

**WEDNESDAY, JUNE 24, 2020**  
**PHOENIX CITY COUNCIL FORMAL AGENDA**



Mayor  
Kate Gallego

Vice Mayor  
District 5  
Betty Guardado

District 1  
Thelda Williams

District 2  
Jim Waring

District 3  
Debra Stark

District 4  
Laura Pastor

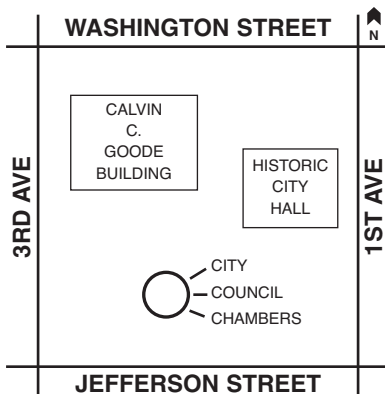
District 6  
Sal DiCiccio

District 7  
Michael Nowakowski

District 8  
Carlos Garcia

*Online agendas and  
results available at  
[www.phoenix.gov](http://www.phoenix.gov)*

City Council Chambers  
200 W. Jefferson St.  
Phoenix, AZ 85003



**WELCOME!**

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

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

**FORMAL CITY COUNCIL MEETINGS**

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

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

**HOW CITIZENS CAN PARTICIPATE**

Phoenix City Council meetings are live streamed on phoenix.gov and available to view on Phoenix Channel 11.

For updated information on how residents can provide input on Council agenda items, please visit [phoenix.gov/cityclerk/publicmeetings](http://phoenix.gov/cityclerk/publicmeetings) or call 602-262-6001.

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

**REGISTERED LOBBYISTS**

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

**ACCESSIBILITY**

For further information or reasonable accommodations, please call 602-256-3186 or Relay 7-1-1 as early as possible to coordinate needed arrangements.

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

# City of Phoenix Council members and district boundaries



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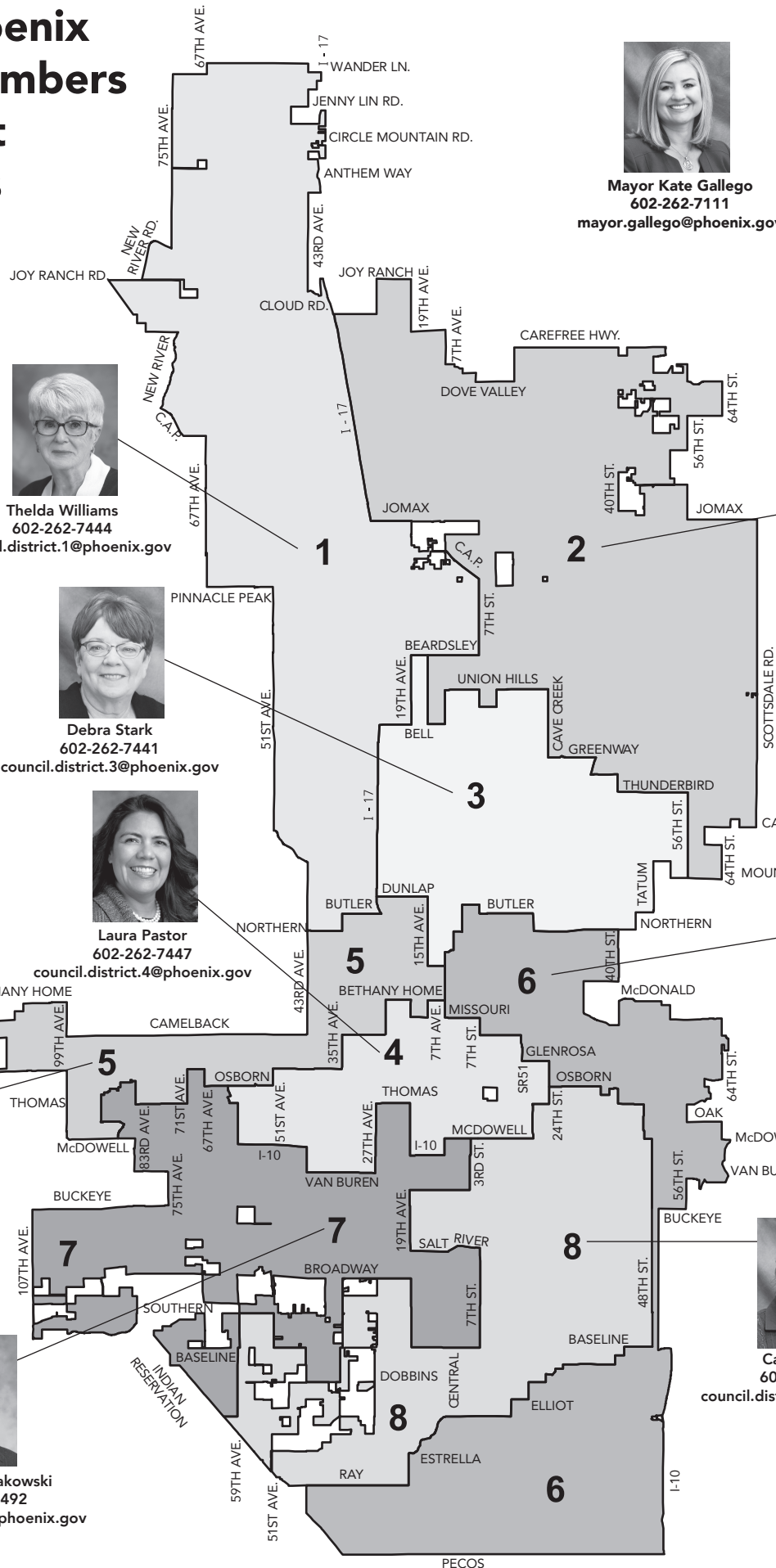
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# Agenda

## City Council Formal Meeting

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Wednesday, June 24, 2020

2:30 PM

phoenix.gov

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### OPTIONS TO ACCESS THIS MEETING

- **Watch** the meeting live streamed on phoenix.gov or Phoenix Channel 11 on Cox Cable.

- **Call-in** to listen to the meeting. Dial 602-666-0783 and Enter Meeting ID 292 907 694# (for English) or 292 459 710# (for Spanish). Press # again when prompted for attendee ID.

- **Register and speak during a meeting:**

- **Register online** by visiting the City Council Meetings page on phoenix.gov **at least 1 hour prior to the start of this meeting**. Then, click on this link at the time of the meeting and join the Webex to speak

<https://phoenixcitycouncil.webex.com/phoenixcitycouncil/onstage/g.php?MTID=e523b083f6aecf14b47e89afcee4b39ba>

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

**CALL TO ORDER AND ROLL CALL**

**MINUTES OF MEETINGS**

- 1 For Approval or Correction, the Minutes of the Formal Meeting on June 26, 2019 Page 13
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- 3 Mayor and Council Appointments to Boards and Commissions Page 15

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

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- 5 Liquor License - Pho Laveen District 8 - Page 24

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- 6 Motorola Solutions, Inc.
  - 7 Microception, Inc.
  - 8 Instant Armor, Inc.
  - 9 Safe Haven Defense, LLC
  - 10 FirstTwo, Inc.
  - 11 State of Arizona, Arizona Department of Revenue
  - 12 City Treasurer - Annual Payment Authority
  - 13 United States Postal Services - Annual Payment Authority
  - 14 SAP Public Services, Inc. - Annual Payment Authority
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- 15 Various Vendors - Annual Utility Charges
- 16 Arizona Municipal Water Users Association - Annual Payment Authorization
- 17 Association of Metropolitan Water Agencies - Annual Payment Authorization
- 18 American Water Works Association - Annual Payment Authorization
- 19 Water Research Foundation - Annual Payment Authority
- 20 Western Urban Water Coalition - Annual Payment Authority
- 21 Roosevelt Irrigation District
- 22 Central Arizona Water Conservation District doing business as Central Arizona Project
- 23 Central Arizona Water Conservation District, Doing Business As Central Arizona Project
- 24 Salt River Project Agricultural Improvement and Power District doing business as SRP
- 25 Salt River Project Agricultural Improvement and Power District doing business as SRP
- 26 Salt River Valley Water Users' Association
- 27 Salt River Valley Water Users' Association
- 28 Salt River Valley Water Users' Association

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- 29 (CONTINUED FROM JUNE 17, 2020) - Confirmation from Transdev of its Joint Venture Partnership Structure with Regards to Fixed Route Transit Service for North and South Transit Facilities in the City of Phoenix

- 30 **Request Authorization to Enter into Contract with the Arizona Coalition to End Sexual and Domestic Violence for COVID-19 Domestic Violence Assistance Services (Ordinance S-46805)** Citywide - Page 38
- 31 **Request Authorization to Enter Into Contracts with The Society of St. Vincent de Paul and Justa Center for COVID-19 Heat Relief Services (Ordinance S-46816)** Citywide - Page 41
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- 33 **Request Authorization to Enter into Contract with Community Legal Services - COVID-19 (Ordinance S-46811)** Citywide - Page 45
- 34 **Request Authorization to Enter Into a Contract with Crisis Response Network, Inc. for a Web-Based Emergency Shelter Availability Portal Due to COVID-19 Pandemic (Ordinance S-46798)** Citywide - Page 47
- 35 **Authorization to Enter into Contract and Accept Emergency Assistance CARES Act Funding from Arizona Community Action Association dba Wildfire (Ordinance S-46799)** Citywide - Page 49
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| 39 | <b>Fleet-Related Maintenance Equipment, Supplies, Services, and Inventory Management - Sourcewell 061015 (Ordinance S-46779)</b>        | District 1 - Page 57<br>District 8<br>Out of City |
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| 41 | <b>Wireless Communication Services, Accessories, and Equipment (Ordinance S-46785)</b>  | Citywide - Page 61                                |
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| 44 | <b>Automated Fingerprint Identification System - State of Arizona ADSPO13-038750 (Ordinance S-46800)</b>                                | Citywide - Page 65                                |
| 45 | <b>Heavy Equipment Rental - Arizona Department of Administration State Procurement Office - COOP 20-097 (Ordinance S-46809)</b>         | Citywide - Page 66                                |
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| 47 | <b>Grant of an Irrigation Easement to Salt River Project for Sunset Place at 67th Avenue and Broadway Road (Ordinance S-46794)</b>      | District 7 - Page 70                              |
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- 89 **\*\*\*REQUEST TO WITHDRAW (SEE ATTACHED MEMO)\*\*\* Public Hearing and Ordinance Adoption - Amend City Code - Rezoning Application PHO-1-19--Z-165-06-7(8) - Northwest Corner of 35th Avenue and Carver Road (Ordinance G-6708)** District 8 - Page 327
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**REPORTS FROM CITY MANAGER, COMMITTEES OR CITY OFFICIALS**

**CITIZEN COMMENTS**

**ADJOURN**

Upon request, the City Clerk Department will make this publication available through appropriate auxiliary aids or services to accommodate an individual with a disability by calling the Council Support Section, 602-256-3186; faxing a request to 602-495-5847; or Relay 7-1-1.



## City Council Formal Meeting



City of Phoenix

### Report

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**Agenda Date: 6/24/2020, Item No. 1**

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### **For Approval or Correction, the Minutes of the Formal Meeting on June 26, 2019**

#### **Summary**

This item transmits the minutes of the Formal Meeting of June 26, 2019, for review, correction and/or approval by the City Council.

The minutes are available for review in the City Clerk Department, 200 W. Washington St., 15th Floor.

#### **Responsible Department**

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

## City Council Formal Meeting



City of Phoenix

### Report

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**Agenda Date: 6/24/2020, Item No. 2**

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### **For Approval or Correction, the Minutes of the Formal Meeting on July 3, 2019**

#### **Summary**

This item transmits the minutes of the Formal Meeting of July 3, 2019, for review, correction and/or approval by the City Council.

The minutes are available for review in the City Clerk Department, 200 W. Washington St., 15th Floor.

#### **Responsible Department**

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

## City Council Formal Meeting



City of Phoenix

### Report

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**Agenda Date: 6/24/2020, Item No. 3**

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## **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  
**From:** Mayor Kate Gallego

**Date:** June 24, 2020

**Subject:** BOARDS AND COMMISSIONS – APPOINTEES

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

**Citizens Transportation Commission**

I recommend the following individuals for reappointment:

Gail Knight

Ms. Knight will serve her second full term to expire June 30, 2023.

David Martin

Mr. Martin will serve his second full term to expire June 30, 2023.

Jennifer Mellor

Ms. Mellor will serve her second full term to expire June 30, 2023.

Rick Naimark

Mr. Naimark will serve his second full term to expire June 30, 2023.

Brookelynn Nisenbaum

Ms. Nisenbaum will serve her first full term to expire June 30, 2023.

Phil Pangrazio

Mr. Pangrazio will serve his second full term to expire June 30, 2023.

## **Phoenix Business Workforce Development Board.**

I recommend the following individual for appointment:

### Edward Abramowitz

Mr. Abramowitz is the Regional Workforce Manager at the Arizona Department of Economic Security. He replaces Alineth Gamero-Hernandez as the Title III Employment Services representative and will fulfill his term to expire June 30, 2022.

I recommend the following individuals for reappointment:

### Daniel Barajas

Mr. Barajas will serve his second term to expire June 30, 2023.

### Yolanda Bejarano

Ms. Bejarano will serve her first full term to expire June 30, 2023.

### Steven Cramer

Mr. Cramer will serve his first full term to expire June 30, 2023.

### Michael Hale

Mr. Hale will serve his second term to expire June 30, 2023.

### Jesus Love

Mr. Love will serve his second term to expire June 30, 2023.

### Janice Mrkonjic

Ms. Mrkonjic will serve her first full term to expire June 30, 2023.

### Brandon Ramsey

Mr. Ramsey will serve his first full term to expire June 30, 2023.

### Dean Van Kirk

Mr. Van Kirk will serve his first full term to expire June 30, 2023.

## **Public Safety Personnel Retirement System Local Police Pension Board**

I recommend the following individual for reappointment:

### Daren Wunderle

Mr. Wunderle was re-elected to the PSPRS Local Police Pension Board to serve as a representative of sworn Police Department employees and is a Sergeant with the City of Phoenix Police Department. He will serve his first full term to expire on June 30, 2024.



**Public Safety Personnel Retirement System Local Fire Pension Board**

I recommend the following individual for reappointment:

Benjamin Lindquist

Mr. Lindquist was re-elected to the PSPRS Local Fire Pension Board to serve as a representative of sworn Fire Department employees and is a Captain with the City of Phoenix Fire Department. He will serve his first full term to expire on June 30, 2024.

**Public Safety Personnel Retirement System Local Police Pension Board and  
Public Safety Personnel Retirement System Local Fire Pension Board**

I recommend the following individual for reappointment:

George Richards

Mr. Richards is a resident of District 6 and will serve as a citizen representative for both Local Boards. He will serve his third term to expire on June 30, 2024.



## Liquor License - Corner Express

Request for a liquor license. Arizona State License Application 109403.

### Summary

#### Applicant

Steven Oates, Agent

#### License Type

Series 10 - Beer and Wine Store

#### Location

3202 E. McDowell Road

Zoning Classification: C-2

Council District: 8

This request is for a new liquor license for a convenience store that does not sell gas. 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 July 4, 2020.

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

Other Active Liquor License Interest in Arizona

This applicant does not hold an interest in any other active liquor license in the State of Arizona.

Public Opinion

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

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because:  
"I am a productive and responsible individual with 40 yrs experience leading retail stores to success using integrity & honesty."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:

"I, and all employee's have been professionally train, and hold certificate, on safe & willful handling and sales of beers & wine. Serving the community with this training as a guide, will assist in the safety and well being of the public."

Staff Recommendation

Staff recommends approval of this application.

Attachments

Liquor License Data - Corner Express

Liquor License Map - Corner Express

**Responsible Department**

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

# Liquor License Data: CORNER EXPRESS

## Liquor License

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

## Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	36	97.16	98.51
Violent Crimes	6.26	24.78	22.50

\*Citywide average per square mile \*\*Average per square mile within 1 mile radius \*\*\*Average per square mile within 1/2 mile radius

## Property Violation Data

Description	Average	1/2 Mile Average
Parcels w/Violations	63	232
Total Violations	110	437

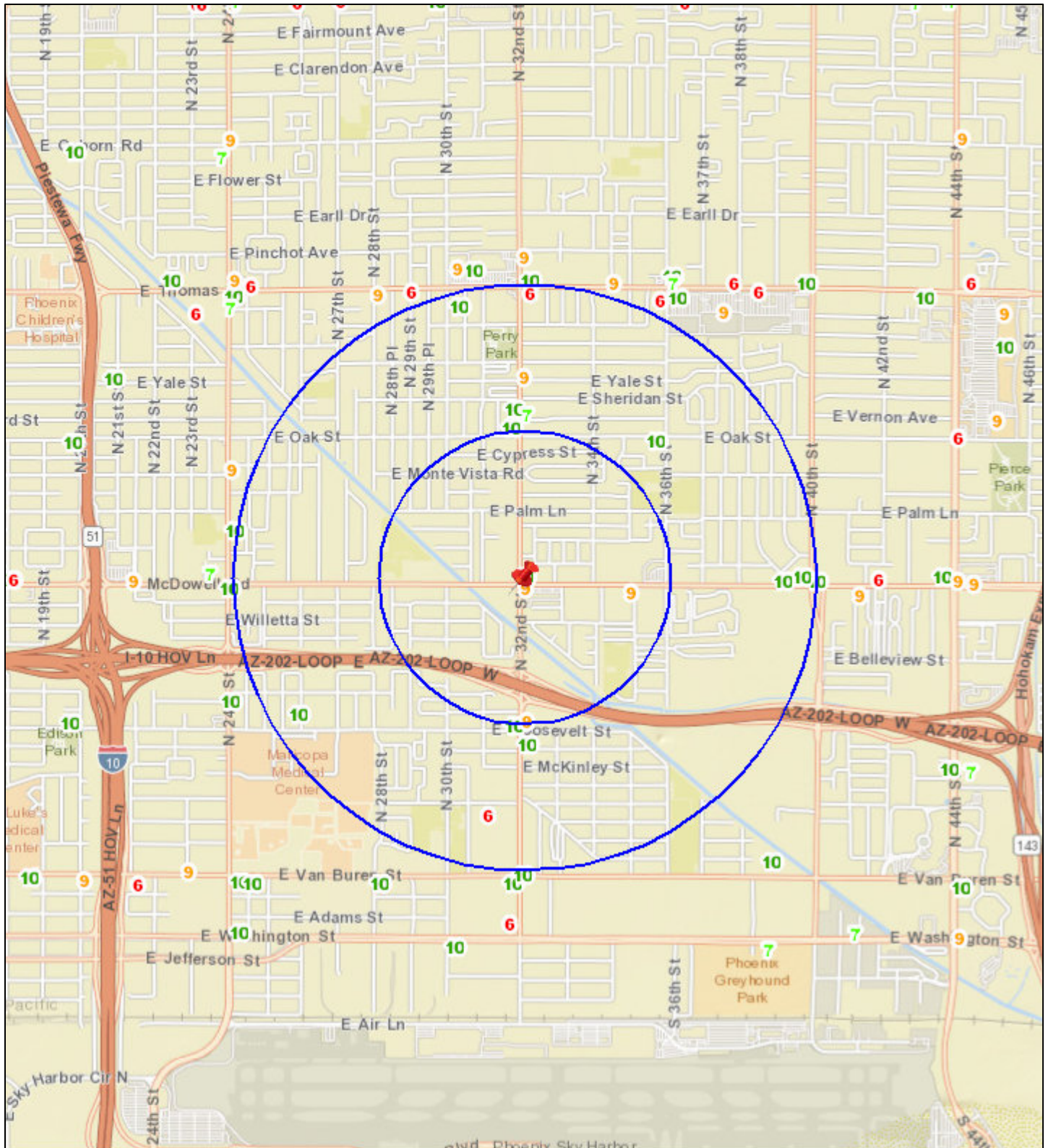
### Census 2010 Data 1/2 Mile Radius

BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1114011	2444	62 %	7 %	27 %
1114012	2000	67 %	23 %	29 %
1114022	2120	45 %	17 %	31 %
1115011	2020	44 %	16 %	43 %
1115022	2109	42 %	7 %	17 %
1115023	1245	32 %	14 %	50 %
1115024	1708	40 %	25 %	53 %
1135011	2332	25 %	12 %	55 %
1135012	1738	41 %	26 %	36 %
1136011	1911	16 %	21 %	11 %
1136012	1471	36 %	14 %	49 %
1136021	1061	49 %	11 %	53 %
Average		61 %	13 %	19 %

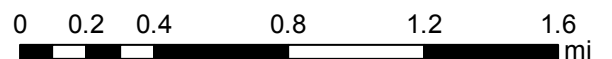


# Liquor License Map: CORNER EXPRESS

3202 E MCDOWELL RD



Date: 5/8/2020





## Liquor License - Pho Laveen

Request for a liquor license. Arizona State License Application 102359.

### Summary

#### Applicant

Jenny Le, Agent

#### License Type

Series 12 - Restaurant

#### Location

3424 W. Southern Ave., Ste. 180

Zoning Classification: C-1

Council District: 8

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

The 60-day limit for processing this application was May 11, 2020. However, the applicant submitted a written request for more time.

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

Other Active Liquor License Interest in Arizona

This applicant does not hold an interest in any other active liquor license in the State of Arizona.

Public Opinion

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

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because:  
"I have 15+ yrs of restaurant experience and have 2 restaurants (incl. Pho Laveen) with a liquor license that is current."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:  
"Pho Laveen will be another option for dining experience where they can enjoy a adult beverage with their meal."

Staff Recommendation

Staff recommends approval of this application.

Attachments

Liquor License Data - Pho Laveen

Liquor License Map - Pho Laveen

**Responsible Department**

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

# Liquor License Data: PHO LAVEEN

## Liquor License

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

## Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	35.39	74.92	201.48
Violent Crimes	6.14	8.65	17.62

\*Citywide average per square mile \*\*Average per square mile within 1 mile radius \*\*\*Average per square mile within 1/2 mile radius

## Property Violation Data

Description	Average	1/2 Mile Average
Parcels w/Violations	64	68
Total Violations	113	107

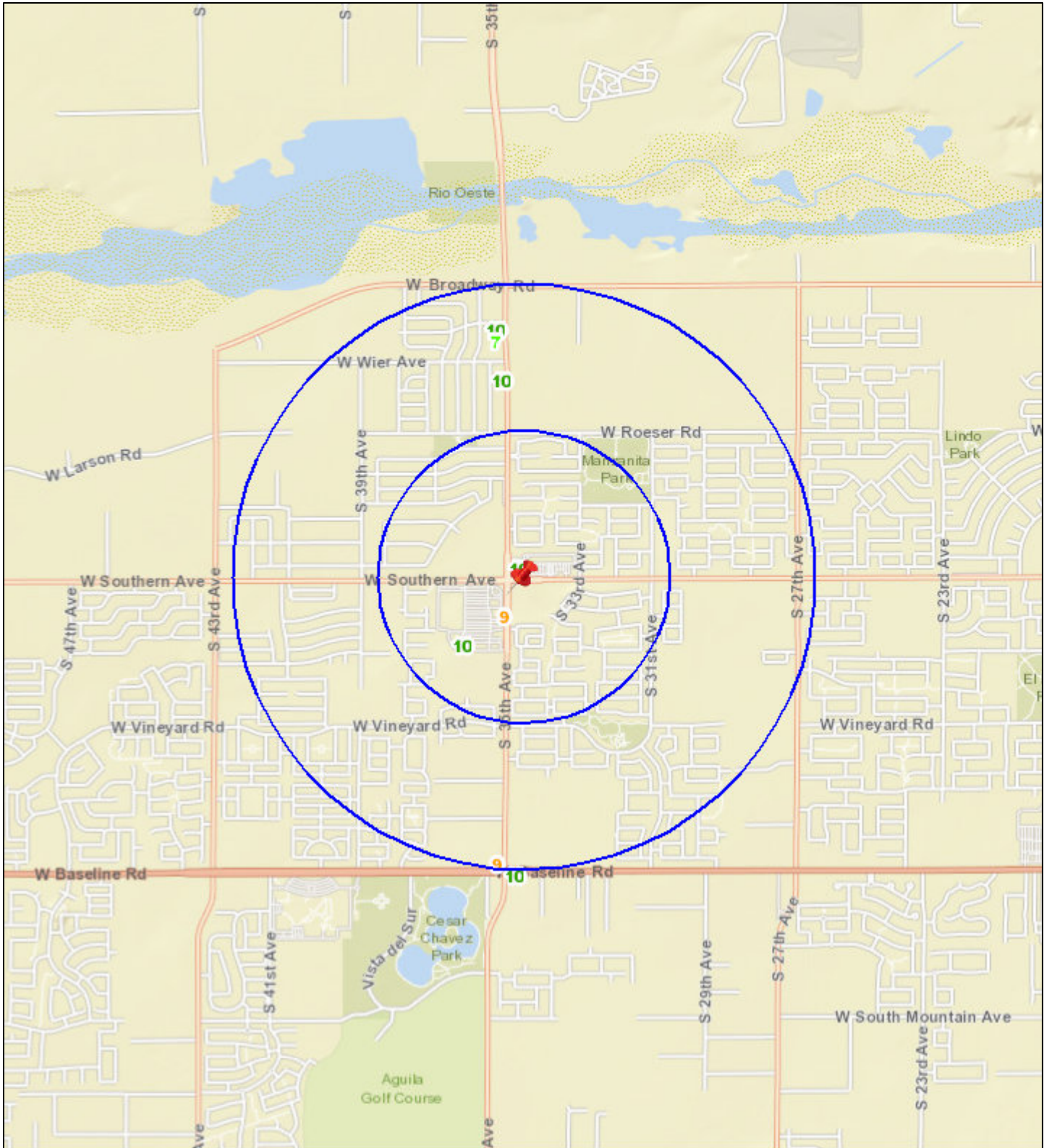
## Census 2010 Data 1/2 Mile Radius

BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1155001	1999	69 %	0 %	45 %
1155002	2124	66 %	4 %	27 %
1166063	2092	67 %	0 %	29 %
1166071	3124	41 %	13 %	14 %
1166121	2293	90 %	9 %	4 %
1166122	1483	77 %	0 %	17 %
Average		61 %	13 %	19 %

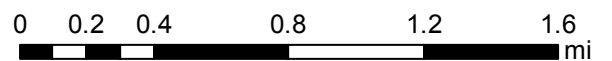


# Liquor License Map: PHO LAVEEN

3424 W SOUTHERN AVE



Date: 3/18/2020





## **PAYMENT ORDINANCE (Ordinance S-46778) (Items 6-28)**

*Ordinance S-46778 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.*

### **6 Motorola Solutions, Inc.**

For \$19,000.00 in payment authority for the Government Relations Department, Regional Wireless Cooperative (RWC) Division, as RWC Administrative Manager on behalf of all RWC Members, to purchase maintenance for encryption services, called the KMF (Key Management Facility), on RWC radios. The purchase will provide preventative software maintenance and support such as operational tests, repairs, and software updates for the KMF, across the RWC's network servers and workstations. The Key Management Facility (KMF) service is critical to maintaining the encryption security of the RWC radio network. Without it we would not have the maintenance support from the software manufacturers, which could leave the network vulnerable to interference or attack.

### **7 Microception, Inc.**

For \$16,600.00 in payment authority to purchase VideOversight Software and video equipment, consisting of: one year maintenance agreement, network video recorder, vandal/tamper resistant camera, microphone mixer kit, uninterruptible power supply, cables, connectors, and installation and labor expenses, for use in the interrogation rooms in the Professional Standards Bureau (PSB) of the Phoenix Police Department. Real-time monitoring and digital recording of interviews conducted at PSB will

improve transparency and investigative quality while supporting the department's goal to increase trust within the community. By upgrading to audio and digital video monitoring, the investigations unit lieutenants will be able to actively monitor interviews in real-time to ensure the interview adheres to best practices to protect the Police Department from unnecessary liability.

**8 Instant Armor, Inc.**

For \$40,005.00 in payment authority to purchase a National Institute of Justice (NIJ) Threat Level III Tactical Blanket System and accessories. The Tactical Support Bureau, Special Assignments Unit is requesting to purchase one NIJ 5-Panel TAC III Tactical Blanket System to provide a portable, modular ballistic cover. The system is designed to allow a tactical team to operate behind a ballistic cover during an active gun battle, typically in or around residential structures, while conducting the rescue of innocent members of our community or rescue those held as hostages. The system would be utilized on high risk events such as hostage rescue incidents, barricaded subjects, and active shooter incidents.

**9 Safe Haven Defense, LLC**

For \$44,000.00 in payment authority to purchase 10 Ballistic Windshields for the Phoenix Police Department. Safe Haven Defense, LLC will provide and install ballistic windshields to the Special Assignments Unit vehicles. The windshields are designed to provide protection to officers during high risk situations, and limit exposure to lethal threats allowing for the safest resolution for both citizens and officers. The windshields would be utilized on high risk events such as hostage rescue incidents, barricaded subject, vehicle containment, and workplace/school active shooter incidents. The purchase is funded by the State Homeland Security Grant Program.

**10 FirstTwo, Inc.**

For \$9,900.00 in payment authority for the one-year purchase of an online platform for the Homeland Defense Bureau (HDB) of the Police Department. HDB responds to a variety of calls including search warrants, hostage/barricade situations, major fires, officer involved shootings, injured officer calls, and threats to law enforcement and public officials. The FirstTwo product is a powerful web application that compiles data

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from a variety of sources into a single online platform, using real-time information. This arms law enforcement and responders with the necessary intelligence, ensures appropriate response to incidents by allowing access to this critical information from any smart-device.

**11 State of Arizona, Arizona Department of Revenue**

For \$4,328,423.00 for annual payment authority for Intergovernmental Agreement (IGA) 150693 for the uniform administration, collection, audit and/or licensing of transaction privilege tax, use tax, severance tax, jet fuel excise and use taxes, and rental occupancy taxes imposed by the State, cities or towns for the Finance Department. Municipal Transaction Privilege Tax administration is governed by the Arizona Revised Statute 42-6001. The Statute was modified for the purpose of tax simplification with the passage of House Bill 2111 in 2013 and House Bill 2389 in 2014. The Statute requires Arizona Department of Revenue (DOR) to administer the transaction privilege and use taxes imposed by all cities and towns, to enter into an IGA with each city or town to reflect these changes, and to clearly define the working relationship between the DOR and Arizona cities and towns.

**12 City Treasurer - Annual Payment Authority**

For \$19,945,099.00 in payment authority on behalf of the Water Services Department for water charges of City departments from July 1, 2020, through June 30, 2021, as provided in the proposed annual operating budget for the Budget and Research Department.

**13 United States Postal Services - Annual Payment Authority**

For \$3,295,552.00 in payment authority for metered and non-metered mail charges of the City departments from July 1, 2020, through June 30, 2021, as provided in the proposed annual operating budget for the Budget and Research Department.

**14 SAP Public Services, Inc. - Annual Payment Authority**

For \$2,500,000.00 in annual payment authority for Contract 75108 for SAP support and maintenance services for the Finance Department. The service will provide continued support and maintenance of the citywide financial and procurement system through June 30, 2021, including

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ongoing and additional licensing as needed for system users.

**15 Various Vendors - Annual Utility Charges**

For \$70,918,704.00 in payment authority for electricity, water services, and gas charges of City departments for Arizona Public Service Company, Salt River Project, Salt River Valley Water Users' Association, and Southwest Gas Corporation from July 1, 2020 through June 30, 2021, as provided in the proposed annual operating budget, for the Budget and Research Department.

**16 Arizona Municipal Water Users Association - Annual Payment Authorization**

For \$454,748.00 in payment authority for membership renewal to the Arizona Municipal Water Users Association (AMWUA) for the Water Services Department. AMWUA supports the development of urban water policy and works collaboratively with water stakeholders to devise practical solutions to water problems to ensure sustainable growth for Arizona.

**17 Association of Metropolitan Water Agencies - Annual Payment Authorization**

For \$12,000.00 in payment authority for membership renewal to the Association of Metropolitan Water Agencies for the Water Services Department. The Association of Metropolitan Water Agencies conducts financial surveys across the major utilities in the country which allows Water Services to benchmark its performance on various issues. The Association also advocates at the federal level for the use of science-based drinking water quality standards.

**18 American Water Works Association - Annual Payment Authorization**

For \$23,570.00 in payment authority for membership renewal to the American Water Works Association for the Water Services Department. American Water Works Association develops most of the standards and specifications used in the drinking water industry. Membership allows access to these standards, as well as current water industry research reports, professional training opportunities, public outreach efforts, access to a network of industry leaders, and ongoing updates regarding

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regulatory issues.

19 **Water Research Foundation - Annual Payment Authority**

For \$265,090.00 in payment authority to the Water Research Foundation for the Water Services Department. The Water Research Foundation sponsors research to assist water utilities in providing safe and affordable drinking water. Membership in this organization allows Water Services staff access to the latest research and technical information used to address drinking water, wastewater, and water reclamation issues.

20 **Western Urban Water Coalition - Annual Payment Authority**

For \$35,000.00 in payment authority for membership renewal to the Western Urban Water Coalition (WUWC) for the Water Services Department. The WUWC is an organization of the western United States' largest urban water utilities. The membership helps secure sound national water policies, programs, and regulations impacting the unique challenges facing urban water supplies in the West.

21 **Roosevelt Irrigation District**

For \$1,100,000.00 in payment authority for Fiscal Year 2020-2021 water rights settlement claim costs for Contract 54170, for the Water Services Department (WSD). In 1998, the City of Phoenix entered into a comprehensive settlement agreement with Salt River Pima Maricopa Indian Community (SRPMIC), and others, to settle SRPMIC water rights claims. Part of that settlement included an ongoing three-way water exchange among the City of Phoenix, Salt River Project and the Roosevelt Irrigation District. The City of Phoenix is responsible to pay a portion of costs associated with the ongoing annual exchange.

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

For \$43,000,000.00 in payment authority for Contract 132409 and Contract 108079 for Fiscal Year 2020-2021 for delivery of Colorado River water to the City of Phoenix for the Water Services Department. The agreement provides irrigation, municipal, and industrial water to the Phoenix service area.

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**23 Central Arizona Water Conservation District, Doing Business As Central Arizona Project**

For \$6,252,912.00 in additional payment authority for Contract 108079 with Central Arizona Project (CAP) for payment of the capital charges related to the Hohokam Non-Indian Agriculture CAP subcontract for the years 2017 through 2020 due to an accounting oversight by CAP. The \$5,052,912.00 will be paid in Fiscal Year 2019-2020 and the remaining \$1,200,000.00 would be paid in Fiscal Year 2020-2021. The agreement provides municipal and industrial water supplies to areas within the Phoenix Water Service Area served with Colorado River water.

**24 Salt River Project Agricultural Improvement and Power District doing business as SRP**

For \$80,000.00 in payment authority for Contract 53453 for operation and maintenance of the Central Arizona Project Salt River Project interconnection facility for the Water Services Department. The Intergovernmental Agreement between the Salt River Valley Water Users' Association, the Salt River Project Agricultural Improvement and Power District, cities of Chandler, Gilbert, Glendale, Mesa, Peoria, Phoenix, Scottsdale, and Tempe allows the City of Phoenix to transport water from the Central Arizona Project aqueduct to the Granite Reef Dam. The Water Services Department is responsible for 38.425 percent of the operating and maintenance expenses for Fiscal Year 2020-2021.

**25 Salt River Project Agricultural Improvement and Power District doing business as SRP**

For \$300,000.00 in payment authority for Contract 63846 for Fiscal Year 2020-2021 for annual operation and maintenance costs for the Granite Reef Underground Storage Project (GRUSP) for the Water Services Department. GRUSP operates under an Intergovernmental Agreement between SRP and the cities of Chandler, Gilbert, Phoenix, Mesa, Scottsdale, and Tempe. Phoenix owns 25.755 percent of the underground water storage capacity of GRUSP and pays its proportional share of GRUSP costs.

**26 Salt River Valley Water Users' Association**

For \$4,500,000.00 in payment authority for Contract 100353 for water

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delivery and use agreement with the Salt River Valley Water Users' Association (Association) to provide wholesale water for resale by the Water Services Department within the Salt River Reservoir District for Fiscal Year 2020-2021. The water delivered to the City by the Association from the Salt and Verde Rivers represents approximately 60 percent of the City's water supply.

**27 Salt River Valley Water Users' Association**

For \$600,000.00 in additional payment authority for Contract 59580 for the Water Transportation Agreement to transfer water from the Salt River Valley Water Users' Association (Association) to the City and for Salt and Verde Rivers water delivery pursuant to water rights held by the City for Fiscal Year 2019-2020 for the Water Services Department (WSD). WSD treats and delivers water for lands within the Salt River Reservoir District which have rights to water stored and developed by the Association. Phoenix also has an agreement with the City of Avondale to store Colorado River water for future use by the City. The water is transferred through the Central Arizona Project Salt River Project Interconnection Facility to systems operated by the Association. The transportation of this water by the Association incurs a Canal Transportation Fee of \$37.50 per Acre-foot (AF) and a Lateral Transportation Fee of \$10 per AF. The fees are billed by the Association under Contract 59580. The fees were included in the Fiscal Year 2019-2020 Capital Improvement Budget but were not included in the original continuing payment ordinance. The fees will be included in the payment ordinance request for Fiscal Year 2020-2021.

**28 Salt River Valley Water Users' Association**

For \$120,000.00 in payment authority for Agreement 107647 for delivery, ordering, accounting and reporting of the Peninsula - Horowitz Water Entitlement for Fiscal Year 2020-2021 for the Water Services Department. Peninsula, Horowitz, and Champion Irrigation Districts are located in the southwest portion of the city of Phoenix and are in the initial stages of conversion from farm land to urban usage. Under the agreement, the City receives water from the Salt River Valley Water Users' Association, treats it, and delivers it to urban customers within these irrigation districts.



**(CONTINUED FROM JUNE 17, 2020) - Confirmation from Transdev of its Joint Venture Partnership Structure with Regards to Fixed Route Transit Service for North and South Transit Facilities in the City of Phoenix**

Vice Mayor Betty Guardado and Councilmembers Sal DiCiccio and Michael Nowakowski requested the City Manager place an item on the June 17, 2020 Formal agenda for "Confirmation from Transdev of its Joint Venture Partnership Structure with regards to Fixed Route Transit Service for North and South Transit Facilities in the City of Phoenix" (**Attachment A**). This complies with the Rules of Council Proceedings, Council Rule 2c, regarding placement of items on an agenda.

**Responsible Department**

This item is submitted by the City Manager's Office.



City of Phoenix

OFFICE OF THE CITY COUNCIL

June 16, 2020

Kate Gallego  
Mayor  
City of Phoenix

**Re: Confirmation of Transdev Joint Venture Structure with regards to Fixed Route Transit Services for North and south Transit Facilities in the City of Phoenix**

Dear Mayor Gallego,

The current contract with Transdev for the Fixed Route Transit Services for North and South Transit Facilities involves an innovative joint venture partnership with community partners Chicanos Por La Causa, Inc., Opportunities Industrialization Center, and small minority business owners. The city of Phoenix previously renewed or extended contracts for these transit services at least twice, and these partnerships were a significant element of the scoring for contract award in each case.

Moreover, Transdev itself has represented to us directly how meaningful this joint venture partnership and the community partners in it have been in our prior discussion regarding the renewal of the contract for this Fixed Route Transit Services for North and South Transit Facilities in the City of Phoenix. When the City Council approved the renewal with Transdev of this contract beginning July 1, 2020, we understood that this joint venture partnership continued to remain in place, as has been the case over the last few renewals, based on Transdev's representations to Mayor and Council which specifically mentioned Chicanos Por La Causa, Inc. and Opportunities Industrialization Center as community partners with Transdev in providing the transit services for this contract renewal.

We are looking for confirmation that what was represented to us is, in fact, still the case. We request that you place the following agenda item, "Confirmation from Transdev of its Joint Venture Partnership Structure with regards to Fixed Route Transit Service for North and South Transit Facilities in the City of Phoenix", on the Formal Council Meeting agenda, Wednesday, June 17, 2020. We are concerned that there have been misrepresentations made to the City Council and City Administrative Staff with regards to the renewal of the contract and would like confirmation from Transdev that the conditions of their contract award are being met as represented to Mayor and Council prior to the vote of May 6, 2020.

Sincerely,

Betty Guardado  
Vice Mayor, Phoenix District 5

Sincerely,

Sal DiCiccio  
Councilman, Phoenix District 6

Sincerely,

Michael Nowakowski  
Councilman, Phoenix District 7

200 West Washington Street, 11th Floor, Phoenix, Arizona 85003  
council.district.5@phoenix.gov  
council.district.6@phoenix.gov  
council.district.7@phoenix.gov

ATTACHMENT B



**City of Phoenix**

**To:** Ed Zuercher  
City Manager

**Date:** June 16, 2020

**From:** Toni MacCarone *TMM*  
Deputy City Manager

**Subject:** REQUEST TO ADD AN ITEM: CONFIRMATION FROM TRANSDEV OF ITS JOINT VENTURE PARTNERSHIP STRUCTURE WITH REGARDS TO FIXED ROUTE TRANSIT SERVICE FOR NORTH AND SOUTH TRANSIT FACILITIES IN THE CITY OF PHOENIX

This memo requests to add an item to the June 17, 2020 Formal agenda. At the request of Vice Mayor Betty Guardado and Councilmembers Sal DiCiccio and Michael Nowakowski, the following item needs to be placed on the agenda: Confirmation from Transdev of its Joint Venture Partnership Structure with Regards to Fixed Route Transit Service for North and South Transit Facilities in the City of Phoenix.

Approved: *EOZ*

Date: 6/16/20



**Request Authorization to Enter into Contract with the Arizona Coalition to End Sexual and Domestic Violence for COVID-19 Domestic Violence Assistance Services (Ordinance S-46805)**

Request authorization for the City Manager, or his designee, to enter into contract with the Arizona Coalition to End Sexual and Domestic Violence (ACESDV) to provide domestic violence assistance services for victims impacted by the COVID-19 pandemic. ACESDV will subcontract and disburse funding to the following five shelters in the City of Phoenix: Chicanos Por La Causa, Chrysalis Shelter for Victims of Domestic Violence, DOVES (Area Agency on Aging), Shelter Without Walls (Jewish Family and Children's Services) and Sojourner Center. The term of the contract will be from June 30, 2020 through Dec. 30, 2020, with an aggregate amount not to exceed \$1,090,000. Further request the City Controller to disburse all funds related to this item. One-time funding is provided through the Coronavirus Aid, Relief and Economic Security (CARES) Act. There is no impact to the General Fund.

**Summary**

As a result of COVID-19, domestic violence shelters in Phoenix have found it to be increasingly difficult to provide services during the pandemic. In response to the COVID-19 pandemic, the City of Phoenix Human Services Department developed a plan to work with the ACESDV on addressing the needs of local domestic violence shelters and their survivors. This plan will provide assistance which will offset increased costs associated with COVID-19. The plan addresses the following:

- Sanitation supplies for staff and clients.
- Infrastructure assistance regarding social distancing, technology services and personal protective equipment needs.
- Transportation and food assistance for those residing in domestic violence shelters.

This plan is aligned with the City Manager's guiding principles and strategic plan to deploy CARES Act funding. Each agency listed will be responsible for the following:

Arizona Coalition to End Sexual and Domestic Violence (ACESDV) - Will provide financial support by distributing funds to the five shelters. ACESDV will also utilize

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funds for infrastructure needs to meet COVID-19 safety guidelines and assist victims in need of transportation assistance.

Chicanos Por La Causa (CPLC) - Will provide food assistance to families and sanitation supplies to families and staff. CPLC will purchase laptops for families, as a result of the closure of schools due to COVID-19. Funds will also be utilized for infrastructure assistance to comply with COVID-19 safety guidelines in the shelter, along with deep cleaning assistance to keep the property properly sanitized.

Chrysalis Shelter for Victims of Domestic Violence - Will provide technology assistance to aid families and students with laptops and upgraded software as a result of school closures due to COVID-19. Funds will also be utilized for infrastructure assistance to meet COVID-19 safety guidelines in their facilities. Funding will also provide Chrysalis with cleaning supplies and deep cleaning assistance to ensure the properties are properly sanitized. Additionally, Chrysalis will provide crisis response counselors to address trauma caused by COVID-19.

DOVES (Area Agency on Aging) - Provides shelter for the elderly, and will utilize funding to assist with emergency supplies, such as medications, sanitizers and food. Transportation assistance will also be provided for necessary medical appointments. In addition, funding will also be utilized for infrastructure assistance to address the needed changes associated with COVID-19 safety guidelines.

Shelter Without Walls (Jewish Family and Children's Services) - Funding allocated to Shelter Without Walls will be for necessary COVID-19 related supplies, such as sanitizers and personal protective equipment. Transportation assistance and emergency food assistance will be provided for those clients in need.

Sojourner Center - Funding will be utilized to assist with necessary infrastructure changes for COVID-19 compliance. Sojourner Center will provide emergency transportation and food assistance services. Sojourner Center is the only shelter which allows pets for victims of domestic violence. Therefore, pet needs will also be eligible for assistance. Deep cleaning assistance will also be provided to keep their property properly sanitized.

### **Procurement Information**

Services may be procured, as needed, by utilizing procurement in accordance with Administrative Regulation 3.10 to implement and administer programs intended to prevent, prepare for and respond to the COVID-19 national pandemic. The City of Phoenix has obtained or will obtain all necessary federal waivers to ensure compliance with federal procurement guidelines.

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**Contract Term**

The term of the contract will begin June 30, 2020 through Dec. 31, 2020. This contract may be extended based on continuous need and available funding, which may be exercised by the City Manager or designee.

**Financial Impact**

The aggregate value of the contract shall not exceed \$1,090,000. There is no impact to the General Fund. One-time funding is provided through the CARES Act. ACESDV will receive all funding and disburse to subcontractors as follows:

- ACESDV \$35,000
- Chicanos Por La Causa \$140,000
- Chrysalis \$530,000
- DOVES \$100,000
- Shelter Without Walls \$25,000
- Sojourner \$260,000

**Concurrence/Previous Council Action**

City Council approved the Domestic Violence Assistance Plan at the June 2, 2020 Policy meeting. In the plan, DOVES had been allocated \$25,000. In order to assist with infrastructure needs, City staff are requesting to add an additional \$75,000 to this contract. The additional \$75,000 has been included in the aggregate amount of \$1,090,000.

**Responsible Department**

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



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**Request Authorization to Enter Into Contracts with The Society of St. Vincent de Paul and Justa Center for COVID-19 Heat Relief Services (Ordinance S-46816)**

Request to authorize the City Manager, or his designee, to enter into contracts with The Society of St. Vincent de Paul (SVdP) and Justa Center to provide heat relief service for individuals experiencing homelessness. Contracts will be executed on or about June 20, 2020 and will end Sept. 30, 2020. The aggregate value of the contract with SVdP will not exceed \$300,000 and the aggregate value of the contract with Justa Center will not exceed \$135,000. Further request authorization for the City Controller to disburse all funds related to this item. Funding is provided through one-time Coronavirus Relief Funds.

**Summary**

As a result of the COVID-19 pandemic, the majority of heat relief locations have been closed which leaves the most vulnerable out in the sun all day. Heat relief provides refuge and access to water.

SVdP is an international non-profit agency serving those in need, with Phoenix being home to the largest SVdP in the world. SVdP will place a shade structure, misters and swamp coolers at three locations: the Human Services Campus dining hall, SVdP Sunnyslope dining room, and SVdP Watkins Campus. SVdP increased staff at the Human Services Campus dining hall for heat relief services with proper social distancing to comply with COVID-19 safety guidelines. SVdP will also provide food delivery of lunch and dinner to the Heat Respite Center at the Phoenix Convention Center. Justa Center provides life-sustaining resources, services and support to assist homeless seniors on their path to housing and supportive services. Justa Center will place a shade structure with a generator on the agency's back parking lot with increased staff to offer case management services with proper social distancing to comply with the COVID-19 safety guidelines.

**Procurement Information**

Services may be procured, as needed, by utilizing procurement in accordance with Administrative Regulation 3.10 to implement and administer programs intended to prevent, prepare for and respond to the COVID-19 national pandemic. The City of Phoenix has obtained or will obtain all necessary federal waivers to ensure compliance

with federal procurement guidelines.

**Contract Term**

The contracts will be executed on or about June 20, 2020 and will end Sept. 30, 2020. These contract may be extended based on continuous need and available funding, which may be exercised by the City Manager or designee.

**Financial Impact**

The funding breakdown is as follows:

- The Society of St. Vincent de Paul: \$300,000
- Justa Center: \$135,000

The aggregate value for both contracts shall not exceed \$435,000. There is no impact to the General Fund. Funding will be provided through one-time Coronavirus Relief Funds.

**Responsible Department**

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



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**Request Authorization to Enter into Contract with Area Agency on Aging, Region One - COVID-19 (Ordinance S-46817)**

Request to authorize the City Manager, or his designee, to enter into contract with Area Agency on Aging, Region One, for \$700,000 to develop and deliver two programs designed to ensure safety, well-being and reduce social isolation of Phoenix senior residents. The term of this contract will begin on or about July 1, 2020 through Dec. 30, 2020. Further request authorization for the City Controller to disburse all funds related to this item. There is no impact to the General Fund. One-time funding is provided through the Coronavirus Aid Relief and Economic Security (CARES) Act and is to be expended by Dec. 30, 2020.

**Summary**

In response to the COVID-19 pandemic, Phoenix senior residents have substantially limited their access to routine service supports such as grocery shopping, banking, medical services, and family engagements. As a result, seniors are fearful to leave their homes, have become more isolated, and may be neglecting their health and wellness. Many older adults are unable to afford delivery fees associated with commercial grocery home delivery programs or lack computer hardware and/or computer literacy skills to complete online orders.

Area Agency on Aging, Region One offers a large variety of programs and services that enhance the quality of life for residents of Phoenix. Their mission is to partner with the community to foster innovative programs and services to enrich the life for older adults, caregivers and diverse populations. Area Agency on Aging proposes to create a Goods to Home program that will provide personalized assistance to elderly individuals to ensure uninterrupted receipt of needed hygiene and household products, pharmacy services and grocery items through available on-line systems with selected home delivery service partners. In addition, Area Agency on Aging proposes to expand the agency's Telephone Reassurance Program to create new opportunities for social interaction through scheduled personal weekly telephonic calls to older individuals identified to be at risk from social isolation due to COVID-19.

**Procurement Information**

Services may be procured, as needed, by utilizing procurement in accordance with

Administrative Regulation 3.10 to implement and administer programs intended to prevent, prepare for and respond to the COVID-19 national pandemic. The City of Phoenix has obtained any and all necessary federal waivers to alleviate the need to comply with federal procurement guidelines.

**Contract Term**

The term of the Area Agency on Aging, Region One contract will begin on or about July 1, 2020 through Dec. 30, 2020. This contract may be extended based on continuous need and available funding, which may be exercised by the City Manager or designee.

**Financial Impact**

One time funding for this contract is provided through the CARES Act. There is no impact to the General Fund.

**Responsible Department**

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



**Request Authorization to Enter into Contract with Community Legal Services - COVID-19 (Ordinance S-46811)**

Request to authorize the City Manager, or his designee, to enter into contract with Community Legal Services in an amount not to exceed \$850,000 to provide education and legal assistance to Phoenix tenants facing eviction proceedings through local Justice Courts. The term of this contract will begin on or about July 1, 2020 through Dec. 30, 2020. Further request authorization for the City Controller to disburse all funds related to this item. One-time funding is provided through the Coronavirus Aid Relief and Economic Security (CARES) Act and is to be expended by Dec. 30, 2020. There is no impact to the General Fund.

**Summary**

In response to the COVID-19 pandemic, Maricopa County is now ranked fourth in the nation for the number of evictions filed and granted each year. Community Legal Services is uniquely positioned to serve Phoenix tenants most likely to receive an eviction notice. Tenants facing eviction are often low income, struggling to pay other bills, and challenged with navigating the Arizona Residential Landlord and Tenant Act. The City of Phoenix Human Services Department (HSD) houses the Landlord and Tenant program which provides education to Phoenix tenants and landlords, but additional assistance and advocacy is needed to improve legal outcomes for households facing eviction. Community Legal Services does not charge a fee for their legal assistance, has an established relationship with the Phoenix Justice Courts, and has considerable familiarity with working with disadvantaged and vulnerable populations. Community Legal Services will partner with HSD landlord/tenant counselors to provide more comprehensive services to tenants facing eviction, up to and including financial assistance with rent and utility payments.

**Procurement Information**

Services may be procured, as needed, by utilizing procurement in accordance with Administrative Regulation 3.10 to implement and administer programs intended to prevent, prepare for and respond to the COVID-19 national pandemic. The City of Phoenix has obtained or will obtain all necessary federal waivers to ensure compliance with federal procurement guidelines.

**Contract Term**

The term of the Community Legal Services contract will begin on or about July 1, 2020 through Dec. 30, 2020. This contract may be extended based on continuous need and available funding, which may be exercised by the City Manager or designee.

**Financial Impact**

One-time funding for the contract is provided through the CARES Act. There is no impact to the General Fund.

**Responsible Department**

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





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**Request Authorization to Enter Into a Contract with Crisis Response Network, Inc. for a Web-Based Emergency Shelter Availability Portal Due to COVID-19 Pandemic (Ordinance S-46798)**

Request authorization for the City Manager, or his designee, to enter into contract with Crisis Response Network, Inc. (CRN) to design, develop and maintain a web-based emergency shelter availability portal to identify up-to-date shelter accessibility within Maricopa County. The Phoenix Police Department will be the primary group to access the portal. The term of the contract will begin on or about June 9, 2020 through June 30, 2021, with the option to extend through Aug. 31, 2022. The aggregate amount will not exceed \$200,000. Further request authorization for the City Controller to disburse all funds related to this item. One-time funding is provided through the U.S. Department of Housing and Urban Development Community Development Block Grant funding.

**Summary**

The City of Phoenix Human Services and Police departments have joined efforts to address the increase of homelessness due to the COVID-19 pandemic. Human Services has been tasked to secure a web-based portal to track available shelter for individuals and families experiencing homelessness due to COVID-19. CRN will design, develop and maintain a web-based portal to identify accurate and up-to-date emergency shelter availability (including general and emergency shelter, COVID-19 Person Under Investigation, Isolation, and Quarantine Beds) throughout Maricopa County. Accurate shelter availability will aid in the coordination of service for persons experiencing homelessness, prevent the spread of COVID-19, provide easier access to shelter for highly vulnerable populations at risk of death due to COVID-19, and provide necessary documentation for the City of Phoenix. The online emergency shelter availability portal also will allow for better coordination of shelter availability for those experiencing homelessness.

**Procurement Information**

Services may be procured, as needed, by using procurement in accordance with Administrative Regulation 3.10 to implement and administer programs intended to prevent, prepare for and respond to the COVID-19 national pandemic. The City of Phoenix has or will obtain any and all necessary federal waivers to alleviate the need

to comply with federal procurement guidelines.

**Contract Term**

The term of this contract will begin on or about June 9, 2020 through June 30, 2021, with one option to extend through Aug. 31, 2022. This contract may be extended based on continuous need and available funding, which may be exercised by the City Manager or designee.

**Financial Impact**

The aggregate value of this agreement shall not exceed \$200,000. There is no impact to the General Fund. Funding will be provided with the U.S. Department of Housing and Urban Development, Community Development Block Grant funding.

**Responsible Department**

This item is submitted by Assistant City Managers Deanna Jonovich and Milton Dohoney, Jr. and the Human Services and Police departments.



**Authorization to Enter into Contract and Accept Emergency Assistance CARES Act Funding from Arizona Community Action Association dba Wildfire (Ordinance S-46799)**

Request authorization for the City Manager, or his designee, to enter into a contract and accept emergency assistance Coronavirus Aid, Relief and Economic Security (CARES) Act funding from the Arizona Community Action Association dba Wildfire (Wildfire) in the amount of \$2,000,000 for the period of June 1, 2020 through Dec. 30, 2020. Further request authorization for the City Treasurer to accept, and the City Controller to disburse, all funds related to these items. There is no impact to the General Fund.

**Summary**

The first draft of a strategic plan for the City of Phoenix's \$293 million Coronavirus Relief Fund (CRF) was updated based on discussion at a City Council Policy Session held April 30, 2020. Federal guidance relative to the CRF allows funds to cover the following: 1) costs incurred due to the COVID-19 public health emergency; 2) costs that were not accounted for in the budget adopted before March 2020; and 3) costs incurred between March 1, 2020 and Dec. 30, 2020.

On May 5, 2020, City Council provided further direction on a strategy, proposed resource allocation, program development, and timing implementation for a utility and rent/mortgage assistance program for residents impacted by the COVID-19 pandemic. The intent of the residential utility and rent/mortgage assistance program is to reduce the economic burden on residents due to the COVID-19 downturn. This program may also focus on vulnerable populations, in an effort to ensure barriers and obstacles to these critical services are removed and can be accessed in a more streamlined fashion. The program is aligned with the City Manager's guiding principles and strategic plan to deploy CRF.

As such, staff recommended awarding \$22 million to Wildfire due to its ability to provide utility, rent and mortgage assistance services of this scope and scale during this state of emergency through its existing network. As the designated Community Action Agency for the City of Phoenix, the Human Service Department was, in turn, awarded \$2 million by Wildfire to administer utility, rent and mortgage assistance to

individuals and families impacted directly by the COVID-19 pandemic. Households eligible to receive assistance must be able to document that their current financial hardship is due to COVID-19. The flexibility of the CARES Act funding will allow the City of Phoenix to reach a broader spectrum of Phoenix residents and reduce the impact of COVID-19.

**Contract Term**

The term of the contract will begin June 1, 2020 through Dec. 30, 2020 and may be extended based on continuous need and available funding. Any extension term may be exercised by the City Manager or his designee.

**Financial Impact**

There is no impact to the General Fund.

**Responsible Department**

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



**Approval to Apply for, Accept and Disburse Fiscal Year 2020-2021 Head Start Birth to Five and Early Head Start Child Care Partners Coronavirus Aid, Relief and Economic Security Act Funding (Ordinance S-46797)**

Request to authorize the City Manager, or his designee, to apply for, accept, and, if awarded, enter into any necessary agreements for the Head Start Birth to Five and Child Care Partnership grants in the amount of \$3,032,765. Further request authorization for the City Treasurer to accept, and the City Controller to disburse, all funds related to this item. One-time funding is provided through the Coronavirus Aid, Relief, and Economic Security (CARES) Act. There is no impact to the General Fund.

**Summary**

The Office of Head Start received \$750,000,000 as a portion of the CARES Act and has allocated a portion of those funds to the City of Phoenix, as the Grantee, to use in the prevention, preparation and response to the COVID-19 pandemic.

For preschool, the Education Service Providers will receive 70 percent of the funding to address their unique needs. The grantee will retain 30 percent of the funding which will be allocated to purchasing personal protective equipment for staff, reconfiguration of office spaces to ensure social distancing, electronic signature pads, and retain a portion in reserve for any unforeseen issues. For the Child Care Partnership grant, Child Care Partners will receive 80 percent of the funding as those needs are higher due to the age group served and the grantee will retain 20 percent of the funding for the same needs as identified above under preschool. The Home-Based program will retain 100 percent of the allocated funding. This is a non-competitive supplemental application.

The Head Start Education Service Providers and Early Head Start Child Care Partners for the 2020-2021 school year are:

Education Service Providers

- Alhambra Elementary School District
- Booker T. Washington Child Development Center
- Deer Valley Unified School District
- Fowler Elementary School District

Greater Phoenix Urban League  
Roosevelt Elementary School District  
Washington Elementary School District

Child Care Partners

Cactus Kids  
Fusion Minds dba Immanuel Care for Children  
Out of This World Christian Child Care

**Contract Term**

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

**Financial Impact**

The funding breakdown is as follows:

Head Start Preschool	\$ 2,603,907
Early Head Start Home-Based	\$ 263,642
Early Head Start Child Care Partners	\$ 165,216

The estimated aggregate contract total for the remaining four years is \$170,606,602. There is no impact to the General Fund. One-time funding is provided through the CARES Act.

**Responsible Department**

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



**CDBG Owner-Occupied Housing Rehabilitation Program - Sheltering in Place  
Coronavirus Prevention Request For Proposal Award (Ordinance S-46795)**

Request to authorize the City Manager, or his designee, to enter into contracts for Coronavirus prevention Community Development Block Grant (CDBG) Owner-Occupied Housing Rehabilitation services to support social distancing/sheltering in place for an aggregate amount not to exceed \$2 million. Request to authorize the City Controller to disburse all funds over the life of the contracts.

**Summary**

At the April 21, 2020 Special Policy Session, staff presented its CDBG 2015-2020 Substantial Amendment plan, which also included plans to prevent, prepare for, and respond to the Coronavirus (COVID-19) public health crisis. Council subsequently provided authority to procure goods and services necessary and appropriate to implement and administer the City's COVID-19 programs at the May 6 Formal Council Meeting.

On May 21 the Neighborhood Services Department issued a Request for Proposals (RFP) for CDBG-funded Owner-Occupied Housing Rehabilitation services to support low- and moderate-income residents in Phoenix to prevent the spread of Coronavirus by providing home repairs to critical systems or structures to allow the safety and comfort for people social distancing and sheltering in place. The program's services will address health and safety hazards that allow residents to social distance due to the COVID-19 public health crisis. A total of five applications were received by the June 3 deadline and forwarded to the review panel. The RFP review panel evaluated each submittal on a 1,000-point scale: project description/need (150 points), proposed outcomes and impact (425 points), and track record/capacity to implement (425 points). The following two proposals met the minimum threshold requirement and are recommended for contract award.

Owner-Occupied Housing Rehabilitation Program Services

- FSL Real Estate Services (820 points)
- Habitat for Humanity (750 points)

**Contract Term**

Contract terms awarded through this RFP process will be for one year, commencing on or about June 25, 2020, for an aggregate amount not to exceed \$2 million.

**Financial Impact**

There is no impact to the General Fund; these contractual services are funded through the CDBG and CDBG-CV grants.

**Responsible Department**

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





## **Reusable Face Masks and Hand Sanitizer (Ordinance S-46802)**

Request to authorize the City Manager, or his designee, to enter into agreements with Arena Merchandising LLC, Bison Made LLC, and Blue Clover Investments to provide reusable face masks and hand sanitizer for Public Housing residents. Further request authorization for the City Controller to disburse all funds related to this item. The aggregate contract value will not exceed \$30,000. There is no impact to the General Fund.

### **Summary**

In response to the COVID-19 pandemic, the Housing Department received \$1.25 million in Public Housing operating funds through the Coronavirus Aid, Relief and Economic Security (CARES) Act to support Public Housing operating costs and health and safety-related expenses for Public Housing residents. To help slow the spread of COVID-19, the Housing Department will purchase reusable face masks and hand sanitizer to provide to residents. The reusable masks are designed in durable yet breathable fabric with a pocket for an optional filter and are washable for industrial sanitizing. Hand sanitizer will be available in individual sizes and large five gallon buckets. Both products meet the Centers for Disease Control and Prevention recommendation guidelines.

### **Procurement Information**

Request for Quotation was conducted in accordance with Administrative Regulation 3.10. The Housing Department Management Services Section contacted local manufacturing companies for long term purchasing of masks and hand sanitizer. Using local manufacturers will ensure continuous supplies during these times when other national products are not available. Multiple awards are recommended to meet volume requirements and demands. City personnel will select the most cost effective method available at the time of request.

### **Contract Term**

Each agreement will be for a three-year term beginning on or about July 1, 2020 and end on June 30, 2023, with no option to extend.

**Financial Impact**

The aggregate contract value will not exceed \$30,000 (including applicable taxes). Funding is available in the Public Housing Operating Fund through the CARES Act funding received from the federal government through Dec. 30, 2020. Funding beyond that date will come from the general Public Housing Operating Fund. There is no impact to the General Fund.

**Responsible Department**

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



**Fleet-Related Maintenance Equipment, Supplies, Services, and Inventory Management - Sourcewell 061015 (Ordinance S-46779)**

Request to authorize the City Manager, or his designee, to enter into a cooperative participating agreement through Sourcewell with Genuine Parts Company dba NAPA Auto Parts to acquire fleet-related maintenance equipment, supplies, services, and inventory management for the Aviation Department. Further request authorization for the City Controller to disburse all funds related to this item. The aggregate contract value will not exceed \$5,211,720.

**Summary**

The Aviation Department, Facilities and Services Division, owns and operates Phoenix Sky Harbor International Airport, Phoenix Deer Valley Airport, and Phoenix Goodyear Airport. The Facilities and Services Division is responsible for the acquisition, management, and maintenance of the Airports' fleet of approximately 950 vehicles and a 1,500-item inventory of support equipment for parts, supplies, and consumables.

Genuine Parts Company dba NAPA Auto Parts will serve as the primary supplier to establish and maintain new inventories of automotive equipment, replacement parts, and supplies for the Facilities and Services Fleet Division. Contracting with Genuine Parts Company dba NAPA Auto Parts will improve operations and provide the following efficiencies and savings: reduced costs through wholesale pricing, rebates, divestment of Aviation's owned inventory, and costs incurred at time of delivery. The contract will increase parts process efficiencies by significant reductions in invoicing, reduction in vehicle down time, coverage of all operating hours, providing inventory space, and performance reporting and training. These efficiencies will drive a key performance measure resulting in fast turnaround times and low rate vehicle downtime for customers.

**Procurement Information**

In accordance with Administrative Regulation 3.10, a participating agreement is required when the City uses a cooperative agreement from another public agency. The contract was awarded through a competitive process consistent with the City's procurement processes, as set forth in Phoenix City Code chapter 43. By utilizing the Sourcewell (formerly the National Joint Powers Alliance) agreement, the City benefits

from the cooperative contract rates. A review of current registered local and small business owners reveal none provided the variety of parts needed.

**Contract Term**

The contract term shall begin on or about June 24, 2020 for a period of two years with three one-year options to extend.

**Financial Impact**

The aggregate contract value will not exceed \$5,211,720. Funds are available in the Aviation Department's budget.

**Location**

Phoenix Sky Harbor International Airport, 3400 E. Sky Harbor Blvd.

Deer Valley Airport, 702 W. Deer Valley Road

Goodyear Airport, 1658 S. Litchfield Road, Goodyear, AZ.

Council Districts: 1, 8, and Out of City

**Responsible Department**

This item is submitted by Assistant City Manager Deanna Jonovich and the Aviation Department.



**Motorola Solutions Inc Master Services Agreement (Ordinance S-46782)**

Request to authorize the City Manager, or his designee, to authorize additional expenditures for established Master Services Agreement Contract 124391 with Motorola Solutions Inc to purchase equipment and hardware components for the Phoenix Fire Department through June 30, 2028. The total amount will not exceed \$3,000,000. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

The additional amount will be used by the Phoenix Fire Department to purchase equipment and hardware components offered by Motorola as required for 9-1-1 Call Processing Equipment, necessary to maintain, repair, and support the Regional 9-1-1 (R9-1-1) Emergency Services system. The City was designated as the contracted agent for the R9-1-1 system in 1989 by the Maricopa Association of Governments (MAG) to provide services for the Maricopa Region, consisting of 25 9-1-1 Public Safety Answering Points throughout the greater Phoenix area, including Phoenix Police and Fire Departments. In Fiscal Year 2020, the State 9-1-1 Office has mandated that procurement be done at the local level. The State implemented and manages a 9-1-1 Grant funded by the Emergency Telecommunications Fund that would allow agencies to manage the 9-1-1 contracts, procurement of 9-1-1 equipment and secure 9-1-1 services on a local level. The City of Phoenix will act as a pass-through agency for the procurement of these 9-1-1 acquisitions on behalf of the MAG member agencies and will be reimbursed through the 9-1-1 grant that was awarded to the City specifically for these purchases. This authorization would ensure the City of Phoenix and the entire Maricopa Region will continue to benefit from reliable 9-1-1 services without interruption.

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

**Procurement Information**

The Motorola Master Agreement was approved by City Council on July 2, 2008. It provides the hardware, software, and professional services, which are proprietary to Motorola, and necessary to support City of Phoenix information technology systems.

The Master Agreement is an umbrella agreement under which Statements of Work (SOW) can be developed and issued. Each SOW is processed in accordance with City of Phoenix procurement regulations.

**Contract Term**

The term of contract is set to expire on Aug. 9, 2028.

**Financial Impact**

With the \$3,000,000 in additional funds, the contract's revised aggregate value will not exceed \$95,465,413 (including applicable taxes). Funds are available in the Phoenix Fire Department's budget.

**Concurrence/Previous Council Action**

Master Services Agreement Contract 124391 was approved by Formal Council Action on July 2, 2008.

**Responsible Department**

This item is submitted by Assistant City Manager Milton Dohoney, Jr. and the Fire Department.



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**Wireless Communication Services, Accessories, and Equipment (Ordinance S-46785)**

Request to authorize the City Manager, or his designee, to extend and add additional expenditures for Contracts ADSPO13-032444 with AT&T Mobility, ADSPO13-034209 with Sprint Solutions, Inc., ADSPO13-034339 with T-Mobile USA, Inc., and ADSPO13-034099 with Verizon Wireless for the purchase of wireless communication services, accessories, and equipment for departments Citywide in an amount not to exceed \$2,500,000. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

City departments utilize mobile devices, wireless services, equipment and accessories to conduct City business every day. Equipment and services are procured utilizing State of Arizona cooperative agreements, which offer significant cost savings. This request is for authorization to continue to utilize these contracts, and for additional payment authority to cover the period of the extension.

**Contract Term**

This request is to extend the contract term on a month-to-month basis, up to six months through Dec. 31, 2020, to allow time for the State of Arizona to complete its procurement process. The City will then adopt a cooperative agreement for the new solicitation to obtain advantageous pricing.

**Financial Impact**

These contracts were approved by City Council on Feb. 19, 2014 and have an aggregate value of \$24,619,290. With the \$2,500,000 in additional funds, the revised aggregate value is now \$27,119,290 (including applicable taxes). The additional funds are needed to continue to utilize wireless communication services, accessories, and equipment for the remaining six months of the contracts. Funds are available in various departments' budgets.

**Responsible Department**

This item is submitted by City Manager Ed Zuercher and the Finance Department.



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**Carrier and Broadband Provider Services - State of AZ Contract ADSPO14-00004241 (Ordinance S-46786)**

Request to authorize the City Manager, or his designee, to extend and add additional expenditures for Contracts ADSPO15-088468 with CenturyLink Communications LLC - Qwest Communications Corp., ADSPO15-088471 with Integra Telecom Holdings, Inc., ADSPO15-088473 with Cox Arizona Telecom LLC - Cox Communications, ADSPO15-088474 with AT&T Corp., and ADSPO15-096675 with Level 3 Communications, LLC for the purchase of carrier and broadband provider services for departments Citywide in an amount not to exceed \$2,450,000. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

City departments utilize carrier and broadband provider services for telecommunication lines, circuits, and services used across the City. Services include internet, phone lines, data circuits, and distributed denial of service protection. The usage of these technologies is critical to the operations of all City departments.

**Contract Term**

This request is to extend the contract term on a month-to-month basis, up to six months through Dec. 31, 2020, to allow time for the State of Arizona to complete its procurement process. The City will then adopt a cooperative agreement for the new solicitation to obtain advantageous pricing.

**Financial Impact**

These contracts were approved by City Council on July 1, 2016 and have an aggregate value of \$22,080,000. With the additional \$2,450,000 in additional funds, the revised aggregate value is now \$24,530,000 (including applicable taxes). The additional funds are needed to continue to utilize carrier and broadband services, accessories, and equipment for the remaining six months of the contracts. Funds are available in various departments' budgets.

**Responsible Department**

This item is submitted by City Manager Ed Zuercher and the Finance Department.





**Authorization to Dispose City-Owned Property for Human Services and Water Services Departments (Ordinance S-46792)**

Request to authorize the City Manager, or his designee, to dispose by broker, quitclaim or sealed bid solicitation three City-owned properties identified by the Human Services and Water Services departments as excess real property inventory. Further request authorization for the City Treasurer to accept all funds related to this item.

**Summary**

The Human Services and Water Services departments have identified two parcels that are no longer needed and are appropriate for sale via City-contracted broker or sealed bid solicitation. The properties will be advertised on the open market by a City contracted broker or through a sealed bid solicitation at market value to be determined by an appraisal, broker's opinion of value, or other valuation method accepted by the City.

1. Approximately 8.3 acres of vacant Human Services Department land zoned A-1 at 5220 W. Lower Buckeye Road identified by assessor parcel number (APN) 104-40-011. The City acquired this parcel in 2004 for future development of a Southwest Phoenix senior services center. However, further discussion is taking place on the potential development of a senior center near the planned Cesar Chavez Community Center with the proceeds from the sale.
2. Approximately 40 acres of vacant Water Services Department land located northeast of Santa Fe Avenue and 5th Street in Wenden, Ariz., identified by APN 308-06-005C. The City originally purchased this and other land in the McMullen Valley area of La Paz County in 1986 for harvesting groundwater to supplement City water supply. Since that time, the City has augmented water supplies with additional surface water resources. In addition, subsequent analysis showed that the cost for infrastructure needed to import the water to the City would be excessive.

Further requesting authorization to negotiate with the offerer(s) in order to yield the highest dollar return to the City, as deemed acceptable by the City Manager or designee. The City Manager, or designee, will select the highest responsive and responsible offer for each property based upon market value, and 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 subsequent fee simple conveyance will be by special warranty deed or by quitclaim deed.

Additionally, the Water Services Department controls approximately 5,227 square feet of land northwest of Camelback Road and 45th Avenue in Glendale, identified by APN 145-28-018. As this site is improved with City of Glendale water infrastructure that does not support the City of Phoenix water supply, Water Services recommends transferring ownership of the site to Glendale via quitclaim.

**Financial Impact**

Revenue from the sold properties will be reflective of their market values.

**Concurrence/Previous Council Action**

The Land Use and Livability Subcommittee recommended City Council approval of this item on May 20, 2020, by a vote of 3-0.

**Location**

Various locations

Council Districts: 7 and Out of City

**Responsible Department**

This item is submitted by Assistant City Manager Deanna Jonovich, Deputy City Manager Karen Peters, and the Human Services, Water Services and Finance departments.



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**Automated Fingerprint Identification System - State of Arizona ADSP013-038750 (Ordinance S-46800)**

Request to authorize the City Manager, or his designee, to allow additional expenditures under Contract 145675 with Idemia Identity & Security USA, LLC for the purchase of automated fingerprint identification system and related services for the Phoenix Police Department. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

The contract was established for the Police Department Technology Bureau to purchase automated fingerprint system equipment and related services, to provide support to the Arizona Automated Fingerprint Identification System (AZAFIS) network located at various bureaus and precincts throughout the City. The additional funding is requested because the contract proved to be useful for other divisions within the Police Department, which purchased essential commodities and services against the contract. This contract is essential to ensure that the digital fingerprint capture system remains compatible with the existing AZAFIS network. Idemia Identity & Security USA, LLC is the only company to perform maintenance services on the digital fingerprint capture systems. This product is used by Police Headquarters, Central Booking, the Crime Lab and Police Precincts and Substations with digital fingerprint capture systems.

**Financial Impact**

Upon approval of \$63,874 in additional funds, the revised aggregate value of the contract will not exceed \$760,781. Funds are available in the Police Department's budget.

**Concurrence/Previous Council Action**

This contract was originally approved by City Council on June 28, 2017.

**Responsible Department**

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



**Heavy Equipment Rental - Arizona Department of Administration State Procurement Office - COOP 20-097 (Ordinance S-46809)**

Request to authorize the City Manager, or his designee, to enter into a participating agreement with the Arizona Department of Administration State Procurement Office ADSPO18-00008178 contract with Herc Rentals Inc. and Effem Corporation doing business as A to Z Equipment to purchase heavy equipment rental for citywide use in an amount not to exceed \$1,500,000. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

These contracts will be used Citywide to rent, both small and large equipment of various makes, models and sizes, on an as-needed basis. The agreements will provide short-term and long-term rental access to a complete line of heavy equipment, road maintenance equipment, and construction equipment. Rental equipment such as generators serve as back-up power sources that can be deployed to any site that suffers an extended power outage; forklifts are rented to move heavy equipment, and pumps around; occasionally, specialized heavy equipment that is not currently in the City's fleet is needed for special projects, such as repairing basins or plant upgrades. These contracts are essential in order to continue to provide critical services for the City such as generators to sustain electrical power in the event of an outage, equipment for the roads maintenance and construction.

**Procurement Information**

In accordance with Administrative Regulations 3.10 a participating agreement is required when the City utilizes a cooperative contract from another public agency. This contract was awarded through a competitive process, consistent with the City's procurement process, as set forth in Phoenix City Code, chapter 43. Utilization of cooperative contracts allows the City to benefit from national government pricing and volume discounts.

**Contract Term**

The five-year contract term will begin on or about July 1, 2020.

**Financial Impact**

The aggregate contract value will not exceed \$1,500,000. Funds are available in various departments' budgets.

**Responsible Department**

This item is submitted by City Manager Ed Zuercher and the Finance Department.



**Traffic Signal Poles and Components - Maricopa County Department of Transportation Cooperative - COOP 20-083 (Ordinance S-46788)**

Request to authorize the City Manager, or his designee, to enter into cooperative participating agreements through the Maricopa County Department of Transportation (MCDOT) Contract 200125-C with Advanced Traffic Products, Inc., AM Signal, Inc., Econolite Control Products, Inc., Iteris, Inc., Sierra Transportation and Technologies, LLC, Solar Traffic Controls, LLC, and Wesco, dba Brown Wholesale, to provide the Street Transportation Department with traffic signal poles, hardware, video detection, and traffic signal controller components. The aggregate contract value will not exceed \$5 million. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

The Street Transportation Department is requesting to utilize these contracts to purchase traffic signal equipment, parts, and supplies necessary to perform the core function of the Traffic Signal Shop, which is to maintain the existing Citywide infrastructure of over 1,138 signalized intersections and continually adapt to the changing technology of the traveling public, as it pertains to traffic signal systems.

**Procurement Information**

In accordance with Administrative Regulation 3.10, a participating agreement is required when the City uses a cooperative agreement from another public agency. The contracts were awarded through a competitive process consistent with the City's procurement processes, as set forth in the Phoenix City Code, chapter 43.

The Maricopa County contract covers the purchase of traffic signal poles and components as required by the Street Transportation Department. The Maricopa County contract was awarded on Dec. 11, 2019. The use of this cooperative will provide the City national discounts on these products.

Upon City Council approval of this item, a purchasing agreement(s) incorporating the City's terms and conditions will be fully executed between the referenced vendor(s) and the City.

**Contract Term**

The five-year contract term will expire on or about June 30, 2025.

**Financial Impact**

The aggregate value of the contract will not exceed \$5 million. Funds are available in the Street Transportation Department's budget.

**Responsible Department**

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



**Grant of an Irrigation Easement to Salt River Project for Sunset Place at 67th Avenue and Broadway Road (Ordinance S-46794)**

Request to authorize the City Manager, or his designee, to grant an irrigation easement to Salt River Project (SRP) within the 67th Avenue right-of-way, north of Broadway Road, for consideration in the amount of the appraised value and other consideration. Further request authorization for the City Treasurer to accept all funds related to this item.

**Summary**

The irrigation easement is required to connect to SRP's irrigation lines along the west side of 67th Avenue to accommodate the Sunset Place single-family housing development at 67th Avenue and Broadway Road. The easement is approximately 251 square feet.

**Financial Impact**

Revenue will be reflective of the market value of the easement.

**Location**

Along the west side of 67th Avenue, north of Broadway Road  
Council District: 7

**Responsible Department**

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





**Purchase of Property and Casualty Insurance Policies for the City of Phoenix (Ordinance S-46789)**

Request to authorize the City Manager, or his designee, to purchase various property and casualty insurance policies on behalf of the City for July 2020 through June 2021. Further request authorization for the City Controller to disburse funds, not to exceed \$12,438,000.

**Summary**

Competitive quotes were sought from all viable commercial insurance markets to assure the best coverage and cost available. The total estimated cost for all insurance policies is \$12,438,000, up from \$9,064,186 in the current year. The increase of \$3,373,814 is due to: (1) a high demand for insurance coverage in the property and excess liability coverage and a reduced supply of capacity by the commercial insurance market throughout the country; (2) the City has experienced two large property losses over the last 10 years that exceed \$36 million; (3) the City experienced its first loss that pierced the excess liability insurance; (4) claims are increasing in frequency and severity throughout the country; and (5) insurers are struggling to overcome underwriting losses.

Citywide insurance policies are purchased from the Risk Management Self-Insurance Fund or the Workers' Compensation Self-Insurance Fund and are then allocated to each department's budget. Funds for policies purchased specifically for the Aviation and Police departments are available from those departments.

<b>Insurance Policy Type</b>	<b>Department</b>	<b>Estimated Cost</b>
Blanket Property and Boiler and Machinery Insurance	Citywide	\$5,630,000.00
Excess Liability Insurance (Multiple Layers)	Citywide	\$5,110,000.00
Excess Workers' Compensation Insurance	Citywide	\$326,000.00

Network Security and Cyber	Citywide	\$490,000.00
Police Aircraft Liability and Hull Insurance	Police	\$145,000.00
Aviation Airport Liability Insurance	Aviation	\$597,000.00
Miscellaneous Property and Casualty Insurance	Citywide	\$140,000.00

**Financial Impact**

The amount will not exceed \$12,438,000, comprised of funds from the Risk Management Self-Insurance Fund, and are included in the Fiscal Year 2020-21 budget.

**Responsible Department**

This item is submitted by City Manager Ed Zuercher and the Finance Department.



## **Pet Insurance - RFP HR 20-114**

Request to authorize the City Manager, or his designee, to enter into a contract with Metropolitan Life Insurance Company (MetLife), administered by PetFirst Healthcare, LLC (a MetLife company) and underwritten by Independence American Insurance Company, to provide pet insurance for employees and retirees. There is no disbursement of funds or impact to the General Fund, as plan participants will pay the vendor directly.

### **Summary**

Pet insurance is a value-added employee and retiree benefit. This optional benefit is not a group plan. It is wholly paid by the participant to the vendor. However, offering pet insurance to employees and retirees provides them a 10 percent discount of their premiums. Employees and retirees work directly with the vendor to select highly customizable plan design options which meet individual needs. Premiums are determined by the pet's gender, age, breed, location, plan deductible, co-insurance percentage, and annual limit amount. Plan options include a "Routine Care" rider to cover annual visits and vaccinations.

### **Procurement Information**

RFP HR 20-114 was conducted in accordance with Administrative Regulation 3.10. The Notice of Solicitation was emailed to 306 vendors registered in ProcurePHX and directly to 10 pet insurance providers. Two proposals were received by the Human Resources Department on April 3, 2020. An evaluation committee comprised of three voting members evaluated the offers. The offers were evaluated based on the following criteria (1,000 points total): Qualifications and Experience (250 points), Method of Approach (350 points) and Price (400 points). The evaluation committee determined that one offer was in the competitive range. The committee did not pursue a Best and Final Offer as it does not apply because policies are individually owned by the employee or retiree. The evaluation committee recommended awarding the contract to MetLife. The Offerors and final scores are listed below:

MetLife: 835 points

Embrace Pet Insurance: 440 points

The Human Resources Director recommends the offer from MetLife be accepted as the highest scored, responsive, and responsible offeror.

**Contract Term**

The five-year contract shall begin on or about Jan. 1, 2021.

**Financial Impact**

There is no cost to the City and no impact to the General Fund. Pet insurance premiums are 100 percent paid by enrolled employees and retirees directly to the vendor.

**Responsible Department**

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



## **Buy-Up Voluntary Vision Plan - RFP HR 20-108 (Ordinance S-46807)**

Request to authorize the City Manager, or his designee, to enter into a contract with Davis Vision to provide buy-up voluntary vision plan services for employees, retirees, and their eligible family members. The five-year aggregate value of this contract will not exceed \$15 million. There is no impact to the General Fund, as employees and retirees have plan premiums deducted from their paychecks. Further request authorization for the City Controller to disburse all funds related to this item.

### **Summary**

The City provides a comprehensive benefits package to approximately 16,000 employees, retirees, and eligible family members to include qualified domestic partners of same or opposite gender. The primary objectives are to achieve exceptional customer service and coverage for enrolled members, account administration that meets the City's expectations and needs, and competitive pricing. This contract is for a stand-alone, Buy-Up Voluntary Vision Plan for the City of Phoenix employees, retirees, and their eligible family members. The Buy-Up Voluntary Vision Plan offers substantially better coverage than the basic vision coverage bundled with medical plans. The City bundles basic vision coverage with all employee medical plans, and this will continue.

### **Procurement Information**

RFP HR 20-108 was conducted in accordance with Administrative Regulation 3.10. The RFP was issued on Feb. 28, 2020 by the Human Resources Department and proposals were due on April 6, 2020. In addition to posting the solicitation on the City of Phoenix website, direct email notifications were sent to vendors who submitted in the past, and vendors registered in ProcurePHX. The Human Resources Department received six proposals. Evaluation occurred by a three-person committee. The offers were scored on the following criteria (1,000 total points): Qualifications and Experience (300 points), Method of Approach (350 points) and Price (350 points).

The evaluation committee determined that three proposals were within the competitive range, and those proposers were invited to participate in interviews. At the completion of the interviews, all proposers within the competitive range moved forward to the Best and Final Offer (BAFO) process. After reviewing the BAFO responses, the evaluation

committee recommended awarding the contract to Davis Vision.

The offers and final scores were as follows:

Davis Vision: 819.90 points

Avesis: 763.60 points

MetLife: 766.40 points

Superior Vision: 621.70 points

VSP: 546.00 points

EyeMed: 510.40 points

The Human Resources Director recommends the offer from Davis Vision be accepted as the highest scored, responsive, and responsible offeror.

**Contract Term**

The five-year contract shall begin on or about Jan. 1, 2021.

**Financial Impact**

The five-year aggregate value for this contract will not exceed \$15 million. There is no impact to the General Fund, as employees and retirees have plan premiums deducted from their paychecks.

**Responsible Department**

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



**Record Keeper Services for Deferred Compensation, Defined Contributions and Post Employment Health Plans - RFP HR 20-101 (Ordinance S-46814)**

Request to authorize the City Manager, or his designee, to enter into a contract with Nationwide Retirement Solutions, Inc. to provide plan administration and record keeper services for the City's Deferred Compensation 457(b) Plan, Defined Contribution 401 (a) Plan, and Post-Employment Health Plan (PEHP) for a five-year period. No disbursement of funds from the City Controller is necessary for this contract.

**Summary**

This contract is to provide administration, enrollment, participant communication and education, investment management and record keeper services for Defined Contributions and Post Employment Health Plans. There are approximately 18,134 participant accounts and this contract ensures accurate accounting of the assets in each participant account and provides efficient and prudent management of the Plans.

**Procurement Information**

RFP HR 20-101 was conducted in accordance with Administrative Regulation 3.10. The Human Resources Department received four proposals. The Notice of Solicitation was emailed to 908 vendors registered in ProcurePHX and 41 firms provided by the City's investment consultant, Hyas Group LLC.

The offers were scored on the following criteria (1,000 total points): Qualifications and Experience (250 points), Method of Approach (450 points) and Price (300 points). Initial evaluations of all proposals were conducted by the City's contracted investment consulting firm, Hyas Group LLC. Evaluations of the proposals were conducted by a committee comprised of members of the City's Deferred Compensation Plan (DCP) Board and Post Employment Health Plan (PEHP) Board and City staff. The evaluation committee determined that two proposals were within the competitive range, and those proposers were invited to participate in interviews. At the completion of the interviews, all proposals within the competitive range moved forward to the Best and Final Offer (BAFO) process. After reviewing the BAFO responses, it was the consensus of the evaluation committee to recommend awarding the contract to Nationwide Retirement Solutions, Inc. The DCP and PEHP boards unanimously approved the committee's recommendation at their June 11, 2020 meeting.

The scores were as follows:

Nationwide Retirement Solutions, Inc.: 1,000 points

Empower Retirement: 702 points

Voya: 633 points

T. Rowe Price: 348 points

The Human Resources Director recommends the offer from Nationwide Retirement Solutions, Inc. be accepted as the highest scored, responsive, and responsible offeror.

**Contract Term**

The five-year contract shall begin on or about Nov. 20, 2020.

**Financial Impact**

No disbursement of funds from the City Controller is necessary for this contract. The administrative costs for the City's Deferred Compensation Plans and PEHP are paid through plan asset fees by plan participants.

**Responsible Department**

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





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**Interim Executives Services (Ordinance S-46812)**

Request to authorize the City Manager, or his designee, to enter into contracts with APN Staffing and Employment Solutions; Interim Public Management, LLC; Staffing Specialists, LLC; and Vidhwan Inc. dba E-Solutions, to provide interim executives on an as-needed basis to the City. Further request authorization for the City Controller to disburse funds related to this item. The five-year aggregate value of all contracts will not exceed \$300,000.

**Summary**

Request for Qualifications (RFQu) HR 20-112 was conducted in accordance with Administrative Regulation 3.10, with the intent of establishing a list of qualified vendors to supply interim executives on an as-needed basis to the City. There were five offers received by the Human Resources Department on June 2, 2020. The offers were evaluated and the following four offers met the City's qualification criteria and were deemed responsive and responsible:

- APN Staffing and Employment Solutions
- Interim Public Management, LLC
- Staffing Specialists, LLC
- Vidhwan Inc. DBA E-Solutions

The Human Resources Director recommends that the offers from the above vendors be accepted as responsive and responsible offers that are most advantageous to the City.

**Contract Term**

The five-year contract term shall begin on or about July 1, 2020.

**Financial Impact**

The five-year aggregate value of all contracts will not exceed \$300,000. Funds are available in various City departments' budgets.

**Responsible Department**

This item is submitted by Deputy City Manager Toni MacCarone and the Human Resources Department.



**Professional Services for Mandatory Payment Card Industry Compliance (Ordinance S-46780)**

Request to authorize the City Manager, or his designee, to authorize additional expenditures to the established Contract 142524 with RiskSense, Inc., in an amount of \$265,000 for the annual continuation of penetration testing services for the Information Technology Services Department, on behalf of Citywide departments that accept credit card payments. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

RiskSense, Inc. provides penetration testing services to ensure compliance with the regulatory requirements of the Payment Card Industry (PCI) Data Security Standards and Health Insurance Portability and Accountability Act (HIPAA). This service evaluates the efficacy of controls in place to protect the City's systems and data from unauthorized access. The service also helps to ensure the security of the City's network, and failure to continue with penetration testing would result in non-compliance with PCI regulations.

The additional expenditures are needed to cover the annual penetration testing services through the end of the contract term.

**Contract Term**

The term of the contract with RiskSense, Inc. is for five years, expiring March 31, 2021.

**Financial Impact**

Additional funds in the amount of \$265,000 will increase the total contract value to \$1,355,000 for the aggregate contract term. Funds are available in the Information Technology Services Department's budget.

**Concurrence/Previous Council Action**

Contract 142524 with RiskSense, Inc. was originally approved by City Council on April 20, 2016, with annual amendments thereafter.

**Responsible Department**

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



**Oracle Citywide Software and Hardware Maintenance and Support (Ordinance S-46787)**

Request to authorize the City Manager, or his designee, to amend Ordinance S-43373 and add additional expenditures for citywide software licensing, support and maintenance with Oracle America, Inc. (Oracle) under the Master Services Agreement 142562, in an amount not to exceed \$6,050,000 for the Information Technology Services Department, on behalf of departments Citywide. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

The City uses Oracle application and technologies in multiple departments and for several critical Citywide systems, such as the Police Department's Records Management System, the Customer Care and Billing system used for municipal billing, the Human Capital Management system used for human resources and payroll functions, the Planning and Development Department's permitting system, and the citywide Business Intelligence infrastructure. These systems are critical to City operations, as they bring in revenue from permitting, water, and solid waste billing, and because they manage critical operations.

The reason for the additional requested payment authority is because Information Technology Services has consolidated the management of sub-agreements and payments made to Oracle, and works with departments to evaluate licensing, support and maintenance for Oracle software in use by the City. Information Technology Services is requesting this funding for continued support and maintenance on behalf of all City departments.

**Contract Term**

The Oracle Master Services contract is valid through April 21, 2021.

**Financial Impact**

Additional funds in the amount of \$6,050,000 are needed to continue to utilize Oracle citywide software licensing, and hardware maintenance and support. Funds are available in the various departments' budgets.

**Responsible Department**

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



## **Lease and Power Usage Agreement for Data Center (Ordinance S-46783)**

Request to authorize the City Manager, or his designee, to extend the lease term and add additional expenditures to Contract 129031 with Iron Mountain Data Centers, LLC (Iron Mountain) for leased space and power for the City's data center in an amount not to exceed \$9,069,830 over the new 10-year term. This request is for the Information Technology Services Department, on behalf of departments Citywide. Further request authorization for the City Controller to disburse all funds related to this item.

### **Summary**

Since 2010, the City has leased data center space for a secondary data center to provide top tier data center services, as well as provide redundancy for systems for business continuity and disaster recovery. This request is to continue the lease and extend the contract for an additional 10-year term.

Iron Mountain provides space, power, cooling and physical security to the City's technology equipment supporting the enterprise network and departments' business systems. These systems include the core network, network security, internet, storage, telephony, and the majority of enterprise and departmental business applications. As the City's primary data center, it is critical in maintaining high availability and business continuity.

### **Contract Term**

This request is to extend the contract term for 10 years through Aug. 31, 2030.

### **Financial Impact**

The City has negotiated a 10-year extension of the lease at a lower rate than the final years of the current lease. The new 10-year term is for an amount not-to-exceed \$9,069,830. Funds are available in the Information Technology Services Department's budget.

### **Responsible Department**

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



**Request for City Council to Call to Meet in Executive Session on Specific Dates through December 2020**

Request for the City Council to call meetings for the purpose of holding an Executive Session pursuant to Arizona Revised Statutes, Section 38-431.03.A, on the following dates at 1 p.m. in the East Conference Room, 12th Floor of Phoenix City Hall, 200 W. Washington St., Phoenix, Arizona: Sept. 8, 2020; Sept. 22, 2020; Oct. 13, 2020; Oct. 27, 2020; Nov. 10, 2020, and Dec. 8, 2020.

**Public Outreach**

The Notice and Agenda for these Executive Sessions will be posted no later than 24 hours before each scheduled meeting.

**Responsible Department**

This item is submitted by Assistant City Manager Milton Dohoney, Jr. and the Law Department.



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**FY 2020-21 Legal Representation Services Contracts (Ordinance S-46815)**

Request to authorize the City Manager, or his designee, to enter into contracts with legal services providers to provide legal representation services to indigent defendants in Phoenix Municipal Court for fiscal year (FY) 2020-21. Further request authorization for the City Controller to disburse funds pursuant to the contracts in the total amount not to exceed \$3,578,236.

**Summary**

The Public Defender's Office, through its contract holders, provides legal representation service to indigent individuals charged with criminal offenses in Phoenix Municipal Court. These services are provided in Phoenix Municipal Court courtrooms, and 365 days a year at the Fourth Avenue Jail.

**Procurement Information**

On June 3, 2020 the City of Phoenix Public Defender Review Committee met to review resumes and applications of attorneys and legal support service providers for provision of legal defense services in Phoenix Municipal Court. The review process included applications from current contract holders as well as individuals seeking to obtain a contract for the first time. The Committee approved a list of those who meet the minimum qualification requirements and who would be eligible for consideration for a contract. The approved list contains more names than available contracts due to the necessity of having attorneys available should an unexpected opening occur during the course of the contract year. This procedure facilitates continuity in providing legal services and minimizes delay in processing and resolution of cases.

**Contract Term**

Contract period is one year starting July 1, 2020, and ends June 30, 2021.

**Financial Impact**

These contracts will have a financial impact of up to \$3,578,236. Funds are available in the office's operating budget.

**Responsible Department**

This item is submitted by Deputy City Manager Karen Peters and the Public Defender's Office.





**Intergovernmental Agreement with Arizona Department of Water Resources to Conduct a Multifamily Home Water Use Study (Ordinance S-46784)**

Request to authorize the City Manager, or his designee, to enter into an Intergovernmental Agreement (IGA) with the Arizona Department of Water Resources (ADWR) to conduct a Multifamily Home Water Use Study (Study). Further request to authorize the City Treasurer to accept, and the City Controller to disburse, all funds related to this item. The total financial impact to the City for this IGA is \$280,000.

**Summary**

The Study will continue a partnership with ADWR that seeks to understand and evaluate residential water demand trends. It is important to understand water use trends among our various customer types, so that better water demand models can be developed. These models are used to forecast necessary infrastructure needs, drought management and effects on public health.

The Study is the second phase of a project studying water use in residential homes and will focus on the indoor and outdoor water use trends in the multifamily sector. Information from the Study will also be used to better understand this customer segment and its associated water use patterns, so that improved projections of its future demands and wastewater generation can be developed for the Water and Wastewater Master Infrastructure Plans.

The funding from ADWR will allow the City to hire a consultant to conduct water audits/data sampling for various multifamily properties in Phoenix. The City, in turn, will analyze this data and combine it with additional water billing data and information obtained from aerial imagery on outdoor landscapes and provide a detailed report on multifamily home water use.

The first phase of this project was a study focused on indoor and outdoor water use trends in the single-family sector. The phase one study was completed in partnership with ADWR, the City of Glendale and the Town of Gilbert. That project resulted in information that has since been used across Arizona to assist in understanding the important drivers of indoor and outdoor water use for the single-family sector.

**Contract Term**

The IGA's term will not exceed three years, commencing upon signature and terminating three years after the commencing date.

**Financial Impact**

The total estimated cost of the Study is \$469,000. ADWR will provide \$189,000 to the City to fund a portion of the study. The City will provide \$150,000 in funding and \$130,000 of in-kind services for a total of \$280,000 to cover for equipment, analysis, reporting and other services.

Funding is available in the Water Services Department's operating budget.

**Concurrence/Previous Council Action**

The City Council approved the Multicity Single-Family Water-Use Study IGA 143937 (Ordinance S-42954) on Oct. 19, 2016.

**Responsible Department**

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



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**On-Site Training Services for Arizona Department of Environmental Quality (ADEQ) Operator Certification Program (Ordinance S-46791)**

Request to authorize the City Manager, or his designee, to enter into an agreement with Rural Water Association of Arizona (RWAA) to provide on-site training services for Water Services Department (WSD) employees to prepare for the Operator Certification examinations. Further request to authorize execution of amendments to the agreement as necessary within the Council-approved expenditure authority and for the City Controller to disburse all funds related to this item. The total agreement value will not exceed \$210,000.

**Summary**

The purpose of this contract is to provide on-site, face-to-face training for WSD employees to prepare for the Operator Certification examination. ADEQ requires certification for job classifications involving operations that include decision making and water testing for drinking water and wastewater systems. The Contractor's services include, but are not limited to, hands-on training, visual aids, and exam preparation such as tests and quizzes.

**Procurement Information**

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

Selected Vendor:

Rural Water Association of Arizona

**Contract Term**

The term of the agreement is five years and will begin on July 1, 2020.

**Financial Impact**

The agreement value for RWAA will not exceed \$210,000. Funding is available in the Water Services Department's operating budget.

**Responsible Department**

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

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**Award for Redevelopment of Deck Park Vista Apartments (Ordinance S-46804)**

Request to authorize the City Manager, or his designee, to enter into a contract with Native American Connections, Inc. (NAC) for the redevelopment of Deck Park Vista Apartments and to take all actions and execute all documents to effectuate all agreements required to complete the redevelopment project, with the Housing Department serving as co-developer. Further request authorization for the City Treasurer to accept and the City Controller to disburse all funds related to this item. There is no impact to the General Fund.

**Summary**

On April 17, 2019, the Housing Department received City Council approval to issue a Request for Proposals (RFP) for the redevelopment of Deck Park Vista Apartments to address a critical need for affordable and workforce housing in the Downtown Core. The dire need for affordable and workforce housing was outlined in a January 2019 presentation of a comprehensive analysis of multi-family housing in the Central City by the Community and Economic Development Department at the Planning and Economic Development (PED) Subcommittee meeting. Additionally, at a May 2020 Land Use and Livability (LUL) Subcommittee meeting, the Housing Department presented an update on the City's Affordable Housing Initiative highlighting Phoenix's shortage of 163,067 housing units based on a gap analysis of the current housing need and the available housing stock.

Deck Park Vista Apartments is a 56-unit affordable rental property located on two acres at 1125 N. 3rd St. The property falls within the Downtown Core, and is zoned as Downtown Core-Evans Churchill East Character Area. This zoning provides entitlement for more density and height, and provides guidance for character area design and first floor commercial activation. The proposed redevelopment will consist of demolishing the existing 56 units and building a new 201-unit mixed income community that takes advantage of the property's entitlements. Of the 201 units, 126 will be affordable and 75 will be workforce. Fifty-six of the 126 affordable units will be Section 8 Project-Based Vouchers (PBV) to replace the current senior housing units. Existing residents will be temporarily relocated, at the Housing Department's expense, and have first right of return to the new development using the Section 8 PBVs. A few of the proposed amenities for the new development include comprehensive supportive

services provided by NAC, first floor commercial space, a secured interior courtyard, fitness center, and security cameras throughout the property. Construction is anticipated to begin in October 2021 and the project will be completed in Fall 2023.

The Housing Department, working with its co-development partner NAC, seeks authorization to proceed with all actions necessary or appropriate to redevelop the Deck Park Vista site including the following:

1. Demolish existing structures and relocate resident households following applicable Uniform Relocation Requirements.
2. Form a new city-controlled non-profit corporation with the Housing Director to serve as sole incorporator, with names and governance documents as approved by the City Manager or his designee.
3. Form a new corporate entity or entities, of which the corporation will be a member and co-developer for the Project, to serve as the ownership entity(ies) for the site.
4. Procure and/or engage in funding transactions to finance the redevelopment, including submitting applications and accepting awards of Low Income Housing Tax Credits (LIHTC), seeking a LIHTC equity investor, and obtaining other grants and/or loans for the Project.
5. Provide financial guarantees to investors or lenders to assure completion and loan repayment if necessary to obtain financing, provided that any guaranty may only be paid from any developer fees to be paid to the new corporation.
6. Appropriate and expend up to \$500,000 in Affordable Housing Funds to assist with relocation expenses, environmental costs and other predevelopment costs.
7. Appropriate, expend and disburse up to \$1 million in federal HOME Investment Partnerships Program funds to provide gap funding for housing redevelopment.
8. Convey or grant fee title or a lesser interest in all or any portion of the site to the Corporations, LLCs, public utilities, and other third parties as necessary to facilitate financing, redevelopment, and operations.
9. Allocate 56 Section 8 PBVs, amend HUD Annual Plan(s), and enter into associated contracts or agreements, as necessary to facilitate financing, redevelopment, and operations.
10. Procure, execute, and submit or deliver all contracts, documents and instruments necessary for the financing, redevelopment and operation of the property.
11. Use and expend the proceeds of any grants, loans and other financing and funding sources to carry out the redevelopment, capital improvements and operations.
12. Take other action necessary or appropriate to develop, implement, and operate all phases of the Deck Park Vista redevelopment.

### **Procurement Information**

The RFP was issued and posted on the City's solicitation website in accordance with

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Phoenix City Code § 43-14 for Competitive Sealed Proposals on Jan. 8, 2020. A notification was sent to additional vendors registered with the Housing Department to receive notices and companies registered in Supplier Relationship Management.

Three proposals were received by the due date of March 6, 2020 at 3 p.m. and evaluated by a panel comprised of City staff from the Housing and Public Transit departments, and one non-City staff from Downtown Phoenix, Inc. The proposals were evaluated on a 1,000-point scale, and were scored based on the following criteria: Proposed Development; Proposed City Commitment and Benefit to the City; Proposer Qualifications, Experience and Financial Capacity; and Proposed Project Timeline. The evaluation panel scored the proposals as follows:

- Native American Connections, Inc.: 838
- Synergy, Incorporated: 762
- Gorman & Company, LLC: 725

Based on these scores, the evaluation panel recommended award to Native American Connections, Inc. scoring 838 points out of 1,000 possible points.

### **Financial Impact**

Funding is available in the Affordable Housing Fund. There is no impact to the General Fund.

### **Concurrence/Previous Council Action**

- On Feb. 5, 2019, information on the opportunity for redevelopment of Deck Park Vista was presented at the PED Subcommittee for information and discussion only.
- On April 2, 2019, the issuance of an RFP was recommended for approval at the PED Subcommittee meeting by a vote of 4-0.
- On April 17, 2019, the City Council approved the request to issue the RFP.

### **Public Outreach**

Staff held multiple onsite meetings with residents to discuss the potential redevelopment of Deck Park Vista. Frequently Asked Questions (FAQ) were gathered and posted with answers in the lobby of the property throughout the process. As additional questions arose, the FAQs were updated, distributed to households, and posted in the lobby for residents to view. Prior to seeking authorization to issue the RFP, staff held an onsite meeting on Oct. 18, 2019 to discuss the anticipated issuance and timeline. On May 13, 2020, Housing Department staff and Council District 8 personnel distributed a fact sheet to residents containing details of the recommended proposal and next steps.

**Location**

1125 N. 3rd St.  
Council District: 8

**Responsible Department**

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



## **First Things First Family Resource Centers (Ordinance S-46819)**

Request City Council approval to increase funding and exercise the second option to extend an Intergovernmental Agreement (IGA) 148132 with First Things First to support Phoenix Families First Resource Centers in current City facilities. The new annual contract amount will not exceed \$675,000, for an aggregate total not to exceed \$2,500,000, for the life of the contract. Further request authorization for the City Controller to disburse all funds related to this item.

### **Summary**

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.

Based on the continued challenge of recruiting and retaining part-time staff, the city proposed to First Things First to convert current part-time positions to full-time, grant-funded positions. The funding will provide two full-time positions per Family Resource Center site to help families access resources and services and offer referrals to programs designed to meet their diverse needs. First Things First site councils approved on May 14, 2020 to increase the contractual amount to \$675,000 per year starting July 1, 2020.

### **Contract Term**

The approved contract term started July 1, 2018, with three one-year options to renew.

### **Financial Impact**

The new contractual, grant-funded amount of \$675,000 will support staff, supplies, and site costs for implementing Family Resource Centers in City facilities.



**Concurrence/Previous Council Action**

The contract was approved by Formal Council action on April 4, 2018.

**Locations**

Goelet A 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 Assistant City Manager Deanna Jonovich, the Human Services Department and Youth and Education Office.



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**Request to Issue a Request for Proposals for ARIZONA@WORK City of Phoenix One-Stop Operator Services**

Request to authorize the City Manager, or his designee, to issue a Request for Proposals (RFP) for ARIZONA@WORK City of Phoenix One-Stop Operator Services. There is no impact to the General Fund with this action.

**Summary**

The City of Phoenix Community and Economic Development Department, on behalf of the Phoenix Business and Workforce Development Board (Board), is seeking a Workforce Innovation and Opportunity Act (WIOA) One-Stop Operator to coordinate integrated workforce and employment services at the City's three American Job Centers in compliance with all federal WIOA regulations. The successful proposer will serve as a liaison to the required one-stop system partners and manage customer flow at the job centers. The current contract for these services expires June 30, 2021.

The Board is a local workforce development board established by federal law through the WIOA. The Board consists of representation from local businesses, education, and community-based partners working to address and solve workforce and economic development issues in the greater Phoenix community. The Board serves as a strategic leader and convener of local workforce development system and stakeholders, and partners with employers and the public to develop policies and investments to support the workforce system strategies and regional approaches. These include local and regional sector partnerships, career pathways, and high-quality service delivery approaches.

With approval, staff anticipates issuing a RFP in the fall 2020 for ARIZONA@WORK City of Phoenix One-Stop Operator Services. Each proposer will be required to have three years experience coordinating integrated workforce and employment services among at least three distinct programs or partners.

Responsive proposals will be evaluated by a panel based on the following criteria (possible points 1,000):

1. Proposer's Qualifications and Experience (0 - 300 points)
2. Assigned Staff's Qualifications and Experience (0 - 275 points)

3. Approach to Scope of Work (0 - 225 points)
4. Proposed Budget (0 - 200 points)

The contract resulting from this solicitation will have a term of one year, with three one-year renewal options.

**Financial Impact**

There is no impact to the General Fund as a result of this action.

**Location**

ARIZONA@WORK City of Phoenix West Job Center  
3406 N. 51st Ave.

ARIZONA@WORK City of Phoenix North Job Center  
9801 N. 7th Ave.

ARIZONA@WORK City of Phoenix South Job Center  
4635 S. Central Ave.

Council Districts: 3, 5, and 7

**Concurrence/Previous Council Action**

The Phoenix Business and Workforce Development Board approved issuing this solicitation at its May 14, 2020 meeting.

**Responsible Department**

This item is submitted by Assistant City Manager Deanna Jonovich and the Community and Economic Development Department.



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**Authorization to Enter into Development Agreement with PennyMac Loan Services (Ordinance S-46808)**

Request authorization for the City Manager, or his designee, to enter into a Development Agreement, and to execute any other instruments or documents necessary with Private National Mortgage Acceptance Company, LLC, a Delaware Limited Liability Company DBA PennyMac Loan Services. Further request the City Controller to disburse funds in an amount not to exceed \$374,000 with this action. Funding is available in the Strategic Economic Development Fund.

**Summary**

After a search involving multiple states and regions, PennyMac Loan Services (PennyMac) expressed its desire to expand its presence in Phoenix. PennyMac, is the third largest non-bank correspondent lender in the U.S., and acquires newly originated loans from small banks and independent originators as well as provides retail lending and loan servicing. Founded in 2008, PennyMac is headquartered in Thousand Oaks, California, and has more than 4,000 employees across the country. Capital investment from PennyMac's expansion into Phoenix will be nearly \$10 million in an approximate 60,000 square foot facility, and will result in up to 374 new jobs to be phased in from 2021-2025 with an average annual salary of \$104,000 including commissions and bonus.

The City recognizes the resulting substantial economic impacts to the City and region from PennyMac's expansion into Phoenix. Phoenix is one of the largest financial services job markets in the U.S. To remain competitive on a national level and ensure quality financial services positions are created in Phoenix, the terms of a Development Agreement (DA) are as follows:

- PennyMac agrees to expand its organization into the City of Phoenix.
- PennyMac intends to create up to 374 additional new jobs within five years of entering the DA. The City realizes 374 jobs is a program model estimate and this DA is not contingent upon the exact total job creation.
- The City will provide \$1,000 to PennyMac for each net new employee earning an annual wage exceeding \$50,000 including bonus and commission in their second year of employment. If the jobs are not created in the specified timeline, the City will

not be obligated to pay.

- Entering into the DA and participation in the job creation fund does not preclude PennyMac from working with the City's Workforce Innovation Opportunity Act (WIOA) Program or any other local and/or State program.
- The DA may contain other terms and conditions deemed necessary by City staff.

**Financial Impact**

The total contract amount will not exceed \$374,000 over a five-year period. Funding is available in the Strategic Economic Development Fund.

**Location**

PennyMac is conducting due diligence for a location within Phoenix and will be identified before entering into a Development Agreement.

**Responsible Department**

This item is submitted by Assistant City Manager Deanna Jonovich and the Community and Economic Development Department.



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**Amend Business Terms for Phoenix Central Station at 300 N. Central Ave. (Ordinance S-46813)**

Request to authorize the City Manager, or his designee, to amend the approved business terms for entering into a development agreement, ground lease, easements, and other agreements as necessary (collectively, the Agreements) with Electric Red Ventures, LLC (Developer) for a transit-oriented development project at the City-owned Central Station Transit Center located at 300 N. Central Ave. (Site). Also, request an exception pursuant to Phoenix City Code section 42-20 to include indemnification and assumption of liability provisions where necessary in the transaction documents that would otherwise be prohibited by Phoenix City Code section 42-18. Further request authorization for the City Controller to disburse funds related to this item.

**Summary**

In April 2019, City Council authorized business terms proposed by the Community and Economic Development Department (CEDD) and Public Transit Department (PTD) to enter into agreements with the Developer to redevelop the Central Station Transit Center.

The Developer's originally proposed project, comprised of two towers with 1.1 million square feet of development with an estimated investment of \$231 million, includes the following:

- Tower One: 30-story high-rise with 300 apartments, a 150-room Intercontinental Hotel, and 35,000 square feet of office space on the southeast portion of the Site;
- Tower Two: 18-story building that includes student housing and 9,000 square feet of space for the replacement of PTD's current office space on the west side of the Site;
- 45,000 square feet of ground-floor restaurant, retail, and grocery uses; and
- Both towers to sit on top of three floors of underground parking.

Since City Council authorization, the Developer has performed additional due diligence at the Site to determine the full feasibility of the proposed project. Through its due diligence, the Developer has identified the following unusual public infrastructure challenges that need to be resolved to develop the Site:

- Arizona Public Service (APS) electrical equipment serving Civic Space Park is located within the Site;
- Underground vault containing City fiber is located within Van Buren Street adjacent to the Site;
- A Parks and Recreation Department shade structure is encroaching on the Site;
- Traffic signals serving the current transit center are located on the Site and must be temporarily relocated during construction; and
- Temporary relocation of PTD's bus operations will cause an impact to parking meters near the Site.

In addition to the above Site challenges, the COVID-19 pandemic has created economic challenges for the project, particularly for the planned Intercontinental Hotel. The Developer has communicated that the hotel component of the project cannot be financed under current economic conditions.

Despite these challenges, the Developer wishes to move forward with the project without a hotel use. The Developer has continued to work in good faith with the City as noted by the design progress and upcoming submittal to the Federal Transit Administration (FTA) for a Joint Development Project Formal Review and Approval. FTA's review must be completed prior to the City entering into the development agreement and ground lease with the Developer.

With respect to the economic challenges described, and in order to maintain project feasibility, City staff and the Developer have negotiated the following business-term modifications, which will be incorporated into the development agreement and related ground lease:

- Removal of hotel use from the project;
- Inclusion of an additional 65 multi-family residential rental units for a total of 364 units, with five percent of the total units designated as workforce housing;
- Inclusion of an additional 38,000 square feet of office space, for a total of approximately 70,000 square feet; and
- Removal of one level of underground parking from the project, resulting in a total of two underground parking levels to be constructed.

The removal of the hotel component and additional multi-family units will result in an increased height of Tower One (East Tower) to 32 stories; an increase in the height of Tower Two (West Tower) to 22 stories; and a reduction in the gross square footage, now estimated at 973,000 square feet of development amongst the two towers. The

total project investment has increased by \$44 million for a total of \$275 million.

With respect to the public infrastructure challenges, City staff and the Developer have negotiated the following modifications to the business terms:

- APS power relocation: Developer shall pay APS and contractors directly, as necessary, for costs associated with the relocation of APS equipment to Civic Space Park, with an estimated cost of \$500,000.
- Underground telecom vault shoring: Developer shall pay for direct costs to shore and stabilize the City's vault to avoid relocation, with an estimated cost of \$100,000.
- APS/underground vault work: City shall reimburse Developer for APS and/or underground vault work at an amount not to exceed \$600,000. Any costs incurred beyond this amount shall be borne solely by Developer.
- Shade structure: City will pay to remove the Parks and Recreation Department's shade structure at the southeast corner of Civic Space Park at a cost not to exceed \$10,000.
- Traffic signal relocation: City will reimburse Developer an amount not to exceed \$20,000 to design temporary traffic signals at the Site. Developer shall pay for the design and installation of a permanent traffic signal.
- Parking meter obligations: Parking meter fees under Phoenix City Code section 36-31.2(A) will be waived for three impacted parking meters upon City Council authorization.
- Indemnification/assumption of liability: City to obtain an exception pursuant to Phoenix City Code section 42-20 to include indemnification and assumption of liability provisions where necessary in the transaction documents that would otherwise be prohibited by Phoenix City Code section 42-18.

City staff also recommends extending the time period from City Council authorization to enter into a development agreement and the related ground lease from 8 months to 18 months. Following FTA review and approval, staff anticipates entering into the development agreement and related ground lease prior to the expected construction this fall.

Upon approval of these amended business terms, staff will incorporate the changes into the proposed agreements with the Developer. Other than the changes referenced above, all other terms and conditions of the development agreement, ground lease, and other agreements shall remain the same.

### **Financial Impact**

The total reimbursement to the Developer for costs associated with Site challenges



noted above will not exceed \$630,000. Funding is available in the Downtown Community Reinvestment Fund beginning in Fiscal Year 2020-21. Staff expects the construction sales tax revenue to offset the expected short-term revenue loss to the General Fund realized from the three impacted parking meters. As previously agreed, Developer will pay the sum of \$170.2 million to the City's PTD over the term of the land lease.

**Concurrence/Previous Council Action**

On April 17, 2019, City Council approved the project (Ordinance S-45566).

**Location**

300 N. Central Ave.  
Council District: 7

**Responsible Department**

This item is submitted by Assistant City Manager Deanna Jonovich, Deputy City Managers Mario Paniagua and Toni Maccarone, and the Community and Economic Development, Public Transit, Street Transportation, and Parks and Recreation departments.



**Issuance of Lease Revenue Bonds (ASU Preparatory Academy Project), Series 2020 (Resolution 21842)**

Request City Council approval for the issuance of Lease Revenue Bonds (ASU Preparatory Academy Project), Series 2020, to be issued in one or more tax-exempt and or taxable series in an aggregate principal amount not to exceed \$8,000,000.

**Summary**

Request City Council adoption of a resolution granting approval of the proceedings under which The Industrial Development Authority of the City of Phoenix, Ariz., (the “Phoenix IDA”) has previously resolved to issue up to \$8,000,000 of Lease Revenue Bonds (the “Revenue Bonds”) to CPLC South Phoenix Charter Schools Holding, LLC (the “Borrower”), an Arizona limited liability company whose sole member is Chicanos Por La Causa, Inc., a nonprofit corporation and exempt organization under Section 501(c)(3) of the Internal Revenue Code, for the purpose of assisting the Borrower in;

- (a) financing, refinancing or reimbursing, as applicable, the costs of acquiring, constructing, improving and equipping, as applicable, certain charter school facilities to be owned by the Borrower and operated by ASU Preparatory Academy, an Arizona nonprofit corporation, in connection with its charter school operations, specifically (i) land and a building located at 5610 S. Central Ave., Phoenix, Arizona, and (ii) land and a building located at 4441, 4447 and 4453 S. 12th St., Phoenix, Arizona;
- (b) funding any required reserves; and
- (c) paying costs and expenses incurred in connection therewith.

**Concurrence/Previous Council Action**

The Phoenix IDA Board has previously resolved to issue the Revenue Bonds at its meeting held on May 29, 2020.

**Location**

The Central Avenue site serves as a middle school campus and is located within

Phoenix City Council District 7. The 12th Street site serves as a high school campus and is located in Phoenix City Council District 8. Both sites are to be leased to ASU Preparatory Academy.

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

**Responsible Department**

This item is submitted by Assistant City Manager Milton Dohoney, Jr.



### **Approval of Grant for Neighborhood Cooling Initiative (Ordinance S-46818)**

Requests City Council to retroactively authorize the City Manager, or his designee, to apply for and, if successful, receive and disburse funds from the Robert Wood Johnson Foundation's Global Ideas for U.S. Solutions: Cities Taking Action to Address Health, Equity, and Climate Change. Further request authorization for the City Treasurer to accept and for the City Controller to disburse all funds related to this item to participating City departments and to co-applicants of the grant including Arizona State University (ASU); Maricopa County Department of Public Health; the cities of Tempe, Mesa, and Avondale: Retail, Arts, Innovation & Livability Community Development Corporation (RAIL CDC); and Trees Matter, to fulfill the requirements of the grant.

#### **Summary**

Robert Wood Johnson Foundation released a call for proposals through C40 Cities Climate Leadership Group for "Global Ideas for U.S. Solutions: Cities Taking Action to Address Health, Equity, and Climate Change". The call offers grants of up to \$600,000 for U.S. cities to replicate solutions from the global community. The City worked with local organizations to develop a concept referred to in the application as "Quarter to Cool" - to increase the number of cooling resources in selected vulnerable neighborhoods in the cities of Phoenix, Mesa, Tempe and Avondale, while building social capital among residents and fostering innovation in heat governance at the municipal and regional level. The goal is to have at least one cooling resource available in project neighborhoods within one quarter mile of any location. This information will be made available on the Maricopa Healthy app, managed by the Maricopa County Department of Public Health.

The intent of this initiative is to increase cooling resources in a culturally and contextually appropriate manner to help reduce heat illness and death, reduce other chronic diseases by creating healthy and safe communities, promote healthy behaviors like walking, and foster overall improvements that support a culture of health. Cooling features include examples such as drinking water fountains, structured shade and awnings, natural shade, community parks, gardens, designated cooling centers, stormwater features, trees, and pop-up parks. The project will draw from and build upon a Heat Action Planning Process that team members collaboratively

developed with community-based organizations and residents over the past few years. Adapting the concept used by the City of Paris to the chronically-hot American Southwest, the project's Heat Action Planning Process leverages social capital and community projects to address urban heat.

The initiative will have three phases, starting with selection of project neighborhoods and mapping of existing cooling resources at the neighborhood and city scales to understand the existing infrastructure and strategize development and implementation of new cooling elements. This mapping effort, based on lists of cooling resources extracted from local, national, and international guidance documents, will allow city governments to identify areas lacking cooling elements. Cooling resource maps will be confirmed and enhanced for the four selected neighborhoods with resident engagement including workshops and a participatory science campaign. This phase will result in newly available comprehensive cooling maps.

Phase 2 will leverage residents' expertise about their specific communities and cooling needs to prioritize gaps in cooling resources and optimal strategies to fill those gaps. It will incorporate a participatory geodesign process to systematically work toward optimal cooling solutions with respect to location and strategy in each neighborhood. This phase of the project will include small-scale demonstration projects in each neighborhood that will help catalyze thinking and encourage continued participation.

Phase 3 will bring the Quarter To Cool concept to life. City governments and community-based organizations (CBOs) will work together to implement at least one cooling solution that emerged from the Phase 2 workshops in each selected neighborhood. The project budget intentionally includes only a portion of the anticipated costs for implementation to facilitate learning among the network of project participants related to fundraising for cooling solutions. During this phase, the project team will produce a Quarter To Cool Action Guide that will be broadly disseminated, describing the project approach, outcomes, and evaluation.

Quarter To Cool will involve a high level of community engagement in all three phases. Resident engagement will include pre- and post-intervention surveys, asset mapping workshops, geodesign (participatory location selection) workshops, and participation in demonstration projects and solution implementation.

The key outputs that will emerge from this work are maps of cooling resources at the neighborhood and city scale, cooling site availability on the Maricopa Healthy app, demonstration projects and installation of permanent cooling solutions in four heat-vulnerable neighborhoods, and a Quarter To Cool action guide for cities that can compel action beyond this individual project.

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The initial application was submitted May 28, 2020 but short-listed cities will be invited to submit further details in July. The granting agency anticipates notifying winning applicants on or about Aug. 31, 2020, with an expected project completion date of Sept. 30, 2022.

**Financial Impact**

The amount requested for this proposal is \$330,000. No City funds are required or committed as part of this proposal, however, existing City budgets in Streets, Parks, and Neighborhood Services could, in theory, be leveraged, where applicable, for relevant activities such as tree planting, home weatherization, or changes to the streetscape in participating neighborhoods.

**Responsible Department**

This item is submitted by Deputy City Manager Karen Peters and the Office of Sustainability.



**Request to Apply for and Accept Federal Fiscal Year 2019 Fire Prevention and Safety (FP&S) Grant Program Funds (Ordinance S-46801)**

Request to retroactively authorize the City Manager, or his designee, to apply for, and accept, if awarded, up to \$75,670 from federal fiscal year (FFY) 2019 Fire Prevention and Safety (FP&S) Grant Program, to fund respirators for Fire Investigators. Further request authorization for the City Treasurer to accept, and for the City Controller to disburse, all funds related to this item. If not approved, the grant would be turned down.

**Summary**

The FP&S Program, administered through the Federal Emergency Management Agency (FEMA), is intended to help the nation's fire service by providing vital funds to local fire departments across the country. The primary goal of the program is to fund projects that are designed to reach high-risk target groups and mitigate the incidence of death and injuries caused by fire and fire-related deaths by assisting fire prevention programs and supporting firefighter health and safety research and development. The objective of the FFY 2019 FP&S Grant Program is for grantees to carry out fire prevention education and training, fire code enforcement, fire/arson investigation, firefighter safety and health programming, prevention efforts, and research and development.

This project will purchase respirators and filters for Fire Investigators. The funds will be utilized to purchase powered air purifying respirators (PAPR), replacement filters and extra batteries for the respirators. The total cost for this project is \$75,670 with a city match of around \$3,603.

Since 2008, the Fire Department has received more than \$100,000 in FP&S funding for local grants. In previous years, the Fire Department has received funding for High Rise Floor Warden Training, Tablets and Printers for Fire Inspectors, and Smoke Detectors for community outreach.

**Procurement Information**

The Fire Department will administer the grant in accordance with Administrative Regulation 3.10.

**Contract Term**

The two-year grant Period of Performance is projected to begin on or around July 1, 2020.

**Financial Impact**

The grant is anticipated to have a five percent required cost match; funds are available in the Fire Department's operating budget.

**Responsible Department**

This item is submitted by Assistant City Manager Milton Dohoney, Jr. and the Fire Department.





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**Amend Ordinance with Northrop Grumman Systems Corporation to Authorize Exceptions to Phoenix Code Section 42-18 - Indemnification and Liability Provisions (Ordinance S-46810)**

Request the City Council amend Ordinance S-46540 to enter into contract with Northrop Grumman for the Fire Computer Aided Dispatch (CAD) Upgrade subject to contract provisions and requesting waiver of Phoenix Code section 42-18.

**Summary**

Ordinance S-46540, adopted on April 15, 2020, authorized the City Manager, or his designee, to enter into contract with Northrop Grumman Systems Corporation for the Fire Computer Aided Dispatch (CAD) Upgrade for the Phoenix Fire Department (PFD). Northrop Grumman Systems Corporation has taken exception to the indemnification and liability provisions in the contract. PFD is seeking an exception to Phoenix Code §42-18 in allowing for mutual indemnification against any and all claims, demands, suits, actions, proceedings, judgments, losses, damages, injuries, penalties, costs, expenses (including reasonable attorneys' fees, both inside and outside counsel) and liabilities, of, by or with respect to third parties, which arise from the intentional misconduct or negligence of either party, its employees, agents or subcontractors. Further, with respect to any and all claims demands, suits, actions, proceedings, judgments, losses, damages, injuries, penalties, costs, expenses (including reasonable attorneys' fees, both inside and outside counsel) and liabilities, of, by or with respect to third parties, which arise from the joint or concurrent negligence of the Contractor and Indemnatee, each party shall assume responsibility in proportion to the degree of its respective fault. Additionally, PFD is seeking an exception to Phoenix Code §42-18 in allowing a limitation of damages to three times the Agreement value; and a waiver of indirect damages.

All other provisions of Ordinance S-46540 will remain the same.

**Responsible Department**

This item is submitted by Assistant City Manager Milton Dohoney, Jr. and the Fire Department.



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**Authorization to Apply for, Accept and Enter into Agreements for High Intensity Drug Trafficking Area Grant Funds (Ordinance S-46803)**

Request authorization for the City Manager, or his designee, to allow the Police Department to enter into various agreements with the Office of National Drug Control Policy and the Maricopa County Sheriff's Office for up to \$2,500,000 in funding through the 2021-22 High Intensity Drug Trafficking Area (HIDTA). Further request authorization for the City Treasurer to accept and for the City Controller to disburse all funds related to this item.

**Summary**

The Police Department has applied for and accepted HIDTA funds annually for more than 13 years. Historically, HIDTA funds are used to support and enhance the Police Department's Drug Enforcement Bureau's investigations into illegal narcotic distribution enterprises in the Phoenix area and throughout Arizona. These complex investigations usually involve partnerships with other local, state and federal law enforcement agencies. The investigations focus on identifying and disrupting drug organizations, most of which have connections with the Mexican and Columbian drug cartels.

The Arizona Alliance Planning Committee HIDTA Executive Board makes all of the HIDTA funding decisions. The Police Department is requesting approval to accept funds and enter into various agreements for any HIDTA funds made available during the funding period. Funding reimburses the City for salary, overtime, 15 percent of the associated fringe benefits and operational supplies associated with the drug trafficking investigations.

**Contract Term**

Two years beginning Jan. 1, 2021 through Dec. 31, 2022.

**Financial Impact**

Permission is requested to accept up to \$2,500,000 through the various funding sources to receive HIDTA funds. Cost to the City is in-kind resources only.

**Responsible Department**

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

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**Intergovernmental Agreement for Regional Transit System Support Services for City of Scottsdale (Ordinance S-46806)**

Request to authorize the City Manager, or his designee, to enter into an Intergovernmental Agreement (IGA) with the City of Scottsdale for Phoenix to provide technical services and support for the regional Computer Aided Dispatch/Automatic Vehicle Locator System (CAD/AVL) and transit scheduling software support for developing Scottsdale's bus schedules, as outlined in the IGA's technical requirements. Further request to authorize the City Treasurer to receive all funds related to this item. There is no cost to the City of Phoenix.

**Summary**

Phoenix's Public Transit Department manages and supports various transit technologies for transit operations across the region. Such technology includes systems such as CAD/AVL, the bus radio communications system, and the transit-specific scheduling and dispatch system (HASTUS). The department collaborates with various vendors and the Information Technology Services team to provide the latest technology for meeting the needs of all system users. This IGA establishes the requirements for Scottsdale to access and utilize Phoenix's systems and will set forth a framework for maintaining the integrity and security of all data and resources.

**Contract Term**

This agreement will expire 20 years from its effective date. The period of performance shall commence on or about July 1, 2020.

**Financial Impact**

There is no cost to Phoenix. Scottsdale will pay Phoenix for the services provided to Scottsdale under this IGA. For the first year, the cost of services for Scottsdale is estimated at \$81,000. For the remaining years under this IGA, Scottsdale will be provided with the estimated costs before the beginning of each fiscal year, and a final reconciliation of the actual costs will be completed after the end of each fiscal year.

**Responsible Department**

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

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## **Purchase of Wild Land Fire Apparatus (Ordinance S-46796)**

Request to authorize the City Manager, or his designee, to enter into an agreement with Redsky Fire Apparatus, LLC, to purchase a wild land fire apparatus. This item will have a one-time expenditure of \$335,586. Further request authorization for the City Controller to disburse all funds related to this item.

### **Summary**

The City of Phoenix Fire Department is experiencing a 25 percent increase in wildfire calls from the same time last year. This is due to an above average precipitation during the fall and winter season of 2019. The wild land fire apparatus is a four-wheel drive unit with a 500-gallon water tank that provides greater ease and access for staff to battle wildfires. This brush fire unit is an essential purchase to address aged fleet in need of replacement. Purchase of the brush fire apparatus can be expedited with immediate access and delivery of this demonstration unit for the Fire Department.

### **Procurement Information**

In accordance with Administrative Regulation 3.10, normal competition was waived, citing a determination memo - without competition.

### **Contract Term**

This agreement will begin on or about Council approval on June 24, 2020.

### **Financial Impact**

This item will have a one-time expenditure of \$335,586. Funds are available in the Fire Department's budget.

### **Responsible Department**

This item is submitted by Assistant City Manager Milton Dohoney, Jr., Deputy City Manager Karen Peters, and the Fire and Public Works departments.



**Amend Intergovernmental Agreement with Flood Control District of Maricopa County for 27th Avenue and Olney Avenue Storm Drain Project (Ordinance S-46790)**

Request to authorize the City Manager, or his designee, to amend the Intergovernmental Agreement (IGA) 148280 with the Flood Control District of Maricopa County (FCDMC) for the 27th Avenue and Olney Avenue Storm Drain Project. Further request authorization for the City Treasurer to accept, and the City Controller to disburse, all funds related to this item. The request is to amend the original IGA to increase the overall estimated cost of the project and to reflect the FCDMC's request to perform right of way and easement acquisition efforts for the project. Although the estimated project cost has increased, the City's anticipated costs will not exceed the \$3 million authorized by previous Council action.

**Summary**

In late 2015, the FCDMC, in partnership with the City of Phoenix, initiated a study to update the Laveen Area Drainage Master Plan for the South Phoenix/Laveen area using mapping and comprehensive flood model software. One of the projects identified through that study effort was the 27th Avenue and Olney Avenue Storm Drain project. The storm drain project will construct a 72-inch diameter storm drain in Olney Avenue from about 24th Drive west to 27th Avenue, then north on 27th Avenue to the existing 27th Avenue and South Mountain Avenue regional basin. This storm drain would have inlets at multiple locations along Olney Avenue and 27th Avenue to intercept drainage, including a large inlet for the subdivision retention basin just south of the Western Canal. The FCDMC has been leading project development and the storm drain project is currently at the 90 percent design level.

The revised project cost estimate is \$10.8 million, which is a \$4.8 million increase from the original \$6 million cost estimated in a planning level study. According to the FCDMC, the cost increase is due to the following:

- Higher construction costs associated with cost indices of construction components in the Phoenix Metro area, which have increased approximately 20 to 40 percent over the last four years.
- Construction zone access and egress is limited and includes shorter time-windows for construction due to existing residential and commercial properties along the

project corridor.

### **Financial Impact**

The terms of IGA 148280 between the City and the FCDMC include a joint cost share for project development, including design, right of way acquisition, temporary construction easements, utility relocations, storm drain construction, construction management, post design, materials testing, and other related costs necessary to implement the 27th Avenue and Olney Avenue Storm Drain Project.

The cost-share distribution between the City and the FCDMC will maintain an overall 50/50 cost share (the standard cost share for projects funded by FCDMC), which will be calculated across the following projects.

1. Durango Regional Conveyance Channel (DRCC) Project.
2. South Phoenix/Laveen Area Drainage Projects.
3. Rawhide Wash Project.

The FCDMC and City entered into IGA 131924 for the \$14 million DRCC project, and included a City contribution of \$5.5 million. The DRCC project was recently completed and realized a savings of \$2,559,206.32 to the City's approved contribution.

Although the revised 27th Avenue and Olney Avenue Storm Drain Project cost estimate has increased by \$4.8 million from \$6 million to \$10.8 million, the City's \$2.4 million share of that increase will be offset by the credits from the DRCC project cost savings. The FCDMC will apply the City's credit from the DRCC project to the City's \$3 million contribution to the 27th Avenue and Olney Avenue Storm Drain project.

### **Concurrence/Previous Council Action**

- The Transportation and Infrastructure Subcommittee recommended Council approval to enter into IGA 148280 for the 27th Avenue and Olney Avenue Storm Drain project at its Feb. 13, 2018 meeting by a vote of 4-0.
- The City Council approved entering into IGA 148280 for the 27th Avenue and Olney Avenue Storm Drain Project on March 7, 2018 (Ordinance S-44314).
- The City Council approved Amendment 1 to IGA 148280 for the 27th Avenue and Olney Avenue Storm Drain Project to construct three storm drainage basins on March 20, 2019 (Ordinance S-45471).

### **Location**

The project is generally located along Olney Avenue and 27th Avenue going north to the 27th Avenue and South Mountain Avenue Regional Drainage Basin.

Council District: 8

**Responsible Department**

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



**Development Agreement between City of Phoenix and GM Gabrych Family Limited Partnership for a Lift Station North of the Northwest Corner of Black Canyon Freeway and the Central Arizona Project Canal (Ordinance S-46781)**

Request to authorize the City Manager, or his designee, to enter into a Development Agreement between the City of Phoenix (“City”) and GM Gabrych Family Limited Partnership (“Developer”) to allow the Developer to design and construct a Lift Station and pay a one-time payment in the amount of \$300,000 to the City to take over operation and maintenance of the Lift Station upon its construction. Further request to authorize the City Manager, or his designee, to record a special warranty deed upon the City's acceptance of the Lift Station. Additionally, request to authorize the City Treasurer to accept all funds related to this item.

**Summary**

The Developer owns approximately 189 acres of property north of the northwest corner of Black Canyon Freeway and the Central Arizona Project Canal. The Developer is developing the Property for single-family residential uses. To facilitate this development, regional improvements to public infrastructure are necessary. Such improvements include a public sewer wastewater Lift Station. To support wastewater flow from the development, the Developer will engage, at its sole cost and expense, any consultants, engineers, contractors, suppliers, and other professionals necessary to complete the Lift Station’s design and construction. The Lift Station must meet all applicable City requirements in all material respects. Upon completion of the Lift Station’s construction, Developer will promptly pay \$300,000 to the City to satisfy in full the Developer’s Lift Station maintenance and operation obligation. At that time, Developer will also convey the Lift Station/Site by special warranty deed, with full legal description, to the City for recording with the Official Records of Maricopa County, Arizona.

The City will issue a written acceptance of the Lift Station/Site after Developer has: 1) met all applicable Phoenix requirements for the Lift Station in all material respects; 2) submitted the payment, special warranty deed, environmental site assessment reports, project documents, record drawings, and warranty letter to Phoenix; and 3) made a written request to the City for acceptance of the Lift Station/Site. Upon written acceptance of the Lift Station/Site, the City will record the special warranty deed and



the Lift Station/Site will become City property in fee simple. Outside of the Developer's warranty responsibilities, the City will thereafter maintain and operate the Lift Station, at its own cost and expense, in accordance with its own policies and procedures.

**Financial Impact**

The Developer will pay the City a one-time payment of \$300,000.

**Location**

North of the northwest corner of Black Canyon Freeway and the Central Arizona Project Canal.

Council District: 1

**Responsible Department**

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



## **Weather Station for Tres Rios Wetlands (Ordinance S-46793)**

Request to authorize the City Manager, or his designee, to enter into an agreement with Ewing Irrigation Products, Inc., for a new weather station for the Water Services Department. Further request to authorize execution of amendments to the agreement as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The total agreement value will not exceed \$21,500.

### **Summary**

The purpose of the contract is to provide a new weather station for Tres Rios Wetlands along with service, routine maintenance and replacement parts as needed. The data from the weather station is used to calculate infiltration for the water balance report to help calculate potential water usage from evaporation, plant transpiration, and other conditions of the Wetlands.

### **Procurement Information**

The selection was made using a Request for Quote procurement process in accordance with City of Phoenix Administrative Regulation 3.10.

#### Selected Vendor:

Ewing Irrigation Products, Inc.

### **Contract Term**

The term of the agreement is five years and will begin on July 1, 2020.

### **Financial Impact**

The agreement value for Ewing Irrigation Products, Inc., will not exceed \$21,500. Funding is available in the Water Services Department's operating budget.

### **Location**

Tres Rios Wetlands - 91st Avenue Wastewater Treatment Plant  
Council District: 7

### **Responsible Department**

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

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**Final Plat - Harmony Cactus - PLAT 200526 - 25th Place and South of Cactus Road**

Plat: 200526  
Project: 02-13  
Name of Plat: Harmony Cactus  
Owner(s): 2625 E. Cactus Rd., LLC  
Engineer(s): Colin D. Harvey, RLS  
Request: A 2 Lot Commercial Plat  
Reviewed by Staff: May 27, 2020  
Final Plat requires Formal Action Only

**Summary**

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

**Location**

Generally located at 25th Place and south of Cactus Road.  
Council District: 3

**Responsible Department**

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



**Abandonment of Easement - V190068A - 25322 N. 21st Ave. (Resolution 21839)**

Abandonment: V190068A

Project: 15-3108

Applicant: HilgartWilson LLC; Julie DiMaria

Request: To abandon a portion of drainage easement listed on document number 2017-0464524.

Date of Decision: Dec. 20, 2019

**Location**

25322 N. 21st Ave.

Council District: 1

**Financial Impact**

None.

**Responsible Department**

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



**Abandonment of Right-of-Way - V190047A - Northeast Corner of 53rd Way and Calle Redonda (Resolution 21840)**

Abandonment: V190047A

Project: 00-524

Applicant: Cindy and Tim Cowdrey

Request: To abandon alley behind homes of APN 128-12-035 through 043 and as depicted on exhibits included with this submittal. Alley is 16-foot wide and is behind Lots 239 through 301 of the Hidden Village Six subdivision, Maricopa County Recorder, Book 69, Page 47.

Date of Hearing: Aug. 15, 2019

**Financial Impact**

A fee was also collected as part of this abandonment in the amount of \$1,257.

**Location**

Northeast corner of 53rd Way and Calle Redonda

Council District: 6

**Responsible Department**

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



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**Abandonment of Right-of-Way - V190065A - Southeast Corner of 16th Place and Rancho Drive (Resolution 21841)**

Abandonment: V190065A

Project: 00-2097

Applicant: Richard Williams Jr.

Request: To abandon 16-foot alleyway, located between Solano Drive, Rancho Drive, 16th Place, and 17th Place and excess right-of-way, ranging from 10-12 feet, adjacent to parcels identified in APN 164-50-086 and 164-20-079D; Book 042, Page 18; recorded with the Maricopa County Recorder's office.

Date of Hearing: Oct. 24, 2019

**Location**

Southeast corner of 16th Place and Rancho Drive

Council District: 6

**Financial Impact**

A fee was also collected as part of this abandonment in the amount of \$1,501.85.

**Responsible Department**

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



**Abandonment of Easement - ABND 200523 - 14201 S. Presario Trail (Resolution 21838)**

Abandonment: ABND 200523

Project: 99-5497

Applicant: Earl and Curley; Gary King

Request: To abandon a portion of an open space easement; located adjacent to Lot 17, addressed 14201 S. Presario Trail, recorded on residential subdivision final plat "Foothills Club West Parcel 15D." Recorded with Maricopa County Recorder's office, Book 524, Page 08.

Date of Decision: May 7, 2020

**Location**

14201 S. Presario Trail

Council District: 6

**Financial Impact**

There is no financial impact.

**Responsible Department**

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



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**Amend City Code - Ordinance Adoption - Rezoning Application Z-68-19-1 - Northeast Corner of 47th Avenue and Pinnacle Peak Road (Ordinance G-6713)**

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-68-19-1 and rezone the site from S-1 (Ranch or Farm Residence District) to RE-35 (Single-Family Residence District) to allow single-family residential.

**Summary**

Current Zoning: S-1

Proposed Zoning: RE-35

Acreage: 10.04

Proposed Use: Single-family residential

Owner: Larry and Lori Pittenger, et al (Multiple Owners)

Applicant: Amy Malloy, Evolve Ventures, LLC

Representative: Amy Malloy, Evolve Ventures, LLC

Staff Recommendation: Approval, subject to stipulations.

VPC Action: The Deer Valley Village Planning Committee heard this case on May 21, 2020, and recommended approval per the staff recommendation by a 12-0 vote.

PC Action: The Planning Commission heard this case on June 4, 2020, and recommended approval per the Deer Valley Village Planning Committee recommendation with an additional stipulation by a 9-0 vote.

**Location**

Northeast corner of 47th Avenue and Pinnacle Peak Road

Council District: 1

Parcel Addresses: 23411, 23423, 23435, 23447, 23605, 23617, 23629, and 23641 N. 47th Ave.

**Responsible Department**

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



**ATTACHMENT A**

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

**ORDINANCE G-**

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-68-19-1) FROM S-1 (RANCH OR FARM RESIDENCE DISTRICT) TO RE-35 (SINGLE-FAMILY RESIDENCE DISTRICT).

---

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

SECTION 1. The zoning of a 10.04-acre site located on the northeast corner of 47th Avenue and Pinnacle Peak Road in a portion of Section 9, Township 4 North, Range 2 East, as described more specifically in Exhibit "A", is hereby changed from "S-1" (Ranch or Farm Residence District) to "RE-35" (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,

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

1. The development shall be subject to Single-Family Design Review for individual lots prior to the issuance of building permits for each lot, with the additional following requirements, as approved by the Planning and Development Department:
  - a) That building materials and colors shall express a desert character and shall blend with, rather than strongly contrast with the desert environment.
  - b) The area between the front building line and the front property line, excluding areas necessary for access, shall be landscaped with a minimum of three, two-inch caliper or greater, drought resistant accent trees; and a minimum of five, five-gallon or greater, drought resistant shrubs per tree. A minimum of two of the trees shall be planted in close proximity to the sidewalk to maximize shade for pedestrians.
2. The development shall not exceed 8 residential lots.
3. The perimeter wall adjacent to Pinnacle Peak Road and the detention basin to the east shall be painted prior to any single-family building permit issuance. Colors shall express a desert character and shall blend with, rather than strongly contrast with the desert environment, as approved by the Planning and Development Department.
4. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards
5. The developer shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence and operational characteristics of Phoenix Deer Valley Airport (DVT) to future owners or tenants of the property as approved by the Aviation Department.
6. Prior to permit issuance, the property owner shall record documents that disclose to purchasers of property within the development the existence and operational characteristics of agricultural and equestrian uses. The form and content of such documents shall be reviewed and approved by the City Attorney.
7. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot

radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.

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

SECTION 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 24th day of June, 2020.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

REVIEWED BY:

\_\_\_\_\_  
City Manager

Exhibits:

- A – Legal Description (2 Pages)
- B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-68-19-1

LOT 65 – 23641 N. 47th Ave.

A portion of the West half of the West half of the Southwest quarter of the Southeast quarter, (jW2W2SW4SE4) of Section 9, Township 4 North, Range 2 East of the Gila and Salt River Base and Meridian Maricopa County, Arizona. Said portion is more particularly described as follows:

Lot 65, SADDLEBACK MEADOWS UNIT SEVEN, according to the plat of record in the office of the Maricopa County Recorder, in Book 160 of Maps, Page 31 and per Warranty Deed recorded at Docket 11043, Page 408, of said Maricopa County Recorder.

LOT 66 – 23629 N. 47th Ave.

A portion of the West half of the West half of the Southwest quarter of the Southeast quarter, (jW2W2SW4SE4) of Section 9, Township 4 North, Range 2 East of the Gila and Salt River Base and Meridian Maricopa County, Arizona. Said portion is more particularly described as follows:

Lot 66, SADDLEBACK MEADOWS UNIT SEVEN, according to the plat of record in the office of the Maricopa County Recorder, in Book 160 of Maps, Page 31 and per Warranty Deed recorded at Docket 11043, Page 408, of said Maricopa County Recorder.

LOT 67 – 23617 N. 47th Ave.

A portion of the West half of the West half of the Southwest quarter of the Southeast quarter, (jW2W2SW4SE4) of Section 9, Township 4 North, Range 2 East of the Gila and Salt River Base and Meridian Maricopa County, Arizona. Said portion is more particularly described as follows:

Lot 67, SADDLEBACK MEADOWS UNIT SEVEN, according to the plat of record in the office of the Maricopa County Recorder, in Book 160 of Maps, Page 31 and per Warranty Deed recorded at Docket 11043, Page 408, of said Maricopa County Recorder.

LOT 68 – 23605 N. 47th Ave.

A portion of the West half of the West half of the Southwest quarter of the Southeast quarter, (jW2W2SW4SE4) of Section 9, Township 4 North, Range 2 East of the Gila and Salt River Base and Meridian Maricopa County, Arizona. Said portion is more particularly described as follows:

Lot 68, SADDLEBACK MEADOWS UNIT SEVEN, according to the plat of record in the office of the Maricopa County Recorder, in Book 160 of Maps, Page 31 and per

Warranty Deed recorded at Docket 11043, Page 408, of said Maricopa County Recorder.

LOT 69 – 23447 N. 47<sup>th</sup> Ave.

A portion of the West half of the West half of the Southwest quarter of the Southeast quarter, (jW2W2SW4SE4) of Section 9, Township 4 North, Range 2 East of the Gila and Salt River Base and Meridian Maricopa County, Arizona. Said portion is more particularly described as follows:

Lot 69, SADDLEBACK MEADOWS UNIT SEVEN, according to the plat of record in the office of the Maricopa County Recorder, in Book 160 of Maps, Page 31 and per Warranty Deed recorded at Docket 11043, Page 408, of said Maricopa County Recorder.

LOT 70 – 23435 N. 47<sup>th</sup> Ave.

A portion of the West half of the West half of the Southwest quarter of the Southeast quarter, (jW2W2SW4SE4) of Section 9, Township 4 North, Range 2 East of the Gila and Salt River Base and Meridian Maricopa County, Arizona. Said portion is more particularly described as follows:

Lot 70, SADDLEBACK MEADOWS UNIT SEVEN, according to the plat of record in the office of the Maricopa County Recorder, in Book 160 of Maps, Page 31 and per Warranty Deed recorded at Docket 11043, Page 408, of said Maricopa County Recorder.

LOT 71 – 23423 N. 47<sup>th</sup> Ave.

A portion of the West half of the West half of the Southwest quarter of the Southeast quarter, (jW2W2SW4SE4) of Section 9, Township 4 North, Range 2 East of the Gila and Salt River Base and Meridian Maricopa County, Arizona. Said portion is more particularly described as follows:

Lot 71, SADDLEBACK MEADOWS UNIT SEVEN, according to the plat of record in the office of the Maricopa County Recorder, in Book 160 of Maps, Page 31 and per Warranty Deed recorded at Docket 11043, Page 408, of said Maricopa County Recorder.

LOT 72 – 23411 N. 47<sup>th</sup> Ave.

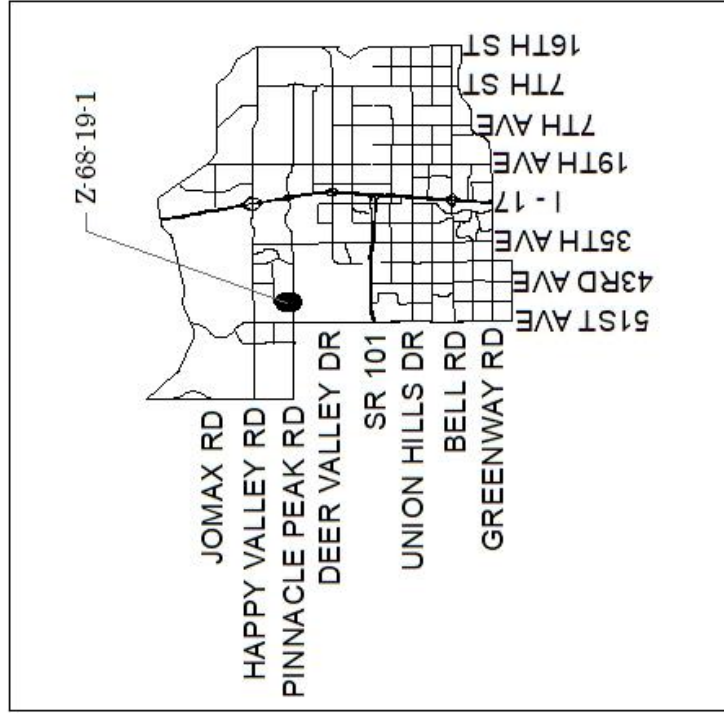
A portion of the West half of the West half of the Southwest quarter of the Southeast quarter, (jW2W2SW4SE4) of Section 9, Township 4 North, Range 2 East of the Gila and Salt River Base and Meridian Maricopa County, Arizona. Said portion is more particularly described as follows:

Lot 72, SADDLEBACK MEADOWS UNIT SEVEN, according to the plat of record in the office of the Maricopa County Recorder, in Book 160 of Maps, Page 31 and per Warranty Deed recorded at Docket 11043, Page 408, of said Maricopa County Recorder.

# ORDINANCE LOCATION MAP

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

Zoning Case Number: Z-68-19-1  
Zoning Overlay: N/A  
Planning Village: Deer Valley



NOT TO SCALE



Drawn Date: 5/22/2020



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**Amend City Code - Ordinance Adoption - Rezoning Application Z-2-20-7 - Approximately 220 Feet North of the Northeast Corner of 43rd Avenue and Vineyard Road (Ordinance G-6709)**

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-2-20-7 and rezone the site from S-1 (Ranch or Farm Residence District) to R1-8 (Single-Family Residence District) for a single-family residential development.

**Summary**

Current Zoning: S-1 (Ranch or Farm Residence District)

Proposed Zoning: R1-8 (Single-Family Residence District)

Acreage: 5.80 acres

Proposal: Single-family residential

Owner: Lueth Green Valley, LLC

Applicant: Ethan Bindelglas, Trethan Goswick, LLC

Representative: William F. Allison, Withey Morris, PLC

Staff Recommendation: Approval, subject to stipulations.

VPC Action: The Laveen Village Planning Committee heard this case on May 11, 2020, and recommended approval per the staff recommendation with additional stipulations by a 10-0 vote.

PC Action: The Planning Commission heard this case on June 4, 2020, and recommended approval per the Laveen Village Planning Committee recommendation by a 9-0 vote.

**Location**

Approximately 220 feet north of the northeast corner of 43rd Avenue and Vineyard Road

Council District: 7

Parcel Address: 6625 S. 43rd Ave.

**Responsible Department**

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



**ATTACHMENT A**

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

**ORDINANCE G-**

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-2-20-7) FROM S-1 (RANCH OR FRAM RESIDENCE DISTRICT) TO R1-8 (SINGLE-FAMILY RESIDENCE DISTRICT).

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

SECTION 1. The zoning of a 5.80-acre site located approximately 220 feet north of the northeast corner of 43rd Avenue and Vineyard Road in a portion of Section 34, Township 1 North, Range 2 East, as described more specifically in Exhibit "A", is hereby changed from "S-1" (Ranch or Farm Residence District) to "R1-8" (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,

violation of which shall be treated in the same manner as a violation of the City of

Phoenix Zoning Ordinance:

1. The development shall be in general conformance to the site plan date stamped January 14, 2020, with specific regard to the minimum lot width of 50 feet, as modified by the following stipulations, and as approved by the Planning and Development Department.
2. All elevations of the buildings shall contain three of the following architectural embellishments and detailing: textural changes, pilasters, offsets, recesses, variation in window size and location, and overhang canopies, as approved by the Planning and Development Department.
3. All elevations shall incorporate at minimum three of the following building materials: native stone, burnt adobe, textured brick, wood (when shaded by overhangs or deep recesses), slump block, ceramic tile (matte finish), stucco, and exposed aggregate concrete, as approved by the Planning and Development Department.
4. All garage doors shall have decorative embellishments such as window panels, added materials surrounding the door, or trellises, as approved by the Planning and Development Department.
5. A minimum of 75 percent of the standard elevations provided shall include patios in the front yard at a minimum of 60 square feet in area and at a depth of at least six feet and clearly separated from the front yard with fencing subject to the Phoenix Zoning Ordinance, as approved by the Planning and Development Department.
6. The central open space area (Tract "A"), as depicted on the site plan date stamped January 14, 2020, shall contain at minimum one shaded active recreation amenity such as a tot lot, picnic ramada, or similar, and will contain a fully accessible pedestrian pathway connecting the amenity with St. Anne Avenue and St. Charles Avenue, as approved by the Planning and Development Department.
7. The development shall provide at minimum one gathering place such as a seating area that is accessible to the public along 43rd Avenue, as approved by the Planning and Development Department.
8. The sidewalk along 43rd Avenue shall be detached with a minimum five-foot-wide landscape area located between the sidewalk and back of curb and planted to the standards set forth in Stipulation No. 9, as approved by the Planning and Development Department.
9. The sidewalks on both sides of 42nd Drive and on the north side of St. Charles Avenue, as depicted on the site plan date stamped January 14, 2020, shall be detached with a minimum five-foot-wide landscape area located between the

sidewalk and back of curb and planted to the following standards, as approved by the Planning and Development Department.

- a. Minimum 3-inch caliper large canopy, single-trunk, shade trees placed a minimum of 25 feet on center or equivalent groupings to provide a minimum of 75 percent shade on adjacent sidewalks.
  - b. Drought tolerant shrubs and vegetative groundcovers with a maximum mature height of 24 inches to provide a minimum of 75 percent live coverage at maturity.
10. Where sidewalks are attached, shade trees shall be planted at a maximum of 20 feet from sidewalks at a rate of a minimum of one, 3-inch caliper or greater shade tree within the front yard of each residential lot and, where sidewalks are adjacent to common area tracts, minimum 3-inch caliper or greater shade trees shall be planted 20 feet on center or in equivalent groupings, as approved or modified by the Planning and Development Department.
  11. A minimum landscape setback of 30 feet shall be provided along 43rd Avenue, as approved by the Planning and Development Department.
  12. All required common landscape setbacks along the perimeter of the site shall include 50 percent 2-inch caliper trees and a minimum 50 percent 3-inch caliper or multi-trunk, planted 20 feet on center, or in equivalent groupings, and positioned to shade multi-use trails (MUT) where present, as approved by the Planning and Development Department.
  13. The perimeter walls adjacent 43rd Avenue shall include material and textural differences, such as stucco and/or split face block with a decorative element, such as tile, tile insets, or stamped designs, as approved by the Planning and Development Department.
  14. The developer shall dedicate a 30-foot wide multi-use trail easement (MUTE) along 43rd Avenue and construct a minimum 10-foot wide multi-use trail (MUT) within the easement, in accordance with the MAG supplemental detail and as approved by the Parks and Recreation and Planning and Development Departments
  15. The developer shall dedicate 50 feet of right-of-way for all local streets within the development and build to local street standards, as approved the Planning and Development Department.
  16. 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.

17. 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.
18. 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.
19. 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.
20. The developer shall provide a minimum 22-foot driveway for each home in the development.
21. All street-facing building elevations shall contain a minimum of 20 percent non-stucco material.

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 24th day of June 2020.

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MAYOR

ATTEST:

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City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_ City Attorney

REVIEWED BY:

\_\_\_\_\_ City Manager

Exhibits:

A – Legal Description (1 Page)

B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-2-20-7

Parcel No. 1

The South 384 feet of the North 768 feet of the West 660 feet of the South 60 acres of the Northwest quarter of the Section 34, Township 1 North, Range 2 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.  
EXCEPT the South 192 feet thereof.

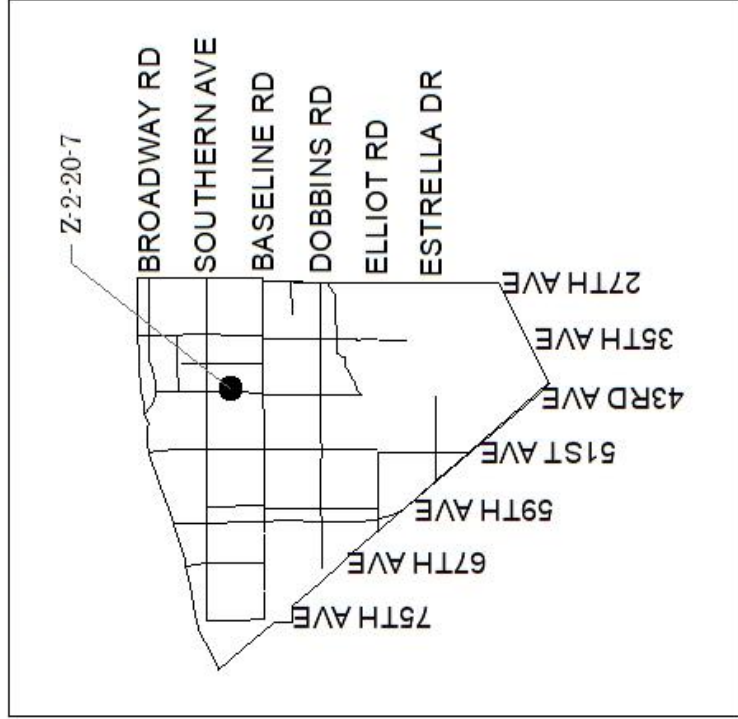
Parcel No. 2

The South 192 feet of the South 384 feet of the North 768 feet of the West 660 feet of the South 60 acres of the Northwest quarter of the Section 34, Township 1 North, Range 2 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

ORDINANCE LOCATION MAP

Zoning Case Number: Z-2-20-7  
Zoning Overlay: N/A  
Planning Village: Laveen

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



NOT TO SCALE



Drawn Date: 5/22/2020



**Amend City Code - Ordinance Adoption - Rezoning Application Z-SP-2-20-8 - Northwest Corner of 25th Street and Broadway Road (Ordinance G-6710)**

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-SP-2-20-8 and rezone the site from C-2 FCOD RSIOD (Intermediate Commercial, Four Corners Overlay District, Rio Salado Interim Overlay District) to C-2 SP FCOD RSIOD (Intermediate Commercial, Special Permit, Four Corners Overlay District, Rio Salado Interim Overlay District) to allow a special permit for a mortuary and all underlying C-2 uses.

**Summary**

Current Zoning: C-2 FCOD RSIOD (Intermediate Commercial, Four Corners Overlay District, Rio Salado Interim Overlay District)

Proposed Zoning: C-2 SP FCOD RSIOD (Intermediate Commercial, Special Permit, Four Corners Overlay District, Rio Salado Interim Overlay District)

Acreage: 1.29 acres

Proposed Use: Special permit for a mortuary and all underlying C-2 uses

Owner: Kenia Conner

Applicant: City of Phoenix Planning Commission

Representative: Jeff Stephens of Searer, Robbins & Stephen, Inc.

Staff Recommendation: Approval, subject to stipulations.

VPC Action: The South Mountain Village Planning Committee heard this case on May 12, 2020, and recommended approval per the staff recommendation by a 6-4 vote.

PC Action: The Planning Commission heard this case on June 4, 2020, and recommended approval per the South Mountain Village Planning Committee recommendation with an additional stipulation by a 9-0 vote.

**Location**

Northwest corner of 25th Street and Broadway Road

Council District: 8

Parcel Address: 2454 E. Broadway Road



**Responsible Department**

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

**ATTACHMENT A**

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

**ORDINANCE G-**

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-SP-2-20-8) FROM C-2 FCOD RSIOD (INTERMEDIATE COMMERCIAL, FOUR CORNERS OVERLAY DISTRICT, RIO SALADO INTERIM OVERLAY DISTRICT) TO C-2 SP FCOD RSIOD (INTERMEDIATE COMMERCIAL, SPECIAL PERMIT, FOUR CORNERS OVERLAY DISTRICT, RIO SALADO INTERIM OVERLAY DISTRICT).

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

follows:

SECTION 1. The zoning of a 1.29 acre site located at the northwest corner of 25th Street and Broadway Road in a portion of Section 23, Township 1 North, Range 3 East, as described more specifically in Exhibit "A", is hereby changed from "C-2 FCOD RSIOD" (Intermediate Commercial, Four Corners Overlay District, Rio Salado Interim Overlay District) to "C-2 SP FCOD RSIOD" (Intermediate Commercial, Special Permit, Four Corners Overlay District, Rio Salado Industrial Overlay District).

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

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

1. The sidewalk along Broadway Road shall be a minimum of 10-foot-wide and detached with a minimum 6-foot-wide landscape area between the sidewalk and the back of curb and a minimum 8-foot-wide landscape area on the north side of the sidewalk, planted with minimum 3-inch caliper single trunk 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.
2. The sidewalk along 25th Street shall be detached with a minimum 5-foot-wide landscaped strip located between the sidewalk and back of curb and shall include minimum 3-inch caliper single trunk 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.
3. The bus stop pad on Broadway Road and the detached sidewalks on both 25th Street and Broadway Road shall be shaded a minimum of 50 percent using shade trees, as approved by the Planning and Development Department.
4. Pedestrian pathways connecting the site to the adjacent streets shall be shaded a minimum of 75 percent using shade trees and architectural shade, as approved by the Planning and Development Department.
5. The developer shall plant shade trees in and around the parking area to provide shade for 50 percent of the parking area, as approved by the Planning and Development Department.
6. A minimum of two inverted-U bicycle racks shall be provided near building entries and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department.
7. The developer shall provide clearly defined, accessible pathways constructed of decorative pavers, stamped or colored concrete, or other pavement

treatments that visually contrast with the adjacent parking and drive aisles surfaces. The pathways shall connect all building entrances and exits, the bus stop pad, and all public sidewalks utilizing the minimum possible distance and providing the most direct route, as approved by the Planning and Development Department.

8. The developer shall provide traffic calming measures at vehicular points of ingress and egress to slow vehicles departing the development, as approved by the Planning and Development Department.
9. The developer shall dedicate right-of-way and construct one bus stop pad along westbound Broadway Road west of 25th Street. Bus stop pad shall be constructed according to City of Phoenix Standard Detail P1262 with a minimum depth of 10 feet. Bus stop pad shall be spaced from the intersection of 25th Street and Broadway Road according to City of Phoenix Standard Detail P1258.
10. The developer shall dedicate a sidewalk easement that is a minimum of 10 feet wide along Broadway Road as approved by the Street Transportation Department and the Planning and Development Department.
11. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
12. The developer shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence and operational characteristics of Phoenix Sky Harbor International Airport (PHX) to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been viewed and approved by the City Attorney.
13. The developer shall provide documentation to the City prior to construction permit approval that Form 7460-1 has been filed for the development and that the development received a "No Hazard Determination" from the FAA. If temporary equipment used during construction exceeds the height of the permanent structure a separate Form 7460-1 shall be submitted to the FAA and a "No Hazard Determination" obtained prior to the construction start date.
14. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.

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

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

PASSED by the Council of the City of Phoenix this 24th day of June, 2020.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

REVIEWED BY:

\_\_\_\_\_  
City Manager

Exhibits:

A – Legal Description (1 Page)

B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-SP-2-20-8

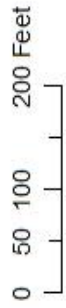
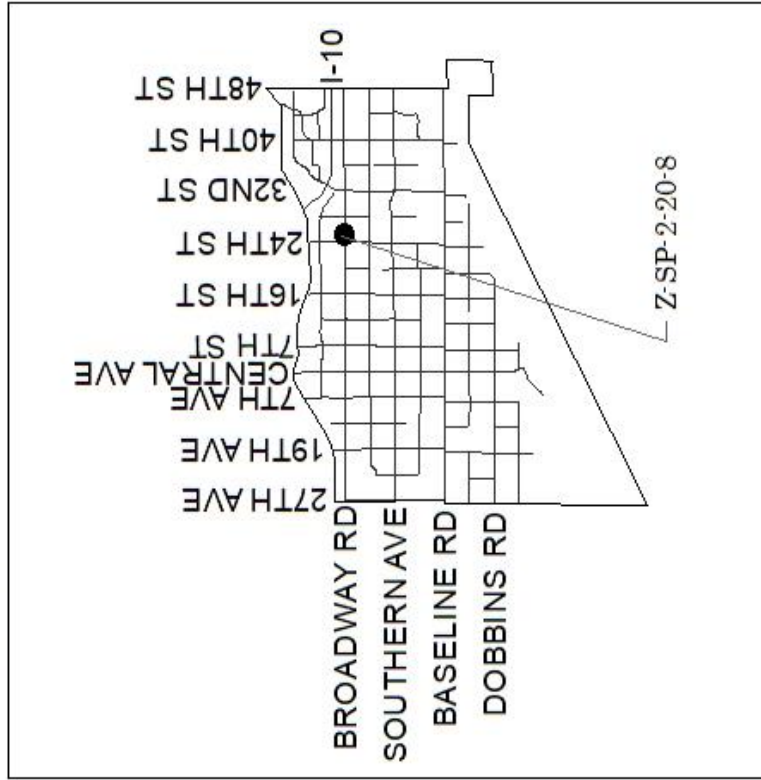
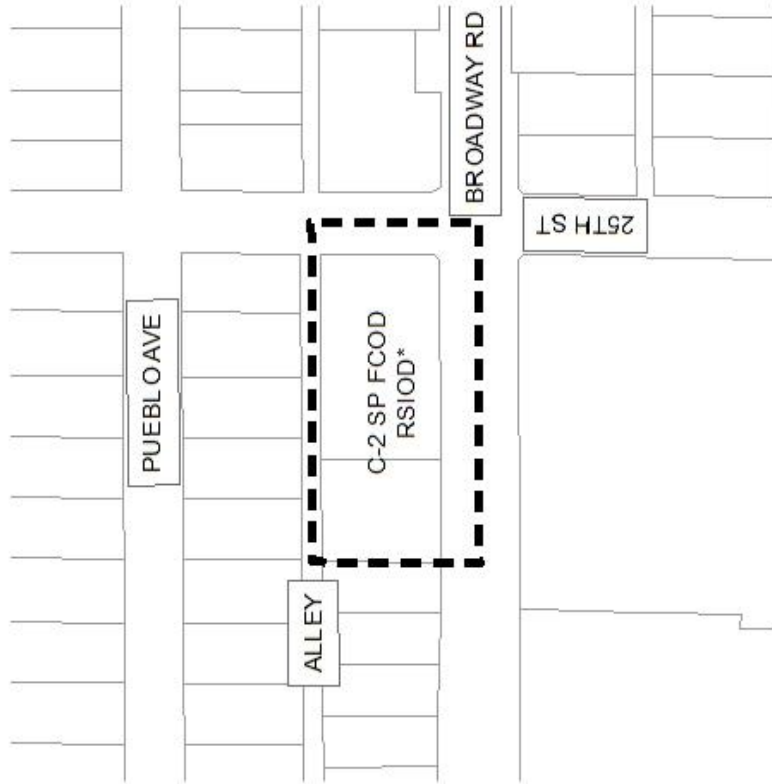
A RE-PLAT OF LOTS 11 THROUGH 16, INCLUSIVE, "NORTH BROADWAY ESTATES UNIT ONE" AS RECORDED IN BOOK 41, PAGE 17, MARICOPA COUNTY RECORDS A ONE LOT COMMERCIAL SUBDIVISION BEING A PORTION OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 1 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN MARICOPA COUNTY, ARIZONA.

**EXHIBIT B**

**ORDINANCE LOCATION MAP**

Zoning Case Number: Z-SP-2-20-8  
 Zoning Overlay: Rio Salado Interim Overlay District and  
 Four Corners Overlay District  
 Planning Village: South Mountain

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



NOT TO SCALE



Drawn Date: 5/21/2020

\\onsp\dd\Shared\Department Share\Information Systems\PL GIS\IS\_Team\Core\_Functions\Zoning\Supp\apps\_Ord\Map\2020\_Ord\6-24-20\Z-SP-2-20-8.mxd



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**Amend City Code - Ordinance Adoption - Rezoning Application Z-67-19-8 - Approximately 900 Feet East of the Northeast Corner of 16th Street and Baseline Road (Ordinance G-6712)**

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-67-19-8 and rezone the site from R1-14 BAOD (One-Family Residence District, Baseline Area Overlay District) to R-3 BAOD (Multifamily Residence District, Baseline Area Overlay District) for multifamily residential use.

**Summary**

Current Zoning: R1-14 BAOD (One-Family Residence District, Baseline Area Overlay District)

Proposed Zoning: R-3 BAOD (Multifamily Residence District, Baseline Area Overlay District)

Acreage: 7.44 acre

Proposed Use: Multifamily residential

Owner: Andrew F. Marshall

Applicant: Avenue North, LLC

Representative: Benjamin Tate, Withey Morris, PLC

Staff Recommendation: Approval, subject to stipulations

VPC Action: The South Mountain Village Planning Committee heard this case on May 12, 2020, and recommended approval per the staff recommendation by a 14-0 vote.

PC Action: The Planning Commission heard this case on June 4, 2020, and recommended approval per the South Mountain Village Planning Committee recommendation with an additional stipulation by a 9-0 vote.

**Location**

Approximately 900 feet east of the northeast corner of 16th Street and Baseline Road

Council District: 8

Parcel Addresses: 1640 E. Baseline Road



**Responsible Department**

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

**ATTACHMENT A**

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

**ORDINANCE G-**

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-67-19-8) FROM R1-14 BAOD (ONE-FAMILY RESIDENCE DISTRICT, BASELINE AREA OVERLAY DISTRICT) TO R-3 BAOD (MULTIFAMILY RESIDENCE DISTRICT, BASELINE AREA OVERLAY DISTRICT).

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

SECTION 1. The zoning of a 7.44 acre property located approximately 900 feet east of the northeast corner of 16th Street and Baseline Road in a portion of Section 34, Township 1 North, Range 3 East, as described more specifically in Exhibit "A", is hereby changed from "R1-14 BAOD" (One-Family Residence District, Baseline Area Overlay District) to "R-3 BAOD" (Multifamily Residence District, Baseline Area Overlay District).

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

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

Phoenix Zoning Ordinance:

1. All elevations of the buildings shall contain three of the following architectural embellishments and detailing: textural changes, pilasters, offsets, recesses, variation in window size and location, and overhang canopies, as approved by the Planning and Development Department.
2. All garage doors shall have decorative embellishments such as window panels, color and added materials for the pillars surrounding the door, as approved by the Planning and Development Department.
3. A minimum of 25 percent of the surface parking areas shall be shaded, with a maximum of 10 percent by architectural shade and the remainder by trees at maturity, as approved by the Planning and Development Department.
4. The applicant shall incorporate bicycle infrastructure, as described below and as approved by the Planning and Development Department.
  - a. A bicycle repair station ("fix it station") shall be provided near the amenity area, the Western Canal, or Baseline Road. The station shall include: standard repair tools affixed to the station; a tire gauge and pump; and a bicycle repair stand which allows pedals and wheels to spin freely while making adjustments to the bike.
  - b. "Secure/Covered Facilities" and/or "Outdoor/Covered Facilities" shall be provided for residents at a rate of 0.25 spaces per dwelling unit, up to a maximum of 50 spaces. Appropriate facilities are defined in Appendix K or the Comprehensive Bicycle Master Plan.
  - c. A minimum of ten inverted U-bicycle racks, artistic style racks (in adherence to the City of Phoenix Preferred Designs in Appendix K or the Comprehensive Bicycle Master Plan) or "Outdoor/Covered Facilities" for guests shall be located near building entrances and installed per the requirements of Section 1307.H. of the Zoning Ordinance.
5. The developer shall provide the following resident amenities at minimum, as approved by the Planning and Development Department:
  - a. Swimming pool.

- b. Barbecue and picnic areas.
  - c. A neighborhood garden of no less than 1,000 square feet including garden tool library, irrigation, and variable shade infrastructure to enable year-round planting.
  - d. A fenced dog park of no less than 2,000 square feet.
6. The standards contained in Section 651.E.1. (BAOD Streetscape Design Guidelines and Standards) and the approved street cross section shall apply, in addition to the below enhancements, and as approved or modified by the Planning and Development Department.
- a. Minimum 3-inch caliper large canopy shade trees, selected from the Baseline Area Master Plan Plant List shall be provided for all required trees within the applicable area.
  - b. The detached sidewalk shall be shaded to a minimum 75 percent by vegetative shade.
  - c. The developer shall dedicate a 30-foot-wide multi-use trail easement (MUTE) along the north side of Baseline Road, shall construct a 10-foot-wide multi-use trail (MUT) within the easement as indicated in Section 429 of the City of Phoenix MAG Supplement, and the MUT shall be shaded to a minimum 50 percent by vegetative shade.
7. The developer shall provide a minimum of two pedestrian access gates to the Western Canal along the northern property line and a minimum of two pedestrian gates along Baseline Road. The pedestrian gates shall be connected to the internal pedestrian pathways by accessible sidewalks, as approved by the Planning and Development Department.
8. The developer shall provide two enhanced internal, north-south, pedestrian pathways which connect the Western Canal to the public sidewalk along Baseline Road, as described below, and as approved or modified by the Planning and Development Department.
- a. Pedestrian pathways shall be shaded to 75 percent at maturity.
  - b. Pedestrian pathways shall be a minimum of 5 feet in width or a minimum of 6.5 feet in width when adjacent to perpendicular or diagonal parking areas.
  - c. The following lighting treatment shall be provided throughout the pedestrian pathways:

- i. Fifteen-foot maximum height of lighting fixtures.
    - ii. A minimum of one-foot candle illumination maintained throughout the pathways and designed to avoid areas of high glare areas and low visibility dark areas.
  - d. One of the following elements shall be provided at each exterior entrance/exit to the pedestrian pathways:
    - i. Bollard path light
    - ii. Public art
    - iii. Decorative directional signage
    - iv. Building design elements that emphasize the pathway entrance
  - e. Where pedestrian pathways cross vehicular maneuvering areas, the crossing shall be clearly delineated using decorative pavers, stamped or colored concrete, or another material, other than those used to pave the parking surfaces and drive aisles.
  - f. The pedestrian pathways described above shall be connected to all residential units by private sidewalks.
- 9. This parcel is in a Special Flood Hazard Area (SFHA) called Zone A, on panel 2220 L of the Flood Insurance Rate Maps (FIRM) revised February 10, 2017. 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 shall 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.
- 10. The developer shall modify the median island along Baseline Road to create an eastbound left turn pocket that aligns with 18th Place, as approved by the

Street Transportation Department. Trees in the landscape median island shall be replenished with trees that are of equal or greater caliper in size or be relocated to an adjacent median island at time of reconstruction of the median, as approved by the Planning and Development Department.

11. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards. The above conditions shall be approved by the Planning and Development Department.
12. The developer shall dedicate a sidewalk easement and construct one bus stop pad on westbound Baseline Road west of the 18th Place alignment. The bus stop pad shall be compliant with City of Phoenix Standard Detail P1260 with a minimum depth of 10 feet. Bus stop pad shall be spaced from the intersection of Baseline Road and 18th Place as per City of Phoenix Standard Detail P1258. The above conditions shall be approved by the Planning and Development Department.
13. The property owner shall record documents that disclose the existence, and operational characteristics of Sky Harbor International Airport to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.
14. 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 in a form approved by the City Attorney's Office. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record.

SECTION 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 24th day of June,  
2020.

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MAYOR

ATTEST:

\_\_\_\_\_ City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_ City Attorney

REVIEWED BY:

\_\_\_\_\_ City Manager

Exhibits:

A – Legal Description (1 Page)

B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-67-19-8

That part of the Southwest quarter of the Southwest quarter of Section 34, Township 1 North, Range 3 East of the Gila and Salt River Base and Meridian, described as follows:

BEGINNING at a point on the South line of said Southwest quarter of the Southwest quarter which is South 89 degrees 54 minutes 30 seconds East a distance of 934 feet from the Southwest corner thereof and running thence North 00 degrees 27 minutes East 764.90 feet to the South right of way line of the Western Canal;

Thence Easterly along said South right of way line, being a curve to the left having a radius of 1462.69 feet, an arc length of 241.14 feet;

Thence North 70 degrees 52 minutes East, continuing along the South right of way line of the Western Canal, 143.01 feet to the East line of said Southwest quarter of the Southwest quarter;

Thence South 00 degrees 08 minutes East along said East line, 874.82 feet to the Southeast corner of said Southwest quarter of the Southwest quarter;

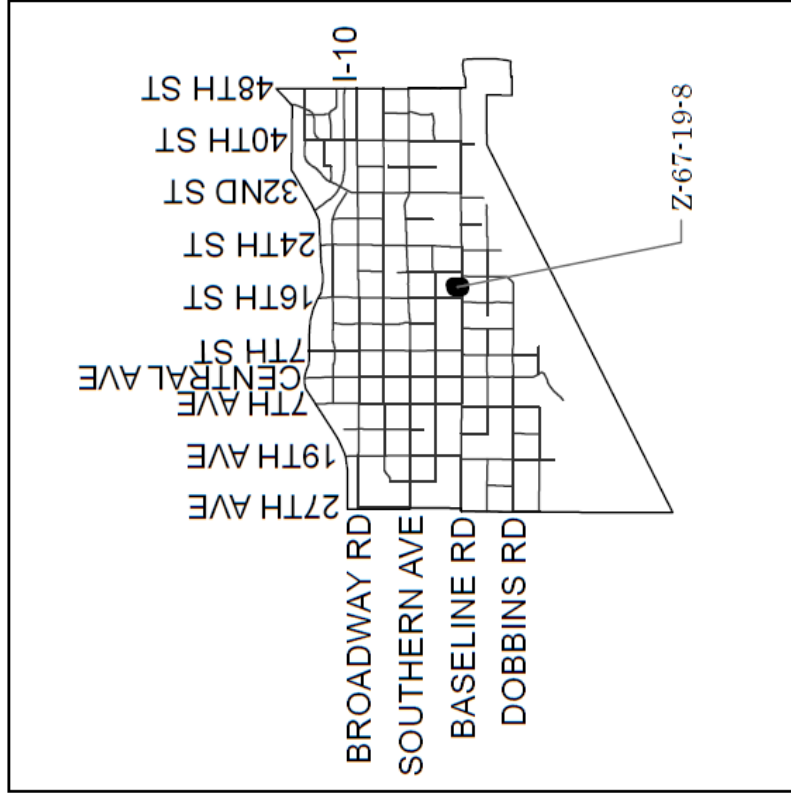
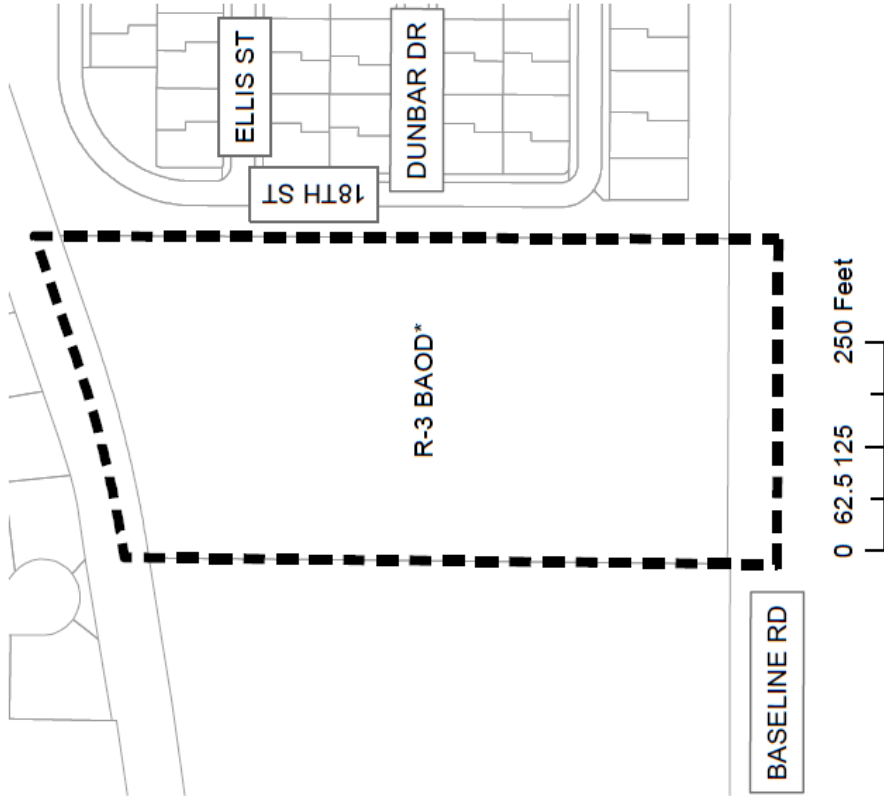
Thence North 89 degrees 54 minutes 30 seconds West along the South line of said Southwest quarter of the Southwest quarter 388.42 feet to the POINT OF BEGINNING.



# ORDINANCE LOCATION MAP

ZONING SUBJECT TO STIPULATIONS: \*  
SUBJECT AREA: ■■■■■■

Zoning Case Number: Z-67-19-8  
Zoning Overlay: Baseline Area Plan and Overlay District  
Planning Village: South Mountain



NOT TO SCALE



Drawn Date: 4/3/2020



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**Public Hearing and Resolution Adoption - General Plan Amendment GPA-NG-1-19-1 - Southwest Corner of I-17 and Dixileta Drive (Resolution 21843)**

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. This file is a companion case to Z-31-19-1.

**Summary**

Application: GPA-NG-1-19-1

Current Designation: Mixed Use (North Gateway & Northwest Area only) (39.25 acres), Preserves/Mixed Use (Area C & D only) (21.08 acres), Preserves/Floodplain (3.96 acres), and Floodplain (0.29 acres)

Proposed Designation: Remove Infrastructure Phasing Overlay and Residential 3.5 to 5 dwelling units per acre

Acreage: 64.58

Proposed Use: Extend infrastructure limit line and clean up land use designations to be consistent with proposed uses.

Owner: GM Gabrych Family Limited Partnership

Applicant: Chris Clonts, Lennar Arizona, Inc.

Representative: Chris Clonts, Lennar Arizona, Inc.

Staff Recommendation: Approval.

VPC Action: The North Gateway Village Planning Committee heard this case on May 14, 2020, and recommended approval per the staff recommendation by a 6-0 vote.

PC Action: The Planning Commission heard this case on June 4, 2020, and recommended approval per the North Gateway Village Planning Committee by an 8-0 vote.

**Location**

Southwest corner of I-17 and Dixileta Drive

Council District: 1

Parcel Addresses: 3002 W. Dynamite Blvd., 3101 W. Peak View Road, and 3201 W. Dixileta Drive

**Responsible Department**

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

**ATTACHMENT A**

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

RESOLUTION \_\_\_\_\_

A RESOLUTION ADOPTING AN AMENDMENT TO THE  
2015 GENERAL PLAN FOR PHOENIX, APPLICATION  
GPA-NG-1-19-1, CHANGING THE LAND USE  
CLASSIFICATION FOR THE PARCEL DESCRIBED  
HEREIN.



\_\_\_\_\_

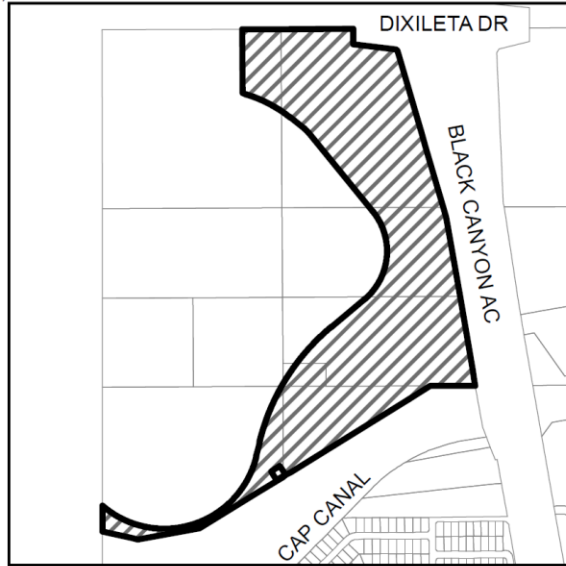
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PHOENIX, as  
follows:

SECTION 1. The 2015 Phoenix General Plan which was adopted by  
Resolution No. 21307, is hereby amended by adopting GPA-NG-1-19-1, 64.58 acres  
located at the southwest corner of I-17 and Dixileta Drive, for Residential 3.5 to 5  
dwelling units per acre and removal of the Infrastructure Phasing Overlay, as  
approved by the City Council on June 24, 2020 and that the Planning and  
Development Director is instructed to modify The 2015 Phoenix General Plan to reflect  
this land use classification change as shown below:

**PROPOSED CHANGE:**

Infrastructure Phasing Overlay Removal ( 64.58 +/- Acres)

-  Proposed Change Area
-  Residential 3.5 to 5 du/ac



PASSED by the Council of the City of Phoenix this 24th day of June,  
2020.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_ City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_ Acting City Attorney

REVIEWED BY:

\_\_\_\_\_ City Manager

PL:amt:\_\_\_\_v1 (CM \_\_) (Item \_) 6/24/20

**GENERAL PLAN AMENDMENT  
STAFF ANALYSIS**

April 28, 2020

Application: GPA-NG-1-19-1

Owner: GM Gabrych Family Limited Partnership

Applicant / Representative: Lennar Arizona, Inc., Chris Clonts

Location: Southwest corner of Interstate 17 and Dixileta Drive

Acreage: 64.84 acres

Current Plan Designation: [Mixed Use \(North Gateway & Northwest Area only\)](#)  
(39.26 acres)  
[Preserves / Mixed Use \(Area C & D only\)](#)  
(21.08 acres)  
[Preserves / Floodplain](#) (4.21 acres)  
[Floodplain](#) (0.29 acres)

Requested Plan Designation: [Residential 3.5 to 5 dwelling units per acre](#)  
(64.84 acres)

Reason for Requested Change: Amend the General Plan Land Use Map to allow for single-family residential development and to extend the infrastructure limit line

Village Planning Committee Date: North Gateway – May 14, 2020

Staff Recommendation: Approval

**FINDINGS:**

- 1) The Mixed Use (Areas C, D and Northwest Area Only) land use designation accommodates Commerce Park, Industrial, Commercial and Public/Quasi-Public type land uses. The proposed single-family residential development is not consistent with the General Plan Land Use Map designation, therefore a land use map amendment is required.

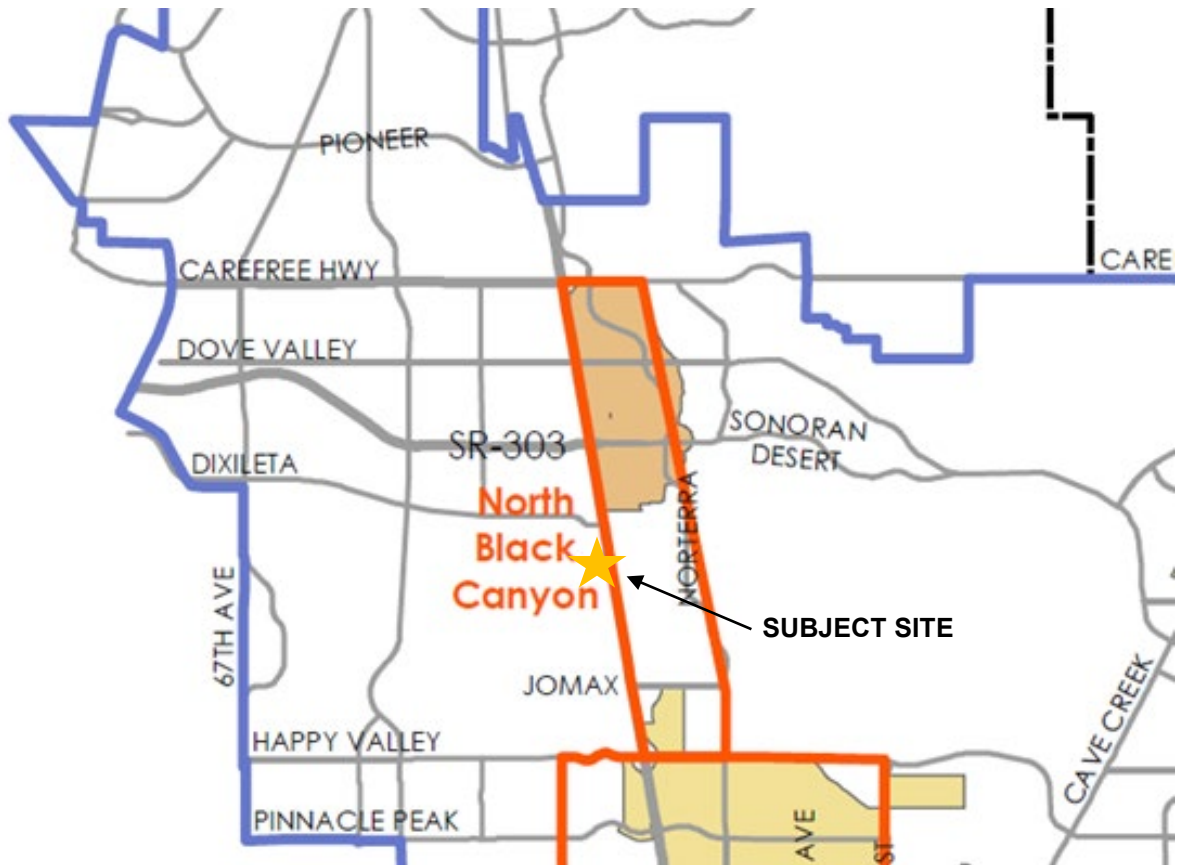
- 2) Property owners who want to rezone property in the infrastructure phasing overlay area prior to the removal of the infrastructure limit line, as detailed in the North Black Canyon Corridor Plan, may file a general plan amendment to remove the overlay from their property. Because the infrastructure limit line still applies to this property and new utility service is needed, a general plan amendment is required to remove this designation from the subject site.
- 3) The proposal for residential development is appropriate given the site's location adjacent to a major transportation corridor and in close proximity to a major employment center.
- 4) The proposed infrastructure limit line removal for this property is appropriate due to the limited extension of services needed to serve the proposed residential development.

## **BACKGROUND**

The subject site is located at the southwest corner of Interstate 17 and Dixileta Drive, just southwest of the North Black Canyon Major Employment Center. Currently, the site is vacant and unimproved. The companion Rezoning Case No. Z-31-19-1 is a request to allow for R1-6 (Single-Family Residence District) zoning for the northern portion of the site.



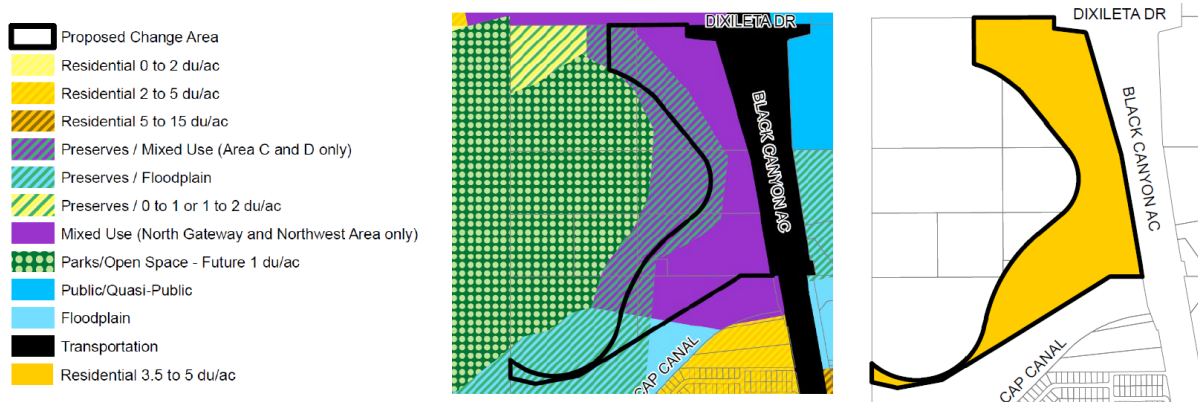
*Aerial Map, Source: City of Phoenix Planning and Development Department*



*Major Employment Centers, Source: City of Phoenix*

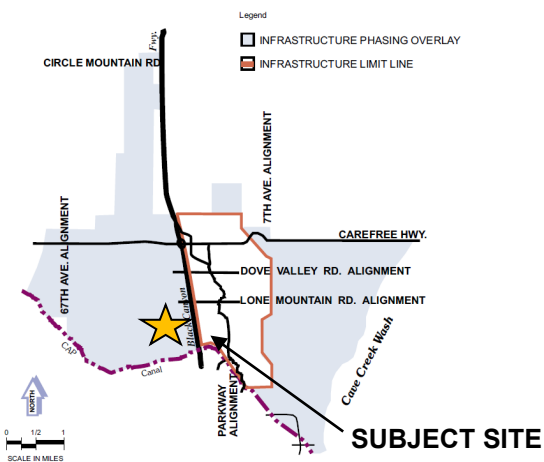
The current General Plan Land Use Map designations for the subject site are Mixed Use (North Gateway and Northwest Area only), Preserves / Mixed Use (Areas C and D only), Preserves/Floodplain and Floodplain, with the majority of the property having a mixed use designation. The Mixed Use (Areas C, D and Northwest Area Only) land use designation accommodates Commerce Park, Industrial, Commercial and Public/Quasi-Public type land uses. The proposed single-family residential use is not consistent with this designation; therefore, a General Plan Land Use Amendment is required. The proposed single-family development is consistent with the requested designation of Residential 3.5 to 5 dwelling units per acre.





*Existing and proposed General Plan Land Use Maps, Source: City of Phoenix Planning & Development Department*

The adoption of the infrastructure limit line within the North Gateway Village was intended to help guide where water and sewer infrastructure will be extended and, subsequently, where development should be encouraged. The boundaries of this area being the Central Arizona Project on the south; Interstate 17 on the west; Cloud Road on the north; and 7th Avenue on the east.



*Infrastructure Limit Line and Phasing Boundary, Source: North Black Canyon Corridor Plan*

The North Black Canyon Corridor Plan contains a provision for property owners who want to rezone property within the infrastructure phasing overlay area prior to the lifting of the infrastructure limit line. This provision allows for filing of a General Plan Amendment to remove the overlay designation from a property so long as the rezoning would not require the extension of significant infrastructure and the proposed use would not adversely impact the city's ability to recoup its infrastructure costs to serve the designated growth corridor bounded by the infrastructure limit line. Because the companion rezoning case seeks to develop property outside of the established

infrastructure limit line, a General Plan Amendment is required to remove this designation from the subject site.

### **SURROUNDING LAND USES**

South of the subject site, across the CAP Canal are single-family residential properties zoned R1-6 (Single-Family Residence District) and a church zoned S-1 (Ranch or Farm Residence).

North of the subject site is vacant land zoned S-1 (Ranch or Farm Residence).

West of the subject site is vacant land zoned R1-18 (Single-Family Residence District) and S-1 (Ranch or Farm Residence). The property zoned R1-18 is hillside area also part of the companion rezoning case that will be designated as preserve area.

To the east of the site is Interstate 17. Beyond Interstate 17, is vacant land zoned PCD NBCOD (Planned Community District, North Black Canyon Overlay District).

### **RELATIONSHIP TO GENERAL PLAN CORE VALUES AND PRINCIPLES**

#### **CONNECT PEOPLE AND PLACES CORE VALUE**

- ***CORES, CENTERS AND CORRIDORS; LAND USE PRINCIPLE: Plan cores, centers and corridors to include a variety of land uses: office, retail shopping, entertainment and cultural, housing, hotel and resort, and where appropriate, some types of industry.***

The proposed land use map designation will provide for additional housing options within the community with convenient access to the Interstate 17 corridor and the North Black Canyon employment center to the north.

#### **CELEBRATE OUR DIVERSE COMMUNITIES AND NEIGHBORHOODS CORE VALUE**

- ***CERTAINTY AND CHARACTER; DESIGN PRINCIPLE: Create new development or redevelopment that is sensitive to the scale and character of the surrounding neighborhoods and incorporates adequate development standards to prevent negative impact(s) on the residential properties.***

As stipulated through companion rezoning case Z-31-19-1, the development will provide an enhanced setback from the freeway to buffer the proposed residences. In addition, stipulations are included to incorporate large open space areas and design features in keeping with other residential developments in the vicinity.

## **BUILD THE SUSTAINABLE DESERT CITY CORE VALUE**

- ***WATER INFRASTRUCTURE (SUPPLY); LAND USE PRINCIPLE: Partner with the private sector to responsibly develop new infrastructure and water supplies that accommodates growth in a fiscally prudent and sensible manner.***

Geographical constraints surrounding the property, including the CAP canal to the south, the hillside area to the west and the freeway to the east preclude multiple water line connections at this time, thus a single water line is planned for the proposed development and will be constructed by the developer of the site. Due to the limited water service in the area, commercial development is not viable in this location as originally envisioned for this area. The companion rezoning case includes a stipulation limiting the square footage size of residential properties in order to ensure adequate water service for the proposed development.

## **CONCLUSION AND RECOMMENDATION**

Staff recommends approval of GPA-NG-1-19-1.

The approval of this request will update the General Plan Land Use Map designation to reflect the single-family residential development planned for this site. A residential designation at this location is an appropriate land use due to the site's location adjacent to a major transportation corridor and employment center.

The removal of the infrastructure limit line for this site is also appropriate given the constraints of the development and limited service extension required for the single-family residential use. The infrastructure needed for the development would not require the extension of significant infrastructure and the proposed use would not adversely impact the city's ability to serve the designated growth corridor bounded by the infrastructure limit line.

### **Writer / Team Leader**

Samantha Keating

April 21, 2020

### **Exhibits**

Sketch Map













# GENERAL PLAN AMENDMENT

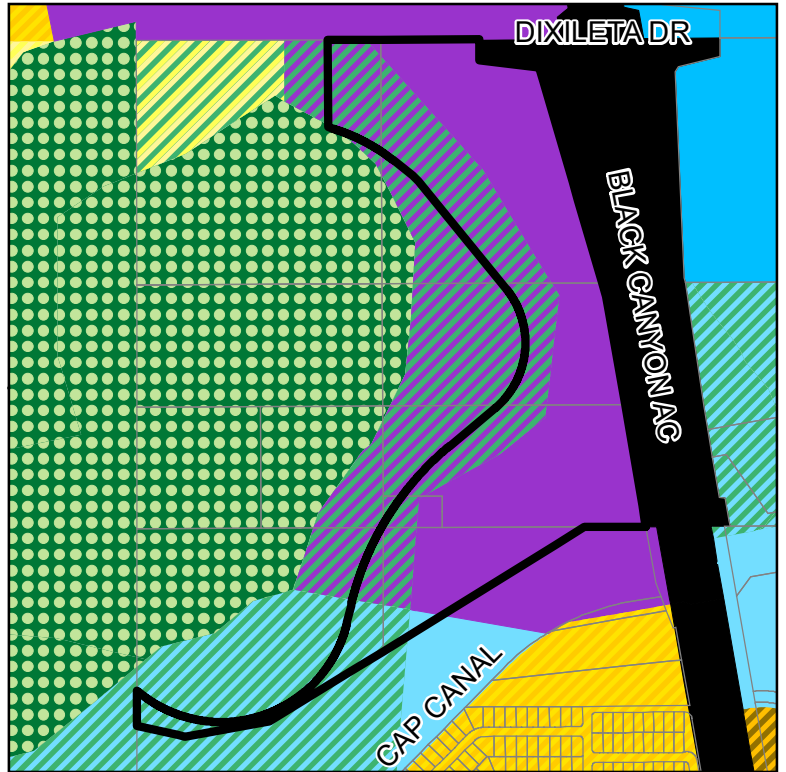
CITY OF PHOENIX ♦ PLANNING & DEVELOPMENT DEPARTMENT ♦ 200 W WASHINGTON ST ♦ PHOENIX, AZ ♦ 85003 ♦ (602) 262-6882

APPLICATION NO: GPA-NG-1-19-1	ACRES: 64.84 +/-
VILLAGE: North Gateway	COUNCIL DISTRICT: 1
APPLICANT: Granite Creek Farms LLC	

## EXISTING:



Mixed Use (North Gateway & Northwest Area only) ( 39.26 +/- Acres)  
 Preserves/Mixed Use (Area C & D only) ( 21.08 +/- Acres)  
 Preserves/Floodplain ( 4.21 +/- Acres)  
 Floodplain ( 0.29 +/- Acres)

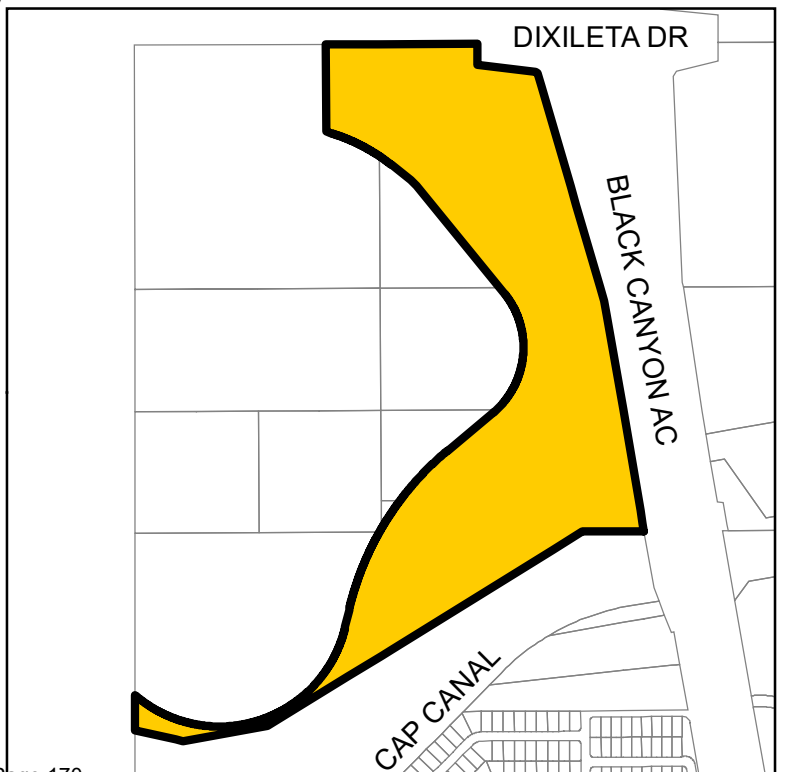
-  Proposed Change Area
-  Residential 0 to 2 du/ac
-  Residential 2 to 5 du/ac
-  Residential 5 to 15 du/ac
-  Preserves / Mixed Use (Area C and D only)
-  Preserves / Floodplain
-  Preserves / 0 to 1 or 1 to 2 du/ac
-  Mixed Use (North Gateway and Northwest Area only)
-  Parks/Open Space - Future 1 du/ac
-  Public/Quasi-Public
-  Floodplain
-  Transportation



## PROPOSED CHANGE:

Infrastructure Phasing Overlay Removal ( 64.84 +/- Acres)

-  Proposed Change Area
-  Residential 3.5 to 5 du/ac



**ADDENDUM A**  
**GENERAL PLAN AMENDMENT**  
**STAFF ANALYSIS**  
May 13, 2020

Application: GPA-NG-1-19-1

Owner: GM Gabrych Family Limited Partnership

Applicant / Representative: Lennar Arizona, Inc., Chris Clonts

Location: Southwest corner of Interstate 17 and Dixileta Drive

Acreage: 64.58 acres

Current Plan Designation: [Mixed Use \(North Gateway & Northwest Area only\)](#)  
(39.25 acres)  
[Preserves / Mixed Use \(Area C & D only\)](#)  
(21.08 acres)  
[Preserves / Floodplain](#) (3.96 acres)  
[Floodplain](#) (0.29 acres)

Requested Plan Designation: [Residential 3.5 to 5 dwelling units per acre](#)  
(64.58 acres)

Reason for Requested Change: Amend the General Plan Land Use Map to allow for single-family residential development and to extend the infrastructure limit line

[Village Planning Committee](#) Date: North Gateway – May 14, 2020

Staff Recommendation: Approval

The purpose of this addendum is to revise the General Plan Amendment request area. The application initially included a lift station located along the southern boundary of the subject site. The applicant has since submitted a revised request to exclude this area. The attached sketch map depicts the updated General Plan Amendment request area, which reduces the overall acreage from 64.84 acres to 64.58 acres. Staff is supportive of the revised request area.

**Exhibits**

Revised Sketch Map













# GENERAL PLAN AMENDMENT

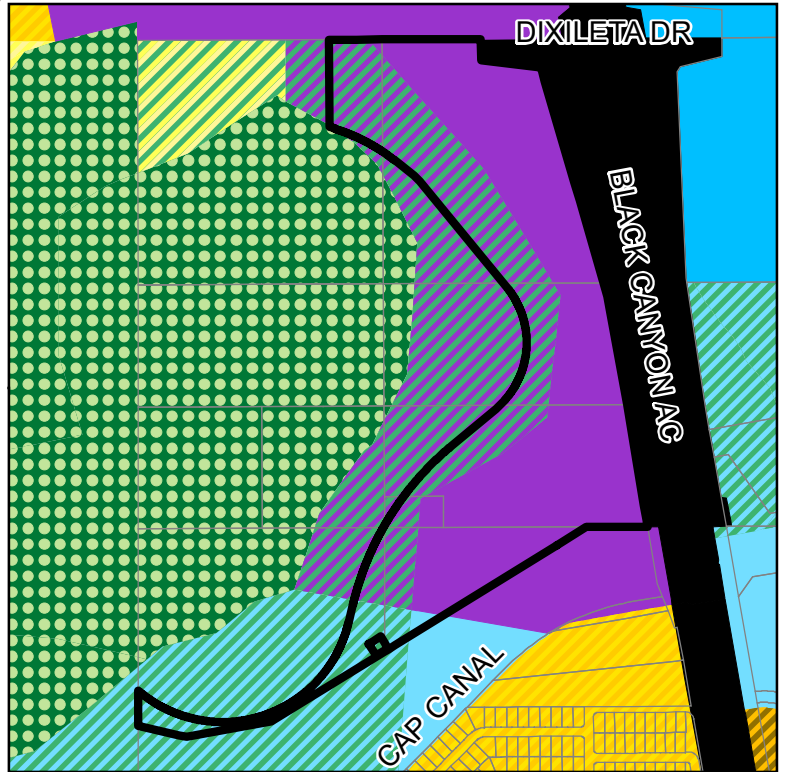
CITY OF PHOENIX ♦ PLANNING & DEVELOPMENT DEPARTMENT ♦ 200 W WASHINGTON ST ♦ PHOENIX, AZ ♦ 85003 ♦ (602) 262-6882

APPLICATION NO: GPA-NG-1-19-1	ACRES: 64.58 +/-
VILLAGE: North Gateway	COUNCIL DISTRICT: 1
APPLICANT: Chris Clonts	

## EXISTING:



Mixed Use (North Gateway & Northwest Area only) ( 39.25 +/- Acres)  
 Preserves/Mixed Use (Area C & D only) ( 21.08 +/- Acres)  
 Preserves/Floodplain ( 3.96 +/- Acres)  
 Floodplain ( 0.29 +/- Acres)

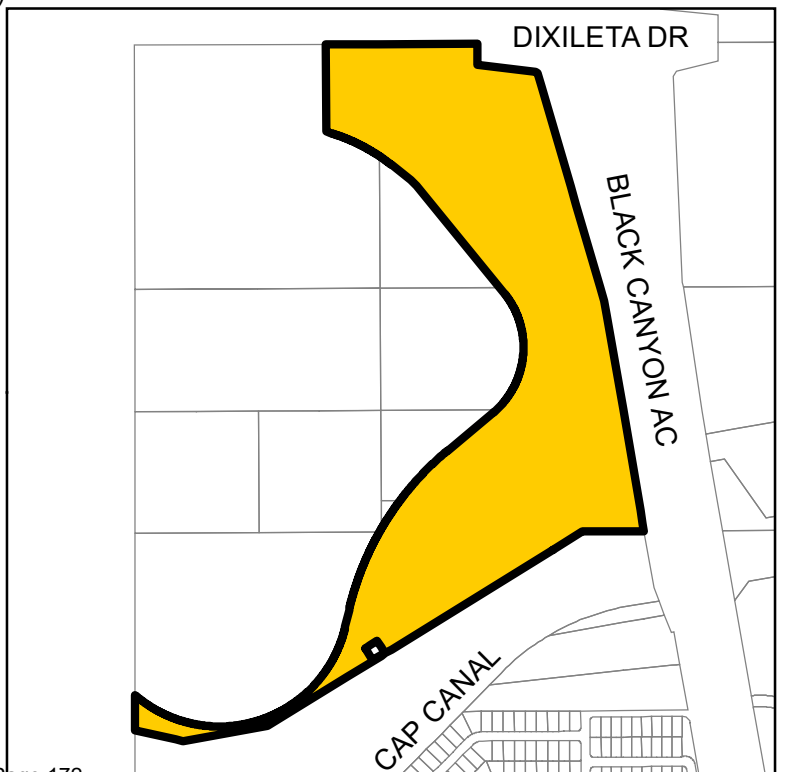
-  Proposed Change Area
-  Residential 0 to 2 du/ac
-  Residential 2 to 5 du/ac
-  Residential 5 to 15 du/ac
-  Preserves / Mixed Use (Area C and D only)
-  Preserves / Floodplain
-  Preserves / 0 to 1 or 1 to 2 du/ac
-  Mixed Use (North Gateway and Northwest Area only)
-  Parks/Open Space - Future 1 du/ac
-  Public/Quasi-Public
-  Floodplain
-  Transportation



## PROPOSED CHANGE:

Infrastructure Phasing Overlay Removal ( 64.58 +/- Acres)

-  Proposed Change Area
-  Residential 3.5 to 5 du/ac



## Village Planning Committee Meeting Summary GPA-NG-1-19-1

<b>Date of VPC Meeting</b>	May 14, 2020
<b>Request From</b>	Mixed Use (North Gateway & Northwest Area only) 39.26 acres, Preserves/Mixed Use (Area C & D only) 21.08 acres, Preserves/Floodplain 4.21 acres, Floodplain 0.29 acres
<b>Request To</b>	Residential 3.5 to 5 to allow for residential development (64.84 acres)
<b>Proposed Use</b>	Single-family residential
<b>Location</b>	Southwest corner of I-17 and Dixileta Drive
<b>VPC Recommendation</b>	Approval, per the staff recommendation
<b>VPC Vote</b>	6-0

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

**Ms. Kristi Trisko**, staff, gave a presentation covering the existing land uses and General Plan Land Use Map designations for items No. 3 and 4. She displayed a land use map, general plan map and shared a brief description of the infrastructure and utility issues with the site and the recent removal of the lift station property from the GPA area. Ms. Trisko shared the seventeen (17) stipulations and stated why they are important and referenced policy to support them. She shared that the proposal is compatible with surrounding land uses in the area.

**Mr. Bill Lally**, applicant representative, provided a brief history of this site stating that the original entitlements approved in 2005 allowed approximately 700 residential units and mixed uses near the intersection. In 2018, the entitlements were changed again to allow for some single family and townhome uses with a total unit count of 700 dwellings. Mr. Lally then described the current site plan details along with the infrastructure and utilities issues for the site now proposing 228 single family lots due to reduced utility access with the preservation of 118 acres as permanent preserve. Mr. Lally also explained that a small portion of the site, along I-17, was removed from the GPA boundary for the lift station.

**Committee Member Steve Tucker** asked the applicant if the site's only access point was along Dixileta Drive?

**Mr. Bill Lally** stated that Dixilate Drive is the main access point due to the site's proximity to I-17 on the east and the canal on the south.

**Committee Member Steve Tucker** asked if the roundabout shown near the southern end of the project would connect to the frontage road?

**Mr. Bill Lally** stated that he had misspoke, there is a secondary vehicle access point located just east of the roundabout along the frontage road near the southern end of the site. Mr. Lally further stated that there will be two gated entrance points to the site.

**Committee Member Steve Tucker** commented that he is pleased with the 118-acre hillside portion of the site that will be donated as permanent preserve.

**Mr. Bill Lally** stated it was Lennar's work with the City that made this dedication happen.

**Committee Member Julie Read** stated that this development would be part of the Deer Valley School District and as such, would need to provide bus service to the site. She asked, will turnarounds and the entrance gates shown on the site plan allow busses adequate turnaround space?

**Mr. Bill Lally** stated that the project will be designed with adequate turnaround space for all types of large vehicles that will be needed to serve the site.

**Committee Member Shannon Simon** asked if the applicants had worked with the surrounding property owners to remove the lift station from the GPA?

**Mr. Bill Lally** stated that the lift station was removed as part of an agreement with the City of Phoenix.

**Committee Member Julie Read** asked if any residents had called in, left comments, or wished to speak this evening?

**Ms. Kristi Trisko** stated that no requests to speak or emails were received by staff prior to the meeting.

#### **MOTION:**

**Shannon Simon** made a motion to approve GPA-NG-1-19-1: per staff's recommendation. **Ms. Julie Read** seconded the motion.

#### **VOTE:**

**6-0.** Motion passes with Committee Members Julie Read, Michelle Ricart, Daniel Tome, Steve Tucker, Shannon Simon, and Jason Stokes in favor.

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

Staff has no comments.



# Attachment E

## REPORT OF PLANNING COMMISSION ACTION June 4, 2020

ITEM NO: 8	
	DISTRICT NO.: 1
SUBJECT:	
Application #:	GPA-NG-1-19-1
Location:	Southwest corner of I-17 and Dixileta Drive
From:	Mixed Use (North Gateway & Northwest Area only), Preserves/Mixed Use (Area C & D only), Preserves/Floodplain, and Floodplain
To:	Remove Infrastructure Phasing Overlay and Residential 3.5 to 5 dwellings units per acre
Acreage:	64.58
Proposal:	Extend infrastructure limit line and clean up land use designations to be consistent with proposed uses.
Applicant:	Chris Clonts, Lennar Arizona, Inc
Owner:	GM Gabrych Family Limited Partnership
Representative:	Chris Clonts, Lennar Arizona, Inc

### **ACTIONS:**

Staff Recommendation: Approval.

Village Planning Committee (VPC) Recommendation:

**North Gateway** 5/14/2020 Approval, per the staff recommendation. Vote: 6-0.

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

Motion Discussion: N/A

Motion details: Commissioner Howard made a MOTION to approve GPA-NG-1-19-1, per the North Gateway Village Planning Committee recommendation.

Maker: Howard  
Second: Busching  
Vote: 8-0-1 (Conflict: Shank)  
Absent: None  
Opposition Present: No

### **Findings:**

1. The Mixed Use (Areas C, D and Northwest Area Only) land use designation accommodates Commerce Park, Industrial, Commercial and Public/Quasi-Public type land uses. The proposed single-family residential development is not consistent with the General Plan Land Use Map designation, therefore a land use map amendment is required.

2. Property owners who want to rezone property in the infrastructure phasing overlay area prior to the removal of the infrastructure limit line, as detailed in the North Black Canyon Corridor Plan, may file a general plan amendment to remove the overlay from their property. Because the infrastructure limit line still applies to this property and new utility service is needed, a general plan amendment is required to remove this designation from the subject site.
3. The proposal for residential development is appropriate given the site's location adjacent to a major transportation corridor and in close proximity to a major employment center.
4. The proposed infrastructure limit line removal for this property is appropriate due to the limited extension of services needed to serve the proposed residential development.

This publication can be made available in alternate format upon request. Please contact Tamra Ingersoll at (602) 534-6648, TTY use 7-1-1.



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**Public Hearing - Amend City Code - Ordinance Adoption - Rezoning Application Z-31-19-1- Southwest Corner of I-17 and Dixileta Drive (Ordinance G-6714)**

Request to hold a public hearing on the rezoning application for the following item and adoption of the Planning Commission's recommendation and the related Ordinance if approved. The request is to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-31-19-1 and rezone the site from R1-18 (Single-Family Residence District), R-3A (Multifamily Residence District), and C-2 (Intermediate Commercial District) to R1-6 (Single-Family Residence District) and R1-18 (Single-Family Residence District) for single-family residential. This file is a companion case to GPA-NG-1-19-1.

**Summary**

Current Zoning: R1-18 (Single-Family Residence District) (118.41 acres), R-3A (Multifamily Residence District) (1.41 acres), and C-2 (Intermediate Commercial District) (18.46 acres)

Proposed Zoning: R1-6 (Single-Family Residence District) (19.87 acres) and R1-18 (Single-Family Residence District) (118.41 acres)

Acreage: 138.28 acres

Proposal: Single-family residential

Owner: GM Gabrych Family Limited Partnership

Applicant: Lennar Arizona, Inc.

Representative: Lennar Arizona, Inc. - Chris Clonts

Staff Recommendation: Approval, subject to stipulations.

VPC Action: The North Gateway Village Planning Committee heard this case on May 14, 2020, and recommended approval per the staff recommendation by a 6-0 vote.

PC Action: The Planning Commission heard this case on June 4, 2020, and recommended approval per the North Gateway Village Planning Committee recommendation by an 7-1 vote.

**Location**

Southwest corner of I-17 and Dixileta Drive

Council District: 1

Parcel Addresses: 29100 N. 31st Ave.; 29101 and 29301 N. 35th Ave.; 3002 W. Dynamite Blvd.; and 3201 W. Dixileta Drive

**Responsible Department**

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

**ATTACHMENT A**

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

**ORDINANCE G-**

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-31-19-1) FROM R1-18 (SINGLE-FAMILY RESIDENCE DISTRICT), R-3A (MULTIFAMILY RESIDENCE DISTRICT), AND C-2 (INTERMEDIATE COMMERCIAL DISTRICT) TO R1-6 (SINGLE-FAMILY RESIDENCE DISTRICT) AND R1-18 (SINGLE-FAMILY RESIDENCE DISTRICT).

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

SECTION 1. The zoning of a 138.28-acre site located at the southwest corner of I-17 and Dixileta Drive in a portion of Section 26, Township 5 North, Range 2 East, as described more specifically in Exhibit "A", is hereby changed from 118.41 acres of "R1-18" (Single-Family Residence District), 1.41 acres of "R-3A" (Multifamily Residence District), and 18.46 acres of "C-2" (Intermediate Commercial District) to 19.87 acres of "R1-6" (Single-Family Residence District) and 118.41 acres of "R1-18" (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, violation of which shall be treated in the same manner as a violation of the City of Phoenix Zoning Ordinance:

1. Prior to the issuance of Final Site Plan Approval, the owner shall convey 118 acres (or an area mutually agreed by the city and the owner) of hillside land selected by the City of Phoenix and located in the area as depicted as Tract A of the final plat, to the City of Phoenix for use as a City of Phoenix desert park and/or mountain preserve.
2. The conceptual elevations shall be administratively approved by the Planning Hearing Officer prior to single-family design review diversity exhibit approval with specific regard to the inclusion of the below elements. This review is for conceptual purposes only. Specific development standards and requirements will be determined by the Planning and Development Department.
  - a. Building materials and colors shall express a desert character and shall blend with, rather than strongly contrast with the desert environment.
  - b. All elevations of the homes shall contain three of the following architectural embellishments and detailing: textural changes, pilasters, offsets, recesses, variation in window size or location, overhang canopies, or similar features.
  - c. Covered porches a minimum of 60 square feet in area at a depth of at least six feet, courtyard areas with low surrounding walls a minimum of 60 square feet in area, or homes with livable space a minimum of 3 feet in front of the front line of the garage, shall be provided in the front façades of a minimum of 50 percent of the elevations offered within the subdivision.
  - d. Decorative garage treatments, including but not limited to, windows, raised or recessed panels, architectural trim, and/or single garage doors.
3. The maximum building square footage per home is 3,600 square feet.
4. All landscape plant material shall comply with the approved plant species list in Appendix A of the North Black Canyon Overlay District, as approved by the Planning and Development Department.

5. A minimum of 20 percent of the gross project area shall be retained as open space, exclusive of landscape setbacks, washes and hillside preserve area, with a minimum of 5 percent improved as active/useable open space and centrally located within the subdivision, as approved by the Planning and Development Department.
6. Interior walls and privacy fencing, excluding walls located between lots, shall be integral in color or painted to blend with the natural desert environment, as approved by the Planning and Development Department.
7. A minimum building setback of 120 feet for residential structures shall be required along the ADOT frontage road right-of-way, as approved by the Planning and Development Department.
8. Perimeter walls shall incorporate stone veneer, stonework, varying types of CMU block, or faux stone, as approved by the Planning and Development Department.
9. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
10. Right-of-way totaling 70 feet shall be dedicated for the south half of Dixileta Drive. Frontage of the site plan extending west of the access roadway may be reserved as a right-of-way easement in lieu of dedication, at the discretion and approval of the Street Transportation Department. Construction of Dixileta Drive is required with the initial phase of development, as approved by the Planning and Development Department.
11. Right-of-way totaling 208 feet shall be dedicated for the west half of Interstate 17 (178 feet existing and 30 feet new) for the frontage road, as approved by the Planning and Development Department.
12. The applicant shall complete and submit the Developer Project Information Form for the MAG Transportation Improvement Program to the Street Transportation Department.
13. 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.
14. 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.

15. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.
16. The developer shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence and operational characteristics of Phoenix Deer Valley Airport (DVT) to future owners or tenants of the property as approved by the Aviation Department.
17. 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 FAA and a "NO Hazard Determination" obtained prior to the construction start date.
18. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 waiver of claims in a form approved by the City Attorney's Office. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record.

SECTION 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 24th day of June 2020.

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MAYOR

ATTEST:

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City Clerk

APPROVED AS TO FORM:



\_\_\_\_\_ City Attorney

REVIEWED BY:

\_\_\_\_\_ City Manager

Exhibits:

A – Legal Description (1 Page)

B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-31-19-1

That part of the West Half of Section 26, Township 5 North, Range 2 East of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

Beginning at the Maricopa County Department of Transportation Aluminum Cap stamped LS#29891 marking the Northwest Corner of said Section 26, from which the Brass Cap in hand hole marking the North Quarter Corner of said Section 26 bears North 89°41'20" East, a distance of 2,651.71 feet;

Thence North 89°41'20" East, along the North line of the Northwest Quarter of said Section 26, a distance of 1,863.60 feet to a point on the Westerly right-of-way line of Interstate 17;

Thence along said Westerly right-of-way line of Interstate 17 the following courses:

Thence South 00°16'47" East, a distance of 120.06 feet;

Thence South 83°22'04" East, a distance of 318.13 feet;

Thence South 47°14'48" East, a distance of 13.69 feet;

Thence South 16°19'44" East, a distance of 738.28 feet;

Thence South 89°41'20" West, departing said Westerly right-of-way line, a distance of 851.08 feet;

Thence South 40°33'28" East, a distance of 746.19 feet;

Thence South 01°42'59" East, a distance of 363.68 feet;

Thence South 48°29'19" West, a distance of 834.59 feet;

Thence South 25°33'53" West, a distance of 933.52 feet;

Thence South 39°49'17" West, a distance of 500.27 feet;

Thence South 81°46'08" West, a distance of 295.31 feet;

Thence North 68°09'56" West, a distance of 423.73 feet to a point on the West line of the Southwest Quarter of said Section 26;

Thence North 00°03'04" West, along said West line, a distance of 817.74 feet to the Maricopa County Department of Transportation Aluminum Cap stamped LS#29891 marking the West Quarter of said Section 26;

Thence North 00°10'46" West, along the West line of the Northwest Quarter of said Section 26, a distance of 2645.98 feet to the Point of Beginning.

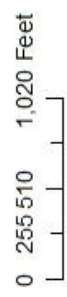
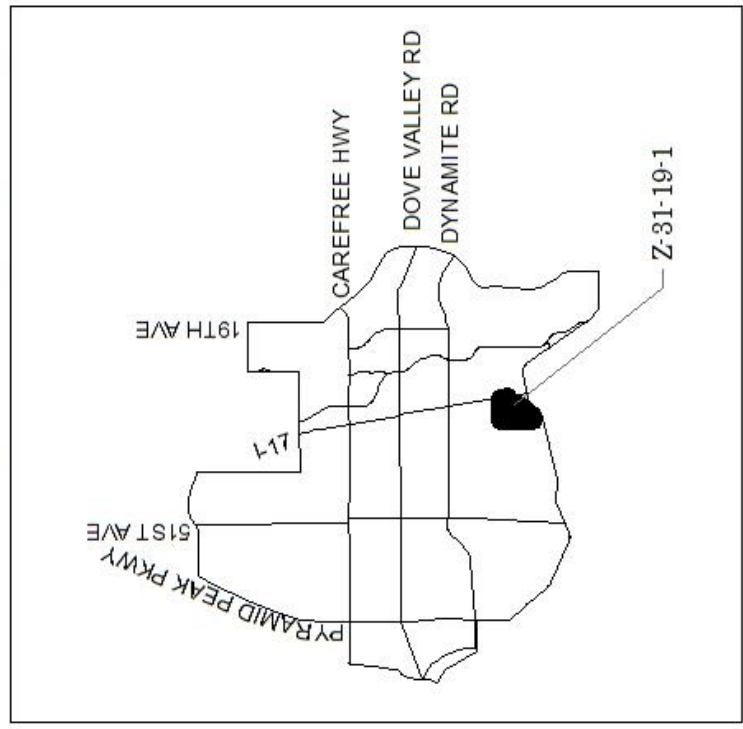
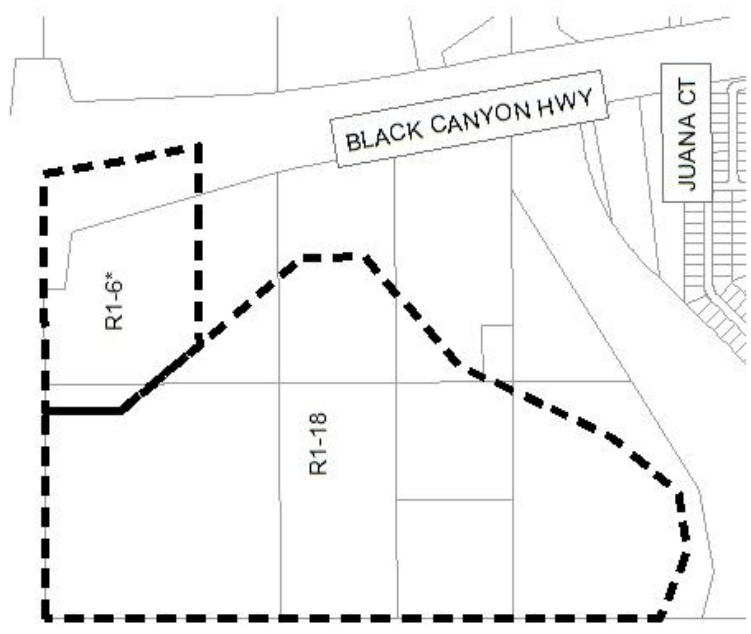
Containing 5,980,986 Square Feet or 137.305 Acres, more or less.

**EXHIBIT B**

**ORDINANCE LOCATION MAP**

Zoning Case Number: Z-31-19-1  
Zoning Overlay: N/A  
Planning Village: North Gateway

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



NOT TO SCALE



Drawn Date: 5/22/2020

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**Staff Report: Z-31-19-1**

April 28, 2020

**North Gateway Village Planning  
Committee Hearing Date**

May 14, 2020

**Planning Commission Hearing Date**

June 4, 2020

**Request From:**

C-2 (18.46 acres) R-3A (1.41 acres) and R1-18 (118.41 acres)

**Request To:**

R1-6 (19.87 acres) and R1-18 (118.41 acres)

**Proposed Use**

Single-Family Residential

**Location**

Southwest corner of Interstate 17 and Dixileta Drive

**Owner**

GM Gabrych Family Limited Partnership

**Applicant / Representative**

Lennar Arizona Inc., Chris Clonts

**Staff Recommendation**

Approval, subject to stipulations

<b><u>General Plan Conformity</u></b>			
<b><u>General Plan Land Use Map Designation</u></b>	Current: Preserves / 0 to 1 or 1 to 2 dwelling units per acre Parks / Open Space – Future 1 dwelling unit per acre Preserves / Floodplain Preserves / Mixed Use (Areas C and D only) Mixed Use (North Gateway and Northwest Area only)		
	Proposed (GPA-NG-1-19-1 for a portion of the requested zoning area): Residential 3.5 to 5 dwelling units per acre		
<b><u>Street Map Classification</u></b>	Dixileta Drive	Major Arterial	0-foot south half street
	Interstate 17 Frontage Road (one-way south)	Freeway	178-foot

**BUILD THE SUSTAINABLE DESERT CITY CORE VALUE; DESERT LANDSCAPE; LAND USE PRINCIPLE: Promote land uses that preserve Phoenix’s natural open spaces.**

The proposal intends to preserve approximately 118 acres of natural hillside area. This area, commonly known as Middle Mountain, has been identified as a future Sonoran Preserve priority area and will serve to increase the city’s dedicated open space.

**CONNECT PEOPLE AND PLACES CORE VALUE; OPPORTUNITY SITES; LAND USE PRINCIPLE: Promote and encourage compatible development and redevelopment with a mix of housing types in neighborhoods close to employment centers, commercial areas, and where transit or transportation alternatives exist.**

The subject site is adjacent to the North Black Canyon Major Employment Center and Interstate 17. As such, the proposed development will serve to offer additional housing choices in close proximity to an employment center and a major transportation corridor.

**CELEBRATE OUR DIVERSE COMMUNITIES AND NEIGHBORHOODS CORE VALUE; CERTAINTY AND CHARACTER; DESIGN PRINCIPLE: Promote neighborhood identity through planning that reinforces the existing landscaping and character of the area. Each new development should contribute to the character identified for the village.**

The proposed development, as stipulated, will promote the established character of the area through a desert landscape palette, increased open space and compatible housing design.

#### **Applicable Plans/ Overlays and Initiatives**

[North Black Canyon Corridor Plan](#) – see No. 4 below.

[Reimagine Phoenix Initiative](#) – see No. 10 below.

[Tree and Shade Master Plan](#) – see No. 11 below.

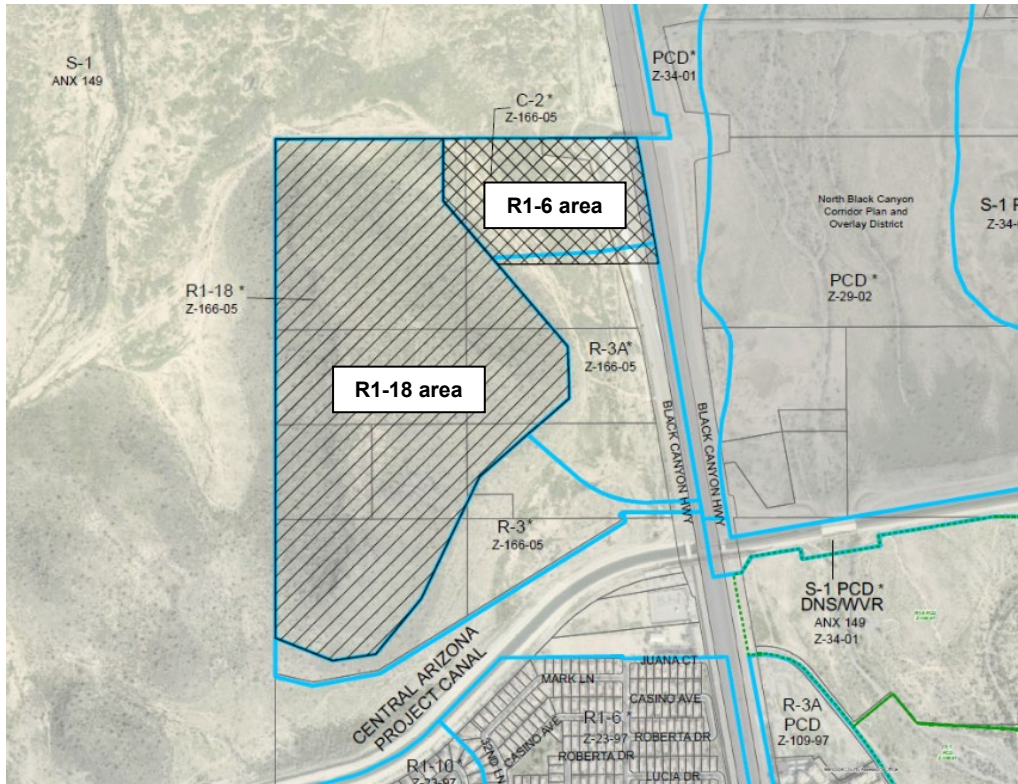
<b>Surrounding Land Uses/Zoning</b>		
	<b><u>Land Use</u></b>	<b><u>Zoning</u></b>
<b>On Site</b>	Vacant/Undeveloped	C-2, R-3A and R1-18
<b>North</b>	Vacant/Undeveloped	S-1
<b>South</b>	Vacant/Undeveloped	R-3A and R-3
<b>West</b>	Vacant/Undeveloped	S-1
<b>East</b>	Vacant/Undeveloped	PCD NBCOD, R-3A and R-3

<b>R1-6 Single-Family Residence District (Planned Residential Development Option)</b>		
<b><u>Standards</u></b>	<b><u>Requirements</u></b>	<b><u>Provisions on the Proposed Site Plan</u></b>
Gross Acreage	-	19.87 acres
Total Number of Units	109 to 129 maximum allowed	82 units
Density (Units/Gross Acre)	5.5; 6.5 with bonus maximum	4.13 (Met)
Minimum Lot Width	45 feet minimum	Minimum 45 feet (Met)
Minimum Perimeter Building Setback	Street (front, rear or side): 15 feet (in addition to landscape setback);  Property line (rear): 15 feet (1-story), 20 feet (2-story);  Property line (side): 10 feet (1-story), 15 feet (2-story)	Not Shown
Perimeter Landscape Setback	15 feet average, 10 feet minimum	Not Shown
Subject to Single Family Design Review	Yes	Yes
Common Areas	5% of gross minimum	Not Shown
Maximum Building Height	2 stories and 30-feet in height	2 stories and 30-feet in height

### **Background/Issues/Analysis**

1. This is a request to rezone 19.87 acres located at the southwest corner of Interstate 17 and Dixileta Drive from 18.46 acres of C-2 (Intermediate Commercial) and 1.41 acres of R-3A (Multifamily Residence District) to R1-6 (Single-Family Residence District) for single-family residential development.

The proposal also includes a request to rezone 118.41 acres of R1-18 (Single-Family Residence District) to R1-18 (Single-Family Residence District) for use as dedicated open space. This area of the site is commonly known as Middle Mountain.



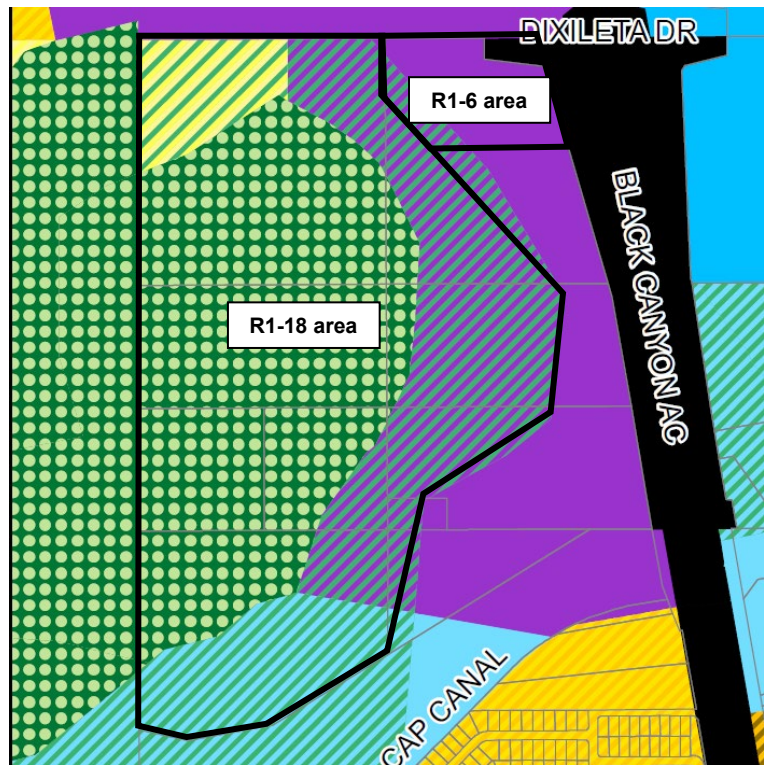
Aerial Zoning Map, Source: City of Phoenix Planning & Development Department

## SURROUNDING USES AND ZONING

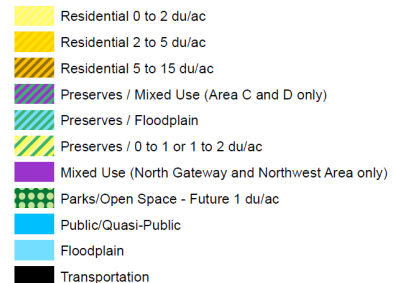
2. The subject site is vacant as is the surrounding area. The areas to the north and west are zoned S-1 (Ranch or Farm Residence). The area to the east, across Interstate 17 is zoned PCD NBCOD (Planning Community District, North Black Canyon Overlay District). To the south and east is zoned R-3A (Multifamily Residence District) and R-3 (Multifamily Residence District) and is planned for single-family residential development.



3. The current General Plan Land Use Map designations for the requested R1-6 portion of the subject site are Preserves / Mixed Use (Areas C and D only) and Mixed Use (North Gateway and Northwest Area only). The Mixed Use (Areas C, D and Northwest Area Only) land use designation accommodates Commerce Park, Industrial, Commercial and Public/Quasi-Public type land uses. The proposed single-family residential use is not consistent with this designation; therefore, a companion General Plan Amendment has been filed.

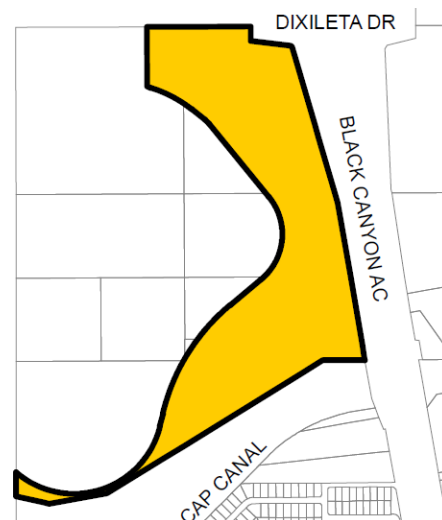


General Plan Land Use Map, Source: City of Phoenix Planning & Development Department



An amendment for a land use map designation of Residential 3.5 to 5 dwelling units per acre is being processed concurrently through GPA-NG-1-19-1. This General Plan Amendment request also encompasses the remainder of the proposed residential development to the south of the R1-6 area.

The current General Plan Land Use Map designations for the R1-18 portion of the subject site are Preserves / 0 to 1 or 1 to 2 dwelling units per acre, Parks / Open Space – Future 1 dwelling unit per acre, Preserves / Floodplain and Preserves / Mixed Use (Areas C and D only). These designations are consistent with the proposed intent to preserve this area as dedicated open space.



GPA-NG-1-19-1 Request, Source: City of Phoenix Planning & Development Department



The General Plan Land Use Map designations surrounding the site are as follows:

**North:** Mixed Use (North Gateway and Northwest Area only).

**South:** Mixed Use (North Gateway and Northwest Area only), Preserves / Mixed Use (Areas C and D only) and Preserves / Floodplain.

**West:** Parks / Open Space – Future 1 dwelling unit per acre and Preserves Floodplain.

**East:** Mixed Use (North Gateway and Northwest Area only), Preserves / Mixed Use (Areas C and D only) and Preserves / Floodplain.

#### NORTH BLACK CANYON CORRIDOR PLAN

4. The project site is located within the North Black Canyon Corridor (NBCC) which is one of the city's premier growth areas. Located along both the east and west sides of Interstate 17, the North Black Canyon Corridor stretches from Happy Valley Road to the northern city limits. The North Black Canyon Corridor Plan is applicable to this area. The proposal is consistent with the intent of the following goals:

*Goal 2: Achieve a balance between employment and housing.*

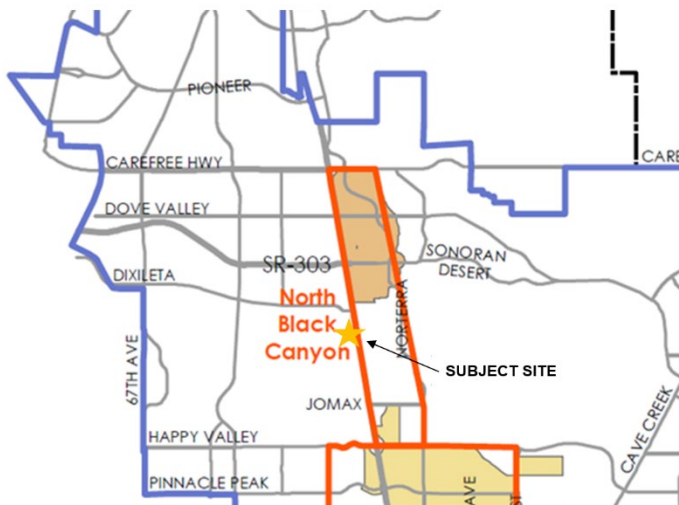
The requested rezoning contributes to a mixture of uses in the area by providing additional housing choices in close proximity to a Major Employment Center.

*Goal 4: Preserve North Sonoran Desert amenities and use these features to define community form and identity.*

The proposal incorporates preservation of over 100 acres of natural desert that has been identified as a future Sonoran Preserve area.

#### NORTH BLACK CANYON MAJOR EMPLOYMENT CENTER

- 5.



The North Black Canyon employment center extends north from Happy Valley Road to Carefree Highway and east from Interstate 17 to the 19th Avenue alignment. The area is an emerging employment center that contains a mix of development including office, regional retail, commerce park and residential. The proposal for single-family residential

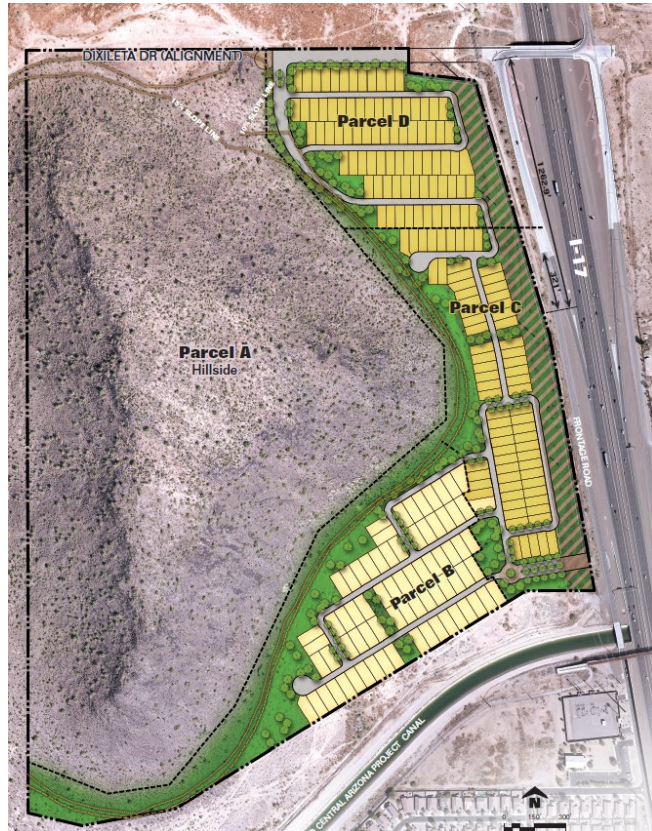
Major Employment Centers, Source: City of Phoenix

at this location contributes to providing more housing choices for those who work in the area.

## PROPOSAL

6. The applicant is proposing 82 single-family residential dwelling units (Parcel D) with primary access off Dixileta Drive. The rezoning request area is a part of a larger planned single-family development that encompasses 228 lots (Parcels B and C) along Interstate 17 from Dixileta Drive on the north to the Central Arizona Project canal on the south.

The western portion of the rezoning area (Parcel A) is natural hillside area. This area has been identified as a future priority area for the Sonoran Preserve. As such, the applicant intends to convey this property to the City of Phoenix for use as a desert park or mountain preserve. A stipulation requiring the completion of this conveyance prior to final site plan approval of the residential subdivision is contained in Stipulation No. 1.



*Conceptual Site Plan, Source: CVL Consultants*

7. Elevations for the proposed single-family residences were not submitted as part of the rezoning request. In order to ensure quality development that is consistent with the character of the area, staff is recommending a stipulation requiring administrative review of the conceptual elevations prior to approval of the single-family design review diversity exhibit for the project. The administrative review will ensure inclusion of building materials and colors consistent with a desert environment; enhanced architectural detailing; covered porches or courtyards; and decorative garage treatments. This requirement is addressed in Stipulation No. 2.

8. To provide consistency and compatibility with other residential development in the vicinity, staff is recommending several stipulations regarding site design. Stipulation No. 4 recommends the use of the plant material recommended in the North Black Canyon Overlay District. Similarly, Stipulation Nos. 6 and 8 recommend enhanced wall materials, both for perimeter and interior walls of the development. These recommendations will serve to contribute to the established character of the area.
9. Due to the site's proximity to Interstate 17, staff is recommending that all residential structures be set back a minimum of 120 feet from the eastern property line to ensure an appropriate buffer is provided to the proposed single-family residences. This is addressed in Stipulation No. 7.
10. As part of the Reimagine Phoenix initiative, the City of Phoenix is committed to increasing the waste diversion rate to 40 percent by 2020 and to better manage its solid waste resources. The City of Phoenix offers recycling collection for all single-family residences. The provision of recycling containers was not addressed in the applicant's submittals; however, per City Code, the City provides recycling containers and services to all single-family residences.
11. 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. A vision in the master plan is to raise awareness by leading by example. To accomplish the vision and goal of the policy document, Stipulation No. 5 is recommended requiring the development to retain a minimum of 20 percent of the site area as open space, exclusive of landscape setbacks, washes and the hillside preserve area. Of this 20 percent open space, a minimum of 5 percent is to be provided as active open space and centrally located within the development.

#### COMMUNITY INPUT SUMMARY

12. Staff has received one letter of concern at the time the staff report was written from an adjacent property owner. The letter expressed concern with utility access and an existing development agreement.

#### INTERDEPARTMENTAL COMMENTS

13. The Street Transportation Department has indicated that right-of-way dedications are required for both Dixileta Drive and the Interstate 17 frontage road for the entire rezoning area. In addition, the applicant will be required to submit a Developer Project Information Form for the MAG Transportation Improvement Program to the department. Finally, the developer will be responsible for construction of all streets within and adjacent to the development with pavement and other incidentals. These requirements are addressed in Stipulations Nos. 9 through 12.

14. The City of Phoenix Water Services Department has noted the site will require water and sewer main extensions. In addition, due to physical constraints surrounding the property, a single water line is planned for the site. Due to the limited water service, the Water Services Department is also recommending a restriction on the size of dwelling units in order to ensure adequate water flow. This is addressed in Stipulation No. 3, which restricts the maximum building size per home to 3,600 square feet.
15. The Floodplain Management Division of the Public Works Department has determined that this parcel is not in a Special Flood Hazard Area (SFHA), but is located in a Shaded Zone X, on panel 0845 L / 1260 L of the Flood Insurance Rate Map (FIRM) dated November 10, 2017 / July 20, 2018.
16. The Fire Department commented that no code issues are anticipated with this case and the site and/or buildings shall comply with the Phoenix Fire Code.
17. 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 Stipulations Nos. 13, 14 and 15.
18. The City of Phoenix Aviation Department has noted that the site is within the Phoenix Deer Valley Airport (DVT) traffic pattern airspace and has requested a disclosure statement be completed and a no hazard determination from the FAA be provided. These are addressed in Stipulation Nos. 16 and 17.

#### OTHER

19. 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 proposal will retain over 100 acres of natural hillside in the Sonoran Preserve priority area for a desert park or mountain preserve.
2. The proposed residential development is appropriately located in close proximity to an employment center and a major transportation corridor.
3. The proposal is compatible and contributes to the character of the area through stipulated site and building design features.

## **Stipulations**

1. Prior to the issuance of Final Site Plan Approval, the owner shall convey 118 acres (or an area mutually agreed by the city and the owner) of hillside land selected by the City of Phoenix and located in the area as depicted as Tract A of the final plat, to the City of Phoenix for use as a City of Phoenix desert park and/or mountain preserve.
2. The conceptual elevations shall be administratively approved by the Planning Hearing Officer prior to single-family design review diversity exhibit approval with specific regard to the inclusion of the below elements. This review is for conceptual purposes only. Specific development standards and requirements will be determined by the Planning and Development Department.
  - a. Building materials and colors shall express a desert character and shall blend with, rather than strongly contrast with the desert environment.
  - b. All elevations of the homes shall contain three of the following architectural embellishments and detailing: textural changes, pilasters, offsets, recesses, variation in window size or location, overhang canopies, or similar features.
  - c. Covered porches a minimum of 60 square feet in area at a depth of at least six feet, courtyard areas with low surrounding walls a minimum of 60 square feet in area, or homes with livable space a minimum of 3 feet in front of the front line of the garage, shall be provided in the front façades of a minimum of 50 percent of the elevations offered within the subdivision.
  - d. Decorative garage treatments, including but not limited to, windows, raised or recessed panels, architectural trim, and/or single garage doors.
3. The maximum building square footage per home is 3,600 square feet.
4. All landscape plant material shall comply with the approved plant species list in Appendix A of the North Black Canyon Overlay District, as approved by the Planning and Development Department.

5. A minimum of 20 percent of the gross project area shall be retained as open space, exclusive of landscape setbacks, washes and hillside preserve area, with a minimum of 5 percent improved as active/useable open space and centrally located within the subdivision, as approved by the Planning and Development Department.
6. Interior walls and privacy fencing, excluding walls located between lots, shall be integral in color or painted to blend with the natural desert environment, as approved by the Planning and Development Department.
7. A minimum building setback of 120 feet for residential structures shall be required along the ADOT frontage road right-of-way, as approved by the Planning and Development Department.
8. Perimeter walls shall incorporate stone veneer, stonework, varying types of CMU block, or faux stone, as approved by the Planning and Development Department.
9. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
10. Right-of-way totaling 70 feet shall be dedicated for the south half of Dixileta Drive. Frontage of the site plan extending west of the access roadway may be reserved as a right-of-way easement in lieu of dedication, at the discretion and approval of the Street Transportation Department. Construction of Dixileta Drive is required with the initial phase of development, as approved by the Planning and Development Department.
11. Right-of-way totaling 208 feet shall be dedicated for the west half of Interstate 17 (178 feet existing and 30 feet new) for the frontage road, as approved by the Planning and Development Department.
12. The applicant shall complete and submit the Developer Project Information Form for the MAG Transportation Improvement Program to the Street Transportation Department.
13. 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.
14. 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.

15. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.
16. The developer shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence and operational characteristics of Phoenix Deer Valley Airport (DVT) to future owners or tenants of the property as approved by the Aviation Department.
17. 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 FAA and a “NO Hazard Determination” obtained prior to the construction start date.

**Writer / Team Leader**

Samantha Keating

April 28, 2020

**Exhibits**

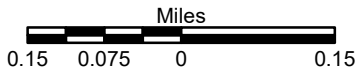
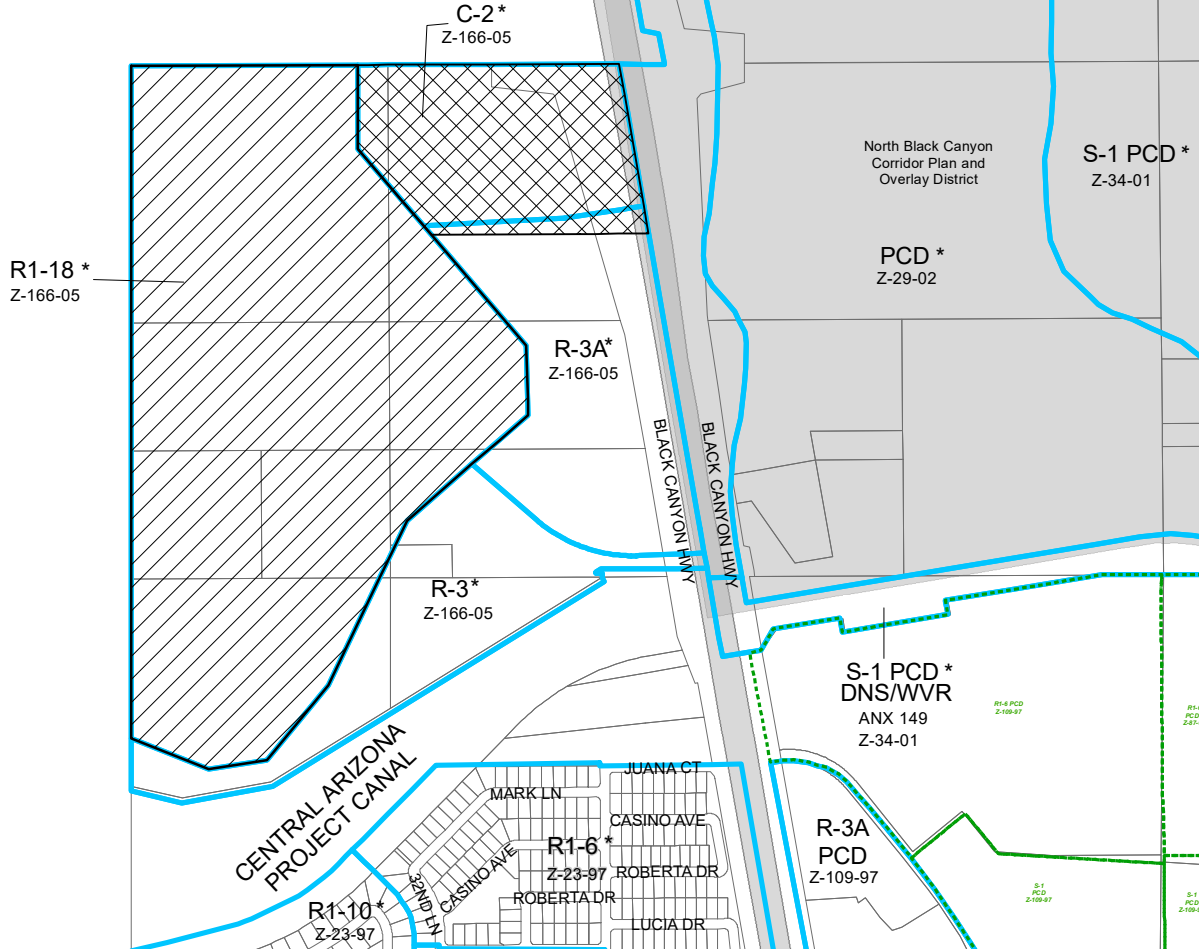
Sketch Map

Aerial

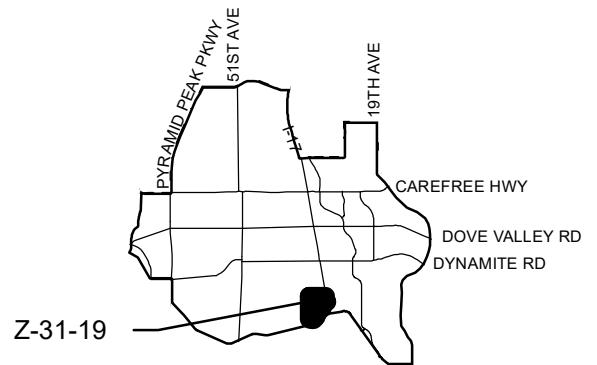
Conceptual Site plan, date stamped December 13, 2019

Community Correspondence (2 pages)

S-1  
ANX 149



**NORTH GATEWAY VILLAGE**  
CITY COUNCIL DISTRICT: 1



APPLICANT'S NAME: **Lennar Arizona, Inc.**

APPLICATION NO. **Z-31-19**

DATE: **7/23/2019**  
REVISION DATES:

**3/24/2020**

AERIAL PHOTO & QUARTER SEC. NO. **QS 52-21**  
ZONING MAP **Q-6**

GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.

**138.28**

**REQUESTED CHANGE:**

- FROM:
- C-2 ( 18.46 a.c.)
  - R-3A ( 1.41 a.c.)
  - R1-18 ( 118.41 a.c.)
- TO:
- R1-6 ( 19.87 a.c.)
  - R1-18 ( 118.41 a.c.)

**MULTIPLES PERMITTED**

C-2, R-3A, R1-18

R1-6, R1-18

**CONVENTIONAL OPTION**

267, 31, 231

105, 231

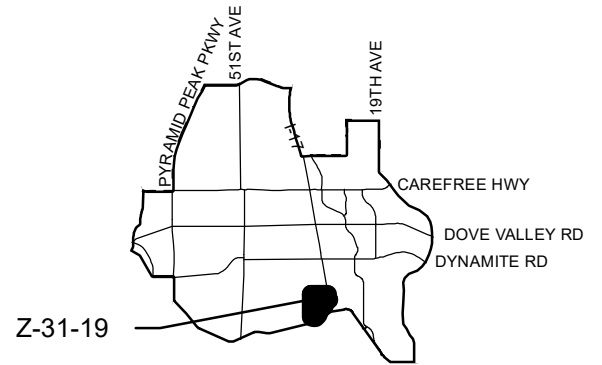
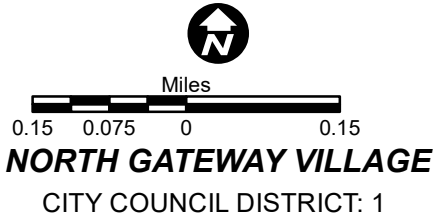
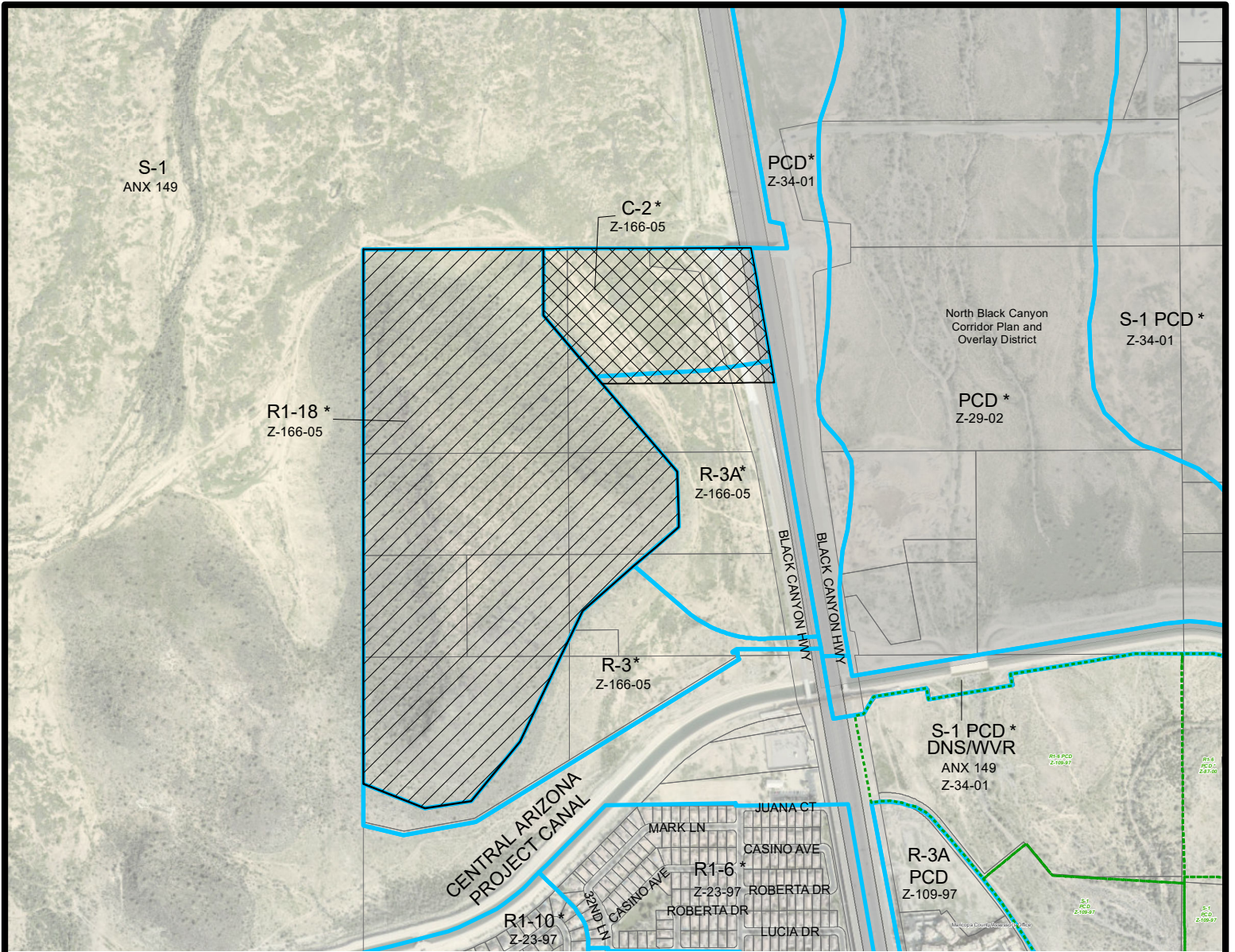
**\* UNITS P.R.D. OPTION**

321, 37, 277

129, 277

\* Maximum Units Allowed with P.R.D. Bonus





<b>APPLICANT'S NAME:</b> Lennar Arizona, Inc.		<b>REQUESTED CHANGE:</b>	
<b>APPLICATION NO.</b> Z-31-19	<b>DATE:</b> 7/23/2019 <b>REVISION DATES:</b>	<b>FROM:</b>	
GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.  <b>138.28</b>	<b>3/24/2020</b>	C-2 ( 18.46 a.c.) R-3A ( 1.41 a.c.) R1-18 ( 118.41 a.c.)	
<b>AERIAL PHOTO &amp; QUARTER SEC. NO.</b> QS 52-21	<b>ZONING MAP</b> Q-6	<b>TO:</b>	
<b>MULTIPLES PERMITTED</b> C-2, R-3A, R1-18 R1-6, R1-18	<b>CONVENTIONAL OPTION</b> 267, 31, 231 105, 231	R1-6 ( 19.87 a.c.) R1-18 ( 118.41 a.c.)	
		<b>* UNITS P.R.D. OPTION</b> 321, 37, 277 129, 277	

\* Maximum Units Allowed with P.R.D. Bonus

## Samantha Keating

---

**From:** tom@gcfaz.com  
**Sent:** Tuesday, January 21, 2020 4:56 PM  
**To:** Samantha Keating  
**Cc:** Kaelee Wilson  
**Subject:** Z-31-19-1 and GPA-NG-1-19 RE: revised stips

North Gateway Village Planner  
Staff Planner: Samantha Keating  
Phone: 602-262-6823  
Email: [samantha.keating@phoenix.gov](mailto:samantha.keating@phoenix.gov)  
Planning Committee Email: [NorthGatewayVPC@phoenix.gov](mailto:NorthGatewayVPC@phoenix.gov)

Regarding Z-31-19-1 and GPA-NG-1-19, we wish to table those applications, on behalf of Granite Creek Farms and North Valley Assembly of God (Church), having received yesterday an email from Lennar Arizona stating they (Lennar and the property owner GM Gabrych Family Limited Partnership) are not purchasing from Granite Creek/Church our Wet Utility "single source water service" entitlements, access and proposed wet utility service crossing the CAP for Middle Vistas. Granite Creek retains its Lift Station Deed, Development Agreement rights and any alignment crossing the CAP involving Church property.

Unless and until formal notice from us z-31-19-1 and GPA-NG-1-19 as well as WSD and CAP should a forward settlement occur with Lennar/Gabrych for Granite Creek and the Church, please do not consider we have given right to proceed or entry, access, permitting or proceeding with Zoning, GPA, Wet Utility CAP crossing Church property. Access for the Middle Vistas/Middle Mountain property pursuant to our "Recorded" Development Agreement, this also includes any other alignment crossing Church property including wet utility access from the ADOT Frontage Road is not granted, things have broken down and there is no agreement with Lennar/Gabrych.

Sincerely,



*Thomas E. Stewart, GM* – O 928-227-3801 – C 928-231-1214 – [tom@gcfaz.com](mailto:tom@gcfaz.com)

CONFIDENTIALITY NOTICE: This e-mail message and any attachment to this e-mail message contain confidential information that may be legally privileged. If you are not the intended recipient, you must not retransmit, photocopy, copy, use or disseminate this e-mail or any attachments to it without prior written authorization of the authors. If you have received this e-mail in error, please notify Granite Creek Farms immediately by return e-mail or by telephone at (928) 227-3801 or (928) 231-1214 and delete this message immediately. Please note that if this e-mail message contains a forwarded message or is a reply to a prior message, some or all of the contents of this message or any attachments may not have been produced by Granite Creek Farms.

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**From:** Kaelee Wilson <[kaelee.wilson@phoenix.gov](mailto:kaelee.wilson@phoenix.gov)>  
**Sent:** Tuesday, August 27, 2019 2:00 PM  
**To:** [jezonn@tblaw.com](mailto:jezonn@tblaw.com); [tom@gcfaz.com](mailto:tom@gcfaz.com); [erik.molina@lennar.com](mailto:erik.molina@lennar.com)  
**Subject:** revised stips

Hi!

Please find the revised stips attached to this email. Please let me know if you have any questions.

Thanks,

*Kaelee Wilson*

**Village Planner**

**(602) 262-6949**

**Desert View, North Gateway and Rio Vista**

## Village Planning Committee Meeting Summary Z-31-19-1

<b>Date of VPC Meeting</b>	May 14, 2020
<b>Request From</b>	C-2 (18.46 acres), R-3A (1.41 acres), R1-18 (118.41 acres)
<b>Request To</b>	R1-6 (19.87 acres) and R1-18 (118.41 acres)
<b>Proposed Use</b>	Single-family residential
<b>Location</b>	Southwest corner of I-17 and Dixileta Drive
<b>VPC Recommendation</b>	Approval, per the staff recommendation
<b>VPC Vote</b>	6-0

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

**Ms. Kristi Trisko**, staff, gave a presentation covering the existing land uses and General Plan Land Use Map designations for items No. 3 and 4. She displayed a land use map, general plan map and shared a brief description of the infrastructure and utility issues with the site and the recent removal of the lift station property from the GPA area. Ms. Trisko shared the seventeen (17) stipulations and stated why they are important and referenced policy to support them. She shared that the proposal is compatible with surrounding land uses in the area.

**Mr. Bill Lally**, applicant representative, provided a brief history of this site stating that the original entitlements approved in 2005 allowed approximately 700 residential units and mixed uses near the intersection. In 2018, the entitlements were changed again to allow for some single family and townhome uses with a total unit count of 700 dwellings. Mr. Lally then described the current site plan details along with the infrastructure and utilities issues for the site now proposing 228 single family lots due to reduced utility access with the preservation of 118 acres as permanent preserve. Mr. Lally also explained that a small portion of the site, along I-17, was removed from the GPA boundary for the lift station.

**Committee Member Steve Tucker** asked the applicant if the site's only access point was along Dixileta Drive?

**Mr. Bill Lally** stated that Dixilate Drive is the main access point due to the site's proximity to I-17 on the east and the canal on the south.

**Committee Member Steve Tucker** asked if the roundabout shown near the southern end of the project would connect to the frontage road?

**Mr. Bill Lally** stated that he had misspoke, there is a secondary vehicle access point located just east of the roundabout along the frontage road near the southern end of the site. Mr. Lally further stated that there will be two gated entrance points to the site.

**Committee Member Steve Tucker** commented that he is pleased with the 118-acre hillside portion of the site that will be donated as permanent preserve.

**Mr. Bill Lally** stated it was Lennar's work with the City that made this dedication happen.

**Committee Member Julie Read** stated that this development would be part of the Deer Valley School District and as such, would need to provide bus service to the site. She asked, will turnarounds and the entrance gates shown on the site plan allow busses adequate turnaround space?

**Mr. Bill Lally** stated that the project will be designed with adequate turnaround space for all types of large vehicles that will be needed to serve the site.

**Committee Member Shannon Simon** asked if the applicants had worked with the surrounding property owners to remove the lift station from the GPA?

**Mr. Bill Lally** stated that the lift station was removed as part of an agreement with the City of Phoenix.

**Committee Member Julie Read** asked if any residents had called in, left comments, or wished to speak this evening?

**Ms. Kristi Trisko** stated that no requests to speak or emails were received by staff prior to the meeting.

### **MOTION:**

**Shannon Simon** made a motion to approve Z-31-19-1 per staff's recommendation.

**Ms. Julie Read** seconded the motion.

### **VOTE:**

**6-0.** Motion passes with Committee Members Julie Read, Michelle Ricart, Daniel Tome, Steve Tucker, Shannon Simon, and Jason Stokes in favor.

### **Recommended Stipulations**

1. Prior to the issuance of Final Site Plan Approval, the owner shall convey 118 acres (or an area mutually agreed by the city and the owner) of hillside land selected by the City of Phoenix and located in the area as depicted as Tract A of the final plat, to the City of Phoenix for use as a City of Phoenix desert park and/or mountain preserve.

2. The conceptual elevations shall be administratively approved by the Planning Hearing Officer prior to single-family design review diversity exhibit approval with specific regard to the inclusion of the below elements. This review is for conceptual purposes only. Specific development standards and requirements will be determined by the Planning and Development Department.
  - a. Building materials and colors shall express a desert character and shall blend with, rather than strongly contrast with the desert environment.
  - b. All elevations of the homes shall contain three of the following architectural embellishments and detailing: textural changes, pilasters, offsets, recesses, variation in window size or location, overhang canopies, or similar features.
  - c. Covered porches a minimum of 60 square feet in area at a depth of at least six feet, courtyard areas with low surrounding walls a minimum of 60 square feet in area, or homes with livable space a minimum of 3 feet in front of the front line of the garage, shall be provided in the front façades of a minimum of 50 percent of the elevations offered within the subdivision.
  - d. Decorative garage treatments, including but not limited to, windows, raised or recessed panels, architectural trim, and/or single garage doors.
3. The maximum building square footage per home is 3,600 square feet.
4. All landscape plant material shall comply with the approved plant species list in Appendix A of the North Black Canyon Overlay District, as approved by the Planning and Development Department.
5. A minimum of 20 percent of the gross project area shall be retained as open space, exclusive of landscape setbacks, washes and hillside preserve area, with a minimum of 5 percent improved as active/useable open space and centrally located within the subdivision, as approved by the Planning and Development Department.
6. Interior walls and privacy fencing, excluding walls located between lots, shall be integral in color or painted to blend with the natural desert environment, as approved by the Planning and Development Department.
7. A minimum building setback of 120 feet for residential structures shall be required along the ADOT frontage road right-of-way, as approved by the Planning and Development Department.
8. Perimeter walls shall incorporate stone veneer, stonework, varying types of CMU block, or faux stone, as approved by the Planning and Development Department.
9. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands,



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

10. Right-of-way totaling 70 feet shall be dedicated for the south half of Dixileta Drive. Frontage of the site plan extending west of the access roadway may be reserved as a right-of-way easement in lieu of dedication, at the discretion and approval of the Street Transportation Department. Construction of Dixileta Drive is required with the initial phase of development, as approved by the Planning and Development Department.
11. Right-of-way totaling 208 feet shall be dedicated for the west half of Interstate 17 (178 feet existing and 30 feet new) for the frontage road, as approved by the Planning and Development Department.
12. The applicant shall complete and submit the Developer Project Information Form for the MAG Transportation Improvement Program to the Street Transportation Department.
13. 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.
14. 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.
15. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.
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17. 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 FAA and a "NO Hazard Determination" obtained prior to the construction start date.

# Attachment D

## REPORT OF PLANNING COMMISSION ACTION June 4, 2020

ITEM NO: 9	
	DISTRICT NO.: 1
SUBJECT:	
Application #:	Z-31-19-1
Location:	Southwest corner of I-17 and Dixileta Drive
From:	C-2, R-3A, and R1-18
To:	R1-6 and R1-18
Acreage:	138.28
Proposal:	Single-family residential
Applicant:	Lennar Arizona, Inc.
Owner:	GM Gabrych Family Limited Partnership
Representative:	Lennar Arizona, Inc.

### **ACTIONS:**

Staff Recommendation: Approval, subject to stipulations.

Village Planning Committee (VPC) Recommendation:

**North Gateway** 5/14/2020 Approval, per the staff recommendation. Vote: 6-0.

Planning Commission Recommendation: Approval, per the North Gateway Village Planning Committee recommendation with an additional stipulation.

Motion Discussion: N/A

Motion details: Commissioner Howard made a MOTION to approve Z-31-19-1, per the North Gateway Village Planning Committee recommendation with the additional staff stipulation as read into the record.

Maker: Howard  
Second: Montalvo  
Vote: 7-1-1 (Busching) (Conflict: Shank)  
Absent: None  
Opposition Present: No

### **Findings:**

1. The proposal will retain over 100 acres of natural hillside in the Sonoran Preserve priority area for a desert park or mountain preserve.
2. The proposed residential development is appropriately located in close proximity to an employment center and a major transportation corridor.
3. The proposal is compatible and contributes to the character of the area through



stipulated site and building design features.

Stipulations:

1. Prior to the issuance of Final Site Plan Approval, the owner shall convey 118 acres (or an area mutually agreed by the city and the owner) of hillside land selected by the City of Phoenix and located in the area as depicted as Tract A of the final plat, to the City of Phoenix for use as a City of Phoenix desert park and/or mountain preserve.
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17. 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 FAA and a "NO Hazard Determination" obtained prior to the construction start date.

18. PRIOR TO PRELIMINARY SITE PLAN APPROVAL, THE LANDOWNER SHALL EXECUTE A PROPOSITION 207 WAIVER OF CLAIMS FORM. THE WAIVER SHALL BE RECORDED WITH THE MARICOPA COUNTY RECORDER'S OFFICE AND DELIVERED TO THE CITY TO BE INCLUDED IN THE REZONING APPLICATION FILE FOR RECORD.

This publication can be made available in alternate format upon request. Please contact Tamra Ingersoll at (602) 534-6648, TTY use 7-1-1.



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**Public Hearing and Resolution Adoption - General Plan Amendment GPA-MV-1-19-5 - Northwest and Northeast Corners of Ball Park Boulevard and Camelback Road; and the Northwest Corner of 107th Avenue and Camelback Road (Resolution 21844)**

Request to hold a public hearing on the General Plan Amendment request for the following item to consider adopting the Planning Commission's recommendation and the related Resolution if approved. Request to modify the land use designation on the site from Park/Open Space-Publicly Owned and Residential 3.5 to 5 dwelling units per acre to Residential 10 to 15 dwelling units per acre and Mixed Use. This file is a companion case to Z-69-19-5 and should be heard first, followed by Z-69-19-5.

**Summary**

Application: GPA-MV-1-19-5

Current Designation: Park/Open Space-Publicly Owned and Residential 3.5 to 5 dwelling units per acre

Proposed Designation: Residential 10 to 15 dwelling units per acre and Mixed Use

Acreage: 80.98 acres

Proposed Use: Map Amendment from Park/Open Space-Publicly Owned and Residential 3.5 to 5 dwelling units per acre to Residential 10 to 15 dwelling units per acre and Mixed Use

Owner: City of Glendale, City of Phoenix, RLD II Loan LLC, et al

Applicant: Shelby Duplessis, EMC Management

Representative: Shelby Duplessis, EMC Management

Staff Recommendation: Approval.

VPC Action: The Maryvale Village Planning Committee heard this case ,on May 13, 2020, and recommended denial by a 12-0 vote.

PC Action: The Planning Commission heard this case on June 4, 2020 and recommended approval by a 9-0 vote.

**Location**

Northwest and northeast corners of Ball Park Boulevard and Camelback Road; and the northwest corner of 107th Avenue and Camelback Road

Council District: 5

Parcel Addresses: 11264 W. Camelback Road; and 5021, 5023, 5025, 5145, 5216 N. Ball Park Boulevard

**Responsible Department**

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

**ATTACHMENT A**

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

RESOLUTION \_\_\_\_\_

A RESOLUTION ADOPTING AN AMENDMENT TO THE  
2015 GENERAL PLAN FOR PHOENIX, APPLICATION  
GPA-MV-1-19-5, CHANGING THE LAND USE  
CLASSIFICATION FOR THE PARCEL DESCRIBED  
HEREIN.

\_\_\_\_\_




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

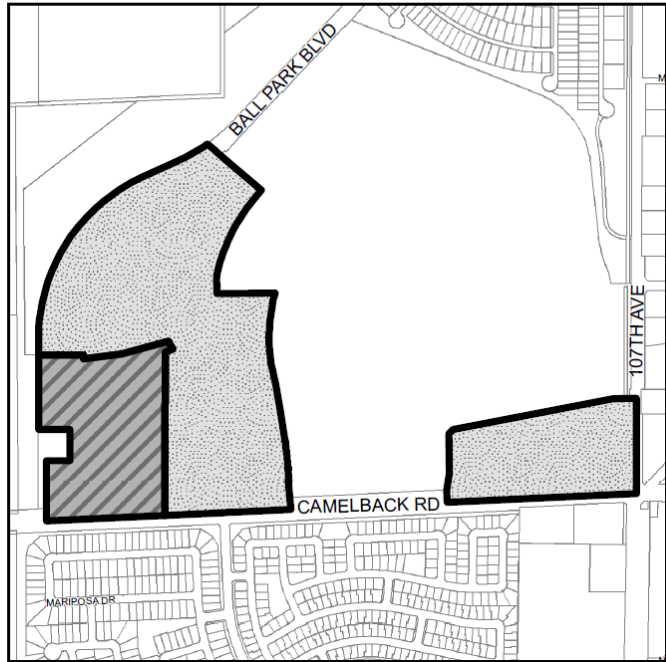
SECTION 1. The 2015 Phoenix General Plan which was adopted by  
Resolution No. 21307, is hereby amended by adopting GPA-MV-1-19-5. The 80.98  
acres of the property located at the northwest and northeast corners of Ball Park  
Boulevard and Camelback Road; and the northwest corner of 107th Avenue and  
Camelback Road will be designated Residential 10 to 15 dwelling units per acre and  
Mixed Use.

SECTION 2. The Planning and Development Director is instructed to  
modify the 2015 Phoenix General Plan to reflect this land use classification change as  
shown below:

**PROPOSED CHANGE:**

Residential 10 to 15 du/ac ( 18.02 +/- Acres)  
Mixed Use ( 62.96 +/- Acres)

-  Proposed Change Area
-  Residential 10 to 15 du/acre
-  Mixed Use



PASSED by the Council of the City of Phoenix this 24th day of June,

2020.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Acting City Attorney

REVIEWED BY:

\_\_\_\_\_  
City Manager

PL:amt:\_\_\_v1 (CM \_\_) (Item \_) 6/24/20

**GENERAL PLAN AMENDMENT  
STAFF ANALYSIS**

March 30, 2020

Application: GPA-MV-1-19-5

Owner: City of Glendale, City of Phoenix, RLD II Loan LLC, et al

Applicant/Representative: Shelby Duplessis, EMC Management

Location: Northwest and northeast corners of Ball Park Boulevard and Camelback Road; and the northwest corner of 107th Avenue and Camelback Road

Acreage: 80.98 acres

Current Plan Designation: [Park/Open Space-Publicly Owned](#) (54.28 acres) and [Residential 3.5 to 5 dwelling units per acre](#) (26.70 acres)

Requested Plan Designation: [Residential 10 to 15 dwelling units per acre](#) (18.02 acres)  
[Mixed Use](#) (62.96 acres)

Reason for Requested Change: Map amendment from Park/Open Space-Public and Residential 3.5 to 5 dwelling units per acre to Residential 10 to 15 dwelling units per acre and Mixed Use

Village Planning Committee Date: Maryvale – April 8, 2020

Staff Recommendation: Approval

**FINDINGS:**

- 1) The companion rezoning case (Z-69-19-5) proposes multifamily residential at a density of 10.77 dwelling units per acre. The proposal exceeds 10 acres and is not consistent with the existing General Plan Land Use Map designations.

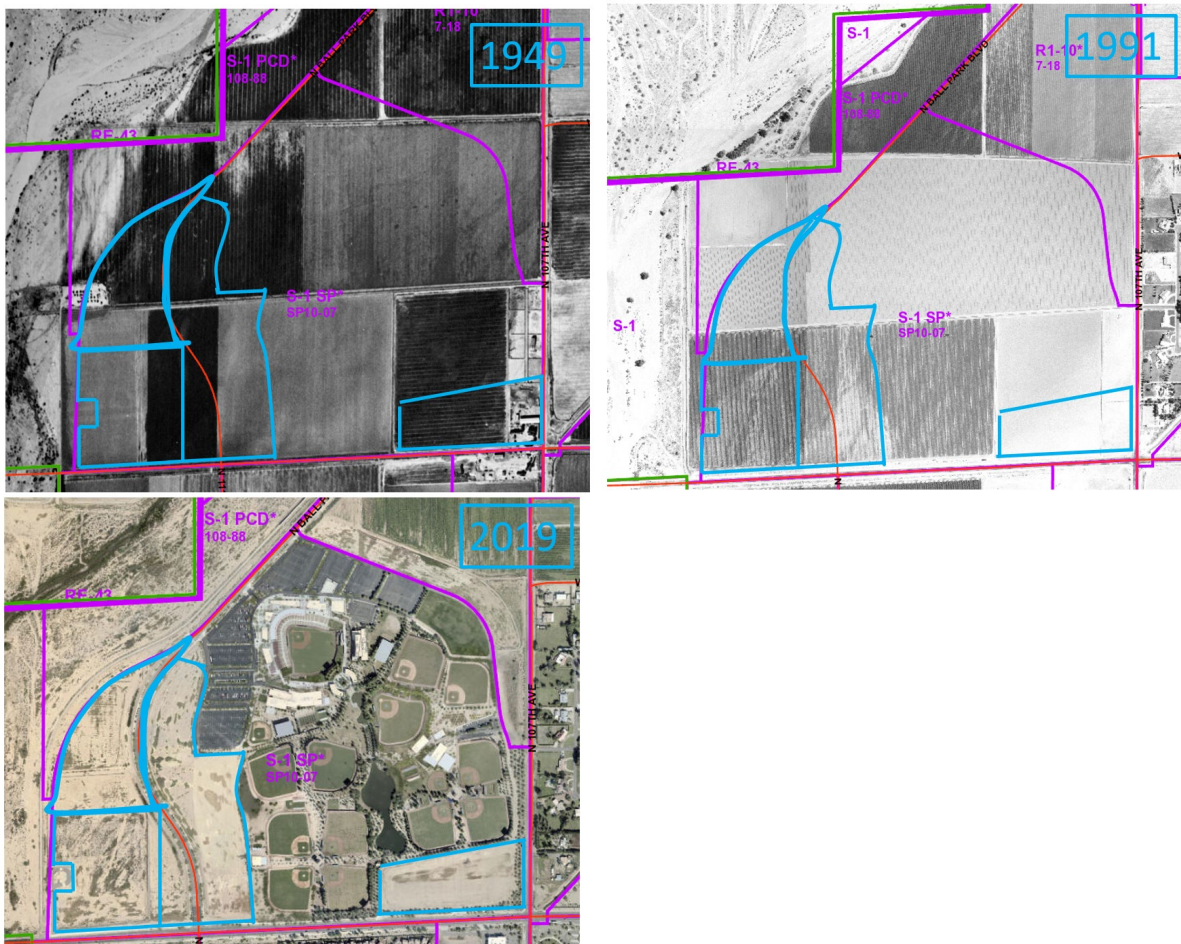


Therefore, a General Plan amendment is required to amend the Land Use Map designation.

- 2) The proposal for higher density residential and mixed use is appropriate given that the site is near Camelback Road, an arterial street, and the Camelback Ranch baseball training complex.
- 3) The proposed land use designations are compatible with the surrounding land use pattern in the area.

## **BACKGROUND**

The subject site is generally located north of Camelback Road in between 107th Avenue and to the west of Ball Park Boulevard. The subject site was annexed into the City of Phoenix on July 22, 1987 under Annexation No. 131. The site was used as agricultural land and is now vacant. The surrounding area has developed into the Camelback Ranch baseball training complex.



Source: City of Phoenix Planning and Development Department

On March 1, 1989 the Phoenix City Council changed the General Plan Land Use Map for approximately 38.85 acres at the northwest and southwest corners of 107th Avenue and Camelback Road (GPA-SA-MV-2-88-5) from Residential 2 to 5 dwelling units per acre to Commercial to serve the residences in the Camelback Ranch Planned Community District. In 1998 the Phoenix City Council (GPA-MV-2-97-5) voted to change the General Plan Land Use Map designation for the northwest corner of 107th Avenue and Camelback Road from Commercial back to Residential 2 to 5 dwelling units per acre to reflect a rezoning request for single-family residences at the site.

The subject site to the west of the Camelback Ranch baseball training facility has been designated Parks/Open Space and Residential 3.5 to 5 dwelling units per acre on the General Plan Land Use Map since their annexation in 1987 and reaffirmed with General Plan Amendment GPA-SA-MV-03-92.

### **SURROUNDING LAND USES**

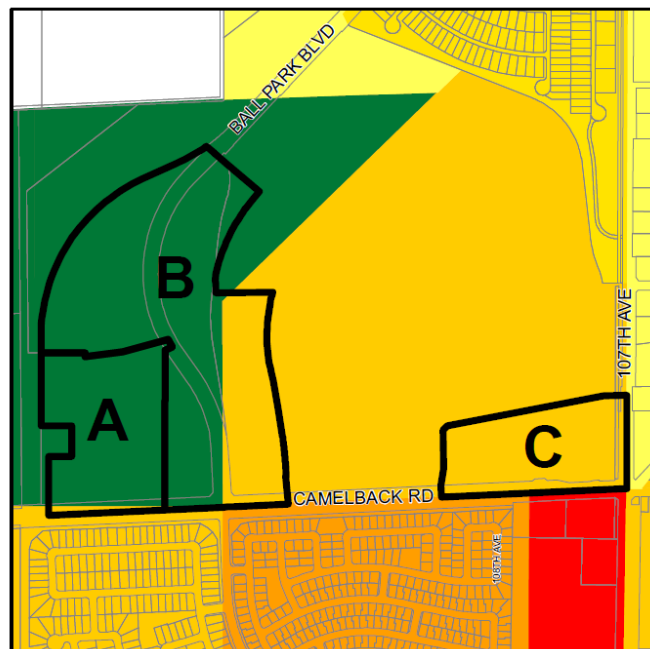
The current General Plan Land Use Map designations for the subject site are Residential 3.5 to 5 dwelling units per acre (26.70 acres) and Parks/Open Space-Publicly Owned (54.28 acres). The subject site is currently vacant.

#### **EXISTING:**

Parks/Open Space-Public du/ac ( 54.28 +/- Acres)

Residential 3.5 to 5 du/ac ( 26.70 +/- Acres)

- Proposed Change Area
- Residential 1 to 2 du/ac
- Residential 2 to 3.5 du/ac
- Residential 3.5 to 5 du/ac
- Residential 5 to 10 du/ac
- Commercial
- Parks/Open Space - Publicly Owned



*Source: City of Phoenix Planning and Development Department*

Subject Site A		
	General Plan Land Use Designation	Zoning
North	Parks/Open Space-Publicly Owned	S-1, S-1 PCD, S-1 SP
South	Residential 3.5 to 5 dwelling units per acre	R1-6 PCD
East	Parks/Open Space-Publicly Owned, Residential 3.5 to 5 dwelling units per acre	S-1 SP
West	Parks/Open Space-Publicly Owned	S-1

Subject Site B		
	General Plan Land Use Designation	Zoning
North	Parks/Open Space-Publicly Owned, Residential 3.5 to 5 dwelling units per acre	S-1 PCD
South	Parks/Open Space-Publicly Owned, Residential 3.5 to 5 dwelling units per acre, Residential 5 to 10 dwelling units per acre	S-1 SP, R1-6 PCD, R-2 PCD
East	Parks/Open Space-Publicly Owned, Residential 3.5 to 5 dwelling units per acre	S-1 SP
West	Parks/Open Space-Publicly Owned	S-1

Subject Site C		
	General Plan Land Use Designation	Zoning
North	Residential 3.5 to 5 dwelling units per acre	S-1 SP
South	Commercial, Residential 5 to 10 dwelling units per acre	C-2 PCD, R-2 PCD
East	Residential 1 to 2 dwelling units per acre	RE-35
West	Residential 3.5 to 5 dwelling units per acre	S-1 SP

The Camelback Ranch baseball facility is located between Sites B and C and was approved by the Phoenix City Council on July 2, 2007 (Z-SP-10-07). Parcels to the south of the subject sites are part of the Camelback Ranch Planned Community District originally approved by the Phoenix City Council on September 7, 1988 (Z-108-88). To the west of Sites A and B is the Agua Fria River.

## **RELATIONSHIP TO GENERAL PLAN CORE VALUES AND PRINCIPLES**

### **CONNECT PEOPLE AND PLACES CORE VALUE**

- ***OPPORTUNITY SITES; LAND USE PRINCIPLE: Support reasonable levels of increased intensity, respectful of local conditions and surrounding neighborhoods.***

The proposal will provide a reasonable level of increased intensity that is compatible with the neighboring uses and will complement the land use pattern in the area. The requested land use designations provide for additional housing and retail choices for Maryvale residents.

**CELEBRATE OUR DIVERSE COMMUNITIES AND NEIGHBORHOODS CORE VALUE**

- ***CERTAINTY AND CHARACTER; DESIGN PRINCIPLE: Create new development or redevelopment that is sensitive to the scale and character of the surrounding neighborhoods and incorporates adequate development standards to prevent negative impact(s) on the residential properties.***

The proposal via accompanying rezoning case Z-69-19-5, will be sensitive in scale and character to the surrounding neighborhoods and uses. The proposal is consistent with the intensity of the Camelback Ranch Spring Training Facility adjacent to the subject site.

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

The proposal will allow future development of several underutilized parcels to be a mixture of housing, retail and entertainment uses (mixed use) that is compatible with the adjacent neighborhood character.

**CONCLUSION AND RECOMMENDATION**

Staff recommends approval of GPA-MV-1-19-5. Approval of this General Plan Amendment will further the goals of the General Plan and will support the development of underutilized sites with uses that will provide additional opportunities for higher density residential development and mixed use land uses in Maryvale.

**Writer**

Sarah Stockham  
March 30, 2020

**Team Leader**

Samantha Keating

**Exhibits**

Sketch Map (2 pages)








# GENERAL PLAN AMENDMENT

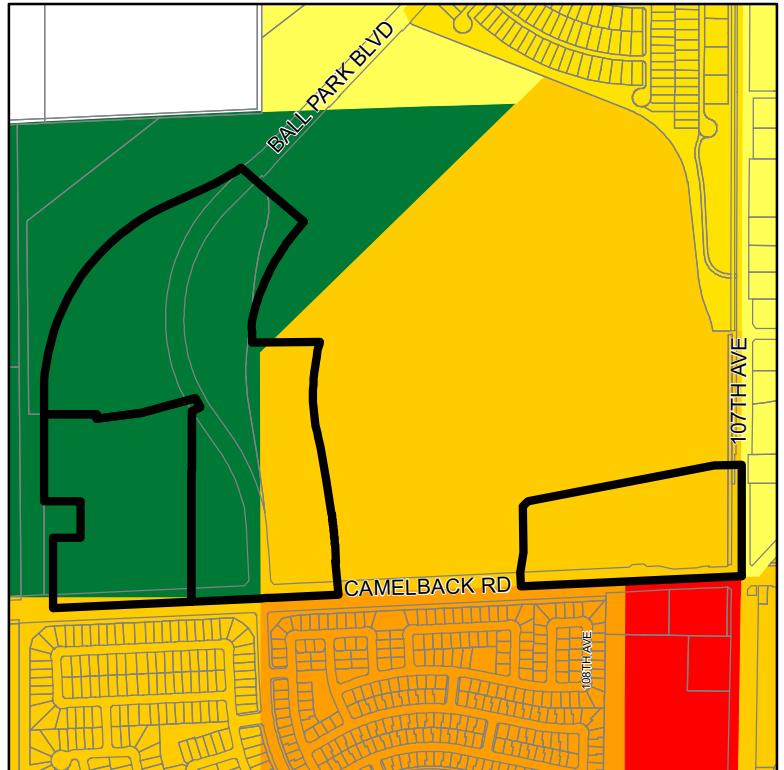
CITY OF PHOENIX ♦ PLANNING & DEVELOPMENT DEPARTMENT ♦ 200 W WASHINGTON ST ♦ PHOENIX, AZ ♦ 85003 ♦ (602) 262-6882

APPLICATION NO: GPA-MV-1-19-5	ACRES: 80.98 +/-
VILLAGE: Maryvale	COUNCIL DISTRICT: 5
APPLICANT: Shelby Duplessis	

## EXISTING:




Parks/Open Space-Public du/ac ( 54.28 +/- Acres)  
 Residential 3.5 to 5 du/ac ( 26.70 +/- Acres)

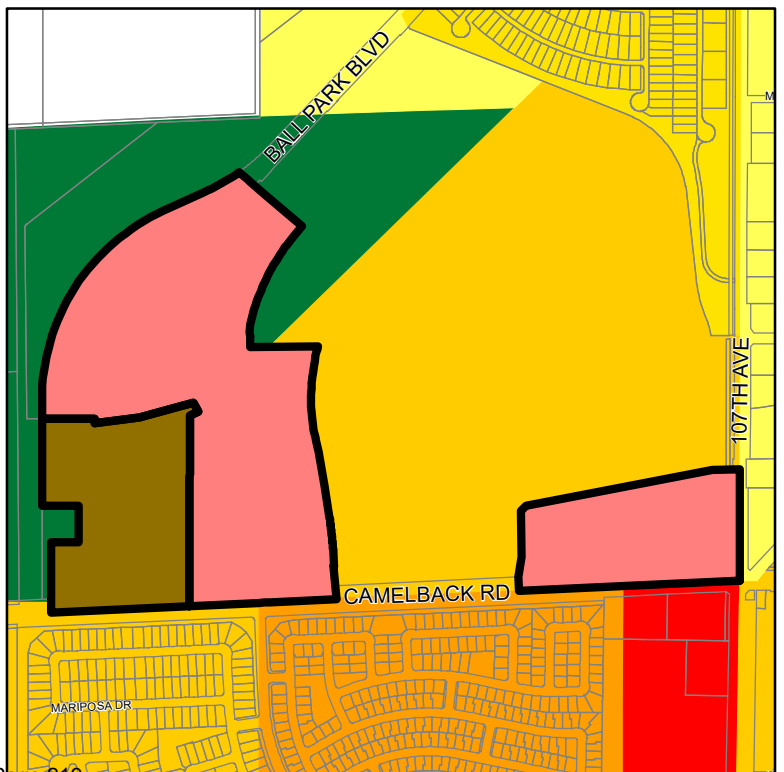
-  Proposed Change Area
-  Residential 1 to 2 du/ac
-  Residential 2 to 3.5 du/ac
-  Residential 3.5 to 5 du/ac
-  Residential 5 to 10 du/ac
-  Commercial
-  Parks/Open Space - Publicly Owned



## PROPOSED CHANGE:

Residential 10 to 15 du/ac ( 18.02 +/- Acres)  
 Mixed Use ( 62.96 +/- Acres)

-  Proposed Change Area
-  Residential 10 to 15 du/ac
-  Mixed Use










# GENERAL PLAN AMENDMENT

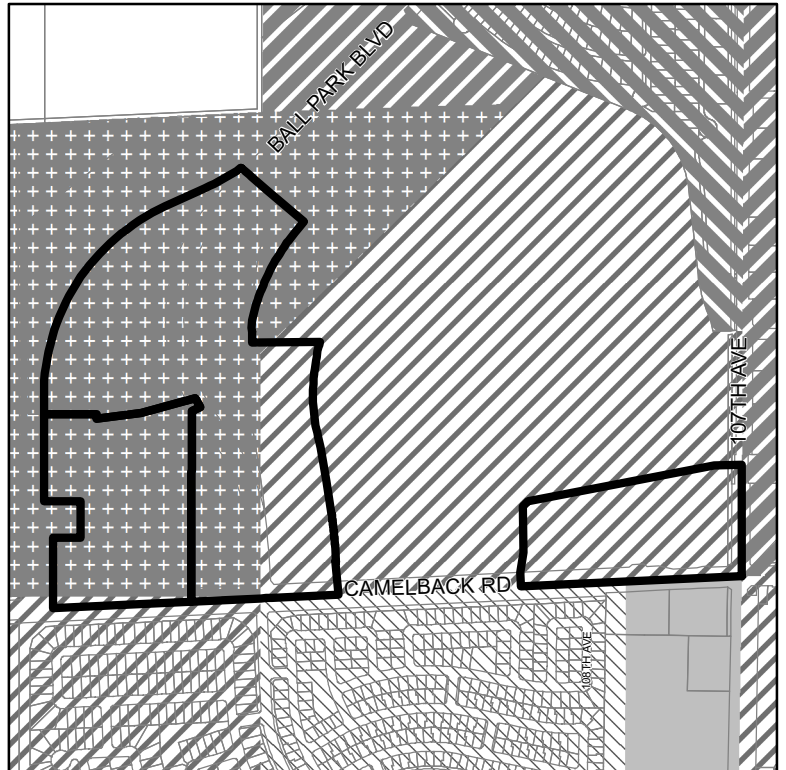
CITY OF PHOENIX ♦ PLANNING & DEVELOPMENT DEPARTMENT ♦ 200 W WASHINGTON ST ♦ PHOENIX, AZ ♦ 85003 ♦ (602) 262-6882

APPLICATION NO: GPA-MV-1-19-5_BW	ACRES: 80.98 +/-
VILLAGE: Maryvale	COUNCIL DISTRICT: 5
APPLICANT: Shelby Duplessis	

## EXISTING:




Parks/Open Space-Public du/ac ( 54.28 +/- Acres)  
 Residential 3.5 to 5 du/ac ( 26.70 +/- Acres)

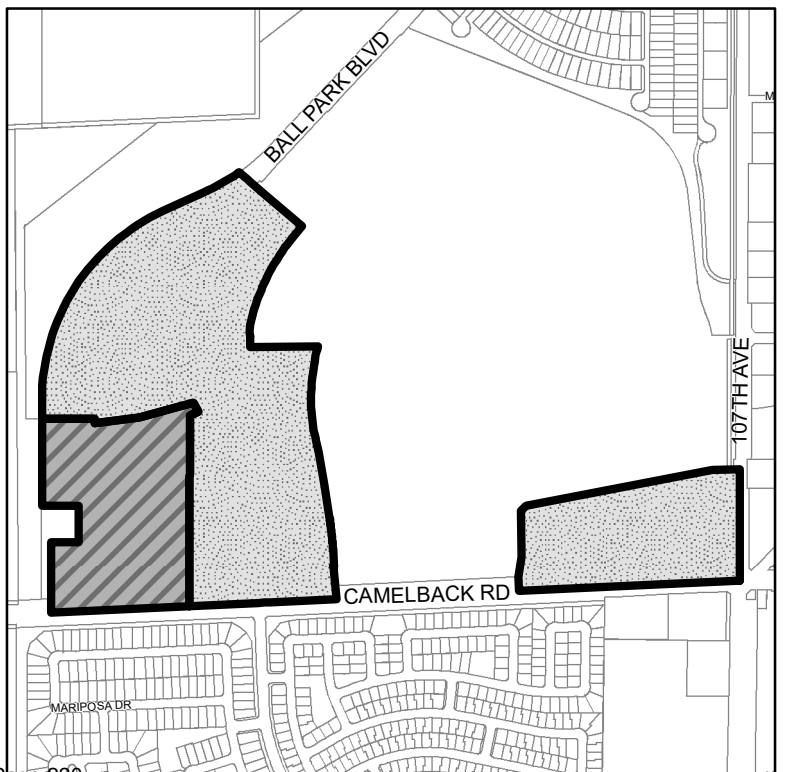
-  Proposed Change Area
-  Residential 1 to 2 du/acre
-  Residential 2 to 3.5 du/acre
-  Residential 3.5 to 5 du/acre
-  Residential 5 to 10 du/acre
-  Commercial
-  Parks/Open Space - Publicly Owned



## PROPOSED CHANGE:

Residential 10 to 15 du/ac ( 18.02 +/- Acres)  
 Mixed Use ( 62.96 +/- Acres)

-  Proposed Change Area
-  Residential 10 to 15 du/acre
-  Mixed Use





**Village Planning Committee Meeting Summary  
GPA-MV-1-19-5**

<b>Date of VPC Meeting</b>	May 13, 2020
<b>Request From</b>	Park/Open Space-Publicly Owned (54.28 acres) and Residential 3.5 to 5 dwelling units per acre (26.70 acres)
<b>Request To</b>	Residential 10 to 15 dwelling units per acre (18.02 acres) and Mixed Use (62.6 acres)
<b>Proposed Use</b>	Multifamily residential and mixed use
<b>Location</b>	Approximately the northwest and northeast corners of Ball Park Boulevard and Camelback Road; and the northwest corner of 107th Avenue and Camelback Road
<b>VPC Recommendation</b>	Denial
<b>VPC Vote</b>	12-0

**VPC DISCUSSION AND RECOMMENDATION:**

*This item was heard concurrently with Z-69-19-5.  
Ken DuBose joined during this item bringing the quorum up to 12.*

**Sarah Stockham**, staff, provided an overview of the requests, noting the location and the history of the site. Ms. Stockham displayed an aerial map, a proposed site plan, and reviewed staff's recommendation and stipulations.

**Sarah Gonzalez** asked about congestion mitigation on the site given the traffic that is generated from baseball games. **Sarah Stockham** replied that most of the traffic will enter and exit along Camelback Road and the gate along Ball Park Blvd is exit only. Ms. Stockham deferred to the applicant to further address their circulation and traffic plans for the site.

**Jordan Rose**, with Rose Law Group representing the applicant, presented an overview of the request and displayed an aerial image of the surrounding area. Ms. Rose explained that the land designated as Open Space in the General Plan was for an expansion of the ballpark and the request is to designate part of that for mixed use to support the community and the ballpark. Ms. Rose continued

that the site proposed for multifamily residential will be a highly amenitized gated community with an elaborate clubhouse, resort-style pool, community garden, sidewalks connecting all amenities, dog park, car wash station, guest parking, garages, valet trash service, private rear yards and ample open space. Ms. Rose ended her presentation by stating that this is a collaborative effort between the City of Glendale, City of Phoenix, The Empire Group and the White Sox and L.A. Dodgers to redevelop the land surrounding the ballpark.

**Vice Chair Gene Derie** asked how many people were notified about the request, where the neighborhood meeting was held and how many people were in attendance. **Ms. Rose** asked that her planner, **Jennifer Hall** answer the question. Ms. Hall responded that they notified property owners per the City's notification standards and HOA's within one mile of the site. Ms. Hall added that she spoke to the HOA president to the south who was excited to see mixed use in the area. Ms. Hall continued that they held a community meeting at the elementary school near the site and no one attended, and to date have not received any correspondence regarding this request. Mr. Derie asked which elementary school the meeting was held at. Ms. Hall responded that it was Villa de Paz Elementary school, near the site.

**Jeff O'Toole**, stated that the request is to designate fifty-four acres of land owned by the public for open space and convert it to private use. Mr. O'Toole continued that they have heard from an overwhelming number of residents in this area that they do not want more housing in this area. Mr. O'Toole asked what do the public, who currently own this land, and the tax payers get in exchange for the fifty-four acres of open space that they are giving up. **Ms. Rose** responded that the Parks Department in the City of Phoenix determined that the land, as it was originally planned for, would be incorporated into the ballpark development. Ms. Rose added that John Kaites, representing the Camelback Ranch Spring Training Facility could speak to the plans they have for the area. Ms. Rose continued that land was never utilized as open space for the community and it was waiting to develop with the ballpark. Ms. Rose stated that from a community benefit perspective the mixed use designation will support the ballpark and the commercial activity will energize the area which corresponds to the positive public comment they have received regarding this request. Mr. O'Toole stated that if you look back at original zoning, there was a time when Dust Devil Park at the southeast corner of Camelback Road and 107th Avenue extended to the entire area of ballpark and there was a point in time when the community was promised a much larger area of open space which got whittled away to allow the ballpark. Mr. O'Toole continued that the multifamily development itself looks good, but his issue is that the applicant has worked well with the City and the ballpark to accommodate their plans but only one member of the community gave their support, and the applicant, having worked on cases in the area in the past knows that this community is not supportive of additional housing. Mr. O'Toole added that this land is publicly owned and it up to the public and the taxpayers through this public hearing process to determine the future use of the property, and he does not see anything given back to them. Mr. O'Toole ended that in order for him to be supportive, he would like to see some sort of land swap for property along Ball Park Blvd where open space can be incorporated.



**John Kaites**, representing the White Sox and Dodgers baseball teams and the Camelback Ranch Training Facility, shared that the baseball facility is operated without tax payer dollars. Mr. Kaites added that they paid the City of Glendale over 3 million dollars, full market value, to buy one of the parcels. Mr. Kaites added that they were purchasing the land owned by the City of Phoenix after a market appraisal was done, in addition to completing the road to the north with Mattamy Homes and the City of Glendale. Mr. Kaites thanked the community for their support of the ballpark and they believe a park is a park: some have swing sets and others have baseball fields, and the ballpark is a great public amenity that has invested in this area for the past eleven years. **Ms. Rose** added that both cities want the spring training facility to be successful and the mixed use designation would allow for a mixed use highly amenitized area for the public to enjoy. Mr. Kaites continued that the community will have another crack at this case since the request is just to change the General Plan designation, and when the plans for the surrounding area are solidified it will require a zone change, and they will work with the community to make sure the plans they have for the area surrounding the ballpark are appropriate. Mr. Kaites stated that COVID-19 has put a hold on any interest to get the development team together but hopes that once things settle down they can continue with their plans to redevelop the area. Mr. O'Toole shared that the community supports the ballpark and their development plans along the corridor but his challenge with the proposal is that giving up fifty-four acres of publicly-owned open space for private enterprise is great from an economic development perspective but not for the community. Mr. O'Toole hopes that they bring the stakeholders together when they are developing the plans for the area surrounding the ballpark and would like to see some publicly accessible open space incorporated into the plan. Ms. Rose added that they are taking notes for when the fifty-four acres come back before the committee for a zone change.

**Mike Webber** asked for clarification that the proposal is on the west side of the ballpark, and if it originally was slated to be retail and hotels for visitors to the ballpark. **Ms. Rose** responded affirmatively, and that this proposal for a mixed use General Plan designation would allow the ballpark to come back to the committee with some great options for developing the land for those uses. Mr. Webber added that he understood why community members are concerned with more housing in the area and he wanted to see more retail go into the area. **Mr. Kaites** added that they would like to see a hotel go into the area as well, and the biggest challenge right now is the pandemic given that public spaces are not open now. Ms. Rose added that the request is to designate most of the land as mixed use on the General Plan and a smaller portion would be designated for housing, which they feel is an appropriate location and appropriate for the community. Ms. Rose continued that the additional residents will help support the retail development around the ballpark. Mr. Kaites stated that there is a joint agreement between the City of Phoenix and Glendale to split the tax revenue on those developments to repay the bonds to build the buildings so both cities are anxious to see development take place.

**Vice Chair Gene Derie** shared that he has concerns with an extreme amount of new housing that is being built, has been built or planned to be built in the area. Mr. Derie shared that in April 2017, at the Southwest Planning Summit at South Mountain Community College, the area around 107th Ave and Camelback Road

was discussed to be an economic engine for Maryvale Village, not a housing development. Mr. Derie shared several examples of new housing such as:

- 95th Avenue and Indian School Road:
  - 501 homes under construction
- 99th Avenue Indian School Road and:
  - 127 bungalows planned
- 107th Avenue and Camelback Road, south of the CVS:
  - 127 bungalows completed
- 99th Avenue and Camelback Road, southeast corner:
  - around 200 bungalows planned
- 99th Avenue in the Aldea PUD:
  - 266 apartments

Mr. Derie calculated that there are about 1,200 new residential units within a two to three-mile radius. Mr. Derie explained that if the General Plan Amendment request was to designate the entire area as mixed use and mixed use only, he would vote in favor. **Ms. Rose** shared that the current General Plan designation is for 26 acres of residential, and the request is for 18 acres of residential at a higher density; the request would decrease the amount of land designated for residential. Mr. Derie shared that there is a tremendous amount of housing being built in the area within the past two years.

**Chair Jeff Armor** asked for clarification that the number of residential units overall being proposed is less now that what it is zoned for. **Ms. Rose** answered that the amount of land designated on the General Plan for residential would decrease, but as proposed it would be at a higher density designation.

**Mike Weber** asked if there was anyone from the Parks Department on the line who could speak to the plans for the parcel to the north of the rezoning site. **Mr. Kaites** responded that the Parks Department is selling the parcel to the north rezoning site to the ballpark and that land will be part of a future rezoning case when the master plan for the retail uses is ready to move forward.

**Jeff O'Toole** asked about the proposed designation for the southeastern parcel next to 107th Avenue. **Mr. Kaites** responded that it is proposed to be mixed use; in the original plan from 2006 it was supposed to be a hotel, but the vision is to put something really nice there for people to use year-round.

**Public Comment:**

None.

**Motion for GPA-MV-1-19-5:**

**Jeff O'Toole** motioned to deny GPA-MV-1-19-5. **Mike Weber** seconded the motion.

**Vote:**

12-0, Motion to recommend denial passed, with Committee members Barba, Battle, Demarest, DuBose, Garcia, Gonzalez, O'Toole, Sirochman, Valenzuela, Weber, Derie and Armor in favor.

**STAFF COMMENTS REGARDING VPC RECOMMENDATION:**

None.

# Attachment D

## REPORT OF PLANNING COMMISSION ACTION June 4, 2020

ITEM NO: 6	
	DISTRICT NO.: 5
SUBJECT:	
Application #:	GPA-MV-1-19-5
Location:	Northwest and northeast corners of Ball Park Boulevard and Camelback Road; and the northwest corner of 107th Avenue and Camelback Road
From:	Parks/Open Space – Public and Residential 3.5 to 5 dwelling units per acre
To:	Residential 10 to 15 dwelling units per acre and Mixed Use
Acreage:	80.98
Proposal:	Map amendment from Park/Open Space-Public and Residential 3.5 to 5 dwelling units per acre to Residential 10 to 15 dwelling units per acre and Mixed Use
Applicant:	Shelby Duplessis
Owner:	City of Glendale, City of Phoenix, RLD II Loan LLC, et al
Representative:	Shelby Duplessis

### **ACTIONS:**

Staff Recommendation: Approval.

Village Planning Committee (VPC) Recommendation:

**Maryvale** 5/13/2020 Denial. Vote: 12-0.

Planning Commission Recommendation: Approval, per the staff recommendation.

Motion Discussion: N/A

Motion details: Commissioner Shank made a MOTION to approve GPA-MV-1-19-5, per the staff recommendation.

Maker: Shank  
Second: Montalvo  
Vote: 9-0  
Absent: None  
Opposition Present: Yes

### **Findings:**

1. The companion rezoning case (Z-69-19-5) proposes multifamily residential at a density of 10.77 dwelling units per acre. The proposal exceeds 10 acres and is not consistent with the existing General Plan Land Use Map designations. Therefore, a General Plan amendment is required to amend the Land Use Map designation.

2. The proposal for higher density residential and mixed use is appropriate given that the site is near Camelback Road, an arterial street, and the Camelback Ranch baseball training complex.
3. The proposed land use designations are compatible with the surrounding land use pattern in the area.

This publication can be made available in alternate format upon request. Please contact Tamra Ingersoll at (602) 534-6648, TTY use 7-1-1.

Attachment E

**Murray Kerdman**  
**SCP 2009-C32-005 LLC - CVS Phoenix**  
**910 Park Lane**  
**Montecito, CA 93108**  
**805-969-4480 Phone**  
**805-720-6230 Cell**  
**805 969 7276 Fax**  
[mkerdman@gmail.com](mailto:mkerdman@gmail.com)

RE: PROPOSED CHANGE TO GENERAL PLAN LAND USE DESIGNATION  
The Village at Camelback Park; The Empire Group  
Case Numbers: Z-69-19 and GPA-MV-1-19

May 22, 2020

Dear Mayor Gallego, City Councilmembers, Planning Commissioners and City Staff:

I own the CVS Pharmacy at the SWC of W. Camelback and 107th Avenue in Phoenix, and I would like to share with you my opinion about The Empire Group's planning request to approve Proposed Change To General Plan Land Use Designation to build the 194 Unit The Village at Camelback Park as well as the Proposal to Change the Zoning of other Adjacent Parcels to Mixed Use.

Over my career, I spent many years in Retail before becoming a Developer of Apartments, Condos and Retail Commercial Real Estate.

From my experience, I cannot overstate the virtuous circle of growth afforded a community in increased Retail Sales, Property and Sales Tax Base and Employment created when new Housing Stock, in the form of new Townhomes, Condos, or Apartments get entitled and built.

It is a certainty that CVS Pharmacy's sales at the SWC of W. Camelback and 107th Avenue in Phoenix will increase substantially with the addition of the 194 Additional New Housing Units resulting from approval of Proposed Change General Plan Land Use Designation for The Village at Camelback Park.

Accordingly, I strongly urge you to embrace the opportunity on behalf of the growth of the entire community by approving the Proposed Change To General Plan Land Use Designation to build the 194 Units at The Village at Camelback Park, as well as the request for a Mixed Use Change of Land Use for the land adjacent

Thank you for your time and consideration.

Sincerely,

*Murray Kerdman*

Murray Kerdman



June 4, 2020

Racelle Escolar  
City of Phoenix Planning Commission  
200 West Jefferson Street  
Phoenix, AZ 85003

Re: General Plan Amendments and Companion Rezoning Cases, Application #Z-69-19-5

The Glendale Aviation Advisory Commission met on May 20, 2020 and unanimously opposed a request to rezone a 16.7-acre parcel located near the northwest corner of Ball Park Boulevard and Camelback Road (application #Z-69-19-5) located in the City of Phoenix.

Please be advised that Glendale's Advisory Commission does not represent the City of Glendale's position on issues such as this zoning case.

The City of Glendale has not reached out to the City of Phoenix or its Planning Commission in opposition to this project and has no intention of opposing this development. It is recommended that residents of this development have pre-notification of the airport being in relative proximity.

Glendale has supported similar projects as this within the City of Glendale on several occasions.

If there was any misunderstanding with reference to this zoning case, I apologize.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jack C. Friedline', is written over a light blue circular stamp or watermark.

Jack C. Friedline  
Assistant City Manager



# Attachment F

**From:** [Walt Gray](#)  
**To:** [Emmanuel Gallardo-Sanidad](#); [Walt Gray](#)  
**Cc:** [Toni Maccaroni](#); [Christine Mackay](#); [Joshua Bednarek](#); [Sarah Stockham](#)  
**Subject:** Zoning Cases in District 5  
**Date:** Monday, May 25, 2020 6:56:45 PM

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Emmanuel:

Just want to call your attention to a zoning case in District 5 that will be on the Planning Commission Agenda June 4.

The cases, actually two cases, were heard by the Maryvale VPC on May 13 (I attended the virtual meeting).. The VPC voted to deny two cases. I considered this to be a unity vote because the anti-business faction (I use the term loosely) was vocal; the pro-business faction was silent, and I believe the votes were unanimous. Additionally the cities of Phoenix and Glendale, through their planning departments, supported approval of both cases. The FAA also approved the cases after consideration because the Glendale Airport is close by.

As I understood it, one vote was on a General Plan amendment to allow higher density, low rise multi-family development. The development is referred to as mixed use because it also involves plans to include more restaurants and entertainment venues around the Dodgers-White Sox training facility.

This seems to leave the final decision in the hands of the Planning Commission.

I think there are concerns:

1. The anti-business faction, led by Gene Derie and a Mr. O'Neill or O'Reilly or something similar, pointed out that the community near the spring training facilities of the Dodgers and White Sox has on more than one occasion, taken a stand for more open space and no more housing. These cases reduce open space and increase housing.
2. These cases do not meet the usual mixed use standard. The multi-family development will have no businesses and the open house within the development will be for the residents only. I live in a multi-family development now some miles away, but I see a bonafide need for true mixed use multi-family developments. I am not familiar with the Phoenix multi-family standard, but it should be reviewed.
3. Building an entertainment district within the Dodgers-White Sox area seems like it could stand on its own. However, this should be run by the community--outreach by the Empire Group, while it met the legal standard, did not reach very many people for what is more than a neighborhood facility. The anti-business faction on the VPC expressed concerns about an anticipated increase in traffic. One alleviating fact is that Ball Park Blvd. has been connected to Glendale Ave. There also was mention of linking the Dodgers-White Sox development to Westgate.
4. I think the financing of this project needs thorough review. I think the community would strongly oppose a sweetheart deal like the ones given to the Brewers and Suns. We need to know who pay for what and with what money. We also need to know who benefit from what money so that the relationship is reasonable.
5. Here are some questions I would like to raise: how much will the Parks Dept. invest the money in the community near the Dodgers-White Sox facilities; will the sports authority realize a fair share of the funds for spring training facilities and other sports venues? Was any pressure put on the FAA to give their approval of housing close to the airport? What is the ultimate development of the Glendale Airport? Does the airport have potential for an adjacent industrial/commercial Park, a la Scottsdale.

Below is communication between me and Sarah Stockman, planner for the Maryvale VPC, which may shed additional light on these cases.

Thanks & Best Wishes  
Walt Gray

## Maryvale Village Planning Committee

3 messages

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**walt1gray.1914** <[walt1gray.1914@gmail.com](mailto:walt1gray.1914@gmail.com)>  
To: [Sarah.Stockham@phoenix.gov](mailto:Sarah.Stockham@phoenix.gov)

Thu, May 14, 2020 at 12:15 PM

Sarah

My name is Walt Gray. I have been a community activist in west Phoenix since 2002, but a resident since 1979. I've attended a number of MVPC meetings in the past, but it has been awhile since I have been to a meeting. However, I dialed in last night, and was partially distracted because I was driving for the second part of the meeting. I have the following questions:

1. Did the MVPC approve zoning for the housing project after denying a request to amend the General Plan for the same project?
2. Is this frequent, periodic or rare?
3. Was this done to put the decision in the hands of the Planning Commission at its meeting on June 4?
4. I understand the proceeds of the land sale for the project (Phoenix share) go to the Parks Dept. What has the Parks Dept. budgeted the funds to do?
5. The project is billed as a mixed use project. However, there apparently are no mixed uses within the housing portion. The business development is separate and integrated with the baseball facilities.
6. What benefit does the city receive for its investment in the baseball facilities? Will any funds go to the sports authority for the investment in the baseball facilities?
7. How was the construction of Ball Park Rd. to Glendale Ave. financed? In particular, did the Dodgers and White Sox participate?

Thank you for your reply.  
Walt Gray, community activist, west Phoenix  
[walt1gray.1914@gmail](mailto:walt1gray.1914@gmail)

Sent from my MetroPCS 4G LTE Android Device

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**Sarah Stockham** <[sarah.stockham@phoenix.gov](mailto:sarah.stockham@phoenix.gov)>

Mon, May 18, 2020 at 9:18 AM

To: Walt Gray <[walt1gray.1914@gmail.com](mailto:walt1gray.1914@gmail.com)>

Good Morning Walt,

The Maryvale Village Planning Committee recommended to deny both GPA-MV-1-19 and Z-69-19 at Ball Park Blvd and Camelback Road. The cases will be heard at Planning Commission on June 4th. That meeting will be virtual, the agenda and instructions on how to access the virtual meeting will be posted at this link when the agenda gets posted: <https://www.phoenix.gov/cityclerk/publicmeetings/notices>. The cases will be heard by the Planning Commission regardless of if the VPC recommended to approve or deny the cases, as that is the next scheduled public hearing for the cases. The rezoning case is for multifamily residential, not mixed-use. The General Plan amendment is proposed to change the multifamily residential site to be designated Residential 10-15 dwelling units per acre. The surrounding area is proposed to be mixed-use on the General Plan Land use map. See attached staff reports for reference.

I do not have knowledge of the Parks and Rec department budget, financial contributions for the development of Ball Park Blvd or city benefits for investments in the ball park. I would suggest reaching out to these departments for further information.

-Parks and Rec (<https://www.phoenix.gov/parks>)

-Street Transportation (<https://www.phoenix.gov/streets>)

-Community and Economic Development (<https://www.phoenix.gov/econdev>)

Thank you,

Sarah Stockham  
Village Planner  
City of Phoenix Planning and Development Department  
[200 West Washington Street, 3rd Floor \[google.com\]](https://www.google.com/maps/place/200+West+Washington+Street,+3rd+Floor,+Phoenix,+AZ+85003)  
Phoenix, Arizona 85003  
Phone: 602-261-8701  
[sarah.stockham@phoenix.gov](mailto:sarah.stockham@phoenix.gov)

[Quoted text hidden]

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## 2 attachments

[\[mail.google.com\]](#) **GPA-MV-1-19-5.pdf**  
1344K

[\[mail.google.com\]](#) **69-19-5.pdf**  
3879K

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Walt Gray <[walt1gray.1914@gmail.com](mailto:walt1gray.1914@gmail.com)>  
To: Sarah Stockham <[sarah.stockham@phoenix.gov](mailto:sarah.stockham@phoenix.gov)>

Mon, May 18, 2020 at 1:47 PM

Thanks for your reply  
Best Wishes  
Walt Gray  
community activist, west Phoenix  
[Quoted text hidden]

## Racelle Escolar

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**From:** Walt Gray <walt1gray.1914@gmail.com>  
**Sent:** Tuesday, June 2, 2020 5:33 PM  
**To:** PDD Planning Commission  
**Subject:** Planning Commission Meeting, June 4, Items #6 and #7

To: Phoenix Planning Commission

bcc: West Side Organizations, Community Leaders and Individuals

From: Walt Gray, community activist, west Phoenix

I support a Planning Commission decision that involves robust community involvement to ascertain the true merits or demerits of the General Plan Amendment and Zoning Case. I listened to the meeting of the Maryvale VPC at which these items were addressed. There may have been a unity vote against the CPA and Zoning cases although there are divergent views on the VPC. The opponents were more vocal than the proponents that night. However, the proponents may be resting on the approvals of both cases by the Cities of Phoenix and Glendale; on the influence of the Dodgers and White Sox, and on their support within the VPC.

I do not live in the area of the Spring Training facilities, but as a community activist in west Phoenix, I certainly hope the Planning Commission will give a full and fair hearing to the opponents who are up against very powerful forces.

More importantly, as a 44-year resident of Phoenix, a community activist for 18 years, and a 41-year member of the Maryvale community, I believe the Planning Commission should not decide these cases until the following questions are fully addressed:

1. Who paid for what? Who paid for the Spring Training site? Who paid for the construction of the Spring Training facilities? Who paid for the land where the single-level, multi-family development is planned? How much was paid for each?
2. Who received the proceeds and how much? How much to the Sports Authority and how are those funds being used? How much to the City of Phoenix and how were those funds used? How much for the Phoenix Parks Dept. and how will those funds be used? Any other entities (eg Glendale) and how are/were those funds used?
3. Who will be the owner of the entertainment center at the Spring Training site? Who will be the operator? Who gets the proceeds? What is the distribution formula? Do the Cities of Phoenix and Glendale benefit sufficiently from taxes and fees?

These are critical questions, the answers to which should be full explanations and should be shared publicly with some publicity.

The low profile way in which the Brewers renovation project was conducted smells of a sweetheart deal unfair to the taxpayers of Phoenix.

The unusual circumstance in which negotiations were conducted for the Suns renovation project and the overwhelming calling of chips at the public hearing by Mr. Sarver smells of a sweetheart deal unfair to the taxpayers of Phoenix.

This is an opportunity that everybody pays their fair share and gets their fair return.

This should become a precedent for future projects involving professional sports teams in Phoenix and the Valley, as well as other high profile developers.,

This is critical to Inner City residents who are at the bottom of the Trickle Down Economics employed by City, County and State governments.

This is the first step toward replacing Trickle Down Economics with Bubble Up Economics that are more equitable for fair treatment of the Inner City.

Thank you for your consideration.

Walt Gray



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**Public Hearing - Amend City Code - Ordinance Adoption - Rezoning Application Z-69-19-5 - Approximately 315 Feet West of the Northwest Corner of Ball Park Boulevard and Camelback Road (Ordinance G-6711)**

Request to hold a public hearing on the rezoning application for the following item and consider adoption of the Planning Commission's recommendation and the related Ordinance if approved. Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-69-19-5 and rezone the site from S-1 and S-1 SP to R-2 to allow multifamily residential detached homes. This case is a companion case to GPA-MV-1-19-5.

**Summary**

Current Zoning: S-1 (0.21 acres) and S-1 SP (17.81 acres)

Proposed Zoning: R-2

Acreage: 18.02

Proposed Use: Multifamily residential detached homes

Owner: RLD II Loan LLC, et al

Applicant: Shelby Duplessis, EMC Management

Representative: Shelby Duplessis, EMC Management

Staff Recommendation: Approval, subject to stipulations

VPC Action: The Maryvale Village Planning Committee heard this case on May 13, 2020, and recommended denial by a vote of 12-0.

PC Action: The Planning Commission heard this case on June 4, 2020, and recommended approval, per the staff recommendation with modified stipulations by a vote of 9-0.

**Location**

Approximately 315 feet west of the northwest corner of Ball Park Boulevard and Camelback Road

Council District: 5

Parcel Addresses: 11264 W. Camelback Road

**Responsible Department**

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

**ATTACHMENT A**

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

**ORDINANCE G-**

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-69-19-5) FROM S-1 SP (RANCH OR FARM RESIDENCE, SPECIAL PERMIT) AND S-1 (RANCH OR FARM RESIDENCE) TO R-2 (MULTIFAMILY RESIDENCE DISTRICT).

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

SECTION 1. The zoning of a 18.02 acre property located approximately 315 feet west of the northwest corner of Ball Park Boulevard and Camelback Road in a portion of Section 18, Township 2 North, Range 1 East, as described more specifically in Exhibit "A", is hereby changed from 17.81 acres of "S-1 SP" (Ranch or Farm Residence, Special Permit) and 0.21 acres of "S-1" (Ranch or Farm Residence) to "R-2" (Multifamily Residence District).

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

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

1. All elevations shall contain architectural embellishments and detailing, such as: textural changes, pilasters, offsets, recesses, variation in window size or location, overhang canopies, stone veneer wainscoting, decorative gabel pipe details, decorative wooden shutters, or similar features, as approved by the Planning and Development Department.
2. All garage doors shall have decorative embellishments, including but not limited to, window panels, raised or recessed panels, architectural trim surrounding the door, separated single garage doors, accent lighting, and/or a trellis feature, as approved by the Planning and Development Department.
3. All new perimeter walls shall include material and textural differences, such as stucco and/or split face block with a decorative element, such as tile or stamped designs, as approved by the Planning and Development Department.
4. A minimum of 7.5 percent of the gross site area shall be retained as open space, as approved by the Planning and Development Department.
5. All required open space amenity areas shall be shaded to a minimum 75 percent, as approved by the Planning and Development Department.
6. All private pedestrian pathways including sidewalks shall be shaded to a minimum 50 percent, as approved by the Planning and Development Department.
7. A minimum of eight bicycle parking spaces located near building entrances shall be installed per the requirements of Section 1307.H. of the Zoning Ordinance, as approved by the Planning and Development Department.
8. All public sidewalks shall be detached with a minimum five-foot-wide landscaped area located between the sidewalk and back of curb. Minimum two-inch caliper shade trees shall be planted a minimum of 20 feet on center or equivalent groupings on both sides of the sidewalk with five 5-gallon shrubs per tree, as approved by the Planning and Development Department.



9. The developer shall provide a public pedestrian pathway and gate at the northwest corner of the site to provide a connection to the future trail west of the site, as approved by the Planning and Development Department.
10. The developer shall provide public pedestrian access to Ball Park Boulevard at the northeast corner of the site, as approved by the Planning and Development Department.
11. The developer shall provide public pedestrian access to Camelback Road, as approved by the Planning and Development Department.
12. The driveway along Camelback Road shall prohibit left turn ingress, as approved by the Street Transportation Department. Full access may be provided upon approval of an engineering analysis by the Street Transportation Department.
13. The developer shall install traffic calming measures such as speed humps or speed cushions across the property's drive aisles to increase the safety of pedestrians on the sidewalks by slowing down vehicles circulating, entering and exiting the property, as approved by the Planning and Development Department.
14. Sidewalk crossings, constructed of decorative pavers, stamped or colored concrete, or another material, other than those used to pave the parking surfaces and drive aisles, shall be provided across driveways, as approved by the Planning and Development Department.
15. 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, as approved by the Planning and Development Department.
16. The property owner shall record documents that disclose the existence, and operational characteristics of Glendale Municipal 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, and in accordance with State law requiring airport disclosure.
17. 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.

18. The developer shall grant and record an avigation easement in favor of the City of Glendale in the form submitted to the City of Phoenix.
19. 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.
20. Prior to issuance of a final certificate of occupancy, the developer must install a sign (approximately 8 inches by 11 inches in size) within the development's sales/leasing office that is visible to prospective renters or purchasers which discloses the proximity of the Glendale Municipal Airport and increased frequency of overflight and related aircraft noise, as approved by the Aviation Department.
21. The indoor noise levels shall not exceed a decibel day night-level (DNL) of 45 decibels and that along with the building plans submitted for Phoenix Building Construction Code compliance review to the Planning and Development Department there shall be a sealed and signed analysis by an engineer licensed in Arizona with a proficiency in residential sound mitigation or noise control. The engineer shall note in the analysis that the building design is capable of achieving the required Noise Level Reduction.
22. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.

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 24th day of June,  
2020.

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MAYOR

ATTEST:

\_\_\_\_\_ City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_ City Attorney

REVIEWED BY:

\_\_\_\_\_ City Manager

Exhibits:

A – Legal Description (1 Page)

B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-69-19-5

A portion of Township 2 North, Range 1 East, Section 18 more particularly described as Lot 2, of Glendale Spring Training Complex, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 1020 of Maps, Page 39, and Certificate of Correction recorded in Document No. 2009-0314446, Records of Maricopa County, Arizona.

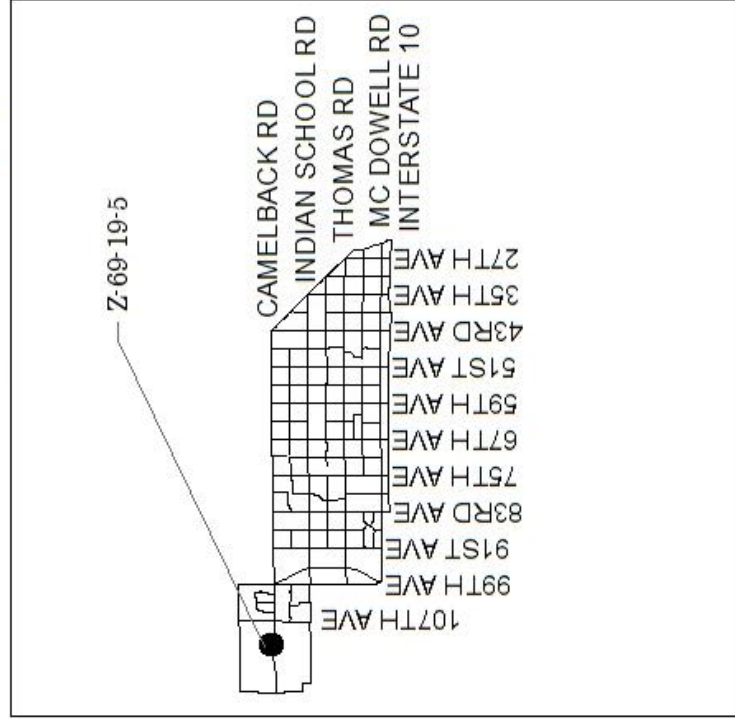
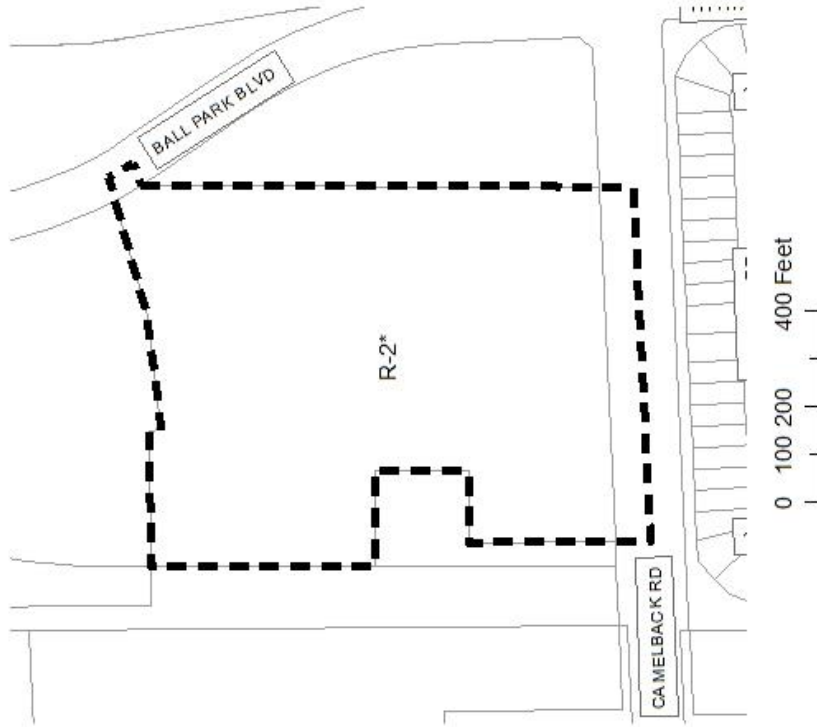
# ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: \*

SUBJECT AREA: - - - - -

Zoning Case Number: Z-69-19-5  
 Zoning Overlay: N/A  
 Planning Village: Maryvale



NOT TO SCALE



Drawn Date: 5/22/2020

\\one\pdd\Share\Department Share\Information Systems\PL GIS\IS\_Team\Core\_Functions\Zoning\Supp\Maps\_Ord\Maps2020\_Z-69-19-5.mxd

## Attachment B

### Staff Report Z-69-19-5 March 30, 2020

**Village Planning Committee Meeting Date:** April 8, 2020

**Planning Commission Hearing Date:** May 7, 2020

**Request From:** [S-1 SP](#) (Ranch or Farm Residence, Special Permit) (17.81 acres) and [S-1](#) (Ranch or Farm Residence) (0.21 acres)

**Request To:** [R-2](#) (Multifamily Residence District) (18.02 acres)

**Proposed Use:** Multifamily residential

**Location:** Approximately 315 feet west of the northwest corner of Ball Park Boulevard and Camelback Road

**Owner:** RLD II Loan LLC, et al

**Applicant:** EMC Management

**Representative:** Shelby Duplessis

**Staff Recommendation:** Approval, subject to stipulations

<u>General Plan Conformity</u>			
<u>General Plan Land Use Map Designation</u>		Current: Parks/Open Space-Publicly Owned	
		Pending (GPA-MV-1-19-5): Residential 10 to 15 dwelling units per acre	
<u>Street Map Classification</u>	Ball Park Boulevard	Minor Collector	50-foot west half street
	Camelback Road	Arterial	75-foot north half street

**CELEBRATE OUR DIVERSE COMMUNITY 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 subject site has long been vacant and its development, as stipulated, would contribute to a clean and vibrant neighborhood through enhanced landscape and architectural standards.

**CELEBRATE OUR DIVERSE COMMUNITIES AND NEIGHBORHOODS CORE VALUE; CERTAINTY AND CHARACTER; DESIGN PRINCIPLE: Protect and enhance the character of each neighborhood and its various housing lifestyles through new development that is compatible in scale, design, and appearance.**

As stipulated, the proposed development is consistent with the scale, design, and appearance of the surrounding area and provides additional housing options for Maryvale residents. The proposal, as stipulated, provides architectural standards to ensure design compatibility with the surrounding neighborhood and provides a reasonable level of intensity that is respectful to local conditions and surrounding neighborhoods.

**BUILD THE SUSTAINABLE DESERT CITY CORE VALUE; TREES AND SHADE; DESIGN PRINCIPLE: Integrate trees and shade into the design of new development and redevelopment projects throughout Phoenix.**

The development, as stipulated, provides enhanced levels of trees and shade which will reduce the urban heat island effect while also improving thermal comfort to site users and the surrounding neighborhood.

#### **Applicable Plans, Overlays, and Initiatives**

[Tree and Shade Master Plan](#): See Background Item No. 7 below.

[Complete Streets Guidelines](#): See Background Item No. 8 below.

[Comprehensive Bicycle Master Plan](#): See Background Item No. 9 below.

[Reimagine Phoenix](#): See Background Item No. 10 below.

<b>Surrounding Land Uses/Zoning</b>		
	<u>Land Use</u>	<u>Zoning</u>
<b>On Site</b>	Vacant	S-1, S-1 SP
<b>North</b>	Vacant	S-1 SP
<b>South</b>	Single-Family Residential	R1-6 PCD
<b>East</b>	Vacant	S-1 SP
<b>West</b>	Vacant/Lift Station	S-1, S-1 SP

<b>R-2 (Multifamily Residential) Planned Residential Development Option</b>		
<u>Standards</u>	<u>Requirements</u>	<u>Provisions Proposed</u>
Gross Acreage	-	18.02
Total Number of Units	189 to 216 with bonus	194
Density (units/gross acre), Maximum	10.50; 12.00 with bonus	10.77 (met with bonus)
Lot Coverage	45% maximum	31% (met)
Building Height, Maximum	2 stories and 30 feet maximum for first 150 feet; 1 foot in 5 foot increase to 48 foot high and 4 stories	1 story and 19 feet (met)
Common Area/Open Space	Minimum 5% of gross area	7.5% (met)
<b>Perimeter Building Setbacks</b>		
Street – Camelback Road	20 feet minimum	Approximately 55 feet (met)
Street – Ball Park Boulevard	20 feet minimum	Not Shown
Property Line ( <i>side</i> ) – <i>East</i>	10 feet minimum	15 feet (met)
Property Line ( <i>side</i> ) – <i>West</i>	10 feet minimum	15 feet (met)
Property Line ( <i>rear</i> ) – <i>North</i>	10 feet minimum	15 feet (met)
<b>Perimeter Landscape Setbacks</b>		
Adjacent to Public Street	20 feet minimum	Not Shown
Adjacent to Property Line	5 feet minimum	Not Shown
<b>Parking</b>		
Total required parking	298 spaces minimum (270 spaces for 1 or 2 bedroom units, 28 spaces for 3 bedroom units)	336 spaces provided (met)



## **Background/Issues/Analysis**

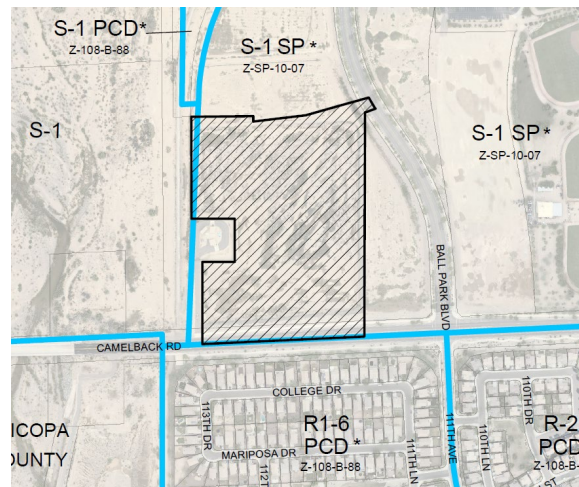
### **SUBJECT SITE**

1. This request is to rezone 18.02 acres located approximately 315 feet west of the northwest corner of Ball Park Boulevard and Camelback Road from S-1 SP (Ranch or Farm Residence, Special Permit) and S-1 (Ranch or Farm Residence) to R-2 (Multifamily Residence District) to allow multifamily residential. In 2007 the subject site was rezoned from the Camelback Ranch Planned Community District (Z-108-B-88) to S-1 SP (Z-SP-10-07) as part of the 277-acre Camelback Ranch baseball training complex. The subject site was designated for a future phase of the complex, but those plans have not come to fruition.

### **SURROUNDING LAND USES AND ZONING**

2. The site is vacant and is located west of the Camelback Ranch baseball facility. To the east of the property and west of the baseball facility is vacant land. To the west of the property is a water lift station and the Agua Fria River. North of the property is vacant land, and further north is the Glendale Municipal Airport. South of the subject site across Camelback Road are single-family residences.

Figure A. Site Context and Surrounding Land Uses



Source: City of Phoenix Planning and Development Department

### GENERAL PLAN LAND USE MAP DESIGNATIONS

3. The General Plan Land Use Map designation for the site is Parks/Open Space-Publicly Owned. That land use category denotes areas that are intended for recreation, environment preservation, and natural hydrologic systems. The sites to the north and west are designated Parks/Open Space-Publicly Owned. The site to the east is designated Parks/Open Space-Publicly Owned and Residential 3.5 to 5 dwelling units per acre. To the south, the site is designated Residential 3.5 to 5 dwelling units per acre.

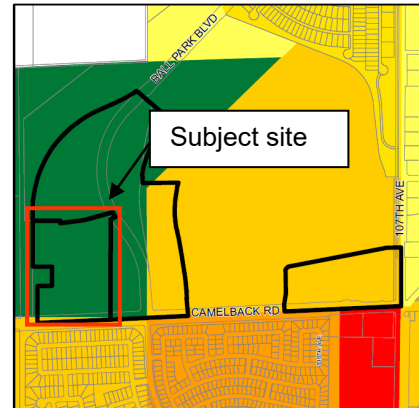
The request for R-2 zoning is not consistent with the Parks/Open Space-Publicly Owned designation. A General Plan Amendment (GPA-MV-1-19-5) requesting the site be changed to Residential 10 to 15 dwelling units per acre has been filed concurrently with this request. If approved, the request to rezone is consistent with the General Plan Land Use Map designation of Residential 10 to 15 dwelling units per acre.

Figure B. Existing General Plan Land Use Map Designation

**EXISTING:**

Parks/Open Space-Public du/ac ( 54.28 +/- Acres)  
Residential 3.5 to 5 du/ac ( 26.70 +/- Acres)

-  Proposed Change Area
-  Residential 1 to 2 du/ac
-  Residential 2 to 3.5 du/ac
-  Residential 3.5 to 5 du/ac
-  Residential 5 to 10 du/ac
-  Commercial
-  Parks/Open Space - Publicly Owned






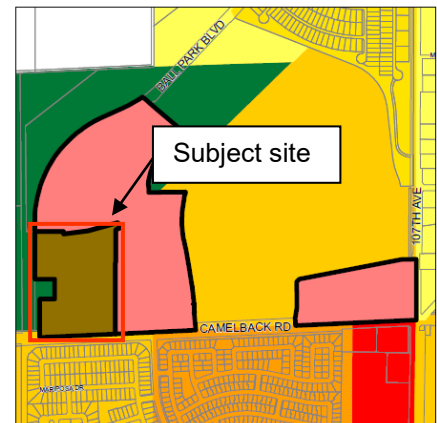
Source: City of Phoenix Planning and Development Department

Figure C. Proposed General Plan Land Use Map Designation

**PROPOSED CHANGE:**

Residential 10 to 15 du/ac ( 18.02 +/- Acres)  
Mixed Use du/ac ( 62.96 +/- Acres)

-  Proposed Change Area
-  Residential 10 to 15 du/ac
-  Mixed Use



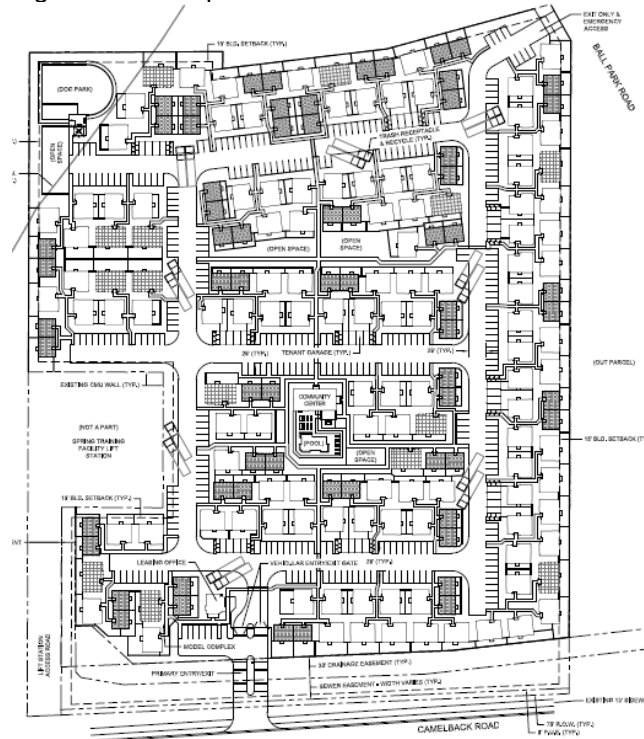
Source: City of Phoenix Planning and Development Department

## PROPOSAL

### 4. Conceptual Site Plan

The proposed development consists of 194 one-story multifamily residences that are up to 19 feet in height. The site will be primarily accessed from Camelback Road with exit only and emergency access from Ball Park Boulevard; and proposes pedestrian access to Camelback Road, Ball Park Boulevard and a future trail connection to the west of the property. The proposal provides several open space and amenity areas for residents with enhanced shaded public and private pedestrian walkways.

Figure D: Conceptual Site Plan



Source: The Empire Group

To promote compatibility with neighboring residential developments, staff is recommending a series of stipulations to enhance the appearance, function, and comfort of the development for its users and the surrounding neighborhood:

- Stipulation No. 3 requires all new perimeter walls be enhanced to promote compatibility with the area and mitigate the potential negative impact of blank walls on the area.
- Stipulation No. 4 requires 7.5 percent of the gross site area to be open space to enhance the sense of community and provide ample amenity space in the proposed development.
- Stipulation Nos. 5 and 6 require enhanced shading along public and private pedestrian pathways and open space areas. Shade will encourage the use of these areas and will also advance the goals of the Tree and Shade Master Plan.

### 5. Conceptual Elevations

The applicant has provided elevations which include a variety of materials and detailing including brick, stone, metal shade elements, and varied window sizes. Staff is recommending Stipulation No. 1 which requires enhanced four-sided architecture to promote compatibility with the area and mitigate the potential negative impact of blank walls on the area. Staff is also recommending Stipulation No. 2 which requires garage



## CONNECTIVITY

6. Ensuring that the proposed development contributes to the neighborhood's connectivity is an important part of its contribution to the area's livability. Several stipulations have been included that address improvements and requirements related to connectivity and walkability. The improvements and requirements are as follows:
  - Public sidewalks will be detached with enhanced planting standards to increase pedestrian safety and comfort and encourage pedestrian activity. This is addressed in Stipulation No. 8.
  - Pedestrian pathway and gate shall be provided at the northwest corner of the site to connect to a future trail planned for the area. This will provide a significant recreational amenity to residents and is addressed in Stipulation No. 9.
  - Pedestrian access will be provided to both Ball Park Boulevard and Camelback Road. Coupled with the detached sidewalks and street trees, the pedestrian access will further establish the development as a walkable community. This is addressed in Stipulation Nos. 10 and 11.

## STUDIES AND POLICIES

7. [Tree and Shade Master Plan](#)

The Tree and Shade Master Plan encourages treating the urban forest as infrastructure to ensure the trees are an integral part of the City's planning and development process. Sidewalks on the street frontages should be detached from the curbs to allow trees to be planted on both sides of the sidewalk to provide thermal comfort for pedestrians and to reduce the urban heat island effect. Staff is recommending Stipulation Nos. 5, 6, and 8 to provide trees and enhance shade within the development.
8. [Complete Streets Guidelines](#)

In 2014, the City of Phoenix City Council adopted the Complete Streets Guiding Principles. The principles are intended to promote improvements that provide an accessible, safe, connected transportation system to include all modes, such as bicycles, pedestrians, transit, and vehicles.

The proposal includes shaded sidewalks which will increase the thermal comfort for those walking to and from nearby transit and those patronizing local businesses. Further, the proposal includes several bicycle racks for visitors. These are addressed in Stipulation Nos. 7 and 8.
9. [Comprehensive Bicycle Master Plan](#)

The City of Phoenix adopted the Comprehensive Bicycle Master Plan in 2014 to guide the development of its Bikeway System and supportive infrastructure. Staff is recommending Stipulation No. 7 to require bicycle parking on site.
10. [Reimagine Phoenix](#)

As part of the Reimagine Phoenix Initiative, the City of Phoenix is committed to

increasing the waste diversion rate to 40 percent by 2020 and to better manage its solid waste resources. The applicant stated that the project will have the same capacity of recycling collection containers as garbage containers on the subject site.

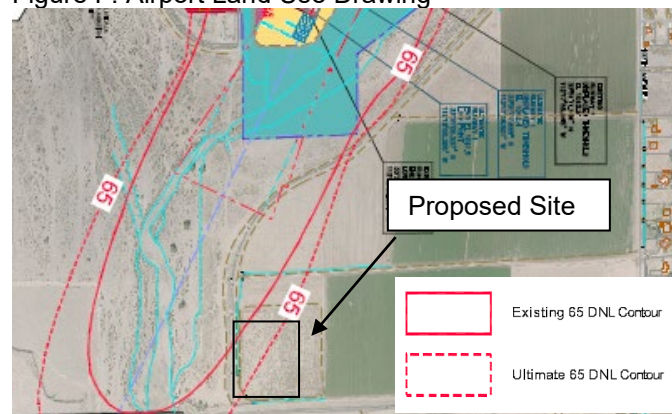
## COMMUNITY INPUT SUMMARY

11. The applicant has completed the Citizen Participation requirements as outlined in the Rezoning Process Packet. As of the writing of this report, staff has not received any correspondence regarding this proposed rezoning application.

## INTERDEPARTMENTAL COMMENTS

12. North of the subject site is the Glendale Municipal Airport. The City of Phoenix Aviation Department has indicated that due to the proximity of the Glendale Airport and potential for noise from airport related activity, stipulations have been included regarding disclosure of the airport's operations. Additional stipulations have been

Figure F: Airport Land Use Drawing



Source: Glendale Municipal Airport

- included requiring the applicant to certify that the units will be constructed in a manner that will reduce interior noise level and grant aviation easements. The conditions are addressed in Stipulation Nos. 16 through 21.
13. The Street Transportation Department provided several stipulations regarding vehicular and pedestrian connectivity. Accessibility standards for newly constructed streets within the site and pedestrian access routes to the future trail at the northeast corner of the site, Ball Park Boulevard and Camelback Road are addressed in Stipulation Nos. 9, 10, 11, and 15. Stipulation No. 12 prohibits left turn ingress from Camelback Road unless the Street Transportation Department grants full access with the approval of an engineering analysis.
14. The Street Transportation Department's Pedestrian Safety Coordinator commented on traffic calming devices on the site, shaded internal pedestrian pathways and shade trees along both sides of the sidewalk along Camelback Road. The referenced comments are addressed in Stipulation Nos. 6, 8, 13 and 14.
15. The Public Transit Department requested clearly defined pedestrian pathways connecting building entries and exits to the sidewalks. This is addressed in Stipulation No. 14.



16. The Floodplain Division of the Public Works Department determined the site is not in a Special Flood Hazard Area (SFHA), but located in a Shaded Zone X, on panel 1695 L of the Flood Insurance Rate Maps (FIRM) dated October 16, 2013.
17. The City of Phoenix Water Services Department noted the property has existing water and sewer mains that can potentially serve a proposed development. However, the requirements and assurances for water and sewer service are determined during the site plan application review. The City of Phoenix Water Services Department also noted that there is a Lift Station on the west side of the property
18. The Fire Department indicated there are no problems anticipated with the case and that the site and/or buildings shall comply with the Phoenix Fire Code. Further, the Department commented that they do not know the water supply at this site and noted that additional water supply may be required to meet the required fire flow per the Phoenix Fire Code.

#### OTHER

19. The site has not been identified as being archaeologically sensitive. However, in the event archaeological materials are encountered during construction, all ground disturbing activities must cease within 33 feet of the discovery and the City of Phoenix Archaeology Office must be notified immediately and allowed time to properly assess the materials. This is addressed in Stipulation No. 22.
20. 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 request would support the development of a vacant and underutilized property and provides for additional housing options in Maryvale.
2. The stipulated open space, landscaping and design elements are above the minimum standards required for multifamily development and will make the proposal a compatible addition to the neighboring area.
3. As stipulated, the proposal will require future residents of the development to be notified of the operational characteristics of Glendale Municipal Airport and for the units to be constructed to mitigate noise from the airport.

#### **Stipulations**

1. All elevations shall contain architectural embellishments and detailing, such as: textural changes, pilasters, offsets, recesses, variation in window size or location, overhang canopies, stone veneer wainscoting, decorative gabel pipe

details, decorative wooden shutters, or similar features, as approved by the Planning and Development Department.

2. All garage doors shall have decorative embellishments, including but not limited to, window panels, raised or recessed panels, architectural trim surrounding the door, separated single garage doors, accent lighting, and/or a trellis feature, as approved by the Planning and Development Department.
3. All new perimeter walls shall include material and textural differences, such as stucco and/or split face block with a decorative element, such as tile or stamped designs, as approved by the Planning and Development Department.
4. A minimum of 7.5 percent of the gross site area shall be retained as open space, as approved by the Planning and Development Department.
5. All required open space amenity areas shall be shaded to a minimum 75 percent, as approved by the Planning and Development Department.
6. All private pedestrian pathways including sidewalks shall be shaded to a minimum 50 percent, as approved by the Planning and Development Department.
7. A minimum of eight bicycle parking spaces located near building entrances shall be installed per the requirements of Section 1307.H. of the Zoning Ordinance, as approved by the Planning and Development Department.
8. All public sidewalks shall be detached with a minimum five-foot-wide landscaped area located between the sidewalk and back of curb. Minimum two-inch caliper shade trees shall be planted a minimum of 20 feet on center or equivalent groupings on both sides of the sidewalk with five 5-gallon shrubs per tree, as approved by the Planning and Development Department.
9. The developer shall provide a pedestrian pathway and gate at the northwest corner of the site to provide a connection to the future trail west of the site, as approved by the Planning and Development Department.
10. The developer shall provide pedestrian access to Ball Park Boulevard at the northeast corner of the site, as approved by the Planning and Development Department.
11. The developer shall provide pedestrian access to Camelback Road, as approved by the Planning and Development Department.
12. The driveway along Camelback Road shall prohibit left turn ingress, as



approved by the Street Transportation Department. Full access may be provided upon approval of an engineering analysis by the Street Transportation Department.

13. The developer shall install traffic calming measures such as speed humps or speed cushions across the property's drive aisles to increase the safety of pedestrians on the sidewalks by slowing down vehicles circulating, entering and exiting the property, as approved by the Planning and Development Department.
14. Sidewalk crossings, constructed of decorative pavers, stamped or colored concrete, or another material, other than those used to pave the parking surfaces and drive aisles, shall be provided across driveways, as approved by the Planning and Development Department.
15. 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, as approved by the Planning and Development Department.
16. The property owner shall record documents that disclose the existence, and operational characteristics of Glendale Municipal 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, and in accordance with State law requiring airport disclosure.
17. 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.
18. The developer shall grant and record an avigation easement in favor of the City of Glendale in the form submitted to the City of Phoenix.
19. 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.
20. Prior to issuance of a final certificate of occupancy, the developer must install a sign (approximately 8 inches by 11 inches in size) within the development's sales/leasing office that is visible to prospective renters or purchasers which

discloses the proximity of the Glendale Municipal Airport and increased frequency of overflight and related aircraft noise, as approved by the Aviation Department.

21. The indoor noise levels shall not exceed a decibel day night-level (DNL) of 45 decibels and that along with the building plans submitted for Phoenix Building Construction Code compliance review to the Planning and Development Department there shall be a sealed and signed analysis by an engineer licensed in Arizona with a proficiency in residential sound mitigation or noise control. The engineer shall note in the analysis that the building design is capable of achieving the required Noise Level Reduction.
22. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.

**Writer**

Sarah Stockham  
March 30, 2020

**Team Leader**

Samantha Keating

**Exhibits**

Aerial sketch map  
Zoning sketch map  
Conceptual Site Plan date stamped February 6, 2020  
Conceptual Elevations date stamped December 23, 2019 (8 pages)

S-1 PCD\*  
Z-108-B-88

S-1 SP\*  
Z-SP-10-07

S-1

S-1 SP\*  
Z-SP-10-07

CAMELBACK RD

BALL PARK BLVD

MARICOPA  
COUNTY

R1-6  
PCD\*  
Z-108-B-88

R-2  
PCD\*  
Z-108-B-88

113TH DR

COLLEGE DR

MARIPOSA DR

112TH LN

111TH LN

110TH LN

110TH DR

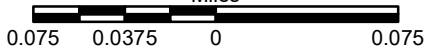
PIERSON ST

109TH LN

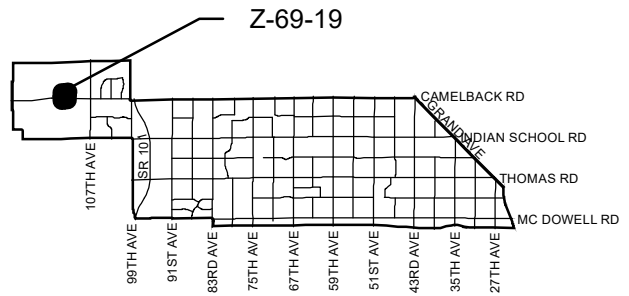
mapservices@phoenix.gov



Miles



**MARYVALE VILLAGE**  
CITY COUNCIL DISTRICT: 5



APPLICANT'S NAME: **EMC Management**

APPLICATION NO. **Z-69-19**

GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.

**18.02 Acres**

DATE:	2/7/2020		
REVISION DATES:	2/18/2020	2/24/2020	
AERIAL PHOTO & QUARTER SEC. NO.	QS 19-1		
ZONING MAP	H-1		

REQUESTED CHANGE:

FROM: S-1 (0.21 a.c.)  
S-1 SP (17.81 a.c.)

TO: R-2 (18.02 a.c.)

MULTIPLES PERMITTED	CONVENTIONAL OPTION	* UNITS P.R.D. OPTION
S-1, S-1 SP	0, 18	N/A
R-2	180	216

\* Maximum Units Allowed with P.R.D. Bonus

S-1 PCD\*  
Z-108-B-88

S-1 SP\*  
Z-SP-10-07

S-1

S-1 SP\*  
Z-SP-10-07

CAMELBACK RD

BALL PARK BLVD

MARICOPA  
COUNTY

COLLEGE DR

R1-6  
PCD\*  
Z-108-B-88

R-2  
PCD\*  
Z-108-B-88

MARIPOSA DR

113TH DR

112TH LN

111TH LN

110TH LN

110TH DR

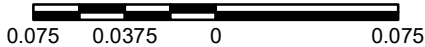
109TH LN

PIERSON ST

ELM ST



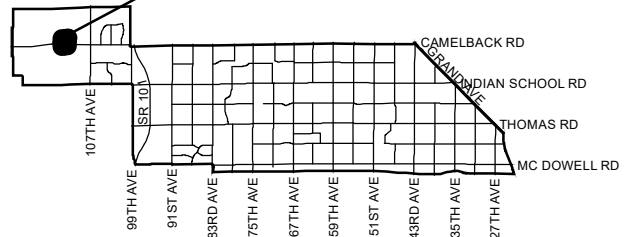
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**MARYVALE VILLAGE**  
CITY COUNCIL DISTRICT: 5



Z-69-19



APPLICANT'S NAME: **EMC Management**

REQUESTED CHANGE:

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**18.02 Acres**

AERIAL PHOTO & QUARTER SEC. NO.	ZONING MAP
<b>QS 19-1</b>	<b>H-1</b>

TO: **R-2 (18.02 a.c.)**

**MULTIPLES PERMITTED**

S-1, S-1 SP  
R-2

**CONVENTIONAL OPTION**

0, 18  
180

**\* UNITS P.R.D. OPTION**

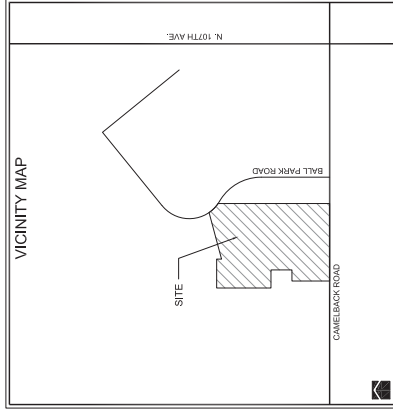
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\* Maximum Units Allowed with P.R.D. Bonus

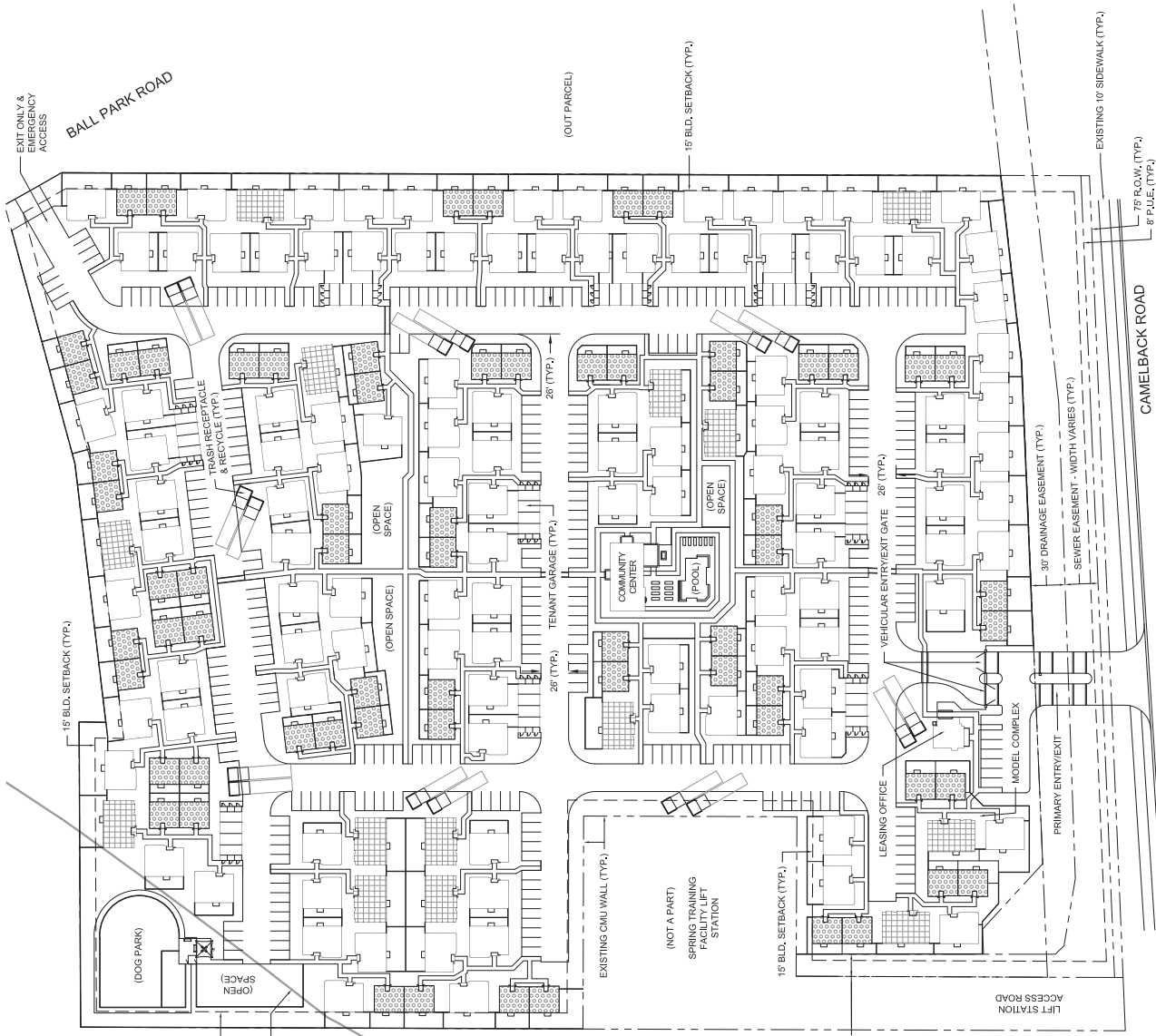
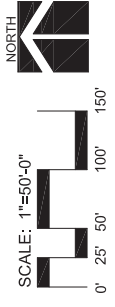


**DETACHED SINGLE LEVEL MULTI-FAMILY - SUMMARY**

<p>SITE AREA = 16.70 ACRES (NET) = 13.00 ACRES (GROSS)</p> <p>EXISTING ZONING: SP-1</p> <p>PROPOSED ZONING: R-3</p> <p>UNITS: 194 (1078 DU/ACRE - GROSS)</p> <ul style="list-style-type: none"> <li>- 1 BEDROOM UNITS: 86 (34%)</li> <li>- 2 BEDROOM UNITS: 114 (59%)</li> <li>- 3 BEDROOM UNITS: 14 (7%)</li> </ul> <p>PARKING SPACES REQUIRED: 298</p> <ul style="list-style-type: none"> <li>- 1.5 PER 1BR = 99</li> <li>- 1.5 PER 2BR = 171</li> <li>- 2.0 PER 3BR = 28</li> </ul> <p>PARKING SPACE PROVIDED: 336</p> <ul style="list-style-type: none"> <li>- 36 GARAGE UNITS (64 STORAGE)</li> <li>- 300 PARKING SPACES</li> <li>- 194 MIN. TO BE COVERED/RESERVED</li> </ul> <p>- ACCESSIBLE: 7 SPACES - 10% OF TOTAL TO BE COVERED/RESERVED. - 3% OF TOTAL TO BE COVERED/UNCOVERED.</p> <p>BUILDING AREA: 223,995 SQ.FT. (31% NET) PAVING AREA: 147,122 SQ.FT. (20% NET) OPEN SPACE: 356,335 SQ.FT. (49% NET) (PRIVATE YARDS = 8%, COMMON O.S. = 41%)</p>	<p>LEGEND</p> <p>1 BEDROOM UNIT</p> <p>2 BEDROOM UNIT</p> <p>3 BEDROOM UNIT</p> <p>GARAGES</p>
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**CITY OF PHOENIX**  
FEB 06 2020  
Planning & Development  
Department



**VILLAGE AT CAMELBACK PARK - CONCEPT PLAN**  
NWC OF CAMELBACK ROAD & BALL PARK ROAD - PHOENIX, AZ  
FEBRUARY 3, 2020













Right Elevation  
Elevation 0  
1/8" = 1' 0"



Rear Elevation  
Elevation 3  
1/8" = 1' 0"



Left Elevation  
Elevation 11  
1/8" = 1' 0"



Front Elevation  
Elevation 8  
1/4" = 1' 0"

CITY OF PHOENIX

DEC 23 2019

Planning & Development  
Department

Plan 2 | Village at Camelback Ranch | City of Phoenix



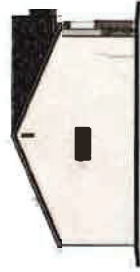
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Right Elevation  
1/4" = 1'-0"



Rear Elevation  
1/4" = 1'-0"



Left Elevation  
1/4" = 1'-0"



Front Elevation  
1/4" = 1'-0"

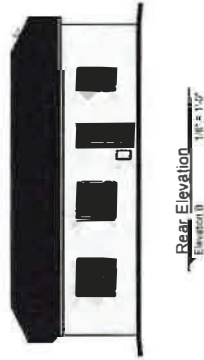
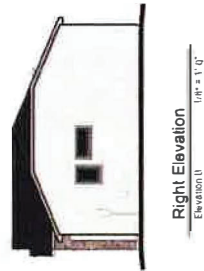
CITY OF PHOENIX

DEC 2 8 2019

Planning & Development  
Department

Plan 3 | Village at Camelback Ranch | City of Phoenix

7/9/2019



**CITY OF PHOENIX**  
 DEC 2 3 2019  
 Planning & Development  
 Department

Plan 3 | Village at Camelback Ranch | City of Phoenix





Right Elevation  
14'8" x 17'0"



Rear Elevation  
16'0" x 17'0"



Left Elevation  
38'0" x 17'0"



CITY OF PHOENIX

DEC 23 2019

Planning & Development  
Department

Leasing Office | Village at Camelback Ranch | City of Phoenix



7-10-2019



## Village Planning Committee Meeting Summary Z-69-19-5

<b>Date of VPC Meeting</b>	May 13, 2020
<b>Request From</b>	S-1 SP, S-1
<b>Request To</b>	R-2
<b>Proposed Use</b>	Multifamily residential
<b>Location</b>	Approximately 315 feet west of the northwest corner of Ball Park Boulevard and Camelback Road
<b>VPC Recommendation</b>	Denial
<b>VPC Vote</b>	12-0

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

*This item was heard concurrently with GPA-MV-1-19-5.  
Ken DuBose joined during this item bringing the quorum up to 12.*

**Sarah Stockham**, staff, provided an overview of the requests, noting the location and the history of the site. Ms. Stockham displayed an aerial map, a proposed site plan, and reviewed staff's recommendation and stipulations.

**Sarah Gonzalez** asked about congestion mitigation on the site given the traffic that is generated from baseball games. **Sarah Stockham** replied that most of the traffic will enter and exit along Camelback Road and the gate along Ball Park Blvd is exit only. Ms. Stockham deferred to the applicant to further address their circulation and traffic plans for the site.

**Jordan Rose**, with Rose Law Group representing the applicant, presented an overview of the request and displayed an aerial image of the surrounding area. Ms. Rose explained that the land designated as Open Space in the General Plan was for an expansion of the ballpark and the request is to designate part of that for mixed use to support the community and the ballpark. Ms. Rose continued that the site proposed for multifamily residential will be a highly amenitized gated community with an elaborate clubhouse, resort-style pool, community garden, sidewalks connecting all amenities, dog park, car wash station, guest parking, garages, valet trash service, private rear yards and ample open space. Ms. Rose ended her presentation by stating that this is a



collaborative effort between the City of Glendale, City of Phoenix, The Empire Group and the White Sox and L.A. Dodgers to redevelop the land surrounding the ballpark.

**Vice Chair Gene Derie** asked how many people were notified about the request, where the neighborhood meeting was held and how many people were in attendance. **Ms. Rose** asked that her planner, **Jennifer Hall** answer the question. Ms. Hall responded that they notified property owners per the City's notification standards and HOA's within one mile of the site. Ms. Hall added that she spoke to the HOA president to the south who was excited to see mixed use in the area. Ms. Hall continued that they held a community meeting at the elementary school near the site and no one attended, and to date have not received any correspondence regarding this request. Mr. Derie asked which elementary school the meeting was held at. Ms. Hall responded that it was Villa de Paz Elementary school, near the site.

**Jeff O'Toole**, stated that the request is to designate fifty-four acres of land owned by the public for open space and convert it to private use. Mr. O'Toole continued that they have heard from an overwhelming number of residents in this area that they do not want more housing in this area. Mr. O'Toole asked what do the public, who currently own this land, and the tax payers get in exchange for the fifty-four acres of open space that they are giving up. **Ms. Rose** responded that the Parks Department in the City of Phoenix determined that the land, as it was originally planned for, would be incorporated into the ballpark development. Ms. Rose added that John Kaites, representing the Camelback Ranch Spring Training Facility could speak to the plans they have for the area. Ms. Rose continued that land was never utilized as open space for the community and it was waiting to develop with the ballpark. Ms. Rose stated that from a community benefit perspective the mixed use designation will support the ballpark and the commercial activity will energize the area which corresponds to the positive public comment they have received regarding this request. Mr. O'Toole stated that if you look back at original zoning, there was a time when Dust Devil Park at the southeast corner of Camelback Road and 107th Avenue extended to the entire area of ballpark and there was a point in time when the community was promised a much larger area of open space which got whittled away to allow the ballpark. Mr. O'Toole continued that the multifamily development itself looks good, but his issue is that the applicant has worked well with the City and the ballpark to accommodate their plans but only one member of the community gave their support, and the applicant, having worked on cases in the area in the past knows that this community is not supportive of additional housing. Mr. O'Toole added that this land is publicly owned and it up to the public and the taxpayers through this public hearing process to determine the future use of the property, and he does not see anything given back to them. Mr. O'Toole ended that in order for him to be supportive, he would like to see some sort of land swap for property along Ball Park Blvd where open space can be incorporated.

**John Kaites**, representing the White Sox and Dodgers baseball teams and the Camelback Ranch Training Facility, shared that the baseball facility is operated without tax payer dollars. Mr. Kaites added that they paid the City of Glendale over 3 million dollars, full market value, to buy one of the parcels. Mr. Kaites added that they were purchasing the land owned by the City of Phoenix after a market appraisal was done, in addition to completing the road to the north with Mattamy Homes and the City of Glendale. Mr. Kaites thanked the community for their support of the ballpark and they believe a park is a park: some have swing sets and others have baseball fields, and the ballpark is a great public amenity that has invested in this area for the past eleven

years. **Ms. Rose** added that both cities want the spring training facility to be successful and the mixed use designation would allow for a mixed use highly amenitized area for the public to enjoy. Mr. Kaites continued that the community will have another crack at this case since the request is just to change the General Plan designation, and when the plans for the surrounding area are solidified it will require a zone change, and they will work with the community to make sure the plans they have for the area surrounding the ballpark are appropriate. Mr. Kaites stated that COVID-19 has put a hold on any interest to get the development team together but hopes that once things settle down they can continue with their plans to redevelop the area.

Mr. O'Toole shared that the community supports the ballpark and their development plans along the corridor but his challenge with the proposal is that giving up fifty-four acres of publicly-owned open space for private enterprise is great from an economic development perspective but not for the community. Mr. O'Toole hopes that they bring the stakeholders together when they are developing the plans for the area surrounding the ballpark and would like to see some publicly accessible open space incorporated into the plan. Ms. Rose added that they are taking notes for when the fifty-four acres come back before the committee for a zone change.

**Mike Webber** asked for clarification that the proposal is on the west side of the ballpark, and if it originally was slated to be retail and hotels for visitors to the ballpark. **Ms. Rose** responded affirmatively, and that this proposal for a mixed use General Plan designation would allow the ballpark to come back to the committee with some great options for developing the land for those uses. Mr. Webber added that he understood why community members are concerned with more housing in the area and he wanted to see more retail go into the area. **Mr. Kaites** added that they would like to see a hotel go into the area as well, and the biggest challenge right now is the pandemic given that public spaces are not open now. Ms. Rose added that the request is to designate most of the land as mixed use on the General Plan and a smaller portion would be designated for housing, which they feel is an appropriate location and appropriate for the community. Ms. Rose continued that the additional residents will help support the retail development around the ballpark. Mr. Kaites stated that there is a joint agreement between the City of Phoenix and Glendale to split the tax revenue on those developments to repay the bonds to build the buildings so both cities are anxious to see development take place.

**Vice Chair Gene Derie** shared that he has concerns with an extreme amount of new housing that is being built, has been built or planned to be built in the area. Mr. Derie shared that in April 2017, at the Southwest Planning Summit at South Mountain Community College, the area around 107th Ave and Camelback Road was discussed to be an economic engine for Maryvale Village, not a housing development. Mr. Derie shared several examples of new housing such as:

- 95th Avenue and Indian School Road:
  - 501 homes under construction
- 99th Avenue Indian School Road and:
  - 127 bungalows planned
- 107th Avenue and Camelback Road, south of the CVS:
  - 127 bungalows completed
- 99th Avenue and Camelback Road, southeast corner:
  - around 200 bungalows planned



- 99th Avenue in the Aldea PUD:
  - 266 apartments

Mr. Derie calculated that there are about 1,200 new residential units within a two to three-mile radius. Mr. Derie explained that if the General Plan Amendment request was to designate the entire area as mixed use and mixed use only, he would vote in favor.

**Ms. Rose** shared that the current General Plan designation is for 26 acres of residential, and the request is for 18 acres of residential at a higher density; the request would decrease the amount of land designated for residential. Mr. Derie shared that there is a tremendous amount of housing being built in the area within the past two years.

**Chair Jeff Armor** asked for clarification that the number of residential units overall being proposed is less now than what it is zoned for. **Ms. Rose** answered that the amount of land designated on the General Plan for residential would decrease, but as proposed it would be at a higher density designation.

**Mike Weber** asked if there was anyone from the Parks Department on the line who could speak to the plans for the parcel to the north of the rezoning site. **Mr. Kaites** responded that the Parks Department is selling the parcel to the north rezoning site to the ballpark and that land will be part of a future rezoning case when the master plan for the retail uses is ready to move forward.

**Jeff O'Toole** asked about the proposed designation for the southeastern parcel next to 107th Avenue. **Mr. Kaites** responded that it is proposed to be mixed use; in the original plan from 2006 it was supposed to be a hotel, but the vision is to put something really nice there for people to use year-round.

**Public Comment:**

None.

**Motion for Z-69-19-5:**

**Vice Chair Gene Derie** motioned to deny Z-69-19-5. **Mike Weber** seconded the motion.

**Vote:**

12-0, Motion to recommend denial passed, with Committee members Barba, Battle, Demarest, DuBose, Garcia, Gonzalez, O'Toole, Sirochman, Valenzuela, Weber, Derie and Armor in favor.

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

None.

# Attachment D

## REPORT OF PLANNING COMMISSION ACTION June 4, 2020

ITEM NO: 7	
	DISTRICT NO.: 5
SUBJECT:	
Application #:	Z-69-19-5
Location:	Approximately 315 feet west of the northwest corner of Ball Park Boulevard and Camelback Road
From:	S-1 SP and S-1
To:	R-2
Acreage:	18.02
Proposal:	Multifamily detached homes
Applicant:	EMC Management
Owner:	RLD II Loan LLC, et al
Representative:	Shelby Duplessis

### **ACTIONS:**

Staff Recommendation: Approval, subject to stipulations.

Village Planning Committee (VPC) Recommendation:

**Maryvale** 5/13/2020 Denial. Vote: 12-0.

Planning Commission Recommendation: Approval, per the staff recommendation with modified stipulations.

Motion Discussion: Commissioner Shank made a MOTION to approve Z-69-19-5, per the staff recommendation.

Commissioner Montalvo seconded the motion.

Commissioner Busching offered a friendly amended to add the word “public” to Stipulations 9, 10 and 11 when talking about pedestrian pathways and pedestrian access. She noted that the applicant was okay with the change.

Commissioner Howard asked what the implications are of the change.

Commissioner Busching responded that the applicant has three paths of pedestrian access points for the property and she was trying to create pedestrian access through those pathways and the applicant has agreed.

Commissioner Shank asked staff what the recommended friendly amendment would be.

Ms. Escolar recommended that the motion can be modified to, move to approve Z-69-19-5, per the staff recommendation with modification to Stipulation Nos. 9 through 11 to add the word public when referencing pedestrian pathways and pedestrian access.

Commissioner Shank accepted the friendly amendment.

Commissioner Montalvo accepted the friendly amendment.

Motion details: Commissioner Shank made a MOTION to approve Z-69-19-5, per the staff recommendation with modifications to Stipulation Nos. 9 through 11 to add the word public when referencing pedestrian pathways and pedestrian access.

Maker: Shank  
Second: Montalvo  
Vote: 9-0  
Absent: None  
Opposition Present: Yes

Findings:

1. The request would support the development of a vacant and underutilized property and provides for additional housing options in Maryvale.
2. The stipulated open space, landscaping and design elements are above the minimum standards required for multifamily development and will make the proposal a compatible addition to the neighboring area.
3. As stipulated, the proposal will require future residents of the development to be notified of the operational characteristics of Glendale Municipal Airport and for the units to be constructed to mitigate noise from the airport.

Stipulations:

1. All elevations shall contain architectural embellishments and detailing, such as: textural changes, pilasters, offsets, recesses, variation in window size or location, overhang canopies, stone veneer wainscoting, decorative gabel pipe details, decorative wooden shutters, or similar features, as approved by the Planning and Development Department.
2. All garage doors shall have decorative embellishments, including but not limited to, window panels, raised or recessed panels, architectural trim surrounding the door, separated single garage doors, accent lighting, and/or a trellis feature, as approved by the Planning and Development Department.
3. All new perimeter walls shall include material and textural differences, such as stucco and/or split face block with a decorative element, such as tile or stamped designs, as approved by the Planning and Development Department.
4. A minimum of 7.5 percent of the gross site area shall be retained as open space, as approved by the Planning and Development Department.
5. All required open space amenity areas shall be shaded to a minimum 75 percent, as approved by the Planning and Development Department.
6. All private pedestrian pathways including sidewalks shall be shaded to a

minimum 50 percent, as approved by the Planning and Development Department.

7. A minimum of eight bicycle parking spaces located near building entrances shall be installed per the requirements of Section 1307.H. of the Zoning Ordinance, as approved by the Planning and Development Department.
8. All public sidewalks shall be detached with a minimum five-foot-wide landscaped area located between the sidewalk and back of curb. Minimum two-inch caliper shade trees shall be planted a minimum of 20 feet on center or equivalent groupings on both sides of the sidewalk with five 5-gallon shrubs per tree, as approved by the Planning and Development Department.
9. The developer shall provide a PUBLIC pedestrian pathway and gate at the northwest corner of the site to provide a connection to the future trail west of the site, as approved by the Planning and Development Department.
10. The developer shall provide PUBLIC pedestrian access to Ball Park Boulevard at the northeast corner of the site, as approved by the Planning and Development Department.
11. The developer shall provide PUBLIC pedestrian access to Camelback Road, as approved by the Planning and Development Department.
12. The driveway along Camelback Road shall prohibit left turn ingress, as approved by the Street Transportation Department. Full access may be provided upon approval of an engineering analysis by the Street Transportation Department.
13. The developer shall install traffic calming measures such as speed humps or speed cushions across the property's drive aisles to increase the safety of pedestrians on the sidewalks by slowing down vehicles circulating, entering and exiting the property, as approved by the Planning and Development Department.
14. Sidewalk crossings, constructed of decorative pavers, stamped or colored concrete, or another material, other than those used to pave the parking surfaces and drive aisles, shall be provided across driveways, as approved by the Planning and Development Department.
15. 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, as approved by the Planning and Development Department.
16. The property owner shall record documents that disclose the existence, and operational characteristics of Glendale Municipal 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, and in accordance with State law requiring airport disclosure.

17. 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.
18. The developer shall grant and record an avigation easement in favor of the City of Glendale in the form submitted to the City of Phoenix.
19. 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.
20. Prior to issuance of a final certificate of occupancy, the developer must install a sign (approximately 8 inches by 11 inches in size) within the development's sales/leasing office that is visible to prospective renters or purchasers which discloses the proximity of the Glendale Municipal Airport and increased frequency of overflight and related aircraft noise, as approved by the Aviation Department.
21. The indoor noise levels shall not exceed a decibel day night-level (DNL) of 45 decibels and that along with the building plans submitted for Phoenix Building Construction Code compliance review to the Planning and Development Department there shall be a sealed and signed analysis by an engineer licensed in Arizona with a proficiency in residential sound mitigation or noise control. The engineer shall note in the analysis that the building design is capable of achieving the required Noise Level Reduction.
22. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.

This publication can be made available in alternate format upon request. Please contact Tamra Ingersoll at (602) 534-6648, TTY use 7-1-1.

Attachment E

**Murray Kerdman**  
**SCP 2009-C32-005 LLC - CVS Phoenix**  
**910 Park Lane**  
**Montecito, CA 93108**  
**805-969-4480 Phone**  
**805-720-6230 Cell**  
**805 969 7276 Fax**  
[mkerdman@gmail.com](mailto:mkerdman@gmail.com)

RE: PROPOSED CHANGE TO GENERAL PLAN LAND USE DESIGNATION  
The Village at Camelback Park; The Empire Group  
Case Numbers: Z-69-19 and GPA-MV-1-19

May 22, 2020

Dear Mayor Gallego, City Councilmembers, Planning Commissioners and City Staff:

I own the CVS Pharmacy at the SWC of W. Camelback and 107th Avenue in Phoenix, and I would like to share with you my opinion about The Empire Group's planning request to approve Proposed Change To General Plan Land Use Designation to build the 194 Unit The Village at Camelback Park as well as the Proposal to Change the Zoning of other Adjacent Parcels to Mixed Use.

Over my career, I spent many years in Retail before becoming a Developer of Apartments, Condos and Retail Commercial Real Estate.

From my experience, I cannot overstate the virtuous circle of growth afforded a community in increased Retail Sales, Property and Sales Tax Base and Employment created when new Housing Stock, in the form of new Townhomes, Condos, or Apartments get entitled and built.

It is a certainty that CVS Pharmacy's sales at the SWC of W. Camelback and 107th Avenue in Phoenix will increase substantially with the addition of the 194 Additional New Housing Units resulting from approval of Proposed Change General Plan Land Use Designation for The Village at Camelback Park.

Accordingly, I strongly urge you to embrace the opportunity on behalf of the growth of the entire community by approving the Proposed Change To General Plan Land Use Designation to build the 194 Units at The Village at Camelback Park, as well as the request for a Mixed Use Change of Land Use for the land adjacent

Thank you for your time and consideration.

Sincerely,

*Murray Kerdman*

Murray Kerdman



June 4, 2020

Racelle Escolar  
City of Phoenix Planning Commission  
200 West Jefferson Street  
Phoenix, AZ 85003

Re: General Plan Amendments and Companion Rezoning Cases, Application #Z-69-19-5

The Glendale Aviation Advisory Commission met on May 20, 2020 and unanimously opposed a request to rezone a 16.7-acre parcel located near the northwest corner of Ball Park Boulevard and Camelback Road (application #Z-69-19-5) located in the City of Phoenix.

Please be advised that Glendale's Advisory Commission does not represent the City of Glendale's position on issues such as this zoning case.

The City of Glendale has not reached out to the City of Phoenix or its Planning Commission in opposition to this project and has no intention of opposing this development. It is recommended that residents of this development have pre-notification of the airport being in relative proximity.

Glendale has supported similar projects as this within the City of Glendale on several occasions.

If there was any misunderstanding with reference to this zoning case, I apologize.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jack C. Friedline', is written over a light blue circular stamp or watermark.

Jack C. Friedline  
Assistant City Manager



# Attachment F

**From:** [Walt Gray](#)  
**To:** [Emmanuel Gallardo-Sanidad](#); [Walt Gray](#)  
**Cc:** [Toni Maccaroni](#); [Christine Mackay](#); [Joshua Bednarek](#); [Sarah Stockham](#)  
**Subject:** Zoning Cases in District 5  
**Date:** Monday, May 25, 2020 6:56:45 PM

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Emmanuel:

Just want to call your attention to a zoning case in District 5 that will be on the Planning Commission Agenda June 4.

The cases, actually two cases, were heard by the Maryvale VPC on May 13 (I attended the virtual meeting).. The VPC voted to deny two cases. I considered this to be a unity vote because the anti-business faction (I use the term loosely) was vocal; the pro-business faction was silent, and I believe the votes were unanimous. Additionally the cities of Phoenix and Glendale, through their planning departments, supported approval of both cases. The FAA also approved the cases after consideration because the Glendale Airport is close by.

As I understood it, one vote was on a General Plan amendment to allow higher density, low rise multi-family development. The development is referred to as mixed use because it also involves plans to include more restaurants and entertainment venues around the Dodgers-White Sox training facility.

This seems to leave the final decision in the hands of the Planning Commission.

I think there are concerns:

1. The anti-business faction, led by Gene Derie and a Mr. O'Neill or O'Reilly or something similar, pointed out that the community near the spring training facilities of the Dodgers and White Sox has on more than one occasion, taken a stand for more open space and no more housing. These cases reduce open space and increase housing.
2. These cases do not meet the usual mixed use standard. The multi-family development will have no businesses and the open house within the development will be for the residents only. I live in a multi-family development now some miles away, but I see a bonafide need for true mixed use multi-family developments. I am not familiar with the Phoenix multi-family standard, but it should be reviewed.
3. Building an entertainment district within the Dodgers-White Sox area seems like it could stand on its own. However, this should be run by the community--outreach by the Empire Group, while it met the legal standard, did not reach very many people for what is more than a neighborhood facility. The anti-business faction on the VPC expressed concerns about an anticipated increase in traffic. One alleviating fact is that Ball Park Blvd. has been connected to Glendale Ave. There also was mention of linking the Dodgers-White Sox development to Westgate.
4. I think the financing of this project needs thorough review. I think the community would strongly oppose a sweetheart deal like the ones given to the Brewers and Suns. We need to know who pay for what and with what money. We also need to know who benefit from what money so that the relationship is reasonable.
5. Here are some questions I would like to raise: how much will the Parks Dept. invest the money in the community near the Dodgers-White Sox facilities; will the sports authority realize a fair share of the funds for spring training facilities and other sports venues? Was any pressure put on the FAA to give their approval of housing close to the airport? What is the ultimate development of the Glendale Airport? Does the airport have potential for an adjacent industrial/commercial Park, a la Scottsdale.

Below is communication between me and Sarah Stockham, planner for the Maryvale VPC, which may shed additional light on these cases.

Thanks & Best Wishes  
Walt Gray

## Maryvale Village Planning Committee

3 messages

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**walt1gray.1914** <[walt1gray.1914@gmail.com](mailto:walt1gray.1914@gmail.com)>  
To: [Sarah.Stockham@phoenix.gov](mailto:Sarah.Stockham@phoenix.gov)

Thu, May 14, 2020 at 12:15 PM

Sarah

My name is Walt Gray. I have been a community activist in west Phoenix since 2002, but a resident since 1979. I've attended a number of MVPC meetings in the past, but it has been awhile since I have been to a meeting. However, I dialed in last night, and was partially distracted because I was driving for the second part of the meeting. I have the following questions:

1. Did the MVPC approve zoning for the housing project after denying a request to amend the General Plan for the same project?
2. Is this frequent, periodic or rare?
3. Was this done to put the decision in the hands of the Planning Commission at its meeting on June 4?
4. I understand the proceeds of the land sale for the project (Phoenix share) go to the Parks Dept. What has the Parks Dept. budgeted the funds to do?
5. The project is billed as a mixed use project. However, there apparently are no mixed uses within the housing portion. The business development is separate and integrated with the baseball facilities.
6. What benefit does the city receive for its investment in the baseball facilities? Will any funds go to the sports authority for the investment in the baseball facilities?
7. How was the construction of Ball Park Rd. to Glendale Ave. financed? In particular, did the Dodgers and White Sox participate?

Thank you for your reply.  
Walt Gray, community activist, west Phoenix  
[walt1gray.1914@gmail](mailto:walt1gray.1914@gmail)

Sent from my MetroPCS 4G LTE Android Device

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**Sarah Stockham** <[sarah.stockham@phoenix.gov](mailto:sarah.stockham@phoenix.gov)>

Mon, May 18, 2020 at 9:18 AM

To: Walt Gray <[walt1gray.1914@gmail.com](mailto:walt1gray.1914@gmail.com)>

Good Morning Walt,

The Maryvale Village Planning Committee recommended to deny both GPA-MV-1-19 and Z-69-19 at Ball Park Blvd and Camelback Road. The cases will be heard at Planning Commission on June 4th. That meeting will be virtual, the agenda and instructions on how to access the virtual meeting will be posted at this link when the agenda gets posted: <https://www.phoenix.gov/cityclerk/publicmeetings/notices>. The cases will be heard by the Planning Commission regardless of if the VPC recommended to approve or deny the cases, as that is the next scheduled public hearing for the cases. The rezoning case is for multifamily residential, not mixed-use. The General Plan amendment is proposed to change the multifamily residential site to be designated Residential 10-15 dwelling units per acre. The surrounding area is proposed to be mixed-use on the General Plan Land use map. See attached staff reports for reference.

I do not have knowledge of the Parks and Rec department budget, financial contributions for the development of Ball Park Blvd or city benefits for investments in the ball park. I would suggest reaching out to these departments for further information.

-Parks and Rec (<https://www.phoenix.gov/parks>)

-Street Transportation (<https://www.phoenix.gov/streets>)

-Community and Economic Development (<https://www.phoenix.gov/econdev>)

Thank you,

Sarah Stockham  
Village Planner  
City of Phoenix Planning and Development Department  
[200 West Washington Street, 3rd Floor \[google.com\]](https://www.google.com/maps/place/200+West+Washington+Street,+3rd+Floor,+Phoenix,+AZ+85003)  
Phoenix, Arizona 85003  
Phone: 602-261-8701  
[sarah.stockham@phoenix.gov](mailto:sarah.stockham@phoenix.gov)

[Quoted text hidden]

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## 2 attachments

[\[mail.google.com\]](#) **GPA-MV-1-19-5.pdf**  
1344K

[\[mail.google.com\]](#) **69-19-5.pdf**  
3879K

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Walt Gray <[walt1gray.1914@gmail.com](mailto:walt1gray.1914@gmail.com)>  
To: Sarah Stockham <[sarah.stockham@phoenix.gov](mailto:sarah.stockham@phoenix.gov)>

Mon, May 18, 2020 at 1:47 PM

Thanks for your reply  
Best Wishes  
Walt Gray  
community activist, west Phoenix  
[Quoted text hidden]

## Racelle Escolar

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**From:** Walt Gray <walt1gray.1914@gmail.com>  
**Sent:** Tuesday, June 2, 2020 5:33 PM  
**To:** PDD Planning Commission  
**Subject:** Planning Commission Meeting, June 4, Items #6 and #7

To: Phoenix Planning Commission

bcc: West Side Organizations, Community Leaders and Individuals

From: Walt Gray, community activist, west Phoenix

I support a Planning Commission decision that involves robust community involvement to ascertain the true merits or demerits of the General Plan Amendment and Zoning Case. I listened to the meeting of the Maryvale VPC at which these items were addressed. There may have been a unity vote against the CPA and Zoning cases although there are divergent views on the VPC. The opponents were more vocal than the proponents that night. However, the proponents may be resting on the approvals of both cases by the Cities of Phoenix and Glendale; on the influence of the Dodgers and White Sox, and on their support within the VPC.

I do not live in the area of the Spring Training facilities, but as a community activist in west Phoenix, I certainly hope the Planning Commission will give a full and fair hearing to the opponents who are up against very powerful forces.

More importantly, as a 44-year resident of Phoenix, a community activist for 18 years, and a 41-year member of the Maryvale community, I believe the Planning Commission should not decide these cases until the following questions are fully addressed:

1. Who paid for what? Who paid for the Spring Training site? Who paid for the construction of the Spring Training facilities? Who paid for the land where the single-level, multi-family development is planned? How much was paid for each?
2. Who received the proceeds and how much? How much to the Sports Authority and how are those funds being used? How much to the City of Phoenix and how were those funds used? How much for the Phoenix Parks Dept. and how will those funds be used? Any other entities (eg Glendale) and how are/were those funds used?
3. Who will be the owner of the entertainment center at the Spring Training site? Who will be the operator? Who gets the proceeds? What is the distribution formula? Do the Cities of Phoenix and Glendale benefit sufficiently from taxes and fees?

These are critical questions, the answers to which should be full explanations and should be shared publicly with some publicity.

The low profile way in which the Brewers renovation project was conducted smells of a sweetheart deal unfair to the taxpayers of Phoenix.

The unusual circumstance in which negotiations were conducted for the Suns renovation project and the overwhelming calling of chips at the public hearing by Mr. Sarver smells of a sweetheart deal unfair to the taxpayers of Phoenix.

This is an opportunity that everybody pays their fair share and gets their fair return.

This should become a precedent for future projects involving professional sports teams in Phoenix and the Valley, as well as other high profile developers.,

This is critical to Inner City residents who are at the bottom of the Trickle Down Economics employed by City, County and State governments.

This is the first step toward replacing Trickle Down Economics with Bubble Up Economics that are more equitable for fair treatment of the Inner City.

Thank you for your consideration.

Walt Gray



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**(CONTINUED FROM JUNE 3, 2020) - Public Hearing - Amend City Code and Ordinance Adoption - Off-Premise Signs for Schools Text Amendment - Z-TA-1-19 (Ordinance G-6703)**

Request to hold a Public Hearing on a proposed text amendment Z-TA-1-19 and to request City Council approve Z-TA-1-19 as proposed which amends Chapter 7, Section 705.2. (Off-Premise Signs) of the Phoenix Zoning Ordinance to allow off-premise advertising within Planned Unit Developments located on publicly owned land used for a school as recommended by the Land Use and Livability Subcommittee.

**Summary**

Application: Z-TA-1-19

Proposal: Request to amend Chapter 7, section 705.2.A.2. and 705.2.A.5. (Location Restrictions) of the Phoenix Zoning Ordinance to allow off-premise advertising within Planned Unit Developments, with a minimum of 15 gross acres and located on publicly owned land used for a school.

Applicant: Creighton Elementary School District and Creighton Community Foundation  
Representative: Gammage & Burnham, Michael Maerowitz

**Summary**

The intent of this text amendment request is to add a provision to allow off-premise signs on property that is located within a Planned Unit Development (PUD) with a minimum of 15 gross acres and located on publicly owned land that is used for a school, and within 300 feet of a permitted freeway. In addition, the text amendment requests to change the setback requirement of an off-premise sign to a property with a residential zoning district and residential use to be located no closer than 250 feet. All other regulations in section 705.2. of the Phoenix Zoning Ordinance would apply to off-premise signs.

The text amendment was submitted by representatives of Creighton Elementary School District and Creighton Community Foundation. The Creighton Community Foundation is a nonprofit organization whose primary mission is to support the Creighton School District and underprivileged communities within its east central Phoenix boundaries. This text amendment was submitted to provide opportunities for

further advancing the vision and supporting the programs of the Creighton Community Foundation and the School District by providing public schools the ability to add an additional revenue stream by allowing off-premise signs on their properties under specific parameters.

The proposed text amendment modifies two key additional provisions to section 705.2. The first change would amend section 705.2.A.2. to permit off-premise signs, if all of the following are met:

1. The off-premise sign must be within a PUD zoning district that is a minimum area of 15 gross acres and located within 300 feet of a permitted freeway. Per section 705.2.A., the permitted freeways include Interstate 17, Interstate 10, Inner State Route Loop 202, State Route 143, and the West State Route Loop 101 to Camelback Road.
2. The property that the off-premise sign is located on must be publicly owned and used for a school (K-12 education).
3. The off-premise sign must follow all of the applicable requirements in the PUD.

In addition, because many school properties are located near and within residential neighborhoods, the applicant seeks to reduce the spacing requirements from the off-premise signs to property that is residentially zoned and has a residential use to 250 feet. This would amend section 705.2.A.5.

### **Concurrence/Previous Council Action**

Staff Recommendation: Approval as proposed in **Attachment A - Ordinance**.

VPC Action: The request was heard by 12 out of 13 Village Planning Committees (VPCs) scheduled to hear the item. All VPCs recommended approval, per the staff recommendation. One VPC did not hear the item, as the meeting was canceled. The detailed VPC results are reflected in **Attachment B - VPC Summary**.

The Planning Commission heard the item on May 7, 2020 and recommended approval, per Exhibit A in the Staff Report by an 8-0 vote, as reflected in **Attachment C - Planning Commission Summary**.

The City Council Land Use and Livability Subcommittee heard the item on May 20, 2020 and recommended approval of the Planning Commission's recommendation by a 4-0 vote, as reflected in **Attachment D - Land Use and Livability Subcommittee**.

### **Responsible Department**

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

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**ATTACHMENT A**

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

**ORDINANCE G-**

AN ORDINANCE AMENDING PORTIONS OF THE CODE OF THE CITY OF PHOENIX, ARIZONA, PART II, CHAPTER 41, THE ZONING ORDINANCE OF THE CITY OF PHOENIX BY AMENDING CHAPTER 7, SECTION 705.2.A.2 (LOCATION RESTRICTIONS), AND SECTION 705.2.A.5 (LOCATION RESTRICTIONS) OF THE PHOENIX ZONING ORDINANCE TO ALLOW OFF-PREMISE ADVERTISING WITHIN PUDS LOCATED ON PUBLICLY OWNED LAND USED FOR A SCHOOL.

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

follows:

SECTION 1: That Chapter 7, Section 705.2.A.2 (Location Restrictions), is

amended to read:

**Amend Section 705.2.A.2 (Off-Premise Signs) to read as follows:**

2. Off-premise ADVERTISING structures may also be located in a Planned Unit Development (PUD) when oriented and within 300 feet of a freeway as identified in Section 705.2.A.1. Off-premise advertising structures located in a PUD must comply with all standards in Section 705.2 and the GROSS AREA OF THE PUD must have a minimum of 20 acres. AN OFF-PREMISE ADVERTISING STRUCTURE MAY BE LOCATED WITHIN A PUD WITH A GROSS AREA OF LESS THAN 20 ACRES IF ALL THE FOLLOWING CONDITIONS ARE MET:
  - A. THE OFF-PREMISE ADVERTISING STRUCTURE IS LOCATED ON PUBLICLY OWNED LAND THAT IS USED FOR A SCHOOL FOR K-12 EDUCATION; AND,
  - B. LOCATED WITHIN A PUD THAT HAS A MINIMUM GROSS AREA OF 15 ACRES; AND,
  - C. ALL OTHER REQUIREMENTS FOR OFF-PREMISE ADVERTISING STRUCTURES IN THE PUD ARE MET.

\*\*\*

SECTION 2: That Chapter 7, Section 705.2.A.5. (Location Restrictions), is amended to read:

**Amend Section 705.2.A.5 (Off-Premise Signs) to read as follows:**

5. ~~With the exception of residential uses within a planned unit development (PUD)~~ Except as follows below, no part of any off-premise ADVERTISING structure may be located closer than 500 feet from a residential district and residential use. A vacant residentially zoned lot shall be treated as a residential use. ~~This setback may be reduced subject to obtaining a use permit pursuant to Section 307 and a demonstration that there are visual or physical barriers that mitigate the impacts of the proposed off-premise advertising structure to the residential use.~~
- A. FOR RESIDENTIAL USES WITHIN A PLANNED UNIT DEVELOPMENT (PUD) BOUNDARY, NO SETBACK FROM AN OFF-PREMISE ADVERTISING STRUCTURE IS REQUIRED WITHIN THE PUD BOUNDARY.
  - B. FOR AN OFF-PREMISE ADVERTISING STRUCTURE THAT IS LOCATED ON PUBLICLY OWNED LAND THAT IS USED FOR A SCHOOL FOR K-12 EDUCATION WITHIN THE BOUNDARY OF A PUD, NO PART OF ANY OFF-PREMISE ADVERTISING STRUCTURE MAY BE LOCATED CLOSER THAN 250 FEET FROM A RESIDENTIAL DISTRICT AND RESIDENTIAL USE OUTSIDE OF THE PUD BOUNDARY.
  - C. THIS SETBACK MAY BE REDUCED SUBJECT TO OBTAINING A USE PERMIT PURSUANT TO SECTION 307 AND A DEMONSTRATION THAT THERE ARE VISUAL OR PHYSICAL BARRIERS THAT MITIGATE THE IMPACTS OF THE PROPOSED OFF-PREMISE ADVERTISING STRUCTURE TO THE RESIDENTIAL USE.

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PASSED by the Council of the City of Phoenix this 3th day of June, 2020

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MAYOR



ATTEST:

\_\_\_\_\_ City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_ City Attorney

REVIEWED BY:

\_\_\_\_\_ City Manager

**ATTACHMENT B**  
**TA-1-19: Off-Premise Advertising within PUDs located**  
**on Publicly Owned Land Used for a School**

-

**Village Planning Committee Summary Results**

<b>Village</b>	<b>Date</b>	<b>Recommendations</b>	<b>Vote</b>
Ahwatukee Foothills	2/24/20	Canceled	N/A
Alhambra	1/28/20	Approved	8-6
Camelback East	1/7/20	Approved	13-6
Central City	3/9/20	Approved	12-5
Deer Valley	2/20/20	Approved	10-0
Encanto	1/6/20	Approved	6-3
Estrella	1/21/20	Approved	5-0
Laveen	2/10/20	Approved	9-1
Maryvale	1/8/20	Approved	10-0
North Gateway	2/13/20	Approved	4-0
North Mountain	2/19/20	Approved	14-0
Rio Vista	3/10/20	Approved	5-0
South Mountain	1/14/20	Approved	9-4

**Village Planning Committee Meeting Summary**  
**Z-TA-1-19**

<b>Date of VPC Meeting</b>	February 24, 2020
<b>Request</b>	A request to amend Section 705.2 of the Phoenix Zoning Ordinance to address off-premise advertising within PUDs located on publicly owned land used for a school.
<b>VPC Recommendation</b>	No quorum
<b>VPC Vote</b>	No quorum

**VPC DISCUSSION:**

No quorum.

## Village Planning Committee Meeting Summary Z-TA-1-19

<b>Date of VPC Meeting</b>	January 28, 2020
<b>Request</b>	A request to amend Section 705.2 of the Phoenix Zoning Ordinance to address off-premise advertising within PUDs located on publicly owned land used for a school.
<b>VPC Recommendation</b>	Approval, as recommended by staff
<b>VPC Vote</b>	8-6

### **VPC DISCUSSION & RECOMMENDATION:**

*Committee member Pamela Fitzgerald arrived during this item bringing the quorum up to 14.*

**Sarah Stockham**, staff, presented a brief overview of the request, displaying staff's recommendation and proposed language for the text amendment.

**Jeff Boles**, the applicant, with Creighton Community Foundation, presented an overview of the request. He displayed an aerial map with the five schools near a freeway that would be impacted by the text amendment. **Ben Graff**, representing the applicant, with Quarles & Brady LLP, reviewed the components of the request and emphasized that applicants will still have to apply to rezone to a Planned Unit Development which requires additional notification and public hearings.

**Jonathan Ammon** shared that he has seen opposition from communities for digital billboards.

**Elizabeth Sanchez** asked about how the revenue will be distributed. **Jeff Boles** responded that 50% of the revenue will go to the foundation to be distributed to the school districts via grants.

**Christian Solorio** asked if other school districts that would be impacted by the text amendment have reached out to the applicant. **Ben Graff** responded that they have been notified.

**Jak Keyser** sought clarification regarding the provision for publicly-owned land and commented that some charter schools operate out of retail centers. He asked what would happen to the billboard if a school ceased operation. **Ben Graff** responded that the language of the text amendment calls out publicly-owned land to benefit schools and not commercial property owners. He stated that he believes if a school ceases to operate the billboard would be a legal non-conforming structure.

**Vice Chair Marshall Shore** asked what the anticipated revenue is for the signs. **Jeff Boles** responded that they estimate around \$150,000 a year.

### **Public Comment**

**Lawrrie Fitzhugh** with the Sevilla Neighborhood Association shared the following concerns:

- Notifications sent out to surrounding impacted neighborhoods
- Clarification on if the signs will be digital, one-sided or two-sided
- Enforcement for digital signs

**Ben Graff** responded that this text amendment does not change any zoning. Notifications for specific properties will be sent through the Planned Unit Development rezoning process where applicants are required to perform extensive outreach. He added that the sign specifics and what the community will allow will be discussed through that process.

**Jamaar Williams** asked how the communities at the school sites feel about the text amendment. **Jeff Boles** responded that they have support from the neighborhood associations around the schools.

### **Motion**

**Charles Jones** motioned to recommend approval. **Christian Solorio** seconded the motion.

**Jak Keyser** made a friendly amendment to limit the provision of the text amendment to the three Creighton Schools by means of an overlay. The amendment was not seconded.

### **Vote**

**8-6**, motion passes with committee members McCabe, Shore, Ammon, Ender, Farina, Jones, Solorio and Williams in favor and committee members Becker, Fitzgerald, Keyser, Krietor, Ochoa-Martinez and Sanchez in opposition.

### **STAFF COMMENTS:**

None.

## Village Planning Committee Meeting Summary

### Z-TA-1-19

<b>Date of VPC Meeting</b>	January 7, 2020
<b>Request</b>	A request to amend Section 705.2 of the Phoenix Zoning Ordinance to address off-premise advertising within PUDs located on publicly owned land used for a school.
<b>VPC Vote</b>	13-6

#### VPC DISCUSSION:

**Ms. Samantha Keating** provided an overview on the proposed language and staff's recommendation. She highlighted that if the amendment were to be approved, any schools subject to the highlighted requirements would still need to pursue PUD zoning.

**Mr. Danny Sharaby** asked about regulation of content. **Ms. Keating** responded that the city could not regulate content, but the applicant could provide more detail on how content could be looked at during a future RFP process for signage.

**Mr. Barry Pacey** asked if the proposal applied citywide and stated concerns that this could just get the ball rolling for more schools. **Ms. Keating** replied that the text would apply citywide, but would currently only apply to five properties. **Mr. Pacey** indicated concerns that school properties were owned by tax payers and this leads to potential conflict with the school board as they do not technically own the property. The proposal is not clear cut and clean.

**Mr. Craig Tribken** asked if this only applied to public schools. **Ms. Keating** replied affirmatively.

**Mr. Jeff Boles**, applicant, explained that he was before the committee tonight with a request from the Creighton School District and Community Foundation. They have invested three to four years in the community to try and make this happen. The schools are suffering from not having funding for things like school resource officers. The proposed text is about investing in schools and carefully crafted to avoid proliferation. The sites that staff outlined are all Title I schools.

**Mr. Sharaby** asked about limitations on signs, who will manage the project and will be responsible. **Mr. Boles** explained that the land will be leased from the school district. This will provide more flexibility for funding of wrap around services. The

funds would go to the foundation. Members of the board of the foundation also sit on the school board to provide oversight. The project will go out to an RFP.

**Mr. Marc Scher** asked if the board of directors would be paid with the funds procured. **Mr. Boles** responded they would not.

**Mr. Dan Rush** stated that if this was good for the area it should be available throughout the city. Billboard companies have a lot of pull.

**Mr. Tribken** commented that he has concerns with the leaded area. **Ms. Keating** explained that the proposal and language has been vetted by the city's Law Department.

**Ms. Ashley Nye** commented that it is sad we need to find additional revenue to keep kids safe. She asked if a use permit would be needed for the signs. **Ms. Keating** responded that sites would need to process a PUD and potentially a use permit to permit an off-premise sign.

**Ms. Christina Eichelkraut** asked if the funds would be programmatically appropriated. **Mr. Boles** responded that they would.

**Mr. Greg Abbott** commented that he was generally in favor of the proposal but had concerns with the limitations restricting use by colleges.

**Mr. Sharaby** asked for additional details regarding the RFP process and if signs would be digital. **Mr. Boles** explained it was a state RFP process where the proposer would need to follow state guidelines for advertising on school property. Signs are planned for digital signs.

**Mr. George Garcia** discussed how this was a long-term situation with a large initial expense. **Mr. Boles** explained that pro bono work was being provided by Gammage and Burnham and other local law offices. Fundraising and his own out-of-pocket funds were also being used.

### **Motion**

**Ms. Ashley Nye** made a motion to recommend approval. **Ms. Hayleigh Crawford** seconded the motion.

### **Vote**

**13-6**, Motion passes with Committee Members Swart, Fischbach, Crawford, Eichelkraut, McKee, Miller, Nye, O'Malley, Rush, Scher, Sharaby, Trauscht and Tribken in favor. Committee Members Abbott, Bair, Beckerleg Thraen, Garcia, Hardy and Paceley opposed.

### **Discussion**

**Ms. Beckerleg Thraen** commented that the proposal sounds great as the schools could use this money but is concerned it is too broad for appropriate controls.

**Mr. Blake McKee** said from a land use perspective, he does not care for billboards, but he has concern for underfunded schools.

**Mr. Dan Rush** commented he is supportive because the good outweighs the bad. These schools have deep issues and thanked Mr. Boles for taking this on personally.

**Mr. Marc Scher** said he agreed with the concerns and hopes issues are addressed in the future.

**Mr. Danny Sharaby** commented that he is impressed with the efforts, but feels that the business plan is not the best.

**Mr. Ryan Trauscht** commented he wants to ensure safeguards are in place.

**Chairman Jay Swart** commented that the presentation tonight was a bit of course and just the text should have been provided.



## Village Planning Committee Meeting Summary Z-TA-1-19

<b>Date of VPC Meeting:</b>	March 9, 2020
<b>Request:</b>	A request to amend Section 705.2 of the Phoenix Zoning Ordinance to address off-premise advertising within PUDs located on publicly owned land used for a school.
<b>VPC Recommendation</b>	Approval, as recommended by staff.
<b>Vote:</b>	12-5

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

*Four speaker cards were submitted in favor, wishing to speak.  
One speaker card was submitted wishing to speak,*

**Sarah Stockham**, staff, presented an overview of the request and staff's recommendation of approval.

**Sean Sweat** asked what zoning districts schools fall under. **Manjula Vaz** with Gammage & Burnham representing the applicant responded they are zoned residential.

**Dana Johnson** commented that he believes the City is conceding to help the schools and that he does not want to see more billboards.

**Darlene Martinez** asked about the outreach the applicant has done throughout the city. **Eva Olivas** added that the text amendment for group homes was added very quickly. **Manjula Vaz** replied that the applicant has gone to the Village Planning Committees twice.

**Shannon Dubasik** asked who manages the signs. **Jeff Boles**, with the Creighton Community Foundation, answered that the sign company will perform maintenance on the signs.

**Will Gaona** asked if signs are on public land, is there a free speech issue. **Jeff Boles** answered that they do not believe there is a free speech issue.

**Vice Chair Janey Peal Starks** asked where the revenue will go from the signs. **Manjula Vaz** replied that the school board will determine how the revenue is spent. **Ms. Vaz** added that they have two PUDs pending, one in Central City and one in Camelback East, and that they will explain the how the money mechanism works in the narrative. **Ms. Vaz** explained that Arizona State University uses billboard funding as well, and that this request is just to get general permission to allow billboards on school sites.

**Christopher Colyer** asked if there are provisions to limit the brightness of the sign. **Manjula Vaz** replied that those standards will be addressed in the PUD.

### **Public Comment**

**Bramley Paulin** stated that the State of Arizona is sovereign, the City of Phoenix does not have jurisdiction for this request, and that this request is illegal.

**Vice Chair Janey Pearl Starks** asked how much revenue the applicant expects to receive. **Jeff Boles** estimated \$150,000 per year per sign.

### **Motion**

**Chris Colyer** motioned to approve the request, adding that it was an innovative solution to bring more revenues to schools. **Zach Burns** seconded the motion.

### **Vote**

12-5, Motion to approve passed, with Committee Members Burns, Cabrera, Colyer, Gaona, Goode, Langley, Lockhart, Martinez, Sonoskey, Starks, Sweat, and Uss in favor and Dubasik, Johnson, Olivas, Stark and R. Johnson opposed.

### **STAFF COMMENTS:**

None.

## Village Planning Committee Meeting Summary Z-TA-1-19

**Date of VPC Meeting** February 20, 2020  
**Request** A request to amend Section 705.2 of the Phoenix Zoning Ordinance to address off-premise advertising within PUDs located on publicly owned land used for a school.

### VPC DISCUSSION & RECOMMENDATION:

*2 speaker cards were submitted in favor, wishing to speak.*

**Mr. David Simmons**, staff, gave a brief presentation as to what the Text Amendment entails including the requirement for each school site to rezone to PUD prior to sign installation, which goes through its own rigorous public hearing process. Mr. Simmons shared that if this Text Amendment were to be approved, it does not give the applicant a green light to install billboards on school sites.

**Mr. Jeff Boles** executive director of Creighton Community Foundation in partnership with **Michael Merowitz**, with Gammage and Bernham, explained they were before the committee to discuss a text amendment filed on behalf of the Creighton Community Foundation and school district. The Text Amendment would modify the current standards for off-premise signs to allow for them to be placed on publicly owned land used for school purposes, located next to a freeway and rezoned PUD. Based on information provided by the city, this would potentially affect 5 school districts and 4 villages. The addition of billboards on school properties would provide much needed revenue to the district which is more than 96 percent Title 1. Mr. Merowitz went over the code changes proposed in detail.

**Chairman Joseph Grossman** asked if this would affect every school site within the City of Phoenix.

**Mr. Boles** shared that they did include every school site in their study within the City of Phoenix, however, very few would qualify under the proposed changes.

**Vice Chair Trilese DiLeo** asked if the school site was required to have freeway frontage in order to qualify.

**Mr. Merowitz** stated that yes, the school site has to be within 300 feet of a freeway to qualify.

**Mr. Ricardo Romero** inquired about content regulations on the billboards.

**Mr. Merowitz** shared that there were multiple layers of regulation on content from state to local level.

**Mr. Boles** also shared that the RFP's would have restrictions on content as well.

**Mr. Ozzie Virgil** asked who was going to pay the electrical bill on the digital billboards.

**Mr. Boles** shared that the vendor would be responsible for constructing and maintaining the billboards, which would include paying the electrical bill.

**Mr. Russell Osborn** asked if the applicant had maps of the qualifying school sites.

**Mr. Boles** pulled up maps of the school sites on the presentation screen.

**Chairman Grossman** asked if they were going to do IGA's and RFP's.

**Mr. Boles** shared that they plan on only doing RFP's.

**Vice Chair DiLeo** asked if there were a limitation on number of billboards on school sites.

**Mr. Merowitz** shared that there were limitations due to distance requirements.

**MOTION: Ms. Ann O'Brien** made a motion to recommend approval of Case No. Z-TA-1-19 per staff's recommendation. Committee member **Mr. Bill Levy** seconded the motion.

**VOTE: 10-0, motion to approve passed, with Committee Members Grossman, DiLeo, Gardner, Kenney, Levy, O'Brien, Osborne, Romero, Shipman and Virgil in favor.**

**STAFF COMMENTS:**

None.

## **Village Planning Committee Meeting Summary**

### **Z-TA-1-19**

<b>Date of VPC Meeting</b>	January 6, 2020
<b>Request</b>	A request to amend Section 705.2 of the Phoenix Zoning Ordinance to address off-premise advertising within PUDs located on publicly owned land used for a school.
<b>VPC Recommendation</b>	Approval, per staff recommendation
<b>VPC Vote</b>	6-3

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

*Prior to the presentation commencing committee member Rick Mahrle declared a conflict with this item and left the room. A quorum of nine members remained.*

Joshua Bednarek, staff, provided a brief overview of the request and explained that the proposed Text Amendment would not rezone any property. The request would create new criteria in the Zoning Ordinance that would allow certain properties to pursue a rezoning to a Planned Unit Development (PUD) that would permit an off-premise advertising structure.

Mr. Michael Maerowitz of Gammage and Burnham Law Firm addressed the committee as the applicant's representative on the request and Mr. Jeff Boles from the Creighton Community Foundation introduced himself as the applicant. Mr. Maerowitz discussed the reasons why the Creighton Community Foundation had come forward with the request and highlighted the potential school sites it would apply to if approved. Mr. Maerowitz noted that none of the subject schools were within the Encanto Village boundaries.

Mr. Bryck asked why schools could not just do this by right if they were not subject to municipal zoning ordinances.

Mr. Maerowitz explained that while public schools are exempt from complying with municipal zoning ordinances, this exemption only applies to school related functions. The provision of an off-premise sign on a public-school campus, while providing a revenue stream to the school, would not be considered a school related function and therefore requires adherence to the Phoenix Zoning Ordinance.

Ms. George raised several concerns and questions she had about the distinction between the Creighton Community Foundation and Creighton Communities.org.

Mr. Boles explained that Creighton Communities.org is just another domain name for the Creighton Community Foundation website.

Ms. George noted she had concerns with the text amendment's proposed reduction of the minimum size requirements for land area of a PUD from 20 acres to 15 acres for K-12 schools.

Mr. Boles noted that the reason for the request and its restriction to only apply to K-12 schools, is that most of the school campuses who would look to pursue a PUD have less than 20 acres in land area.

Chairman Adams asked Mr. Boles who is paying for the expenses associated with the application. Mr. Boles stated that Gammage and Burnham was donating most of their services and that the Creighton Community Foundation was only paying for some minor administrative costs.

Mr. Procaccini stated he was concerned with the proposed reduction of the minimum distance required from single-family residential from 500 feet to 250 feet.

Mr. Boles responded that most schools are generally located within or next to single-family neighborhoods making the 500-foot minimum distance requirement difficult, if not impossible, to adhere to. Mr. Boles noted that with the revenue from the off-premise sign, the goal would be to help address some of the challenges in the surrounding neighborhoods. Mr. Boles discussed the concept of developing a community garden at one of the schools on a portion of the property that has been a source of vandalism and crime.

Ms. George stated that the scope of the text amendment is fairly narrow and would appear to only be applicable to a limited number of schools.

Mr. Boles replied that this was very intentional. Their intent was not to create a situation where dozens of additional billboards would be permitted throughout the city.

Ms. Coates asked for verification that the text amendment would only apply to K-12 public schools.

Mr. Maerowitz responded that Ms. Coates was correct and added that charter and trade schools would not be eligible.

Mr. Bryck stated that while he appreciated the Creighton Community Foundation's efforts, it was unfortunate that they are needing to pursue these types of strategies for additional revenue. Mr. Bryck stated that is difficult to decide on a land use related request that is attempting to solve a larger social issue.

Mr. Boles stated he understood Mr. Bryck's perspective.

Neal Haddad from the Neighborhood Coalition of Greater Phoenix spoke in opposition of the request. Mr. Haddad emphasized the potential negative land use ramifications the

committee's approval of the request would present. Mr. Haddad encouraged the committee to separate the social needs of the community from the zoning / land use question they have in front of them. Mr. Haddad noted some of the items he saw as negative impacts from the request which include the potential for additional light pollution and the introduction of a commercial use into residential neighborhoods.

Chairman Adams inquired if Mr. Haddad had brought any additional neighbors with him to address the committee.

Mr. Haddad stated that many of the Coalition's members were diligently working on two appeal cases related to off-premise signs scheduled to be heard later in the week by the Board of Adjustment.

Mr. Maerowitz and Mr. Boles addressed Mr. Haddad's comments by emphasizing the PUD process calls for extensive community input and will allow each school to collaborate with the surrounding community regarding development standards for the site. Mr. Boles reiterated that the text amendment proposes no changes to the current billboard spacing requirements.

Mr. Procaccini inquired how the community would be assured that the funding from the billboard would be going to the school.

Mr. Boles stated that the Creighton Community Foundation is a registered 501C3 organization that is overseen by a board. The board ultimately decides how the money will be spent in collaboration with the area school district and the subject school. The school district ultimately has the control because they own the land. The Creighton Community Foundation makes it easier for the school and the school district because it is difficult for both entities to accept and administer donations or funds from private entities.

Mr. Procaccini asked Mr. Boles what would happen if the Creighton Community Foundation were to leave or cease operations.

Mr. Boles responded that the Foundation's involvement would be tied to a public request for proposal (RFP) by the school district. If circumstances change and the Foundation were no longer associated with the school or school district, then a new RFP would need to be issued.

Mr. Paul Benjamin asked Mr. Boles if he knew if the Creighton schools sold advertising space on their campuses now.

Mr. Boles replied that the schools do not sell advertising on their campuses or buses, but does believe there is some space dedicated for advertising in the parent teacher organization's newsletter.

Mr. Bryck asked Mr. Boles if all the Foundation's employees are volunteers.

Mr. Boles responded that the Foundation has two paid staff members.

Mr. Boles then made a closing statement by reinforcing the benefits additional investments would have in the schools and their surrounding communities.

Mr. Kleinman called for the question.

**Motion**

Ms. George motioned to deny the request and Mr. Bryck seconded.

**Vote**

Yes – Paul Benjamin, Drew Bryck, G.G. George, Steve Procaccini (4)

No – Katie Coates, Brent Kleinman, Jayson Matthews, Vice Chair Ann Cothron,  
Chairman Jake Adams (5)

Motion to deny failed by 4 to 5 vote.

**Motion**

Mr. Kleinman made a motion to approve the request and Mr. Matthews seconded.

**Vote**

Yes – Paul Benjamin, Katie Coates, Brent Kleinman, Jayson Matthews, Vice Chair Ann  
Cothron, Chairman Jake Adams (6)

No – Drew Bryck, G.G. George, Steve Procaccini (3)

Motion to approve passed by a 6 to 3 vote.

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

None.



## Village Planning Committee Meeting Summary

### Z-TA-1-19

**Date of VPC Meeting** January 21, 2020

**Request** A request to amend Section 705.2 of the Phoenix Zoning Ordinance to address off-premise advertising within PUDs located on publicly owned land used for a school.

#### **VPC DISCUSSION & RECOMMENDATION:**

**Mr. Klimek** shared the history of the request, explained the request would set the foundation to eventually allow schools which meet certain conditions to construct a billboard on their properties.

The current regulation permits billboards in properties zoned Planned Unit Development, of 20 acres or greater, within 300 feet of a qualifying freeway, and a minimum 500 feet from a residential use and residential zone.

The proposed change would permit billboards on properties zoned Planned Unit Development, of 15 acres or greater, within 300 feet of a qualifying freeway, a minimum 250 feet from a residential use or residential zone, on publicly owned land, used for a K-12 school.

Staff recommends approval of this request. Regarding outreach, because the amendment would apply city-wide, it is being presented to all 15 village planning committees, first for information and then for recommendation.

In response to conversations raised at the informational session in December: content will be managed by a state procurement contract and be subject to additional restrictions based on its location at a school.

**Mr. Jeff Boles**, executive director of Creighton Community Foundation, explained the request which would permit off-premise signs on school properties meeting certain criteria, as described by staff. The purpose of the request is to enable the creation of a revenue stream for public schools to provide wrap-around services for their students. There are only five schools that could potentially be eligible, however, even if the amendment is approved, the schools would need to rezone to a Planned Unit Development which requires significant investment and outreach.

**Discussion** indicating that several members felt it was a good idea and the proposed change was thoughtfully written to limit unforeseen outcomes.

**Chair Perez** asked about how content would be managed, whether this usurps existing public processes, and if there are any processes in place to revoke permissions if the property no longer complies with city requirements.

**Mr. Klimek** responded that this does not permit any schools within the City of Phoenix to construct a billboard. A school seeking to utilize this text amendment would be required to pursue a Planned Unit Development and potentially a Use Permit which requires a significant public process. A use permit can be revoked and a use which is no longer permitted by the conditions of the Zoning Ordinance can be ceased through enforcement action.

**Mr. Boles** expanded that the cost of a Planned Unit Development is approximately \$80,000 for an average school property and that billboards adjacent to freeways are also subject to an annual review by ADOT.

**MOTION:**

**Mr. Cardenas** motioned to approve the request per staff recommendation, with a second from **Mr. Danzeisen**, to approve.

**DISCUSSION:**

None.

**VOTE:**

**5-0**, motion passed, with Committee Members Ademolu, Cardenas, Perez, Barquin, and Danzeisen in favor

**STAFF COMMENTS:**

None.

## Village Planning Committee Meeting Summary Z-TA-1-19

<b>Date of VPC Meeting</b>	February 10, 2020
<b>Request</b>	A request to amend Section 705.2 of the Phoenix Zoning Ordinance to address off-premise advertising within PUDs located on publicly owned land used for a school.
<b>VPC Vote</b>	9-1

### **VPC DISCUSSION:**

**Ms. Samantha Keating**, staff, presented the request and explained the request would set the foundation to eventually allow schools which meet certain conditions to construct a billboard on their properties. The current regulation permits billboards in properties zoned Planned Unit Development, of 20 acres or greater, within 300 feet of a qualifying freeway, and a minimum 500 feet from a residential use and residential zone. The proposed change would permit billboards on properties zoned Planned Unit Development, of 15 acres or greater, within 300 feet of a qualifying freeway, a minimum 250 feet from a residential use or residential zone, on publicly owned land, used for a K-12 school. She explained that this request is being presented to all Villages as it would apply city-wide. She provided the staff recommendation for approval.

**Chairman Branscomb** asked what the process for a Planned Unit Development entails. **Ms. Keating** explained that the Planned Unit Development is a unique zoning district, but that the process is the virtually the same as a rezoning, in which a property owner submits an application and proceeds to go through the full public hearing process. What makes a PUD rezoning unique is that the applicant creates a development narrative which outlines the development and design standards for the site, as opposed to choosing an existing zoning district from the Zoning Ordinance. In order to rezone to a PUD, an applicant must show how the proposed development goes above and beyond the existing city standards.

**Mr. Jeff Boles**, executive director of Creighton Community Foundation, presented the request which would permit off-premise signs on school properties meeting certain criteria, as described by staff. The purpose of the request is to enable the creation of a revenue stream for public schools to provide wrap-around services for their students. There are only five schools that could potentially be eligible, however,

even if the amendment is approved, the schools would need to rezone to a Planned Unit Development which requires significant investment and outreach.

**Mr. Ben Graff**, representative for the Creighton Community Foundation, explained that the intent of this proposed text amendment is to provide a revenue stream to the school district, and not to the billboard companies. He stressed that they are not seeking to bring an influx of billboards into Phoenix, and that the proposed amendment is worded in a way that ensures applicability only for publicly-owned properties that are used as schools. He explained that the request to change the property size requirements to 15 acres is due to the fact that no schools in the city have 20-acre lots.

**Mr. Carlos Ortega** asked how much of the revenue the school district will receive. **Mr. Boles** replied that the revenues will be split in half, so the school district will receive 50 percent.

**Mr. John Mockus** asked how the revenues will be allocated among schools. **Mr. Boles** explained that the monies from the billboards will be distributed among the schools as needed.

**Ms. Tonya Glass** asked how many employees the Foundation has. **Mr. Boles** replied that they have six grant-funded employees.

**Ms. Linda Abegg** asked if the billboards on school property will still be subject to all other off-premise sign regulations if this text amendment is approved. **Mr. Graff** replied yes. **Ms. Keating** outlined the proposed text amendment language and explained that these billboards would still be subject to all other code and ordinance requirements.

**Mr. Phil Hertel** expressed his concern with users other than the school district taking advantage of the new proposed language to install more billboards around the city.

**Mr. Dan Penton** urged the city to be cautious of city-wide text amendments as it may open the floodgates for other billboard companies.

**Mr. Graff** addressed these concerns, stating that the proposed language was drafted in a very specific way so as to guarantee that no users other than the school district would be able to use these new requirements.

#### **MOTION:**

**Ms. Cinthia Estela** made a motion to approve the request per the staff recommendation. **Mr. Ortega** seconded the motion.

#### **VOTE:**

**9-1** Motion passed; with members Abegg, Estela, Flunoy, Harlin, Hurd, Mockus, Ortega, Rouse, and Branscomb in favor and member Glass in opposition.

**STAFF COMMENTS:**

None.

## **Village Planning Committee Meeting Summary Z-TA-1-19**

<b>Date of VPC Meeting</b>	January 8, 2020
<b>Request</b>	A request to amend Section 705.2 of the Phoenix Zoning Ordinance to address off-premise advertising within PUDs located on publicly owned land used for a school.
<b>VPC Recommendation</b>	Approval, per staff's recommendation
<b>VPC Vote</b>	10-0

### **VPC DISCUSSION & RECOMMENDATION:**

**Mr. David Simmons**, staff, gave a brief presentation as to what the Text Amendment entails including the requirement for each school site to rezone to PUD prior to sign installation, which goes through its own rigorous public hearing process. Mr. Simmons shared that if this Text Amendment were to be approved, it does not give the applicant a green light on the sign installations.

**Mr. Jeff Boles** executive director of Creighton Community Foundation, explained he was before the committee to discuss a text amendment filed on behalf of the Creighton Community Foundation and school district. The Text Amendment would modify the current standards for off-premise signs to allow for them to be placed on publicly owned land used for school purposes, located next to a freeway and rezoned PUD. Based on information provided by the city, this would potentially affect 4 school districts and 4 villages. The addition of billboards on school properties would provide much needed revenue to the district which is more than 96 percent Title 1.

**Chairman Jeff Armor** asked the applicant to please clarify the request.

**Mr. Zeke Valenzuela** stated that the purpose of this request was to gain additional revenue for the schools through advertising costs associated with the billboards.

**Mr. Boles** concurred with Mr. Valenzuela.

**Chairman Armor** asked if the applicant had received any pushback from any of the other villages he has presented to.

**Mr. Boles** shared that he had received feedback regarding light pollution from the billboards as well as concerns about their placement on the sites in close proximity to residential areas.

**Chairman Armor** asked if the applicant had received any feedback from citizens.

**Mr. Boles** shared that he had not to date.

**Vice Chair Derie** asked if the billboards were to be standard or digital.

**Mr. Boles** shared that the billboards would most likely be digital.

**Motion:**

**Vice Chair Gene Derie** motioned to recommend approval of Case No. Z-TA-1-19 per staff's recommendation. Committee member **Christopher Demarest** seconded.

**Vote:** 10-0, Motion to recommend approval passes with committee members Armor, Derie, Battle, Demarest, DuBose, Garcia, O'Toole, Sirochman, Valenzuela and Weber in favor.

**STAFF COMMENTS:**

None.

## **Village Planning Committee Meeting Summary**

### **Z-TA-1-19**

<b>Date of VPC Meeting</b>	February 13, 2020
<b>Request</b>	A request to amend Section 705.2 of the Phoenix Zoning Ordinance to address off-premise advertising within PUDs located on publicly owned land used for a school.
<b>VPC Recommendation</b>	Approval, as recommended by staff.
<b>VPC Vote</b>	4-0

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

**Mr. Joél Carrasco**, staff presented a brief overview of the requests, including the locations, context, analysis, findings and staff recommendations.

**Mr. Jeff Boles**, Creighton School District, Community Works program, provided an overview presentation on the Text Amendment request to provide an exception to allow schools an opportunity to partner with billboard companies as a funding mechanism.

**Mr. Boles** provided additional technical background regarding the request by highlighting the specific language changes and a map identifying the properties which would be eligible.

**Chairman Mr. Jason Stokes** thanked the applicant for his diligence and work on this request.

The committee had no further questions or comments.

**MOTION: Committee member Ms. Shannon Simon** made the motion to approve the Z-TA-1-19 as recommended by staff.

**Committee Member Ms. Michelle Ricart** seconded the motion.

**VOTE:** The motion was approved, 4-0, with Committee members Stokes, Simon, Ricart, and Tome, in favor.



## Village Planning Committee Meeting Summary

### Z-TA-1-19

**Date of VPC Meeting** February 19, 2020

**Request** A request to amend Section 705.2 of the Phoenix Zoning Ordinance to address off-premise advertising within PUDs located on publicly owned land used for a school.

#### VPC DISCUSSION:

**Mr. Nick Klimek**, staff, explained that the request would set the foundation to eventually allow schools which meet certain conditions to construct a billboard on their properties.

The current regulation permits billboards in properties zoned Planned Unit Development, of 20 acres or greater, within 300 feet of a qualifying freeway, and a minimum 500 feet from a residential use and residential zone.

The proposed change would permit billboards on properties zoned Planned Unit Development, of 15 acres or greater, within 300 feet of a qualifying freeway, a minimum 250 feet from a residential use or residential zone, on publicly owned land, used for a K-12 school.

Staff recommends approval of this request. Regarding outreach, because the amendment would apply city-wide, it is being presented to all 15 village planning committees, first for information and then for recommendation. He noted that no properties eligible under the proposed amendment exist in the South Mountain Village.

**Mr. Jeff Boles**, executive director of Creighton Community Foundation, explained the request which would permit off-premise signs on school properties meeting certain criteria, as described by staff. The purpose of the request is to enable the creation of a revenue stream for public schools to provide wrap-around services for their students. There are only five schools that could potentially be eligible, however, even if the amendment is approved, the schools would need to rezone to a Planned Unit Development which requires significant investment and outreach.

**Chairman Carrell** asked how the villages directly impacted by this proposal voted on the request. **Mr. Mike Maerowitz**, of Gammage and Burnham, responded that Maryvale, Estrella, and South Mountain voted to approve the request while the case

has not been presented to Camelback East or Central City for recommendation.

**Ms. Elizabeth Perez** asked about the projected revenue and use of funds generated by the lease including whether the income could be allocated to teacher pay. **Mr. Boles** responded that after the 50/50 revenue share with the billboard company, the foundation anticipates approximately \$150,000 per billboard, per year. Revenue will be directed to the Creighton Community Foundation and will be used for wrap around services for school operations and creating adult-supportive relationships.

**Mr. Sommacampagna** asked how the neighborhood felt about the reduced separation requirement from residential dwellings. **Mr. Boles** responded that the reduced separation only applies to the Gateway Elementary campus and that in that example, he closest neighbors have been the greatest advocates for the billboard and additional revenue. He further noted that the text amendment does not entitle any property for billboards and that, if approved, each school campus would need to pursue a Planned Unit Development. A Planned Unit Development requires neighborhood outreach and approximately 4 public meetings.

**Chairman Carrell** noted that the committee typically does not like requests that are so narrowly focused that they only effect a single party or a very particular circumstance. **Mr. Maerowitz** responded that the amendment includes layers of regulations including some at the State of Arizona, the Arizona Department of Transportation, and now with the City of Phoenix.

**MOTION:**

**Member Whitney** made a MOTION to approve the request per staff recommendation. **Member Ford** seconded the motion.

**VOTE:**

**14-0**, motion passed, with Committee Members Carrell, McBride, Church, Ford, Jaramillo, Larson, Krentz, Magallanez, O'Hara, Alauria, Whitney, Sommacampagna, O'Conner, and Perez in favor; no members dissenting or abstaining.

**STAFF COMMENTS:**

None

## Village Planning Committee Meeting Summary Z-TA-1-19

<b>Date of VPC Meeting</b>	March 10, 2020
<b>Request</b>	A request to amend Section 705.2 of the Phoenix Zoning Ordinance to address off-premise advertising within PUDs located on publicly owned land used for a school.
<b>VPC Recommendation</b>	Approval, as recommended by staff.
<b>VPC Vote</b>	5-0

### VPC DISCUSSION:

**Samantha Keating** provided an overview of the request and the staff recommendation. She relayed this was the technical zoning ordinance change to allow PUD zoning for schools to be pursued.

**Ozzie Virgil** asked if a Use Permit would be required. **Samantha Keating** replied that it would if the sign were to meet a certain height threshold or if a digital sign were requested.

**Mike Maerowitz** with Gammage & Burnham, explained that the Creighton Community Foundation was a non-profit formed in 2013 to support the Creighton School District. Their underlying mission is to provide wrap around services. The proposed text in the application is intended to provide an exception to the 20-acre PUD rule for schools.

**Vice Chair Steven Scharboneau** asked for clarification on what off-premise means. **Mike Maerowitz** explained it described advertising for things not on the subject property.

**Ozzie Virgil** asked where signs would be located on the two Creighton schools. **Mike Maerowitz** pointed out the planned locations on the sites and explained that the 1,000-foot spacing requirement would still be required.

**Judy Lorch** asked if the signs would be dimmed at night. **Mike Maerowitz** explained the city requirements for lighting would still remain. **Samantha Keating** added that digital signs required an 11 pm turn off, which can be discussed during the Use Permit process.

**MOTION:** **Ozzie Virgil** made a motion to approve per the staff recommendation. The motion was seconded by **Vice Chair Steven Scharboneau**.

**VOTE:** 5-0 with Committee Members Sommacampagna, Scharboneau, Holton, Lorch and Virgil in favor.

# Village Planning Committee Meeting Summary

## Z-TA-1-19

**Date of VPC Meeting** January 14, 2020

**Request** A request to amend Section 705.2 of the Phoenix Zoning Ordinance to address off-premise advertising within PUDs located on publicly owned land used for a school.

### VPC DISCUSSION:

- 1) **Z-TA-1-19:** Presentation, discussion, and possible recommendation on a request to amend Section 705.2 of the Phoenix Zoning Ordinance to address off-premise advertising within PUDs located on publicly owned land used for a school.

**Mr. Klimek**, staff, shared the history of the request, explained the request would set the foundation to eventually allow schools which meet certain conditions to construct a billboard on their properties.

The current regulation permits billboards in properties zoned Planned Unit Development, of 20 acres or greater, within 300 feet of a qualifying freeway, and a minimum 500 feet from a residential use and residential zone.

The proposed change would permit billboards on properties zoned Planned Unit Development, of 15 acres or greater, within 300 feet of a qualifying freeway, a minimum 250 feet from a residential use or residential zone, on publicly owned land, used for a K-12 school.

Staff recommends approval of this request. Regarding outreach, because the amendment would apply city-wide, it is being presented to all 15 village planning committees, first for information and then for recommendation. He noted that no properties eligible under the proposed amendment exist in the South Mountain Village.

In response to conversations raised at the informational session in December: content will be managed by a state procurement contract and be subject to additional restrictions based on its location at a school; if a school ceases to operate, the billboard would no longer be compliant with the zoning ordinance and could be removed through the revocation of a use permit (if required) or through pro-active enforcement.

**Mr. Jeff Boles**, executive director of Creighton Community Foundation, explained the request which would permit off-premise signs on school properties meeting certain criteria, as described by staff. The purpose of the request is to enable the creation of a revenue stream for public schools to provide wrap-around services for their students. There are only five schools that could potentially be eligible, however, even if the amendment is approved, the schools would need to rezone to a Planned Unit Development which requires significant investment and outreach.

**Mr. Glueck** asked if the billboards would be digital or print and if a vender has been selected. If the billboards are digital, content must be monitored closely. **Mr. Boles** responded that billboards could be either digital or static and that content is managed through a state procurement contract and subject to additional restrictions due to the location on school property. No vender had been selected.

**Ms. Christopherson** asked about the projected revenue and how it would be directed to the schools. **Mr. Boles** responded that revenue would be split in half between the Creighton Community Foundation and the billboard company. The Creighton Community Foundation would then function as a grant-making entity in support of wrap-around services for students.

**Mr. Larios** asked if there were any restrictions on the use of funds, specifically noting that many unsheltered individuals reside along the freeway corridors and that often well-intentioned clean-up efforts dehumanize and harm these most vulnerable populations. He expressed concern that grants made through these revenues would continue to harm unsheltered individuals. **Mr. Boles** responded that often wrap-around services do include funding for additional school resource officers and this practice focuses primarily on the security of school campuses and does not always handle issues of unsheltered individuals with due sensitivity. He thanked Mr. Larios for the comment.

**Mr. Aguilar** asked for clarity on projected revenue to the Community Foundation and asked for the philosophy behind their grant making efforts. **Mr. Boles** responded that only nine percent of life between the age of 0 and 18 occurs in a school; therefore, the philosophy of giving is focuses on the creation of supportive adult relationships to ensure students have engaged role models in their lives. The projected per-billboard revenue to the Community Foundation is \$150,000 annually.

**Ms. Tunning** asked how their outreach efforts were received by those most directly impacted by the proposed billboard locations. **Mr. Boles** responded that any school wishing to pursue a billboard would also need to rezone their campus to a Planned Unit Development which would require additional public input. Regarding specific conversations, the neighbors have been the greatest champions for the project at Gateway School and the collaboration between the foundation, the neighbors, and the students have led to the creation of a neighborhood association; the

neighborhood wants a community garden near the freeway to activate the area and make it an amenity for the community.

**Chairwoman Trites** recommended that when it comes time to pursue a Planned Unit Development on the applicable sites, outreach should include both owners and renters; this is becoming the standard for the South Mountain Village and is necessary to truly engage with the relevant community.

**MOTION:**

**Ms. Busching** made a motion approve the request per staff recommendation. **Mr. Holmerud** seconded the motion.

**DISCUSSION:**

**Mr. Larios** stated that he cannot vote in favor of the request due to the concern that there is a history of harming unsheltered individuals by the applicant and that no assurances have been made that funds will not be used to create further harm.

**VOTE:**

**9-4-0** Motion passes; with members, Christopherson, Glueck, Holmerud, Kotake, Kutnick, Shepard, S. Smith, Busching, and Trites in favor; members Aguilar, Tunning, Larios, and Brooks dissenting.

**STAFF COMMENTS:**

Depending on how the TA is worded in final form, there may be an issue broadly describing 'school use' as K-12 because this could imply a requirement that all grades (K-12) be provided on site; perhaps a minimum number of K-12 grades.

## ATTACHMENT C



### City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

#### Staff Report

#### Zoning Ordinance Text Amendment

#### Z-TA-1-19

(Off-Premise Advertising within PUDs on publicly owned land used for schools)

December 30, 2019

**Application No Z-TA-1-19:** Amend Chapter 7, Section 705.2 (Off-Premise Signs) of the Phoenix Zoning Ordinance to allow off-premise advertising within PUDs located on publicly owned land used for a school.

**Staff recommendation:** Staff recommends approval of Z-TA-1-19 as shown in Exhibit A.

#### **PURPOSE**

The intent of this text amendment request is to add a provision to allow off-premise signs on property that is located within a PUD with a minimum of 15 gross acres and located on publicly owned land that is used for a school and within 300 feet of a permitted freeway. In addition, the text amendment requests to change the setback requirement of an off-premise sign to a property with a residential zoning district and residential use to be located no closer than 250 feet. All other regulations in Section 705.2 of the Phoenix Zoning Ordinance would apply to off-premise signs.

#### **BACKGROUND**

The text amendment was submitted by representatives of Creighton Elementary School District and Creighton Community Foundation. The Creighton Community Foundation is a nonprofit organization whose primary mission is to support the Creighton School District and underprivileged communities within its east central Phoenix boundaries. This text amendment was submitted to provide opportunities for further advancing the vision and supporting the programs of the Creighton Community Foundation and the School District by providing public schools the ability to add an additional revenue stream by allowing off-premise signs on their properties under specific parameters.

#### **DESCRIPTION OF THE PROPOSED TEXT**

##### **SECTION 705.2.A.2**

The proposed text amendment is proposing two key additional provisions to Section 705.2. The first change would amend Section 705.2.A.2 to permit off-premise signs if all of the following are met:

- The off-premise sign must be within a PUD zoning district that is a minimum area of 15 gross acres and located within 300 feet of a permitted freeway. Per Section 705.2.A, the permitted freeways include Interstate 17, Interstate 10, Inner SR Loop 202, SR 143, and the West SR Loop 101 to Camelback Road.



- The property that the off-premise sign is located on must be publicly owned and used for a school (k-12 education)
- The off-premise sign must follow all of the applicable requirements in the PUD.

Section 705.2.A.5

In addition, because many school properties are located near and within residential neighborhoods. The applicant seeks to reduce the spacing requirements from the off-premise signs to property that is residentially zoned and has a residential use to 250 feet. This would amend Section 705.2.A.5.

The proposed language and changes to the ordinance text are outlined in Exhibit A.

**CONCLUSION**

The proposed text amendment addresses off-premise sign provisions that are unique to public school properties of 15 acres that are zoned PUD and within 300 feet of a permitted freeway. The proposed text will provide updated zoning regulations to provide public schools along a freeway an additional revenue stream from off-premise signs on their property to help fund critical school programs. Staff recommends approval of the change to the Zoning Ordinance as proposed in Exhibit A.

**Writer**

H. Blead  
12/30/19

**Team Leader**

Tricia Gomes

**Exhibit**

A. Proposed Language

**EXHIBIT A**

**Text Amendment Z-TA-1-19: Off-premise advertising within PUDs located on publicly owned land used for school**

**Proposed Language:**

**Amend Section 705.2.A.2 (Off-Premise Signs) to read as follows:**

2. Off-premise ADVERTISING structures may also be located in a Planned Unit Development (PUD) when oriented and within 300 feet of a freeway as identified in Section 705.2.A.1. Off-premise advertising structures located in a PUD must comply with all standards in Section 705.2 and the GROSS AREA OF THE PUD must have a minimum of 20 acres. AN OFF-PREMISE ADVERTISING STRUCTURE MAY BE LOCATED WITHIN A PUD WITH A GROSS AREA OF LESS THAN 20 ACRES IF ALL THE FOLLOWING CONDITIONS ARE MET:
  - A. THE OFF-PREMISE ADVERTISING STRUCTURE IS LOCATED ON PUBLICLY OWNED LAND THAT IS USED FOR A SCHOOL FOR K-12 EDUCATION; AND,
  - B. LOCATED WITHIN A PUD THAT HAS A MINIMUM GROSS AREA OF 15 ACRES; AND,
  - C. ALL OTHER REQUIREMENTS FOR OFF-PREMISE ADVERTISING STRUCTURES IN THE PUD ARE MET.

\*\*\*

**Amend Section 705.2.A.5 (Off-Premise Signs) to read as follows:**

5. ~~With the exception of residential uses within a planned unit development (PUD)~~ Except as follows below, no part of any off-premise ADVERTISING structure may be located closer than 500 feet from a residential district and residential use. A vacant residentially zoned lot shall be treated as a residential use. ~~This setback may be reduced subject to obtaining a use permit pursuant to Section 307 and a demonstration that there are visual or physical barriers that mitigate the impacts of the proposed off-premise advertising structure to the residential use.~~
  - A. FOR RESIDENTIAL USES WITHIN A PLANNED UNIT DEVELOPMENT (PUD) BOUNDARY, NO SETBACK FROM AN OFF-PREMISE ADVERTISING STRUCTURE IS REQUIRED WITHIN THE PUD BOUNDARY.

- B. FOR AN OFF-PREMISE ADVERTISING STRUCTURE THAT IS LOCATED ON PUBLICLY OWNED LAND THAT IS USED FOR A SCHOOL FOR K-12 EDUCATION WITHIN THE BOUNDARY OF A PUD, NO PART OF ANY OFF-PREMISE ADVERTISING STRUCTURE MAY BE LOCATED CLOSER THAN 250 FEET FROM A RESIDENTIAL DISTRICT AND RESIDENTIAL USE OUTSIDE OF THE PUD BOUNDARY.
- C. THIS SETBACK MAY BE REDUCED SUBJECT TO OBTAINING A USE PERMIT PURSUANT TO SECTION 307 AND A DEMONSTRATION THAT THERE ARE VISUAL OR PHYSICAL BARRIERS THAT MITIGATE THE IMPACTS OF THE PROPOSED OFF-PREMISE ADVERTISING STRUCTURE TO THE RESIDENTIAL USE.

\*\*\*

## ATTACHMENT D

### REPORT OF PLANNING COMMISSION ACTION May 7, 2020

ITEM NO: 2	
	DISTRICT NO.: Citywide
SUBJECT:	
Application #:	Z-TA-1-19
Proposal:	Amend Chapter 7, Sections 705.2.A.2. and 705.2.A.5. (Location Restrictions) of the Zoning Ordinance to allow off-premise advertising within a Planned Unit Development (PUD), minimum 15 gross acres, located on publicly owned land used for a school.
Applicant:	Creighton Elementary School District
Representative:	Gammage & Burnham - Michael Maerowitz

#### **ACTIONS:**

##### Staff Recommendation:

Approval as shown in Exhibit A.

##### Village Planning Committee (VPC) Recommendation:

**Ahwatukee** 2/24/20 Canceled. Vote: N/A.

**Alhambra** 1/28/2020 Approval. Vote: 8-6.

**Camelback East** 1/7/2020 Approval. Vote: 13-6.

**Central City** 3/9/2020 Approval. Vote: 12-5.

**Deer Valley** 2/20/2020 Approval. Vote: 10-0.

**Encanto** 1/6/2020 Approval. Vote: 6-3.

**Estrella** 1/21/2020 Approval. Vote: 5-0.

**Laveen** 2/10/2020 Approval. Vote: 9-1.

**Maryvale** 1/8/2020 Approval. Vote: 10-0.

**North Gateway** 2/13/2020 Approval. Vote: 4-0.

**North Mountain** 2/19/2020 Approval. Vote: 14-0.

**Rio Vista** 3/10/2020 Approval. Vote: 5-0.

**South Mountain** 1/14/2020 Approval. Vote: 9-4.

Planning Commission Recommendation: Approval, per Exhibit A in the Staff Report.

Motion Discussion: N/A

Motion details: Commissioner Shank made a MOTION to approve Z-TA-1-19, per Exhibit A in the Staff Report.

Maker: Shank

Second: Gaynor

Vote: 8-0

Absent: Montalvo

Opposition Present: Yes

Findings:

1. The proposed text amendment addresses off-premise sign provisions that are unique to public school properties of 15 acres that are zoned PUD and within 300 feet of a permitted freeway.
2. The proposed text will provide updated zoning regulations to provide public schools along a freeway an additional revenue stream from off-premise signs on their property to help fund critical school programs

**EXHIBIT A**

**Text Amendment Z-TA-1-19: Off-premise advertising within PUDs located on publicly owned land used for school**

**Proposed Language:**

**Amend Section 705.2.A.2 (Off-Premise Signs) to read as follows:**

2. Off-premise ADVERTISING structures may also be located in a Planned Unit Development (PUD) when oriented and within 300 feet of a freeway as identified in Section 705.2.A.1. Off-premise advertising structures located in a PUD must comply with all standards in Section 705.2 and the GROSS AREA OF THE PUD must have a minimum of 20 acres. AN OFF-PREMISE ADVERTISING STRUCTURE MAY BE LOCATED WITHIN A PUD WITH A GROSS AREA OF LESS THAN 20 ACRES IF ALL THE FOLLOWING CONDITIONS ARE MET:
  - A. THE OFF-PREMISE ADVERTISING STRUCTURE IS LOCATED ON PUBLICLY OWNED LAND THAT IS USED FOR A SCHOOL FOR K-12 EDUCATION; AND,
  - B. LOCATED WITHIN A PUD THAT HAS A MINIMUM GROSS AREA OF 15 ACRES; AND,
  - C. ALL OTHER REQUIREMENTS FOR OFF-PREMISE ADVERTISING STRUCTURES IN THE PUD ARE MET.

\*\*\*

**Amend Section 705.2.A.5 (Off-Premise Signs) to read as follows:**

5. ~~With the exception of residential uses within a planned unit development (PUD)~~ Except as follows below, no part of any off-premise ADVERTISING structure may be located closer than 500 feet from a residential district and residential use. A vacant residentially zoned lot shall be treated as a residential use. ~~This setback may be reduced subject to obtaining a use permit pursuant to Section 307 and a demonstration that there are visual or physical barriers that mitigate the impacts of the proposed off-premise advertising structure to the residential use.~~
  - A. FOR RESIDENTIAL USES WITHIN A PLANNED UNIT DEVELOPMENT (PUD) BOUNDARY, NO SETBACK FROM AN OFF-PREMISE ADVERTISING STRUCTURE IS REQUIRED WITHIN THE PUD BOUNDARY.
  - B. FOR AN OFF-PREMISE ADVERTISING STRUCTURE THAT IS LOCATED ON PUBLICLY OWNED LAND THAT IS USED FOR A SCHOOL FOR K-12 EDUCATION WITHIN THE BOUNDARY OF A PUD, NO PART OF ANY OFF-PREMISE ADVERTISING STRUCTURE MAY BE LOCATED CLOSER THAN 250 FEET FROM A RESIDENTIAL DISTRICT AND RESIDENTIAL USE OUTSIDE OF THE PUD BOUNDARY.

- C. THIS SETBACK MAY BE REDUCED SUBJECT TO OBTAINING A USE PERMIT PURSUANT TO SECTION 307 AND A DEMONSTRATION THAT THERE ARE VISUAL OR PHYSICAL BARRIERS THAT MITIGATE THE IMPACTS OF THE PROPOSED OFF-PREMISE ADVERTISING STRUCTURE TO THE RESIDENTIAL USE.

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This publication can be made available in alternate format upon request. Please contact Tamra Ingersoll at (602) 534-6648, TTY use 7-1-1.



**City of Phoenix**  
PLANNING & DEVELOPMENT DEPARTMENT

**To:** Mayor & City Council

**Date:** June 2, 2020

**From:** Alan Stephenson   
Planning and Development Director

**Subject:** CONTINUANCE OF ITEM 128 ON THE JUNE 3, 2020 FORMAL AGENDA –  
Z-TA-1-19 (G-6703) – OFF PREMISE SIGNS FOR SCHOOLS TEXT  
AMENDMENT

Item 128, text amendment application Z-TA-1-19 and Ordinance G-6703 is a request to amend Chapter 7, Section 705.2.A.2 and 705.2.A.5 (Location Restrictions) of the Phoenix Zoning Ordinance to allow off-premise advertising within Planned Unit Developments, with a minimum of 15 gross acres and located on publicly owned land used for a school.

This request is to continue the item to June 24, 2020, to allow for the applicant to address additional community concerns.

Approved:   
Mario Paniagua, Deputy City Manager





**\*\*\*REQUEST TO WITHDRAW (SEE ATTACHED MEMO)\*\*\* Public Hearing and Ordinance Adoption - Amend City Code - Rezoning Application PHO-1-19--Z-165-06-7(8) - Northwest Corner of 35th Avenue and Carver Road (Ordinance G-6708)**

Request to hold a public hearing on the Planning Hearing Officer application for the following item and consider adoption of the Planning Commission recommendation on June 4, 2020.

**Summary**

Application: PHO-1-19--Z-165-06-7(8)

Existing Zoning: R1-8 and R1-18

Acreage: 59.48

Owner: Virtua 35th LLC

Applicant: Jennifer Hall, Rose Law Group

Representative: Tom Galvin, Rose Law Group

**Proposal:**

1. Modification of Stipulation 1 regarding general conformance to the site plan date stamped Oct. 8, 2007 and elevations date stamped Feb. 20, 2007.
2. Modification of Stipulation 7 regarding the landscape setback adjacent to 35th Avenue.
3. Deletion of Stipulation 19 regarding conditional development approval.
4. Modification of Stipulation 27 regarding height of terraced berms along the quarry cut slope base.
5. Modification of Stipulation 31 regarding raised, vertical curbs within the R1-18 portion of the site.
6. Modification of Stipulation 37 regarding detached sidewalks and landscape strips within the R1-8 portion of the site.
7. Deletion of Stipulation 39 regarding one-story homes along 35th Avenue.
8. Technical corrections to Stipulations 4, 5, 6, 8, 9, 15, 18, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 33, 34, 36, 38, and 40.

**Concurrence**

Village Planning Committee (VPC) Recommendation: The Laveen Village Planning

Committee heard this case on Jan. 13, 2020 and recommended denial by an 11-0 vote.

Planning Hearing Officer Recommendation: The Planning Hearing Officer heard this case on Jan. 15, 2020 and took this case under advisement. On Feb. 13, 2020 the Planning Hearing Officer took this case out from under advisement and recommended denial as filed and approval with modifications and additional stipulations. See Attachment B for a complete list of the Planning Hearing Officer's recommended stipulations.

PC Action: The Planning Commission heard this case on May 7, 2020, and the case was continued to June 4, 2020 Planning Commission by an 8-0 vote.

The Planning Commission heard this case on June 4, 2020, and recommended approval per the staff memo dated June 4, 2020 with a modified stipulation, and with direction to the applicant to modify the application prior to the City Council meeting by an 8-0 vote.

**Location**

Northwest corner of 35th Avenue and Carver Road

Council District: 8

Parcel Address: N/A

**Responsible Department**

This item is submitted by Deputy City Manager Mario Paniagua 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-165-06-7(8) PREVIOUSLY APPROVED BY  
ORDINANCE G-5020.

---

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

SECTION 1. The zoning stipulations applicable located at the northwest  
corner of 35th Avenue and Carver Road in a portion of Section 10, Township 1 South,  
Range 2 East, as described more specifically in Attachment "A", are hereby modified to  
read as set forth below.

#### STIPULATIONS:

##### General

1. ~~That development shall be in general conformance with the site plan date stamped October 8, 2007, and elevations date stamped February 20, 2007, as modified by the following stipulations, and as approved by the Development Services Department.~~
1. THE R1-8 DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE SITE PLAN DATE STAMPED ~~NOVEMBER 21, 2019~~ MAY 26, 2020, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT, AND WITH SPECIFIC REGARD TO THE FOLLOWING:
  - A. THE DEVELOPER SHALL PROVIDE A PRIMARY ROADWAY FROM 35TH AVENUE EXTENDED TO THE WESTERN PROPERTY BOUNDARY, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

- B. THE PRIMARY ROADWAY CONNECTING 35TH AVENUE TO THE WESTERN EDGE OF THE PROPERTY LINE SHALL TERMINATE AS A STUB STREET TO THE ADJACENT UNDEVELOPED LAND TO THE WEST TO PROVIDE FOR A FUTURE VEHICULAR CONNECTION.
2. CONCEPTUAL ELEVATIONS FOR THE R1-8 DEVELOPMENT SHALL BE REVIEWED AND APPROVED 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 R1-18 DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE SITE PLAN DATE STAMPED OCTOBER 8, 2007, AND ELEVATIONS DATE STAMPED FEBRUARY 20, 2007, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
  4. ~~That d~~Development of the R1-18 portion of the site shall not exceed 22 lots.
  5. ~~That d~~Development of the R1-8 portion of the site shall not exceed a density of 99 lots.
  6. THE R1-8 DEVELOPMENT SHALL PROVIDE A MINIMUM OF 26% OPEN SPACE, OF WHICH A MINIMUM OF ~~12%~~ 8% SHALL BE USABLE OPEN SPACE, AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

#### Site Design

7. ~~That u~~Unobstructed pedestrian access (for the purpose of private pedestrian connectivity internal to the site) between the R1-18 and R1-8 portions of the site shall be provided, as approved by the PLANNING AND Development ~~Services~~ Department.
8. ~~That n~~No solid wall in excess of three feet in height as measured from the finished grade, shall be located on the site (either in private lots or common tracts) except that solid walls greater than three feet in height shall be allowed for the following purposes, as approved by the PLANNING AND Development ~~Services~~ Department.
  - a. Walls utilized to screen utilities, trash enclosures, or other facilities generally considered to be visually obtrusive.
  - b. Retaining wall.

9. ~~That n~~No more than 60,000 square feet of natural turf area shall be located  
6. within the common areas of the R1-8 portion of the site (this requirement does not apply to synthetic turf); if provided, common area natural turf should be centrally located and grouped so as to create one contiguous natural turf recreation area, as approved by the PLANNING AND Development ~~Services~~ Department.
10. ~~That a 235-foot (average), 200-foot (minimum)~~ THE DEVELOPMENT SHALL  
7. PROVIDE A MINIMUM 100 FOOT landscaped setback ALONG THE EAST PROPERTY LINE ~~adjacent to 35th Avenue shall be provided~~, as approved by the PLANNING AND Development ~~Services~~ Department.
11. ~~That a~~ A 50-foot (minimum) landscaped setback adjacent to Carver Road (final  
8. alignment) shall be provided, as approved by the PLANNING AND Development ~~Services~~ Department.
12. ~~That t~~Those portions of spider and jeep trails which are not part of the approved  
9. grading envelopes, access drives, or other necessary site disturbance related to the proposed development of the R1-8 portion of the site shall be re-vegetated in a manner consistent with adjacent undisturbed vegetation, as approved by the PLANNING AND Development ~~Services~~ Department.

#### Disclosures

13. ~~That p~~Prior to final site plan approval, the property owner shall record documents  
10. that disclose to tenants of the site or purchasers of property within the site, the existence, proximity, and operational characteristics of active agricultural uses and non-domesticated animal keeping. The form and content of such documents shall be according to the templates and instructions provided, which have been reviewed and approved by the City Attorney.
14. THAT PRIOR TO FINAL SITE PLAN APPROVAL, THE PROPERTY OWNER SHALL RECORD DOCUMENTS THAT DISCLOSE TO TENANTS OF THE SITE OR PURCHASERS OF PROPERTY WITHIN THE SITE, THE EXISTENCE, PROXIMITY, AND OPERATIONAL CHARACTERISTICS OF ACTIVE AVIATION USES IN THE HANGAR HACIENDAS UNITS ONE, TWO, AND THREE SUBDIVISIONS LOCATED APPROXIMATELY 2,300 FEET TO THE EAST OF THE SUBJECT PROPERTY IN MARICOPA COUNTY. THE FORM AND CONTENT OF SUCH DOCUMENTS SHALL BE ACCORDING TO THE TEMPLATES AND INSTRUCTIONS PROVIDED, WHICH HAVE BEEN REVIEWED AND APPROVED BY THE CITY ATTORNEY.

#### Parks and Recreation

15. ~~That t~~The developer shall dedicate a multi-use trail easement and construct a  
14. multi-use trail, per adopted standards, along the north side of Carver Road, as approved by the Parks and Recreation Department.

#### Archaeology

16. ~~That~~ The applicant shall complete an archaeological survey report of the development area for review and approval by the City Archaeologist prior to clearing and grubbing, landscape salvage, or grading.
17. 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.
18. 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.
19. 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.

#### Street Transportation

20. ~~That~~ Right-of-way totaling 55 feet shall be dedicated for the west half of 35th Avenue, as approved by the Street Transportation Department. 35th Avenue shall be constructed using rural streets standards similar to Dobbins Road, as approved by the Street Transportation Department.
21. ~~That~~ Right-of-way totaling 55 feet shall be dedicated for the west half of Carver Road, as approved by the Street Transportation Department. Carver Road shall be constructed using rural streets standards similar to Dobbins Road, as approved by the Street Transportation Department.
22. THE DEVELOPER SHALL DEDICATE RIGHT-OF-WAY FOR 35TH AVENUE AS DETERMINED BY THE MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION (MCDOT) AND AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
23. THE DEVELOPER SHALL DEDICATE RIGHT-OF-WAY FOR CARVER ROAD AS DETERMINED BY THE MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION (MCDOT) AND AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
24. ~~That a~~ A traffic impact study shall be submitted to, and approved by, the Street Transportation Department prior to PLANNING AND Development Services

Department preliminary site plan approval. That all right-of-way dedications and associated infrastructure improvements as recommended by the traffic impact study shall be installed by the developer, as approved by the PLANNING AND Development Services Department.

25. ~~That~~ The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping, and other incidentals, as modified by these stipulations, and as approved by the Street Transportation Department. All improvements shall comply with all AmericanS with Disabilities Act accessibility standards.
26. ~~That~~ The applicant shall complete and submit the Developer Project Information Form for the Maricopa Association of Governments Transportation Improvement Program. This form is a requirement of the Environmental Protection Agency to meet clean air quality requirements.
27. ~~That~~ Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 waiver of claims utilizing the provided template. The waiver shall be recorded with the Maricopa County Recorder's Office and a copy shall be provided to the PLANNING AND Development Services Department for the case files.
19. ~~That approval shall be conditional upon the development commencing within 48 months of the City Council approval of this change of zoning in accordance with Section 506.B.1 of the Zoning Ordinance. For purposes of this stipulation, development shall commence with the issuance of building permits and erection of the building walls on site.~~

#### Neighborhood

28. ~~That~~ Building pad cuts shall be terraced if more than 6 feet in height and treated with a stain, gunnite, or equivalent finish, as approved by the PLANNING AND Development Services Department.
29. ~~That~~ All two story homes, within the R1-18 portion of the site, shall be designed in a manner such that the square footage of the second story floor area does not exceed 66 percent of the first story floor area, as approved by the PLANNING AND Development Services Department.
30. ~~That~~ Concrete channels shall be designed to look natural in the desert setting through color, texture, landscaping, or other means, as approved by the PLANNING AND Development Services Department.
31. ~~That~~ The use of riprap and engineered culverts shall be minimized and, where utilized, shall be integrated with the desert setting through color, texture, soil plating, landscaping, or other means, as approved by the PLANNING AND Development Services Department. To the extent possible, culverts shall be undersized to allow minor flows (10 cfs or smaller) to cross roadways in their natural condition.

32. ~~That w~~Washes with a one-hundred-year peak flow of 200 cfs or greater shall be preserved and enhanced with native vegetation as described in Appendix A, Approved Plant Species List for Sonoran Preserve Edge Treatment Guidelines, as approved by the PLANNING AND Development ~~Services~~ Department.
- 24.
33. ~~That H~~Lots with 2 or more sides abutting undisturbed open space shall be designed with obtuse angles, rather than right angles or acute angles, as approved by the PLANNING AND Development ~~Services~~ Department.
- 25.
34. ~~That o~~On non-hillside lots within the R1-18 portion of the development, all improvements, including driveways, landscaping, and underground utilities shall be located within a building envelope occupying no more than 50 percent of the lot up to a maximum of 20,000 square feet, whichever is less, as approved by the PLANNING AND Development ~~Services~~ Department.
- 26.
35. ~~That a~~ A minimum of three terraced berms with 2:1 fill slopes shall be installed along the full length of the quarry cut slope base. The terraces shall BE LIMITED TO A MAXIMUM HEIGHT OF ~~be~~ 8 feet tall, ~~minimum,~~ and shall be PLANTED ~~plated~~ with a staggered combination of 2-inch and 4-inch caliper, drought resistant, deciduous trees at 25 feet ON center OR IN EQUIVALENT GROUPINGS ~~to center,~~ as approved OR MODIFIED by the PLANNING AND Development ~~Services~~ Department.
- 27.

THE DEVELOPER MAY ALSO IMPLEMENT ALTERNATIVE SOLUTIONS FOR THE NATURALIZING AND BLENDING OF THE QUARRY CUT SLOPE WITH THE ADJACENT UNDISTURBED HILLSIDE AREA, AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

36. ~~That s~~Solid block walls, except for retaining walls or privacy fencing on individual lots, shall not be constructed outside of the building envelopes for the R1-18 portion of the site, as approved by the PLANNING AND Development ~~Services~~ Department. Fencing constructed outside of the building envelope shall be combination solid/view fencing. In addition, all fencing above the 15 percent slope line shall be 100 percent view fencing.
- 28.
37. ~~That t~~The entire 60-acre site shall have no perimeter fencing, as approved by the PLANNING AND Development ~~Services~~ Department.
- 29.
38. ~~That p~~Private roadways within the R1-18 portion of the site shall be provided with ribbon curbs and colored asphalt, as approved by the PLANNING AND Development ~~Services~~ Department.
- 30.
39. ~~That private roadways within the R1-8 portion of the site shall be provided with a raised, vertical curb, as approved by the Development Services Department.~~
- 31.
40. ~~That a~~All HVAC units shall be ground mounted.
- 32.



41. ~~That a~~ All street lighting and wall mounted security fixtures shall be full cut off lighting. Fixture height shall be a maximum of 12 feet. Street lighting fixtures shall be decorative and have a consistent architectural theme, as approved by the PLANNING AND Development ~~Services~~ Department.
42. ~~That b~~ Bollards shall be used for accent lighting at the primary access, entry monument, driveways, and trail crossings, as approved by the PLANNING AND Development ~~Services~~ Department. Photovoltaic energy sources for bollard lighting shall be provided.
43. ~~That a~~ Any request to delete or modify these stipulations SHALL be preceded by A presentation to the Laveen Village Planning Committee (VPC) for review and recommendation, and notification to the following persons two weeks prior to presentation at the VPC:
- a. Jon Kimoto, 3216 West Ansell Road, Laveen, 85339
  - b. Cyd Manning, P.O. Box 41234, Mesa, 85274
  - c. Judy Brown, P.O. Box 41234, Mesa, 85274
  - d. Christine Dicken, 10827 South 30th Avenue, Laveen, 85339
  - e. Richard Birnbaum, 11014 South 35th Avenue, Laveen, 85339
  - f. Phil Hertel, ~~2300~~ 2845 West Broadway Road, Phoenix, 85041
  - g. Steven Klein, 6820 South 66th Avenue, Laveen, 85339
44. ~~That t~~ The following individuals shall be notified of any and all PLANNING AND Development ~~Services~~ Department (~~DSD~~) meetings which are open to the public. The applicant shall be responsible for notification to the following via a first-class letter to be mailed at least two weeks prior to the ~~DSD~~ meeting(s):
- a. Jon Kimoto, 3216 West Ansell Road, Laveen, 85339
  - b. Cyd Manning, P.O. Box 41234, Mesa, 85274
  - c. Judy Brown, P.O. Box 41234, Mesa, 85274
  - d. Christine Dicken, 10827 South 30th Avenue, Laveen, 85339
  - e. Richard Birnbaum, 11014 South 35th Avenue, Laveen, 85339
  - f. Phil Hertel, ~~2300~~ 2845 West Broadway Road, Phoenix, 85041
  - g. Steven Klein, 6820 South 66th Avenue, Laveen, 85339
45. ~~That a~~ All sidewalks, within the R1-8 portion of the site, WHICH ARE DEVELOPED ALONG STREETS DEVELOPED AS PUBLIC STREETS OR

PRIVATE ACCESSWAYS shall be detached with a minimum five-foot wide landscaped strip located between the sidewalk and back of curb and shall include minimum two-inch caliper shade trees planted ~~a minimum rate of 20 feet~~ on center or IN equivalent groupings along both sides of the sidewalk, as approved OR MODIFIED by the PLANNING AND Development Services Department. The landscape strip shall be installed by the developer and maintained by the homeowners' association.

~~46.~~ ~~38.~~ That ~~a~~A mix of two and three-inch caliper trees shall be provided within all required common open space tracts. With the exception of the open space area adjacent to 35th Avenue, the species of trees provided shall shade 50 percent of the area of the open space at tree maturity, as approved by the PLANNING AND Development Services Department.

~~47.~~ ~~39.~~ That ~~only one-story homes shall be located along 35th Avenue.~~

LOTS ~~52-61 AND 82-83~~ 1-7, LOCATED ALONG 35TH AVENUE AND AS DEPICTED ON THE SITE PLAN DATE STAMPED ~~NOVEMBER 21, 2019~~ MAY 26, 2020, ARE LIMITED TO A MAXIMUM BUILDING HEIGHT OF 20 FEET, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

~~48.~~ ~~40.~~ That ~~a~~A detailed site plan, landscaping plan, elevations, perimeter fence or wall plan, lighting plan, and entry monument signage shall be reviewed by the Laveen Village Planning Committee prior to preliminary site plan approval by the PLANNING AND Development Services Department.

SECTION 2. Due to the site's specific physical conditions and the use district granted pursuant to Ordinance G-5020, this portion of the rezoning is now subject to the stipulations approved pursuant to Ordinance G-5020 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 24th day of June, 2020.

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MAYOR

ATTEST:

\_\_\_\_\_ City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_ City Attorney

REVIEWED BY:

\_\_\_\_\_ City Manager

Exhibits:

A - Legal Description (1 Page)

B - Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR PHO-1-19-- Z-165-06-7(8)

The West half of the South half of the Southeast quarter together with the South half of the Southeast quarter of the Southeast quarter of Section 10, Township 1 South, Range 2 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.



## Attachment B



### City of Phoenix

#### Staff Report: Z-165-06-7(8) (PHO-1-19)

- APPLICATION:** Z-165-06-7(8) (PHO-1-19)
- APPLICANT:** Jennifer Hall, Rose Law Group
- REPRESENTATIVE:** Tom Galvin, Rose Law Group
- OWNER:** Virtua 35th LLC
- LOCATION:** Northwest corner of 35th Avenue and Carver Road
- REQUEST:**
- 1) Modification of Stipulation 1 regarding general conformance to the site plan date stamped October 8, 2007 and elevations date stamped February 20, 2007.
  - 2) Modification of Stipulation 7 regarding the landscape setback adjacent to 35th Avenue.
  - 3) Deletion of Stipulation 19 regarding conditional development approval.
  - 4) Modification of Stipulation 27 regarding height of terraced berms along the quarry cut slope base.
  - 5) Modification of Stipulation 31 regarding raised, vertical curbs within the R1-18 portion of the site.
  - 6) Modification of Stipulation 37 regarding detached sidewalks and landscape strips within the R1-8 portion of the site.
  - 7) Deletion of Stipulation 39 regarding one-story homes along 35th Avenue.
  - 8) Technical corrections to Stipulations 4, 5, 6, 8, 9, 15, 18, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 33, 34, 36, 38, 40.

#### **STAFF RECOMMENDATION**

It is recommended that this request be denied as filed and approved with modifications and additional stipulations as recommended by the Planning Hearing Officer.

## **PLANNING HEARING OFFICER RECOMMENDATION**

On January 15, 2020, the Planning Hearing Officer (PHO) took this case under advisement. On February 13, 2020 the Planning Hearing Officer took this case out from under advisement and recommended denial as filed and approval with modifications and additional stipulations.

## **BACKGROUND/ANALYSIS**

The subject property is located at the northwest corner of 35th Avenue and Carver Road and consists of approximately 59.48 gross acres. The eastern portion is approximately 20 acres and zoned R1-8. The western portion is approximately 40 acres and zoned R1-18. The applicant's request would only impact stipulations as applied to the eastern portion of the site zoned R1-8.

The conceptual site plan depicts a 92-lot single-family detached residential development at a density of 5.5 dwelling units per gross acre. The proposed layout utilizes a cluster development design, primarily in blocks of four units oriented towards private drives. The conceptual site plan depicts a total of 40.47 percent open space. However, the applicant clarified at the January 15, 2020 PHO hearing that the R1-8 portion would provide a minimum 26 percent open space, after clarifying the City's standards for calculating open space. Amenities will include a tot lot, pool, and open space to be centrally located within the development.

The applicant requested modification of Stipulation 1, regarding general conformance to the stipulated site plan and elevations, to accommodate a new site plan for the R1-8 portion of the site. The applicant proposed that the stipulation also be modified to ensure that the R1-18 portion of the site retain its requirement for conformance with the original stipulated site plan.

The applicant requested modification of Stipulation 7, regarding the landscape setback adjacent to 35th Avenue. The applicant requested to decrease the landscape setback from a 235-foot average and 200-foot minimum setback to a minimum 100-foot setback. The applicant stated that the proposed site plan shifted units further east to reduce the number of proposed lots in the hillside areas at the northwest corner of the site. They stated that the stipulated landscape setback needs to be reduced in order to further mitigate impacts on the hillside area.

The applicant requested deletion of Stipulation 19, regarding conditional development approval. The applicant stated that the deletion of this stipulation would not change the integrity of the project. Additionally, the original rezoning case was approved by ordinance adoption and the zoning of the site was vested with the adoption of that ordinance.

The applicant requested modification of Stipulation 27, regarding the height of terraced berms along the quarry cut slope base, and proposed that the stipulated minimum 8-foot

terrace height be modified to permit a maximum 8-foot terrace height. They noted that reduced terrace heights would be more consistent with the natural environment.

The applicant requested modification of Stipulation 31, regarding raised, vertical curbs within the R1-18 portion of the site, arguing that the community will be private and will implement the City's standard for private accessways, which depicts rolled curbs.

The applicant requested modification of Stipulation 37 regarding detached sidewalks and landscape strips within the R1-8 portion of the site. Their proposed modification would remove the requirement for detached sidewalks and enhanced planting standards. Instead, the proposal would permit five-foot wide attached sidewalks throughout the development. The applicant noted that mature trees would thrive in a natural environment versus a constrained five-foot landscape strip. They also noted that the proposal would include multi-use trails within the development.

The applicant requested deletion of Stipulation 39, regarding one-story homes along 35th Avenue arguing that the stipulation language is unclear, and it does not clearly define what distance or location along 35th Avenue the prohibition would apply to. The applicant also noted that elimination of the stipulation would allow all buildings in the development to adhere to the height restrictions for R1-8 zoning.

### **PREVIOUS HISTORY**

On December 15, 2006, the Phoenix City Council approved the rezoning request from S-1 (Ranch or Farm Residence) to R1-18 (Single-Family Residence) and R1-8 (Single-Family Residence) on an approximately 59-acre property located at the northwest corner of 35th Avenue and Carver Road, subject to stipulations.

The applicant's initial application consisted of both RE-35 and R-2 zoning. The conceptual site plan depicted a gated, mixed residential community including 22 one-acre hillside lots (RE-35) with custom homes, 55 townhome units (R-2), and 81 condominiums (R-2) totaling 158 dwelling units for the site and an overall project density of approximately 2.6 dwelling units per acre. The custom home lots were to be sold and developed on an individual basis. The custom home lots would be accessible via 39th Avenue or through the eastern portion of the site via 35th Avenue. Ingress and egress along 39th Avenue was intended to be gated since the primary entrance would be from 35th Avenue.

The application was modified and ultimately approved for R1-18 on the western 39.6-acre portion of the site and R1-8 on the eastern 19.4-acre portion of the site. The stipulated site plan depicted 121 dwelling units on 59 acres with an overall site density of 2.05 dwelling units per acre. There were no changes to the layout of homes on the R1-18 portion of the site, but the new plan now depicted 99 single-family, villa style units on the R1-8 portion. The villa concept consisted of four detached units surrounding a central courtyard with garage access around a shared driveway at the rear of each unit.



The eastern R1-8 portion of the site contains the remnants of an abandoned gravel mine site. The applicant argued that the area was being developed with a higher density residential product to rehabilitate the damaged site area. The detached villa product was also viewed by the developer as an opportunity to enhance the residential diversity in the Laveen area. Additionally, the higher density villa product was supported by staff given the costly development associated with the mine. The applicant stated that site is risky regarding development and would have to remove hazardous debris, import dirt to level the site, and provide infrastructure improvements.

Numerous residents opposed the proposed density on the eastern portion of the site and spoke in opposition at various meetings and hearings. Approximately 30 emails or letters were received that discussed context, compatibility, and traffic conditions. Residents stated that they wanted responsible development and adherence to the general plan of Residential 0 to 1 dwelling units per acre. Residents also noted that there was a lack of communication with the community. The applicant stated that it was difficult to reach a resolution because there was no common ground between the developer and the neighborhood and he was not willing to decrease the proposed density.

## **NEIGHBORHOOD CONCERNS**

### **Correspondence**

Ninety-eight letters of opposition were received regarding this request. Concerns expressed in the correspondence include the following:

- The City of Phoenix needs to enforce Ordinance G-5020, which requires zoning to be placed back to S-1 (one house per acre) as of 2011. To date no action has been taken which violated City Zoning Ordinance (83 emails);
- Amend the General Plan to reflect Residential 0 to 1 and Parks/Open Space (83 emails);
- Stipulation 19 protects the neighbors and community from high density development that does not fit the area (83 emails);
- Proposed density is too high for the area (5 emails);
- City officials and City Council members should advocate for Laveen residents and consider how residents will be negatively impacted (1 email);
- Approval of the case would indicate corruption between the builder and government officials (2 emails);
- Two-story development will halt the appeal and devalue the real-estate in the area (2 emails);
- No notice was received by mail (1 email);
- City signage at the site is hidden, illegible, and ineffective (2 emails);
- The proposal does not address dangerous road conditions on Carver Road (4 emails);
- Density greater than two houses per acre has ruined the rural character of Laveen (4 emails);
- The subject property is in the path of flood waters (4 emails);

- The proposed development will increase traffic, consume resources, and increase noise (3 emails);
- The applicant is not providing elevations (1 email);
- Any buildings within 200 feet of the eastern property line should be limited to one story with a maximum height of 20 feet (1 email); and
- The developer should provide an Environmental Impact Study (1 email).

**GENERAL PLAN DESIGNATION**

Parks/Open Space – Future 1 dwelling unit per acre, Residential 3.5 to 5 dwelling units per acre, and Residential 0 to 1 dwelling units per acre

**CHARACTER OF SURROUNDING LAND USE**

	<u>Zoning</u>	<u>Land Use</u>
On-site:	R1-18, R1-8	Former mine, vacant land
North:	S-1, R1-18 PRD	Vacant land
South: residential	R1-18, County	Vacant land, single-family
East:	County	Vacant agricultural land, single-family residential
West:	County	Vacant land, single-family residential

**DEPARTMENT REVIEW COMMENTS**

**Archaeology**

The City of Phoenix Archaeology Office (CAO) recommends archaeological survey of the western portion of the project area to current professional standards. Archaeological survey is stipulated under the original zoning case (Z-165-06) approved by the City Phoenix Council on October 10, 2007. Additional archaeological work such as data testing excavations or monitoring may be necessary based upon the results of the survey. A qualified archaeologist must make this determination in consultation with the City of Phoenix Archaeologist.

This work is recommended in order to assist the project proponent in complying with the State Burial Law, ARS 41-865, and Chapter 8, Section 802[B2] of the City’s Historic Preservation Ordinance.

**Aviation**

No response.

**Fire Prevention**

Fire prevention does not anticipate any problems with this case. The site or/and building(s) shall comply with the Phoenix Fire Code.

Also, we do not know what the water supply (GPM and PSI) is at this site. Additional water supply may be required to meet the required fire flow per the Phoenix Fire Code.

**Floodplain Management**

We have determined that the project is not located in a Special Flood Hazard Area (SFHA) but is located in a Shaded Zone X, on panel 2660 L of the Flood Insurance Rate Maps (FIRM) dated October 16, 2013. Based on the project information provided, there are no Floodplain Management requirements to fulfill.

**Light Rail**

No response.

**Parks and Recreation**

Parks and Recreation Department would require that the developer/owner dedicate a 30-foot-wide multi-use trail easement (MUTE) along the west side of 35th Avenue and the north side of Carver Road and construct a 10-foot-wide multi-use trail (MUT) within the easement as indicated in Section 429 of the City of Phoenix MAG Supplement.

**Public Transit**

No comments.

**Street Transportation**

1. The developer shall provide a primary roadway from 35th Avenue extended to the western property boundary, as approved by the Planning and Development Department.
2. The primary roadway connecting 35th Avenue to the western edge of the property line shall terminate as a stub street to the adjacent undeveloped land to the west to provide for a future vehicular connection.
3. The proposal shall eliminate the stipulation related to rolled and vertical curbs.
4. The developer shall dedicate right-of-way as determined by Maricopa County Department of Transportation (MCDOT) for 35th Avenue and as approved by Planning and Development Department.
5. The developer shall dedicate right-of-way as determined by Maricopa County Department of Transportation (MCDOT) for Carver Avenue and as approved by Planning and Development Department.

**Pedestrian Safety Coordinator - Street Transportation Department, Traffic Services Division**

The development should include detached sidewalks along Carver Road and along 35th Avenue. The south side of Carver Road has a canal and restrictive barriers, which would make it likely for pedestrians to use the north side of the road. The east side of 35th Avenue is county jurisdiction, making it unlikely for any future development to include detached sidewalks on the east side of 35th Avenue. The speed limit on both roads is 45 mph but we often receive complaints from residents in this area that these speed limits are not respected, and people go 15 and 20 miles over the speed limit. This condition is aggravated by the road slopes and overall darker conditions in this area. Therefore, in order to provide a safer environment for pedestrians the developer should include detached sidewalks with a generous landscaped buffer between the sidewalk and the road.

### **Water Services**

New public water mains required per the Carver Mountain Master Plan. This project falls within pressure Zone 2S. A new Zone 2S, 12-inch main shall be required from the existing 12-inch water main east of the proposed project (approximately 2,200 linear feet) within Elliot Road, west to 35th Avenue, north on 35th Avenue crossing the canal and then northeast within the Carver Road alignment (north side of canal) and tie into the existing 12-inch main within 27th Avenue. The existing 8-inch main within the Carver Road alignment west of 27th Ave will need to be replaced by the new 12-inch main. A 12-inch 2S main will also need to be extended north on 35th Avenue along the frontage of the proposed project. All onsite water will have to remain private, owned and maintained by the homeowners.

All onsite sewer will have to remain private, owned and maintained by the homeowners. The closest available sewer is approximately 2,800 linear feet north of the proposed project. Given topography of the area to reach this available sewer, a private lift station and private force main will be required. There is another available sewer main within 43rd Avenue just north of the Elliot Canal but would require crossing several private properties with the private force mains. Another option is to build a gravity sewer from the proposed project west along Carver Road to 51st Avenue and then north to Dobbins Road and 51st Avenue.

#### **Standard Note Applies:**

Please be advised that capacity is a dynamic condition that can change over time due to a variety of factors. 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. For any given property, water and sewer requirements may vary over time to be less or more restrictive depending on the status of the City's water and sewer infrastructure.

#### **EXISTING WATER**

Water mains: No Services

Services: City map shows none

## EXISTING SEWER

Sewer mains: No Services

## SERVICES

City map shows none

REPAYMENT: N/A

## **VILLAGE PLANNING COMMITTEE RECOMMENDATION**

The Laveen Village Planning Committee (VPC) heard this case on January 13, 2020 and recommended denial by a vote of 11-0. The Laveen VPC motion also included a request that the Planning Hearing Officer recommend to the Planning Commission to initiate a zoning reversion for the site.

## **PLANNING HEARING OFFICER FINDINGS**

The Planning Hearing Officer's recommendation was based on the following findings:

- 1) The subject property of this request includes the entire 59 acres that comprised the original rezoning case. However, the applicant only submitted plans addressing the approximately 19.4 acres of R1-8 zoned property on the eastern portion of the site, adjacent to 35th Avenue. Modifications are recommended to the applicant's request to ensure that the existing stipulations on the approximately 39.6 acres of R1-18 zoned property on the western portion of the site are not modified or deleted. Additionally, the applicant did not submit elevations with the request. The original stipulations included a general conformance requirement for building elevations. A modification is recommended to the applicant's request to require a future Planning Hearing Officer application for review of conceptual building elevations.
- 2) The stipulated site plan depicted 99 detached single-family units arranged in clusters of two and four, oriented towards common courtyards. There are also seven free-standing units depicted at the northwest corner of the site partially in the hillside-designated area. The proposed conceptual site plan depicts 92 units in a similar cluster-style arrangement. However, the units have been shifted east on the property, reducing the total massing of development in the designated hillside areas. Additionally, the homes are not oriented towards courtyards and instead include larger private driveways in the front yards. There is more open space preserved in the hillside area in the northwest portion of the site. There is also more open space adjacent to the private accessways (Tract "A") which separates the homes from the streets. Because the homes are closer to 35th Avenue, there is less open space provided along the east property line. See Finding #3 for a more detailed description of the recommendation for minimum open space and Finding #4 regarding the landscape setback on 35th Avenue.
- 3) An additional stipulation is recommended to require the developer provide a minimum of 26% open space, of which a minimum of 12% shall be usable open

space. The conceptual site plan depicts 40.47% open space. However, there is no open space exhibit and the applicant indicated that a recalculation was necessary to adequately represent provided open space in the hillside area, setbacks, and other locations. The provision of 26% open space is compatible with the rural character of the surrounding area, consistent with other recent zoning actions in the Village, and significantly exceeds existing Ordinance standards.

- 4) The proposed reduction of the landscape setback on 35th Avenue from 235 feet (average) to minimum 100 feet accommodates the relocation of some residential units out of the designated hillside areas, consistent with the City approved slope analysis. The preservation of the hillside area will contribute to the rural character of the site and maintain this unique natural feature of the property. See Finding #9 regarding the restoration of the disturbed area on the abandoned gravel mine that occupies a portion of the remainder of the site.
- 5) Approximately 2,300 feet to the east of the subject property are the Hangar Hacienda Units One, Two, and Three subdivisions. These properties are in Maricopa County jurisdiction. These communities are oriented around an air strip utilized by residents who own private aircraft. Based on comments from a resident in this community, the typical flight path runs directly over the subject property of this request. An additional stipulation is recommended regarding notification of the aviation uses on these properties for future residents.
- 6) The subject property is archaeologically sensitive. Three additional stipulations are recommended which outline the City's requirements regarding data testing, data recovery, and archaeological assessments and survey.
- 7) The public right-of-way along 35th Avenue and a small portion along Carver Road is in Maricopa County Department of Transportation (MCDOT) jurisdiction. There is also an active drainage project along the roadway. Therefore, additional stipulations are recommended to acknowledge that MCDOT shall determine the final width and dedications needed for the portion of right-of-way adjacent to the subject property. City of Phoenix Street Transportation staff noted that in discussions with MCDOT staff, MCDOT does not have immediate concerns regarding the location of proposed retention areas shown on the conceptual site plan in regard to the drainage project.
- 8) Original Stipulation 19 states that approval shall be conditioned upon the development commencing within 48 months of the City Council approval. For properties with similar stipulations, the Planning and Development Department has required that a Planning Hearing Officer (PHO) action be pursued to modify or delete these conditions at the time that development is proposed, if the proposed development has exceeded the timeframe identified in the stipulation. The applicant is pursuing this process through their request for deletion of the stipulation. The modification or deletion of this stipulation through a PHO action is

unrelated to the zoning reversion process which is a separate public hearing process that is described in Section 506 of the Zoning Ordinance.

The applicant's request for deletion of original Stipulation 19 is recommended for approval. The current proposal is consistent with the City Council's original intent to see the subject property redevelop with a single-family residential land use in the R1-8 zoning district. Additionally, the request is consistent with City Council approved General Plan Amendment GPA-LV-1-08-7, which established a Residential 3.5 to 5 dwelling units per gross acre land use designation on the approximately 19.35 acres that comprises the R1-8 zoned portion of the property. Both the proposed conceptual site plan, as modified by this recommendation, and the existing R1-8 zoning designation are consistent with this land use designation.

- 9) Original Stipulation #27, requiring terraced berms planted with deciduous trees, may result in an environment that contrasts with the natural landscape of the existing hillside in the surrounding area. The stipulated terraced berm configuration is not consistent with the irregular natural landscape of the existing hillside in the surrounding area and there are no deciduous trees on hillside locations in the immediate vicinity. Proposals for fill are commonly intended to continue and promote a natural slope line, rather than creating terracing and other unnatural finishes.

There are a variety of alternatives to the stipulated requirement for terraced berms that may be considered for the site that would result in a more natural aesthetic to the restored hillside. These include chemical treatments and coloration to remove or camouflage scarring, hydroseeding of the slope to provide a mixture of natural grasses and plants which may also stabilize the slope, and roughening the cut or restored slope to integrate pockets for additional native landscaping.

Modified stipulation language is recommended to allow the applicant to work with City staff on an alternative approach to restoring the quarry cut slope base to promote a more natural landscape along the hillside.

- 10) The provision of detached sidewalks is consistent with numerous City policy plans. 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. Additionally, the City Council adopted Guiding Principles for Complete Streets seeks to make Phoenix more walkable by promoting a safe and inviting pedestrian environment that encourages walkability and thermal comfort. These principles are also expressed and expanded upon throughout the 2015 General Plan.

Therefore, the applicant's request to delete this requirement and instead stipulate a 5-foot sidewalk width is recommended for denial. However, the street layout on the proposed conceptual site plan may require the utilization of both private drives (between units) and private accessways (Tract "A"). There are different technical

requirements and cross sections for these street types and it may be difficult to integrate detached sidewalks along both sides of private drives.

A modification of the applicant’s request is recommended to require that detached sidewalks shall be provided, as originally stipulated, along all streets that are developed as public streets or private accessways.

11) The Street Transportation Department noted that both original Stipulation 31 and the applicant’s proposed modified language may create conflicts if the development is to include both attached and detached sidewalks. The City of Phoenix standard detail for detached sidewalks along private accessways requires vertical curbs. Attached sidewalks may be permitted to provide rolled curbs. Deletion of the stipulation will allow the appropriate detail to be utilized based on the final configuration of sidewalks at appropriate locations throughout the development.

12) Original Stipulation 39 required that homes along 35th Avenue would be limited to one-story. The stipulation did not specify a maximum building height. Additionally, it is unclear whether the stipulation was intended to apply to the individual units located closest to 35th Avenue or the entire clusters. The original stipulation may permit a variety of building heights and locations for height-restricted lots.

However, the intent of the stipulation was to mitigate the impacts of building height for units closest to 35th Avenue and would have impacted homes at approximately 235 feet (the stipulated average setback in original Stipulation 7). This remains a valid concern and consistent with the design of other recent projects in the Village. Therefore, the applicant’s request for deletion of this stipulation is recommended for denial. An alternative stipulation is proposed that limits maximum building height to 20 feet for the 12 lots that are located within approximately 235 feet of 35th Avenue. This recommendation is intended to clarify the limitation on building height and identify the specific lots impacted.

**PLANNING HEARING OFFICER RECOMMENDED STIPULATIONS**

General	
4.	<del>That development shall be in general conformance with the site plan date stamped October 8, 2007, and elevations date stamped February 20, 2007, as modified by the following stipulations, and as approved by the Development Services Department.</del>
1.	THE R1-8 DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE SITE PLAN DATE STAMPED NOVEMBER 21, 2019, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT, AND WITH SPECIFIC REGARD TO THE FOLLOWING:



	A.	THE DEVELOPER SHALL PROVIDE A PRIMARY ROADWAY FROM 35TH AVENUE EXTENDED TO THE WESTERN PROPERTY BOUNDARY, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
	B.	THE PRIMARY ROADWAY CONNECTING 35TH AVENUE TO THE WESTERN EDGE OF THE PROPERTY LINE SHALL TERMINATE AS A STUB STREET TO THE ADJACENT UNDEVELOPED LAND TO THE WEST TO PROVIDE FOR A FUTURE VEHICULAR CONNECTION.
2.		CONCEPTUAL ELEVATIONS FOR THE R1-8 DEVELOPMENT SHALL BE REVIEWED AND APPROVED 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 R1-18 DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE SITE PLAN DATE STAMPED OCTOBER 8, 2007, AND ELEVATIONS DATE STAMPED FEBRUARY 20, 2007, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
4.		<del>That d</del> Development of the R1-18 portion of the site shall not exceed 22 lots.
2.		
5.		<del>That d</del> Development of the R1-8 portion of the site shall not exceed a density of 99
3.		lots.
6.		THE R1-8 DEVELOPMENT SHALL PROVIDE A MINIMUM OF 26% OPEN SPACE, OF WHICH A MINIMUM OF 12% SHALL BE USABLE OPEN SPACE, AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
Site Design		
7.		<del>That u</del> Unobstructed pedestrian access (for the purpose of private pedestrian connectivity internal to the site) between the R1-18 and R1-8 portions of the site shall be provided, as approved by the PLANNING AND Development Services
4.		Department.
8.		<del>That n</del> No solid wall in excess of three feet in height as measured from the finished
5.		grade, shall be located on the site (either in private lots or common tracts) except

	that solid walls greater than three feet in height shall be allowed for the following purposes, as approved by the PLANNING AND Development Services Department.
a.	Walls utilized to screen utilities, trash enclosures, or other facilities generally considered to be visually obtrusive.
b.	Retaining wall.
9. 6.	<del>That a</del> No more than 60,000 square feet of natural turf area shall be located within the common areas of the R1-8 portion of the site (this requirement does not apply to synthetic turf); if provided, common area natural turf should be centrally located and grouped so as to create one contiguous natural turf recreation area, as approved by the PLANNING AND Development Services Department.
10. 7.	<del>That a 235-foot (average), 200-foot (minimum)</del> THE DEVELOPMENT SHALL PROVIDE A MINIMUM 100 FOOT landscaped setback ALONG THE EAST PROPERTY LINE <del>adjacent to 35th Avenue shall be provided</del> , as approved by the PLANNING AND Development Services Department.
11. 8.	<del>That a</del> A 50-foot (minimum) landscaped setback adjacent to Carver Road (final alignment) shall be provided, as approved by the PLANNING AND Development Services Department.
12. 9.	<del>That t</del> Those portions of spider and jeep trails which are not part of the approved grading envelopes, access drives, or other necessary site disturbance related to the proposed development of the R1-8 portion of the site shall be re-vegetated in a manner consistent with adjacent undisturbed vegetation, as approved by the PLANNING AND Development Services Department.
Disclosures	
13. 40.	<del>That p</del> Prior to final site plan approval, the property owner shall record documents that disclose to tenants of the site or purchasers of property within the site, the existence, proximity, and operational characteristics of active agricultural uses and non-domesticated animal keeping. The form and content of such documents shall be according to the templates and instructions provided, which have been reviewed and approved by the City Attorney.
14.	THAT PRIOR TO FINAL SITE PLAN APPROVAL, THE PROPERTY OWNER SHALL RECORD DOCUMENTS THAT DISCLOSE TO TENANTS OF THE SITE OR PURCHASERS OF PROPERTY WITHIN THE SITE, THE EXISTENCE, PROXIMITY, AND OPERATIONAL CHARACTERISTICS OF ACTIVE AVIATION USES IN THE HANGAR HACIENDAS UNITS ONE, TWO, AND THREE SUBDIVISIONS LOCATED APPROXIMATELY 2,300 FEET TO THE EAST OF

	THE SUBJECT PROPERTY IN MARICOPA COUNTY. THE FORM AND CONTENT OF SUCH DOCUMENTS SHALL BE ACCORDING TO THE TEMPLATES AND INSTRUCTIONS PROVIDED, WHICH HAVE BEEN REVIEWED AND APPROVED BY THE CITY ATTORNEY.
<b>Parks and Recreation</b>	
15. <del>44.</del>	<del>That</del> The developer shall dedicate a multi-use trail easement and construct a multi-use trail, per adopted standards, along the north side of Carver Road, as approved by the Parks and Recreation Department.
<b>Archaeology</b>	
16. <del>42.</del>	<del>That</del> The applicant shall complete an archaeological survey report of the development area for review and approval by the City Archaeologist prior to clearing and grubbing, landscape salvage, or grading.
17.	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.
18.	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.
19.	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.
<b>Street Transportation</b>	
20. <del>43.</del>	<del>That</del> Right-of-way totaling 55 feet shall be dedicated for the west half of 35th Avenue, as approved by the Street Transportation Department. 35th Avenue shall be constructed using rural streets standards similar to Dobbins Road, as approved by the Street Transportation Department.
21.	<del>That</del> Right-of-way totaling 55 feet shall be dedicated for the west half of Carver

14.	Road, as approved by the Street Transportation Department. Carver Road shall be constructed using rural streets standards similar to Dobbins Road, as approved by the Street Transportation Department.
22.	THE DEVELOPER SHALL DEDICATE RIGHT-OF-WAY FOR 35TH AVENUE AS DETERMINED BY THE MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION (MCDOT) AND AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
23.	THE DEVELOPER SHALL DEDICATE RIGHT-OF-WAY FOR CARVER ROAD AS DETERMINED BY THE MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION (MCDOT) AND AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
24. 15.	<del>That a</del> A traffic impact study shall be submitted to, and approved by, the Street Transportation Department prior to PLANNING AND Development Services Department preliminary site plan approval. That all right-of-way dedications and associated infrastructure improvements as recommended by the traffic impact study shall be installed by the developer, as approved by the PLANNING AND Development Services Department.
25. 16.	<del>That t</del> 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 modified by these stipulations, and as approved by the Street Transportation Department. All improvements shall comply with all AmericanS with Disabilities Act accessibility standards.
26. 17.	<del>That t</del> The applicant shall complete and submit the Developer Project Information Form for the Maricopa Association of Governments Transportation Improvement Program. This form is a requirement of the Environmental Protection Agency to meet clean air quality requirements.
27. 18.	<del>That p</del> Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 waiver of claims utilizing the provided template. The waiver shall be recorded with the Maricopa County Recorder's Office and a copy shall be provided to the PLANNING AND Development Services Department for the case files.
19.	<del>That approval shall be conditional upon the development commencing within 48 months of the City Council approval of this change of zoning in accordance with Section 506.B.1 of the Zoning Ordinance. For purposes of this stipulation, development shall commence with the issuance of building permits and erection of the building walls on site.</del>
Neighborhood	

28. 20.	<del>That b</del> Building pad cuts shall be terraced if more than 6 feet in height and treated with a stain, gunnite, or equivalent finish, as approved by the PLANNING AND Development <del>Services</del> Department.
29. 21.	<del>That a</del> All two story homes, within the R1-18 portion of the site, shall be designed in a manner such that the square footage of the second story floor area does not exceed 66 percent of the first story floor area does not exceed 66 percent of the first story floor area, as approved by the PLANNING AND Development <del>Services</del> Department.
30. 22.	<del>That c</del> Concrete channels shall be designed to look natural in the desert setting through color, texture, landscaping, or other means, as approved by the PLANNING AND Development <del>Services</del> Department.
31. 23.	<del>That t</del> The use of riprap and engineered culverts shall be minimized and, where utilized, shall be integrated with the desert setting through color, texture, soil plating, landscaping, or other means, as approved by the PLANNING AND Development <del>Services</del> Department. To the extent possible, culverts shall be undersized to allow minor flows (10 cfs or smaller) to cross roadways in their natural condition.
32. 24.	<del>That w</del> Washes with a one-hundred-year peak flow of 200 cfs or greater shall be preserved and enhanced with native vegetation as described in Appendix A, Approved Plant Species List for Sonoran Preserve Edge Treatment Guidelines, as approved by the PLANNING AND Development <del>Services</del> Department.
33. 25.	<del>That l</del> lots with 2 or more sides abutting undisturbed open space shall be designed with obtuse angles, rather than right angles or acute angles, as approved by the PLANNING AND Development <del>Services</del> Department.
34. 26.	<del>That e</del> On non-hillside lots within the R1-18 portion of the development, all improvements, including driveways, landscaping, and underground utilities shall be located within a building envelope occupying no more than 50 percent of the lot up to a maximum of 20,000 square feet, whichever is less, as approved by the PLANNING AND Development <del>Services</del> Department.
35. 27.	<del>That a</del> A minimum of three terraced berms with 2:1 fill slopes shall be installed along the full length of the quarry cut slope base. The terraces shall BE LIMITED TO A MAXIMUM HEIGHT OF <del>be</del> 8 feet tall, <del>minimum,</del> and shall be PLANTED <del>planted</del> with a staggered combination of 2-inch and 4-inch caliper, drought resistant, deciduous trees at 25 feet ON center OR IN EQUIVALENT GROUPINGS <del>to center,</del> as approved OR MODIFIED by the PLANNING AND Development <del>Services</del> Department.

	THE DEVELOPER MAY ALSO IMPLEMENT ALTERNATIVE SOLUTIONS FOR THE NATURALIZING AND BLENDING OF THE QUARRY CUT SLOPE WITH THE ADJACENT UNDISTURBED HILLSIDE AREA, AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
36. <del>28.</del>	<del>That s</del> Solid block walls, except for retaining walls or privacy fencing on individual lots, shall not be constructed outside of the building envelopes for the R1-18 portion of the site, as approved by the PLANNING AND Development <del>Services</del> Department. Fencing constructed outside of the building envelope shall be combination solid/view fencing. In addition, all fencing above the 15 percent slope line shall be 100 percent view fencing.
37. <del>29.</del>	<del>That t</del> The entire 60-acre site shall have no perimeter fencing, as approved by the PLANNING AND Development <del>Services</del> Department.
38. <del>30.</del>	<del>That p</del> Private roadways within the R1-18 portion of the site shall be provided with ribbon curbs and colored asphalt, as approved by the PLANNING AND Development <del>Services</del> Department.
39. <del>31.</del>	<del>That private roadways within the R1-8 portion of the site shall be provided with a raised, vertical curb, as approved by the Development Services Department.</del>
40. <del>32.</del>	<del>That a</del> All HVAC units shall be ground mounted.
41. <del>33.</del>	<del>That a</del> All street lighting and wall mounted security fixtures shall be full cut off lighting. Fixture height shall be a maximum of 12 feet. Street lighting fixtures shall be decorative and have a consistent architectural theme, as approved by the PLANNING AND Development <del>Services</del> Department.
42. <del>34.</del>	<del>That b</del> Bollards shall be used for accent lighting at the primary access, entry monument, driveways, and trail crossings, as approved by the PLANNING AND Development <del>Services</del> Department. Photovoltaic energy sources for bollard lighting shall be provided.
43. <del>35.</del>	<del>That a</del> Any request to delete or modify these stipulations SHALL be preceded by A presentation to the Laveen Village Planning Committee (VPC) for review and recommendation, and notification to the following persons two weeks prior to presentation at the VPC:
	a. Jon Kimoto, 3216 West Ansell Road, Laveen, 85339
	b. Cyd Manning, P.O. Box 41234, Mesa, 85274
	c. Judy Brown, P.O. Box 41234, Mesa, 85274

	d.	Christine Dicken, 10827 South 30th Avenue, Laveen, 85339
	e.	Richard Birnbaum, 11014 South 35th Avenue, Laveen, 85339
	f.	Phil Hertel, <del>2300</del> 2845 West Broadway Road, Phoenix, 85041
	g.	Steven Klein, 6820 South 66th Avenue, Laveen, 85339
44. <del>36.</del>	That <del>t</del> The following individuals shall be notified of any and all PLANNING AND Development Services Department (DSD) meetings which are open to the public. The applicant shall be responsible for notification to the following via a first-class letter to be mailed at least two weeks prior to the DSD meeting(s):	
	a.	Jon Kimoto, 3216 West Ansell Road, Laveen, 85339
	b.	Cyd Manning, P.O. Box 41234, Mesa, 85274
	c.	Judy Brown, P.O. Box 41234, Mesa, 85274
	d.	Christine Dicken, 10827 South 30th Avenue, Laveen, 85339
	e.	Richard Birnbaum, 11014 South 35th Avenue, Laveen, 85339
	f.	Phil Hertel, <del>2300</del> 2845 West Broadway Road, Phoenix, 85041
	g.	Steven Klein, 6820 South 66th Avenue, Laveen, 85339
45. <del>37.</del>	That <del>a</del> All sidewalks, within the R1-8 portion of the site, WHICH ARE DEVELOPED ALONG STREETS DEVELOPED AS PUBLIC STREETS OR PRIVATE ACCESSWAYS shall be detached with a minimum five-foot wide landscaped strip located between the sidewalk and back of curb and shall include minimum two-inch caliper shade trees planted <del>a minimum rate of</del> 20 feet on center or IN equivalent groupings along both sides of the sidewalk, as approved OR MODIFIED by the PLANNING AND Development Services Department. The landscape strip shall be installed by the developer and maintained by the homeowners' association.	
46. <del>38.</del>	That <del>a</del> A mix of two and three-inch caliper trees shall be provided within all required common open space tracts. With the exception of the open space area adjacent to 35th Avenue, the species of trees provided shall shade 50 percent of the area of the open space at tree maturity, as approved by the PLANNING AND Development Services Department.	

47. 39.	<p><del>That only one-story homes shall be located along 35th Avenue.</del></p> <p>LOTS 52-61 AND 82-83, LOCATED ALONG 35TH AVENUE AND AS DEPICTED ON THE SITE PLAN DATE STAMPED NOVEMBER 21, 2019, ARE LIMITED TO A MAXIMUM BUILDING HEIGHT OF 20 FEET, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.</p>
48. 40.	<p><del>That a</del>A detailed site plan, landscaping plan, elevations, perimeter fence or wall plan, lighting plan, and entry monument signage shall be reviewed by the Laveen Village Planning Committee prior to preliminary site plan approval by the PLANNING AND Development Services Department.</p>

**PLANNING HEARING OFFICER RECOMMENDATION**

It is recommended that this request be denied as filed and approved with modifications and additional stipulations as recommended by the Planning Hearing Officer.

**ATTACHMENTS**

- A – Appeal Documents (4 pages)
- B – Applicant’s Narrative (4 pages)
- C – Aerial Map (1 page)
- D – Zoning Map (1 page)
- E – Ordinance G-5020 from Rezoning Case No. Z-165-06-7 (11 pages)
- F – Sketch Map from Rezoning Case No. Z-165-06-7 (1 page)
- G – Proposed Site Plan date stamped November 21, 2019 (3 pages)
- H – Stipulated Site Plan date stamped October 8, 2007 (1 page)
- I – Stipulated Elevations (2 pages)
- J – Laveen Village Planning Committee Minutes (13 pages)
- K – PHO Summary for Z-165-06-7(8) (PHO-1-19) (18 pages)
- L – Correspondence (191 pages)



# **ATTACHMENT A**

<b>PLANNING HEARING OFFICER APPEAL</b>			
I HEREBY REQUEST THAT THE PLANNING COMMISSION/CITY COUNCIL HOLD A PUBLIC HEARING ON:			
<b>APPLICATION NO:</b>	PHO-1-19--Z-165-06-7(8)		
<b>LOCATION:</b>	Northwest corner of 35th Avenue and Carver Road		
<b>PHO HEARING DATE:</b>	1/15/20 (UA 2/13/20)	<b>RECEIVED:</b>	2/14/20
<b>APPEALED BY:</b>	<input checked="" type="checkbox"/> Opposition	<input type="checkbox"/> Applicant	
<b>APPEALED TO:</b>	<b>PLANNING COMMISSION</b>	4/2/20	
	<b>CITY COUNCIL</b>	<b>TENTATIVE DATE</b>	
		<b>TENTATIVE DATE</b>	
<b>NAME/ADDRESS/CITY/STATE/ZIP</b>			<b>PHONE #</b>
Cyd Manning 3220 West Ceton Drive Laveen, Arizona 85339			480-747-0769
<b>RECEIPT NUMBER:</b>			
<b>REASON FOR REQUEST:</b>			
The City of Phoenix is in violation of its own Zoning Ordinance and is bound to enforce Ordinance G-5020--Z-165-06-7. The zoning on this property expired October 2011 and is technically S-1. Stipulation 19 was approved with the original case to protect the community from the R1-8 spot zoning that was clearly inconsistent with the area in 2007 and is clearly inconsistent today. Deleting Stipulation 19 is negligence in enforcement. The Planning Commission & City Council can and should immediately correct the violation and codify the zoning reversion to S-1 and realign the General Plan, prior to hearing any requested action on this case. The applicant states they will sue the City if they don't get what they want regarding deleting Stipulation 19. No one is above the law.			
<b>Taken By:</b>	Radesha Williams		

c: Ben Ernyei – Posting  
Benjamin Kim, IS  
PDD All

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FEB 14 2020

City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

Planning & Development
Department

1/15/20 - Z-165-06-7(8)
Taken out from under

The PLANNING HEARING OFFICER agenda for advisement on 2/13/20 is attached.

The City Council May Ratify the Recommendation of the Planning Hearing Officer on
March 18, 2020 Without Further Hearing Unless:

- A REQUEST FOR A HEARING BY THE PLANNING COMMISSION is filed by
5:00 p.m. on Thursday, February 20, 2020. (There is a \$630.00 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 Thursday, February 20, 2020.

APPEAL FORM

I HEREBY REQUEST THAT THE PLANNING COMMISSION HOLD A PUBLIC HEARING ON:

Z-165-06-7(8) (PHO-1-19)

Northwest corner of 35th Avenue and Carver
Road

APPLICATION NO

LOCATION OF APPLICATION PROPERTY

Cyd Manning
NAME (PLEASE PRINT)

[X] OPPOSITION [ ] APPLICANT

3220 W. Ceton Drive
STREET ADDRESS

Laveen, AZ 85339
CITY, STATE AND ZIP CODE

480-747-0769
TELEPHONE NO

BY MY SIGNATURE BELOW, I ACKNOWLEDGE THE SCHEDULED HEARING DATE AS FOLLOWS:

1/15/20 - Z-165-06-7(8)
Taken out from under
APPEALED FROM advisement on 2/13/20 PHO HEARING TO 4/2/2020 PC HEARING
DATE DATE

SIGNATURE: Cyd Manning DATE: Feb. 14, 2020

REASON FOR APPEAL: The City of Phoenix is in violation of its own zoning ordinance and is bound to
enforce G-5020 Z-165-06-7. The zoning on this property expired in Oct. 2011
and is technically S-1. Stipulation 19 was approved with the original case to protect the
community from the RT-8 spot zoning that was clearly inconsistent with the area in 2007
and is clearly inconsistent today. Deleting Stipulation 19 is negligence in enforcement. The
Planning Commission & City Council can and should immediately correct the violation and
codify the zoning reversion to S-1 and realign the General Plan. Prior to hearing any requested
action on this case, the applicant states they will sue the City if they don't get
what they want regarding deleting Stipulation 19. No one is above the law.

COPIES TO: Case File PHO Planner - Julianna Pierre PLANNER TAKING APPEAL: Rafisha Wilson
PHO Secretary - Stephanie Vasquez

<b>PLANNING HEARING OFFICER APPEAL</b>			
I HEREBY REQUEST THAT THE PLANNING COMMISSION/CITY COUNCIL HOLD A PUBLIC HEARING ON:			
<b>APPLICATION NO:</b>	PHO-1-19--Z-165-06-7(8)		
<b>LOCATION:</b>	Northwest corner of 35th Avenue and Carver Road		
<b>PHO HEARING DATE:</b>	1/15/20 (UA 2/13/20)	<b>RECEIVED:</b>	2/14/20
<b>APPEALED BY:</b>	<input checked="" type="checkbox"/> Opposition	<input type="checkbox"/> Applicant	
<b>APPEALED TO:</b>	<b>PLANNING COMMISSION</b>	4/2/20	
	<b>CITY COUNCIL</b>	<b>TENTATIVE DATE</b>	
		<b>TENTATIVE DATE</b>	
<b>NAME/ADDRESS/CITY/STATE/ZIP</b>			<b>PHONE #</b>
Lisa Vializ 8921 South 53rd Drive Laveen, Arizona 85339			602-741-5722
<b>RECEIPT NUMBER:</b>			
<b>REASON FOR REQUEST:</b>			
<p>The City of Phoenix is in violation of its own Zoning Ordinance and is bound to enforce Ordinance G-5020--Z-165-06-7. The zoning on this property expired October 2011 and is therefore S-1. Stipulation 19 was approved as part of the original zoning case to protect the community from R-8 spot zoning. That was clearly inconsistent with the area in 2007 and is clearly inconsistent today. Deleting Stipulation 19 is negligence in enforcement. The Planning Commission and City Council can and should immediately correct the violation and codify the zoning reversion to S-1 and align the General Plan with S-1 prior to hearing and requested action on this case. The applicant states they will sue the City if they do not set what they want regarding deleting Stipulation 19. No one is above the law.</p>			
<b>Taken By:</b>	Radesha Williams		

c: Ben Ernyei – Posting  
Benjamin Kim, IS  
PDD All

S:\Planning\Rezoning\Hearings\PHO\Appeals\PHO Appeal Form.doc





FEB 14 2020

Planning & Development Department

City of Phoenix PLANNING & DEVELOPMENT DEPARTMENT

1/15/20 - Z-165-06-7(8) Taken out from under

The PLANNING HEARING OFFICER agenda for advisement on 2/13/20 is attached.

The City Council May Ratify the Recommendation of the Planning Hearing Officer on March 18, 2020 Without Further Hearing Unless:

- A REQUEST FOR A HEARING BY THE PLANNING COMMISSION is filed by 5:00 p.m. on Thursday, February 20, 2020. (There is a \$630.00 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 Thursday, February 20, 2020.

APPEAL FORM

I HEREBY REQUEST THAT THE PLANNING COMMISSION HOLD A PUBLIC HEARING ON:

Z-165-06-7(8) (PHO-1-19)

Northwest corner of 35th Avenue and Carver Road

APPLICATION NO.

LOCATION OF APPLICATION PROPERTY

LISA VIALIZ

[X] OPPOSITION

[ ] APPLICANT

NAME (PLEASE PRINT)

8921 S. 53 RD DR.

STREET ADDRESS

LAVEN, AZ 85339

602-741-5722

CITY, STATE AND ZIP CODE

TELEPHONE NO

BY MY SIGNATURE BELOW, I ACKNOWLEDGE THE SCHEDULED HEARING DATE AS FOLLOWS:

APPEALED FROM 1/15/20 - Z-165-06-7(8) taken out from under advisement on 2/13/20 PHO HEARING TO 4/2/2020 PC HEARING DATE DATE

SIGNATURE:

DATE:

THE CITY OF PHX IS IN VIOLATION OF ITS OWN ZONING ORD. AND IS BOUND TO ENFORCE ORD. G5020Z-165-06-7.

REASON FOR APPEAL: THE ZONING ON THIS PROPERTY EXPIRED OCTOBER 2011 AND IS THEREFORE S-1. STIPULATION 19 WAS APPROVED AS PART OF THE ORIGINAL ZONING CASE TO PROTECT THE COMMUNITY FROM R-8 SPOT ZONING THAT WAS CLEARLY INCONSISTENT WITH THE AREA IN 2007 AND IS CLEARLY INCONSISTENT TODAY. DELETING STIPULATION 19 IS NEGLIGENCE IN ENFORCEMENT. THE PLANNING COMMISSION AND CITY COUNCIL CAN AND SHOULD IMMEDIATELY CORRECT THE VIOLATION AND CODIFY THE ZONING REVERSION TO S-1 AND ALIGN THE GENERAL PLAN W/ S-1 PRIOR TO HEARING ANY REQUESTED ACTION ON THIS CASE. THE APPLICANT STATES THEY WILL SUE THE CITY IF THEY DON'T GET WHAT THEY WANT REGARDING DELETING STIPULATION 19.

PLANNER TAKING APPEAL: Karolsha Walker

Copies to:

Case File

PHO Planner - Julianna Pierre

PHO Secretary - Stephanie Vasquez

NO ONE IS ABOVE THE LAW.

# **ATTACHMENT B**

December 9, 2019

Planning Hearing Officer  
City of Phoenix  
Planning & Development Department  
200 West Washington Street, 2<sup>nd</sup> Floor  
Phoenix, Arizona 85003

**RE: Request to modify stipulations for Rezoning Case Z-165-06**

Dear Planning Hearing Officer:

Rose Law Group pc on behalf of Virtua 35<sup>th</sup> LLC (the “Owner”) is pleased to request a Stipulation Modification to Ordinance G-5020 (Case Z-165-06-7) for 58.998 acres of real property located on the northwest corner of Carver Rd. and 35<sup>th</sup> Ave. (the “Property”), APN# 300-11-008V. This request is being made in order to facilitate and rationalize development on a property that has served as a blighted site for decades.

Although the site has been vacant for over a decade, previous land uses included mining activity. Unnatural topography and significant disturbance are testament to the site’s history and can still be seen today. Redevelopment of the Property proposes to revitalize the scarred areas while protecting those environmental features that still exist.

The Property is located within Council District 7 and the Village of Laveen. Existing and developing residential communities are located in the surrounding area, including the property adjacent to the site’s southern boundary, an approximately 96 acre future residential community. Ancillary roadway and offsite improvements are also anticipated with the development of this site.

The subject zoning case (Z-165-06) was heard and approved by City of Phoenix Council on October 10, 2007 after appearing before Planning Commission and the Laveen Village Planning Committee. The zoning case was approved to rezone approximately sixty acres of S-1 (Ranch or Farm Residence) to forty acres R1-18 (Single-Family Residence) and twenty acres R1-8 (Single-Family Residences). In the original stipulations density per zoning district is stipulated at a maximum of twenty two lots on the R1-18, 40 acre area, and a maximum of 99 lots on the R1-8, 20 acre portion, for a total of 121 lots on approximately 60 acres.

The Owner proposes to maintain the intent of the original zoning case by not modifying those stipulations related to the R1-18 portion, and proposing a similar site plan and density that was approved, with a more practical, sensitive, and luxury approach on the R1-8 portion. Connections to the future community to the south, less units overall, sensitivity and specification on the site’s hillside topography, and trail opportunities are

some of the ways the Property owner has holistically designed the site to respond to the community and the environment. The proposed lot dimensions have been updated since the original site plan, but maintains consistency with the conceptual elevations. This responds to market demand while implementing the luxuries of fee simple lots and private amenities.

Many years have passed since the rezoning and most of the surrounding area has changed hands and been partially developed. Subsequently some of the stipulations imposed as conditions of the zone change are no longer relevant or practical. Accordingly, the applicant believes that is appropriate to modify Z-165-06 stipulations and request modifications and deletions as shown below in legislative form. Please note this request only impacts the R1-8 (eastern +/-20 acres) portion and no stipulation or site plan modifications are requested to the western +/-40 acres of R1-18.

Proposed Modifications to Ordinance G-5020 (Case Z-165-06-7) Stipulations

1. That **R1-8** development shall be in general conformance with the site plan date stamped ~~October 8, 2007~~ **August 29, 2018**, and elevations date stamped ~~February 20, 2007~~, as modified by the following stipulations, and as approved by the Development Services Department.

*Modification Rationale: A new site plan is proposed with this application to facilitate an alternative residential development on the eastern 20 acres. The proposed development will alter lot design and location but will not amend the approved density. The site plan considers the future development to the south and offers connectivity through a shared emergency exit road, as well as pedestrian linkage. Product elevations are still conceptual and will be finalized upon engagement from a builder. Until this time, the property owner would like to maintain elevation flexibility, but is willing to stipulate to lot design.*

2. That **R1-18** development shall be in general conformance with the site plan date stamped **October 8, 2007**, as modified by the following stipulations, and as approved by the Development Services Department.

*Addition Rationale: No change to the R1-18 portion of the site (western 40 acres) is proposed with this application. Therefore, the applicant is willing to maintain general conformance to the site plan provided in the original zoning case.*

7. That a ~~235-foot (average), 200-foot (minimum)~~ **MINIMUM ONE HUNDRED (100) FOOT** landscaped setback adjacent to 35th Avenue shall be provided, as approved by the Development Services Department.

*Modification Rationale: Several reasons play into the justification of a decrease in landscape setbacks along 35<sup>th</sup> Ave. First, the site plan setting this requirement in the zoning case was purely conceptual and did not elevate the site plan design to a technical level, including but not limited to parking*



*requirements, retention requirements, grading, street standards, etc. The proposed site plan conforms to the technical standards of the City, and subsequently requires additional space. The site plan has also slightly shifted east decreasing the landscape setback along 35<sup>th</sup> Ave. in order to mitigate disturbance to the environmentally sensitive areas located in the northwest corner. Other upgrades to the community have been made that have detracted from the setback along 35<sup>th</sup> Ave. including garage parking and additional common amenity spaces. It is worth noting that the stipulated landscape setback along Carver Road is maintained with this request.*

19. ~~That approval shall be conditional upon development commencing within 48 months of the City Council approval of this change of zoning in accordance with Section 506.B.1 of the Zoning Ordinance. For purposes of this stipulation, development shall commence with the issuance of building permits and erection of building walls on site.~~

*Deletion Rationale: As mentioned before the property owner is not a homebuilder and therefore does not have control of when building permits will be pulled. It is also likely that the developer of the R1-8 portion will be different than the builder of the R1-18 area, which is unreasonable to tie both areas to the same timeline. Additionally, the R1-18 lots lend to custom homesite, where an individual person could design and build independently. Removing this stipulation does not change the integrity of the project but allows for flexibility of timing so a quality developer/person can thoughtfully execute every aspect of the proposed site plan.*

27. That a minimum of three terraced berms with 2:1 fill slopes shall be installed along the full length of the quarry cut slope base. The terraces shall be 8 feet tall, ~~minimum~~ **MAXIMUM**, and shall be plated with a staggered combination of 2-inch and 4-inch caliper, drought-resistant, deciduous trees at 25 feet center to center, as approved by the Development Services Department.

*Modification Rationale: It is likely that the intent of this stipulation was to limit the disturbance to the area and treat in a way that would blend with the natural environment. Therefore, limiting the terrace height accomplishes this goal further.*

31. That private roadways within the R1-8 portion of the site shall be provided with a ~~raised, vertical curb~~ **ROLL CURB**, as approved by the Development Services Department.

*Modification Rational: The proposed community will likely be private, and therefore implement the City of Phoenix standard of "Private Accessway." This detail depicts a roll curb.*

37. That all sidewalks, within the R1-8 portion of the site, shall be **A MINIMUM WIDTH OF FIVE (5) FEET**. ~~detached with a minimum five-foot-wide~~

~~landscaped strip located between the sidewalk and back of curb and shall include minimum two-inch caliper shade trees planted a minimum rate of 20 feet on center or equivalent groupings along both sides of the sidewalk, as approved by the Development Services Department. The landscape strip shall be installed by the developer and maintained by the homeowners association.~~

*Modification Rationale: As previously mentioned the site plan approved with the current zoning case was conceptual and did not take into detail the technical aspect of implementing detached sidewalks of this magnitude. The proposed site plan has better utilized the site's space and has offered attached five foot wide sidewalks on all major circulation routes, in addition to multi-use trails. Landscaping has been appropriately planned to maximize areas of shade, while recognizing the importance of drought tolerant plant species. It should also be noted that mature trees often thrive in a more natural environment versus a constrained five foot landscape strip.*

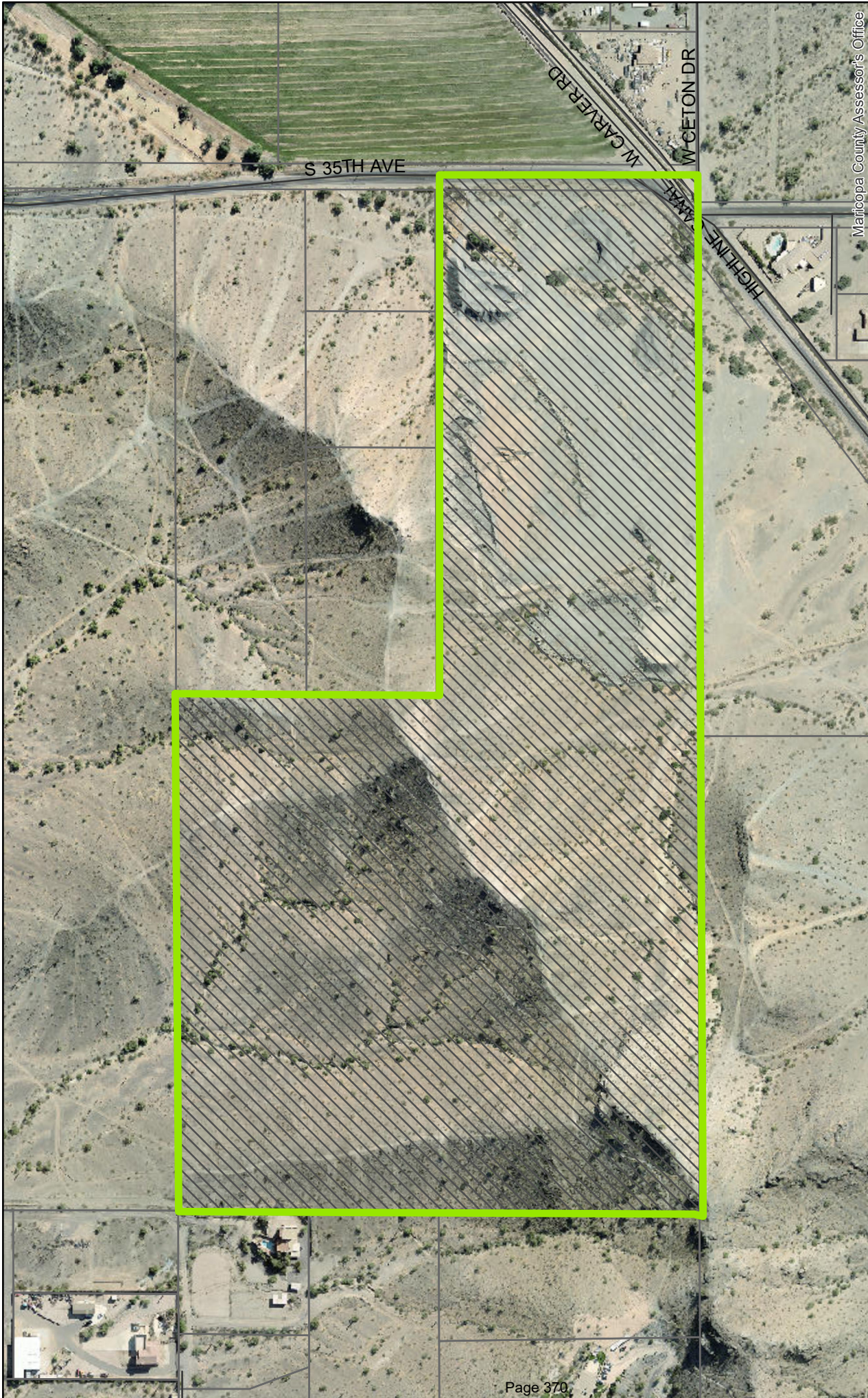
~~39. That only one-story homes shall be located along 35th Avenue.~~

*Deletion Rationale: This stipulation, as written, is unclear and fails to define homes "along" 35<sup>th</sup> Ave. and specification of a building height associated with the stated stories. Additionally, given the proposed lot size and garage option, any single-story home would have severe square footage constraints. Deletion of this stipulation will eliminate various interpretations and mandate that all building heights conform to the zoning requirement (two stories and thirty feet).*

The stipulations imposed in 2007 under zoning case Z-165-06 were based on a conceptual site plan that didn't consider the environmental and technical constraints of this unique site. This coupled with the change in market demand, evolving community, and adjacent residential development, justifies the needs to update and simplify the subject stipulations. This will result in a thriving and unique community on a vacant and otherwise blighted site. The proposed modifications reflect an effort to produce an appealing and sensitive development that aligns with the desires of the City and the community.

# **ATTACHMENT C**

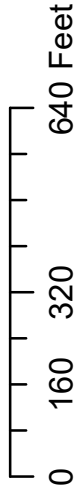




Maricopa County Assessor's Office

# Property Location: Northwest corner of 35th Avenue and Carver Road

PHO-1-19-Z-33-165-06-7

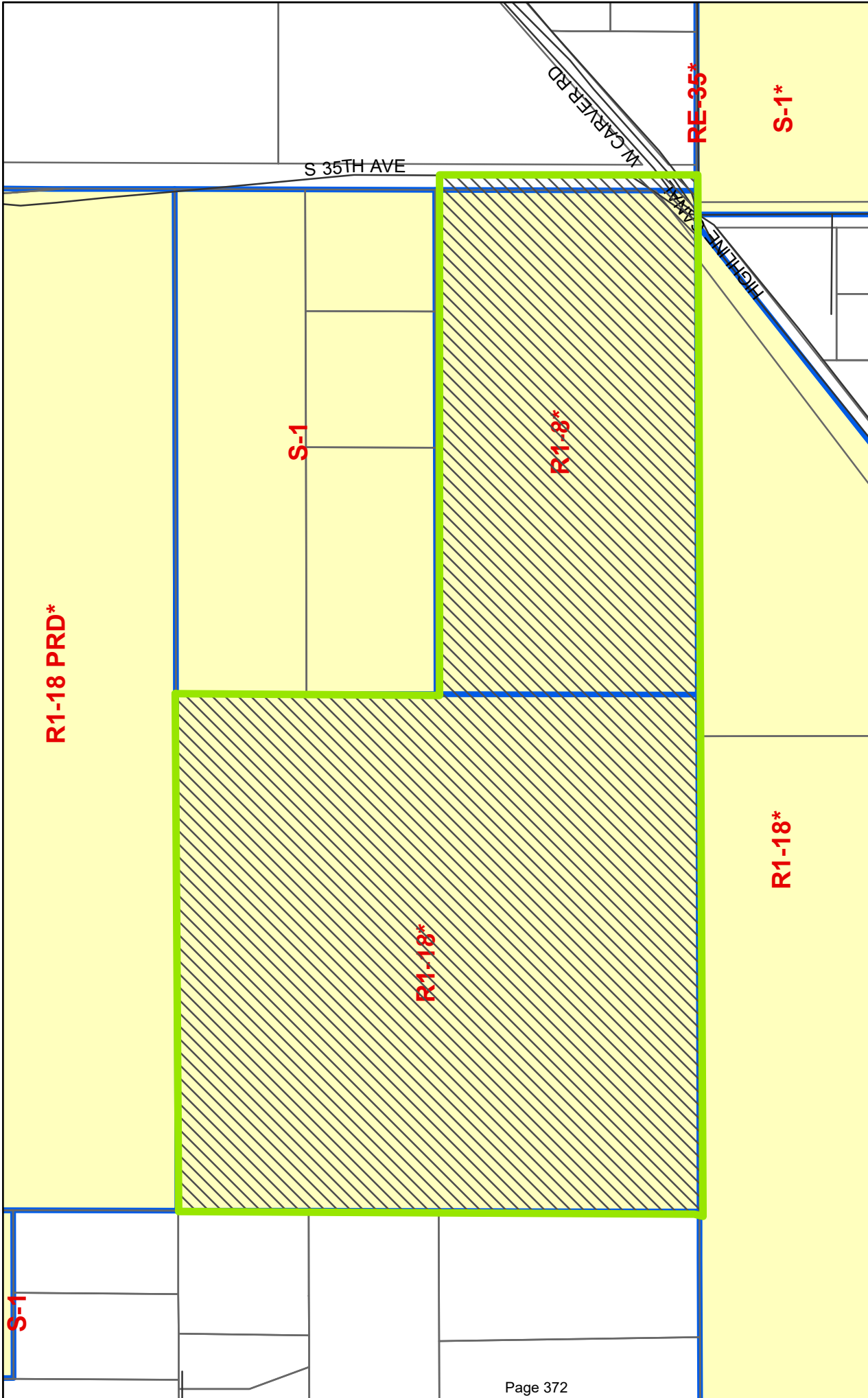


## Planning & Development Department



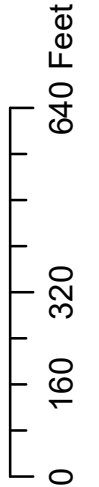


# **ATTACHMENT D**



**Property Location: Northwest corner of 35th Avenue and Carver Road**

PHO-1-19-Z-33-165-06-7



**Planning & Development Department**



# **ATTACHMENT E**

ORDINANCE G-5020

AN ORDINANCE AMENDING THE CODE OF THE CITY OF PHOENIX, ARIZONA, PART II, CHAPTER 41, THE ZONING ORDINANCE OF THE CITY OF PHOENIX, BY AMENDING SECTION 601, THE ZONING MAP OF THE CITY OF PHOENIX, CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-165-06-7) FROM S-1 (RANCH OR FARM RESIDENCE) TO R1-18 (SINGLE FAMILY RESIDENCE) AND R1-8 (SINGLE FAMILY RESIDENCE)

---

WHEREAS, on December 15, 2006, the City of Phoenix Planning Department received, in compliance with the requirements of the City of Phoenix Zoning Ordinance, Section 506, a written request for rezoning from LVA Urban Design Studio, having authorization to represent the owner, Steven Follmer of an approximately 59 acre property located at the northwest corner of 35th Avenue and Carver Road in a portion of Section 10, Township 1 South, Range 2 East, as described more specifically in Attachment "A", attached hereto and incorporated herein by this reference; and,

WHEREAS, pursuant to A.R.S. § 9-462.04, the Planning Commission, held a public hearing on June 13, 2007, and at this hearing recommended that the City Council approve this rezoning request with the recommended staff conditions, as modified; and



WHEREAS, the City Council, at their regularly scheduled meeting held on October 10, 2007, has determined that, in accordance with A.R.S. § 9-462.01.F, this rezoning request, with the appropriate site specific requirements provided in Section 2, is consistent with and conforms to the General Plan, will conserve and promote the public health, safety and general welfare, and should be approved, subject to the conditions herein.

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

SECTION 1: The zoning of an approximately 59 acre property located at the northwest corner of 35th Avenue and Carver Road in a portion of Section 10, Township 1 South, Range 2 East, as described more specifically in Attachment "A", is hereby changed from "S-1" (Ranch or Farm Residence) to "R1-18" (Single Family Residence) and "R1-8" (Single Family Residence) and that the Planning 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 2: The specific nature of the subject property and of the rezoning request is more particularly described in case file Z-165-06-7, on file with the Planning Department. 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:

## General

1. That development shall be in general conformance with the site plan date stamped October 8, 2007, and elevations date stamped February 20, 2007, as modified by the following stipulations, and as approved by the Development Services Department.
2. That development of the R1-18 portion of the site shall not exceed 22 lots.
3. That development of the R1-8 portion of the site shall not exceed a density of 99 lots.

## Site Design

4. That unobstructed pedestrian access (for the purpose of private pedestrian connectivity internal to the site) between the R1-18 and R1-8 portions of the site shall be provided, as approved by the Development Services Department.
5. That no solid wall in excess of three feet in height, as measured from the finished grade, shall be located on the site (either in private lots or common tracts) except that solid walls greater than three feet in height shall be allowed for the following purposes, as approved by the Development Services Department:
  - a. Walls utilized to screen utilities, trash enclosures, or other facilities generally considered to be visually obtrusive.
  - b. Retaining wall.
6. That no more than 60,000 square feet of natural turf area shall be located within the common areas of the R1-8 portion of the site (this requirement does not apply to synthetic turf); if provided, common area natural turf should be centrally located and grouped so as to create one contiguous natural turf recreation area, as approved by the Development Services Department.
7. That a 235-foot (average), 200-foot (minimum) landscaped setback adjacent to 35th Avenue shall be provided, as approved by the Development Services Department.
8. That a 50-foot (minimum) landscaped setback adjacent to Carver Road (final alignment) shall be provided, as approved by the Development Services Department.

9. That those portions of spider and jeep trails which are not part of the approved grading envelopes, access drives, or other necessary site disturbance related to the proposed development of the R1-8 portion of the site shall be re-vegetated in a manner consistent with adjacent undisturbed vegetation, as approved by the Development Services Department.

#### Disclosures

10. That prior to final site plan approval, the property owner shall record documents that disclose to tenants of the site or purchasers of property within the site, the existence, proximity, and operational characteristics of active agricultural uses and non-domesticated animal keeping. 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.

#### Parks and Recreation

11. That the developer shall dedicate a multi-use trail easement and construct a multi-use trail, per adopted standards, along the north side of Carver Road, as approved by the Parks and Recreation Department.

#### Archaeology

12. That the applicant shall complete an archaeological survey report of the development area for review and approval by the City Archaeologist prior to clearing and grubbing, landscape salvage, or grading.

#### Street Transportation

13. That right-of-way totaling 55 feet shall be dedicated for the west half of 35th Avenue, as approved by the Street Transportation Department. 35th Avenue shall be constructed using rural streets standards similar to Dobbins Road, as approved by the Street Transportation Department.
14. That right-of-way totaling 55 feet shall be dedicated for the west half of Carver Road, as approved by the Street Transportation Department. Carver Road shall be constructed using rural streets standards similar to Dobbins Road, as approved by the Street Transportation Department.

15. That a traffic impact study shall be submitted to, and approved by, the Street Transportation Department prior to Development Services Department preliminary site plan approval. That all right-of-way dedications and associated infrastructure improvements as recommended by the traffic impact study shall be installed by the developer, as approved by the Development Services Department.
16. That the developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping, and other incidentals, as modified by these stipulations, and as approved by the Street Transportation Department. All improvements shall comply with all Americans with Disabilities Act accessibility standards.
17. That the applicant shall complete and submit the Developer Project Information Form for the Maricopa Association of Governments Transportation Improvement Program. This form is a requirement of the Environmental Protection Agency to meet clean air quality requirements.
18. That prior to preliminary site plan approval, the landowner shall execute a Proposition 207 waiver of claims utilizing the provided template. The waiver shall be recorded with the Maricopa County Recorder's Office and a copy shall be provided to the Development Services Department and Planning Department for the case files.
19. That approval shall be conditional upon development commencing within 48 months of the City Council approval of this change of zoning in accordance with Section 506.B.1 of the Zoning Ordinance. For purposes of this stipulation, development shall commence with the issuance of building permits and erection of building walls on site.

#### Neighborhood

20. That building pad cuts shall be terraced if more than 6 feet in height and treated with a stain, gunnite, or equivalent finish, as approved by the Development Services Department.
21. That all two story homes, within the R1-18 portion of the site, shall be designed in a manner such that the square footage of the second story floor area does not exceed 66 percent of the first story floor area, as approved by the Development Services Department.



22. That concrete channels shall be designed to look natural in the desert setting through color, texture, landscaping, or other means, as approved by the Development Services Department.
23. That the use of riprap and engineered culverts shall be minimized and, where utilized, shall be integrated with the desert setting through color, texture, soil plating, landscaping, or other means, as approved by the Development Services Department. To the extent possible, culverts shall be undersized to allow minor flows (10 cfs or smaller) to cross roadways in their natural condition.
24. That washes with a one hundred year peak flow of 200 cfs or greater shall be preserved and enhanced with native vegetation as described in Appendix A, Approved Plant Species List for Sonoran Preserve Edge Treatment Guidelines, as approved by the Development Services Department.
25. That lots with 2 or more sides abutting undisturbed open space shall be designed with obtuse angles, rather than right angles or acute angles, as approved by the Development Services Department.
26. That on non-hillside lots within the R1-18 portion of the development, all improvements, including driveways, landscaping, and underground utilities shall be located within a building envelope occupying no more than 50 percent of the lot up to a maximum of 20,000 square feet, whichever is less, as approved by the Development Services Department.
27. That a minimum of three terraced berms with 2:1 fill slopes shall be installed along the full length of the quarry cut slope base. The terraces shall be 8 feet tall, minimum, and shall be plated with a staggered combination of 2-inch and 4-inch caliper, drought-resistant, deciduous trees at 25 feet center to center, as approved by the Development Services Department.
28. That solid block walls, except for retaining walls or privacy fencing on individual lots, shall not be constructed outside of the building envelopes for the R1-18 portion of the site, as approved by the Development Services Department. Fencing constructed outside of the building envelope shall be combination solid/view fencing. In addition, all fencing above the 15 percent slope line shall be 100 percent view fencing.
29. That the entire 60 acre site shall have no perimeter fencing, as approved by the Development Services Department.

30. That private roadways within the R1-18 portion of the site shall be provided with ribbon curbs and colored asphalt, as approved by the Development Services Department.
31. That private roadways within the R1-8 portion of the site shall be provided with a raised, vertical curb, as approved by the Development Services Department.
32. That all HVAC units shall be ground mounted.
33. That all street lighting and wall mounted security fixtures shall be full cut off lighting. Fixture height shall be a maximum of 12 feet. Street lighting fixtures shall be decorative and have a consistent architectural theme, as approved by the Development Services Department.
34. That bollards shall be used for accent lighting at the primary access, entry monument, driveways, and trail crossings, as approved by the Development Services Department. Photovoltaic energy sources for bollard lighting shall be provided.
35. That any request to delete or modify these stipulations be preceded by presentation to the Laveen Village Planning Committee (VPC) for review and recommendation, and notification to the following persons two weeks prior to presentation at the VPC:
  - a. Jon Kimoto, 3216 West Ansell Road, Laveen, 85339
  - b. Cyd Manning, P.O. Box 41234, Mesa, 85274
  - c. Judy Brown, P.O. Box 41234, Mesa, 85274
  - d. Christine Dicken, 10827 South 30th Avenue, Laveen, 85339
  - e. Richard Birnbaum, 11014 South 35th Avenue, Laveen, 85339
  - f. Phil Hertel, 2300 West Broadway Road, Phoenix, 85041
  - g. Steven Klein, 6820 South 66th Avenue, Laveen, 85339
36. That the following individuals shall be notified of any and all Development Services Department (DSD) meetings which are open to the public. The applicant shall be responsible for notification to

the following via a first class letter to be mailed at least two weeks prior to the DSD meeting(s):

- a. Jon Kimoto, 3216 West Ansell Road, Laveen, 85339
  - b. Cyd Manning, P.O. Box 41234, Mesa, 85274
  - c. Judy Brown, P.O. Box 41234, Mesa, 85274
  - d. Christine Dicken, 10827 South 30th Avenue, Laveen, 85339
  - e. Richard Birnbaum, 11014 South 35th Avenue, Laveen, 85339
  - f. Phil Hertel, 2300 West Broadway Road, Phoenix, 85041
  - g. Steven Klein, 6820 South 66th Avenue, Laveen, 85339
37. That all sidewalks, within the R1-8 portion of the site, shall be detached with a minimum five-foot-wide landscaped strip located between the sidewalk and back of curb and shall include minimum two-inch caliper shade trees planted a minimum rate of 20 feet on center or equivalent groupings along both sides of the sidewalk, as approved by the Development Services Department. The landscape strip shall be installed by the developer and maintained by the homeowners association.
  38. That a mix of two- and three-inch caliper trees shall be provided within all required common open space tracts. With the exception of the open space area adjacent to 35th Avenue, the species of trees provided shall shade 50 percent of the area of the open space at tree maturity, as approved by the Development Services Department.
  39. That only one-story homes shall be located along 35th Avenue.
  40. That a detailed site plan, landscaping plan, elevations, perimeter fence or wall plan, lighting plan, and entry monument signage shall be reviewed by the Laveen Village Planning Committee prior to preliminary site plan approval by the Development Services Department.

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 31st day of October, 2007.



MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

Acting City Attorney

REVIEWED BY:

City Manager

MLW:cz:714477v1  
10/31/07:CM#59

CITY CLERK DEPT.  
2007 OCT 29 AM 10:27

Attachments:

- A - Legal Description (1 Page)
- B - Sketch Map (1 Page)



ATTACHMENT A

LEGAL DESCRIPTION FOR Z-165-06-7

A.1

300-11-008R

THE SOUTH HALF OF THE SOUTHEAST QUARTER SECTION OF SECTION 10

OR

LOT 1, OF SECTION 10, TOWNSHIP 1 SOUTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA

EXCEPT THAT PART THEREOF, IF ANY, LYING WITHIN THE WEST 40 ACRES OF LOTS 1 AND 2;

EXCEPT THE NORTH HALF OF SAID LOT 1

A.2

300-11-008E

THE SOUTHWEST QUARTER SECTION OF SECTION 10

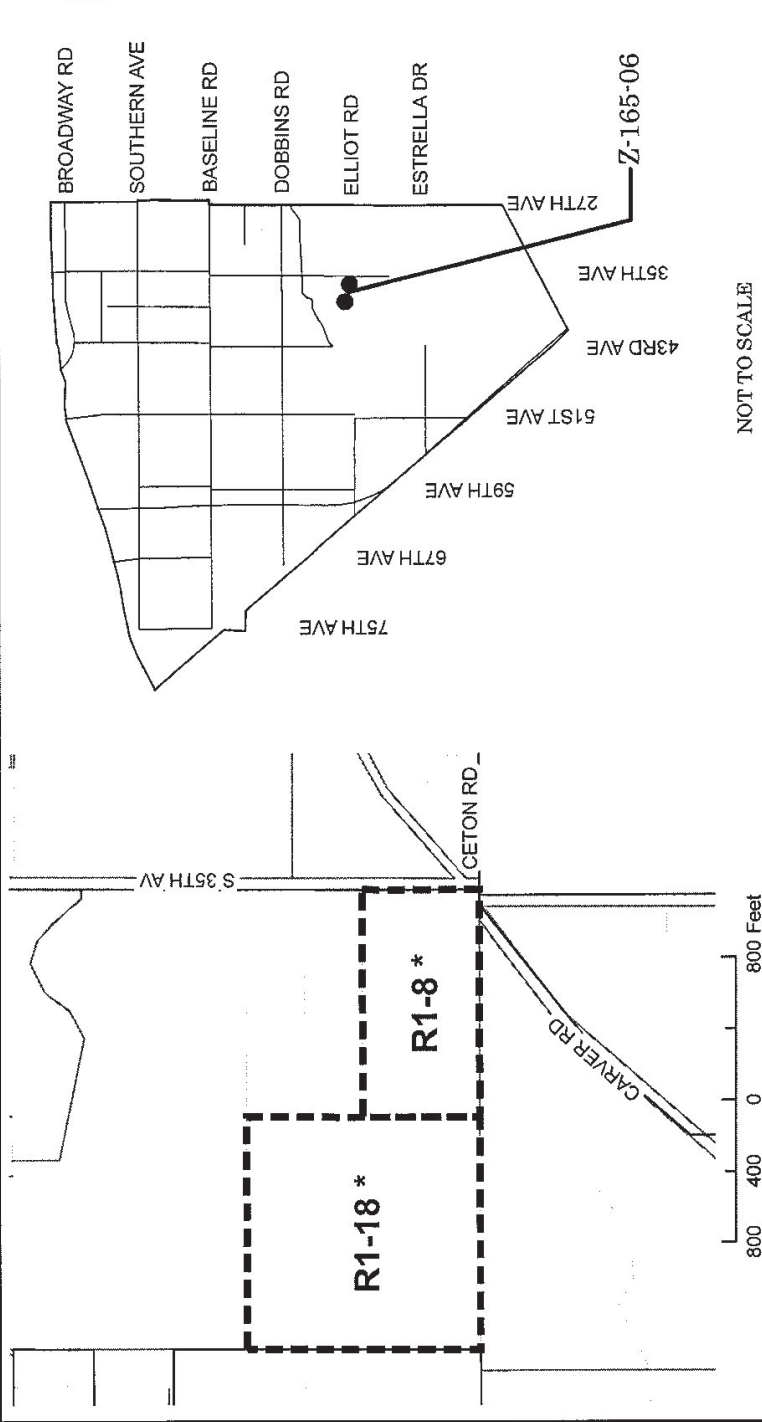
OR

THE WEST 40 ACRES OF GOVERNMENT LOTS 1 AND 2, (SOMETIMES KNOWN AS THE SOUTH HALF OF THE SOUTHEAST QUARTER) OF SECTION 10, TOWNSHIP 1 SOUTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN

# ORDINANCE LOCATION MAP

Zoning Case Number: Z-165-06  
Planning Village: Laveen

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

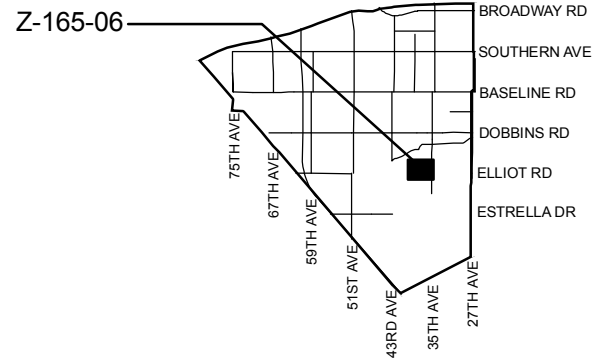
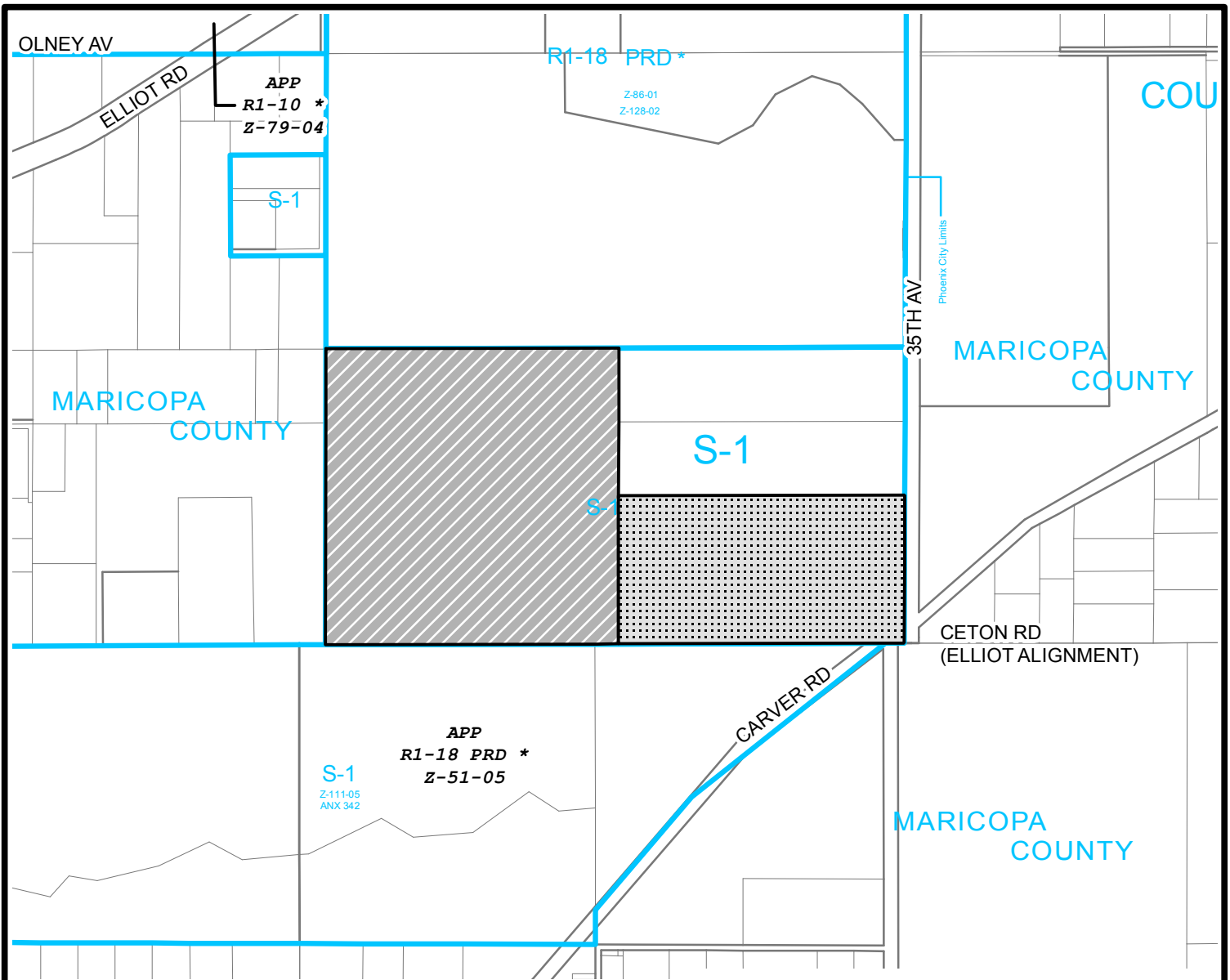


**City of Phoenix**  
PLANNING DEPARTMENT

Drawn Date: 10-19-2007

(N:\IS\_Team\Core\_Functions\Zoning\SuppMaps\October\Z16506.mxd) 10/22/2007

# **ATTACHMENT F**



700 350 0 700 Feet

CITY OF PHOENIX PLANNING DEPARTMENT

**LAVEEN VILLAGE**

CITY COUNCIL DISTRICT: 7

<b>APPLICANT'S NAME:</b> LVA URBAN DESIGN STUDIO - ALAN BEAUDOIN		<b>REQUESTED CHANGE:</b> FROM: S-1 (59.0 ac)	
<b>APPLICATION NO.</b> Z-165-06	<b>DATE:</b> 04-10-2007	<b>REVISION DATES:</b>	
<small>GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.</small> <b>59 Acres</b>	12-21-2006    10-09-2007	<b>TO:</b>	
<b>AERIAL PHOTO &amp; QUARTER SEC. NO.</b> Q04-20	<b>ZONING MAP</b> C6	R1-8 (19.4 ac)	R1-18 (39.6 ac)
<b>MULTIPLES PERMITTED</b> S-1 R1-8 / R1-18	<b>CONVENTIONAL OPTION</b> 59 77 / 77	<b>* UNITS P.R.D. OPTION</b> N/A 100 / 92	

\* Maximum Units Allowed with P.R.D. Bonus

# **ATTACHMENT G**

# PRELIMINARY SITE PLAN CARVER MOUNTAIN NORTH

"A PLANNED RESIDENTIAL DEVELOPMENT"  
"SUBJECT TO SINGLE FAMILY DESIGN REVIEW"

**CITY OF PHOENIX**

NOV 21 2019

Planning & Development  
Department

**NOTES**  
DEVELOPMENT AND USE OF THIS SITE WILL CONFORM TO ALL APPLICABLE CODES AND ORDINANCES.  
THIS PROJECT IS LOCATED IN THE CITY OF PHOENIX WATER SERVICES AREA AND HAS BEEN DESIGNATED AS HAVING AN ASSURED WATER SUPPLY.  
ALL UTILITIES WILL BE PLACED UNDERGROUND.  
STRUCTURES AND LANDSCAPING WITHIN A TRIANGLE MEASURING 33' x 33' ALONG THE PROPERTY LINES WILL BE MAINTAINED AT A MAXIMUM HEIGHT OF 3'.  
A MINIMUM 18' SETBACK WILL BE PROVIDED FROM BACK OF CURB TO FACE OF GARAGE DOOR.  
EACH LOT CONSTITUTES A BUILDING ENVELOPE AND ACCESSORY USES AND STRUCTURES SUCH AS POOLS AND PRIVACY WALLS ARE PERMITTED EXCEPT AS OTHERWISE REGULATED BY OTHER CITY CODES AND ORDINANCES.  
THE MAXIMUM BUILDING ENVELOPE ON EACH LOT IS 40% FOR PRIMARY STRUCTURES.  
AN ASSOCIATION, INCLUDING ALL PROPERTY OWNERS IN THE DEVELOPMENT, WILL BE FORMED AND HAVE RESPONSIBILITY FOR MAINTAINING ALL COMMON AREAS TO BE NOTED AS "TRACTS" OR "EASEMENTS", INCLUDING PRIVATE STREETS, LANDSCAPED AREAS, AND DRAINAGE FACILITIES IN ACCORDANCE WITH APPROVED PLANS.  
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.  
AFTER FINAL PLAT APPROVAL THE PROJECT WILL BE INSPECTED FOR ZONING COMPLIANCE DURING CONSTRUCTION AND PRIOR TO OCCUPANCY. THE APPLICANT IS TO NOTIFY DSD PRIOR TO OCCUPANCY TO ARRANGE FOR INSPECTIONS. CALL 262-6961 AND REQUEST A DESIGN REVIEW INSPECTION.

I CONSENT TO THE REPRODUCTION OF THIS SITE PLAN FOR THE PURPOSE OF FUTURE AMENDMENTS PROVIDED THAT IF MODIFICATIONS ARE MADE, THE ARCHITECTS WHO MAKE SUCH CHANGES ASSUME FULL RESPONSIBILITY AND LIABILITY FOR THE PLAN.

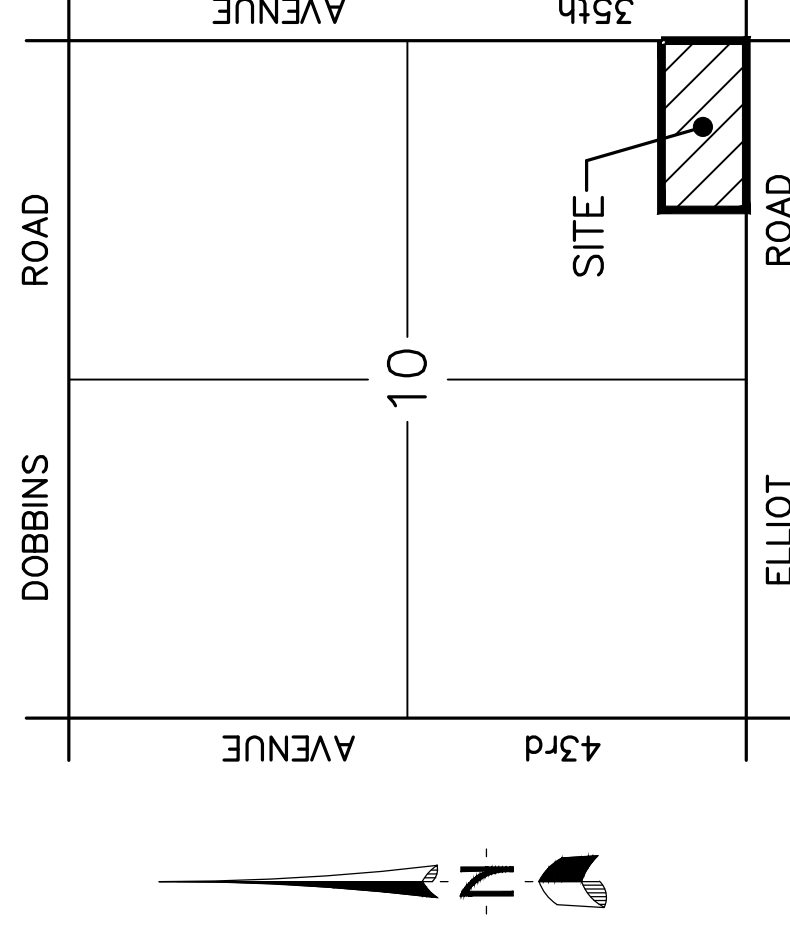
\_\_\_\_\_  
SIGNATURE OF COPYRIGHT OWNER 11-12-19 DATE

\_\_\_\_\_  
THOMAS A. WEBER 11-12-19 DATE  
PRINT NAME OF COPYRIGHT OWNER

TRACT	AREA	USE	TRACT TABLE
"A"	4.0631 AC.	PRIVATE ACCESSWAY, WATER & SEWER EASEMENT, DRAINAGE EASEMENT, REFUSE COLLECTION AND EMERGENCY & SERVICE VEHICLE EASEMENTS	
"B"	5.2751 AC.	LANDSCAPING, P.A.E., P.U.E.	
"C"	0.3126 AC.	LANDSCAPING, P.A.E., P.U.E., RETENTION & DRAINAGE EASEMENT	
"D"	1.2197 AC.	LANDSCAPING, P.A.E. & P.U.E.	
"E"	1.3170 AC.	LANDSCAPING, P.A.E., P.U.E., RETENTION & DRAINAGE EASEMENT	
TOTAL	12.1873 AC.		

TRACT	AREA	DENSITY BONUS TABLE
"A"	4.0631 AC.	INCREASE LD/SP SETBACK TO 20' 10 POINTS
"B"	5.2751 AC.	MAJOR ENTRANCE FEATURE 10 POINTS
"C"	0.3126 AC.	CUSTOM STREET LIGHTS STANDARDS 5 POINTS
"D"	1.2197 AC.	ADDITIONAL OPEN SPACE (35%) 70 POINTS
"E"	1.3170 AC.	MAJOR RECREATIONAL FEATURE (POOL) 10 POINTS
"E"	1.3170 AC.	MINOR RECREATIONAL FEATURE (TRAIL) 5 POINTS
TOTAL	343,354 S.F.	110 POINTS

**OPEN SPACE CALCULATIONS**  
OPEN SPACE REQUIRED (S.F.): GROSS AREA X 0.05  
OPEN SPACE PROVIDED (S.F.): 848,415 X 0.05 = 42,421  
OPEN SPACE PROVIDED (%): 343,354 / 848,415 = 40.47%  
**ADDITIONAL OPEN SPACE PROVIDED (%): 40.47-5.00 = 35.47**



**VICINITY MAP**  
SECTION 10, T. 1 S., R. 2 E.

**PROJECT DESCRIPTION**  
A PROPOSED SINGLE FAMILY DETACHED DEVELOPMENT WITHIN RT-8 PRD & RT-18 ZONING.

**LEGAL DESCRIPTION**  
SOUTH HALF OF THE SE QUARTER SECTION 10, T. 1 S., R. 2 E.

**PARKING CALCULATIONS**  
GARAGE SPACES: 184 (2 PER LOT)  
GUEST SPACES: 28  
TOTAL PARKING SPACES: 212

**DEVELOPER**  
VIRTUA, 35th LLC  
7600 N. 15th STREET, SUITE 150-19  
PHOENIX, ARIZONA 85020  
PHONE: (480) 930-4614  
CONTACT: ERNEST AMPONSAH

**ENGINEER**  
CLOUSE ENGINEERING, INC.  
5010 E. SHAW BLVD, SUITE 110  
SCOTTSDALE, ARIZONA 85254  
PHONE: (602) 395-9300  
CONTACT: TOM WEBER

**SITE DATA**

EXISTING ZONING: RT-8/RT-18  
GROSS ACRES: 56,998 ACRES OR 2,569,970.27 S.F.  
NET ACRES: 56.40 ACRES OR 2,543,961.02 S.F.  
TOTAL NUMBER OF LOTS: 92 (RT-8 PRD)  
PROPOSED DENSITY: 5.5 D.U. PER ACRE (NON-HILLSIDE, RT-8 PRD)  
WATER, SEWER, AND SANITATION SERVICES BY THE CITY OF PHOENIX.  
ELECTRIC SERVICE BY SALT RIVER PROJECT.  
GAS SERVICE BY SOUTHWEST GAS CORPORATION.  
TELEPHONE SERVICE BY CENTURYLINK  
CONSTRUCTION WITHIN PUBLIC UTILITY EASEMENT SHALL BE LIMITED TO UTILITIES, AND WOOD, WIRE OR REMOVABLE SECTION TYPE FENCING.  
ALL UTILITIES AND SINGLE PHASE ELECTRIC LINES ARE TO BE INSTALLED UNDERGROUND.  
MAXIMUM HEIGHT FOR TRANSFORMERS, CABINETS, AND OTHER EQUIPMENT PER PERMETER STREET FRONTS:  
LOT SALES: YES  
MAXIMUM BUILDING HEIGHT IS 2 STORES AND 30'

RT-8 SLOPE ANALYSIS					
SLOPE OF LAND	ALLOWABLE DENSITY UNITS/AC	CREASE IN DENSITY CATEGORY	PRODUCT OF DENSITY X ACREAGE	TOTAL # ALLOWABLE HILLSIDE LOTS	ALLOWABLE TOTAL # NON-HILLSIDE LOTS
UNDER 10%	4.50*	16.86	75.87	-	75
10-14.9%	1.80**	0.35	0.63	-	-
15-19.9%	1.10**	0.30	0.33	-	-
20-24.9%	0.70	0.39	0.27	-	-
25-29.9%	0.50	0.25	0.13	-	-
30-34.9%	0.30	0.40	0.12	-	-
35% AND OVER	0.20	0.82	0.16	-	-
TOTAL	19.37	1.84	- 1	-	75

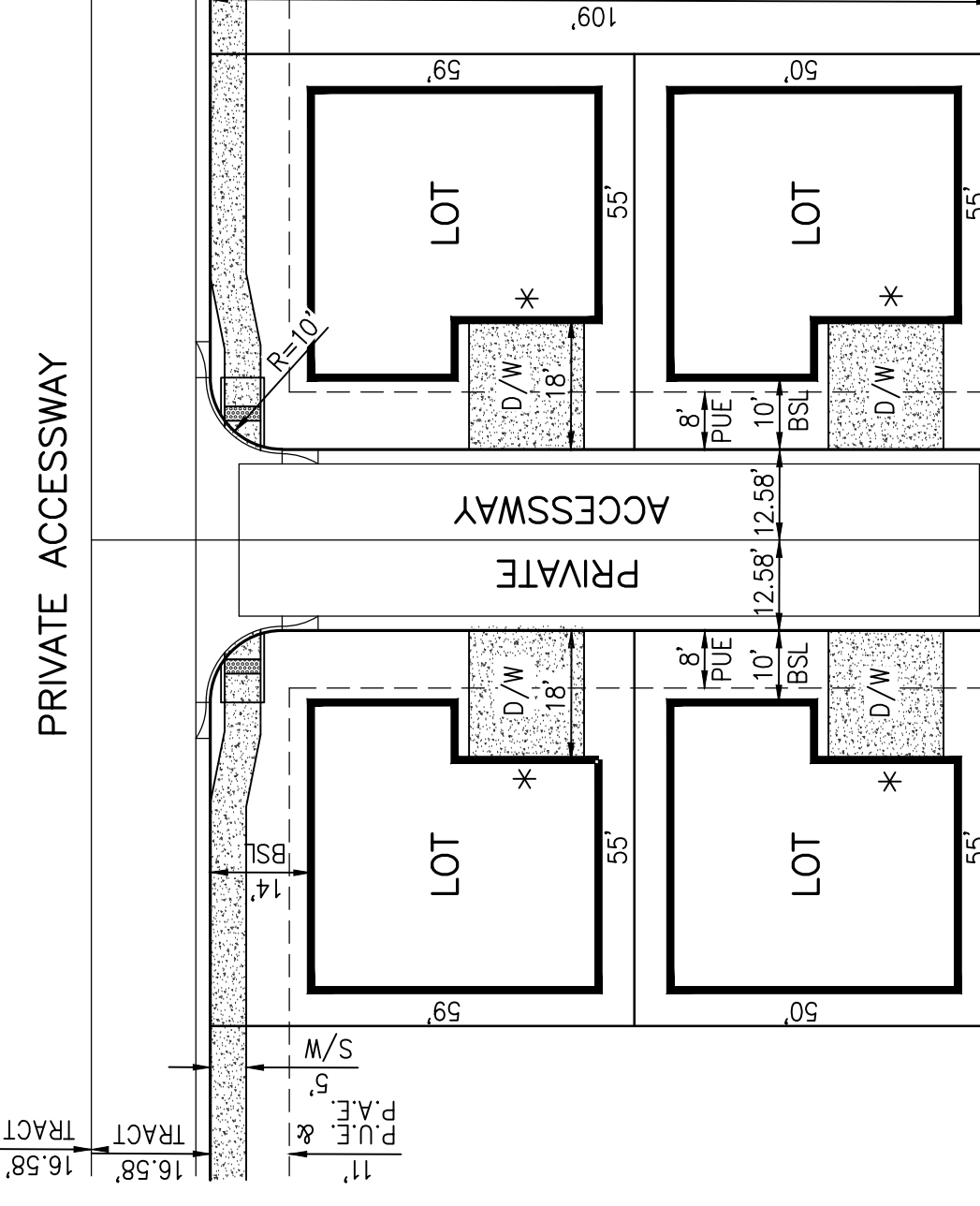
\* DENSITIES SHOWN FOR NON-HILLSIDE CATEGORIES ARE BASE ALLOWANCES. DENSITY BONUS POINTS (PRD OPTION ONLY) MAY ALLOW ADDITIONAL NON-HILLSIDE LOTS.

\*\* UNLESS ZONING CATEGORY REQUIRES LESS

**LOT COVERAGE**  
CALCULATION: (NET AREA - MAX. ALLOWABLE AREA UNDER ROOF PER LOT) / # OF LOTS = PERCENTAGE (%)  
(0.40) (18,88-4.06) (43,560) = 2,806 S.F. MAXIMUM ALLOWABLE AREA PER LOT. (ENCLOSED STRUCTURES)  
(0.10) (18,88-4.06) (43,560) = 701 S.F. MAXIMUM ALLOWABLE AREA PER LOT. (SHADE STRUCTURES)

**LEGEND**

- INDICATES DIRECTION OF DRAINAGE
- INDICATES SUBDIVISION CORNER
- INDICATES FIRE HYDRANT
- B.S.L. INDICATES BUILDING SETBACK LINES
- M.U.T.E. INDICATES MULTI USE TRAIL EASEMENT
- INDICATES PUBLIC UTILITY EASEMENT AND PEDESTRIAN ACCESS EASEMENT
- 11' P.U.E. & 11' P.A.E.



**TYPICAL LOT**  
\* MINIMUM 2 SPACES AT 9.5'X19'

## PRELIMINARY SITE PLAN CARVER MOUNTAIN NORTH

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Clouse Engineering, Inc.  
5010 E. Shaw Blvd Suite 110 Scottsdale, AZ 85254  
Tel 602-395-9300 Fax 602-395-9310

ARIZONA

PHOENIX

Revised  
01-11-19  
01-29-19  
01-30-19  
09-04-19  
11-12-19

Date  
08-29-18  
As-Built  
Job No.  
180708

1 of 3

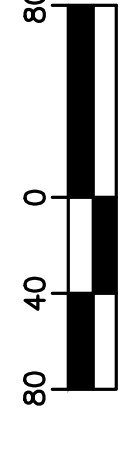
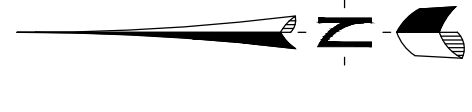
01-PRELU-SITE.DWG







# PRELIMINARY SITE PLAN CARVER MOUNTAIN NORTH

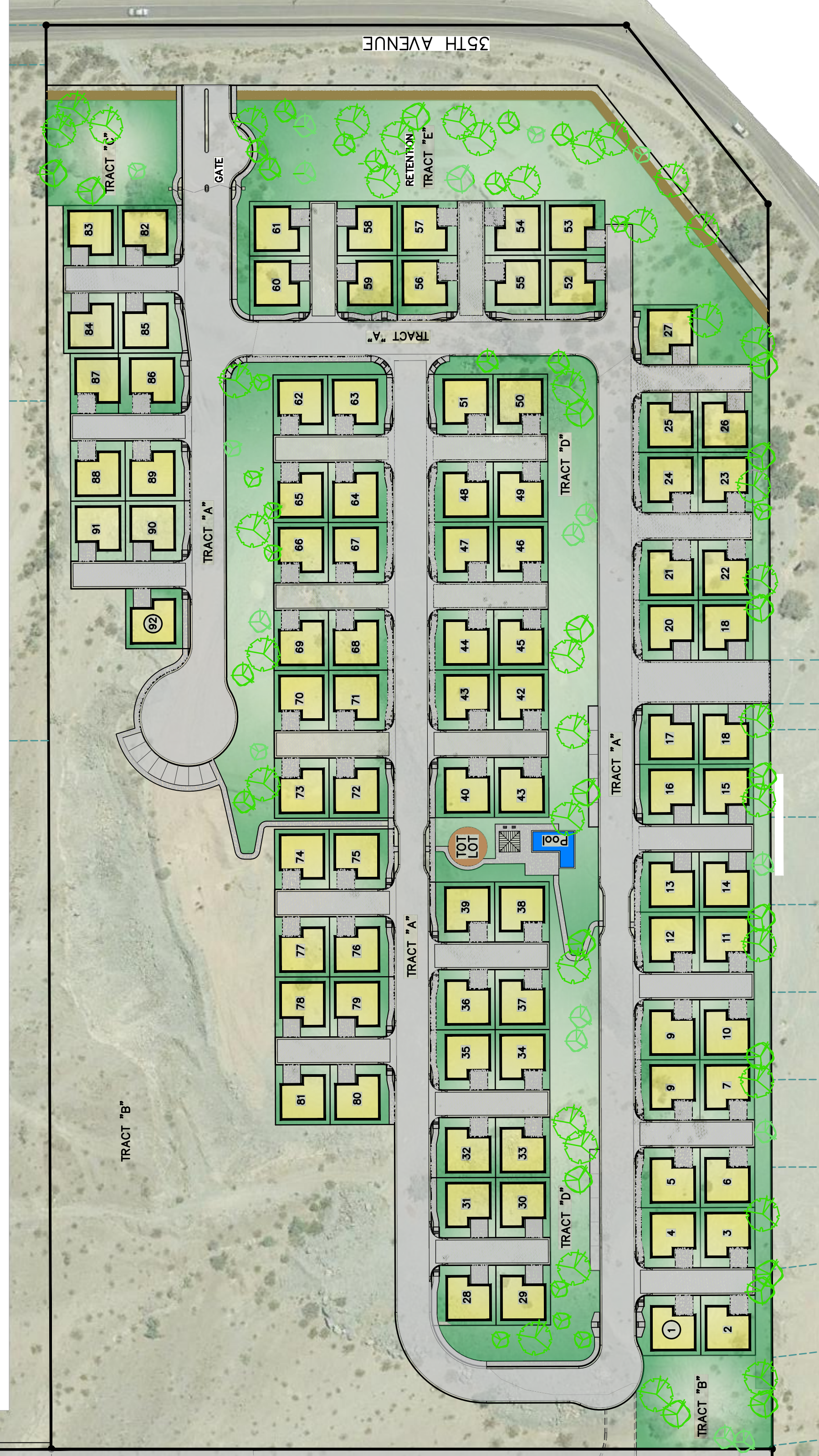


SCALE 1" = 80'

**CITY OF PHOENIX**

NOV 21 2019

Planning & Development  
Department



# PRELIMINARY SITE PLAN CARVER MOUNTAIN NORTH

**Clouse Engineering, Inc.**  
ENGINEERS • SURVEYORS  
5010 E. Shea Blvd Suite 110, Scottsdale, AZ 85254  
Tel 602-395-9300 Fax 602-395-9310

PHOENIX

ARIZONA

02-PRELIM-SITE.DWG

Date	Revised
08-29-18	01-11-19
As-Built	01-29-19
	01-30-19
	09-04-19
	11-12-19

Job No.  
180708

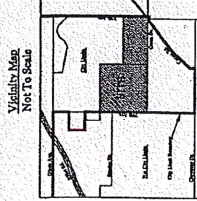
3 OF 3



# **ATTACHMENT H**

**CVA** urban design studio  
 landscape architecture + planning + architecture  
 120 South 4th Avenue - Suite 1000 - Phoenix, Arizona 85004  
 phone: 480.994.1994

Zoning Site Plan  
 35th Avenue & Carver Road  
 Phoenix, Arizona



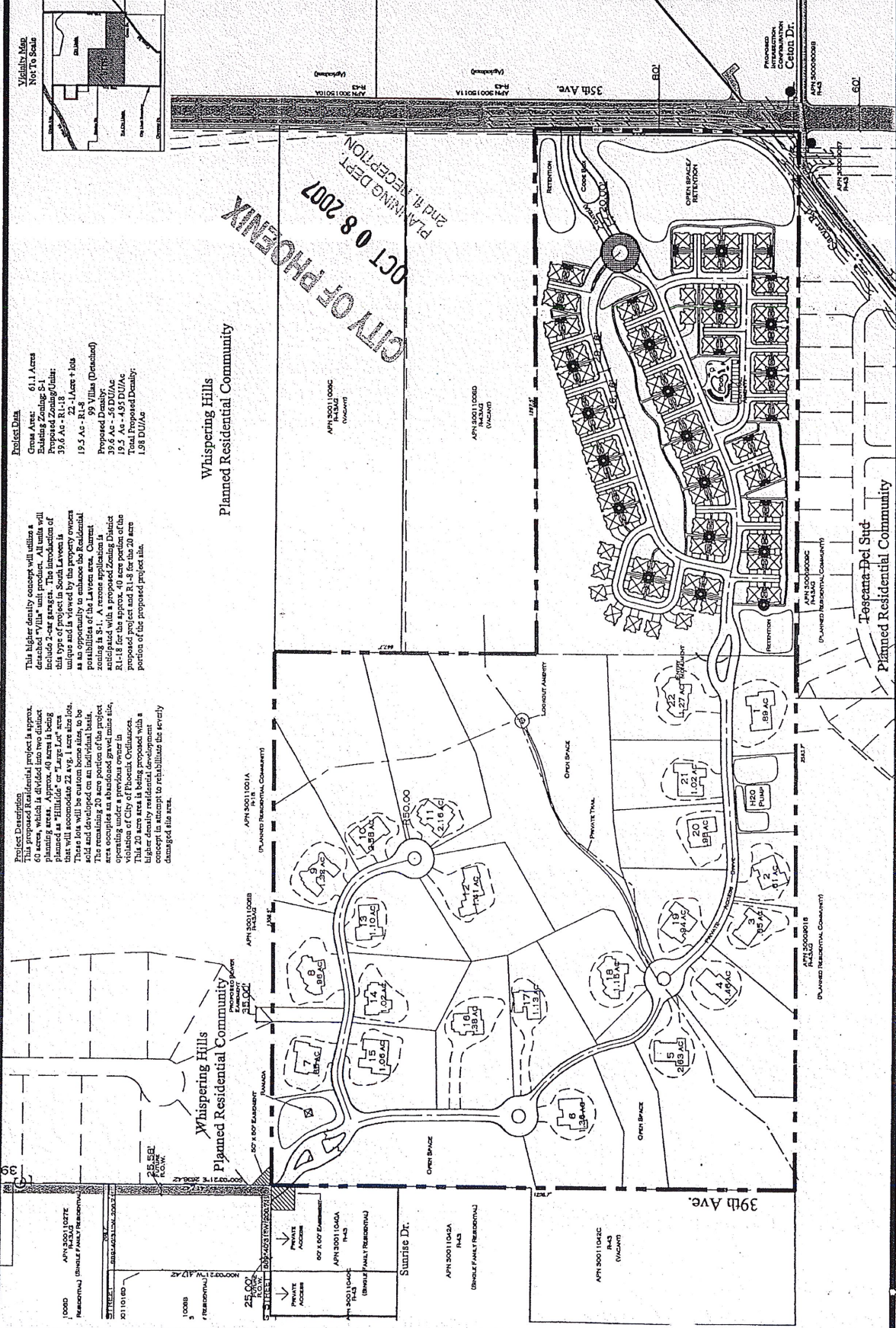
**Project Data**  
 Gross Area: 61.1 Acres  
 Existing Zoning: S-1  
 Proposed Zoning/Use: R1-18  
 19.5 Ac - R1-8 (Area + Job)  
 99 Villa (Detached)  
 Proposed Density: 39.6 Ac - 459 DU/AC  
 39.6 Ac - 56 DU/AC  
 Total Proposed Density: 1.98 DU/AC

This higher density concept will utilize a detached "villa" unit product. All units will include 2-car garages. The introduction of unique units and is viewed by the property owners as an opportunity to enhance the Residential possibilities of the Laveen area. Current zoning is S-1. A rezoning application is being submitted to the Planning Department for R1-18 for the proposed project and R1-8 for the 20 acre portion of the proposed project site.

**Project Description**  
 This proposed Residential project is approx. 60 acres, which is divided into two distinct parcels. The area is being planned as "Hillside" or "Villa" units that will accommodate 22 avg. 1.5 acre size lots. These lots will be custom home sites, to be sold and developed on an individual basis. The remaining 20 acre portion of the project is being proposed as a residential development operating under a previous City of Phoenix violation of City of Phoenix Ordinances. This 20 acre area is being proposed with a higher density residential development concept in an attempt to rehabilitate the severely damaged site.

Whispering Hills  
 Planned Residential Community

Tescara Del Sud  
 Planned Residential Community



# **ATTACHMENT I**



# 35th Avenue & Elliot Road

## Conceptual 3-Unit Condominium Building Elevations

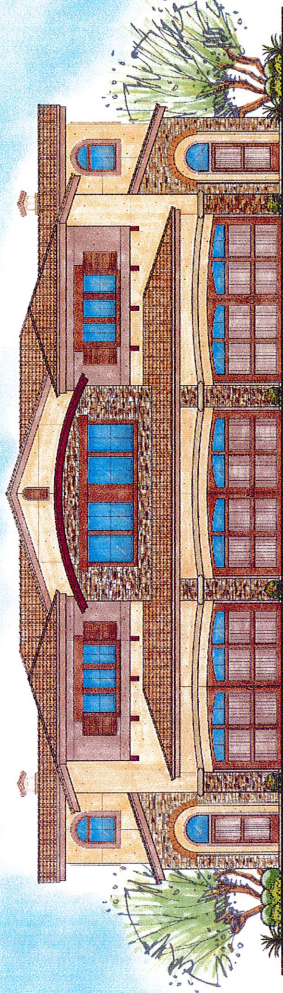
### CITY OF PHOENIX

FEB 20 2007

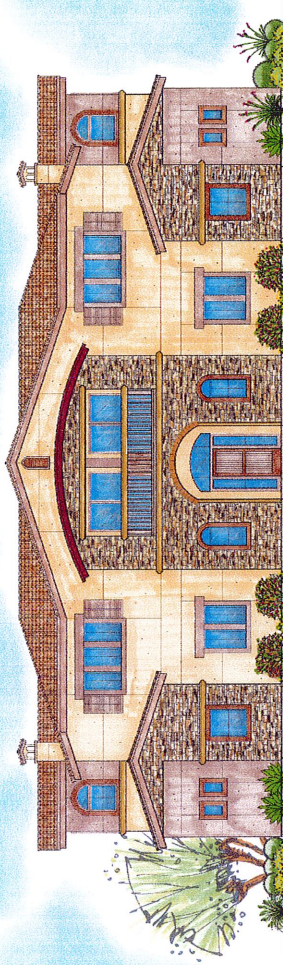
PLANNING DEPT.  
2nd fl. RECEPTION



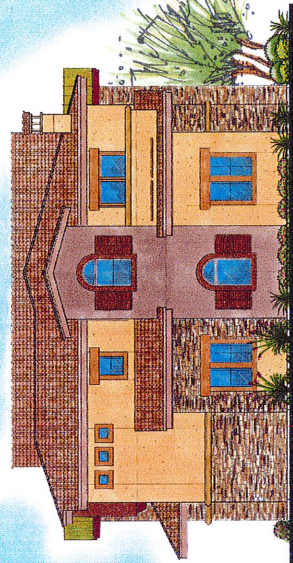
SCALE: Not to Scale



**3-Unit Condo - Front Elevation**



**3-Unit Condo - Rear Elevation**



**3-Unit Condo - Side Elevation**



# 35th Avenue & Elliot Road

Conceptual  
Detached Villa  
Building Elevations

CITY OF PHOENIX

FEB 20 2007

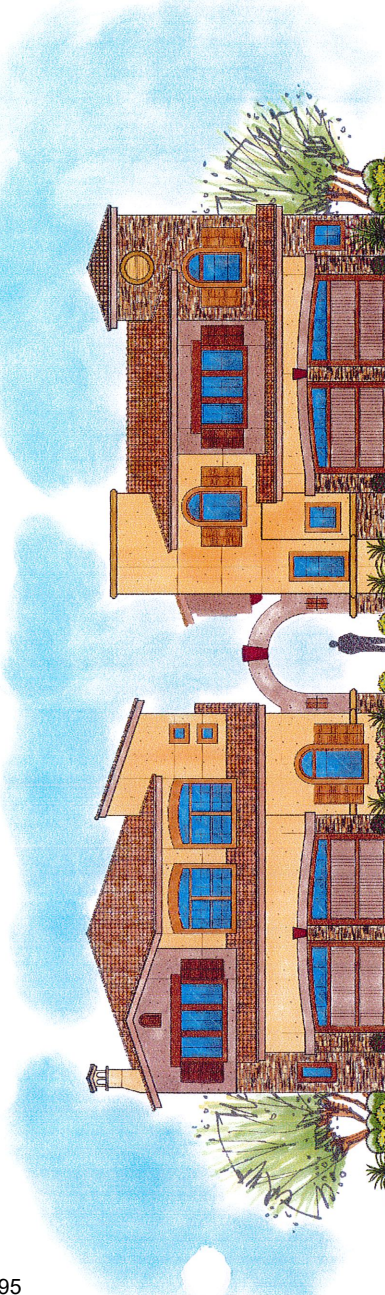
PLANNING DEPT.  
2nd fl. RECEPTION



SCALE: Not to Scale



**Detached Villa - Side Elevation**



**Detached Villa - Garage Side Elevation**

# **ATTACHMENT J**

## LAVEEN VILLAGE PLANNING COMMITTEE

Meeting Minutes

Monday, January 13, 2020

Laveen Elementary School District Office #59  
Laveen Education Center, Building B, Room #101  
5001 West Dobbins Road, Laveen, Arizona.

### **Members Present**

Robert Branscomb, Chair  
Tonya Glass, Vice Chair  
Linda Abegg  
Wendy Ensminger  
Cinthia Estela  
Gary Flunoy  
Rochelle Harlin  
Stephanie Hurd  
John Mockus  
Carlos Ortega  
Jennifer Rouse

### **Members Excused**

### **Staff Present**

Samantha Keating  
Sarah Stockham  
Christine Mackay

#### 1. **Call to order, introductions and announcements by Chair.**

**Chairman Robert Branscomb** called the meeting to order at 6:35 p.m. There was a quorum with 11 members present.

#### 2. **Review and approval of the December 9, 2019, meeting minutes.**

##### **MOTION**

**Ms. Stephanie Hurd** moved to approve the minutes as presented. **Mr. John Mockus** seconded the motion.

##### **Vote**

**11-0**, Motion to approve, with Committee Members Abegg, Branscomb, Ensminger, Estela, Flunoy, Glass, Harlin, Hurd, Mockus, Ortega and Rouse in favor.

#### 3. **Public comment concerning items not on the agenda.**

**Mr. Jon Kimoto** commented that the Pledge of Allegiance was dropped from the agenda. He stated that the Pledge represents three basic American values: in God we trust, liberty, and "E Pluribus Unum" (out of many, one). He requested that the committee reaffirm our tradition and implement the recital of the Pledge of Allegiance.

**Mr. Phil Hertel** led the committee and audience in reciting the Pledge of Allegiance.

#### 4. **INFORMATION ONLY:** Presentation and discussion regarding economic development opportunities for the Loop 202 corridor.

**Ms. Christine Mackay**, Community and Economic Development Director, presented on economic development along the Loop 202 Corridor. She expects high-tech and advanced services jobs along the Corridor. She explained that the marketing name is the “South Mountain Technology Corridor” which intends to bring high-wage jobs to the area. She explained that her office is doing marketing and outreach to get the right companies and jobs in Laveen.

**Ms. Hurd** expressed concern that a large technology company had lost interest in relocating to the area.

**Ms. Mackay** replied that her office is continuing to reach out to other large technology companies.

**Mr. Flunoy** wanted to see more signage stating the name of the freeway as the Ed Pastor Freeway.

**Vice Chair Glass** requested to be included in a subcommittee of community members who meet with the technology companies. She would also like to help draft marketing language for Laveen.

**Ms. Mackay** explained that community members can meet with City staff but meetings with technology companies must remain confidential due to non-disclosure agreements.

**Mr. James Hughes** inquired if the City was partnering with the County as there is County-owned land along the Corridor and if the City has education efforts for the Corridor as well.

**Ms. Mackay** replied that education is key and that training the workforce is pivotal to making the area desirable.

**Ms. Jane Craig** commented that there is a lack of trees along Baseline Road.

**Ms. Mackay** replied that the City has a capital improvement program to address those concerns.

**Mr. Dan Penton** explained that it is critical that the vision for the Laveen Village be acknowledged and listed existing area assets.

**Ms. Mackay** responded that she hoped to return the Village Planning Committee within the first half of 2020 with an update.

6. **Z-165-06 (PHO-1-19)**: Presentation, discussion, and possible recommendation on a request to modify stipulations of entitlement for a property located on the northwest corner of 35th Avenue and Carver Road. Request to modify stipulation 1 regarding general conformance to the site plan date stamped October 8, 2007 and elevations date stamped February 20, 2007; modification of Stipulation 7 regarding the landscape setback adjacent to 35th Avenue; deletion of Stipulation 19 regarding conditional development approval; modification of Stipulation 27 regarding height of terraced berms



along the quarry cut slope base; modification of Stipulation 31 regarding raised, vertical curbs within the R1-18 portion of the site; modification of Stipulation 37 regarding detached sidewalks and landscape strips within the R1-8 portion of the site; deletion of Stipulation 39 regarding one-story homes along 35th Avenue; and technical corrections to Stipulations 4, 5, 6, 8, 9, 15, 18, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 33, 34, 36, 38, 40.

*Chair Branscomb elected to hear this item out of order.*

*1 speaker card was submitted in favor, wishing to speak.*

*1 speaker card was submitted in favor, not wishing to speak.*

*28 speaker cards were submitted in opposition, wishing to speak. Ten of those speakers chose to donate their time to Cyd Manning. Two of those speakers chose to donate their time to Jon Kimoto. One speaker chose to donate their time to John Knight. One speaker chose to donate their time to Scott Johnson.*

*99 speaker cards were submitted in opposition, not wishing to speak.*

**Ms. Sarah Stockham**, staff, provided an overview of the request. She displayed an aerial map, previously approved site plan, proposed site plan, and briefly reviewed the request for stipulation modifications and deletions.

**Mr. Tom Galvin**, with Rose Law Group, explained the history of the case. He stated that the reason for the request is in response to on-site conditions and to comply with the Hillside Ordinance. He explained that they are not requesting a change in zoning, their proposal is less dense than what was originally proposed and that they are providing twenty-three percent open space. He then reviewed each stipulation modification and deletion. He explained that the reason to update the dates in Stipulation 1 is to match the current plan dates. The reason for modification of the required setbacks along 35th Avenue in Stipulation 7 is that the slope analysis required that the homes be shifted east to protect the natural hillside feature. He continued that Proposition 207 renders Stipulation 19 moot. He explained that modifying Stipulation 27 is for safety concerns regarding a terrace height of eight feet or more. He continued that landscaping and beautification of the quarry is still proposed, but under safer conditions. He stated that Stipulation 31 with the roll curb requirement violates the City's current standard and that the private drives will conform to the City of Phoenix's standards. He added that modifying Stipulation 37 to remove the detached sidewalk requirement is to conform to City standards. He explained that additional trails are offered through common area open spaces and surrounded by landscaping. Lastly, he explained that deletion of Stipulation 39 regarding one-story homes along 35th Avenue is necessary to provide diversity of housing size, style, and consumer choices.

**Mr. Mockus** inquired if the developer will be bringing in water service to the area and who will bear the cost of the water service extension.

**Mr. Jeff Giles**, with Clouse Engineering, explained that they will be working with

another developer to bring in water and sewer services. He added that there might be some cost sharing between their group and another developer.

**Ms. Rouse** shared a concern with lighting in the area. She added that the posted speed limit is too fast and that is a blind turn when rounding the corner from 35th Avenue to Carver Road. She argued that reducing the landscape setback would be increasing safety issues.

**Mr. Giles** stated that the project will be reviewed by the Streets Transportation Department with the City of Phoenix and Maricopa County.

**Ms. Hurd** asked if they had conducted an environmental survey report.

**Ms. Alisse Caton** with Rose Law Group, answered that there will be a soils report generated later.

**Vice Chair Glass** stated that drainage is an issue and development on the site could potentially cause flooding to the north. She stated that the expectation is that the developer goes above and beyond.

**Ms. Estela** stated that she wants quality over quantity and to preserve the character of Laveen.

**Ms. Abegg** stated that the Committee does not have the power to revert the zoning on the property. She identified that the site is a special part of Laveen. She stated that she wanted the elevations to come back to the Village Planning Committee for approval and that one-story homes along the perimeter is vital. She sought clarification regarding the open space amounts and how Proposition 207 affects Stipulation 19.

**Ms. Samantha Keating**, staff, stated that the property is zoned R1-8 with stipulations. The zoning and stipulations run with the land, and that the property owner has rights to that zoning designation. She stated that the purpose of this request is to not decide what the zoning should be.

**Mr. Ortega** stated that the site should be held to what it was originally zoned.

**Mr. Galvin** restated that the slope analysis necessitated that they request to change stipulations. He continued that the request is only for the right side of the property, and that the proposed zoning is less than what was originally proposed.

**Ms. Abegg** stated that the Committee could deny the request completely or approve with modifications and add stipulations the Committee wants.

### **Public Comment**

**Mr. John Knight** stated that the request is changing the landscape of everything that was approved. He stated that the project is cancelled, and that the area is a hazard. He continued that this project puts lives in jeopardy due to the flooding hazard.

**Mr. Dan Penton** shared that the zoning should have been reverted, and it affects our land value. He urged the Committee to deny the request.

**Ms. Suzee Gelner** asked about the tri-plex, the acreage and the size of the lots.

**Mr. James Hughes** shared concern that the request does not reference the Carver Hills Storm Drain Plan. He shared that the area floods. He also shared that the 200-foot setback will help with safety along the dangerous intersection. He urged the Committee to not change a thing.

**Mr. Sandy Hamilton**, representing the Laveen Citizens for Responsible Development, stated that the reversion stipulation is key. He continued that the original owner agreed to a contract.

**Mr. James Parisella** stated that he likes one house per acre, and that Laveen is the last agricultural area that people can build on. He stated that it is quiet, open and does not have bright lights. He added that his home has been flooded out twice.

**John Bizdel** asked what they needed to do to initiate a reversion?

**Chair Branscomb** stated that the process starts here, with whether they recommend to deny or approve the stipulation modifications.

**Ms. Abegg** added that Planning Commission is where the reversion process starts. Rezoning does not happen with the Planning Hearing Officer.

**Ms. Keating** repeated that the requests is to modify the stipulations. She added that there is no automatic reversion process, it is a separate process from the request before the Committee now. She repeated that the zoning is R1-8 and that the applicant can request to modify the stipulations.

**Mr. Phil Hertel** stated that the one-minute allotted time for public comment was absurd. He believed that the applicant misrepresented the amount of open space, which went from fifty percent to twenty three percent. He requested that the Committee deny the request until the reversion issue is resolved.

**Chair Branscomb** asked Mr. Hertel why the Committee approved the project back in 2007.

**Mr. Hertel** replied that back then the project was tolerable, and now it is intolerable.

**Mr. Kimoto** stated that the proposed site plan falls short of the current community quality standards. He recommended the Committee deny the request. He added that the current site plan shows a repetitive housing layout and believes that the original plan is achievable. He continued that the only change he agrees with is the roll curbs. He continued that detached sidewalks were originally requested for pedestrian safety and shade. Further, he stated that the intent of Stipulation 39 is to avoid a wall along

35th Avenue with two-story homes within the view corridor. Lastly, he added that the reversion stipulation is a City self-induced problem which they try to cover up with a band aid. He feels that it sends mixed-messages to the community. He requested four additional stipulations be added to the request:

1. A minimum of three site cross sections, traversing north to south across the 20-acre site at one-third points from the east property line at 35th Avenue shall be submitted prior to City Council approval.

*The intent is to provide a line of site illustration to show the visual impact of a forty-five-foot-high change in elevation.*

2. A minimum of two oblique aerial perspectives indicating proposed building and site improvements from south to north (from Carver Road) and from east to west (from 35th Avenue) shall be submitted prior to City Council approval.

3. A concept drawing showing the vertical mining cut from the terraced base to summit shall be provided to illustrate how it will be revitalized and to mitigate vertical height prior to City Council approval.

4. A detailed site plan, landscape plan, perimeter screen wall/fencing plan and elevations, entry monument plan and elevations, sign plan, and lighting plan shall be brought to the Village Planning Committee and the community for review and comment.

**Mr. Scott Johnson**, president of the Hangar Haciendas Home Owners Association, stated that his community is a private residential airpark subdivision located to the east of the subject property. He expressed concern that the project will be impacted by the flight path. He asked the City to initiate the reversion.

**Vice Chair Glass** shared that the community concerns are not falling on deaf ears, and that the Committee hears their concerns.

**Cyd Manning** stated she is directly by the parcel and that there was a lot of passion surrounding the project now and in 2007. She explained that the current entitlement was not brokered by the Village, but rather by Mayor Phil Gordon. She shared that she felt that the applicant is fast-tracking the case and will not meet with the neighbors, and that history is repeating itself. She clarified that there was an environmental study done for the site and no environmental issues were found. She continued that the housing market does not want small homes. She agreed with Ms. Keating that the request is not about changing the zoning. She continued that the property has been flipped four times and that Stipulation 19 was to protect the neighbors and is key to the compromise. She said that she reviewed the current plan and that the open space is reduced, the amenities are non-luxurious, and that the applicant is attempting to delete any stipulation that was put in place to protect the neighbors. She continued that the City has a policy to act on reversions, the City has no excuse to be in violation and the current request is like trying to travel on an expired passport. She gave an example of a General Plan Amendment that was initiated in 2008 that took three months to process. She stated that when the reversion is completed, she would like to work on a different

project for the site. She continued that the community has worked with other large developers in the past, and that she would like to go to City Council and support a future project at this site. She told the Committee that she is aware that they do not have the final say on the request and that other large land owners are considering the property. She believes that this case is precedent-setting. She urged the Committee to deny the request and recommend that the Planning Hearing Officer initiate a zoning reversion.

**Mr. Tom Galvin** responded that the City has said that the request is not about a zoning reversion. They are trying to find a win-win solution. He continued that they met with Mr. Kimoto and that they have reached out to the community. He explained that they had a meeting scheduled with Sandy Hamilton. He said that they hear their frustrations with the City, and if the community believes that the zoning should be reverted they should take that request to the City. He finished by saying that their request is to modify stipulations because of the slope analysis and they are not here to fight over a S-1 zoning reversion.

**Ms. Caton** clarified that there is a slope analysis for the R1-18 portion of the site and that an additional slope analysis was done for the R1-8 portion. She stated that "hillside" is any slope over ten percent. She explained that while they are requested a removal of the detached sidewalks, they are proposing pedestrian trails that lead to amenities such as tot lots. She stated that she understands the community's passion and that she would be happy to discuss any design or aesthetic issues.

**Mr. Giles** stated that the site will have less runoff when developed and that they are proposing single-lot single-family detached homes.

**Ms. Abegg** asked for clarification on the number of garage spaces per unit. She stated that if the Committee denies the request, there is no comment to the Planning Hearing Officer. She stated that the Committee likes to amend the stipulations. She suggested a motion to recommend approval with modifications and a competing motion to recommend denial. She continued that if the Committee recommends denying the request the applicant will not return to the Committee with any updated or detailed plans. She explained that the reason for the stipulation for general conformance to the elevations dated February 20, 2007 is that the applicant has not provided new elevations and that the stipulation should not be modified until they do. The site is unique with custom homes on large lots and the elevations need to be planned with care to maintain the character. She stated that the modification to Stipulation 39 is to provide clarity. She continued that the reason for retaining Stipulation 19 is that the Laveen Village Planning Committee supports the community's efforts to revert the zoning. She stated that the reason for the additional stipulation for enhancing the elevations is that the applicant states that it will be a luxury development but has not provided elevation details, and the Committee would like to ensure that the elevations are upgraded. The reason for adding stipulations for open space and the total number of lots is to that is what is currently being proposed.

**Ms. Keating** stated that for procedural purposes the Committee should hear one motion and act on it and should not have two competing motions.

## **MOTION**

**Linda Abegg** made a motion to recommend approval with three modifications and seven additional stipulations as follows:

### **Modifications**

- 1) Modification to Stipulation 1 to maintain that the elevations be in general conformance with the elevations date stamped February 20, 2007.
- 2) Retain the existing text of Stipulation 19.
- 3) Modification of Stipulation 39 to read "Any buildings within two hundred feet of the eastern property line shall be limited to one-story with a maximum height of twenty feet.

### **Additional Stipulations**

- 1) All sides of each building shall be enhanced with a minimum of 50% non-stucco material such as wood, stone, brick, etc.
- 2) The developer shall provide a minimum of twelve percent useable open space centrally located within the community and a minimum of twenty-six percent total open space
- 3) The R1-8 portion shall be limited to ninety-two lots
- 4) The developer shall provide a minimum of two garage spaces per unit
- 5) The driveways shall be at least twenty-two feet long
- 6) Prior to site plan approval, a final site plan, building elevations, detailed landscape plan, detailed entry monument plan, and perimeter fence plans shall be approved through the Planning Hearing Officer process with alternate site plans listed below to be provided:
  - o A minimum of three site cross sections, traversing north to south across the 20-acre site at one-third points from the east property line at 35th Avenue
  - o A minimum of two oblique aerial perspectives indicating proposed building and site improvements from south to north (from Carver Road) and from east to west (from 35th Avenue)
  - o A concept drawing showing the vertical mining cut from the terraced base to summit shall be provided to illustrate how it will be revitalized and to mitigate vertical height prior to City Council approval
  - o A detailed site plan, landscape plan, perimeter screen wall/fencing plan and elevations, entry monument plan and elevations, sign plan, and lighting plan
- 7) Any request to change, delete or modify stipulations be presented through the Planning Hearing Officer process.

**Carlos Ortega** seconded the motion.

## **VOTE**

**4-7** Motion fails; with members Abegg, Ortega, Glass and Branscomb in favor; members Ensminger, Estela, Flunoy, Harlin, Hurd, Mockus, and Rouse opposed.

**Ms. Keating** clarified that the applicant will need to delete or modify Stipulation 19 in order to move forward and develop the property.

## **MOTION**

**Stephanie Hurd** made a motion to recommend denial of the request. She also requested that the Planning Hearing Officer recommend to the Planning Commission to initiate a zoning reversion for the site.

**Jennifer Rouse** seconded the motion.

## **VOTE**

**11-0** Motion passed; with members Abegg, Ensminger, Estela, Flunoy, Harlin, Hurd, Mockus, Ortega, Rouse, Glass and Branscomb in favor.

5. **Z-96-06 (PHO-2-19):** Presentation, discussion, and possible recommendation on a request to review and approve conceptual elevations by the Planning Hearing Officer per Stipulation No. 2 of Rezoning Case No. Z-96-06-7 for a property located on the southwest corner of 59th Avenue and Southern Avenue.

*Four speaker cards were submitted in favor, wishing to speak.*

*Two speaker cards were submitted in opposition, wishing to speak.*

**Ms. Stockham**, staff, provided an overview of the request and reviewed Stipulation 2 and the proposed elevations.

**Ben Tate**, with Withey Morris, PLC, reviewed the history of the case and that Stipulation 2 requires the applicant to return with conceptual elevations to be reviewed by the criteria set forth in the stipulation. He shared that the site plan was approved in October and that the elevations show variation in color and material. He continued that the elevations were shown to the Laveen Citizens for Responsible Development and they are identical to the elevations approved at another project located at 59th Avenue and Elliot Road.

**Vice Chair Glass** shared that she did not believe the elevations looked the same.

**Mr. Tate** replied that this is the single-story version of the elevation, for the property to the east of the freeway.

**Ms. Harlin** shared that she thought the west side of the property would be developed first, and then the east side would be developed.

**Mr. Mockus** said that when the project was first approved there were roads going through the entire property. He asked if it will still be one community with connecting roads.

**Mr. Tate** replied that there is a common entrance off Southern and that the communities will have two different names.

**Vice Chair Glass** commented that the elevations for the project at 59th Avenue and Elliot Road had been created more thoughtfully.

**Mr. Tate** responded that he had worked on the project at 59th Avenue and Elliot Road and assured Ms. Glass that the elevations were the same.

**Ms. Abegg** reminded the Committee that the request is to evaluate the elevations

based on the criteria included in the stipulation.

### **Public Comment**

**Mr. Dan Penton** commended that they applicant met with the Laveen Citizens for Responsible Development and that the elevations are identical to the previously approved project. He shared that the design looked rural and asked what the density will be for the project.

**Mr. Tate** responded that the density will be 11.5 dwelling units per acre.

**Mr. Penton** asked if there will be a monument entry sign.

**Mr. Tate** responded that they will have a low agrarian monument that is more like a boutique hotel.

**Mr. Vance Pierce** stated that he was surprised by the elevations and that they need more projects like this in Laveen. He stated that it is good for developers to listen to the needs of the community.

**Ms. Jadestorm Shamsid-Deen** stated that she is the founder of a company called Mir`Ra I.M.A.G.E, Inc, which inspires young adults to find a better future. She stated that her complaint was that her company's name was slandered on the Nextdoor application. She continued that it is the homeowners that help fund education and that this project does not help the youth. She added that they are ugly one-story apartments.

**Mr. Alex Moctezuma** shared that he is the vice president of a small home owners association near 67th Avenue and Dobbins Road. He questioned what the project will look like in ten years and that the quality of the build is vital.

**Vice Chair Glass** asked what the price point will be for these units.

**Mr. Tate** responded that they will be rented in the range of \$1,000 - \$1,500 a month, the same as the units at 59th Avenue and Elliot Road. He added that the developer invests in quality materials and that they project will look good in ten years due to the design not being trendy.

### **MOTION**

**Linda Abegg** made a motion to recommend approval.

**Jennifer Rouse** seconded the motion.

### **VOTE**

**11-0** Motion passed; with members Abegg, Ensminger, Estela, Flunoy, Harlin, Hurd, Mockus, Ortega, Rouse, Glass and Branscomb in favor.

7. **Z-115-A-99-7:** Presentation, discussion, and possible recommendation regarding a request to rezone an approximately 4.26-acre site located approximately 325 feet south of the southwest corner of 67th Avenue and Baseline Road **from** R1-6 PCD (Approved C-1 PCD) (Single-Family Residence District, Planned Community District, Approved Neighborhood Retail, Planned Community District) **to** C-2 SP PCD (Intermediate Commercial, Special Permit, Planned Community District) to allow for a self-service



storage facility and all underlying C-2 uses.

*Mr. Gary Flunoy left at 9:35 PM bringing the quorum down to 10 members.*

*Two speaker cards were submitted in support, not wishing to speak.*

*Four speaker cards were submitted in support, wishing to speak.*

**Ms. Stockham**, staff, provided an overview of the request, noting the location, the history of the site, previous stipulations and current request. She displayed an aerial map, previously approved site plan, proposed site plan, and briefly reviewed staff's recommendation and stipulations.

**Mr. Greg Loper** introduced himself and stated that the project is named The Collective. He stated that members of his team met with the Laveen Citizens for Responsible Development because they want to be conscientious about community concerns and design that is compatible with the community. He continued that there will be access to the site from Meadows Loop East and Baseline Road. He added that the site will be a place for the community and local businesses to store items.

**Mr. Ortega** asked about adding a stipulation that addresses what would happen if the project does not get built.

**Mr. Mockus** asked if the applicant owned the strip of land going north to Baseline Road.

**Mr. Loper** replied that they do.

**Mr. Mockus** asked what would keep the applicant from developing the property

**Mr. Loper** responded that the developer has done many projects like this.

**Ms. Harlin** asked for clarification about Stipulation 16.

### **Public Comment**

**Mr. Dan Penton** thanked the applicant for working with the Laveen Citizens for Responsible Development (LCRD) and believes it is a great product for the area. He asked that the Committee recommend approval.

**Mr. Jon Kimoto** stated that it is a positive project, it creates a passive buffer between the commercial parcel to the north and the residences. He stated that the issue is with the existing wall.

**Ms. Keating** stated that typically a developer adds a wall and then has a landscaped setback. She added that there is already an existing wall.

**Mr. Phil Hertel** stated that the community does not want an extra wall and that the

existing wall will buffer the neighboring residential uses. He requested that his address be changed as written in the stipulation.

**Mr. Vance Pierce** shared that he generally likes a storage facility between homes and the commercial uses to the north and that the homes along the west side have shallower yards. He would have preferred to see a more “L”-shaped layout to buffer the residences to the west more.

**Mr. Loper** responded that the lighting will be wall-mounted, and motion activated except for the parking lights. He added that they development will keep light shielded from the residences.

### **MOTION**

**Linda Abegg** made a motion to recommend approval with one modification and one additional stipulation as follows:

#### **Modifications**

- 1) Modification to Stipulation 17 to update Phil Hertel’s address to 2845 W Broadway Road.

#### **Additional Stipulations**

- 1) The development shall be in general conformance with the site plan and elevations date stamped December 23, 2019 as modified by the following stipulations and approved by the Planning and Development Department.

**John Mockus** seconded the motion.

### **VOTE**

**10-0** Motion passed; with members Abegg, Ensminger, Estela, Harlin, Hurd, Mockus, Ortega, Rouse, Glass and Branscomb in favor.

8. **INFORMATION ONLY**: Presentation and discussion regarding the 2019 Laveen Village Annual Report.

Not heard.

9. Staff update on cases recently reviewed by the Committee.

No updates given.

10. Committee member announcements, requests for information, follow up, or future agenda items.

**Ms. Rouse** urged Committee members to get involved with the budget process.

**Ms. Abegg** announced that Councilmember Garcia will attend the next meeting.

**Mr. Dan Penton** announced the 20th Anniversary Laveen Parade will be held on February 1st and the Laveen Barbeque will be on February 8th.

**Vice Chair Glass** announced that Reid Butler owns the Sachs-Webster House and is planning to revitalize the workshop.

11. **Adjournment**

The meeting was adjourned at 10:10 PM.

# **ATTACHMENT K**

REPORT OF PLANNING HEARING OFFICER ACTION

Adam Stranieri, Planner III, Hearing Officer

Julianna Pierre, Planner I, Assisting

January 15, 2020

ITEM 5

DISTRICT 7

SUBJECT:

Application #: Z-165-06-7(8) (PHO-1-19)  
Zoning: R1-8, R1-18  
Location: Northwest corner of 35th Avenue and Carver Road  
Acreage: 59.48  
Request: 1) Modification of Stipulation 1 regarding general conformance to the site plan date stamped October 8, 2007 and elevations date stamped February 20, 2007.  
2) Modification of Stipulation 7 regarding the landscape setback adjacent to 35th Avenue.  
3) Deletion of Stipulation 19 regarding conditional development approval.  
4) Modification of Stipulation 27 regarding height of terraced berms along the quarry cut slope base.  
5) Modification of Stipulation 31 regarding raised, vertical curbs within the R1-18 portion of the site.  
6) Modification of Stipulation 37 regarding detached sidewalks and landscape strips within the R1-8 portion of the site.  
7) Deletion of Stipulation 39 regarding one-story homes along 35th Avenue.  
8) Technical corrections to Stipulations 4, 5, 6, 8, 9, 15, 18, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 33, 34, 36, 38, 40.  
Applicant: Alisse Caton, Rose Law Group  
Owner: Virtua 35th LLC  
Representative: Alisse Caton, Rose Law Group

**ACTIONS**

Planning Hearing Officer Recommendation: The Planning Hearing Officer took this case under advisement. On February 13, 2020 the Planning Hearing Officer took this case out from under advisement and recommended denial as filed and approval with modifications and additional stipulations.

Village Planning Committee (VPC) Recommendation: The Laveen Village Planning Committee heard this case on January 13, 2020 and recommended denial by an 11-0 vote.

## **DISCUSSION**

*35 cards submitted in opposition to the request, 7 wishing to speak.*

*5 cards submitted expressing no position, 3 wishing to speak.*

Thomas Galvin, applicant and representative with Rose Law Group, stated that the request is a response to site topography, City requests, and to make the area buildable. He stated that he met with staff in late 2018 and was instructed to conduct a slope analysis. He stated that the proposed site plan is based upon the results of the slope analysis and comments received from City staff. He stated that the new site plan reduces density and depicts seven less lots than the stipulated plan. He added that there will be an increase in the amount of open space required. He clarified that, after conducting research, they determined that of the open space required, 50% was to be tree coverage. Adam Stranieri asked where the requirement for the tree coverage originated. Alisse Caton, with Rose Law Group, clarified that this was discussed in a previous hearing and is not a stipulation. Mr. Galvin stated that in 2007 the rezoning was approved for 22 lots on the western 40 acres and 99 lots on the eastern 20 acres. He clarified that no changes were being proposed for the western portion and that the request only impacts the eastern portion.

Mr. Galvin stated that the modification of Stipulation 1, regarding general conformance to the site plan and elevations, is intended to update plans for the R1-18 portion. The modification of Stipulation 7, regarding the landscape setback adjacent to 35th Avenue, is a direct response to the slope analysis and an effort to protect the natural hillside features by moving the lots further east. He stated that Stipulation 19, regarding conditional development approval, should be deleted because the zoning change was approved in 2007 and any reversion would violate Proposition 207. Stipulation 27, regarding height of terraced berms along the quarry cut slope base, should be modified to allow landscaping and beautification under safer conditions. He stated that the modifications of Stipulation 31, regarding raised, vertical curbs within the R1-18 portion of the site, and Stipulation 37, regarding detached sidewalks and landscape strips within the R1-8 portion of the site, are to bring the site into conformance with current City standards. He stated that Stipulation 39, regarding one-story homes along 35th Avenue, should be deleted to allow consumer choices and a variety of housing types. Mr. Galvin concluded that all their changes will provide view corridors with appropriate connectivity and meet City standards.

Mr. Stranieri asked for clarification regarding the proposal to delete the requirement for detached sidewalks. Ms. Caton stated that there would be attached sidewalks on one side of the street and pedestrian trail connectivity between the units that provides connection to amenity spaces and parking. She added that the proposal is intended to conform with the City standards, but also wants to entertain doing attached 5-foot sidewalks in addition to the trails. She clarified that detached sidewalks would not be able to be provided on the private drives and that would be offset by the provided trails.

Mr. Stranieri asked for clarification regarding the percentage of open space being provided. Mr. Caton stated that the overall open space of the R1-8 and R-18 portions

would be 23%, but the open space in the R1-8 portion would be 26%. She stated that the open space calculations include both active and passive open space. Mr. Stranieri stated that the calculation exceeded 5 times what is required in the Zoning Ordinance and asked if the applicant understood that the calculation would not include any perimeter landscape setbacks. Jeff Giles, with Clouse Engineering, stated that the 26% of open space in the R1-8 portion of the site took into account the hillside areas and a portion of the landscape setback. However, Mr. Giles noted that there were some areas that were not included in the calculation due to the slope of the site, but could still be considered open space per the City's definition.

Linda Abegg, a member of the Laveen Village Planning Committee, stated that she shared the same concerns as the community regarding Stipulation 19. She also stated that she had concerns regarding the removal of general conformance to elevations without the applicant proposing new elevations. She stated that the Laveen Village always wants to see elevations come through the Planning Hearing Officer process. She stated that the general conformance could remain with prior elevations or an additional stipulation could be added that elevations have to come back through the Planning Hearing Officer process. She stated that the Laveen Village also recommends a standard for maximum one-story buildings along arterials. She stated that there are concerns regarding having taller buildings along 35th Avenue, especially with the blind corner. She also stated that the usable open space was 12% and the total open space was 26%. She stated that the enhanced open space should be stipulated to ensure that the open space is centrally located in the community and not only the mountainside.

Mr. Stranieri stated that the subject property of the current PHO is the same as the entire property of the original rezoning case and includes both the R1-8 and R1-18 portions. He noted that the legislative edit submitted by the applicant takes out the requirement for conformance to elevations without providing new plans. He stated that concerns about materials and other design elements could be addressed in a future PHO hearing at the time that the applicant proposed conceptual building elevations.

Phil Hertel, a member of the Laveen Citizens for Responsible Development (LCRD), noted that his name and address are outdated in Stipulations 35 and 36, regarding notifications. He stated that his address has changed and should be updated in the stipulation. He stated that the applicant did not meet with the LCRD and the applicant did not receive community input during the official meeting. He stated that he also had concerns about Stipulation 19 and that the site should be reverted back to S-1. He stated the community is supportive of development in the area, but that the item should be continued or denied until the reversion is addressed.

Dan Penton, a representative from the Laveen Community Council, stated that the area is unique and the proposed development would have a negative impact on the agrarian character and heritage of the area. He stated that the Laveen Southwest Growth Study and Laveen Residential Design Guidelines represent the values of the community and guidelines for future growth in the area. He stated that the intent of these documents should not be overlooked and that the proposed development is incompatible with the area. He stated that the reversion matter should be handled first, before the item moves forward.

Dave Blake, a member of the community, stated that he is a native of Phoenix and also supported the reversion. He stated that the City should revert the zoning because the area was never developed. He stated that the area is unique and does not need high density development.

Tami Blake, a member of the community, stated that most of the properties in the area are developed with approximately one home per acre. She stated that she often rides horses and expressed concern regarding the impacts of the proposal on her ability to continue riding in the area. She noted that this is one of the last areas in the City that hasn't had higher density residential development crammed in and that the area should instead be preserved as is.

John Bzdel, a member of the community, stated that there is an ethical dilemma. He stated that City employees have a duty to prevent improper government action. He stated that the process failed in 2011 because the zoning never reverted to S-1. He stated the second process failure was the acceptance of the PHO case without noting that the zoning was never reverted. He stated that the case should be taken under advisement to speak with the City's Law Department because the ethics policy violations need to be addressed.

Jon Kimoto, a member of the public, stated that the proposed site plan falls short of the design quality expected in Laveen. He stated that the proposed plan is a grid that attempts to impose a flat land subdivision upon a unique hillside situation. He stated that the proposed plan does not take into account the contours, views, and drainage issues of the site. He stated that the stipulated plan addressed the distinctive aspects of the area and had a more attractive entry feature. He added that there was a significant landscape buffer on the previous plan and there are now concerns about the height of homes along the perimeter of the subdivision. He stated that there were also concerns about the terraced berms along the quarry cut slope base. He stated that the applicant's proposal could decrease the height of the terraced berms and negatively impact the safety of residents in the area. He also stated that the City should revert the zoning and the case should be heard before the correct judicial body. He also stated that the addresses of those named in Stipulation 35 and 36 should be updated.

Scott Johnson, a member of the public and president of the Hanger Haciendas Homeowners Association, stated that Hanger Haciendas is a private residential airport community located 2300 feet east of the subject property. He stated that the subject property has changed hands several times since 2007 and he wants to ensure that the developer is aware of the project's proximity to a private airport. He stated that the community is 38 lots on 65 acres with 30 aircraft based there. He stated that flights typically land to the east and take off to the west, placing aircraft at low altitudes in close proximity to the subject property. He added that the application should never have been accepted because the zoning was never reverted. He stated that just because the reversion was missed before does not mean that it should be overlooked now. He stated that the application should be denied and the reversion initiated.



Stephanie Hurd, a member of the Laveen Village Planning Committee, stated the VPC is a vital link between the community and City decision makers. She stated that Laveen has one of the biggest areas of undeveloped land in the City of Phoenix and the community wants development, but also wants the area to retain its character. She stated that the area should be kept at low density and the developer should take the community's wishes into account. She stated that she agreed with the community and felt the case should be put on hold until the reversion issue is addressed.

Cyd Manning, a member of the community who was involved with the original rezoning, stated that she is affected by the site every day because she can see it from both her back and front yards. She stated that contrary to the applicant's materials, the area is not blighted and there are no known environmental issues. She stated that the market does not want small homes in the Laveen area. She stated that the property has been flipped numerous times since the original rezoning case. She stated that the proposed plans are uninspired with no view corridors. She stated the City is in violation of Ordinance G-5020 which approved the rezoning and should have initiated the reversion in 2011. She stated that when she requested the City to take action on the reversion she was told that there was no time or resources to process the cases with reversion stipulations. She stated that once the reversion is taken care of, she and other members of the community are willing to sit down with the developer to discuss possible development.

Mr. Galvin stated that the stipulated site plan does not reflect S-1 zoning and that the property is not zoned S-1. He stated that their case is not requesting a zoning change and instead requesting modifications and deletions to stipulations. He clarified that he did not reject a meeting with the LCRD, but could not meet due to scheduling issues. He stated that the LCRD also cancelled a planned meeting. He stated that the applicant is willing to work with the community, but it is impossible to revert back to S-1. He stated that the area is also a patchwork of land under the City of Phoenix and Maricopa County jurisdictions. He stated that the City of Phoenix land has more dense zoning, while land under the County has remained less dense. He stated that the City is also changing, specifically this area which may become a technology and employment corridor in the future. He stated that he respects residents who want to maintain their agrarian lifestyle, but the City should also provide affordable housing for those wishing to live in Phoenix. He added that the City would not be able to revert the property due to legal issues.

Ms. Caton clarified that when they stated the site plan responded to environmental issues they meant the plan was a direct reflection of the slope analysis. She stated that they have worked with an engineer to address the technical feasibility of the plan. She also stated that the applicant is working with the developers to the south and their site plan works in tandem with the proposed site plan.

Mr. Giles stated that Stipulation 27 required berms be a minimum of eight feet in height, but he noted that there may be a safety issue for hikers or kids in the neighborhood if the berms are higher than eight feet. He stated that the modification of Stipulation 31 is intended to allow for drainage considerations. He stated that some areas will require

vertical curb while others require rolled curb, but those decisions would all be engineer driven.

Mr. Stranieri asked for clarification regarding how the proposed unit types compare to the stipulated detached villas. Mr. Giles said that the product footprint has not really changed. The product has four homes clustered together, but without a courtyard. Mr. Stranieri clarified that the stipulated elevations did not specify if they were specifically for the R1-8 or R1-18 portion of the site. He stated that since the development was the entire site, the elevations are required for conformance for the entire site. Ms. Caton stated that the community would most likely not want a villa product on the 40 acres of R1-18. Mr. Stranieri agreed and stated that it would most likely be custom home lots.

Mr. Stranieri stated that the proposed minimum 100-foot landscape setback on 35th Avenue is over 5 times what is required by the Ordinance. He stated that the reduction will allow the units to be placed farther away from the hillside areas. He stated Stipulation 27 regarding terraced berms was intended to restore the disturbed hillside. However, there was no background information in the case file to determine the origin of the requirement for terraced berms with deciduous trees. He stated that a geotechnical report would identify what the appropriate slope is to stabilize the hillside. He stated that he could not confirm that 2:1 is the appropriate slope as stipulated and no existing report was found. He stated that a native landscaping palette along with some treatment to allow restoration of the natural aesthetic of the hillside would be most appropriate. He stated that additional flexibility should be introduced through consultation with Planning and Development Department staff, submission of a geotechnical report, and review of any proposed alternatives.

Regarding Stipulation 19, Mr. Stranieri stated that the current request is not a reversion hearing and he does not have the authority to initiate a reversion during or as a recommendation of the current PHO request. He stated that the current request solely involves the applicant's request for stipulation modifications and deletions. He clarified that the original rezoning was approved by ordinance adoption and the zoning was vested with the adoption of that ordinance. He clarified that the rezoning case was accompanied by a General Plan Amendment (GPA), approved by the City Council, which updated the General Plan Land Use Map designation for the subject property to correlate with the requested zoning. He stated that GPAs are appended to the City's General Plan Map upon adoption and that he did not know of any process or procedure to revert these requests. He added that if a Proposition 207 lawsuit was raised it would not be heard under a municipal zoning hearing like the PHO, but rather in a court of law.

Ms. Manning stated that there was a letter written by a Village Planner in 2008 that initiated an action to amend the General Plan, which was heard by the Planning Commission and ratified by City Council on October 15, 2008. Mr. Stranieri said that he would look into the history of this additional GPA and how it related to the base zoning case.

Mr. Stranieri stated that Stipulation 31, regarding vertical curbs, correlated with the requirement for detached sidewalks throughout the subdivision. He stated that the Street Transportation Department recommended deletion of the stipulation because

there are existing technical details and engineering requirements for the different types of streets in the development. Curb types will be engineered depending on the type of street. Further, based on the conceptual site plan, some of the proposed streets may be developed as private drives which would allow rolled curbs.

Mr. Stranieri stated that the City has been consistent with its recent policy plans and long range planning activities to focus on shade, heat island mitigation, and pedestrian safety in new developments. He added that the City's Tree and Shade Master Plan, City Council adopted Guiding Principles for Complete Streets, and the 2015 General Plan all expand upon the principles regarding urban forestry and walkability. He noted that detached sidewalks may not be able to be implemented on the portions of the right-of-way between the clusters of homes which may be developed as private drives. He stated that the originally stipulated detached sidewalks should be provided along all streets developed as private accessways and public streets, consistent with the original approval and City policies.

Mr. Stranieri stated Stipulation 39 lacked detail regarding the maximum building height and which homes the restriction may apply to. He added that "adjacent to 35th Avenue" does not give much context to the placement of homes given the stipulated 235-foot landscape setback and primary entry feature. He stated that a more appropriate height restriction could be implemented to identify a maximum building height and apply the restriction to houses within a specified distance from the east property line.

Mr. Stranieri stated that the site is archaeologically sensitive and additional stipulations were warranted regarding City requirements for archaeological data testing.

Mr. Stranieri stated that the Street Transportation Department also indicated that 35th Avenue is in Maricopa County Department of Transportation (MCDOT) jurisdiction. He added that additional stipulations should be added to identify MCDOT's jurisdiction and ability to approve the final improvements. He stated that these stipulations would not conflict with existing right-of-way dedication stipulations because of the jurisdictional issue.

Mr. Stranieri stated that the Street Transportation Department had concerns regarding how the site plan proposes access from 35th Avenue and travel through the site to the west perimeter. He stated that a vehicle would need to make three to four turns to access the proposed future connection to the west. Ms. Caton stated that she had spoken with the Street Transportation Department and that they had come to a resolution regarding the connectivity. Mr. Stranieri stated that revisions may be made to the site plan due to the stipulations recommended by the Street Transportation Department. He stated that the recommended stipulations would be appropriately placed in conjunction with a general conformance stipulation to allow for flexibility to accommodate an appropriate street layout.

Mr. Stranieri stated that he was aware of the Laveen VPC meeting on Monday night and that there were 99 speaker cards submitted. He stated that there was over two hours of discussion and that a summary of the meeting was not yet available. He noted that he had also received more than 90 pieces of correspondence on the case. He stated that

he would like more time to review all of this material. Because of these reasons, the PHO stated that he would take the case under advisement.

## **FINDINGS**

- 1) The subject property of this request includes the entire 59 acres that comprised the original rezoning case. However, the applicant only submitted plans addressing the approximately 19.4 acres of R1-8 zoned property on the eastern portion of the site, adjacent to 35<sup>th</sup> Avenue. Modifications are recommended to the applicant's request to ensure that the existing stipulations on the approximately 39.6 acres of R1-18 zoned property on the western portion of the site are not modified or deleted. Additionally, the applicant did not submit elevations with the request. The original stipulations included a general conformance requirement for building elevations. A modification is recommended to the applicant's request to require a future Planning Hearing Officer application for review of conceptual building elevations.
- 2) The stipulated site plan depicted 99 detached single-family units arranged in clusters of two and four, oriented towards common courtyards. There are also seven free-standing units depicted at the northwest corner of the site partially in the hillside-designated area. The proposed conceptual site plan depicts 92 units in a similar cluster-style arrangement. However, the units have been shifted east on the property, reducing the total massing of development in the designated hillside areas. Additionally, the homes are not oriented towards courtyards and instead include larger private driveways in the front yards. There is more open space preserved in the hillside area in the northwest portion of the site. There is also more open space adjacent to the private accessways (Tract "A") which separates the homes from the streets. Because the homes are closer to 35<sup>th</sup> Avenue, there is less open space provided along the east property line. See Finding #3 for a more detailed description of the recommendation for minimum open space and Finding #4 regarding the landscape setback on 35th Avenue.
- 3) An additional stipulation is recommended to require the developer provide a minimum of 26% open space, of which a minimum of 12% shall be usable open space. The conceptual site plan depicts 40.47% open space. However, there is no open space exhibit and the applicant indicated that a recalculation was necessary to adequately represent provided open space in the hillside area, setbacks, and other locations. The provision of 26% open space is compatible with the rural character of the surrounding area, consistent with other recent zoning actions in the Village, and significantly exceeds existing Ordinance standards.
- 4) The proposed reduction of the landscape setback on 35th Avenue from 235 feet (average) to minimum 100 feet accommodates the relocation of some residential units out of the designated hillside areas, consistent with the City approved slope analysis. The preservation of the hillside area will contribute to the rural character of the site and maintain this unique natural feature of the property. See

Finding #9 regarding the restoration of the disturbed area on the abandoned gravel mine that occupies a portion of the remainder of the site.

- 5) Approximately 2,300 feet to the east of the subject property are the Hangar Hacienda Units One, Two, and Three subdivisions. These properties are in Maricopa County jurisdiction. These communities are oriented around an air strip utilized by residents who own private aircraft. Based on comments from a resident in this community, the typical flight path runs directly over the subject property of this request. An additional stipulation is recommended regarding notification of the aviation uses on these properties for future residents.
- 6) The subject property is archaeologically sensitive. Three additional stipulations are recommended which outline the City's requirements regarding data testing, data recovery, and archaeological assessments and survey.
- 7) The public right-of-way along 35th Avenue and a small portion along Carver Road is in Maricopa County Department of Transportation (MCDOT) jurisdiction. There is also an active drainage project along the roadway. Therefore, additional stipulations are recommended to acknowledge that MCDOT shall determine the final width and dedications needed for the portion of right-of-way adjacent to the subject property. City of Phoenix Street Transportation staff noted that in discussions with MCDOT staff, MCDOT does not have immediate concerns regarding the location of proposed retention areas shown on the conceptual site plan in regard to the drainage project.
- 8) Original Stipulation 19 states that approval shall be conditioned upon the development commencing within 48 months of the City Council approval. For properties with similar stipulations, the Planning and Development Department has required that a Planning Hearing Officer (PHO) action be pursued to modify or delete these conditions at the time that development is proposed, if the proposed development has exceeded the timeframe identified in the stipulation. The applicant is pursuing this process through their request for deletion of the stipulation. The modification or deletion of this stipulation through a PHO action is unrelated to the zoning reversion process which is a separate public hearing process that is described in Section 506 of the Zoning Ordinance.

The applicant's request for deletion of original Stipulation 19 is recommended for approval. The current proposal is consistent with the City Council's original intent to see the subject property redevelop with a single-family residential land use in the R1-8 zoning district. Additionally, the request is consistent with City Council approved General Plan Amendment GPA-LV-1-08-7, which established a Residential 3.5-5 dwelling units per gross acre land use designation on the approximately 19.35 acres that comprises the R1-8 zoned portion of the property. Both the proposed conceptual site plan, as modified by this recommendation, and the existing R1-8 zoning designation are consistent with this land use designation.

- 9) Original Stipulation 27, requiring terraced berms planted with deciduous trees, may result in an environment that contrasts with the natural landscape of the existing hillside in the surrounding area. The stipulated terraced berm configuration is not consistent with the irregular natural landscape of the existing hillside in the surrounding area and there are no deciduous trees on hillside locations in the immediate vicinity. Proposals for fill are commonly intended to continue and promote a natural slope line, rather than creating terracing and other unnatural finishes.

There are a variety of alternatives to the stipulated requirement for terraced berms that may be considered for the site that would result in a more natural aesthetic to the restored hillside. These include chemical treatments and coloration to remove or camouflage scarring, hydroseeding of the slope to provide a mixture of natural grasses and plants which may also stabilize the slope, and roughening the cut or restored slope to integrate pockets for additional native landscaping.

Modified stipulation language is recommended to allow the applicant to work with City staff on an alternative approach to restoring the quarry cut slope base to promote a more natural landscape along the hillside.

- 10) The provision of detached sidewalks is consistent with numerous City policy plans. 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. Additionally, the City Council adopted Guiding Principles for Complete Streets seeks to make Phoenix more walkable by promoting a safe and inviting pedestrian environment that encourages walkability and thermal comfort. These principles are also expressed and expanded upon throughout the 2015 General Plan.

Therefore, the applicant's request to delete this requirement and instead stipulate a 5-foot sidewalk width is recommended for denial. However, the street layout on the proposed conceptual site plan may require the utilization of both private drives (between units) and private accessways (Tract "A"). There are different technical requirements and cross sections for these street types and it may be difficult to integrate detached sidewalks along both sides of private drives.

A modification of the applicant's request is recommended to require that detached sidewalks shall be provided, as originally stipulated, along all streets that are developed as public streets or private accessways.

- 11) The Street Transportation Department noted that both original Stipulation 31 and the applicant's proposed modified language may create conflicts if the development is to include both attached and detached sidewalks. The City of Phoenix standard detail for detached sidewalks along private accessways requires vertical curbs. Attached sidewalks may be permitted to provide rolled curbs. Deletion of the stipulation will allow the appropriate detail to be utilized based on the final configuration of sidewalks at appropriate locations throughout the development.

12)Original Stipulation 39 required that homes along 35th Avenue would be limited to one-story. The stipulation did not specify a maximum building height. Additionally, it is unclear whether the stipulation was intended to apply to the individual units located closest to 35th Avenue or the entire clusters. The original stipulation may permit a variety of building heights and locations for height-restricted lots.

However, the intent of the stipulation was to mitigate the impacts of building height for units closest to 35th Avenue and would have impacted homes at approximately 235 feet (the stipulated average setback in original Stipulation 7). This remains a valid concern and consistent with the design of other recent projects in the Village. Therefore, the applicant's request for deletion of this stipulation is recommended for denial. An alternative stipulation is proposed that limits maximum building height to 20 feet for the 12 lots that are located within approximately 235 feet of 35th Avenue. This recommendation is intended to clarify the limitation on building height and identify the specific lots impacted.

**DECISION:** The Planning Hearing Officer took this case under advisement. On February 13, 2020 the Planning Hearing Officer took this case out from under advisement and recommended denial as filed and approval with modifications and additional stipulations.

**STIPULATIONS**

General	
4.	<del>That development shall be in general conformance with the site plan date stamped October 8, 2007, and elevations date stamped February 20, 2007, as modified by the following stipulations, and as approved by the Development Services Department.</del>
1.	THE R1-8 DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE SITE PLAN DATE STAMPED NOVEMBER 21, 2019, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT, AND WITH SPECIFIC REGARD TO THE FOLLOWING:
A.	THE DEVELOPER SHALL PROVIDE A PRIMARY ROADWAY FROM 35TH AVENUE EXTENDED TO THE WESTERN PROPERTY BOUNDARY, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
B.	THE PRIMARY ROADWAY CONNECTING 35TH AVENUE TO THE WESTERN EDGE OF THE PROPERTY LINE SHALL TERMINATE AS A STUB STREET TO THE ADJACENT UNDEVELOPED LAND TO THE WEST TO PROVIDE FOR A FUTURE VEHICULAR CONNECTION.

2.	CONCEPTUAL ELEVATIONS FOR THE R1-8 DEVELOPMENT SHALL BE REVIEWED AND APPROVED 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 R1-18 DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE SITE PLAN DATE STAMPED OCTOBER 8, 2007, AND ELEVATIONS DATE STAMPED FEBRUARY 20, 2007, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
4. <del>2.</del>	<del>That d</del> Development of the R1-18 portion of the site shall not exceed 22 lots.
5. <del>3.</del>	<del>That d</del> Development of the R1-8 portion of the site shall not exceed a density of 99 lots.
6.	THE R1-8 DEVELOPMENT SHALL PROVIDE A MINIMUM OF 26% OPEN SPACE, OF WHICH A MINIMUM OF 12% SHALL BE USABLE OPEN SPACE, AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
<b>Site Design</b>	
7. 4.	<del>That u</del> Unobstructed pedestrian access (for the purpose of private pedestrian connectivity internal to the site) between the R1-18 and R1-8 portions of the site shall be provided, as approved by the PLANNING AND Development Services Department.
8. <del>5.</del>	<del>That n</del> No solid wall in excess of three feet in height as measured from the finished grade, shall be located on the site (either in private lots or common tracts) except that solid walls greater than three feet in height shall be allowed for the following purposes, as approved by the PLANNING AND Development Services Department.
a.	Walls utilized to screen utilities, trash enclosures, or other facilities generally considered to be visually obtrusive.
b.	Retaining wall.
9. <del>6.</del>	<del>That n</del> No more than 60,000 square feet of natural turf area shall be located within the common areas of the R1-8 portion of the site (this requirement does not apply



	to synthetic turf); if provided, common area natural turf should be centrally located and grouped so as to create one contiguous natural turf recreation area, as approved by the PLANNING AND Development <del>Services</del> Department.
10. 7.	<del>That a 235-foot (average), 200-foot (minimum)</del> THE DEVELOPMENT SHALL PROVIDE A MINIMUM 100 FOOT landscaped setback ALONG THE EAST PROPERTY LINE adjacent to 35th Avenue shall be provided, as approved by the PLANNING AND Development <del>Services</del> Department.
11. 8.	<del>That a</del> A 50-foot (minimum) landscaped setback adjacent to Carver Road (final alignment) shall be provided, as approved by the PLANNING AND Development <del>Services</del> Department.
12. 9.	<del>That t</del> Those portions of spider and jeep trails which are not part of the approved grading envelopes, access drives, or other necessary site disturbance related to the proposed development of the R1-8 portion of the site shall be re-vegetated in a manner consistent with adjacent undisturbed vegetation, as approved by the PLANNING AND Development <del>Services</del> Department.
Disclosures	
13. 10.	<del>That p</del> Prior to final site plan approval, the property owner shall record documents that disclose to tenants of the site or purchasers of property within the site, the existence, proximity, and operational characteristics of active agricultural uses and non-domesticated animal keeping. The form and content of such documents shall be according to the templates and instructions provided, which have been reviewed and approved by the City Attorney.
14.	THAT PRIOR TO FINAL SITE PLAN APPROVAL, THE PROPERTY OWNER SHALL RECORD DOCUMENTS THAT DISCLOSE TO TENANTS OF THE SITE OR PURCHASERS OF PROPERTY WITHIN THE SITE, THE EXISTENCE, PROXIMITY, AND OPERATIONAL CHARACTERISTICS OF ACTIVE AVIATION USES IN THE HANGAR HACIENDAS UNITS ONE, TWO, AND THREE SUBDIVISIONS LOCATED APPROXIMATELY 2,300 FEET TO THE EAST OF THE SUBJECT PROPERTY IN MARICOPA COUNTY. THE FORM AND CONTENT OF SUCH DOCUMENTS SHALL BE ACCORDING TO THE TEMPLATES AND INSTRUCTIONS PROVIDED, WHICH HAVE BEEN REVIEWED AND APPROVED BY THE CITY ATTORNEY.
Parks and Recreation	
15. 11.	<del>That t</del> The developer shall dedicate a multi-use trail easement and construct a multi-use trail, per adopted standards, along the north side of Carver Road, as approved by the Parks and Recreation Department.
Archaeology	

16. 12.	<del>That</del> The applicant shall complete an archaeological survey report of the development area for review and approval by the City Archaeologist prior to clearing and grubbing, landscape salvage, or grading.
17.	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.
18.	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.
19.	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.
Street Transportation	
20. 13.	<del>That</del> Right-of-way totaling 55 feet shall be dedicated for the west half of 35th Avenue, as approved by the Street Transportation Department. 35th Avenue shall be constructed using rural streets standards similar to Dobbins Road, as approved by the Street Transportation Department.
21. 14.	<del>That</del> Right-of-way totaling 55 feet shall be dedicated for the west half of Carver Road, as approved by the Street Transportation Department. Carver Road shall be constructed using rural streets standards similar to Dobbins Road, as approved by the Street Transportation Department.
22.	THE DEVELOPER SHALL DEDICATE RIGHT-OF-WAY FOR 35TH AVENUE AS DETERMINED BY THE MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION (MCDOT) AND AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
23.	THE DEVELOPER SHALL DEDICATE RIGHT-OF-WAY FOR CARVER AVENUE AS DETERMINED BY THE MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION (MCDOT) AND AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

24. 15-	<del>That a</del> A traffic impact study shall be submitted to, and approved by, the Street Transportation Department prior to PLANNING AND Development <del>Services</del> Department prior to <del>Development Services Department</del> preliminary site plan approval. That all right-of-way dedications and associated infrastructure improvements as recommended by the traffic impact study shall be installed by the developer, as approved by the PLANNING AND Development <del>Services</del> Department.
25. 16-	<del>That t</del> 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 modified by these stipulations, and as approved by the Street Transportation Department. All improvements shall comply with all American with Disabilities Act accessibility standards.
26. 17-	<del>That t</del> The applicant shall complete and submit the Developer Project Information Form for the Maricopa Association of Governments Transportation Improvement Program. This form is a requirement of the Environmental Protection Agency to meet clean air quality requirements.
27. 18-	<del>That p</del> Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 waiver of claims utilizing the provided template. The waiver shall be recorded with the Maricopa County Recorder's Office and a copy shall be provided to the PLANNING AND Development <del>Services</del> Department for the case files.
19-	<del>That approval shall be conditional upon the development commencing within 48 months of the City Council approval of this change of zoning in accordance with Section 506.B.1 of the Zoning Ordinance. For purposes of this stipulation, development shall commence with the issuance of building permits and erection of the building walls on site.</del>
Neighborhood	
28. 20-	<del>That b</del> Building pad cuts shall be terraced if more than 6 feet in height and treated with a stain, gunnite, or equivalent finish, as approved by the PLANNING AND Development <del>Services</del> Department.
29. 21-	<del>That a</del> All two story homes, within the R1-18 portion of the site, shall be designed in a manner such that the square footage of the second story floor area does not exceed 66 percent of the first story floor area does not exceed 66 percent of the first story floor area, as approved by the PLANNING AND Development <del>Services</del> Department.
30. 22-	<del>That c</del> Concrete channels shall be designed to look natural in the desert setting through color, texture, landscaping, or other means, as approved by the PLANNING AND Development <del>Services</del> Department.

31. <del>23.</del>	<del>That t</del> The use of riprap and engineered culverts shall be minimized and, where utilized, shall be integrated with the desert setting through color, texture, soil plating, landscaping, or other means, as approved by the PLANNING AND Development <del>Services</del> Department. To the extent possible, culverts shall be undersized to allow minor flows (10 cfs or smaller) to cross roadways in their natural condition.
32. <del>24.</del>	<del>That w</del> Washes with a one-hundred-year peak flow of 200 cfs or greater shall be preserved and enhanced with native vegetation as described in Appendix A, Approved Plant Species List for Sonoran Preserve Edge Treatment Guidelines, as approved by the PLANNING AND Development <del>Services</del> Department.
33. <del>25.</del>	<del>That l</del> Lots with 2 or more sides abutting undisturbed open space shall be designed with obtuse angles, rather than right angles or acute angles, as approved by the PLANNING AND Development <del>Services</del> Department.
34. <del>26.</del>	<del>That o</del> On non-hillside lots within the R1-18 portion of the development, all improvements, including driveways, landscaping, and underground utilities shall be located within a building envelope occupying no more than 50 percent of the lot up to a maximum of 20,000 square feet, whichever is less, as approved by the PLANNING AND Development <del>Services</del> Department.
35. <del>27.</del>	<del>That a</del> A minimum of three terraced berms with 2:1 fill slopes shall be installed along the full length of the quarry cut slope base. The terraces shall BE LIMITED TO A MAXIMUM HEIGHT OF be 8 feet tall, <del>minimum,</del> and shall be PLANTED <del>planted</del> with a staggered combination of 2-inch and 4-inch caliper, drought resistant, deciduous trees at 25 feet ON center OR IN EQUIVALENT GROUPINGS <del>to center,</del> as approved OR MODIFIED by the PLANNING AND Development <del>Services</del> Department.  THE DEVELOPER MAY ALSO IMPLEMENT ALTERNATIVE SOLUTIONS FOR THE NATURALIZING AND BLENDING OF THE QUARRY CUT SLOPE WITH THE ADJACENT UNDISTURBED HILLSIDE AREA, AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
36. <del>28.</del>	<del>That s</del> Solid block walls, except for retaining walls or privacy fencing on individual lots, shall not be constructed outside of the building envelopes for the R1-18 portion of the site, as approved by the PLANNING AND Development <del>Services</del> Department. Fencing constructed outside of the building envelope shall be combination solid/view fencing. In addition, all fencing above the 15 percent slope line shall be 100 percent view fencing.
37. <del>29.</del>	<del>That t</del> The entire 60-acre site shall have no perimeter fencing, as approved by the PLANNING AND Development <del>Services</del> Department.
38. <del>30.</del>	<del>That p</del> Private roadways within the R1-18 portion of the site shall be provided with ribbon curbs and colored asphalt, as approved by the PLANNING AND

	Development Services Department.
39. 31.	<del>That private roadways within the R1-8 portion of the site shall be provided with a raised, vertical curb, as approved by the Development Services Department.</del>
40. 32.	<del>That a</del> All HVAC units shall be ground mounted.
41. 33.	<del>That a</del> All street lighting and wall mounted security fixtures shall be full cut off lighting. Fixture height shall be a maximum of 12 feet. Street lighting fixtures shall be decorative and have a consistent architectural theme, as approved by the PLANNING AND Development Services Department.
42. 34.	<del>That b</del> Bollards shall be used for accent lighting at the primary access, entry monument, driveways, and trail crossings, as approved by the PLANNING AND Development Services Department. Photovoltaic energy sources for bollard lighting shall be provided.
43. 35.	<del>That a</del> Any request to delete or modify these stipulations SHALL be preceded by A presentation to the Laveen Village Planning Committee (VPC) for review and recommendation, and notification to the following persons two weeks prior to presentation at the VPC:
	a. Jon Kimoto, 3216 West Ansell Road, Laveen, 85339
	b. Cyd Manning, P.O. Box 41234, Mesa, 85274
	c. Judy Brown, P.O. Box 41234, Mesa, 85274
	d. Christine Dicken, 10827 South 30th Avenue, Laveen, 85339
	e. Richard Birnbaum, 11014 South 35th Avenue, Laveen, 85339
	f. Phil Hertel, <del>2300</del> 2845 West Broadway Road, Phoenix, 85041
	g. Steven Klein, 6820 South 66th Avenue, Laveen, 85339
44. 36.	<del>That t</del> The following individuals shall be notified of any and all PLANNING AND Development Services Department (DSD) meetings which are open to the public. The applicant shall be responsible for notification to the following via a first-class letter to be mailed at least two weeks prior to the DSD meeting(s):
	a. Jon Kimoto, 3216 West Ansell Road, Laveen, 85339
	b. Cyd Manning, P.O. Box 41234, Mesa, 85274

	c.	Judy Brown, P.O. Box 41234, Mesa, 85274
	d.	Christine Dicken, 10827 South 30th Avenue, Laveen, 85339
	e.	Richard Birnbaum, 11014 South 35th Avenue, Laveen, 85339
	f.	Phil Hertel, <del>2300</del> 2845 West Broadway Road, Phoenix, 85041
	g.	Steven Klein, 6820 South 66th Avenue, Laveen, 85339
45. <del>37.</del>		<del>That a</del> All sidewalks, within the R1-8 portion of the site, WHICH ARE DEVELOPED ALONG STREETS DEVELOPED AS PUBLIC STREETS OR PRIVATE ACCESSWAYS shall be detached with a minimum five-foot wide landscaped strip located between the sidewalk and back of curb and shall include minimum two-inch caliper shade trees planted <del>a minimum rate of</del> 20 feet on center or IN equivalent groupings along both sides of the sidewalk, as approved OR MODIFIED by the PLANNING AND Development Services Department. The landscape strip shall be installed by the developer and maintained by the homeowners' association.
46. <del>38.</del>		<del>That a</del> A mix of two and three-inch caliper trees shall be provided within all required common open space tracts. With the exception of the open space area adjacent to 35th Avenue, the species of trees provided shall shade 50 percent of the area of the open space at tree maturity, as approved by the PLANNING AND Development Services Department.
47. <del>39.</del>		<del>That only one-story homes shall be located along 35th Avenue.</del>  LOTS 52-61 AND 82-83, LOCATED ALONG 35TH AVENUE AND AS DEPICTED ON THE SITE PLAN DATE STAMPED NOVEMBER 21, 2019, ARE LIMITED TO A MAXIMUM BUILDING HEIGHT OF 20 FEET, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
48. <del>40.</del>		<del>That a</del> A detailed site plan, landscaping plan, elevations, perimeter fence or wall plan, lighting plan, and entry monument signage shall be reviewed by the Laveen Village Planning Committee prior to preliminary site plan approval by the PLANNING AND Development Services Department.

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, audiotope or computer diskette. Please contact the Planning and Development Department, Tamra Ingersoll at voice number 602-534-6648 or TTY use 7-1-1.

# ATTACHMENT L

The contents of this attachment will be a separate attachment in the City Council packet

## Attachment C

### REPORT OF PLANNING COMMISSION ACTION May 7, 2020

ITEM NO: 10	
	DISTRICT NO.: 8
SUBJECT:	
Application #:	PHO-1-19--Z-165-06-7(8)
Location:	Northwest corner of 35th Avenue and Carver Road
Request:	<ul style="list-style-type: none"> <li>• Modification of Stipulation No. 1 regarding general conformance to the site plan date stamped October 8, 2007 and elevations date stamped February 20, 2007</li> <li>• Modification of Stipulation No. 7 regarding the landscape setback adjacent to 35th Avenue</li> <li>• Deletion of Stipulation No. 19 regarding conditional development approval</li> <li>• Modification of Stipulation No. 27 regarding height of terraced berms along the quarry cut slope base</li> <li>• Modification of Stipulation No. 31 regarding raised, vertical curbs within the R1-18 portion of the site</li> <li>• Modification of Stipulation No. 37 regarding detached sidewalks and landscape strips within the R1-8 portion of the site</li> <li>• Deletion of Stipulation No. 39 regarding one-story homes along 35th Avenue</li> <li>• Technical corrections to Stipulation Nos. 4, 5, 6, 8, 9, 15, 18, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 33, 34, 36, 38 and 40</li> </ul>
Acreeage:	59.48
Applicant:	Jennifer Hall, Rose Law Group
Owner:	Virtua 35th, LLC
Representative:	Tom Galvin, Rose Law Group

#### **ACTIONS:**

Staff Recommendation: Denial as filed and approval with modifications and additional stipulations as recommended by the Planning Hearing Officer.

#### Village Planning Committee (VPC) Recommendation:

**Laveen** 1/13/2020 Denial. Vote: 11-0.

The Laveen Village Planning Committee motion also included a request that the Planning Hearing Officer recommend to the Planning Commission to initiate a zoning reversion for the site.

#### Planning Hearing Officer Recommendation:

January 15, 2020 The Planning Hearing Officer took this case under advisement.  
February 13, 2020 The Planning Hearing Officer took this case out from under advisement and recommended denial as filed and approval with modifications and additional stipulations.



Planning Commission Recommendation: Continuance to the June 4, 2020 Planning Commission hearing, without fee.

Motion Discussion:

Commissioner Gorraiz made a MOTION to table the item to an undetermined time to allow the applicant to work on a compromise with the community. Then they can bring the case back when they are ready.

Commissioner Gorraiz stated that he would be more likely to support the side that has seemed to work out the issues and would not support the side that is not willing to work it out. That would not be reasonable.

Chairman Johnson clarified the motion. Commissioner Gorraiz moved to continue PHO-1-19--Z-165-06-7(8) to the next meeting.

Commissioner Gorraiz responded that he does not want a set time limit.

Chairman Johnson recommended that it be moved to the next agenda and it could always be continued again.

Commissioner Gorraiz agreed to modify his motion to continue the item for one month.

Commissioner Shank asked if the motion could include a continuance without fee.

Commissioner Gorraiz agreed.

Chairman Johnson clarified the motion. Commissioner Gorraiz moved to continue PHO-1-19--Z-165-06-7(8) to the next meeting, without fee. He asked if there was a second to the motion.

Commissioner Gaynor seconded the motion.

Racelle Escolar verified that the the next Planning Commission hearing is June 4th.

The motion passed by an 8 to 0 vote.

Motion details: Commissioner Gorraiz made a MOTION to continue PHO-1-19--Z-165-06-7(8) to the June 4, 2020 Planning Commission hearing, without fee.

Maker: Gorraiz  
Second: Gaynor  
Vote: 8-0  
Absent: Montalvo  
Opposition Present: Yes

This publication can be made available in alternate format upon request. Please contact Tamra Ingersoll at (602) 534-6648, TTY use 7-1-1.



**City of Phoenix**  
PLANNING AND DEVELOPMENT DEPARTMENT

**To:** City of Phoenix Planning Commission **Date:** June 4, 2020  
**From:** Racelle Escolar  
Planner III  
**Subject:** ITEM NO. 18 (PHO-1-19--Z-165-06-7(8)) – NORTHWEST CORNER OF 35TH AVENUE AND CARVER ROAD

This memo is to provide a revised staff recommendation that addresses a revised site plan submitted by the applicant and date stamped May 26, 2020.

On May 7, 2020 the Planning Commission continued the case to the June 4, 2020 hearing to allow the applicant to work on a compromise with the community. Since the May Planning Commission hearing, the applicant conducted additional outreach and submitted a revised site plan. The applicant has proposed a new lot configuration and reduced the number of lots from 92 to 63. These site plan changes require modifications to the stipulations recommended by the Planning Hearing Officer.

The Planning Hearing Officer's recommendation regarding Stipulation 1 requires that the R1-8 development be in general conformance with the site plan date stamped November 21, 2019. The recommended revision updates this date to reflect the revised site plan date stamped May 26, 2020.

The Planning Hearing Officer's recommendation regarding Stipulation 47 limits the maximum building height to 20 feet for lots 52-61 and 82-83 as depicted on the site plan date stamped November 21, 2019. The recommended revision updates the impacted lot numbers to reflect the revised site plan date stamped May 26, 2020.

**VILLAGE PLANNING COMMITTEE RECOMMENDATION**

The Laveen Village Planning Committee heard this case on January 13, 2020 and recommended denial by a vote of 11-0. The Laveen VPC motion also included a request that the Planning Hearing Officer recommend to the Planning Commission to initiate a zoning reversion for the site.

**PLANNING HEARING OFFICER RECOMMENDATION**

The Planning Hearing Officer heard this request on January 15, 2020 and took this case under advisement. On February 13, 2020 the Planning Hearing Officer took this case out from under advisement and recommended denial as filed and approval with modifications and additional stipulations.

Staff recommends approval per the Planning Hearing Officer recommendation with modifications to Stipulation Nos 1 and 47 as shown below in bold text:

General

- ~~1.~~ That development shall be in general conformance with the site plan date stamped October 8, 2007, and elevations date stamped February 20, 2007, as modified by the following stipulations, and as approved by the Development Services Department.
1. THE R1-8 DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE SITE PLAN DATE STAMPED **NOVEMBER 21, 2019 MAY 26, 2020**, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT, AND WITH SPECIFIC REGARD TO THE FOLLOWING:
  - A. THE DEVELOPER SHALL PROVIDE A PRIMARY ROADWAY FROM 35TH AVENUE EXTENDED TO THE WESTERN PROPERTY BOUNDARY, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
  - B. THE PRIMARY ROADWAY CONNECTING 35TH AVENUE TO THE WESTERN EDGE OF THE PROPERTY LINE SHALL TERMINATE AS A STUB STREET TO THE ADJACENT UNDEVELOPED LAND TO THE WEST TO PROVIDE FOR A FUTURE VEHICULAR CONNECTION.
2. CONCEPTUAL ELEVATIONS FOR THE R1-8 DEVELOPMENT SHALL BE REVIEWED AND APPROVED 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 R1-18 DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE SITE PLAN DATE STAMPED OCTOBER 8, 2007, AND ELEVATIONS DATE STAMPED FEBRUARY 20, 2007, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
4. ~~That d~~Development of the R1-18 portion of the site shall not exceed 22 lots.
5. ~~That d~~Development of the R1-8 portion of the site shall not exceed a density of 99 lots.

6. THE R1-8 DEVELOPMENT SHALL PROVIDE A MINIMUM OF 26% OPEN SPACE, OF WHICH A MINIMUM OF 12% SHALL BE USABLE OPEN SPACE, AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

#### Site Design

- ~~7.~~ ~~4.~~ Unobstructed pedestrian access (for the purpose of private pedestrian connectivity internal to the site) between the R1-18 and R1-8 portions of the site shall be provided, as approved by the PLANNING AND Development ~~Services~~ Department.
- ~~8.~~ ~~5.~~ No solid wall in excess of three feet in height as measured from the finished grade, shall be located on the site (either in private lots or common tracts) except that solid walls greater than three feet in height shall be allowed for the following purposes, as approved by the PLANNING AND Development ~~Services~~ Department.
  - a. Walls utilized to screen utilities, trash enclosures, or other facilities generally considered to be visually obtrusive.
  - b. Retaining wall.
- ~~9.~~ ~~6.~~ No more than 60,000 square feet of natural turf area shall be located within the common areas of the R1-8 portion of the site (this requirement does not apply to synthetic turf); if provided, common area natural turf should be centrally located and grouped so as to create one contiguous natural turf recreation area, as approved by the PLANNING AND Development ~~Services~~ Department.
- ~~10.~~ ~~7.~~ ~~That a 235-foot (average), 200-foot (minimum)~~ THE DEVELOPMENT SHALL PROVIDE A MINIMUM 100 FOOT landscaped setback ALONG THE EAST PROPERTY LINE adjacent to 35th Avenue shall be provided, as approved by the PLANNING AND Development ~~Services~~ Department.
- ~~11.~~ ~~8.~~ A 50-foot (minimum) landscaped setback adjacent to Carver Road (final alignment) shall be provided, as approved by the PLANNING AND Development ~~Services~~ Department.
- ~~12.~~ ~~9.~~ Those portions of spider and jeep trails which are not part of the approved grading envelopes, access drives, or other necessary site disturbance related to the proposed development of the R1-8 portion of the site shall be re-vegetated in a manner consistent with adjacent undisturbed vegetation, as approved by the PLANNING AND Development ~~Services~~ Department.

#### Disclosures

13. ~~That p~~Prior to final site plan approval, the property owner shall record documents that disclose to tenants of the site or purchasers of property within the site, the existence, proximity, and operational characteristics of active agricultural uses and non-domesticated animal keeping. The form and content of such documents shall be according to the templates and instructions provided, which have been reviewed and approved by the City Attorney.
14. THAT PRIOR TO FINAL SITE PLAN APPROVAL, THE PROPERTY OWNER SHALL RECORD DOCUMENTS THAT DISCLOSE TO TENANTS OF THE SITE OR PURCHASERS OF PROPERTY WITHIN THE SITE, THE EXISTENCE, PROXIMITY, AND OPERATIONAL CHARACTERISTICS OF ACTIVE AVIATION USES IN THE HANGAR HACIENDAS UNITS ONE, TWO, AND THREE SUBDIVISIONS LOCATED APPROXIMATELY 2,300 FEET TO THE EAST OF THE SUBJECT PROPERTY IN MARICOPA COUNTY. THE FORM AND CONTENT OF SUCH DOCUMENTS SHALL BE ACCORDING TO THE TEMPLATES AND INSTRUCTIONS PROVIDED, WHICH HAVE BEEN REVIEWED AND APPROVED BY THE CITY ATTORNEY.

#### Parks and Recreation

15. ~~That t~~The developer shall dedicate a multi-use trail easement and construct a multi-use trail, per adopted standards, along the north side of Carver Road, as approved by the Parks and Recreation Department.

#### Archaeology

16. ~~That t~~The applicant shall complete an archaeological survey report of the development area for review and approval by the City Archaeologist prior to clearing and grubbing, landscape salvage, or grading.
17. 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.
18. 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.
19. 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.

Street Transportation

20. ~~That r~~Right-of-way totaling 55 feet shall be dedicated for the west half of 35th Avenue, as approved by the Street Transportation Department. 35th Avenue shall be constructed using rural streets standards similar to Dobbins Road, as approved by the Street Transportation Department.
21. ~~That r~~Right-of-way totaling 55 feet shall be dedicated for the west half of Carver Road, as approved by the Street Transportation Department. Carver Road shall be constructed using rural streets standards similar to Dobbins Road, as approved by the Street Transportation Department.
22. THE DEVELOPER SHALL DEDICATE RIGHT-OF-WAY FOR 35TH AVENUE AS DETERMINED BY THE MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION (MCDOT) AND AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
23. THE DEVELOPER SHALL DEDICATE RIGHT-OF-WAY FOR CARVER ROAD AS DETERMINED BY THE MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION (MCDOT) AND AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
24. ~~That a~~A traffic impact study shall be submitted to, and approved by, the Street Transportation Department prior to PLANNING AND Development ~~Services~~ Department preliminary site plan approval. That all right-of-way dedications and associated infrastructure improvements as recommended by the traffic impact study shall be installed by the developer, as approved by the PLANNING AND Development ~~Services~~ Department.
25. ~~That t~~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 modified by these stipulations, and as approved by the Street Transportation Department. All improvements shall comply with all AmericanS with Disabilities Act accessibility standards.
26. ~~That t~~The applicant shall complete and submit the Developer Project Information Form for the Maricopa Association of Governments Transportation Improvement Program. This form is a requirement of the Environmental Protection Agency to meet clean air quality requirements.
27. ~~That p~~Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 waiver of claims utilizing the provided template. The waiver shall be recorded with the Maricopa County Recorder's Office and a copy shall be provided to the PLANNING AND Development ~~Services~~ Department for the case files.

19. ~~That approval shall be conditional upon the development commencing within 48 months of the City Council approval of this change of zoning in accordance with Section 506.B.1 of the Zoning Ordinance. For purposes of this stipulation, development shall commence with the issuance of building permits and erection of the building walls on site.~~

#### Neighborhood

28. ~~That b~~Building pad cuts shall be terraced if more than 6 feet in height and treated  
20. with a stain, gunnite, or equivalent finish, as approved by the PLANNING AND Development Services Department.
29. ~~That a~~All two story homes, within the R1-18 portion of the site, shall be designed  
21. in a manner such that the square footage of the second story floor area does not exceed 66 percent of the first story floor area does not exceed 66 percent of the first story floor area, as approved by the PLANNING AND Development Services Department.
30. ~~That c~~Concrete channels shall be designed to look natural in the desert setting  
22. through color, texture, landscaping, or other means, as approved by the PLANNING AND Development Services Department.
31. ~~That t~~The use of riprap and engineered culverts shall be minimized and, where  
23. utilized, shall be integrated with the desert setting through color, texture, soil plating, landscaping, or other means, as approved by the PLANNING AND Development Services Department. To the extent possible, culverts shall be undersized to allow minor flows (10 cfs or smaller) to cross roadways in their natural condition.
32. ~~That w~~Washes with a one-hundred-year peak flow of 200 cfs or greater shall be  
24. preserved and enhanced with native vegetation as described in Appendix A, Approved Plant Species List for Sonoran Preserve Edge Treatment Guidelines, as approved by the PLANNING AND Development Services Department.
33. ~~That l~~Lots with 2 or more sides abutting undisturbed open space shall be  
25. designed with obtuse angles, rather than right angles or acute angles, as approved by the PLANNING AND Development Services Department.
34. ~~That e~~On non-hillside lots within the R1-18 portion of the development, all  
26. improvements, including driveways, landscaping, and underground utilities shall be located within a building envelope occupying no more than 50 percent of the lot up to a maximum of 20,000 square feet, whichever is less, as approved by the PLANNING AND Development Services Department.
35. ~~That a~~ A minimum of three terraced berms with 2:1 fill slopes shall be installed  
27. along the full length of the quarry cut slope base. The terraces shall BE LIMITED TO A MAXIMUM HEIGHT OF ~~be~~ 8 feet tall, ~~minimum~~, and shall be PLANTED

~~plated~~ with a staggered combination of 2-inch and 4-inch caliper, drought resistant, deciduous trees at 25 feet ON center OR IN EQUIVALENT GROUPINGS ~~to center~~, as approved OR MODIFIED by the PLANNING AND Development ~~Services~~ Department.

THE DEVELOPER MAY ALSO IMPLEMENT ALTERNATIVE SOLUTIONS FOR THE NATURALIZING AND BLENDING OF THE QUARRY CUT SLOPE WITH THE ADJACENT UNDISTURBED HILLSIDE AREA, AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

- ~~28.~~ 36. ~~That s~~Solid block walls, except for retaining walls or privacy fencing on individual lots, shall not be constructed outside of the building envelopes for the R1-18 portion of the site, as approved by the PLANNING AND Development ~~Services~~ Department. Fencing constructed outside of the building envelope shall be combination solid/view fencing. In addition, all fencing above the 15 percent slope line shall be 100 percent view fencing.
- ~~29.~~ 37. ~~That t~~The entire 60-acre site shall have no perimeter fencing, as approved by the PLANNING AND Development ~~Services~~ Department.
- ~~30.~~ 38. ~~That p~~Private roadways within the R1-18 portion of the site shall be provided with ribbon curbs and colored asphalt, as approved by the PLANNING AND Development ~~Services~~ Department.
- ~~31.~~ 39. ~~That private roadways within the R1-8 portion of the site shall be provided with a raised, vertical curb, as approved by the Development Services Department.~~
- ~~32.~~ 40. ~~That a~~All HVAC units shall be ground mounted.
- ~~33.~~ 41. ~~That a~~All street lighting and wall mounted security fixtures shall be full cut off lighting. Fixture height shall be a maximum of 12 feet. Street lighting fixtures shall be decorative and have a consistent architectural theme, as approved by the PLANNING AND Development ~~Services~~ Department.
- ~~34.~~ 42. ~~That b~~Bollards shall be used for accent lighting at the primary access, entry monument, driveways, and trail crossings, as approved by the PLANNING AND Development ~~Services~~ Department. Photovoltaic energy sources for bollard lighting shall be provided.
- ~~35.~~ 43. ~~That a~~Any request to delete or modify these stipulations SHALL be preceded by A presentation to the Laveen Village Planning Committee (VPC) for review and recommendation, and notification to the following persons two weeks prior to presentation at the VPC:
  - a. Jon Kimoto, 3216 West Ansell Road, Laveen, 85339
  - b. Cyd Manning, P.O. Box 41234, Mesa, 85274



- c. Judy Brown, P.O. Box 41234, Mesa, 85274
- d. Christine Dicken, 10827 South 30th Avenue, Laveen, 85339
- e. Richard Birnbaum, 11014 South 35th Avenue, Laveen, 85339
- f. Phil Hertel, ~~2300~~ 2845 West Broadway Road, Phoenix, 85041
- g. Steven Klein, 6820 South 66th Avenue, Laveen, 85339

44. ~~36.~~ That ~~t~~The following individuals shall be notified of any and all PLANNING AND Development Services Department (~~DSD~~) meetings which are open to the public. The applicant shall be responsible for notification to the following via a first-class letter to be mailed at least two weeks prior to the ~~DSD~~ meeting(s):

- a. Jon Kimoto, 3216 West Ansell Road, Laveen, 85339
- b. Cyd Manning, P.O. Box 41234, Mesa, 85274
- c. Judy Brown, P.O. Box 41234, Mesa, 85274
- d. Christine Dicken, 10827 South 30th Avenue, Laveen, 85339
- e. Richard Birnbaum, 11014 South 35th Avenue, Laveen, 85339
- f. Phil Hertel, ~~2300~~ 2845 West Broadway Road, Phoenix, 85041
- g. Steven Klein, 6820 South 66th Avenue, Laveen, 85339

45. ~~37.~~ That ~~a~~All sidewalks, within the R1-8 portion of the site, WHICH ARE DEVELOPED ALONG STREETS DEVELOPED AS PUBLIC STREETS OR PRIVATE ACCESSWAYS shall be detached with a minimum five-foot wide landscaped strip located between the sidewalk and back of curb and shall include minimum two-inch caliper shade trees planted ~~a minimum rate of~~ 20 feet on center or IN equivalent groupings along both sides of the sidewalk, as approved OR MODIFIED by the PLANNING AND Development Services Department. The landscape strip shall be installed by the developer and maintained by the homeowners' association.

46. ~~38.~~ That ~~a~~A mix of two and three-inch caliper trees shall be provided within all required common open space tracts. With the exception of the open space area adjacent to 35th Avenue, the species of trees provided shall shade 50 percent of the area of the open space at tree maturity, as approved by the PLANNING AND Development Services Department.

47. ~~39.~~ That ~~only one-story homes shall be located along 35th Avenue.~~

LOTS ~~52-61 AND 82-83~~ 1-7, LOCATED ALONG 35TH AVENUE AND AS DEPICTED ON THE SITE PLAN DATE STAMPED ~~NOVEMBER 21, 2019~~ **MAY 26, 2020**, ARE LIMITED TO A MAXIMUM BUILDING HEIGHT OF 20 FEET, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

48. That a detailed site plan, landscaping plan, elevations, perimeter fence or wall  
40. plan, lighting plan, and entry monument signage shall be reviewed by the Laveen Village Planning Committee prior to preliminary site plan approval by the PLANNING AND Development Services Department.

**Exhibit A:**

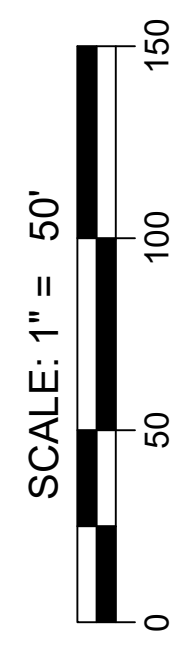
Conceptual Site Plan date stamped May 26, 2020



# CARVER MOUNTAIN

## CONCEPT PLAN A3

5-25-2020





## Attachment E

### REPORT OF PLANNING COMMISSION ACTION June 4, 2020

ITEM NO: 18	
	DISTRICT NO.: 8
SUBJECT:	
Application #:	PHO-1-19--Z-165-06-7(8)
Location:	Northwest corner of 35th Avenue and Carver Road
Request:	<ul style="list-style-type: none"> <li>• Modification of Stipulation No. 1 regarding general conformance to the site plan date stamped October 8, 2007 and elevations date stamped February 20, 2007</li> <li>• Modification of Stipulation No. 7 regarding the landscape setback adjacent to 35th Avenue</li> <li>• Deletion of Stipulation No. 19 regarding conditional development approval</li> <li>• Modification of Stipulation No. 27 regarding height of terraced berms along the quarry cut slope base</li> <li>• Modification of Stipulation No. 31 regarding raised, vertical curbs within the R1-18 portion of the site</li> <li>• Modification of Stipulation No. 37 regarding detached sidewalks and landscape strips within the R1-8 portion of the site</li> <li>• Deletion of Stipulation No. 39 regarding one-story homes along 35th Avenue</li> <li>• Technical corrections to Stipulation Nos. 4, 5, 6, 8, 9, 15, 18, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 33, 34, 36, 38 and 40</li> </ul>
Acreeage:	59.48
Applicant:	Jennifer Hall, Rose Law Group
Owner:	Virtua 35th, LLC
Representative:	Tom Galvin, Rose Law Group

#### **ACTIONS:**

**Staff Recommendation:** Denial as filed and approval with modifications and additional stipulations as recommended by the Planning Hearing Officer.

#### **Village Planning Committee (VPC) Recommendation:**

**Laveen** 1/13/2020 Denial. Vote: 11-0.

The Laveen Village Planning Committee motion also included a request that the Planning Hearing Officer recommend to the Planning Commission to initiate a zoning reversion for the site.

#### **Planning Hearing Officer Recommendation:**

January 15, 2020 The Planning Hearing Officer took this case under advisement.  
February 13, 2020 The Planning Hearing Officer took this case out from under advisement and recommended denial as filed and approval with modifications and additional stipulations.

Planning Commission Recommendation: Approval, per staff memo dated June 4, 2020 with a modified stipulation and direction for the applicant to modify the application prior to the City Council meeting.

Motion Discussion: N/A

Motion details: Commissioner Busching made a MOTION to approve PHO-1-19--Z-165-06-7(8), per staff memo dated June 4, 2020 with a modification to Stipulation No. 6 to reduce the useable open space from 12% to 8% and direction for the applicant to modify the application prior to the City Council meeting to modify Stipulation No. 5 to reflect the number of lots on the site plan.

Maker: Busching  
Second: Shank  
Vote: 8-0  
Absent: Howard  
Opposition Present: Yes

Findings:

1. The subject property of this request includes the entire 59 acres that comprised the original rezoning case. However, the applicant only submitted plans addressing the approximately 19.4 acres of R1-8 zoned property on the eastern portion of the site, adjacent to 35th Avenue. Modifications are recommended to the applicant's request to ensure that the existing stipulations on the approximately 39.6 acres of R1-18 zoned property on the western portion of the site are not modified or deleted. Additionally, the applicant did not submit elevations with the request. The original stipulations included a general conformance requirement for building elevations. A modification is recommended to the applicant's request to require a future Planning Hearing Officer application for review of conceptual building elevations.
2. The stipulated site plan depicted 99 detached single-family units arranged in clusters of two and four, oriented towards common courtyards. There are also seven free-standing units depicted at the northwest corner of the site partially in the hillside-designated area. The proposed conceptual site plan depicts 92 units in a similar cluster-style arrangement. However, the units have been shifted east on the property, reducing the total massing of development in the designated hillside areas. Additionally, the homes are not oriented towards courtyards and instead include larger private driveways in the front yards. There is more open space preserved in the hillside area in the northwest portion of the site. There is also more open space adjacent to the private accessways (Tract "A") which separates the homes from the streets. Because the homes are closer to 35th Avenue, there is less open space provided along the east property line. See Finding #3 for a more detailed description of the recommendation for minimum open space and Finding #4 regarding the landscape setback on 35th Avenue.
3. An additional stipulation is recommended to require the developer provide a minimum of 26% open space, of which a minimum of 12% shall be usable open space. The conceptual site plan depicts 40.47% open space. However,

there is no open space exhibit and the applicant indicated that a recalculation was necessary to adequately represent provided open space in the hillside area, setbacks, and other locations. The provision of 26% open space is compatible with the rural character of the surrounding area, consistent with other recent zoning actions in the Village, and significantly exceeds existing Ordinance standards.

4. The proposed reduction of the landscape setback on 35th Avenue from 235 feet (average) to minimum 100 feet accommodates the relocation of some residential units out of the designated hillside areas, consistent with the City approved slope analysis. The preservation of the hillside area will contribute to the rural character of the site and maintain this unique natural feature of the property. See Finding #9 regarding the restoration of the disturbed area on the abandoned gravel mine that occupies a portion of the remainder of the site.
5. Approximately 2,300 feet to the east of the subject property are the Hangar Hacienda Units One, Two, and Three subdivisions. These properties are in Maricopa County jurisdiction. These communities are oriented around an air strip utilized by residents who own private aircraft. Based on comments from a resident in this community, the typical flight path runs directly over the subject property of this request. An additional stipulation is recommended regarding notification of the aviation uses on these properties for future residents.
6. The subject property is archaeologically sensitive. Three additional stipulations are recommended which outline the City's requirements regarding data testing, data recovery, and archaeological assessments and survey.
7. The public right-of-way along 35th Avenue and a small portion along Carver Road is in Maricopa County Department of Transportation (MCDOT) jurisdiction. There is also an active drainage project along the roadway. Therefore, additional stipulations are recommended to acknowledge that MCDOT shall determine the final width and dedications needed for the portion of right-of-way adjacent to the subject property. City of Phoenix Street Transportation staff noted that in discussions with MCDOT staff, MCDOT does not have immediate concerns regarding the location of proposed retention areas shown on the conceptual site plan in regard to the drainage project.
8. Original Stipulation 19 states that approval shall be conditioned upon the development commencing within 48 months of the City Council approval. For properties with similar stipulations, the Planning and Development Department has required that a Planning Hearing Officer (PHO) action be pursued to modify or delete these conditions at the time that development is proposed, if the proposed development has exceeded the timeframe identified in the stipulation. The applicant is pursuing this process through their request for deletion of the stipulation. The modification or deletion of this stipulation through a PHO action is unrelated to the zoning reversion process which is a separate public hearing process that is described in Section 506 of the Zoning Ordinance.

The applicant's request for deletion of original Stipulation 19 is recommended for approval. The current proposal is consistent with the City Council's original

intent to see the subject property redevelop with a single-family residential land use in the R1-8 zoning district. Additionally, the request is consistent with City Council approved General Plan Amendment GPA-LV-1-08-7, which established a Residential 3.5 to 5 dwelling units per gross acre land use designation on the approximately 19.35 acres that comprises the R1-8 zoned portion of the property. Both the proposed conceptual site plan, as modified by this recommendation, and the existing R1-8 zoning designation are consistent with this land use designation.

9. Original Stipulation #27, requiring terraced berms planted with deciduous trees, may result in an environment that contrasts with the natural landscape of the existing hillside in the surrounding area. The stipulated terraced berm configuration is not consistent with the irregular natural landscape of the existing hillside in the surrounding area and there are no deciduous trees on hillside locations in the immediate vicinity. Proposals for fill are commonly intended to continue and promote a natural slope line, rather than creating terracing and other unnatural finishes.

There are a variety of alternatives to the stipulated requirement for terraced berms that may be considered for the site that would result in a more natural aesthetic to the restored hillside. These include chemical treatments and coloration to remove or camouflage scarring, hydroseeding of the slope to provide a mixture of natural grasses and plants which may also stabilize the slope, and roughening the cut or restored slope to integrate pockets for additional native landscaping.

Modified stipulation language is recommended to allow the applicant to work with City staff on an alternative approach to restoring the quarry cut slope base to promote a more natural landscape along the hillside.

10. The provision of detached sidewalks is consistent with numerous City policy plans. 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. Additionally, the City Council adopted Guiding Principles for Complete Streets seeks to make Phoenix more walkable by promoting a safe and inviting pedestrian environment that encourages walkability and thermal comfort. These principles are also expressed and expanded upon throughout the 2015 General Plan.

Therefore, the applicant's request to delete this requirement and instead stipulate a 5-foot sidewalk width is recommended for denial. However, the street layout on the proposed conceptual site plan may require the utilization of both private drives (between units) and private accessways (Tract "A"). There are different technical requirements and cross sections for these street types and it may be difficult to integrate detached sidewalks along both sides of private drives.

A modification of the applicant's request is recommended to require that detached sidewalks shall be provided, as originally stipulated, along all streets that are developed as public streets or private accessways.

11. The Street Transportation Department noted that both original Stipulation 31 and the applicant's proposed modified language may create conflicts if the development is to include both attached and detached sidewalks. The City of Phoenix standard detail for detached sidewalks along private accessways requires vertical curbs. Attached sidewalks may be permitted to provide rolled curbs. Deletion of the stipulation will allow the appropriate detail to be utilized based on the final configuration of sidewalks at appropriate locations throughout the development.
12. Original Stipulation 39 required that homes along 35th Avenue would be limited to one-story. The stipulation did not specify a maximum building height. Additionally, it is unclear whether the stipulation was intended to apply to the individual units located closest to 35th Avenue or the entire clusters. The original stipulation may permit a variety of building heights and locations for height-restricted lots.

However, the intent of the stipulation was to mitigate the impacts of building height for units closest to 35th Avenue and would have impacted homes at approximately 235 feet (the stipulated average setback in original Stipulation 7). This remains a valid concern and consistent with the design of other recent projects in the Village. Therefore, the applicant's request for deletion of this stipulation is recommended for denial. An alternative stipulation is proposed that limits maximum building height to 20 feet for the 12 lots that are located within approximately 235 feet of 35th Avenue. This recommendation is intended to clarify the limitation on building height and identify the specific lots impacted.

Stipulations:

General

- ~~4. That development shall be in general conformance with the site plan date stamped October 8, 2007, and elevations date stamped February 20, 2007, as modified by the following stipulations, and as approved by the Development Services Department.~~
1. THE R1-8 DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE SITE PLAN DATE STAMPED ~~NOVEMBER 21, 2019~~ **MAY 26, 2020**, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT, AND WITH SPECIFIC REGARD TO THE FOLLOWING:
  - A. THE DEVELOPER SHALL PROVIDE A PRIMARY ROADWAY FROM 35TH AVENUE EXTENDED TO THE WESTERN PROPERTY BOUNDARY, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
  - B. THE PRIMARY ROADWAY CONNECTING 35TH AVENUE TO THE WESTERN EDGE OF THE PROPERTY LINE SHALL TERMINATE AS A STUB STREET TO THE ADJACENT UNDEVELOPED LAND TO



THE WEST TO PROVIDE FOR A FUTURE VEHICULAR CONNECTION.

2. CONCEPTUAL ELEVATIONS FOR THE R1-8 DEVELOPMENT SHALL BE REVIEWED AND APPROVED 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 R1-18 DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE SITE PLAN DATE STAMPED OCTOBER 8, 2007, AND ELEVATIONS DATE STAMPED FEBRUARY 20, 2007, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
- ~~2.~~ 4. ~~That d~~Development of the R1-18 portion of the site shall not exceed 22 lots.
- ~~3.~~ 5. ~~That d~~Development of the R1-8 portion of the site shall not exceed a density of 99 lots.
6. THE R1-8 DEVELOPMENT SHALL PROVIDE A MINIMUM OF 26% OPEN SPACE, OF WHICH A MINIMUM OF 42 8% SHALL BE USABLE OPEN SPACE, AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

Site Design

- ~~4.~~ 7. ~~That u~~Unobstructed pedestrian access (for the purpose of private pedestrian connectivity internal to the site) between the R1-18 and R1-8 portions of the site shall be provided, as approved by the PLANNING AND Development Services Department.
- ~~5.~~ 8. ~~That n~~No solid wall in excess of three feet in height as measured from the finished grade, shall be located on the site (either in private lots or common tracts) except that solid walls greater than three feet in height shall be allowed for the following purposes, as approved by the PLANNING AND Development Services Department.
  - a. Walls utilized to screen utilities, trash enclosures, or other facilities generally considered to be visually obtrusive.
  - b. Retaining wall.
- ~~6.~~ 9. ~~That n~~No more than 60,000 square feet of natural turf area shall be located within the common areas of the R1-8 portion of the site (this requirement does not apply to synthetic turf); if provided, common area natural turf should be centrally located and grouped so as to create one contiguous natural turf

recreation area, as approved by the PLANNING AND Development Services Department.

7. ~~That a 235-foot (average), 200-foot (minimum)~~ THE DEVELOPMENT SHALL PROVIDE A MINIMUM 100 FOOT landscaped setback ALONG THE EAST PROPERTY LINE adjacent to 35th Avenue shall be provided, as approved by the PLANNING AND Development Services Department.
8. ~~That a~~ A 50-foot (minimum) landscaped setback adjacent to Carver Road (final alignment) shall be provided, as approved by the PLANNING AND Development Services Department.
9. ~~That~~ Those portions of spider and jeep trails which are not part of the approved grading envelopes, access drives, or other necessary site disturbance related to the proposed development of the R1-8 portion of the site shall be re-vegetated in a manner consistent with adjacent undisturbed vegetation, as approved by the PLANNING AND Development Services Department.

#### Disclosures

10. ~~That p~~ Prior to final site plan approval, the property owner shall record documents that disclose to tenants of the site or purchasers of property within the site, the existence, proximity, and operational characteristics of active agricultural uses and non-domesticated animal keeping. 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.
14. THAT PRIOR TO FINAL SITE PLAN APPROVAL, THE PROPERTY OWNER SHALL RECORD DOCUMENTS THAT DISCLOSE TO TENANTS OF THE SITE OR PURCHASERS OF PROPERTY WITHIN THE SITE, THE EXISTENCE, PROXIMITY, AND OPERATIONAL CHARACTERISTICS OF ACTIVE AVIATION USES IN THE HANGAR HACIENDAS UNITS ONE, TWO, AND THREE SUBDIVISIONS LOCATED APPROXIMATELY 2,300 FEET TO THE EAST OF THE SUBJECT PROPERTY IN MARICOPA COUNTY. THE FORM AND CONTENT OF SUCH DOCUMENTS SHALL BE ACCORDING TO THE TEMPLATES AND INSTRUCTIONS PROVIDED, WHICH HAVE BEEN REVIEWED AND APPROVED BY THE CITY ATTORNEY.

#### Parks and Recreation

11. ~~That~~ The developer shall dedicate a multi-use trail easement and construct a multi-use trail, per adopted standards, along the north side of Carver Road, as approved by the Parks and Recreation Department.
- 15.

#### Archaeology

12. ~~That~~ The applicant shall complete an archaeological survey report of the development area for review and approval by the City Archaeologist prior to clearing and grubbing, landscape salvage, or grading.
- 16.

17. 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.
18. 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.
19. 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.

#### Street Transportation

- ~~13.~~ ~~That r~~Right-of-way totaling 55 feet shall be dedicated for the west half of 35th Avenue, as approved by the Street Transportation Department. 35th Avenue shall be constructed using rural streets standards similar to Dobbins Road, as approved by the Street Transportation Department.
- 20.
- ~~14.~~ ~~That r~~Right-of-way totaling 55 feet shall be dedicated for the west half of Carver Road, as approved by the Street Transportation Department. Carver Road shall be constructed using rural streets standards similar to Dobbins Road, as approved by the Street Transportation Department.
- 21.
22. THE DEVELOPER SHALL DEDICATE RIGHT-OF-WAY FOR 35TH AVENUE AS DETERMINED BY THE MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION (MCDOT) AND AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
23. THE DEVELOPER SHALL DEDICATE RIGHT-OF-WAY FOR CARVER ROAD AS DETERMINED BY THE MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION (MCDOT) AND AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
- ~~15.~~ ~~That a~~A traffic impact study shall be submitted to, and approved by, the Street Transportation Department prior to PLANNING AND Development ~~Services~~ Department preliminary site plan approval. That all right-of-way dedications and associated infrastructure improvements as recommended by the traffic impact study shall be installed by the developer, as approved by the PLANNING AND Development ~~Services~~ Department.
- 24.

16. ~~That t~~The developer shall construct all streets within and adjacent to the  
 25. development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping, and other incidentals, as modified by these stipulations, and as approved by the Street Transportation Department. All improvements shall comply with all AmericanS with Disabilities Act accessibility standards.
17. ~~That t~~The applicant shall complete and submit the Developer Project  
 26. Information Form for the Maricopa Association of Governments Transportation Improvement Program. This form is a requirement of the Environmental Protection Agency to meet clean air quality requirements.
18. ~~That p~~Prior to preliminary site plan approval, the landowner shall execute a  
 27. Proposition 207 waiver of claims utilizing the provided template. The waiver shall be recorded with the Maricopa County Recorder's Office and a copy shall be provided to the PLANNING AND Development Services Department for the case files.
19. ~~That approval shall be conditional upon the development commencing within 48 months of the City Council approval of this change of zoning in accordance with Section 506.B.1 of the Zoning Ordinance. For purposes of this stipulation, development shall commence with the issuance of building permits and erection of the building walls on site.~~

#### Neighborhood

20. ~~That b~~Building pad cuts shall be terraced if more than 6 feet in height and  
 28. treated with a stain, gunnite, or equivalent finish, as approved by the PLANNING AND Development Services Department.
21. ~~That a~~All two story homes, within the R1-18 portion of the site, shall be  
 29. designed in a manner such that the square footage of the second story floor area does not exceed 66 percent of the first story floor area, as approved by the PLANNING AND Development Services Department.
22. ~~That c~~Concrete channels shall be designed to look natural in the desert setting  
 30. through color, texture, landscaping, or other means, as approved by the PLANNING AND Development Services Department.
23. ~~That t~~The use of riprap and engineered culverts shall be minimized and, where  
 31. utilized, shall be integrated with the desert setting through color, texture, soil plating, landscaping, or other means, as approved by the PLANNING AND Development Services Department. To the extent possible, culverts shall be undersized to allow minor flows (10 cfs or smaller) to cross roadways in their natural condition.
24. ~~That w~~Washes with a one-hundred-year peak flow of 200 cfs or greater shall  
 32. be preserved and enhanced with native vegetation as described in Appendix A, Approved Plant Species List for Sonoran Preserve Edge Treatment Guidelines, as approved by the PLANNING AND Development Services Department.

- ~~25.~~ ~~33.~~ That ~~l~~ Lots with 2 or more sides abutting undisturbed open space shall be designed with obtuse angles, rather than right angles or acute angles, as approved by the PLANNING AND Development ~~Services~~ Department.
- ~~26.~~ ~~34.~~ That ~~e~~ On non-hillside lots within the R1-18 portion of the development, all improvements, including driveways, landscaping, and underground utilities shall be located within a building envelope occupying no more than 50 percent of the lot up to a maximum of 20,000 square feet, whichever is less, as approved by the PLANNING AND Development ~~Services~~ Department.
- ~~27.~~ ~~35.~~ That ~~a~~ A minimum of three terraced berms with 2:1 fill slopes shall be installed along the full length of the quarry cut slope base. The terraces shall BE LIMITED TO A MAXIMUM HEIGHT OF ~~be~~ 8 feet ~~tall, minimum,~~ and shall be PLANTED ~~plated~~ with a staggered combination of 2-inch and 4-inch caliper, drought resistant, deciduous trees at 25 feet ON center OR IN EQUIVALENT GROUPINGS ~~to center,~~ as approved OR MODIFIED by the PLANNING AND Development ~~Services~~ Department.

THE DEVELOPER MAY ALSO IMPLEMENT ALTERNATIVE SOLUTIONS FOR THE NATURALIZING AND BLENDING OF THE QUARRY CUT SLOPE WITH THE ADJACENT UNDISTURBED HILLSIDE AREA, AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

- ~~28.~~ ~~36.~~ That ~~s~~ Solid block walls, except for retaining walls or privacy fencing on individual lots, shall not be constructed outside of the building envelopes for the R1-18 portion of the site, as approved by the PLANNING AND Development ~~Services~~ Department. Fencing constructed outside of the building envelope shall be combination solid/view fencing. In addition, all fencing above the 15 percent slope line shall be 100 percent view fencing.
- ~~29.~~ ~~37.~~ That ~~t~~ The entire 60-acre site shall have no perimeter fencing, as approved by the PLANNING AND Development ~~Services~~ Department.
- ~~30.~~ ~~38.~~ That ~~p~~ Private roadways within the R1-18 portion of the site shall be provided with ribbon curbs and colored asphalt, as approved by the PLANNING AND Development ~~Services~~ Department.
- ~~31.~~ ~~39.~~ That ~~private roadways within the R1-8 portion of the site shall be provided with a raised, vertical curb, as approved by the Development Services Department.~~
- ~~32.~~ ~~40.~~ That ~~a~~ All HVAC units shall be ground mounted.
- ~~33.~~ ~~41.~~ That ~~a~~ All street lighting and wall mounted security fixtures shall be full cut off lighting. Fixture height shall be a maximum of 12 feet. Street lighting fixtures shall be decorative and have a consistent architectural theme, as approved by the PLANNING AND Development ~~Services~~ Department.
- ~~34.~~ ~~42.~~ That ~~b~~ Bollards shall be used for accent lighting at the primary access, entry monument, driveways, and trail crossings, as approved by the PLANNING

AND Development ~~Services~~ Department. Photovoltaic energy sources for bollard lighting shall be provided.

~~35.~~ 43. ~~That a~~Any request to delete or modify these stipulations SHALL be preceded by A presentation to the Laveen Village Planning Committee (VPC) for review and recommendation, and notification to the following persons two weeks prior to presentation at the VPC:

- a. Jon Kimoto, 3216 West Ansell Road, Laveen, 85339
- b. Cyd Manning, P.O. Box 41234, Mesa, 85274
- c. Judy Brown, P.O. Box 41234, Mesa, 85274
- d. Christine Dicken, 10827 South 30th Avenue, Laveen, 85339
- e. Richard Birnbaum, 11014 South 35th Avenue, Laveen, 85339
- f. Phil Hertel, ~~2300~~ 2845 West Broadway Road, Phoenix, 85041
- g. Steven Klein, 6820 South 66th Avenue, Laveen, 85339

~~36.~~ 44. ~~That t~~The following individuals shall be notified of any and all PLANNING AND Development ~~Services~~ Department (~~DSD~~) meetings which are open to the public. The applicant shall be responsible for notification to the following via a first-class letter to be mailed at least two weeks prior to the ~~DSD~~ meeting(s):

- a. Jon Kimoto, 3216 West Ansell Road, Laveen, 85339
- b. Cyd Manning, P.O. Box 41234, Mesa, 85274
- c. Judy Brown, P.O. Box 41234, Mesa, 85274
- d. Christine Dicken, 10827 South 30th Avenue, Laveen, 85339
- e. Richard Birnbaum, 11014 South 35th Avenue, Laveen, 85339
- f. Phil Hertel, ~~2300~~ 2845 West Broadway Road, Phoenix, 85041
- g. Steven Klein, 6820 South 66th Avenue, Laveen, 85339

~~37.~~ 45. ~~That a~~All sidewalks, within the R1-8 portion of the site, WHICH ARE DEVELOPED ALONG STREETS DEVELOPED AS PUBLIC STREETS OR PRIVATE ACCESSWAYS shall be detached with a minimum five-foot wide landscaped strip located between the sidewalk and back of curb and shall include minimum two-inch caliper shade trees planted ~~a minimum rate of 20~~ feet on center or IN equivalent groupings along both sides of the sidewalk, as approved OR MODIFIED by the PLANNING AND Development ~~Services~~ Department. The landscape strip shall be installed by the developer and maintained by the homeowners' association.

38. ~~That a~~A mix of two and three-inch caliper trees shall be provided within all  
46. required common open space tracts. With the exception of the open space area adjacent to 35th Avenue, the species of trees provided shall shade 50 percent of the area of the open space at tree maturity, as approved by the PLANNING AND Development ~~Services~~ Department.
39. ~~That only one-story homes shall be located along 35th Avenue.~~  
47. LOTS ~~52-61 AND 82-83~~ 1-7, LOCATED ALONG 35TH AVENUE AND AS DEPICTED ON THE SITE PLAN DATE STAMPED ~~NOVEMBER 21, 2019~~ **MAY 26, 2020**, ARE LIMITED TO A MAXIMUM BUILDING HEIGHT OF 20 FEET, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
40. ~~That a~~A detailed site plan, landscaping plan, elevations, perimeter fence or wall  
48. plan, lighting plan, and entry monument signage shall be reviewed by the Laveen Village Planning Committee prior to preliminary site plan approval by the PLANNING AND Development ~~Services~~ Department.

This publication can be made available in alternate format upon request. Please contact Tamra Ingersoll at (602) 534-6648, TTY use 7-1-1.

# Attachment F

## CITY OF PHOENIX PLANNING AND DEVELOPMENT DEPARTMENT

<b>FORM TO REQUEST PC to CC</b>			
<b>I HEREBY REQUEST THAT THE CC HOLD A PUBLIC HEARING ON:</b>			
<b>APPLICATION NO/ LOCATION</b>	<b>PHO-1-19--Z-165-06-7(8)</b> Northwest corner of 35th Avenue and Carver Road	<i>(SIGNATURE ON ORIGINAL IN FILE)</i>	
		opposition	x
<b>APPEALED FROM:</b>	<b>PC 6/4/2020</b>	<b>Cyd Manning</b> <b>480-747-0769</b> <b>sweetbeat@q.com</b>	
	<i>PC DATE</i>	<i>NAME / PHONE / EMAIL</i>	
<b>TO PC/CC HEARING</b>	<b>CC 6/24/2020</b>	<b>3220 West Ceton Drive</b> <b>Laveen, AZ 85339</b>	
	<i>CC DATE</i>	<i>STREET ADDRESS/CITY/STATE/ZIP</i>	
<b>REASON FOR REQUEST:</b>			
Sixty-three lots on 20 acres at 3.2 dwelling units per acre is incompatible land use with adjacent 40 acres and other adjacent surrounding parcels zoned R1-18, RE-35 and S-1. The R1-8 is speculative spot zoning. Disagree with the deletion of Stipulation No. 19. There is no connectivity to the 40-acre portion, the circulation is a 90-degree grid and other stipulations recommended by the Planning Hearing Officer were not included in the applicant's revised plan.			
<b>RECEIVED BY:</b>	Jazmine Braswell	<b>RECEIVED ON:</b>	6/9/2020

Alan Stephenson  
 Joshua Bednarek  
 Tricia Gomes  
 Racelle Escolar  
 Stephanie Vasquez  
 Leah Swanton  
 Vikki Cipolla-Murillo  
 Danielle Jordan  
 Applicant





JUN 09 2020

Planning & Development Department

The PLANNING COMMISSION agenda for June 4, 2020 is attached.

The CITY COUNCIL may approve the recommendation of the Planning Commission without further hearing unless:

- 1. A REQUEST FOR A HEARING by the CITY COUNCIL is filed within seven (7) days.

There is a \$630.00 appeal fee for hearings requested by the applicant, due by 5:00 p.m. June 11, 2020.

Any member of the public may, within seven (7) days after the Planning Commission's action, request a hearing by the City Council on any application. If you wish to request a hearing, fill out and sign the form below and return it to the Planning and Development Department by 5:00 p.m., June 11, 2020.

- 2. A WRITTEN PROTEST is filed, no later than seven (7) days after the Planning Commission's action, which requires a three-fourths vote. A written protest will require a three-fourths vote of the City Council to approve a zoning change when the owners of at least 20 percent of the property by area and number of lots, tracts, and condominium units within the zoning petition area have signed the petition. The zoning petition area includes both the area of the proposed amendment, and the area within 150 feet of the proposed amendment, including all rights-of-way. For condominium, townhouse and other types of ownership with common lands, authorized property owner signatures are required. Please see Planning and Development Department Staff for additional information prior to gathering signatures.

To require a three-fourths vote of the City Council for approval, a written protest for applications on this agenda must be filed with the Planning and Development Department by 5:00 p.m. June 11, 2020.

The Planning and Development Department will verify ownership by protestors to determine whether or not a three-fourths vote will be required.

- 3. A CONTINUANCE is granted at the PLANNING COMMISSION. In the event of a continuance, there is an \$830.00 fee due from the applicant within fourteen (14) days, by 5:00 p.m. June 18, 2020.

FORM TO REQUEST CITY COUNCIL HEARING

I HEARBY REQUEST THAT THE CITY COUNCIL HOLD A PUBLIC HEARING:

2-165-06 (PHO-1-19)

35th Ave. + Carver Rd.

APPLICATION NO.

LOCATION OF APPLICATION SITE

June 4, 2020

Jasmine Braswell

DATE APPEALED FROM

[X] OPPOSITION [ ] APPLICANT

PLANNER (PLANNER TAKING THE APPEAL)

BY MY SIGNATURE BELOW, I ACKNOWLEDGE CITY COUNCIL APPEAL:

Cycl Manning

[Signature]

PRINTED NAME OF PERSON APPEALING

SIGNATURE

3220 W. Ceton Dr.

June 9, 2020

STREET ADDRESS

DATE OF SIGNATURE

Laveen, AZ 85339

480-747-0769

CITY, STATE & ZIP CODE

TELEPHONE NO.

sweetbeat@q.com

EMAIL ADDRESS

REASON FOR REQUEST 63 lots on 20 ac. at 3.2 dufa is incompatible land use w/ adjacent 40 ac. + other adjacent + surrounding parcels zoned R1-18, RE-35 and S-1. The R1-8 is speculative spot zoning. Disagree with the

APPEALS MUST BE FILED IN PERSON AT 200 WEST WASHINGTON, 2ND FLOOR, ZONING COUNTER

deletion of Stip. 19. There is no connectivity to the 40-acre portion, the circulation is a 90 degree grid and other stipulations recommended by PHO were not included in applicant's revised plan.

CITY OF PHOENIX  
PLANNING AND DEVELOPMENT DEPARTMENT

<b>FORM TO REQUEST PC to CC</b>			
<b>I HEREBY REQUEST THAT THE CC HOLD A PUBLIC HEARING ON:</b>			
<b>APPLICATION NO/ LOCATION</b>	PHO-1-19--Z-165- 06-7(8) Northwest corner of 35th Avenue and Carver Road	<i>(SIGNATURE ON ORIGINAL IN FILE)</i>	
		opposition	x
<b>APPEALED FROM:</b>	PC 6/4/2020	Lisa Vializ 602-741-5722 LVIALIZ@COX.NET	
	<small>PC DATE</small>	<small>NAME / PHONE / EMAIL</small>	
<b>TO PC/CC HEARING</b>	CC 6/24/2020	8921 S. 53rd Drive Laveen, AZ 85339	
	<small>CC DATE</small>	<small>STREET ADDRESS/CITY/STATE/ZIP</small>	
<b>REASON FOR REQUEST:</b>			
<ol style="list-style-type: none"> <li>1) R1-8 zoning is speculative spot zoning.</li> <li>2) Sixty-three lots on 20 acres at 3.2 dwelling units per acre is incompatible land use with the adjacent 40 acres. Surrounding zoning districts are: S-1, RE-35, and R1-18.</li> <li>3) We disagree with deletion of Stipulation No. 19, personally placed in this case by then Mayor Phil Gordon to protect the community.</li> <li>4) There is no connectivity to 40-acre portion. Circulation is 90-degree grid and other stipulations recommended by the Planning Hearing Officer were not included in applicant's revised plan.</li> </ol>			
<b>RECEIVED BY:</b>	Jazmine Braswell	<b>RECEIVED ON:</b>	6/9/2020

Alan Stephenson  
Joshua Bednarek  
Tricia Gomes  
Racelle Escolar  
Stephanie Vasquez  
Leah Swanton  
Vikki Cipolla-Murillo  
Danielle Jordan  
Applicant





City of Phoenix  
PLANNING AND DEVELOPMENT DEPARTMENT

CITY OF PHOENIX

JUN 09 2020

Planning & Development  
Department

The **PLANNING COMMISSION** agenda for June 4, 2020 is attached.

The **CITY COUNCIL** may approve the recommendation of the Planning Commission without further hearing **unless**:

1. A **REQUEST FOR A HEARING** by the **CITY COUNCIL** is filed within seven (7) days.

There is a \$630.00 appeal fee for hearings requested by the applicant, due by 5:00 p.m. June 11, 2020.

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To require a three-fourths vote of the City Council for approval, a written protest for applications on this agenda must be filed with the Planning and Development Department by 5:00 p.m. June 11, 2020.

The Planning and Development Department will verify ownership by protestors to determine whether or not a three-fourths vote will be required.

3. A **CONTINUANCE** is granted at the **PLANNING COMMISSION**. In the event of a continuance, there is an \$830.00 fee due from the applicant within fourteen (14) days, by 5:00 p.m. June 18, 2020.

**FORM TO REQUEST CITY COUNCIL HEARING**

I HEARBY REQUEST THAT THE CITY COUNCIL HOLD A PUBLIC HEARING:

PHD-1-19-Z-165-06-7(8)  
APPLICATION NO.

35<sup>th</sup> AVE + CARVER RD.  
LOCATION OF APPLICATION SITE

6/4/20  
DATE APPEALED FROM

OPPOSITION  
 APPLICANT

Jasmine Braswell  
PLANNER  
(PLANNER TAKING THE APPEAL)

BY MY SIGNATURE BELOW, I ACKNOWLEDGE CITY COUNCIL APPEAL:

LISA VIALIZ  
PRINTED NAME OF PERSON APPEALING

Lisa Vializ  
SIGNATURE

8921 S. 53<sup>RD</sup> DR.  
STREET ADDRESS

6/9/20  
DATE OF SIGNATURE

LAVERN, AZ 85339  
CITY, STATE & ZIP CODE

602-741-5722  
TELEPHONE NO.

LVIALIZ@COX.NET  
EMAIL ADDRESS

REASON FOR REQUEST ① RI-8 ZONING IS SPECULATIVE SPOT ZONING.  
② 63 LOTS ON 20A AT 3.2 DU/A IS INCOMPATIBLE LAND USE W/ THE ADJACENT 40A. SURROUNDING ZONING DISTRICTS ARE: S-1, RE-35, & RI-1B.  
③ WE DISAGREE WITH DELETION OF STIPULATION 19, PERSONALLY PLACED IN THIS CASE BY THEN MAYOR PHIL GORDON TO PROTECT THE COMMUNITY.  
④ THERE IS NO CONNECTIVITY TO 40A PORTION. CIRCULATION IS 90° GRID AND OTHER STIPS RECOMMENDED BY PHD WERE NOT INCLUDED IN APPLICANTS REVISED PLAN.  
Page 457

# Attachment G

## Adam Stranieri

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**From:** Sofia Mastikhina  
**Sent:** Wednesday, March 4, 2020 8:14 AM  
**To:** Julianna Pierre; Adam Stranieri  
**Subject:** FW: Case Z-165-06 (PHO-1-19)

FYI



**Sofia Mastikhina**  
Planner II - Village Planner  
City of Phoenix  
Long Range Planning  
Office: 602-256-5648  
200 West Washington Street  
Phoenix, AZ 85003



---

**From:** Ernst Bauer <ERNST.BAUER@asu.edu>  
**Sent:** Tuesday, March 3, 2020 6:20 PM  
**To:** Alan Stephenson <alan.stephenson@phoenix.gov>; Joshua Bednarek <joshua.bednarek@phoenix.gov>; Samantha Keating <samantha.keating@phoenix.gov>; PDD Laveen VPC <laveenvpc@phoenix.gov>; Council District 7 PCC <council.district.7@phoenix.gov>; Council District 8 PCC <council.district.8@phoenix.gov>  
**Subject:** Case Z-165-06 (PHO-1-19)

Laveen Village Planning Committee, Planning Management and Staff,

Case Z-165-06 (PHO-1-19) is scheduled for both LVPC and PHO review next week. I respectfully request that you deny Z-165-06 (PHO-1-19) as filed.

The City of Phoenix is bound to enforce Ordinance G-5020 in which SECTION 2 specifies: *“The specific nature of the subject property and of the rezoning request is more particularly described in case file Z-165-06-7, on file with the Planning Department. Due to the site’s specific physical conditions and the use district applied for by the applicant, this zoning 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”*, which includes Stipulation 19.

Stipulation 19 states *“That approval shall be conditional upon development commencing within 48 months of the City Council approval of this change of zoning in accordance with Section 506.B.1 of the Zoning Ordinance. For purposes of this stipulation, development shall commence with the issuance of building permits and erection of building walls on site.”*. City Council approval was on October 10, 2007 and with the 48-month timing, the zoning was set to revert to S-1 as of 2011. To date there has been no development on the property and no action taken by the City to revert the zoning as required.

Before considering any revision to this case, now or in the future, the City of Phoenix first has an obligation and duty to enforce these requirements to execute and finalize the long-overdue zoning reversion to S-1 for the entire property. In addition, the City should also execute a companion General Plan Amendment from 3.5-5 du/a to 0-1 Residential/Parks/Open Space to match the reverted S-1 zoning. Precedent has already been set with Resolution 20714-GPA-LV-1-08-7 which was initiated by the City in July 2008 and approved by the City Council on October 15, 2008.

The current applicant/owner is not only requesting a site plan revision on the 20 acre portion, they are requesting multiple stipulation modifications and deletions, including deletion of Stipulation 19. Deleting this stipulation is a violation of the City of Phoenix Zoning Ordinance, a very serious matter, and simply wrong. It was written by City Planning professionals and included, reviewed and approved by the City Council. This stipulation protected the neighbors and community from providing a blank check for a high density development that does not fit the area.

Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to O-1 Residential/Parks/Open Space to match the S-1 zoning.

Dr. Ernst Bauer  
Professor Emeritus  
11581 S 28th Ave  
Laveen  
AZ 85339  
e-mail: [ernst.bauer@asu.edu](mailto:ernst.bauer@asu.edu)  
Webpage: <http://ernstbauer.physics.asu.edu> [[ernstbauer.physics.asu.edu](http://ernstbauer.physics.asu.edu)]

## Racelle Escolar

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**From:** Sofia Mastikhina  
**Sent:** Monday, March 23, 2020 7:52 AM  
**To:** Danielle M Jordan  
**Cc:** Racelle Escolar  
**Subject:** FW: Deny Case Z-165-06 (PHO 1-19)



**Sofia Mastikhina**  
Planner II - Village Planner  
City of Phoenix  
Long Range Planning  
Office: 602-256-5648  
200 West Washington Street  
Phoenix, AZ 85003



**From:** D M <darcy3535@gmail.com>  
**Sent:** Saturday, March 21, 2020 4:43 PM  
**To:** Sofia Mastikhina <sofia.mastikhina@phoenix.gov>  
**Subject:** Deny Case Z-165-06 (PHO 1-19)

Planning Commission Members, Planning Management and Staff,

I request you DENY Case Z-165-06 (PHO-1-19) when it comes before the Planning Commission on April 2. The City of Phoenix first needs to enforce their ordinance, G-5020, which requires the zoning be placed back to S-1 (one house per acre) as of 2011. To date no action has been taken which violates City Zoning Ordinance and is a serious matter.

The current owner is requesting to delete stipulation 19 of this ordinance which has protected the neighbors and community from providing a blank check for a high density development that does not fit the area.

Do the required and right thing! Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to O-1 Residential/Parks/Open Space to match the S-1 zoning.

Respectfully,

Name Darcy Meyer

Address 3535 W Bohl St, Laveen Village, AZ 85339



## Racelle Escolar

---

**From:** Sofia Mastikhina  
**Sent:** Monday, March 23, 2020 7:52 AM  
**To:** Danielle M Jordan  
**Cc:** Racelle Escolar  
**Subject:** FW: Case Z-165-06 (PHO-1-19)



**Sofia Mastikhina**  
Planner II - Village Planner  
City of Phoenix  
Long Range Planning  
Office: 602-256-5648  
200 West Washington Street  
Phoenix, AZ 85003



**From:** Sarah VanSchyndel <sarah.vanschyndel@gmail.com>  
**Sent:** Sunday, March 22, 2020 5:58 AM  
**To:** Alan Stephenson <alan.stephenson@phoenix.gov>; Joshua Bednarek <joshua.bednarek@phoenix.gov>; Mayor Gallego <mayor.gallego@phoenix.gov>; Council District 7 PCC <council.district.7@phoenix.gov>; Council District 8 PCC <council.district.8@phoenix.gov>; Council District 3 PCC <council.district.3@phoenix.gov>; Council District 4 <council.district.4@phoenix.gov>; Sofia Mastikhina <sofia.mastikhina@phoenix.gov>  
**Subject:** Case Z-165-06 (PHO-1-19)

Planning Commission Members, Planning Management and Staff,  
Councilmen, Councilwomen and Madam Mayor;

Case Z-165-06 (PHO-1-19) is scheduled for Planning Commission review April 2. I respectfully request that you deny Z-165-06 (PHO-1-19) as filed.

The City of Phoenix is bound to enforce Ordinance G-5020 in which SECTION 2 specifies: "The specific nature of the subject property and of the rezoning request is more particularly described in case file Z-165-06-7, on file with the Planning Department. Due to the site's specific physical conditions and the use district applied for by the applicant, this zoning 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", which includes Stipulation 19.

Stipulation 19 states "That approval shall be conditional upon development commencing within 48 months of the City Council approval of this change of zoning in accordance with Section 506.B.1 of the Zoning Ordinance. For purposes of this stipulation, development shall commence with the issuance of building permits and erection of building walls on site.". City Council approval was on October 10, 2007 and with the 48-month timing, the zoning was set to revert to S-1 as of 2011. To date there has been no development on the property and no action taken by the City to revert the zoning as required.

Before considering any revision to this case, now or in the future, the City of Phoenix first has an obligation and duty to enforce these requirements to execute and finalize the long-overdue zoning reversion to S-1 for the entire property. In addition, the City should also execute a companion General Plan Amendment from 3.5-5 du/a to 0-1 Residential/Parks/Open Space to match the reverted S-1 zoning. Precedent has already been set with Resolution 20714-GPA-LV-1-08-7 which was initiated by the City in July 2008 and approved by the City Council on October 15, 2008.

The current applicant/owner is not only requesting a site plan revision on the 20 acre portion, they are requesting multiple stipulation modifications and deletions, including deletion of Stipulation 19. Deleting this stipulation is a

violation of the City of Phoenix Zoning Ordinance, a very serious matter, and simply wrong. It was written by City Planning professionals and included, reviewed and approved by the City Council. This stipulation protected the neighbors and community from providing a blank check for a high density development that does not fit the area.

Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Sarah Johns

3913 W. Carver Rd.

Laveen, AZ 85339

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**Sarah Johns**



## Racelle Escolar

---

**From:** Sofia Mastikhina  
**Sent:** Monday, March 23, 2020 11:19 AM  
**To:** Danielle M Jordan; Racelle Escolar  
**Subject:** FW: Case Z-165-06 (PHO-1-19) - Planning Commision Hearing - April 2, 2020



**Sofia Mastikhina**  
Planner II - Village Planner  
City of Phoenix  
Long Range Planning  
Office: 602-256-5648  
200 West Washington Street  
Phoenix, AZ 85003



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**From:** Scott Johnson <sjohnson@scottjce.com>  
**Sent:** Monday, March 23, 2020 11:15 AM  
**To:** Alan Stephenson <alan.stephenson@phoenix.gov>; Joshua Bednarek <joshua.bednarek@phoenix.gov>; Mayor Gallego <mayor.gallego@phoenix.gov>; Council District 7 PCC <council.district.7@phoenix.gov>; Council District 8 PCC <council.district.8@phoenix.gov>; Council District 3 PCC <council.district.3@phoenix.gov>; Council District 4 <council.district.4@phoenix.gov>; Sofia Mastikhina <sofia.mastikhina@phoenix.gov>  
**Cc:** 'Cyd Manning' <SweetBeat@q.com>  
**Subject:** Case Z-165-06 (PHO-1-19) - Planning Commision Hearing - April 2, 2020

Planning Commission Members, Planning Management and Staff,

Case Z-165-06 (PHO-1-19) is scheduled for Planning Commission review April 2. I respectfully request that you deny Z-165-06 (PHO-1-19) as filed.

The City of Phoenix is bound to enforce Ordinance G-5020 in which SECTION 2 specifies: *“The specific nature of the subject property and of the rezoning request is more particularly described in case file Z-165-06-7, on file with the Planning Department. Due to the site’s specific physical conditions and the use district applied for by the applicant, this zoning 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”*, which includes Stipulation 19.

Stipulation 19 states *“That approval shall be conditional upon development commencing within 48 months of the City Council approval of this change of zoning in accordance with Section 506.B.1 of the Zoning Ordinance. For purposes of this stipulation, development shall commence with the issuance of building permits and erection of building walls on site.”*. City Council approval was on October 10, 2007 and with the 48-month timing, the zoning was set to revert to S-1 as of 2011. To date there has been no development on the property and no action taken by the City to revert the zoning as required.

Before considering any revision to this case, now or in the future, the City of Phoenix first has an obligation and duty to enforce these requirements to execute and finalize the long-overdue zoning reversion to S-1 for the entire property. In addition, the City should also execute a companion General Plan Amendment from 3.5-5 du/a to 0-1 Residential/Parks/Open Space to match the reverted S-1 zoning. Precedent has already been set with Resolution 20714-GPA-LV-1-08-7 which was initiated by the City in July 2008 and approved by the City Council on October 15, 2008.

The current applicant/owner is not only requesting a site plan revision on the 20 acre portion, they are requesting multiple stipulation modifications and deletions, including deletion of Stipulation 19. Deleting this stipulation is a violation of the City of Phoenix Zoning Ordinance, a very serious matter, and simply wrong. It was written by City Planning professionals and included, reviewed and approved by the City Council. This stipulation protected the neighbors and community from providing a blank check for a high density development that does not fit the area.

Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to O-1 Residential/Parks/Open Space to match the S-1 zoning.

Thank you for your consideration, Scott Johnson

**Scott Johnson, President**  
**Hangar Haciendas HOA**  
**3143 W. Avion Way**  
**Laveen, AZ 85339**  
**602-320-2382**  
**sjohnson@scottjce.com**



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[\[avg.com\]](http://avg.com)

## Racelle Escolar

---

**From:** Sofia Mastikhina  
**Sent:** Monday, March 23, 2020 12:19 PM  
**To:** Racelle Escolar; Danielle M Jordan  
**Subject:** FW: Rezoning



**Sofia Mastikhina**  
Planner II - Village Planner  
City of Phoenix  
Long Range Planning  
Office: 602-256-5648  
200 West Washington Street  
Phoenix, AZ 85003



**From:** David Vaughan <azernot2@aol.com>  
**Sent:** Monday, March 23, 2020 12:15 PM  
**To:** Sofia Mastikhina <sofia.mastikhina@phoenix.gov>  
**Subject:** Rezoning

Planning Commission Members, Planning Management and Staff,

Case Z-165-06 (PHO-1-19) is scheduled for Planning Commission review April 2. I respectfully request that you deny Z-165-06 (PHO-1-19) as filed.

The City of Phoenix is bound to enforce Ordinance G-5020 in which SECTION 2 specifies: *"The specific nature of the subject property and of the rezoning request is more particularly described in case file Z-165-06-7, on file with the Planning Department. Due to the site's specific physical conditions and the use district applied for by the applicant, this zoning 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"*, which includes Stipulation 19.

Stipulation 19 states *"That approval shall be conditional upon development commencing within 48 months of the City Council approval of this change of zoning in accordance with Section 506.B.1 of the Zoning Ordinance. For purposes of this stipulation, development shall commence with the issuance of building permits and erection of building walls on site."* City Council approval was on October 10, 2007 and with the 48-month timing, the zoning was set to revert to S-1 as of 2011. To date there has been no development on the property and no action taken by the City to revert the zoning as required.

Before considering any revision to this case, now or in the future, the City of Phoenix first has an obligation and duty to enforce these requirements to execute and finalize the long-overdue zoning reversion to S-1 for the entire property. In addition, the City should also execute a companion General Plan Amendment from 3.5-5 du/a to 0-1 Residential/Parks/Open Space to match the reverted S-1 zoning. Precedent has already been set with Resolution 20714-GPA-LV-1-08-7 which was initiated by the City in July 2008 and approved by the City Council on October 15, 2008.

The current applicant/owner is not only requesting a site plan revision on the 20 acre portion, they are requesting multiple stipulation modifications and deletions, including deletion of Stipulation 19. Deleting this stipulation is a violation of the City of Phoenix Zoning Ordinance, a very serious matter, and simply wrong. It was written by City Planning professionals and included, reviewed and approved by the City Council. This stipulation protected the neighbors and community from providing a blank check for a high density development that does not fit the area.

Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

## Racelle Escolar

---

**From:** Sofia Mastikhina  
**Sent:** Tuesday, March 24, 2020 12:25 PM  
**To:** Danielle M Jordan; Racelle Escolar  
**Subject:** FW: Quarry Case at 35th Ave. & Carver/Ceton - Z-165-06-7



**Sofia Mastikhina**  
Planner II - Village Planner  
City of Phoenix  
Long Range Planning  
Office: 602-256-5648  
200 West Washington Street  
Phoenix, AZ 85003



---

**From:** Steven Dougherty <steven@stevendougherty.com>  
**Sent:** Tuesday, March 24, 2020 12:24 PM  
**To:** Alan Stephenson <alan.stephenson@phoenix.gov>; Joshua Bednarek <joshua.bednarek@phoenix.gov>; Mayor Gallego <mayor.gallego@phoenix.gov>; Council District 7 PCC <council.district.7@phoenix.gov>; Council District 8 PCC <council.district.8@phoenix.gov>; Council District 3 PCC <council.district.3@phoenix.gov>; Council District 4 <council.district.4@phoenix.gov>; Sofia Mastikhina <sofia.mastikhina@phoenix.gov>  
**Cc:** Steven Dougherty <steven@stevendougherty.com>  
**Subject:** Quarry Case at 35th Ave. & Carver/Ceton - Z-165-06-7

Planning Commission Members, Planning Management and Staff,

Case Z-165-06 (PHO-1-19) is scheduled for Planning Commission review April 2. I respectfully request that you deny Z-165-06 (PHO-1-19) as filed.

The City of Phoenix is bound to enforce Ordinance G-5020 in which SECTION 2 specifies: *“The specific nature of the subject property and of the rezoning request is more particularly described in case file Z-165-06-7, on file with the Planning Department. Due to the site’s specific physical conditions and the use district applied for by the applicant, this zoning 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”*, which includes Stipulation 19.

Stipulation 19 states *“That approval shall be conditional upon development commencing within 48 months of the City Council approval of this change of zoning in accordance with Section 506.B.1 of the Zoning Ordinance. For purposes of this stipulation, development shall commence with the issuance of building permits and erection of building walls on site.”*. City Council approval was on October 10, 2007 and with the 48-month timing, the zoning was set to revert to S-1 as of 2011. To date there has been no development on the property and no action taken by the City to revert the zoning as required.

Before considering any revision to this case, now or in the future, the City of Phoenix first has an obligation and duty to enforce these requirements to execute and finalize the long-overdue zoning reversion to S-1 for the entire property. In addition, the City should also execute a companion General Plan Amendment from 3.5-5 du/a to 0-1 Residential/Parks/Open Space to match the reverted S-1 zoning. Precedent has already been set with Resolution 20714-GPA-LV-1-08-7 which was initiated by the City in July 2008 and approved by the City Council on October 15, 2008.

The current applicant/owner is not only requesting a site plan revision on the 20 acre portion, they are requesting multiple stipulation modifications and deletions, including deletion of Stipulation 19. Deleting this stipulation is a violation of the City of Phoenix Zoning Ordinance, a very serious matter, and simply wrong. It was written by City Planning professionals and included, reviewed and approved by the City Council. This stipulation protected the neighbors and community from providing a blank check for a high density development that does not fit the area.

Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to O-1 Residential/Parks/Open Space to match the S-1 zoning.

Sincerely,  
Steven Dougherty  
[Steven@StevenDougherty.com](mailto:Steven@StevenDougherty.com)  
11222 S 39th Ln  
Laveen AZ 85339  
480-430-6130 Cell

CONFIDENTIALITY NOTICE - This e-mail transmission and any documents, files or previous e-mail messages attached to it may contain information that is confidential or legally privileged. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that you must not read or play this transmission and that any disclosure, copying, printing, distribution or use of any of the information contained in or attached to this transmission is STRICTLY PROHIBITED. If you have received this transmission in error, please immediately notify the sender by telephone or return e-mail and delete the original transmission and its attachments without reading, forwarding, saving or re-distributing in any manner.

## Racelle Escolar

---

**Subject:** FW: Case Z-165-06 (PHO-1-19)

**From:** Jo Ann Valenta <[jovalenta@gmail.com](mailto:jovalenta@gmail.com)>

**Sent:** Tuesday, March 24, 2020 3:21 PM

**To:** PDD Zoning <[zoning@phoenix.gov](mailto:zoning@phoenix.gov)>

**Subject:** Case Z-165-06 (PHO-1-19)

Planning Commission Members, Planning Management and Staff,

I request you deny Case Z-165-06 (PHO-1-19) when it comes before the Planning Commission on April 2. The City of Phoenix first needs to enforce their ordinance, G-5020, which requires the zoning be placed back to S-1 (one house per acre) as of 2011. To date no action has been taken which violates City Zoning Ordinance and is a serious matter.

The current owner is requesting to delete stipulation 19 of this ordinance which has protected the neighbors and community from providing a blank check for a high density development that does not fit the area.

Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Jo Ann Valenta

The Sanctuary at South Mountain  
3224 W Carver Road  
Laveen, AZ 85339

## Racelle Escolar

---

**From:** Sofia Mastikhina  
**Sent:** Wednesday, March 25, 2020 9:40 AM  
**To:** Racelle Escolar; Danielle M Jordan  
**Subject:** FW: Case Z-165-06 (PHO-1-19)



**Sofia Mastikhina**  
Planner II - Village Planner  
City of Phoenix  
Long Range Planning  
Office: 602-256-5648  
200 West Washington Street  
Phoenix, AZ 85003



---

**From:** sonya fazio <sonyafazio777@gmail.com>  
**Sent:** Wednesday, March 25, 2020 9:38 AM  
**To:** Sofia Mastikhina <sofia.mastikhina@phoenix.gov>  
**Subject:** Case Z-165-06 (PHO-1-19)

Sofia Mastikhina

I request you deny Case Z-165-06 (PHO-1-19) when it comes before you on January 13 and 15. The City of Phoenix first needs to enforce their ordinance, G-5020, which requires the zoning be placed back to S-1 (one house per acre) as of 2011. To date no action has been taken which violates City Zoning Ordinance and is a serious matter.

The current owner is requesting to delete stipulation 19 of this ordinance which has protected the neighbors and community from providing a blank check for a high density development that does not fit the area.

Please do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Thank You for your time!

Sonya Fazio  
2414 W Corral Rd  
Phoenix AZ 85041

## Racelle Escolar

---

**Subject:** FW:

**From:** PDD Zoning

**Sent:** Thursday, March 26, 2020 9:26 AM

**To:** Sofia Mastikhina <sofia.mastikhina@phoenix.gov>; Racelle Escolar <racelle.escolar@phoenix.gov>; Adam Stranieri <Adam.Stranieri@phoenix.gov>

**Subject:** FW:

From the zoning mailbox.

**From:** Brenda Miller <brendalynmiller@gmail.com>

**Sent:** Thursday, March 26, 2020 9:05 AM

**To:** PDD Zoning <zoning@phoenix.gov>

**Subject:**

Laveen Village Planning Committee, Planning Management and Staff,

Case Z-165-06 (PHO-1-19) is scheduled for both LVPC and PHO review next week. I respectfully request that you deny Z-165-06 (PHO-1-19) as filed.

The City of Phoenix is bound to enforce Ordinance G-5020 in which SECTION 2 specifies: *"The specific nature of the subject property and of the rezoning request is more particularly described in case file Z-165-06-7, on file with the Planning Department. Due to the site's specific physical conditions and the use district applied for by the applicant, this zoning 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"*, which includes Stipulation 19.

Stipulation 19 states *"That approval shall be conditional upon development commencing within 48 months of the City Council approval of this change of zoning in accordance with Section 506.B.1 of the Zoning Ordinance. For purposes of this stipulation, development shall commence with the issuance of building permits and erection of building walls on site."*. City Council approval was on October 10, 2007 and with the 48-month timing, the zoning was set to revert to S-1 as of 2011. To date there has been no development on the property and no action taken by the City to revert the zoning as required.

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Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Brenda Miller  
219 W. Mountain Sage Drive  
Phoenix, AZ 85045



**From:** JK Bronson-Groen <[bronson-groen@hotmail.com](mailto:bronson-groen@hotmail.com)>

**Sent:** Thursday, March 26, 2020 7:44 AM

**To:** Alan Stephenson <[alan.stephenson@phoenix.gov](mailto:alan.stephenson@phoenix.gov)>; Joshua Bednarek <[joshua.bednarek@phoenix.gov](mailto:joshua.bednarek@phoenix.gov)>; Samantha Keating <[samantha.keating@phoenix.gov](mailto:samantha.keating@phoenix.gov)>; PDD Laveen VPC <[laveenvpc@phoenix.gov](mailto:laveenvpc@phoenix.gov)>

**Cc:** Mayor Gallego <[mayor.gallego@phoenix.gov](mailto:mayor.gallego@phoenix.gov)>; Council District 7 PCC <[council.district.7@phoenix.gov](mailto:council.district.7@phoenix.gov)>; Council District 8 PCC <[council.district.8@phoenix.gov](mailto:council.district.8@phoenix.gov)>; Council District 3 PCC <[council.district.3@phoenix.gov](mailto:council.district.3@phoenix.gov)>; Council District 4 <[council.district.4@phoenix.gov](mailto:council.district.4@phoenix.gov)>

**Subject:** Case Z-165-06-07

## Good morning Laveen Village Planning Committee, Planning Management and staff,

I was surprised to see this posted on 35th ave and Carver rd. Due to these unprecedented times I do not believe holding a public hearing on April 2nd is appropriate. In lieu of attending the meeting I am emailing my thoughts and opinions regarding the changes and deletions being requested.

The owner is again requesting deletion of section 19. I am requesting you deny Case Z-165-06-07 when it comes before you on April 2nd. The City of Phoenix first needs to enforce their ordinance, G-5020, which requires the zoning be placed back to S-1 (one house per acre) as of 2011. To date no action has been taken which violates City Zoning Ordinance and is a serious matter. The current owner is requesting to delete stipulation 19 of this ordinance which has protected the neighbors and community from providing a blank check for a high density development that does not fit the area. Do the required and right thing. Deny Z-165-06-07 as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Thank you for your time and assistance in this very important matter.

Kyle Bronson  
503-890-7885  
4034 W Carver Rd  
Laveen, AZ 85339



# CITY OF PHOENIX HEARING



City Of Phoenix

## PLANNING COMMISSION HEARING

### HEARING DATE / TIME:

April 2, 2020  
6:00 PM

### LOCATION:

City Council Chambers  
200 West Jefferson Street  
Phoenix, AZ 85003

CASE # Z-165-06-7

Northwest corner of  
35<sup>th</sup> Avenue and Carver Road

Existing Zoning: R1-8, R1-18  
Acreage: 59.48

#### REQUEST:

- 1) Modification of Stipulation 1 regarding general conformance to the site plan date stamped October 8, 2007 and elevations date stamped February 20, 2007.
- 2) Modification of Stipulation 7 regarding the landscape setback adjacent to 35<sup>th</sup> Avenue.
- 3) Deletion of Stipulation 19 regarding conditional development approval.
- 4) Modification of Stipulation 27 regarding height of terraced berms along the quarry cut slope base.
- 5) Modification of Stipulation 31 regarding raised, vertical curbs within the R1-18 portion of the site.
- 6) Modification of Stipulation 37 regarding detached sidewalks and landscape strips within the R1-8 portion of the site.
- 7) Deletion of Stipulation 39 regarding one-story homes along 35<sup>th</sup> Avenue.
- 8) Technical corrections to Stipulations 4, 5, 6, 8, 9, 15, 18, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 33, 34, 36, 38, 40.

Unlawful removal or destruction of this sign is punishable by law

**CONTACT: 602-262-7131**  
or [www.phoenix.gov](http://www.phoenix.gov)  
Zoning Services Counter

Sent from Kyle's iPhone

Begin forwarded message:

**From:** JK Bronson-Groen <[bronson-groen@hotmail.com](mailto:bronson-groen@hotmail.com)>

**Date:** January 13, 2020 at 9:56:09 AM MST

**To:** "[alan.stephenson@phoenix.gov](mailto:alan.stephenson@phoenix.gov)" <[alan.stephenson@phoenix.gov](mailto:alan.stephenson@phoenix.gov)>, "[joshua.bednarek@phoenix.gov](mailto:joshua.bednarek@phoenix.gov)" <[joshua.bednarek@phoenix.gov](mailto:joshua.bednarek@phoenix.gov)>, Samantha Keating <[samantha.keating@phoenix.gov](mailto:samantha.keating@phoenix.gov)>, "[LaveenVPC@phoenix.gov](mailto:LaveenVPC@phoenix.gov)" <[LaveenVPC@phoenix.gov](mailto:LaveenVPC@phoenix.gov)>

**Cc:** "[mayor.gallego@phoenix.gov](mailto:mayor.gallego@phoenix.gov)" <[mayor.gallego@phoenix.gov](mailto:mayor.gallego@phoenix.gov)>, "[council.district.7@phoenix.gov](mailto:council.district.7@phoenix.gov)" <[council.district.7@phoenix.gov](mailto:council.district.7@phoenix.gov)>, "[council.district.8@phoenix.gov](mailto:council.district.8@phoenix.gov)" <[council.district.8@phoenix.gov](mailto:council.district.8@phoenix.gov)>, "[council.district.3@phoenix.gov](mailto:council.district.3@phoenix.gov)" <[council.district.3@phoenix.gov](mailto:council.district.3@phoenix.gov)>, "[council.district.4@phoenix.gov](mailto:council.district.4@phoenix.gov)" <[council.district.4@phoenix.gov](mailto:council.district.4@phoenix.gov)>

**Subject:** Case Z-165-06 (PHO-1-19)

Good Morning Laveen Village Planning Committee, Planning Management and Staff,

I am a resident on Carver Rd, our property backs the beautiful Carver Mountain. I was very concerned when I saw the rezoning notice posted on the large gravel pit at 35<sup>th</sup> ave and Carver. This area is beautiful farm country land with minimum 1 acre lots.

I am requesting you deny Case Z-165-06 (PHO-1-19) when it comes before you on January 13 and 15. The City of Phoenix first needs to enforce their ordinance, G-5020, which requires the zoning be placed back to S-1 (one house per acre) as of 2011. To date no action has been taken which violates City Zoning Ordinance and is a serious matter. The current owner is requesting to delete stipulation 19 of this ordinance which has protected the neighbors and community from providing a blank check for a high density development that does not fit the area. Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to O-1 Residential/Parks/Open Space to match the S-1 zoning.

Thank you for your time and attention to this very important matter,

Kyle Bronson  
4034 W Carver Rd.  
Laveen, AZ. 85339  
C – 503-890-7885

Sent from [Mail \[go.microsoft.com\]](mailto:go.microsoft.com) for Windows 10



## Racelle Escolar

---

**Subject:** FW: Case Z-165-06 (PHO-1-19)

**From:** Kieran Prendergast <[kieranfprendergast@gmail.com](mailto:kieranfprendergast@gmail.com)>

**Sent:** Thursday, March 26, 2020 2:40 PM

**To:** PDD Zoning <[zoning@phoenix.gov](mailto:zoning@phoenix.gov)>

**Subject:** Case Z-165-06 (PHO-1-19)

Laveen Village Planning Committee, Planning Management and Staff,

Case Z-165-06 (PHO-1-19) is scheduled for both LVPC and PHO review next week. I respectfully request that you deny Z-165-06 (PHO-1-19) as filed.

The City of Phoenix is bound to enforce Ordinance G-5020 in which SECTION 2 specifies: *"The specific nature of the subject property and of the rezoning request is more particularly described in case file Z-165-06-7, on file with the Planning Department. Due to the site's specific physical conditions and the use district applied for by the applicant, this zoning 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"*, which includes Stipulation 19.

Stipulation 19 states *"That approval shall be conditional upon development commencing within 48 months of the City Council approval of this change of zoning in accordance with Section 506.B.1 of the Zoning Ordinance. For purposes of this stipulation, development shall commence with the issuance of building permits and erection of building walls on site."* City Council approval was on October 10, 2007 and with the 48-month timing, the zoning was set to revert to S-1 as of 2011. To date there has been no development on the property and no action taken by the City to revert the zoning as required.

Before considering any revision to this case, now or in the future, the City of Phoenix first has an obligation and duty to enforce these requirements to execute and finalize the long-overdue zoning reversion to S-1 for the entire property. In addition, the City should also execute a companion General Plan Amendment from 3.5-5 du/a to 0-1 Residential/Parks/Open Space to match the reverted S-1 zoning. Precedent has already been set with Resolution 20714-GPA-LV-1-08-7 which was initiated by the City in July 2008 and approved by the City Council on October 15, 2008.

The current applicant/owner is not only requesting a site plan revision on the 20 acre portion, they are requesting multiple stipulation modifications and deletions, including deletion of Stipulation 19. Deleting this stipulation is a violation of the City of Phoenix Zoning Ordinance, a very serious matter, and simply wrong. It was written by City Planning professionals and included, reviewed and approved by the City Council. This stipulation protected the neighbors and community from providing a blank check for a high density development that does not fit the area.

Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Sincerely,  
Kieran Prendergast  
313 W Osborn Rd Phoenix, AZ 85013

## Racelle Escolar

---

**From:** Sofia Mastikhina  
**Sent:** Monday, March 30, 2020 8:20 AM  
**To:** Racelle Escolar; Danielle M Jordan  
**Subject:** Fwd: Please help

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**From:** Leah <lmariern@gmail.com>  
**Sent:** Friday, March 27, 2020 9:02:38 AM  
**To:** Alan Stephenson <alan.stephenson@phoenix.gov>; Joshua Bednarek <joshua.bednarek@phoenix.gov>; Mayor Gallego <mayor.gallego@phoenix.gov>; Council District 7 PCC <council.district.7@phoenix.gov>; Council District 8 PCC <council.district.8@phoenix.gov>; Council District 3 PCC <council.district.3@phoenix.gov>; Council District 4 <council.district.4@phoenix.gov>; Sofia Mastikhina <sofia.mastikhina@phoenix.gov>  
**Subject:** Please help

Laveen Village Planning Committee, Planning Management and Staff,

I request you deny Case Z-165-06 (PHO-1-19) when it comes before you on January 13 and 15. The City of Phoenix first needs to enforce their ordinance, G-5020, which requires the zoning be placed back to S-1 (one house per acre) as of 2011. To date no action has been taken which violates City Zoning Ordinance and is a serious matter.

The current owner is requesting to delete stipulation 19 of this ordinance which has protected the neighbors and community from providing a blank check for a high density development that does not fit the area.

Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Leah Wilson

15601 S 1st Ave  
Phoenix, AZ

Sent from my iPad

## Racelle Escolar

---

**Subject:** FW: Quarry Case at 35th Ave. & Carver/Ceton - Z-165-06-7

**From:** Heather Lott <[hlott1@gmail.com](mailto:hlott1@gmail.com)>

**Sent:** Monday, March 30, 2020 4:27 PM

**To:** Alan Stephenson <[alan.stephenson@phoenix.gov](mailto:alan.stephenson@phoenix.gov)>; Mayor Gallego <[mayor.gallego@phoenix.gov](mailto:mayor.gallego@phoenix.gov)>; Joshua Bednarek <[joshua.bednarek@phoenix.gov](mailto:joshua.bednarek@phoenix.gov)>; Council District 7 PCC <[council.district.7@phoenix.gov](mailto:council.district.7@phoenix.gov)>; Council District 8 PCC <[council.district.8@phoenix.gov](mailto:council.district.8@phoenix.gov)>; Council District 3 PCC <[council.district.3@phoenix.gov](mailto:council.district.3@phoenix.gov)>; Council District 4 <[council.district.4@phoenix.gov](mailto:council.district.4@phoenix.gov)>; Sofia Mastikhina <[sofia.mastikhina@phoenix.gov](mailto:sofia.mastikhina@phoenix.gov)>

**Subject:** Quarry Case at 35th Ave. & Carver/Ceton - Z-165-06-7

Planning Commission Members, Planning Management and Staff,

Case Z-165-06 (PHO-1-19) is scheduled for Planning Commission review April 2. I respectfully request that you deny Z-165-06 (PHO-1-19) as filed.

The City of Phoenix is bound to enforce Ordinance G-5020 in which SECTION 2 specifies: *“The specific nature of the subject property and of the rezoning request is more particularly described in case file Z-165-06-7, on file with the Planning Department. Due to the site’s specific physical conditions and the use district applied for by the applicant, this zoning 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”*, which includes Stipulation 19.

Stipulation 19 states *“That approval shall be conditional upon development commencing within 48 months of the City Council approval of this change of zoning in accordance with Section 506.B.1 of the Zoning Ordinance. For purposes of this stipulation, development shall commence with the issuance of building permits and erection of building walls on site.”* City Council approval was on October 10, 2007 and with the 48-month timing, the zoning was set to revert to S-1 as of 2011. To date there has been no development on the property and no action taken by the City to revert the zoning as required.

Before considering any revision to this case, now or in the future, the City of Phoenix first has an obligation and duty to enforce these requirements to execute and finalize the long-overdue zoning reversion to S-1 for the entire property. In addition, the City should also execute a companion General Plan Amendment from 3.5-5 du/a to 0-1 Residential/Parks/Open Space to match the reverted S-1 zoning. Precedent has already been set with Resolution 20714-GPA-LV-1-08-7 which was initiated by the City in July 2008 and approved by the City Council on October 15, 2008.

The current applicant/owner is not only requesting a site plan revision on the 20 acre portion, they are requesting multiple stipulation modifications and deletions, including deletion of Stipulation 19. Deleting this stipulation is a violation of the City of Phoenix Zoning Ordinance, a very serious matter, and simply wrong. It was written by City Planning professionals and included, reviewed and approved by the City Council. This stipulation protected the neighbors and community from providing a blank check for a high density development that does not fit the area.

Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Sincerely,

Heather Lott  
11610 S. 43rd Ave  
Laveen, AZ 85339

## Racelle Escolar

---

**Subject:** FW: Case Z-165-06 (PHO-1-19)  
**Attachments:** DSC\_8431.jpg

**From:** Sofia Mastikhina  
**Sent:** Tuesday, March 31, 2020 7:23 AM  
**To:** Racelle Escolar <racelle.escolar@phoenix.gov>; Danielle M Jordan <danielle.jordan@phoenix.gov>  
**Subject:** Fwd: Case Z-165-06 (PHO-1-19)

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**From:** Bryan Peltzer <[bpeltzer@pgg-eng.com](mailto:bpeltzer@pgg-eng.com)>  
**Sent:** Monday, March 30, 2020 5:58:40 PM  
**To:** Alan Stephenson <[alan.stephenson@phoenix.gov](mailto:alan.stephenson@phoenix.gov)>; Joshua Bednarek <[joshua.bednarek@phoenix.gov](mailto:joshua.bednarek@phoenix.gov)>; Mayor Gallego <[mayor.gallego@phoenix.gov](mailto:mayor.gallego@phoenix.gov)>; Council District 7 PCC <[council.district.7@phoenix.gov](mailto:council.district.7@phoenix.gov)>; Council District 8 PCC <[council.district.8@phoenix.gov](mailto:council.district.8@phoenix.gov)>; Council District 3 PCC <[council.district.3@phoenix.gov](mailto:council.district.3@phoenix.gov)>; Council District 4 <[council.district.4@phoenix.gov](mailto:council.district.4@phoenix.gov)>; Sofia Mastikhina <[sofia.mastikhina@phoenix.gov](mailto:sofia.mastikhina@phoenix.gov)>  
**Subject:** Case Z-165-06 (PHO-1-19)

Planning Commission Members, Planning Management and Staff,

I request you deny Case Z-165-06 (PHO-1-19) when it comes before the Planning Commission on April 2 for several reasons. They are as follows:

- The City of Phoenix first needs to enforce their ordinance, G-5020, which requires the zoning be placed back to S-1 (one house per acre) as of 2011. To date no action has been taken which violates City Zoning Ordinance and is a serious matter. According to City Zoning Code 506 B.1, the City of Phoenix has a duty and obligation to initiate a hearing on the reversion of the zoning.
- The current owner is requesting to delete stipulation 19 of this ordinance which has protected the neighbors and community from providing a blank check for a high density development that does not fit the area. The area along Carver Road between 27<sup>th</sup> and 51<sup>st</sup> Avenues is very rural and comprised almost entirely of 1-acre lots. As such there is a significant amount of room between homes and the area is relatively dark at night. An attached photograph depicts the area just after twilight. Approval of zoning that would allow much denser development would create an eyesore in the community and ruin the ambiance that has developed natural should not be encouraged.
- Due to the outbreak of Covid-19, attendance at city meetings, hearings, etc. has been severely curtailed and possibly eliminated entirely with Gov. Ducey's executive orders today (March 30, 2020). These restrictions undermine the ability of concerned residents to voice (and display with their attendance numbers) their displeasure with the proposed zoning changes. Going ahead with such hearings should give reasonable people concern regarding the legitimacy of such actions.

Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Bryan Peltzer  
3725 W. Fox Road  
Laveen, Arizona 85339





## Racelle Escolar

---

**Subject:** FW: 35th Avenue & Carver Proposed Building Project

**From:** Kingston, Suzanne <[suzanne.kingston@supportivecaresgroup.com](mailto:suzanne.kingston@supportivecaresgroup.com)>

**Sent:** Tuesday, March 31, 2020 8:52:26 AM

**To:** Joshua Bednarek <[joshua.bednarek@phoenix.gov](mailto:joshua.bednarek@phoenix.gov)>; Mayor Gallego <[mayor.gallego@phoenix.gov](mailto:mayor.gallego@phoenix.gov)>; Council District 7 PCC <[council.district.7@phoenix.gov](mailto:council.district.7@phoenix.gov)>; Council District 8 PCC <[council.district.8@phoenix.gov](mailto:council.district.8@phoenix.gov)>; Council District 3 PCC <[council.district.3@phoenix.gov](mailto:council.district.3@phoenix.gov)>; Council District 4 <[council.district.4@phoenix.gov](mailto:council.district.4@phoenix.gov)>; Sofia Mastikhina <[sofia.mastikhina@phoenix.gov](mailto:sofia.mastikhina@phoenix.gov)>

**Subject:** 35th Avenue & Carver Proposed Building Project

March 31, 2020

Planning Commission Members, Planning Management and Staff,

Case Z-165-06 (PHO-1-19) is scheduled for Planning Commission review April 2. I respectfully request that you deny Z-165-06 (PHO-1-19) as filed.

The City of Phoenix is bound to enforce Ordinance G-5020 in which SECTION 2 specifies: *“The specific nature of the subject property and of the rezoning request is more particularly described in case file Z-165-06-7, on file with the Planning Department. Due to the site’s specific physical conditions and the use district applied for by the applicant, this zoning 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”*, which includes Stipulation 19.

Stipulation 19 states *“That approval shall be conditional upon development commencing within 48 months of the City Council approval of this change of zoning in accordance with Section 506.B.1 of the Zoning Ordinance. For purposes of this stipulation, development shall commence with the issuance of building permits and erection of building walls on site.”* City Council approval was on October 10, 2007 and with the 48-month timing, the zoning was set to revert to S-1 as of 2011. To date there has been no development on the property and no action taken by the City to revert the zoning as required.

Before considering any revision to this case, now or in the future, the City of Phoenix first has an obligation and duty to enforce these requirements to execute and finalize the long-overdue zoning reversion to S-1 for the entire property. In addition, the City should also execute a companion General Plan Amendment from 3.5-5 du/a to 0-1 Residential/Parks/Open Space to match the reverted S-1 zoning. Precedent has already been set with Resolution 20714-GPA-LV-1-08-7 which was initiated by the City in July 2008 and approved by the City Council on October 15, 2008.

The current applicant/owner is not only requesting a site plan revision on the 20 acre portion, they are requesting multiple stipulation modifications and deletions, including deletion of Stipulation 19. Deleting this stipulation is a violation of the City of Phoenix Zoning Ordinance, a very serious matter, and simply wrong. It was written by City Planning professionals and included, reviewed and approved by the City Council. This stipulation protected the neighbors and community from providing a blank check for a high density development that does not fit the area.

Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Sincerely,

Suzanne Kingston  
11820 S. 38<sup>th</sup> Avenue  
Laveen, AZ 85339

**SECURITY/CONFIDENTIALITY WARNING:** *This message and any attachments are intended solely for the individual or entity to which they are addressed. This communication may contain information that is privileged, confidential, or exempt from disclosure under applicable law (e.g., personal health information, research data, financial information). If you are not the intended recipient, or the employee or person responsible for delivering the message to the intended recipient, any dissemination, distribution or copying of the communication is strictly prohibited. If you received the communication in error, please notify the sender immediately by replying to this message AND deleting the message and any accompanying files from your system. If, due to the security risks, you do not wish to receive further communications via e-mail, please reply to this message and inform the sender that you do not wish to receive further e-mail from the sender.*

## Racelle Escolar

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**From:** Sofia Mastikhina  
**Sent:** Tuesday, March 31, 2020 1:37 PM  
**To:** Racelle Escolar; Danielle M Jordan  
**Subject:** Fwd: Case Z-165-06 (PHO-1-19), April 2nd, 2020, 6:00 pm, Deny Re-Zoning Request

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**From:** Chris Luley <cilluley@gmail.com>  
**Sent:** Tuesday, March 31, 2020 9:32:31 AM  
**To:** Alan Stephenson <alan.stephenson@phoenix.gov>; Joshua Bednarek <joshua.bednarek@phoenix.gov>; Samantha Keating <samantha.keating@phoenix.gov>; PDD Laveen VPC <laveenvpc@phoenix.gov>  
**Cc:** Mayor Gallego <mayor.gallego@phoenix.gov>; Council District 7 PCC <council.district.7@phoenix.gov>; Council District 8 PCC <council.district.8@phoenix.gov>; Council District 3 PCC <council.district.3@phoenix.gov>; Council District 4 <council.district.4@phoenix.gov>  
**Subject:** Case Z-165-06 (PHO-1-19), April 2nd, 2020, 6:00 pm, Deny Re-Zoning Request

Good Morning Laveen Village Planning Committee, Planning Management & Staff,

I am a resident on Carver Road in Laveen and our property is adjacent to Carver Mountain. My wife and I have been made aware of the Re-Zoning request that you have received and are considering. Please let it be known that we are opposed to this rezoning request.

I am requesting you deny Case Z-165-06 (PHO-1-19) when it comes before you on April 2nd, The City of Phoenix first needs to enforce their ordinance, G-5020, which requires the zoning be placed back to S-1 (one house per acre) as of 2011. To date no action has been taken which violates City Zoning Ordinance and is a serious matter. The current owner is requesting to delete stipulation 19 of this ordinance which has protected the neighbors and community from providing a blank check for a high density development that does not fit the area. Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

[\[google.com\]](#)

Thank you for your time and attention to this very important matter,

Christopher & Amy Luley

4030 West Carver Road

Laveen, Arizona (85339)

## Racelle Escolar

---

**Subject:** FW: CASE Z-165-06

**From:** Janet Morris <[janetmorriscpa@gmail.com](mailto:janetmorriscpa@gmail.com)>

**Sent:** Thursday, April 2, 2020 12:14 PM

**To:** Alan Stephenson <[alan.stephenson@phoenix.gov](mailto:alan.stephenson@phoenix.gov)>; Joshua Bednarek <[joshua.bednarek@phoenix.gov](mailto:joshua.bednarek@phoenix.gov)>; Mayor Gallego <[mayor.gallego@phoenix.gov](mailto:mayor.gallego@phoenix.gov)>; Council District 7 PCC <[council.district.7@phoenix.gov](mailto:council.district.7@phoenix.gov)>; Council District 8 PCC <[council.district.8@phoenix.gov](mailto:council.district.8@phoenix.gov)>; Council District 4 <[council.district.4@phoenix.gov](mailto:council.district.4@phoenix.gov)>; Sofia Mastikhina <[sofia.mastikhina@phoenix.gov](mailto:sofia.mastikhina@phoenix.gov)>; Council District 3 PCC <[council.district.3@phoenix.gov](mailto:council.district.3@phoenix.gov)>

**Subject:** RE: CASE Z-165-06

Planning Commission Members, Planning Management and Staff,

Case Z-165-06 (PHO-1-19) is scheduled for Planning Commission review April 2. I respectfully request that you deny Z-165-06 (PHO-1-19) as filed.

The City of Phoenix is bound to enforce Ordinance G-5020 in which SECTION 2 specifies: *"The specific nature of the subject property and of the rezoning request is more particularly described in case file Z-165-06-7, on file with the Planning Department. Due to the site's specific physical conditions and the use district applied for by the applicant, this zoning 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"*, which includes Stipulation 19.

Stipulation 19 states *"That approval shall be conditional upon development commencing within 48 months of the City Council approval of this change of zoning in accordance with Section 506.B.1 of the Zoning Ordinance. For purposes of this stipulation, development shall commence with the issuance of building permits and erection of building walls on site."* City Council approval was on October 10, 2007 and with the 48-month timing, the zoning was set to revert to S-1 as of 2011. To date there has been no development on the property and no action taken by the City to revert the zoning as required.

Before considering any revision to this case, now or in the future, the City of Phoenix first has an obligation and duty to enforce these requirements to execute and finalize the long-overdue zoning reversion to S-1 for the entire property. In addition, the City should also execute a companion General Plan Amendment from 3.5-5 du/a to 0-1 Residential/Parks/Open Space to match the reverted S-1 zoning. Precedent has already been set with Resolution 20714-GPA-LV-1-08-7 which was initiated by the City in July 2008 and approved by the City Council on October 15, 2008.

The current applicant/owner is not only requesting a site plan revision on the 20 acre portion, they are requesting multiple stipulation modifications and deletions, including deletion of Stipulation 19. Deleting this stipulation is a violation of the City of Phoenix Zoning Ordinance, a very serious matter, and simply wrong. It was written by City Planning professionals and included, reviewed and approved by the City Council. This stipulation protected the neighbors and community from providing a blank check for a high density development that does not fit the area.

Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Janet Morris  
3624 W. Bohl Street  
Laveen, AZ 85339  
602.561.9939

## Racelle Escolar

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**From:** Steven Dougherty <steven@stevendougherty.com>  
**Sent:** Monday, April 20, 2020 5:41 PM  
**To:** Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; PDD Laveen VPC; Mayor Gallego; Racelle Escolar; Sofia Mastikhina; Alan Stephenson; Joshua Bednarek; Samantha Keating  
**Cc:** Steven Dougherty  
**Subject:** Quarry Case at 35th Ave. & Carver/Ceton - Z-165-06-7

To: Planning Commission Members  
Cc: Mayor Gallego, Councilmembers, Planning Management and Staff

Planning Commission Members,

I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

In regards to the Planning Hearing Officer (PHO) recommendations:

1. I am adamantly opposed to these 4 stipulation:
  - **Deletion of original Stipulation 19 (zoning reversion):** This zoning reversion stipulation should not be deleted. Instead it should remain as is with immediate Planning Commission action to revert the zoning. Once the reversion is complete, my neighbors and I stand ready to develop a better plan that fits the area, with the applicant.
  - **Stipulation 1:** The original plan is of superior quality compared to the current applicant's proposal. The original follows site contours, provides smoother connection to the R1-18 portion to the west, and preserves views of the Estrella Mountains and South Mountain. The original plan should remain intact as you act on the zoning reversion.
  - **Stipulation 10:** The 200 foot minimum landscaped setback along the east property line should remain. Due to the elevation difference of 35<sup>th</sup> Avenue (lower) and existing terrace to the west (higher), 200 feet provides a much better buffer to screen the higher density and 2-story product, as well as provide better buffering for the surrounding the large acre plus parcels with custom homes. The 200 foot minimum landscaped setback should remain intact as you act on the zoning reversion.
  - **Stipulation 35:** The terraced berms should remain. They reduce the apparent height of the exposed escarpment and can be further stabilized and treated with compatible colors. These terraces also provide safety drop zones to intercept any debris that could fall from the upper slopes. The original terraced stipulation should remain intact as you act on the zoning reversion.
2. **Stipulations 43 and 44:** I request my name and address be added to these notification stipulations so I will be formally notified of any future actions.
3. I am supportive of PHO's recommendations for the remaining stipulations **not** noted above

Again, the zoning reversion stipulation 19 of Ordinance G-5020 should not be deleted. In 2007, the Mayor and Council included this stipulation specifically to protect the neighbors and community from a high density development that did not fit the area then and does not fit the area today.

Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to O-1 Residential/Parks/Open Space to match the S-1 zoning.

Steven Dougherty  
11222 S 39th LN  
Laveen AZ 85339

Sincerely,  
Steven Dougherty  
[Steven@StevenDougherty.com](mailto:Steven@StevenDougherty.com)  
480-430-6130 Cell

CONFIDENTIALITY NOTICE - This e-mail transmission and any documents, files or previous e-mail messages attached to it may contain information that is confidential or legally privileged. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that you must not read or play this transmission and that any disclosure, copying, printing, distribution or use of any of the information contained in or attached to this transmission is STRICTLY PROHIBITED. If you have received this transmission in error, please immediately notify the sender by telephone or return e-mail and delete the original transmission and its attachments without reading, forwarding, saving or re-distributing in any manner.

## Racelle Escolar

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**From:** D M <darcy3535@gmail.com>  
**Sent:** Tuesday, April 21, 2020 8:29 PM  
**To:** Council District 1 PCC; Council District 5 PCC; Council District 6 PCC; Council District 8 PCC; Council District 7 PCC; Council District 4; Council District 3 PCC; Council District 2 PCC; PDD Laveen VPC; Mayor Gallego; Racelle Escolar; Sofia Mastikhina; Alan Stephenson; Joshua Bednarek; Samantha Keating  
**Subject:** Deny Case Z-165-06 Do the right thing!

To: Planning Commission Members

Cc: Mayor Gallego, Councilmembers, Planning Management and Staff

Planning Commission Members,

I request you DENY Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

In regards to the Planning Hearing Officer (PHO) recommendations:

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Again, the zoning reversion stipulation 19 of Ordinance G-5020 should not be deleted. In 2007, the Mayor and Council included this stipulation specifically to protect the neighbors and community from a high density development that did not fit the area then and does not fit the area today.

Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to O-1 Residential/Parks/Open Space to match the S-1 zoning.

Darcy Meyer

3535 W Bohl St

Laveen, AZ 85339

## Racelle Escolar

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**From:** Ol' West <davidinlaveen@gmail.com>  
**Sent:** Tuesday, April 21, 2020 8:35 PM  
**To:** Council District 1 PCC; Council District 5 PCC; Council District 6 PCC; Council District 8 PCC; Council District 7 PCC; Council District 4; Council District 3 PCC; Council District 2 PCC; PDD Laveen VPC; Mayor Gallego; Racelle Escolar; Sofia Mastikhina; Alan Stephenson; Joshua Bednarek; Samantha Keating  
**Subject:** Deny Case Z-165-06 Do the right thing!

To: Planning Commission Members

Cc: Mayor Gallego, Councilmembers, Planning Management and Staff

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David J. Meyer

3535 W Bohl St

Laveen, AZ 85339

## Racelle Escolar

---

**From:** Chris <chris@candssweeping.com>  
**Sent:** Wednesday, April 22, 2020 9:07 AM  
**To:** Council District 2 PCC; Council District 1 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; PDD Laveen VPC; Mayor Gallego; Racelle Escolar; Sofia Mastikhina; Alan Stephenson; Joshua Bednarek; Samantha Keating  
**Subject:** Case Z-165-06 (PHO-1-19)

To: Planning Commission Members  
Cc: Mayor Gallego, Councilmembers, Planning Management and Staff

Planning Commission Members,

I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

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Christine A. Danielson  
2943 W. Ceton Dr.  
Laveen, AZ 85339

## Racelle Escolar

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**From:** Cyd Manning <SweetBeat@q.com>  
**Sent:** Sunday, April 26, 2020 1:23 PM  
**To:** Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; PDD Laveen VPC; Mayor Gallego; Racelle Escolar; Sofia Mastikhina; Alan Stephenson; Joshua Bednarek; Samantha Keating  
**Cc:** catherine@mirandaforhouse.com  
**Subject:** FW: Deny Case Z-165-06 (PHO-1-19) as filed

**Importance:** High

Forwarding the below to you as requested.

-----Original Message-----

From: Miranda For House [mailto:catherine@mirandaforhouse.com]  
Sent: Sunday, April 26, 2020 11:33 AM  
To: Cyd Manning  
Cc: Dan Penton  
Subject: Deny Case Z-165-06 (PHO-1-19) as filed

Cyd,

Can you please forward this letter to appropriate leaders? Thank you for all you are doing!

Planning Commission Members,

I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

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acre plus parcels with custom homes. The 200 foot minimum landscaped setback should remain intact as you act on the zoning reversion.

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3. I am supportive of PHO's recommendations for the remaining stipulations not noted above

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Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to O-1 Residential/Parks/Open Space to match the S-1 zoning.

Catherine Miranda  
5412 W. Ellis Dr.  
Laveen, Az 85339  
480-284-2690

## Racelle Escolar

---

**From:** cynthiarojas@cox.net  
**Sent:** Sunday, April 26, 2020 11:43 AM  
**To:** Racelle Escolar; Alan Stephenson  
**Cc:** Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; Mayor Gallego; Joshua Bednarek; Samantha Keating; PDD Laveen VPC  
**Subject:** Deny Case Z-165-06 (PHO-1-19) as filed

Planning Commission Members,

I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

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Cynthia Rojas  
1819 W. Desert View Drive  
Phoenix AZ 85041  
602-626-7102

## Racelle Escolar

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**From:** E douglas <lizesd@gmail.com>  
**Sent:** Sunday, April 26, 2020 9:07 PM  
**To:** Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; Mayor Gallego; Racelle Escolar; Sofia Mastikhina; Joshua Bednarek; Samantha Keating; PDD Laveen VPC  
**Subject:** Case Z-165-06 (PHO-1-19)

To: Planning Commission Members

Cc: Mayor Gallego, Councilmembers, Planning Management and Staff

Planning Commission Members,

I would like to preface the below letter with some personal observations.

How many of you have driven to this area? Before making a decision take advantage of cheap gas and less traffic and come on down and drive from 51st Avenue across Carver to 35th Avenue. See the area on the ground, instead of relying on aerial photography.

When I moved to Laveen in 2000 all the nearby fields were zoned for one acre housing but were developed with four to six houses per acre. The city (and county) does not address the needed improvements to infrastructure, police/sheriff presence, fire department capability, surface streets, river crossings, schools, etc. Every month or two the newspaper runs an alarming article about water in the desert and yet you continue to approve high density developments throughout the city. I am dreading whatever ends up on the west side of 51st Avenue south of Olney.

With the above in mind:

I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

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3. I am supportive of PHO's recommendations for the remaining stipulations **not** noted above

Again, the zoning reversion stipulation 19 of Ordinance G-5020 should not be deleted. In 2007, the Mayor and Council included this stipulation specifically to protect the neighbors and community from a high density development that did not fit the area then and does not fit the area today.

Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to O-1 Residential/Parks/Open Space to match the S-1 zoning.

Elizabeth Douglas

4726 West Olney Avenue

Laveen, AZ 85339



## Racelle Escolar

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**From:** KIM Domovich <rwvblkwatc@gmail.com>  
**Sent:** Sunday, April 26, 2020 11:31 AM  
**To:** Racelle Escolar; Alan Stephenson  
**Cc:** Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; Mayor Gallego; Samantha Keating; PDD Laveen VPC; Joshua Bednarek  
**Subject:** PLEASE Deny Case Z-165-06 (PHO-1-19) as filed

Planning Commission Members,

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Respectfully,

Kim and Mike Domovich

5218 West Sunland Ave

Laveen AZ 85339

[\[nextdoor.com\]](http://nextdoor.com)

## Racelle Escolar

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**From:** Sarah VanSchyndel <sarah.vanschyndel@gmail.com>  
**Sent:** Sunday, April 26, 2020 10:48 AM  
**To:** Racelle Escolar; Alan Stephenson  
**Cc:** Council District 2 PCC; Council District 1 PCC; Samantha Keating; Joshua Bednarek; Mayor Gallego; Council District 8 PCC; Council District 7 PCC; Council District 6 PCC; Council District 5 PCC; Council District 4; Council District 3 PCC  
**Subject:** Deny Case Z-165-06 (PHO-1-19) as filed

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Sarah Johns

3913 W Carver Rd, Laveen Village, AZ 85339

## Racelle Escolar

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**From:** eddd2@aol.com  
**Sent:** Sunday, April 26, 2020 1:19 PM  
**To:** Racelle Escolar; Alan Stephenson  
**Cc:** Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; Mayor Gallego; Joshua Bednarek; Samantha Keating; PDD Laveen VPC  
**Subject:** Deny Case Z-165-06 (PHO-1-19) as filed

Planning Commission Members,

I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

In regards to the Planning Hearing Officer (PHO) recommendations:

1. I am adamantly opposed to these 4 stipulation:

- Deletion of original Stipulation 19 (zoning reversion): This zoning reversion stipulation should not be deleted. Instead it should remain as is with immediate Planning Commission action to revert the zoning. Once the reversion is complete, my neighbors and I stand ready to develop a better plan that fits the area, with the applicant.
- Stipulation 1: The original plan is of superior quality compared to the current applicant's proposal. The original follows site contours, provides smoother connection to the R1-18 portion to the west, and preserves views of the Estrella Mountains and South Mountain. The original plan should remain intact as you act on the zoning reversion.
- Stipulation 10: The 200 foot minimum landscaped setback along the east property line should remain. Due to the elevation difference of 35th Avenue (lower) and existing terrace to the west (higher), 200 feet provides a much better buffer to screen the higher density and 2-story product, as well as provide better buffering for the surrounding the large acre plus parcels with custom homes. The 200 foot minimum landscaped setback should remain intact as you act on the zoning reversion.
- Stipulation 35: The terraced berms should remain. They reduce the apparent height of the exposed escarpment and can be further stabilized and treated with compatible colors. These terraces also provide safety drop zones to intercept any debris that could fall from the upper slopes. The original terraced stipulation should remain intact as you act on the zoning reversion.

2. Stipulations 43 and 44: I request my name and address be added to these notification stipulations so I will be formally notified of any future actions.

3. I am supportive of PHO's recommendations for the remaining stipulations not noted above

Again, the zoning reversion stipulation 19 of Ordinance G-5020 should not be deleted. In 2007, the Mayor and Council included this stipulation specifically to protect the neighbors and community from a high density development that did not fit the area then and does not fit the area today.

Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Tina Banks

4334 W Apollo Rd

Laveen AZ 85339

## Racelle Escolar

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**From:** Vance <vancevep@gmail.com>  
**Sent:** Sunday, April 26, 2020 11:53 AM  
**To:** Racelle Escolar; Alan Stephenson  
**Cc:** Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; Mayor Gallego; Joshua Bednarek; Samantha Keating; PDD Laveen VPC  
**Subject:** Deny Case Z-165-06 (PHO-1-19) as filed

Planning Commission Members,

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Vance Pierce  
8216 S 42nd Ave  
Laveen, AZ 85339

## Racelle Escolar

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**From:** brian hicks <handymanhicks@gmail.com>  
**Sent:** Monday, April 27, 2020 10:53 AM  
**To:** Council District 2 PCC; Council District 1 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; PDD Laveen VPC; Mayor Gallego; Racelle Escolar; Sofia Mastikhina; Alan Stephenson; Joshua Bednarek; Samantha Keating  
**Cc:** sweetbeat@q.com  
**Subject:** Quarry Case at 35th Ave. & Carver/Ceton - Z-165-06-7

Planning Commission Members,

I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

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3. I am supportive of PHO's recommendations for the remaining stipulations **not** noted above

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Brian Hicks

4715 W Carver Rd

Laveen, AZ 85339

## Racelle Escolar

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**From:** Brian & Karie <carvercottage2018@gmail.com>  
**Sent:** Monday, April 27, 2020 10:51 AM  
**To:** Council District 2 PCC; Council District 1 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; PDD Laveen VPC; Mayor Gallego; Racelle Escolar; Sofia Mastikhina; Alan Stephenson; Joshua Bednarek; Samantha Keating  
**Cc:** Cyd Manning  
**Subject:** Quarry Case at 35th Ave. & Carver/Ceton - Z-165-06-7

Planning Commission Members,

I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

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Karie Hicks

4715 W Carver Rd

Laveen, AZ 85339

## Racelle Escolar

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**From:** Lara Andren <cheesethepit@gmail.com>  
**Sent:** Monday, April 27, 2020 9:39 AM  
**To:** Racelle Escolar; Alan Stephenson  
**Cc:** Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; PDD Laveen VPC; Samantha Keating; Council District 4; Council District 5 PCC; council.district.6@phoenix.org; Council District 7 PCC; Mayor Gallego; Joshua Bednarek; Council District 8 PCC  
**Subject:** Deny Case Z-165-06 (PHO-1-19) as filed

Planning Commission Members,

I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

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CASSIE SAWYER

3621 W BOHL STREET  
LAVEEN, AZ. 85339

ADDRESS — with Brent Bialik and 15 others at Laveen, Arizona.

## Racelle Escolar

---

**Subject:** FW: Deny Case Z-165-06 (PHO-1-19) as filed

**From:** Lara Andren <cheesethepit@gmail.com>

**Sent:** Monday, April 27, 2020 9:43 AM

**To:** Racelle Escolar <racelle.escolar@phoenix.gov>; Alan Stephenson <alan.stephenson@phoenix.gov>

**Cc:** Council District 1 PCC <council.district.1@phoenix.gov>; Council District 2 PCC <council.district.2@phoenix.gov>; Council District 3 PCC <council.district.3@phoenix.gov>; Council District 4 <council.district.4@phoenix.gov>; Council District 5 PCC <council.district.5@phoenix.gov>; council.district.6@phoenix.org; Council District 7 PCC <council.district.7@phoenix.gov>; Council District 8 PCC <council.district.8@phoenix.gov>; Joshua Bednarek <joshua.bednarek@phoenix.gov>; PDD Laveen VPC <laveenvpc@phoenix.gov>; Mayor Gallego <mayor.gallego@phoenix.gov>; Samantha Keating <samantha.keating@phoenix.gov>

**Subject:** Fwd: Deny Case Z-165-06 (PHO-1-19) as filed

Subject: Deny Case Z-165-06 (PHO-1-19) as filed

Planning Commission Members,

I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

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2. Stipulations 43 and 44: I request my name and address be added to these notification stipulations so I will be formally notified of any future actions.

3. I am supportive of PHO's recommendations for the remaining stipulations not noted above

Again, the zoning reversion stipulation 19 of Ordinance G-5020 should not be deleted. In 2007, the Mayor and Council included this stipulation specifically to protect the neighbors and community from a high density development that did not fit the area then and does not fit the area today.

Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to O-1 Residential/Parks/Open Space to match the S-1 zoning.

Lara Andren  
3621 W BOHL STREET  
LAVEEN, AZ. 85339

## Racelle Escolar

---

**From:** lvializ@cox.net  
**Sent:** Monday, April 27, 2020 11:32 AM  
**To:** Racelle Escolar; Alan Stephenson  
**Cc:** Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; Mayor Gallego; Joshua Bednarek; Samantha Keating; PDD Laveen VPC  
**Subject:** Deny Case Z-165-06 (PHO-1-19) As Filed  
**Importance:** High

Planning Commission Members,

I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7<sup>th</sup>, 2020. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date, the City has taken no action, despite NUMEROUS requests, which is in violation of City Zoning Ordinance, a very serious matter.

In regards to the Planning Hearing Officer (PHO) recommendations:

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Again, the **zoning reversion stipulation 19 of Ordinance G-5020 should not be deleted**. In 2007, the Mayor and Council included this stipulation SPECIFICALLY to protect the neighbors and community from a high density development that DID NOT fit the area then and DOES NOT fit the area today.

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Thank you,  
Ivan Vializ  
8921 S 53<sup>rd</sup> Dr.  
Laveen, AZ 85339



## Racelle Escolar

---

**From:** Rob <rockmano@aol.com>  
**Sent:** Monday, April 27, 2020 6:01 AM  
**To:** Racelle Escolar; Alan Stephenson  
**Cc:** Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; Mayor Gallego; Joshua Bednarek; Samantha Keating; PDD Laveen VPC  
**Subject:** Deny Case Z-165-06 (PHO-1-19) as filed

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Robert Olson

2809 and 2821 W. Avion Way  
Laveen, AZ 85339

## Racelle Escolar

---

**From:** chris johns <christopher.1.johns@outlook.com>  
**Sent:** Tuesday, April 28, 2020 4:47 PM  
**To:** Alan Stephenson; Racelle Escolar  
**Cc:** Council District 2 PCC; Council District 1 PCC; Joshua Bednarek; Samantha Keating; Mayor Gallego; Council District 8 PCC; Council District 7 PCC; Council District 6 PCC; Council District 5 PCC; Council District 4; Council District 3 PCC  
**Subject:** Deny Case Z-165-06 (PHO-1-19) as filed

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Chris Johns

3913 W Carver Rd, Laveen Village, AZ 85339

## Racelle Escolar

---

**From:** Mike <luzader13@gmail.com>  
**Sent:** Tuesday, April 28, 2020 9:58 AM  
**To:** Racelle Escolar; Alan Stephenson  
**Cc:** Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; Mayor Gallego; Joshua Bednarek; Samantha Keating; PDD Laveen VPC  
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- Stipulation 1: The original plan is of superior quality compared to the current applicant's proposal. The original follows site contours, provides smoother connection to the R1-18 portion to the west, and preserves views of the Estrella Mountains and South Mountain. The original plan should remain intact as you act on the zoning reversion.
- Stipulation 10: The 200 foot minimum landscaped setback along the east property line should remain. Due to the elevation difference of 35th Avenue (lower) and existing terrace to the west (higher), 200 feet provides a much better buffer to screen the higher density and 2-story product, as well as provide better buffering for the surrounding the large acre plus parcels with custom homes. The 200 foot minimum landscaped setback should remain intact as you act on the zoning reversion.
- Stipulation 35: The terraced berms should remain. They reduce the apparent height of the exposed escarpment and can be further stabilized and treated with compatible colors. These terraces also provide safety drop zones to intercept any debris that could fall from the upper slopes. The original terraced stipulation should remain intact as you act on the zoning reversion.

2. Stipulations 43 and 44: I request my name and address be added to these notification stipulations so I will be formally notified of any future actions.

3. I am supportive of PHO's recommendations for the remaining stipulations not noted above

Again, the zoning reversion stipulation 19 of Ordinance G-5020 should not be deleted. In 2007, the Mayor and Council included this stipulation specifically to protect the neighbors and community from a high density development that did not fit the area then and does not fit the area today.

Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Michael Luzader  
9446 S 34th Ln, Laveen

## Racelle Escolar

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**From:** Sylvia Cox <pugmobile.sly@gmail.com>  
**Sent:** Tuesday, April 28, 2020 9:56 AM  
**To:** Racelle Escolar; Alan Stephenson  
**Cc:** Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; Mayor Gallego; Joshua Bednarek; Samantha Keating; PDD Laveen VPC  
**Subject:** Deny Case Z-165-06 (PHO-1-19) as filed

Hello City of Phoenix Planning Commission,

As a 21-year resident of Laveen, I am highly opposed to any more high-density development in our area. Sadly, much of Laveen now looks like most of Phoenix. The rural feel and space that make our village so special are rapidly being destroyed. We have precious few opportunities left to preserve larger lots and open spaces. I beg of you, please work to preserve some of our rural feel by not approving more high-density development! Please adhere to the General Plan; once these spaces are developed, they will be gone forever. I am sure developers will still be able to make money, as the less-densely developed areas will be highly coveted by buyers who want some space between themselves and their neighbors.

I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

In regards to the Planning Hearing Officer (PHO) recommendations:

1. I am adamantly opposed to these 4 stipulations:

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2. I am supportive of PHO's recommendations for the remaining stipulations not noted above

Again, the zoning reversion stipulation 19 of Ordinance G-5020 should not be deleted. In 2007, the Mayor and Council included this stipulation specifically to protect the neighbors and community from a high density development that did not fit the area then and does not fit the area today.

Please do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Respectfully,  
Sylvia Cox  
4601 W. Crivello Ave.  
Laveen, AZ 85339

## Racelle Escolar

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**From:** alexis cherie <alexischerie@gmail.com>  
**Sent:** Wednesday, April 29, 2020 2:29 PM  
**To:** Racelle Escolar; Alan Stephenson  
**Cc:** Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; Mayor Gallego; Joshua Bednarek; Samantha Keating; PDD Laveen VPC  
**Subject:** Deny Case Z-165-06 (PHO-1-19) as filed

Planning Commission Members,

I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

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Alexis Barnes  
4323 W Piedmont Rd, Laveen Village, AZ 85339

## Racelle Escolar

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**Subject:** FW: Deny Case Z-165-06 (PHO-1-19) as filed

**From:** Andrea Sigala <andrea\_sigala@yahoo.com>

**Sent:** Wednesday, April 29, 2020 5:34 PM

**To:** Racelle Escolar <racelle.escolar@phoenix.gov>; Alan Stephenson <alan.stephenson@phoenix.gov>

**Cc:** Council District 1 PCC <council.district.1@phoenix.gov>; Council District 2 PCC <council.district.2@phoenix.gov>; Council District 3 PCC <council.district.3@phoenix.gov>; Council District 6 PCC <District6@phoenix.gov>; Council District 4 <council.district.4@phoenix.gov>; Council District 7 PCC <council.district.7@phoenix.gov>; Council District 8 PCC <council.district.8@phoenix.gov>; Council District 5 PCC <council.district.5@phoenix.gov>; Mayor Gallego <mayor.gallego@phoenix.gov>; Joshua Bednarek <joshua.bednarek@phoenix.gov>; Samantha Keating <samantha.keating@phoenix.gov>; PDD Laveen VPC <laveenvpc@phoenix.gov>

**Subject:** Deny Case Z-165-06 (PHO-1-19) as filed

Planning Commission Members,

I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

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Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to O-1 Residential/Parks/Open Space to match the S-1 zoning.

Andrea N. Sigala

4315 West Carver Road, Laveen AZ 85339

[Sent from Yahoo Mail on Android \[go.onelink.me\]](mailto:andrea_sigala@yahoo.com)



## Racelle Escolar

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**From:** B F <benjamin\_fisher@hotmail.com>  
**Sent:** Wednesday, April 29, 2020 1:55 PM  
**To:** Racelle Escolar; Alan Stephenson  
**Cc:** Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; Mayor Gallego; Joshua Bednarek; Samantha Keating; PDD Laveen VPC  
**Subject:** Deny Case Z-165-06 (PHO-1-19) as filed  
**Importance:** High

Dear Planning Commission Members:

I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

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Respectfully yours,

**Benjamin W. Fisher**

4745 W. Piedmont Drive

Laveen, AZ 85339-9644

602.617.6143 – Cell

[benjamin\\_fisher@hotmail.com](mailto:benjamin_fisher@hotmail.com)

## Racelle Escolar

---

**Subject:** FW: Deny Case Z-165-06 (PHO-1-19) as filed

**From:** Janet Morris <[janetmorriscpa@gmail.com](mailto:janetmorriscpa@gmail.com)>

**Sent:** Wednesday, April 29, 2020 12:03 PM

**To:** Alan Stephenson <[alan.stephenson@phoenix.gov](mailto:alan.stephenson@phoenix.gov)>; Council District 1 PCC <[council.district.1@phoenix.gov](mailto:council.district.1@phoenix.gov)>; Council District 2 PCC <[council.district.2@phoenix.gov](mailto:council.district.2@phoenix.gov)>; Council District 3 PCC <[council.district.3@phoenix.gov](mailto:council.district.3@phoenix.gov)>; Council District 4 <[council.district.4@phoenix.gov](mailto:council.district.4@phoenix.gov)>; Council District 5 PCC <[council.district.5@phoenix.gov](mailto:council.district.5@phoenix.gov)>; Council District 6 PCC <[District6@phoenix.gov](mailto:District6@phoenix.gov)>; Council District 7 PCC <[council.district.7@phoenix.gov](mailto:council.district.7@phoenix.gov)>; Council District 8 PCC <[council.district.8@phoenix.gov](mailto:council.district.8@phoenix.gov)>; Mayor Gallego <[mayor.gallego@phoenix.gov](mailto:mayor.gallego@phoenix.gov)>; Joshua Bednarek <[joshua.bednarek@phoenix.gov](mailto:joshua.bednarek@phoenix.gov)>; Samantha Keating <[samantha.keating@phoenix.gov](mailto:samantha.keating@phoenix.gov)>; PDD Laveen VPC <[laveenvpc@phoenix.gov](mailto:laveenvpc@phoenix.gov)>

**Subject:** RE: Deny Case Z-165-06 (PHO-1-19) as filed

Planning Commission Members, I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter. In regards to the Planning Hearing Officer (PHO) recommendations: 1. I am adamantly opposed to these 4 stipulation:

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3624 W BOHL STREET  
LAVEEN, AZ 85339

## Racelle Escolar

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**From:** Jessie McKinley <jessiemckinley602@gmail.com>  
**Sent:** Wednesday, April 29, 2020 6:45 PM  
**To:** Racelle Escolar; Alan Stephenson  
**Cc:** Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; Mayor Gallego; Joshua Bednarek; Samantha Keating; PDD Laveen VPC  
**Subject:** Deny Case Z-165-06 (PHO-1-19) as filed...

Dear Planning Commission Members:

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Respectfully yours,

Jessie L. McKinley  
4745 W. Piedmont Drive  
Laveen, AZ 85339  
480-648-5269  
[jessiemckinley602@gmail.com](mailto:jessiemckinley602@gmail.com)

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"Dance, like no one is watching..."

## Racelle Escolar

---

**Subject:** FW: Deny Case Z-165-06 (PHO-1-19) as filed

**From:** Steven Dougherty <steven@stevendougherty.com>

**Sent:** Wednesday, April 29, 2020 4:42 PM

**To:** Racelle Escolar <racelle.escolar@phoenix.gov>; Alan Stephenson <alan.stephenson@phoenix.gov>

**Cc:** Steven Dougherty <steven@stevendougherty.com>; Council District 1 PCC <council.district.1@phoenix.gov>; Council District 2 PCC <council.district.2@phoenix.gov>; Council District 3 PCC <council.district.3@phoenix.gov>; Council District 4 <council.district.4@phoenix.gov>; Council District 5 PCC <council.district.5@phoenix.gov>; Council District 6 PCC <District6@phoenix.gov>; Council District 7 PCC <council.district.7@phoenix.gov>; Council District 8 PCC <council.district.8@phoenix.gov>; Mayor Gallego <mayor.gallego@phoenix.gov>; Joshua Bednarek <joshua.bednarek@phoenix.gov>; Samantha Keating <samantha.keating@phoenix.gov>; PDD Laveen VPC <laveenvpc@phoenix.gov>

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Steven Dougherty  
11222 S 39th LN  
Laveen AZ 85339

Sincerely,  
Steven Dougherty  
[Steven@StevenDougherty.com](mailto:Steven@StevenDougherty.com)  
480-430-6130 Cell

CONFIDENTIALITY NOTICE - This e-mail transmission and any documents, files or previous e-mail messages attached to it may contain information that is confidential or legally privileged. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that you must not read or play this transmission and that any disclosure, copying, printing, distribution or use of any of the information contained in or attached to this transmission is STRICTLY PROHIBITED. If you have received this transmission in error, please immediately notify the sender by telephone or return e-mail and delete the original transmission and its attachments without reading, forwarding, saving or re-distributing in any manner.

## Racelle Escolar

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**From:** Susan Quintana <s.quintana888@gmail.com>  
**Sent:** Wednesday, April 29, 2020 9:00 AM  
**To:** Alan Stephenson; Council District 6 PCC; Racelle Escolar  
**Cc:** Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 7 PCC; Council District 8 PCC; Joshua Bednarek; PDD Laveen VPC; Mayor Gallego; Samantha Keating  
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  - Stipulation 35: The terraced berms should remain. They reduce the apparent height of the exposed escarpment and can be further stabilized and treated with compatible colors. These terraces also provide safety drop zones to intercept any debris that could fall from the upper slopes. The original terraced stipulation should remain intact as you act on the zoning reversion.
2. Stipulations 43 and 44: I request my name and address be added to these notification stipulations so I will be formally notified of any future actions.
3. I am supportive of PHO's recommendations for the remaining stipulations not noted above

Again, the zoning reversion stipulation 19 of Ordinance G-5020 should not be deleted. In 2007, the Mayor and Council included this stipulation specifically to protect the neighbors and community from a high density development that did not fit the area then and does not fit the area today.

Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Susan Quintana  
5217 W Grenadine Rd  
Laveen, AZ 85339.

--

Susan Quintana

## Racelle Escolar

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**From:** R B <kroywen@icloud.com>  
**Sent:** Thursday, April 30, 2020 1:37 PM  
**To:** Racelle Escolar; Alan Stephenson  
**Cc:** Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; Mayor Gallego; Joshua Bednarek; Samantha Keating; PDD Laveen VPC  
**Subject:** ESCALATE - Deny Case Z-165-06 (PHO-1-19) as filed

Good afternoon, below is a copy-paste of the same topic for which your office must have already received lots of inquiries from us Laveen residents.

Frankly, we as your constituents and fellow residents shouldn't have to be doing this over and over again - we already asked you to STOP these developers from building in our community.

Yet you continue to allow these developers to move ahead. You are not acting in the best interest of the people you are supposed to help and protect - us residents.

You continue to act in the interest of well-funded developers and that's not right.

Why do we need to keep begging you to do the right thing and make them stop?  
Why do we need to keep having meetings and do letter writing campaigns about this?  
We already said NO.  
Then we said NO again.

**We do not want this developer or any other developer to build in our area at this density level.** We made this clear. Then we made it clear again.

Now we are - once again - making it clear.

So please, add this email to your growing list of pleas to stop this development. We. Do. Not. Want. It.

Thank you

-Cenk Brown  
7259 S. 48TH GLN  
Laveen, Arizona 85339

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Planning Commission Members,

I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

In regards to the Planning Hearing Officer (PHO) recommendations:

1. I am adamantly opposed to these 4 stipulation:



- Deletion of original Stipulation 19 (zoning reversion): This zoning reversion stipulation should not be deleted. Instead it should remain as is with immediate Planning Commission action to revert the zoning. Once the reversion is complete, my neighbors and I stand ready to develop a better plan that fits the area, with the applicant.
  - Stipulation 1: The original plan is of superior quality compared to the current applicant's proposal. The original follows site contours, provides smoother connection to the R1-18 portion to the west, and preserves views of the Estrella Mountains and South Mountain. The original plan should remain intact as you act on the zoning reversion.
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  3. I am supportive of PHO's recommendations for the remaining stipulations not noted above

Again, the zoning reversion stipulation 19 of Ordinance G-5020 should not be deleted. In 2007, the Mayor and Council included this stipulation specifically to protect the neighbors and community from a high density development that did not fit the area then and does not fit the area today.

Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to O-1 Residential/Parks/Open Space to match the S-1 zoning.

Cenk Brown  
7259 S. 48TH GLN  
Laveen, AZ 85339

## Racelle Escolar

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**From:** Donna Snow <carart617@hotmail.com>  
**Sent:** Thursday, April 30, 2020 10:19 AM  
**To:** Racelle Escolar  
**Cc:** Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; Mayor Gallego; Joshua Bednarek; Samantha Keating; PDD Laveen VPC  
**Subject:** Deny Case Z-165-06 (PHO-1-19) as filed

Planning Commission Members,

I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

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with compatible colors. These terraces also provide safety drop zones to intercept any debris that could fall from the upper slopes. The original terraced stipulation should remain intact as you act on the zoning reversion.

2. Stipulations 43 and 44: I request my name and address be added to these notification stipulations so I will be formally notified of any future actions.

2. I am supportive of PHO's recommendations for the remaining stipulations not noted above,

Again, the zoning reversion stipulation 19 of Ordinance G-5020 should not be deleted. In 2007, the Mayor and Council included this stipulation specifically to protect the neighbors and community from a high density development that did not fit the area then and does not fit the area today.

Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Sincerely,

Donna Snow  
6806 W. Desert Lane  
Laveen, AZ 85339

## Racelle Escolar

---

**From:** Jody Monreal <mskitty1212@gmail.com>  
**Sent:** Thursday, April 30, 2020 10:40 AM  
**To:** Racelle Escolar; Alan Stephenson; Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; Mayor Gallego; Joshua Bednarek; Samantha Keating; PDD Laveen VPC  
**Subject:** Deny Case Z-165-06 (PHO-1-19) as filed

Planning Commission Members,

I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

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Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Jody R Monreal 5327 W Allen Street Laveen, AZ 85339

Deny Case Z-165-06 (PHO-1-19) as filed

Planning Commission Members,

I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

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Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

LAURA A MURPHY  
4824 W ESTRELLA DR  
LAVEEN, AZ 85339

Deny Case Z-165-06 (PHO-1-19) as filed

Planning Commission Members,

I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

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LISA K PIKE  
4824 W ESTRELLA DR  
LAVEEN, AZ 85339

## Racelle Escolar

---

**From:** M A <mavina480@gmail.com>  
**Sent:** Thursday, April 30, 2020 12:27 PM  
**To:** Racelle Escolar; Alan Stephenson  
**Cc:** Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; Mayor Gallego; Joshua Bednarek; Samantha Keating; PDD Laveen VPC  
**Subject:** Deny Case Z-165-06 (PHO-1-19) as filed

Planning Commission Members, I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter. In regards to the Planning Hearing Officer (PHO) recommendations: 1. I am adamantly opposed to these 4 stipulation:

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## Racelle Escolar

---

**Subject:** FW: Deny Case Z-165-06 (PHO-1-19) as filed.

**From:** Moises Quintana <Moises.Quintana@hotmail.com>

**Sent:** Thursday, April 30, 2020 11:46 AM

**To:** Racelle Escolar <racelle.escolar@phoenix.gov>; Alan Stephenson <alan.stephenson@phoenix.gov>

**Cc:** Council District 1 PCC <council.district.1@phoenix.gov>; Council District 2 PCC <council.district.2@phoenix.gov>; Council District 3 PCC <council.district.3@phoenix.gov>; Council District 4 <council.district.4@phoenix.gov>; Council District 5 PCC <council.district.5@phoenix.gov>; Council District 6 PCC <District6@phoenix.gov>; Council District 7 PCC <council.district.7@phoenix.gov>; Council District 8 PCC <council.district.8@phoenix.gov>; Mayor Gallego <mayor.gallego@phoenix.gov>; Joshua Bednarek <joshua.bednarek@phoenix.gov>; Samantha Keating <samantha.keating@phoenix.gov>; PDD Laveen VPC <laveenvpc@phoenix.gov>

**Subject:** Deny Case Z-165-06 (PHO-1-19) as filed.

Planning Commission Members,

I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

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Moises Quintana  
5217 W Grenadine Rd  
Laveen, AZ 85339

Get [Outlook for iOS \[aka.ms\]](#)



## Racelle Escolar

---

**Subject:** FW: Please deny Case Z-165-06 (PHO-1-19)

**From:** Randy Holmes <holmes1512@gmail.com>

**Sent:** Thursday, April 30, 2020 1:30 PM

**To:** Council District 1 PCC <council.district.1@phoenix.gov>; Council District 2 PCC <council.district.2@phoenix.gov>; Council District 3 PCC <council.district.3@phoenix.gov>; Council District 4 <council.district.4@phoenix.gov>; Council District 5 PCC <council.district.5@phoenix.gov>; Council District 6 PCC <District6@phoenix.gov>; Council District 7 PCC <council.district.7@phoenix.gov>; Council District 8 PCC <council.district.8@phoenix.gov>; PDD Laveen VPC <laveenvpc@phoenix.gov>; Mayor Gallego <mayor.gallego@phoenix.gov>; Racelle Escolar <racelle.escolar@phoenix.gov>; Sofia Mastikhina <sofia.mastikhina@phoenix.gov>; Alan Stephenson <alan.stephenson@phoenix.gov>; Joshua Bednarek <joshua.bednarek@phoenix.gov>; Samantha Keating <samantha.keating@phoenix.gov>

**Subject:** Please deny Case Z-165-06 (PHO-1-19)

Planning Commission Members,

I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

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Randy L Holmes  
10909 S. 29th Ave  
Laveen, AZ 85339

## Racelle Escolar

---

**From:** ROB HARGREAVES <b737rob@msn.com>  
**Sent:** Thursday, April 30, 2020 3:02 PM  
**To:** Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; PDD Laveen VPC; Mayor Gallego; Racelle Escolar; Sofia Mastikhina; Alan Stephenson; Joshua Bednarek; Samantha Keating  
**Subject:** Case Z-165-06 (PHO-1-19)

To: Planning Commission Members

Cc: Mayor Gallego, Councilmembers, Planning Management and Staff

Planning Commission Members,

I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

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2. **Stipulations 43 and 44:** I request my name and address be added to these notification stipulations so I will be formally notified of any future actions.

3. I am supportive of PHO's recommendations for the remaining stipulations **not** noted above

Again, the zoning reversion stipulation 19 of Ordinance G-5020 should not be deleted. In 2007, the Mayor and Council included this stipulation specifically to protect the neighbors and community from a high density development that did not fit the area then and does not fit the area today.

Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to O-1 Residential/Parks/Open Space to match the S-1 zoning.

Robert Hargreaves  
3102 W Ceton Dr.  
Laveen, AZ 85339

## Racelle Escolar

---

**Subject:** FW: Case Z-165-06 (PHO-1-19)

**From:** Kristofic, Stephanie L. <Stephanie.Kristofic@va.gov>

**Sent:** Thursday, April 30, 2020 1:11 PM

**To:** Racelle Escolar <racelle.escolar@phoenix.gov>

**Subject:** Case Z-165-06 (PHO-1-19)

Planning Commission Members,

I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

In regards to the Planning Hearing Officer (PHO) recommendations:

1. I am adamantly opposed to these 4 stipulation:
  - **Deletion of original Stipulation 19 (zoning reversion):** This zoning reversion stipulation should not be deleted. Instead it should remain as is with immediate Planning Commission action to revert the zoning. Once the reversion is complete, my neighbors and I stand ready to develop a better plan that fits the area, with the applicant.
  - **Stipulation 1:** The original plan is of superior quality compared to the current applicant's proposal. The original follows site contours, provides smoother connection to the R1-18 portion to the west, and preserves views of the Estrella Mountains and South Mountain. The original plan should remain intact as you act on the zoning reversion.
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2. **Stipulations 43 and 44:** I request my name and address be added to these notification stipulations so I will be formally notified of any future actions.
3. I am supportive of PHO's recommendations for the remaining stipulations not noted above

Again, the zoning reversion stipulation 19 of Ordinance G-5020 should not be deleted. In 2007, the Mayor and Council included this stipulation specifically to protect the neighbors and community from a high density development that did not fit the area then and does not fit the area today.

Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to O-1 Residential/Parks/Open Space to match the S-1 zoning.

Warm regards,

*Stephanie Kristofic 10826 s 30<sup>th</sup> Ave Laveen*

Stephanie Kristofic BSN, RN, CDCES

Certified Diabetes Care and Education Specialist

Department of Endocrinology

Phoenix VA Health Care System

Phone: 602-277-5551 Ext 7081

Fax: 602-200-6034

Email: [stephanie.kristofic@va.gov](mailto:stephanie.kristofic@va.gov)

## Racelle Escolar

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**From:** Swati Joshi <sjoshi1729@yahoo.com>  
**Sent:** Thursday, April 30, 2020 10:57 AM  
**To:** Racelle Escolar; Alan Stephenson  
**Cc:** Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; Mayor Gallego; Joshua Bednarek; Samantha Keating; PDD Laveen VPC  
**Subject:** Deny Case Z-165-06 (PHO-1-19) as filed

Planning Commission Members, I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter. In regards to the Planning Hearing Officer (PHO) recommendations: 1. I am adamantly opposed to these 4 stipulation:

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8539 S. 40th Drive  
Laveen, AZ 85339

## Racelle Escolar

---

**Subject:** FW: Quarry Case at 35th Ave. & Carver/Ceton - Z-165-06-7

**From:** Anne McKinney <volnay@gmail.com>

**Sent:** Friday, May 1, 2020 1:33 PM

**To:** Council District 1 PCC <council.district.1@phoenix.gov>; Council District 2 PCC <council.district.2@phoenix.gov>; Council District 3 PCC <council.district.3@phoenix.gov>; Council District 4 <council.district.4@phoenix.gov>; Council District 5 PCC <council.district.5@phoenix.gov>; Council District 6 PCC <District6@phoenix.gov>; Council District 7 PCC <council.district.7@phoenix.gov>; Council District 8 PCC <council.district.8@phoenix.gov>; PDD Laveen VPC <laveenvpc@phoenix.gov>; Mayor Gallego <mayor.gallego@phoenix.gov>; Racelle Escolar <racelle.escolar@phoenix.gov>; Sofia Mastikhina <sofia.mastikhina@phoenix.gov>; Joshua Bednarek <joshua.bednarek@phoenix.gov>; Alan Stephenson <alan.stephenson@phoenix.gov>; Samantha Keating <samantha.keating@phoenix.gov>

**Subject:** Quarry Case at 35th Ave. & Carver/Ceton - Z-165-06-7

Planning Commission Members,

I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

In regards to the Planning Hearing Officer (PHO) recommendations:

1. I am adamantly opposed to these 4 stipulation:
  - **Deletion of original Stipulation 19 (zoning reversion):** This zoning reversion stipulation should not be deleted. Instead it should remain as is with immediate Planning Commission action to revert the zoning. Once the reversion is complete, my neighbors and I stand ready to develop a better plan that fits the area, with the applicant.
  - **Stipulation 1:** The original plan is of superior quality compared to the current applicant's proposal. The original follows site contours, provides smoother connection to the R1-18 portion to the west, and preserves views of the Estrella Mountains and South Mountain. The original plan should remain intact as you act on the zoning reversion.
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2. **Stipulations 43 and 44:** I request my name and address be added to these notification stipulations so I will be formally notified of any future actions.
3. I am supportive of PHO's recommendations for the remaining stipulations **not** noted above.

Again, the zoning reversion stipulation 19 of Ordinance G-5020 should not be deleted. In 2007, the Mayor and Council included this stipulation specifically to protect the neighbors and community from a high density development that did not fit the area then and does not fit the area today.

Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Anne McKinney  
10827 S 30th Ave  
Laveen AZ 85339

## Racelle Escolar

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**Subject:** FW: deny Case Z-165-06 (PHO-1-19)

**From:** Bernadette Buehlmann <bernadettebuehlmann@gmail.com>

**Sent:** Friday, May 1, 2020 5:03 PM

**To:** Racelle Escolar <racelle.escolar@phoenix.gov>

**Subject:** deny Case Z-165-06 (PHO-1-19)

To: Planning Commission Members

Cc: Mayor Gallego, Councilmembers, Planning Management and Staff

Planning Commission Members,

I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

In regards to the Planning Hearing Officer (PHO) recommendations:

1. I am adamantly opposed to these 4 stipulation:
  - **Deletion of original Stipulation 19 (zoning reversion):** This zoning reversion stipulation should not be deleted. Instead it should remain as is with immediate Planning Commission action to revert the zoning. Once the reversion is complete, my neighbors and I stand ready to develop a better plan that fits the area, with the applicant.
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Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to O-1 Residential/Parks/Open Space to match the S-1 zoning.

Thank you,

Bernadette Buehlmann, Laveen

## Racelle Escolar

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**From:** RK <7359.apps@gmail.com>  
**Sent:** Friday, May 1, 2020 6:40 PM  
**To:** Racelle Escolar; Alan Stephenson  
**Cc:** Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; Mayor Gallego; Joshua Bednarek; Samantha Keating; PDD Laveen VPC  
**Subject:** Deny Case Z-165-06 (PHO-1-19) as filed

Planning Commission Members,

I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

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Again, the zoning reversion stipulation 19 of Ordinance G-5020 should not be deleted. In 2007, the Mayor and Council included this stipulation specifically to protect the neighbors and community from a high density development that did not fit the area then and does not fit the area today.



PLEASE do the required and right thing.

Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to O-1 Residential/Parks/Open Space to match the S-1 zoning.

Kavi Raj,

4309 W Buist Ave, Laveen, 85339

## Racelle Escolar

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**From:** Kim Kissel <k.kissel@comcast.net>  
**Sent:** Friday, May 1, 2020 2:11 PM  
**To:** Racelle Escolar; Alan Stephenson  
**Cc:** Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; Mayor Gallego; Joshua Bednarek; Samantha Keating; PDD Laveen VPC  
**Subject:** Deny Case Z-165-06 (PHO-1-19) as Filed

Planning Commission Members,

I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action, which is in violation of City Zoning Ordinance, a very serious matter.

In regards to the Planning Hearing Officer (PHO) recommendations:

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Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to O-1 Residential/Parks/Open Space to match the S-1 zoning.

I pray you, your families and colleagues are staying safe and healthy during this new season in our lives.

God Bless,  
Kimberly Kissel  
June Skies  
5124 W Lydia Ln  
Laveen AZ 85339

“For every house is built by someone, but God is the builder of everything.” Heb 3:4

## Racelle Escolar

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**From:** Matt Klein <mattklein999@gmail.com>  
**Sent:** Friday, May 1, 2020 4:51 AM  
**To:** Racelle Escolar; Alan Stephenson  
**Cc:** Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; Mayor Gallego; Joshua Bednarek; Samantha Keating; PDD Laveen VPC  
**Subject:** Deny Case Z-165-06 (PHO-1-19) as filed

Planning Commission Members, I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter. In regards to the Planning Hearing Officer (PHO) recommendations: 1. I am adamantly opposed to these 4 stipulation: • Deletion of original Stipulation 19 (zoning reversion): This zoning reversion stipulation should not be deleted. Instead it should remain as is with immediate Planning Commission action to revert the zoning. Once the reversion is complete, my neighbors and I stand ready to develop a better plan that fits the area, with the applicant. • Stipulation 1: The original plan is of superior quality compared to the current applicant's proposal. The original follows site contours, provides smoother connection to the R1-18 portion to the west, and preserves views of the Estrella Mountains and South Mountain. The original plan should remain intact as you act on the zoning reversion. • Stipulation 10: The 200 foot minimum landscaped setback along the east property line should remain. Due to the elevation difference of 35th Avenue (lower) and existing terrace to the west (higher), 200 feet provides a much better buffer to screen the higher density and 2-story product, as well as provide better buffering for the surrounding the large acre plus parcels with custom homes. The 200 foot minimum landscaped setback should remain intact as you act on the zoning reversion. • Stipulation 35: The terraced berms should remain. They reduce the apparent height of the exposed escarpment and can be further stabilized and treated with compatible colors. These terraces also provide safety drop zones to intercept any debris that could fall from the upper slopes. The original terraced stipulation should remain intact as you act on the zoning reversion. 2. Stipulations 43 and 44: I request my name and address be added to these notification stipulations so I will be formally notified of any future actions. 3. I am supportive of PHO's recommendations for the remaining stipulations not noted above Again, the zoning reversion stipulation 19 of Ordinance G-5020 should not be deleted. In 2007, the Mayor and Council included this stipulation specifically to protect the neighbors and community from a high density development that did not fit the area then and does not fit the area today. Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning. Matt Klein  
9812 S 46th Ln  
Laveen, AZ

## Racelle Escolar

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**From:** drmelissaprice@aol.com  
**Sent:** Friday, May 1, 2020 3:08 PM  
**To:** Racelle Escolar; Alan Stephenson  
**Cc:** Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; Mayor Gallego; Joshua Bednarek; Samantha Keating; PDD Laveen VPC  
**Subject:** Deny Case Z-165-06 (PHO-1-19) as filed

Dear Planning Commission Members,

My neighbors all throughout the Laveen region and I feel that the following is so important. We are untied in the following statement because this is where we live. Personally, I have watched Laveen grow, in some ways for the better and some for the worse. Allowing the following four stipulations would clearly fall in the latter category.

As such, I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter. In regards to the Planning Hearing Officer (PHO) recommendations: 1. I am adamantly opposed to these 4 stipulation: • Deletion of original Stipulation 19 (zoning reversion): This zoning reversion stipulation should not be deleted. Instead it should remain as is with immediate Planning Commission action to revert the zoning. Once the reversion is complete, my neighbors and I stand ready to develop a better plan that fits the area, with the applicant. • Stipulation 1: The original plan is of superior quality compared to the current applicant's proposal. The original follows site contours, provides smoother connection to the R1-18 portion to the west, and preserves views of the Estrella Mountains and South Mountain. The original plan should remain intact as you act on the zoning reversion. • Stipulation 10: The 200 foot minimum landscaped setback along the east property line should remain. Due to the elevation difference of 35th Avenue (lower) and existing terrace to the west (higher), 200 feet provides a much better buffer to screen the higher density and 2-story product, as well as provide better buffering for the surrounding the large acre plus parcels with custom homes. The 200 foot minimum landscaped setback should remain intact as you act on the zoning reversion. • Stipulation 35: The terraced berms should remain. They reduce the apparent height of the exposed escarpment and can be further stabilized and treated with compatible colors. These terraces also provide safety drop zones to intercept any debris that could fall from the upper slopes. The original terraced stipulation should remain intact as you act on the zoning reversion. 2. Stipulations 43 and 44: I request my name and address be added to these notification stipulations so I will be formally notified of any future actions. 3. I am supportive of PHO's recommendations for the remaining stipulations not noted above Again, the zoning reversion stipulation 19 of Ordinance G-5020 should not be deleted. In 2007, the Mayor and Council included this stipulation specifically to protect the neighbors and community from a high density development that did not fit the area then and does not fit the area today. Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Sincerely,

Dr. Melissa Price  
5333 W. Ian Dr.  
Laveen, AZ 85339

## Racelle Escolar

---

**From:** RK K <cars7359@gmail.com>  
**Sent:** Friday, May 1, 2020 6:43 PM  
**To:** Racelle Escolar; Alan Stephenson  
**Cc:** Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; Mayor Gallego; Joshua Bednarek; Samantha Keating; PDD Laveen VPC  
**Subject:** Deny Case Z-165-06 (PHO-1-19) as filed

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Again, the zoning reversion stipulation 19 of Ordinance G-5020 should not be deleted. In 2007, the Mayor and Council included this stipulation specifically to protect the neighbors and community from a high density development that did not fit the area then and does not fit the area today.

PLEASE do the required and right thing.

Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to O-1 Residential/Parks/Open Space to match the S-1 zoning.

Rohini Kun,

4309 W Buist Ave, Laveen, 85339

## Racelle Escolar

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**From:** Cyd Manning <SweetBeat@q.com>  
**Sent:** Saturday, May 2, 2020 4:01 PM  
**To:** Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; Mayor Gallego; Racelle Escolar; Sofia Mastikhina; Alan Stephenson; Joshua Bednarek; Samantha Keating; PDD Laveen VPC  
**Subject:** Deny Z-165-06 (PHO-1-19) at May 7 Planning Commission  
**Importance:** High

Planning Commission Members,

I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning to revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

In 2007, the Mayor and Council included this stipulation specifically to protect the neighbors and community from a high density development that was incompatible with the area then and remains incompatible today. The inaction since the time stipulation expired in 2011 has wronged the community of Laveen as we expected the zoning reversion to occur. The City needs and should want to do the right thing. This Commission and Council have the obligation, duty and authority to act and honor the zoning reversion.

In regards to the Planning Hearing Officer (PHO) recommendations:

1. I am adamantly opposed to these 4 stipulation:
  - **Deletion of original Stipulation 19 (zoning reversion):** This zoning reversion stipulation should not be deleted. Instead it should remain as is with immediate Planning Commission action to revert the zoning. Once the reversion is complete, my neighbors and I stand ready to develop a better plan that fits the area, with the applicant.
  - **Stipulation 1:** The original plan is of superior quality compared to the current applicant's proposal. The original follows site contours, provides smoother connection to the R1-18 portion to the west, and preserves views of the Estrella Mountains and South Mountain. The original plan should remain intact as you act on the zoning reversion.
  - **Stipulation 10:** The 200 foot minimum landscaped setback along the east property line should remain. Due to the elevation difference of 35<sup>th</sup> Avenue (lower) and existing terrace to the west (higher), 200 feet provides a much better buffer to screen the higher density and 2-story product, as well as provide better buffering for the surrounding the large acre plus parcels with custom homes. The 200 foot minimum landscaped setback should remain intact as you act on the zoning reversion.
  - **Stipulation 35:** The terraced berms should remain. They reduce the apparent height of the exposed escarpment and can be further stabilized and treated with compatible colors. These terraces also provide safety drop zones to intercept any debris that could fall from the upper slopes. The original terraced stipulation should remain intact as you act on the zoning reversion.
2. **Stipulations 43 and 44:** I request my name and address be added to these notification stipulations so I will be formally notified of any future actions.
3. I am supportive of PHO's recommendations for the remaining stipulations **not** noted above

Again, the zoning reversion stipulation 19 of Ordinance G-5020 should not be deleted.



Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to O-1 Residential/Parks/Open Space to match the S-1 zoning.

Sincerely,

Cyd Manning  
3220 W. Ceton Drive  
[sweetbeat@q.com](mailto:sweetbeat@q.com)

## Racelle Escolar

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**From:** EMAIL TEAM <garyinlaveen@yahoo.com>  
**Sent:** Saturday, May 2, 2020 10:36 AM  
**To:** Council District 1 PCC; council.distict.2@phoenix.gov; coucil.district.3@phoenix.gov; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; laveenpc@phoenix.gov; Mayor Gallego; Racelle Escolar; Sofia Mastikhina; Alan Stephenson; Joshua Bednarek; Samantha Keating  
**Subject:** Quarry Case Z-165-06-7 (PHO-1-19)\_1-15-20PHO.PDF

Hello All,

I request you deny the Case # above. And I am opposed to Stipulations 1, 10, 19, 35, 43 and 44.

Please take into consideration our Community life style when making your decision-we would like to keep it semi-rural.

Sincerly,

Gary Jordan

3603 W. Shawnee Dr.

Laveen, Az 85339

## Racelle Escolar

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**From:** C Gunderson <carrsgun@gmail.com>  
**Sent:** Sunday, May 3, 2020 8:36 PM  
**To:** Alan Stephenson; Racelle Escolar  
**Cc:** Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; Mayor Gallego; Joshua Bednarek; Samantha Keating; PDD Laveen VPC  
**Subject:** Deny Case Z-165-06 (PHO-1-19) as filed

Planning Commission Members, I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter. In regards to the Planning Hearing Officer (PHO) recommendations: 1. I am adamantly opposed to these 4 stipulation: • Deletion of original Stipulation 19 (zoning reversion): This zoning reversion stipulation should not be deleted. Instead it should remain as is with immediate Planning Commission action to revert the zoning. Once the reversion is complete, my neighbors and I stand ready to develop a better plan that fits the area, with the applicant. • Stipulation 1: The original plan is of superior quality compared to the current applicant's proposal. The original follows site contours, provides smoother connection to the R1-18 portion to the west, and preserves views of the Estrella Mountains and South Mountain. The original plan should remain intact as you act on the zoning reversion. • Stipulation 10: The 200 foot minimum landscaped setback along the east property line should remain. Due to the elevation difference of 35th Avenue (lower) and existing terrace to the west (higher), 200 feet provides a much better buffer to screen the higher density and 2-story product, as well as provide better buffering for the surrounding the large acre plus parcels with custom homes. The 200 foot minimum landscaped setback should remain intact as you act on the zoning reversion. • Stipulation 35: The terraced berms should remain. They reduce the apparent height of the exposed escarpment and can be further stabilized and treated with compatible colors. These terraces also provide safety drop zones to intercept any debris that could fall from the upper slopes. The original terraced stipulation should remain intact as you act on the zoning reversion. 2. Stipulations 43 and 44: I request my name and address be added to these notification stipulations so I will be formally notified of any future actions. 3. I am supportive of PHO's recommendations for the remaining stipulations not noted above Again, the zoning reversion stipulation 19 of Ordinance G-5020 should not be deleted. In 2007, the Mayor and Council included this stipulation specifically to protect the neighbors and community from a high density development that did not fit the area then and does not fit the area today. Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Regards,

Carolyn Gunderson  
3514 W Cheyenne Dr.  
Laveen, AZ85339

## Racelle Escolar

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**From:** Deirdre Sparling <dspard@icloud.com>  
**Sent:** Sunday, May 3, 2020 7:59 AM  
**To:** Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; PDD Laveen VPC; Mayor Gallego; Racelle Escolar; Sofia Mastikhina; Alan Stephenson; Joshua Bednarek; Samantha Keating  
**Subject:** Case Z-165-06 (PHO-1-19)

To: Planning Commission Members

Cc: Mayor Gallego, Councilmembers, Planning Management and Staff

Planning Commission Members,

I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you [on May 7](#). Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

In regards to the Planning Hearing Officer (PHO) recommendations:

1. I am adamantly opposed to these 4 stipulation:
  - **Deletion of original Stipulation 19 (zoning reversion):** This zoning reversion stipulation should not be deleted. Instead it should remain as is with immediate Planning Commission action to revert the zoning. Once the reversion is complete, my neighbors and I stand ready to develop a better plan that fits the area, with the applicant.
  - **Stipulation 1:** The original plan is of superior quality compared to the current applicant's proposal. The original follows site contours, provides smoother connection to the R1-18 portion to the west, and preserves views of the Estrella Mountains and South Mountain. The original plan should remain intact as you act on the zoning reversion.
  - **Stipulation 10:** The 200 foot minimum landscaped setback along the east property line should remain. Due to the elevation difference of 35<sup>th</sup> Avenue (lower) and existing terrace to the west (higher), 200 feet provides a much better buffer to screen the higher density and 2-story product, as well as provide better buffering for the surrounding the large acre plus parcels with custom homes. The 200 foot minimum landscaped setback should remain intact as you act on the zoning reversion.
  - **Stipulation 35:** The terraced berms should remain. They reduce the apparent height of the exposed escarpment and can be further stabilized and treated with compatible colors. These terraces also provide safety drop zones to intercept any debris that could fall from the upper slopes. The original terraced stipulation should remain intact as you act on the zoning reversion.
2. **Stipulations 43 and 44:** I request my name and address be added to these notification stipulations so I will be formally notified of any future actions.
3. I am supportive of PHO's recommendations for the remaining stipulations **not** noted above

Again, the zoning reversion stipulation 19 of Ordinance G-5020 should not be deleted. In 2007, the Mayor and Council included this stipulation specifically to protect the neighbors and community from a high density development that did not fit the area then and does not fit the area today.

Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to O-1 Residential/Parks/Open Space to match the S-1 zoning.

Sincerely,

Deirdre Sparling  
9819 S. 20th Ave  
Phoenix, 85041

## Racelle Escolar

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**From:** Donna Schober <donna.schober@gmail.com>  
**Sent:** Sunday, May 3, 2020 11:27 AM  
**To:** Council District 8 PCC; Council District 3 PCC; Alan Stephenson; Council District 4; Council District 7 PCC; Joshua Bednarek; Council District 1 PCC; Council District 2 PCC; Council District 5 PCC; Council District 6 PCC; PDD Laveen VPC; Mayor Gallego; Racelle Escolar; Sofia Mastikhina; Samantha Keating  
**Subject:** CASE Z-165-06 (PHO-1-19)

Planning Commission Members,

We request that you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City enforces ordinance G-5020 which requires that the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

With regard to the Planning Hearing Officer (PHO) recommendations we are opposed to these four stipulations:

Deletion of original Stipulation 19 (zoning reversion).

Stipulation 1: The original plan is far superior to the applicant's current proposal. The original plan suits site contours, provides smoother connection to the R1-18 portion to the west, and preserves views of the Estrella Mountains and South Mountain.

Stipulation 10: The 200 foot minimum landscaped setback along the east property line should remain. This will serve as a needed buffer to screen the higher density and 2-story buildings and provide better buffering surrounding the large acre plus parcels with custom homes.

Stipulation 35: The terraced berms should remain. This will help stabilize the slopes.

Stipulations 43 and 44: Please add our names to the notification stipulations so we will be notified of any future actions.

We support the PHO's recommendations for the remaining stipulations NOT noted above.

We have lived in Laveen, close to this land, for over 20 years. This is an area where large lots and custom homes live. Where homeowners and others take advantage of the mountain views and wide open spaces.

Please do the right thing. Deny Case Z-165-06 (PHO-1-19) as filed. Don't break faith and trust with the residents of this community.

Sincerely,

Donna J. Schober  
Marvin A. Sondag  
10840 S 30th Ave  
Laveen, AZ 85339  
602.237.4887

## Racelle Escolar

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**From:** Elizabeth Banta <ebanta3938@gmail.com>  
**Sent:** Sunday, May 3, 2020 12:28 PM  
**To:** Racelle Escolar  
**Subject:** Denial strongly requested for Case Z-165-06 (PHO-1-19)

To: Planning Commission Members

Cc: Mayor Gallego, Councilmembers, Planning Management and Staff

Planning Commission Members,

I am a member of the area greatly and negatively affected by Case Z-165-06 (PHO-1-19). So much of Greater Phoenix contains high density, cookie-cutter communities. Please preserve a unique jewel in our Valley by denying Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

In regards to the Planning Hearing Officer (PHO) recommendations:

1. I am adamantly opposed to these 4 stipulation:

- **Deletion of original Stipulation 19 (zoning reversion):** This zoning reversion stipulation should not be deleted. Instead it should remain as is with immediate Planning Commission action to revert the zoning. Once the reversion is complete, my neighbors and I stand ready to develop a better plan that fits the area, with the applicant.
- **Stipulation 1:** The original plan is of superior quality compared to the current applicant's proposal. The original follows site contours, provides smoother connection to the R1-18 portion to the west, and preserves views of the Estrella Mountains and South Mountain. The original plan should remain intact as you act on the zoning reversion.
- **Stipulation 10:** The 200 foot minimum landscaped setback along the east property line should remain. Due to the elevation difference of 35<sup>th</sup> Avenue (lower) and existing terrace to the west (higher), 200 feet provides a much better buffer to screen the higher density and 2-story product, as well as provide better buffering for the surrounding the large acre plus parcels with custom homes. The 200 foot minimum landscaped setback should remain intact as you act on the zoning reversion.
- **Stipulation 35:** The terraced berms should remain. They reduce the apparent height of the exposed escarpment and can be further stabilized and treated with compatible colors. These terraces

also provide safety drop zones to intercept any debris that could fall from the upper slopes. The original terraced stipulation should remain intact as you act on the zoning reversion.

2. **Stipulations 43 and 44:** I request my name and address be added to these notification stipulations so I will be formally notified of any future actions.
3. I am supportive of PHO's recommendations for the remaining stipulations **not** noted above

Again, the zoning reversion stipulation 19 of Ordinance G-5020 should not be deleted. In 2007, the Mayor and Council included this stipulation specifically to protect the neighbors and community from a high density development that did not fit the area then and does not fit the area today.

Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to O-1 Residential/Parks/Open Space to match the S-1 zoning.

Sincerely,  
Elizabeth K Banta  
3938 W Kayenta Trail  
Laveen, AZ 85339  
480-353-6019



## Racelle Escolar

---

**From:** Jamie Gunderson <jamiegunderson@gmail.com>  
**Sent:** Sunday, May 3, 2020 8:23 PM  
**To:** Alan Stephenson; Racelle Escolar  
**Cc:** Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; Mayor Gallego; Joshua Bednarek; Samantha Keating; PDD Laveen VPC  
**Subject:** Deny Case Z-165-06 (PHO-1-19) as filed

Planning Commission Members, I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter. In regards to the Planning Hearing Officer (PHO) recommendations: 1. I am adamantly opposed to these 4 stipulation: • Deletion of original Stipulation 19 (zoning reversion): This zoning reversion stipulation should not be deleted. Instead it should remain as is with immediate Planning Commission action to revert the zoning. Once the reversion is complete, my neighbors and I stand ready to develop a better plan that fits the area, with the applicant. • Stipulation 1: The original plan is of superior quality compared to the current applicant's proposal. The original follows site contours, provides smoother connection to the R1-18 portion to the west, and preserves views of the Estrella Mountains and South Mountain. The original plan should remain intact as you act on the zoning reversion. • Stipulation 10: The 200 foot minimum landscaped setback along the east property line should remain. Due to the elevation difference of 35th Avenue (lower) and existing terrace to the west (higher), 200 feet provides a much better buffer to screen the higher density and 2-story product, as well as provide better buffering for the surrounding the large acre plus parcels with custom homes. The 200 foot minimum landscaped setback should remain intact as you act on the zoning reversion. • Stipulation 35: The terraced berms should remain. They reduce the apparent height of the exposed escarpment and can be further stabilized and treated with compatible colors. These terraces also provide safety drop zones to intercept any debris that could fall from the upper slopes. The original terraced stipulation should remain intact as you act on the zoning reversion. 2. Stipulations 43 and 44: I request my name and address be added to these notification stipulations so I will be formally notified of any future actions. 3. I am supportive of PHO's recommendations for the remaining stipulations not noted above Again, the zoning reversion stipulation 19 of Ordinance G-5020 should not be deleted. In 2007, the Mayor and Council included this stipulation specifically to protect the neighbors and community from a high density development that did not fit the area then and does not fit the area today. Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Regards,

Jamie Gunderson  
3514 W Cheyenne Drive  
Laveen, AZ 85339



To: Planning Commission Members

Cc: Mayor Gallego, Councilmembers, Planning Management and Staff

Planning Commission Members,

I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

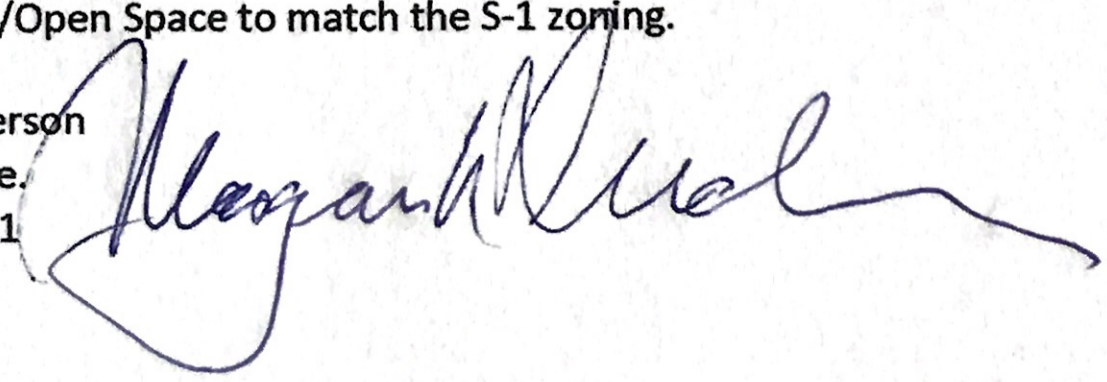
In regards to the Planning Hearing Officer (PHO) recommendations:

1. I am adamantly opposed to these 4 stipulation:
  - **Deletion of original Stipulation 19 (zoning reversion):** This zoning reversion stipulation should not be deleted. Instead it should remain as is with immediate Planning Commission action to revert the zoning. Once the reversion is complete, my neighbors and I stand ready to develop a better plan that fits the area, with the applicant.
  - **Stipulation 1:** The original plan is of superior quality compared to the current applicant's proposal. The original follows site contours, provides smoother connection to the R1-18 portion to the west, and preserves views of the Estrella Mountains and South Mountain. The original plan should remain intact as you act on the zoning reversion.
  - **Stipulation 10:** The 200 foot minimum landscaped setback along the east property line should remain. Due to the elevation difference of 35<sup>th</sup> Avenue (lower) and existing terrace to the west (higher), 200 feet provides a much better buffer to screen the higher density and 2-story product, as well as provide better buffering for the surrounding the large acre plus parcels with custom homes. The 200 foot minimum landscaped setback should remain intact as you act on the zoning reversion.
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2. **Stipulations 43 and 44:** I request my name and address be added to these notification stipulations so I will be formally notified of any future actions.
3. I am supportive of PHO's recommendations for the remaining stipulations not noted above

Again, the zoning reversion stipulation 19 of Ordinance G-5020 should not be deleted. In 2007, the Mayor and Council included this stipulation specifically to protect the neighbors and community from a high density development that did not fit the area then and does not fit the area today.

Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Margaret H. Anderson  
2010 W Olney Ave.  
Phoenix, AZ 85041





## Racelle Escolar

---

**Subject:** FW: Oppose case Z-165-06 (PHO-1-19)

**From:** Nicole Glasgow <nicole.glasgow821@gmail.com>

**Sent:** Sunday, May 3, 2020 2:19 PM

**To:** Council District 1 PCC <council.district.1@phoenix.gov>; Council District 2 PCC <council.district.2@phoenix.gov>; Council District 3 PCC <council.district.3@phoenix.gov>; Council District 4 <council.district.4@phoenix.gov>; Council District 5 PCC <council.district.5@phoenix.gov>; Council District 6 PCC <District6@phoenix.gov>; Council District 7 PCC <council.district.7@phoenix.gov>; Council District 8 PCC <council.district.8@phoenix.gov>; PDD Laveen VPC <laveenvpc@phoenix.gov>; Mayor Gallego <mayor.gallego@phoenix.gov>; Racelle Escolar <racelle.escolar@phoenix.gov>; Sofia Mastikhina <sofia.mastikhina@phoenix.gov>; Alan Stephenson <alan.stephenson@phoenix.gov>; Joshua Bednarek <joshua.bednarek@phoenix.gov>; Samantha Keating <samantha.keating@phoenix.gov>

**Subject:** Oppose case Z-165-06 (PHO-1-19)

Planning Commission Members,

I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you [on May 7](#). Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

In regards to the Planning Hearing Officer (PHO) recommendations:

1. I am adamantly opposed to these 4 stipulation:
  - **Deletion of original Stipulation 19 (zoning reversion):** This zoning reversion stipulation should not be deleted. Instead it should remain as is with immediate Planning Commission action to revert the zoning. Once the reversion is complete, my neighbors and I stand ready to develop a better plan that fits the area, with the applicant.
  - **Stipulation 1:** The original plan is of superior quality compared to the current applicant's proposal. The original follows site contours, provides smoother connection to the R1-18 portion to the west, and preserves views of the Estrella Mountains and South Mountain. The original plan should remain intact as you act on the zoning reversion.
  - **Stipulation 10:** The 200 foot minimum landscaped setback along the east property line should remain. Due to the elevation difference of 35<sup>th</sup> Avenue (lower) and existing terrace to the west (higher), 200 feet provides a much better buffer to screen the higher density and 2-story product, as well as provide better buffering for the surrounding the large acre plus parcels with custom homes. The 200 foot minimum landscaped setback should remain intact as you act on the zoning reversion.
  - **Stipulation 35:** The terraced berms should remain. They reduce the apparent height of the exposed escarpment and can be further stabilized and treated with compatible colors. These terraces also provide safety drop zones to intercept any debris that could fall from the upper slopes. The original terraced stipulation should remain intact as you act on the zoning reversion.
2. **Stipulations 43 and 44:** I request my name and address be added to these notification stipulations so I will be formally notified of any future actions.
3. I am supportive of PHO's recommendations for the remaining stipulations **not** noted above

Again, the zoning reversion stipulation 19 of Ordinance G-5020 should not be deleted. In 2007, the Mayor and Council included this stipulation specifically to protect the neighbors and community from a high density development that did not fit the area then and does not fit the area today.

Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to O-1 Residential/Parks/Open Space to match the S-1 zoning.

Nicole Glasgow  
3717 west Carver Rd  
Laveen, AZ 85339

## Racelle Escolar

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**From:** Paul Banta <pwbantaz@gmail.com>  
**Sent:** Sunday, May 3, 2020 12:53 PM  
**To:** Racelle Escolar  
**Subject:** Request to deny Case Z-165-06 (PHO-1-19)

To: Planning Commission Members

Cc: Mayor Gallego, Councilmembers, Planning Management and Staff

Planning Commission Members,

I live near the area addressed by Case Z-165-06 (PHO-1-19). I understand that a development company can make more money by getting a low density property re-zoned to high density; but that alone does not seem like a sufficient reason to allow the change. And, if this property is so easily re-zoned, how will you be able to deny the owners of the other properties in the area? This location does not have the roads to support high density development. There is lots of vacant land between this location and central Phoenix. Please fill that up first. Better, revitalize some of the decayed and run-down areas instead of just going farther out.

Please deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

In regards to the Planning Hearing Officer (PHO) recommendations:

1. I am adamantly opposed to these 4 stipulation:

- **Deletion of original Stipulation 19 (zoning reversion):** This zoning reversion stipulation should not be deleted. Instead it should remain as is with immediate Planning Commission action to revert the zoning. Once the reversion is complete, my neighbors and I stand ready to develop a better plan that fits the area, with the applicant.
- **Stipulation 1:** The original plan is of superior quality compared to the current applicant's proposal. The original follows site contours, provides smoother connection to the R1-18 portion to the west, and preserves views of the Estrella Mountains and South Mountain. The original plan should remain intact as you act on the zoning reversion.

- **Stipulation 10:** The 200 foot minimum landscaped setback along the east property line should remain. Due to the elevation difference of 35<sup>th</sup> Avenue (lower) and existing terrace to the west (higher), 200 feet provides a much better buffer to screen the higher density and 2-story product, as well as provide better buffering for the surrounding the large acre plus parcels with custom homes. The 200 foot minimum landscaped setback should remain intact as you act on the zoning reversion.
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2. **Stipulations 43 and 44:** I request my name and address be added to these notification stipulations so I will be formally notified of any future actions.
  3. I am supportive of PHO's recommendations for the remaining stipulations **not** noted above

Again, the zoning reversion stipulation 19 of Ordinance G-5020 should not be deleted. In 2007, the Mayor and Council included this stipulation specifically to protect the neighbors and community from a high density development that did not fit the area then and does not fit the area today.

Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to O-1 Residential/Parks/Open Space to match the S-1 zoning.

Sincerely,  
Paul W Banta  
3938 W Kayenta Trail  
Laveen, AZ 85339  
480-353-6014



To: Planning Commission Members

Cc: Mayor Gallego, Councilmembers, Planning Management and Staff

Planning Commission Members,

I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

In regards to the Planning Hearing Officer (PHO) recommendations:

1. I am adamantly opposed to these 4 stipulation:
  - **Deletion of original Stipulation 19 (zoning reversion):** This zoning reversion stipulation should not be deleted. Instead it should remain as is with immediate Planning Commission action to revert the zoning. Once the reversion is complete, my neighbors and I stand ready to develop a better plan that fits the area, with the applicant.
  - **Stipulation 1:** The original plan is of superior quality compared to the current applicant's proposal. The original follows site contours, provides smoother connection to the R1-18 portion to the west, and preserves views of the Estrella Mountains and South Mountain. The original plan should remain intact as you act on the zoning reversion.
  - **Stipulation 10:** The 200 foot minimum landscaped setback along the east property line should remain. Due to the elevation difference of 35<sup>th</sup> Avenue (lower) and existing terrace to the west (higher), 200 feet provides a much better buffer to screen the higher density and 2-story product, as well as provide better buffering for the surrounding the large acre plus parcels with custom homes. The 200 foot minimum landscaped setback should remain intact as you act on the zoning reversion.
  - **Stipulation 35:** The terraced berms should remain. They reduce the apparent height of the exposed escarpment and can be further stabilized and treated with compatible colors. These terraces also provide safety drop zones to intercept any debris that could fall from the upper slopes. The original terraced stipulation should remain intact as you act on the zoning reversion.
2. **Stipulations 43 and 44:** I request my name and address be added to these notification stipulations so I will be formally notified of any future actions.
3. I am supportive of PHO's recommendations for the remaining stipulations not noted above

Again, the zoning reversion stipulation 19 of Ordinance G-5020 should not be deleted. In 2007, the Mayor and Council included this stipulation specifically to protect the neighbors and community from a high density development that did not fit the area then and does not fit the area today.

Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to O-1 Residential/Parks/Open Space to match the S-1 zoning.

Randy Beyer  
2010 W Olney Ave.  
Phoenix, AZ 85041





## Racelle Escolar

---

**Subject:** FW: Oppose case Z-165-06 (PHO-1-19)

**From:** Nicole Glasgow <blue\_eyes821@aol.com>

**Sent:** Sunday, May 3, 2020 5:32 PM

**To:** Council District 1 PCC <council.district.1@phoenix.gov>; Council District 2 PCC <council.district.2@phoenix.gov>; Council District 3 PCC <council.district.3@phoenix.gov>; Council District 4 <council.district.4@phoenix.gov>; Council District 5 PCC <council.district.5@phoenix.gov>; Council District 6 PCC <District6@phoenix.gov>; Council District 7 PCC <council.district.7@phoenix.gov>; Council District 8 PCC <council.district.8@phoenix.gov>; PDD Laveen VPC <laveenvpc@phoenix.gov>; Mayor Gallego <mayor.gallego@phoenix.gov>; Racelle Escolar <racelle.escolar@phoenix.gov>; Sofia Mastikhina <sofia.mastikhina@phoenix.gov>; Alan Stephenson <alan.stephenson@phoenix.gov>; Joshua Bednarek <joshua.bednarek@phoenix.gov>; Samantha Keating <samantha.keating@phoenix.gov>

**Subject:** Oppose case Z-165-06 (PHO-1-19)

Planning Commission Members,

I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you [on May 7](#). Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

In regards to the Planning Hearing Officer (PHO) recommendations:

1. I am adamantly opposed to these 4 stipulation:
  - **Deletion of original Stipulation 19 (zoning reversion):** This zoning reversion stipulation should not be deleted. Instead it should remain as is with immediate Planning Commission action to revert the zoning. Once the reversion is complete, my neighbors and I stand ready to develop a better plan that fits the area, with the applicant.
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3. I am supportive of PHO's recommendations for the remaining stipulations **not** noted above

Again, the zoning reversion stipulation 19 of Ordinance G-5020 should not be deleted. In 2007, the Mayor and Council included this stipulation specifically to protect the neighbors and community from a high density development that did not fit the area then and does not fit the area today.

Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to O-1 Residential/Parks/Open Space to match the S-1 zoning.

Thomas Glasgow

[3717 west Carver Rd](#)

[Laveen, AZ 85339](#)



To: Planning Commission Members

Cc: Mayor Gallego, Councilmembers, Planning Management and Staff

Planning Commission Members,

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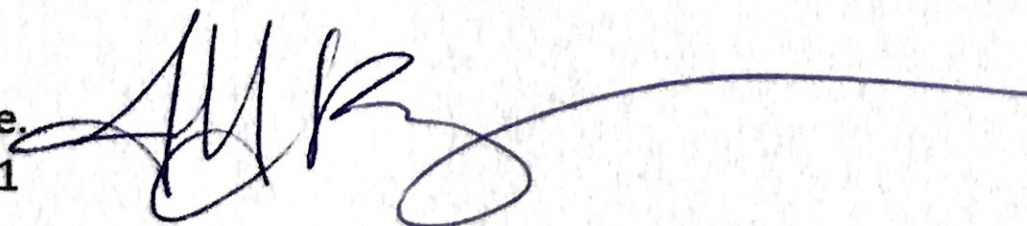
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Tiffany Beyer  
2010 W Olney Ave.  
Phoenix, AZ 85041





## Racelle Escolar

---

**From:** David Baker <david@beinphoenix.com>  
**Sent:** Monday, May 4, 2020 11:02 AM  
**To:** Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Alan Stephenson; Council District 7 PCC; Council District 8 PCC; Mayor Gallego; Racelle Escolar; Sofia Mastikhina; Joshua Bednarek; Samantha Keating; PDD Laveen VPC  
**Cc:** David Baker  
**Subject:** Item 10 - PHO -1-19-Z-165--06-7(8)

Hello Folks,

Quick, simple note. Regarding the above mentioned development.

Myself, my wife, my kids and all our neighbors over here in the Sunset Cove and Carver Foothill area, DO NOT want this higher density development. Please do the right thing, keep the zoning at R-43, which is the plan for the area. It is a rural, horse property/acreage area.....not a developed area.

Thank you,

David Baker  
Keller Williams Realty Phoenix  
Cell:602.373.6345  
E-mail: david@beinPhoenix.com

Visit my websites at

<http://www.PhoenixLaveenHomes.com> [phoenixlaveenhomes.com]

<http://www.LaveenRealEstate.co> [laveenrealestate.co]

<http://www.LaveenAz85339.com> [laveenaz85339.com]

<http://www.CasasLaveen.com> [casaslaveen.com]

<http://www.Laveenhomesforsale.net> [laveenhomesforsale.net]

Subscribe today to my YOUTUBE Channel

<https://www.youtube.com/user/dabaker2121> [youtube.com]

"Like" me on Facebook at [Phoenix Residential Real Estate \[facebook.com\]](#)

## Racelle Escolar

---

**Subject:** FW: Case Z-165-06

**From:** gjnorton0744@gmail.com <gjnorton0744@gmail.com>

**Sent:** Monday, May 4, 2020 10:33 AM

**To:** Racelle Escolar <racelle.escolar@phoenix.gov>

**Subject:** Case Z-165-06

To: Planning Commission Members

Cc: Mayor Gallego, Councilmembers, Planning Management and Staff

Planning Commission Members,

I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

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3. I am supportive of PHO's recommendations for the remaining stipulations **not** noted above

Again, the zoning reversion stipulation 19 of Ordinance G-5020 should not be deleted. In 2007, the Mayor and Council included this stipulation specifically to protect the neighbors and community from a high density development that did not fit the area then and does not fit the area today.

Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to O-1 Residential/Parks/Open Space to match the S-1 zoning.

Gloria Norton  
10823 S 29 Ave  
Laveen, Az 85339

## Racelle Escolar

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**From:** Linda Abegg <linda.abegg@gmail.com>  
**Sent:** Monday, May 4, 2020 11:42 AM  
**To:** Racelle Escolar  
**Cc:** Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; Mayor Gallego; Sofia Mastikhina; Alan Stephenson; Joshua Bednarek; Samantha Keating  
**Subject:** Laveen Case

Good Morning,

I am a Laveen resident and member of the Laveen Village Planning Committee. I ask that this case be denied and that the reversion stipulation be maintained.

We always talk about having a balance in Laveen housing. This area is at Carver Rd is one of the few rural, low density areas left. It deserves to keep its character, especially considering all the high density already approved in Laveen.

Furthermore, the community has done its part to participate in the public hearing process. The original compromise with the reversion stipulation should be honored.

Thank you,

Linda Abegg  
5407 W Winston Dr

## Racelle Escolar

---

**Subject:** FW: Request to deny case Z-165-06 PHO-1-19 as filed

**From:** Margaret Anderson <mhanderson007@gmail.com>

**Sent:** Monday, May 4, 2020 3:05 PM

**To:** Council District 1 PCC <council.district.1@phoenix.gov>; Council District 2 PCC <council.district.2@phoenix.gov>; Council District 3 PCC <council.district.3@phoenix.gov>; Council District 4 <council.district.4@phoenix.gov>; Council District 5 PCC <council.district.5@phoenix.gov>; Council District 6 PCC <District6@phoenix.gov>; Council District 7 PCC <council.district.7@phoenix.gov>; Council District 8 PCC <council.district.8@phoenix.gov>; PDD Laveen VPC <laveenvpc@phoenix.gov>; Mayor Gallego <mayor.gallego@phoenix.gov>; Racelle Escolar <racelle.escolar@phoenix.gov>; Sofia Mastikhina <sofia.mastikhina@phoenix.gov>; Alan Stephenson <alan.stephenson@phoenix.gov>; Joshua Bednarek <joshua.bednarek@phoenix.gov>; Samantha Keating <samantha.keating@phoenix.gov>

**Subject:** Request to deny case Z-165-06 PHO-1-19 as filed

To: Planning Commission Members  
Cc: Mayor Gallego, Councilmembers, Planning Management and Staff

Planning Commission Members,  
I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

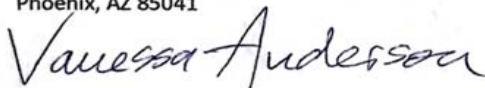
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1. I am adamantly opposed to these 4 stipulation:
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2. **Stipulations 43 and 44:** I request my name and address be added to these notification stipulations so I will be formally notified of any future actions.
3. I am supportive of PHO's recommendations for the remaining stipulations not noted above

Again, the zoning reversion stipulation 19 of Ordinance G-5020 should not be deleted. In 2007, the Mayor and Council included this stipulation specifically to protect the neighbors and community from a high density development that did not fit the area then and does not fit the area today.

Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to O-1 Residential/Parks/Open Space to match the S-1 zoning.

Vanessa Anderson  
2010 W Olney Ave.  
Phoenix, AZ 85041



## Racelle Escolar

---

**Subject:** FW: All Laveen Residents Request You Deny Case Z-165-06 (PHO-1-19)

**From:** Bret Burchard <bretburchard3@yahoo.com>

**Sent:** Tuesday, May 5, 2020 3:43 PM

**To:** Council District 1 PCC <council.district.1@phoenix.gov>; Council District 2 PCC <council.district.2@phoenix.gov>; Council District 3 PCC <council.district.3@phoenix.gov>; Council District 4 <council.district.4@phoenix.gov>; Council District 5 PCC <council.district.5@phoenix.gov>; Council District 6 PCC <District6@phoenix.gov>; Council District 7 PCC <council.district.7@phoenix.gov>; Council District 8 PCC <council.district.8@phoenix.gov>; Mayor Gallego <mayor.gallego@phoenix.gov>; Racelle Escolar <racelle.escolar@phoenix.gov>; Sofia Mastikhina <sofia.mastikhina@phoenix.gov>; Alan Stephenson <alan.stephenson@phoenix.gov>; Joshua Bednarek <joshua.bednarek@phoenix.gov>; Samantha Keating <samantha.keating@phoenix.gov>; laveenpvc@phoenix.gov

**Subject:** All Laveen Residents Request You Deny Case Z-165-06 (PHO-1-19)

Planning Commission Members,

I, along with my Laveen neighbors request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date, the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

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- **Stipulation 1:** The original plan is of superior quality compared to the current applicant's proposal. The original follows site contours, provides smoother connection to the R1-18 portion to the west, and preserves views of the Estrella Mountains and South Mountain. The original plan should remain intact as you act on the zoning reversion.

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3). I am supportive of PHO's recommendations for the remaining stipulations NOT noted above.

Again, the zoning reversion stipulation 19 of Ordinance G-5020 should not be deleted. In 2007, the Mayor and Council included this stipulation specifically to protect the neighbors and community from high density development that did not fit the area then, and does not fit the area today.

Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversions action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Sincerely,  
Bret Burchard  
11244 S. 35th Ave.  
Laveen, AZ 85339

## Racelle Escolar

---

**Subject:** FW: Deny Case Z-165-06 (PHO-1-19) as filed

**From:** Irma Cazarez <irmacazarez@gmail.com>

**Sent:** Tuesday, May 5, 2020 3:26 PM

**To:** Racelle Escolar <racelle.escolar@phoenix.gov>; Alan Stephenson <alan.stephenson@phoenix.gov>

**Cc:** Council District 1 PCC <council.district.1@phoenix.gov>; Council District 2 PCC <council.district.2@phoenix.gov>; Council District 3 PCC <council.district.3@phoenix.gov>; Council District 4 <council.district.4@phoenix.gov>; Council District 5 PCC <council.district.5@phoenix.gov>; Council District 6 PCC <District6@phoenix.gov>; Council District 7 PCC <council.district.7@phoenix.gov>; Council District 8 PCC <council.district.8@phoenix.gov>; Mayor Gallego <mayor.gallego@phoenix.gov>; Joshua Bednarek <joshua.bednarek@phoenix.gov>; Samantha Keating <samantha.keating@phoenix.gov>; PDD Laveen VPC <laveenvpc@phoenix.gov>

**Subject:** Deny Case Z-165-06 (PHO-1-19) as filed

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Thank you,

Irma Cazarez

3517 W Shawnee Drive, Laveen, AZ 85339

## Racelle Escolar

---

**From:** Judy Brown <DT\_Jbrown@q.com>  
**Sent:** Tuesday, May 5, 2020 2:28 PM  
**To:** Racelle Escolar; Sofia Mastikhina; Alan Stephenson; Joshua Bednarek; Samantha Keating; PDD Laveen VPC  
**Cc:** Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; Mayor Gallego  
**Subject:** Case Z-165-06 (PHO-1-19)  
**Importance:** High

Greetings all:

I please request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City has taken no action which is in violation of City Zoning Ordinance.

This case should have been a done deal in 2011, with a reversion back to S-1. I have heard all of the stories why the City hasn't done reversions. Since 2011, twelve times the reversion process has been brought up in LVPC Minutes. At least one time this case number was mentioned in the minutes prior to the current owner purchasing the property. The stories vary in how the City of Phoenix refuses to do their job. It is a little hard to grasp a \$26,000,000 surplus in last year's budget and yet, no additional staff can be found to correct the wrongs on old zoning cases still sitting out there.

I'm not opposed to development. There is a time and place for everything. Honesty, integrity and fair business dealings are core values I was brought up on. I personally don't have the resources to fight the legalese or City for compliance with the law. As I see it, he with the most money or threats wins. That is just not right.

I have been involved in this case since day one when the original owner bought a piece of property for way too much money. With the help of Councilman Lingner and a prestigious law firm, the owner proceeded to cram a concept down the throats of residents in our community to make a buck. He was in way over his head on expenses and by trumping up the condition of the property and the costs associated with making it buildable; the foundation was formed for the argument that higher density was warranted. The original owner spent over 5 million for the red herring and the community knew he was going to flip.

We went through that process in 2007. A deal was brokered with Mayor Gordan to protect the community if building did not occur within 48 months. That is the stipulation #19 – Reversion of the zoning back to S-1. This way the new owner would have a clean slate to work with the neighborhood. Stipulation #19, #10, #35, #43, #44 at the very least should be kept in the PHO's recent ruling.

The new owner is not a developer and bought the property cheap, \$18, 333 per acre or \$ .42 psf. That is a total of \$366,660 for the twenty acres in this discussion. The Rose Law Group tried the story of blight, dangerous ordinance, threatening Prop. 207, and submitting an off the shelf inferior flatland building envelop community that just doesn't fit with the surroundings. It is aesthetically unappealing and is not the right fit for our community, the proposed planned unit community, or the original General Plan.

I am a minority, not papered with degrees or pedigree. I am a simple resident of this community that I love. We are a diverse community with different socioeconomic backgrounds, ethnicities, and orientations. What makes this area of Laveen special are the people that live here. We respect each other and our surroundings. We respect the wildlife, open



spaces, and equestrian lifestyle. Twenty years ago I uprooted from Tempe to live under the crown jewel of South Mountain. What is being proposed on the above mentioned property is a disservice to current and future residents with regards to density.

Trust me, I'm no Karen, this is just wrong. We need to work together to do the right thing for the community. Please deny Case Z-165-06 (PHO-1-19) as filed on May 7, 2020 and execute the zoning reversion.

Kind regards,

Judy Brown  
602.363.1312  
3220 W. Ceton Drive  
Laveen, AZ 85339

## Racelle Escolar

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**Subject:** FW: Laveen Residents Request You Deny Case Z-165-06 (PHO-1-19)

**From:** Tayler Bell <taylerbell691@yahoo.com>

**Sent:** Tuesday, May 5, 2020 3:25 PM

**To:** Council District 1 PCC <council.district.1@phoenix.gov>; Council District 2 PCC <council.district.2@phoenix.gov>; Council District 3 PCC <council.district.3@phoenix.gov>; Council District 4 <council.district.4@phoenix.gov>; Council District 5 PCC <council.district.5@phoenix.gov>; Council District 6 PCC <District6@phoenix.gov>; Council District 7 PCC <council.district.7@phoenix.gov>; Council District 8 PCC <council.district.8@phoenix.gov>; Mayor Gallego <mayor.gallego@phoenix.gov>; Racelle Escolar <racelle.escolar@phoenix.gov>; Sofia Mastikhina <sofia.mastikhina@phoenix.gov>; Alan Stephenson <alan.stephenson@phoenix.gov>; Joshua Bednarek <joshua.bednarek@phoenix.gov>; Samantha Keating <samantha.keating@phoenix.gov>; PDD Laveen VPC <laveenvpc@phoenix.gov>; Bret Burchard <bretburchard3@yahoo.com>

**Subject:** Laveen Residents Request You Deny Case Z-165-06 (PHO-1-19)

Planning Commission Members,

I, along with my Laveen neighbors request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date, the City has taken no action which is in violation of City Zoning Ordinance, a very serious matter.

In regards to the Planning Hearing Officer (PHO) recommendations:

1). I am adamantly opposed to these four stipulations:

- **Deletion of original Stipulation 19 (zoning reversion):** This zoning reversion stipulation should not be deleted. Instead, it should remain as is with immediate Planning Commission action to revert the zoning. Once the reversion is complete, my neighbors and I stand ready to develop a better plan that fits the area, with the applicant.

- **Stipulation 1:** The original plan is of superior quality compared to the current applicant's proposal. The original follows site contours, provides smoother connection to the R1-18 portion to the west, and preserves views of the Estrella Mountains and South Mountain. The original plan should remain intact as you act on the zoning reversion.

- **Stipulation 10 :** The 200 foot minimum landscaped setback along the east property line should remain. Due to the elevation difference at 35th Avenue (lower) and existing terrace to the west (higher), 200 feet provides a much better buffer to screen the higher density and 2-story product, as well as provide better buffering for the surrounding the large acre plus parcels with custom homes. The 200 foot minimum landscaped setback should remain intact as you act on the zoning reversion.

- **Stipulation 35 :** The terraced berms should remain. They reduce the apparent height of the exposed escarpment and can be further stabilized and treated with compatible colors. These terraces also provide safety drop zones to intercept and debris that could fall from the upper slopes. The original terraced stipulation should remain intact as you act on the zoning reversion.

2). **Stipulation 43 and 44:** I request my name and address be added to these notification stipulations so I will be formally notified of any future actions.

3). I am supportive of PHO's recommendations for the remaining stipulations NOT noted above.

Again, the zoning reversion stipulation 19 of Ordinance G-5020 should not be deleted. In 2007, the Mayor and Council included this stipulation specifically to protect the neighbors and community from high density development that did not fit the area then, and does not fit the area today.

Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversions action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Sincerely,  
Tayler Burchard  
11244 S. 35th Ave.  
Laveen, AZ 85339

Dear Planning Commission Members,

I request you deny Case Z-165-06 (PHO-1-19) as filed when it comes before you on May 7, 2020. Any revisions to this case requested by the applicant should not be considered until after the City of Phoenix enforces ordinance, G-5020, which requires the zoning revert to S-1. The current zoning expired in 2011 and to date the City of Phoenix has taken no action which is in violation of city zoning ordinance, a profoundly serious matter.

Regarding the Planning Hearing Officer (PHO) recommendations:

1. I am adamantly opposed to these 4 stipulations:
  - Deletion of original Stipulation 19 (zoning reversion): This zoning reversion stipulation should not be deleted. Instead it should remain as is with immediate Planning Commission action to revert the zoning. Once the reversion is complete, my neighbors and I stand ready to develop a better plan that fits the area, with the applicant.
  - Stipulation 1: The original plan is of superior quality compared to the current applicant's proposal. The original follows site contours provide smoother connection to the R1-18 portion to the west and preserves views of the Estrella Mountains and South Mountain. The original plan should remain intact as you act on the zoning reversion.
  - Stipulation 10: The 200-foot minimum landscaped setback along the east property line should remain. Due to the elevation difference of 35th Avenue (lower) and existing terrace to the west (higher), 200 feet provides a much better buffer to screen the higher density and 2-story product, as well as provide better buffering for the surrounding the large acre plus parcels with custom homes. The 200-foot minimum landscaped setback should remain intact as you act on the zoning reversion.
  - Stipulation 35: The terraced berms should remain. They reduce the apparent height of the exposed escarpment and can be further stabilized and treated with compatible colors. These terraces also provide safety drop zones to intercept any debris that could fall from the upper slopes. The original terraced stipulation should remain intact as you act on the zoning reversion.
2. Stipulations 43 and 44: I request my name and address be added to these notification stipulations so I will be formally notified of any future actions.
3. I am supportive of PHO's recommendations for the remaining stipulations not noted above

Again, the zoning reversion stipulation 19 of Ordinance G-5020 should not be deleted. In 2007, the Mayor and Council included this stipulation specifically to protect the neighbors and community from a high-density development that did not fit the area then and does not fit the area today.

Do the required and right thing. Deny Z-165-06 (PHO-1-19) as filed. Then immediately move to initiate, approve and finally codify the required zoning reversion action to S-1 and amend the General Plan to 0-1 Residential/Parks/Open Space to match the S-1 zoning.

Sincerely,

Terry Klein  
4012 W. Carver Rd  
Laveen, AZ 85339

## Racelle Escolar

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**From:** Bret Burchard <bretburchard3@yahoo.com>  
**Sent:** Friday, May 8, 2020 10:12 AM  
**To:** Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC; Mayor Gallego; Racelle Escolar; Sofia Mastikhina; Alan Stephenson; Joshua Bednarek; Samantha Keating; PDD Laveen VPC  
**Subject:** Follow Up to Council Meeting - May 7

Mr. Chair and Members,

My name is Bret Burchard and I live at 11244 S 35th Ave in Laveen. I attended - virtually - last night's meeting, specifically as it related to the development project on Carver mountain. First, I want to thank you for enduring the pains of hosting a meeting virtually. I know it wasn't easy for you, but under the circumstances I was able to attend while sitting on the swing on my front porch, which has an unobstructed, picturesque view of the Phoenix skyline. While you all were diligently hearing all sides of every argument, I was watching the Super Moon rise over South Mountain. Not to rub it in :-)

A year and a half ago my wife and I overpaid for a modified trailer as our first home because it had a 900-square-foot front patio with panoramic views and no one encroaching on either side. The first thing any visitor does when arriving at our house is pull out their camera to take pictures.

Part of our view looks directly at the east side of Carver Mountain, the highest density portion of the development in question. Like Mrs. Irma Cazarez mentioned in her comments during the meeting, this is a uniquely quiet area of Laveen Village, where neighbors take care of each other. During the meeting our dog was standing guard, chasing coyotes out of the front yard. As I tried to fall asleep last night I couldn't get out of my head the idea of 92 houses crammed at the bottom of our hill. There aren't 92 houses within the eight walking blocks of our neighborhood! The current pandemic situation has substantially increased the amount of traffic up our dead end road since we moved in, already making it more dangerous for Irma's kids to skateboard, the Schroeder's kids to ride their scooters, Katherine's grandkids to learn to ride a bike, Mackenzie to walk her five dogs, and G dog's casual patrol of the nighttime wildlife. What will 92 more homes, three blocks away add on top of that?

I specifically want to commend Commissioner Busching for taking the time to drive out here and see the area for herself. It is certainly unique. Even since we moved in 18 months ago there have been improvements made in the surrounding area with the extension of the 202, the Sprouts and adjacent shops, and high-density development projects. We are excited about all of it improving the quality of our life here. Commissioner Busching's point of view is correct though. This is just not the place for one of those developments. Come see for yourself.

I understand you sent the case back to the developer and the Laveen community for further discussion and compromise. I would like to caution you in your judgement process, however. There was a comment made in conjunction with the motion that suggested favor would be shown to the side that concedes the most in the next iteration of the proposal. Logically, that doesn't make sense. Hypothetically, if we concede to all of the developer's stipulations, does that mean you will support our opposition in the next meeting? Let me be clear, I am not speaking on behalf of the entire Laveen community. I just went to bed puzzled by this logic.

Secondly, and finally, I don't believe one of the Commissioner's questions was adequately addressed. He can correct me if I'm wrong, but I believe he was asking if there was actually a 48-month trigger on a previous compromise that wasn't honored. I believe it was Ms. Manning who made the Commission aware of this clause that should have automatically reverted the property back to previous zoning if it wasn't developed within 48 months of the agreement - which it wasn't. I hope the Commission can clear up this misunderstanding amongst the members. It seems to me as the two parties work toward more compromises, the Commission needs to also review the documents and its scope of authority to help facilitate the correct course of action. There seemed to be a lot of confusion on what you were and were not able to enforce, or even what you were exactly voting on, and I don't believe the video conferencing setup assisted in clarity.

I understand you are in a very difficult position. This is a tough case to decide. The difficulty of this should spur us on to more diligent study. My suggestion to you is come take a drive down 35th Ave. Feel free to stop by our porch (it's the one with the red roof) and take a look. G dog doesn't bite and you can see the whole neighborhood from where we sit. And ask yourself, "Does it make sense? Does it fit?"

Oh yeah, and don't forget to bring your camera.

Respectfully,

Bret Burchard

## Racelle Escolar

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**From:** Cyd Manning <SweetBeat@q.com>  
**Sent:** Monday, May 11, 2020 7:43 PM  
**To:** Racelle Escolar  
**Cc:** Alan Stephenson; Adriana Garcia Maximiliano  
**Subject:** Planning Commission Meeting May 7, 2020 and Z-165-06 (PHO-1-19) Item 10

**Importance:** High

Hi Racelle,

Please provide this letter to the Planning Commission members and Staff, as well as include it in the case file. Thank you very much.

Best regards,  
Cyd

\*\*\*

Planning Commission Members and Staff,

I am writing to you today regarding the subject case heard during the May 7 Planning Commission meeting, specifically to provide feedback on the new virtual process, address a few issues and correct a factual error made by the applicant's representative. I respectfully request this correspondence be added to the official case file.

Regarding feedback on the new virtual meeting process, I would like to first thank Racelle Escolar and Vikki Cipolla-Murillo for their excellent work coordinating all the participation and presentation details for public input. They thoroughly and patiently answered questions, tested the system and ensured those without technology who wanted to speak were able to do so. I would also like to thank Chairman Johnson for a job well done facilitating the session. The meeting wasn't without challenges, but ran pretty smoothly for the first virtual Planning Commission meeting.

Commissioner Gaynor expressed dissatisfaction with submission of written comments into the chat window of the WebEx meeting. I want to be clear that I intended no disrespect to the Commission or disruption to the process and I apologize if that action offended anyone. I absolutely respect the public hearing process and rules of order. I believe that a factual error is an appropriate reason to raise a hand in order to be called upon. Thus, I utilized the raise hand feature to correct a factual error made by Mr. Galvin and waited several minutes to be called upon. After waiting, I submitted the written request and ultimately provided the correction so it would become part of the record. Please reference the below screen capture. I have firsthand knowledge that the applicant did not agree to a request by Councilmember Garcia to meet with the neighbors regarding this case.

There are two issues of great concern that occurred during the meeting:

1. With all due respect, the Commission's request of the applicant's representative, Mr. Galvin, to provide an answer regarding the Commission's authority on zoning reversions may have the appearance of bias.
  - Staff clearly advised the Commission and stated that zoning reversion would be a separate action to initiate a case to be heard as an upcoming agenda item due to posting requirements. Staff also advised that the commission has the power to initiate a reversion if they want to do it.
  - The community request has been and still is clearly consistent with what Staff advised. Again that request has been and is to deny this current case as filed. Then, immediately initiate and ultimately approve a zoning reversion case back to S-1 along with a companion action to revise the General Plan back to O-1 which aligns with the S-1 zoning.
  - Clearly the Commission discussion, before this question was posed to Mr. Galvin, displayed understanding and agreement of the process to initiate a case for action on a reversion.

- Mr. Galvin's opinion on reversion clouded the discussion and the community was denied equal opportunity to address the question after respectfully submitting a raised hand, waiting with no recognition and then submitting the request in writing. Please reference the below screen capture.
  - Had the community been able to respond, I would have re-stated Staff's explanation and referenced the applicable City zoning ordinance (Chapter 5, Section 506, B.1 through B.3) as well as ARS Article 6.1 Municipal Zoning, 9-462.
  - Even though the community was not afforded equal opportunity to answer the Commission's question, authorized City personnel are the appropriate entities who should be providing answers to the process and Commission's powers.
2. The lack of adequately addressing Commissioner McCabe's question regarding the time stipulation expiration as a clause previously adopted by Ordinance clouded the discussion.
- Unfortunately Staff did not directly or clearly provide the actual language of Ordinance G-5020, Stipulation 19 which states: "That approval shall be conditional upon development commencing within 48 months of the City Council approval of this change of zoning in accordance with Section 506.B.1 of the Zoning Ordinance. For purposes of this stipulation, development shall commence with the issuance of building permits and erection of building walls on site."
  - This Ordinance condition of zoning approval expired in October of 2011. A required entitlement expiration should be enforced.
  - Staff did advise the Commission of the process to initiate a zoning reversion case, which is exactly what the community has asked for many times since 2011, up to and including in this May 7 meeting.

I respectfully request Ordinance G-5020, which was adopted by the City Council on October 10, 2007, and the minutes from that meeting be provided to and reviewed by all Commissioners. In addition, I respectfully request review of GPA-LV-1-08-7 – Resolution 20714. This case resulted from neighborhood requests of the City to act on their policy of creating consistency between the General Plan and zoning classification. There is a letter in this case file from the Planning Director at that time that states the action was taken to "create consistency between the Land Use Map and the approved R1-8 zoning and to avoid creating a precedent for higher densities on the surrounding parcels." This neighborhood requested City action was to ensure that an applicant wasn't going to try and increase the R1-8 zoning **before** it could be reverted in 2011.

Your review of the above records will provide valuable context. If you also review the overwhelming number of letters in opposition to this case, you will see there are many of us from 2007 that are still residents today. Again, we welcome development and want and expect it to be consistent land use with the existing neighborhoods.

I sincerely appreciate Commissioner Busching's action of getting a first-hand look at the area to truly understand the unique community, large lots and spacing that we want to preserve. The type of low density in this specific area of Laveen has been carefully planned that way for well over two decades. Furthermore, low density zoning is appropriate land use in this area and low density zoning classifications are very underrepresented in Laveen. The video of our area is only 42 seconds long and can be played directly from this Dropbox link: <https://www.dropbox.com/s/0tfmz2e6htiasqd/Laveen.mp4?dl=0> [dropbox.com]

I would welcome and respectfully request a conversation or meeting with each individual member of the Commission. I was significantly involved in the original case and would be happy to answer any questions. In addition, I'd be pleased to host a tour of the area for anyone who would like to do so.

I understand this is a difficult case for everyone involved. It truly is very unfortunate that enforcement of this reversion entitlement was overlooked or missed over the last 9+ years, even though the community requested it be done. The fact of the matter is it is still valid today and the City has a duty and obligation to enforce it.

I sincerely appreciate your time and careful review and consideration of all information.

Respectfully,  
Cyd Manning

3220 W. Ceton Drive  
480.747.0769  
[sweetbeat@q.com](mailto:sweetbeat@q.com)

Attached screen capture as referenced above:



Chat

Speaking: use Cyd Manning's phone line for his speaking time.  
Racelle should be aware. Would like to please verify  
from emilio gaynor to all participants: 6:29 PM  
I cannot get on phone. please call me at 6025246515.  
from emilio gaynor to all participants: 6:29 PM  
This is Emilio Gaynor  
from emilio gaynor to all participants: 6:30 PM  
ok  
from Cyd Manning to all panelists: 10:20 PM  
I need to correct a factual error stated by Mr. Galvin.  
from Cyd Manning to all panelists: 10:21 PM  
I was told directly from Councilmember Garcia's office  
that this applicant declined to meet and have that in  
writing.  
from Justin Johnson to all participants: 10:35 PM  
We dont go back after rebuttal. I apologize  
from Cyd Manning to presenter (privately): 10:35 PM  
Is the community able to react to that as well?  
from Cyd Manning to host & presenter: 10:36 PM  
Is the community able to react to that as well

To: Host & Presenter

PD EG

Planning and Development (Host) emilio gaynor

Participants ×

Search

Panelist: 10

- PD Planning a...  
Host
- EG emilio gaynor
- JM Joel McCabe
- JB Joshua Bednarek
- JJ Justin Johnson
- LM LACHELE Mangum
- MB Marcia Busching
- NH Nico Howard
- PG Pete Gorraiz
- SS Sissie Shank

Attendee:

- CM Cyd Manning  
Me

10:36 PM  
5/7/2020

May 20, 2020

To: Phoenix Planning Commission

Subject: Meeting held 6PM, May 7, 2020 re: Z-165-05-(PHO-1-19)

Thank you for providing me the opportunity on during the May 7, 2020 Planning Commission meeting to speak for 60 seconds regarding the subject case.

First, I would like to remind the Planning Commission of its role....and I quote from your Charter below and would draw your attention to the **bolded** print:

***The Planning Commission makes recommendations to the City Council on all matters that might be referred to it by the City Council concerning or relating to a comprehensive plan of City building and improvement and recommends to the City Council, from time to time, amendments to the City Charter, ordinances providing for the purchase of sites for City buildings; opening, widening or other changes in streets and other public ways, and the ornamentation of such sites, streets, grounds and other public places; and such other ordinances as it may deem necessary and proper in the premises and that may tend in connection with such comprehensive plan to promote the public health, comfort, safety, convenience, utility and welfare. The Planning Commission is also authorized to confer and advise with other similar City planning commissions or county planning commissions.***

It became very obvious that during the subject meeting that several members were uncomfortable with the issue at stake here, the S1 Zoning Reversion specifically called out in Stipulation #19 which states, and I quote:

*That **approval shall be conditional upon development commencing within 48 months of the City Council approval of this change of zoning in accordance with Section 506.B.1 of the Zoning Ordinance.** For purposes of this stipulation, development shall commence with the issuance of building permits and erection of building walls on site.*

Near the end of meeting the question to Staff was asked “has any action be taken to revert this case” and the answer was “no”. Herein lies the problem, no action has been taken by the City of Phoenix because of Senior Leadership (specifically Alan Stephenson and his Deputy Joshua Bednarek) have unwisely, unethically and likely illegally chosen not to enforce Reversion which is a current documented process required in Zoning Ordinance Section 506, paragraph B 1 for this case.

Before seeking legal action on behalf of the Community I am providing EVERY opportunity for the City of Phoenix to help remedy the lack of Senior Leadership Personal Accountability for enforcement of the previously referenced Reversion Policy. Due to the current Covid-19 situation a face to face meeting is unpractical so I have contacted via e-mail and telecon Leigh Ann Mauger, Sr. Internal Auditor, City of Phoenix - Audit Department and she has initiated a case to investigate whether the allegations that I have made regarding the City’s refusal to follow documented Policies and Procedures (specifically Section 506 paragraph B1) have merit or basis. I provided a copy of the meeting minutes that I had with Joshua Bednarek as the basis for my claims. I am also providing you with a copy of this document for your review.

And as a side note, it was unethical of this Committee to solicit input from only one Party regarding your discussion of the merits of the case if the Commission elected to deny this case.

In addition, Mr. Gavin incorrectly provided the Commission with inaccurate and deceiving information regarding Prop 207.....the Current Landowner was REQUIRED to sign a waiver giving up ALL rights to Prop 207 when they purchased the property so they have no future claims against Prop 207 if the property reverts to S1 or any other zoning. When the Landowner had Mr. Gavin's Law Firm perform their due diligence prior to purchasing this property, they would have discovered this.

While I respect the decision that you made in an effort to have the Developer and Community "work together" for an equitable solution I will implore the Commission one last time....when it is time to forward this case to the City Counsel, take the ethical and morally correct action, tell the City Council the simple facts regarding this case and recommend the following:

1. This case should have never have been brought forward.....why? Because the City of Phoenix has chosen not to follow its own Policies and procedures specifically for Reversion because if it did, back in 2011 (48 months after the initial zoning approval) this case should have been up for reversion and it was never initiated. Remember, Reversion is another Public Process and it is not a guaranteed reversion in this case back to S1, the "Reversion Process" is a series of Public hearings to rezone the land back but it might not be accepted (likelihood is low)!
2. Based on item 1 above do no recommend approval, deny this case.
3. Create a recommendation that the City of Phoenix follow its internal processes and procedures and initiate Reversion Action in this case.

I look forward to seeing what this Commission determines the correct course of action is for this specific case because as the Leaders of this Commission you are held to a higher standard than rank and file employees....you are accountable for what you know and more importantly what you should have known....and now that you are personally aware of the alleged claims of the City of Phoenix not following its processes and procedures (and I would ask that you personally verify this on your own, do not take my word for it) I sincerely hope that this Commission takes the correct steps by deciding not to be complicit with the City of Phoenix knowing full well that this case should have never existed!

Thank you for your time.

Sincerely,

John M. Bzdel  
253-549-6826  
[bzdel@earthlink.net](mailto:bzdel@earthlink.net)

## Meeting Minutes with Joshua Bednarek re: Z-165-05-(PHO-1-19)

1-23/2020, 9AM at Mr. Bednarek's office

Answers to my questions:

- Why was there no action taken in 2011 to “revert” the properties back to S1?
  - Since the early 2010’s, the City of Phoenix has reduced the number of available Staff Personal in the Planning/Zoning Department that would handle this type of activity from 11 people to 5. With the staff shortage the focus and priorities of the Department changed to reflect available staffing.
  - There isn’t a mechanism to automatically do this.
- I asked “is Zoning Ordinance Section 506, paragraph B 1.” Is still a valid and current procedure?
  - Joshua stated the City of Phoenix no longer looks at the reversion process as a necessary process because they City believes that the original “intent” to rezone is still valid and affords the current property owner(s) the opportunity to further develop the property based on the City Council’s intended use.
    - I then asked Joshua to read the above paragraph aloud where I underlined ...”an application shall be initiated by the Planning Commission to revert zoning to its former classification, unless an extension of time has been granted prior to the expiration of the period specified by the schedule of the development”. He was familiar with this language.
      - I asked Joshua to make sure that I fully understood his previous comments based on this procedural language and asked him that even though it is a requirement in the documented City’s Procedures to perform the reversion, that ***the City has knowingly chosen not to follow the procedure?***
        - Joshua waffled a bit and reiterated staffing shortages again and that the City’s philosophy is a bit different today based on his above comment that they want to afford Property owners full development rights via Prop 207. I verified with Joshua that a waiver does exist on this subject property signed by the current Property Owner that waives Prop 207 and he then agreed that the property owner had no rights based on Prop 207.
      - I asked Joshua what he believes that the Liability may be if the City specifically chooses not to follow or enforce their written processes and procedures? He stated that he wasn’t a Lawyer or from the Law Department so he could fully

answer that question. He went on to state that in this situation, where there are stipulations attached to Properties, that it is no different than someone who violates a weed ordinance or stipulation....the City doesn't have the resources to address it.

- I shared City of Phoenix memo dated October 12, 2010 from Derek D. Horn to Planning Commission Members and asked if this process that was outlined is still current?
  - Joshua stated that the City does not have the resources to undertake the process and as stated previously, the focus on reversion and the philosophy behind it is different today.
    - I asked if I was to review the Metric's Deck reviewed by Alan at his Staff Meetings would I see any of the Department metrics include reversion?
      - Joshua stated no that no metrics would be available today for the reversion process because it is not tracked, monitored or reviewed.
- I shared that the Community was concerned that the due to the City's focus on not following it's documented process and procedure that this indicates a bias and it does not afford ALL stakeholders the opportunity to voice concerns regarding City processes that "should have been followed" and are not.
  - Joshua didn't fully understand this because he believes Zoning/Planning processes via the PHO as in this case are available to hear Community input. I reiterated that the PHO process is clearly for addressing stipulations ONLY and NOT a rezoning discussion and that Adam Stranier (the PHO in this case) made this VERY clear. Joshua went on to say that even if the City followed a reversion process, as in this case, that it still has to go through the Public Posting processes and that "automatic" reversion isn't a guarantee because the current property owner has an input as well as the Community and the City Council.
  - I then counter this response and asked a "hypothetical" question..."in this case, if the City of Phoenix denied Z-165-05-(PHO-1-19) and noted that the City would prefer to use the Reversion Process to address the Property Owners concerns as well as those of the Community and City Council, aren't ALL stakeholders better served since the potential outcome has the benefit of ALL stakeholders' inputs and the City would ALSO be compliant with it's documented processes and procedures"? I also added that the current property owner could also create/add/delete/propose whatever they want because the flood gate is open...a clear benefit for them as well.
    - Joshua had to think about this for a moment before responding and indicated that this could be a viable path. Based on his comment I asked him if he was ready to commit for the City that he would do this in this specific case and he quickly responded that he could not influence the opinion/outcome of the PHO officer in this case.
      - I then asked if he should run this past Legal as an opportunity to be compliant with documented processes and procedures in the event that

this case gets legally challenged and he responded that he didn't think so.

- Joshua stated that even if the PHO ruled in favor of the subject case that any stakeholder has 7 days to appeal the decision to the City Council and could propose the "hypothetical" question to the City Council that I did to Joshua.
- I asked if I could suggest this "hypothetical" path to the PHO in this case?
  - Joshua stated that he could only take comments that were made public at the hearing and not after the fact.
    - I countered with "Adam stated that he needed to take this under advisement and review all relevant facts and data.....isn't the potential path I proposed one of them?"
      - Joshua countered with he (the PHO) could come to that same conclusion.

Unfortunately we ran out of time and our meeting concluded.

John Bzdel

253-549-6826

## Racelle Escolar

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**From:** D M <darcy3535@gmail.com>  
**Sent:** Saturday, June 6, 2020 7:12 PM  
**To:** PDD Laveen VPC; Racelle Escolar; Joshua Bednarek; Alan Stephenson  
**Subject:** To Council Members re: Quarry Case Decision 165 - 06

**Follow Up Flag:** Follow up  
**Due By:** Tuesday, June 9, 2020 4:00 PM  
**Flag Status:** Completed

Good afternoon,

I was present online at the planning meeting on Thurs June 4 and wanted to tell you what a disappointment the commission's decision was to approve the Quarry Case Z-165-06.

After all the patting on the back you did of yourselves and appreciating all of us for our passion, your decision was still wrong.

If any of you lived on the south side of the Quarry you would be fighting to oppose the type of density that was approved.

I'm actually surprised with the amount of opposition that this had, not more of your members came around to see our area. It really goes to show that if it doesn't affect you personally, then the party with the most money wins.

And, because there has been no past case in prior zoning reversions, it doesn't mean that the committee has a right to overlook and not enforce the intent.

I'm disheartened by your committee's decision but I'm thankful for great neighbors that will continue to appeal this for our community.

Darcy Meyer  
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Laveen, AZ 85339



