

Attachment E

PLEASE RESPOND ELECTRONICALLY TO BRAD WYLAM 2ND FLOOR, 602-256-3322



City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

To: Departments Concerned
From: Alan Stephenson
Planning & Development Department Director
Date: June 23, 2021
Subject: **P.H.O. APPLICATION NO. PHO-1-21--Z-59-18-8** – Notice of Pending Actions
by the **Planning Hearing Officer**

1. Your attention is called to the fact that the **Planning Hearing Officer** will consider the following case at a public hearing on **July 21, 2021**.
2. Information about this case is available for review at the Zoning Counter in the Planning and Development Department on the 2nd Floor of Phoenix City Hall, telephone 602-262-7131, Option 6.
3. Staff, please indicate your comments and respond electronically to pdd.pho@phoenix.gov or you may provide hard copies at the Zoning Counter in the Planning and Development Department on the second floor of Phoenix City Hall by **June 30, 2021**.

DISTRIBUTION

Mayor's Office (Lisa Fernandez), 11th Floor
City Council (Matthew Heil), 11th Floor
Aviation (Sheldon Daisley)
CED (Michelle Pierson), 20th Floor
Fire Prevention (Aaron Conway), 2nd Floor
Light Rail (Joel Carrasco/Special TOD Only)
Neighborhood Services (Gregory Gonzales, Lisa Huggins), 4th Floor
Parks & Recreation (Natasha Hughes), 16th Floor
Public Transit (Kathryn Boris)
Public Works (Ray Dovalina, Kristina Jensen, Elise Moore, Rudy Rangel), 5th Floor
Street Transportation Department (Maja Brkovic, Alan Hilty, Chris Kowalsky), 5th Floor
Street Transportation - Ped. Safety Coordinator (Mailen Pankiewicz), 5th Floor
Water Services (Don Reynolds, Victor Romo), 8th Floor
Planning and Development (Alan Stephenson, Joshua Bednarek), 3rd Floor
Planning and Development/Information Services (Ben Ernyei, Andrew Wickhorst), 4th Floor
Planning and Development/Historic Preservation Office (Kevin Weight), 3rd Floor
Planning Hearing Officer (Tricia Gomes, Adam Stranieri, Brad Wylam), 2nd Floor
Village Planner (Enrique Bojorquez-Gaxiola, South Mountain Village)
Village Planning Committee Chair (Tamala Daniels, South Mountain Village)



City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR PLANNING HEARING OFFICER ACTION

APPLICATION NO: PHO-1-21--Z-59-18

Council District: 8

Request For: Stipulation Modification

Reason for Request: Modification of Stipulation 1 regarding general conformance to the site plan date stamped August 21, 2018. Deletion of Stipulation 1.a regarding access to amenities to the east. Deletion of Stipulation 1.b regarding vehicular cross access to adjacent properties to the east and south. Deletion of Stipulation 3 regarding a conditional requirement to dedicate and construct 25th Street.

Owner	Applicant	Representative
Vahik Sahakian	Cassandra Ayres, Beus Gilbert McGroder	Paul E. Gilbert, Beus Gilbert McGroder
7417 River Highlands Drive Fishers IN 46038 (480) 469-2581 vssahakian@gmail.com	701 North 44th Street Phoenix AZ 85008 (480) 429-3010 cayres@beusgilbert.com	701 North 44th Street Phoenix AZ 85008 P: (480) 429-3002 F: (480) 429-3100 pgilbert@beusgilbert.com

Property Location: Approximately 615 feet north of the northwest corner of 25th Street and Baseline Road

Zoning Map: D-9 Quarter Section: 1-33 APN: 122-95-005B Acreage: .80

Village: South Mountain

Last Hearing: CC HEARING

Previous Opposition: No

Date of Original City Council Action: 01/09/2019

Previous PHO Actions: _____

Zoning Vested: C-1 BAOD

Supplemental Map No.: _____

Planning Staff: 066840

An applicant may receive a clarification from the city of its interpretation or application of a statute, ordinance, code or authorized substantive policy statement. To request clarification or to obtain further information on the application process and applicable review time frames, please call 602-262-7131 (option 6), email zoning.mailbox@phoenix.gov or visit our website at <http://phoenix.gov/pdd/licensetimes.html>.

A Filing Fee had been paid to the City Treasurer to cover the cost of processing this application. The fee will be retained to cover the cost whether or not the request is granted

Fee	Fee Waived	Fee Date	Receipt	Purpose
\$1,080.00	\$0.00	05/26/2021	21-0048566	Original Filing Fee

Signature of Applicant: _____ DATE: _____

Hearing Results

Planning Hearing Officer	Planning Commission	City Council
Date: <u>07/21/2021</u>	Date: _____	Date: _____
Appealed?: _____	Appealed?: _____	Appealed?: _____
Action: _____	Action: _____	Action: _____

BEUS GILBERT MCGRODER
PLLC

ATTORNEYS AT LAW

701 NORTH 44TH STREET
PHOENIX, ARIZONA 85008-6504
FAX (480) 429-3111

PAUL E. GILBERT
DIRECT (480) 429-3002

E-MAIL: PGILBERT@BEUSGILBERT.COM

100512.01

June 21, 2021

Via Hand Delivery

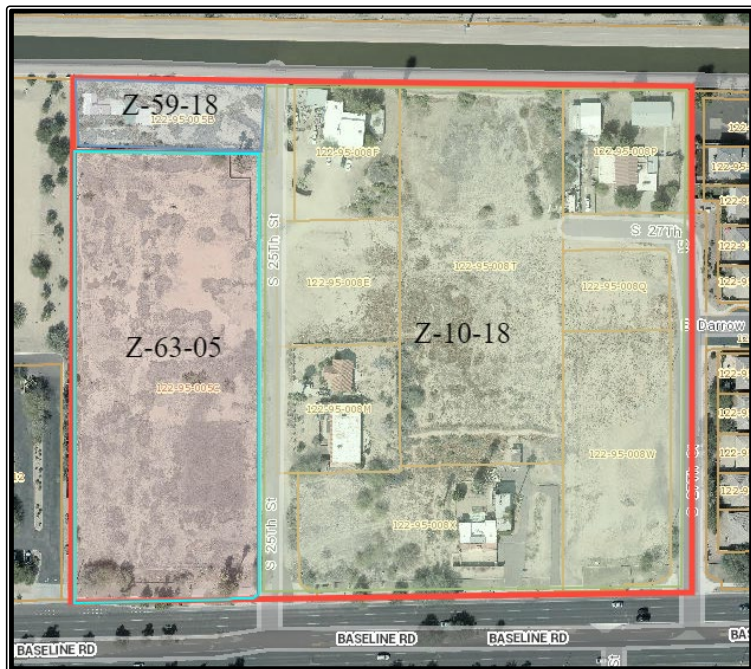
City of Phoenix
Planning and Development Department
2nd Floor – Zoning Counter
200 West Washington Street
Phoenix, AZ 85003

Re: Stipulation Modification Request (Case Nos. PHO-2-21 – Z-63-05-8, PHO-1-21 – Z-59-18-8, and PHO-1-21 – Z-10-18-8) - Amended

This application seeks to modify stipulations from three separate zoning cases (Z-63-05, Z-59-18, and Z-10-18) for properties located at the northwest corner of 27th Street and Baseline Road. The developers intend to assemble the ten parcels (collectively, the “Property”) subject to the above zoning cases and develop them as an integrated unit with commercial uses along Baseline Road and residential uses adjacent to the canal.

Proposed Project

The Applicant, Beus Gilbert McGroder, PLLC, is representing Baseline 25, LLC (“Baseline 25”), Baseline RITD, LLC, Vahik Sahakian, and LG Acquisitions, LLC (“LGA”) in this application. Baseline 25 is developing a retail component on the southern half of



the Property, and LGA is developing a residential component on the northern half of the Property. Importantly, this application does not seek to rezone the Property. All the uses are allowed under their current zoning (i.e., C-1). However, as there were three separate zoning cases with three separate sets of stipulations, the developers need to modify some of the stipulations in the previous cases in order to develop the Property as a whole. Additional background on the developers and reasons underlying this application to modify certain stipulations are described in greater detail herein.

Baseline 25, the developer of the retail portion adjacent to Baseline Road, is led by Randy Raskin, a long-time local developer of various commercial and residential projects in the south and southwest Valley. Previous examples of some Mr. Raskin's projects include, among others:

- Estrella Mountain Village Center, a mixed use 85-acre project with a 13-acre LA Fitness-anchored retail development at the northwest corner of 51st Avenue and Baseline Road;
- A Walmart Super Center and 60,000 square feet of shops at the southwest corner of 35th Avenue and Southern Avenue;
- A Walgreens-anchored development with 65,000 square feet of shops at the northeast corner of 35th Avenue and Southern Avenue;
- A mini-storage and Dunkin Donuts development at southwest corner of 19th Avenue and Baseline Road;
- A 40-acre mixed-use development at the northwest corner of Dobbins and 51st Avenue; and
- A Big Lots-anchored 103,000 square foot retail center redevelopment at the northwest corner of 35th Avenue and Baseline Road.

LGA, which is helmed locally by Jay Ramos, develops industrial, retail, self-storage, single family projects, but focuses on Class A rental communities. LGA has developed over 3,000 units since 2015 and currently has 4,700 units in development or construction. LGA Multifamily was recognized as one the nation's leading developers in 2019 by the National Multi Housing Council. LGA's markets include Dallas, Austin, Raleigh, and Phoenix. Each of LGA's products is designed specifically for the environment and neighborhood in which it is developed. LGA believes that good design, focused on each location, yields better neighborhoods.

The image of the proposed site plan below, a larger version of which is included in this application packet, represents the mix of retail and multifamily uses the developers are proposing. Importantly, the proposed development complies with material aspects of Section 651 of the Zoning Ordinance, the Baseline Area Overlay District ("BAOD") that governs development of the properties. In particular as described herein, the proposed development fulfills the purpose of the BAOD in that it "protects the rural, agricultural character of the area while allowing development in accord with the Baseline Area Master Plan."



Multifamily – The properties are zoned C-1, which allows multifamily development under the R-3 zoning category (Section 615 of the Zoning Ordinance). Specifically, LGA is proposing to utilize the Planned Residential Development (“PRD”) option of the R-3 zoning category to construct 138 total units comprised of 1-, 2-, and 3-bedroom units with a mix of surface parking and tuck-under garages. The maximum density on the site using the PRD option is 17.40 dwelling units per acre with the bonus (15.23 without). The multifamily portion is 8.12 gross acres with a unit count of 138, which results in a density of 16.99 dwelling units per acre. Section 608.I.2 of the Zoning Ordinance provides guidance on additional amenities a developer can provide in order to achieve bonus density. LGA needs 32 bonus points in order to achieve an additional 1.76 dwelling units per acre. However, as shown on the proposed site plan, LGA is providing amenities that achieve 60 bonus density points, including but not limited to, a major entry feature into the multifamily development, accent material at the drive entry, furniture along the multi-use trail from Baseline to the Western Canal and along the Western Canal, and recreational amenities for the development.

The multifamily portion complies with the BAOD, but in particular, the multifamily portion maintains the overall BAOD requirement that no structures exceed two-stories or 30 feet, and the BAOD requirement specific to multifamily development that a minimum of one-third of the buildings do not exceed one-story or 15 feet. Three of the four buildings in the multifamily portion that abut the Western Canal are single story buildings. The multifamily development includes a dog park, shaded seating along the Western Canal, exterior view fencing, pedestrian connectivity to both the retail portion and the Western Canal, appropriate landscaping, clubhouse

amenities, and maintains the multiuse trail easement along the eastern portion of the site that will provide pedestrian and equestrian connectivity between the Western Canal and Baseline Road. LGA is proposing a “prairie ranch house” architectural style as an homage to the rural, agricultural, and equestrian nature of the area.

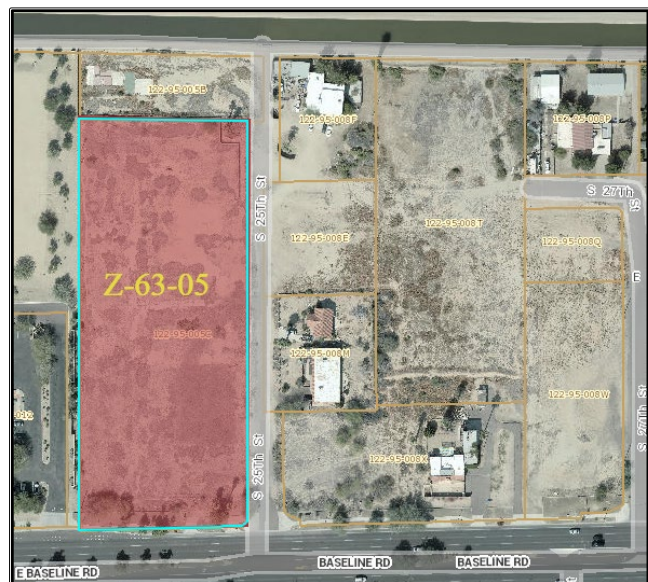
Retail – The retail portion of the site is intended to be developed with five pad sites that are compatible with the needs of the community, including a mix of service retail and restaurants, all of which are allowed in C-1. Baseline 25 is in negotiations for development of four of the five pad sites. Thus, upon approval of this application, four of the pad sites will be in a position to file their own site-specific development applications. The developers are seeking a site plan substitution in connection with this application and are submitting proposed elevations for the multifamily portion. However, since the individual pad sites will need to file their own site-specific design and/or construction applications, the developers are not submitting proposed elevations in connection with this application in order to avoid a bombardment of stipulation modification requests. Such an approach would not be a productive use of either the City’s or the neighbors’ time and resources.

As stated above, since the properties are governed by three separate zoning cases, each with their own stipulations, the developers must seek a modification of some of the stipulations in each case in order to develop the site as an integrated, cohesive unit. The stipulations the developers are seeking to modify from each case are discussed below.

Case PHO-2-21 – Z-63-05-8

Introduction

On August 31, 2005, the then owner received approval from the City Council to rezone the property from R1-14 to C-1 to allow a neighborhood commercial shopping center. On June 10, 2016, in case PHO-1-16 – Z-63-05-8, the owner received approval to modify certain stipulations from the 2005 zoning approval. Although the property was rezoned over 15 years ago, it remains vacant to this day. As the property will now be part of a larger development comprised of the small piece immediately to the north and the property to the east, the developers must modify the following stipulations from PHO-1-16 – Z-63-05.



Requests

Stipulation No. 1 - Modification – “That the ~~subject property~~ DEVELOPMENT shall be developed in general conformance to WITH the CONCEPTUAL site plan and elevations date stamped ~~February 19, 2016~~ MAY 28, 2021, as modified by the following stipulations and as approved by the ~~Development Services Department~~ PLANNING AND DEVELOPMENT DEPARTMENT.”

- Rationale – As the developers are seeking to incorporate the above property into a larger development, the February 19, 2016, site plan and elevations are no longer applicable. The developers are merely seeking to substitute the existing approved site plan for one that will be approved in this application.

Stipulation No. 2 - Deletion – “That the ~~subject property be developed with only one access on 25th Street as approved by the Development Services Department.~~”

- Rationale - Limiting access from 25th Street was only necessary because of the narrow frontage on Baseline Road when the property was going to be developed independently. As shown on the above site plan, the property will now be part of the larger development that will have primary access from 25th Street as well as a driveway between 25th Street and 27th Street for the retail portion, and primary access from 27th Street for the multifamily portion. The multifamily portion will have secondary access from where 25th Street intersects with Baseline Road. In addition to the foregoing, deleting Stipulation No. 3 is consistent with the abandonment of 25th Street as required in Case No. Z-10-18.

Stipulation No. 3 - Deletion – “That the ~~developer provide one point of cross access from the subject property to the commercial site located to the west of the site, as approved by the Planning and Development Department.~~”

- Rationale – Providing cross access to the west was only necessary because of the narrow frontage on Baseline Road when the property was going to be developed independently. As shown on the above site plan, the property will now be part of the larger development that will have cross access easements for all pad sites as well as the multifamily portion providing for optimum circulation within the site. In addition, although not required, the developers intend to seek the ability to use the private street to the west (yellow arrow in image to the left) that could provide an



additional point of ingress and egress that will mitigate traffic impacts on Baseline Road.

Case PHO-1-21 – Z-59-18-8

Introduction

On January 9, 2019, the owner of the small residential piece just north of the above zoning case received approval from the City Council to rezone the property from R1-14 to C-1 to combine the northern piece and the southern piece and incorporate the two into one commercial retail center. The owner of this property had also previously acquired the property to the south so they are now owned by a single owner. Although both rezoning cases were approved, no development has since occurred. This zoning case included a site plan that ostensibly replaced and superseded the site plan and elevations from the 2005 rezoning case. However, as no specific finding was made regarding the 2005 site plan, the Applicant is seeking the necessary modifications to both site plans in an effort to be clear and comprehensive. As the property will now be part of a larger development comprised of the small piece immediately to the north and the property to the east, the developers must modify the following stipulations.



Requests

Stipulation No. 1 - Modification – “~~THAT the development shall be in general conformance with the conceptual site plan AND ELEVATIONS date stamped August 21, 2018 MAY 26, 2021, as may be modified for compliance with the canal bank design guidelines in Section 507 Tab A of the Zoning Ordinance, BY THE FOLLOWING STIPULATIONS and AS approved by the Planning and Development Department, and with specific regard to the following:~~ PLANNING AND DEVELOPMENT DEPARTMENT”

- Rationale – As the developers are seeking to incorporate the above property into a larger development, the August 21, 2018, conceptual site plan is no longer applicable. Moreover, the development will be developed in conformance with design standards for property adjacent to the Western Canal. The developers are

merely seeking to substitute the existing approved site plan for one that will be approved in this application.

Stipulation No. 1.a - Deletion – ~~“Pedestrian pathway to provide open public access to amenities on the adjacent property to the east to be constructed of decorative pavers, stamped or colored concrete, or another material, other than those used to pave the parking surfaces and drive aisles.”~~

- Rationale – Providing pedestrian pathways to be constructed of decorative materials to the property to the east was only included because of the narrow width of the property when it was going to be developed independently. As shown on the above site plan, the property will now be part of the larger development that will have pedestrian pathways and vehicular cross access easements for all pad sites as well as the multifamily portion providing for optimum circulation within the site. In addition, although not required, the developers intend to seek the ability to use the private street to the west (yellow arrow in image to the left) that could provide an additional point of ingress and egress and will mitigate traffic impacts on Baseline Road.

Stipulation No. 1.b - Deletion – ~~“Vehicular cross access to adjacent properties to the east and south, as approved by the Planning and Development Department.”~~

- Rationale – Providing vehicular cross access to the properties to the east and south was only included because of the narrow width of the property when it was going to be developed independently. As shown on the above site plan, the property will now be part of the larger development that will have pedestrian pathways and vehicular cross access easements for all pad sites as well as the multifamily portion providing for optimum circulation within the site. In addition, although not required, the developers intend to seek the ability to use the private street to the west (yellow arrow in image above) that could provide an additional point of ingress and egress and will mitigate traffic impacts on Baseline Road.

Stipulation No. 3 - Deletion – ~~“If the subject site develops as a stand-alone parcel and does not provide an alternative street frontage to that existing along 25th Street, then the developer shall be responsible for the dedication and construction of an offset cul de sac bulb at the northern portion of 25th Street, south of the Western Canal, as approved by the Planning and Development and Street Transportation Department.”~~

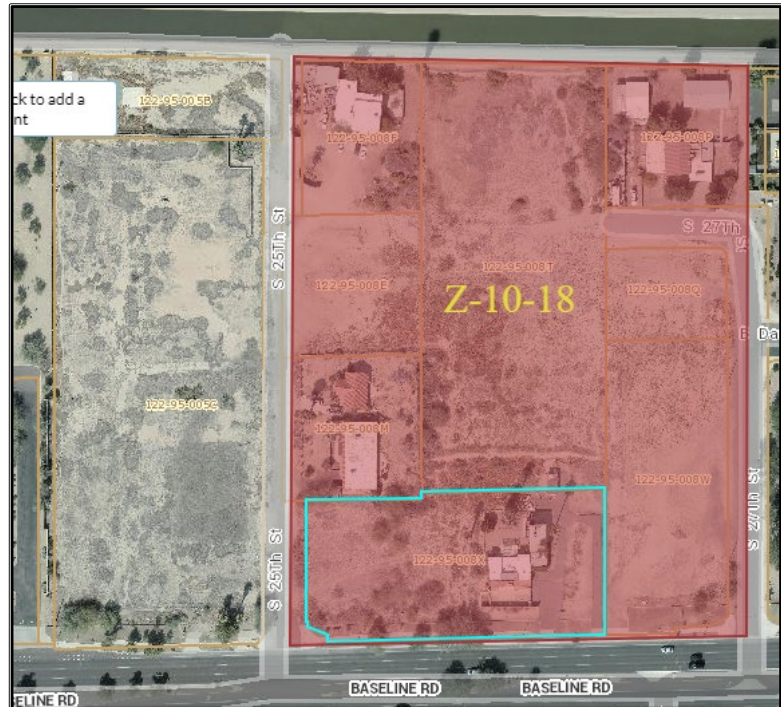
- Rationale – This stipulation was only necessary because of the narrow frontage on Baseline Road if the property was going to be developed independently. As shown on the above site plan, the property will now be part of the larger development that will have primary access from 25th Street and a driveway between 25th Street and 27th Street for the retail portion, and primary access from 27th Street for the multifamily portion. The multifamily portion will have secondary access from where 25th Street intersects with Baseline Road. In addition to the foregoing,

deleting Stipulation No. 3 is consistent with the abandonment of 25th Street as required in Case No. Z-10-18, which the developers intend to pursue.

Case PHO-1-21 – Z-10-18-8

Introduction

On July 2, 2018, Baseline 25 received approval from the City Council for a General Plan Amendment and rezoning case for property owned by Baseline 25 and Baseline RITD, LLC from R1-10 and R1-14 to C-1 to allow for commercial and medical uses. Although approved approximately three years prior, the properties have not developed as anticipated in the rezoning case. As the property will now be part of a larger development comprised of the properties to the west, the developers must modify the following stipulations.



Requests

Stipulation No. 1 - Modification – “~~THAT the development shall be in general conformance with the conceptual planning SITE plan AND ELEVATIONS date stamped June 25, 2018 MAY 26, 2021, as modified by the following stipulations and AS approved by the Planning and Development Department., and with specific regard to the following:~~”

- Rationale – As the developers are seeking to incorporate the above property into a larger development, the June 25, 2018, conceptual planting plan is no longer applicable. The developers are merely seeking to substitute the existing approved conceptual planting plan for one that will be submitted as part of this application.

Stipulation No. 1.a - Deletion – “~~The quantity and configuration of drive-through facilities on the subject site.~~”

- Rationale – As the developers are seeking to incorporate the above property into a larger development, which depicts the location and configuration of structures with drive-through facilities, this stipulation is no longer applicable. Under the proposed

site plan, the retail portion is providing appropriate screening, and parking along the street side is provided in order to ensure that any retail buildings with drive-through facilities have the windows facing away from residential areas and away from the perimeter street. As indicated on the proposed site plan included with this application, no drive through windows face east toward any residential areas or south towards Baseline Road.

Stipulation No. 1.b - Deletion – ~~“The configuration of 27th Street, which aligns with the existing portion of 27th Street south of Baseline Road.”~~

- Rationale – It is the developer’s understanding that the reconfiguration of 27th Street was proposed in the event a traffic signal were required at that intersection in the future. However, the proposed development did not meet the signal warrants necessary to justify the installation of a traffic signal. Moreover, the residential neighbors immediately to the east of the Properties across 27th Street as well as the neighbors across Baseline Road to the south were, and are, opposed to the reconfiguration of 27th Street. Thus, the City did not want to incur the expense associated with an unwarranted and unwanted traffic signal. Nevertheless, it is the developer’s understanding that the reconfiguration of the 27th Street alignment was added at the last minute during the City Council hearing in this case over the objection of the applicant and the residential neighbors. Accordingly, the developers request that this stipulation be deleted.

Stipulation No. 2 - Deletion – ~~“The development shall be in general conformance with the elevations date stamped February 12, 2018, as modified by the following stipulations and approved by the Planning and Development Department.”~~

- Rationale – As the developers are seeking to incorporate the above property into a larger development, the February 12, 2018, elevations are no longer applicable. It is not necessary to have a separate stipulation concerning elevations.

Stipulation No. 2.a: Modification – ~~“Pitched roof elements shall be incorporated in all SOME OF THE buildings IN THE DEVELOPMENT.”~~

- Rationale – Although pitched roofs are a presumption in the BAOD, the developers of the retail portion are seeking some relief from that presumption but are providing increased standards of the quality of development consistent with the BAOD as is evident from the attached documents. In addition, some of the pad sites are incorporating pitched roof elements into their individual designs that will be submitted to the City in connection with those applications. Having alternative styles of roof elements provides architectural interest along the streetscape.

Stipulation No. 3.b: Modification – ~~“Equestrian corral area containing hHitching posts WITH ROOM for MULTIPLE horses, SHADED LANDSCAPING, AND WATER FOR EQUINE CONSUMPTION WILL BE PROVIDED along the northern property align LINE adjacent to the Western Canal.”~~

- Rationale – The request for a corral may have been well-intentioned, but the developers are cognizant of the potential liability associated with a corral on private property that is made available for public use. However, although the corral will likely never be used, the developers also recognize the desire to maintain the rural, agricultural ambiance of the BAOD, and accordingly are not seeking to delete the stipulation entirely. The developers are willing to provide an area that is consistent with the equestrian trails in the area, but seek to create an environment that is more safe and secure than an open corral.

Conclusion

The Applicant and the developers thank you for your time and consideration of this complicated request and look forward to an open dialogue regarding this application.

The proposed zoning stipulation modification is accompanied by the following documents:

1. Application Fee;
2. Ownership Verification forms;
3. Information Form;
4. Property Owners Information;
5. Site Plan (2 copies – 24” x 36”; 1 copy – 8 ½” x 11”);
6. Parcel map with project area identified;
7. Legal Description(s)
8. Property Owner Notification Requirements;
9. CD with electronic copies of submittal

Please feel free to contact the undersigned if you have any questions, or if you need any additional information.

Very truly,

BEUS GILBERT McGRODER PLLC



Paul E. Gilbert

PEG: CHA
Enclosures as indicated

ORDINANCE G-6546

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-59-18-8) FROM R1-14 BAOD (ONE FAMILY RESIDENCE DISTRICT, BASELINE AREA OVERLAY DISTRICT) TO C-1 BAOD (NEIGHBORHOOD RETAIL DISTRICT, BASELINE AREA OVERLAY DISTRICT).

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

follows:

SECTION 1. The zoning of a 0.82 acre property located approximately 615 feet north of the northwest corner of 25th Street and Baseline Road in a portion of Section 35, Township 1 North, Range 3 East, as described more specifically in Exhibit "A", is hereby changed from "R1-14 BAOD" (One Family Residence District, Baseline Area Overlay District) to "C-1 BAOD" (Neighborhood Retail District, Baseline Area Overlay District).

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

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

1. The development shall be in general conformance with the conceptual site plan date stamped August 21, 2018, as may be modified for compliance with the canal bank design guidelines in Section 507 Tab A of the Zoning Ordinance, and approved by the Planning and Development Department, and with specific regard to the following:
 - a. Pedestrian pathway to provide open public access to amenities on the adjacent property to the east to be constructed of decorative pavers, stamped or colored concrete, or another material, other than those used to pave the parking surfaces and drive aisles.
 - b. Vehicular cross access to adjacent properties to the east and south, as approved by the Planning and Development Department.
2. Landscaping along the north property line shall be in conformance with the Baseline Area Master Plan Plant List with specific regard to maximizing shade and thermal comfort for pedestrians and active users along the canal, as approved by the Planning and Development Department.
3. If the subject site develops as a stand-alone parcel and does not provide an alternative street frontage to that existing along 25th Street, then the developer shall be responsible for the dedication and construction of an offset cul-de-sac bulb at the northern portion of 25th Street, south of the Western Canal, as approved by the Planning and Development and Street Transportation Department.
4. Any solid portion of a perimeter wall adjacent to the Western Canal shall not exceed a maximum height of three feet, as approved by the Planning and Development Department.
5. 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.

6. The property owner shall record documents that disclose the existence and operational characteristics of Sky Harbor International Airport (PHX) to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.
7. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 Waiver of Claims in a form approved by the City Attorney's office. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the city to be included in the rezoning application file for record.

SECTION 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 9th day of January, 2019.

Helga Williams

MAYOR

ATTEST:

Deise Anclisa
City Clerk



APPROVED AS TO FORM:

[Signature]
Acting City Attorney pmi

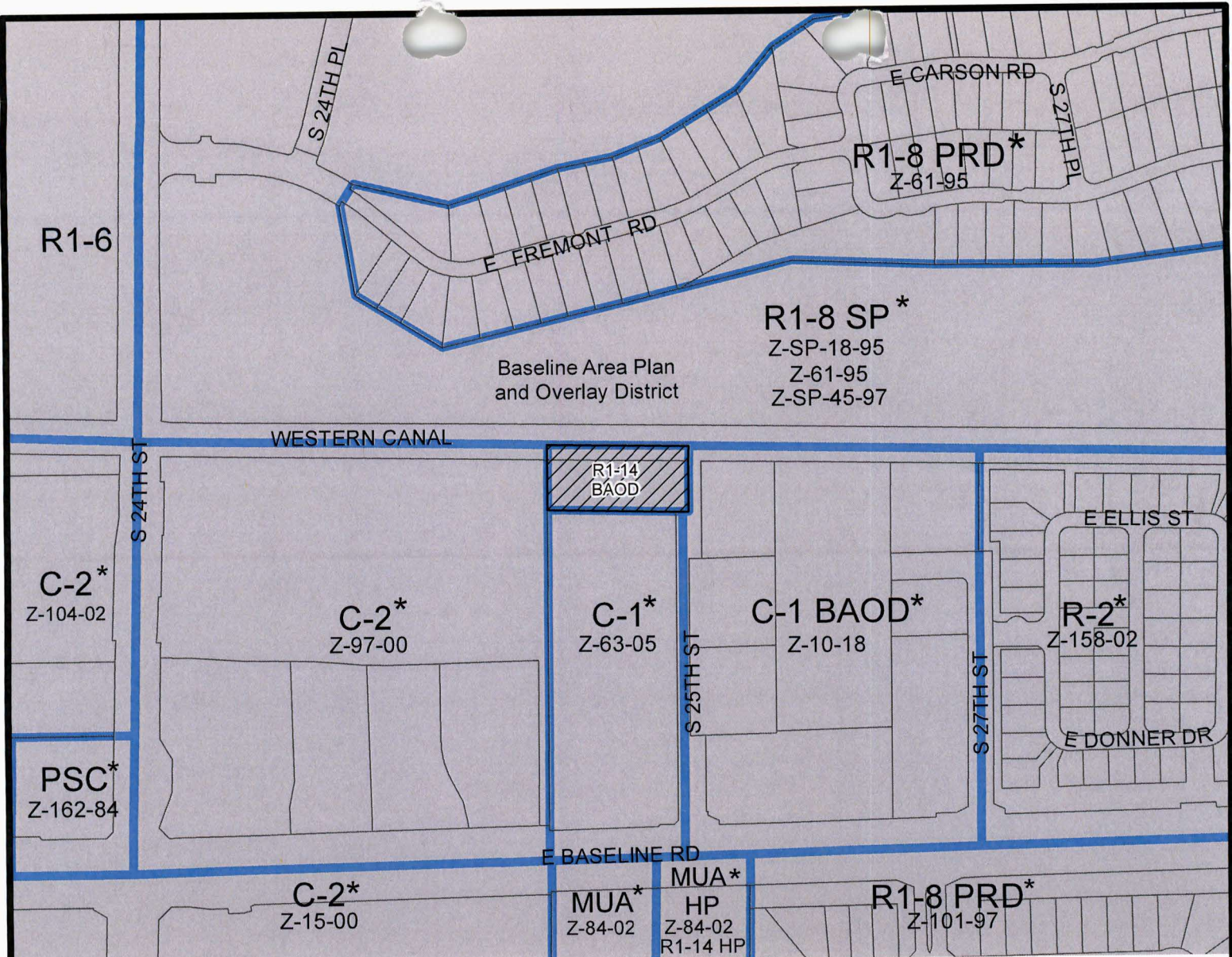
REVIEWED BY:

EO Ziel
City Manager

PL:tml:LF18-3717:01/19/19:2086735v1

Exhibits:

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



Feet

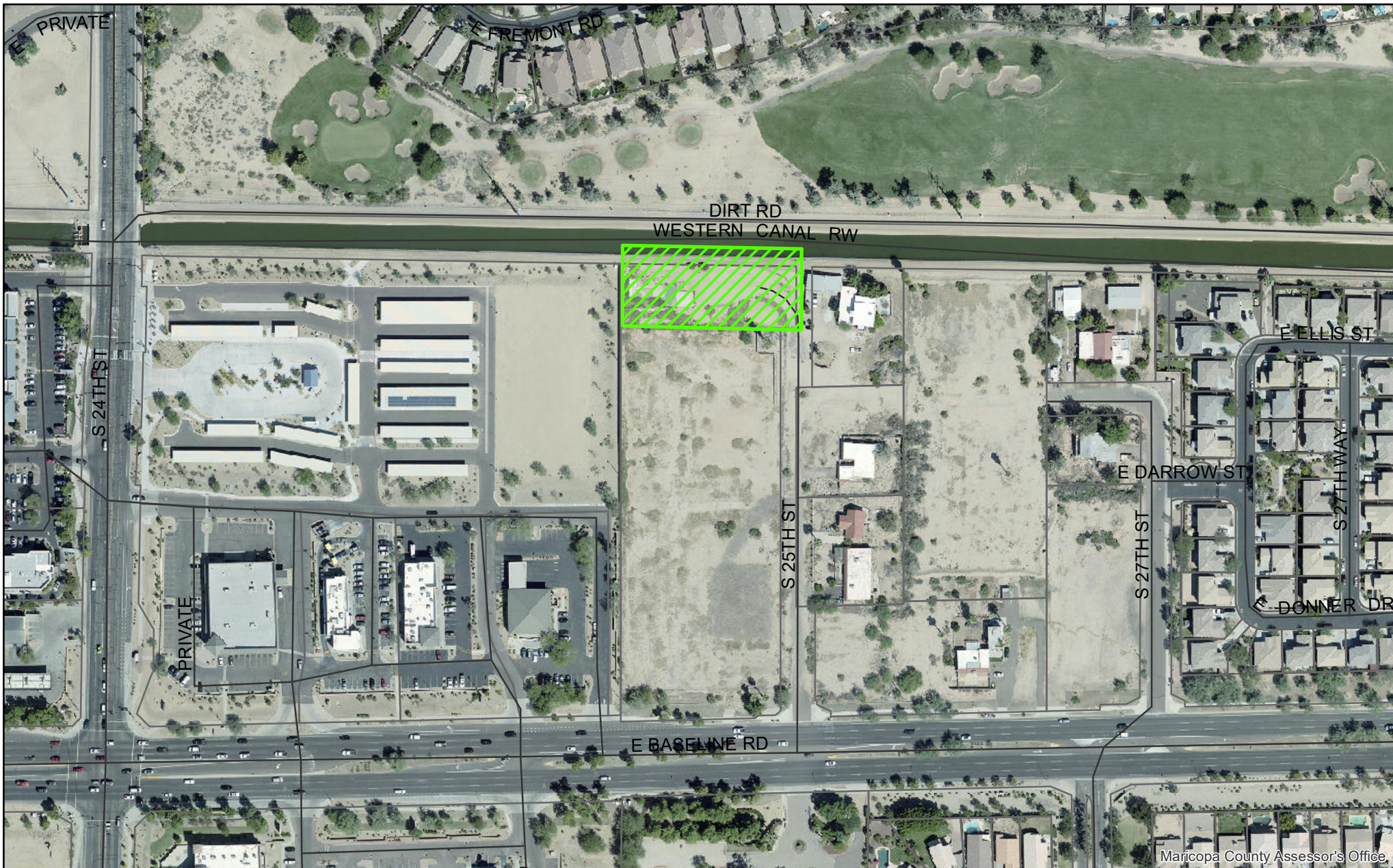


SOUTH MOUNTAIN VILLAGE
CITY COUNCIL DISTRICT: 8



Z-59-18

APPLICANT'S NAME: Dennis M. Newcombe, Beus Gilbert PLLC		REQUESTED CHANGE:	
APPLICATION NO.: Z-59-18		FROM: R1-14 BAOD (0.82 a.c.)	
<small>GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.</small> 0.82 Acres		TO: C-1 BAOD (0.82 a.c.)	
<small>DATE:</small> 8/31/2018 <small>REVISION DATES:</small>			
<small>AERIAL PHOTO & QUARTER SEC. NO.</small> QS 1-33		<small>ZONING MAP</small> D-9	
MULTIPLES PERMITTED		* UNITS P.R.D. OPTION	
R1-14 BAOD		N/A	
C-1 BAOD		14	
* Maximum Units Allowed with P.R.D. Bonus			



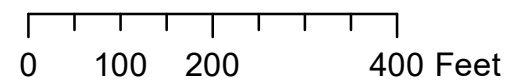
Maricopa County Assessor's Office

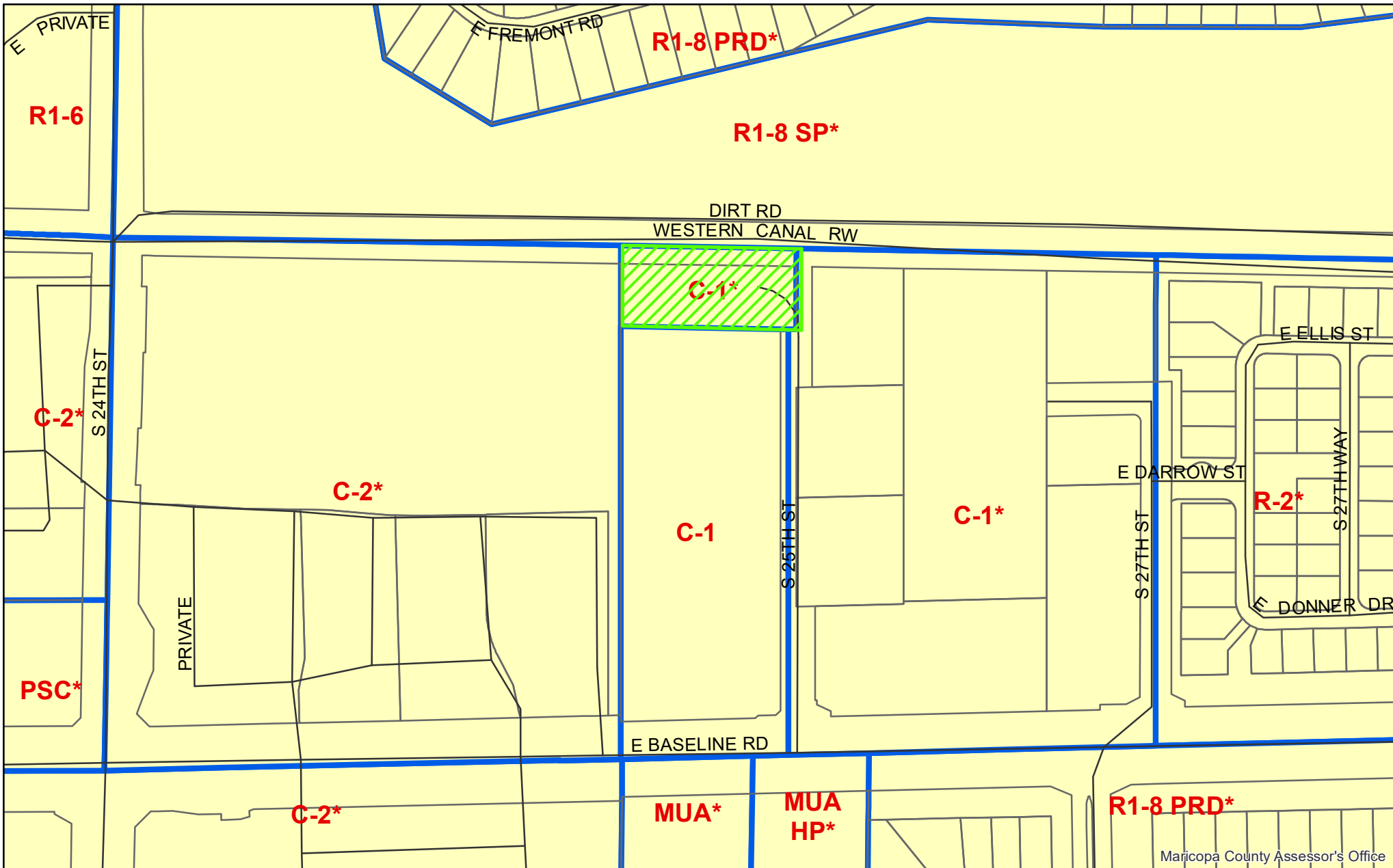
PHO-1-21--Z-59-18-8

Property Location: Approximately 615 feet north of the northwest corner of 25th Street and Baseline Road



Planning & Development Department





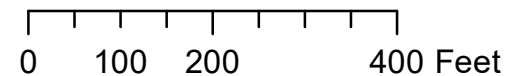
Maricopa County Assessor's Office

PHO-1-21--Z-59-18-8

Property Location: Approximately 615 feet north of the northwest corner of 25th Street and Baseline Road



Planning & Development Department



MULTIFAMILY DATA:

GROSS ACREAGE: 8.12 ACRES

- 6-PLEX BUILDINGS: 3
- 27-PLEX BUILDING: 2
- 33-PLEX BUILDING: 2

TOTAL UNITS: 138

- PRIVATE GARAGE SPACES: 82
- PRIVATE DRIVEWAY SPACES: 62
- TANDEM PARKING IS ALLOWED TO COUNT TOWARDS REQUIRED PARKING

ADDITIONAL SURFACE/COVERED SPACES: 161
 REQUIRE PARKING SPACES: 304
 TOTAL PARKING SPACES PROVIDED: 304
 SPACES TO UNIT RATION: 2.20

6-PLEX UNIT TYPE COUNT

- 2-BEDROOMS: 6

27-PLEX UNIT TYPE COUNT:

- 1-BEDROOMS: 12
- 2-BEDROOMS: 5
- 3-BEDROOMS: 10

33-PLEX UNIT TYPE COUNT:

- 1-BEDROOMS: 7
- 2-BEDROOMS: 22
- 3-BEDROOMS: 4

AVERAGE UNIT SF:

- 1-BEDROOM: 730 SF
- 2-BEDROOM: 1100 SF
- 3-BEDROOM: 1300 SF

***LANDSCAPE NOTES:**

- PROVIDE SHRUBS AND VINE SCREENING OF ALL SOLID PERIMETER FENCING. SCREEN TO PROVIDE A MINIMUM OF 50% COVERAGE OF THE WALL WITHIN 2 YEARS. COVERAGE MAY BE REDUCED FOR DECORATIVE WALLS. SHRUBS TO BE A MINIMUM OF 5 GALS. TYP.
- ENTRY MONUMENT FEATURE SHALL INCLUDE A MINIMUM OF 250 SQ FT OF LANDSCAPE MATERIAL. A MINIMUM OF 3 PLANT VARIETIES INCLUDING ANNUALS RE TO BE PROVIDED WITHIN THE 250 SQ FT AREA. LANDSCAPE TO MAINTAIN A CONSTANT BLOOM.

Retail Lot Mix				
Lot #	Building Size	Site Coverage	Parking Spaces Required	Parking Spaces Provided
Lot 2	3,800	6.4%	30	33
Lot 3	2,050	6.4%	30	41
Lot 4	3,745	5.6%	38	40
Lot 5	3,003	5.8%	31	40
Lot 6	6,500	6.9%	65	66
Totals	19,098		194	220



CITY OF PHOENIX

MAY 26 2021

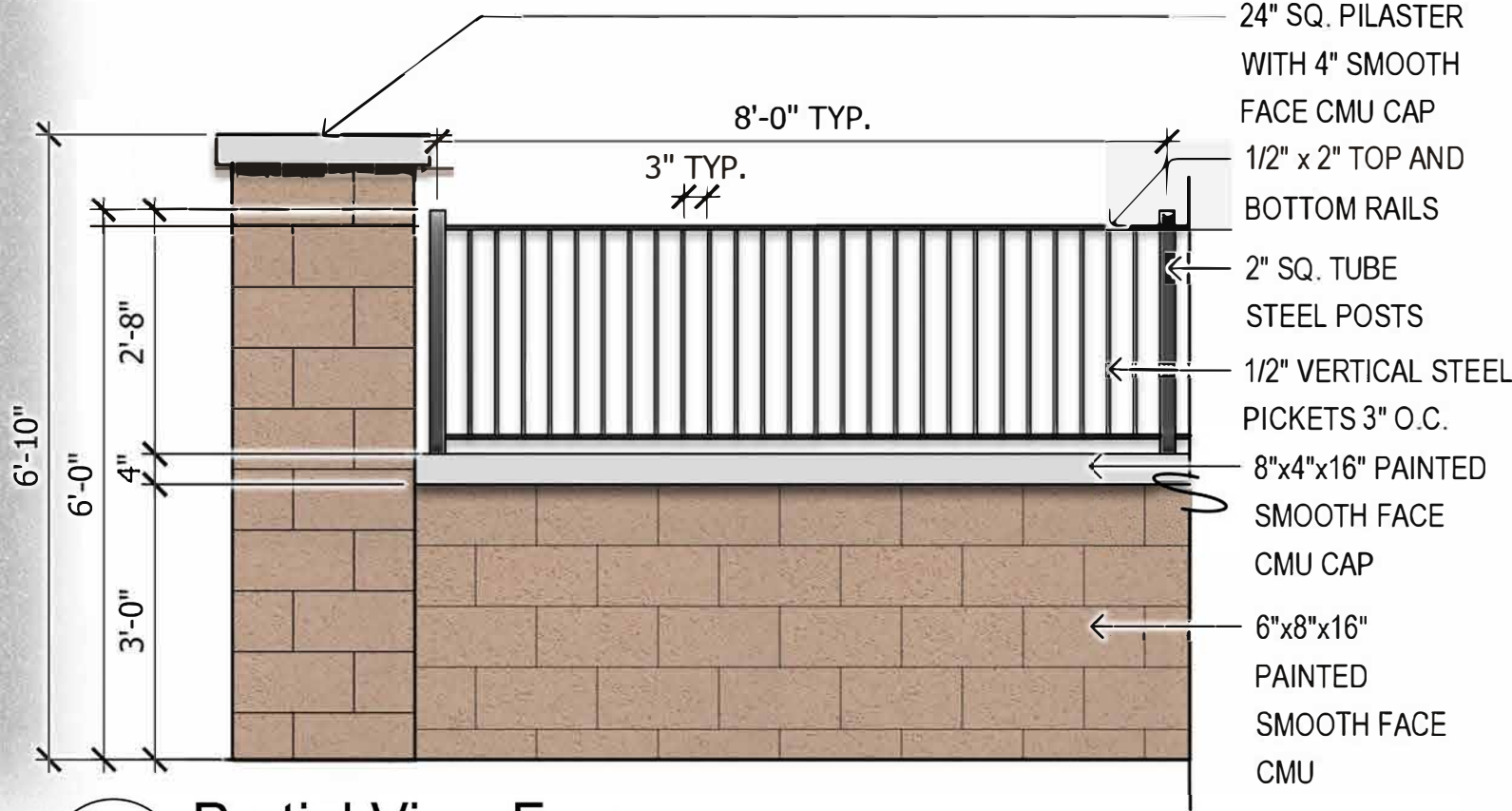
Planning & Development Department

UNIT MIX				
	UNIT TYPE	SF	OCCURRENCES	TOTAL NET RENTABLE
A1	1 BED / 1 BATH	718	34	24,412
A2	1 BED / 1 BATH	853	4	3,412
B1	2 BED / 2 BATH	1100	52	57,200
B2	2 BED / 2 BATH	1100	20	22,000
C1	3 BED / 2 BATH	1300	28	36,400
Total			138	143,424

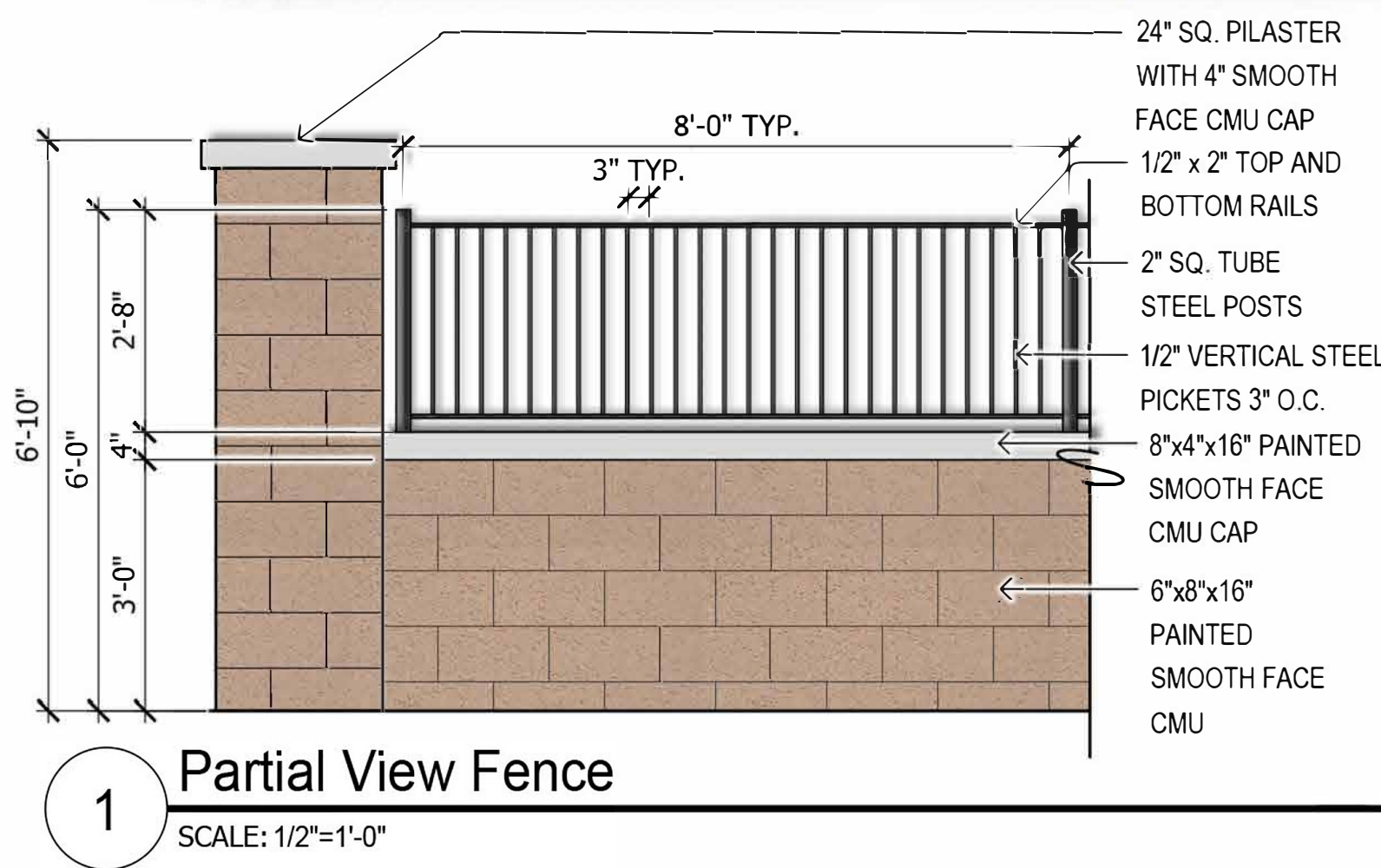
GROSS PROJECT SQUARE FOOTAGE			
LEVEL	GROSS	NET RENTABLE	COUNT
6-PLEX	8,246	6,600	3
27-PLEX	38,456	27,386	2
33-PLEX	48,956	34,426	2
CLUBHOUSE	3,000	N/A	1
TOTAL (ALL BLDGS)	202,562	143,424	

Baseline Density Point Calculation				
	R-3 Zoning	Current Plan	Units Required	Bonus Points Required
Density	15.23	16.99	1.76	32
Maximum with Bonus	17.4			

Bonus Point Goals		
Points	Notes	
10	Monument Sign with enhanced L, 2500	
10	Stamped Concrete or Pavers at Club/Entry	
5	Bench and shade structure at trail/canal	
Recreational Amenities		
10	Pool	
10	West Side Amenity Area	
10	Club Room and Gym	
5	Equestrian Trail	
Potential Points	60	



1 Partial View Fence
 SCALE: 1/2"=1'-0"



GROSS ACREAGE: 8.12 ACRES

- 6-PLEX BUILDINGS: 3
- 27-PLEX BUILDING: 2
- 33-PLEX BUILDING: 2

TOTAL UNITS: 138

- PRIVATE GARAGE SPACES: 82
- PRIVATE DRIVEWAY SPACES: 62
- TANDEM PARKING IS ALLOWED TO COUNT TOWARDS REQUIRED PARKING
- ADDITIONAL SURFACE/COVERED SPACES: 161

REQUIRE PARKING SPACES: 304
TOTAL PARKING SPACES PROVIDED: 304
SPACES TO UNIT RATION: 2.20

6-PLEX UNIT TYPE COUNT

- 2-BEDROOMS: 6

27-PLEX UNIT TYPE COUNT:

- 1-BEDROOMS: 12
- 2-BEDROOMS: 5
- 3-BEDROOMS: 10

33-PLEX UNIT TYPE COUNT:

- 1-BEDROOMS: 9
- 2-BEDROOMS: 22
- 3-BEDROOMS: 4

AVERAGE UNIT SF:

- 1-BEDROOM: 730 SF
- 2-BEDROOM: 1100 SF
- 3-BEDROOM: 1300 SF

UNIT MIX			
UNIT TYPE	SF	OCCURRENCES	TOTAL NET RENTABLE
A1	1 BED / 1 BATH	718	34
A2	1 BED / 1 BATH	853	4
B1	2 BED / 2 BATH	1100	52
B2	2 BED / 2 BATH	1100	20
C1	3 BED / 2 BATH	1300	28
Total		138	143,424

GROSS PROJECT SQUARE FOOTAGE			
LEVEL	GROSS	NET RENTABLE	COUNT
6-PLEX	8,246	6,600	3
27-PLEX	38,456	27,386	2
33-PLEX	48,956	34,426	2
CLUBHOUSE	3,000	N/A	1
TOTAL (ALL BLDGS)	202,562	143,424	

Baseline Density Point Calculation				
	R-3 Zoning	Current Plan	Units Required	Bonus Points Required
Density	15.23	16.99	1.76	32
Maximum with Bonus	17.4			

Bonus Point Goals		
Points	Notes	
10	Monument Sign with enhanced L	2,500
10	Stamped Concrete or Pavers at Club/Entry	
5	Bench and shade structure at trail/canal	
Recreational Amenities		
10	Pool	
10	West Side Amenity Area	
10	Club Room and Gym	
5	Equestrian Trail	
Potential Points	60	

***LANDSCAPE NOTES:**

- PROVIDE SHRUBS AND VINE SCREENING OF ALL SOLID PERIMETER FENCING. SCREEN TO PROVIDE A MINIMUM OF 50% COVERAGE OF THE WALL WITHIN 2 YEARS. COVERAGE MAY BE REDUCED FOR DECORATIVE WALLS. SHRUBS TO BE A MINIMUM OF 5 GALS. TYP.
- ENTRY MONUMENT FEATURE SHALL INCLUDE A MINIMUM OF 250 SQ FT OF LANDSCAPE MATERIAL. A MINIMUM OF 3 PLANT VARIETIES INCLUDING ANNUALS RE TO BE PROVIDED WITHIN THE 250 SQ FT AREA. LANDSCAPE TO MAINTAIN A CONSTANT BLOOM.

CITY OF PHOENIX

MAY 26 2021

Planning & Development Department



27th Street & Baseline
Multifamily Conceptual Site Plan



Retail Lot Mix				
Lot #	Building Size	Site Coverage	Parking Spaces Required	Parking Spaces Provided
Lot 2	3,800	6.4%	30	33
Lot 3	2,050	6.4%	30	41
Lot 4	3,745	5.6%	38	40
Lot 5	3,003	5.8%	31	40
Lot 6	6,500	6.9%	65	66
Totals	19,098		194	220

CITY OF PHOENIX

MAY 26 2021

Planning & Development
Department



DESIGN
STUDIO
ARCHITECTS

5730 SOUTH CURTICE ST
LITTLETON, CO 80120
(720) 485-5577

PHO-1-21-Z-59-18-8

RESIDENCES AT BASELINE

PHOENIX, ARIZONA
SCHEMATIC ELEVATIONS
05.11.2021

Proposed Elevations

CITY OF PHOENIX

MAY 26 2021

Planning & Development
Department

Hearing Date: 7/21/2021

WESTERN CANAL

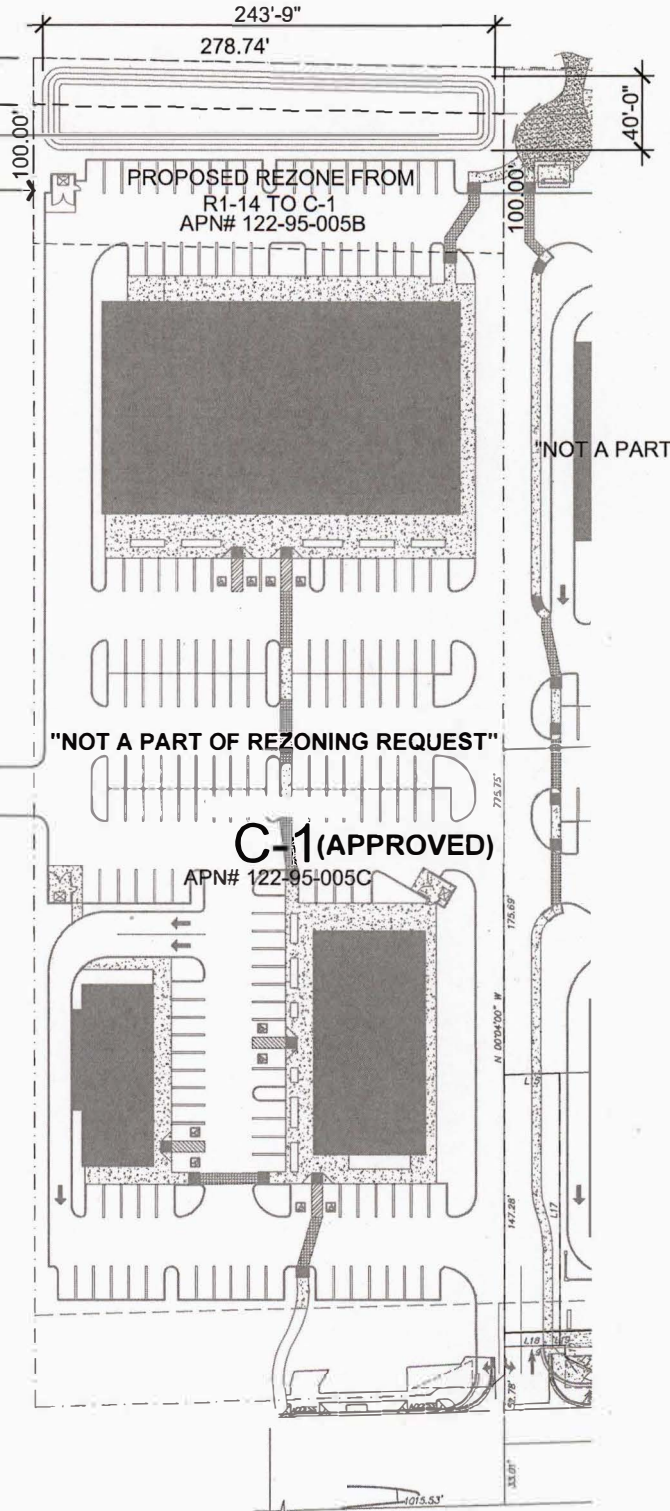
243'-9"

278.74'

25'-0" SEWER
EASEMENT

40'-0"

LINE ACREAGE= 27,874 SF or .64 ACRES



C-2

C-1 (APPROVED)

C-1

CITY OF PHOENIX

AUG 21 2018

Planning & Development
Department

EAST BASELINE ROAD

MUA



0 50 100 200 350
SCALE: 1"=100'-0"



Conceptual Site Plan [Rezoning Application Z-59-18-8]

PHO-1-21--Z-59-18-8

Stipulated Site Plan

Hearing Date: July 21, 2021

**113 Amend City Code - Ordinance Adoption - Rezoning Application
Z-59-18-8 - Approximately 615 Feet North of the Northwest Corner
of 25th Street and Baseline Road (Ordinance G-6546)**

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-59-18-8 and rezone the site from R1-14 BAOD to C-1 BAOD to allow commercial uses.

Summary

Current Zoning: R1-14 BAOD

Proposed Zoning: C-1 BAOD

Acreage: 0.82

Proposed Use: Commercial

Owner: Vahik Sahakian

Applicant: Dennis M. Newcombe, Beus Gilbert, PLLC

Representative: Paul E. Gilbert, Beus Gilbert, PLLC

Staff Recommendation: Approval, subject to stipulations.

VPC Action: The South Mountain Village Planning Committee heard this case on Nov. 13, 2018, and recommended approval per the staff recommendation by an 11-3 vote.

PC Action: The Planning Commission heard this case on Dec. 6, 2018, and recommended approval per the South Mountain Village Planning Committee recommendation with an additional stipulation by a 7-0 vote.

Location

Approximately 615 feet north of the northwest corner of 25th Street and Baseline Road.

Council District: 8

Parcel Address: 7402 S. 25th St.

This item was adopted.

**114 Amend City Code - Ordinance Adoption - Rezoning Application
Z-65-18-8 - Approximately 600 Feet South of the Southeast Corner
of 9th Avenue and Buckeye Road (Ordinance G-6547)**

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application

Planning Commission Minutes for December 6, 2018

Item #: 5
Application #: Z-59-18-8
From: R1-14 BAOD
To: C-1 BAOD
Acreage: 0.82
Location: Approximately 615 feet north of the northwest corner of 25th Street and Baseline Road
Proposal: Commercial
Applicant: Dennis M. Newcombe, Beus Gilbert, PLLC
Owner: Vahik Sahakian
Representative: Paul E. Gilbert, Beus Gilbert, PLLC

Ms. Racelle Escolar presented Item No. 5, Z-59-18-8, a request to rezone 0.82-acres located approximately 615 feet north of the northwest corner of 25th Street and Baseline Road from R1-14 (One Family Residence District) BAOD (Baseline Area Overlay District) to C-1 (Neighborhood Retail District) BAOD to allow commercial development.

The South Mountain Village Planning Committee recommended approval per the staff recommendation by an 11-3 vote.

Staff recommends approval per the recommendation of the South Mountain Village Planning Committee, with the addition of the standard Proposition 207 waiver of claims stipulation as previously read into the record.

Chairman Johnson stated that no cards were submitted to speak, and they would move forward with the motion.

Commissioner Shank made a MOTION to approve Z-59-18-8 as recommended by the South Mountain Village Planning Committee, with the additional stipulation as read into the record.

Commissioner Montalvo SECONDED.

There being no further discussion, Chairman Johnson called for a vote and the MOTION PASSED 7-0 (Glenn and Heck absent).

Stipulations:

1. The development shall be in general conformance with the conceptual site plan date stamped August 21, 2018, as may be modified for compliance with the canal bank design guidelines in Section 507 Tab A of the Zoning Ordinance, and approved by the Planning and Development Department, and with specific regard to the following:
 - a. Pedestrian pathway to provide open public access to amenities on the adjacent property to the east to be constructed of decorative pavers, stamped or colored concrete, or another material, other than those used to pave the parking surfaces and drive aisles.
 - b. Vehicular cross access to adjacent properties to the east and south, as

approved by the Planning and Development Department.

2. Landscaping along the north property line shall be in conformance with the Baseline Area Master Plan Plant List with specific regard to maximizing shade and thermal comfort for pedestrians and active users along the canal, as approved by the Planning and Development Department.
3. If the subject site develops as a stand-alone parcel and does not provide an alternative street frontage to that existing along 25th Street, then the developer shall be responsible for the dedication and construction of an offset cul-de-sac bulb at the northern portion of 25th Street, south of the Western Canal, as approved by the Planning and Development and Street Transportation Department.
4. Any solid portion of a perimeter wall adjacent to the Western Canal shall not exceed a maximum height of three feet, as approved by the Planning and Development Department.
5. 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.
6. The property owner shall record documents that disclose the existence and operational characteristics of Sky Harbor International Airport (PHX) to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.
7. PRIOR TO PRELIMINARY SITE PLAN APPROVAL, THE LANDOWNER SHALL EXECUTE A PROPOSITION 207 WAIVER OF CLAIMS IN A FORM APPROVED BY THE CITY ATTORNEY'S OFFICE. THE WAIVER SHALL BE RECORDED WITH THE MARICOPA COUNTY RECORDER'S OFFICE AND DELIVERED TO THE CITY TO BE INCLUDED IN THE REZONING APPLICATION FILE FOR RECORD.

City Code. Additionally, she explained that the outreach requirements for the PHO process were met.

Ms. Shepard did not accept this friendly amendment.

VOTE

13-1 (Ealim dissented) (Daniels recused) Motion to recommend approval of the request with an additional stipulation passed; with members Brooks, Busching, Brennan, Brownell, Christopherson, Daniels, Ealim, Glueck, Holmerud, Kotake, Larios, Shepard, Muriel Smith, Tunning, and Vera in favor.

- 6) **Z-59-18-8: Presentation, discussion, and possible recommendation regarding a request to rezone 0.82 acres located approximately 615 feet north of the northwest corner of 25th Street and Baseline Road from R1-14 BAOD (One-Family Residence, Baseline Area Overlay District) to C-1 (Neighborhood Retail) to allow commercial.**

Elyse DiMartino provided an overview of the rezoning request including General Plan Land Use maps, zoning maps, aerial photographs, General Plan principles, and the proposed site plan. Ms. DiMartino explained that the subject site is an extension of the commercial site directly to the south. She noted that the site to the south had been rezoned to commercial in 2005, while the subject site remained residential. She explained that the northern portion of the site was depicted as a retention area and the southern portion of the site was to be used for parking. She further explained that the parcels would develop as one commercial center. Ms. DiMartino clarified that the conceptual site plan includes a pedestrian pathway providing access to an amenities area on the adjacent parcel to the east. This parcel was rezoned in case no. Z-10-18-8 and was stipulated to the provision of open space and amenities including a multi-use trail, equestrian corral area, shaded benches, and bicycle parking areas. Ms. DiMartino noted that the VPC had heard this zoning case back in May of this year.

Mr. Steve Bienstock, representative with Beus Gilbert, presented background on the request. He explained that the subject site would be part of a larger commercial development that would include the parcel to the south.

Ms. Marcia Busching suggested adding a stipulation requiring a pedestrian pathway from the site to the canal. **Ms. DiMartino** clarified that staff had stipulated that the development provide access to the canal amenities adjacent to the subject site. **Ms. Busching** stated she wanted a separate stipulation that would provide direct access to the canal.

Mr. Greg Brownell asked if the owner to the south was the same as the subject site. **Mr. Bienstock** confirmed both sites have the same owner.

Mr. Patrick Brennan asked if the site had the same owner as the property to the east. **Mr. Ken Skinner, representing the developer**, stated that these sites have separate owners but will likely function as one fluid commercial site.

Ms. Sara Christopherson asked if the displayed plan was a site plan for the development. **Ms. DiMartino** clarified that the site plan displayed is for the area of the rezoning. She further explained that this site is part of a larger development.

Mr. Bienstock confirmed. He noted that the rezoning site will have parking and retention that will be used for the overall, larger commercial site to the south.

Ms. Christopherson asked if the subject site and the lot to the south will be combined. **Mr. Skinner** confirmed the lots would be combined to one lot.

Mr. Brennan stated he had received an email about a historic building on, or adjacent to, the development. **Mr. Skinner** stated that he was not aware of any historic buildings. He explained that the single-family home that was previously located on the subject site was demolished.

Mr. Joseph Larios asked the applicant to consider having public art elements along the canal. Additionally, he encouraged the applicant to reach out to local artists in the South Mountain Village.

Mr. Perry Ealim asked the applicants where their offices were located and what kind of work they have done in the South Mountain community. **Mr. Skinner and Mr. Bienstock** explained that they were located outside of the Village. **Mr. Ealim** expressed frustration that many of the developers and applicants looking to build in South Mountain are not doing anything positive for the community. **Mr. Bienstock** explained that this rezoning will allow the larger development to progress, which will ultimately provide goods, services, and jobs for the community.

Ms. Muriel Smith asked the Committee to focus on the current request, whether or not the zoning is appropriate.

Ms. Tamala Daniels asked what types of businesses the developer would be marketing to. She stated that she did not want to see more drive-through restaurants or dollar stores. She explained the community's need for more services and sit down restaurants.

Mr. Stephen Glueck reiterated Ms. Daniels' concerns about having more fast food restaurants.

Mr. Skinner stated that the subject site and the larger site to the south combined, is only about 5 acres. He explained they are looking at having a sit down restaurant,

fitness center, and/or retail in the overall development; however, the subject site would be used for parking and retention.

MOTION

Ms. Kay Shepard made a motion to recommend approval of the request. **Ms. Sara Christopherson** seconded the motion.

Mr. Patrick Brennan requested a friendly amendment to the motion on the floor to add the following stipulation:

- The developer shall provide a pedestrian pathway to the canal.

Ms. Kay Shepard did not accept the friendly amendment.

VOTE

11-3-1 (Ealim, Smith, and Vera, dissented) (Brennan abstained) Motion to recommend approval of the request passed; with members Brooks, Busching, Brennan, Brownell, Christopherson, Daniels, Ealim, Glueck, Holmerud, Kotake, Larios, Shepard, Muriel Smith, Tunning, and Vera in favor.

- 7) Discussion and possible recommendation regarding the 2019 meeting schedule and meeting times for the South Mountain Village Planning Committee

MOTION

Ms. Marcia Busching made a motion to approve the 2019 meeting schedule. **Mr. Gene Holmerud** seconded the motion.

VOTE

15-0 Motion to approve the 2019 meeting schedule passed; with members Brooks, Busching, Brennan, Brownell, Christopherson, Daniels, Ealim, Glueck, Holmerud, Kotake, Larios, Shepard, Muriel Smith, Tunning, and Vera in favor.

- 8) Staff update on cases recently reviewed by the Committee.

None.

- 9) Committee member announcements, requests for information, follow up, or future agenda items.

Ms. Tamala Daniels requested a future presentation from the Street Transportation Director to discuss street maintenance within the South Mountain Village.

Mr. Greg Brownell offered to facilitate having a speaker come out and discuss the Rio Salado efforts.