

## Attachment B



### City of Phoenix

#### Staff Report: PHO-1-22--Z-26-15-4

**APPLICATION #:** PHO-1-22--Z-26-15-4

**LOCATION:** Northwest corner of Central Avenue and Pierson Street

**EXISTING ZONING:** PUD

**ACREAGE:** 2.95

**REQUEST:** 1) Modification of Stipulation 5 regarding conditional approval upon development commencing within seven years.  
2) Technical correction for Stipulation 2.

**APPLICANT:** Ed Bull, Burch & Cracchiolo, PA

**OWNER:** Kim Sperry, Omninet Central, LP

**REPRESENTATIVE:** Ed Bull, Burch & Cracchiolo, PA

#### **STAFF RECOMMENDATION**

Approval with additional stipulations, as recommended by the Planning Hearing Officer.

#### **PLANNING HEARING OFFICER RECOMMENDATION**

The Planning Hearing Officer heard the request on August 17, 2022 and recommended approval with additional stipulations.

#### **VILLAGE PLANNING COMMITTEE RECOMMENDATION**

The Alhambra Village Planning Committee was scheduled to hear this request on July 26, 2022 but did not have a quorum.

#### **BACKGROUND/ANALYSIS**

The subject site consists of 2.95 gross acres located at the northwest corner of Central Avenue and Pierson Street and is zoned PUD (Planned Unit Development) for the Omninet - West PUD. The applicant requested a modification of Stipulation 5 regarding conditional approval upon development commencing within seven years. The

modification would allow an extension of one additional year to commence development. The applicant's narrative (Exhibit B) notes that the development has received preliminary site plan approval however delays regarding utility relocation and other necessary approvals will likely prevent the development from occurring within the stipulated timeframe.

The appellant argues in their appeal document (Exhibit A) that the proposed development has been significantly modified since the original approval of the Omninet-West PUD. They argue that these modifications no longer reflect the transit-oriented, walkable character of the original PUD. The appellant argues that the time extension should not be granted due to these modifications.

## **PREVIOUS HISTORY**

On December 16, 2015, the Phoenix City Council approved Rezoning Case No. Z-26-15-4, a request to rezone approximately 3.53 gross acres located at the northwest corner of Central Avenue and Pierson Street from R-3 TOD-1 (Multifamily Residence District, Interim Transit-Oriented Zoning Overlay District One), R-5 TOD-1 (Multifamily Residence District, Interim Transit-Oriented Zoning Overlay District One), C-2 TOD-1 (Intermediate Commercial, Interim Transit-Oriented Zoning Overlay District One), and P-1 TOD-1 (Parking District, Interim Transit-Oriented Zoning Overlay District One) to PUD (Planned Unit Development), subject to stipulations (Exhibit E). This approval established the Omninet – West PUD.

The Omninet – West PUD, was intended to enable the redevelopment of the site with a mixed-use development consisting of multifamily residential and commercial uses. Maximum building setbacks for the site are 12 feet from Central Avenue, 30 feet from the Light Rail frontage, 10 feet from Mariposa and Pierson Streets. The minimum building setbacks for the western property line are five (5) feet for the south portion and 15 feet for the north portion. The maximum number of dwelling units is 286. The maximum building height is 56 feet. Design guidelines include requirements for pedestrian connectivity to the Camelback Road/ Central Avenue Light Rail Station, Pierson Street, and retail shops. Mixed use buildings are required to provide a community pool and other gathering areas on the second level. Building accents, materials, and details are required to be consistent with elements of the Walkable Urban Code and compatible with the adjacent Pierson Place Historic Neighborhood. Streetscape landscaping is required to conform with existing plans and guidelines for Central Avenue including the Central Avenue Beautification Plan and the Central Avenue Development Standards. The complete PUD Development Narrative is available online at <https://www.phoenix.gov/pdd/planning-zoning/pzservices/pud-cases>.

## **NEIGHBORHOOD CONCERNS**

### **Public Correspondence**

One letter of opposition was received regarding this request. Concerns expressed in the correspondence include the following:

- Modifications to proposed plans originally presented to the public during the hearing process for the original rezoning case.
- The permitted building height was contingent on features that have been modified or removed since the original approval.
- Changes to the development team associated with the project.

### **GENERAL PLAN LAND USE MAP DESIGNATION**

Commercial and Residential 10 to 15 dwelling units per acre

### **CHARACTER OF SURROUNDING LAND USE**

	Zoning	Land Use
On-site:	PUD	Vacant
North:	R-3, C-2 (App. C-2 HR)	Vacant Light Rail Station
South:	R-5 HR, C-2 HR	Multifamily Residential Commercial
East: (Across Central Avenue)	PUD	Mixed-Use Development
West:	R-3 HP, R-5	Single-Family Residential Multifamily Residential

### **PLANNING HEARING OFFICER FINDINGS**

The Planning Hearing Officer's recommendation was based on the following findings:

- 1) The request to modify Stipulation 5 regarding conditional approval of development is recommended to be approved. The request will allow an additional year (an increase from 7 to 8 years total) to commence development. The applicant noted unexpected delays related to the ongoing pandemic and infrastructure issues.
- 2) The site is identified as archaeologically sensitive and three additional stipulations are recommended to be included to address requirements for archaeological survey and testing.

### **PLANNING HEARING OFFICER RECOMMENDED STIPULATIONS**

1.	An updated Development Narrative for the Omninet - West PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with the Development Narrative date stamped October 14, 2015.
2.	The property owner shall provide a deposit in the amount of \$50,000 into a Street Transportation Department escrow account at the City of Phoenix to be utilized for traffic calming measures in the Pierson Place Historic District. These funds may be contributed toward the purchase and installation of such devices as roundabouts, speed humps/cushions, or raised crosswalks (speed tables), limited turning, traffic diverters, gates or other such traffic calming or management tools for the area bounded by Central Avenue, Camelback Road, 7th Avenue, and the Grand Canal. Distribution of funds shall be at the mutual agreement of the five member neighborhood traffic team, the residents on affected streets, and the City of Phoenix Streets TRANSPORTATION Department Safety and Neighborhood Traffic section. Owner may apply for reimbursement of escrow funds from the Street Transportation Department if no special petition has been submitted within 5 years from the issuance of a certificate of occupancy.
3.	Developer shall install a monument proximate to the northwest corner of the site identifying the Pierson Place Historic District and facing toward the Light Rail station, as approved by the Planning and Development Department. The monument shall be similar to the existing Pierson Place Historic District Monument located proximate to the southwest corner of 3rd Avenue and Camelback Road, or as otherwise agreed upon by the developer and the Board of Directors of the Pierson Place Historic District.
4.	The developer shall construct a directional retail driveway to direct retail traffic away from the neighborhood as approved by the Planning and Development Department.
5.	IF DETERMINED NECESSARY BY THE PHOENIX ARCHAEOLOGY OFFICE, THE APPLICANT SHALL CONDUCT PHASE I DATA TESTING AND SUBMIT AN ARCHAEOLOGICAL SURVEY REPORT OF THE DEVELOPMENT AREA FOR REVIEW AND APPROVAL BY THE CITY ARCHAEOLOGIST PRIOR TO CLEARING AND GRUBBING, LANDSCAPE SALVAGE, AND/OR GRADING APPROVAL.



6.	IF PHASE I DATA TESTING IS REQUIRED, AND IF, UPON REVIEW OF THE RESULTS FROM THE PHASE I DATA TESTING, THE CITY ARCHAEOLOGIST, IN CONSULTATION WITH A QUALIFIED ARCHAEOLOGIST, DETERMINES SUCH DATA RECOVERY EXCAVATIONS ARE NECESSARY, THE APPLICANT SHALL CONDUCT PHASE II ARCHAEOLOGICAL DATA RECOVERY EXCAVATIONS.
7.	IN THE EVENT ARCHAEOLOGICAL MATERIALS ARE ENCOUNTERED DURING CONSTRUCTION, THE DEVELOPER SHALL IMMEDIATELY CEASE ALL GROUND-DISTURBING ACTIVITIES WITHIN A 33- FOOT RADIUS OF THE DISCOVERY, NOTIFY THE CITY ARCHAEOLOGIST, AND ALLOW TIME FOR THE ARCHAEOLOGY OFFICE TO PROPERLY ASSESS THE MATERIALS.
8. 5.	The approval shall be conditioned upon development commencing within EIGHT (8) <del>seven (7)</del> years of the City Council approval of this change of zoning in accordance with Section 506.B.1 of the Phoenix Zoning Ordinance. (For purposes of this stipulation, development shall commence with the issuance of building permits and erection of building walls on site).

### **Exhibits**

- A – Appeal Document (2 pages)
- B – Applicant’s Narrative (25 pages)
- C – Aerial Map (1 page)
- D – Zoning Map (1 page)
- E – Recorded Ordinance from Rezoning Case No. Z-26-15 (6 pages)
- F – Sketch Map from Rezoning Case No. Z-26-15 (1 page)
- G – PHO Summary for PHO-1-22--Z-26-15-4 from August 17, 2022 (5 pages)

# **EXHIBIT A**

<b>PLANNING HEARING OFFICER APPEAL</b> I HEREBY REQUEST THAT THE PLANNING COMMISSION/CITY COUNCIL HOLD A PUBLIC HEARING ON:			
<b>CASE NUMBER:</b>	<b>PHO-1-22--Z-26-15-4</b>		
<b>LOCATION:</b>	Northwest corner of Central Avenue and Pierson Street		
<b>PHO HEARING DATE:</b>	August 17, 2022	<b>RECEIVED:</b>	August 24, 2022
<b>APPEALED BY:</b>	<input checked="" type="checkbox"/> Opposition	<input type="checkbox"/> Applicant	
<b>APPEALED TO:</b>	<b>PLANNING COMMISSION</b>	October 6, 2022	
		<b>TENTATIVE DATE</b>	
	<b>CITY COUNCIL</b>	November 2, 2022	
		<b>TENTATIVE DATE</b>	
<b>APPELLANT NAME AND ADDRESS/EMAIL:</b>		<b>PHONE:</b>	
Ken Waters 126 West Pierson Street Phoenix, AZ 85013 <a href="mailto:kennywaters602@gmail.com">kennywaters602@gmail.com</a>		602-373-1902	
<b>RECEIPT NUMBER:</b>	N/A		
<b>REASON FOR REQUEST:</b>			
The applicant is asking for an extension of zoning. That was granted by the Village, PC and Council; but they have significantly modified the TOD/WU centric plan, specifically the commercial/walkable urban "mix-use" portion . They presented to AVPC, PC, neighbors, and Council, making it undeserving of an extension.			
<b>TAKEN BY:</b>	Greg Harmon		

c: Alan Stephenson  
 Joshua Bednarek  
 Tricia Gomes  
 Racelle Escobar  
 Adam Stranieri  
 Greg Harmon  
 Brad Wylam  
 Victoria Cipolla-Murillo  
 Julie Garcia  
 Ben Ernyei - Posting  
 GIS Team



**City of Phoenix**  
PLANNING & DEVELOPMENT DEPARTMENT

**CITY OF PHOENIX**

**AUG 24 2022**

**Planning & Development  
Department**

The **PLANNING HEARING OFFICER** agenda for August 17, 2022 is attached.

The City Council May Ratify the Recommendation of the Planning Hearing Officer on September 21, 2022 Without Further Hearing Unless:

- **A REQUEST FOR A HEARING BY THE PLANNING COMMISSION** is filed by 5:00 p.m. on August 24, 2022. (There is a \$630 fee for hearings requested by the applicant.)

Any member of the public may, within seven (7) days after the Planning Hearing Officer's action, request a hearing by the Planning Commission on any application. If you wish to request a hearing, fill out and sign the form below and return it to the Planning and Development Department by 5:00 p.m. on August 24, 2022.

**APPEAL FORM**

**I HEREBY REQUEST THAT THE PLANNING COMMISSION HOLD A PUBLIC HEARING ON:**

PHO-1-22-Z-26-15-4 APPLICATION NO. Northwest corner of Central Avenue and Pierson Street LOCATION OF APPLICATION PROPERTY

Ken Waters NAME (PLEASE PRINT) ☒ OPPOSITION ☐ APPLICANT

126 W. Pierson St. STREET ADDRESS

Phoenix AZ 85013 CITY, STATE AND ZIP CODE 602 373-1902 TELEPHONE NO

**BY MY SIGNATURE BELOW, I ACKNOWLEDGE THE SCHEDULED HEARING DATE AS FOLLOWS:**

**APPEALED FROM** August 17, 2022 **PHO HEARING TO** 10/6/2022 **PC HEARING**  
DATE DATE

**SIGNATURE:** Ken Waters **DATE:** 8-24-2022

**REASON FOR APPEAL:** The applicant is asking for an extension of zoning that was granted by The Village, PC, and council but they have significantly modified the T.O.D./W.U. centric plan, specifically the commercial/walkable Urban "mix-use" portion they presented to AVPC, PC, neighbors and council; making it underserving of an extension.

**APPEALS MUST BE FILED IN PERSON AT THE 2ND FLOOR ZONING COUNTER, 200 W. WASHINGTON STREET, 602-262-7131, Option 6**

**PLANNER TAKING APPEAL:** CH

Copies to:

Case File

PHO Planner – Bradley Wylam

PHO Secretary – Vikki Cipolla-Murillo

# **EXHIBIT B**





BURCH & CRACCHIOLO

EDWIN C. BULL  
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ALICIA M. BULL  
DIRECT LINE: 602.234.8747  
EMAIL: [ABULL@BCATTORNEYS.COM](mailto:ABULL@BCATTORNEYS.COM)

June 8, 2022

Mr. Adam Stranieri  
Planning Hearing Officer  
City of Phoenix  
Planning and Development Department  
200 W. Washington St., 2<sup>nd</sup> Floor  
Phoenix, Arizona. 85003

Re: PHO Stipulation Modification Request for Z-26-15-4 (Stipulation 5)  
Northwest Corner of Central Avenue and Pierson Street

Dear Mr. Stranieri:

On behalf of RangeWater Real Estate, LLC ("RangeWater"), who is the developer of the property located at the northwest corner of Central Avenue and Pierson Street ("Site"), we request the PHO's approval to modify Stipulation #5 (Z-26-15-4) to facilitate the development of a multi-family community on this infill redevelopment Site. *See Exhibit 1*, Aerial Map identifying the Site. Preliminary Site Plan ("PSP") approval was received on April 29, 2022. RangeWater's consultant team is currently preparing Final Site Plan and Improvement Plans for permitting.

The Site is zoned PUD (Planned Unit Development). *See Exhibit 2*, Zoning Map. In 2015, the City Council approved the rezoning for this vacant infill Site for a high quality multi-family development along the light rail corridor, subject to 5 stipulations of approval. *See Exhibit 3*, Ordinance G-6089.

We are not requesting a Rezoning, nor are we requesting an increase in building height or additional density. Rather, we are requesting modification of Stipulation 5 to extend the deadline to commence development for one additional year (8 years to commence development) to allow the time necessary for RangeWater to continue processing improvement plans, obtain permits, and commence development on the Site.

The proposed Stipulation modification is below:

5. THE APPROVAL SHALL BE CONDITIONED UPON DEVELOPMENT COMMENCING WITHIN **EIGHT (8)** ~~SEVEN (7)~~ YEARS OF THE CITY COUNCIL APPROVAL OF THIS



[BCATTORNEYS.COM](http://BCATTORNEYS.COM)



CHANGE OF ZONING IN ACCORDANCE WITH SECTION 506.B.1 OF THE PHOENIX ZONING ORDINANCE (FOR PURPOSES OF THIS STIPULATION, DEVELOPMENT SHALL COMMENCE WITH THE ISSUANCE OF BUILDING PERMITS AND ERECTION OF BUILDING WALLS ON SITE).

Providing a multi-family community with retail space will provide greater residential variety and shopping/entertainment/dining options for those living and/or working in the area. The City Council has already approved the rezoning and RangeWater is not requesting any additional entitlements – no increases to building height, building size or density. RangeWater is simply requesting additional time to commence the approved multi-family development that will benefit the area by providing a viable and sustainable use on this infill redevelopment Site along the Light Rail Corridor next to the Camelback and Central Light Rail Station.

RangeWater is a national builder and committed to seeing this development built and filled with tenants. However, a series of challenges and difficult circumstances have caused ongoing delays that will likely prevent RangeWater from commencing development within the 7 years provided in Stipulation 5. The challenges started several years ago and the development was put on hold with the COVID-19 pandemic.

The owner of the Site, Omninet, is selling the Site to RangeWater to build out the Site as originally envisioned during the original PUD Zoning approvals. RangeWater filed an Option 1 Site Plan Pre-Application (“Pre-App”) on June 29, 2021. The Pre-App Option 1 meeting took place on August 2, 2021. Three primary issues needed to be solved prior to Pre-App approval to move forward to a PSP Application. First, a fire lane along the light rail needed to be removed, which required coordination with the Fire Department. Second, a private irrigation structure fed off SRP’s irrigation facilities needed to be relocated from the ROW and onsite irrigation lines needed to be relocated, which required coordination with the Streets Department and downstream irrigation users. Third, PUE abandonments needed to be Conditionally Approved prior to PSP approval. These issues were resolved prior to RangeWater filing an Option 2 Pre-App, which was placed on Time Extension on February 24, 2022. After receiving conditional approval of abandonments on the Site, RangeWater received PSP approval on April 29, 2022.

While RangeWater has received PSP approval and is working diligently to keep the development moving forward, there are various complications that may extend the permit issuance and construction start dates beyond the 7-year deadline. For example, the ongoing abandonment delay delayed the submission of the Civil CD set of drawings until May 3, 2022. It is our understanding that the City’s improvement plan review and approval process is taking approximately 20 weeks and may take as long as 26 weeks. Further, because of the Improvement Plan delays, APS facility relocation is also delayed. RangeWater is hoping to start the APS electrical line removal and relocation by September 1, 2022 with a completion date of November 15, 2022, but cannot commence the APS relocation without Improvement Plan approvals from the City. Delayed approval will also delay the required SRP irrigation line relocation, data and phone line relocation and gas line relocation, all of which need to be completed before RangeWater can start excavating for the planned underground parking garage.





RangeWater hopes to pull permits and be underway with erecting building walls in less than one year; however, an extension of one year to commence development is appropriate and necessary given the numerous challenges experienced since RangeWater began the PSP process. Without the extension, Uptown Phoenix may lose out on this quality development from an experienced builder. The area and residents will benefit from seeing this now vacant, infill redevelopment Site developed with a modern, pedestrian-friendly multi-family community along the Light Rail Corridor.

Referring to the Site Plan at **Exhibit 4**, RangeWater is proposing to develop a multi-family development incorporating an approximately 3,125 SF retail space and an approximately 237-unit mix of studio, 1-bedroom and 2-bedroom units. The proposed development will be a valuable addition to the area and an appropriate use for this infill redevelopment Site.

Consistent with RangeWater's national experience, the proposed development will incorporate high-quality materials, intriguing architectural design features, attractive landscaping and numerous amenities. As shown in the Elevations and Materials Board at **Exhibits 5 and 6**, respectively, varying roof heights, balconies of different sizes, contrasting but complimentary colors, varying wall depths and an assortment of building materials will create visual interest consistent with nearby developments. The development's ground floor landscaping will enhance the pedestrian experience by offering attractive greenery and shade trees along the pedestrian connections located around the perimeter of the building. See Landscape Plans at **Exhibit 7**. Moreover, the development's connection with the public and streetscape will be further enhanced by the ground level placement of retail space, co-workspace and lobby/leasing office. Additional amenities, such as fitness center, pool and cabanas, multiple ramadas and barbecue areas, turf area, fire pits and outdoor sitting areas are provided throughout the community. See **Exhibit 4**.

In addition, \$50,000 has been deposited into a Street Transportation Department escrow account at the City of Phoenix to be used for traffic calming measures in the Pierson Place Historic District as required by Stipulation 2 from the 2015 zoning approval. RangeWater has already demonstrated its commitment to developing the Site through its considerable investment of time and resources. RangeWater has already spent approximately \$1.7 million in pre-development planning, architecture, engineering and nonrefundable deposits. By August, RangeWater projects it will have invested approximately \$2.7 million, including nonrefundable deposits. However, as a result of the delays, RangeWater has requested to extend the closing date. Assuming the seller agrees to the extension, RangeWater anticipates it will invest approximately \$3.5 million, including nonrefundable deposits, by December 2022.

RangeWater's request to modify Stipulation 5 is appropriate and necessary to ensure this infill redevelopment Site is redeveloped with the already approved multi-family community. This quality redevelopment is a viable and sustainable use for this now vacant, infill Site and will provide much-needed housing variety and retail options for members of the downtown community. Please contact Ed Bull (602-234-9913, [ebull@beattorneys.com](mailto:ebull@beattorneys.com)), Brian Greathouse (602-234-9903,





[bgreathouse@bcattorneys.com](mailto:bgreathouse@bcattorneys.com)), Ali Bull (602-234-8747, [abull@bcattorneys.com](mailto:abull@bcattorneys.com)) or Ricki Horowitz (602-234-8728, [rhowitz@bcattorneys.com](mailto:rhowitz@bcattorneys.com)) if you have questions or need additional information. Thank you for your help and consideration.

Very truly yours,

BURCH & CRACCHIOLO, P.A.

A handwritten signature in black ink, appearing to be a stylized 'E' followed by 'B' and 'A', representing the initials of the signatories.

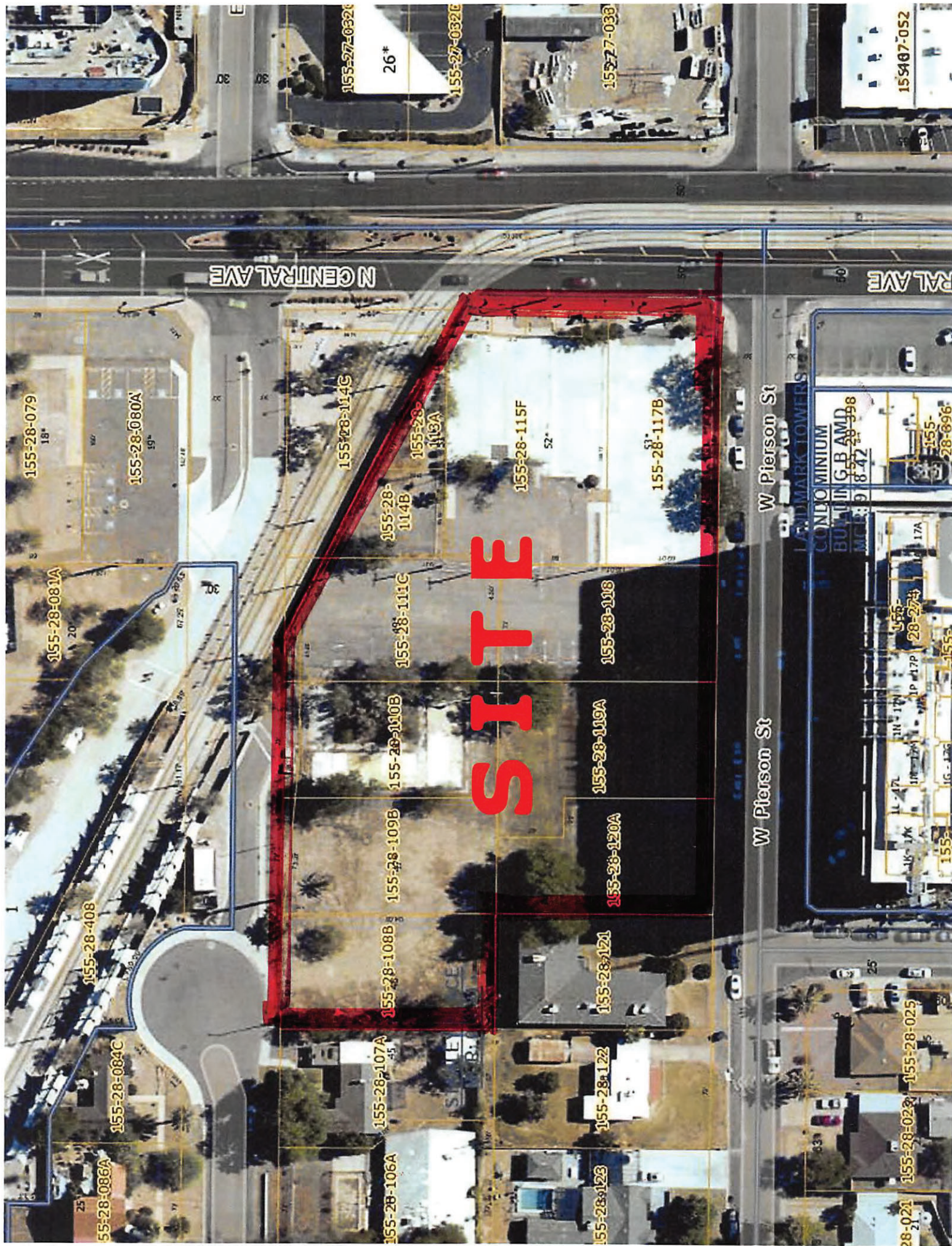
Ed Bull, Brian Greathouse and Ali Bull  
For the Firm

ECB/jc



# **Exhibit 1**







# **Exhibit 2**



# **Exhibit 3**

ORDINANCE G-6089

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PROPERTY DESCRIBED HEREIN (CASE Z-26-15-4) FROM C-2 TOD-1 (1.59 ACRES), R-3 TOD-1 (0.82 ACRES), R-5 TOD-1 (0.56 ACRES), & P-1 TOD-1 (0.56 ACRES) TO PUD (PLANNED UNIT DEVELOPMENT – 3.53 ACRES).

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

SECTION 1: The zoning of an approximately 3.53 acre property located at the northwest corner of Central Avenue and Pierson Street in a portion of Section 20, Township 4 North, Range 3 East, as described more specifically in Attachment "A", is hereby changed from C-2 TOD-1 (1.59 Acres), R-3 TOD-1 (0.82 Acres), R-5 TOD-1 (0.56 Acres), & P-1 TOD-1 (0.56 Acres) to PUD (Planned Unit Development – 3.53 Acres).

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

SECTION 3: Due to the site's specific physical conditions and the use district applied for by the applicant, this rezoning is subject to compliance with the PUD

narrative and the following stipulations, violation of which shall be treated in the same manner as a violation of the

City of Phoenix Zoning Ordinance:

1. An updated Development Narrative for the Omninet – West PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with the Development Narrative date stamped October 14, 2015.
2. The property owner shall provide a deposit in the amount of \$50,000 into a Street Transportation Department escrow account at the City of Phoenix to be utilized for traffic calming measures in the Pierson Place Historic District. These funds may be contributed toward the purchase and installation of such devices as roundabouts, speed humps/cushions, or raised crosswalks (speed tables), limited turning, traffic diverters, GATES or other such traffic calming or management tools for the area bounded by Central Avenue, Camelback Road, 7th Avenue, and the Grand Canal. Distribution of funds shall be at the mutual agreement of the FIVE MEMBER NEIGHBORHOOD TRAFFIC TEAM ~~Board of Directors of Pierson Place Historic District~~, the residents on affected streets and the City of Phoenix Streets Department Safety and Neighborhood Traffic section, ~~in accordance with all procedures required by the city.~~ Owner may apply for reimbursement of escrow funds from the Street Transportation Department if no formal SPECIAL petition has been submitted within 3 5 years from the issuance of a certificate of occupancy. ~~The Street Transportation Department may study any potential traffic impacts concurrent with construction to expedite the study process and construction of any traffic mitigation measures as approved by the Street Transportation Department.~~
3. Developer shall install a monument proximate to the northwest corner of the site identifying the Pierson Place Historic District and facing toward the Light Rail station, as approved by the Planning and Development Department. The monument shall be similar to the existing Pierson Place Historic District Monument located proximate to the southwest corner of 3rd Avenue and Camelback Road, or as otherwise agreed upon by the developer and the Board of Directors of the Pierson Place Historic District.
4. THE DEVELOPER SHALL CONSTRUCT A DIRECTIONAL RETAIL DRIVEWAY TO DIRECT RETAIL TRAFFIC AWAY FROM THE NEIGHBORHOOD AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

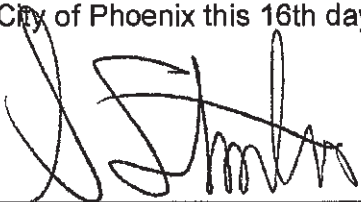


5. THE APPROVAL SHALL BE CONDITIONED UPON DEVELOPMENT COMMENCING WITHIN SEVEN (7) YEARS OF THE CITY COUNCIL APPROVAL OF THIS CHANGE OF ZONING IN ACCORDANCE WITH SECTION 506.B.1 OF THE PHOENIX ZONING ORDINANCE. (FOR PURPOSES OF THIS STIPULATION, DEVELOPMENT SHALL COMMENCE WITH THE ISSUANCE OF BUILDING PERMITS AND ERECTION OF BUILDING WALLS ON SITE).

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

PASSED by the Council of the City of Phoenix this 16th day of December, 2015.




  
MAYOR

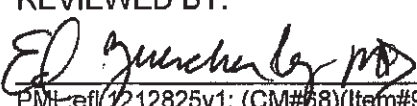
ATTEST:

  
ACTING  
City Clerk

APPROVED AS TO FORM:

  
Acting City Attorney

REVIEWED BY:

  
ACTING  
City Manager

PML:efl(1212825v1: (CM#68)(Item#93) 12/16/15

Attachments:

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

ATTACHMENT A

LEGAL DESCRIPTION FOR Z-26-15-4

THAT PORTION OF LOTS 46 TROUGH 56, STANLEY PLACE, RECORDED AS BOOK 18 OF MAPS, PAGE 21 LOCATED IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 4 NORTH, RANGE 3 EAST OF THE GILA RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 20, SAID POINT BEING MARKED BY A STONE IN A HANDHOLE LYING SOUTH 89 42'53" EAST A DISTANCE OF 2664.89 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 20, SAID POINT BEING MARKED BY A BRASS CAP IN HANDHOLE;

THENCE SOUTH 00 00'00" EAST (BASIS OF BEARINGS) A DISTANCE OF 659.91 FEET TO THE CENTER POINT IN THE INTERSECTION OF CENTRAL AVENUE AND WEST PIERSON STREET, SAID POINT BEING MARKED BY 2 BRASS CAP REFERENCE MONUMENTS LYING NORTH 53 31'35" WEST A DISTANCE OF 59.09 FEET, AND SOUTH 55 54'14" WEST A DISTANCE OF 57.79 FEET;

THENCE NORTH 89 43'49" WEST 50.00 FEET;

THENCE NORTH 00 00'00" EAST PARALLEL WITH AND 50.00 FEET WEST OF THE NORTH- SOUTH MIDSECTION LINE OF SAID SECTION 20, 30.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 53, BEING MARKED BY A FOUND "X" IN CONCRETE AND THE POINT OF BEGINNING;

THENCE NORTH 89 43'49" WEST PARALLEL WITH AND 30.00 FEET NORTH OF THE CENTERLINE OF WEST PIERSON STREET, 379.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 56, BEING MARKED BY A 1/2" REBAR WITH CAP L#134711;

THENCE NORTH 00 00'00" EAST 135.03 FEET TO THE NORTHWEST CORNER OF SAID LOT 56, BEING MARKED BY A 1/2" REBAR WITH CAP L#41076;

THENCE NORTH 89 43'26" WEST 73.00 FEET, TO THE SOUTHWEST CORNER OF SAID LOT 46, BEING MARKED BY A 1/2" REBAR WITH CAP L#41076;

THENCE NORTH 00 00'00" EAST 135.03 FEET TO THE NORTHWEST CORNER OF SAID LOT 46, BEING MARKED BY A 1/2" REBAR WITH CAP LS#41076;

THENCE SOUTH 89 43'03" EAST 245.02 FEET BEING MARKED BY A 1/2" REBAR WITH CAP LS#38175;

THENCE SOUTH 62 41'29" EAST 79.57 FEET BEING MARKED BY A 1/2" REBAR WITH CAP LS#38175;

THENCE SOUTH 62 43'59" EAST 78.54 FEET BEING MARKED BY A 1/2" REBAR WITH CAP LS#39131;

THENCE SOUTH 60 22'32" EAST 25.98 FEET BEING MARKED BY A PK NAIL WITH TAG LS#38175;

THENCE SOUTH 57 07'28" EAST 26.07 FEET BEING MARKED A 1/2" REBAR WITH CAP LS#38168;

THENCE NORTH 89 59'52" EAST 7.65 FEET BEING MARKED BY A 1/2" REBAR WITH CAP LS#38175;

THENCE SOUTH 00 15'26" EAST 29.09 FEET BEING MARKED BY A WITNESS CORNER LYING 1.80 FEET EAST, SAID POINT BEING A "X" IN CONCRETE;

THENCE NORTH 89 59'51" EAST 14.22 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF CENTRAL AVENUE, BEING MARKED BY A "X" IN CONCRETE;

THENCE SOUTH 00 00'00" EAST PARALLEL WITH AND 50.00 FEET WEST OF THE NORTH- SOUTH MIDSECTION LINE, 142.42 FEET TO THE POINT OF BEGINNING.

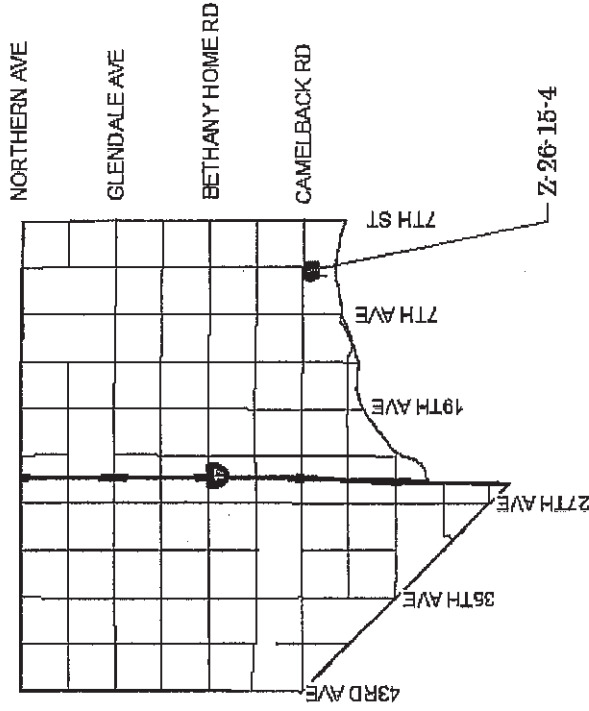
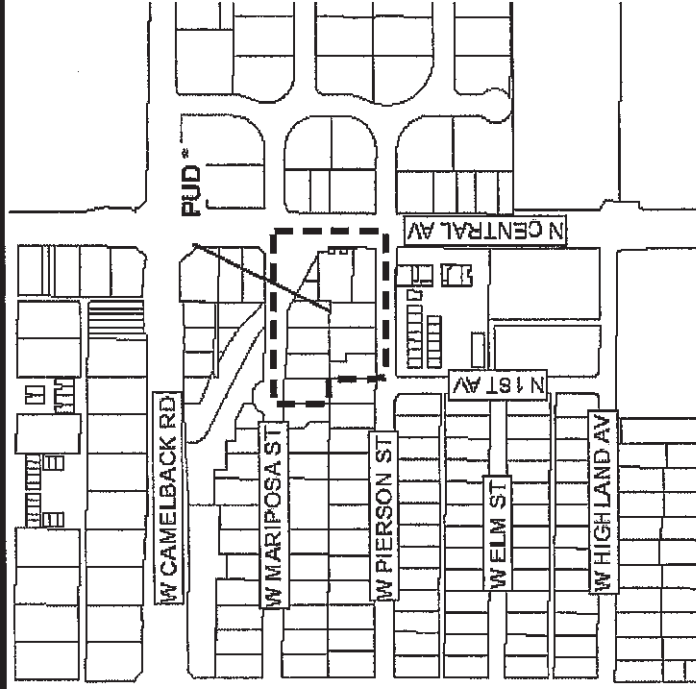
NET AREA OF PARCEL IS 100,792 S.F. OR 2.3139 ACRES MORE OR LESS

# ORDINANCE LOCATION MAP

## ATTACHMENT B

Zoning Case Number: Z-26-15-4  
 Zoning Overlay: N/A  
 Planning Village: Albambra

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



NOT TO SCALE



Drawn Date: 11/12/2015

N:\S\_Team\Care\_Fund\GIS\Zoning\Supp\Maps\_Ord\Maps\_12015 Ord\Formal\_Dec\_2\_2015\Z-26-15-4.mxd

# **Exhibit 4**

[illegible]

**SITE PLAN NOTES:**

[illegible]

SIGNATURE OF COPYRIGHT OWNER

PRINTED NAME OF COPYRIGHT OWNER

5476

**TODD + ASSOCIATES**

602-952-8280 / TODDASSOC.COM

21.2034.00

**APTS at NWC CENTRAL AVE & PIERSON ST**

PHOENIX, ARIZONA

## OPTION 2 PRE-APPLICATION

12 21 2021

1707-17-71

SCALE: 1000

SCALE:  $r = 30.0$ 

## CONCEPTUAL SITE PLAN

Preliminary Not For Construction

A1.1

[illegible]

## CONCEPTUAL SITE PLAN

Preliminary Not For Construction

# **Exhibit 5**





1 NORTH ELEVATION  
MARIPOSA (SECONDARY), LIGHT TAIL ALIGNMENT 1 & DOOP ALIGNMENT A  
SCALE 1/16" = 1'-0"



2 EAST ELEVATION  
CENTRAL AVENUE (PRIMARY), STATIONER ALIGNMENT C  
SCALE 1/16" = 1'-0"

EXTERIOR MATERIALS

A	STUCCO COLOR 1	SHERWIN WILLIAMS - SW7000 "TRUE WHITE"
B	STUCCO COLOR 2	SHERWIN WILLIAMS - SW6108 "SAVIOUR"
C	STUCCO COLOR 3	SHERWIN WILLIAMS - SW7604 "MACKEREL BLUE"
D	STUCCO COLOR 4	SHERWIN WILLIAMS - SW7509 "RICH ORE"
E	COMPOSITE SIDING	FUGA ROMANTIC WALNUT
F	CMU BLOCK	8" X 16" FRAITE MARK II STACKED BOND
G	METAL PANELS	31 CHAMPAGNE
H	METAL MESH	TO MATCH METAL PANEL

CENTRAL AVENUE (PRIMARY) - STATIONER ALIGNMENT C  
MINIMUM 75% GLAZING @ FIRST FLOOR = 711 S.F. / 2,088 S.F. = 34%  
MINIMUM 75% GLAZING @ SECOND FLOOR = 711 S.F. / 2,088 S.F. = 34%  
MINIMUM 75% GLAZING @ THIRD FLOOR = 711 S.F. / 2,088 S.F. = 34%  
MINIMUM 75% GLAZING @ TOTAL = 2133 S.F. / 6264 S.F. = 34%

MARIPOSA (SECONDARY) - LIGHT TAIL ALIGNMENT A  
GLAZING @ FIRST FLOOR (RESIDENTIAL) = 472 S.F. / 1,157 S.F. = 36%  
GLAZING @ SECOND FLOOR (RESIDENTIAL) = 472 S.F. / 1,157 S.F. = 36%  
GLAZING @ THIRD FLOOR (RESIDENTIAL) = 472 S.F. / 1,157 S.F. = 36%  
GLAZING @ TOTAL = 1416 S.F. / 3914 S.F. = 36%



A4.1\_C

COLOR ELEVATIONS

Preliminary Not For Construction

APTS at NWC CENTRAL AVE & PIERSON ST  
PHOENIX, ARIZONA  
OPTION 2 PRE-APPLICATION  
12-20-2021

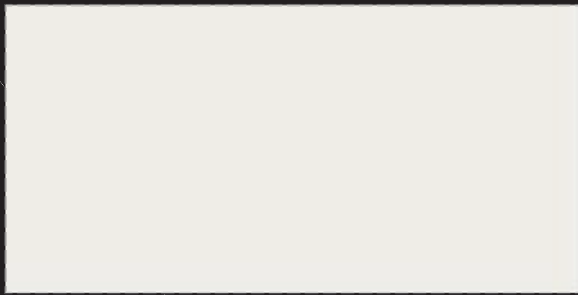
RANGEWATER  
REAL ESTATE

TODD +  
ASSOCIATES  
602-952-8280 / TODDASSOC.COM  
21-2036-00



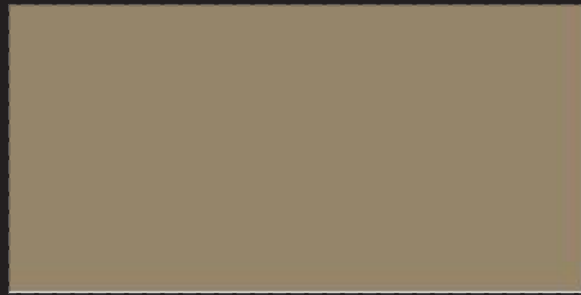


# **Exhibit 6**



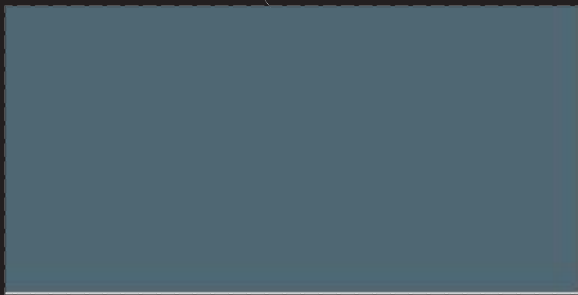
**STUCCO 1**

**A** MFGR: SHERWIN-WILLIAMS  
SW7005 "PURE WHITE"



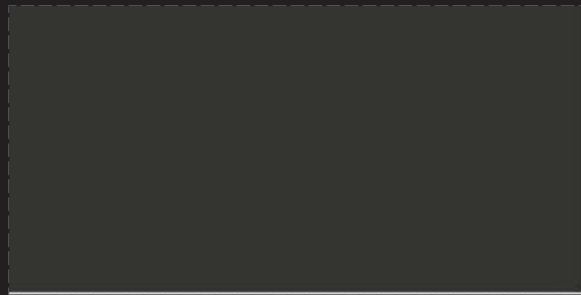
**STUCCO 2**

**B** MFGR: SHERWIN-WILLIAMS  
SW6158 "SAW DUST"



**STUCCO 3**

**C** MFGR: SHERWIN-WILLIAMS  
SW7604 "SMOKY BLUE"



**STUCCO 4**

**D** MFGR: SHERWIN-WILLIAMS  
SW7069 "IRON ORE"



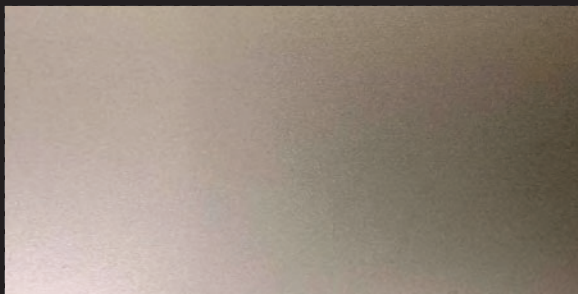
**COMPOSITE SIDING**

**E** MFGR:  
PU08 ROMANTIC WALNUT



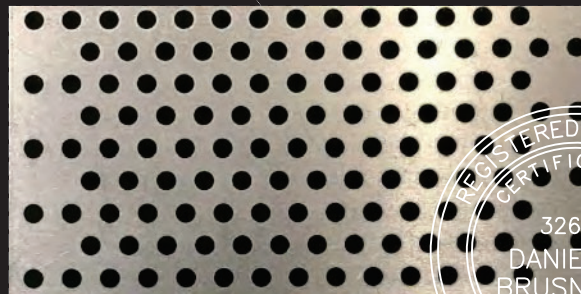
**CMU BLOCK**

**F** MFGR:  
8"x8"x16" HI-LITE MARK II, STACKED BOND



**METAL PANELS**

**G** MFGR:  
31 CHAMPAGNE



**METAL MESH**

**H** MFGR:  
TO MATCH METAL PANEL



## Materials Board



**TODD & ASSOCIATES, INC.**

ARCHITECTURE PLANNING LANDSCAPE ARCHITECTURE  
602.952.8280p [www.toddassoc.com](http://www.toddassoc.com)

APTS at NWC CENTRAL AVE & PIERSON ST  
• Phoenix, Arizona  
Project Number: 21-2036-00 • 12-20-21  
OPTION 2 PRE-APPLICATION

# **Exhibit 7**





## 12-20-2021

21-2036-00

RANGEWATER  
REAL ESTATE

GROUND LEVEL  
LANDSCAPE PLAN

Preliminary Not For Construction

## C11.1





# **EXHIBIT C**



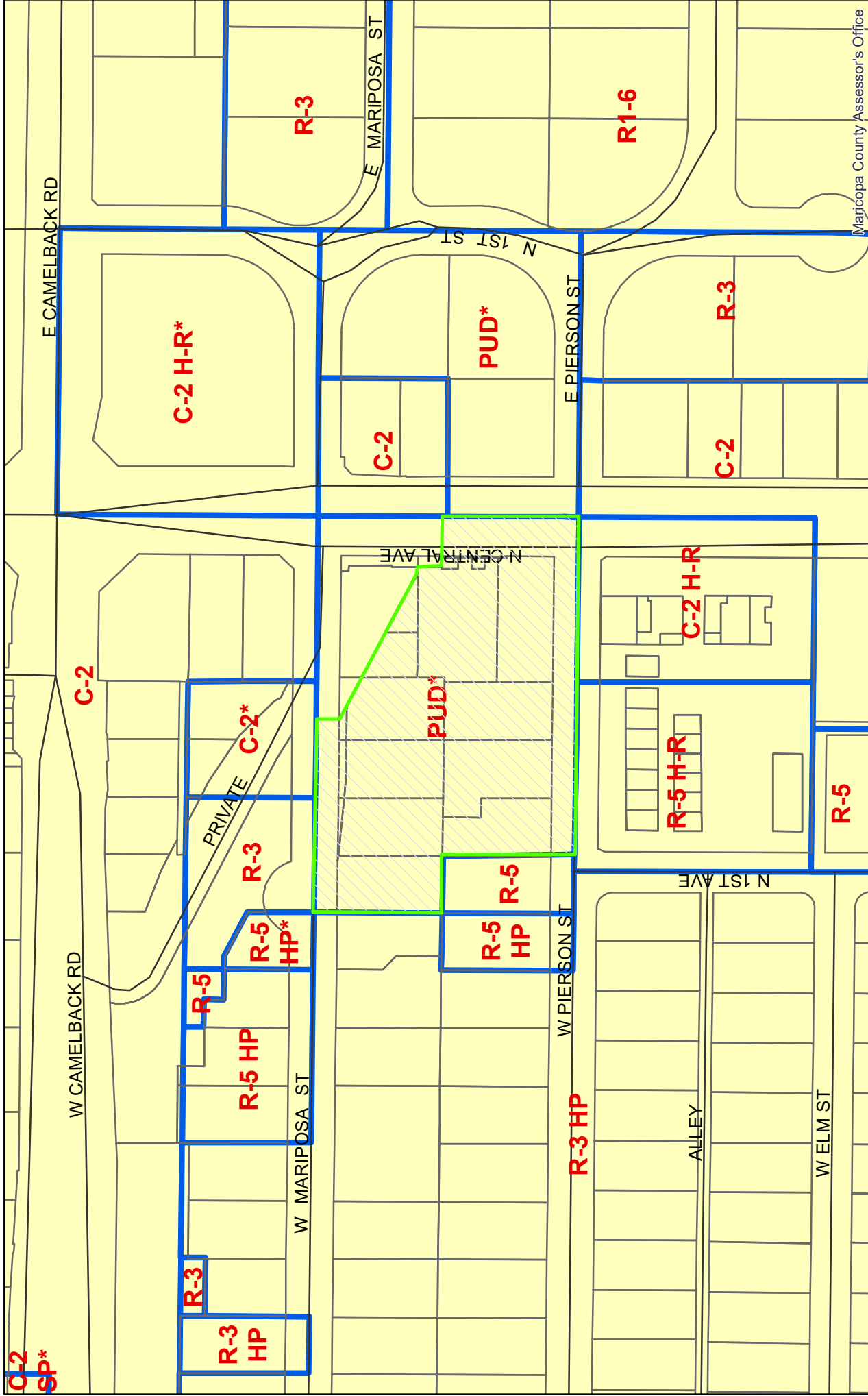


PHO-1-22--Z-26-15-4

## Property Location: Northwest corner of Central Avenue and Pierson Street



# **EXHIBIT D**



PHO-1-22--Z-26-15-4

Property Location: Northwest corner of Central Avenue and Pierson Street

# **EXHIBIT E**

ORDINANCE G-6089

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PROPERTY DESCRIBED HEREIN (CASE Z-26-15-4) FROM C-2 TOD-1 (1.59 ACRES), R-3 TOD-1 (0.82 ACRES), R-5 TOD-1 (0.56 ACRES), & P-1 TOD-1 (0.56 ACRES) TO PUD (PLANNED UNIT DEVELOPMENT – 3.53 ACRES).

---

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

SECTION 1: The zoning of an approximately 3.53 acre property located at the northwest corner of Central Avenue and Pierson Street in a portion of Section 20, Township 4 North, Range 3 East, as described more specifically in Attachment "A", is hereby changed from C-2 TOD-1 (1.59 Acres), R-3 TOD-1 (0.82 Acres), R-5 TOD-1 (0.56 Acres), & P-1 TOD-1 (0.56 Acres) to PUD (Planned Unit Development – 3.53 Acres).

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

SECTION 3: Due to the site's specific physical conditions and the use district applied for by the applicant, this rezoning is subject to compliance with the PUD



narrative and the following stipulations, violation of which shall be treated in the same manner as a violation of the

City of Phoenix Zoning Ordinance:

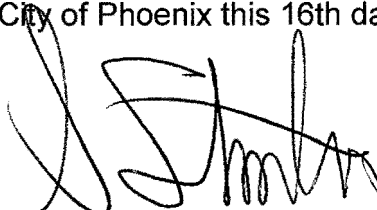
1. An updated Development Narrative for the Omninet – West PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with the Development Narrative date stamped October 14, 2015.
2. The property owner shall provide a deposit in the amount of \$50,000 into a Street Transportation Department escrow account at the City of Phoenix to be utilized for traffic calming measures in the Pierson Place Historic District. These funds may be contributed toward the purchase and installation of such devices as roundabouts, speed humps/cushions, or raised crosswalks (speed tables), limited turning, traffic diverters, GATES or other such traffic calming or management tools for the area bounded by Central Avenue, Camelback Road, 7th Avenue, and the Grand Canal. Distribution of funds shall be at the mutual agreement of the FIVE MEMBER NEIGHBORHOOD TRAFFIC TEAM ~~Board of Directors of Pierson Place Historic District~~, the residents on affected streets and the City of Phoenix Streets Department Safety and Neighborhood Traffic section, ~~in accordance with all procedures required by the city.~~ Owner may apply for reimbursement of escrow funds from the Street Transportation Department if no formal SPECIAL petition has been submitted within 3 5 years from the issuance of a certificate of occupancy. ~~The Street Transportation Department may study any potential traffic impacts concurrent with construction to expedite the study process and construction of any traffic mitigation measures as approved by the Street Transportation Department.~~
3. Developer shall install a monument proximate to the northwest corner of the site identifying the Pierson Place Historic District and facing toward the Light Rail station, as approved by the Planning and Development Department. The monument shall be similar to the existing Pierson Place Historic District Monument located proximate to the southwest corner of 3rd Avenue and Camelback Road, or as otherwise agreed upon by the developer and the Board of Directors of the Pierson Place Historic District.
4. THE DEVELOPER SHALL CONSTRUCT A DIRECTIONAL RETAIL DRIVEWAY TO DIRECT RETAIL TRAFFIC AWAY FROM THE NEIGHBORHOOD AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

- 5.** THE APPROVAL SHALL BE CONDITIONED UPON DEVELOPMENT COMMENCING WITHIN SEVEN (7) YEARS OF THE CITY COUNCIL APPROVAL OF THIS CHANGE OF ZONING IN ACCORDANCE WITH SECTION 506.B.1 OF THE PHOENIX ZONING ORDINANCE. (FOR PURPOSES OF THIS STIPULATION, DEVELOPMENT SHALL COMMENCE WITH THE ISSUANCE OF BUILDING PERMITS AND ERECTION OF BUILDING WALLS ON SITE).

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

PASSED by the Council of the City of Phoenix this 16th day of December, 2015.




  
MAYOR

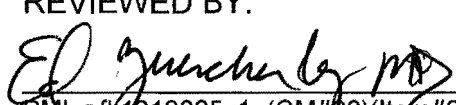
ATTEST:

  
**ACTING**  
City Clerk

APPROVED AS TO FORM:

  
Acting City Attorney

REVIEWED BY:

  
**ACTING**  
City Manager

PML:efl(1212825v1: (CM#68)(Item#93) 12/16/15

Attachments:

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

ATTACHMENT A

LEGAL DESCRIPTION FOR Z-26-15-4

THAT PORTION OF LOTS 46 TROUGH 56, STANLEY PLACE, RECORDED AS BOOK 18 OF MAPS, PAGE 21 LOCATED IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 4 NORTH, RANGE 3 EAST OF THE GILA RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 20, SAID POINT BEING MARKED BY A STONE IN A HANDHOLE LYING SOUTH 89 42'53" EAST A DISTANCE OF 2664.89 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 20, SAID POINT BEING MARKED BY A BRASS CAP IN HANDHOLE;

THENCE SOUTH 00 00'00" EAST (BASIS OF BEARINGS) A DISTANCE OF 659.91 FEET TO THE CENTER POINT IN THE INTERSECTION OF CENTRAL AVENUE AND WEST PIERSON STREET, SAID POINT BEING MARKED BY 2 BRASS CAP REFERENCE MONUMENTS LYING NORTH 53 31'35" WEST A DISTANCE OF 59.09 FEET, AND SOUTH 55 54'14" WEST A DISTANCE OF 57.79 FEET;  
THENCE NORTH 89 43'49" WEST 50.00 FEET;  
THENCE NORTH 00 00'00" EAST PARALLEL WITH AND 50.00 FEET WEST OF THE NORTH- SOUTH MIDSECTION LINE OF SAID SECTION 20, 30.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 53, BEING MARKED BY A FOUND "X" IN CONCRETE AND THE POINT OF BEGINNING;

THENCE NORTH 89 43'49" WEST PARALLEL WITH AND 30.00 FEET NORTH OF THE CENTERLINE OF WEST PIERSON STREET, 379.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 56, BEING MARKED BY A 1/2" REBAR WITH CAP L#I34711;

THENCE NORTH 00 00'00" EAST 135.03 FEET TO THE NORTHWEST CORNER OF SAID LOT 56, BEING MARKED BY A 1/2" REBAR WITH CAP L#41076;

THENCE NORTH 89 43'26" WEST 73.00 FEET, TO THE SOUTHWEST CORNER OF SAID LOT 46, BEING MARKED BY A 1/2" REBAR WITH CAP L#41076;

THENCE NORTH 00 00'00" EAST 135.03 FEET TO THE NORTHWEST CORNER OF SAID LOT 46, BEING MARKED BY A 1/2" REBAR WITH CAP LS#41076;

THENCE SOUTH 89 43'03" EAST 245.02 FEET BEING MARKED BY A 1/2" REBAR WITH CAP LS#38175;

THENCE SOUTH 62 41'29" EAST 79.57 FEET BEING MARKED BY A 1/2" REBAR WITH CAP LS#38175;

THENCE SOUTH 62 43'59" EAST 78.54 FEET BEING MARKED BY A 1/2" REBAR WITH CAP LS#39131;

THENCE SOUTH 60 22'32" EAST 25.98 FEET BEING MARKED BY A PK NAIL WITH TAG LS#38175;

THENCE SOUTH 57 07'28" EAST 26.07 FEET BEING MARKED A 1/2" REBAR WITH CAP LS#38168;

THENCE NORTH 89 59'52" EAST 7.65 FEET BEING MARKED BY A 1/2" REBAR WITH CAP LS#38175;

THENCE SOUTH 00 15'26" EAST 29.09 FEET BEING MARKED BY A WITNESS CORNER LYING 1.80 FEET EAST, SAID POINT BEING A "X" IN CONCRETE;

THENCE NORTH 89 59'51" EAST 14.22 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF CENTRAL AVENUE, BEING MARKED BY A "X" IN CONCRETE;

THENCE SOUTH 00 00'00" EAST PARALLEL WITH AND 50.00 FEET WEST OF THE NORTH- SOUTH MIDSECTION LINE, 142.42 FEET TO THE POINT OF BEGINNING.

NET AREA OF PARCEL IS 100,792 S.F. OR 2.3139 ACRES MORE OR LESS



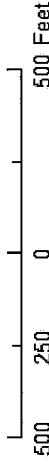
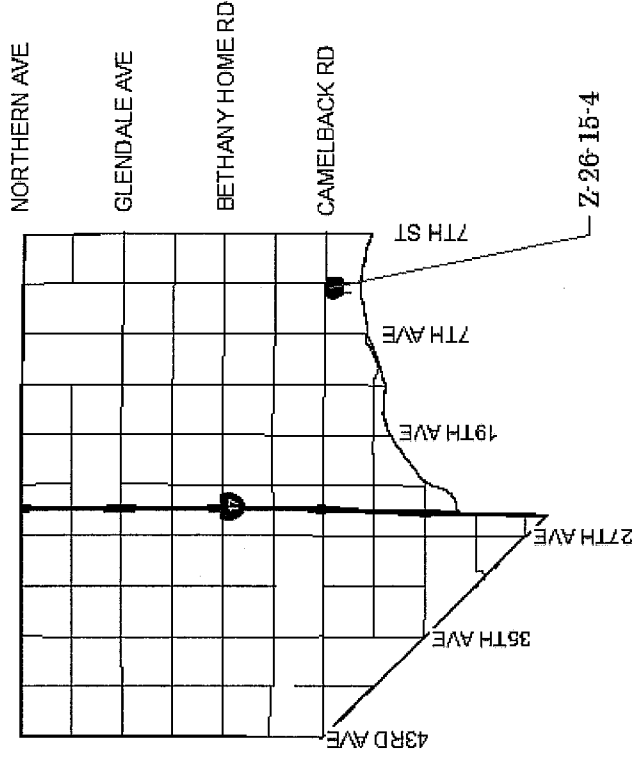
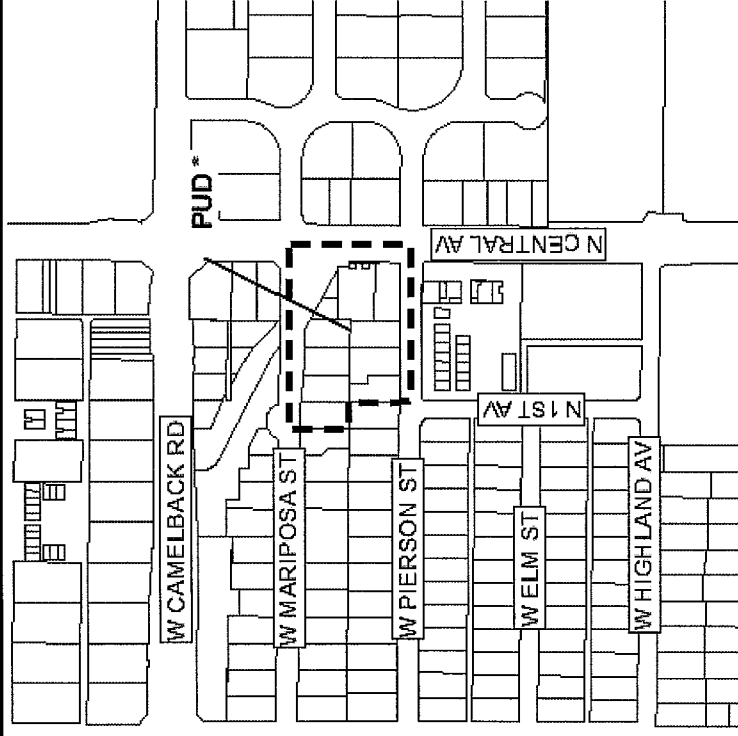
# ATTACHMENT B

## ORDINANCE LOCATION MAP

Zoning Case Number: Z-26-15-4  
 Zoning Overlay: N/A  
 Planning Village: Alhambra

ZONING SUBJECT TO STIPULATIONS: \*

SUBJECT AREA: ■■■■■



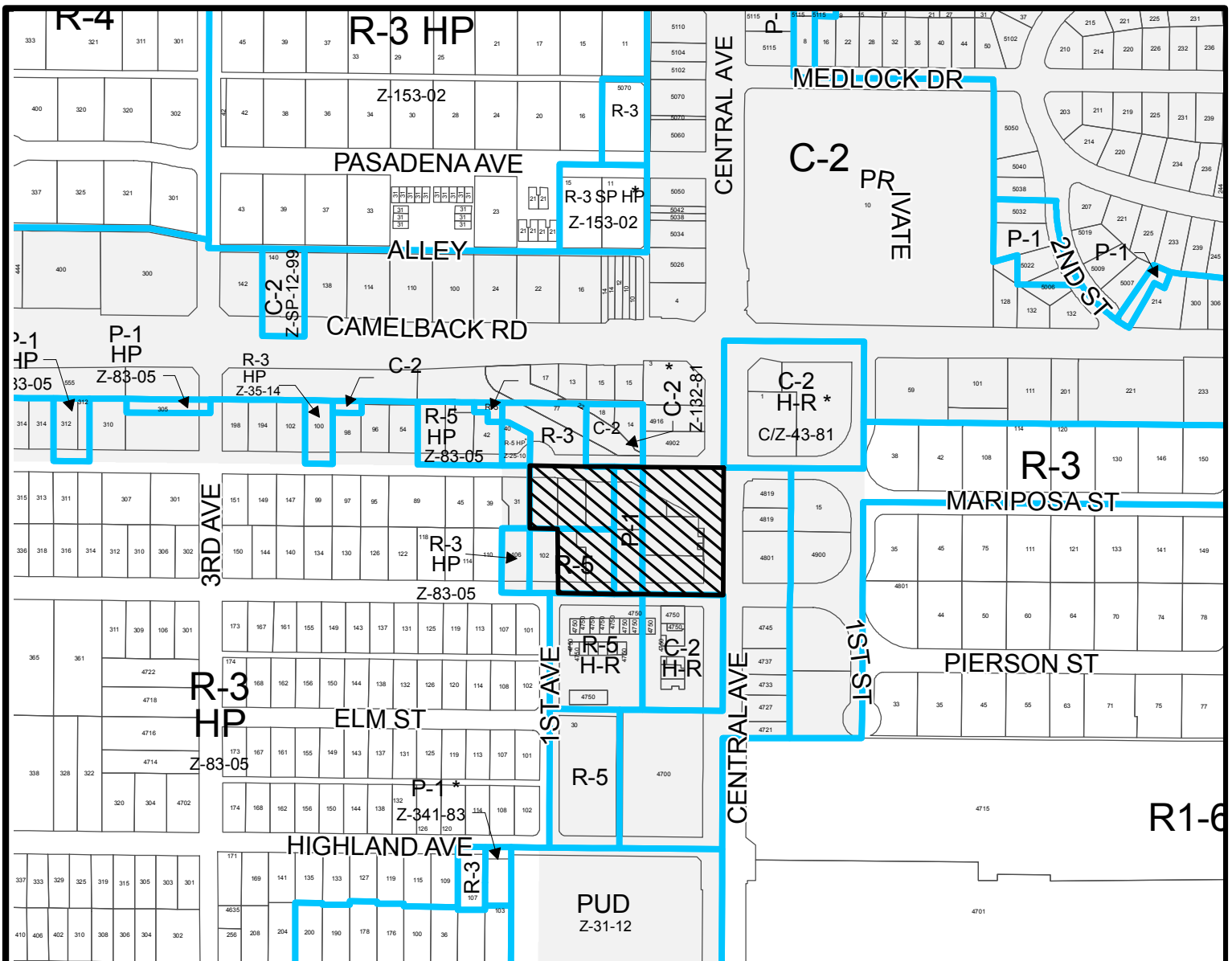
NOT TO SCALE



Drawn Date: 11/12/2015

N:\S\_Team\Core\_Functions\Zoning\SuppMaps\_OrdMaps\_2015\Ord\Formal\_Dec\_2\_2015\Z-26-15-4.mxd

# **EXHIBIT F**

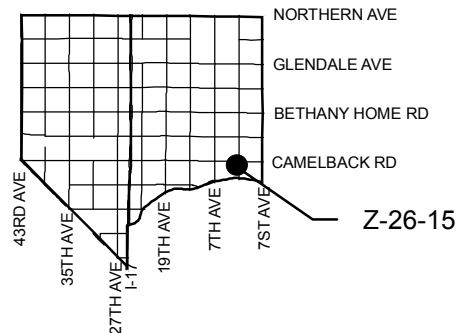


400 200 0 400 Feet

CITY OF PHOENIX PLANNING DEPARTMENT

## ALHAMBRA VILLAGE

CITY COUNCIL DISTRICT: 4



<b>APPLICANT'S NAME:</b> Ed Bull/ Burch & Cracchiolo, PA		<b>REQUESTED CHANGE:</b> FROM: C-2 TOD-1 (1.59 a.c.) R-3 TOD-1 (.82 a.c.) R-5 TOD-1 (.56 a.c.) P-1 TOD-1 (.56 a.c.) TO: PUD, (3.53 a.c.)	
<b>APPLICATION NO.</b> Z-26-15	<b>DATE:</b> 5/21/15 <b>REVISION DATES:</b>		
GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX. 3.53 Acres	AERIAL PHOTO & QUARTER SEC. NO. QS 18-27	ZONING MAP H-8	
<b>MULTIPLES PERMITTED</b> C-2, R-3, R-5, P-1 PUD	<b>CONVENTIONAL OPTION</b> 23, 12, 24, N/A 286	<b>* UNITS P.R.D. OPTION</b> 27, 14, 29, N/A 286	

\* Maximum Units Allowed with P.R.D. Bonus

# **EXHIBIT G**



REPORT OF PLANNING HEARING OFFICER ACTION  
Adam Stranieri, Planner III, Hearing Officer  
Bradley Wylam, Planner I, Assisting

August 17, 2022

ITEM NO: 3	
	DISTRICT 4
SUBJECT:	
Application #:	PHO-1-22--Z-26-15-4
Location:	Northwest corner of Central Avenue and Pierson Street
Zoning:	PUD
Acreage:	2.95
Request:	1) Modification of Stipulation 5 regarding conditional approval upon development commencing within seven (7) years. 2) Technical correction for Stipulation 2.
Applicant:	Ed Bull, Burch & Cracchiolo PA
Owner:	Kim Sperry, Omninet Central LP
Representative:	Ed Bull, Burch & Cracchiolo PA

**ACTIONS:**

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended approval with additional stipulations.

Village Planning Committee (VPC) Recommendation: The Alhambra Village Planning Committee was scheduled to hear this request on July 26, 2022 but did not have a quorum.

**DISCUSSION:**

Ed Bull, representative with Burch & Cracchiolo PA, described the subject site and provided an overview of the original PUD rezoning case. He noted that Stipulation 5 regarding conditional approval upon development commencing within seven years is requested to be extended by one year to allow time for the final plans to be approved. He stated that the project has received preliminary site plan approval. He stated that delays regarding utility relocation and other necessary approvals will likely prevent development from occurring within the stipulated time frame. He noted that the proposed project does not represent an increase in building height or density compared to the original project. He stated that site improvements have been made to address concerns from the City including demolition of existing buildings and fencing of the site.

Ken Waters, speaking in opposition to the request, stated that the development currently proposed for the site is not consistent with what was presented to the public during the public hearing process for the original rezoning case in 2015. He stated that the proposed retail space on the ground floor was not consistent with the retail space proposed in the original proposal. He stated that the original approval for the maximum height of the development was modeled after the Walkable Urban Code and that the development would not meet required standards to develop a 5-story building. He stated that there are existing parking issues in the surrounding area and the proposed project does not alleviate those concerns. He proposed that the time extension be denied unless at least 15,000 square feet of ground floor retail space and two floors of underground parking were developed.

Ray Muench, member of the public speaking in opposition to the request, reiterated the concerns made by Mr. Waters. He stated that there are major concerns in the area regarding parking and traffic. He stated that he had concerns about the proposed retail space appearing to be more oriented toward the residents of the development rather than to the general public.

Mr. Bull stated that some principles of the Walkable Urban Code were included in the PUD Narrative, but that the development has been deemed to be compliant with the approved PUD zoning. He stated that the development has been given preliminary site plan approval. He stated that the current PHO request is related to the time extension only. He noted that the site plan in question includes coworking space, live/ work units, and approximately 3,000 square feet of ground floor retail. He stated that the development would follow Walkable Urban Code concepts by placing buildings proximate to Central Avenue and Pierson Street, but that the PUD does not regulate the number of stories or establish a bonus system to allow the proposed height. He stated that a second floor of underground parking was previously proposed, but that the number of parking spaces is to be determined based on the final mix of residential units and retail space and that a second floor of parking has been determined to be unnecessary. He stated that the site plan proposes 283 parking spaces on the site, which is greater than the 263 spaces that are required.

Adam Stranieri, Planning Hearing Officer, stated that one item of correspondence was received prior to the hearing from Mr. Waters. He noted that the Alhambra Village Planning Committee was scheduled to hear this request on July 26, 2022 but did not have a quorum. He stated that the PHO request is regarding a time extension for a conditional approval upon development commencing within 7 years of the original approval. He noted that the PUD development narrative is not being reviewed and that the narrative includes development standards, design guidelines, and use standards that are not under review in this PHO hearing. He stated that a PUD amendment would be needed to alter any of these regulatory components of the PUD. He stated that a time extension of one year is

reasonable given the delays caused by the ongoing pandemic and infrastructure issues. He stated that the request from Mr. Waters to impose conditions regarding the provision of retail uses, the size of retail spaces, and parking standards would belong in the PUD development narrative but are not appropriately appended to the conditional time stipulation currently under review. He stated that the proposed stipulation modification is recommended to be approved. He noted that the site has been identified as archaeologically sensitive and three additional stipulations are recommended to be added. Mr. Bull stated that a July 22, 2021 archaeological assessment from the Archaeology Department noted that no archaeological work is necessary for the project. Mr. Stranieri noted that the status may have been reviewed by the Archaeology Department, but that the stipulations are recommended to be included.

### **FINDINGS:**

- 1) The request to modify Stipulation 5 regarding conditional approval of development is recommended to be approved. The request will allow an additional year (an increase from 7 to 8 years total) to commence development. The applicant noted unexpected delays related to the ongoing pandemic and infrastructure issues.
- 2) The site is identified as archaeologically sensitive and three additional stipulations are recommended to be included to address requirements for archaeological survey and testing.

### **STIPULATIONS:**

1.	An updated Development Narrative for the Omninet - West PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with the Development Narrative date stamped October 14, 2015.
2.	The property owner shall provide a deposit in the amount of \$50,000 into a Street Transportation Department escrow account at the City of Phoenix to be utilized for traffic calming measures in the Pierson Place Historic District. These funds may be contributed toward the purchase and installation of such devices as roundabouts, speed humps/cushions, or raised crosswalks (speed tables), limited turning, traffic diverters, gates or other such traffic calming or management tools for the area bounded by Central Avenue, Camelback Road, 7th Avenue, and the Grand Canal. Distribution of funds shall be at the mutual agreement of the five member neighborhood traffic team, the residents on affected streets, and the City of Phoenix Streets TRANSPORTATION Department

	Safety and Neighborhood Traffic section. Owner may apply for reimbursement of escrow funds from the Street Transportation Department if no special petition has been submitted within 5 years from the issuance of a certificate of occupancy.
3.	Developer shall install a monument proximate to the northwest corner of the site identifying the Pierson Place Historic District and facing toward the Light Rail station, as approved by the Planning and Development Department. The monument shall be similar to the existing Pierson Place Historic District Monument located proximate to the southwest corner of 3rd Avenue and Camelback Road, or as otherwise agreed upon by the developer and the Board of Directors of the Pierson Place Historic District.
4.	The developer shall construct a directional retail driveway to direct retail traffic away from the neighborhood as approved by the Planning and Development Department.
5.	IF DETERMINED NECESSARY BY THE PHOENIX ARCHAEOLOGY OFFICE, THE APPLICANT SHALL CONDUCT PHASE I DATA TESTING AND SUBMIT AN ARCHAEOLOGICAL SURVEY REPORT OF THE DEVELOPMENT AREA FOR REVIEW AND APPROVAL BY THE CITY ARCHAEOLOGIST PRIOR TO CLEARING AND GRUBBING, LANDSCAPE SALVAGE, AND/OR GRADING APPROVAL.
6.	IF PHASE I DATA TESTING IS REQUIRED, AND IF, UPON REVIEW OF THE RESULTS FROM THE PHASE I DATA TESTING, THE CITY ARCHAEOLOGIST, IN CONSULTATION WITH A QUALIFIED ARCHAEOLOGIST, DETERMINES SUCH DATA RECOVERY EXCAVATIONS ARE NECESSARY, THE APPLICANT SHALL CONDUCT PHASE II ARCHAEOLOGICAL DATA RECOVERY EXCAVATIONS.
7.	IN THE EVENT ARCHAEOLOGICAL MATERIALS ARE ENCOUNTERED DURING CONSTRUCTION, THE DEVELOPER SHALL IMMEDIATELY CEASE ALL GROUND-DISTURBING ACTIVITIES WITHIN A 33- FOOT RADIUS OF THE DISCOVERY, NOTIFY THE CITY ARCHAEOLOGIST, AND ALLOW TIME FOR THE ARCHAEOLOGY OFFICE TO PROPERLY ASSESS THE MATERIALS.
8. <del>5.</del>	The approval shall be conditioned upon development commencing within EIGHT (8) <del>seven (7)</del> years of the City Council approval of this change of zoning in accordance with Section 506.B.1 of the Phoenix Zoning Ordinance. (For purposes of this stipulation, development shall



	commence with the issuance of building permits and erection of building walls on site).

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