

7. ~~6.~~ Fence and wall materials adjacent to common areas and open space as depicted on the site plan date stamped July 28, 2017 shall consist of wrought iron, split rail, corral fencing, or a combination of 3 feet of solid masonry topped by open wrought iron or a similar material, or a combination of the aforementioned fence types and open farm fencing, as approved by the Planning and Development Department.

8. THE DEVELOPER SHALL DEDICATE MINIMUM 50-FEET OF RIGHT-OF-WAY ALONG THE WEST SIDE OF 19TH AVENUE. IMPROVEMENTS SHALL INCLUDE A MINIMUM 5-FOOT-WIDE DETACHED SIDEWALK AND MINIMUM 11-FOOT-WIDE LANDSCAPE STRIP LOCATED BETWEEN THE BACK OF CURB AND SIDEWALK, AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. LANDSCAPE STRIP PLANTING REQUIREMENTS TO BE APPROVED BY PLANNING AND DEVELOPMENT.

9. ~~7.~~ The developer shall dedicate right-of-way totaling 25 feet for the east half of 20th Avenue, as approved by the Planning and Development Department

10. ~~8.~~ 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. ~~9.~~ In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.

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

13. 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 Les Scott at 602-261-8980, leslie.scott@phoenix.gov or TTY: Use 7-1-1.

ATTACHMENT D

CITY OF PHOENIX
PLANNING AND DEVELOPMENT DEPARTMENT

FORM TO REQUEST PC to CC **I HEREBY REQUEST THAT THE CC HOLD A PUBLIC HEARING ON:**					
APPLICATION NO/ LOCATION	**PHO-2-22—Z-47-17-8** Approximately 130 feet north of the northwest corner of 19th Avenue and Latona Lane	***(SIGNATURE ON ORIGINAL IN FILE)***			
		opposition	**x**	**applicant**	
APPEALED FROM:	PC October 6, 2022	2020 W. South Mountain Avenue Phoenix, AZ 85014			
	PC DATE	*STREET/ADDRESS/CITY/STATE/ZIP*			
TO PC/CC HEARING	CC November 2, 2022	H. Jewel Clark 480-664-9436 hjewelclark@fastmail.com			
	CC DATE	*NAME / PHONE / EMAIL*			
REASON FOR REQUEST: Increased density is incompatible with neighborhood per Rio Montana Plan guidelines, community efforts, and precedent with previously approved developments in area. Request reduction to 3 houses/acre per original site plan to allow for greater setbacks from S-1 neighbors plus stipulation or guaranteed confirmation of all single story homes.					
RECEIVED BY:	Greg Harmon	**RECEIVED ON:**		10/11/2022	

Alan Stephenson
Joshua Bednarek
Tricia Gomes
Racelle Escolar
Stephanie Vasquez
Diana Hernandez
David Urbinato
Vikki Cipolla-Murillo

Greg Harmon
Paul M. Li
Village Planner
GIS
Applicant

CITY OF PHOENIX

OCT 11 2022

Planning & Development Department

City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

The **PLANNING COMMISSION** agenda for **October 6, 2022** is attached.

The **CITY COUNCIL** may approve the recommendation of the Planning Commission without further hearing **unless**:

1. A **REQUEST FOR A HEARING** by the **CITY COUNCIL** is filed within seven (7) days.

   There is a $630.00 appeal fee for hearings requested by the applicant, due by 5:00 p.m. **October 13, 2022**.

   Any member of the public may, within seven (7) days after the Planning Commission's action, request a hearing by the City Council on any application. If you wish to request a hearing, fill out and sign the form below and return it to the Planning and Development Department by 5:00 p.m. **October 13, 2022**.

2. A **WRITTEN PROTEST** is filed, no later than seven (7) days after the Planning Commission's action, which requires a three-fourths vote. A written protest will require a three-fourths vote of the City Council to approve a zoning change when the owners of at least 20 percent of the property by area and number of lots, tracts, and condominium units within the zoning petition area have signed the petition. The zoning petition area includes both the area of the proposed amendment, and the area within 150 feet of the proposed amendment, including all rights-of-way. For condominium, townhouse and other types of ownership with common lands, authorized property owner signatures are required. Please see Planning and Development Department Staff for additional information prior to gathering signatures.

   To require a three-fourths vote of the City Council for approval, a written protest for applications on this agenda must be filed with the Planning and Development Department by 5:00 p.m. **October 13, 2022**

   The Planning and Development Department will verify ownership by protestors to determine whether or not a three-fourths vote will be required.

3. A **CONTINUANCE** is granted at the **PLANNING COMMISSION**. In the event of a continuance, there is an $830.00 fee due from the applicant within fourteen (14) days, by 5:00 p.m. **October 20, 2022**.

FORM TO REQUEST CITY COUNCIL HEARING

I HEARBY REQUEST THAT THE CITY COUNCIL HOLD A PUBLIC HEARING:

PHO-2-22--Z-47-17-8
APPLICATION NO.

Approximately 130 feet north of the northwest corner of 19th Avenue and Latona Lane
LOCATION OF APPLICATION SITE

Oct 6, 2022
DATE APPEALED FROM

☒ OPPOSITION
☐ APPLICANT

Greg Harman
PLANNER
(PLANNER TAKING THE APPEAL)

BY MY SIGNATURE BELOW, I ACKNOWLEDGE CITY COUNCIL APPEAL:

H. Jewel Clark
PRINTED NAME OF PERSON APPEALING

H. Jewel Clark
SIGNATURE

2020 W. South Mountain Ave.
STREET ADDRESS

10/11/22
DATE OF SIGNATURE

Phoenix, AZ 85041
CITY, STATE & ZIP CODE

480.664.9436
TELEPHONE NO.

hjewelclark@fastmail.com
EMAIL ADDRESS

REASON FOR REQUEST
Increased density is incompatible w/ neighborhood per Rio Montana Plan guidelines, community efforts, and precedent with previously approved developments in area. Request reduction to 3 houses/ acre per original site plan to allow for greater setbacks from S-1 neighbors plus stipulation or guaranteed confirmation of all single story homes.

APPEALS MUST BE FILED IN PERSON AT 200 WEST WASHINGTON, 2ND FLOOR, ZONING COUNTER

Attachment E

Bradley A Wylam

From: Gina Baker <bakergmb@gmail.com>
Sent: Thursday, August 4, 2022 7:25 AM
To: Elias Valencia; PDD PHO; Bradley A Wylam; PDD Long Range Planning
Subject: Cases Z-47-17-8/2-22--Z-47-17-8

Hello,
Jewel Clark authored the below on our behalf. We whole-heartedly request alignment to the Rio Montana Plan and agree with all requests below. Please consider the adverse impact to our community in your decision making.

My name is Gina Johnson and my husband and I own the property at 1816 W Magdalena Lane, which is near the proposed Bella Rosa development, Z-47-17-8/2-22--Z-47-17-8. Based on the original plans and the currently proposed ones, I respectfully request consideration and amendment of several elements of this plan to better align with the neighborhood.

The items of concern the current Bella Rosa plan calls for are:

- 3.51 acres per home (18 houses on 5 acres)
- 2 story+30' height homes
- 9% open space

The original stipulated Bella Rosa site plan called for:

- 3.03 houses per acre
- 2 story+30' height homes
- ~14% open space

The proposed site is not in keeping with the current design and density precedents that have been established in the area nor is it in keeping with the originally approved plan for density. It is also not in keeping with the Rio Montana Plan in key elements based on the currently submitted documents.

The last 2 approved R1-10 developments, Kimura and Andora, which are located at the intersection of 19th Ave. and W. South Mountain Ave. (barely 600ft from Bella Rosa) have these requirements:
Kimura

- 3 houses per acre
- All single story
- 16.5% open space
- minimum lot width of 55'
- Varied lot widths
- Landscape setback from 19th Ave. is 154'
- Energy Star building

Andora

- 2.5 houses per acre
- All single story
- 17% open space
- minimum lot widths of 75'

- Landscape setback from 19th Ave is 25'
- Energy Star building

Bella Rosa should be held to the same design standards that Kimura and Andora have agreed to, which are much more compatible with our rural character. Much has changed in the area since the original plans for this development were approved and this development should be brought up to date concerning what is in keeping with currently approved applications in terms of density, open space, house height and also heat mitigation efforts.

Please consider the following items to require from this development to preserve our "certainty of character" and allow Bella Rosa to better align with the established design precedents for our community and the Rio Montana Plan:

- **Housing density no higher than the originally approved plan: 3.03**
- **Single story homes (the only facade designs offered were single story in the application but the site details appear to indicate all 2 story + 30' homes)**
- **Landscaped setback from 19th Ave. no less than 25' (which is achievable with the originally approved density)**
- **Increased setback from 20th Ave and esp. if 2-story houses are approved.**
- **Additional heat mitigation requirements: front yard trees to shade driveways and sidewalks plus any additional requirements the city's heat mitigation department has designated. Minimum 50% 3" caliper trees as well.**
- **Energy Star and other energy efficient/sustainable building methods**
- **Electric vehicle charging**

The set back from 20th Ave. is appreciated and should not be diminished but it does not ameliorate the fact that 2-story +30' foot high houses would be towering over and looking into the western neighbor's properties, all of whom have S-1 homes with single stories. In fact, all the neighbors surrounding this proposed development on the west and south are on acre+ S-1 properties. The Rio Montana Plan calls for maintaining a feeling of open space to maintain rural character. One way to do this has been to have deep setbacks from major streets and requiring this feature for Bella Rosa is completely appropriate and in keeping with what all other developers along 19th Ave. have agreed to.

As a reminder, the Rio Montana Plan calls for (among other criteria):

- Any development to be sensitive to the surrounding area, inc. existing development, and consider the larger context in which it is located.
- Limiting the use of two story buildings
- Provide deep overhangs/covered porches
- Shade for pedestrian comfort
- Trees on east and west sides of buildings
- Varying roof lines, facade designs and materials, rear-loaded garages (no "garage-scaping"), staggered setback lines, no privacy fencing
- *The common objective for single family development is more variety than standard subdivisions being built throughout the Valley*

The community simply wants the city to keep the promise it made to residents by holding developers to the guidelines outlined in the general and village development plans. Thank you.
Sincerely,
Adam and Gina Johnson
1816 W Magdalena Ln.
Phx, AZ 85041
602-332-5297

Sent from my iPhone

Bradley A Wylam

From: DJC <eatright4u@yahoo.com>
Sent: Wednesday, August 3, 2022 11:43 AM
To: Elias Valencia; ppd.pho@phoenix.gov; Bradley A Wylam; ppd.longrange@phoenix.gov
Subject: Proposed Bella Rosa development, Z-47-17-8/ 2-22--Z-47-17-8
Attachments: Chiarelli_Bella_Rosa_ August 3-2022.pdf

Re: Proposed Bella Rosa development, Z-47-17-8/2-22--Z-47-17-8.

My name is Dean Chiarelli; a homeowner & resident in South Mountain for the last 11 years. I am in 100% agreement with the letter submitted by Jewel Clark [2020 W. South Mountain Ave. Phoenix, AZ 85041]. I respectfully request consideration and amendment of this plan to better align with the neighborhood. Attached is my signed letter.

The items of concern the current Bella Rosa plan calls for are:

- 3.51 acres per home (18 houses on 5 acres)
- 2 story+30' height homes
- 9% open space

The original stipulated Bella Rosa site plan called for:

- 3.03 houses per acre
- 2 story+30' height homes
- ~14% open space

The proposed site is not in keeping with the current design and density precedents established in the area, nor is it in keeping with the initially approved plan for density. Based on the currently submitted documents, it is also not in keeping with the Rio Montana Plan design elements. The last two approved R1-10 developments, Kimura and Andora, situated at the intersection of 19th Ave. and W. South Mountain Ave. (barely 600ft from Bella Rosa), have these requirements:

Kimura

- 3 houses per acre
- All single story
- 16.5% open space
- minimum lot width of 55'
- Varied lot widths
- Landscape setback from 19th Ave. is 154'
- Energy Star building

Andora

- 2.5 houses per acre
- All single story
- 17% open space
- minimum lot widths of 75'
- Landscape setback from 19th Ave is 25'
- Energy Star building

Bella Rosa should adhere to the same design standards that Kimura and Andora have agreed to, which are much more compatible with our rural character. Much has changed in the area since the original plans for this development were approved. The proposed development should be updated in alignment with currently approved applications regarding density, open space, house height, and heat mitigation efforts.

Please consider the following items to require from this development to preserve our "certainty of character" and allow Bella Rosa to better align with the established design precedents for our community and the Rio Montana Plan:

- **Housing density no higher than the originally approved plan: 3.03**
- **Single story homes (the only facade designs offered were single story in the application, but the site details appear to indicate all 2 story + 30' homes)**
- **Landscaped setback from 19th Ave. no less than 25' (which is achievable with the originally approved density)**
- **Increased setback from 20th Ave and esp. if 2-story houses are approved.**
- **Additional heat mitigation requirements include front yard trees to shade driveways and sidewalks and any additional requirements the city's heat mitigation department has designated—minimum 50% 3" caliper trees.**
- **Energy Star and other energy-efficient/sustainable building methods**
- **Electric vehicle charging**

The setback from 20th Ave. is appreciated. It should not be diminished but it does not lessen the fact that 2-story +30' foot high houses would be towering over and looking into the western neighbor's properties, all of whom have S-1 homes with single stories. All the neighbors surrounding this proposed development on the west and south are on acre+ S-1 properties. The Rio Montana Plan calls for a feeling of open space to maintain rural character. One way to accomplish this is to have deep setbacks from major streets. The requirement of this feature for Bella Rosa is entirely appropriate in keeping with what all other developers along 19th Ave. have agreed to.

As a reminder, the Rio Montana Plan calls for (among other criteria):

- Any development to be sensitive to the surrounding area, inc. existing development, and consider the larger context in which it is located.
- Limiting the use of two-story buildings
- Provide deep overhangs/covered porches
- Shade for pedestrian comfort
- Trees on the east and west sides of buildings
- Varying roof lines, facade designs and materials, rear-loaded garages (no "garage-scaping"), staggered setback lines, no privacy fencing
- *The common objective for single-family development is more variety than standard subdivisions being built throughout the Valley*

The community simply wants the city to keep its promise to residents by holding developers to the guidelines outlined in the general and village development plans. Thank you.

Dean Chiarelli, MA, Registered Dietitian, Registered Environmental Health Specialist
912 E. La Mirada Drive
Phoenix, AZ 85042

Bradley A Wylam

From: PDD Planning Commission
Sent: Wednesday, October 5, 2022 10:51 AM
To: Bradley A Wylam
Cc: Racelle Escolar
Subject: FW: October 6: Opposition to PHO-2-22-Z-47-17-8

Follow Up Flag: Follow up
Flag Status: Flagged

Brad, Please put in correspondence. Thx Vikki

From: DJC <eatright4u@yahoo.com>
Sent: Sunday, October 2, 2022 6:18 PM
To: PDD Planning Commission <pdd.planningcomm@phoenix.gov>
Subject: October 6: Opposition to PHO-2-22-Z-47-17-8

To Phoenix Planning & Development Commission,

I oppose density above 3 houses per acre in our area and do not support the application PHO-2-22--Z-47-17-8 at its current density of 3.5 houses per acre. Our community has worked very hard to maintain our rural character as outlined by the Rio Montana plan and as consistent with current land use. I support developers who want to create developments compatible with existing neighbors and other land use in our area. This application does not meet that standard and if approved as-is, I do not want it to be considered as a precedent for future applications.

Dean Chiarelli, MA, Registered Dietitian, Registered Environmental Health Specialist
912 East La Mirada Drive
Phoenix AZ 85042

Bradley A Wylam

From: H. Jewel Clark <hjewelclark@fastmail.com>
Sent: Wednesday, August 3, 2022 8:46 AM
To: Elias Valencia; PDD PHO; Bradley A Wylam; PDD Long Range Planning
Subject: Comments for case Z-47-17-8/2-22--Z-47-17-8. SMVPC agenda items 7, 8. PHO agenda item 5

Hello,

My name is Jewel Clark and my husband and I own the property at 2020 W. South Moutain Ave, which is across 20th Ave. from the proposed Bella Rosa development, Z-47-17-8/2-22--Z-47-17-8. Based on the original plans and the currently proposed ones, I respectfully request consideration and amendment of several elements of this plan to better align with the neighborhood.

The items of concern the current Bella Rosa plan calls for are:

- 3.51 acres per home (18 houses on 5 acres)
- 2 story+30' height homes
- 9% open space

The original stipulated Bella Rosa site plan called for:

- 3.03 houses per acre
- 2 story+30' height homes
- ~14% open space

The proposed site is not in keeping with the current design and density precedents that have been established in the area nor is it in keeping with the originally approved plan for density. It is also not in keeping with the Rio Montana Plan in key elements based on the currently submitted documents.

The last 2 approved R1-10 developments, Kimura and Andora, which are located at the intersection of 19th Ave. and W. South Mountain Ave. (barely 600ft from Bella Rosa) have these requirements:
Kimura

- 3 houses per acre
- All single story
- 16.5% open space
- minimum lot width of 55'
- Varied lot widths
- Landscape setback from 19th Ave. is 154'
- Energy Star building

Andora

- 2.5 houses per acre
- All single story
- 17% open space
- minimum lot widths of 75'
- Landscape setback from 19th Ave is 25'

- Energy Star building

Bella Rosa should be held to the same design standards that Kimura and Andora have agreed to, which are much more compatible with our rural character. Much has changed in the area since the original plans for this development were approved and this development should be brought up to date concerning what is in keeping with currently approved applications in terms of density, open space, house height and also heat mitigation efforts.

Please consider the following items to require from this development to preserve our "certainty of character" and allow Bella Rosa to better align with the established design precedents for our community and the Rio Montana Plan:

- **Housing density no higher than the originally approved plan: 3.03**
- **Single story homes (the only facade designs offered were single story in the application but the site details appear to indicate all 2 story + 30' homes)**
- **Landscaped setback from 19th Ave. no less than 25' (which is achievable with the originally approved density)**
- **Increased setback from 20th Ave and esp. if 2-story houses are approved.**
- **Additional heat mitigation requirements: front yard trees to shade driveways and sidewalks plus any additional requirements the city's heat mitigation department has designated. Minimum 50% 3" caliper trees as well.**
- **Energy Star and other energy efficient/sustainable building methods**
- **Electric vehicle charging**

The set back from 20th Ave. is appreciated and should not be diminished but it does not ameliorate the fact that 2-story +30' foot high houses would be towering over and looking into the western neighbor's properties, all of whom have S-1 homes with single stories. In fact, all the neighbors surrounding this proposed development on the west and south are on acre+ S-1 properties. The Rio Montana Plan calls for maintaining a feeling of open space to maintain rural character. One way to do this has been to have deep setbacks from major streets and requiring this feature for Bella Rosa is completely appropriate and in keeping with what all other developers along 19th Ave. have agreed to.

As a reminder, the Rio Montana Plan calls for (among other criteria):

- Any development to be sensitive to the surrounding area, inc. existing development, and consider the larger context in which it is located.
- Limiting the use of two story buildings
- Provide deep overhangs/covered porches
- Shade for pedestrian comfort
- Trees on east and west sides of buildings
- Varying roof lines, facade designs and materials, rear-loaded garages (no "garage-scaping"), staggered setback lines, no privacy fencing
- *The common objective for single family development is more variety than standard subdivisions being built throughout the Valley*

The community simply wants the city to keep the promise it made to residents by holding developers to the guidelines outlined in the general and village development plans. Thank you.
Sincerely,
Jewel Clark
2020 W. South Mountain Ave.
Phoenix, AZ 85041

--
H. Jewel Clark
hjewelclark@fastmail.com

Bradley A Wylam

From: Elias Valencia
Sent: Friday, August 5, 2022 3:08 PM
To: Bradley A Wylam
Cc: Adam Stranieri
Subject: FW: Objection to Z-47-17-8/2-22 and Z-47-18-8

-----Original Message-----
From: Dorothy Hallock <dh@hallockgross.com>
Sent: Friday, August 5, 2022 1:15 PM
To: Elias Valencia <elias.valencia@phoenix.gov>
Subject: Objection to Z-47-17-8/2-22 and Z-47-18-8

The proposed change in density is unacceptable. Two story houses are totally out of character with adjacent houses on acre plus lots.
Deny this request please!

Dorothy Hallock
2050 W South Mountain Ave Phoenix 85041

Sent from my iPhone

From:	PDD Long Range Planning
To:	Elias Valencia
Cc:	Sarah Stockham
Subject:	FW: Z-47-17-8/2-22--Z-47-17-8
Date:	Wednesday, August 3, 2022 6:56:17 AM

For you Elias

Thank you,

Geno Koman
Secretary II
City of Phoenix Planning and Development Department
200 West Washington Street, 3rd Floor
Phoenix, Arizona 85003
Phone: 602-495-2076
geno.koman@phoenix.gov

From: Erin Hegedus <erinTKhegedus@hotmail.com>
Sent: Tuesday, August 2, 2022 6:38 PM
To: PDD Long Range Planning <pdd.longrange@phoenix.gov>
Subject: Z-47-17-8/2-22--Z-47-17-8

Hello,

My name is Erin Hegedus and I reside at 8630 South 19th Avenue, Several hundred yards south of the proposed Bella Rosa development, Z-47-17-8/2-22--Z-47-17-8. Based on the original plans and the currently proposed ones, I would like to request consideration and amendment of several elements of this plan to better align with the neighborhood.

The items of concern the current Bella Rosa plan calls for are:

- 3.51 acres per home (18 houses on 5 acres)
- 9% open space
- 2 story+30' height homes

The original stipulated Bella Rosa site plan called for:

- 3.03 houses per acre
- 13.9% open space
- 2 story+30' height homes

The new plan is not in keeping with the current design and density precedents that have been established in the area nor is it in keeping even with the originally approved plan in two key areas.

The last 2 approved R1-10 developments, Kimura and Andora, which are located at the intersection of 19th Ave. and W. South Mountain Ave. (just over 600ft from Bella Rosa) have these requirements:
Kimura

- 3 houses per acre
- All single story
- 16.5% open space
- minimum lot width of 55'
- Varied lot widths
- Landscape setback from 19th Ave. is 154'
- Energy Star building

Andora

- 2.5 houses per acre
- All single story
- 17% open space
- minimum lot widths of 75'
- Landscape setback from 19th Ave is 25'
- Energy Star building

As you can see, the differences are striking and I would like Bella Rosa to be held to the same design standards that Kimura and Andora have. Much has changed in the area since the original plans for this development were approved and this development should be brought up to date concerning what is in keeping with currently approved applications in terms of density, open space, house height and also in terms of heat mitigation.

Please consider the following items to require from this development to preserve our "certainty of character" and allow Bella Rosa to better align with the established design precedents for our community:

- Housing density no higher than the originally approved plan: 3.03
- Open space no less than the originally approved plan: ~14%
- Single story homes (the only facade designs offered were single story in the application but the site details appear to indicate all 2 story homes)
- Landscaped setback from 19th Ave. no less than 25'
- Additional heat mitigation requirements: front yard trees to shade driveways and sidewalks plus any additional requirements the city's heat mitigation department has designated. Minimum 50% 3" caliper trees as well.
- Energy Star and other energy efficient/sustainable building methods
- Electric vehicle charging

Bradley A Wylam

From: PDD Planning Commission
Sent: Wednesday, October 5, 2022 10:52 AM
To: Bradley A Wylam
Cc: Racelle Escolar
Subject: FW: PHO-2-22-Z-4-17-8

Follow Up Flag: Follow up
Flag Status: Flagged

Brad, Please put in Correspondence file, Vikki

From: Erin Hegedus <erinTKhegedus@hotmail.com>
Sent: Monday, October 3, 2022 2:29 PM
To: PDD Planning Commission <pdd.planningcomm@phoenix.gov>
Subject: PHO-2-22-Z-4-17-8

I oppose density above 3 houses per acre in our area and do not support the application PHO-2-22--Z-47-17-8 at its current density of 3.5 houses per acre.

Our community has worked very hard to maintain our rural character as outlined by the Rio Montana plan and as consistent with current land use. I support developers who want to create developments compatible with existing neighbors and other land use in our area. This application does not meet that standard and if approved as-is, I do not want it to be considered as precedent for future applications.

Further, I am extremely concerned with increased traffic along this corridor. There are currently safety concerns with the open SRP irrigation to the east of this property along with speed of traffic that flows from the intersection of 19th Avenue & Baseline and flows to Dobbins Road. Speed is excessive and the multi lane merging into single lanes is a continual problem

I would like to see the developers responsible for road improvements that benefit the area, not just their development.

Thank you.

Erin Hegedus, CMRP
8630 South 19th Avenue
Phoenix, AZ 85041

Bradley A Wylam

From: PDD Planning Commission
Sent: Wednesday, October 5, 2022 10:46 AM
To: Bradley A Wylam
Cc: Racelle Escolar
Subject: FW: Proposed Bella Rosa Development / PHO-2-22-7-47-17-8

Follow Up Flag: Follow up
Flag Status: Flagged

Brad, Please add to the correspondence for this case if you have not already. Vikki

---

From: JoAnne Jensen <outlook_345694E04E27CB90@outlook.com>
Sent: Sunday, October 2, 2022 2:31 PM
To: PDD Planning Commission <pdd.planningcomm@phoenix.gov>
Cc: hjewelclark@fastmail.com
Subject: Proposed Bella Rosa Development / PHO-2-22-7-47-17-8

My name is JoAnne Jensen, 8303 South 17th Drive; Phoenix AZ 85041.

I oppose the proposed density for this development at 3.5 units per acre. South Mountain has worked very hard to maintain our rural character, as outlined in the Rio Montana Plan. The proposed density is inconsistent with that plan and is inconsistent with optimal land use for South Mountain. Beyond that, all of the current homes in this area are single-story – the proposed 60% of two story homes does not match the neighborhood.

We truly support development that is consistent with and compatible with the currently in place surrounding neighbors and accords with the Rio Montana development plan.

This application does not meet that standard, and if approved as presented, it will provide a density precedent which is inappropriate for this community.

Thank you very much.

JoAnne Jensen
480-213-6499

Sent from Mail [go.microsoft.com] for Windows

Bradley A Wylam

From: Mike Josic <mikejosic@gmail.com>
Sent: Sunday, August 7, 2022 9:24 PM
To: Elias Valencia; PDD PHO; Bradley A Wylam; PDD Long Range Planning
Subject: Z-47-17-8/2-22--Z-47-17-

To Whom it may concern,

My name is Mike Josic. My wife and I own the property at 2020 W. South Mountain Ave, which is directly across 20th Ave. from the proposed Bella Rosa development, Z-47-17-8/2-22--Z-47-17-8.

Here are my comments on the proposed changes.
I do not oppose the increased density. I do oppose two story houses along 20th Ave and the south side of the property bordering the existing homes. People who have lived here for decades deserve a reasonable level of privacy.
Recently approved developments nearby have all maintained a single story limitation.
The proposed site is not in keeping with the current design precedents that have been recently established in the area.
The last 2 approved R1-10 developments, Kimura and Andora, which are located at the intersection of 19th Ave. and W. South Mountain Ave. (barely 600ft from Bella Rosa) have these requirements:
Kimur

- **All single story**
- **Energy Star building**

Andora

- **All single story**
- **Energy Star building**

Bella Rosa should be held to the same design standards that Kimura and Andora have agreed to, which are much more compatible with our rural character. Much has changed in the area since the original plans for this development were approved and this development should be brought up to date concerning what is in keeping with currently approved applications in terms of density, open space, house height and also heat mitigation efforts.

Please require the following items from this development, to preserve our "certainty of character" and allow Bella Rosa to better align with the established design precedents for our community and the Rio Montana Plan:

- **Single story homes (the only facade designs offered were single story in the application but the site details appear to indicate all 2 story + 30' homes)**
- **Increased setback from 20th Ave.**
- **Additional heat mitigation requirements: Cool roofs, front yard trees to shade driveways and sidewalks plus any additional requirements the city's heat mitigation department has designated. Minimum 50% 3" caliper trees as well.**
- **Energy Star and other energy efficient/sustainable building methods.**

The setback from 20th Ave. is appreciated and should not be reduced but it does not ameliorate the fact that 2-story +30' foot high houses would be towering over and looking into my and my neighbor's properties. We all have homes zoned S-1 homes with single stories. In fact, all the neighbors surrounding this proposed development on the west and south are on acre+ S-1 properties and have single story homes. The Rio Montana Plan calls for maintaining a feeling of

open space to maintain rural character. One way to do this has been to require single stories and have deep setbacks from major streets. Requiring this feature for Bella Rosa is completely appropriate and in keeping with what all other developers along 19th Ave. have agreed to.

As a reminder, the Rio Montana Plan calls for (among other criteria):

- **Any development to be sensitive to the surrounding area, inc. existing development, and consider the larger context in which it is located.**
- **Limiting the use of two story buildings**
- Provide deep overhangs/covered porches
- Shade for pedestrian comfort
- Trees on east and west sides of buildings
- Varying roof lines, facade designs and materials, rear-loaded garages (no "garage-scaping"), staggered setback lines, no privacy fencing
- *The common objective for single family development is more variety than standard subdivisions being built throughout the Valley*

The community simply wants the city to keep the promise it made to residents by holding developers to the guidelines outlined in the general and village development plans.

Thank you.

Mike Josic
2020 W. South Mountain Ave.
Phoenix, AZ 85041

Bradley A Wylam

From: mijosic@fastmail.fm
Sent: Tuesday, August 9, 2022 11:50 AM
To: Bradley A Wylam; PDD PHO
Subject: Clarification on opposition for application Z-47-17-8/2-22--Z-47-17-8 agenda item 5 - PHO hearing

Hello,

My name is Mike Josic. My wife and I own the property at 2020 W. South Mountain Ave, which is directly across 20th Ave. from the proposed Bella Rosa development, Z-47-17-8/2-22--Z-47-17-8.

I originally wrote I did not oppose increased density but I want to clarify that I accept the original density approved for 3 houses per acre. I am OPPOSED to any increase in that density. Please update accordingly. Thank you.
Mike Josic

Bradley A Wylam

From: RMonti Main Office <rmontipainting@hotmail.com>
Sent: Wednesday, August 3, 2022 8:56 AM
To: Elias Valencia; PDD PHO; Bradley A Wylam; PDD Long Range Planning
Cc: H. Jewel Clark
Subject: Z-47-17-8/2-22--Z-47-17-8

Hello,

We are "The Montemayor Family" and we own the property at 2035 W Olney Ave, which is on 19th Avenue and Olney. Based on the original plans and the currently proposed ones, I respectfully request consideration and amendment of several elements of this plan to better align with the neighborhood.

The items of concern the current Bella Rosa plan calls for are:

- 3.51 acres per home (18 houses on 5 acres)
- 2 story+30' height homes
- 9% open space

The original stipulated Bella Rosa site plan called for:

- 3.03 houses per acre
- 2 story+30' height homes
- ~14% open space

The proposed site is not in keeping with the current design and density precedents that have been established in the area nor is it in keeping with the originally approved plan for density. It is also not in keeping with the Rio Montana Plan in key elements based on the currently submitted documents.

The last 2 approved R1-10 developments, Kimura and Andora, which are located at the intersection of 19th Ave. and W. South Mountain Ave. (barely 600ft from Bella Rosa) have these requirements:
Kimura

- 3 houses per acre
- All single story
- 16.5% open space
- minimum lot width of 55'
- Varied lot widths
- Landscape setback from 19th Ave. is 154'
- Energy Star building

Andora

- 2.5 houses per acre
- All single story
- 17% open space
- minimum lot widths of 75'
- Landscape setback from 19th Ave is 25'
- Energy Star building

Bella Rosa should be held to the same design standards that Kimura and Andora have agreed to, which are much more compatible with our rural character. Much has changed in the area since the original plans for this development were approved and this development should be brought up to date concerning what is in keeping with currently approved applications in terms of density, open space, house height and also heat mitigation efforts.

Please consider the following items to require from this development to preserve our "certainty of character" and allow Bella Rosa to better align with the established design precedents for our community and the Rio Montana Plan:

- **Housing density no higher than the originally approved plan: 3.03**
- **Single story homes (the only facade designs offered were single story in the application but the site details appear to indicate all 2 story + 30' homes)**
- **Landscaped setback from 19th Ave. no less than 25' (which is achievable with the originally approved density)**
- **Increased setback from 20th Ave and esp. if 2-story houses are approved.**
- **Additional heat mitigation requirements: front yard trees to shade driveways and sidewalks plus any additional requirements the city's heat mitigation department has designated. Minimum 50% 3" caliper trees as well.**
- **Energy Star and other energy efficient/sustainable building methods**
- **Electric vehicle charging**

The set back from 20th Ave. is appreciated and should not be diminished but it does not ameliorate the fact that 2-story +30' foot high houses would be towering over and looking into the western neighbor's properties, all of whom have S-1 homes with single stories. In fact, all the neighbors surrounding this proposed development on the west and south are on acre+ S-1 properties. The Rio Montana Plan calls for maintaining a feeling of open space to maintain rural character. One way to do this has been to have deep setbacks from major streets and requiring this feature for Bella Rosa is completely appropriate and in keeping with what all other developers along 19th Ave. have agreed to.

As a reminder, the Rio Montana Plan calls for (among other criteria):

- Any development to be sensitive to the surrounding area, inc. existing development, and consider the larger context in which it is located.
- Limiting the use of two story buildings
- Provide deep overhangs/covered porches
- Shade for pedestrian comfort
- Trees on east and west sides of buildings
- Varying roof lines, facade designs and materials, rear-loaded garages (no "garage-scaping"), staggered setback lines, no privacy fencing
- *The common objective for single family development is more variety than standard subdivisions being built throughout the Valley*

The community simply wants the city to keep the promise it made to residents by holding developers to the guidelines outlined in the general and village development plans. Thank you.
Sincerely,
The Montemayor Family
2035 W Olney Ave.
Phoenix, AZ 85041

Bradley A Wylam

From: Miguel Rubio <Rb_contracting1lc@outlook.com>
Sent: Tuesday, August 9, 2022 12:16 PM
To: PDD PHO
Subject: opposition letter

Hello,

My name is Stephanie bell and my husband Miguel rubio and I own the property at 8020 south 20th Ave, which is across 20th Ave. from the proposed Bella Rosa development, Z-47-17-8/2-22--Z-47-17-8. Based on the original plans and the currently proposed ones, I respectfully request consideration and amendment of several elements of this plan to better align with the neighborhood.

The items of concern the current Bella Rosa plan calls for are:

- 3.51 acres per home (18 houses on 5 acres)
- 2 story+30' height homes
- 9% open space

The original stipulated Bella Rosa site plan called for:

- 3.03 houses per acre
- 2 story+30' height homes
- ~14% open space

The proposed site is not in keeping with the current design and density precedents that have been established in the area nor is it in keeping with the originally approved plan for density. It is also not in keeping with the Rio Montana Plan in key elements based on the currently submitted documents.

The last 2 approved R1-10 developments, Kimura and Andora, which are located at the intersection of 19th Ave. and W. South Mountain Ave. (barely 600ft from Bella Rosa) have these requirements:

Kimura

- 3 houses per acre
- All single story
- 16.5% open space
- minimum lot width of 55'
- Varied lot widths
- Landscape setback from 19th Ave. is 154'
- Energy Star building

Andora

- 2.5 houses per acre
- All single story
- 17% open space
- minimum lot widths of 75'
- Landscape setback from 19th Ave is 25'
- Energy Star building

Bella Rosa should be held to the same design standards that Kimura and Andora have agreed to, which are much more compatible with our rural character. Much has changed in the area since the original plans for this development were approved and this development should be brought up to date concerning what is in keeping with currently approved applications in terms of density, open space, house height and also heat mitigation efforts.

Please consider the following items to require from this development to preserve our "certainty of character" and allow Bella Rosa to better align with the established design precedents for our community and the Rio Montana Plan:

- Housing density no higher than the originally approved plan: 3.03
- Single story homes (the only facade designs offered were single story in the application but the site details appear to indicate all 2 story + 30' homes)
- Landscaped setback from 19th Ave. no less than 25' (which is achievable with the originally approved density)
- Increased setback from 20th Ave and esp. if 2-story houses are approved.
- Additional heat mitigation requirements: front yard trees to shade driveways and sidewalks plus any additional requirements the city's heat mitigation department has designated. Minimum 50% 3" caliper trees as well.
- Energy Star and other energy efficient/sustainable building methods
- Electric vehicle charging

The set back from 20th Ave. is appreciated and should not be diminished but it does not ameliorate the fact that 2-story +30' foot high houses would be towering over and looking into the western neighbor's properties, all of whom have S-1 homes with single stories. In fact, all the neighbors surrounding this proposed development on the west and south are on acre+ S-1 properties. The Rio Montana Plan calls for maintaining a feeling of open space to maintain rural character. One way to do this has been to have deep setbacks from major streets and requiring this feature for Bella Rosa is completely appropriate and in keeping with what all other developers along 19th Ave. have agreed to.

As a reminder, the Rio Montana Plan calls for (among other criteria):

- Any development to be sensitive to the surrounding area, inc. existing development, and consider the larger context in which it is located.
- Limiting the use of two story buildings
- Provide deep overhangs/covered porches
- Shade for pedestrian comfort
- Trees on east and west sides of buildings
- Varying roof lines, facade designs and materials, rear-loaded garages (no "garage-scaping"), staggered setback lines, no privacy fencing
- The common objective for single family development is more variety than standard subdivisions being built throughout the Valley

The community simply wants the city to keep the promise it made to residents by holding developers to the guidelines outlined in the general and village development plans. Thank you.
Sincerely,

STEPHANIE BELL
MIGUEL RUBIO

RB_CONTRACTING1LC@OUTLOOK.COM

RB CONTRACTING LLC
8020 S 2OTH AVE
PHX,AZ 85041
(602) 366 9334

Bradley A Wylam

From: PDD Planning Commission
Sent: Thursday, October 6, 2022 11:02 AM
To: Bradley A Wylam
Cc: Racelle Escolar
Subject: FW: Opposed to density- PHO-2-22--Z-47-17-8

Brad, Please put in file – hard and digital

From: Miguel Rubio <Rb_contracting1lc@outlook.com>
Sent: Thursday, October 6, 2022 9:33 AM
To: PDD Planning Commission <pdd.planningcomm@phoenix.gov>
Subject: Opposed to density

My name is Miguel rubio I reside at
8020 s 20th Ave south 20th Ave phoenix, Az 85041.

> I oppose density above 3 houses per acre in our area and do not support the application PHO-2-22--Z-47-17-8 at its current density of 3.5 houses per acre. Our community has worked very hard to maintain our rural character as outlined by the Rio Montana plan and as consistent with current land use. I support developers who want to create developments compatible with existing neighbors and other land use in our area. This application does not meet that standard and if approved as-is, I do not want it to be considered as precedent for future applications.
I am donating my time to speak to jewel Clark. Thanks

RB CONTRACTING LLC
8020 S 20TH AVE
PHOENIX, AZ 85041
602 366 9334

Bradley A Wylam

From: Ravi Sharma <ravi6161sharma@gmail.com>
Sent: Wednesday, August 3, 2022 7:02 PM
To: Elias Valencia; PDD PHO; Bradley A Wylam; PDD Long Range Planning
Cc: Ravi Sharma
Subject: Case Number : Z-47-17-8/2-22--Z-47-17-8

Hello,

My name is Ravinder Sharma. My wife (Snigdha Sharma) and I own the property at 8012 S 20th Avenue which is across 20th Ave. from the proposed Bella Rosa development, Z-47-17-8/2-22--Z-47-17-8. Based on the original plans and the currently proposed ones, I respectfully request consideration and amendment of several elements of this plan to better align with the neighborhood.

The items of concern the current Bella Rosa plan calls for are:

- 3.51 homes per acre (18 houses on 5 acres)
- 2 story+30' height homes
- 9% open space

The original stipulated Bella Rosa site plan called for:

- 3.03 houses per acre
- 2 story+30' height homes
- ~14% open space

The proposed site is not in keeping with the current design and density precedents that have been established in the area nor is it in keeping with the originally approved plan for density. It is also not in keeping with the Rio Montana Plan in key elements based on the currently submitted documents.

The last 2 approved R1-10 developments, Kimura and Andora, which are located at the intersection of 19th Ave. and W. South Mountain Ave. (barely 600ft from Bella Rosa) have these requirements:
Kimura

- 3 houses per acre
- All single story
- 16.5% open space
- minimum lot width of 55'
- Varied lot widths
- Landscape setback from 19th Ave. is 154'
- Energy Star building

Andora

- 2.5 houses per acre
- All single story
- 17% open space
- minimum lot widths of 75'
- Landscape setback from 19th Ave is 25'

- Energy Star building

Bella Rosa should be held to the same design standards that Kimura and Andora have agreed to, which are much more compatible with our rural character. Much has changed in the area since the original plans for this development were approved and this development should be brought up to date concerning what is in keeping with currently approved applications in terms of density, open space, house height and also heat mitigation efforts.

Please consider the following items to require from this development to preserve our "certainty of character" and allow Bella Rosa to better align with the established design precedents for our community and the Rio Montana Plan:

- **Housing density no higher than the originally approved plan: 3.03**
- **Single story homes (the only facade designs offered were single story in the application but the site details appear to indicate all 2 story + 30' homes)**
- **Landscaped setback from 19th Ave. no less than 25' (which is achievable with the originally approved density)**
- **Increased setback from 20th Ave and esp. if 2-story houses are approved.**
- **Additional heat mitigation requirements: front yard trees to shade driveways and sidewalks plus any additional requirements the city's heat mitigation department has designated. Minimum 50% 3" caliper trees as well.**
- **Energy Star and other energy efficient/sustainable building methods**
- **Electric vehicle charging**

The set back from 20th Ave. is appreciated and should not be diminished but it does not ameliorate the fact that 2-story +30' foot high houses would be towering over and looking into the western neighbor's properties, all of whom have S-1 homes with single stories. In fact, all the neighbors surrounding this proposed development on the west and south are on acre+ S-1 properties. The Rio Montana Plan calls for maintaining a feeling of open space to maintain rural character. One way to do this has been to have deep setbacks from major streets and requiring this feature for Bella Rosa is completely appropriate and in keeping with what all other developers along 19th Ave. have agreed to.

As a reminder, the Rio Montana Plan calls for (among other criteria):

- Any development to be sensitive to the surrounding area, inc. existing development, and consider the larger context in which it is located.
- Limiting the use of two story buildings
- Provide deep overhangs/covered porches
- Shade for pedestrian comfort
- Trees on east and west sides of buildings
- Varying roof lines, facade designs and materials, rear-loaded garages (no "garage-scaping"), staggered setback lines, no privacy fencing
- *The common objective for single family development is more variety than standard subdivisions being built throughout the Valley*

The community simply wants the city to keep the promise it made to residents by holding developers to the guidelines outlined in the general and village development plans. Thank you.
Sincerely,
Ravinder and Snigdha Sharma
8012 S 20th Avenue.
Phoenix, AZ 85041

Bradley A Wylam

From: NICHOLAS TORREZ <ntonyt@aol.com>
Sent: Monday, August 8, 2022 3:12 PM
To: Elias Valencia; PDD PHO; Bradley A Wylam; PDD Long Range Planning
Cc: NICHOLAS TORREZ; cheveratrillo@gmail.com; hjewelclark@fastmail.com
Subject: Opposition to modification of stipulations on case Bella Rosa development, Z-47-17-8/2-22--Z-47-17-8

Hello,

My name is Nicholas Torrez and I live at 2311 W Dobbins Road, which is appx 1 mile from the proposed Bella Rosa development, Z-47-17-8/2-22--Z-47-17-8. I am in opposition to the changing of previously approved stipulations. Based on the original plans and the currently proposed ones, I respectfully request consideration and amendment of several elements of this plan to better align with the neighborhood.

The items of concern the current Bella Rosa plan calls for are:

- 3.51 acres per home (18 houses on 5 acres)
- 2 story+30' height homes
- 9% open space

The original stipulated Bella Rosa site plan called for:

- 3.03 houses per acre
- 2 story+30' height homes
- ~14% open space

The proposed site is not in keeping with the current design and density precedents that have been established in the area nor is it in keeping with the originally approved plan for density. It is also not in keeping with the Rio Montana Plan in key elements based on the currently submitted documents.

The last 2 approved R1-10 developments, Kimura and Andora, which are located at the intersection of 19th Ave. and W. South Mountain Ave. (barely 600ft from Bella Rosa) have these requirements:
Kimura

- 3 houses per acre
- All single story
- 16.5% open space
- minimum lot width of 55'
- Varied lot widths
- Landscape setback from 19th Ave. is 154'
- Energy Star building

Andora

- 2.5 houses per acre
- All single story
- 17% open space
- minimum lot widths of 75'
- Landscape setback from 19th Ave is 25'
- Energy Star building

Bella Rosa should be held to the same design standards that Kimura and Andora have agreed to, which are much more compatible with our rural character. Much has changed in the area since the original plans for this development were approved and this development should be brought up to date concerning what is in keeping with currently approved applications in terms of density, open space, house height and also heat mitigation efforts.

Please consider the following items to require from this development to preserve our "certainty of character" and allow Bella Rosa to better align with the established design precedents for our community and the Rio Montana Plan:

- **Housing density no higher than the originally approved plan: 3.03**
- **Single story homes (the only facade designs offered were single story in the application but the site details appear to indicate all 2 story + 30' homes)**
- **Landscaped setback from 19th Ave. no less than 25' (which is achievable with the originally approved density)**
- **Increased setback from 20th Ave and esp. if 2-story houses are approved.**
- **Additional heat mitigation requirements: front yard trees to shade driveways and sidewalks plus any additional requirements the city's heat mitigation department has designated. Minimum 50% 3" caliper trees as well.**
- **Energy Star and other energy efficient/sustainable building methods**
- **Electric vehicle charging**

The set back from 20th Ave. is appreciated and should not be diminished but it does not ameliorate the fact that 2-story +30' foot high houses would be towering over and looking into the western neighbor's properties, all of whom have S-1 homes with single stories. In fact, all the neighbors surrounding this proposed development on the west and south are on acre+ S-1 properties. The Rio Montana Plan calls for maintaining a feeling of open space to maintain rural character. One way to do this has been to have deep setbacks from major streets and requiring this feature for Bella Rosa is completely appropriate and in keeping with what all other developers along 19th Ave. have agreed to.

As a reminder, the Rio Montana Plan calls for (among other criteria):

- Any development to be sensitive to the surrounding area, inc. existing development, and consider the larger context in which it is located.
- Limiting the use of two story buildings
- Provide deep overhangs/covered porches
- Shade for pedestrian comfort
- Trees on east and west sides of buildings
- Varying roof lines, facade designs and materials, rear-loaded garages (no "garage-scaping"), staggered setback lines, no privacy fencing
- *The common objective for single family development is more variety than standard subdivisions being built throughout the Valley*

The community simply wants the city to keep the promise it made to residents by holding developers to the guidelines outlined in the general and village development plans.

Thank You,
Nicholas Torrez

Bradley A Wylam

From: chevera trillo <cheveratrillo@gmail.com>
Sent: Tuesday, August 9, 2022 8:04 AM
To: Elias Valencia; PDD PHO; Bradley A Wylam; PDD Long Range Planning
Subject: Case number: Z-47-17-8/2-22--Z-47-17-8

Hello,
My name is Chevera Trillo, I am a homeowner residing at 2311 West Dobbins Road, Phoenix. I am writing with concern over the proposed Bella Rosa development, Z-47-17-8/2-22--Z-47-17-8.
I respectfully request consideration and amendment of several elements of this plan to better align with the neighborhood.

The items of concern the current Bella Rosa plan calls for are:

- 3.51 acres per home (18 houses on 5 acres)
- 2 story+30' height homes
- 9% open space

The original stipulated Bella Rosa site plan called for:

- 3.03 houses per acre
- 2 story+30' height homes
- ~14% open space

As a homeowner in the area, I have considerable concerns over any modification that affects safety as this is an area already dealing with traffic safety issues.
Additionally, the proposed site:

- is not in keeping with the current design and density precedents that have been established in the area;
- is not in keeping with the originally approved plan for density; and
- it is also not in keeping with the Rio Montana Plan in key elements based on the currently submitted documents.

The last 2 approved R1-10 developments, Kimura and Andora, which are located at the intersection of 19th Ave. and W. South Mountain Ave. (barely 600ft from Bella Rosa) have these requirements:
Kimura

- 3 houses per acre
- All single story
- 16.5% open space
- minimum lot width of 55'
- Varied lot widths
- Landscape setback from 19th Ave. is 154'
- Energy Star building

Andora

- 2.5 houses per acre
- All single story
- 17% open space

- minimum lot widths of 75'
- Landscape setback from 19th Ave is 25'
- Energy Star building

Bella Rosa should be held to the same design standards that Kimura and Andora have agreed to, which are much more compatible with our rural character. Much has changed in the area since the original plans for this development were approved and this development should be brought up to date concerning what is in keeping with currently approved applications in terms of density, open space, house height and also heat mitigation efforts.

Please consider the following items to require from this development to preserve our "certainty of character" and allow Bella Rosa to better align with the established design precedents for our community and the Rio Montana Plan:

- **Housing density no higher than the originally approved plan: 3.03**
- **Single story homes (the only facade designs offered were single story in the application but the site details appear to indicate all 2 story + 30' homes)**
- **Landscaped setback from 19th Ave. no less than 25' (which is achievable with the originally approved density)**
- **Increased setback from 20th Ave and esp. if 2-story houses are approved.**
- **Additional heat mitigation requirements: front yard trees to shade driveways and sidewalks plus any additional requirements the city's heat mitigation department has designated. Minimum 50% 3" caliper trees as well.**
- **Energy Star and other energy efficient/sustainable building methods**
- **Electric vehicle charging**

The set back from 20th Ave. is appreciated and should not be diminished but it does not ameliorate the fact that 2-story +30' foot high houses would be towering over and looking into the western neighbor's properties, all of whom have S-1 homes with single stories. In fact, all the neighbors surrounding this proposed development on the west and south are on acre+ S-1 properties. The Rio Montana Plan calls for maintaining a feeling of open space to maintain rural character. One way to do this has been to have deep setbacks from major streets and requiring this feature for Bella Rosa is completely appropriate and in keeping with what all other developers along 19th Ave. have agreed to.

As a reminder, the Rio Montana Plan calls for (excerpt from full criteria):

- Any development to be sensitive to the surrounding area, inc. existing development, and consider the larger context in which it is located.
- Limiting the use of two story buildings
- Provide deep overhangs/covered porches
- Shade for pedestrian comfort
- Trees on east and west sides of buildings
- Varying roof lines, facade designs and materials, rear-loaded garages (no "garage-scaping"), staggered setback lines, no privacy fencing
- *The common objective for single family development is more variety than standard subdivisions being built throughout the Valley*

The community simply wants the city to keep the promise it made to residents by holding developers to the guidelines outlined in the general and village development plans.

Thank you for your time,

Chevera Trillo

602.315.9774
cheveratrillo@gmail.com

From:	chevera trillo
To:	PDD Planning Commission
Subject:	PHO-2-22--Z-47-17-8
Date:	Thursday, October 6, 2022 7:06:18 AM

My name is Chevera Torrez, 2311 W Dobbins Rd, Phoenix, AZ 85041.

Once again I find myself concerned with the decisions that are being made by those that represent our community.
I am supportive of responsible development that improves an area and provides for the quality of living that all community members should be afforded. I support the decisions and agreements that were made as part of the City and Community initiative with the Rio Montana Plan -- which had a strong vision to develop this area in a responsible manner.
I support development that maintains the character of our rural community and is compatible with the agreements of Rio Montana.

I do not support PHO-2-22--Z-47-17-8, which goes against the Rio Montana plan -- This application does not meet the standards that the community in good faith negotiated with the City. Please represent your community and vote against setting a bad precedent.

Thankyou for your time and consideration.

Chevera Torrez

Bradley A Wylam

From: PDD Planning Commission
Sent: Wednesday, October 5, 2022 11:11 AM
To: Bradley A Wylam
Cc: Racelle Escolar
Subject: FW: PHO-2-22--Z-47-17-8

Follow Up Flag: Follow up
Flag Status: Flagged

Brad, Please add to correspondence

From: Julie Willcox <jwillcox1227@gmail.com>
Sent: Tuesday, October 4, 2022 8:44 AM
To: PDD Planning Commission <pdd.planningcomm@phoenix.gov>
Subject: PHO-2-22--Z-47-17-8

Good morning,

I am writing to oppose the Bella Rosa development on 19th Ave. PHO-2-22--Z-47-17-8
Increasing the density from 3 to 3.5 houses per acres does not fit in with the community or follow the Rio Montana plan. The property is surrounded by S-1 properties and the density is not appropriate for the area. Our community has worked hard to preserve our rural way of life & preserve the land close to South Mountain. We see the zonings continually eroded by multiple re-zoning/re-submissions. Each time increasing the density over what is appropriate for the area.
I do support responsible zoning that reflects the area & follows all of the Rio Montana plan.

I would like to register to speak & donate my time to Jewel Clark as a spokesperson for our entire community.

Thank you,
Julie Willcox
9050 S 23rd Ave, Phoenix, AZ 85041

City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

To: Alan Stephenson
Deputy City Manager
Planning and Development Director

Date: October 26, 2022

From: Joshua Bednarek
Planning and Development Assistant Director

Subject: CONTINUANCE OF ITEM 54 ON THE NOVEMBER 2, 2022, PUBLIC HEARING/ FORMAL AGENDA – PHO-2-22--Z-47-17-8 (G-7054) – APPROXIMATELY 130 FEET NORTH OF THE NORTHWEST CORNER OF 19TH AVENUE AND LATONA LANE

Item 54, is a Public Hearing and Ordinance Adoption of a request to modify stipulations from an approved 2017 rezoning case. Modification of Stipulation case PHO-2-22--Z-47-17-8 is a request to modify stipulations for a 5.12-acre parcel located approximately 130 feet north of the northwest corner of 19th Avenue and Latona Lane for a proposed single family residential.

This request is to continue the item to December 7, 2022, in order to allow applicant to coordinate and address any questions and concerns with the council members.

Staff recommends continuing this item to the December 7, 2022 City Council Formal meeting.

Approved:

Alan Stephenson
Deputy City Manager/Planning and Development Director

*Attachment - email from applicant dated October 26, 2022

*The Nov. 2, 2022 City Council Formal Meeting agenda listed this item in the memo as Item 53, instead of Item 54 as shown.

October 26, 2022

City of Phoenix
Planning and Development Department
Attn: Racelle Escolar – Principal Planner
200 W. Washington Street
Phoenix, AZ 85003

RE: Request for City Councill Hearing Continuance
Case #: PHO-2-22—Z-47-17-8

Greetings,

On behalf of the Property Owner, I would like to request a continuance for the Case # listed above. The City Council hearing is scheduled for November 2, 2022, at 2:30PM. I would like to request that the case be continued to the City Council Hearing date on December 7, 2022. We request this continuance so that we may have time to coordinate and address any questions and concerns with the council members regarding this case.

Thank You,

Kevin Zenk
Planner II
7507 E. McDonald Dr., STE #2
Scottsdale, AZ 85250
O: (602) 666-2447
C: (480) 740-8950
E: kzenk@scapeGOATds.com
scapeGOATds.com
terrascape.us

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** *84

ADDITIONAL INFORMATION (SEE ATTACHED MEMO) Public Hearing and Resolution Adoption - General Plan Amendment GPA-DSTV-3-22-2 - Mayo Boulevard between 40th Street and the Loop 101 Freeway, and Tatum Boulevard between Deer Valley Drive and Mayo Boulevard (Resolution 22087)

Request to hold a public hearing on a General Plan Amendment for the following item to consider the Planning Commission's recommendation and the related resolution if approved. Request to amend the Street Classification Map by removing the Mayo Boulevard alignment between 40th Street and the Loop 101 Freeway and changing the designation of Tatum Boulevard between Deer Valley Drive and Mayo Boulevard from Major Arterial Cross Section A to Major Arterial Cross Section Z-A.

Summary

Application: GPA-DSTV-3-22-2
Current Designation: Arterial (Mayo Boulevard) and Major Arterial Cross Section A (Tatum Boulevard)
Proposed Designation: Removed (Mayo Boulevard) and Major Arterial Cross Section Z -A (Tatum Boulevard)

Applicant: City of Phoenix, Planning Commission
Representative: Arizona State Land Department

Staff Recommendation: Approval.
VPC Action: The Desert View Village Planning Committee heard this case on Nov. 29, 2022. The results will be provided at the Council meeting.
PC Action: The Planning Commission heard this case on Dec. 1, 2022. The results will be provided at the Council meeting.

Location

Mayo Boulevard between 40th Street and the Loop 101 Freeway, and Tatum Boulevard between Deer Valley Drive and Mayo Boulevard
Council District: 2
Parcel Addresses: N/A

Responsible Department

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

City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

To: Alan Stephenson
Deputy City Manager

Date: December 5, 2022

From: Joshua Bednarek JB
Acting Planning and Development Assistant Director, Planning Division

Subject: REQUEST FOR ADDITIONAL INFORMATION TO ITEM 84 ON THE DECEMBER 7, 2022 FORMAL AGENDA – PUBLIC HEARING AND RESOLUTION ADOPTION – GENERAL PLAN AMENDMENT - GPA-DSTV-3-22-2 - MAYO BOULEVARD BETWEEN 40TH STREET AND THE LOOP 101 FREEWAY, AND TATUM BOULEVARD BETWEEN DEER VALLEY DRIVE AND MAYO BOULEVARD (RESOLUTION 22087)

This memo provides additional information for the Council to consider for Item 84, on the December 7, 2022 formal agenda, General Plan Amendment - GPA-DSTV-3-22-2 - Mayo Boulevard between 40th Street and the Loop 101 Freeway, and Tatum Boulevard between Deer Valley Drive and Mayo Boulevard.

The additional information includes summaries of the Desert View Village Planning Committee recommendation from the October 11, 2022 & November 29, 2022 meetings along with the Planning Commission's summary from the December 1, 2022 hearing and additional community correspondence.

Approved: _____
Alan Stephenson, Deputy City Manager

Enclosures:
Desert View VPC Info
Desert View VPC Recommendation
Planning Commission Summary
Community Correspondence

Desert View
VILLAGE PLANNING COMMITTEE

Village Planning Committee Meeting Summary
GPA-DSTV-3-22-2
INFORMATION ONLY

Date of VPC Meeting	October 11, 2022
Location	Mayo Boulevard between 40th Street and the Loop 101 Freeway; and Tatum Boulevard between Deer Valley Drive and Mayo Boulevard
Request	Minor General Plan Amendment to amend the Street Classification Map by removing the Mayo Boulevard alignment between 40th Street and the Loop 101 Freeway and changing the designation of Tatum Boulevard between Deer Valley Drive and Mayo Boulevard from Major Arterial Cross Section A to Major Arterial Cross Section Z-A

VPC DISCUSSION:

No members of the public registered to speak on this item.

Committee Members Warren and Younger joined the meeting during this item, bringing quorum to 14 members.

Anthony Grande, staff, provided a background summary and described the changes proposed to the Street Classification Map.

Carolyn Oberholtzer, representing the Arizona State Land Department with Bergin, Frakes, Smalley and Oberholtzer, PLLC, provided an introduction to the proposal, noting that the Arizona State Land Department has been working with the City on regional transportation planning efforts in this area and the item for discussion tonight is related to an amendment to the Street Classification Map.

Mike James, representative with CivTech, stated that the section of Mayo Boulevard in question is referencing a bridge that would pass over the freeway. **Mr. James** provided background information, stating that the team had conducted traffic studies, reviewing existing and proposed land uses, to determine traffic conditions in the future and is looked at the most appropriate transportation improvements for the future conditions. He provided an overview of the scenario with the Mayo flyover and the scenario without the Mayo flyover, comparing the traffic issues with each. Finally, **Mr. James**

summarized the street improvements that would be done in the future without the Mayo flyover, including the addition of a northbound lane on Tatum Boulevard, requiring the cross section change.

QUESTIONS FROM COMMITTEE

Committee Member Dickson stated that the existing entitlements in the area would allow significant new development and generate traffic and that with the existing traffic issues, he has concerns about removing one of the outlets for the traffic flow. **Mr. James** stated that traffic would use Black Mountain Boulevard and Tatum Boulevard and that there are street improvements yet to be built in the area. **Mr. Dickson** stated that he doesn't think the traffic flow will work.

Vice Chair Lagrave suggested increasing traffic flow on 56th Street, rather than Tatum Boulevard because there are issues with traffic at the intersection of Tatum Boulevard and Deer Valley Drive.

Mr. Dickson reiterated concerns about removing the section of Mayo Boulevard in question, noting that there are not enough streets today in Desert Ridge.

Committee Member Kirkilas asked for clarification about the Mayo flyover and the proposed change. **Mr. Dickson** provided background and clarification. **Mr. James** stated that there is significant infrastructure that is planned but not built yet today. **Mr. Dickson** stated that the multifamily zoning in the area around the section of Mayo Boulevard in question should be reduced in order to accommodate the removal of Mayo Boulevard.

Committee Member Nowell asked about the portion of Tatum Boulevard north of Dynamite Boulevard. **Mr. James** noted that it was beyond the study area for this study. **Mr. Nowell** added that Tatum Boulevard north of Dynamite Boulevard was not supposed to be six lanes, per a previous study. **Vice Chair Lagrave** agreed and added additional background.

Committee Member Younger stated that this proposal could be shortsighted because there are still more developments coming to this area and traffic will get worse.

Chair Bowser noted that the flyover was discussed at the previous meeting in relation to the proposed Desert Ridge Specific Plan amendment, but there was no discussion of removing the Mayo flyover. **Chair Bowser** added that he recognizes the cost of constructing the bridge would be very high.

Mr. Nowell asked about the additional lane proposed on Tatum Boulevard and whether there was room for the expansion. **Mr. James** replied that the expansion would be to the east.

Committee Member Powell stated that businesses would be impacted by an eastward expansion of Tatum Boulevard for the portion north of the freeway. **Mr. James** replied that the current plan is only to improve the portion south of the freeway.

Vice Chair Lagrave stated that 56th street is the proper location to do the improvement.

Committee Member Kollar asked about the origin and destination of the traffic that would use the Mayo flyover if it were built. **Mr. James** stated that they have traffic models and that regional traffic generally flows between Cave Creek Road and the Loop 101. He further noted that the study took into account all future development with entitlements and that the network will be built out as development occurs. **Mr. Kollar** stated that it would be helpful to see the study itself.

Mr. Powell asked about the cost of constructing the Mayo flyover. **Mr. James** replied that it would be approximately 47 million dollars.

Mr. Kirkilas asked if the Mayo flyover was a promise made at a previous time. **Chair Bowser** stated that the flyover is shown on the Street Classification Map, which provides guidance for what needs to be developed in the future.

Mr. Dickson reviewed the number of units proposed at the southwest corner of Tatum Boulevard and Deer Valley Drive and expressed concern about how the traffic flow will work.

Mr. Nowell asked about the approximate cost of the three mitigation points identified in the study.

Chair Bowser noted that there would be a different trip generation rate for multifamily and single-family, which would affect the traffic at peak times. **Mr. Dickson** stated that he still didn't think the numbers would work with the removal of the Mayo flyover.

Mr. James noted that the approximate cost of the three mitigation points would be 3.03 million dollars.

Committee Member Santoro asked about the initial reason for looking at removing the Mayo flyover. **Mr. James** stated that they have been looking at this since 2020 to see what are the best and most efficient infrastructure investments that can be made. **Ms. Santoro** stated that it doesn't make sense to remove the flyover after approving new development of a corporate campus last month.

PUBLIC COMMENTS
None.

STAFF COMMENTS:

None.

Desert View
VILLAGE PLANNING COMMITTEE

Village Planning Committee Meeting Summary
GPA-DSTV-3-22-2

Date of VPC Meeting	November 29, 2022
Location	Mayo Boulevard between 40th Street and the Loop 101 Freeway; and Tatum Boulevard between Deer Valley Drive and Mayo Boulevard
Request	Minor General Plan Amendment to amend the Street Classification Map by removing the Mayo Boulevard alignment between 40th Street and the Loop 101 Freeway and changing the designation of Tatum Boulevard between Deer Valley Drive and Mayo Boulevard from Major Arterial Cross Section A to Major Arterial Cross Section Z-A
VPC Recommendation	Denial
VPC Vote	11-2

VPC DISCUSSION:

No members of the public registered to speak on this item.
Committee Members Doug Dickson and Cynthia Dean joined the meeting during this item, bringing quorum to 13 members.

STAFF PRESENTATION

Joshua Bednarek, Acting Assistant Director with the Planning and Development Department provided a background summary and described the changes proposed to the Street Classification Map. Mr. Bednarek shared that removal of the Mayo Flyover will be mitigated through an Intergovernmental Agreement (IGA) that will be heard by the City Council on December 7. Mr. Bednarek stated that the IGA mitigations are targeted street improvements as well as dedication of funds for larger regional improvements. Mr. Bednarek shared the Desert Ridge Specific Plan development parcel map, highlighting improvements proposed for Superblock 12, Superblock 4L, Superblock 9.CP.2, Superblock 6, and Paradise Ridge Parcel MF3. Mr. Bednarek shared community input, staff findings, the staff recommendation of approval and next steps for the case.

APPLICANT PRESENTATION

Carolyn Oberholtzer, representing the Arizona State Land Department (ALSD) with Bergin, Frakes, Smalley and Oberholtzer, PLLC, introduced herself, Mark Edelman with the Arizona State Land Department, and Mike James with CivTech and then provided an overview of the request. Ms. Oberholtzer shared that the IGA ensures an additional $42 million of identified transportation investments from the ASLD and additional specific improvements and responsibilities by the City of Phoenix.

Mike James, representative with CivTech, introduced himself and provided background on the request. Mr. James indicated that CivTech was hired to initiate traffic studies to consider alternatives for the Mayo Flyover. Mr. James shared the strategy for considering alternatives, including looking at future land uses for 2030 and 2040 and the anticipated transportation network for those model years. Mr. James indicated that CivTech looked at what was most cost-effective, improving travel times, economic development opportunities, and minimizing impacts to sensitive land uses. Mr. James shared that the updated Traffic Impact Study from 2022 focused on 2040 with the anticipated new population and employment. Mr. James explained that the existing network in Desert Ridge is not adequate for the growth and entitlements that are coming. Mr. James then shared IGA funding improvements tied to specific parcel sales and sales within Superblock 6 and the Paradise Ridge parcel, which are focused on getting connections and capacity across the canal to mitigate bottlenecks at important connections going north/south across the Loop 101 freeway. Mr. James shared they found there was a lot of demand for north/south movement both to the freeway and north/south trips. Mr. James then shared the evaluation and findings on the Mayo Flyover scenario, which showed that similar traffic mitigation would be needed which would be more costly. Mr. James shared comparisons of mitigation needed with the No Flyover scenario versus the Flyover scenario. Mr. James then shared priority improvements and regional improvements for the network. Mr. James shared specific transportation improvements in the IGA, including half-street improvements, additional lane improvements, intersection improvements, regional funding contributions, and regionally funded buildouts. Mr. James added that the IGA also has responsibilities for the City of Phoenix, including median improvements along Tatum Boulevard from Pinnacle Peak Road to Deer Valley Drive. Mr. James shared the cross sections, showing the additional 11 feet needed between Mayo Boulevard and the Loop 101, with the designation on the map also going further north of the Loop 101. Mr. James concluded that for mitigation purposes, a fourth lane is needed south of the freeway down to Mayo Boulevard.

QUESTIONS FROM COMMITTEE

Chair Bowser stated that the bigger picture of regional funding paints a complete picture and that it makes a lot more sense seeing the regional improvements rather than just the elimination of the flyover.

Vice Chair Lagrave asked that since widening of Tatum Boulevard will be on hold until a later date, if there was a way to tie in prioritization of improvements to 56th Street north of the Loop 101, in conjunction with the improvements for 48th Street, so that it can connect to Dynamite Boulevard in order to mitigate traffic along Tatum Boulevard toward the Loop 101 freeway.

Ms. Oberholtzer deferred the question to staff.

Mr. Bednarek responded that it would depend on auctions associated with land for Azara and clarified that this would not be the last time that the City would be looking at the street network in this area. Mr. Bednarek stated that the City will continue to partner with ASLD and will be looking at subsequent studies and potentially subsequent updates to the Street Classification Map. Mr. Bednarek stated that the request is to focus on modification of the Mayo Boulevard alignment coupled with mitigation measures in the immediate area, as well as some regional mitigation. Mr. Bednarek clarified he is not in a position to say whether or not that could be done at some point, but that they will be continued to be analyzed as the area develops. Mr. Bednarek stated that he cannot think of a way to tie in anything related to 56th Street based on how the request was advertised and the scope of the project.

Ms. Oberholtzer added that the amendment is necessary because they are adjusting placement of lines on the map. Ms. Oberholtzer indicated that 56th Street exists on the map and will be tied to the timing of the development on other potential agreements.

Mr. Bednarek concurred, reiterating that 56th Street will be built out when the properties around it are developed.

Vice Chair Lagrave stated that when they did the East Sonoran Parkway alignment, it did not connect to the agreed upon streets and rather had a dead-end on Cave Creek Road, which has created a mess with traffic. Vice Chair Lagrave expressed concerns with the same issue occurring with this proposal. Vice Chair Lagrave asked if it could be eliminated from the General Plan Amendment request.

Mr. Bednarek clarified that Vice Chair Lagrave would like to eliminate the widened cross section on Tatum Boulevard.

Vice Chair Lagrave responded affirmatively, clarifying it would only be from Loop 101 to Deer Valley Road. Vice Chair Lagrave stated that vehicles would have to cut across four lanes of traffic, rather than three lanes, to turn left onto Deer Valley Road.

Mr. Bednarek deferred the question to Chris Kowalsky, Deputy Director of the Street Transportation Department.

Chris Kowalsky, Deputy Director of the Street Transportation Department, responded that the analysis and findings only found a fourth lane was needed south of Loop 101 to Mayo Boulevard, but not north of the Loop 101. Mr. Kowalsky clarified that Cross Section Z-A is a special section which could have an additional right turn lane or right turn pocket above the 140-foot cross section. Mr. Kowalsky stated that there is no recommendation for a north fourth lane, but there is a possibility that in the future there will be a southbound right turn lane. Mr. Kowalsky gave an example of Deer Valley Drive to the Loop 101, stating that there may be an opportunity in the future to work with ADOT on a dual right turn lane to turn onto the westbound Loop 101, which would be a larger cross section than the typical six lane arterial cross section.

Vice Chair Lagrave stated he would be comfortable with that, but the General Plan Amendment indicates to add a fourth northbound lane.

Mr. Kowalsky clarified that the fourth northbound lane would be from Mayo Boulevard up to the eastbound on-ramp to the Loop 101 and clarified that is the only fourth lane segment being recommended.

Mr. Nowell agreed with Vice Chair Lagrave, stating that the request does not address Tatum Boulevard north of the Loop 101 between Deer Valley Road. Mr. Nowell stated that without the flyover as-is, he would only see more traffic coming southbound on Tatum Boulevard from Deer Valley Road and northbound in the evening when traffic congestion is already very bad.

Vice Chair Lagrave concurred, stating that is why he favors extending 56th Street.

Mr. Nowell concurred, stating that the only traffic control on 56th Street currently is a stop sign, and that it takes a while to take a left turn onto Pinnacle Peak Road due to the traffic. Mr. Nowell believed that extending 56th Street will help to alleviate some of the traffic congestion.

Rick Powell agreed, stating he does not believe the Committee should approve a General Plan Amendment that considers adding anything to Tatum Boulevard northbound from the Loop 101 to Deer Valley Road. Mr. Powell indicated that the bigger issue of the request is removing the Mayo Flyover. Mr. Powell believed that there would never be another northbound connection at the Mayo Flyover or anywhere nearby if it is removed. Mr. Powell did not like the idea of committing for all time in the future of not having a bridge over the Loop 101 when there are so few other north/south connections. Mr. Powell did not believe the Committee should approve the General Plan Amendment until there is more knowledge on what will happen with 56th Street and 64th Street. Mr. Powell wondered who paid for the bridge on 64th Street and indicated he would like to see concrete pouring on 64th Street before getting rid of the possible future north/south connection.

Doug Dickson concurred, clarifying those that have spoken have been on the Committee much longer than those that were not speaking. Mr. Dickson indicated that they are very familiar with this area of Desert Ridge, and agreed that half of the proposal is good, while the other half would cause even more traffic congestion. Mr. Dickson believed that the request should be addressing expanding access through Desert Ridge rather than eliminating the flyover. Mr. Dickson stated that the existing infrastructure is not adequate for current growth let alone future growth. Mr. Dickson echoed that removing the Mayo Flyover would mean that there is one less north/south access that they do not have, and it will go away forever. Mr. Dickson noted that the Village Planning Committees all got together and most of them voted that the number one spot of future growth in Phoenix will be in Desert Ridge. Mr. Dickson believed that they should find a way to fund the Mayo Flyover and make it work, like Black Mountain Boulevard.

Reggie Younger Jr. agreed, stating that eliminating the flyover would be a mistake. Mr. Younger reiterated that there will be a lot more traffic in Desert Ridge as a lot more homes are built. Mr. Younger added that he had driven by 56th Street along Pinnacle Peak Road and noticed a long line of vehicles trying to make both a left and right turn onto Pinnacle Peak Road.

Vice Chair Lagrave understood that the flyover was costly and stated that a viable alternative could be supported. Vice Chair Lagrave appreciated the improvements being made but indicated that extending 56th Street to Dynamite Boulevard would only be three miles of road which would not cost much, especially compared to the cost of the flyover. Vice Chair Lagrave stated that doing this would greatly reduce traffic on Tatum Boulevard and will give another access point to nearby developments. Mr. Lagrave reiterated that a viable alternative is needed if removing the flyover.

Jill Hankins stated she is concerned with removing the flyover. Ms. Hankins believed there was a missed opportunity with connecting Rose Garden Lane to Mayo Boulevard. Ms. Hankins stated her primary objective for being on this Committee is to ensure the walkability and bike-ability of Desert Ridge and Desert View Village. Ms. Hankins indicated that the Loop 101, Pinnacle Peak Road, and Tatum Boulevard are barriers to pedestrians and bikes. Ms. Hankins asked how the plan incorporates a walkable and bikeable community. Ms. Hankins stated that Desert Ridge is now bisected by a six-lane road and by Tatum Boulevard, which are dangerous for bicyclists.

Mr. Nowell added that while 56th Street should be improved, he believes Pinnacle Peak Road will also need to be addressed since it is only one lane in each direction near 56th Street. Mr. Nowell asked if there is a timeframe when the improvements in the IGA will be made.

Ms. Oberholtzer responded that the improvements will be tied to auctions, which will tie the bidders to timeframes for improvements to be completed.

Mr. Nowell thanked Ms. Oberholtzer and stated that the timeframe is unknown at this point.

Ms. Oberholtzer responded that there are scheduled auctions and applicants for a most of the area in the near term and not in the distant future.

Mr. Nowell asked how closely tied are the mitigation efforts timewise with removal of the flyover.

Ms. Oberholtzer responded that the IGA implements an accelerated program. Ms. Oberholtzer added that the focus is not on improvements that are already planned or are already committed to by other projects, but rather on accelerating certain improvements that are both triggered by the removal of the flyover and priority improvements for the community, such as the half-street improvement of Deer Valley Road between 40th Street and Tatum Boulevard. Ms. Oberholtzer clarified that the IGA provides for a reallocation of costs that will bring equivalent traffic circulation as the flyover. Ms. Oberholtzer added that Mayo Boulevard would connect to the Fireside community, where there are two schools, and would trigger a massive reconstruction of the intersection at Black Mountain Boulevard, in addition to other improvements. Ms. Oberholtzer concluded that with the impacts of those connections, that is how they arrived at the IGA list of improvements. Ms. Oberholtzer hoped the improvements would be more impactful to the community on a faster path than with the flyover.

Mark Edelman, representative with the Arizona State Land Department, added that all the proposed improvements are tied to parcels that currently have applications, except

for Superblock 6. Mr. Edelman stated that the auctions will likely occur within a year and then development would likely occur within another year to year and a half.

Gary Kirkilas asked if removal of the flyover is because of the cost or if there is something else planned on the property where the flyover would be built.

Ms. Oberholtzer responded that the factors going into the removal of the flyover are also considering the impacts to the adjacent parcels. Ms. Oberholtzer continued that the properties that would be adjacent to the flyover would likely not benefit from it. Ms. Oberholtzer reiterated that considering impact to the surrounding area, and not just cost alone, was all part of the cost-benefit analysis.

Mr. Kirkilas reiterated that the flyover is both cost prohibitive and would negatively impact potential buildable sites.

Ms. Oberholtzer responded affirmatively.

Mr. Kirkilas asked if the traffic studies are based off future projected zoning of land or based on current zoning.

Ms. Oberholtzer responded that the ultimate zoning is a part of it and deferred to Mr. James on the model.

Mr. James stated that the zoning along Mayo Boulevard was updated to the level of development that was being seen over the last 10 years. Mr. James added that new entitlements and development plans that were coming into the City of Phoenix around the Mayo Hospital from this year were also factored in.

Ms. Oberholtzer stated that as the traffic study was developed, there was a lot of back and forth with the City, and that the City wanted CivTech to make aggressive assumptions about future development to be comfortable with recommending approval on this request.

Mr. James concurred, adding that regional trips are trips that start and end outside of the Desert Ridge area, including to the Loop 101, Desert Ridge Marketplace, the Desert Ridge Corporate Center, and the employment centers. Mr. James stated that they will be working with the City and ASLD on future studies to look at where the best opportunity for those regional trips is.

Mr. Powell asked what the median modification consists of along Tatum Boulevard between Deer Valley Road to Pinnacle Peak Road.

Mr. Kowalsky responded that Tatum Boulevard is not built to its ultimate cross section yet, and that the median has always been designated to be narrow to add the additional third lane on each direction. Mr. Kowalsky stated that the outside lanes were built first and capacity was added as needed until the median is narrow enough to add additional lanes.

Mr. Powell stated that concerned him and believed it was an invitation to more traffic along Tatum Boulevard. Mr. Powell asked if there is an applicant that wants to buy Superblock 9, which would have been eaten up by the flyover.

Mr. Edelman responded that there is not an applicant for the entirety of Superblock 9, but there is an applicant for a portion of Superblock 9.

Mr. Powell asked if that applicant wanted the land where the flyover would sit on.

Mr. Edelman responded that they do not.

Vice Chair Lagrave stated that it seems this request is being rushed and that it is more important to do it right then do it fast. Vice Chair Lagrave stated that the modifications are good but are not enough and reiterated that an access point needs to be added to remove traffic from Tatum Boulevard.

Jason Israel asked what the cost difference is between building the flyover and not building it.

Ms. Oberholtzer responded that the cost of the flyover comes with the cost of the flyover as well as the resulting mitigation, and the no flyover option is the sum of the improvements related to that. Ms. Oberholtzer deferred the question to Mr. James.

Mr. James responded that if the flyover was built, it would cost approximately $7 million for mitigation and $47 million for the actual flyover, with a total of $54 million. Mr. James stated that the no flyover option would cost around $3 million for mitigation and $42 million for regional improvements.

Mr. Israel asked for clarification on if it would be $51 million more to do the flyover.

Mr. James responded affirmatively.

Mr. Nowell stated that these questions were asked at the last meeting and that he remembers the numbers being $47 million for the flyover and at that meeting there were only three mitigation points discussed with a total of $3.03 million. Mr. Nowell asked for confirmation if the number now for regional improvements is $42 million.

Ms. Oberholtzer responded affirmatively, stating that the regionally funded buildout improvements include the $6 million assigned to future superblocks and $36 million associated with those options. Ms. Oberholtzer clarified that the only she recalls was missing was the $7 million for additional mitigation items.

Mr. Nowell asked if the costs were pretty much the same.

Ms. Oberholtzer responded that the flyover would still result in more cost.

Mr. Israel asked by how much.

Ms. Oberholtzer responded that it would be about an $11 million difference. Ms. Oberholtzer asked Mr. James if that was correct.

Mr. James responded affirmatively, adding that the question is where the right place for putting a lot of those regional trips is.

Mr. Israel stated that it is about an $8 million - $10 million difference.

Ms. Oberholtzer added that the challenge is how to fund the flyover since the parcels that would benefit from it and contribute to it are limited.

Mr. Israel shared that his understanding is that the $ 45 million will be generated from revenue collected from future land sales, which was then inputted into the model. **Ms. Oberholtzer** replied that was correct.

Vice Chair Lagrave added that the Azara project (bordered by Pinnacle Peak Road, Cave Creek Road, Scottsdale Road and Jomax Road) is to be built from the south, and it will take a long time to reach its northern border so funding the north-south access soon will not happen. Vice Chair Lagrave then asked for clarification on the lane width for Tatum Boulevard, stating that the graph shows six lanes, however another graph showed it as being four lanes, five at the intersection of Deer Valley.

Mr. James replied that the 2040 model showed six lanes, and asked staff to speak to the proposed median modifications.

Mr. Kowalsky replied that Street Classification Map as adopted shows Tatum Boulevard as a future six-lane section, and while it is not constructed to that at this time, ultimately it is going to be six lanes. Mr. Kowalsky added that the timing of that will be determined by the City and the Capital Improvement Program, and through the IGA the City has accepted that modification as part of the mitigation efforts within the area.

Chair Bowser shared that a 56th Street connection to Dynamite Boulevard would be outstanding, if it was developer-paid the cost to the City would be zero, and that while the Mayo flyover would be nice, it connects an east-west street which dies out in front of Pinnacle High School, which might help local traffic but might not impact regional traffic, and that it is very costly. Chair Bowser added that more capacity north-south is critical and suggested that the non-signalized median openings along Tatum Boulevard are challenging, the eventual outer lanes at Cave Creek Road at the CAP bridge might be challenging as well because it is a bottleneck location, and another opportunity is connecting Black Mountain Boulevard to 40th Street, and then 40th Street to Jomax Road, up to the Sonoran Parkway which might come about sooner than 56th Street as development north of Pinnacle Peak begins, which will also be driven by water and sewer infrastructure.

Mr. Kowalsky added that they are in active discussions with the developer to widen the Cave Creek Road CAP canal bridge crossing, and they are close to finalizing an agreement.

Mr. Bednarek concluded by thanking the committee for their discussion, sharing that a lot of the street improvements are tied to development, and there is a level of certainty, speed and commitment to funding in this IGA which they did not have before. Mr. Bednarek added that one consideration could be to keep the conversation going and to make sure the committee's concerns are continued as a part of the conversation is to recommend approval with direction/modification to the case, such as direction to staff to investigate other ways to mitigate traffic in the area that are outside the scope of this request.

Chair Bowser recognized the commitment of the City, ASLD and their counsel on this item. Chair Bowser asked staff to confirm no members of the public registered to speak, and asked members of the public to indicate using the Raise Hand function if they want to speak. **Ms. Stockham**, staff, confirmed no hands were raised.

PUBLIC COMMENTS
None.

STAFF/REPRESENTATIVE RESPONSE
None.

FLOOR/PUBLIC DISCUSSION CLOSED: COMMITTEE DISCUSSION
Vice Chair Lagrave asked what the cost is for the overpass over the canal on Tatum, north of Union Hills, sharing that it was the least important improvement as it is not a bottleneck location now.

Mr. James shared that the estimated cost for widening the bridge is approximately $ 19.3 million, and to replace the bridge is $ 32 million.

MOTION:
Vice Chair Lagrave motioned to approve GPA-DSTV-3-22-2 per the staff recommendation with direction that the money allocated for the Tatum canal bridge crossing be diverted to extend 56th Street north to Dynamite Boulevard.

Rick Nowell asked if the condition that Vice Chair Lagrave made with his motion would be a stipulation.

Chair Bowser asked staff if stipulations can be made in relation to a General Plan Amendment. Ms. Stockham replied that they cannot, but the committee can provide direction in a motion.

Rick Nowell asked what the cost would be to extend 56th Street to Dynamite Boulevard.

Joshua Bednarek suggested that the direction could be modified to ask that the City coordinate with ASLD to find additional funding through future agreements to fund the construction of 56th Street, so it is not tied to a certain project, such as the Tatum canal bridge.

Vice Chair Lagrave amended the motioned to approve GPA-DSTV-3-22-2 per the staff recommendation with direction that the City coordinate with ASLD to find funding opportunities for the construction of 56th Street to Dynamite Boulevard, and that it be a priority before the canal bridge on Tatum.

Rick Nowell seconded the motion.

DISCUSSION:
Rick Nowell shared that widening the overpass over the canal is probably the last thing that will happen, and that if we do away with the flyover, it could be years before the extension of 56th Street was complete.

Joshua Bednarek shared that he understood Mr. Nowell's concerns, and that there is also an unknown of if the flyover will ever get built due to the challenges to auction the land associated with the flyover, and that given that uncertainty and the need to fund some of these improvements, this proposal and the IGA provides that certainty for the traffic mitigation improvements and will get them done faster.

Jason Israel shared that on the one hand there is the potential of the land sales happening with ASLD and funding these improvements and plans, so you could save $ 8 million dollars now with the land sales or the funds could be saved at a later date if plans were to change with the auctions.

Mr. Bednarek asked Mr. Israel to clarify his statement.

Mr. Israel replied that there is potential interest in parcels to be auctioned now, which can fund the street improvements now with a shorter time frame and certainty, versus a longer time frame with a potential unknown regarding these improvements.

Ms. Oberholtzer shared that a real constraint with the flyover is the funding, because the properties that are impacted by it would not necessarily be benefitting from it, and this IGA apportions the improvements for auctions that are in the planning stages and secures the path forward for when the properties are auctioned, and for the flyover, there is no certainty that the flyover would ever happen.

Jason Israel asked if there is a real potential that funding may not be there.

Ms. Oberholtzer clarified that there is a real potential that the flyover will not be constructed because people will not bid on an auction for that parcel with the obligation to build the flyover because it does that benefit the surrounding parcels; the added cost to those land sales is cost prohibitive.

Mr. Kirkilas asked how the Black Mountain connection was funded, and if that is considered a flyover.

Mr. Dickson shared that funding came from state gas taxes and from grant money from the federal government due to the proximity to the federal cemetery and was about $ 25 – 30 million dollars to construct. Mr. Dickson added that those conditions would not apply in this location.

Rick Powell appreciated the motion made by Vice Chair Lagrave to give the City of Phoenix guidance but shared concern that a recommendation of approval with minor attached guidance will be easy to ignore, and if they want to give the City of Phoenix guidance, the stronger message would be to recommend denial. Mr. Powell added while it looks like the grand bargain is to get Mayo Boulevard widened east to west from Tatum to 56th Street, it does not add to the north-south connectivity in the Village.

Vice Chair Lagrave replied that he made the motion to have this type of discussion, and that he might not vote for it.

VOTE:

1-12; motion to recommend approval of GPA-DSTV-3-22-2 per the staff recommendation with direction that the City coordinate with ASLD to find funding opportunities for the construction of 56th Street to Dynamite Boulevard, and that it be a priority before the canal bridge on Tatum does not pass with Committee Member Bowser in favor and Committee Members Barto, Dean, Dickson, Hankins, Israel, Kirkilas, Kollar, Nowell, Powell, Santoro, Younger and Lagrave opposed.

MOTION:

Rick Powell motioned to recommend denial of GPA-DSTV-3-22. **Rick Nowell** seconded the motion.

VOTE:

11-2; motion to recommend denial of GPA-DSTV-3-22-2 passes with Committee Members Barto, Dean, Dickson, Hankins, Israel, Kirkilas, Kollar, Nowell, Powell, Younger and Lagrave in favor with Committee Members Santoro and Bowser opposed.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

Staff has no comments.

REPORT OF PLANNING COMMISSION ACTION
December 1, 2022

ITEM NO: 3	
	DISTRICT NO.: 2
SUBJECT:	
Application #:	GPA-DSTV-3-22-2 (Continued from November 3, 2022)
Location:	Mayo Boulevard between 40th Street and the Loop 101 Freeway; and Tatum Boulevard between Deer Valley Drive and Mayo Boulevard
Proposal:	Minor General Plan Amendment to amend the Street Classification Map by removing the Mayo Boulevard alignment between 40th Street and the Loop 101 Freeway and changing the designation of Tatum Boulevard between Deer Valley Drive and Mayo Boulevard from Major Arterial Cross Section A to Major Arterial Cross Section Z-A.
Applicant:	City of Phoenix, Planning Commission
Representative:	Arizona State Land Department

ACTIONS:

Staff Recommendation: Approval.

Village Planning Committee (VPC) Recommendation:
Desert View 10/11/2022 Information only.
Desert View 11/29/2022 Denial. Vote: 11-2.

Planning Commission Recommendation: Approval, per the staff recommendation with conditions.

Motion Discussion:

Commissioner Gaynor made a MOTION to approve GPA-DSTV-3-22-2, per the staff recommendation with a condition that the approval be coupled with the intergovernmental agreement and that staff meet with the Village Planning Committee members to follow-up on their concerns and further explain why the item should be approved.

Commissioner Gorraiz offered a friendly amendment to have the Arizona State Land Department, the City, and all those involved with the intergovernmental agreement (IGA) to work together to accomplish the goals of the City and the State Land Department, specifically with regard to the transportation needs of this area going forward.

Commissioner Gaynor agreed with the friendly amendment.

Commissioner Gorraiz SECONDED the motion.

Commissioner Boyd asked Commissioners Gaynor and Gorraiz what they expect out of staff's meeting between staff and the Village Planning Committee members.

Commissioner Gorraiz stated that his amendment was for the ongoing meeting and coordination of the IGA and the City. His understanding is that there will be a follow-up with the Village Planning Committee members by Mr. Bednarek, explaining to them what is going on and keeping them informed. He would like them to be brought up to speed regarding what is happening, as things change, and that they are made aware that their concerns are being addressed in the IGA.

Commissioner Gaynor agreed with Commissioner Gorraiz.

Commissioner Busching stated that she truly wants to be supportive of staff and what they want to accomplish, particularly because she knows that staff is working with the State Land Department, however, she is still very concerned about not having the minutes from the Village, and not having the IGA draft agreement. She feels like she is being asked to vote on this semi-blind and go completely on good faith. The fact that the Village voted overwhelmingly against it, and the Planning Commission has no documentation of why, except from the informational meeting, where they also expressed concerns back in October. We do not have any real documentation of what the concerns were, or how they are being addressed, so she is torn.

A roll call vote was held and the motion failed with a tie vote of 4-4. Commission members Howard, Mangum, Gaynor, and Gorraiz in favor; Boyd, Jaramillo, Perez, and Simon opposed; and Busching abstained.

There was additional discussion about making another motion and additional conditions to be added.

Deputy Director, Joshua Bednarek, further explained the proposal, the IGA and additional outreach to be completed.

Mr. Eric Froberg, the City Engineer, also provided some explanation on the IGA and explained that the Village Planning Committee member concerns will be addressed through the IGA.

Commissioner Boyd made a MOTION to reconsider the first motion.

Commissioner Simon SECONDED the motion.

The motion passed with a 7-2 vote with commission members Boyd and Perez opposed.

Commissioner Gaynor made a MOTION to approve GPA-DSTV-3-22-2, as previously motioned.

Commissioner Jaramillo SECONDED the motion.

The motion passed with a 7-2 vote with commission members Boyd and Perez opposed.

Motion details: Commissioner Gaynor made a MOTION to approve GPA-DSTV-3-22-2, per the staff recommendation with conditions that the approval be coupled with the intergovernmental agreement; that staff meet with the Village Planning Committee members to follow-up on their concerns and further explain why the item should be

approved; and to have the Arizona State Land Department, the City, and all those involved with the intergovernmental agreement to work together to accomplish the goals of the City and the State Land Department, specifically with regard to the transportation needs of this area going forward.

Maker: Gaynor
Second: Jaramillo
Vote: 7-2 (Boyd and Perez)
Absent: None
Opposition Present: No

Findings:

1. The proposed removal of a portion of Mayo Boulevard and designation of a portion of Tatum Boulevard as a Major Arterial Cross Section Z-A is compatible with the local street network and planned uses in the area.

2. The proposed modifications are consistent with the results of a traffic study conducted for the area, which found that the modifications will not negatively impact traffic on the street network.

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

Racelle Escolar

From: Julia Levene <jlevene@associationplannerpartners.com>
Sent: Tuesday, November 29, 2022 4:48 PM
To: PDD Planning Commission
Subject: Regarding amendment to the Mayo Blvd. Flyover plan.

To the planning commission:

We are highly in support and favor of passing the amendment that will alter the current plan to connect Tatum Blvd to Mayo Blvd. Connecting Tatum to Mayo Blvd would negatively impact the quiet family-oriented neighborhood environment that currently exists. Additional traffic through this route would also endanger the many students attending Pinnacle High School as well as Fireside Elementary. Homes were purchased in this area for the neighborhood environment that currently exists.

We are not in favor of connecting Tatum to Mayo Blvd; as a member of the planning commission, please support this amendment to alter the current plan to connect Tatum Blvd to Mayo Blvd. on behalf of all Fireside residents.

Sincerely,

Julia Levene

Go West Destinations, Inc.
DBA: APP, Association Planner Partners
3734 E. Ringtail Way
Phoenix, AZ 85050
Phone: 602 320-8323
www.associationplannerpartners.com [associationplannerpartners.com]

ALLIANCE of INDEPENDENT MEETING PROFESSIONALS

pcma member

ATTACHMENT A

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

RESOLUTION

A RESOLUTION ADOPTING AN AMENDMENT TO THE 2015 GENERAL PLAN FOR PHOENIX, APPLICATION GPA-DSTV-3-22-2, CHANGING THE STREET CLASSIFICATION DESCRIBED HEREIN.

_____

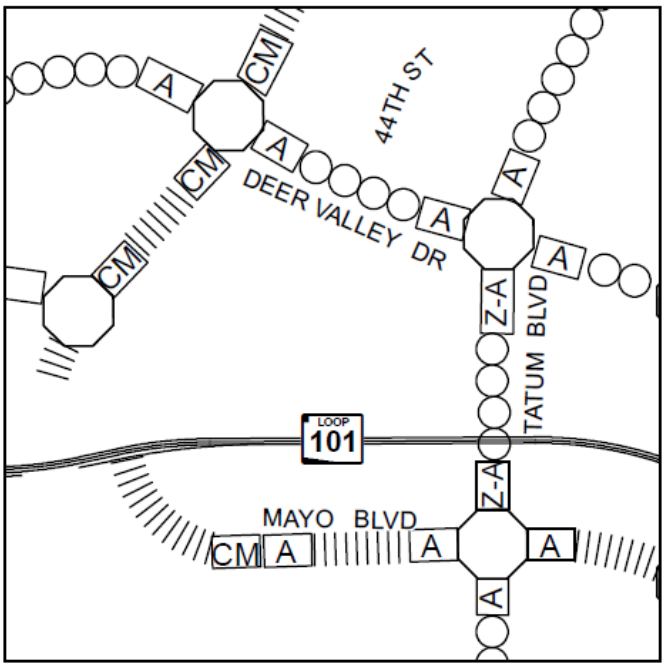
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PHOENIX, as follows:

SECTION 1. The 2015 Phoenix General Plan, which was adopted by Resolution 21307, is hereby amended by adopting GPA-DSTV-3-22-2 to remove the Mayo Boulevard alignment between 40th Street and the Loop 101 Freeway and changing the designation of Tatum Boulevard between Deer Valley Drive and Mayo Boulevard from Major Arterial Cross Section A to Major Arterial Cross Section Z-A.

SECTON 2. The Planning and Development Director is instructed to modify the 2015 Phoenix General Plan to reflect this street classification map change as shown below:

DRAFT

Arterial
Major Arterial



ARTERIAL
MAJOR ARTERIAL

PASSED by the Council of the City of Phoenix this 7th day of December 2022.

_____
M A Y O R

ATTEST:

_____
Denise Archibald, City Clerk

DRAFT

APPROVED AS TO FORM:
Julie Kriegh, City Attorney

By:_____
_____

REVIEWED BY:

_____
Jeffrey Barton, City Manager

DRAFT

ATTACHMENT B

City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

GENERAL PLAN AMENDMENT
STAFF ANALYSIS
November 21, 2022

Application:	GPA-DSTV-3-22-2
Applicant:	City of Phoenix, Planning Commission
Representative:	Arizona State Land Department
Location:	Mayo Boulevard between 40th Street and the Loop 101 Freeway; and Tatum Boulevard between Deer Valley Drive and Mayo Boulevard
Request:	Minor General Plan Amendment to amend the Street Classification Map by removing the Mayo Boulevard alignment between 40th Street and the Loop 101 Freeway and changing the designation of Tatum Boulevard between Deer Valley Drive and Mayo Boulevard from Major Arterial Cross Section A to Major Arterial Cross Section Z-A.
Village Planning Committee Date:	Desert View – November 29, 2022
Staff Recommendation:	Approval

FINDINGS

1) The proposed removal of a portion of Mayo Boulevard and designation of a portion of Tatum Boulevard as a Major Arterial Cross Section Z-A is compatible with the local street network and planned uses in the area.

2) The proposed modifications are consistent with the results of a traffic study conducted for the area, which found that the modifications will not negatively impact traffic on the street network.

BACKGROUND

The Street Classification Map was first adopted in 1961. The Map was last updated in 2018 with additions and deletions of new platted roadways. The Street Classification Map provides information on the City's street network, identifying the alignment and minimum right-of-way standards for existing and planned streets.

This request is part of an ongoing effort between the City of Phoenix and the Arizona State Land Department (ASLD) to align the planned transportation network with existing and proposed land uses for the Loop 101 Employment Corridor.

The Street Classification Map currently identifies a section of Mayo Boulevard, crossing the Loop 101 Freeway, from 40th Street to Tatum Boulevard as an arterial street. The Arizona State Land Department has hired a traffic engineering firm to explore the feasibility of removing the section of Mayo Boulevard between 40th Street and the Loop 101 Freeway, which would remove the need for Mayo Boulevard to cross the Loop 101. The resulting Traffic Impact Study, which considered all existing and possible future development, found that the removal of the section of Mayo Boulevard in question is feasible if other street improvements are made and the classification of Tatum Boulevard between Deer Valley Drive and Mayo Boulevard is amended to Major Arterial Cross Section Z-A.

The proposed removal of the flyover will be coupled with a series of mitigation improvements that will be coordinated with ASLD in addition to other improvements identified in the Traffic Study. The street improvements are targeted to be near term improvements happening in the next couple years based upon ASLD actions. In addition, there are several parcels that will be required to contribute $36 million dollars for larger regional street improvements based upon a future traffic study or studies and future Street Class Map Amendments to address these larger traffic requirements as the Desert Ridge and Paradise Ridge areas develop. The full list of improvements will be included in an Inter-Governmental Agreement (IGA) with the Arizona State Land Department that is anticipated to be on the same City Council agenda as the General Plan Amendment. The proposed improvements are outlined below:

Superblock 12: Intersection of Black Mountain Boulevard and Deer Valley Drive

- South bound to west bound right turn lane
- West bound to north bound right turn lane

And improvements to the intersection of 40th Street and Deer Valley Drive

- East bound to south bound right turn lane
- West bound to north bound right turn lane

Superblock 4L: Completion of the south half street construction of Deer Valley Drive from 40th Street to Tatum Boulevard

Superblock 9.CP.2: Intersection of Tatum and Mayo boulevards

- Buildout of a City “A” section arterial classified roadway with the addition of a 4th northbound lane on Tatum Boulevard from Mayo Boulevard to State Route 101 Loop on-ramp
- Full reconstruction of the intersection at Tatum and Mayo Boulevards intersection to include the full buildout per the City of Phoenix Street Classification Map “A” section arterial classified roadway for Mayo Boulevard for the minimum 500 foot to both the east and west of the Tatum Boulevard intersection and the construction of a minimum 1,000-foot pavement tapers to both the east and west roadway following the ultimate 500 foot street construction.

- Construction of two free-flow and acceleration right turn lanes northbound on Tatum Boulevard to eastbound Mayo Boulevard and westbound Mayo Boulevard to northbound Tatum Boulevard

Superblock 6

- Construction of two free-flow and acceleration right turn lanes northbound on Tatum Boulevard to eastbound Mayo Boulevard and westbound Mayo Boulevard to northbound Tatum Boulevard
- Auctions associated with Superblock 6 will also be assigned a regional funding contribution in the amount of thirty-six million dollars.

Paradise Ridge Parcel MF3

- The east half street of 64th Street from Mayo Boulevard to the southern limits of the property
- The south half street completion of Mayo Boulevard adjacent to the parcel frontage
- Auctions associated with this parcel will also be assigned a regional funding contribution in the amount of six million dollars.

The intergovernmental agreement between the City of Phoenix and the Arizona State Land Department detailing the framework for all these improvements will be on the same City Council Formal agenda as this General Plan Amendment. The City Council will be asked to approve the General Plan Amendment and the subsequent item will be the intergovernmental agreement to outline the street network improvements within the area.

RELATIONSHIP TO GENERAL PLAN GOALS AND POLICIES

CELEBRATE OUR DIVERSE COMMUNITIES AND NEIGHBORHOODS CORE VALUE; SAFE NEIGHBORHOODS- TRAFFIC; DESIGN PRINCIPLE: Provide access by major streets, with internal circulation handled by a local street system that discourages through-traffic and provides safe pedestrian travel. Use local and collector streets, plus feeder bus lines, to bring people into the cores, centers or corridors.

This amendment will provide an adequate system of major streets for the flow of traffic in the area without generating additional traffic on local streets or additional through-traffic in neighborhoods.

CELEBRATE OUR DIVERSE COMMUNITIES AND NEIGHBORHOODS CORE VALUE; CONNECTED NEIGHBORHOODS; DESIGN PRINCIPLE: Design and connect neighborhoods via streets, sidewalks and trails, and discourage the abandonment of streets, sidewalks and alleys that compromise connectivity.

This amendment will remove a portion of Mayo Boulevard between 40th Street and the

Loop 101 Freeway that cuts through an area that has entitlements for future residential development. By removing an unnecessary arterial street, this amendment eliminates a future physical barrier that would serve to reduce connectivity within future neighborhoods.

COMMUNITY INPUT SUMMARY
As of the writing of this report, staff has received one letter of support from a member of the public.

INTERDEPARTMENTAL COMMENTS

The Street Transportation Department requested that the Arizona State Land Department complete a Traffic Impact Study and Infrastructure Assessment Study to address transportation needs prior to City Council hearing this GPA request and that an Intergovernmental Agreement (IGA) between the Arizona State Land Department and the City of Phoenix, identifying the required construction mitigation and escrow contribution, be completed and approved by City Council.

CONCLUSION AND RECOMMENDATION

Staff recommends approval of this request.

Approval of this Street Classification Map Amendment will further the goals of the General Plan and is consistent with the transportation needs of the surrounding area.

Writer:
Anthony Grande
November 21, 2022

Exhibits:
Sketch Map
Correspondence (3 Pages)

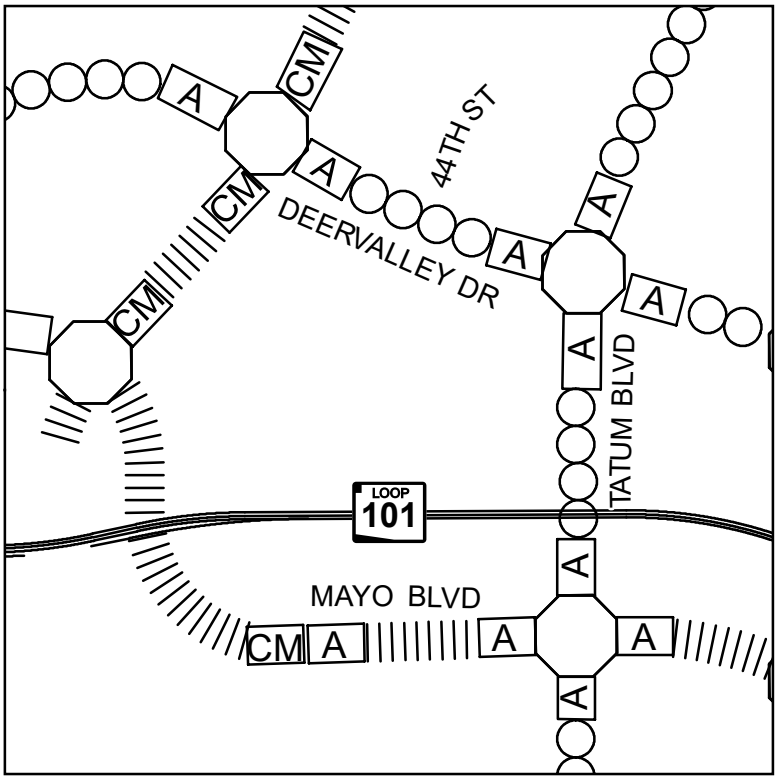
GENERAL PLAN AMENDMENT

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

APPLICATION NO: GPA-DSTV-3-22-2	ACRES: N/A	REVISION DATE:
VILLAGE: Desert View	COUNCIL DISTRICT: 2	
APPLICANT: City of Phoenix Planning Commission		

EXISTING:

Arterial
Major Arterial

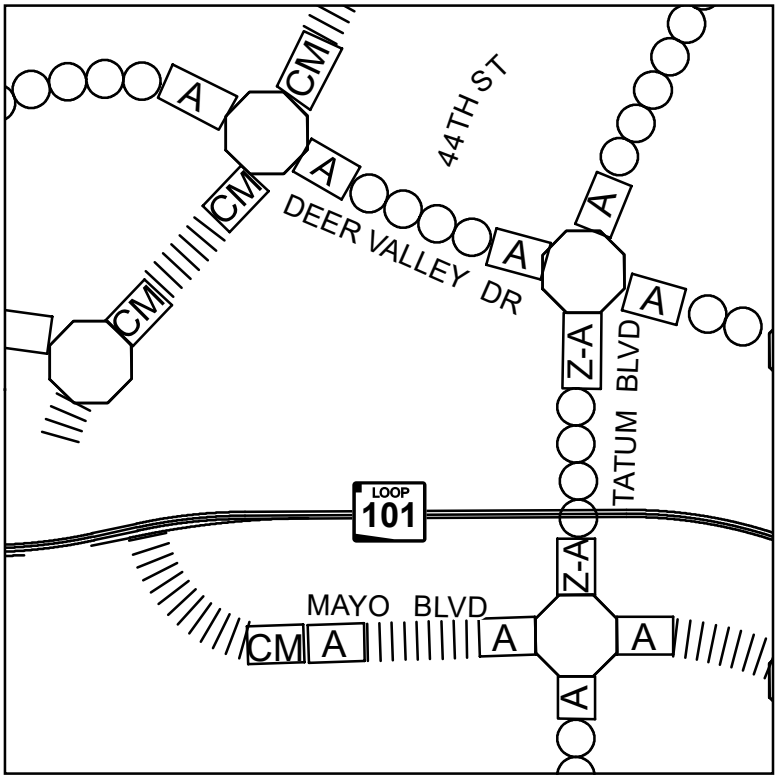


ARTERIAL

MAJOR ARTERIAL

PROPOSED CHANGE

Arterial
Major Arterial



ARTERIAL

MAJOR ARTERIAL

From: Ryan Etchebarren
To: PDD Long Range Planning
Subject: Re: GPA-DSTV-3-22-2
Date: Wednesday, November 16, 2022 7:35:50 PM
Attachments: GPA-DSTV-3-22-2 Sketch Map.pdf

Understood. Iam writing in, in favor of the proposal to not connect. Can you let me know where things stand at this point?

Ryan Etchebarren
(602) 692-5286
Retchebarren@hsmove.com

On Nov 16, 2022, at 4:47 PM, PDD Long

Range Planning <pdd.longrange@phoenix.gov> wrote:

Hi Ryan,

Thank you for reaching out. To be clear, the proposal is to not connect Mayo Boulevard over the 101, please see the attached sketch map and project website for more info. If you have any questions, please let me know.

Planning and Development GPA-DSTV-3-22-2 Street Classification Map Amendment (phoenix.gov)

Thank you,

Sarah Stockham
Planner III
City of Phoenix Planning and Development Department
200 West Washington Street, 3rd Floor
Phoenix, Arizona 85003
Phone: 602-261-8701
sarah.stockham@phoenix.gov

From: HomeSmart <retchebarren@hsmove.com>
Sent: Wednesday, November 16, 2022 2:07 PM
To: PDD Long Range Planning <pdd.longrange@phoenix.gov>
Subject: GPA-DSTV-3-22-2

Greetings,
My name is Ryan Etchebarren, and I reside in the Fireside Community in Desert Ridge. My wife teaches at Fireside Elementary, and our two daughters also attend the school. We have recently learned that there is a proposal in place to connect Mayo Blvd, and I'd like to give some input on how it would affect many families in this area. To be honest with you, due to the location of the elementary school, Mayo between 40th St and Black Canyon is busy enough as it is. Many elementary school children walk home down Mayo before and after school. I can't tell you how many times a day we see cars flying down the road at very high speeds without a care in the world because it's a straight street without any speed bumps. Some of this could be due to Pinnacle High School and young drivers, but it goes without saying that it would only get worse with a increased number of vehicles if this proposal went through. I understand that it could cut down on driving time for some people that could avoid using Tatum to Deer Valley, but it is not worth the added risk of the kids who are trying to get to and from school safely.
Thank you for your time

Ryan Etchebarren
(602) 692-5286
Retchebarren@hsmove.com

City of Phoenix

Report

Agenda Date: 12/7/2022, **Item No.** *85

REQUEST TO ADD-ON (SEE ATTACHED MEMO) Intergovernmental Agreement with Arizona State Land Department to Require and Fund Street Improvements in North Phoenix (Ordinance S-49239)

Request to authorize the City Manager, or his designee, to enter into an Intergovernmental Agreement (IGA) with the Arizona State Land Department (ASLD) to assign street improvements and funding to ASLD land auctions within the Mayo Flyover Study Area (Study Area).

Summary

ASLD, as the owner of undeveloped property within the Study Area, has initiated a General Plan Amendment to the Street Classification Map for consideration of the removal of the future Mayo Boulevard Flyover (Mayo Flyover) connection over the State Route 101 Loop Freeway. ASLD has commissioned a transportation study, Mayo Flyover Traffic Impact Study (Traffic Study), dated September 2022 and prepared by CivTech, identifying primary and regional roadway segment mitigation construction in-lieu of the future Mayo Flyover. This IGA is being entered into to identify the roadway segments to be assigned to each respective part for construction and/or funding responsibility that implements the mitigation requirements identified in the Traffic Study through assignments of Regional Funding.

Traffic improvements in the IGA include the following improvements. Intersection improvements at:

- Black Mountain Boulevard and Deer Valley Drive;
- 40th Street and Deer Valley Drive;
- Tatum and Mayo boulevards; and
- 56th Street and Pinnacle Peak Road.

Street improvements at:

- Deer Valley Drive from 40th Street to Tatum Boulevard;
- Tatum Boulevard from Mayo Boulevard to the Loop 101 on ramp;
- Mayo Boulevard from Tatum Boulevard to 56th Street and a section just east of 64th Street;
- 56th Street from Mayo Boulevard to the Loop 101 on ramp;

- 64th Street from Mayo Boulevard to Reach 11; and
- Cave Creek Road from the Central Arizona Project Bridge to Pinnacle Peak Road.

The City of Phoenix, through the zoning and development process, will provide construction improvements to Black Mountain Boulevard from Pinnacle Peak Road to Rough Rider Road and Tatum Boulevard from Pinnacle Peak Road to Deer Valley Road.

This IGA, coupled with General Plan Amendment (GPA-DSTV-3-22-2) also to be considered at the Dec. 7, 2022, Formal meeting, provides a greater level of certainty regarding funding and timing of street infrastructure for the Desert Ridge Area, within north Phoenix.

Contract Term
This Agreement shall continue until all State Trust land within the Study Area is sold at public auction. If parcels assigned Regional Funding have not been sold or the total Regional Funding has not been achieved within 30 years, both Parties agree to renegotiate this Agreement including a time extension prior to the expiration of this Agreement.

Location
The Mayo Flyover Study Area is generally one quarter mile west of Black Mountain Boulevard on the west, one quarter mile east of 64th Street on the east, Pinnacle Peak Road on the north, and approximately one quarter mile south of the Central Arizona Project (CAP) canal.
Council District: 2

Responsible Department
This item is submitted by Deputy City Managers Mario Paniagua and Alan Stephenson, and the Planning and Development and Street Transportation departments.

City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

To: Alan Stephenson
Deputy City Manager

Date: December 5, 2022

From: Joshua Bednarek JB
Acting Planning and Development Assistant Director, Planning Division

Subject: ITEM 85 - REQUEST FOR ADD-ON TO THE DECEMBER 7, 2022 CITY COUNCIL FORMAL AGENDA TO ADD INTERGOVERNMENTAL AGREEMENT WITH ARIZONA STATE LAND DEPARTMENT TO REQUIRE AND FUND STREET IMPROVEMENTS IN NORTH PHOENIX STUDY AREA

This memo requests an add-on to the December 7, 2022, Formal Agenda under Planning and Zoning Matters for City Council to request authorization for the City Manager, or his designee, to enter into an Intergovernmental Agreement (IGA) with the Arizona State Land Department (ASLD) to assign street improvements and funding to ASLD land auctions within the Mayo Flyover Study Area (Study Area). This IGA, coupled with General Plan Amendment (GPA-DSTV-3-22-2) also to be considered at the December 7, 2022, Formal meeting, provides a greater level of certainty regarding funding and timing of street infrastructure for the North Phoenix Study Area.

The request for the add-on will position this item to follow the City Council's consideration of the General Plan Amendment (GPA-DSTV-3-22-2) that is item 84 on this agenda.

Approved: _____ 12/5/22
Alan Stephenson, Deputy City Manager Date

City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

To: Alan Stephenson
Deputy City Manager

Date: December 6, 2022

From: Joshua Bednarek
Assistant Director JB

Subject: ITEM 85 ON THE DECEMBER 7, 2022, FORMAL AGENDA - INTERGOVERNMENTAL AGREEMENT WITH ARIZONA STATE LAND DEPARTMENT TO REQUIRE AND FUND STREET IMPROVEMENTS IN NORTH PHOENIX (ORDINANCE S-49239)

Item 85, is a request to authorize the City to enter into an Intergovernmental Agreement (IGA) with the Arizona State Land Department (ASLD) to assign street improvements and funding to ASLD land auctions within the Mayo Flyover Study Area (Study Area).

ASLD, as the owner of undeveloped property within the Study Area, has initiated a General Plan Amendment to the Street Classification Map for consideration of the removal of the future Mayo Boulevard flyover connection over the State Route 101 Loop Freeway. ASLD has commissioned a transportation study, Mayo Flyover Traffic Impact Study, dated September 2022, identifying primary and regional roadway segment mitigation construction in-lieu of the future Mayo Boulevard flyover. This IGA is being entered into to identify the roadway segments to be assigned to each respective part for construction and/or funding responsibility that implements the mitigation requirements from the Traffic Study.

ASLD has also agreed to provide forty-six million dollars in regional funding for future street improvements to mitigate the removal of the Mayo Flyover from the Street Classification Map. Traffic improvements include:

Intersection improvements at:

- Black Mountain Boulevard and Deer Valley Drive
- 40th Street and Deer Valley Drive
- Tatum Boulevard and Mayo Boulevard
- 56th Street and Pinnacle Peak Road

Street improvements on:

- Deer Valley Drive from 40th Street to Tatum Boulevard
- Tatum Boulevard from Mayo Boulevard to State Route 101 Loop on ramp
- Mayo Boulevard from Tatum Boulevard to 56th Street and a section just east of 64th Street
- 56th Street from Mayo Boulevard to State Route 101 Loop on ramp
- 64th Street from Mayo Boulevard to Reach 11
- Cave Creek Road from Central Arizona Project (CAP) to Pinnacle Peak Road

The City of Phoenix, through the zoning and development process, will provide construction of improvements to Black Mountain Boulevard from Pinnacle Peak Road to Rough Rider Road and Tatum Boulevard from Pinnacle Peak Road to Deer Valley Road.

Approved: _____
Alan Stephenson, Deputy City Manager