

PHOENIX CITY COUNCIL FORMAL AGENDA



Mayor
Kate Gallego

Vice Mayor
District 1
Thelda Williams

District 2
Jim Waring

District 3
Debra Stark

District 4
Laura Pastor

District 5
Betty Guardado

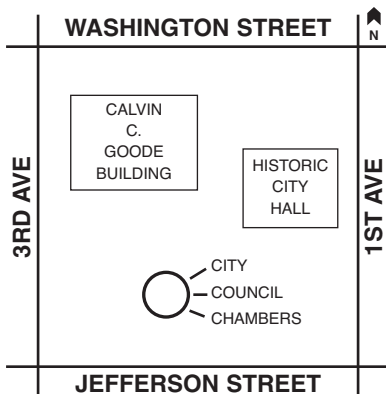
District 6
Sal DiCiccio

District 7
Michael Nowakowski

District 8
Carlos Garcia

Online agendas and
results available at
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 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 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 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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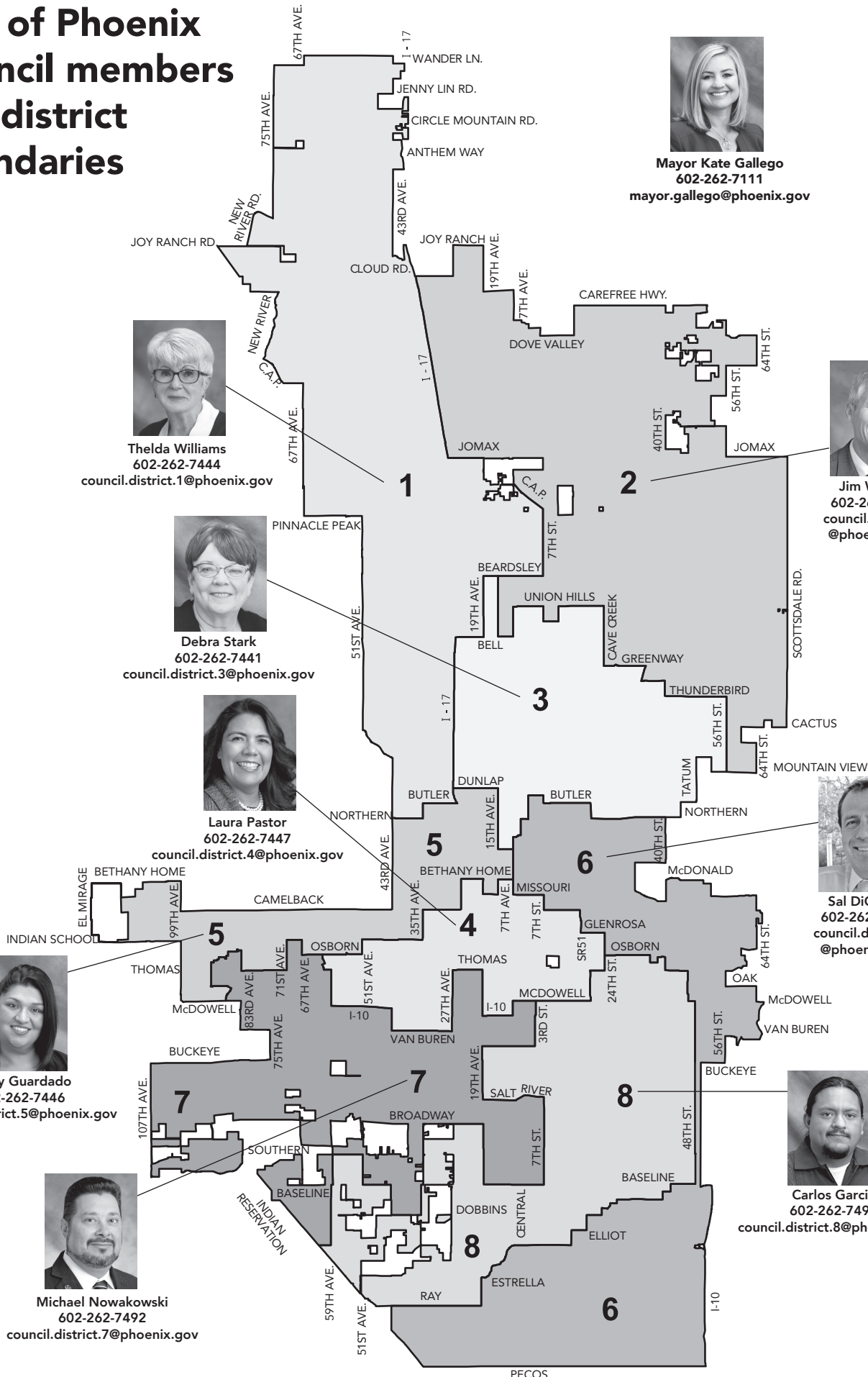
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Agenda

City Council Formal Meeting

Wednesday, January 20, 2021

2:30 PM

phoenix.gov

*****REVISED Jan. 19, 2021*****

Item Requested to be Withdrawn: 32; Item Revised: 54

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 126 978 8297# (for English) or 126 737 7889# (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=ee75e762f66437d3fb05617e6488a31b1>

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

BOARDS AND COMMISSIONS

- 1 **Mayor and Council Appointments to Boards and Commissions** Page 11

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

- 2 **Liquor License - Coma Sushi and Izakaya Japanese Concept** District 1 - Page 13
- 3 **Liquor License - Latino Restaurant #2** District 2 - Page 18
- 4 **Liquor License - Ash Lounge** District 4 - Page 23
- 5 **Liquor License - Turney Neighborhood Market** District 4 - Page 28
- 6 **Liquor License - iPolish Nail Bar** District 6 - Page 33
- 7 **Liquor License - Character Distinctive Dining** District 7 - Page 38
- 8 **Liquor License - Helio Basin Brewing Company** District 8 - Page 43
- 9 **Liquor License - Helio Basin Brewing Company** District 8 - Page 45
- 10 **Liquor License - Froth Coffee Roasters** District 8 - Page 47
- 11 **Liquor License - Real Dollar Store** District 8 - Page 52
- 12 **Liquor License - Secret Garden by Wedgewood Weddings** District 8 - Page 57
- 13 **Liquor License - Island Vybz Bar & Grill** District 7 - Page 61

PAYMENT ORDINANCE (Ordinance S-47238) (Items 14-16) Page 69

- 14 **Sky Construction & Engineering, Inc.**
-

- 15 **Salt River Project Agricultural Improvement and Power District doing business as SRP**
- 16 **Low Mountain Construction, Inc.**

ADMINISTRATION

- 17 **Proposed Old West Trail Right-of-Way Annexation (Ordinance S-47247)** District 1 - Page 71
- 18 **Grant of Irrigation Easement to Salt River Project for McClellan Ranch at Dobbins Road and 67th Avenue (Ordinance S-47250)** District 7 - Page 73
- 19 **Acceptance of an Easement for Drainage Purposes (Ordinance S-47254)** District 1 - Page 74
- 20 **Acceptance and Dedication of Deeds and Easements for Roadway, Sidewalk, Public Utility and Bus Pad Purposes (Ordinance S-47252)** District 1 - Page 75
District 4
District 5
District 7
District 8
- 21 **Vacation of Right-of-Way - Along West Van Buren Street, East of North 9th Avenue (Resolution 21890)** District 7 - Page 77
- 22 **Authorization to Sell City-Owned Property Located at 747 W. Van Buren St. (Ordinance S-47253)** District 7 - Page 80
- 23 **Authorization to Amend Lease with Domino's Pizza, LLC to Extend Term (Ordinance S-47245)** District 5 - Page 82
- 24 **Additional Expenditures for Vehicle Wash Services - Requirements Contract - IFB 19-141 (Ordinance S-47257)** Citywide - Page 84

COMMUNITY SERVICES

- 25 **Authorization to Apply, Accept, Disburse Funds and Enter into Agreements for Vitalyst Systems Change Grant (Ordinance S-47255)** Citywide - Page 86
-

- 26 **Authorization to Sell City-owned Modular Building Located at Alfred F. Garcia Elementary School Campus (Ordinance S-47251)** District 7 - Page 89

ECONOMIC DEVELOPMENT

- 27 **Authorization to Enter into Development Agreement with Kroger Company (Ordinance S-47239)** Citywide - Page 91
- 28 **Phoenix Business and Workforce Development Board Memorandum of Understanding and Infrastructure Funding Agreement (Ordinance S-47240)** Citywide - Page 93

PUBLIC SAFETY

- 29 **Additional Expenditures for Firefighting Personal Protective Equipment - Coop PS16008 (A) (Ordinance S-47249)** Citywide - Page 96
- 30 **Arizona Department of Emergency and Military Affairs Public Assistance for Disaster Recovery Grant Funding (Ordinance S-47258)** Citywide - Page 97
- 31 **General Police Towing Services - RFP 13-006B (Ordinance S-47246)** Citywide - Page 98

TRANSPORTATION AND INFRASTRUCTURE

- *32 **(CONTINUED FROM DEC. 16, 2020) - Substitute Ground Lease with American Greyhound Racing (Ordinance S-47187) ***REQUEST TO WITHDRAW***** District 8 - Page 99
- 33 **Phoenix Sky Harbor International Airport Concessionaire Relief - Consideration of Contract Term Extensions (Ordinance S-47259)** District 8 - Page 101
- 34 **Airport Luggage Cart Service - Request to Issue Revenue Contract Solicitation** District 8 - Page 118
- 35 **Phoenix Goodyear Airport Drainage Improvements - Engineering Services - AV41000074 (Ordinance S-47243)** Out of City - Page 120
-

- 36 **April 2021 Proposed Bus Service Improvements (Ordinance S-47256)** District 6 - Page 122
District 7
District 8
- 37 **Diagnostic Software - Contract Recommendation (Ordinance S-47241)** Citywide - Page 131
- 38 **Generac Generators Maintenance and Repair Services - Agreement Recommendation (Ordinance S-47248)** Citywide - Page 133
- 39 **Manhole Covers, Rings and Meter Boxes - Amendment 3 (Ordinance S-47242)** Citywide - Page 135
- 40 **Rosemount Non-Contact Level Meters Contract (Ordinance S-47244)** Citywide - Page 137

PLANNING AND ZONING MATTERS

- 41 **Final Plat - Quiktrip Store #1410 - PLAT 200541 - 400 N. 75th Ave.** District 7 - Page 139
- 42 **Final Plat - Dobbins Manor - PLAT 190009 - South of Dobbins Road and West of 27th Avenue** District 8 - Page 140
- 43 **Map of Dedication - Phoenix Logistics Center (87th Avenue) - MOD 150004 - 87th Avenue and Buckeye Road** District 7 - Page 141
- 44 **Amend City Code - Official Supplementary Zoning Map 1209 (Ordinance G-6792)** District 6 - Page 142
- 45 **Amend City Code - Official Supplementary Zoning Map 1210 (Ordinance G-6793)** District 6 - Page 146
- 46 **Modification of Stipulation Request for Ratification of Dec. 16, 2020 Planning Hearing Officer Action - PHO-3-20_Z-14-05-1 - Approximately 633 Feet East of the Northeast Corner of 7th Avenue and Misty Willow Lane** District 1 - Page 150
-

- 47 **Amend City Code - Ordinance Adoption - Rezoning Application Z-33-20-2 (Optima Kierland Center Phase II PUD) - Approximately 415 Feet North of the Northwest Corner of Scottsdale Road and Kierland Boulevard (Ordinance G-6795)** District 2 - Page 154
- 48 **Amend City Code - Ordinance Adoption - Rezoning Application PHO-1-20_Z-36-17-7 - Southwest Corner of 103rd Avenue and Buckeye Road (Ordinance G-6794)** District 7 - Page 162
- 49 **Amend City Code - Ordinance Adoption - Rezoning Application Z-SP-6-20-7-8 - Approximately 170 Feet South of the Southwest Corner of 59th Avenue and Baseline Road (Ordinance G-6796)** District 7 - Page 170
District 8
- 50 **Public Hearing and Resolution Adoption - General Plan Amendment GPA-DV-1-20-1 - Located on the Southeast Corner of 19th Avenue and Alameda Road (Resolution 21892)** District 1 - Page 176
- 51 **Public Hearing and Ordinance Adoption - Amend City Code - Rezoning Application Z-57-20-1 - Located on the Southeast Corner of 19th Avenue and Alameda Road (Ordinance G-6797)** District 1 - Page 191
- 52 **Public Hearing and Resolution Adoption - General Plan Amendment GPA-DV-2-20-2 - Located Approximately 1,320 Feet South of the Southeast Corner of 7th Street and Happy Valley Road (Resolution 21891)** District 2 - Page 221
- 53 **Public Hearing and Ordinance Adoption - Amend City Code - Rezoning Application Z-58-20-2 - Located Approximately 1,320 Feet South of the Southeast Corner of 7th Street and Happy Valley Road (Ordinance G-6798)** District 2 - Page 236
- *54 **Public Hearing - Appeal of Hearing Officer Decision -** District 6 - Page 263
-

Abandonment of Right-of-Way - ABND 200545 - Arcadia
Lane at South Side of Camelback Road ***REVISED***

REPORTS FROM CITY MANAGER, COMMITTEES OR CITY OFFICIALS

000 CITIZEN COMMENTS

ADJOURN

City Council Formal Meeting



City of Phoenix

Report

Agenda Date: 1/20/2021, Item No. 1

Mayor and Council Appointments to Boards and Commissions

Summary

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

Responsible Department

This item is submitted by the Mayor's Office.

ATTACHMENT A



City of Phoenix

To: City Council
From: Mayor Kate Gallego

Date: January 20, 2021

Subject: BOARDS AND COMMISSIONS – APPOINTEES

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

Central City Village Planning Committee

I recommend the following individual for appointment:

Rodney Boden

Mr. Boden is the Director of Community Development at Habitat Metro and a resident of District 6. He fills a vacancy for a partial term to expire November 19, 2021.



Liquor License - Coma Sushi and Izakaya Japanese Concept

Request for a liquor license. Arizona State License Application 120056.

Summary

Applicant

Duy Nguyen, Agent

License Type

Series 12 - Restaurant

Location

17155 N. 51st Ave., Ste. 122 & 124

Zoning Classification: PSC

Council District: 1

This request is for a new liquor license for a restaurant. This location was not previously licensed for liquor sales and does not have an interim permit. This location requires a Use Permit to allow the sale of alcoholic beverages as an accessory use to a restaurant.

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

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

Angelina's Vietnamese Cuisine Pho & Grill (Series 12)

5350 W. Bell Road, Ste. 123-124, Glendale

Calls for police service: N/A - not in Phoenix

Liquor license violations: In April 2017, a fine of \$375.00 was paid for delinquent taxes.

Public Opinion

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

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because: "I have been in the restaurant industry for 30 year and never got convicted to any incident of mishandle. Also, I have a Clear record."

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

"I's acknowlag and Certified training title 4 Liqor in Arizona.."

Staff Recommendation

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

Attachments

Liquor License Data - Coma Sushi and Izakaya Japanese Concept

Liquor License Map - Coma Sushi and Izakaya Japanese Concept

Responsible Department

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

Liquor License Data: COMA SUSHI AND IZAKAYA JAPANESE CONCEPT

Liquor License

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

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	40.27	20.32	22.39
Violent Crimes	7.26	2.17	1.80

*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

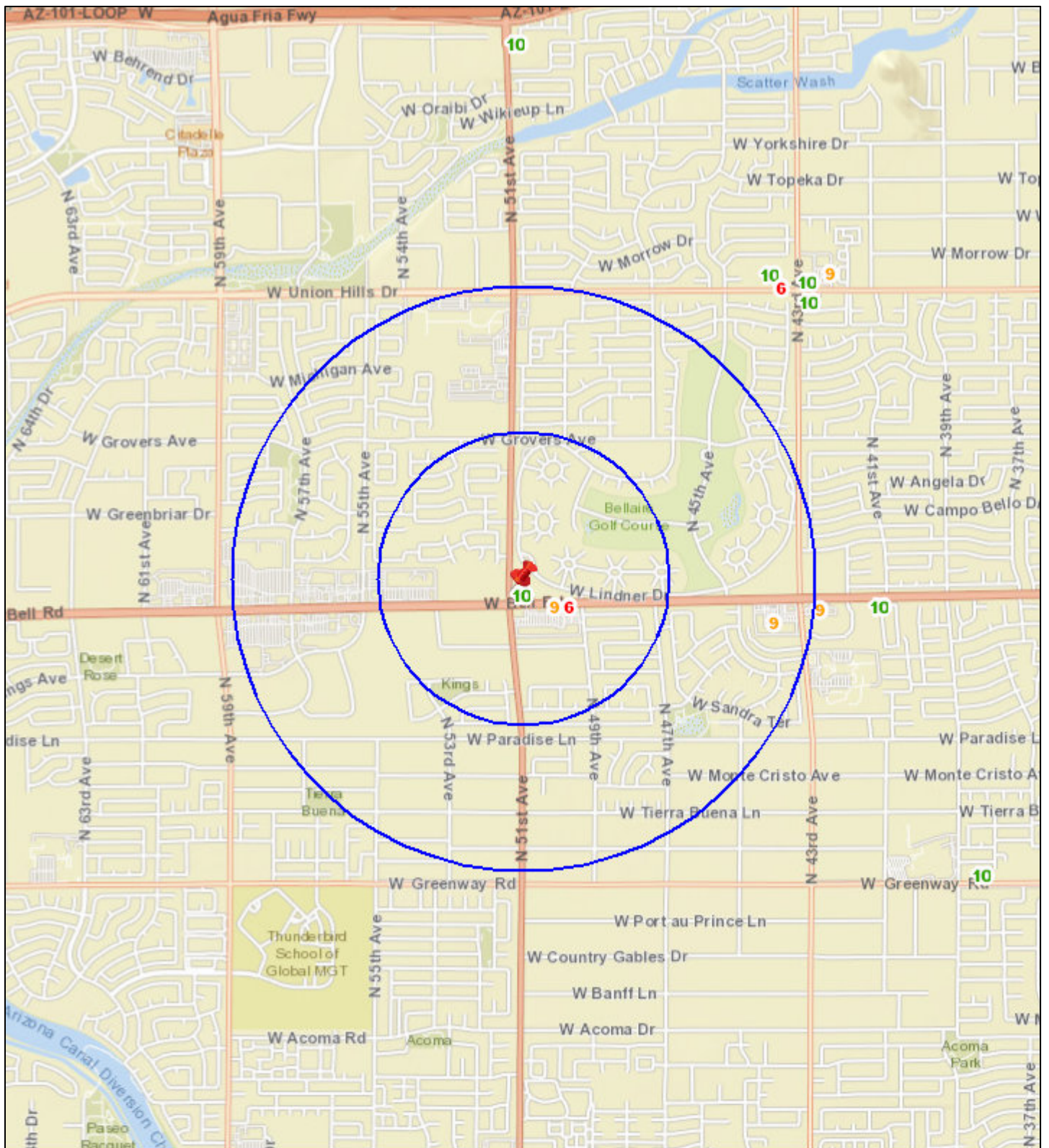
Description	Average	1/2 Mile Average
Parcels w/Violations	60	30
Total Violations	102	44

Census 2010 Data 1/2 Mile Radius

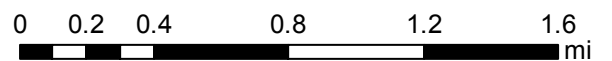
BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1042142	985	72 %	7 %	11 %
1042251	1242	53 %	8 %	9 %
1042253	904	85 %	5 %	11 %
6180001	2499	85 %	2 %	12 %
6181001	1795	84 %	3 %	7 %
6181002	1569	92 %	0 %	6 %
Average		61 %	13 %	19 %

Liquor License Map: COMA SUSHI AND IZAKAYA JAPANESE CONCEPT

17155 N 51ST AVE



Date: 11/16/2020



City Clerk Department



Liquor License - Latino Restaurant #2

Request for a liquor license. Arizona State License Application 124283.

Summary

Applicant

Lubna Mamou, Agent

License Type

Series 12 - Restaurant

Location

2948 E. Bell Road, Ste. 102

Zoning Classification: C-2

Council District: 2

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

The 60-day limit for processing this application was Jan. 1, 2021. However, the applicant submitted a written request for more time.

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

Other Active Liquor License Interest in Arizona

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 previously own several business with beer, wine & liquor license."

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

"Because our restaurant family oriented upon request by many of our customers to make it convenient to have spirit with dinner."

Staff Recommendation

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

Attachments

Liquor License Data - Latino Restaurant #2

Liquor License Map - Latino Restaurant #2

Responsible Department

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

Liquor License Data: LATINO RESTAURANT #2

Liquor License

Description	Series	1 Mile	1/2 Mile
Bar	6	3	1
Beer and Wine Bar	7	2	0
Liquor Store	9	7	4
Beer and Wine Store	10	8	1
Restaurant	12	14	8

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	40.27	74.78	74.20
Violent Crimes	7.26	13.58	15.28

*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

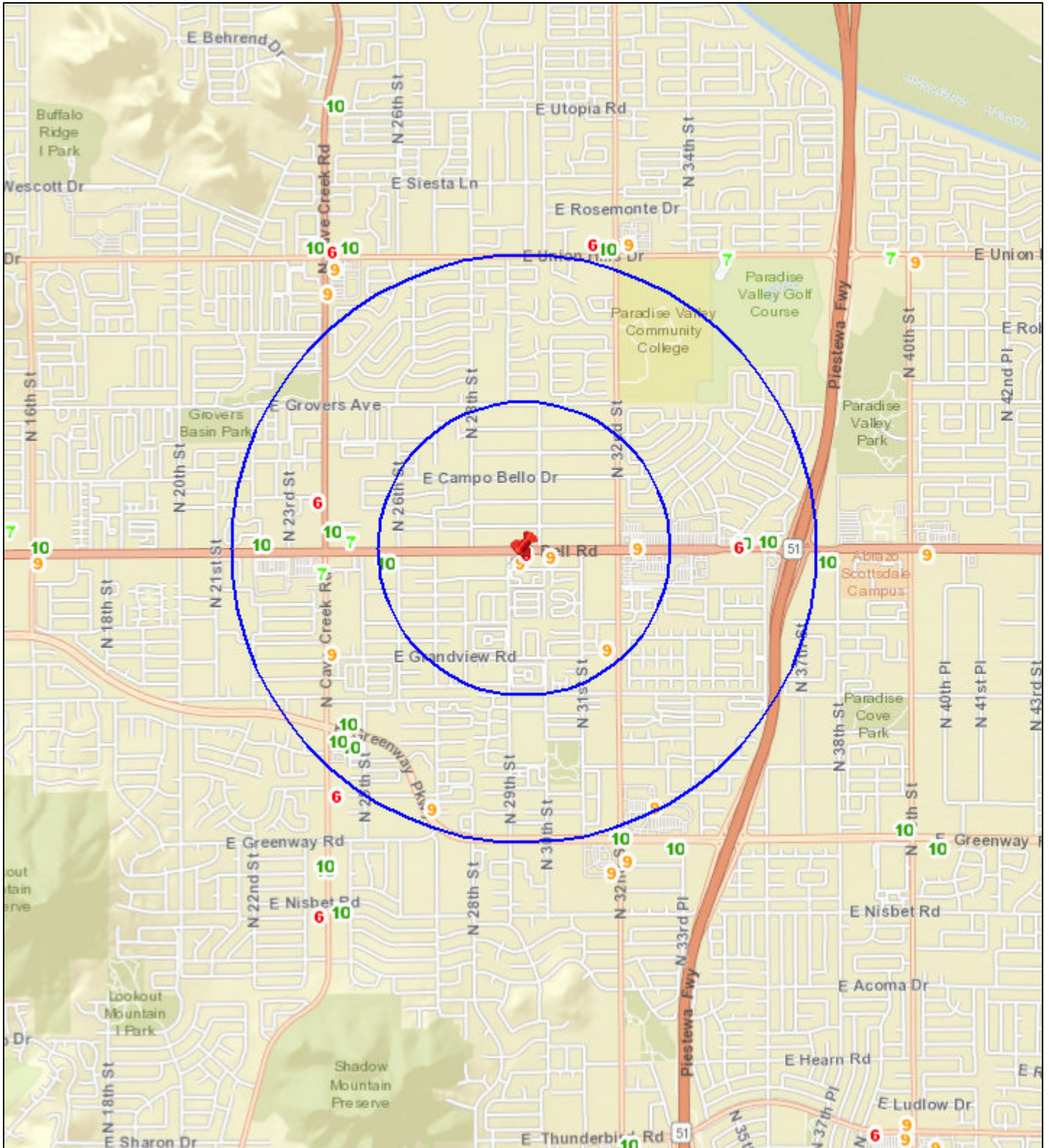
Description	Average	1/2 Mile Average
Parcels w/Violations	61	78
Total Violations	103	148

Census 2010 Data 1/2 Mile Radius

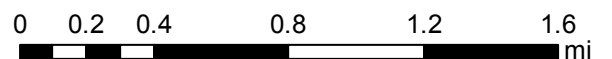
BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1033032	1103	78 %	9 %	18 %
1033041	1926	47 %	13 %	34 %
1033042	1219	2 %	16 %	38 %
1033043	1952	26 %	28 %	48 %
1033051	1180	47 %	29 %	35 %
1033052	2333	59 %	9 %	30 %
6195002	1716	73 %	4 %	23 %
6195003	2362	65 %	14 %	8 %
6196001	2094	72 %	11 %	3 %
Average		61 %	13 %	19 %

Liquor License Map: LATINO RESTAURANT #2

2948 E BELL RD



Date: 11/5/2020



City Clerk Department



Liquor License - Ash Lounge

Request for a liquor license. Arizona State License Application 06070799.

Summary

Applicant

Alexander Kaminski III, Agent

License Type

Series 6 - Bar

Location

4516 N. 19th Ave.

Zoning Classification: C-2

Council District: 4

This request is for an ownership transfer of a liquor license for a bar. 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 Jan. 24, 2021.

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

Other Active Liquor License Interest in Arizona

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

Public Opinion

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

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because: "Attended Arizona State University where I Received my Bachelors of Science with a Degree in Housing and Urban Development in 2007. During college, I worked in the Bar/Restaurant/Nightclub industry. I have been successfully managing in the bar industry for 11 consecutive years now. I am very familiar with City Codes and Regulations. I have received Certified Liquor Training through the State of Arizona every two years, including Certified Manager Liquor Training. I have also created and implemented detailed policies and procedures to ensure that my staff understands the importance of health and safety in the establishment."

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

"I have been informed this No. 6 liquor license has been at this location for over 30 years and I do not believe there are other No. 6 liquor licenses located nearby. In addition to live music (after COVID-19 restrictions end), food and alcohol will be served for the neighborhood convenience."

Staff Recommendation

Staff recommends approval of this application.

Attachments

Liquor License Data - Ash Lounge

Liquor License Map - Ash Lounge

Responsible Department

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

Liquor License Data: ASH LOUNGE

Liquor License

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

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	40.98	162.39	188
Violent Crimes	7.43	48.14	60.19

*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

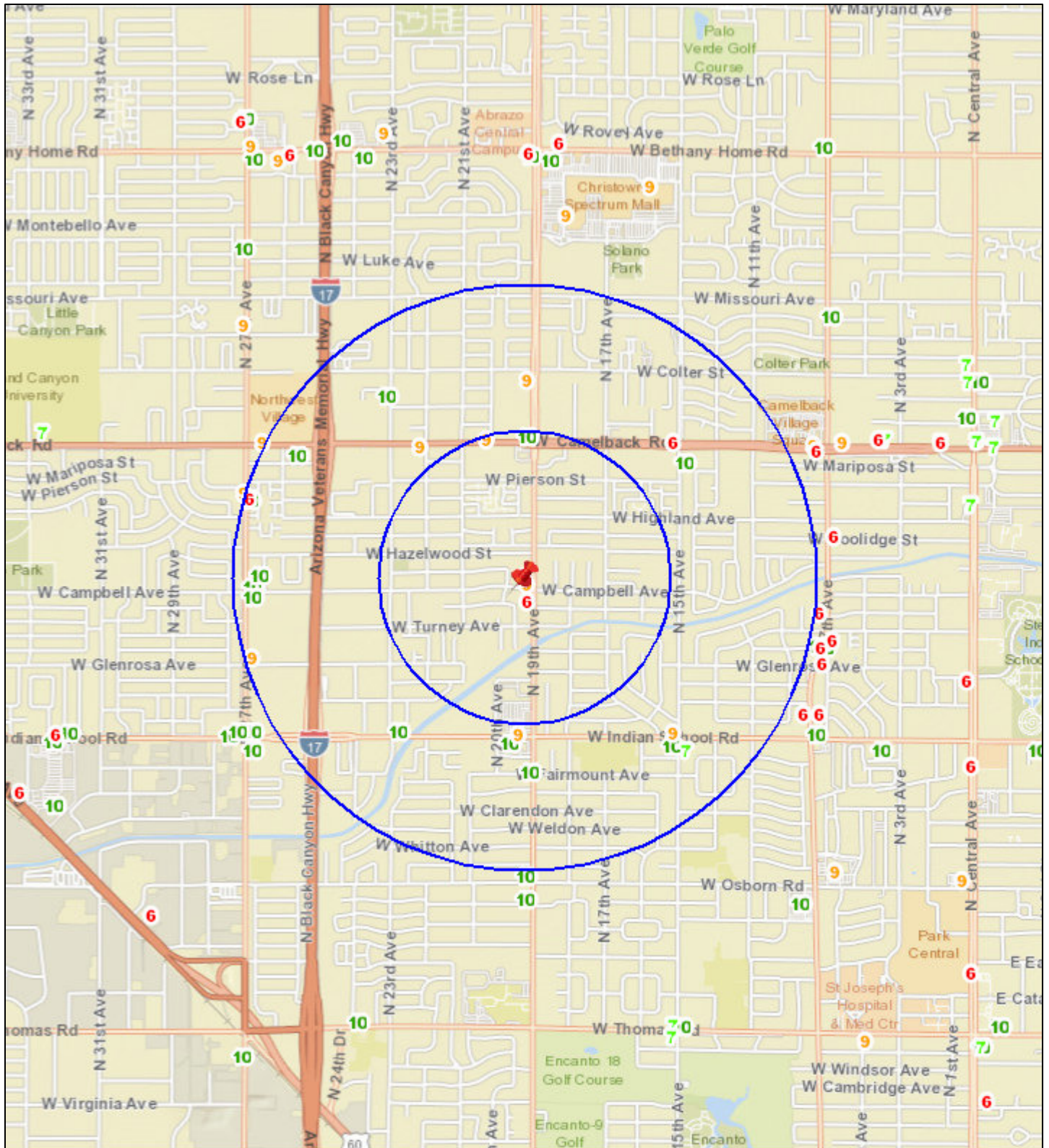
Description	Average	1/2 Mile Average
Parcels w/Violations	61	224
Total Violations	104	505

Census 2010 Data 1/2 Mile Radius

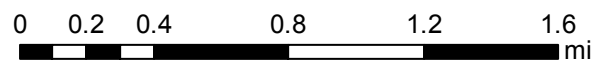
BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1073002	1165	57 %	16 %	22 %
1074004	1382	20 %	26 %	30 %
1089013	956	82 %	4 %	8 %
1089021	1258	16 %	12 %	49 %
1089022	1250	42 %	26 %	22 %
1090021	1571	18 %	15 %	41 %
1090022	2291	15 %	18 %	63 %
1090023	622	62 %	39 %	4 %
1090031	2380	23 %	26 %	52 %
1090032	1204	16 %	30 %	56 %
1090033	1600	22 %	13 %	68 %
Average		61 %	13 %	19 %

Liquor License Map: ASH LOUNGE

4516 N 19TH AVE



Date: 12/3/2020





Liquor License - Turney Neighborhood Market

Request for a liquor license. Arizona State License Application 129597.

Summary

Applicant

Faik Ambari, Agent

License Type

Series 10 - Beer and Wine Store

Location

710 E. Turney Ave.

Zoning Classification: C-2

Council District: 4

This request is for a new liquor license for a convenience store that does not sell gas. This location was previously licensed for liquor sales and may currently operate with an interim permit.

The 60-day limit for processing this application is Feb. 5, 2021.

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

Other Active Liquor License Interest in Arizona

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

Public Opinion

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

Applicant's Statement

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

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

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

"This store will provide a safe and secure place for the neighborhood to buy beer and wine. The location will be convenient for the people in neighborhood who may not have access to transportation. Adding the long time experience of the owner with running a store while upholding all the laws and regulations, the store will be a safe, secure and convenience place for the customers to purchase quality liquor."

Staff Recommendation

Staff recommends approval of this application.

Attachments

Liquor License Data - Turney Neighborhood Market

Liquor License Map - Turney Neighborhood Market

Responsible Department

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

Liquor License Data: TURNEY NEIGHBORHOOD MARKET

Liquor License

Description	Series	1 Mile	1/2 Mile
Microbrewery	3	2	0
Bar	6	11	4
Beer and Wine Bar	7	8	0
Liquor Store	9	5	2
Beer and Wine Store	10	9	4
Restaurant	12	36	2

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	40.98	108.83	114.64
Violent Crimes	7.43	19.50	22.82

*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

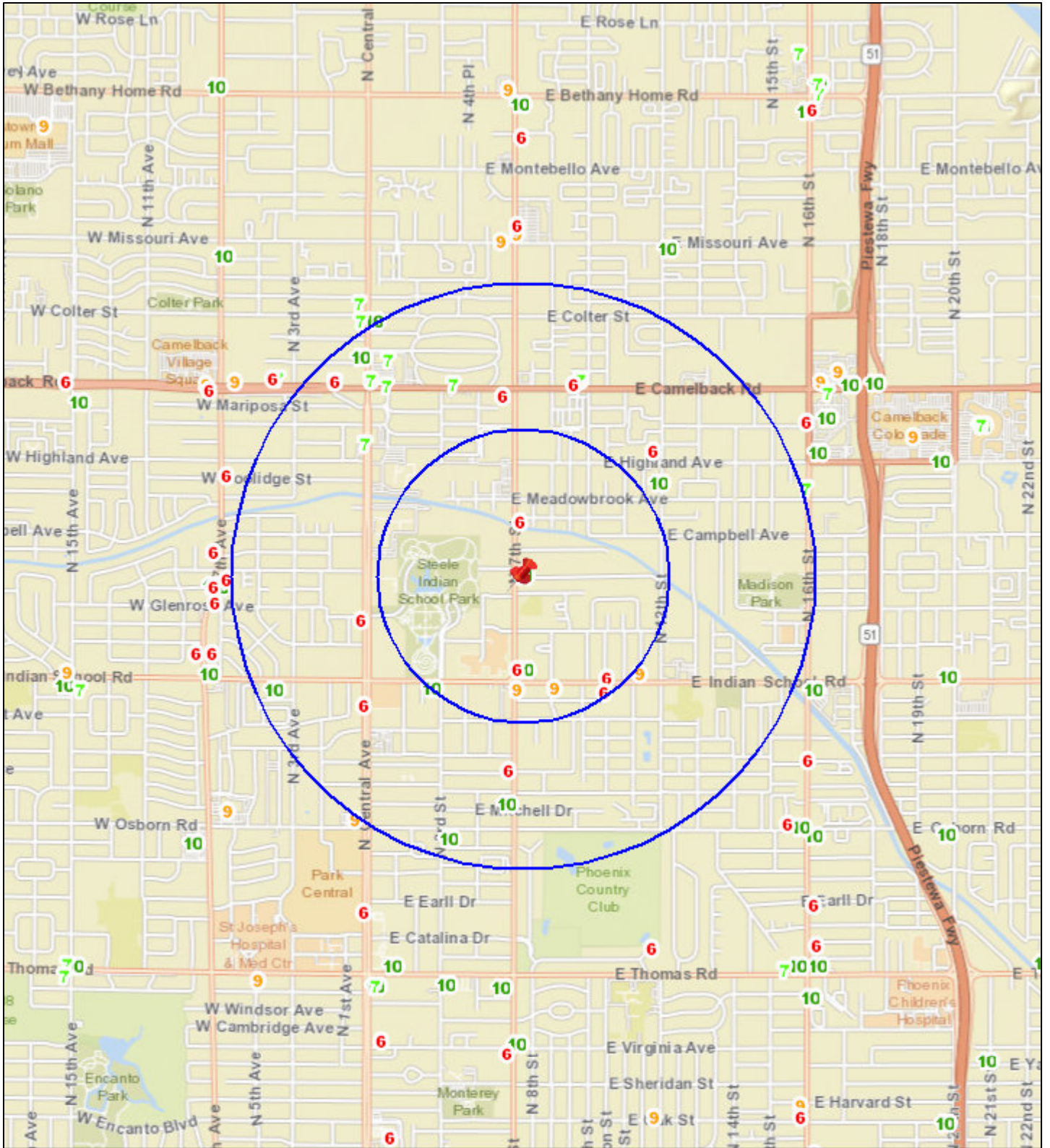
Description	Average	1/2 Mile Average
Parcels w/Violations	61	125
Total Violations	104	269

Census 2010 Data 1/2 Mile Radius

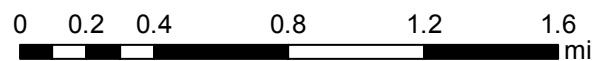
BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1086011	1374	18 %	29 %	41 %
1086012	1402	58 %	36 %	46 %
1086022	1187	11 %	25 %	52 %
1086023	650	23 %	34 %	15 %
1086024	1171	24 %	9 %	12 %
1088022	435	43 %	41 %	19 %
1105021	1057	13 %	34 %	30 %
1106003	801	27 %	29 %	49 %
1171001	2126	10 %	15 %	10 %
Average		61 %	13 %	19 %

Liquor License Map: TURNEY NEIGHBORHOOD MARKET

710 E TURNEY AVE



Date: 12/10/2020





Liquor License - iPolish Nail Bar

Request for a liquor license. Arizona State License Application 07070420.

Summary

Applicant

Thieu Vu, Agent

License Type

Series 7 - Beer and Wine Bar

Location

1949 E. Camelback Road, Ste. 140

Zoning Classification: C-2 CEPCSP

Council District: 6

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

The 60-day limit for processing this application is Feb. 5, 2021.

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

Other Active Liquor License Interest in Arizona

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

Public Opinion

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

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I am an independent, self-employed business owner. I have owned and operated my own businesses for 18 years. I know how to handle clients and employees professionally."

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

"As a salon, it is our job to provide a relaxing environment for our clientele."

Staff Recommendation

Staff recommends approval of this application.

Attachments

Liquor License Data - iPolish Nail Bar

Liquor License Map - iPolish Nail Bar

Responsible Department

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

Liquor License Data: IPOLISH NAIL BAR

Liquor License

Description	Series	1 Mile	1/2 Mile
Microbrewery	3	1	0
Wholesaler	4	2	2
Bar	6	4	1
Beer and Wine Bar	7	4	4
Liquor Store	9	4	4
Beer and Wine Store	10	10	6
Hotel	11	2	1
Restaurant	12	39	19

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	40.98	118.39	212.63
Violent Crimes	7.43	12.65	13.05

*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

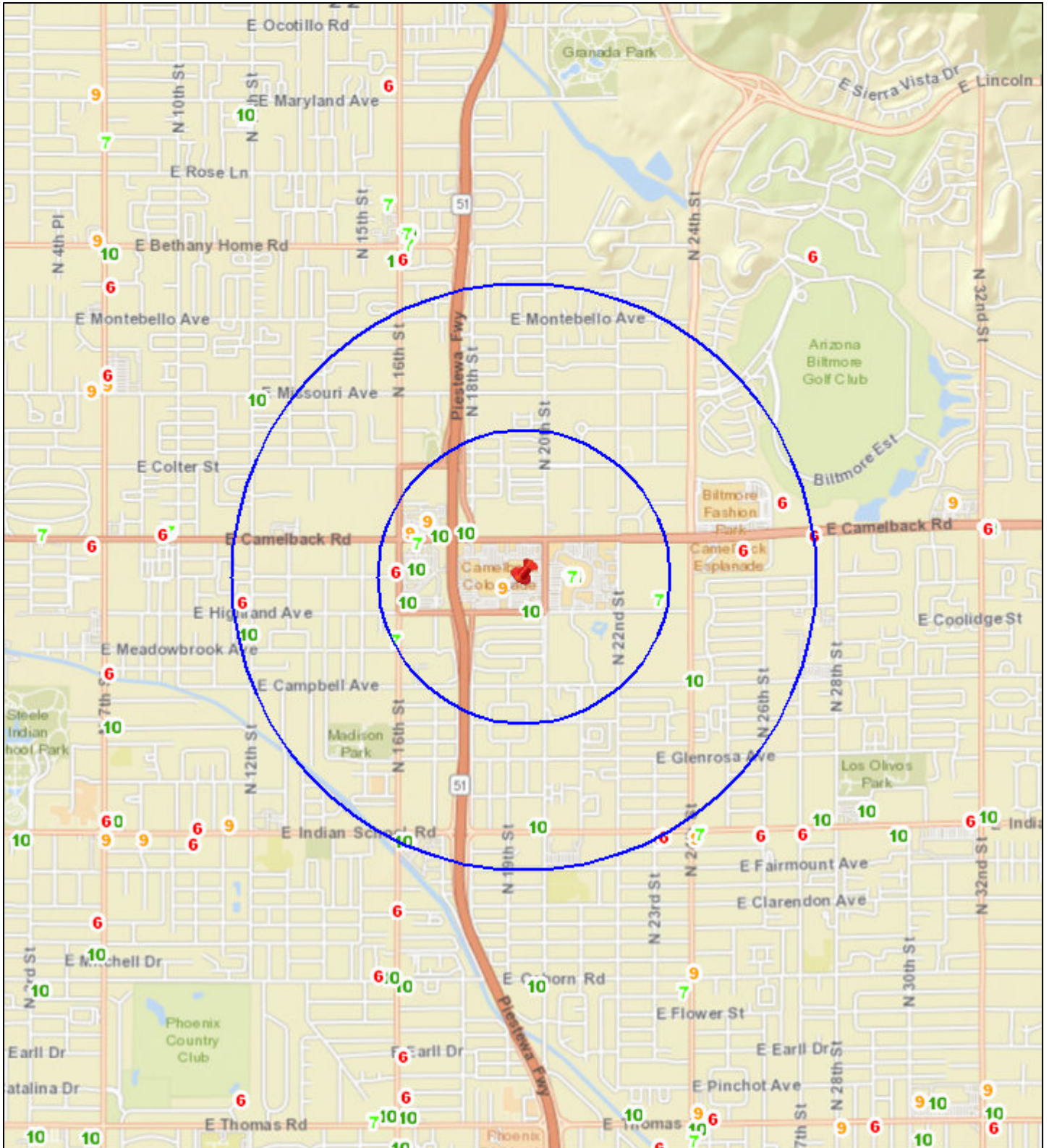
Description	Average	1/2 Mile Average
Parcels w/Violations	61	31
Total Violations	104	42

Census 2010 Data 1/2 Mile Radius

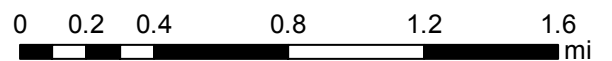
BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1076022	1734	54 %	18 %	3 %
1077002	738	57 %	10 %	8 %
1077003	457	26 %	26 %	16 %
1077005	736	14 %	6 %	4 %
1085011	1023	33 %	6 %	13 %
1085012	1416	74 %	21 %	4 %
1085022	732	23 %	28 %	12 %
1085023	1475	42 %	20 %	7 %
1085024	549	43 %	31 %	15 %
1086021	790	37 %	38 %	22 %
1086022	1187	11 %	25 %	52 %
Average		61 %	13 %	19 %

Liquor License Map: IPOLISH NAIL BAR

1949 E CAMELBACK RD



Date: 12/10/2020





Liquor License - Character Distinctive Dining

Request for a liquor license. Arizona State License Application 126384.

Summary

Applicant

Jeffrey Miller, Agent

License Type

Series 12 - Restaurant

Location

218 E. Portland St.

Zoning Classification: DTC - West Evans Churchill

Council District: 7

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

The 60-day limit for processing this application was Jan. 16, 2021. However, the applicant submitted a written request for more time.

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

Other Active Liquor License Interest in Arizona

This information is not provided due to the multiple ownership interests held by the

applicant in the State of Arizona.

Public Opinion

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

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I will make sure all of my employees attend the Title 4 liquor law training and abide by liquor laws."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"I would like to continue to offer our of age guests an alcoholic beverage if they choose."

Staff Recommendation

Staff recommends approval of this application.

Attachments

Liquor License Data - Character Distinctive Dining
Liquor License Map - Character Distinctive Dining

Responsible Department

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

Liquor License Data: CHARACTER DISTINCTIVE DINING

Liquor License

Description	Series	1 Mile	1/2 Mile
Microbrewery	3	2	1
Government	5	8	4
Bar	6	37	10
Beer and Wine Bar	7	16	7
Liquor Store	9	4	2
Beer and Wine Store	10	9	4
Hotel	11	6	2
Restaurant	12	89	33
Club	14	2	0

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	40.27	132.85	193.84
Violent Crimes	7.26	28.23	35.66

*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

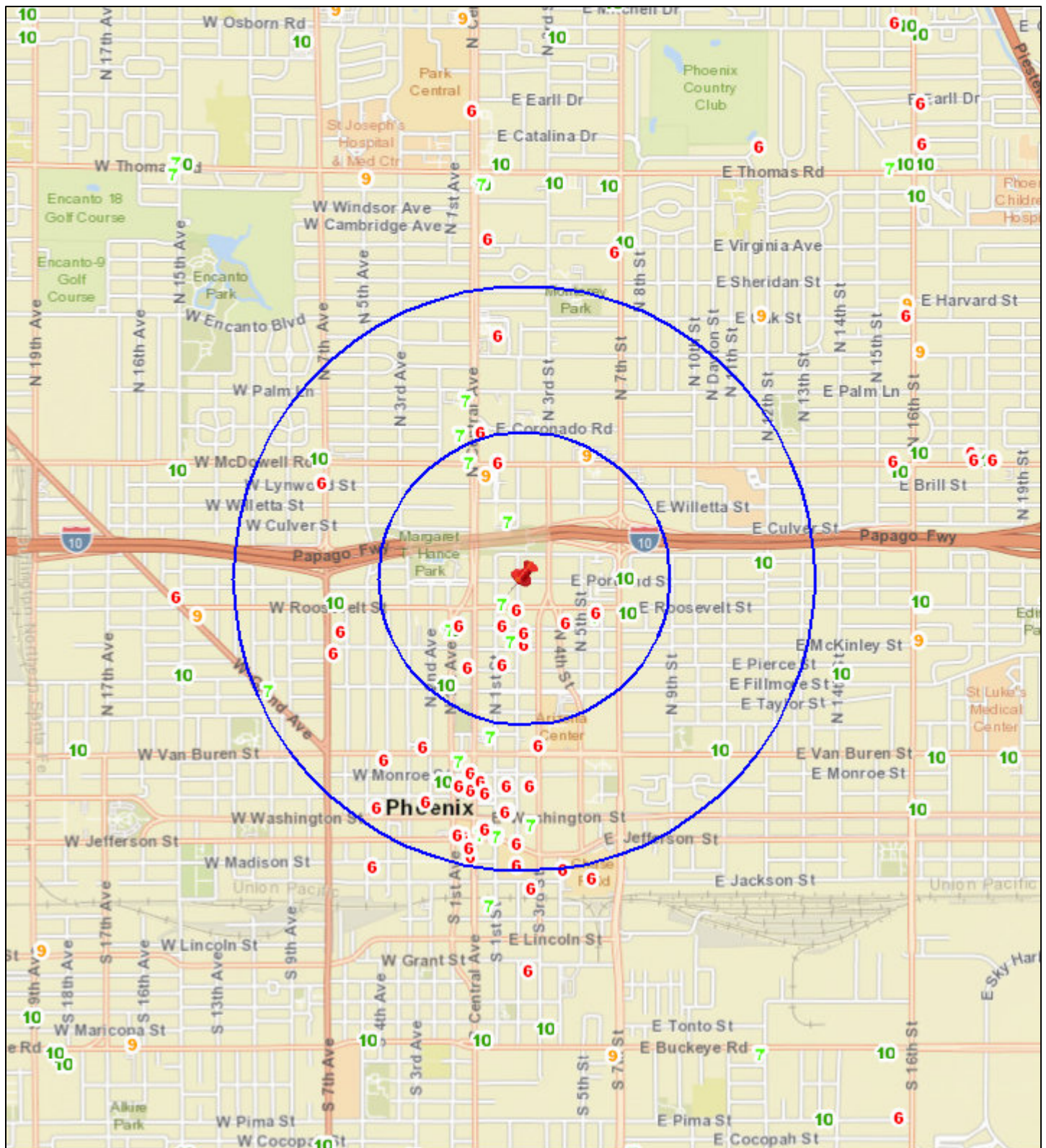
Description	Average	1/2 Mile Average
Parcels w/Violations	61	95
Total Violations	103	141

Census 2010 Data 1/2 Mile Radius

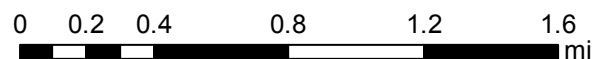
BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1118002	1030	67 %	9 %	17 %
1118004	671	62 %	6 %	6 %
1130001	1218	23 %	16 %	11 %
1130002	873	29 %	21 %	38 %
1131001	1015	7 %	8 %	28 %
1131002	1242	3 %	7 %	33 %
1132021	731	33 %	20 %	74 %
1132022	1257	47 %	29 %	55 %
1132031	1473	30 %	20 %	57 %
1132032	638	28 %	7 %	70 %
Average		61 %	13 %	19 %

Liquor License Map: CHARACTER DISTINCTIVE DINING

218 E PORTLAND ST



Date: 11/20/2020





Liquor License - Helio Basin Brewing Company

Request for a liquor license. Arizona State License Application 1207A767.

Summary

Applicant

Matthew Brown, Agent

License Type

Series 12 - Restaurant

Location

3935 E. Thomas Road

Zoning Classification: C-2

Council District: 8

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

The 60-day limit for processing this application is Jan. 29, 2021.

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

Other Active Liquor License Interest in Arizona

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

Tombstone Brewing Co (Series 3)
107 E. Toughnut St., Tombstone
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

Public Opinion

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

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I am the sole member-manager of Tombstone Brewing Company, LLC, as well as its agent for liquor license number 03023011. We have had no liquor violations since we opened in 2016. I am also a licensed Arizona attorney (State Bar number 025213) and have managed my law practice since 2007. I am familiar with Title 4, ARS, and am committed to running a safe, responsible, lawful business just as I have for the past several years."

Staff Recommendation

Staff recommends approval of this application.

Responsible Department

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



Liquor License - Helio Basin Brewing Company

Request for a liquor license. Arizona State License Application 03073095.

Summary

Applicant

Matthew Brown, Agent

License Type

Series 3 - Microbrewery

Location

3935 E. Thomas Road

Zoning Classification: C-2

Council District: 8

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

The 60-day limit for processing this application is Jan. 29, 2021.

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

Other Active Liquor License Interest in Arizona

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

Tombstone Brewing Co (Series 3)
107 E. Toughnut St., Tombstone
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

Public Opinion

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

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I am the sole member-manager of Tombstone Brewing Company, LLC, as well as its agent for liquor license number 03023011. We have had no liquor violations since we opened in 2016. I am also a licensed Arizona attorney (State Bar number 025213) and have managed my law practice since 2007. I am familiar with Title 4, ARS, and am committed to running a safe, responsible, lawful business just as I have for the past several years."

Staff Recommendation

Staff recommends approval of this application.

Responsible Department

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



Liquor License - Froth Coffee Roasters

Request for a liquor license. Arizona State License Application 128023.

Summary

Applicant

Walter Hirsch

License Type

Series 12 - Restaurant

Location

1447 E. McDowell Road

Zoning Classification: C-2

Council District: 8

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

The 60-day limit for processing this application is Jan. 31, 2021.

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

Other Active Liquor License Interest in Arizona

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

Public Opinion

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

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because: "I am a responsible citizen of the state of Arizona and a former U.S. Marine Corps Major. I have the skill to manage the business and ensuring that we follow all of the rules and regulations by the city and state. We will be good citizens of the community and provide quality products and services in a manner that will enhance the community."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: "Our main focus is to provide the community with delicious coffee and fine food. We feel that the ability to serve spirits will enhance our value to the community by providing a safe quiet atmosphere for them to gather and enjoy themselves. We expect to increase our hours of operation to 8 pm and not become a late night bar or pub."

Staff Recommendation

Staff recommends approval of this application.

Attachments

Liquor License Data - Froth Coffee Roasters

Liquor License Map - Froth Coffee Roasters

Responsible Department

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

Liquor License Data: FROTH COFFEE ROASTERS

Liquor License

Description	Series	1 Mile	1/2 Mile
Bar	6	5	4
Liquor Store	9	6	1
Beer and Wine Store	10	14	6
Restaurant	12	18	3
Craft Distiller	18	1	0

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	40.98	114.25	136.30
Violent Crimes	7.43	46.73	33.43

*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

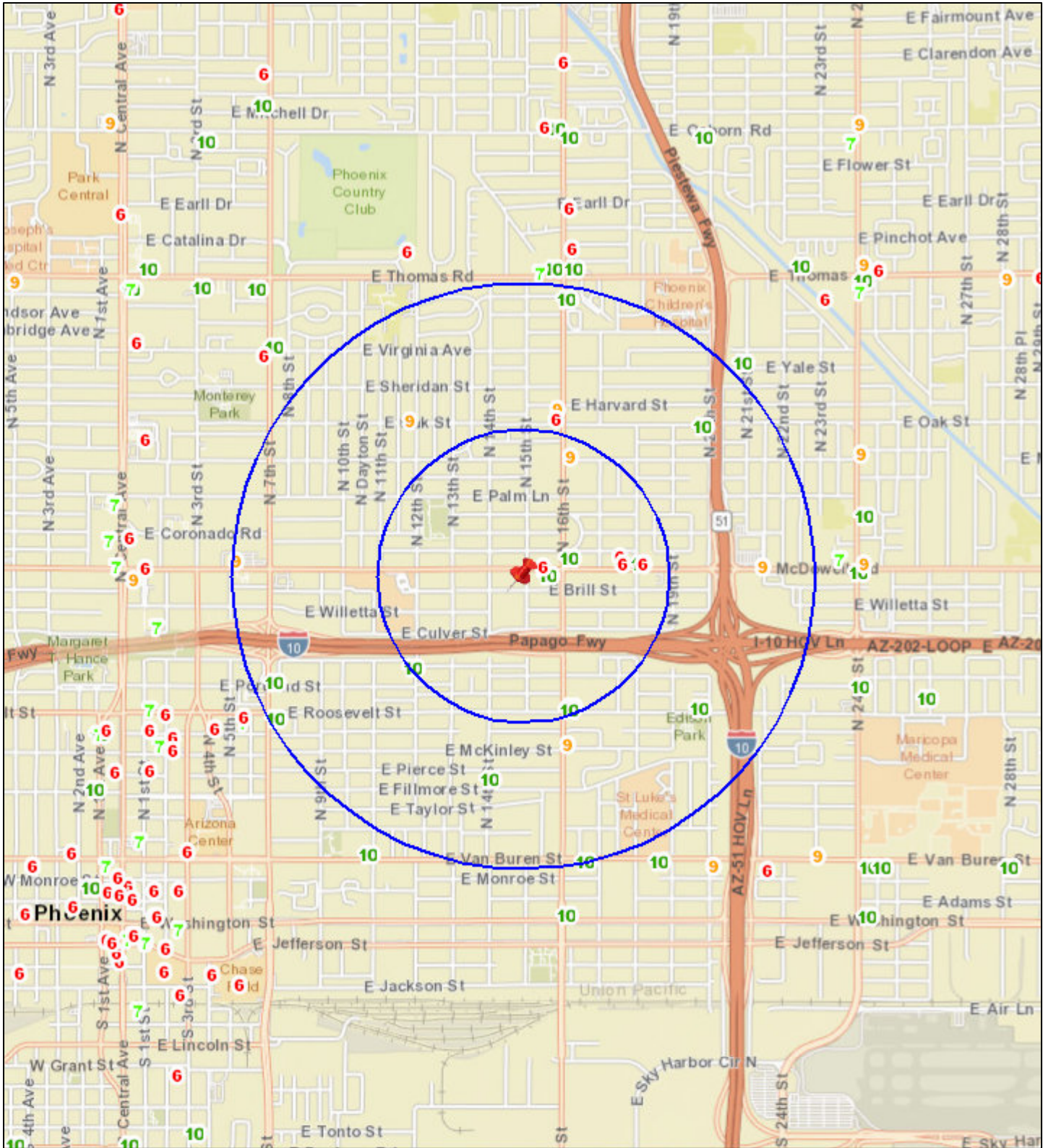
Description	Average	1/2 Mile Average
Parcels w/Violations	61	185
Total Violations	104	334

Census 2010 Data 1/2 Mile Radius

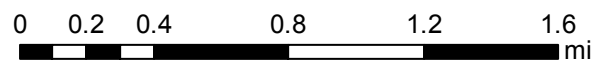
BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1116022	2607	54 %	9 %	61 %
1117002	1243	39 %	12 %	28 %
1117003	1057	64 %	2 %	10 %
1132011	1312	29 %	26 %	48 %
1132031	1473	30 %	20 %	57 %
1132032	638	28 %	7 %	70 %
1133001	2490	40 %	12 %	49 %
1133002	1119	0 %	11 %	91 %
Average		61 %	13 %	19 %

Liquor License Map: FROTH COFFEE ROASTERS

1447 E MCDOWELL RD



Date: 12/4/2020





Liquor License - Real Dollar Store

Request for a liquor license. Arizona State License Application 122868.

Summary

Applicant

Lauren Merrett, Agent

License Type

Series 10 - Beer and Wine Store

Location

1216 S. 7th Ave.

Zoning Classification: C-2, C3

Council District: 8

This request is for a new liquor license for a beer and wine store. This location was not previously licensed for liquor sales and does not have an interim permit. This location requires a Use Permit for package liquor sales.

The 60-day limit for processing this application was Dec. 25, 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:
"The owners are established business owners who meet all requirements set forth in Title 4 for capability and qualifications."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"The customers have requested beer and wine from the opening of this location."

Staff Recommendation

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

Attachments

Liquor License Data - Real Dollar Store
Liquor License Map - Real Dollar Store

Responsible Department

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

Liquor License Data: REAL DOLLAR STORE

Liquor License

Description	Series	1 Mile	1/2 Mile
Bar	6	13	0
Beer and Wine Bar	7	4	0
Liquor Store	9	4	0
Beer and Wine Store	10	10	3
Hotel	11	2	0
Restaurant	12	14	1
Club	14	2	2

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	41.88	17.70	15.07
Violent Crimes	7.59	4.56	5.62

*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

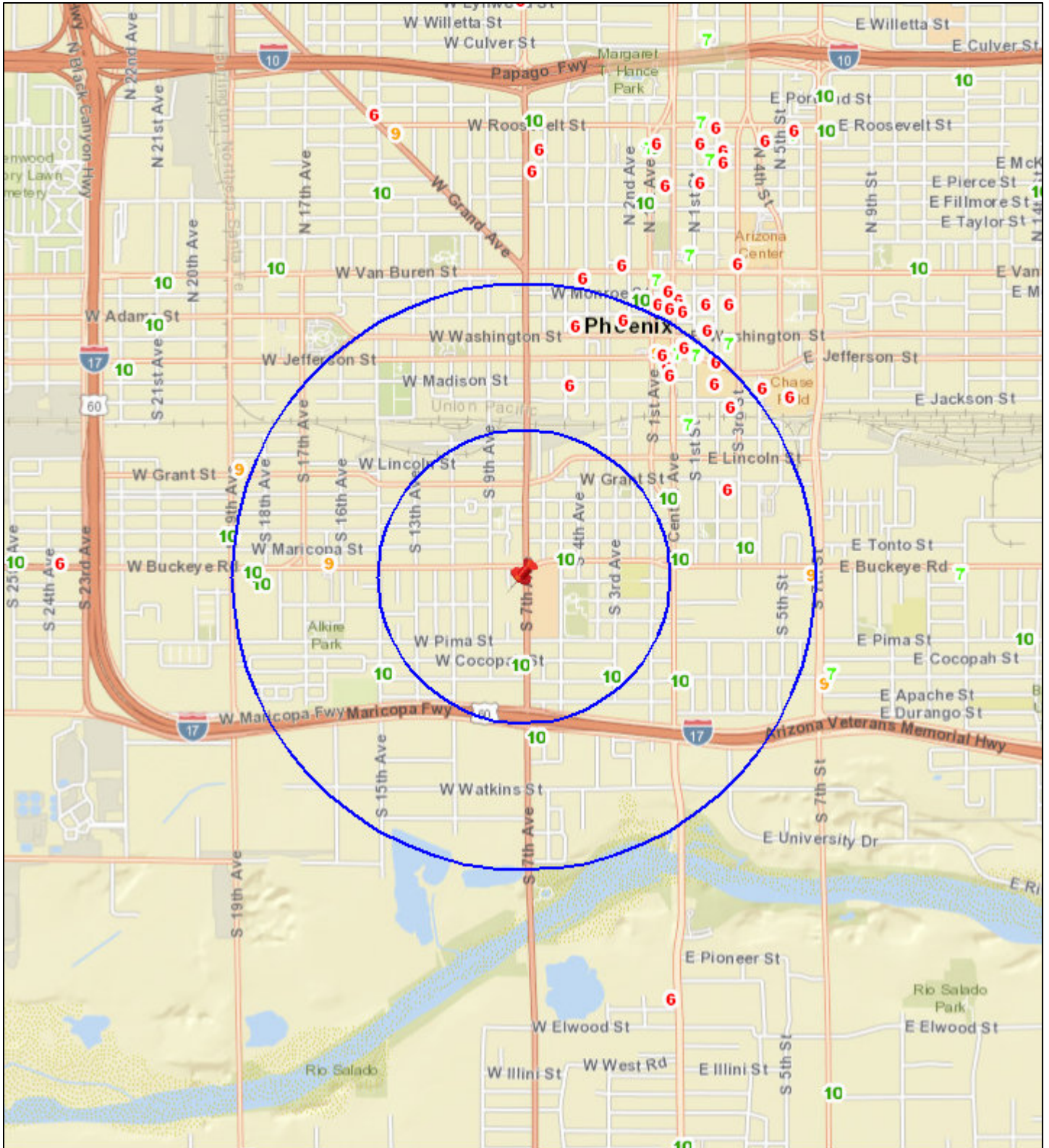
Description	Average	1/2 Mile Average
Parcels w/Violations	62	192
Total Violations	105	310

Census 2010 Data 1/2 Mile Radius

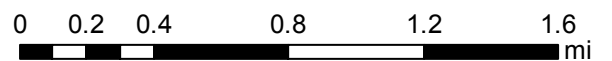
BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1142001	1321	36 %	22 %	50 %
1143021	788	20 %	17 %	66 %
1143022	1689	9 %	31 %	48 %
1148001	1594	64 %	11 %	36 %
1148002	1258	54 %	36 %	42 %
1149001	798	28 %	13 %	57 %
1149002	1742	11 %	3 %	68 %
Average		61 %	13 %	19 %

Liquor License Map: REAL DOLLAR STORE

1216 S 7TH AVE



Date: 11/2/2020



City Clerk Department



Liquor License - Secret Garden by Wedgewood Weddings

Request for a liquor license. Arizona State License Application 109889.

Summary

Applicant

Andrea Lewkowitz, Agent

License Type

Series 12 - Restaurant

Location

2501 E. Baseline Road

Zoning Classification: MUA, MUA HP

Council District: 8

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

The 60-day limit for processing this application was July 13, 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 information is not provided due to the multiple ownership interests held by the

applicant in the State of Arizona.

Public Opinion

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

Applicant's Statement

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

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

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Applicant will provide customized food and beverage service for weddings and events at the Secret Garden. The Secret Garden is a unique historical venue located in the foothills of South Mountain, surrounded by mature trees, gardens, and lawns - perfect for weddings, outdoor dining, family and corporate events. Applicant would like to offer alcoholic beverages to guests 21 and over as an incident to the meals served."

Staff Recommendation

Staff recommends approval of this application.

Attachments

Liquor License Data - Secret Garden by Wedgewood Weddings

Liquor License Map - Secret Garden by Wedgewood Weddings

Responsible Department

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

Liquor License Data: SECRET GARDEN BY WEDGEWOOD WEDDINGS

Liquor License

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

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	36.64	46.62	116.66
Violent Crimes	6.38	3.47	8.17

*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

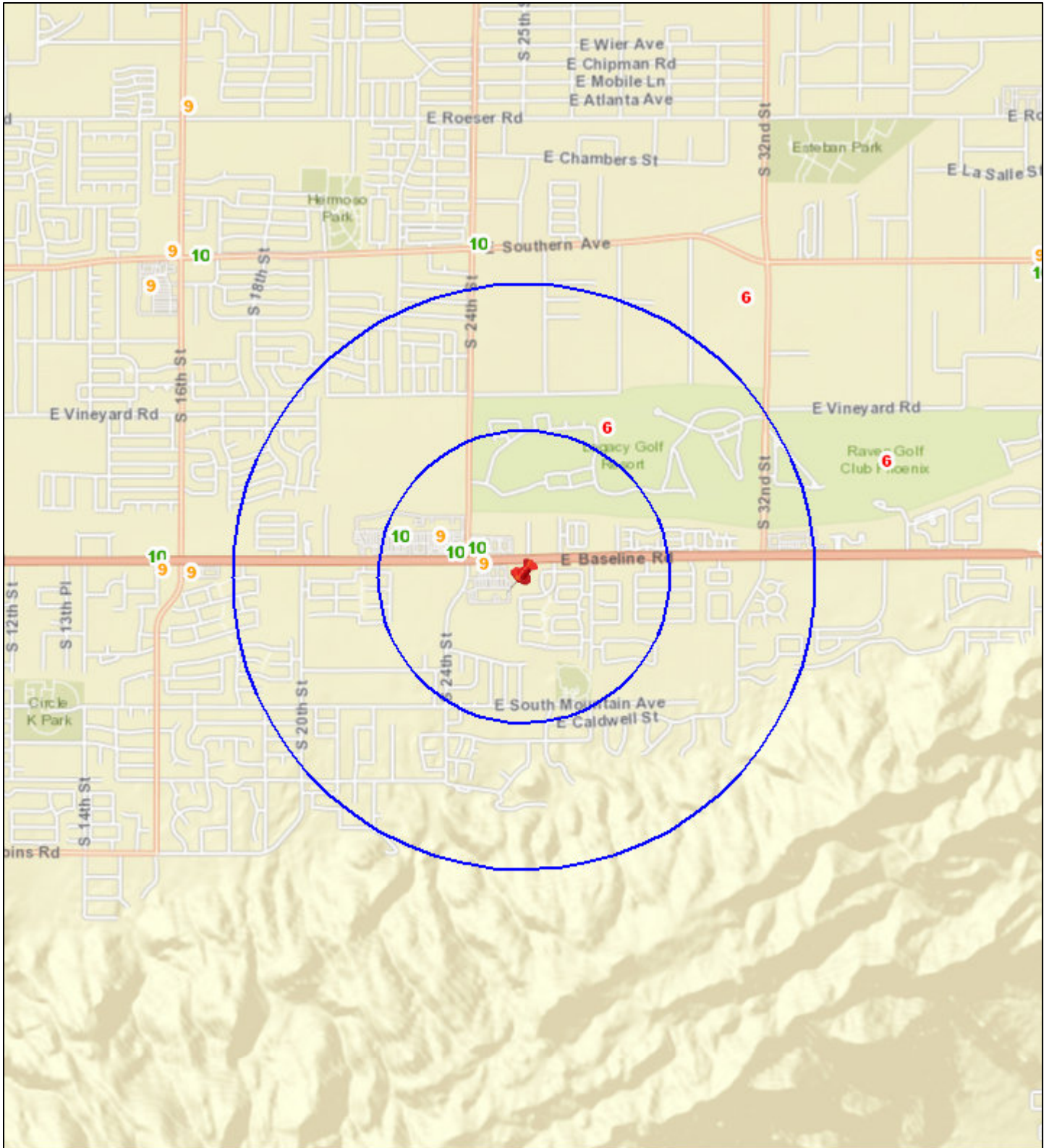
Description	Average	1/2 Mile Average
Parcels w/Violations	63	49
Total Violations	110	71

Census 2010 Data 1/2 Mile Radius

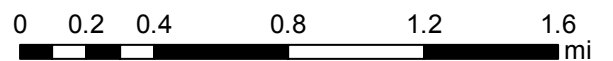
BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1162033	1381	79 %	23 %	5 %
1163003	2181	70 %	10 %	18 %
1167042	2012	71 %	13 %	9 %
1167043	3209	81 %	7 %	0 %
Average		61 %	13 %	19 %

Liquor License Map: SECRET GARDEN BY WEDGEWOOD WEDDINGS

2501 E BASELINE RD



Date: 5/15/2020





Liquor License - Island Vybz Bar & Grill

Request for a liquor license. Arizona State License Application 122569.

Summary

Applicant

Charmaine Anderson

License Type

Series 12 - Restaurant

Location

220 E. Southern Ave., Ste. 1 & 2

Zoning Classification: C-2, C-2 SP SPVTABDO

Council District: 7

This request is for a new liquor license for a restaurant. This location was previously licensed for liquor sales and may currently operate with an interim permit. This location requires a Use Permit to allow outdoor dining and outdoor alcoholic beverage consumption.

The 60-day limit for processing this application is Jan. 12, 2021. However, the applicant submitted a written request for more time.

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

Other Active Liquor License Interest in Arizona

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

Public Opinion

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

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because: "My family has successfully ran "Denise Jerk Hut" in Kingston, Jamaica for which 15 years, the restaurant sold traditional Jamaican foods and spirits. I ran the Denise's as operation manager for 3 years before emigrating to America, this consisted of vendor management, personnel and payroll management as well as season marketing themes. Prior to this growing up in the restaurant business I played the following roles: dishwasher, prep ched, delivery, and sou chef."

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

"We are promoting diversity through our location which doesnt have varied restaurant options Island Vybz Bar and Grill will transport you to a Jamaican Oasis were laid back music, great food and island vybz are abound."

Staff Recommendation

Staff recommends disapproval of this application based on a Police Department recommendation for disapproval. The Police Department disapproval is based on concerns with possible hidden ownership and failure to meet the criteria for a restaurant as outlined in Arizona Revised Statutes - Title 4. The applicant has not demonstrated the capability, qualifications and reliability to hold and control a liquor license.

Attachments

Liquor License Data - Island Vybz Bar & Grill

Liquor License Map - Island Vybz Bar & Grill

Liquor License Police Department Recommendation - Island Vybz Bar & Grill

Responsible Department

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

Liquor License Data: ISLAND VYBZ BAR & GRILL

Liquor License

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

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	40.27	110.42	150.63
Violent Crimes	7.26	22.92	29.61

*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

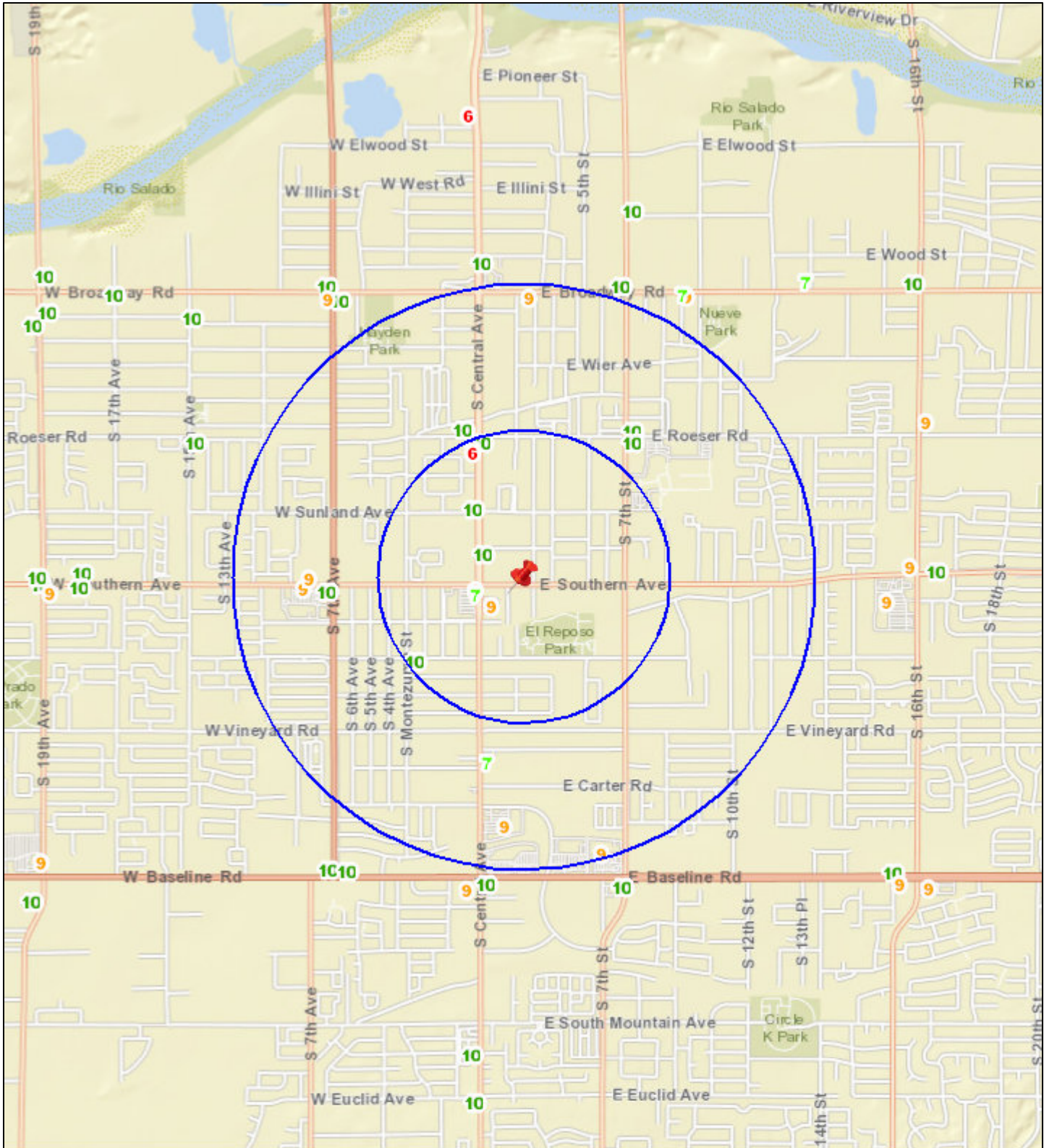
Description	Average	1/2 Mile Average
Parcels w/Violations	61	80
Total Violations	103	172

Census 2010 Data 1/2 Mile Radius

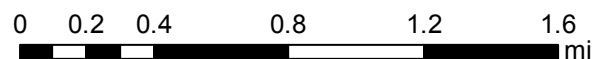
BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1158011	2230	38 %	18 %	36 %
1158012	1837	18 %	26 %	65 %
1158021	1871	53 %	7 %	47 %
1158022	1536	47 %	17 %	24 %
1159002	2720	55 %	22 %	30 %
1164002	1297	61 %	28 %	15 %
1165001	1778	66 %	2 %	27 %
1165003	1504	65 %	6 %	15 %
Average		61 %	13 %	19 %

Liquor License Map: ISLAND VYBZ BAR & GRILL

220 E SOUTHERN AVE



Date: 11/19/2020



City Clerk Department

Police Department Liquor License Disapproval Recommendation

Application Information

Business Name	Island Vybz Bar & Grill, LLC	District	7
Business Location	220 E. Southern Avenue, Suite 1 & 2		
Applicant Name	Charmaine Anderson	Series Type	12

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

A.R.S. 4-203.A states “A spirituous liquor license shall be issued only after satisfactory showing of the capability, qualification and reliability of the applicant...”

Upon review of the liquor application and questionnaire for Island Vybz Bar & Grill, discrepancies were found which needed to be investigated further.

The discrepancies were as follows:

Ms. Charmaine Anderson completed the state liquor application and listed herself as the controlling person, no other applicants were identified. During an interview with her, she stated that her brothers, Robert and Radcliff Stewart, own the restaurant. Ms. Charmaine Anderson failed to disclose Mr. Robert Stewart and Mr. Radcliff Stewart on her state application and admitted that she was given partial ownership to apply for their liquor license. It should be noted that Mr. Radcliff Stewart completed a previous liquor application and the police department recommended denial based on multiple issues that have not been resolved.

During the prior interview with Mr. Robert Stewart he provided his biographical information. During a background investigation into Robert Stewart it was found that he has a felony conviction out of the Maricopa County Superior Court, with a conviction date of 10/01/19 (case #CR2014-1156080-001). Per A.R.S. 4-202.D Robert Stewart would be ineligible to own a liquor license due to his felony conviction.

Upon a visual review of the restaurant, it was found that six of the seventeen tables are hi-top bar tables and there are thirteen bar stools around the bar. This type of seating is more consistent with a bar than a restaurant.

Ms. Charmaine Anderson submitted the requisite Restaurant Operation plan with her state liquor application. Question 6 on this plan asks, “Does your restaurant have a bar area that is distinct and separate from the dining area?” She marked, “yes”. The question continues and asked for a percentage of “public floor space” and she wrote “90%”. Question 7 asks, “What percentage of your public premises is used for restaurant dining? (Do not include kitchen, bar, hi-top tables or game area)” and she wrote “10%”. Question 8 asks, “Does your restaurant contain any games, televisions, or any other entertainment? If yes, specify what types and how many (examples 4-TV’s, 2 Pool Tables, 1 video Game etc.)”. Ms. Charmaine Anderson checked the box marked, “Yes”, and clarified that there will be 6-TV’s.

For live entertainment, she indicated that a DJ would be used twice a month. Upon review of the restaurant’s social media, several posts and videos were found for their “DJ” nights. The posts show that a cover charge was needed to gain entry. The videos showed that the tables for the restaurant are moved out of the restaurant space. The patrons are seen dancing to the music, and it appears to be a music concert. There are no patrons seated at tables having a meal. The videos show the restaurant has a “nightclub” type atmosphere. These activities describe a bar not a restaurant.

LIQUOR LICENSE DISAPPROVAL FORM

Police Department Liquor License Disapproval Recommendation

Application Information

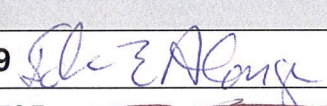
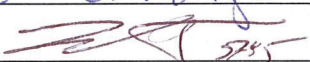
Business Name	Island Vybz Bar & Grill, LLC	District	7
Business Location	220 E. Southern Avenue, Suite 1 & 2	Series Type	12
Applicant Name	Charmaine Anderson		

The name of the establishment Island Vybz Bar & Grill promotes the restaurant as a bar and not as a restaurant. There are alcohol advertisements on the windows next to the front door, which is consistent with a bar, not a restaurant.

Upon review, the Series 12 Restaurant license is not the appropriate license type. Based on responses, the establishment more closely reflects a bar which requires a Series 6 Bar license. In addition, Ms. Charmaine Anderson, the only person listed shows no experience owning or operating a business as described.

Due to the incomplete application, undisclosed owners and general lack of experience managing or owning a restaurant or bar, Ms. Charmaine Anderson has not proven to be reliable, capable, or qualified to hold a liquor license. The Police Department recommends the license be denied because it is not in the best interest of the surrounding community or the City of Phoenix.

This recommendation for disapproval is submitted by: Det. Jared Smart

SIGNATURES	
Administrative Licensing Investigator	I Alonge A4289 
Liquor Enforcement Detail Supervisor	Sgt. M. Doty 5785 



PAYMENT ORDINANCE (Ordinance S-47238) (Items 14-16)

Ordinance S-47238 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.

14 Sky Construction & Engineering, Inc.

For \$10,500.00 in payment authority to provide ongoing maintenance, bi-annual systems testing, cleaning, and efficiency reports of the Photovoltaic (solar) systems at the Burton Barr Central Library for the Public Works Department. There are currently 84 panels installed on the library's covered parking structure. Solar panel efficiency diminishes when dirt and dust buildup become excessive. Cleaning and testing of the system will help keep the solar panels operating at their peak performance levels, providing more power and optimum efficiency.

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

For \$10,173.00 in payment authority to remove and reinstall 1,800 linear feet street light wiring and conductors at the intersection of Broadway Road and 51st Avenue for the Street Transportation Department. Work includes de-energizing and re-energizing 10 streetlights per City Project ST85100371-1.

16 Low Mountain Construction, Inc.

For \$43,381.00 in additional payment authority for Agreement 152339, for Change Order 1, Project 8640600010 for the Edison Park Activity Hub Project for the Housing Department. The additional funds include a partial

redesign of the ramada structures, stage roofs, and substructures due to constructability issues and to cover the extension of the project schedule. The change order includes extra work in materials and shop drawings to provide the modified ramada design and painting, costs for extended general conditions, and a credit back for removing the powder coating. The items were enhancements to the original design, necessary to meet code compliance and improve life safety issues. The project will use federal Housing and Urban Development funds. No General Funds are being used.



Proposed Old West Trail Right-of-Way Annexation (Ordinance S-47247)

An ordinance extending and increasing the corporate limits of the City of Phoenix, Arizona, pursuant to the provisions of Arizona Revised Statutes, Section 9-471(N), by annexing a certain tract of land contiguous to and not embraced within the present limits of the City of Phoenix, contingent upon the approval by the Maricopa County board of Supervisors, designated as Old West Trail Right-of-Way Annexation, No. 509.

Summary

This annexation process will be in accordance with Arizona Revised Statutes, Section 9-471(N) which provides that the annexation of County right-of-way may be accomplished by the mutual consent of the governing bodies of the County and City. When the proposed annexation is approved by both bodies at public meetings, and both actions become effective, the annexation is complete.

Location

This requested annexation of right-of-way is for the unincorporated right-of-way on 43rd Avenue from approximately 145 feet south of Old West Trail to approximately 810 feet north of Old West Trail and 65 feet wide, as recommended by the City of Phoenix Street Transportation Department. The area being annexed (**Attachment A**) is approximately 1.67 acres (0.0026 square miles).

Council District: 1

Responsible Department

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

Attachment A

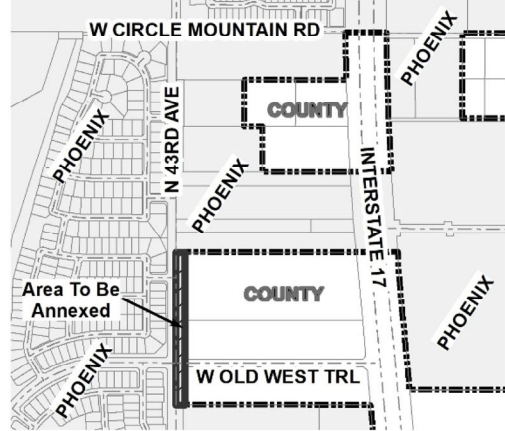
ANNEXATION MAP OLD WEST TRAIL



City of Phoenix

LEGAL DESCRIPTION
SECTION 10 T. 6 N., R. 2 E.,
G. & S. R. B. & M.

VICINITY MAP

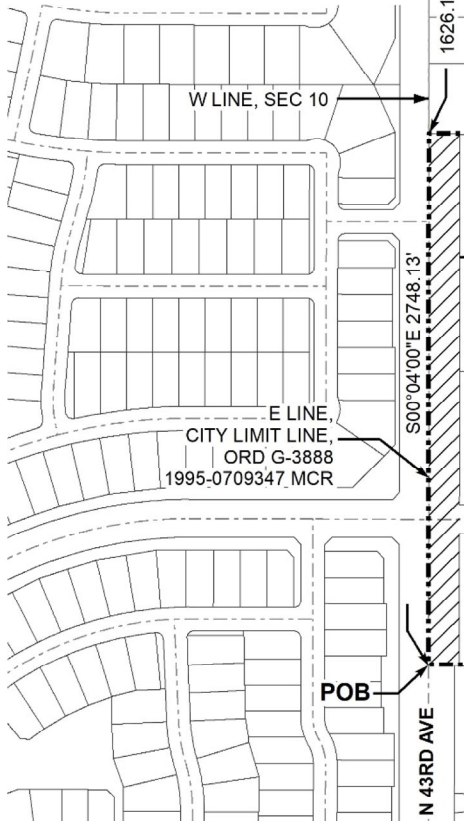


ANNEXATION NUMBER: XXX

AREA IN SQUARE MILES
0.00261

NW COR, SEC 10

W CIRCLE MOUNTAIN RD



1626.13'
S00°04'00"E 2748.13'

S LINE,
CITY LIMIT LINE,
ORD G-4913
2007-0665330 MCR

W LINE, SEC 10

E LINE, W 65',
SEC 10

E LINE,
CITY LIMIT LINE,
ORD G-3888
1995-0709347 MCR

INTERSTATE 17

W OLD WEST TRL

POB

N LINE,
CITY LIMIT LINE,
ORD G-4731
2005-1290354 MCR

N 43RD AVE

Legend

- Area To Be Annexed
- Existing City Limits





Grant of Irrigation Easement to Salt River Project for McClellan Ranch at Dobbins Road and 67th Avenue (Ordinance S-47250)

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

Summary

The irrigation easement is required to connect to SRP's existing irrigation lines and ditch located along Dobbins Road at 67th Avenue for irrigation flow to accommodate the McClellan Ranch single-family housing development at the northwest corner of 67th Avenue and Dobbins Road. The easement is triangular in shape and consists of approximately 489 square feet.

Financial Impact

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

Location

Along Dobbins Road, west of 67th Avenue
Council District: 7

Responsible Department

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



Acceptance of an Easement for Drainage Purposes (Ordinance S-47254)

Request for the City Council to accept an easement for drainage; further ordering the ordinance recorded.

Summary

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

Easement (a)

Applicant: Copart of Arizona, Inc., its successor and assigns

Purpose: Drainage

Location: 24125 N. 7th Ave.

File: FN 200582

Council District: 1

Responsible Department

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



Acceptance and Dedication of Deeds and Easements for Roadway, Sidewalk, Public Utility and Bus Pad Purposes (Ordinance S-47252)

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

Summary

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

Deed (a)

Applicant: Copart of Arizona, Inc., its successor and assigns
Purpose: Roadway
Location: 24125 N. 7th Ave.
File: FN 200582
Council District: 1

Easement (b)

Applicant: Copart of Arizona, Inc., its successor and assigns
Purpose: Sidewalk
Location: 24125 N. 7th Ave.
File: FN 200582
Council District: 1

Deed (c)

Applicant: KFH 7th & Roma, LLC, its successor and assigns
Purpose: Roadway
Location: 4433 N. 7th St.
File: FN 200598
Council District: 4

Easement (d)

Applicant: NASS 3 Property, LLC, its successor and assigns

Purpose: Sidewalk
Location: 6655 W. Indian School Road
File: FN 200588
Council District: 5

Easement (e)

Applicant: Robert W. Proctor and Loretta Sheryl Proctor, its successor and assigns
Purpose: Public Utility
Location: 1275 W. Broadway Road
File: FN 200609
Council District: 7

Deed (f)

Applicant: QTS Investment Properties Phoenix, LLC, who acquired title as Phoenix Retail Co., LLC, its successor and assigns
Purpose: Bus Pad
Location: 1200 N. 40th St.
File: FN 200590
Council District: 8

Responsible Department

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



Vacation of Right-of-Way - Along West Van Buren Street, East of North 9th Avenue (Resolution 21890)

Applicant: Parks and Recreation Department

Request: To vacate certain dedicated right-of-way upon which the Capitol Mall Building (Building) is located, on the southwest corner of North 9th Avenue and West Van Buren Street, for the purposes of enabling a sale process for the Building.

Date of Hearing: N/A. Pursuant to Phoenix City Code Section 31-64, right-of-way determined to no longer be necessary may be presented to the City Council for vacation.

Summary

In January 2020, staff requested and received Parks and Recreation Board approval to proceed with the necessary steps for selling the Building. The Building is currently unoccupied and has numerous facility deficiencies. No funds are currently budgeted in the Parks and Recreation Department's five-year Capital Improvement Program for the repairs and improvements needed to make the Building safe and suitable for use.

In discussions with the Planning and Development as well as the Finance departments, it was determined that the Building is located within a dedicated right-of-way. This conclusion is supported by the historical record, including a recently-discovered 1996 memo from then-Parks and Recreation Director Jim Colley that stated the Woodland Parkway property is legally right-of-way that has been maintained by the Parks and Recreation Department since approximately 1930. Planning and Development staff did not locate any abandonments of the right-of-way where the Building and Woodland Parkway are located. As such, it is staff's professional opinion that the right-of-way must be vacated for an Assessor Parcel Number (APN) to be assigned and the Building to be saleable.

The Law Department has reviewed the matter and concluded that the result of vacation of the right-of-way would be that the City would take fee title to the vacated road. The City technically owns the fee title to the roads, dedicated per plat in 1897; and therefore, the fee title would vest to the City following the conclusion of the vacation process.

Pursuant to Phoenix City Code Section 31-64, the Street Transportation Department may make a determination that right-of-way is no longer necessary and present it to the City Council for vacation. The Street Transportation Department is supporting the Parks and Recreation Department's request to vacate the right-of-way in question to enable the proposed sale of the Building.

Once the right-of-way is vacated, staff can work with the Maricopa County Assessor to assign an APN as reflected in **Attachment A**. A separate item is being prepared by the Real Estate Division of the Finance Department for City Council approval to proceed with a brokered sale process for the building.

Location

Along West Van Buren Street, East of North 9th Avenue
Council District: 7

Financial Impact

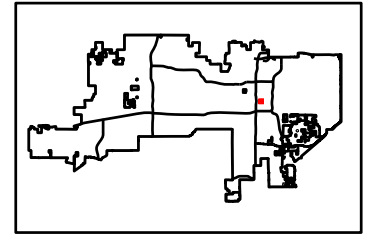
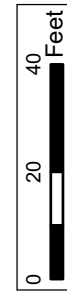
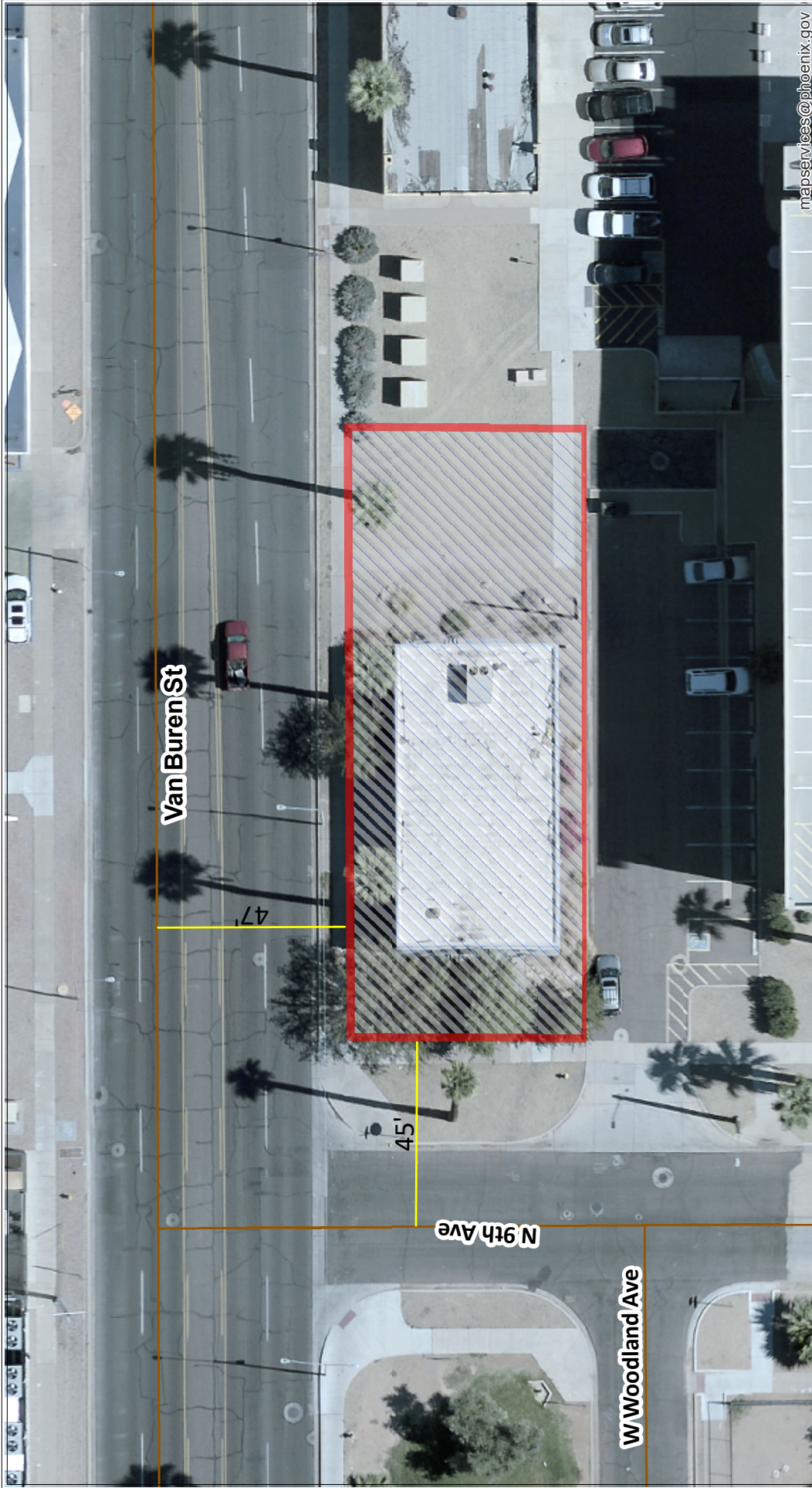
No impact to the General Fund from the vacation of the right-of-way. Funds from the sale of the Building would be deposited into the Phoenix Parks and Preserves Initiative (PPPI) fund.

Concurrence/Previous Council Action

The Land Use and Livability Subcommittee recommend to approve vacation of the right-of-way upon which the Building is located, as well as approval for a declaration of restrictive covenant and sale process for the Building on Nov. 18, 2020, by a vote of 4-0.

Responsible Department

This item is submitted by Deputy City Managers Inger Erickson and Mario Paniagua and the Parks and Recreation and Street Transportation departments.



Capitol Mall/Armory Building Proposed Parcel
747 W Van Buren St





Authorization to Sell City-Owned Property Located at 747 W. Van Buren St. (Ordinance S-47253)

Request to authorize the City Manager, or his designee, to sell a City-owned property located at 747 W. Van Buren St. via City-contracted broker. Further request authorization for the City Treasurer to accept all funds related to this item.

Summary

The one-story building, adjacent to Woodland Parkway, consists of approximately 2,600 square feet. The building, previously used by the Capitol Mall Association, is currently unoccupied and has been deemed excess by the Parks and Recreation Department. The property is located within right-of-way to be vacated by resolution of the City Council. The site is roughly 9,000 square feet with the final site size to be determined after the right-of-way is vacated.

The property will be advertised on the open market by a City contracted broker at market value to be determined by an appraisal, broker's opinion of value or other valuation method accepted by the City. Further requesting authorization to negotiate with offeror(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 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.

Financial Impact

Revenue will be reflective of market value. Funds from the sale will be deposited into the Phoenix Parks and Preserves Initiative (PPPI) fund.

Concurrence/Previous Council Action

The Land Use and Livability Subcommittee recommended City Council approval of this item on Nov. 18, 2020, by a vote of 4-0.

Location

Council District: 7

Responsible Department

This item is submitted by Deputy City Manager Inger Erickson and the Parks and Recreation and Finance departments.



Authorization to Amend Lease with Domino's Pizza, LLC to Extend Term (Ordinance S-47245)

Request to authorize the City Manager, or his designee, to amend Agreement 130746 with Domino's Pizza, LLC to extend the lease term for a three-year period plus two additional one-year options. Further request to authorize the City Treasurer to accept all funds related to this item.

Summary

Domino's Pizza, LLC leases approximately 1,495 square feet of interior space located on City-owned property controlled by the Public Transit Department at 1945 W. Dunlap Ave., Suite #205. The current contract term expires April 30, 2021. The contract will be amended to extend the term for a three-year period plus two additional one-year options to extend. Base rent during the initial one-year extension is \$1,557.29 per month, plus applicable taxes, which is within the range of market rents as determined by the Real Estate Division. The base rent will increase three percent each year thereafter. Each option period will be exercised upon mutual agreement of the City and tenant. Domino's Pizza is a long-term tenant in good standing.

Financial Impact

Revenue during the first year of the initial three-year extension period will be \$18,687.48 per year, plus applicable taxes.

Concurrence/Previous Council Action

The City Council approved:

- Agreement 130746 (Ordinance S-35376) on Aug. 28, 2008;
- Amendment to Agreement 130746 (Ordinance S-37261) on July 7, 2010; and
- Amendment to Agreement 130746 (Ordinance S-40154) on Aug. 28, 2013.

Location

1945 W. Dunlap Ave., Suite 205
Council District: 5

Responsible Department

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



Additional Expenditures for Vehicle Wash Services - Requirements Contract - IFB 19-141 (Ordinance S-47257)

Request to authorize the City Manager, or his designee, to allow additional expenditures under Contracts 150872, 150873, 150874, 150875, 150881, and 150882 with True Blue Car Wash LLC, 2831 Indian School LLC dba Rinse n Ride, Uptown Self-Serve LLC dba Weiss Guys Express Wash, PacWest Energy LLC dba Jacksons Car Wash, Foothills Car Wash LLC, and US Metro Center Phoenix LLC dba Ultra Suds Car Wash, for the purchase of vehicle wash services for citywide use. Further request authorization for the City Controller to disburse all funds related to this item. The additional expenditures will not exceed \$365,000.

Summary

These contracts provide vehicle washing services, including labor, cleaning supplies, materials, equipment, and supervision necessary to clean City cars, trucks, SUVs, cargo and passenger vans, Police Department mobile command and specialty Humvee-type vehicles. Services include automated, interior, exterior, and hand wash services. Additional funds are needed due to usage that has been higher than anticipated. Because of COVID-19, City Departments have increased the frequency in which their department-owned vehicles are washed, to ensure cleanliness for all employee users of the City's vehicles. Additionally, the Police Department has increased its fleet of vehicles by 200 cars since these contracts were executed on Oct. 1, 2019.

Contract Term

The contract term is Oct. 1, 2019 through Sept. 30, 2024.

Financial Impact

Upon approval of \$365,000 in additional funds, the revised aggregate value of these contracts will not exceed \$965,000. Funds are available in the various departments' budgets.

Concurrence/Previous Council Action

This contract was originally approved by City Council on Aug. 28, 2019.

Responsible Department

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



Authorization to Apply, Accept, Disburse Funds and Enter into Agreements for Vitalyst Systems Change Grant (Ordinance S-47255)

Request approval for the City Manager, or his designee, for the City of Phoenix Office of Environmental Programs to submit a grant application to the Vitalyst Health Foundation for a \$175,000 Systems Change grant to strengthen the local food system through creation of a Community Food Network, and if awarded, to execute all contracts and Memorandums of Agreement (MOA) necessary to accept and disburse the grant funds. Further request to authorize the City Treasurer to accept, and the City Controller to disburse, grant funds in accordance with the terms of the aforementioned grant and agreement.

Summary

The Vitalyst Health Foundation Systems Change Grants are available to catalyze collaborative work that transforms systems through changes to policies and practices to improve the health of communities. Up to \$175,000 is available over a three-year grant period. The grant criteria are focused on a policy or practice change, intersection of two or more elements of a healthy community, identification of the system where the change will occur, and defined partners to select the policy/practice change.

The Coronavirus pandemic has brought to light the inadequacies and fragility of our existing local food system and the immediate need for resilience in growing, processing, and distribution. The Office of Environmental Programs (OEP) submitted a Letter of Intent to Vitalyst on Oct. 30, 2020 and received an invitation to submit a full proposal on Dec. 7, 2020, along with only four other organizations. The grant proposal is for \$175,000 to foster a resilient local food system through the development of a county-wide *Community Food Network*. A *Community Food Network* connects, empowers, and creates economic opportunities and access to healthy, affordable food for all participants in the local food system from growing, processing, distributing, selling, eating, food rescue and waste. The local food system is defined as within the boundaries of Maricopa County with Phoenix at the core as the largest and most populous city. Phoenix would benefit from creation of a *Community Food Network* through increased economic opportunities such as new job creation and investment, a stronger supply chain, and market innovation that results in lower prices and greater availability of local products for consumers, particularly vulnerable populations affected

by food apartheid/food deserts. Health outcomes are addressed by providing greater and equitable access to locally grown (and processed) food.

Phoenix is leading the way to improve access to healthy food through goals established in our comprehensive general plan, PlanPHX, in our 2050 Environmental Sustainability goals, and in the recently approved 2025 Phoenix Food Action Plan. The 2025 Phoenix Food Action Plan contains a goal for development of a resilient food system with policies and actions that address local and global challenges posed by climate change, urbanization, political and economic crises, population growth and other factors.

The grant funding would be used for the following activities:

- Convenings with local food producers and other food system stakeholders to provide guidance and recommendations on the elements of the *Community Food Network*. Stakeholders include, but are not limited to wholesale/retail sales, processors, distributors/aggregators, consumers, municipal and institutional leaders, and residents representing marginalized communities impacted by food insecurity;
- Education and training to food producers and aggregators in business and marketing planning and/or individuals desiring to enter the market;
- Research and support for data collection and analysis; and
- Connections to nonprofits and the private sector to foster entrepreneurship and innovation.

The grant will be managed by the OEP in coordination with the Community and Economic Development (CED) Department, who have been actively working with OEP on several food initiatives. CED has included a Food System Entrepreneurship & Innovation strategy within their 2020-21 Economic Development Strategic Action Plan and this grant complements those strategic objectives.

The grant proposal deadline is Jan. 22, 2021. Award announcements are expected in April 2021.

Contract Term

The grant term is for up to three years.

Financial Impact

No match or General Fund dollars are required for this grant.

Responsible Department

This item is submitted by Deputy City Manager Karen Peters, the Office of Environmental Programs and the Community and Economic Development Department.



Authorization to Sell City-owned Modular Building Located at Alfred F. Garcia Elementary School Campus (Ordinance S-47251)

Request to authorize the City Manager, or his designee, to sell a City-owned modular building via direct sale to the entity purchasing the school campus. Further request authorization for the City Treasurer to accept all funds related to this item.

Summary

The Human Services Department has identified a modular building that is no longer needed and is appropriate for sale. The modular building is located on the Alfred F. Garcia Elementary School campus in the Murphy Elementary School District. The City purchased this building in 2003 to provide more Head Start classrooms in the Murphy Elementary School District. Head Start children occupied this building until December 2017 when environmental hazards were identified.

This school campus was permanently closed in January 2018, and the district is pursuing a sale of the campus. Staff has determined that it is cost prohibitive to move the modular building and recommends disposal to the entity purchasing the school campus. The modular building is considered personal property and will be conveyed via bill of sale.

Financial Impact

The Head Start Birth to Five Program received approval for the sale of this modular building on Dec. 15, 2020 from the U.S. Department of Health and Human Services, Administration for Children and Families, allowing the proceeds, which are subject to federal interest, to be used to pay rent for classroom space in a different Head Start classroom in the Murphy Elementary School District. Revenue will be based on appraised value.

Concurrence/Previous Council Action

The Head Start Birth to Five Policy Council approved this item on Feb. 10, 2020.

Location

Alfred F. Garcia Elementary School, 1441 S. 27th Ave.
Council District: 7

Responsible Department

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



Authorization to Enter into Development Agreement with Kroger Company (Ordinance S-47239)

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 Kroger Company for the development of an automated online grocery fulfillment center in Phoenix. Further request the City Controller to disburse funds in an amount not to exceed \$692,000 with this action. Funding is available in the Strategic Economic Development Fund.

Summary

After a search involving multiple states and regions, Kroger Company (Kroger) and Ocado Solutions (Ocado) expressed a desire to expand their operations into Phoenix. This unique partnership includes Kroger Company, known as Fry's Food Stores, in the local market. Kroger, established in 1883, is the nation's largest supermarket by revenue and second largest general retailer. Ocado, a British online supermarket, is the world's largest dedicated online grocery retailer. Ocado has no chain of stores and does all home deliveries from warehouses. Ocado has made advances in robotics technology and is considered a leader in the online grocery industry. The Kroger-Ocado partnership started in 2018 when they announced their intent to deliver 20 automated customer fulfillment facilities in the U.S.

This expansion will result in an \$89 million capital investment by Kroger for construction of an approximately 222,850 square foot building. The Kroger operations in Phoenix will result in up to 692 new jobs to be phased in during Fiscal Year 2022-23 through 2025-26, with an average annual base salary of \$44,000.

The City recognizes the resulting substantial economic impacts to the City and region from the Kroger expansion into Phoenix. This innovative technology will deliver fresh food quickly and accurately, and streamline grocery supply chains. To remain competitive on an international level and ensure innovative technology positions are created in Phoenix, the terms of a Development Agreement (DA) are as follows:

- Kroger agrees to expand into the City with the development of an automated customer fulfillment facility in Phoenix.

- Kroger intends to create up to 692 total new jobs within five years of entering into the DA. The City realizes 692 jobs is a program model estimate and is not contingent upon the exact total job creation nor is contingent upon the jobs created by each company.
- The City will provide \$1,000 to Kroger for each net new employee earning an annual wage exceeding \$44,000 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 Kroger from working with the City's Workforce Innovation Opportunity Act 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 \$692,000 over a four-year period. Funding is available in the Strategic Economic Development Fund.

Location

Kroger is conducting due diligence for locations within Phoenix and a site will be identified before entering into a Development Agreement.

Responsible Department

This item is submitted by Deputy City Manager Jeff Barton and the Community and Economic Development Department.



Phoenix Business and Workforce Development Board Memorandum of Understanding and Infrastructure Funding Agreement (Ordinance S-47240)

Request to authorize the City Manager, or his designee, to approve the Workforce Innovation and Opportunity Act (WIOA) Phoenix Business and Workforce Development (PBWD) Board Memorandum of Understanding (MOU) and Infrastructure Funding Agreement (IFA) with the ARIZONA@WORK City of Phoenix Workforce System Partners (Partners). The City will receive approximately \$717,354 in funds from the Partners, to be incorporated into the City's WIOA budget, and the City will be responsible for expenditures in an amount not to exceed \$1,345,164 over the three-year term of the agreements. Further request authorization for the City Treasurer to accept, and for the City Controller to disburse all funds related to this item. There is no impact to the General Fund.

Summary

The WIOA section 121(c)(1) requires the PBWD Board, with the agreement of the Chief Elected Official, to develop and enter into a MOU between the Board and the Partners identified below:

- WIOA Title I Adult, Dislocated Worker and Youth Programs (City of Phoenix Human Services Department), Native American Programs (Phoenix Indian Center)
- WIOA Title II Adult Education and Literacy Act, Literacy Volunteers of Maricopa County
- WIOA Title III Wagner Pyser, Arizona Department of Economic Security, Employment Services
- WIOA Title IV Vocational Rehabilitation, Arizona Department of Economic Security, Rehabilitation Services Administration
- WIOA Title V Senior Community Service Employment Program, AARP Foundation
- U.S. Department of Housing and Urban Development (City of Phoenix Housing Department)
- Trade Adjustment Assistance and Jobs for Veterans State Grants, Arizona Department of Economic Security, Employment Services

The MOU is an agreement relating to the operation of the workforce system in the City of Phoenix. The PBWD Board develops the MOU through local discussion and negotiation, and executes the agreement between the Board, the Mayor, and the Partners.

The MOU contains a plan for how the PBWD Board and Partners will fund 1) shared costs between the Partners and 2) the infrastructure costs of the one-stop centers.

Shared costs are common operating costs and communal services necessary for the general operation of the ARIZONA@WORK City of Phoenix Job Centers and Affiliate Sites, such as the One-Stop Operator (OSO), whose role is to coordinate integrated services at the one-stop centers, manage customer flow at the centers and serve as a liaison to the required one-stop partners, as well as the virtual lobby management tool, which are currently paid for by the City via federal WIOA funding. Shared costs will be calculated using the number of full-time employees delivering workforce services for each Partner at the one-stop center. Partners are responsible for paying their respective portions of the shared costs to the City, approximately \$239,118 annually, which will be distributed into the City's WIOA budget.

Infrastructure costs of one-stop centers are non-personnel costs that are necessary for the general operation of the one-stop center, such as initial intake, assessment of skills needed for employment, business services and referrals to other Partners.

Infrastructure costs will be calculated between the City and the Partners based on each entity's designated amount of square foot space within the one-stop center. The City's share of infrastructure costs under the IFA range from \$45,669 to \$120,378 per location but will not exceed \$1,345,164 over the full three-year term of the IFA, and will be distributed to the Arizona Department of Economic Security as owner of the one-stop centers. The MOU and IFA may contain other terms and conditions deemed necessary by the City Manager.

When fully executed, the MOU will contain the signatures of the PBWD Board Chair, Partners, the Chief Elected Official, and the time period in which the agreement is effective. The MOU must be updated not less than every three years to reflect any changes in the signatory official of the Board, one-stop partners, and Chief Elected Official, or one-stop infrastructure funding.

Financial Impact

The City's annual portion of the infrastructure costs is \$448,387.99 for a total amount not to exceed \$1,345,164 over the course of three years, beginning in Fiscal Year 2020-2021. There is no impact to the General Fund. Funding is available from the City's allocation of federal WIOA funds. Additionally, the City will receive funding from

the Partners, anticipated at \$239,118 annually with a total amount of approximately \$717,354 to be collected over the three-year period. Funding received from the Partners will reimburse the City's WIOA budget.

Concurrence/Previous Council Action

The Phoenix Business and Workforce Development Board approved the MOU and IFA at its Executive Leadership Committee meeting on Dec. 10, 2020.

Responsible Department

This item is submitted by Deputy City Managers Jeff Barton, Inger Erickson and Mario Paniagua, and the Community and Economic Development, Human Services and Housing departments.



Additional Expenditures for Firefighting Personal Protective Equipment - Coop PS16008 (A) (Ordinance S-47249)

Request to authorize the City Manager, or his designee, to allow additional expenditures under Contract 148481 with LION First Responder PPE, Inc., for the purchase of Firefighting Personal Protective Equipment for the Phoenix Fire Department (PFD). Further request authorization for the City Controller to disburse all funds related to this item. The additional expenditures will not exceed \$8,500,000.

Summary

Fire protective coats, pants, and panels (turnout gear) are used by Phoenix firefighters to protect the firefighters from radiant and thermal exposure, unexpected flashover conditions, puncture and abrasion hazards during firefighting. This Personal Protective Equipment (PPE) protects firefighters from extreme heat and flames, while battling fires. This gear is a critical part of the Fire Department's efforts to provide life safety services to the public. PFD is requesting additional funds for the continued purchase of protective coats, pants and turnout gear needed for newly hired recruits, and to replace any expired or damaged PPE to stay current with the National Fire Protection Association standards.

Contract Term

The contract term is Sept. 19, 2018 through Aug. 31, 2023.

Financial Impact

Upon approval of \$8,500,000 in additional funds, the revised aggregate value of the contract will not exceed \$14,725,000. Funds are available in the Fire Department's budget.

Concurrence/Previous Council Action

The City Council approved the Firefighting Personal Protective Equipment Contract 148481 on Sept. 19, 2018.

Responsible Department

This item is submitted by Deputy City Manager Jeff Barton and the Fire Department.



Arizona Department of Emergency and Military Affairs Public Assistance for Disaster Recovery Grant Funding (Ordinance S-47258)

This report requests City Council approval of the authorization for the City Manager, or his designee, to approve an application from the Office of Homeland Security and Emergency Management to apply for, accept, and enter into agreements with the Arizona Department of Emergency and Military Affairs Public Assistance for Disaster Recovery grant funding. Further request authorization for the City Treasurer to accept, and for the City Controller to disburse, all funds related to this item.

Summary

As a result of the Governor's Declaration, Arizona Department of Emergency and Military Affairs issued a Public Assistance grant to assist jurisdictions across Arizona with disaster-related costs surrounding riot-related expenses that are above and beyond the local jurisdictions ability to recover without State assistance.

The Office of Homeland Security and Emergency Management worked with the Fire, Police and Public Works departments to assess damage to facilities, identify labor, equipment, materials, and other expenses surrounding the damages and emergency protective measures taken by the City in response to riot activity. Expenses totaling \$6,900,000 will be submitted to request reimbursement as part of this public assistance application, if approved by City Council. The State of Arizona will review documentation received and determine eligibility amounts to be disbursed statewide.

Concurrence/Previous Council Action

This item was recommended by the Public Safety and Justice Subcommittee at its Dec. 9, 2020 meeting by a vote of 4-0.

Responsible Department

This item is submitted by Assistant City Manager Milton Dohoney, Jr. and the Office of Homeland Security and Emergency Management.



General Police Towing Services - RFP 13-006B (Ordinance S-47246)

Request to authorize the City Manager, or his designee, to allow additional expenditures under Contracts 135126 and 135191 with ACT Towing, dba All City Towing, Contract 135125 with DV Towing, LLC, and Contract 135124 with Western Towing of Phoenix, Inc. for the purchase of general police towing services for the Police Department. Further request authorization for the City Controller to disburse all funds related to this item. The additional expenditures will not exceed \$571,067.

Summary

The Police Department requires general towing services to assist with the removal of vehicles for citizens involved in vehicle crashes, towing abandoned vehicles, vehicles left in the roadways, illegally parked vehicles and other law enforcement impoundments. The department also requires auctioning services when vehicles have been lawfully impounded and determined to be abandoned by the Arizona Department of Transportation Motor Vehicle Division. Additional funds are being requested because of the new contracted rate and the annual Consumer Price Index increase. Towing services are essential to the Police Department and mandated by the Arizona Revised Statutes, Phoenix City Codes and Police Department policies.

Contract Term

The contract term is Feb. 1, 2013 through Dec. 31, 2026.

Financial Impact

Upon approval of \$571,067 in additional funds, the revised aggregate value of the contract will not exceed \$1,329,832. Funds are available in the Police Department's budget.

Concurrence/Previous Council Action

This contract was originally approved by City Council on Feb. 1, 2013.

Responsible Department

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



*****REQUEST TO WITHDRAW (SEE ATTACHED MEMO)*** (CONTINUED FROM DEC. 16, 2020) - Substitute Ground Lease with American Greyhound Racing (Ordinance S-47187)**

Request to authorize the City Manager, or his designee, to enter into a substitute ground lease with American Greyhound Racing, Inc. (Greyhound) at Phoenix Sky Harbor International Airport.

Summary

Greyhound leases the greyhound race track located at 3801 E. Washington St. Greyhound currently uses the location for a community swap meet market. Greyhound has requested a five-year lease extension for their current lease. The current lease has undergone numerous amendments resulting in changes to the boundaries of the original leased premises. This substitute lease will replace the current lease and clarify the description of the lease premises.

Contract Term

The term of the lease will be five years and will contain one option to extend the term on a month-to-month basis for up to two years. The option may be exercised at the sole discretion of the Aviation Director.

Financial Impact

Rent for the first year of the lease will be approximately \$954,240 (\$0.78 per square foot), plus applicable taxes. Rent will be adjusted annually thereafter according to the Phoenix-Mesa-Scottsdale Consumer Price Index. Total anticipated revenue over the five-year term will be approximately \$4,771,200.

Concurrence/Previous Council Action

- The Phoenix Aviation Advisory Board recommended this item for approval on Nov. 19, 2020, by a vote of 9-0.
- The Transportation, Infrastructure and Innovation Subcommittee recommended this item for approval on Dec. 2, 2020, by a vote of 4-0.

Location

3801 E. Washington St.
Council District: 8

Responsible Department

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



City of Phoenix

To: Mario Paniagua
Deputy City Manager

Date: January 15, 2021

From: Charlene V. Reynolds *CM*
Interim Director of Aviation Services

Subject: REQUEST TO WITHDRAW ITEM 32, SUBSTITUTE GROUND LEASE WITH AMERICAN GREYHOUND RACING, FROM THE JANUARY 20, 2021 FORMAL AGENDA

The Aviation Department requests approval to withdraw Item 32, Ordinance S-47187, substitute ground lease with American Greyhound Racing, from the January 20, 2021 formal agenda. The withdrawal will provide additional time for staff to negotiate terms within the agreement.

Approved by:

Mario Paniagua

Mario Paniagua
Deputy City Manager

1/15/21

Date



Phoenix Sky Harbor International Airport Concessionaire Relief - Consideration of Contract Term Extensions (Ordinance S-47259)

Request to authorize the City Manager, or his designee, to amend multiple Phoenix Sky Harbor International Airport (PHX) Terminal 3 and Terminal 4 Food, Beverage, and Retail concessionaire leases to extend the term of the contracts for three additional years, as requested by the concessionaires to help offset the impact of the COVID-19 pandemic.

Summary

The aviation industry continues to struggle amidst the challenging circumstances of the COVID-19 pandemic. Phoenix Sky Harbor International Airport is experiencing a secondary dip in enplanements due to the surge in COVID-19 cases after the holiday season. Enplanements are currently down about 52 percent as compared to last year.

Several rating agency reports have projected an extended negative outlook based on the uncertainty in enplanement recovery. Concessionaires at PHX have been severely impacted by the reduced passenger activity with sales down by 71 percent. Due to the reduced activity as well as the continued financial strain on these businesses, several have been unable to reopen or have reopened with limited business hours. Of the 136 total concessions operating out of PHX, 71 (52 percent) are currently open for business.

In a letter dated Nov. 1, 2020, many of the airport’s small business partners requested contract term extensions in order to refinance existing debt. Currently, the contract terms expire as follows:

- Terminal 3 food, beverage and retail contracts will expire in 2030;
- Terminal 4 food and beverage contracts will expire in 2023; and
- Terminal 4 retail contracts will expire in 2023 or 2024.

On Dec. 17, 2020, staff held a conference call with the Federal Aviation Administration (FAA) Office of Civil Rights to discuss the Airport Concession Disadvantaged Business Enterprise (ACDBE) program. The regional compliance officer expressed appreciation for the efforts of City Council and the airport and for providing Minimum Annual Guarantee (MAG) abatement to the concessionaires, including ACDBEs. The FAA

further shared that extension of terms for concessionaires is a viable option for helping concessionaires weather the pandemic. In the case of contract extensions, FAA has eased its requirement for pre-authorization of a concession contract extension if the extension does not exceed three years. This practice is aligned with FAA's April 4, 2020 guidance to airport sponsors encouraging them to consider the business circumstances created by the public health emergency and assist tenants in staying solvent so they can resume normal operations when the emergency ends.

The current business circumstances for concessionaires and ACDBEs at Sky Harbor are impacted by their capital investments. Sky Harbor's concessionaires invested in the original design, construction, furniture, and fixtures within Terminal 4. Each concession contract also requires a mid-term (five-year) refresh, so the concessionaires invested in the food and beverage refurbishment in 2017/2018. Phase 1 of Terminal 3 opened in February 2019 and Phase II in February 2020, also requiring recent significant capital investment.

Attached to this report is the Nov. 1, 2020 letter (**Attachment A**) sent from the airport's ACDBEs requesting contract extensions to allow refinancing of their debt for existing airport capital investments (in addition to the MAG relief already approved by Council). Also attached are letters from the majority of the prime contractors requesting contract extensions (**Attachments B-F**). Several prime contractors have specifically requested three-year extensions to reamortize and payoff the debt for their existing airport capital investments.

The concession leases that will be amended to allow for extended temporary financial relief are lease numbers: 116300; 116653; 131410; 133475; 143718; 143719; 143866; 144047; 144322; 144323; 144324; 145872; 145873; 145977; 146077; 146163; 146458; 146459; 147232; 147258; 147350; 147461; and 150683.

Financial Impact

Extending the contract term(s) three years for Terminal 3 and/or Terminal 4 food, beverage, and/or retail concessionaires would result in no additional cost to the airport, however it would delay the future solicitation and implementation of new contracts.

Concurrence/Previous Council Action

An update on this item was heard at the Transportation, Infrastructure and Innovation Subcommittee on Jan. 6, 2021.

Location

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

Responsible Department

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

Attachment A

November 1, 2020

Ed Zuercher
Phoenix City Manager
Phoenix City Hall
200 W. Washington Street
Phoenix, AZ 85003

Via Email Ed.Zuercher@phoenix.gov

**Re: COVID-19 Pandemic – Impact on Concessionaires at Phoenix Sky Harbor Airport
A Strategy for Business Stabilization, Employee Retention, and Operation Recovery.**

Dear City Manager Zuercher,

The Phoenix Sky Harbor International Airport (PHX) concessionaires are grateful for the proactive leadership of the Mayor, the City Council and aviation management in providing the modification that allowed a percentage rent structure from April-December 2020.

When this decision was made, however, the nation and the airport industry did not fully understand the extent and duration of the COVID-19 pandemic or its long-lasting effect on the aviation sector (3 to 5-year recovery). What we are going through is far worse than anything we have previously seen including the terrible impact of 9/11 and the recession of 2008. While we have all planned for ups and downs and survived them, this pandemic is far worse than anything we could have contemplated.

There is only one certainty and that is that nobody can realistically tell us when things will return to a level of business that will allow us to pay our debts and bring back our workforce.

With your leadership we respectfully request PHX take additional steps to support the many businesses and their employees associated with Phoenix Sky Harbor International Airport.

Specifically, we request:

- 1) In 2021 set the rent as standard percentage rent for all sales from January 01, 2021 through December 31, 2021.
- 2) Provide an extension to the existing contract, so we can have the time needed to re-finance and repay our loans and financial obligations.

These actions will help ensure our survival and will facilitate our ability to bring back our employees as business returns.

The PHX concessions program benefits the experience of millions of travelers (that normally travel through PHX); it benefits the City of Phoenix; it benefits the state of Arizona; and it is absolutely crucial to thousands of employees who rely on its operations for their livelihood.

PHX’s concessions program was recently recognized as one of the best programs in the country; it has dramatically increased the Airport Concessions Disadvantaged Business Enterprise (ACDBE) participation, and it is a key contributor to delivering on the promise of “Americas Friendliest Airport.”

Forthcoming (in the next couple of weeks) will be a short video with testimonials from PHX concessions operators sharing their individual stories - we hope that you find the time to watch this heartfelt plea. Also attached is a comprehensive write-up that lays out the case for support regarding the imminent ACDBE debt crisis.

Please realize that many of us have asked for relief from our banking partners. While several have worked with us to provide temporary relief that time has now run out. Without help from the City, we may not survive. Our businesses and our ability to bring back our tenured workforce is at serious risk – please help.

Respectfully,
Your Sky Harbor ACDBE Concessions Operators:

Joya Kizer President/CEO CASA Unlimited Enterprises, Inc.	Bruce D. Mosby President Mosby and Company, Inc	Gonzalo A. De La Melena President ED Market Ventures, Inc.
Jason Silberschlag Jr. President Cartel Coffee Lab	Lachele Mangum President LAM Holdings	Gregory E. Torrez President/CEO Torrez International LL
Teresa Dominguez President Maja Art, Inc	Kurt Mangum President PM Consulting Services	Frank Dominguez Partner Maja Art, Inc
Nava Singam President Kind Hospitality	Ricardo De Leon President Cambios y Servicios, Inc	Melissa Trujillo Partner Cambios y Servicios, Inc
Tracy Basile President Wildflower Bread Company	Sara Levy President S.Levy Foods	Eddie Wang President ELPX LLC
Sonya Anderson President Grand Isle Yogurt	Shelley Bonner-Carson President GSS Corp NV	Jason Pastore President JMJ-LLC
Dr. Jeremy Levitt President The Levitt Group LLC	Ray Ann Cam President Concessionaire	

ACDBE DEBT CRISIS: Local & Small businesses Survival Threatened by the COVID-19 Pandemic

Significant Capital Investments in Airport Concessions required ACDBE's to Take on High Levels of Debt.

What do we need?

1) Rent Relief, 2) Term Extensions 3) Access to Capital = keys to survival of the program and the ACDBE firms.

Background

- Building retail stores and restaurants in airports is expensive and in-line with compliance to the ACDBE program, DBEs are required to contribute their own capital for the initial investments but are also taking on significant debt to finance their share of the rest of the buildout costs. This could represent several hundreds of thousand dollars of debt for the smaller concession's programs, and several millions of dollars for larger concessions programs.
- In airport retail or restaurant concessions, the basic economic model is that the cash that is left once all operating expenses are paid for (cost of goods sold, payroll, rent, credit card fees, utilities, supplies, etc.) goes to the service the debt.
- When a store or restaurant is performing well and generating cash after all operating expenses are covered, the debt can be paid back before the end of the concessions contract. At that point, excess cash becomes available for-profit distribution, **but the timing of COVID-19 interrupts that portion of the equation.**

Dramatic Shortfall in Sales = Shortfall in Cash Available to Service Debt

- In the context of Covid-19, where all concessionaires in U.S. airports are bleeding cash and need to acquire more debt just to stay in business, the ability for the retail or restaurant unit to complete its debt repayment before the ending of the concessions contract is severely impacted if not impossible
- It is expected that traffic will not return to 2019 levels for another 3-5 years, maybe more for some airports, which means the concessions units will not generate anywhere near the amount of cash flow anticipated in the initial business plan that served as the basis to obtain the debt necessary for the initial buildout.
- As a result of this multi-year drop in revenues, it is realistic to anticipate that a very large number of ACDBE's will not be able to pay for the current debt service from the initial buildout of their store or restaurant. Further, this inability to pay current debt service will result in many ACDBE's having outstanding debt at the end of their concessions contracts.
- The extent of the ACDBE debt crisis will lead to a collapse of the DBE program across U.S. airports

Prime Concessionaires Can Help, Partially

- An estimated 85% of ACDBE participation in U.S. airports concessions programs is achieved through joint ventures with Prime Concessionaires ("Primes").
- During Covid-19 with concessionaires bleeding cash, the Primes are taking on a significant amount of debt on their own to stay alive which ultimately allows them to continue to provide infrastructure support to the joint ventures they have with ACDBE partners.

- Many joint ventures don't have enough accumulated cash reserves to offset the severe shortfall of cash from operations and will therefore also require capital calls to add cash to the joint venture, which means both the ACDBE's and Prime's amount of debt will actually increase.
- Even if they had the ability in the face of the pandemic, the Primes are not in a position to absorb any of the DBE's debt service obligations as this would go against the ACDBE regulations that require the DBE to be subject to business risk in a way that is commensurate to their level of participation.
- The fact that many Primes are large entities operating in several countries makes no difference as Covid-19 is a global pandemic during which airport concessions around the world are bleeding cash, therefore having a global footprint makes matters worse.

The ACDBE Debt Crisis is an Airport Crisis

- U.S. airports receive funding through various FAA Airport Improvement Programs (AIP) for infrastructure work (\$1.2 billion in 2019) subject to grant assurances that a percentage of their construction and concessions contracts include DBE participation.
- A collapse of the ACDBE program may put Airport sponsors in default and will require a significant restructuring of the funding model because airport concessions will no longer be in a position to support DBE participation and in many markets, there may not even be ACDBEs still in business and able to participate.
- Most ACDBEs firms in a given airport are from that airport's local community and damage from the ACDBE debt crisis will therefore have a multiplier effect and hit the local business community the most.
- As a way to help mitigate this situation, airports could provide term extensions as this would provide for a longer period to pay down the debt (assuming return to positive cash being generated fast enough; extending a contract that continues to bleed cash would be of any help).
- We need Congress to Implement Measures to Mitigate the ACDBE Debt Crisis
- A joint coalition of AMAC, ARRA, ACI, AAAE etc. already asked Congress to make \$3.5 billion available for airports to provide rent relief to airport concessionaires through end of 2021.
- This rent relief, which has not yet been voted on, is critical for concessionaires to mitigate the cash burn while allowing airports to continue their required operations.
- **Access to capital is the third critical solution for ACDBE's survival:** to allow for financing, re-financing and DBE's ability to weather the storm. Loan and Grant programs like PPP Second draw, Mainstreet Lending Program, Economic Impact & Disaster Loan (EIDL) and 7a disaster recovery loan all have potential but need some additional tweaking of the legislation to allow for loans/capital that are invested in a public asset (i.e. an airport).

In Summary, 1) Rent Relief, 2) Term Extensions 3) Access to Capital are the key solutions to survival.

These measures would ensure debt continues to be serviced and avoid the collapse of the ACDBE program, which collapse would have negative ripple effects for generations to come.

- Given the civil unrest of 2020 and the highly visible divide being created with minorities in a Presidential election year, now is the time to act to show that it is important to prevent a collapse of the 40-year old ACDBE program.
- Please be vocal and write to your elected officials asking for their clear, unequivocal support of our ask to save the ACDBE program and save your business as a certified ACDBE.

December 14, 2020

VIA EMAIL & EXPRESS DELIVERY

Ms. Charlene Reynolds
Interim Aviation Director
City of Phoenix Aviation Department
2485 East Buckeye Road
Phoenix, Arizona 85034-4301

Subject: Extension of Leases and Rent Relief (147258 - T3 and 131410 - T4)

Dear Ms. Reynolds:

As you are aware, the airport industry and its affiliated businesses are going through a very difficult period. Due to the COVID-19 virus, airports, airlines and airport concessionaires have suffered insurmountable losses with no forecastable end in sight. Recent articles and information indicate that traffic will not return to 2019 levels until possibly 2024/25. Consequently, Host International, Inc., and our ACDBE and small business partners (Grand Isle Yogurt, Cartel Coffee Lab, Kind Hospitality, Performance Management Consulting Services, Emerging Domestic Market Ventures, Stingley Partners, Ace Vending, Fox Restaurant Concepts, and LGO Hospitality) have been burdened with lost business, reduced staff and significant financial obligations

- Year over year Phoenix Sky Harbor revenues are down over 68% since the pandemic started (April to November). Based on this lack of revenue, many joint ventures and small business subtenants don't have enough accumulated cash reserves to offset the severe shortfall of cash from operations. This will therefore require capital calls or additional borrowing, which means both the ACDBE's and Prime's amount of debt will actually increase. The fact that many Primes are large entities operating in several countries makes no difference as Covid-19 is a global pandemic resulting in airport concessions around the world bleeding cash; having a global footprint makes matters worse.
- Our small business partner's outstanding debt currently exceeds \$4.9M and the remaining unamortized value of our investments at PHX exceeds \$14.5M. It is realistic to anticipate that ACDBE and small business partners will not be able to pay for the current debt service from the initial buildout and subsequent reinvestments in their restaurants. Further, this inability to pay current debt service will result in outstanding debt at the end of the current concessions contracts. Primes are taking on a significant amount of debt on their own to stay alive which ultimately allows them to continue to provide infrastructure support to the joint ventures they have with ACDBE partners.

In airport restaurant concessions, the basic economic model is that large sums of money are invested in designing and constructing the restaurants. Once open the cash that is remaining after all operating expenses are paid goes to service debt obligations. When performing well the debt can be repaid and the operators can make a profit. Unfortunately the impacts of COVID have significantly interrupted this equation. With no traffic/customers cash inflows have been significantly reduced or evaporated all together.

As much as we are grateful for the relief granted in 2020, in order to recover past and, most likely, continued losses, Host International, Inc. on behalf of itself and our small business partners, respectfully requests a continuation of:

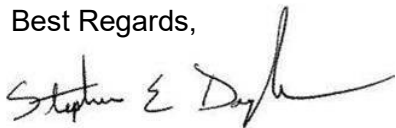
- Minimum Annual Guarantee (MAG) abatement for the calendar year 2021. This would effectively mean a continuation of percentage rent only, which will allow us to bring cash into the business.
- An extension of terms for the above-referenced leases. Additional term will allow time to finance and repay any loans and debt.

We feel these actions are necessary in order to allow Host and its partners to bring back our workforce and to fulfill our financial obligations.

We express our continued appreciation for the steps proactively taken by the City of Phoenix in this challenging period.

Thank you in advance for your continuing support.

Best Regards,



Stephen E. Douglas
Vice President, Business Development
HMShost Corporation for Host International, Inc.

cc: clifton.looper@phoenix.gov
corrine.ulmer@phoenix.gov
sarah.moratto@phoenix.gov
sharon.zard@phoenix.gov
pearl.meza@phoenix.gov

Attachment C



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Ashburn, VA 20147, USA

foodtravelexperts.com/america

December 14, 2020

Ms. Charlene Reynolds
Interim Aviation Director
City of Phoenix Aviation Department
2485 East Buckeye Road
Phoenix, AZ 85034-4405

Dear Ms. Reynolds:

The purpose of my correspondence is to request contract extensions for SSP America, its joint venture partner S. Levy Foods and six subtenants. SSP America and its partners are proud members of the Phoenix Sky Harbor International Airport (PHX) community. We initially began to provide restaurant services to the Airport in 2013 when we began operating restaurants in Terminal 4. In 2018, our team was delighted to win a second contract to provide restaurant services in Terminal 3. Our team has been dedicated stewards of the responsibilities awarded us, and we're proud to report that 49% of our sales are generated by our Airport Concessions Disadvantaged Enterprises (ACDBE) partners.

COVID-19 has been the most destructive event to ever hit the travel industry. The impact of the crisis will cast an exceptionally long shadow over air passenger demand for years to come with prognoses for a full recovery not expected to happen until 2024 to 2025 or beyond.

Unfortunately, the impact of COVID-19 has been significant, and given the loss of passengers at the Airport as a result of COVID-19, our operations and financial well-being have been severely impacted.

Since March of 2020 SSP America and its partners have operated at a significant loss due to a dramatic reduction in passenger volumes which are averaging under 48% compared to the 2019 travel numbers at PHX. Nine months since the onset of COVID-19, our sales are still down 60% over 2019 and more than 60% of our locations are closed. In Terminal 3 eight of our nine restaurants are closed due to the impact of COVID-19 and have never realized a profit during their entire operation. We have also experienced losses due to our willingness to open new locations per the Airport's request to maintain service to the traveling public.

SSP America and its partners have invested a total of \$49 million into the Terminal 3 and Terminal 4 projects. SSP America, our joint venture partner S. Levy Foods and subtenants still carry a current combined debt of \$24 million which includes refurbishments for Terminal 4, and the investment for the new Terminal 3 contract.

As our Terminal 4 contract stands today, there is less than three years remaining on the contract which expires in October 2023. From now until October 2023, we expect to operate at a loss given the travel prognoses.

I'm a food travel expert from SSP America. We're passionate about bringing cool, authentic restaurants to airports that reflect a taste of place.

Contract Extension Request
December 14, 2020
Page 2

The below chart details 2019 actual sales, 2020 projected sales and debt for each partner:

Company	Restaurants	2019 Sales (Actual)	2020 Sales (projected)	YOY	Debt as of December 2020
CAM Concessions	Panda Express	\$2,673,743	\$1,591,980	-40.5%	\$529,758
ELPX Restaurant Group	Wendy's & Yogurtology	\$3,585,620	\$1,680,603	-53.1%	\$120,380
Carpe Dulce, LLC	T4 Vending	\$259,450	\$233,043	-10.2%	\$12,000
TC Flies, LLC	Tammie Coe To-Go	\$1,572,885	\$754,467	-52.0%	\$12,000
TLB Hospitality, LLC	Wildflower (2)	\$5,920,533	\$1,944,220	-67.2%	\$1,591,763
Mosby and Company, Inc.	Peet's Coffee (2)	\$5,024,581	\$1,730,868	-65.6%	\$1,690,086
S. Levy Foods	JV Partner	See SSP America, Inc.	See SSP America, Inc.	--	\$2,090,414
SSP America, Inc	Prime Concessionaire	\$56,867,167	\$20,234,133	-64.4%	\$18,532,074
TOTALS	---	\$75,903,979	\$28,169,314	-62.9%	\$24,578,475

I request a three-year contract extension for the two contracts we have in place given the stark reality of expected passenger numbers in the coming years. Without the three additional years of term, nearly all of the businesses inside our lease will not be in a position to pay their debts. Our return on investment will continue to erode for three to five years and a contract extension offers us a significant and meaningful path forward.

I appreciate your attention to this critical matter and am available to discuss further or provide additional details as needed. I can be reached at (602) 319-9884 or scott.welding@foodtravelexperts.com

Sincerely,



Scott Welding
Vice President
Business Development

Attachment D



December 10, 2020

VIA EMAIL CHARLENE.REYNOLDS@PHOENIX.GOV

City of Phoenix Aviation Department

2485 East Buckeye Road

Phoenix, AZ 85034

Attn: Charlene Reynolds

[Tel. (602) 273-8880 / Mobile (602) 317-1314]

VIA EMAIL AVIATION.BUSINESS@PHOENIX.GOV & EXPRESS DELIVERY

City of Phoenix Aviation Department, Business & Properties Division

2485 East Buckeye Road

Phoenix, AZ 85034

Attn: Terminal Concessions

[Telephone: (602) 273-4085]

Subject: Extension of Leases 143718, 143719, 145872, 145873 and 147350

Dear Ms. Reynolds:

Stellar Partners, Inc. ("Stellar"), on behalf of itself and Stellar Retail Group PHX LLC and its partners, Casa Unlimited Enterprise, Inc. and LAM Holdings LLC, respectfully requests the extension of the term of the above-referenced leases for three additional years, for the reasons stated below, and expresses its continued appreciation for the steps proactively taken by the City of Phoenix in this challenging period.

As you are aware, the airport industry and its affiliated businesses are going through a very difficult period. Due to the COVID-19 virus, airports, airlines and airport concessionaires have suffered insurmountable losses with no forecastable end in sight. Recent articles and information indicate that traffic will not return to 2019 levels until possibly 2024/25. Consequently, Stellar and our ACDBE and small business partners, have been burdened with lost business, reduced staff and significant financial obligations while implementing COVID-19-related investment in training, equipping and investing in the safe operation of our businesses in a way that protects our associates, our customers and the airport staff that frequent our stores. Here are some highlights:

- **Year over year Phoenix Sky Harbor revenues are down over 55% since the pandemic started (April to November).** Based on this lack of revenue, many joint ventures and small business subtenants don't have enough accumulated cash reserves to offset the severe shortfall of cash from operations. This will therefore require capital calls or additional borrowing, which means both the ACDBE's and Prime's amount of debt will actually increase. The fact that many Primes are large entities operating in several countries makes no difference as COVID-19 is a global pandemic resulting in airport concessions around the world bleeding cash; having a global footprint makes matters worse.

- **Our small business partner's outstanding debt currently exceeds approximately \$2.9 million and the remaining unamortized value of our investments at PHX exceeds \$10.4 million.** It is realistic to anticipate that ACDBE and small business partners will not be able to pay for the current debt service from the initial buildout and subsequent reinvestments in the Phoenix stores. Further, this inability to pay current debt service will result in outstanding debt at the end of the current concessions contracts. Primes are taking on a significant amount of debt on their own to stay alive which ultimately allows them to continue to provide infrastructure support to the joint ventures they have with ACDBE partners.

In airport retail concessions, the basic economic model is that large sums of money are invested in designing and constructing the stores to attract customers and meet brand standards. Once open, the stores revenues remaining after all operating expenses (e.g., rental obligations, wages and salaries, utilities and maintenance, and costs of goods) are paid, goes to service debt obligations. When performing well, the debt can be repaid and the operators can make a profit. Unfortunately, the impact of COVID-19 on customer travel and new workplace conditions have significantly interrupted this equation. With no traffic/customers, cash inflows have been significantly reduced or evaporated all together.

As much as we are grateful for the relief granted in 2020, in order to recover past and, most likely, continued loses, Stellar on behalf of itself and our small business partners, respectfully requests a continuation of:

- Minimum Annual Guarantee (MAG) abatement for the calendar year 2021. This would effectively mean a continuation of percentage rent only, which will allow us to bring cash into the business.
- An extension of term for each of each of our above-referenced leases. Additional term will allow time to finance and repay any loans and debt.

We feel these actions are necessary in order to allow Stellar and its partners to bring back our workforce and to fulfill our financial obligations.

We express our continued appreciation for the steps proactively taken by the City of Phoenix in this challenging period.

Thank you in advance for your continuing support.

Sincerely,

DocuSigned by:

250AA49C7A1142E

Stellar Partners, Inc.
For itself & Stellar Retail Group PHX LLC
And on Behalf of Its Partners

cc: clifton.looper@phoenix.gov
corrine.ulmer@phoenix.gov
sarah.moratto@phoenix.gov
sharon.zard@phoenix.gov
pearl.meza@phoenix.gov
jon.stentz@hmshost.com

Ms. Charlene Reynolds
Interim Aviation Director
City of Phoenix Aviation Department
2485 East Buckeye Road
Phoenix, Arizona 85034-4301

Re: Request to Extend Leases (147416-0, 144047-0 and 145977-0)

Dear Charlene:

The worldwide COVID-19 pandemic has caused significant disruptions to air travel and steep drops in airport concession sales. Concessionaires at Phoenix Sky Harbor International Airport, including many small and local businesses, are seeking emergency relief during this crisis to avoid steep financial losses and potential bankruptcies. Recent articles by industry experts indicate that traffic will not return to 2019 levels until possibly 2024/2025.

Building retail stores in airports is expensive. ACDBEs are required to contribute their own capital for their initial investments and are taking on significant debt to finance their share of the buildout costs. This represents hundreds of thousands of debt for the small businesses and millions of dollars for the Primes. It is realistic to anticipate a very large number of ACDBEs will not be able to pay their current debt service and will have outstanding debt at the end of their contract.

As a way to mitigate decreased revenue for ACDBEs airports can extend their contracts so their lenders can refinance their loan obligations. An extension of three (3) years and a waiver of Minimum Annual Guarantee (MAG) will help ensure financial stability and the return of our employees. We are extremely grateful for the relief granted thus far in 2020 by the City of Phoenix.

On behalf of Cambios y Servicios, Levitt Group and Hudson Group, we respectfully request the City of Phoenix extend our contracts for three (3) years.

December 15, 2020

Thank you for your support and consideration of our request.

Sincerely



Laura Alphan
Vice President, Business Development
Hudson Group

Cc: Ricardo DeLeon
Melissa Trujillo
Jeremy Levitt

Attachment F



INMOTION

soundbalance
ACDBE Certified

headphone hub
from INMOTION ENTERTAINMENT

iStore

December 11, 2020

Clif Looper
Aviation Superintendent
Business & Properties
Phoenix Sky Harbor International Airport
Phoenix, AZ

Dear Mr. Looper,

InMotion Entertainment Group has been a long-term retail concession tenant in Phoenix Sky Harbor International Airport. Currently, we operate two InMotion stores in Terminal 4 under a direct lease with the City of Phoenix. We also have an InMotion store in Terminal 3 operating as sub-tenant to Stellar.

Because of the effect of the COVID pandemic on passenger traffic and the requirement to continue to pay off our initial capital expense required for our build outs, the InMotion stores in PHX have yet to show a profit. Our sales in 2020 are down approximately 70% over last year. Further, InMotion did not qualify for any of the government relief programs or grants (including the Federal CARES Act) available to others in our industry.

We are grateful for the rent relief enacted by The City for 2020, and are hopeful that this program will be extended through the end of 2021. In addition, we respectfully request that The City extend our leases for three more years in order to provide more time for us to amortize our capital debt on these locations.

On behalf of our local ACDBE partner and our dedicated employees, we thank you for your partnership and assistance in these difficult times.

Sincerely,

Kevin M. Kern
Vice President of Business Development





Airport Luggage Cart Service - Request to Issue Revenue Contract Solicitation

Request to authorize the City Manager, or his designee, to issue a revenue contract solicitation (RCS) for the airport luggage cart services at Phoenix Sky Harbor International Airport (PHX).

Summary

PHX is America's Friendliest Airport® when it comes to customer service. As the largest economic engine in the state of Arizona, PHX strives to deliver a world-class experience to every customer, every day. The contract for airport luggage cart rental services will provide passengers with an option to manage their luggage on demand through PHX to their destination.

The City of Phoenix Aviation Department is seeking proposals from qualified firms to manage and operate a first-class luggage cart rental service. PHX has a responsibility to provide practical, economical, reliable, and attractive luggage cart rental service at a reasonable price to its customers. Luggage cart rental services will cover the following airport locations:

- Terminal 3 pre/post security;
- Terminal 4 pre/post security;
- Curbside locations at Terminals 3 and 4;
- Rental Car Center;
- Airport parking garages and Sky Train Stations; and
- Select non-public access areas of the airport such as the Federal Inspection Station at Terminal 4.

There is no charge for luggage carts at the Federal Inspection Station.

Luggage carts at the Rental Car Center will remain no cost until the Sky Train is completed in Q2 or 2022.

The successful respondent will provide labor, materials, equipment, supervision, and a method of communication for the non-exclusive right to furnish, operate, maintain, and manage a luggage cart rental service program for the traveling public at all locations

where luggage cart equipment is required throughout PHX. Luggage cart rental services generated sales of \$542,630 in 2019 (pre-COVID). Current year to date (as of October), cart rental services have generated sales of \$203,540.

Procurement Information

The Aviation Department will issue an RCS to select a service provider to provide the required luggage cart rental services. Aviation intends to issue the RCS in December 2020 and estimates that the contract will be awarded in July 2021.

Evaluation Criteria

Evaluation criteria for responsive and responsible respondents is as follows:

- Experience and qualifications;
- Management plan;
- Operational plan; and
- Maintenance plan.

Contract Term

The term of the contract will be five years and will contain no option to extend the term.

Financial Impact

The successful respondent will pay monthly based on a percentage of gross sales.

Concurrence/Previous Council Action

The Phoenix Aviation Advisory Board recommended this item for approval on Nov. 19, 2020, by a vote of 7-1.

The Transportation, Infrastructure and Innovation Subcommittee recommended this item for approval on Jan. 6, 2021, by a vote of 4-0.

Location

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

Council District: 8

Responsible Department

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



Phoenix Goodyear Airport Drainage Improvements - Engineering Services - AV41000074 (Ordinance S-47243)

Request to authorize the City Manager, or his designee, to enter into an agreement with Dibble & Associates Consulting Engineers, Inc., to provide Engineering Services that include construction administration and inspection (CA&I) services for the Phoenix Goodyear Airport Drainage Improvements project. Further request to authorize execution of amendments to the agreement as necessary within the Council-approved expenditure authority as provided below, and to authorize the City Controller to disburse all funds related to this item. The fee for services will not exceed \$160,000.

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

Summary

The purpose of this project is to improve the drainage system at Phoenix Goodyear Airport by converting open ditches to underground storm-drain piping. This wildlife-mitigation project consists of constructing a covered storm-water pipeline to replace the current open-drainage ditch that runs through the airport northwest and southeast of the runway and taxiways. Dibble & Associates Consulting Engineers, Inc. will be providing CA&I services needed to oversee project construction.

Dibble & Associates Consulting Engineers, Inc.'s CA&I services include, but are not limited to: project administration; construction meetings; inspection and review of contractor's work; certifying contractor progress payments; preparing Federal Aviation Administration reports and a construction management plan; providing post-construction services; and other related CA&I services as required.

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

Procurement Information

The selection was made using a qualifications-based selection process set forth in section 34-603 of the Arizona Revised Statutes (A.R.S.). Scoring and selection were made in conjunction with the engineering services (design) selection process.

Contract Term

The agreement's term is five years from the date the notice to proceed issues. Work scope identified and incorporated into the agreement before the end of the term may be amended by the parties, and work may extend past the termination of the agreement. No additional changes may be executed after the end of the term.

Financial Impact

The contract amount for Dibble & Associates Consulting Engineers, Inc. will not exceed \$160,000, including all subconsultant and reimbursable costs.

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

Concurrence/Previous Council Action

The City Council approved:

- Professional Services Agreement 143091 (Ordinance S-42716) on June 22, 2016.

Location

Phoenix Goodyear Airport - 1658 S. Litchfield Road, Goodyear, Ariz.

Council District: Out of City

Responsible Department

This item is submitted by Deputy City Managers Inger Erickson and Mario Paniagua, the Aviation Department, and the City Engineer.



April 2021 Proposed Bus Service Improvements (Ordinance S-47256)

This report requests City Council authorize the City Manager, or his designee, to implement the April 2021 bus service changes. If approved, the service changes will take effect April 26, 2021.

Summary

Bus service changes are coordinated regionally and occur in April and October of each year. The Public Transit Department (PTD) is focused on improving the efficiency and reliability of Phoenix's transit system to best serve our passengers' needs. The semiannual bus service review considers public input and staff analysis to identify potential improvements, such as schedule changes, service efficiencies, or route-connection additions.

In early 2020, in response to the COVID-19 pandemic, the PTD implemented numerous measures to keep public passengers and transit employees safe. These measures include: enhancing cleaning protocols; altering service delivery with social distancing; and modifying transit facility access and hours to reflect operations at other city facilities. In addition to these efforts, PTD also modified bus service to address ridership in decline, impacts to transit workforces, and uncertainty from potential revenue shortfalls. Peak and mid-day local route frequencies were maintained to avoid higher vehicle loads and promote social distancing on buses. These measures will remain in place until conditions throughout the transit environment permit the restoration of services and an eventual return to normal operations.

PTD suspended planned service enhancement proposals for October 2020 due to the continuing conditions of the pandemic, specifically the fluctuation of ridership and potential revenue shortfalls. As PTD continues to monitor existing service levels and develops plans to restore services using a phased approach, PTD and Valley Metro solicited public comments on the following proposed service changes that would take effect in April 2021 if approved by the Phoenix City Council (see maps in **Attachment A**).

Local Route 32 (32nd Street) - Eliminate Baseline Road service duplication

Route 32 is funded jointly by Phoenix and Tempe and was last extended in April 2018

to provide service on south 40th Street in Phoenix and then connect to Arizona Mills Mall in Tempe via Baseline Road. The Baseline Road segment currently duplicates with Route 77, which the proposed change would eliminate as a cost savings measure. If implemented, any necessary transfers can take place between Routes 32 and 77 at Baseline Road and 40th Street.

Local Route 108 (Elliot Road/48th Street) - Modify Saturday/Sunday frequency

Route 108 is funded jointly by Phoenix, Tempe, and Valley Metro. The west end of the route runs for four miles on 48th Street and Elliot Road in Phoenix, with the rest of the route operating in Tempe, Chandler, and Gilbert. Currently, the route operates every 30 minutes on Saturdays and Sundays for the shorter Phoenix segment of the trip, and every 60 minutes in the other cities. But the higher weekend frequency in Phoenix is currently suspended as part of COVID-19 related service reductions, so Phoenix's segment now matches the majority of the route's 60-minute schedule. In response to low ridership, the proposed service change would make that service frequency permanent, with the ability to restore 30-minute frequency should ridership demand it in the future.

Express Route 522 (South Tempe Express) - Eliminate neighborhood pick-up service

Route 522 is an Express Route funded by Valley Metro, connecting South Phoenix (Ahwatukee) and Tempe to Downtown Phoenix during peak service hours. The primary park-and-ride this route serves is the Tempe Sports Complex, along with service along Hardy Drive, Elliot Road, Warner Road, and Interstate 10.

For inbound (morning) routing, half of the trips begin pick-up service in Ahwatukee (on 48th Street between Elliot and Warner roads) before servicing the Tempe Sports Complex and then proceeding downtown. The other half of the route's inbound trips begin in Tempe neighborhoods in the vicinity of Warner and Elliot roads before connecting to the Tempe Sports Complex and then proceeding downtown. For the outbound (afternoon) trips, the service is reversed.

Due to low ridership, the proposed service change initiated by Tempe is to eliminate neighborhood pick-ups, resulting in all Route 522 trips beginning and ending at the Tempe Sports Complex. If approved, pick-up service in Ahwatukee would transition to the sports complex. Phoenix currently funds a portion of the route via the City's share of the regional Public Transportation Fund (PTF).

The process for successfully implementing the proposed service changes, beginning April 26, 2021, includes the following:

- Conduct required public outreach and public hearing (regional effort): Completed on Dec. 4, 2020;

- Receive Citizens Transportation Commission (CTC) approval: Approved on Dec. 17, 2020;
- Submit to Transportation, Infrastructure and Innovation Subcommittee and City Council for approval by February 2021;
- Prepare transit books, develop operational plan, and coordinate with service providers: February - April 2021; and
- Implement approved bus service improvements: April 26, 2021.

Financial Impact

The annual impact of the April 2021 proposed changes is a net savings of \$284,000 for Phoenix's Transportation 2050 fund and a net savings of \$45,000 for Phoenix's share of the regional Public Transportation Fund, see **Attachment B**.

Concurrence/Previous Council Action

This item was recommended for approval at the Citizen's Transportation Commission meeting on Dec. 17, 2020, by a vote of 10-0.

This item was recommend for approval at the Transportation, Infrastructure and Innovation Subcommittee on Jan. 6, 2021, by a vote of 4-0.

Public Outreach

The Public Transit Department and Valley Metro used the following public outreach process for the proposed April 2021 bus service changes, including:

- Public comment period between Nov. 2, 2020 and Dec. 4, 2020;
- Proposed service change details and online survey posted at: www.valleymetro.org/maps-schedules/service-changes/april-2021;
- On-board announcements requesting passengers to provide input on the proposed service changes;
- Flyers posted at impacted stops along the routes; and
- Public hearing held online by Valley Metro on Nov. 18, 2020.

There were 145 total comments and suggestions received about the proposed April 2021 service changes, with 67 of those registering an opinion on Phoenix's routes.

Attachment C summarizes the feedback by route for the service changes within Phoenix.

Based on the feedback received, PTD's planning staff further reviewed the frequency reduction proposal for Route 108 (Saturday and Sunday services). Currently, the route is scheduled to operate every 30 minutes in Phoenix and every 60 minutes outside of Phoenix on weekends (every other Phoenix trip continues east to Tempe and Chandler, in which the majority of the route operates). These shorter trips in Phoenix

are averaging three passengers per trip. The longer trips are averaging nine passengers per trip on weekends. With the short trips in Phoenix eliminated, the longer trips will still have the capacity to provide a reliable ride for passengers impacted by the elimination of the shorter trips. If ridership increases in the future, Phoenix can reconsider the schedule changes.

As required by Federal Transit Administration Circular 4702.1B, a Title VI analysis for the proposed service changes was conducted. Per the City's Title VI policies, neither service change proposal qualifies as a major service change that would potentially impact low-income and/or minority populations.

Location

Council Districts: 6, 7 and 8

Responsible Department

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

Attachment A - Maps

Maps 1 of 3: Route 32 (32nd Street/40th Street)

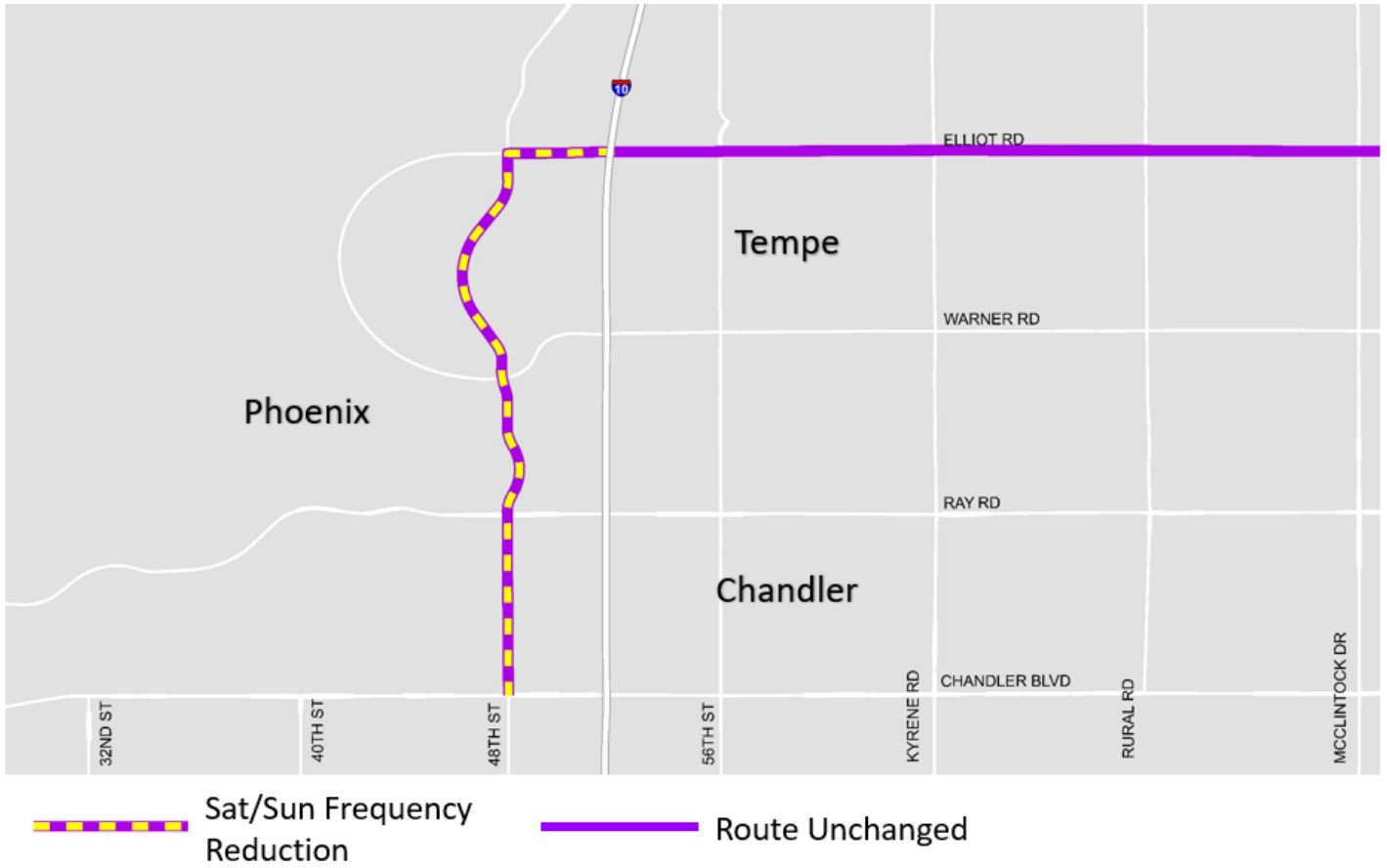
Eliminate Baseline Road service duplication with Route 77



Attachment A - Maps

Maps 2 of 3: Route 108 (Elliot Road/48th Street)

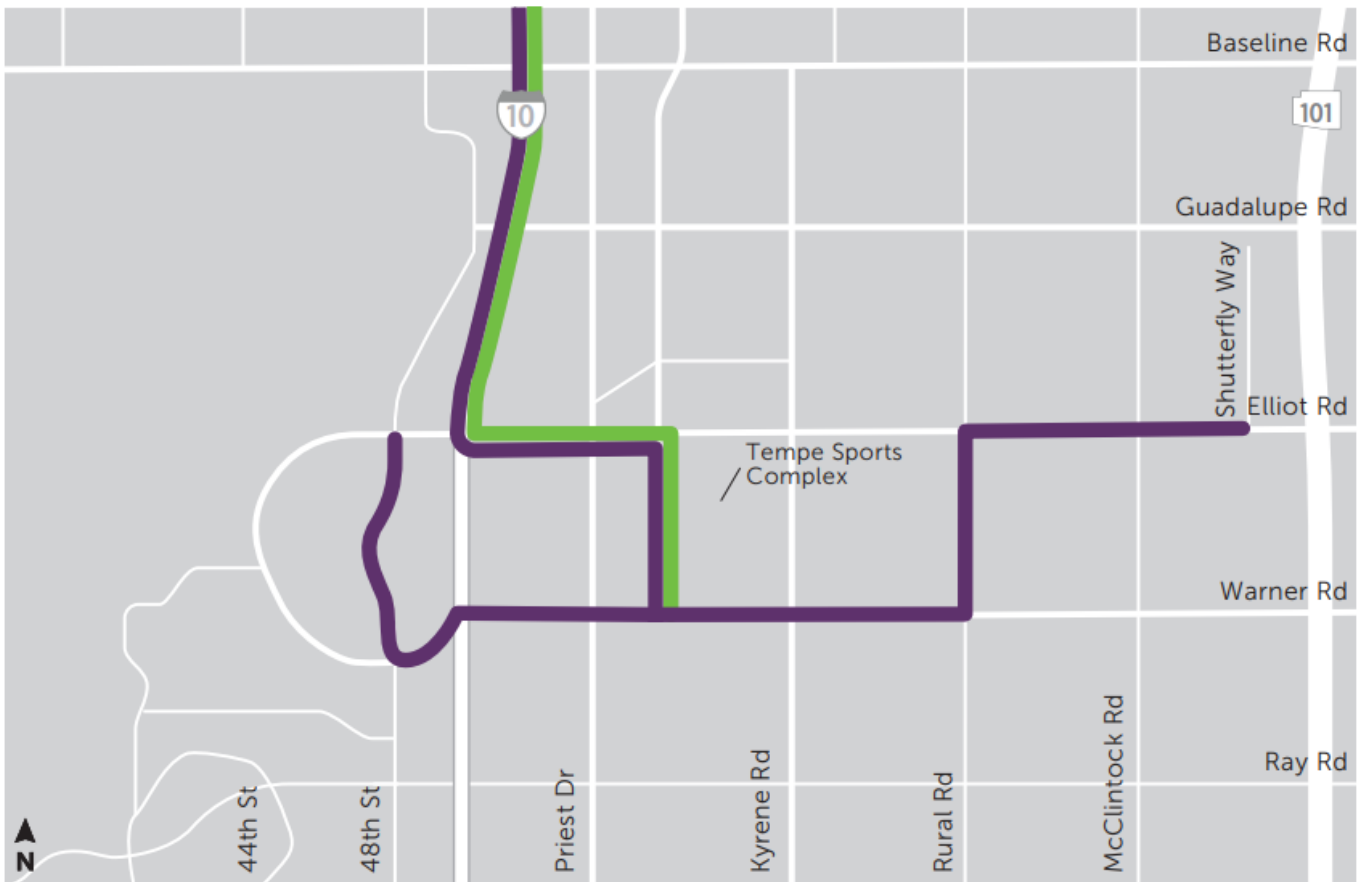
Modify Saturday/Sunday frequency




Attachment A - Maps

Maps 3 of 3: Route 522 (South Tempe Express)

Eliminate neighborhood pickup service



LEGEND/LEYENDA

 Current Routing
Rutas Actuales

 Proposed Routing
Rutas Propuestas

Attachment B

APRIL 2021 PROPOSED BUS SERVICE IMPROVEMENTS FINANCIAL SUMMARY

Local Fund Financial Impact

Proposal	Total Cost
Route 32 (32nd/40th Streets)– Eliminate Baseline Road service duplication with Route 77	\$ (203,000)
Route 108 (Elliott Road/48th Street) – Modify Saturday/Sunday frequency	\$ (81,000)
TOTAL COST OF APRIL 2021 BUS SERVICE CHANGES	\$ (284,000)

Phoenix Regional PTF Financial Impact

Proposal	Total Cost
Route 522- Eliminate neighborhood pick up service	\$ (45,000)

Attachment C
APRIL 2021 PROPOSED BUS SERVICE IMPROVEMENTS PUBLIC
FEEDBACK

Routes	Support	Against	Total	Support %
Route 32 (32nd/40th Streets) – Eliminate Baseline Road service duplication with Route 77	17	12	29	59%
Route 522- Eliminate neighborhood pick up service	9	6	15	60%
Route 108 (Elliott Road/48th Street) – Modify Saturday/Sunday frequency	7	16	23	30%



Diagnostic Software - Contract Recommendation (Ordinance S-47241)

Request to authorize the City Manager, or his designee, to enter into agreements with Empire Southwest, LLC; IDSC Holdings, LLC dba Snap On Business Solutions; and Norwood Equipment, Inc. for purchase of diagnostic software. Further request to authorize the City Controller to disburse all funds related to this item. These agreements will have an aggregate amount of \$73,850.

Summary

The Public Works Department is responsible for repair and maintenance of over 6,500 vehicles and items of equipment. To help expedite the repair and maintenance process, Fleet Services purchases and maintains licenses for diagnostic software that allows technicians to view error codes on the vehicles and equipment. This software is used to diagnose fire apparatus, refuse vehicles, street sweepers, and other heavy-duty equipment used for City services.

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

Procurement Information

In accordance with Administrative Regulation 3.10 normal competition was waived via a determination memo citing sole source. The diagnostic software being purchased under this agreement is proprietary software that can only be purchased from the respective vendors at the following pricing:

Norwood Equipment Inc.: Elgin Diagnostic Software - \$2,036.25 per year
Snap on Business Solutions: Detroit Diesel Diagnostic Software - \$3,600 per year
Empire Southwest, LLC: Caterpillar Diagnostic Software - \$7,270.18 per year

Contract Term

This agreement will begin on or about City Council approval on Jan. 20, 2021, with a five-year contract term.

Financial Impact

This item will have an estimated annual expenditure of \$14,770, with a total aggregate

amount of \$73,850. Funds are available in the Public Works Department's budget.

Responsible Department

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



Generac Generators Maintenance and Repair Services - Agreement Recommendation (Ordinance S-47248)

Request to authorize the City Manager, or his designee, to enter into an agreement with Bud Griffin & Associates - Arizona, LLC to provide maintenance and repair services for Generac brand generators. Further request to authorize the City Controller to disburse all funds related to this item. This contract will have an aggregate amount of \$200,000.

Summary

The Public Works Department is responsible for the maintenance and repair of generators located at City facilities all over the valley, including 77 Generac generators. These generators provide backup power sources to critical locations such as wastewater lift stations, fueling stations, and 911 dispatch centers. The repair of this equipment requires calibrations that only the Original Equipment Manufacturer (OEM) dealer can provide. It is necessary to have repairs completed by the OEM dealership to ensure the proper operation of the generators in the event of a power failure. Generators that are not functioning properly can result in loss of power that can affect public health and safety.

Procurement Information

In accordance with Administrative Regulation 3.10, normal competition was waived in lieu of a determination memo citing sole source. Bud Griffin & Associates - Arizona, LLC is the sole source provider of OEM Generac maintenance and repair services in Maricopa County with the below labor rate:

Bud Griffin & Associates - Arizona, LLC: \$85 per hour labor rate

Contract Term

This agreement will begin on or about March 1, 2021, with four, one-year option years, to be exercised in increments of up to one year, for a total contract term of five years.

Financial Impact

This agreement will have an estimated annual expenditure of \$40,000, with an aggregate amount of \$200,000 over the life of the contract.

Responsible Department

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



Manhole Covers, Rings and Meter Boxes - Amendment 3 (Ordinance S-47242)

Request the City Manager, or his designee, for additional funding in the amount of \$317,000 through Dec. 14, 2021, for Agreement 144688 with Arizona Waterworks Supply, Inc., for the purpose of providing manholes, rings and meter boxes for the Water Services Department (WSD). Further request to authorize the City Controller to disburse all funds related to this item.

Summary

Additional funding is needed to purchase manhole, rings and meter boxes for new installation, replacement and repair of damaged equipment. The unanticipated expenditures occurred due to an accelerated overlay project by the Street Transportation Department after the contract start date, in addition to the Public Works Department purchasing from this contract utilizing quantities that were reserved for WSD. These expenditures greatly reduced the remaining contract aggregate value.

Contract Term

The contract term is effective through Dec. 14, 2021.

Financial Impact

The initial aggregate agreement value was executed in the amount of \$350,000. Ordinances S-44957 and S-45861 added a total of \$300,000 in additional funding to the agreement, for a new total aggregate amount of \$650,000. This amendment will provide an additional \$317,000 of funding for a new aggregate agreement value not to exceed \$967,000.

Funding is available in the Water Services Department operating and Capital Improvement Program budget.

Concurrence/Previous Council Action

The City Council approved:

- Manhole Covers, Rings, and Meter Boxes Agreement 144688 (Ordinance S-43122) on Dec. 14, 2016;
- Manhole Covers, Rings, and Meter Boxes Agreement 144688 (Payment Ordinance

S-44957) on Sept. 5, 2018; and

- Manhole Covers, Rings, and Meter Boxes Agreement 144688 (Ordinance S-45861) on June 26, 2019.

Responsible Department

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



Rosemount Non-Contact Level Meters Contract (Ordinance S-47244)

Request to authorize the City Manager, or his designee, to enter into an agreement with Rosemount, Inc. to provide Rosemount non-contact level meters and replacement parts for the Water Services Department (WSD). 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 \$180,000.

Summary

Rosemount non-contact level meters and replacement parts are used at the WSD Water Treatment Plants, Wastewater Treatment Plants and other locations to provide a constant measurement of liquids and solids in storage tanks, weirs, digesters and flumes. City staff will be responsible for installation, maintenance, repairs or replacement of parts.

Procurement Information

Per Phoenix City Code section 43-11(D) and the City's Administrative Regulation 3.10, the competitive process was waived because Rosemount is the sole source for these essential Rosemount parts. Rosemount does not have authorized distributors and therefore all purchases must be made through Rosemount, the manufacturer.

The WSD requests a waiver from Phoenix City Code section 42-18(B). Rosemount seeks a limitation of liability and if approved, it would limit its liability under any theory of recovery to four times the contract price received by Rosemount under the contract.

Contract Term

The term of the agreement is six years and will begin on or about Feb. 1, 2021.

Financial Impact

The agreement value for Rosemount will not exceed a total value of \$180,000 over the life of the contract. 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.



Final Plat - Quiktrip Store #1410 - PLAT 200541 - 400 N. 75th Ave.

Plat: 200541
Project: 19-370
Name of Plat: Quiktrip Store #1410
Owner(s): Quiktrip Corporation
Engineer(s): The WLB Group
Request: A 1 Lot Commercial Plat
Reviewed by Staff: Dec. 16, 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

400 N. 75th Ave.
Council District: 7

Responsible Department

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



Final Plat - Dobbins Manor - PLAT 190009 - South of Dobbins Road and West of 27th Avenue

Plat: 190009
Project: 18-1101
Name of Plat: Dobbins Manor
Owner(s): KB Home Phoenix, Inc.
Engineer(s): RS Team Land Surveyors, LLC
Request: A 266 Residential Subdivision Plat
Reviewed by Staff: Dec. 16, 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 south of Dobbins Road, and west of 27th Avenue.
Council District: 8

Responsible Department

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



Map of Dedication - Phoenix Logistics Center (87th Avenue) - MOD 150004 - 87th Avenue and Buckeye Road

Map of Dedication: 150004

Project: 07-4205

Name of Map of Dedication: Phoenix Logistics Center (87th Avenue)

Owner(s): Phoenix Logistics Center, LLC

Engineer(s): Survey Innovation Group, Inc.

Request: A Commercial Subdivision Map of Dedication

Reviewed by Staff: Dec. 22, 2020

Map of Dedication requires Formal Action Only

Summary

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

Location

Generally located at 87th Avenue and Buckeye Road

Council District: 7

Responsible Department

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



Amend City Code - Official Supplementary Zoning Map 1209 (Ordinance G-6792)

Request to authorize the City Manager to amend Section 601 of the Phoenix Zoning Ordinance by adopting Official Supplementary Zoning Map 1209. This amendment reflects that the property owner has met all of the rezoning conditions previously approved by City Council with Z-54-88-8 and Z-12-90-8 and the entitlements are fully vested.

Summary

To rezone a parcel located on the southeast corner of 44th Street and Chandler Boulevard.

Application No.: Z-54-88-8 and Z-12-90-8

Zoning: R-3A

Owner: SRGMF II CHANDLER PHOENIX, LLC

Acreage: 14.26

Location

Southeast corner of 44th Street and Chandler Boulevard

Address: 4411 E. Chandler Blvd.

Council District: 6 (Previously in District 8)

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 SECTION 601 OF THE CITY
OF PHOENIX ZONING ORDINANCE BY ADOPTING
OFFICIAL SUPPLEMENTARY ZONING MAP 1209

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

SECTION 1. That Section 601 of the City of Phoenix Zoning Ordinance is hereby amended by adopting Official Supplementary Zoning Map 1209 signed by the Mayor and City Clerk, which is accompanies and is annexed to this ordinance and declared a part hereof.

PASSED by the Council of the City of Phoenix this 20th day of January,
2021.

MAYOR

ATTEST:

_____ City Clerk

APPROVED AS TO FORM:

_____ City Attorney

REVIEWED BY:

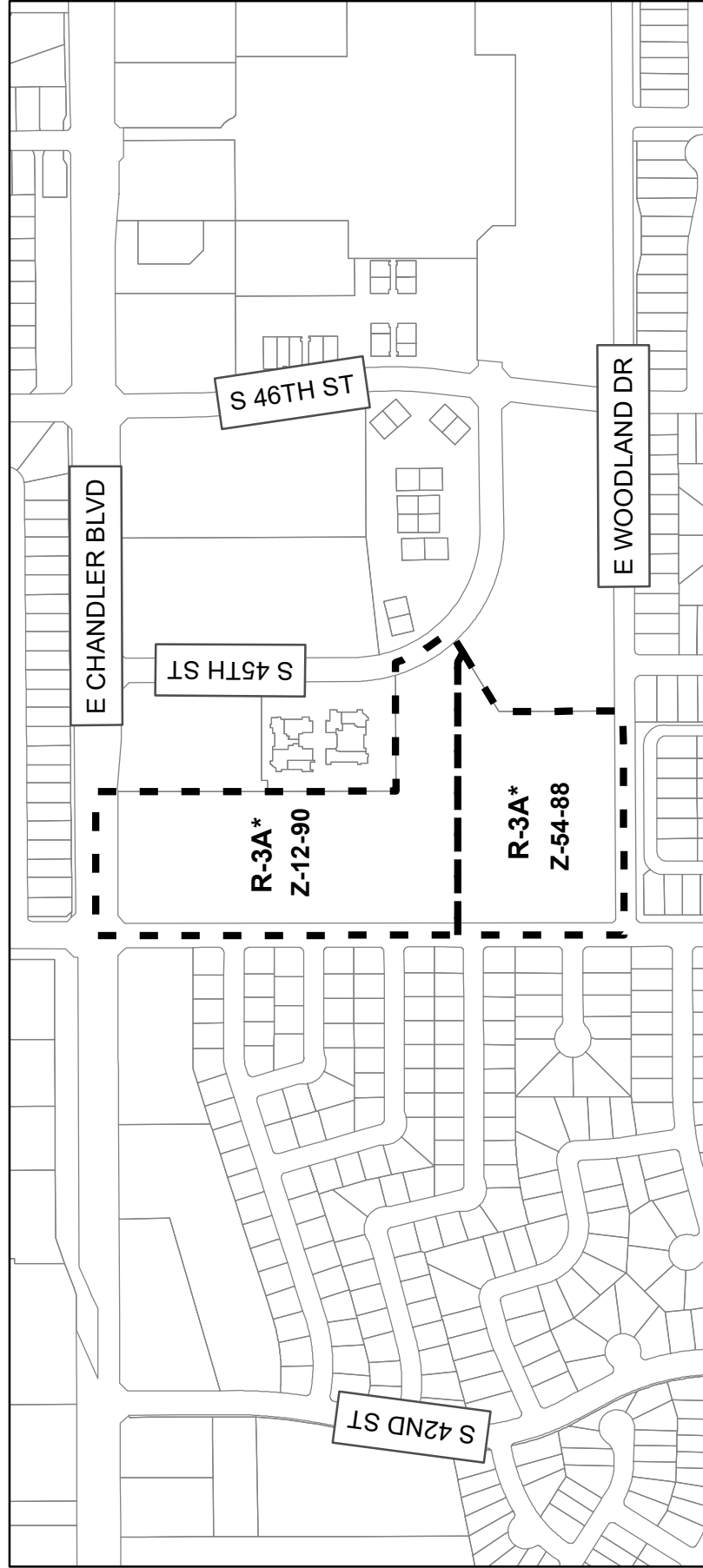
_____ City Manager

DRAFT

OFFICIAL SUPPLEMENTARY ZONING MAP NO. 1209 Sheet 1 of 1

ORDINANCE NO. _____ AMENDING SECTION 601 OF THE CITY OF PHOENIX ZONING ORDINANCE

Passed by the Council of the City of Phoenix, Arizona this 20th day of January 2021.



**Z-54-88-8 and Z-12-90-8
AMENDMENT TO SUPP NO. 980**



City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

Drawn by: KS

ZONING SUBJECT TO STIPULATIONS: *
AREA INVOLVED BOUNDED THUS: ■■■■■



Amend City Code - Official Supplementary Zoning Map 1210 (Ordinance G-6793)

Request to authorize the City Manager to amend Section 601 of the Phoenix Zoning Ordinance by adopting Official Supplementary Zoning Map 1210. This amendment reflects that the property owner has met all of the rezoning conditions previously approved by City Council with Z-54-88-8 and the entitlements are fully vested.

Summary

To rezone a parcel located on the southeast corner of 45th Street and Chandler Boulevard.

Application No.: Z-54-88-8

Zoning: C-O

Owner: PPHC Ahwatukee LLC; HHP Ahwatukee LLC; Foothills MP Development LC; Foothills Medical Properties, LLC; Suite 114, LLC; and MT Holdings, LLC

Acreage: 6.95

Location

Southeast corner of 45th Street and Chandler Boulevard

Address: 4505 E. Chandler Blvd. and 4530 E. Muirwood Drive

Council District: 6 (Previously in District 8)

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 SECTION 601 OF THE CITY
OF PHOENIX ZONING ORDINANCE BY ADOPTING
OFFICIAL SUPPLEMENTARY ZONING MAP 1210

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

SECTION 1. That Section 601 of the City of Phoenix Zoning Ordinance is
hereby amended by adopting Official Supplementary Zoning Map 1210 signed by the
Mayor and City Clerk, which is accompanies and is annexed to this ordinance and
declared a part hereof.

PASSED by the Council of the City of Phoenix this 20th day of January,
2021.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

_____ City Attorney

REVIEWED BY:

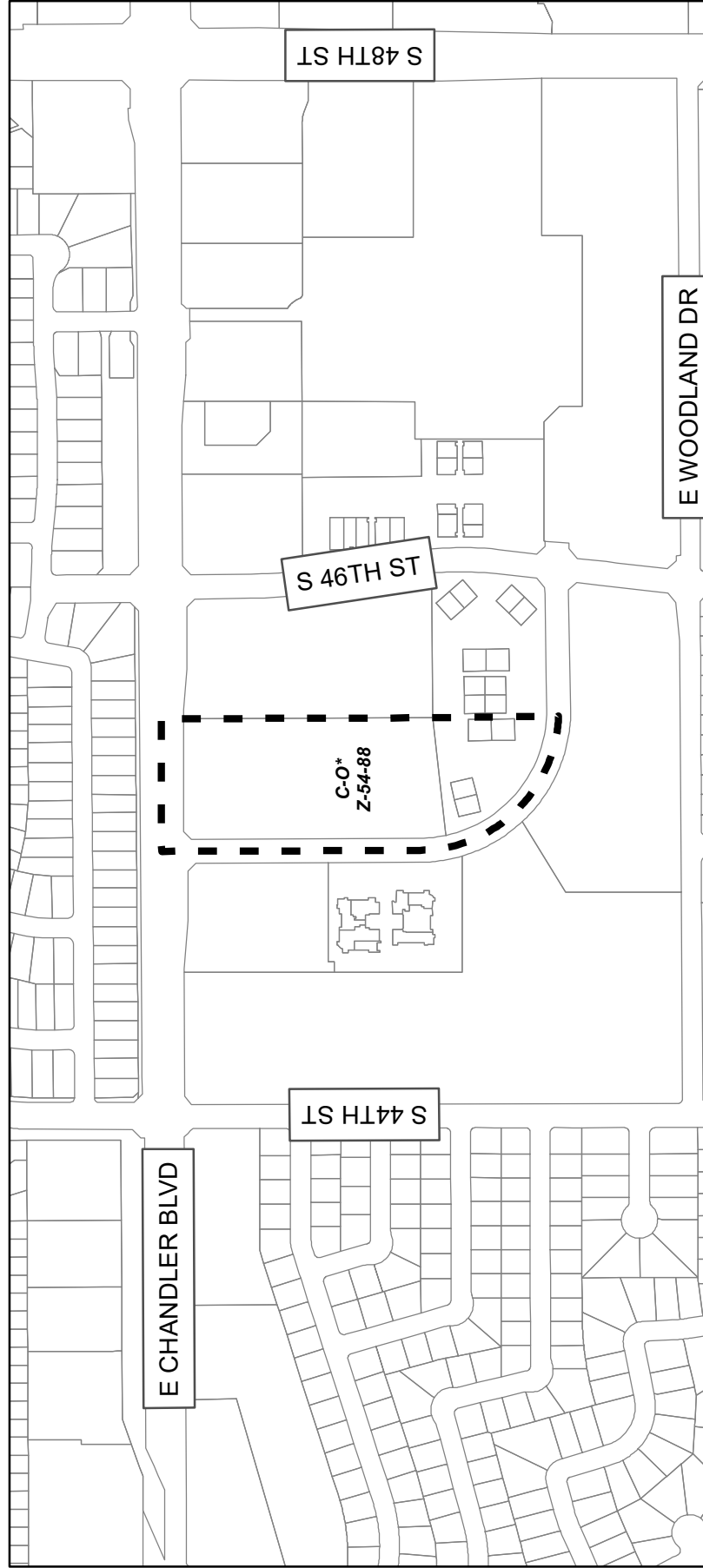
_____ City Manager

DRAFT

OFFICIAL SUPPLEMENTARY ZONING MAP NO. 1210 Sheet 1 of 1

ORDINANCE NO. _____ AMENDING SECTION 601 OF THE CITY OF PHOENIX ZONING ORDINANCE

Passed by the Council of the City of Phoenix, Arizona this 20th day of January 2021.



Z-54-88-8



City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

Drawn by: KS

ZONING SUBJECT TO STIPULATIONS: *
AREA INVOLVED BOUNDED THUS: ■■■■■



Modification of Stipulation Request for Ratification of Dec. 16, 2020 Planning Hearing Officer Action - PHO-3-20_Z-14-05-1 - Approximately 633 Feet East of the Northeast Corner of 7th Avenue and Misty Willow Lane

Request to authorize the City Manager, or his designee, to approve Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on Dec. 16, 2020. This ratification requires formal action only.

Summary

Application: PHO-3-20--Z-14-05-1

Existing Zoning: A-1 DVAO

Acreage: 24.07

Applicant: Happy Valley II, LLC

Owner: Happy Valley II, LLC

Representative: Law Office of David Cisiewski, PLLC

Proposal:

1. Modification of Stipulation 1 regarding general conformance to the site plan date stamped Aug. 31, 2007.
2. Deletion of Stipulation 2 regarding a master architectural theme.
3. Modification of Stipulation 3 regarding landscape setbacks along 7th Avenue, Misty Willow Lane, and internal streets.
4. Deletion of Stipulation 5 regarding parking lot landscaping.
5. Modification of Stipulation 7 regarding recording documents that disclose the existence and characteristics of Goodrich-Universal Propulsion Company.
6. Technical correction to Stipulation 4.

Concurrence/Previous Council Action

Village Planning Committee (VPC) Recommendation: The Deer Valley Village Planning Committee heard this case on Nov. 19, 2020 and recommended approval with a modification, by a 10-0 vote.

Planning Hearing Officer Recommendation: The Planning Hearing Officer heard this case on Dec. 16, 2020, and recommended approval with modifications and additional

stipulations. Please see **Attachment A** for a complete list of the Planning Hearing Officer's recommended stipulations.

Location

Approximately 633 feet east of the northeast corner of 7th Avenue and Misty Willow Lane

Parcel Address: 500 W. Misty Willow Lane

Council District: 1

Responsible Department

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

Attachment A- Stipulations- PHO-3-20_Z-14-05-1

Location: Approximately 633 feet east of the northeast corner of 7th Avenue and Misty Willow Lane

Stipulations:

GENERAL CONFORMANCE	
1.	That THE development shall be in general conformance to WITH the site plan date stamped DECEMBER 16, 2020 August 31, 2007 , as approved or modified by the PLANNING AND Development Services Department.
2.	That a master architectural theme, that unifies the landscaping and building materials for all development, shall be approved concurrent with preliminary site plan approval for the first phase of development as approved by the Development Services Department.
2. 3.	That An average 20-foot (minimum 10-foot) landscape setback shall be REQUIRED provided along 7th Avenue and Misty Willow Lane and an average 10-foot (minimum 5-foot) landscape setback shall be REQUIRED provided along MISTY WILLOW LANE AND all internal streets, as approved by the PLANNING AND Development Services Department.
TRAILS	
3. 4.	That The applicant shall provide two pedestrian access points to the regional trail system located adjacent to the CAP Canal via the two public streets adjacent to the canal, as approved by the PLANNING AND Development Services Department.
LANDSCAPING	
5.	That landscaping shall be provided within parking lots per C-2 zoning district standards (Section 701.d), as approved by the Development Services Department.
ARCHAEOLOGICAL	
4. 6.	That The subject site has the potential to contain archaeological resources. That The applicant shall submit an archaeological survey for review and approval by the City Archaeologist (602) 495-0901 prior to preliminary approval.
NOTIFICATION	
5. 7.	That, At such time as the sale of any parcel, the property owner shall record documents that disclose to purchasers or occupants of property within the development(s) the existence and operational characteristics of Deer Valley Airport and Goodrich-Universal Propulsion Company. The

	form and content of such documents shall be reviewed by the City Attorney.
6.	THE PROPERTY OWNER SHALL RECORD DOCUMENTS THAT DISCLOSE TO PROSPECTIVE PURCHASERS OF PROPERTY WITHIN THE DEVELOPMENTS THE NATURE OF ENVIRONMENTAL REMEDIATION ACTIVITIES AT THE FORMER SITE OF THE GOODRICH UNIVERSAL PROPULSION COMPANY. 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.
STREETS AND TRANSPORTATION	
7.	THE DEVELOPER SHALL DEDICATE 40 FEET OF RIGHT-OF-WAY FOR THE NORTH HALF OF MISTY WILLOW LANE (ALAMEDA ROAD ALIGNMENT), AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
8.	That Right-of-way totaling 70 feet shall be dedicated for the south half of Happy Valley Road.
9.	That A 21-foot by 21-foot right-of-way triangle shall be dedicated at the southeast corner of 7th Avenue and Happy Valley Road.
10.	That Sufficient right-of-way shall be dedicated to accommodate a bus-bay on Happy Valley Road at 7th Avenue.
11.	That The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals as per plans approved by the City. All improvements shall comply with all ADA accessibility standards.
12.	That The applicant shall submit paving plans for all arterial streets within and adjacent to the development, to the Street Transportation Department for review and approval.
13.	That The applicant shall complete and submit the Developer Project Information Form for the MAG Transportation Improvement Program to the Street Transportation Department. This form is a requirement of the EPA to meet clean air quality requirements.



Amend City Code - Ordinance Adoption - Rezoning Application Z-33-20-2 (Optima Kierland Center Phase II PUD) - Approximately 415 Feet North of the Northwest Corner of Scottsdale Road and Kierland Boulevard (Ordinance G-6795)

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-33-20-2 and rezone the site from C-2 PCD (Intermediate Commercial, Planned Community District) to PUD (Planned Unit Development) for multifamily residential and commercial.

Summary

Current Zoning: C-2 PCD

Proposed Zoning: PUD

Acreage: 1.93 acres

Proposed Use: Multifamily residential and commercial

Owner: Kierland Center, LLC

Applicant: Optima

Representative: Nick Wood, Snell & Wilmer, LLP

Staff Recommendation: Approval, subject to stipulations.

VPC Action: The Paradise Valley Village Planning Committee heard the case on Dec. 7, 2020 and recommended approval, per the staff recommendation with an additional stipulation by a 6-1 vote.

PC Action: The Planning Commission heard the case on Jan. 7, 2021 and recommended approval, per the Paradise Valley Village Planning Committee recommendation by a 9-0 vote.

Location

Approximately 415 feet north of the northwest corner of Scottsdale Road and Kierland Boulevard

Parcel Addresses: 15450 N. Scottsdale Road and 7190 E. Kierland Blvd.

Council District: 2

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-33-20-2) FROM C-2 PCD (INTERMEDIATE COMMERCIAL, PLANNED COMMUNITY DISTRICT) TO PUD (PLANNED UNIT DEVELOPMENT).

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

SECTION 1. The zoning of a 1.93 acre site located approximately 415 feet north of the northwest corner of Scottsdale Road and Kierland Boulevard in a portion of Section 3, Township 3 North, Range 4 East, as described more specifically in Exhibit "A," is hereby changed from "C-2 PCD" (Intermediate Commercial, Planned Community District) to "PUD" (Planned Unit Development).

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

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

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

1. An updated Development Narrative for the Optima Kierland Center Phase 2 PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with the Development Narrative date stamped November 20, 2020, as modified by the following stipulations:
 - a. Front Cover: Remove "HEARING DRAFT" and revise submittal date information on bottom of the cover page as follows:
 - 1st Submittal: June 17, 2020
 - 2nd Submittal: September 3, 2020
 - 3rd Submittal: November 2, 2020
 - Hearing Draft: November 20, 2020
 - City Council adopted: TBD
 - b. Add to Section E.2.a, Uniform Streetscape Design, at the end:
Notwithstanding the above, and any other provision of this PUD, in order to preserve visibility to the existing retail development located on the property north of the site, no trees will be required in the landscape area located between the entry drive aisle and Scottsdale Road.
 - c. Modify Section D.5.e to read:
All public sidewalks shall be shaded to a minimum of 75% (if vegetative, at tree maturity), except those located north of the entry drive (to preserve visibility to existing retail development that would otherwise be blocked by shading vegetation or structures).
2. 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.
3. The applicant shall submit a Traffic Impact Study/Statement to the City for this development. No preliminary approval of plans shall be granted until the study is reviewed and approved by the City. Contact Mr. Matthew Wilson, Traffic Engineer III, (602) 262-7580, to set up a meeting to discuss the requirements of the statement/study. Upon completion of the TIS the developer shall submit the completed TIS to the Planning and Development Department counter with instruction to forward the study to the Street Transportation Department, Design Section.

4. The property owner shall record documents that disclose the existence, and operational characteristics of Scottsdale Municipal Airport (SDL) to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.
5. The developer shall provide documentation to the City of Phoenix prior to final site plan approval that Form 7460-1 has been filed for the development and that the development received a "No Hazard Determination" from the FAA. If temporary equipment used during construction exceeds the height of the permanent structure a separate Form 7460-1 shall be submitted to the FAA and a "No Hazard Determination" obtained prior to the construction start date.
6. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.
7. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 Waiver of Claims form. The Waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record.

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

PASSED by the Council of the City of Phoenix this 20th day of January 2021.

MAYOR

ATTEST:

Denise Archibald, City Clerk

APPROVED AS TO FORM:
Cris Meyer, City Attorney

By: _____

REVIEWED BY:

Ed Zuercher, City Manager

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

PL:tml:LF20-3292:1-20-21:2231090v1

DRAFT

EXHIBIT A

LEGAL DESCRIPTION FOR Z-33-20-2

THE LAND REFERRED TO HEREIN BELOW IS SITUATED PHOENIX, IN THE COUNTY OF MARICOPA, STATE OF ARIZONA, AND IS DESCRIBED AS FOLLOWS:

PARCEL NO. 1:

A parcel of land lying within Section 3, Township 3 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being a portion of Parcel 4 A of KIERLAND PARCELS 1, 3 and 4A, as recorded in Book 418 of Maps, Page 45, records of Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the South most Southeast corner of said Parcel 4A; THENCE along the Southerly line of said Parcel 4A, North 44 degrees 48 minutes 52 seconds East, a distance of 29.74 feet, to the East line of said Parcel 4A;

THENCE leaving said Southerly line, along the East line of said Parcel 4A, North 00 degrees 06 minutes 24 seconds West, a distance of 340.71 feet, to the POINT OF BEGINNING;

THENCE leaving said East line, South 89 degrees 44 minutes 08 seconds West, a distance of 54.04 feet;

THENCE North 00 degrees 15 minutes 52 seconds West, a distance of 8.54 feet;

THENCE North 45 degrees 15 minutes 52 seconds West, a distance of 368.10 feet; THENCE South 89 degrees 44 minutes 08 seconds West, a distance of 99.31 feet;

THENCE North 00 degrees 15 minutes 52 seconds West, a distance of 69.99 feet, to the North line of said Parcel 4A;

THENCE along said North line, North 89 degrees 44 minutes 08 seconds East, a distance of 414.57 feet, to the East line of said Parcel 4A;

THENCE leaving said North line, along said East line, South 00 degrees 06 minutes 24 seconds East, a distance of 338.82 feet, to the POINT OF BEGINNING.

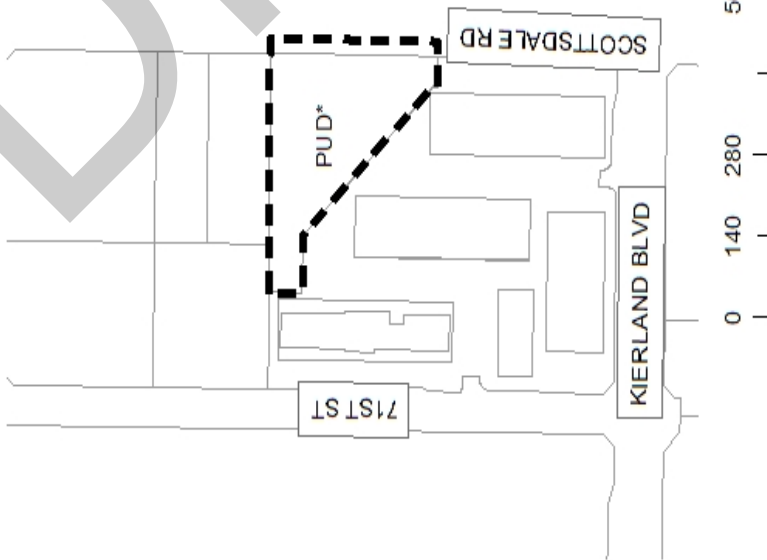
PARCEL NO. 2:

An easement for ingress, egress and public utilities, as recorded in Recording No. 96-0570533; and thereafter amended recorded in Recording No. 99-0563053; and thereafter Second Amendment recorded in Recording No. 99-0875237, and re-recorded in Recording No. 20010721444; and thereafter Third Amendment recorded in Recording No. 20150633187; and thereafter Fourth Amendment recorded in Recording no. 20170540672, records of Maricopa County, Arizona. APN: 215-42-006C.

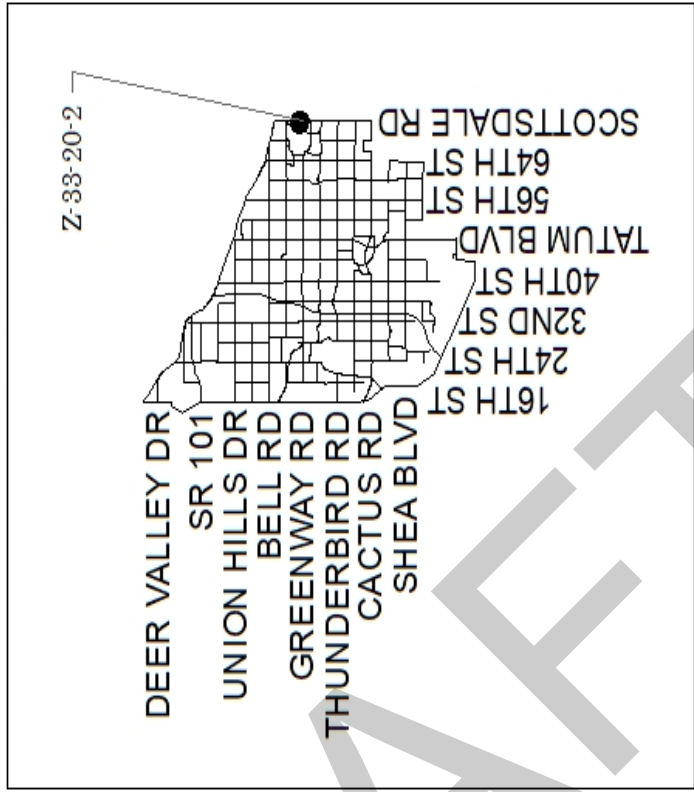
ORDINANCE LOCATION MAP

EXHIBIT B

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



Zoning Case Number: Z-33-20-2
Zoning Overlay: N/A
Planning Village: Paradise Valley



NOT TO SCALE

Drawn Date: 12/24/2020

\\one\p\dd\Share of Department\Share Information Systems\PL GIS\US_Team\Team\Core_Functions\Zoning\SuppMaps_Ord\Map\2021\Ord\11-20-21\Z-33-20-2.mxd



Amend City Code - Ordinance Adoption - Rezoning Application PHO-1-20_Z-36-17-7 - Southwest Corner of 103rd Avenue and Buckeye Road (Ordinance G-6794)

Request to authorize the City Manager, or his designee, to approve the Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on Dec. 16, 2020.

Summary

Application: PHO-1-20_Z-36-17-7
Existing Zoning: CP/GCP
Acreage: 20.13

Applicant: Adam Baugh, Withey Morris, PLC
Owner: Virtua Buckeye 103 LLC
Representative: Adam Baugh, Withey Morris, PLC

Proposal:

1. Review and approval of site plan and elevations by the Planning Hearing Officer per Stipulation 9.

Concurrence/Previous Council Action

Village Planning Committee (VPC) Recommendation: The Estrella Village Planning Committee heard this case on Dec. 15, 2020 and recommended approval, by a 5-0 vote.

PHO Action: The Planning Hearing Officer heard this case on Dec. 16, 2020 and recommended approval with additional stipulations. See **Attachment A** for the full list of Planning Hearing Officer recommended stipulations.

Location

Southwest corner of 103rd Avenue and Buckeye Road
Parcel Address: N/A
Council District: 7

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-36-17-7 PREVIOUSLY APPROVED BY
ORDINANCE G-6366.

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

SECTION 1. The zoning stipulations applicable located at the southwest
corner of 103rd Avenue and Buckeye Road in a portion of Section 17, Township 1
North, Range 1 East, as described more specifically in Attachment "A", are hereby
modified to read as set forth below.

STIPULATIONS:

1. THE DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE SITE PLAN DATE STAMPED OCTOBER 30, 2020 AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
2. THE DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE ELEVATIONS DATE STAMPED DECEMBER 16, 2020, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
3. The developer shall provide a minimum 50-foot building setback along the
4. northern and southern boundaries of the site, as approved by the Planning and Development Department
4. The developer shall provide a minimum 30-foot landscape setback along both
2. 103rd Avenue and Buckeye Road. In addition, the developer shall provide and maintain 26-feet of landscaping in the Buckeye Road right-of-way. The

streetscape landscaping shall be installed and maintained in accordance with the C-2 zoning district standards for planting type, size, and quantity, as approved by the Planning and Development Department.

- ~~3.~~ 5. The developer shall provide a minimum 20-foot landscape setback along the southern and western boundaries of the site, as approved by the Planning and Development Department.
- ~~4.~~ 6. The developer shall comply with the Estrella Village Arterial Street Landscaping Program, as approved by the Planning and Development Department.
- ~~5.~~ 7. Building elevations shall contain architectural embellishments and detailing such as textural changes, pilasters, offsets, recesses, variation in window size and location, and/or other overhang canopies, as approved by the Planning and Development Department.
- ~~6.~~ 8. Building height shall be limited to a maximum of 40 feet within 100 feet of the southern boundary of the site, as approved by the Planning and Development Department.
9. IF DETERMINED NECESSARY BY THE PHOENIX ARCHAEOLOGY OFFICE, THE APPLICANT SHALL CONDUCT PHASE I DATA TESTING AND SUBMIT AN ARCHAEOLOGICAL SURVEY REPORT OF THE DEVELOPMENT AREA FOR REVIEW AND APPROVAL BY THE CITY ARCHAEOLOGIST PRIOR TO CLEARING AND GRUBBING, LANDSCAPE SALVAGE, AND/OR GRADING APPROVAL.
10. IF PHASE I DATA TESTING IS REQUIRED, AND IF, UPON REVIEW OF THE RESULTS FROM THE PHASE I DATA TESTING, THE CITY ARCHAEOLOGIST, IN CONSULTATION WITH A QUALIFIED ARCHAEOLOGIST, DETERMINES SUCH DATA RECOVERY EXCAVATIONS ARE NECESSARY, THE APPLICANT SHALL CONDUCT PHASE II ARCHAEOLOGICAL DATA RECOVERY EXCAVATIONS.
- ~~7.~~ 11. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.
- ~~8.~~ 12. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, landscaping and other incidentals as per plans approved by the City. All improvements shall comply with all ADA accessibility standards.
- ~~9.~~ ~~The site plan and elevations shall be reviewed and approved by the Planning Hearing Officer prior to preliminary site plan approval.~~
- ~~10.~~ 13. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 Waiver of Claims in a form approved by the City Attorney's

Office. The waiver shall be recorded with the Maricopa County. Recorder's Office and delivered to the City to be included in the rezoning application file for record.

SECTION 2. Due to the site's specific physical conditions and the use district granted pursuant to Ordinance G-6366, this portion of the rezoning is now subject to the stipulations approved pursuant to Ordinance G-6366 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 20th day of January, 2021.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

REVIEWED BY:

_____ City Manager

Exhibits:

A - Legal Description (1 Page)

B - Ordinance Location Map (1 Page)

DRAFT

EXHIBIT A

LEGAL DESCRIPTION FOR PHO-1-20-- Z-36-17-7

The Land referred to herein below is situated in the County of Maricopa, State of Arizona, and is described as follows:

THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 1 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

EXCEPT ANY OF THE PROPERTY CONVEYED TO THE UNITED STATES OF AMERICA IN BOOK 187 OF DEEDS, PAGE 374 AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT CERTAIN DITCH AS NOW LOCATED AND CONSTRUCTED WITHIN THE WEST HALF OF SECTION 17 TOWNSHIP 1 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, TOGETHER WITH SUFFICIENT LAND ON EACH SIDE OF SAID DITCH TO PERMIT THE ECONOMICAL OPERATION AND MAINTENANCE THEREOF, SAID DITCH EXTENDING FROM THE 16/13 CORNER TO THE 16/12 CORNER OF SECTION 17, ALONG AND IMMEDIATELY NORTH OF THE EAST AND WEST MID-SECTION LINE,

THENCE SOUTH TO 16/0 CORNER, ALONG AND IMMEDIATELY WEST OF THE NORTH AND SOUTH CENTER LINE OF THE WEST HALF OF SAID SECTION 17 AND EXCEPT THAT PORTION LYING SOUTHERLY OF THE NORTH LINE OF CABALLO CROSSING PHASE 1, ACCORDING TO BOOK 1193 OF MAPS, PAGE 23, RECORDS OF MARICOPA COUNTY, ARIZONA; AND

EXCEPT THE EAST 33 FEET OF THE SOUTH 663.47 FEET OF THE NORTH 696.47 FEET OF SAID EAST HALF, AS CONVEYED TO THE CITY OF PHOENIX, AN ARIZONA MUNICIPAL CORPORATION IN WARRANTY DEEDS RECORDED NOVEMBER 26, 2014 IN DOCUMENT NO 2014-784280, DOCUMENT NO 2014-784281 AND DOCUMENT NO 2014-784519, RECORDS OF MARICOPA COUNTY, ARIZONA.

EXCEPT THE PROPERTY CONVEYED TO MARICOPA COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF ARIZONA IN WARRANTY DEED RECORDED JUNE 09, 2017 AS 2017-421503 OF OFFICIAL RECORDS.

EXCEPT THE PROPERTY CONVEYED TO MARICOPA COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF ARIZONA IN QUIT CLAIM DEED RECORDED SEPTEMBER 23, 2019 AS 2019-745471 OF OFFICIAL RECORDS.

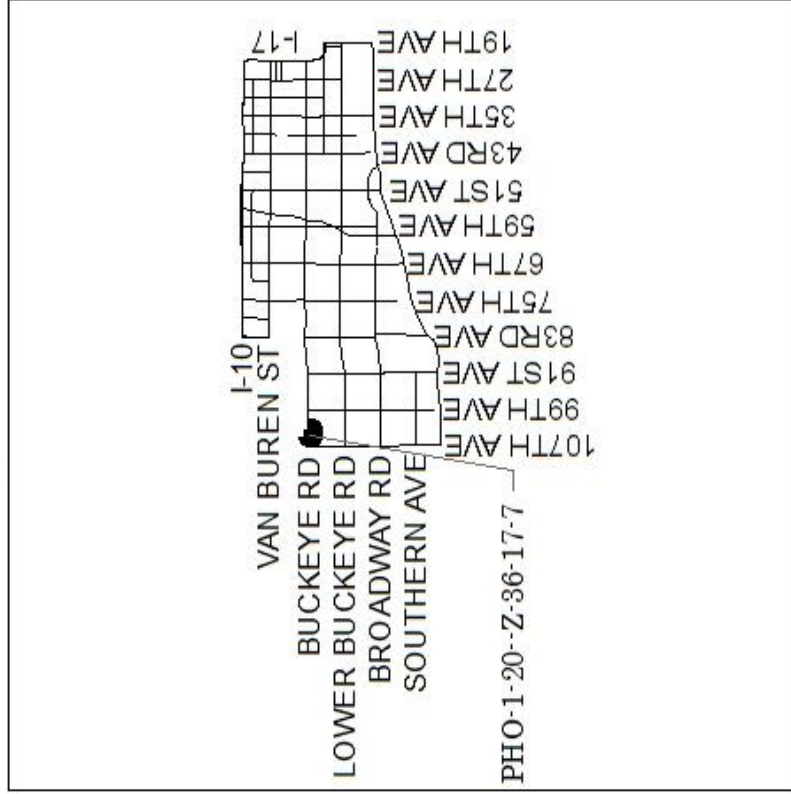
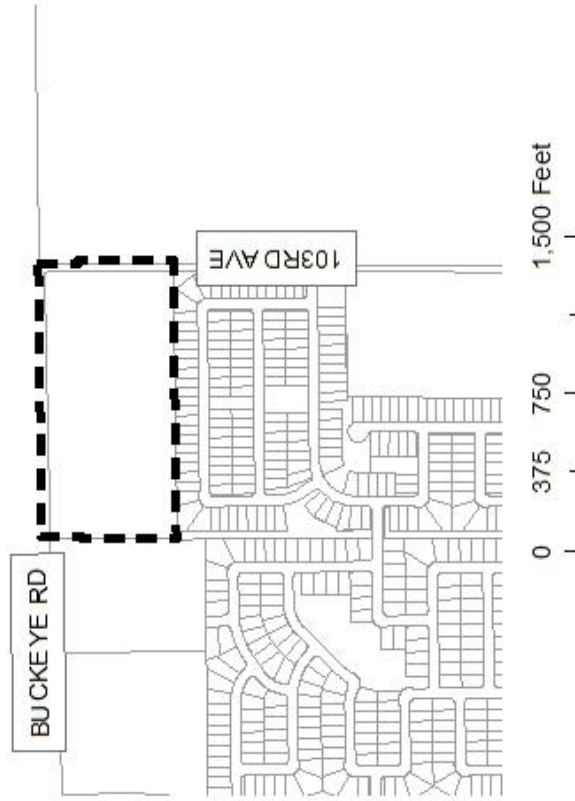
EXHIBIT B

ORDINANCE LOCATION MAP

Zoning Case Number: PHO-1-20-Z-36-17-7
Zoning Overlay: N/A
Planning Village: Estrella

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

MARICOPA COUNTY



NOT TO SCALE



Drawn Date: 12/22/2020



Amend City Code - Ordinance Adoption - Rezoning Application Z-SP-6-20-7-8 - Approximately 170 Feet South of the Southwest Corner of 59th Avenue and Baseline Road (Ordinance G-6796)

Request to authorize the City Manager, or his designee, to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-SP-6-20-7-8 and rezone the site from C-2 (Intermediate Commercial District) to C-2 SP (Intermediate Commercial District, Special Permit) to allow a massage establishment and all underlying C-2 uses.

Summary

Current Zoning: C-2

Proposed Zoning: C-2 SP

Acreage: 0.06 acres

Proposed Use: Massage establishment and all underlying C-2 uses

Owner: LB 59th, LLC

Applicant: PCRK Group

Representative: Wendy Riddell, Esq., Berry Riddell

Staff Recommendation: Approval.

VPC Action: The Laveen Village Planning Committee heard this case on Dec. 14, 2020, and recommended approval, per the staff recommendation, by an 11-0 vote.

PC Action: The Planning Commission heard this case on Jan. 7, 2021, and recommended approval, per the Laveen Village Planning Committee recommendation, by a 9-0 vote.

Location

Approximately 170 feet south of the southwest corner of 59th Avenue and Baseline Road

Parcel Address: 7620 W. 59th Ave.

Council Districts: 7 and 8

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-6-20-7-8) FROM C-2 (INTERMEDIATE COMMERCIAL DISTRICT) TO C-2 SP (INTERMEDIATE COMMERCIAL DISTRICT, SPECIAL PERMIT).

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

SECTION 1. The zoning of a 0.06-acre site located approximately 170 feet south of the southwest corner of 59th Avenue and Baseline Road in a portion of Section 5, Township 1 South, Range 2 East, as described more specifically in Exhibit "A", is hereby changed from "C-2" (Intermediate Commercial District) to "C-2 SP" (Intermediate Commercial District, Special Permit) to allow a massage establishment and underlying C-2 uses.

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

SECTION 3. The specific nature of the subject property and of the rezoning request is more particularly described in case file Z-SP-6-20-7-8, on file with the Planning and Development Department.

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

PASSED by the Council of the City of Phoenix this 20th day of January 2021.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

REVIEWED BY:

City Manager

Exhibits:

A – Legal Description (1 Page)

B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-SP-6-20-7-8

THAT PART OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 1 SOUTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY ARIZONA.

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 31, TOWNSHIP 1 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, FROM WHICH THE SOUTH QUARTER CORNER OF SAID SECTION 31 BEARS SOUTH 89 DEGREES 42 MINUTES 58 SECONDS WEST, A DISTANCE OF 2632.53 FEET;

THENCE SOUTH 89 DEGREES 42 MINUTES 58 SECONDS WEST, ALONG THE NORTH LINE OF SAID SECTION 5, A DISTANCE OF 160.05 FEET;

THENCE SOUTH 00 DEGREES 17 MINUTES 02 SECONDS EAST, LEAVING SAID SECTION LINE, A DISTANCE OF 241.21 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 60.00;

THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 40.00 FEET;

THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 60.00 FEET;

THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING.

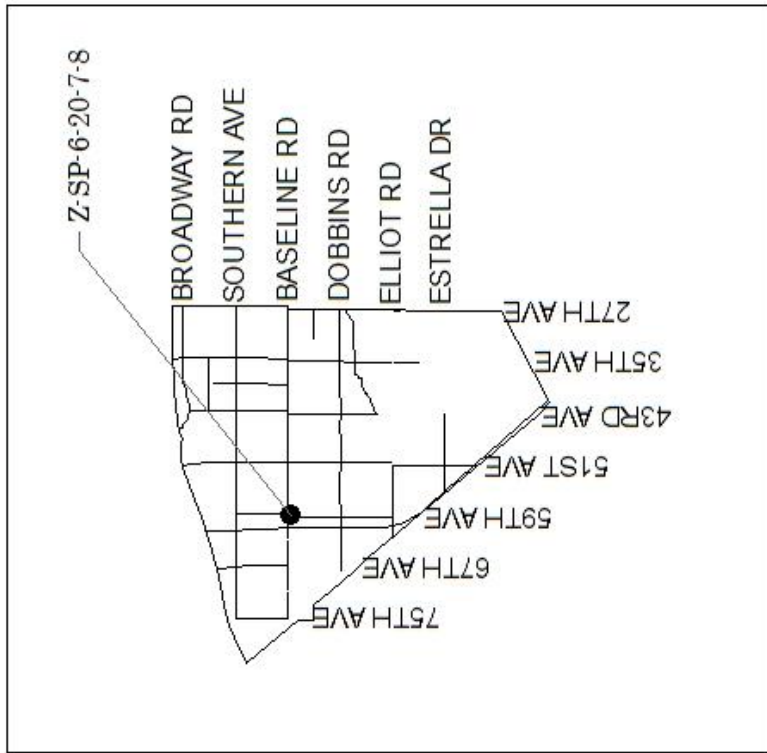
SAID PARCEL CONTAINS 2,400 SQUARE FEET OR 0.055 ACRES, MORE OR LESS.

EXHIBIT B

ORDINANCE LOCATION MAP

Zoning Case Number: Z-SP-6-20-7-8
Zoning Overlay: N/A
Planning Village: Laveen

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



BASELINE RD

59TH DR

C-2
SP*



NOT TO SCALE



Drawn Date: 12/24/2020



Public Hearing and Resolution Adoption - General Plan Amendment GPA-DV-1-20-1 - Located on the Southeast Corner of 19th Avenue and Alameda Road (Resolution 21892)

Request to hold a public hearing on the request for the following item to consider adopting the Planning Commission's recommendation and the related Resolution if approved. This file is a companion case to Z-57-20-1 and should be heard first, followed by Z-57-20-1.

Summary

Current Plan Designation: Industrial (158.01 acres) and Commerce/Business Park (163.68 acres)

Proposed Plan Designation: Mixed Use (Industrial/Commerce/Business Park)

Acreage: 321.69 acres

Reason for change: General Plan Land Use Map Amendment to change the land use designation to Mixed Use (Commerce/Business Park/Industrial) to reinforce the area's location as a destination for employment uses and address collaboration between the City of Phoenix and the Arizona State Land Department.

Owner: Arizona State Land Department

Applicant: City of Phoenix, Planning and Development Department

Representative: City of Phoenix, Planning and Development Department

Staff Recommendation: Approval.

VPC Action: The Deer Valley Village Planning Committee heard the case on Dec. 17, 2020 and recommended approval, per the staff recommendation, by a 7-0 vote.

PC Action: The Planning Commission heard the case on Jan. 7, 2021 and recommended approval, per the Deer Valley Village Planning Committee recommendation, by a 9-0 vote.

Location

Southeast corner of 19th Avenue and Alameda Road

Council District: 1

Parcel Addresses: 23455 N. 19th Ave. and 1850 W. Pinnacle Peak 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 RESOLUTION**

RESOLUTION _____



A RESOLUTION ADOPTING AN AMENDMENT TO THE
2015 GENERAL PLAN FOR PHOENIX, APPLICATION
GPA-DV-1-20-1, CHANGING THE LAND USE
CLASSIFICATION FOR THE PARCEL DESCRIBED
HEREIN.

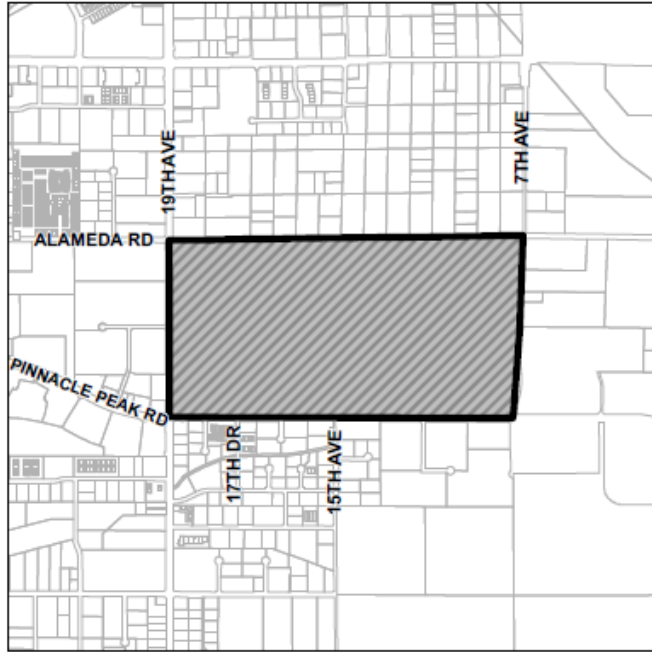
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PHOENIX, as
follows:

SECTION 1. The 2015 Phoenix General Plan which was adopted by
Resolution No. 21307, is hereby amended by adopting GPA-DV-1-20-1, 321.69 acres
located on the southeast corner of 19th Avenue and Alameda Road, for Mixed Use
(Commerce / Business Park / Industrial) to reinforce the area's location as a
destination for employment uses and to address collaboration between the City of
Phoenix and the Arizona State Land Department, as approved by the City Council on
January 20, 2021 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:

Mixed Use (Commerce / Business Park / Industrial) (321.69 +/- Acres)

-  Proposed Change Area
-  Mixed Use (Industrial / Commerce/Business Park)



PASSED by the Council of the City of Phoenix this 20th day of January

2021.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

Acting City Attorney

REVIEWED BY:

City Manager

PL:amt:___v1 (CM __) (Item _) 1/20/21



City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

**GENERAL PLAN AMENDMENT
STAFF ANALYSIS**
December 4, 2020

Application: GPA-DV-1-20-1

Applicant: City of Phoenix Planning and Development Department

Owner: Arizona State Land Department

Representative: City of Phoenix Planning and Development Department

Location: Southeast corner of 19th Avenue and Alameda Road

Acreage: 321.69 acres

Current Plan Designation: Industrial (158.01 acres) and Commerce / Business Park (163.68 acres).

Requested Plan Designation: Mixed Use (Commerce / Business Park / Industrial) (321.69 acres)

Reason for Requested Change: General Plan Land Use Map Amendment to change the land use designation to Mixed Use (Commerce / Business Park / Industrial) to reinforce the area's location as a destination for employment uses and to address collaboration between the City of Phoenix and the Arizona State Land Department.

[Deer Valley Village Planning Committee Date:](#) December 17, 2020

Staff Recommendation: Approval

FINDINGS:

- 1) Requested land use change will better position the properties for auction by the Arizona State Land Department.

- 2) The Mixed Use (Commerce / Business Park / Industrial) land use designation will permit new zoning to be applied to the site that maximizes the opportunities for additional investment within the Deer Valley Major Employment Center.
- 3) The Mixed Use (Commerce / Business Park / Industrial) land use designation will establish compatible uses in proximity to Deer Valley Airport and surrounding properties.

BACKGROUND

The subject property is State Trust Land and is managed by the Arizona State Land Department (ASLD). The ASLD, in partnership with the City of Phoenix, has identified strategically located parcels that are positioned to provide maximum benefit to the Trust's Beneficiaries when auctioned. The subject property's proximity to the Deer Valley Airport and Interstate 17 Freeway position it well for future investment. Figure 1 below is an aerial map of the subject property outlined in yellow.

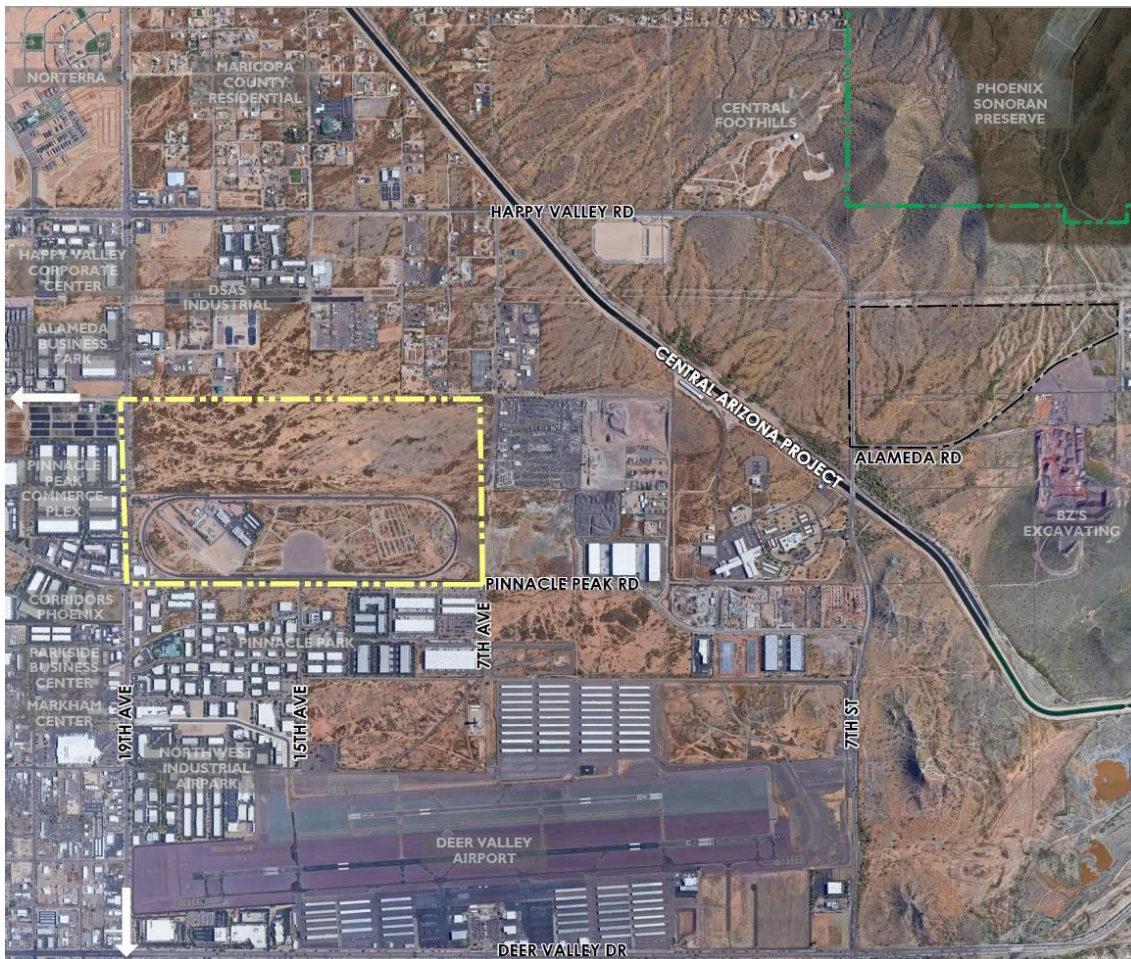


Figure 1: Aerial Map (Source: ASLD)

With the goal of positioning the property for future investment, the ASLD and the City of Phoenix are proposing to rezone the subject property in advance of its auction to a Planned Unit Development (PUD). The PUD is the subject of a companion rezoning case, Z-57-20-1. The PUD will permit both commerce park and industrial land uses throughout the property. The property’s current General Plan Land Use Map designations only permit commerce park uses on the northern portion (163.68) of the site and industrial land uses on the southern portion (158.01 acres) of the site. This General Plan Amendment proposes a Mixed Use land use designation of Commerce / Business Park / Industrial. This Mixed Use designation will allow commerce park and industrial land uses the flexibility to locate on any portion of the site in compliance with the PUD’s development standards. Maps of the existing and proposed General Plan Land Use Map designations can be found in Exhibit 1 attached to this report.

EXISTING CONDITIONS

The northern portion of the subject property is vacant while the southern portion of the site is occupied with improvements and subject to ASLD Commercial Lease No. 03-053542 to Exponent of Delaware, Inc. through January 16, 2028. Exponent operates their Test and Engineering Center (TEC) on the site where they maintain “a vehicle proving ground and full-scale crash facility and nearly 27,000 square feet of high-bay space used in the evaluation of everything from sports equipment to large-format electric vehicle batteries” (Source: www.exponent.com). The proposed Mixed Use designation will support the ongoing operation of the Exponent facility and permit a variety of compatible land uses to the north.

SURROUNDING LAND USES, INFRASTRUCTURE AND REGIONAL CONTEXT

The table below (Figure 2) provides a summary of the surrounding General Plan (GP) Land Use Map designations, existing land uses and zoning.

Location	GP Land Use	Existing Land Uses	Zoning
North	Commerce / Business Park	Towing, Vacant County Land, Construction, County Residential	RU-43, CP/GCP, S-1, A-1
South (Across Pinnacle Peak Road)	Industrial	Industrial Park, Commercial	IND.PK., CP/GCP
East	Industrial	Towing, Vacant	A-1, CP/BP
West (Across 19th Avenue)	Industrial, Residential 15+	Wholesale Growers, Warehouse / Office, Commerce Park, Restaurants, Hotel	R-3A, A-1, C-2, approved C-2 HGT/WVR

Figure 2: Surrounding Land Use Designations, Land Use and Zoning

The proposed Mixed Use Land Use designation is compatible with the surrounding land uses and zoning. The site is approximately 0.5 miles north of the Deer Valley Airport. The existing General Plan Land Use Map designations of the subject site and the surrounding properties are meant to provide a buffer of appropriate land uses within proximity to the airport. The proposed Mixed Use land use designation of Commerce / Business Park / Industrial maintains the integrity of this land use buffer and will ultimately support land uses and zoning on the subject property that will be compatible with the ongoing operations of the airport.

The site is also approximately 0.8 miles east of the Interstate 17 Freeway and falls within the boundaries of the Maricopa Association of Government's Deer Valley Employment Center. This proximity to the Interstate 17 Freeway and location within an Employment Center reinforces the site's capacity to support land uses associated with industry and employers. The proposed Mixed Use designation supports a mix of land uses that will maximize the area's transportation infrastructure assets and will support the addition of more employers to the area.

RELATIONSHIP TO GENERAL PLAN CORE VALUES AND PRINCIPLES

Connect People and Places Core Value

- **Core Centers and Corridors; Land Use Principle: Locate land uses with the greatest height and most intense uses within village cores, centers and corridors based on village character, land use needs, and transportation system capacity.**

The proposed land use change is appropriate for a property that is surrounded by similar uses, is served by two arterial streets and is approximately 0.8 miles from the Interstate 17 Freeway.

Strengthen Our Local Economy Core Value

- **Job Creation (Employers); Land Use Principle: Support General Plan Land Use Map and zoning changes that will facilitate the location of employment generating uses in each of the designated employment centers.**

The proposed land use change will reinforce the location as a destination for employment uses within the Deer Valley Employment Center.

CONCLUSION AND RECOMMENDATION

Staff recommends approval of GPA-DV-1-20-1 as filed. The request aligns with the goals and policies of the General Plan, represents an ongoing collaborative planning

effort with the Arizona State Land Department, and will result in a land use designation that will continue to support surrounding uses while maximizing the property's location in an Employment Center.

Writer

Joshua Bednarek
December 4, 2020

Exhibits

Exhibit 1: Sketch Map (1 page)

GENERAL PLAN AMENDMENT

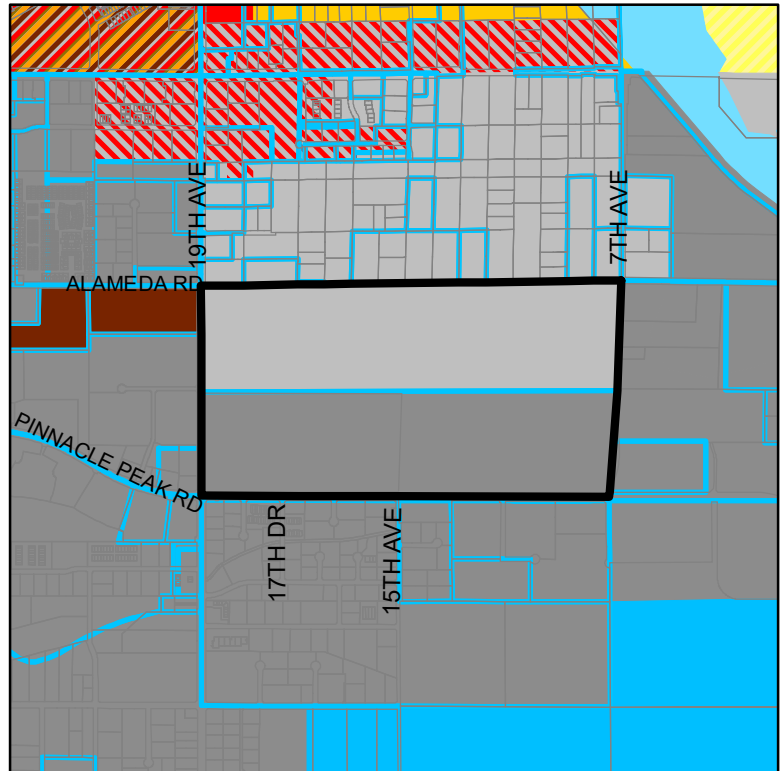
CITY OF PHOENIX ♦ PLANNING & DEVELOPMENT DEPARTMENT ♦ 200 W WASHINGTON ST ♦ PHOENIX, AZ ♦ 85003 ♦ (602) 262-6882

APPLICATION NO: GPA-DV-1-20-1	ACRES: 321.69 +/-
VILLAGE: Deer Valley	COUNCIL DISTRICT: 1
APPLICANT: City of Phoenix Planning and Development Department	

EXISTING:



Commerce/Business Park (163.68 +/- Acres)
 Industrial (158.01 +/- Acres)

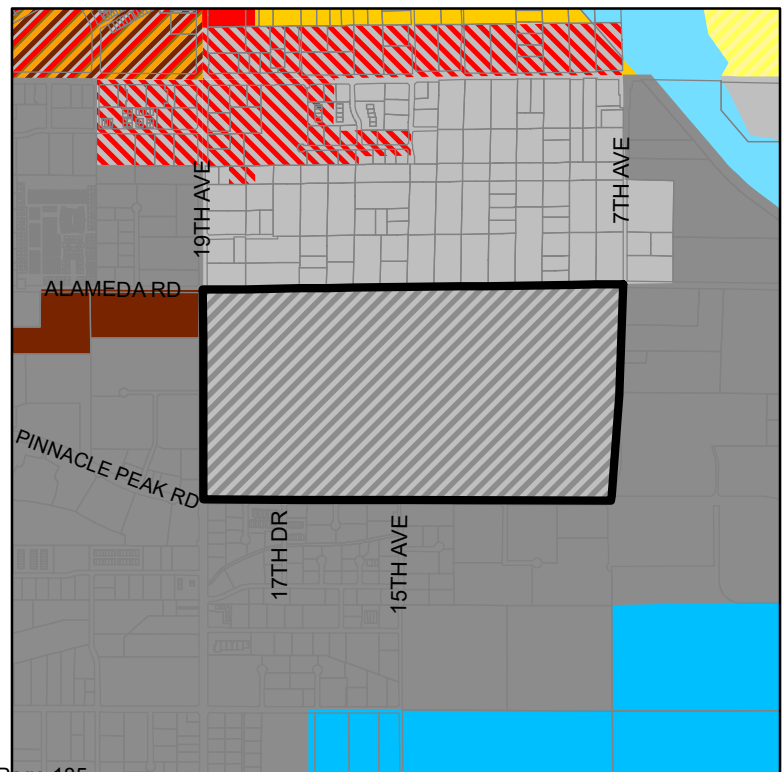
-  Proposed Change Area
-  Residential 0 to 2 du/ac
-  Residential 3.5 to 5 du/ac
-  Residential 15+ du/ac
-  MU (Commercial/Commerce Park/Business Park/Residential 5 to 10 / 10 to 15/15+)
-  Mixed Use (Commercial / Commerce Park)
-  Industrial
-  Commercial
-  Commerce/Business Park
-  Public/Quasi-Public
-  Floodplain



PROPOSED CHANGE:

Mixed Use (Commerce / Business Park / Industrial) (321.69 +/- Acres)

-  Proposed Change Area
-  Mixed Use (Industrial / Commerce/Business Park)





Village Planning Committee Meeting Summary
GPA-DV-1-20-1
INFORMATION ONLY

Date of VPC Meeting	November 19, 2020
Request	To amend the General Plan Land Use Designation from Industrial and Commerce/Business Park to Mixed Use (Commerce/Business Park/Industrial)
Location	Southeast corner of 19th Avenue and Alameda Road

VPC DISCUSSION:

Cases GPA-DV-2-20-1, Z-58-20-1 and Z-57-20-1 were heard concurrently.

Mr. Joshua Bednarek, staff, went over the proposals for the two GPA and PUD requests as a combined presentation. He highlighted that the changes proposed would permit a mix of Commerce Park and Industrial uses, which is consistent with surrounding land uses north of the Deer Valley Airport. He shared that the rezoning cases will establish a land use mix that maximizes property's location in employment corridor and will better position the properties for sale by the State Land Department. He also shared that the rezoning sets the properties up for future private investment.

Mr. Mark Edelman, with the State Land Department, provided a brief presentation on State Trust Lands. He explained that State Trust land is not public land. He shared that these lands are held in trust and they differ greatly from public lands such as BLM or regional parks like Lake Pleasant or White Tank Mountains. State Trust land is more akin to private land. He explained that State Trust land is held in trust and managed by the Arizona State Land Department for the sole purpose of generating revenues for Arizona's K-12 public schools and 12 other institutional beneficiaries. He shared that every dollar earned from a sale goes into the Trust. Mr. Edelman introduced Ms. Carolyn Oberholtzer, the council representing the State Land department for these GPA and Rezoning requests.

Mr. Russell Osborn asked if payout for State Trust Lands actually goes to public schools.

Mr. Edelman shared that it does, but not all at once or every year. Other institutions also benefit.

Mr. Keith Greenburg asked about the portion of site B that is encroaching into a Maricopa County island.

Mr. Bednarek shared that this was an error on the graphic and the slides had not been updated to reflect the actual land area. He iterated that there is no encroachment into the County island in this request.

Chairman Joseph Grossman asked if private market rates are considered when a parcel comes up for sale and if so was this considered for these sites.

Ms. Carolyn Oberholtzer shared that the sites in question are currently zoned S-1, which is a holding designation for parcels annexed into the city and shared that the sites are currently underdeveloped. She shared that the current entitlement requests makes the properties more marketable for future auctions.

Mr. Ricardo Romero asked who the primary target is for the acquisition.

Mr. Edelman shared that there is not a specific target at this time.



**Village Planning Committee Meeting Summary
GPA-DV-1-20-1**

Date of VPC Meeting	December 17, 2020
Request	To amend the General Plan Land Use Designation from Industrial and Commerce/Business Park to Mixed Use (Commerce/Business Park/Industrial)
Location	Southeast corner of 19th Avenue and Alameda Road
VPC Recommendation	Approval
VPC Vote	7-0

VPC DISCUSSION:

Cases GPA-DV-2-20-1, Z-58-20-1 and Z-57-20-1 were heard concurrently.

Mr. Joshua Bednarek, staff, went over the proposals for the two GPA and PUD requests as a combined presentation. He highlighted that the changes proposed would permit a mix of Commerce Park and Industrial uses, which is consistent with surrounding land uses north of the Deer Valley Airport. He shared that the rezoning cases will establish a land use mix that maximizes property’s location in employment corridor and will better position the properties for sale by the State Land Department. He also went over staff’s recommended stipulations for each case.

No committee member discussion.

MOTION: **Mr. Russell Osborne** motioned to recommend approval per staff’s recommendation for General Plan Amendment Case No. GPA-DV-1-20-1. Committee member **Mr. Keith Greenberg** seconded the motion.

VOTE: 7-0, motion to recommend approval passed, with Committee Members DiLeo, Gardner, Greenburg, Kenney, Levy, Osborne, and Romero in favor.

Attachment E

REPORT OF PLANNING COMMISSION ACTION January 7, 2021

ITEM NO: 5	
	DISTRICT NO.: 1
SUBJECT:	
Application #:	GPA-DV-1-20-1
Location:	Southeast corner of 19th Avenue and Alameda Road
From:	Industrial and Commerce / Business Park
To:	Mixed Use (Commerce / Business Park / Industrial)
Acreage:	321.69
Proposal:	General Plan Land Use Map Amendment to change the land use designation to Mixed Use (Commerce / Business Park / Industrial).
Applicant:	City of Phoenix, Planning and Development Department
Owner:	Arizona State Land Company
Representative:	City of Phoenix, Planning and Development Department

ACTIONS:

Staff Recommendation: Approval.

Village Planning Committee (VPC) Recommendation:

Deer Valley 11/19/2020 Information Only.

Deer Valley 12/17/2020 Approval, per the staff recommendation. Vote: 7-0.

Planning Commission Recommendation: Approval, per the Deer Valley Village Planning Committee recommendation.

Motion Discussion: N/A.

Motion details: Commissioner Howard made a MOTION to approve GPA-DV-1-20-1, per the Deer Valley Village Planning Committee recommendation.

Maker: Howard
Second: Johnson
Vote: 9-0
Absent: None
Opposition Present: No

Findings:

1. Requested land use change will better position the properties for auction by the Arizona State Land Department.
2. The Mixed Use (Commerce / Business Park / Industrial) land use designation will permit new zoning to be applied to the site that maximizes the opportunities for additional investment within the Deer Valley Major Employment Center.

3. The Mixed Use (Commerce / Business Park / Industrial) land use designation will establish compatible uses in proximity to Deer Valley Airport and surrounding properties.

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



**Public Hearing and Ordinance Adoption - Amend City Code - Rezoning
Application Z-57-20-1 - Located on the Southeast Corner of 19th Avenue and
Alameda Road (Ordinance G-6797)**

Request to hold a public hearing on the request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-57-20-1 and rezone the site from S-1 DVAO (Ranch or Farm Residence, Deer Valley Airport Overlay) and S-1 SP DVAO (Ranch or Farm Residence, Special Permit, Deer Valley Airport Overlay) to PUD DVAO (Planned Unit Development, Deer Valley Airport Overlay) for a mix of industrial and commerce park uses. This is a companion case to GPA-DV-1-20-1.

Summary

Current Zoning: S-1 DVAO (164.16 acres) and S-1 SP DVAO (157.53 acres)

Proposed Zoning: PUD DVAO

Acreage: 321.69 acres

Proposed Use: A mix of industrial and commerce park uses

Owner: Arizona State Land Department

Applicant: City of Phoenix, Planning and Development Department

Representative: City of Phoenix, Planning and Development Department

Staff Recommendation: Approval, subject to stipulations.

VPC Action: The Deer Valley Village Planning Committee heard the case on Dec. 17, 2020 and recommended approval, per the staff recommendation, by a 7-0 vote.

PC Action: The Planning Commission heard the case on Jan. 7, 2021 and recommended approval, per the Deer Valley Village Planning Committee recommendation, with an additional stipulation, by a 9-0 vote.

Location

Southeast corner of 19th Avenue and Alameda Road

Parcel Addresses: 23445 N. 19th Ave. and 1850 W. Pinnacle Peak Road.

Council District: 1

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-57-20-1) FROM S-1 DVAO (RANCH OR FARM RESIDENCE, DEER VALLEY AIRPORT OVERLAY) AND S-1 SP DVAO (RANCH OR FARM RESIDENCE, SPECIAL PERMIT, DEER VALLEY AIRPORT OVERLAY) TO PUD DVAO (PLANNED UNIT DEVELOPMENT, DEER VALLEY AIRPORT OVERLAY DISTRICT).

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

SECTION 1. The zoning of a 321.69 acre site located on the southeast corner of 19th Avenue and Alameda Road in a portion of Section 7, Township 4 North, Range 3 East, as described more specifically in Exhibit "A", is hereby changed from 164.16 acres of "S-1 DVAO" (Ranch or Farm Residence, Deer Valley Airport Overlay) and 157.53 acres of "S-1 SP DVAO" (Ranch or Farm Residence, Special Permit, Deer Valley Airport Overlay) to "PUD DVAO" (Planned Unit Development, Deer Valley Airport 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. An updated Development Narrative for the ASLD Supplier Site A PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with Development Narrative dated December 3, 2020 as modified by the following stipulations.
2. The developer shall dedicate 55 feet of right-of-way and construct the east half of 19th Avenue for the full limits of the project per Cross Section C standards identified on the City of Phoenix Street Classification Map, as modified and approved by the Street Transportation and Planning and Development departments.
3. The developer shall dedicate 40 feet of right-of-way and construct the south half of Alameda Road for the full limits of the project per Cross Section E standards identified on the City of Phoenix Street Classification Map, as modified and approved by the Street Transportation and Planning and Development departments.
4. Prior to preliminary site plan approval for a redevelopment proposal for the northern portion of the site. The developer shall dedicate the appropriate conditional right-of-way to provide legal access to the southern portion of the site (Exponent lease area) to connect to the existing Sarah Bass Place alignment at 19th Avenue. Limits of dedication shall be per design as approved by the Street Transportation Department.
5. Prior to preliminary site plan approval for a redevelopment proposal for the southern portion of the site (Exponent lease area) the developer shall submit an updated Traffic Impact Study (TIS) which will address the potential need for a collector street (Sarah Bass Place Alignment) between 19th Avenue and 7th Avenue. Development will be responsible for all additional dedications and or roadway and signal improvements as identified by the study, as modified and approved by the Street Transportation Department.

6. The developer shall dedicate 55 feet of right-of-way and construct the north half of Pinnacle Peak Road for the full limits of the project per Cross Section C identified on the City of Phoenix Street Classification Map, or/as modified and approved by the Street Transportation and Planning and Development departments.
7. The developer shall be required to dedicate and construct the west half of 7th Avenue for the full project limits per Cross Section D roadway standards identified on the City of Phoenix Street Classification Map. Ultimate dedications and alignment shall be consistent with the approved geometric design for 7th Avenue, as provided by the Street Transportation Department.
8. The developer shall dedicate 60 feet of right-of-way and construct 15th Avenue for the full limits of the project per Cross Section F identified on the City of Phoenix Street Classification Map, or as modified and approved by the Planning and Development Department. The necessity of 15th Avenue dedication and construction may be evaluated for future need, based upon subsequent development submittals and traffic impact analysis.
9. The applicant shall submit a Traffic Impact Study (TIS) to the City for this development. No preliminary approval of plans shall be granted until the study is reviewed and approved by the City. Contact the Street Transportation Department to set up a meeting to discuss requirements of the study. The TIS shall provide signal warrant analysis for the intersections of 7th Avenue and Pinnacle Peak Road, and 19th Avenue and Alameda Road. Development will be responsible for all additional dedications and or roadway and signal improvements as identified by the approved study.
10. The developer shall install underground conduit and install J-boxes for future traffic signal installation at the intersections of 7th Avenue and Pinnacle Peak Road, and 19th Avenue and Alameda Road for future signalization, as approved by the Street Transportation Department.
11. All designated public roadways shall meet the City of Phoenix, Storm Water Design Manual for dry crossings, as modified and approved by the Street Transportation Department.
12. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
13. The developer shall dedicate a 30-foot wide multi-use trail easement (MUTE) along 19th Avenue and construct a minimum 10-foot wide multi-use trail (MUT) within the easement in accordance with the MAG supplemental detail and as

modified and approved by the Planning and Development Department. Where conflicts or restrictions exist, the developer shall work with the Site Planning section on an alternate design through the technical appeal process.

14. The developer shall dedicate right-of-way and construct four bus stop pads at the locations indicated below, as modified or approved by the Public Transit Department. Bus stop pads shall be constructed according to City of Phoenix Standard Detail P1260 with a minimum depth of 10 feet. Bus stop pads shall be spaced from the intersections indicated below according to City of Phoenix Standard Detail P1258. Trees shall be placed to provide 50 percent shade coverage to bus stop pads at full maturity.
 - Southbound 7th Avenue north of Sarah Bass Place alignment
 - Southbound 7th Avenue south of Alameda Road alignment
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15. The developer shall submit 7460 Forms to FAA and receive FAA no hazard determination or mitigations approved by FAA for both temporary (e.g., construction cranes) and permanent (e.g., structures) development, prior to final site plan approval as modified and approved by the Aviation and Planning and Development departments.
16. The developer shall record a Notice to Prospective Purchasers of Proximity to Airport, as required by the State, prior to final site plan approval as modified and approved by the Aviation and Planning and Development Departments.
17. 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 20th day of January 2021.

MAYOR

ATTEST:

_____ City Clerk

APPROVED AS TO FORM:

_____ City Attorney

REVIEWED BY:

_____ City Manager

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

DRAFT

EXHIBIT A

LEGAL DESCRIPTION FOR Z-57-20-1

General Land Office (GLO) Lots 3 and 4, the east half of the southwest quarter, and the southeast quarter of Section 7, Township 4 North, Range 3 East, of the Gila and Salt River Meridian, Maricopa County, Arizona.

Containing 13,980,617 square feet or 320.9508 acres, more or less.

Subject to existing rights-of-way and easements.

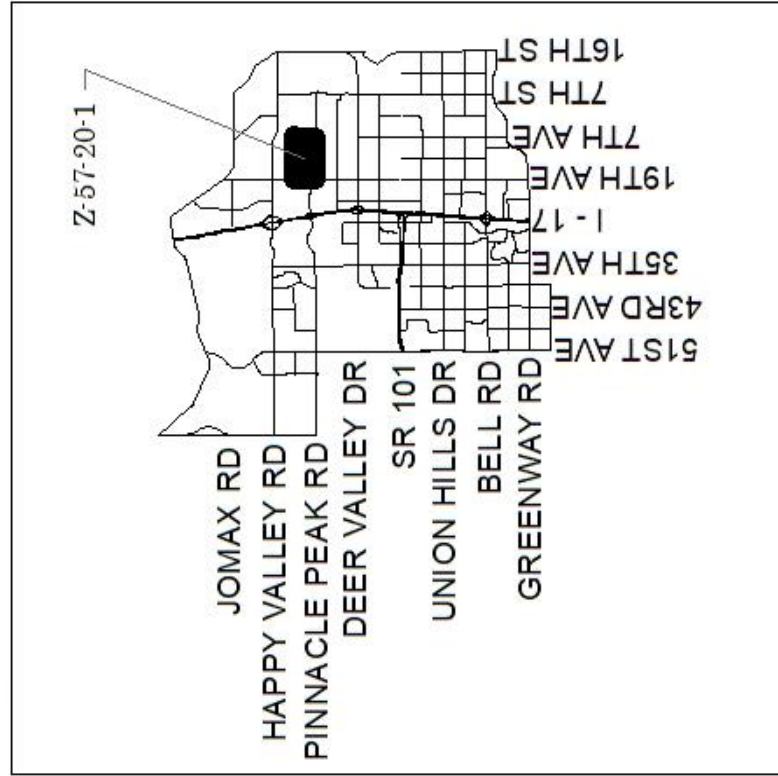
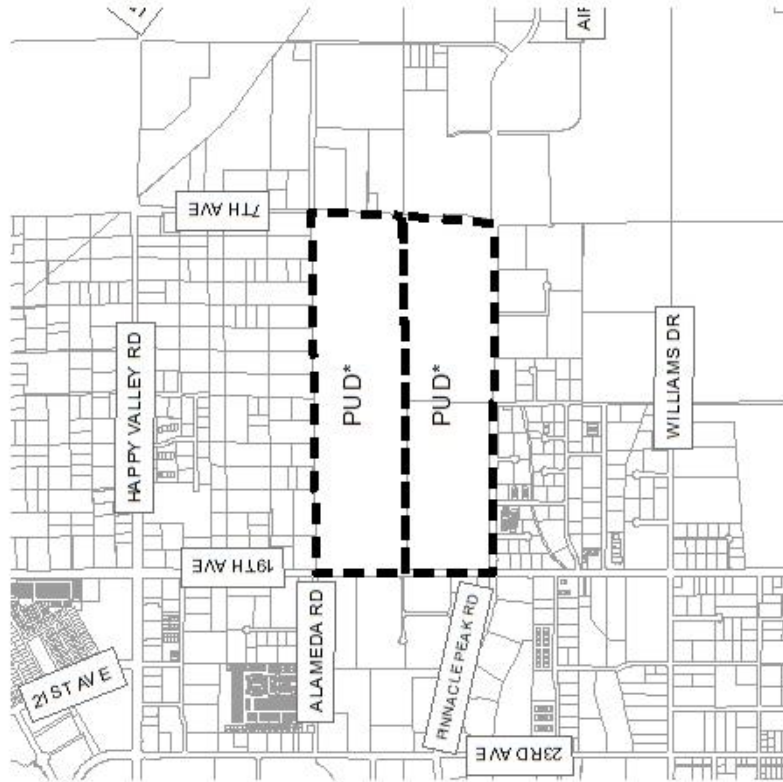
This legal description was prepared without the benefit of survey fieldwork and is based on the Record of Survey of PLSS Subdivision Maricopa County Geodetic Densification and Cadastral Survey recorded in Book 704, page 32, Maricopa County Records and other client provided information. Any monumentation noted in this parcel description is based on said Record of Survey.

DRAFT

ORDINANCE LOCATION MAP

Zoning Case Number: Z-57-20-1
 Zoning Overlay: Deer Valley Airport Overlay District
 Planning Village: Deer Valley

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



NOT TO SCALE

Drawn Date: 12/22/2020

Attachment B



City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

Staff Report Z-57-20-1
December 14, 2020

Deer Valley [Village Planning Committee](#) Meeting Date: December 17, 2020

[Planning Commission](#) Hearing Date: January 7, 2021

Request From: S-1 DVAO (Ranch or Farm Residence Deer Valley Airport Overlay) (164.16 acres) and S-1 SP DVAO (Ranch or Farm Residence Special Permit Deer Valley Airport Overlay) (157.53 acres)

Request To: PUD DVAO (321.69 acres)

Proposed Use: A mix of industrial and commerce park uses

Location: Southeast corner of 19th Avenue and Alameda Road

Owner: Arizona State Land Department

Applicant / Representative: City of Phoenix, Planning and Development Department

Staff Recommendation: Approval, subject to stipulations

<u>General Plan Conformity</u>			
<u>General Plan Land Use Map Designation</u>		Current: Industrial and Commerce / Business Park	
		Proposed (GPA-DV-1-20-1): Mixed Use (Commerce / Business Park / Industrial)	
<u>Street Map Classification</u>	19th Avenue	Major Arterial	40-foot east half street
	15th Avenue	Minor Collector	0-foot east and west half street
	7th Avenue	Not designated	0-foot west half street
	Pinnacle Peak Road	Arterial	0 and 55-foot north half street (right-of-way easement)

	Alameda Road	Not designated	0-foot south half street
	Sarah Bass Place	Not designated	0-foot north and south half street

STRENGTHEN OUR LOCAL ECONOMY CORE VALUE; MANUFACTURING / INDUSTRIAL DEVELOPMENT; LAND USE PRINCIPLE: Support the expansion of industrial zoning in targeted industrial areas.

The proposed PUD permits commerce park and industrial uses in area designated for these types of uses.

STRENGTHEN OUR LOCAL ECONOMY CORE VALUE; JOB CREATION (EMPLOYERS); LAND USE PRINCIPLE: Support General Plan Land Use Map and zoning changes that will facilitate the location of employment generating uses in each of the designated employment centers.

The proposed PUD will reinforce the location as a destination for employment uses within the Deer Valley Major Employment Center.

STRENGTHEN OUR LOCAL ECONOMY CORE VALUE; AIRPORTS; LAND USE PRINCIPLE: Continue to carefully monitor and evaluate all future land uses around the airports, protecting the airport from incompatible development that could pose a safety hazard to aircraft passengers, or to individuals living or residing in those areas.

The proposed PUD restricts residential land uses and establishes a land use mix that will be compatible with the Deer Valley Airport's operations.

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 PUD contains development standards and guidelines that require a significant landscape setback along the perimeter streets. This landscape setback will provide for a double row of trees adjacent to sidewalks.

Applicable Plans, Overlays, and Initiatives
<p>Deer Valley Airport Overlay District: See Background Item No. 4</p> <p>Deer Valley Major Employment Center: See Background Item No. 5</p> <p>Deer Valley Village Character Plan: See Background Item No. 11</p> <p>Tree and Shade Master Plan: See Background Item No. 12</p>

[Complete Streets Guidelines](#): See Background Item No. 13

[Reimagine Phoenix](#): See Background Item No. 14

Background/Issues/Analysis

PROPOSAL

1. This request is to rezone approximately 321.69 acres at the southeast corner of 19th Avenue and Alameda Road from S-1 DVAO (Ranch or Farm Residence, Deer Valley Airport Overlay District) (164.16 acres) and S-1 SP DVAO (Ranch or Farm Residence, Special Permit, Deer Valley Airport Overlay District) (157.53 acres) to PUD DVAO (Planned Unit Development, Deer Valley Airport Overlay District).

The PUD provides a zoning and regulatory framework to permit a mix of commerce park and industrial land uses. The subject property is State Trust Land and is managed by the Arizona State Land Department (ASLD). The ASLD, in partnership with the City of Phoenix, has identified strategically located parcels that are positioned to provide maximum benefit to the Trust's Beneficiaries when auctioned. Proceeds from ASLD auctions go to a variety of beneficiaries including public schools and the state's public universities. The subject property's proximity to the Deer Valley Airport and Interstate 17 Freeway position it well for future investment.

EXISTING SITE CONDITION

2. The northern portion of the site is vacant while the southern portion of the site is occupied with improvements and subject to ASLD Commercial Lease No. 03-053542 to Exponent of Delaware, Inc. through January 16, 2028. Exponent operates their Test and Engineering Center (TEC) on the site where they maintain "a vehicle proving ground and full-scale crash facility and nearly 27,000 square feet of high-bay space used in the evaluation of everything from sports equipment to large-format electric vehicle batteries" (Source: www.exponent.com). Exhibit B attached to this report is an aerial map of the subject property and surrounding area.

GENERAL PLAN LAND USE MAP DESIGNATIONS, LAND USES AND ZONING

3. The table below (Figure 1) provides a summary of the onsite and surrounding General Plan (GP) Land Use Map designations, existing land uses and zoning.

Location	GP Land Use	Existing Land Uses	Zoning
On Site	Commerce / Business Park, Industrial	Vacant, testing and engineering center	S-1, S-1 SP
North	Commerce / Business Park	Towing, Vacant County Land, Construction, County Residential	RU-43, CP/GCP, S-1, A-1
South (Across Pinnacle Peak Road)	Industrial	Industrial Park, Commercial	IND.PK., CP/GCP
East	Industrial	Towing, Vacant	A-1, CP/BP
West (Across 19th Avenue)	Industrial, Residential 15+	Wholesale Growers, Warehouse / Office, Commerce Park, Restaurants, Hotel	R-3A, A-1, C-2, approved C-2 HGT/WVR

Figure 1: Surrounding Land Use Designations, Land Use and Zoning

The property’s current General Plan Land Use Map designations only permit commerce park uses on the northern portion (163.68) of the site and industrial land uses on the southern portion (158.01 acres) of the site. A companion General Plan Amendment request (GPA-DV-1-20-1) proposes a Mixed Use land use designation of Commerce / Business Park / Industrial. This Mixed Use designation will allow commerce park and industrial land uses the flexibility to locate on any portion of the site in compliance with the PUD’s development standards.

The southern half of the property, where the Exponent facility is located, is zoned S-1 with a Special Permit. The Special Permit was part of rezoning case Z-43-02 which established equivalency zoning for the subject property and surrounding properties when the City annexed them in 2002. The Special Permit permits the testing track in operation at the Exponent facility. The PUD contains permitted uses that allow for the ongoing operation of the Exponent facility.

The PUD’s proposal for both commerce park and industrial land uses is consistent with the zoning on adjacent properties. The subject site is adjacent to property with either some portion of the property zoned Commerce Park or Light Industrial on all four sides.

DEER VALLEY AIRPORT OVERLAY DISTRICT

4. The site falls within the boundaries of the Deer Valley Airport Overlay District (DVAO). The City Council adopted the DVAO in 2006 to protect the health, safety and welfare of persons and property in the vicinity of Deer Valley Airport (DVA) and to protect the long term viability of DVA as a general aviation facility by

ensuring land use compatibility with airport operations, protecting navigable airspace from physical encroachment and requiring permanent notice of flight operations to property owners.

The DVAO establishes different regulatory areas within its boundaries – Areas 1, 2 & 3. Area 1 of the DVAO places a restriction on residential development within A-1 zoned properties. Areas 2 & 3 have additional use restrictions and Area 3 has additional building height restrictions. The subject properties falls within the boundaries of Area 1. Figure 2 on the following page is a map of the boundaries of the DVAO Areas along with the subject property.

The proposed PUD will maintain and adhere to the the DVAO. The PUD’s permitted use list is consistent with the DVAO’s restrictions and goes even further to completely restrict residential land uses. The PUD’s regulatory framework ensures that the property will develop in a manner that is compatible with the ongoing operations of the Deer Valley Airport.

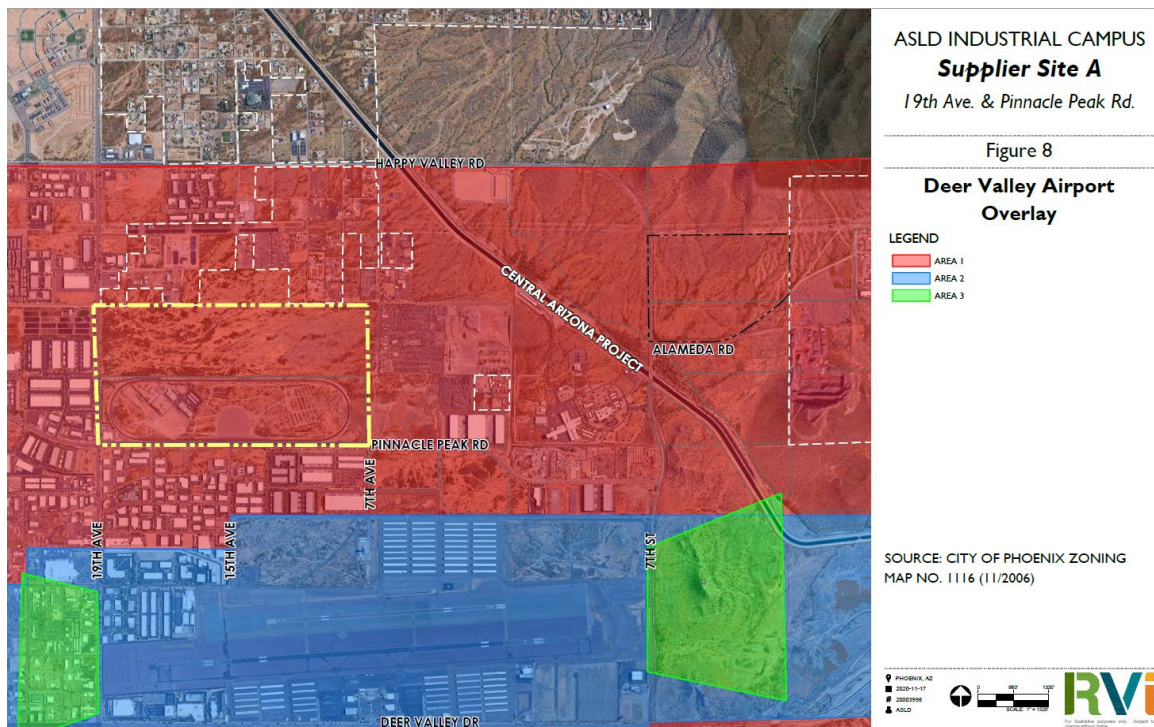


Figure 2: DVAO Areas (Source: ASLD)

DEER VALLEY MAJOR EMPLOYMENT CENTER

5. The subject site is located within one mile of the Interstate 17 Freeway and within the Deer Valley Major Employment Center. The proposed PUD will position the site to add additional employment opportunities within the employment center

and within close proximity to a major freeway corridor.

PUD NARRATIVE

6. The proposal was developed utilizing the PUD zoning designation. The Planned Unit Development (PUD) is intended to create a built environment that is superior to that produced by conventional zoning districts and design guidelines. Using a collaborative and comprehensive approach, an applicant authors and proposes standards and guidelines that are tailored to the context of a site on a case by case basis. Where the PUD Development Narrative is silent on a requirement, the applicable Zoning Ordinance provisions will be applied. A link to the submitted PUD Narrative is included in this report as Exhibit C. Stipulation No. 1 includes a requirement to provide an updated version of the narrative after City Council approval.
7. **Land Use:** The PUD permitted use list consists of the permitted uses from the A-2 Industrial District and the Commerce Park District's General Commerce Park option. The use list will permit a variety of uses that are consistent with the permitted uses in the surrounding area and will be compatible with the operations of Deer Valley Airport. In addition to the industrial and commerce park uses, the PUD also permits research and test track facilities which will allow for the ongoing operation of the Exponent facility on the southern portion of the site. In order to ensure that the site is development with the desired employment-oriented uses and with the goal of ensuring compatibility with the Deer Valley Airport, the PUD prohibits residential uses on the property.
8. **Development Standards:** The PUD establishes a uniform set of development standards for the entire site. A full list of the development standards can be found on pages 9 through 14 in the PUD Narrative. Below is a summary that highlights some of the development standards.
 - **Building Height:** Maximum 80 and in addition to the building height exceptions outlined in the Zoning Ordinance (Section 701.B), non-habitable mechanical equipment and structures that may include, but are not limited to, elements such air separators, exhaust pipes, storage tanks, and gas processing equipment are permitted up to 150 feet in height.
 - **Open Space:** For any property development in excess of 56 feet: A minimum of ten 10 percent of the parcel's total net area shall be open space with appropriate landscaping and other employee-oriented amenities.

- **Building / Landscape Setbacks**

- Arterial or Collector Street: 50 feet minimum.
- Local Street: 20 feet minimum.

The PUD's standards for landscape setbacks exceed those in the Commerce Park / General Commerce Park and A-2 zoning districts. The landscape setback standards will provide for a significant buffer between the onsite uses and the adjacent streets. The PUD also contains enhanced landscaping standards for the landscape setbacks. The setbacks along streets will be required to provide a tree every twenty feet, five shrubs per tree and a minimum of 60 percent of the setback area having live ground cover.

The PUD utilizes the Zoning Ordinance standards for parking, signs, lighting and screening.

9. **Streetscape & Other Guidelines:** The PUD Narrative outlines additional provisions to enhance the projects interface with public streets. The PUD will require the provision of a detached sidewalk along the site's perimeter streets with a double row of trees. The PUD also contains guidelines that address the design of buildings and open space.
10. **Development Phases:** The PUD does not propose a phasing schedule for the site. It is envisioned that Exponent will continue to operate on the site per the terms of their lease with ASLD. Infrastructure improvements and enhanced streetscapes are addressed in the PUD Narrative and the stipulations will be administered as redevelopment occurs on the site.

PLANS AND INITIATIVES

11. **Deer Valley Character Plan:** The Deer Valley Village Planning Committee and Phoenix City Council adopted the Deer Valley Village Character Plan in 2018. Development of a Character Plan by each of the fifteen Village Planning Committees was called for in the 2015 General Plan Update. The Deer Valley Village Character Plan celebrates the village's assets and highlights elements of the 2015 General Plan that the Deer Valley Village Planning Committee identified as most relevant to their community. The PUD Narrative addresses several of the General Plan policies identified in the Character Plan including support for land use and rezoning cases that facilitate the location of employment generating uses in employment centers and development of sites with existing infrastructure and transportation capacity.
12. **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.

The PUD contains the following provisions that help to advance the goals of the Tree and Shade Master Plan:

- Minimum 75 percent shading of all publicly accessible sidewalks and trails along arterial and collector roadways by means of vegetation at maturity and/or shade structures.
- Detached sidewalks along both sides of public streets with single trunk trees.

13. **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 PUD Narrative specifically addresses the Complete Street Guidelines in sections 6c on pages 17 through 18.

The General Plan's Trail Map call for a multi-use trail along the west side of 19th Avenue. Stipulation No. 12 has been included requiring the dedication of the trail easement and eventual construction of the trail.

14. **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 PUD Narrative does not address how recycling will be provided on site.

COMMUNITY CORRESPONDENCE

15. At the time of this report the Planning and Development Department had not received any comments from the community regarding this request.

INTERDEPARTMENTAL COMMENTS

16. **Public Works Department, Flood Plain Management Division**: It has been determined that this parcel is not in a Special Flood Hazard Area (SFHA), but located in a Shaded Zone X, on panel 1280 L of the Flood Insurance Rate Maps (FIRM) dated January 29, 2015.
17. **Fire Department**: The Department's Fire Prevention Division saw no issues with the request but did emphasize that the site or/and building(s) shall comply with the Phoenix Fire Code. The Department went on to note that the water supply for the site is unknown at this time and will need to be addressed to meet the required fire flow per the Phoenix Fire Code.

18. **Street Transportation Department:** The Street Transportation Department provided several comments related to street planning, design and pedestrian safety that have been addressed in the PUD Narrative. Stipulation Nos. 2 through 12 address the requirements for the project to dedicate the necessary right-of-way for adjacent streets, street construction and the requirement for a traffic impact study and traffic signal conduit plan.
19. **Public Transit Department:** The Public Transit Department requested the PUD Narrative address pedestrian safety connectivity, safety and comfort between any public transit facilities and buildings on the site. These provisions have been included in the PUD's Pedestrian Circulation subsection on pages 13 through 14.

In addition, the Public Transit Department has requested dedication of right-of-way and construction of four bus stop pads at various locations along 19th Avenue and 7th Avenue. This request is addressed in Stipulation No. 14.

20. **Aviation Department:** Due to the property's proximity to the Deer Valley Airport, the Aviation Department has requested requiring coordination with the Federal Aviation Administration and additional notice to prospective purchasers. These requests are addressed in Stipulations Nos. 15 and 16.
21. **Archaeology Office:** 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 17.

OTHER

22. Development and use of the site are 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 PUD provides a framework for the development of the site and positions the area for future investment.
2. The PUD contains standards that ensures development on the site will be consistent with the area's character and compatible with surrounding uses and the ongoing operation of the Deer Valley Airport.

3. The PUD will further establish the site as a destination for employment uses that maximize the site's existing transportation infrastructure assets.

Stipulations

1. An updated Development Narrative for the ASLD Supplier Site A PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with Development Narrative dated December 3, 2020 as modified by the following stipulations.
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4. Prior to preliminary site plan approval for a redevelopment proposal for the northern portion of the site. The developer shall dedicate the appropriate conditional right-of-way to provide legal access to the southern portion of the site (Exponent lease area) to connect to the existing Sarah Bass Place alignment at 19th Avenue. Limits of dedication shall be per design as approved by the Street Transportation Department.
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Writer

Joshua Bednarek

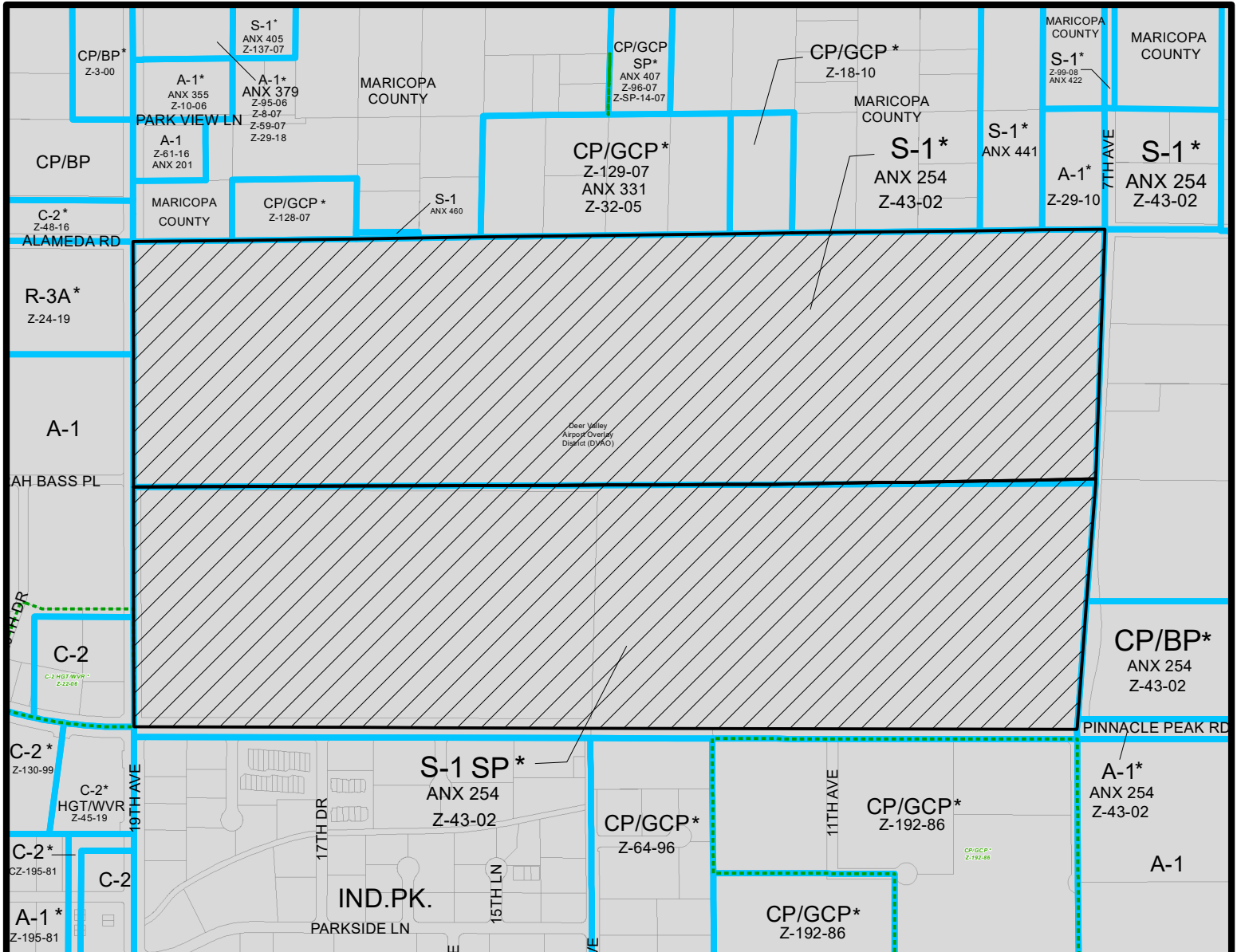
December 11, 2020

Exhibits

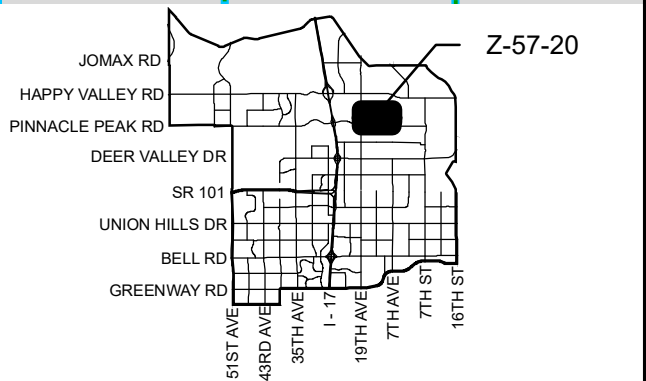
Exhibit A: Zoning sketch map

Exhibit B: Aerial sketch map

Exhibit C: [ASLD Supplier Site A PUD Narrative Hearing Draft](#) date stamped December 3, 2020

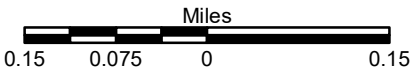
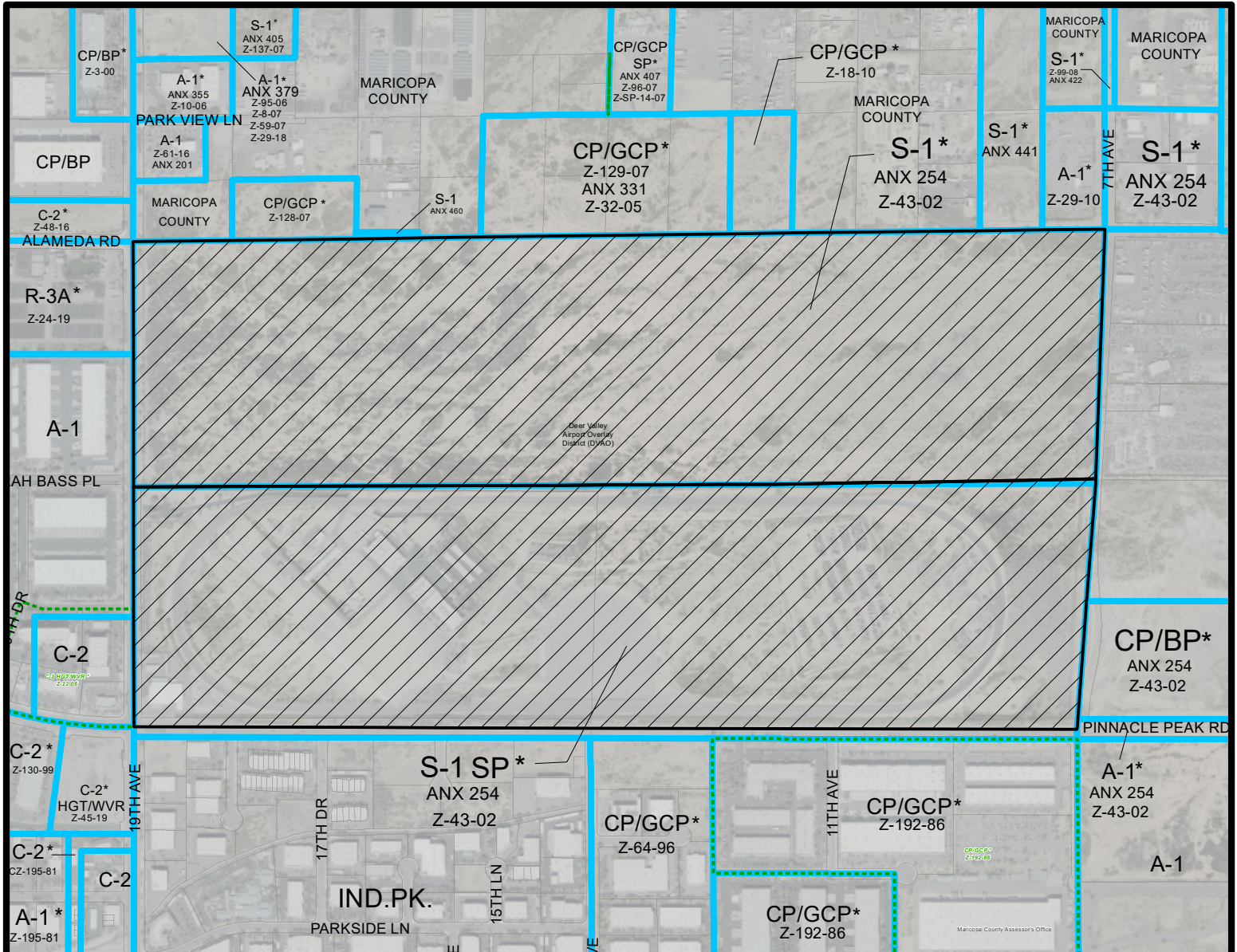


DEER VALLEY VILLAGE
CITY COUNCIL DISTRICT: 1

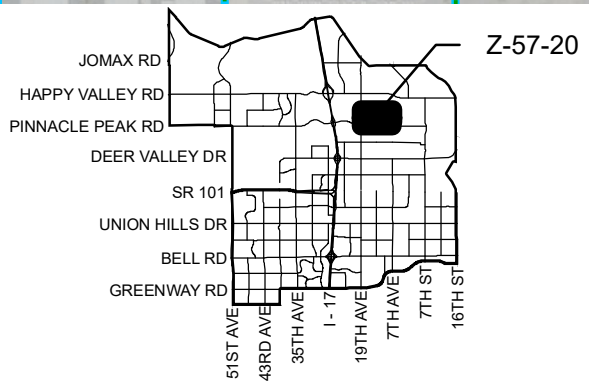


APPLICANT'S NAME: City of Phoenix Planning and Development Department		REQUESTED CHANGE:	
APPLICATION NO. Z-57-20	DATE: 11/10/2020	FROM: S-1 DVAO (164.16 a.c.) S-1 SP DVAO (157.53 a.c.)	
GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX. 321.69 Acres		TO: PUD DVAO (321.69 a.c.)	
MULTIPLES PERMITTED S-1 DVAO, S-1 SP DVAO PUD DVAO		CONVENTIONAL OPTION 164, 157 N/A	
		* UNITS P.R.D. OPTION N/A, N/A N/A	

* Maximum Units Allowed with P.R.D. Bonus



DEER VALLEY VILLAGE
CITY COUNCIL DISTRICT: 1



APPLICANT'S NAME: City of Phoenix Planning and Development Department		REQUESTED CHANGE: FROM: S-1 DVAO (164.16 a.c.) S-1 SP DVAO (157.53 a.c.)	
APPLICATION NO. Z-57-20	DATE: 11/10/2020 REVISION DATES:	TO: PUD DVAO (321.69 a.c.)	
GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX. 321.69 Acres	AERIAL PHOTO & QUARTER SEC. NO. QS 45-25 QS 45-26		
MULTIPLES PERMITTED S-1 DVAO, S-1 SP DVAO PUD DVAO	CONVENTIONAL OPTION 164, 157 N/A		* UNITS P.R.D. OPTION N/A, N/A N/A

* Maximum Units Allowed with P.R.D. Bonus



**Village Planning Committee Meeting Summary
Z-57-20-1
INFORMATION ONLY**

Date of VPC Meeting November 19, 2020
Request From S-1 DVAO and S-1 SP DVAO
Request To PUD DVAO
Location Southeast corner of 19th Avenue and Alameda Road

VPC DISCUSSION:

Cases GPA-DV-1-20-1, GPA-DV-2-20-1 and Z-58-20-1 were heard concurrently.

Mr. Joshua Bednarek, staff, went over the proposals for the two GPA and PUD requests as a combined presentation. He highlighted that the changes proposed would permit a mix of Commerce Park and Industrial uses, which is consistent with surrounding land uses north of the Deer Valley Airport. He shared that the rezoning cases will establish a land use mix that maximizes property’s location in employment corridor and will better position the properties for sale by the State Land Department. He also shared that the rezoning sets the properties up for future private investment.

Mr. Mark Edelman, with the State Land Department, provided a brief presentation on State Trust Lands. He explained that State Trust land is not public land. He shared that these lands are held in trust and they differ greatly from public lands such as BLM or regional parks like Lake Pleasant or White Tank Mountains. State Trust land is more akin to private land. He explained that State Trust land is held in trust and managed by the Arizona State Land Department for the sole purpose of generating revenues for Arizona’s K-12 public schools and 12 other institutional beneficiaries. He shared that every dollar earned from a sale goes into the Trust. Mr. Edelman introduced Ms. Carolyn Oberholtzer, the council representing the State Land department for these GPA and Rezoning requests.

Mr. Russell Osborn asked if payout for State Trust Lands actually goes to public schools.

Mr. Edelman shared that it does, but not all at once or every year. Other institutions also benefit.

Mr. Keith Greenburg asked about the portion of site B that is encroaching into a Maricopa County island.

Mr. Bednarek shared that this was an error on the graphic and the slides had not been updated to reflect the actual land area. He iterated that there is no encroachment into the County island in this request.

Chairman Joseph Grossman asked if private market rates are considered when a parcel comes up for sale and if so was this considered for these sites.

Ms. Carolyn Oberholtzer shared that the sites in question are currently zoned S-1, which is a holding designation for parcels annexed into the city and shared that the sites are currently underdeveloped. She shared that the current entitlement requests makes the properties more marketable for future auctions.

Mr. Ricardo Romero asked who the primary target is for the acquisition.

Mr. Edelman shared that there is not a specific target at this time.



**Village Planning Committee Meeting Summary
Z-57-20-1**

Date of VPC Meeting	December 17, 2020
Request From	S-1 DVAO and S-1 SP DVAO
Request To	PUD DVAO
Location	Southeast corner of 19th Avenue and Alameda Road
VPC Recommendation	Approval, per staff's stipulations
VPC Vote	7-0

VPC DISCUSSION:

Cases GPA-DV-1-20-1, GPA-DV-2-20-1 and Z-58-20-1 were heard concurrently.

Mr. Joshua Bednarek, staff, went over the proposals for the two GPA and PUD requests as a combined presentation. He highlighted that the changes proposed would permit a mix of Commerce Park and Industrial uses, which is consistent with surrounding land uses north of the Deer Valley Airport. He shared that the rezoning cases will establish a land use mix that maximizes property's location in employment corridor and will better position the properties for sale by the State Land Department. He also went over staff's recommended stipulations for each case.

No committee member discussion.

MOTION: Mr. Russell Osborne motioned to recommend approval per staff's recommendation for Rezoning Case No. Z-57-20-1. Committee member **Mr. Keith Greenberg** seconded the motion.

VOTE: 7-0, motion to recommend approval passed, with Committee Members DiLeo, Gardner, Greenburg, Kenney, Levy, Osborne, and Romero in favor.

Attachment E

REPORT OF PLANNING COMMISSION ACTION January 7, 2021

ITEM NO: 6	
	DISTRICT NO.: 1
SUBJECT:	
Application #:	Z-57-20-1 (ASLD Supplier Site A PUD)
Location:	Southeast corner of 19th Avenue and Alameda Road
From:	S-1 DVAO and S-1 SP DVAO
To:	PUD DVAO
Acreage:	321.69
Proposal:	Planned Unit Development to allow a mix of industrial and commerce park uses
Applicant:	City of Phoenix, Planning and Development Department
Owner:	Arizona State Land Department
Representative:	City of Phoenix, Planning and Development Department

ACTIONS:

Staff Recommendation: Approval, subject to stipulations.

Village Planning Committee (VPC) Recommendation:

Deer Valley 11/19/2020 Information Only.

Deer Valley 12/17/2020 Approval, per the staff recommendation. Vote: 7-0.

Planning Commission Recommendation: Approval, per the Deer Valley Village Planning Committee recommendation, with an additional stipulation.

Motion Discussion: N/A

Motion details: Commissioner Johnson made a MOTION to approve Z-57-20-1, per the Deer Valley Village Planning Committee recommendation, with an additional stipulation as read into the record.

Maker: Johnson
Second: Howard
Vote: 9-0
Absent: None
Opposition Present: No

Findings:

1. The PUD provides a framework for the development of the site and positions the area for future investment.
2. The PUD contains standards that ensures development on the site will be consistent with the area's character and compatible with surrounding uses and the ongoing operation of the Deer Valley Airport.

3. The PUD will further establish the site as a destination for employment uses that maximize the site's existing transportation infrastructure assets.

Stipulations:

1. An updated Development Narrative for the ASLD Supplier Site A PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with Development Narrative dated December 3, 2020 as modified by the following stipulations.
2. The developer shall dedicate 55 feet of right-of-way and construct the east half of 19th Avenue for the full limits of the project per Cross Section C standards identified on the City of Phoenix Street Classification Map, as modified and approved by the Street Transportation and Planning and Development departments.
3. The developer shall dedicate 40 feet of right-of-way and construct the south half of Alameda Road for the full limits of the project per Cross Section E standards identified on the City of Phoenix Street Classification Map, as modified and approved by the Street Transportation and Planning and Development departments.
4. Prior to preliminary site plan approval for a redevelopment proposal for the northern portion of the site. The developer shall dedicate the appropriate conditional right-of-way to provide legal access to the southern portion of the site (Exponent lease area) to connect to the existing Sarah Bass Place alignment at 19th Avenue. Limits of dedication shall be per design as approved by the Street Transportation Department.
5. Prior to preliminary site plan approval for a redevelopment proposal for the southern portion of the site (Exponent lease area) the developer shall submit an updated Traffic Impact Study (TIS) which will address the potential need for a collector street (Sarah Bass Place Alignment) between 19th Avenue and 7th Avenue. Development will be responsible for all additional dedications and or roadway and signal improvements as identified by the study, as modified and approved by the Street Transportation Department.
6. The developer shall dedicate 55 feet of right-of-way and construct the north half of Pinnacle Peak Road for the full limits of the project per Cross Section C identified on the City of Phoenix Street Classification Map, or/as modified and approved by the Street Transportation and Planning and Development departments.
7. The developer shall be required to dedicate and construct the west half of 7th Avenue for the full project limits per Cross Section D roadway standards identified on the City of Phoenix Street Classification Map. Ultimate dedications and alignment shall be consistent with the approved geometric design for 7th Avenue, as provided by the Street Transportation Department.

8. The developer shall dedicate 60 feet of right-of-way and construct 15th Avenue for the full limits of the project per Cross Section F identified on the City of Phoenix Street Classification Map, or as modified and approved by the Planning and Development Department. The necessity of 15th Avenue dedication and construction may be evaluated for future need, based upon subsequent development submittals and traffic impact analysis.
9. The applicant shall submit a Traffic Impact Study (TIS) to the City for this development. No preliminary approval of plans shall be granted until the study is reviewed and approved by the City. Contact the Street Transportation Department to set up a meeting to discuss requirements of the study. The TIS shall provide signal warrant analysis for the intersections of 7th Avenue and Pinnacle Peak Road, and 19th Avenue and Alameda Road. Development will be responsible for all additional dedications and or roadway and signal improvements as identified by the approved study.
10. The developer shall install underground conduit and install J-boxes for future traffic signal installation at the intersections of 7th Avenue and Pinnacle Peak Road, and 19th Avenue and Alameda Road for future signalization, as approved by the Street Transportation Department.
11. All designated public roadways shall meet the City of Phoenix, Storm Water Design Manual for dry crossings, as modified and approved by the Street Transportation Department.
12. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
13. The developer shall dedicate a 30-foot wide multi-use trail easement (MUTE) along 19th Avenue and construct a minimum 10-foot wide multi-use trail (MUT) within the easement in accordance with the MAG supplemental detail and as modified and approved by the Planning and Development Department. Where conflicts or restrictions exist, the developer shall work with the Site Planning section on an alternate design through the technical appeal process.
14. The developer shall dedicate right-of-way and construct four bus stop pads at the locations indicated below, as modified or approved by the Public Transit Department. Bus stop pads shall be constructed according to City of Phoenix Standard Detail P1260 with a minimum depth of 10 feet. Bus stop pads shall be spaced from the intersections indicated below according to City of Phoenix Standard Detail P1258. Trees shall be placed to provide 50 percent shade coverage to bus stop pads at full maturity.
 - Southbound 7th Avenue north of Sarah Bass Place alignment
 - Southbound 7th Avenue south of Alameda Road alignment

- Northbound 19th Avenue north of Sarah Bass Place alignment
 - Northbound 19th Avenue south of Alameda Road alignment
15. The developer shall submit 7460 Forms to FAA and receive FAA no hazard determination or mitigations approved by FAA for both temporary (eg, construction cranes) and permanent (eg, structures) development, prior to final site plan approval as modified and approved by the Aviation and Planning and Development departments.
 16. The developer shall record a Notice to Prospective Purchasers of Proximity to Airport, as required by the State, prior to final site plan approval as modified and approved by the Aviation and Planning and Development Departments.
 17. 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.
 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.



Public Hearing and Resolution Adoption - General Plan Amendment GPA-DV-2-20-2 - Located Approximately 1,320 Feet South of the Southeast Corner of 7th Street and Happy Valley Road (Resolution 21891)

Request to hold a public hearing on the request for the following item to consider adopting the Planning Commission's recommendation and the related Resolution if approved. This file is a companion case to Z-58-20-2 and should be heard first, followed by Z-58-20-2.

Summary

Current Plan Designation: Floodplain (2.77 acres) and Commerce/Business Park (105.89 acres)

Proposed Plan Designation: Mixed Use (Industrial/Commerce/Business Park)

Acreage: 108.66 acres

Reason for change: General Plan Land Use Map Amendment to change the land use designation to Mixed Use (Commerce/Business Park/Industrial) to reinforce the area's location as a destination for employment uses and address collaboration between the City of Phoenix and the Arizona State Land Department.

Owner: Arizona State Land Department

Applicant: City of Phoenix, Planning and Development Department

Representative: City of Phoenix, Planning and Development Department

Staff Recommendation: Approval.

VPC Action: The Deer Valley Village Planning Committee heard the case on Dec. 17, 2020 and recommended approval, per the staff recommendation, by a 7-0 vote.

PC Action: The Planning Commission heard the case on Jan. 7, 2021 and recommended approval, per the Deer Valley Village Planning Committee recommendation by a 9-0 vote.

Location

Approximately 1,320 feet south of the southeast corner of 7th Street and Happy Valley Road

Parcel Addresses: State Land Parcels not addressed.

Council District: 2

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-DV-2-20-2, 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-DV-2-20-2, 108.66 acres
located approximately 1,320 feet south of the southeast corner of 7th Street and
Happy Valley Road, for Mixed Use (Industrial / Commerce / Business Park), as
approved by the City Council on January 20, 2021 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:

Mixed Use (Industrial/Commerce/Business Park) (108.66 +/- Acres)

-  Proposed Change Area
-  Mixed Use (Industrial/Commerce/Business Park)



PASSED by the Council of the City of Phoenix this 20th day of January 2021.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

Acting City Attorney

REVIEWED BY:

City Manager

PL:amt:____v1 (CM __) (Item __) 1/20/21



City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

**GENERAL PLAN AMENDMENT
STAFF ANALYSIS**
December 4, 2020

<u>Application:</u>	GPA-DV-2-20-2
<u>Applicant:</u>	City of Phoenix Planning and Development Department
<u>Owner:</u>	Arizona State Land Department
<u>Representative:</u>	City of Phoenix Planning and Development Department
<u>Location:</u>	Approximately 1,320 feet south of the southeast corner of 7th Street and Happy Valley Road
<u>Acreage:</u>	108.66 acres
<u>Current Plan Designation:</u>	Floodplain (2.77 acres) and Commerce/Business Park (105.89 acres)
<u>Requested Plan Designation:</u>	Mixed Use (Industrial / Commerce / Business Park) (108.66 acres)
<u>Reason for Requested Change:</u>	General Plan Land Use Map Amendment to change the land use designation to Mixed Use (Commerce / Business Park / Industrial) to reinforce the area's location as a destination for employment uses and to address collaboration between the City of Phoenix and the Arizona State Land Department
<u>Deer Valley Village Planning Committee Date:</u>	December 17, 2020
<u>Staff Recommendation:</u>	Approval

FINDINGS:

- 1) Requested land use change will better position the properties for auction by the Arizona State Land Department.

- 2) The Mixed Use (Commerce/Business Park/Industrial) land use designation will permit new zoning to be applied to the site that maximizes the opportunities near the Deer Valley Major Employment Center.
- 3) The Mixed Use (Commerce/Business Park/Industrial) land use designation will establish compatible uses in proximity to Deer Valley Airport and surrounding properties.

BACKGROUND

The subject property is State Trust Land and is managed by the Arizona State Land Department (ASLD). The ASLD, in partnership with the City of Phoenix, has identified strategically located parcels that are positioned to provide maximum benefit to the Trust's Beneficiaries when auctioned. The subject property's proximity to the Deer Valley Airport and Interstate 17 Freeway position it well for future investment. Figure 1 below is an aerial map of the subject property outlined in yellow.

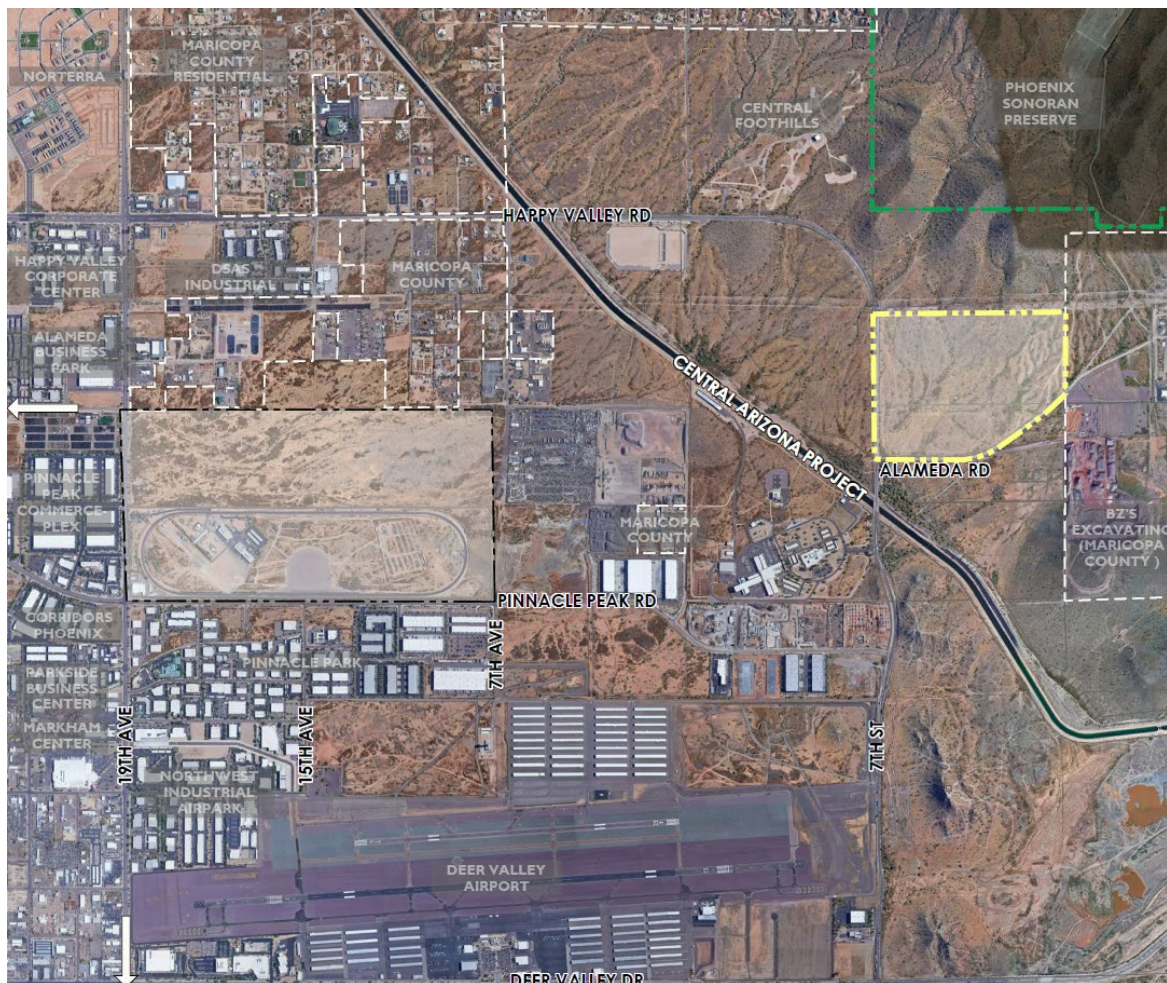


Figure 1: Aerial Map (Source: ASLD)

With the goal of positioning the property for future investment, the ASLD and the City of Phoenix are proposing to rezone the subject property in advance of its auction to a Planned Unit Development (PUD). The PUD is the subject of a companion rezoning case, Z-58-20-2. The PUD will permit both commerce park and industrial land uses throughout the property. The property’s current General Plan Land Use Map designation only permits commerce park uses. This General Plan Amendment proposes a Mixed Use land use map designation of Commerce / Business Park / Industrial. This Mixed Use designation will allow commerce park and industrial land uses to locate on the site in compliance with the PUD’s development standards. Maps of the existing and proposed General Plan Land Use Map designations can be found in Exhibit 1 attached to this report.

EXISTING CONDITIONS AND SURROUNDING LAND USES

The subject property is generally flat and undeveloped. The table below (Figure 2) provides a summary of the surrounding General Plan (GP) Land Use Map designations, existing land uses and zoning.

Location	GP Land Use	Existing Land Uses	Zoning
North	Commerce / Business Park, Future Parks/Open Space or 1 du/ac	Vacant State Trust Land	S-1 DVAO (Approved CP/GCP PCD DVAO)
South	Commerce / Business Park, Floodplain	Vacant State Trust Land, Bureau of Reclamation	S-1 DVAO and S-1 DVAO (Approved CP/GCP PCD DVAO)
East	Commerce / Business Park	Vacant State Trust Land, Industrial and Outdoor Storage Uses	Maricopa County
West (Across 7th Street)	Commerce / Business Park, Floodplain	Vacant State Trust Land, Bureau of Reclamation	S-1 DVAO and S-1 DVAO (Approved CP/GCP PCD DVAO)

Figure 2: Surrounding Land Use Designations, Land Use and Zoning

The proposed Mixed Use Land Use Map designation is compatible with the surrounding land uses and zoning. The site is approximately 0.85 miles north of the Deer Valley Airport. The existing General Plan Land Use Map designations of the subject site and the surrounding properties are meant to provide a buffer of appropriate land uses within

proximity to the airport. The proposed Mixed Use land use designation of Commerce/Business Park/Industrial maintains the integrity of this land use buffer and will ultimately support land uses and zoning on the subject property that will be compatible with the ongoing operations of the airport.

The site is also approximately 2.75 miles east of the Interstate 17 Freeway and falls within the boundaries of the Maricopa Association of Government's Deer Valley Employment Center. This proximity to the Interstate 17 Freeway and location within an Employment Center reinforces the site's capacity to support land uses associated with industry and employers. The proposed Mixed Use designation supports a mix of land uses that will maximize the area's transportation infrastructure assets and will support the addition of more employers to the area.

RELATIONSHIP TO GENERAL PLAN CORE VALUES AND PRINCIPLES

Connect People and Places Core Value

- **Cores, Centers and Corridors; Land Use Principle: Locate land uses with the greatest height and most intense uses within village cores, centers and corridors based on village character, land use needs, and transportation system capacity.**

The proposed land use change is appropriate for a property that is surrounded by similar uses, is served by an arterial street (7th Street) and is approximately 2.75 miles from the Interstate 17 Freeway.

Strengthen Our Local Economy Core Value

- **Job Creation (Employers); Land Use Principle: Support General Plan Land Use Map and zoning changes that will facilitate the location of employment generating uses in each of the designated employment centers.**

The proposed land use change will reinforce the location as a destination for employment uses within the Deer Valley Employment Center.

CONCLUSION AND RECOMMENDATION

Staff recommends approval of GPA-DV-2-20-2 as filed. The request aligns with the goals and policies of the General Plan, represents an ongoing collaborative planning effort with the Arizona State Land Department, and will result in a land use map designation that will continue to support surrounding uses while maximizing the property's location in an Employment Center.

Writer

Joshua Bednarek
December 4, 2020

Exhibits

Sketch Map (1 page)

GENERAL PLAN AMENDMENT

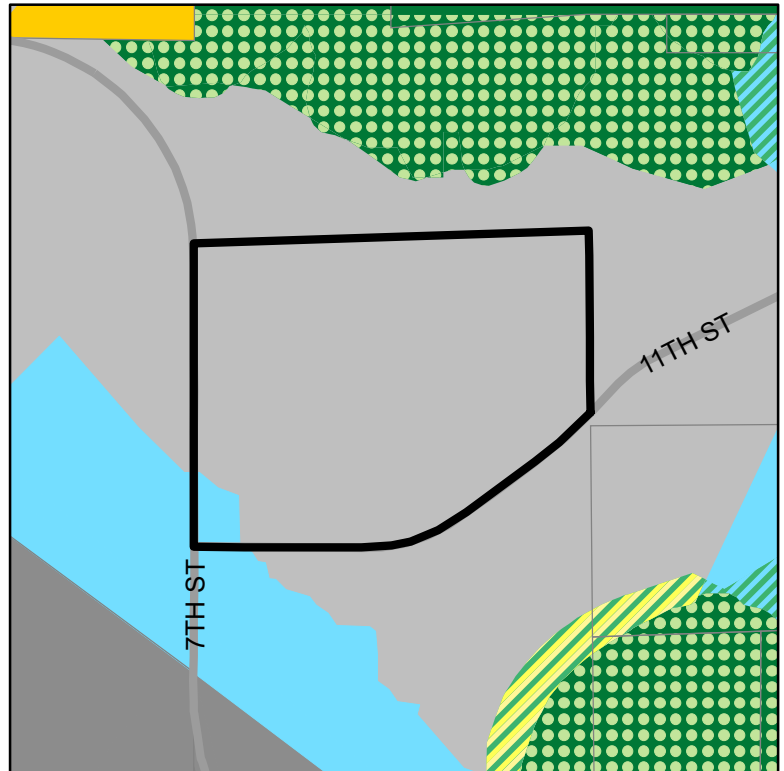
CITY OF PHOENIX ♦ PLANNING & DEVELOPMENT DEPARTMENT ♦ 200 W WASHINGTON ST ♦ PHOENIX, AZ ♦ 85003 ♦ (602) 262-6882

APPLICATION NO: GPA-DV-2-20-1	ACRES: 108.66 +/-
VILLAGE: Deer Valley	COUNCIL DISTRICT: 2
APPLICANT: City of Phoenix Planning and Development Department	

EXISTING:



Commerce/Business Park (105.89 +/- Acres)
 Floodplain (2.77 +/- Acres)

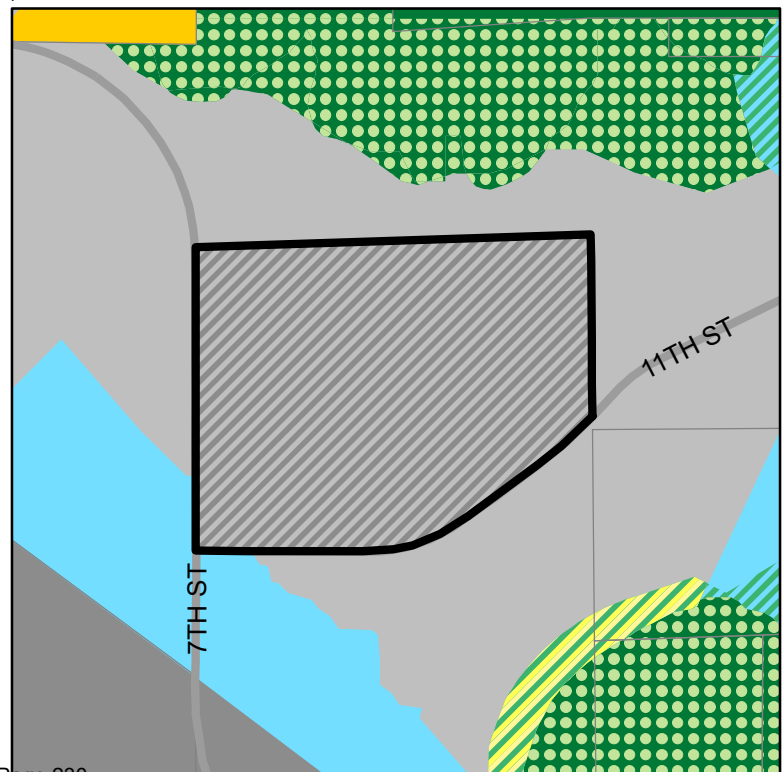
-  Proposed Change Area
-  Residential 3.5 to 5 du/ac
-  Preserves / Floodplain
-  Preserves / 0 to 1 or 1 to 2 du/ac
-  Commerce/Business Park
-  Industrial
-  Parks/Open Space - Future 1 du/ac
-  Parks/Open Space - Publicly Owned
-  Floodplain



PROPOSED CHANGE:

Mixed Use (Industrial/Commerce/Business Park) (108.66 +/- Acres)

-  Proposed Change Area
-  Mixed Use (Industrial/Commerce/Business Park)





**Village Planning Committee Meeting Summary
GPA-DV-2-20-2
INFORMATION ONLY**

Date of VPC Meeting November 19, 2020

Request To amend the General Plan Land Use Designation **from** Floodplain and Commerce/Business Park **to** Mixed Use (Commerce/ Business Park/Industrial)

Location Approximately 1,320 feet south of the southeast corner of 7th Street and Happy Valley Road

VPC DISCUSSION:

Cases GPA-DV-1-20-1, Z-58-20-1 and Z-57-20-1 were heard concurrently.

Mr. Joshua Bednarek, staff, went over the proposals for the two GPA and PUD requests as a combined presentation. He highlighted that the changes proposed would permit a mix of Commerce Park and Industrial uses, which is consistent with surrounding land uses north of the Deer Valley Airport. He shared that the rezoning cases will establish a land use mix that maximizes property’s location in employment corridor and will better position the properties for sale by the State Land Department. He also shared that the rezoning sets the properties up for future private investment.

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Mr. Russell Osborn asked if payout for State Trust Lands actually goes to public schools.

Mr. Edelman shared that it does, but not all at once or every year. Other institutions also benefit.

Mr. Keith Greenburg asked about the portion of site B that is encroaching into a Maricopa County island.

Mr. Bednarek shared that this was an error on the graphic and the slides had not been updated to reflect the actual land area. He iterated that there is no encroachment into the County island in this request.

Chairman Joseph Grossman asked if private market rates are considered when a parcel comes up for sale and if so was this considered for these sites.

Ms. Carolyn Oberholtzer shared that the sites in question are currently zoned S-1, which is a holding designation for parcels annexed into the city and shared that the sites are currently underdeveloped. She shared that the current entitlement requests makes the properties more marketable for future auctions.

Mr. Ricardo Romero asked who the primary target is for the acquisition.

Mr. Edelman shared that there is not a specific target at this time.



**Village Planning Committee Meeting Summary
GPA-DV-2-20-2**

Date of VPC Meeting	December 17, 2020
Request	To amend the General Plan Land Use Designation from Floodplain and Commerce/Business Park to Mixed Use (Commerce/ Business Park/Industrial)
Location	Approximately 1,320 feet south of the southeast corner of 7th Street and Happy Valley Road
VPC Recommendation	Approval
VPC Vote	7-0

VPC DISCUSSION:

Cases GPA-DV-1-20-1, Z-58-20-1 and Z-57-20-1 were heard concurrently.

Mr. Joshua Bednarek, staff, went over the proposals for the two GPA and PUD requests as a combined presentation. He highlighted that the changes proposed would permit a mix of Commerce Park and Industrial uses, which is consistent with surrounding land uses north of the Deer Valley Airport. He shared that the rezoning cases will establish a land use mix that maximizes property’s location in employment corridor and will better position the properties for sale by the State Land Department. He also went over staff’s recommended stipulations for each case.

No committee member discussion.

MOTION: **Mr. Russell Osborne** motioned to recommend approval per staff’s recommendation for General Plan Amendment Case No. GPA-DV-2-20-1. Committee member **Mr. Keith Greenberg** seconded the motion.

VOTE: 7-0, motion to recommend approval passed, with Committee Members DiLeo, Gardner, Greenburg, Kenney, Levy, Osborne, and Romero in favor.

Attachment E

REPORT OF PLANNING COMMISSION ACTION January 7, 2021

ITEM NO: 7	
	DISTRICT NO.: 2
SUBJECT:	
Application #:	GPA-DV-2-20-2
Location:	Approximately 1,320 feet south of the southeast corner of 7th Street and Happy Valley Road
From:	Commerce / Business Park and Floodplain
To:	Mixed Use (Industrial / Commerce / Business Park)
Acreage:	108.66
Proposal:	General Plan Land Use Map Amendment to change the land use designation to Mixed Use (Industrial / Commerce / Business Park).
Applicant:	City of Phoenix, Planning and Development Department
Owner:	Arizona State Land Department
Representative:	City of Phoenix, Planning and Development Department

ACTIONS:

Staff Recommendation: Approval.

Village Planning Committee (VPC) Recommendation:

Deer Valley 11/19/2020 Information Only.

Deer Valley 12/17/2020 Approval, per the staff recommendation. Vote: 7-0.

Planning Commission Recommendation: Approval, per the Deer Valley Village Planning Committee recommendation.

Motion Discussion: N/A

Motion details: Commissioner Howard made a MOTION to approve GPA-DV-2-20-2, per the Deer Valley Village Planning Committee recommendation.

Maker: Howard
Second: Mangum
Vote: 9-0
Absent: None
Opposition Present: No

Findings:

1. Requested land use change will better position the properties for auction by the Arizona State Land Department.
2. The Mixed Use (Commerce/Business Park/Industrial) land use designation will permit new zoning to be applied to the site that maximizes the opportunities near the Deer Valley Major Employment Center.

3. The Mixed Use (Commerce/Business Park/Industrial) land use designation will establish compatible uses in proximity to Deer Valley Airport and surrounding properties.

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



**Public Hearing and Ordinance Adoption - Amend City Code - Rezoning
Application Z-58-20-2 - Located Approximately 1,320 Feet South of the Southeast
Corner of 7th Street and Happy Valley Road (Ordinance G-6798)**

Request to hold a public hearing on the request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-58-20-2 and rezone the site from S-1 DVAO, (approved CP/GCP PCD DVAO) (Ranch or Farm Residence, Deer Valley Airport Overlay, approved Commerce Park/General Commerce Park, Planned Community District, Deer Valley Airport Overlay District) and S-1 DVAO (Ranch or Farm Residence, Deer Valley Airport Overlay) to PUD DVAO (Planned Unit Development, Deer Valley Airport Overlay) for a mix of industrial and commerce park uses. This is a companion case to GPA-DV-2-20-2.

Summary

Current Zoning: S-1 DVAO (Approved CP/GCP PCD DVAO) (105.88 acres) and S-1 DVAO (2.77 acres)

Proposed Zoning: PUD DVAO

Acreage: 108.66 acres

Proposed Use: A mix of industrial and commerce park uses

Owner: Arizona State Land Department

Applicant: City of Phoenix, Planning and Development Department

Representative: City of Phoenix, Planning and Development Department

Staff Recommendation: Approval, subject to stipulations.

VPC Action: The Deer Valley Village Planning Committee heard the case on Dec. 17, 2020 and recommended approval, per the staff recommendation, by a 7-0 vote.

PC Action: The Planning Commission heard the case on Jan. 7, 2021 and recommended approval, per the Deer Valley Village Planning Committee recommendation, with an additional stipulation by a 9-0 vote.

Location

Approximately 1,320 feet south of the southeast corner of 7th Street and Happy Valley Road

Parcel Addresses: State Land Parcels not addressed.
Council District: 2

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-58-20-2) FROM S-1 DVAO (APPROVED CP/GCP PCD DVAO) (RANCH OR FARM RESIDENCE, DEER VALLEY AIRPORT OVERLAY DISTRICT, APPROVED COMMERCE PARK/GENERAL COMMERCE PARK, PLANNED COMMUNITY DISTRICT, DEER VALLEY AIRPORT OVERLAY DISTRICT) AND S-1 DVAO (RANCH OR FARM RESIDENCE, DEER VALLEY AIRPORT OVERLAY DISTRICT) TO PUD DVAO (PLANNED UNIT DEVELOPMENT, DEER VALLEY AIRPORT OVERLAY DISTRICT).

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

SECTION 1. The zoning of a 108.66 acre site located approximately 1,320 feet south of the southeast corner of 7th Street and Happy Valley Road in a portion of Section 9, Township 4 North, Range 3 East, as described more specifically in Exhibit "A", is hereby changed from 105.88 acres of "S-1 DVAO (Approved CP/GCP PCD DVAO)" (Ranch or Farm Residence, Deer Valley Airport Overlay District, Approved Commerce Park/General Commerce Park, Planned Community District, Deer Valley Airport Overlay District) and 2.77 acres of "S-1 DVAO" (Ranch or Farm Residence, Deer

Valley Airport Overlay District) to “PUD DVAO” (Planned Unit Development, Deer Valley Airport 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. An updated Development Narrative for the ASLD Supplier Site B PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with Development Narrative dated December 3, 2020 as modified by the following stipulations.
2. The developer shall dedicate 65 feet of right-of-way and construct the east half of 7th Street for the full limits of the project per Cross Section B identified on the City of Phoenix Street Classification Map, or as modified and approved by the Street Transportation and Planning and Development departments.
3. The developer shall submit a Traffic Impact Study (TIS) to the City for this development. No preliminary approval of plans shall be granted until the study is reviewed and approved by the City. Contact the Street Transportation Department to set up a meeting to discuss requirements of the study. The TIS shall include a signal warrant analysis for the intersections of 7th Street and Alameda. The developer shall be responsible for the cost of improvements as required by the approved Traffic Impact study.
4. The developer shall submit a traffic signal conduit plan and install all necessary infrastructure at the northeast corner of 7th Street and Alameda Road, as approved by the Street Transportation Department.
5. All designated public roadways shall meet the City of Phoenix, Storm Water Design Manual for dry crossings, as approved by the Street Transportation Department.

6. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
7. The developer shall dedicate right-of-way and construct two bus stop pads along northbound 7th Street at locations approved by the Public Transit Department. Bus stop pads shall be constructed according to City of Phoenix Standard Detail P1260 with a minimum depth of 10 feet. Trees shall be placed to provide 50% shade coverage to bus stop pads at full maturity.
8. The developer shall submit 7460 Forms to FAA and receive FAA no hazard determination or mitigations approved by FAA for both temporary (e.g., construction cranes) and permanent (e.g., structures) development, prior to final site plan approval as modified and approved by the Aviation and Planning and Development departments.
9. The developer shall record a Notice to Prospective Purchasers of Proximity to Airport, as required by the State, prior to final site plan approval as modified and approved by the Aviation and Planning and Development Departments.
10. 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.
11. 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.
12. 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 20th day of January
2021.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

REVIEWED BY:

City Manager

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

EXHIBIT A

LEGAL DESCRIPTION FOR Z-58-20-2

A parcel of land lying within the west half of Section 9, Township 4 North, Range 3 East, of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

BEGINNING at the west quarter corner of said Section 9, a 3-inch Maricopa County Highway Department (MCHD) brass cap in handhole (BCH) 0.6' down no stamping, from which the northwest corner of said section, a 3-inch Maricopa County (MC) brass cap (BC) 0.2' up stamped T4N R3E S5 S4 S8 S9 LS 33307 2004, bears North 00°01'03" East (basis of bearing), a distance of 2638.84 feet;

THENCE along the west line of said section, North 00°01'03" East, a distance of 1319.42 feet, to the northwest corner of the south half of the northwest quarter of said section;

THENCE leaving said west line, along the north line of said south half, North 88°08'00" East, a distance of 2608.27 feet, to the northeast corner of the south half of the northwest quarter of said section;

THENCE leaving said north line, along the north-south mid-section line of said section, South 00°05'32" East, a distance of 1158.73 feet, to the centerline of Alameda Road per Arizona State Land Department (ASLD) right-of-way (R/W) Number 16-101308;

THENCE leaving said mid-section line, along said centerline, South 42°40'13" West, a distance of 45.60 feet;

THENCE South 46°06'51" West, a distance of 274.04 feet;

THENCE South 51°51'13" West, a distance of 203.20 feet;

THENCE South 53°46'53" West, a distance of 552.22 feet;

THENCE South 57°15'51" West, a distance of 219.92 feet;

THENCE South 67°23'20" West, a distance of 194.39 feet;

THENCE South 77°58'06" West, a distance of 124.90 feet;

THENCE South 87°07'06" West, a distance of 198.80 feet;

THENCE North 89°57'27" West, a distance of 1090.43 feet, to the west line of said section;

THENCE leaving said centerline, along said west line, North 00°00'47" East, a distance of 658.53 feet, to the POINT OF BEGINNING.

Containing 4,768,879 square feet or 109.4784 acres, more or less.

Subject to existing rights-of-way and easements.

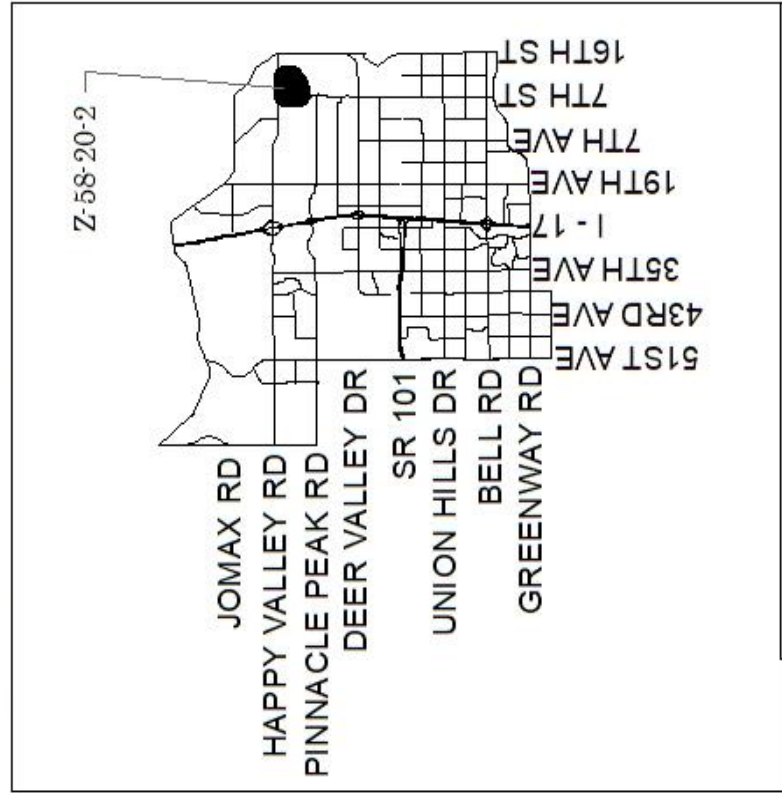
This Legal description was prepared without the benefit of survey fieldwork and is based on the Record of Survey of PLSS Subdivision Maricopa County Geodetic Densification and Cadastral Survey recorded in Book 704, page 32, Maricopa County Records and other client provided information. Any monumentation noted in this parcel description is based on said Record of Survey.

EXHIBIT B

ORDINANCE LOCATION MAP

Zoning Case Number: Z-58-20-2
Zoning Overlay: Deer Valley Airport Overlay District
Planning Village: Deer Valley

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



NOT TO SCALE



Drawn Date: 12/22/2020



City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

Staff Report Z-58-20-2
December 11, 2020

Deer Valley Village Planning Committee Meeting Date: December 17, 2020

Planning Commission Hearing Date: January 7, 2021

Request From: S-1 DVAO (Approved CP/GCP PCD DVAO) (Ranch or Farm Residence, Deer Valley Airport Overlay District, approved Commerce Park/General Commerce Park, Planned Community District, Deer Valley Airport Overlay District) (105.88 acres) and S-1 DVAO (Ranch or Farm Residence, Deer Valley Airport Overlay District) (2.77 acres)

Request To: PUD DVAO (Planned Unit Development, Deer Valley Airport Overlay District) (108.66 acres)

Proposed Use: A mix of industrial and commerce park uses

Location: Approximately 1,320 feet south of the southeast corner of 7th Street and Happy Valley Road

Owner: Arizona State Land Department

Applicant/Representative: City of Phoenix, Planning and Development Department

Staff Recommendation: Approval, subject to stipulations

<u>General Plan Conformity</u>			
<u>General Plan Land Use Map Designation</u>		Current: Floodplain and Commerce/Business Park	
		Proposed (GPA-DV-2-20-2): Mixed Use (Industrial/Commerce/Business Park)	
<u>Street Map Classification</u>	7th Street	Major Arterial	Not dedicated as city right-of-way

	Alameda Road and 11th Street	Not designated	Not dedicated as city right-of-way
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STRENGTHEN OUR LOCAL ECONOMY CORE VALUE; MANUFACTURING / INDUSTRIAL DEVELOPMENT; LAND USE PRINCIPLE: Support the expansion of industrial zoning in targeted industrial areas.

The proposed PUD permits commerce park and industrial uses in area designated for these types of uses.

STRENGTHEN OUR LOCAL ECONOMY CORE VALUE; JOB CREATION (EMPLOYERS); LAND USE PRINCIPLE: Support General Plan Land Use Map and zoning changes that will facilitate the location of employment generating uses in each of the designated employment centers.

The proposed PUD will reinforce the location as a destination for employment uses within the Deer Valley Major Employment Center.

STRENGTHEN OUR LOCAL ECONOMY CORE VALUE; AIRPORTS; LAND USE PRINCIPLE: Continue to carefully monitor and evaluate all future land uses around the airports, protecting the airport from incompatible development that could pose a safety hazard to aircraft passengers, or to individuals living or residing in those areas.

The proposed PUD restricts residential land uses and establishes a land use mix that will be compatible with the Deer Valley Airport's operations.

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 PUD contains development standards and guidelines that require a significant landscape setback along the perimeter streets. This landscape setback will provide for a double row of trees adjacent to sidewalks.

Applicable Plans, Overlays, and Initiatives

[Deer Valley Airport Overlay District](#): See Background Item No. 4.

[Deer Valley Major Employment Center](#): See Background Item No. 5.

[Deer Valley Village Character Plan](#): See Background Item No. 10

[Tree and Shade Master Plan](#): See Background Item No. 11

[Complete Streets Guidelines](#): See Background Item No. 12

[Reimagine Phoenix](#): See Background Item No. 13

Background/Issues/Analysis

PROPOSAL

1. This request is to rezone approximately 108.66 acres located approximately 1,320 feet south of the southeast corner of 7th Street and Happy Valley Road from S-1 DVAO (Approved CP/GCP PCD DVAO) (Ranch or Farm Residence, Deer Valley Airport Overlay District, approved Commerce Park/General Commerce Park, Planned Community District, Deer Valley Airport Overlay District)) (105.88 acres) and S-1 DVAO (Ranch or Farm Residence, Deer Valley Airport Overlay District) (2.77 acres) to PUD DVAO (Planned Unit Development, Deer Valley Airport Overlay District).

The PUD provides a zoning and regulatory framework to permit a mix of commerce park and industrial land uses. The subject property is State Trust Land and is managed by the Arizona State Land Department (ASLD). The ASLD, in partnership with the City of Phoenix, has identified strategically located parcels that are positioned to provide maximum benefit to the Trust's Beneficiaries when auctioned. Proceeds from ASLD auctions go to a variety of beneficiaries including public schools and the state's public universities. The subject property's proximity to the Deer Valley Airport and Interstate 17 Freeway position it well for future investment.

The City of Phoenix and ASLD have previously partnered to rezone the property to CP/GCP PCD in 2004 via rezoning case Z-117-04. The rezoning case was part of a much larger area that extended to Central Avenue on the west, 12th Street to the east and generally Happy Valley Road to the north and the CAP Canal to the south. The property never developed under the approved CP/GCP PCD zoning.

EXISTING SITE CONDITIONS

2. The entire site is undeveloped and bordered on all four sides by undeveloped land. Exhibit B attached to this report is an aerial map of the subject property and surrounding area. East of the site is unannexed property in Maricopa County.

GENERAL PLAN LAND USE MAP DESIGNATIONS, LAND USES AND ZONING

3. The table on the following page (Figure 1) provides a summary of the onsite and surrounding General Plan (GP) Land Use Map designations, existing land uses and zoning.

Location	GP Land Use	Existing Land Uses	Zoning
On Site	Floodplain and Commerce/Business Park	Vacant	S-1 (Approved CP/GCP PCD); S-1
North	Commerce / Business Park	Vacant	S-1 (Approved CP/GCP)
South	Floodplain and Commerce / Business Park	Vacant	S-1 (Approved CP/GCP PCD); S-1
East	Commerce / Business Park,	Vacant, Industrial, Outdoor storage uses	County
West	Floodplain and Commerce / Business Park	Vacant	S-1 (Approved CP/GCP PCD); S-1

Figure 1: Surrounding Land Use Designations, Land Use and Zoning

The proposed PUD permits a mix of commerce park and industrial land uses which is not consistent with the General Plan Land Use Map designation of Commerce Park / Business Park for the site. A companion General Plan Amendment request (GPA-DV-2-20-2) proposes a Mixed-Use land use designation of Industrial/Commerce/Business Park. This Mixed-Use designation will allow commerce park and industrial land uses the flexibility to locate on any portion of the site in compliance with the PUD’s development standards.

DEER VALLEY AIRPORT OVERLAY DISTRICT

4. The site falls within the boundaries of the Deer Valley Airport Overlay District (DVAO). The City Council adopted the DVAO in 2006 to protect the health, safety and welfare of persons and property in the vicinity of Deer Valley Airport (DVA) and to protect the long term viability of DVA as a general aviation facility by ensuring land use compatibility with airport operations, protecting navigable airspace from physical encroachment and requiring permanent notice of flight operations to property owners.

The DVAO establishes different regulatory areas within its boundaries – Areas 1, 2 & 3. In Area 1 the DVAO places a restriction on residential development within A-1 zoned properties. Areas 2 & 3 have additional use restrictions and Area 3 has additional building height restrictions. The subject properties falls within the boundaries of Area 1. Figure 2. on the following page is a map of the boundaries of the DVAO Areas along with the subject property.

The proposed PUD will maintain and adhere to the the DVAO. The PUD’s permitted use list is consistent with the DVAO’s restrictions and goes even further to completely restrict residential land uses. The PUD’s regulatory framework ensures that the property will develop in a manner that is compatible with the ongoing operations of the Deer Valley Airport.

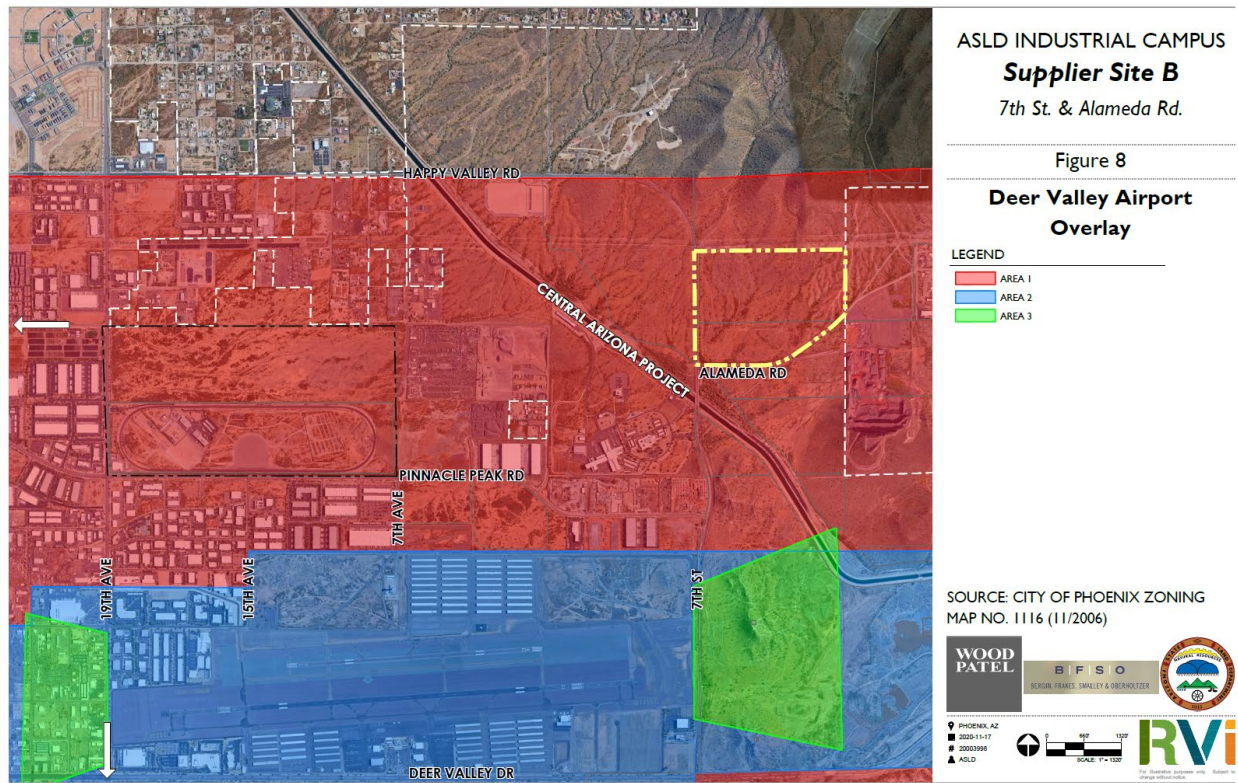


Figure 2: DVAO Areas and Subject Site (Sources: ASLD)

DEER VALLEY MAJOR EMPLOYMENT CENTER

5. The subject site is located approximately 3 miles from the Interstate 17 Freeway and within the Deer Valley Major Employment Center. The proposed PUD will position the site to add additional employment opportunities within the employment center and within close proximity to a major freeway corridor.

PUD NARRATIVE

6. The proposal was developed utilizing the PUD zoning designation. The Planned Unit Development (PUD) is intended to create a built environment that is superior to that produced by conventional zoning districts and design guidelines. Using a collaborative and comprehensive approach, an applicant authors and proposes standards and guidelines that are tailored to the context of a site on a case by case basis. Where the PUD Development Narrative is silent on a requirement, the applicable Zoning Ordinance provisions will be applied. A link to the PUD Narrative is included in this report as Exhibit C. Stipulation No. 1 includes a requirement to provide an updated version of the narrative after City Council approval.
7. **Land Use:** The PUD permitted use list consists of the permitted uses from the A-2

Industrial District and the Commerce Park District's General Commerce Park option. The use list will permit a variety of uses that are consistent with the permitted uses in the surrounding area and will be compatible with the operations of Deer Valley Airport. In order to ensure that the site is development with the desired employment-oriented uses and with the goal of ensuring compatibility with the Deer Valley Airport, the PUD prohibits residential uses on the property.

8. **Development Standards:** The PUD establishes a uniform set of development standards for the entire site. A full list of the development standards can be found on pages 9 through 14 in the attached PUD Narrative. Below is a summary that highlights some of the development standards.
- **Building Height:** Maximum of 80 feet and in addition to the building height exceptions outlined in the Zoning Ordinance (Section 701.B), non-habitable mechanical equipment and structures that may include, but are not limited to, elements such air separators, exhaust pipes, storage tanks, and gas processing equipment are permitted up to 150 feet in height.
 - **Open Space:** For any property development in excess of 56 feet: A minimum of 10 percent of the parcel's total net area shall be open space with appropriate landscaping and other employee-oriented amenities
 - **Building / Landscape Setbacks**
 - o Arterial or Collector Street: 50 feet minimum
 - o Local Street: 20 feet minimum

The PUD's standards for landscape setbacks exceed those in the Commerce Park General Commerce Park and A-2 zoning districts. The landscape setback standards will provide for a significant buffer between the onsite uses and the adjacent streets. The PUD also contains enhanced landscaping standards for the landscape setbacks. The setbacks along streets will be required to provide a tree every twenty feet, five shrubs per tree and a minimum of 60 percent of the setback area will have live ground cover.

The PUD utilizes the Zoning Ordinance standards for parking, signs, lighting and screening.

9. **Streetscape & Other Guidelines:** The PUD Narrative outlines additional provisions to enhance the projects interface with public streets. The PUD will require the provision of a detached sidewalk along the site's perimeter streets with a double row of trees. The PUD also contains guidelines that address the design of buildings and open space.

PLANS, INITIATIVES AND OVERLAYS

10. **Deer Valley Character Plan**: The Deer Valley Village Planning Committee and Phoenix City Council adopted the Deer Valley Village Character Plan in 2018. Development of a Character Plan by each of the fifteen Village Planning Committees was called for in the 2015 General Plan Update. The Deer Valley Village Character Plan celebrates the village's assets and highlights elements of the 2015 General Plan that the Deer Valley Village Planning Committee identified as most relevant to their community. The PUD Narrative addresses several of the General Plan policies identified in the Character Plan including support for land use and rezoning cases that facilitate the location of employment generating uses in employment centers and development of sites with existing infrastructure and transportation capacity.
11. **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.

The PUD contains the following provisions that help to advance the goals of the Tree and Shade Master Plan:

- Minimum 75 percent shading of all publicly accessible sidewalks and trails along arterial and collector roadways by means of vegetation at maturity and/or shade structures.
 - Detached sidewalks along both sides of public streets with single trunk trees.
12. **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 PUD Narrative specifically addresses the Complete Street Guidelines in Section 6.c. and requires detached sidewalks with a double row of street trees along collector and arterial streets.
 13. **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 PUD Narrative does not address how recycling will be provided on site.

COMMUNITY CORRESPONDENCE

14. At the time of this report the Planning and Development Department had not received any comments from the community regarding this request.

INTERDEPARTMENTAL COMMENTS

15. **Public Works Department, Flood Plain Management Division:** It has been determined that this parcel is not in a Special Flood Hazard Area (SFHA), but located in a Shaded Zone X, on panel 1280 L of the Flood Insurance Rate Maps (FIRM) dated January 29, 2015.
16. **Fire Department:** The Department Fire Prevention Division saw no issues with the request but did emphasize that the site or/and building(s) shall comply with the Phoenix Fire Code. The Department went on to note that the water supply for the site is unknown at this time and will need to be addressed to meet the required fire flow per the Phoenix Fire Code.
17. **Street Transportation Department:** The Street Transportation Department provided several comments related to street planning, design and pedestrian safety that have been addressed in the PUD Narrative. Stipulation Nos. 2 through 6 address the requirements for the project to dedicate the necessary right-of-way for adjacent streets, street construction and the requirement for a traffic impact study and traffic signal conduit plan
18. **Public Transit Department:** The Public Transit Department requested the PUD Narrative address pedestrian safety connectivity, safety and comfort between any public transit facilities and buildings on the site. These provisions have been included in the PUD's Pedestrian Circulation subsection on pages 13 through 14.

In addition, the Public Transit Department has requested dedication of right-of-way and construction of two bus stop pads along 7th Street. This request is addressed in Stipulation No. 7.
19. **Aviation Department:** Due to the property's proximity to the Deer Valley Airport, the Aviation Department has requested requiring coordination with the Federal Aviation Administration and additional notice to prospective purchasers. These requests are addressed in Stipulations Nos. 8 and 9.
20. **Water Services Department:** The Department provided several comments for water and wastewater infrastructure. The comments are meant to highlight the initial investment needed for the area. Additional investments may be needed at the time of application for site plan, PCD master plan, or building permit approval. These requirements will be based on the status of our water and sewer infrastructure at the time the application is submitted. For any given property, these requirements may vary over time to be less or more restrictive depending on the status of our infrastructure.
21. **Archaeology Office:** The site is 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. These comments are addressed in Stipulations Nos. 10, 11, 12.

OTHER

22. Development and use of the site are 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 PUD provides a framework for the development of the site and positions the area for future investment.
2. The PUD contains standards that ensures development on the site will be consistent with the area's character and compatible with surrounding uses.
3. The PUD will further establish the site as a destination for employment uses that maximize the site's existing transportation infrastructure assets.

Stipulations

1. An updated Development Narrative for the ASLD Supplier Site B PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with Development Narrative dated December 3, 2020 as modified by the following stipulations.
2. The developer shall dedicate 65 feet of right-of-way and construct the east half of 7th Street for the full limits of the project per Cross Section B identified on the City of Phoenix Street Classification Map, or as modified and approved by the Street Transportation and Planning and Development departments.
3. The developer shall submit a Traffic Impact Study (TIS) to the City for this development. No preliminary approval of plans shall be granted until the study is

reviewed and approved by the City. Contact the Street Transportation Department to set up a meeting to discuss requirements of the study. The TIS shall include a signal warrant analysis for the intersections of 7th Street and Alameda. The developer shall be responsible for the cost of improvements as required by the approved Traffic Impact study.

4. The developer shall submit a traffic signal conduit plan and install all necessary infrastructure at the northeast corner of 7th Street and Alameda Road, as approved by the Street Transportation Department.
5. All designated public roadways shall meet the City of Phoenix, Storm Water Design Manual for dry crossings, as approved by the Street Transportation Department.
6. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
7. The developer shall dedicate right-of-way and construct two bus stop pads along northbound 7th Street at locations approved by the Public Transit Department. Bus stop pads shall be constructed according to City of Phoenix Standard Detail P1260 with a minimum depth of 10 feet. Trees shall be placed to provide 50% shade coverage to bus stop pads at full maturity.
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9. The developer shall record a Notice to Prospective Purchasers of Proximity to Airport, as required by the State, prior to final site plan approval as modified and approved by the Aviation and Planning and Development Departments.
10. 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.
11. 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.

12. 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

Joshua Bednarek

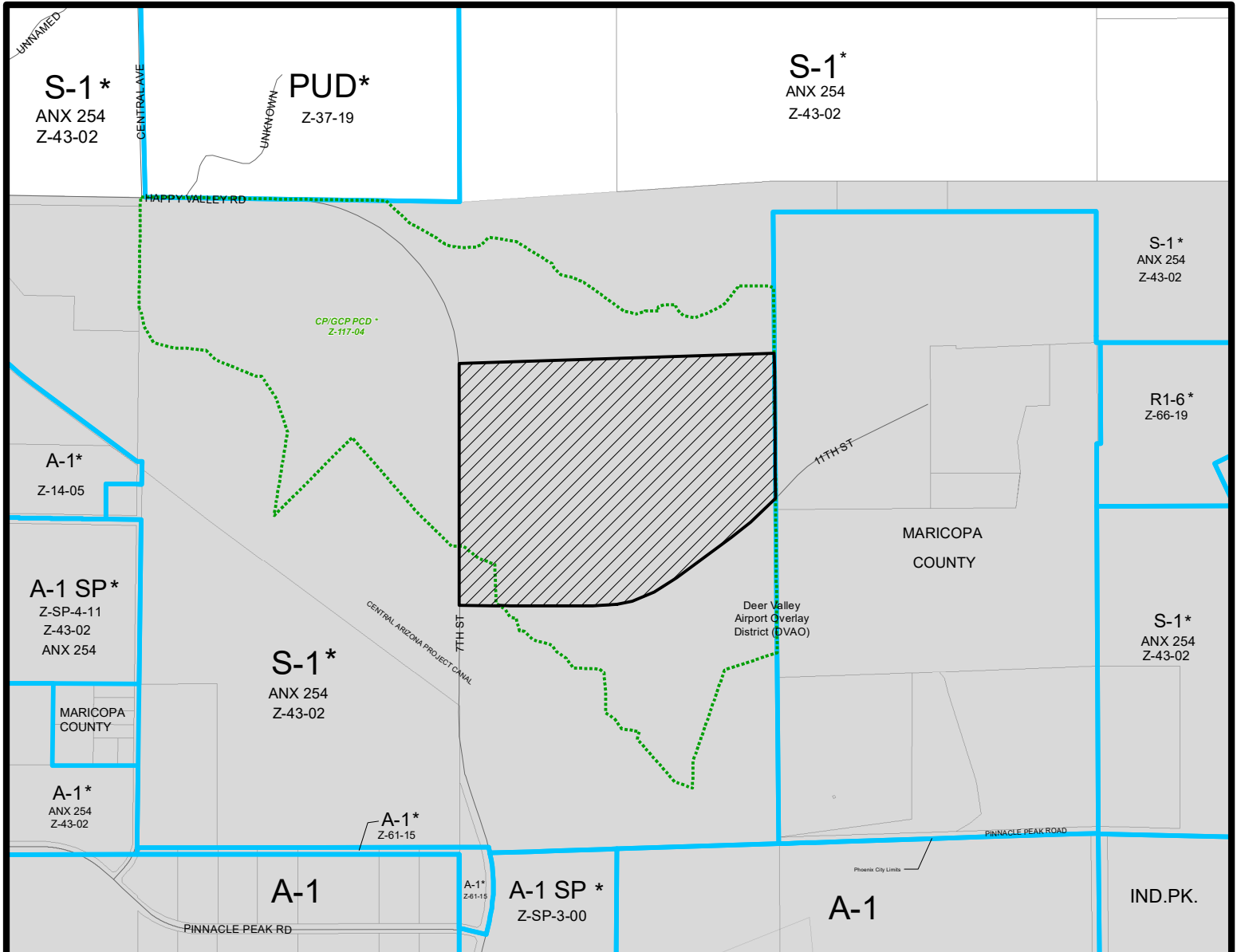
December 11, 2020

Exhibits

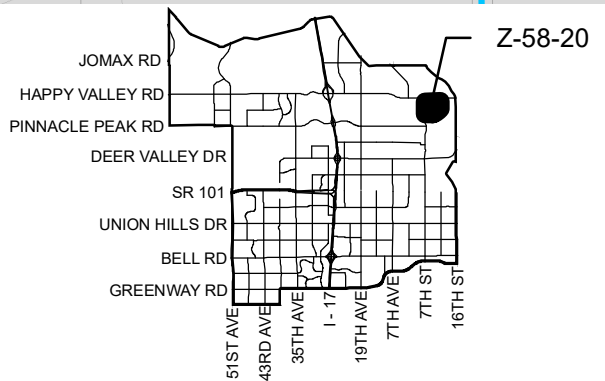
Exhibit A: Zoning sketch map

Exhibit B: Aerial sketch map

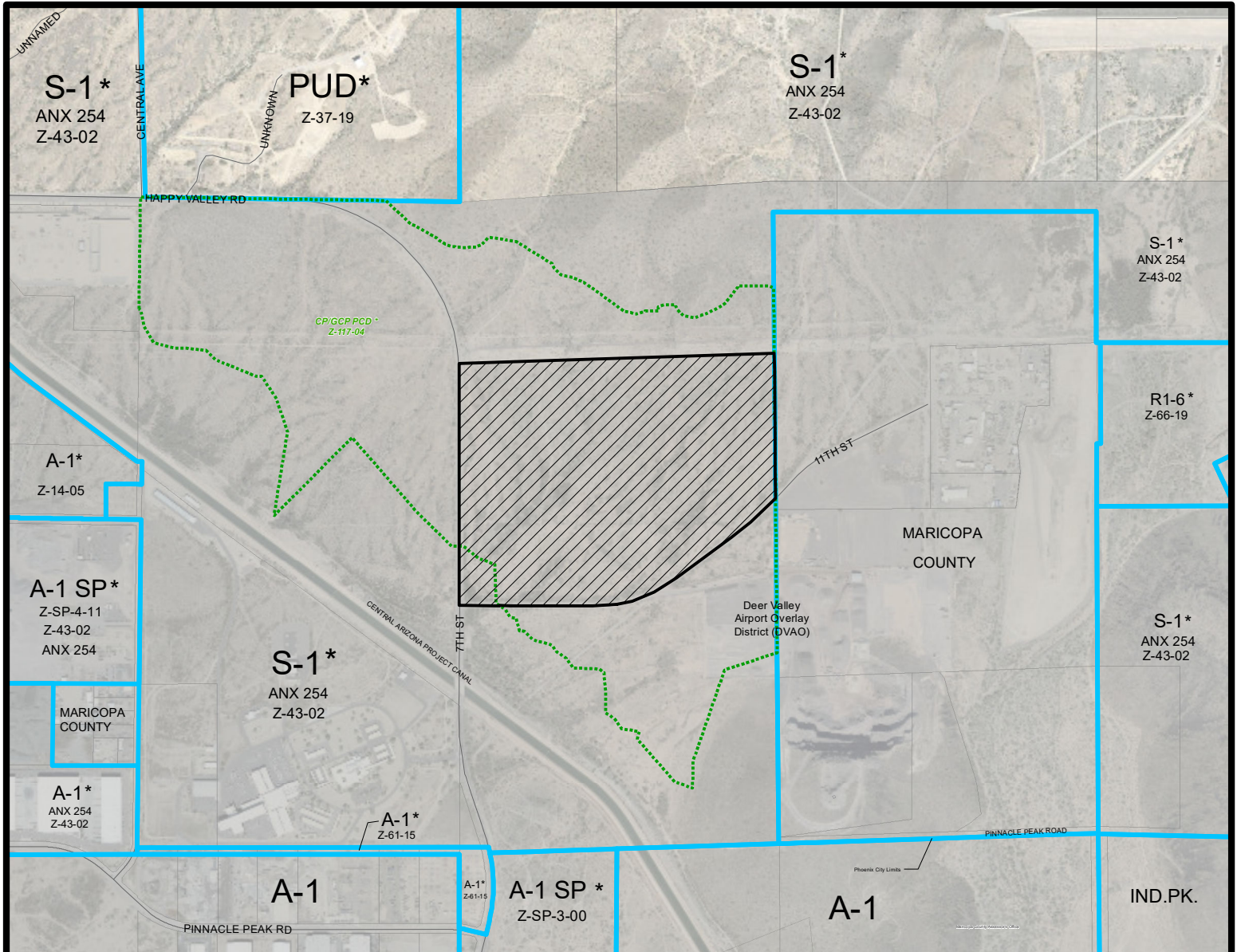
Exhibit C: [ASLD Supplier Site B PUD Hearing Draft](#) date stamped December 3, 2020



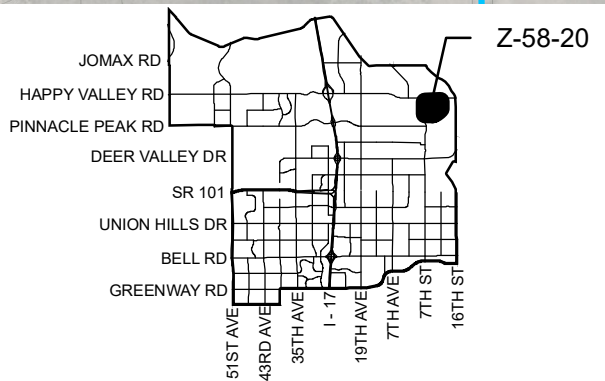
DEER VALLEY VILLAGE
CITY COUNCIL DISTRICT: 2



APPLICANT'S NAME: City of Phoenix Planning and Development Department		REQUESTED CHANGE: FROM: S-1 DVAO (Approved CP/GCP PCD DVAO) (105.88 a.c.) S-1 DVAO (2.77 a.c.)	
APPLICATION NO. Z-58-20	DATE: 11/20/2020	REVISION DATES:	
GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX. 108.66 Acres	AERIAL PHOTO & QUARTER SEC. NO. QS 45-29 QS 46-29	ZONING MAP O-9	
MULTIPLES PERMITTED S-1 DVAO (Approved CP/GCP PCD DVAO), S-1 DVAO PUD DVAO	CONVENTIONAL OPTION 105 (N/A), 2 N/A		* UNITS P.R.D. OPTION N/A (N/A), N/A N/A
* Maximum Units Allowed with P.R.D. Bonus			



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APPLICATION NO. Z-58-20	DATE: 11/20/2020	REVISION DATES: (Empty table)	
GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX. 108.66 Acres		AERIAL PHOTO & QUARTER SEC. NO. QS 45-29 QS 46-29	ZONING MAP O-9
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* Maximum Units Allowed with P.R.D. Bonus		* UNITS P.R.D. OPTION N/A (N/A), N/A N/A	



Village Planning Committee Meeting Summary
Z-58-20-2
INFORMATION ONLY

Date of VPC Meeting	November 19, 2020
Request From	S-1 DVAO and S-1 DVAO, approved CP/GCP PCD DVAO
Request To	PUD DVAO
Location	Approximately 1,320 feet south of the southeast corner of 7th Street and Happy Valley Road

VPC DISCUSSION:

Cases GPA-DV-1-20-1, GPA-DV-2-20-2 and Z-57-20-1 were heard concurrently.

Mr. Joshua Bednarek, staff, went over the proposals for the two GPA and PUD requests as a combined presentation. He highlighted that the changes proposed would permit a mix of Commerce Park and Industrial uses, which is consistent with surrounding land uses north of the Deer Valley Airport. He shared that the rezoning cases will establish a land use mix that maximizes property's location in employment corridor and will better position the properties for sale by the State Land Department. He also shared that the rezoning sets the properties up for future private investment.

Mr. Mark Edelman, with the State Land Department, provided a brief presentation on State Trust Lands. He explained that State Trust land is not public land. He shared that these lands are held in trust and they differ greatly from public lands such as BLM or regional parks like Lake Pleasant or White Tank Mountains. State Trust land is more akin to private land. He explained that State Trust land is held in trust and managed by the Arizona State Land Department for the sole purpose of generating revenues for Arizona's K-12 public schools and 12 other institutional beneficiaries. He shared that every dollar earned from a sale goes into the Trust. Mr. Edelman introduced Ms. Carolyn Oberholtzer, the council representing the State Land department for these GPA and Rezoning requests.

Mr. Russell Osborn asked if payout for State Trust Lands actually goes to public schools.

Mr. Edelman shared that it does, but not all at once or every year. Other institutions also benefit.

Mr. Keith Greenburg asked about the portion of site B that is encroaching into a Maricopa County island.

Mr. Bednarek shared that this was an error on the graphic and the slides had not been updated to reflect the actual land area. He iterated that there is no encroachment into the County island in this request.

Chairman Joseph Grossman asked if private market rates are considered when a parcel comes up for sale and if so was this considered for these sites.

Ms. Carolyn Oberholtzer shared that the sites in question are currently zoned S-1, which is a holding designation for parcels annexed into the city and shared that the sites are currently underdeveloped. She shared that the current entitlement requests makes the properties more marketable for future auctions.

Mr. Ricardo Romero asked who the primary target is for the acquisition.

Mr. Edelman shared that there is not a specific target at this time.



**Village Planning Committee Meeting Summary
Z-58-20-2**

Date of VPC Meeting	December 17, 2020
Request From	S-1 DVAO and S-1 DVAO, approved CP/GCP PCD DVAO
Request To	PUD DVAO
Location	Approximately 1,320 feet south of the southeast corner of 7th Street and Happy Valley Road
VPC Recommendation	Approval, per staff's stipulations
VPC Vote	7-0

VPC DISCUSSION:

Cases GPA-DV-1-20-1, GPA-DV-2-20-2 and Z-57-20-1 were heard concurrently.

Mr. Joshua Bednarek, staff, went over the proposals for the two GPA and PUD requests as a combined presentation. He highlighted that the changes proposed would permit a mix of Commerce Park and Industrial uses, which is consistent with surrounding land uses north of the Deer Valley Airport. He shared that the rezoning cases will establish a land use mix that maximizes property's location in employment corridor and will better position the properties for sale by the State Land Department. He also went over staff's recommended stipulations for each case.

No committee member discussion.

MOTION: Mr. Russell Osborne motioned to recommend approval per staff's recommendation for Rezoning Case No. Z-58-20-1. Committee member **Mr. Keith Greenberg** seconded the motion.

VOTE: 7-0, motion to recommend approval passed, with Committee Members DiLeo, Gardner, Greenburg, Kenney, Levy, Osborne, and Romero in favor.

Attachment E

REPORT OF PLANNING COMMISSION ACTION January 7, 2021

ITEM NO: 8	
	DISTRICT NO.: 2
SUBJECT:	
Application #:	Z-58-20-2 (ASLD Supplier Site B PUD)
Location:	Approximately 1,320 feet south of the southeast corner of 7th Street and Happy Valley Road
From:	S-1 DVAO and S-1 DVAO (Approved CP/GCP PCD DVAO)
To:	PUD DVAO
Acreage:	108.66
Proposal:	Planned Unit Development to allow a mix of industrial and commerce park uses
Applicant:	City of Phoenix, Planning and Development Department
Owner:	Arizona State Land Department
Representative:	City of Phoenix, Planning and Development Department

ACTIONS:

Staff Recommendation: Approval, subject to stipulations.

Village Planning Committee (VPC) Recommendation:

Deer Valley 11/19/2020 Information Only.

Deer Valley 12/17/2020 Approval, per the staff recommendation. Vote: 7-0.

Planning Commission Recommendation: Approval, per the Deer Valley Village Planning Committee recommendation, with an additional stipulation.

Motion Discussion: N/A.

Motion details: Commissioner Howard made a MOTION to approve Z-58-20-2, per the Deer Valley Village Planning Committee recommendation, with an additional stipulation as read into the record.

Maker: Howard
Second: Johnson
Vote: 9-0
Absent: None
Opposition Present: No

Findings:

1. The PUD provides a framework for the development of the site and positions the area for future investment.
2. The PUD contains standards that ensures development on the site will be consistent with the area's character and compatible with surrounding uses.

3. The PUD will further establish the site as a destination for employment uses that maximize the site's existing transportation infrastructure assets.

Stipulations:

1. An updated Development Narrative for the ASLD Supplier Site B PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with Development Narrative dated December 3, 2020 as modified by the following stipulations.
2. The developer shall dedicate 65 feet of right-of-way and construct the east half of 7th Street for the full limits of the project per Cross Section B identified on the City of Phoenix Street Classification Map, or as modified and approved by the Street Transportation and Planning and Development departments.
3. The developer shall submit a Traffic Impact Study (TIS) to the City for this development. No preliminary approval of plans shall be granted until the study is reviewed and approved by the City. Contact the Street Transportation Department to set up a meeting to discuss requirements of the study. The TIS shall include a signal warrant analysis for the intersections of 7th Street and Alameda. The developer shall be responsible for the cost of improvements as required by the approved Traffic Impact study.
4. The developer shall submit a traffic signal conduit plan and install all necessary infrastructure at the northeast corner of 7th Street and Alameda Road, as approved by the Street Transportation Department.
5. All designated public roadways shall meet the City of Phoenix, Storm Water Design Manual for dry crossings, as approved by the Street Transportation Department.
6. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
7. The developer shall dedicate right-of-way and construct two bus stop pads along northbound 7th Street at locations approved by the Public Transit Department. Bus stop pads shall be constructed according to City of Phoenix Standard Detail P1260 with a minimum depth of 10 feet. Trees shall be placed to provide 50% shade coverage to bus stop pads at full maturity.
8. The developer shall submit 7460 Forms to FAA and receive FAA no hazard determination or mitigations approved by FAA for both temporary (eg, construction cranes) and permanent (eg, structures) development, prior to final site plan approval as modified and approved by the Aviation and Planning and Development departments.

9. The developer shall record a Notice to Prospective Purchasers of Proximity to Airport, as required by the State, prior to final site plan approval as modified and approved by the Aviation and Planning and Development Departments.
10. 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.
11. 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.
12. 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.
13. **PRIOR TO PRELIMINARY SITE PLAN APPROVAL, THE LANDOWNER SHALL EXECUTE A PROPOSITION 207 WAIVER OF CLAIMS FORM. THE WAIVER SHALL BE RECORDED WITH THE MARICOPA COUNTY RECORDER'S OFFICE AND DELIVERED TO THE CITY TO BE INCLUDED IN THE REZONING APPLICATION FILE FOR RECORD.**

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



*****ITEM REVISED (SEE ATTACHED MEMO)*** Public Hearing - Appeal of Hearing Officer Decision - Abandonment of Right-of-Way - ABND 200545 - Arcadia Lane at South Side of Camelback Road**

Request to hold a public hearing on the request to abandon right-of-way segments (ABND 200545) located east of 56th Street and south of Camelback Road, 4430 and 4431 N. Arcadia Lane. The Abandonment Hearing Officer's decision to deny the request was appealed on Dec. 3, 2020.

The request was to abandon the north end of the Arcadia Lane right-of-way (ROW), where it ends at Camelback Road; the 22-foot right-of-way easement on the north side of 4430 N. Arcadia Lane dedicated with Ordinance S-11792, and the 15-foot right-of-way on the north side of 4431 N. Arcadia Lane dedicated with Ordinance S-11837.

The purpose of the abandonment request as stated by the applicant is as follows: "All of the homes on Arcadia Lane wish to close access to Camelback Road and end Arcadia Lane with an 80-foot cul-de-sac. We would close the North end with a wall and add a fire hydrant. This would add a barrier to entry, which would reduce crime and provide a fire hydrant at the end of cul-de-sac and add response time for fire."

The Abandonment Hearing Officer denied the request, concluding that the ROW requested for abandonment is still necessary for public use of the ROW as a roadway.

Summary

Project: 00-1490

Abandonment Applicant: Randy and Kathy Kirsch

Date of Abandonment Hearing Officer's Decision: Nov. 19, 2020

Appellant: Earl & Curley for Dr. Patti Flint

Date of Appeal: Dec. 3, 2020

Location

Arcadia Lane at South side of Camelback Road (4430 and 4431 N. Arcadia Lane)

Council District: 6

Responsible Department


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



City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

To: Mario Paniagua
Deputy City Manager

Date: January 19, 2021

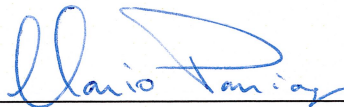
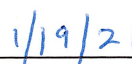
From: Alan Stephenson 
Planning and Development Director

Subject: CORRECTION TO ITEM 54 ON THE JANUARY 20, 2021 FORMAL AGENDA -
PUBLIC HEARING/APPEAL OF HEARING OFFICER DECISION -
ABANDONMENT OF RIGHT-OF-WAY - ABND 200545 - ARCADIA LANE AT
SOUTH SIDE OF CAMELBACK ROAD

Item 54, is a request to hold a public hearing on the request to abandon right-of-way segments (ABND 200545) located east of 56th Street and south of Camelback Road, 4430 and 4431 North Arcadia Lane.

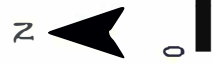
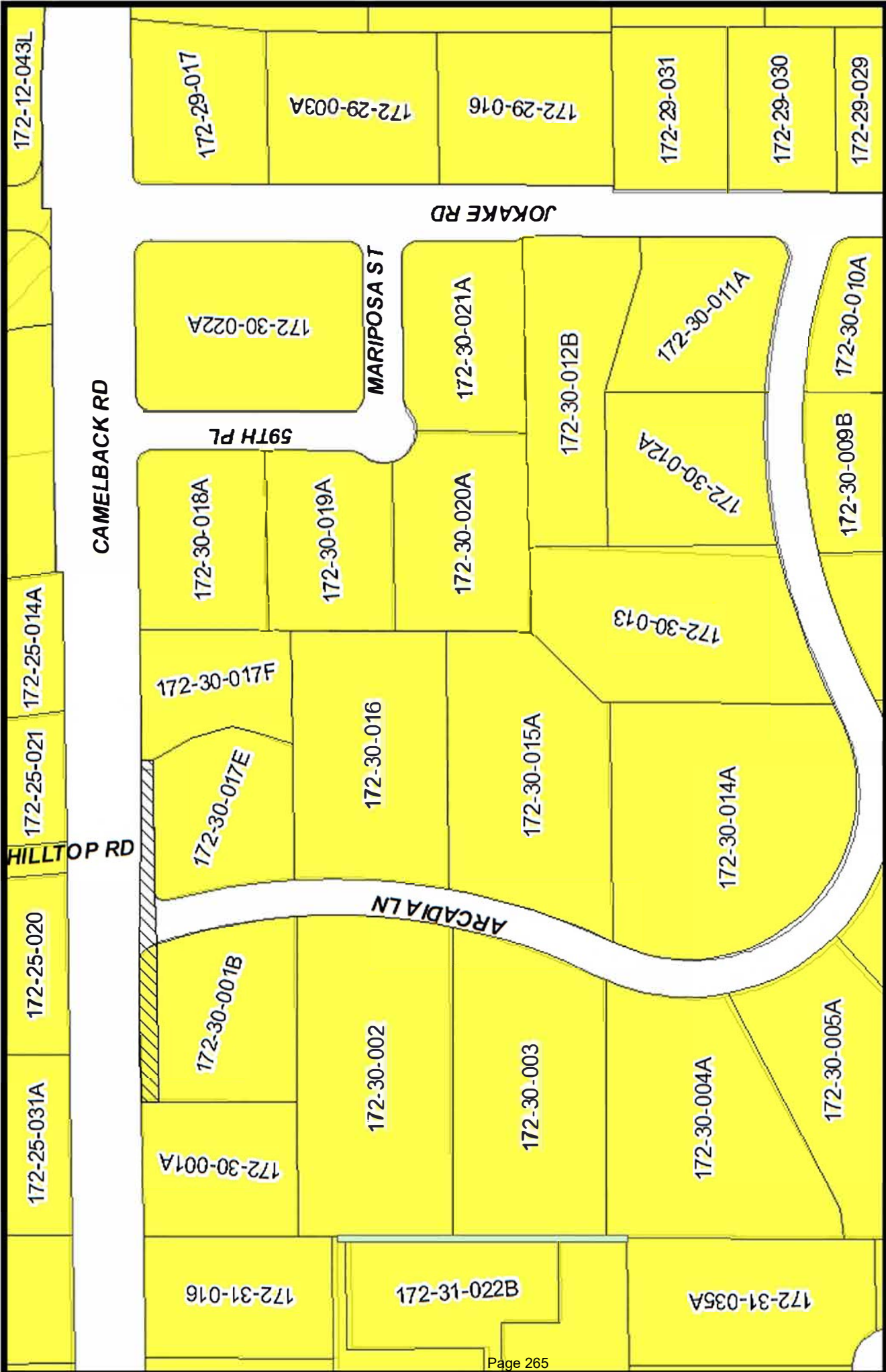
This memo corrects the council district listed in the agenda language to reflect the correct City Council district as District 6.

Approved:

Mario Paniagua, Deputy City Manager

Attachment A



APPLICANT: Randy & Kathy Kirsch
 ABANDONMENT AREA: 
 APPLICATION NO: ABND 200545

QUARTER SECTION: 17-41
 DATE :08/13/2020
 DOCKET and PAGE: 036 & 48



City of Phoenix
 MUNICIPALITY OF PHOENIX

Attachment B

Exhibit B



City of Phoenix

Planning and Development Department

DENIAL – ABND 200545

Your abandonment request was **DENIED** by **Christopher DePerro, Abandonment Hearing Officer.**

A summary of the hearing, and the Hearing Officer's findings and rationale, are included in this letter.

You have the right to appeal this decision to City Council if an appeal application is received by the Planning and Development Department within 15 calendar days of this decision (latest appeal date: **December 4, 2020). Please contact the Abandonment Coordinator, Wendy Turner, at (602) 256-3487, or abandonments@phoenix.gov, for questions regarding appeals.**



City of Phoenix

Planning and Development Department

October 8, 2020

Abandonment Staff Report: **ABND 200545**

Project# **00-1490**

Quarter Section: **17-41**

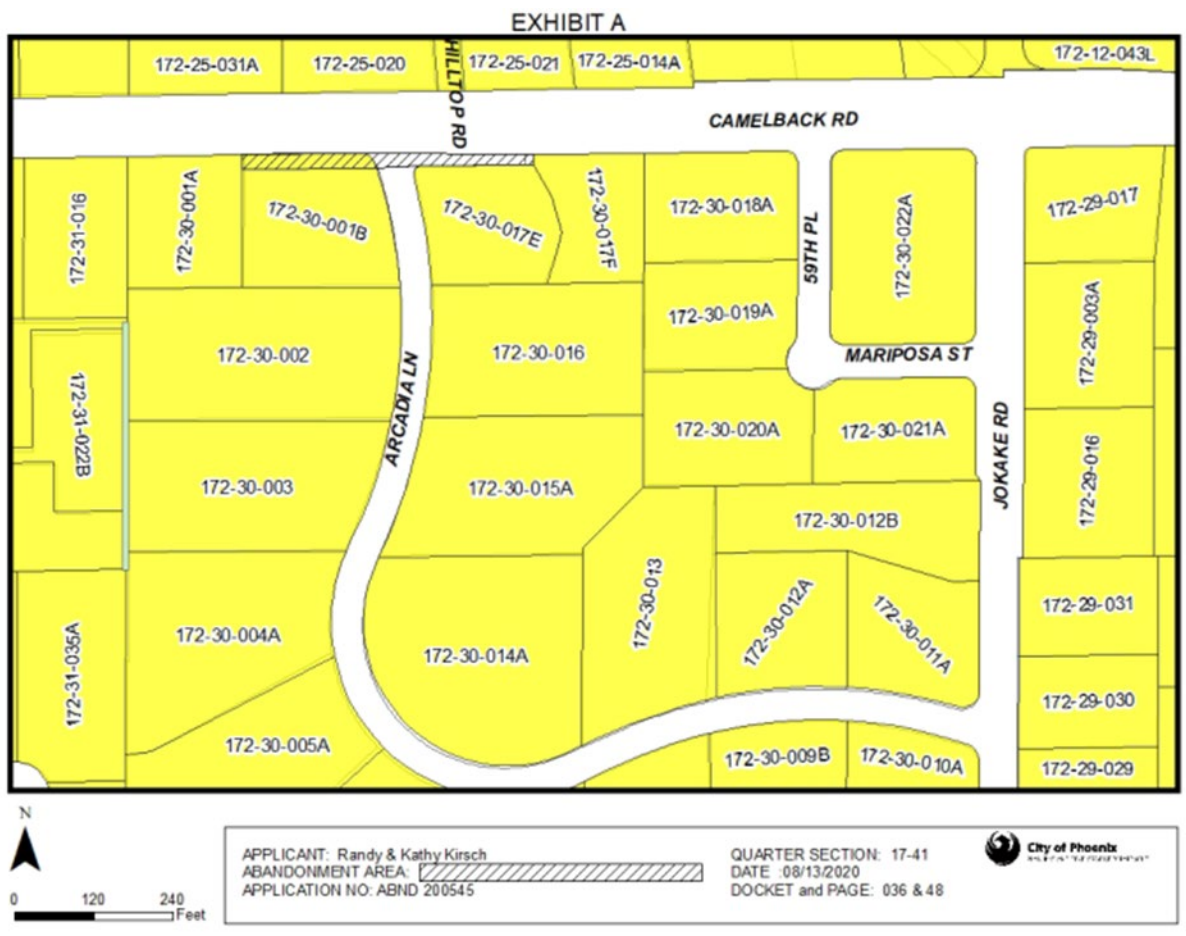
Location: 4430 & 4431 North Arcadia Lane

Applicant: Randall and Katherine Kirsch

Request to abandon: To abandon the north end of the deeded right-of-way entry of Arcadia Lane off Camelback Road, the 22-foot right-of-way easement on the north side of 4430 North Arcadia Lane dedicated with Ordinance S-11792, and the 15-foot deeded right-of-way on the north side of 4431 North Arcadia Lane dedicated with Ordinance S-11837.

Purpose of request: The applicant states: All of the homes on Arcadia Lane wish to close access to Camelback Road and end Arcadia Lane with an 80' cul-de-sac. We would close the North end with a wall and add a fire hydrant. This would add a barrier to entry, which would reduce crime and provide a fire hydrant at the end of cul-de-sac and add response time for fire.

Hearing date: **October 8, 2020**
TAKEN OUT FROM UNDER
ADVISEMENT ON NOVEMBER 19, 2020



Hearing Summary

Mr. Christopher DePerro, the Abandonment Hearing Officer opened the hearing and provided instructions.

Ms. Wendy Turner, the Abandonment Coordinator, read the case into the record

Mr. DePerro then stated he would be turning the hearing over to the applicant to explain more of the details.

Ms. Kathy Kirsch, the applicant explained that her and her neighbors would like to close Arcadia Lane at Camelback Road and put in a cul-de-sac. Ms. Kirsch stated they have one hundred percent support of the neighbors and that they have the ability to pay for the undertaking. Ms. Kirsch also stated this would make a giant improvement by bringing a waterline and fire hydrant onto the street closer than the existing one across Cameback Road, which would lower the City's liability. Ms. Kirsch went on to explain how the design of a cul-de-sac would benefit the neighborhood by helping prevent crime and how it would help with the current traffic issues, such as cut through traffic and visibility at the intersection of Arcadia Lane with Camelback Road. Ms. Kirsch then stated how the addition of the fire hydrant would benefit the neighborhood and the Fire Department by increasing response times to potential fires.

Mr. Rod Jarvis, with Earl & Curley, spoke on behalf of a neighbor who lives on Arcadia Lane. He showed some examples on the GIS map of some nearby cul-de-sacs which were smaller than the City's standard, which was what was being proposed by the applicant. Mr. DePerro pointed out that it was not within his authority to permit a non-standard cul-de-sac as part of an abandonment approval, and if approved, a subsequent request would have to be submitted to PDD and Streets.

Ms. Kathryn Shannon, 5916 E Arcadia Lane, then spoke in opposition to the abandonment, and stated her disbelief that 100% of the neighbors supported the request, since she did not. Mr. DePerro confirmed that her husband had indeed signed the petition in favor of the abandonment. Ms. Shannon stated she still was concerned about the additional traffic which would pass her house if the abandonment were approved.

Mr. DePerro then asked Mr. Chris Kowalsky with the Street Transportation Department if he had anything to add.

Mr. Kowalsky discussed how the Streets Transportation department is very cautious when it comes to connectivity and the impacts it may have and how this abandonment would compromise the connectivity throughout the larger neighborhood. He also stated that he felt that approval of the abandonment request would create a 'de facto' private street, where only the residents of Arcadia Lane would benefit from its use, but would still be maintained by Streets, which he did not feel was appropriate. He stated that if the entirety of Arcadia Lane were requested for abandonment, with maintenance by the homeowners, Streets could support the request.

After some more discussion on the same points regarding connectivity, maintenance and the proposed cul-de-sac, the Hearing Officer took case ABND 200545 under advisement.

Hearing Officer Decision and Findings

The applicant made an excellent presentation regarding this request to close Arcadia Lane at Camelback Road, citing concerns with crime, cut-through traffic, and offering an incentive of installing a new fire hydrant located on Arcadia Lane. Subsequent to taking this case under advisement, the Hearing Officer advised the applicant to contact the Street Transportation Department to discuss potential options (other than abandonment) for traffic mitigation. The applicant, Kathy Kirsch, confirmed in an email that the meeting did occur, and that not much came from the meeting other than a reiteration from Streets that they cannot support a closure of a public street, but that Streets would not oppose a complete privatization of Arcadia Lane, if requested. The Street Transportation Director, Kini Knudson, and Special Projects Administrator Chris Kowalsky, reported in emails that Street Transportation offered to conduct studies related to perceived traffic issues on Arcadia Lane, but that the applicant declined such requests, and therefore Streets could not support the abandonment without a demonstrated need for traffic mitigation. Mr. Kowalsky also stated that the applicant eventually requested the abandonment be denied so that it could instead be considered directly by City Council through an appeal request.

Per City Code, Chapter 31, Article V, the criteria provided for evaluation of a request to abandon right of way is whether the ROW is still necessary for public use as a roadway. The Hearing Officer evaluated the main points of discussion as follows:

New Fire Hydrant. While the provision of a new fire hydrant would be a benefit, it is not so problematic now that the Fire Department deems this currently unacceptable. The current closest hydrant is located on the north side of Camelback Road opposite the intersection of Arcadia Lane and Camelback Road. The Hearing Officer notes that it is entirely possible to provide an additional fire hydrant without abandoning any right of way; consequently this line of reasoning seems quite unrelated to the request and does not satisfy the requirement to determine that the ROW is no longer necessary for use as a roadway.

Crime and Traffic Issues: The applicant has not presented data or evidence of either crime or traffic issues caused by this intersection, or in the broader neighborhood. It has also not been successfully demonstrated that closing Arcadia Lane at Camelback Road would mitigate such issues, if they do exist. Street Transportation staff also testified that they have not been requested to do any studies for the street or intersection nor do they have any complaints of record regarding traffic issues in this area. There is currently not enough evidence regarding crime or traffic issues to determine that this ROW is no longer necessary for public use as a roadway.

The Hearing Officer has therefore concluded that the ROW requested for abandonment is still necessary for public use of the ROW as a roadway, and has DENIED this request.

Hearing Officer Signature:  _____ Date: 11/19/2020

REPORT SUBMITTED BY: Alyssa Neitzel, Abandonment Secretary

cc: Applicant/Representative, Randall and Katherine Kirsch
Christopher DePerro, Abandonment Hearing Officer

Attachment C



In accordance with Section 31-70, Article V of the City Code, the decision of the Abandonment Hearing Officer regarding the abandonment of public rights-of way may be appealed. Any decision of the Abandonment Hearing Officer shall be considered final unless a person aggrieved thereby, files a written Notice of Abandonment Appeal with the Planning & Development Department within fifteen calendar days after the decision is made. The completed abandonment appeal form and filing fee* must be submitted to the Planning & Development Department, Check-In/Information Counter, located at 200 West Washington Street, 2nd floor, Phoenix, Arizona 85003.

*All fees are pursuant to the current Fee Schedule contained in Appendix A.2. of the Phoenix City Code.

Appellant's Name: Earl & Curley for Dr. Patti Flint
Address: 3101 N Central Ave Suite 1000 City: Phoenix State: AZ Zip: 85012
Phone: 602-265-0094 Email: rjarvis@earlcurley.com; msantoro@earlcurley.com
Affiliation: Counsel for resident of Arcadia Lane

Appeal to City Council

Be specific as to what you are appealing. Include the rationale for your appeal. Attachments may be included.

Abandonment # v-ABND 200545 Date Heard: 10/8/20 & 11/19/20

Located at approximately: east of 56th Street and Camelback / 4430 & 4431 N Arcadia Lane

Abandonment Hearing Officer: [] Approved [x] Denied

Appealing Decision: Appealing the decision to deny the abandonment request. See attached.

Appealing Stipulation:

Appealing Stipulation:

Appealing Stipulation:

Staff Use Only

Received By: Receipt #: Date:
Reviewed By: Receipt #: Date:

An applicant may receive a clarification from the city of its interpretation or application of a statute, ordinance, code or authorized substantive policy statement. To request clarification or to obtain further information on the application process and applicable review time frames, please call 602-262-7811 or visit our website at http://phoenix.gov/pdd/licensetimes.html. This publication can be made available in alternate formats (Braille, large print, or digital media) upon request. Contact Planning & Development at (602) 262-7811 voice or (602) 534-5500 TTY.