

ATTACHMENT B



City of Phoenix

Staff Report: PHO-1-23--Z-9-19-4

***Revised 12/05/2023**

APPLICATION #: PHO-1-23--Z-9-19-4 (Continued from September 20, 2023)

LOCATION: Northeast corner of Central Avenue and Indian School Road

EXISTING ZONING: WU Code T6:HWR UT

ACREAGE: 17.82

REQUEST:

- 1) Request to modify Stipulation 2 regarding public pedestrian plaza.
- 2) Request to modify Stipulation 3 regarding a linear view corridor.
- 3) Request to delete Stipulation 4 regarding public pedestrian accessways.
- 4) Request to modify Stipulation 5 regarding public primary pedestrian accessway.
- 5) Request to modify Stipulation 6 regarding public open space.
- 6) Request to modify Stipulation 7 regarding three public open space areas.
- 7) Request to delete Stipulation 14 regarding alignment of ingress and egress points with the existing street network.

APPLICANT: Jason Morris, Withey Morris Baugh, PLC

OWNER: Julia Najafi, Central Park I, LLC

REPRESENTATIVE: Jason Morris, Withey Morris Baugh, PLC

STAFF RECOMMENDATION

Denial as filed, approval with modifications and additional stipulations, as recommended by the Planning Hearing Officer (PHO).

PLANNING HEARING OFFICER RECOMMENDATION

On September 20, 2023, the Planning Hearing Officer recommended a continuance to the October 18, 2023 PHO Hearing. The Planning Hearing Officer heard the request on October 18, 2023 and recommended denial as filed, approval with modifications and additional stipulations.

VILLAGE PLANNING COMMITTEE RECOMMENDATION

The Encanto Village Planning Committee (VPC) reviewed the request on August 7, 2023. The VPC recommended a continuance by a vote of 17-0. The VPC reviewed the continued request on September 11, 2023 and recommended approval by a vote of 9-4.

BACKGROUND/ANALYSIS

The subject site consists of 17.82 gross acres located at the northeast corner of Central Avenue and Indian School Road and is zoned WU Code T6:HWR UT (Walkable Urban Code, Transect 6: Height Waiver District, Transit Uptown Character). The applicant requested a modification of Stipulation 2 regarding a public pedestrian plaza. The modification would require the amount of open space provided to be reduced from 1 to 0.75-gross acres, due to the reconfiguration of the site. The applicant's narrative (Exhibit B) notes that the modification will cause no impact to the overall walkability of the site or the pedestrian experience along the street frontages.

The applicant requested a modification of Stipulation 3 regarding a linear view corridor. The applicant's narrative (Exhibit B) notes that the applicant had more time to evaluate the layout of the site, further determining that the unobstructed linear viewshed from the southwest corner of the site was significantly outweighed by its impact on the practical functionality of the development. The narrative notes the revised layout still maintains the diagonal view corridor from Central Avenue and Indian School Road to the proposed development's centralized open space plaza and restaurant/retail area. The configuration will have a more traditional grid-style vehicular circulation pattern and building placement that creates smaller "blocks" within the site. The narrative notes that the small "block" design was responsive to community feedback from other land use cases in the Uptown TOD (Transit Oriented Development) Corridor.

The applicant requested a deletion of Stipulation 4 regarding public pedestrian accessways. The narrative (Exhibit B) notes that the linear view corridor has been eliminated, therefore Stipulation 4 is not needed.

The applicant requested a modification of Stipulation 5 regarding a public primary pedestrian accessway. The narrative (Exhibit B) notes that the reconfiguration of the site results in better pedestrian and vehicular access to and through the development by providing an east/west throughfare that bisects the site, creating an unobstructed view corridor between Central Avenue and Steele Indian School Park.

The applicant requested a modification of Stipulation 6 regarding public open space. The applicant's narrative (Exhibit B) notes that the reconfiguration of the site has reduced the development's ability to provide publicly accessible open space, but the reduction is offset by the enhanced permeability and accessibility, which will create access to Steele Indian School Park.

The applicant requested a modification of Stipulation 7 regarding three public open space areas. The applicant's narrative (Exhibit B) notes that the reconfiguration of the site distributes the open space areas evenly throughout the development, precluding the need to orient the open space areas in compliance to this stipulation.

The applicant requested a deletion of Stipulation 14 regarding alignment of ingress and egress points with the existing street network. The applicant's narrative (Exhibit B) notes the stipulation creates a redundant and unnecessary layer of regulation before the applicant has fully engineered the site. The narrative notes that the stipulation restricts the ability for the Street Transportation Department to respond flexibly to unforeseen site engineering issues that may impact street alignment.

The applicant requested to add an additional stipulation, stating that the developer shall work with the Planning and Development Department and Parks and Recreation Department to establish two (2) pedestrian access points between the development and Steele Indian School Park (the "Park), subject to legal access to the Park provided by the City of Phoenix in its sole discretion.

The appellant argues that the revised plan violates the Phoenix Indian School Specific Plan, compared to the original site plan and stipulations. The appellant argues that the revised plan would nullify the repeal of the Phoenix Indian School Specific Plan. The appellant argues that the WU (Walkable Urban) component is sequestered mostly to the interior courtyard and the WU synergy with the park needs to be worked out first.

PREVIOUS HISTORY

On July 3, 2019, the Phoenix City Council approved Rezoning Case No. Z-9-19-4, a request to rezone approximately 17.82 acres located at the northeast corner of Central Avenue and Indian School Road. The request was to rezone 0.58 acres from R-5 TOD-1 PISSP (Approved C-2 TOD-1 PISSP) (Multifamily Residence District, Interim Transit-Oriented Zoning Overlay District One, Phoenix Indian School Specific Plan) (Approved Intermediate Commercial District, Interim Transit-Oriented Zoning Overlay District One, Phoenix Indian School Specific Plan) and 17.24 acres from R-5 TOD-1 PISSP (Approved C-2 H-R TOD-1 PISSP) (Multifamily Residence District, Interim Transit-Oriented Zoning Overlay District One, Phoenix Indian School Specific Plan) (Approved Intermediate Commercial District, High-Rise and High-Density District, Interim Transit-Oriented Zoning Overlay District One, Phoenix Indian School Specific Plan) to WU Code T6:HWR UT (Walkable Urban Code, Transect 6:Height Waiver District, Transit

Uptown Character Area), subject to stipulations (Exhibit E). This approval established the Central Park Project.

* The Central Park Project was intended to enable a live-work-play mixed-use development, consisting of multiple office buildings, residential towers, senior living residential, lifestyle retail and a hotel. Per the proposed conceptual site plan, the maximum building setbacks for the site were 12 feet along Central Avenue and 10 feet along Indian School Road. The proposed maximum number of dwelling units was 600. The proposed maximum building height was 390 feet. Proposed design guidelines included requirements for a pedestrian-focused, vertically integrated community, plazas, common open space, shaded walkways, separation of pedestrian and vehicular traffic, bicycle parking, and vehicle parking in architecturally disguised structures, or undergrounded where feasible. The project design was intended to be consistent with the goals in the Walkable Urban Code and the Uptown TOD Policy Plan.

NEIGHBORHOOD CONCERNS

Public Correspondence

Eleven letters of opposition were received regarding this request. Concerns expressed in the correspondence include the following:

- The revised plan does not meet the requirements for the Phoenix Indian School Specific Plan.
- Failure to abide by the original stipulations granted in 2019.
- Lack of public engagement regarding the revised plans and modification requests.
- Preserving the historic area inside Steele Indian School Park.
- Preserving public open space areas within the site.
- Safety concerns regarding the alignment of ingress and egress points with existing road network.
- Concerns about the development not creating a walkable environment.

GENERAL PLAN LAND USE MAP DESIGNATION

Mixed-Use

CHARACTER OF SURROUNDING LAND USE

	Zoning	Land Use
On-site:	WU Code T6:HWR UT	Vacant
North: (Adjacent)	R-5	Steele Indian School Park
Northeast: (Adjacent)	R-5, R-5 HP-L	Steele Indian School Park
East: (Adjacent)	R-5	Steele Indian School Park
South: (Across Indian School Road)	C-3, C-2	Office, Church, Parking/Storage Area
West: (Across Central Avenue)	WU Code T5:5 UT, R-4A, C-2	Light rail transit, Multifamily Residential, Commercial Business

PLANNING HEARING OFFICER FINDINGS

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

- 1) The request for modification of Stipulation 2 is approved. Redesign of buildings facilitated this request and the slight reduction of the corner.
- 2) The request for modification of Stipulation 3 is approved. The redesign of the site, which has been vetted by the VPC and the City Long Range Planning Section, facilitates the modification of the stipulation. The updated design is more consistent with the intent of the Uptown TOD Plan, which was adopted to facilitate a more walkable, bikeable urban environment. In the context of this site, the updated plan promotes the flow of people between the Metro Light Rail, the arterial streets, the development, and Steele Indian School Park in a more logical, convenient, and efficient manner. In addition, new language, that was proposed by City Staff, was added to further specify access between the Park and the development.

- 3) Request for the deletion of Stipulation 4 is approved. Because of the redesign and subsequent elimination of the view corridor in favor of the pedestrian corridor, this stipulation is no longer necessary.
- 4) The request to modify Stipulation 5 is approved. The reconfiguration of the pedestrian and vehicular circulation system necessitates a significant revision to this stipulation – one that was formulated with the input of the VPC ultimately being modified after the initial hearing with the VPC. The changes/modifications clarify the new design and implement the changes that were agreed upon during the latest VPC hearing.

The design change supports a better pedestrian and vehicular access to and through the development by providing a major east/west throughfare that bisects the site and creates an unobstructed view corridor between Central Avenue and Steele Indian School Park. Individuals standing on the Central Avenue Metro Light Rail platform will be able to look directly through the project to Steele Indian School Park, providing a visual indication of pedestrian accessibility through the development and into the Park – a feature that did not exist in the previous conceptual plan with the diagonal view corridor.

- 5) The request to modify Stipulation 6 is approved. The smaller “block” design necessitates less overall public open space but also opens up the space to the public with better access points.
- 6) The request to modify Stipulation 7 is approved. The design does not allow for the orientation of the open space areas in this way.
- 7) The request for the deletion of Stipulation 14 is denied. The intent of the stipulation is to ensure any proposed access point to this property on Indian School Road aligns with existing driveways on the south side of the road to mitigate undesired and unsafe turning conflicts in line with the adopted complete streets ordinance and to mitigate ped/bike & vehicle conflicts. Although the applicant shows a proposed driveway in the generally correct location, this stipulation must remain to ensure it remains as indicated.
- 8) A stipulation was added to further specify how to align the intersection that is currently offset. The developer will be required to submit a geometric design, tapers and dedications to align the west leg of the intersection to operate under a non-split phase signal. The property at the northwest corner of Central and Glenrosa had been stipulated to the same requirement, this stipulation will complete the intersection improvements. This is addressed in new Stipulation 14.

- 9) The applicant did not submit a Proposition 207 waiver of claims prior to the Planning Hearing Officer hearing. Submittal of this form is an application requirement. An additional stipulation is recommended to require the applicant to record this form and deliver it to the City to be included in the rezoning application file for record.

PLANNING HEARING OFFICER RECOMMENDED STIPULATIONS

1.	The maximum building height shall be limited to 400 feet.
2.	A minimum 0.75 ± gross acre public pedestrian plaza/public open space area shall be provided at the intersection of Central Avenue and Indian School Road.
3.	<p>A PEDSTRIAN linear view corridor that is A an average of 85 feet in width, minimum 40 60 feet in width, measured at the ground level and between buildings shall be provided from the southwest corner of the site to A CENTRALIZED OPEN SPACE PLAZA the northeast corner of the site and begin with the pedestrian plaza. THE DEVELOPER SHALL WORK WITH THE PLANNING AND DEVELOPMENT DEPARTMENT AND PARKS AND RECREATION DEPARTMENT TO ESTABLISH THREE (3) PEDESTRIAN ACCESS POINTS BETWEEN THE INTERIOR OF THE SUBJECT SITE AND STEELE INDIAN SCHOOL PARK (THE “PARK”), SUBJECT TO LEGAL ACCESS TO THE PARK BEING PROVIDED BY THE CITY OF PHOENIX AT ITS SOLE DISCRETION. ONE (1) ACCESS POINT IS DESIRED OUTSIDE OF THE PARK GATES AT FARRINGTON DRIVE AND TWO (2) ARE DESIRED ALONG THE NORTHEAST AND EAST SHARED PROPERTY LINES.</p> <p>The view corridor shall focus on the historic cafeteria tower and on the mountain views (Piestewa Peak) and be in general conformance with the Uptown TOD conceptual Master Plan, as approved by the Planning and Development Department</p>
4.	<p>A minimum 26-foot-wide primary and a minimum 10-foot-wide secondary public pedestrian accessway shall be located within the view corridor and shall be constructed of a decorative material, as approved by the Planning and Development Department. The public accessway shall be provided at the southwest corner of the site and extend to the northeast end of the site.</p>
4. 5.	THE DEVELOPMENT SHALL PROVIDE AN EAST/WEST-ORIENTED PEDESTRIAN AND VEHICULAR THROUGHFARE ACCESSED FROM CENTRAL AVENUE AND ALLOWING PEDESTRIAN CONNECTIVITY FROM THE CENTRAL AVENUE LIGHT RAIL STATION, THROUGH THE

	DEVELOPMENT, TO THE BOUNDARY OF STEELE INDIAN SCHOOL PARK. THE THOROUGHFARE SHALL INCLUDE THE FOLLOWING ELEMENTS: A minimum 26-foot-wide public pedestrian accessway shall be provided from the public primary pedestrian accessway within the view corridor and connecting to the light rail pedestrian crossing along the western property line, and shall be constructed with decorative material, as approved by the Planning and Development Department.
	A. DETACHED SIDEWALK WITH LANDSCAPE STRIP ADJACENT TO BUILDINGS “D” AND “F” AS INDICATED ON SITE PLAN.
	B. ONE (1) MINIMUM 5-FOOT-WIDE BIKE LANE
	C. PEDESTRIAN SAFETY INFRASTRUCTURE AT ROADWAY AND DRIVEWAY CROSSINGS, WHICH MAY INCLUDE (BUT NOT LIMITED TO) TRUNCATED DOMES, LIGHTED CROSSWALKS, RAISED CROSSWALKS, OR OTHER FEATURES AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
	D. SEATING AREAS AND SHADE TREES AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
5. 6.	The development shall provide a minimum 20 30 percent public open space on the site, excluding perimeter setbacks, as approved by the Planning and Development Department.
6. 7.	The development shall include a minimum of three distinct public open space areas, a minimum of 20,000 square feet in size and shall be oriented to capture the view of the historic cafeteria tower and the mountain views (Piestewa Peak). Each open space area shall follow the guidelines established in Section 1310 of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. All open space areas shall provide seating and be open to the public.
7. 8.	All pedestrian crossings, including but not limited to the stipulated public pedestrian accessways, constructed across driveways, shall be raised and shall consist of decorative pavers, stamped or colored concrete, or another material, other than those used to pave the parking surfaces and drive aisles, as approved by the Planning and Development Department.
8. 9.	One of the following streetscape treatments shall be provided along Indian School Road:

	a.	A minimum 15-foot-wide uninterrupted public pedestrian accessway located behind the back of a minimum 10-foot wide detached landscape strip. The landscape strip may taper to allow for an appropriate transition into the one-gross acre open space area at the intersection of Central Avenue and Indian School Road. The accessway shall connect to the 1 gross acre open space area and shall provide the following amenities or similar features, as approved by the Planning and Development Department:
	1)	Minimum four gathering areas with seating.
	2)	Minimum four landscape planters.
	3)	Decorative pavement.
	4)	Art elements.
	5)	Decorative bollard lighting along the entire frontage.
	b.	A minimum 6-foot-wide detached sidewalk and a landscape strip along Indian School Road for the length of the project site. The landscape strip, to be located between the sidewalk and the back of curb, shall begin at a minimum of ,30 feet in width at the eastern property line and may taper to a minimum of 15 feet in width, as approved by the Planning and Development Department. The landscape strip shall include a minimum of 2-inch caliper shade trees planted a minimum of 20 feet on center or in equivalent groupings between the existing palm trees, as approved by the Planning and Development Department.
9. 10.		Bicycle parking shall be provided as follows:
	a.	All required bicycle parking for multifamily use, per Section 1307.H.6.d of the Phoenix Zoning Ordinance, shall be secured parking.
	b.	Guest bicycle parking for multifamily residential use shall be provided at a minimum of 0.05 spaces per unit with a maximum of 50 spaces near entrances of buildings and installed per the requirements of Section 1307.H of the Phoenix Zoning Ordinance.
	c.	A minimum of 10% of the required bicycle parking for nonresidential uses shall be secured.

10. 44.	The developer shall submit a Traffic Impact Study/Statement to the City for this development. No preliminary approval of plans shall be granted until the study has been reviewed and approved by the City upon satisfactory resolutions of review comments by the City staff, as approved by the Street Transportation Department and the Planning and Development Department.
11. 42.	The development shall provide an internal vehicular and pedestrian circulation plan to address ingress and egress to and from the site, vehicle loading, pick up and drop off locations, pedestrian connections to existing light rail station and proposed mitigation to potential vehicle / pedestrian conflict points internal and external to the site. No preliminary approval of plans shall be granted until the internal vehicular and pedestrian circulation plan has been reviewed and approved by the Street Transportation and Planning and Development departments.
12. 43.	The development shall underground the existing overhead utility lines adjacent to Indian School Road for the entirety of its frontage, as approved by the Planning and Development Department.
13. 44.	Proposed site ingress and egress points to align with existing street network locations, as approved by the Planning and Development Department.
14.	DEDICATE SUFFICIENT RIGHT-OF-WAY AND CONSTRUCT THE SOUTH SIDE OF FARRINGTON DRIVE TO ACCOMMODATE REALIGNMENT WITH THE WEST LEG OF GLENROSA AVENUE AND CORRESPONDING SIGNAL MODIFICATIONS, AS REQUIRED BY THE STREET TRANSPORTATION DEPARTMENT. THE DEVELOPER SHALL BE RESPONSIBLE FOR ALL COST AND CONSTRUCTION OF IMPROVEMENTS.
15.	The Central Avenue frontage shall comply with the Central Avenue Development Standards.
16.	The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
17.	The developer shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence and operational

	characteristics of Phoenix Sky Harbor International Airport to future owners or tenants of the property.
18.	The developer shall provide documentation to the City of Phoenix prior to final site plan approval that Form 7460-1 has been filed for the development and that the development received a "No Hazard Determination" from the FAA. If temporary equipment used during construction exceeds the height of the permanent structure, a separate Form 7460-1 shall be submitted to the FAA and a "No Hazard Determination" obtained prior to the construction start date.
19.	Prior to preliminary site plan approval, a report prepared by a qualified professional archaeologist determining the history of past uses of the property shall be submitted to the City Archaeology Office for review and comment. The report shall include compliance with ARS 41-865 (Arizona Burial Law). Results of the plan shall include a recommendation for further archaeologist testing or additional monitoring if recommended.
20.	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.
21.	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.
22.	In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.
23.	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.

Exhibits:

- A- Appeal Document (2 pages)
- B- Applicant's Narrative date stamped October 17, 2023 (34 pages)
- C- Aerial Map (1 page)
- D- Zoning Map (1 Page)
- E- Recorded Ordinance from Rezoning Case No. Z-9-19-4 (6 pages)
- F- Sketch Map from Rezoning Case No. Z-9-19-4 (1 page)
- G- Encanto VPC Summary from August 7, 2023 (11 pages)
- H- Encanto VPC Summary from September 11, 2023 (8 pages)
- I- PHO Summary for PHO-1-23—Z-9-19-4 from October 18, 2023 (11 pages)
- J- Correspondence regarding PHO-1-23—Z-9-19-4 (15 pages)

<p align="center">PLANNING HEARING OFFICER APPEAL</p> <p align="center">I HEREBY REQUEST THAT THE PLANNING COMMISSION/CITY COUNCIL HOLD A PUBLIC HEARING ON:</p>			
CASE NUMBER:	PHO-1-23—Z-9-19-4		
LOCATION:	Northeast Corner of Central and Indian School Road		
PHO HEARING DATE:	October 18, 2023	RECEIVED:	
APPEALED BY:	<input checked="" type="checkbox"/> Opposition	<input type="checkbox"/> Applicant	
APPEALED TO:	PLANNING COMMISSION	December 7, 2023	
		TENTATIVE DATE	
	CITY COUNCIL	January 3, 2024	
		TENTATIVE DATE	
APPELLANT NAME AND ADDRESS/EMAIL:		PHONE:	
Ken Waters 126 West Pierson Street Kenwaters602@gmail.com		602-373-1902	
RECEIPT NUMBER:	N/A		
REASON FOR REQUEST:			
<p><u>Two Issues:</u></p> <ol style="list-style-type: none"> 1) The original stipulations from 2019 satisfied the vision set forth in the Phoenix Indian School Park Specific Plan. These revisions to the plan violate the plan, and therefore, nullify the repeal of the specific Plan in 2019. It is a bad faith bait and switch scheme to repeal the Specific Plan. 2) The Walkable Urban (WU) component is sequestered mostly to the interior courtyard and WU synergy with the park needs to be worked out first. 			
TAKEN BY:	J Hopkins		

Alan Stephenson
Joshua Bednarek
Tricia Gomes
Racelle Escobar
Adam Stranieri
Byron Easton (PHO)

Greg Harmon (PC Planner)
Teresa Garcia (PHO Assistant)
Victoria Cipolla-Murillo
Julie Garcia
Ben Ernyei - Posting
GIS Team



CITY OF PHOENIX

OCT 25 2023

City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

Planning & Development
Department

The PLANNING HEARING OFFICER agenda for October 18, 2023 is attached.

The City Council May Ratify the Recommendation of the Planning Hearing Officer on November 15, 2023 Without Further Hearing Unless:

- A REQUEST FOR A HEARING BY THE PLANNING COMMISSION is filed by 5:00 p.m. on October 25, 2023. (There is a \$630.00 fee for hearings requested by the applicant.)

Any member of the public may, within seven (7) days after the Planning Hearing Officer's action, request a hearing by the Planning Commission on any application. If you wish to request a hearing, fill out and sign the form below and return it to the Planning and Development Department by 5:00 p.m. on October 25, 2023.

APPEAL FORM

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

PHO-1-23-Z-9-19-4

NEC Central & Indian School Rd

APPLICATION NO.

LOCATION OF APPLICATION PROPERTY

Ken Waters

☒ OPPOSITION

☐ APPLICANT

NAME (PLEASE PRINT)

126 W. Pierson St

KennyWaters602@gmail.com

STREET ADDRESS:

EMAIL:

Phx AZ 85013

602 373-1902

CITY, STATE AND ZIP CODE

TELEPHONE NO

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

APPEALED FROM October 18, 2023 PHO HEARING TO December 7, 2023 PC HEARING
DATE DATE

SIGNATURE:

Ken Waters

DATE:

Oct 25th 2023

REASON FOR APPEAL:

Two Issues - 1. The original stipulations from 2019 satisfied the vision set forth in the Phoenix Indian School Park Specific Plan. These revision to the plan violate the plan and therefore nullify the repeal of the Specific Plan in 2019.

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

It's a bad faith bait & switch scheme to repeal the Specific Plan.
PLANNER TAKING APPEAL: Jerrold Hopkins

Copies to:

Case File

PHO Planner - Adam Stranieri

PHO Secretary - Diane Rogers

2. The WU component is sequestered must 11 to The interior courtyard and WU synergy with the Park Needs to be worked out First.

CITY OF PHOENIX

OCT 17 2023

Planning & Development
Department



The Central Park

NEC Central Avenue & Indian School Road

PHO-1-23-Z-9-19-4

Development Team



Developer/Owner
Central Park I, LLC
Managed by Pivotal Group
3200 E. Camelback Road
Suite 295
Phoenix, AZ 85016



Representative
Withey Morris Baugh, PLC
2525 E. Arizona Biltmore Cir.
Suite A-212
Phoenix, AZ 85014



Architect
AO Architects
144 N. Orange Street
Orange, CA 92866

Introduction

This firm represents Central Park I, LLC in its request to update the stipulations from its 2019 zoning case and allow the development of a modern urban mixed-use development as envisioned by original approvals. In the four years that have passed since this project was originally approved, the world has changed dramatically – and along with it the market and demand for land uses across the spectrum both locally and globally. The City of Phoenix is in the midst of a serious housing supply crisis, and a global pandemic has forever changed the way people work, shop, and dine. The new land use plan reflects these new realities – responding to the City’s housing supply challenges with a more robust residential component, reducing the commercial office offerings, and reimagining the retail and restaurant experience to reflect consumer preferences and patterns.

This four-year intermission has also provided the development team an opportunity to evaluate the functionality and practicality of the original conceptual design more carefully and thoughtfully. The updated site layout reflects the lessons learned with a simpler, more efficient, and more accessible configuration that maintains fidelity to the intent of the original development concept and the Uptown TOD Plan. Central Park I, LLC is pleased to bring this application forward for a unique, walkable, and vibrant mixed-use development that will provide the urban hub of activity that has long been envisioned for this site and for the Uptown Phoenix corridor.

Site Overview

The Property consists of one parcel totaling approximately 17.82 gross acres at the northeast corner of Central Avenue and Indian School Road in Phoenix, Arizona as illustrated by the Aerial Map at **Tab 1**. The Property is currently vacant, unimproved land adjacent to Steele Indian School Park (the “Park”) and is currently zoned WU Code T6:HWR as indicated on the Zoning Map at **Tab 2**. The site is bounded by the Park to the north and the east, Central Avenue and the Metro Light Rail to the west, and Indian School Road to the south.

Surrounding Land Uses

North	Steele Indian School Park (R-5)
East	Steele Indian School Park (R-5)
South	Great Western Bank Plaza (C-3 HR)
West	Callia Apartments (WU T5:5) and The Station on Central (R-4A)

Zoning Case History

On July 3, 2019, the Phoenix City Council approved application Z-9-19-4 to rezone the Property from C-2 H-R to WU Code T6:HWR for the development of The Central Park - an urban mixed-use high-rise development consisting of two office towers, two residential towers, a senior living tower, a hotel, and a movie theater totaling approximately 2.33 million square feet of gross floor area. The original land use plan was bisected diagonally from the southwest to the northeast by a pedestrian/view corridor colloquially referred to as the “Canyon”. In order to configure the buildings around this corridor, variances were required to allow larger building setbacks from the primary and secondary frontages than would typically be permitted in the Walkable Urban Code, which encourages buildings to be pulled closer to the rights-of-way. The variances were originally approved in case number ZA-36-20 and extended in case number ZA-510-21. The site has remained vacant and undeveloped since the original July 2019 zoning approval.

Project Overview

The new design concept for The Central Park is the product of a yearslong iterative exploration of the feasibility, functionality, and practicality of an urban mixed-use development adjacent to both a major public park and major transportation corridor. Global events over the past four years, coupled with local shifts in land use planning priorities and market demand, compelled Central Park I, LLC to undertake a thorough evaluation of the original design concept for The Central Park. Through this process, Central Park I, LLC identified the concept’s strengths, weaknesses, and areas for improvement to ensure that The Central Park becomes a vibrant hub of activity for the Central Corridor.

The reimagined Central Park will feature a total of seven buildings configured into three “blocks” accessed by internal north/south and east/west streets. See Conceptual Site Plan at **Tab 3**. The shift away from the diagonal corridor to a more traditional grid-style circulation system provides a more convenient and accessible development for both pedestrians and motorists alike, creating a more permeable site with superior pedestrian and vehicular traffic flow.

The northwest block of the development (buildings D, E, and G as noted on the Conceptual Site Plan) will feature a 21-story residential tower, an 18-story office tower, and a market/grocer space with an adjacent restaurant. The northwest block (buildings H and F) will offer a 21-story condo tower and a 320-unit senior independent living community over an 8,000 square-foot ground-floor restaurant/retail space. The residential and office towers in the northwest and northeast blocks will feature podium construction and each building will accommodate its own parking.

The updated design concept is anchored by a centralized open space plaza that will serve as the center of activity and gathering place for the development. Flanked on three sides by ground-floor restaurant and retail spaces with outdoor patios, this space is designed to be the nucleus of The

Central Park. See Conceptual Plaza Renderings at **Tab 4**. As illustrated in the renderings, the plaza will be adorned with turf areas, shade trees, seating areas, lighting, and art to create a comfortable, inviting, and vibrant space for visitors to dine, shop, gather, and relax. Above the ground-floor restaurant and retail spaces in the southern block of the development are a pair of eight-story luxury multi-family communities (buildings A, B, and C), bisected by the grand pedestrian corridor and gateway running from the corner of Central & Indian School to the main plaza.

The public plaza at the corner of the intersection of Central & Indian School will feature art, shade trees, seating areas, and a café outside the main pedestrian gateway to the project. See Conceptual Gateway Rendering at **Tab 5**. The corner plaza and gateway will serve as a visual landmark for the site, drawing visitors into The Central Park and Steele Indian School Park. In total, The Central Park will offer almost 78,000 square feet of ground-floor retail and restaurant space, 245,000 square feet of office space, and 1,450 residences designed in a walkable, vibrant, mixed-use setting.

Stipulation Modification Requests

A total of twenty-two (22) stipulations were included in the City Council's July 2019 approval of Z-9-19-4, as outlined in Ordinance G-6610, attached at **Tab 6**. The applicant is requesting modifications to seven (7) stipulations to accommodate the proposed development as outlined below:

2. A minimum ~~±~~ **0.75** gross acre public pedestrian plaza/public open space area shall be provided at the intersection of Central Avenue and Indian School Road.

Rationale: The reconfiguration of the site necessitates a slight reduction in the size of the corner plaza, which will have no impact on the overall walkability of the site or the pedestrian experience along the street frontages. The purpose of the corner plaza is to provide a gateway to draw people into the project, and a minor reduction in the square footage of the plaza will have no impact on the primary intent of this project element.

3. A linear view ~~view~~ **PEDESTRIAN** corridor that is an average of 85 feet in width, minimum ~~60~~ **40** feet in width, measured at the ground level and between buildings shall be provided from the southwest corner of the site to the northeast corner of the site and begin with the pedestrian plaza ~~A~~ **CENTRALIZED OPEN SPACE PLAZA**. The view corridor shall focus on the historic cafeteria tower and on the mountain views (Piestewa Peak) and be in general conformance with the Uptown TOD conceptual Master Plan **THE DEVELOPMENT SHALL FURTHER PROVIDE A MINIMUM OF TWO (2) PEDESTRIAN CONNECTIONS FROM THE CENTRALIZED OPEN SPACE PLAZA TO THE EASTERN AND NORTHERN BOUNDARIES OF THE SITE ADJACENT TO STEELE INDIAN SCHOOL PARK, ALLOWING PEDESTRIANS TO TRAVEL ON FOOT FROM THE PLAZA AT THE CORNER OF CENTRAL AVENUE AND INDIAN SCHOOL ROAD THROUGH THE DEVELOPMENT TO THE STEELE INDIAN SCHOOL PARK BOUNDARY**, as approved by the Planning and Development Department.

Rationale: As noted in the Introduction section of this narrative, the four years that have passed since the original approval of Z-9-19-4 provided the applicant with an opportunity to more carefully evaluate the site layout and the practical impacts of certain site elements. The diagonal view corridor, bisecting the site from the southwest to northeast was by far the most significant impediment to building placement, efficient vehicular and pedestrian circulation, and site navigation. Through an evaluation of countless site plan iterations, the development team concluded that any benefit provided by creating an unobstructed linear viewshed from the southwest corner of the site was significantly outweighed by its impact on the practical functionality of the development, particularly with respect to building orientation and site circulation.

The revised layout, which maintains the diagonal corridor from the Central & Indian School intersection to the development's centralized open space plaza and restaurant/retail area, is configured with a more traditional grid-style vehicular circulation pattern and building placement that breaks the site up into smaller "blocks". This configuration makes the site significantly more permeable and accessible from the adjacent arterial streets and Steele Indian School Park and provides a more convenient and logical access pattern for both pedestrians and motorists.

The small "block" design is also responsive to community feedback from other land use cases in Uptown TOD corridor, in which residents have expressed concern about "superblock" site designs that unnecessarily restrict the flow of pedestrian and vehicular movement. The "Canyon" in the original site design funneled the majority of pedestrian traffic through the site diagonally from the southwest to the northeast while diverting all vehicular traffic around the perimeter of the site. The updated design is considerably more permeable, allowing pedestrian and vehicular traffic to move through the site more freely from north to south and east to west. See Conceptual Aerial View at **Tab 7**.

From this perspective, the updated design is more consistent with the intent of the Uptown TOD Plan, which was adopted to facilitate a more walkable, bikeable urban environment. In the context of this site, the updated plan promotes the flow of people between the Metro Light Rail, the arterial streets, the development, and Steele Indian School Park in a more logical, convenient, and efficient manner.

4. ~~A minimum 26-foot-wide primary and a minimum 10-foot-wide secondary public pedestrian accessway shall be located within the view corridor and shall be constructed of a decorative material, as approved by the Planning and Development Department. The public accessway shall be provided at the southwest corner of the site and extend to the northeast end of the site.~~

Rationale: Because continuous linear view corridor has been eliminated in the interest of a more efficient and intuitive pedestrian circulation system, this stipulation is no longer necessary. The remaining diagonal pedestrian corridor from the corner of Central & Indian School to the centralized open space plaza will consist of one large pedestrian pathway that is not broken up by

other elements, such as landscaping tracts separating primary and secondary pedestrian pathways.

5. ~~A minimum 26-foot-wide public pedestrian accessway shall be provided from the public primary pedestrian accessway within the view corridor and connecting to the light rail pedestrian crossing along the western property line, and shall be constructed with decorative material, as approved by the Planning and Development Department.~~ **THE DEVELOPMENT SHALL PROVIDE AN EAST/WEST-ORIENTED PEDESTRIAN AND VEHICULAR THROUGHFARE ACCESSED FROM CENTRAL AVENUE AND ALLOWING PEDESTRIAN CONNECTIVITY FROM THE CENTRAL AVENUE LIGHT RAIL STATION, THROUGH THE DEVELOPMENT, TO THE BOUNDARY OF STEELE INDIAN SCHOOL PARK. THE THOROUGHFARE SHALL INCLUDE THE FOLLOWING ELEMENTS:**
 - a. **DETACHED SIDEWALK WITH LANDSCAPE STRIP ADJACENT TO BUILDINGS "D" AND "F" AS INDICATED ON SITE PLAN.**
 - b. **ONE (1) MINIMUM 5-FOOT-WIDE BIKE LANE.**
 - c. **PEDESTRIAN SAFETY INFRASTRUCTURE AT ROADWAY AND DRIVEWAY CROSSINGS, WHICH MAY INCLUDE (BUT NOT LIMITED TO) TRUNCATED DOMES, LIGHTED CROSSWALKS, RAISED CROSSWALKS, OR OTHER FEATURES AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT**
 - d. **SEATING AREAS AND SHADE TREES AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.**

Rationale: The reconfiguration of the pedestrian and vehicular circulation system necessitates a significant revision to this stipulation – one that ultimately results in better pedestrian and vehicular access to and through the development by providing a major east/west throughfare that bisects the site and creates an unobstructed view corridor between Central Avenue and Steele Indian School Park. Individuals standing on the Central Avenue Metro Light Rail platform will be able to look directly through the project to Steele Indian School Park, providing a visual indication of pedestrian accessibility through the development and into the Park – a feature that did not (and could not) exist in the previous conceptual plan with the diagonal view corridor.

6. The development shall provide a minimum ~~30~~ **20** percent public open space on the site, excluding perimeter setbacks, as approved by the Planning and Development Department.

Rationale: The reconfiguration of the site and the shift to a grid-style development pattern with smaller "blocks" has reduced the development's ability to provide publicly accessible open space on the property. However, this reduction is offset by the enhanced permeability and accessibility of the site, which more readily facilitates access to Steele Indian School Park – which offers over 67 acres of open space to the public. It is also offset by a significant increase in common open space above the first floor for residents and visitors of each of the individual buildings within the development, as illustrated by the Conceptual Roof Plan at **Tab 8**.

7. The development shall include a minimum of three distinct public open space areas, a minimum of 20,000 square feet in size ~~and shall be oriented to capture the view of the historic cafeteria tower and the mountain views (Piestewa Peak).~~ Each open space area shall follow the guidelines established in Section 1310 of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. All open space areas shall provide seating and be open to the public.

Rationale: In the original conceptual site plan, all three open space areas described in this stipulation were within the diagonal linear view corridor and therefore oriented in a similar fashion toward the Park and Piestewa Peak. The reconfiguration of the site and distribution of the open space areas evenly throughout the development precludes the possibility of orienting them in compliance with this stipulation.

14. ~~Proposed site ingress and egress points to align with existing street network locations, as approved by the Planning and Development Department.~~

Rationale: The applicant is requesting deletion of this stipulation simply because it creates a redundant and unnecessary layer of regulation before the applicant has fully engineered the site. This stipulation restricts the ability of the Street Transportation Department to respond flexibly to unforeseen site engineering issues that may impact street alignment. A requirement of this nature is more appropriate for the site plan review process after both the applicant and the City of Phoenix have had the opportunity to appropriately explore, analyze, and discuss the engineering and vehicular circulation design of the project.

New Stipulation

Pursuant to ongoing discussions between the applicant and the City of Phoenix regarding pedestrian access between the Property and Steele Indian School Park, the following additional stipulation is proposed:

14. The developer shall work with the Planning and Development Department and Parks and Recreation Department to establish two (2) pedestrian access points between the development and Steele Indian School Park (the "Park"), subject to legal access to the Park provided by the City of Phoenix in its sole discretion.

Conclusion

Although the configuration of the site has changed, the mission and design intent of The Central Park remains unchanged - to cultivate a walkable, vibrant, mixed-use environment that showcases Steele Indian School Park for the incredible public asset that it is. The requested stipulation revisions significantly improve upon the vehicular and pedestrian circulation patterns and facilitate a more efficient flow of people and vehicles within and through the site. At the same time, these changes

allow the creation of a centralized hub of activity that will undoubtedly become the crown jewel of the Midtown/Uptown Central Corridor. As reimagined, The Central Park improves upon the vision in the Uptown TOD Plan to provide a walkable urban hub and a gateway to Steele Indian School Park.

TAB 1

Aerial Map

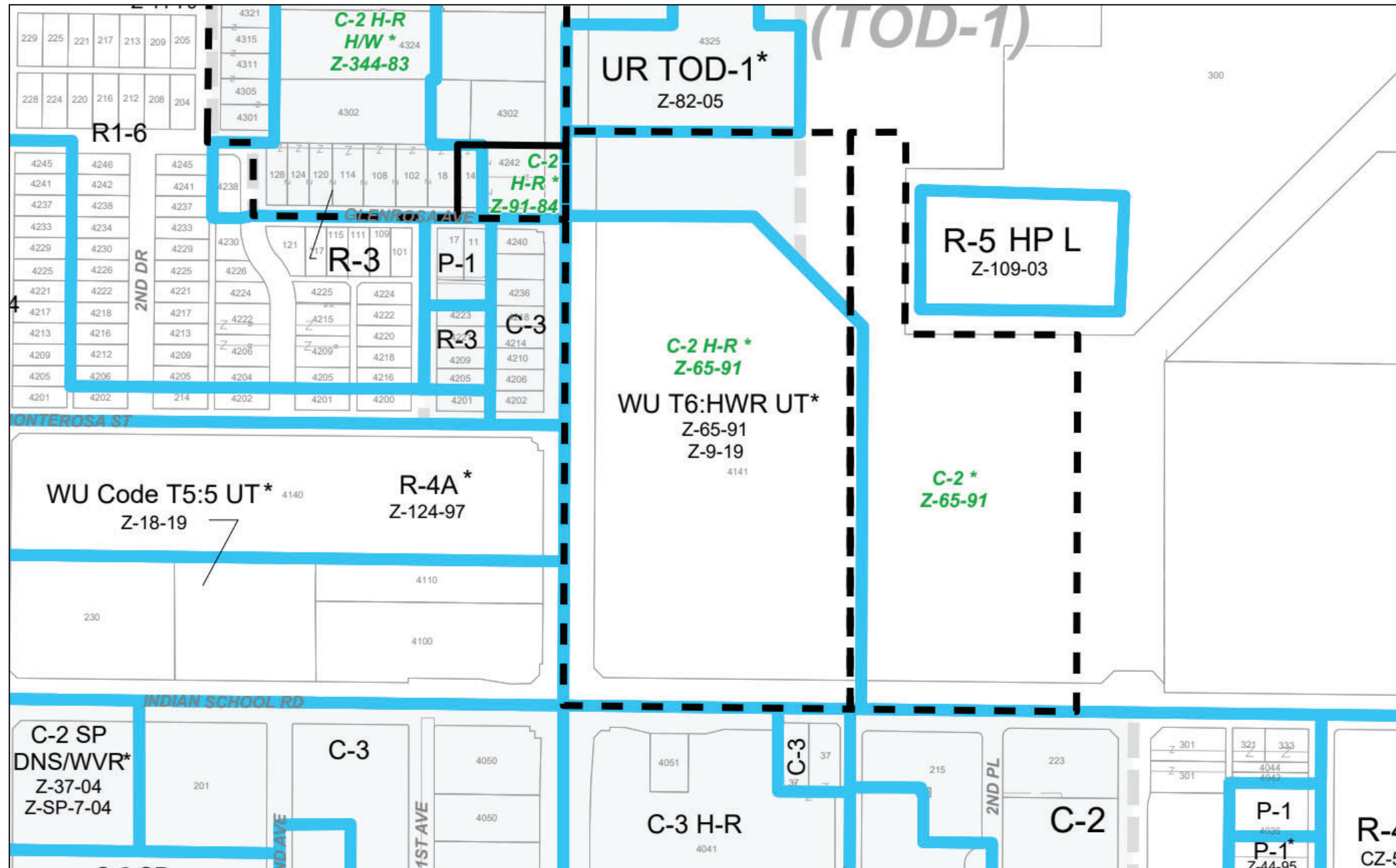


NEC Indian School Road & Central Avenue – Phoenix, AZ



TAB 2

Zoning Map



NEC Indian School Road & Central Avenue – Phoenix, AZ



TAB 3



TAB 4







TAB 5



TAB 6

ORDINANCE G-6610

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-9-19-4) FROM R-5 TOD-1 PISSP (APPROVED C-2 TOD-1 PISSP) (MULTIFAMILY RESIDENCE DISTRICT, INTERIM TRANSIT-ORIENTED ZONING OVERLAY DISTRICT ONE, PHOENIX INDIAN SCHOOL SPECIFIC PLAN (APPROVED INTERMEDIATE COMMERCIAL DISTRICT, INTERIM TRANSIT-ORIENTED ZONING OVERLAY DISTRICT ONE, PHOENIX INDIAN SCHOOL SPECIFIC PLAN)) AND R-5 TOD-1 PISSP (APPROVED C-2 H-R TOD-1 PISSP) (MULTIFAMILY RESIDENCE DISTRICT, INTERIM TRANSIT-ORIENTED ZONING OVERLAY DISTRICT ONE, PHOENIX INDIAN SCHOOL SPECIFIC PLAN (APPROVED INTERMEDIATE COMMERCIAL, HIGH-RISE AND HIGH-DENSITY DISTRICT, INTERIM TRANSIT-ORIENTED ZONING OVERLAY DISTRICT ONE, PHOENIX INDIAN SCHOOL SPECIFIC PLAN)) TO WU CODE T6:HWR UT (WALKABLE URBAN CODE, TRANSECT 6:HEIGHT WAIVER DISTRICT, TRANSIT UPTOWN CHARACTER AREA).

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

SECTION 1. The zoning of a 17.82 acre property located at the northeast corner of Central Avenue and Indian School Road in a portion of Section 20, Township 2 North, Range 3 East, as described more specifically in Exhibit "A," is hereby changed from 0.58 acres of "R-5 TOD-1 PISSP (Approved C-2 TOD-1 PISSP)" (Multifamily Residence District, Interim Transit-Oriented Zoning Overlay District One, Phoenix Indian

School Specific Plan) (Approved Intermediate Commercial District, Interim Transit-Oriented Zoning Overlay District One, Phoenix Indian School Specific Plan)) and 17.24 acres of "R-5 TOD-1 PISSP (Approved C-2 H-R TOD-1 PISSP)" (Multifamily Residence District, Interim Transit-Oriented Zoning Overlay District One, Phoenix Indian School Specific Plan (Approved Intermediate Commercial District, High-Rise and High-Density District, Interim Transit-Oriented Zoning Overlay District One, Phoenix Indian School Specific Plan)) to "WU Code T6:HWR UT" (Walkable Urban Code, Transect 6:Height Waiver District, Transit Uptown Character Area).

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 maximum building height shall be limited to 400 feet.
2. A minimum 1 gross acre public pedestrian plaza/public open space area shall be provided at the intersection of Central Avenue and Indian School Road.
3. A linear view corridor that is an average of 85 feet in width, minimum 60 feet in width, measured at the ground level and between buildings shall be provided from the southwest corner of the site to the northeast corner of the site and begin with the pedestrian plaza. The view corridor shall focus on the historic cafeteria tower and on the mountain views (Piestewa Peak) and be in general conformance with the Uptown TOD conceptual Master Plan, as approved by the Planning and Development Department.
4. A minimum 26-foot-wide primary and a minimum 10-foot-wide secondary public pedestrian accessway shall be located within the view corridor and shall be constructed of a decorative material, as approved by the Planning and

Development Department. The public accessway shall be provided at the southwest corner of the site and extend to the northeast end of the site.

5. A minimum 26-foot-wide public pedestrian accessway shall be provided from the public primary pedestrian accessway within the view corridor and connecting to the light rail pedestrian crossing along the western property line, and shall be constructed with decorative material, as approved by the Planning and Development Department.
6. The development shall provide a minimum 30 percent public open space on the site, excluding perimeter setbacks, as approved by the Planning and Development Department.
7. The development shall include a minimum of three distinct public open space areas, a minimum of 20,000 square feet in size and shall be oriented to capture the view of the historic cafeteria tower and the mountain views (Piestewa Peak). Each open space area shall follow the guidelines established in Section 1310 of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. All open space areas shall provide seating and be open to the public.
8. All pedestrian crossings, including but not limited to the stipulated public pedestrian accessways, constructed across driveways, shall be raised and shall consist of decorative pavers, stamped or colored concrete, or another material, other than those used to pave the parking surfaces and drive aisles, as approved by the Planning and Development Department.
9. One of the following streetscape treatments shall be provided along Indian School Road:
 - a. A minimum 15-foot-wide uninterrupted public pedestrian accessway located behind the back of a minimum 10-foot wide detached landscape strip. The landscape strip may taper to allow for an appropriate transition into the one-gross acre open space area at the intersection of Central Avenue and Indian School Road. The accessway shall connect to the 1 gross acre open space area and shall provide the following amenities or similar features, as approved by the Planning and Development Department:
 - 1) Minimum four gathering areas with seating.
 - 2) Minimum four landscape planters.
 - 3) Decorative pavement.
 - 4) Art elements.

- 5) Decorative bollard lighting along the entire frontage.
- b. A minimum 6-foot-wide detached sidewalk and a landscape strip along Indian School Road for the length of the project site. The landscape strip, to be located between the sidewalk and the back of curb, shall begin at a minimum of 30 feet in width at the eastern property line and may taper to a minimum of 15 feet in width, as approved by the Planning and Development Department. The landscape strip shall include a minimum of 2-inch caliper shade trees planted a minimum of 20 feet on center or in equivalent groupings between the existing palm trees, as approved by the Planning and Development Department.
10. Bicycle parking shall be provided as follows:
 - a. All required bicycle parking for multifamily use, per Section 1307.H.6.d of the Phoenix Zoning Ordinance, shall be secured parking.
 - b. Guest bicycle parking for multifamily residential use shall be provided at a minimum of 0.05 spaces per unit with a maximum of 50 spaces near entrances of buildings and installed per the requirements of Section 1307.H of the Phoenix Zoning Ordinance.
 - c. A minimum of 10% of the required bicycle parking for nonresidential uses shall be secured.
11. The developer shall submit a Traffic Impact Study/Statement to the City for this development. No preliminary approval of plans shall be granted until the study has been reviewed and approved by the City upon satisfactory resolutions of review comments by the City staff, as approved by the Street Transportation Department and the Planning and Development Department.
12. The development shall provide an internal vehicular and pedestrian circulation plan to address ingress and egress to and from the site, vehicle loading, pick up and drop off locations, pedestrian connections to existing light rail station and proposed mitigation to potential vehicle / pedestrian conflict points internal and external to the site. No preliminary approval of plans shall be granted until the internal vehicular and pedestrian circulation plan has been reviewed and approved by the Street Transportation and Planning and Development departments.
13. The development shall underground the existing overhead utility lines adjacent to Indian School Road for the entirety of its frontage, as approved by the Planning and Development Department.
14. Proposed site ingress and egress points to align with existing street network

locations, as approved by the Planning and Development Department.

15. The Central Avenue frontage shall comply with the Central Avenue Development Standards.
16. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
17. The developer shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence and operational characteristics of Phoenix Sky Harbor International Airport to future owners or tenants of the property.
18. The developer shall provide documentation to the City of Phoenix prior to final site plan approval that Form 7460-1 has been filed for the development and that the development received a "No Hazard Determination" from the FAA. If temporary equipment used during construction exceeds the height of the permanent structure, a separate Form 7460-1 shall be submitted to the FAA and a "No Hazard Determination" obtained prior to the construction start date.
19. Prior to preliminary site plan approval, a report prepared by a qualified professional archaeologist determining the history of past uses of the property shall be submitted to the City Archaeology Office for review and comment. The report shall include compliance with ARS 41-865 (Arizona Burial Law). Results of the plan shall include a recommendation for further archaeologist testing or additional monitoring if recommended.
20. 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.
21. 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.
22. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.


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

PASSED by the Council of the City of Phoenix this 3rd day of July, 2019.



MAYOR

ATTEST:



City Clerk



APPROVED AS TO FORM:



Acting City Attorney pm/

REVIEWED BY:



City Manager

PL:tml:LF19-1839-07/03/19:2119847v1

Exhibits:

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

EXHIBIT A

LEGAL DESCRIPTION FOR Z-9-19-4

A portion of the Southeast quarter of Section 20, Township 2 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows;

COMMENCING at the Southeast corner of said Section 20, monumented with a brass cap in handhole which bears South 00 degrees 08 minutes 34 seconds West 2641.49 feet from the East quarter corner of said Section 20, monumented with a brass cap in handhole;

Thence along the South line of the Southeast quarter of said Section 20 North 89 degrees 18 minutes 57 seconds West 1972.28 feet to the POINT OF BEGINNING;

Thence continuing along said South line, North 89 degrees 18 minutes 57 seconds West 700.69 feet to the calculated South quarter corner of said Section 20;

Thence along the West line of the Southeast quarter of said Section 20, North 00 degrees 15 minutes 37 seconds East 1152.74 feet;

Thence South 89 degrees 44 minutes 23 seconds East 443.94 feet;

Thence South 44 degrees 44 minutes 23 seconds East 363.78 feet;

Thence South 00 degrees 15 minutes 37 seconds West 833.70 feet to a point on a line 67.00 feet North of and parallel with the South line of the Southeast quarter of said Section 20;

Thence South 00 degrees 41 minutes 03 seconds West 67.00 feet to the POINT OF BEGINNING.

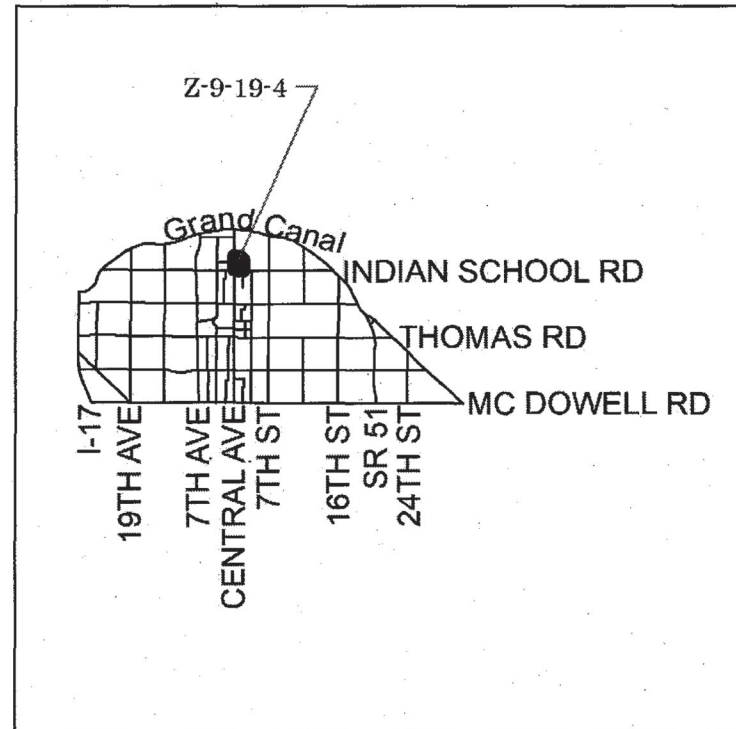
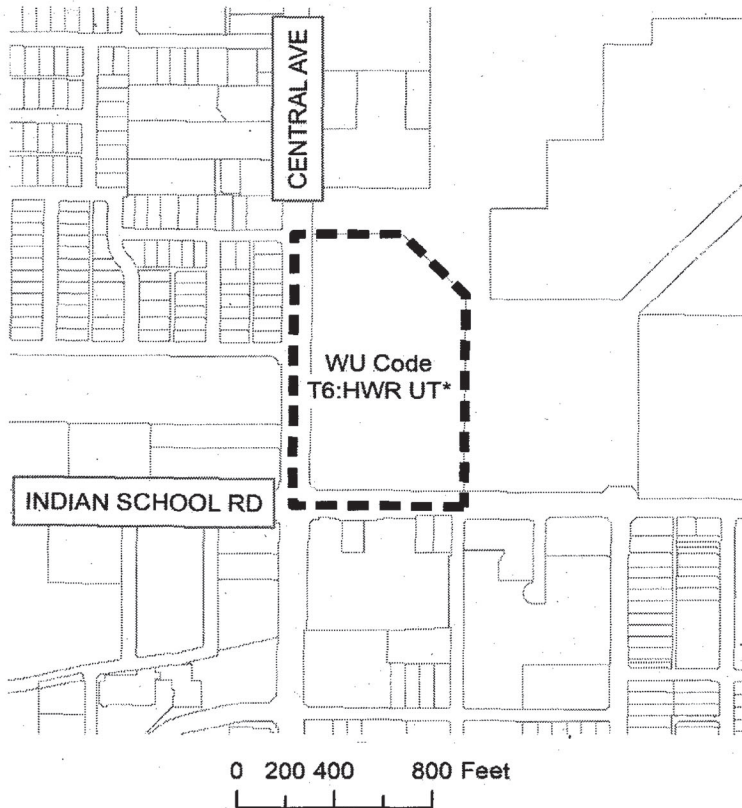
Comprising 17.837 acres or 776,980 square feet, subject to all easements of record.

ORDINANCE LOCATION MAP

EXHIBIT B

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

Zoning Case Number: Z-9-19-4
Zoning Overlay: Phoenix Indian School Specific Plan
Planning Village: Encanto



NOT TO SCALE



Drawn Date: 6/4/2019

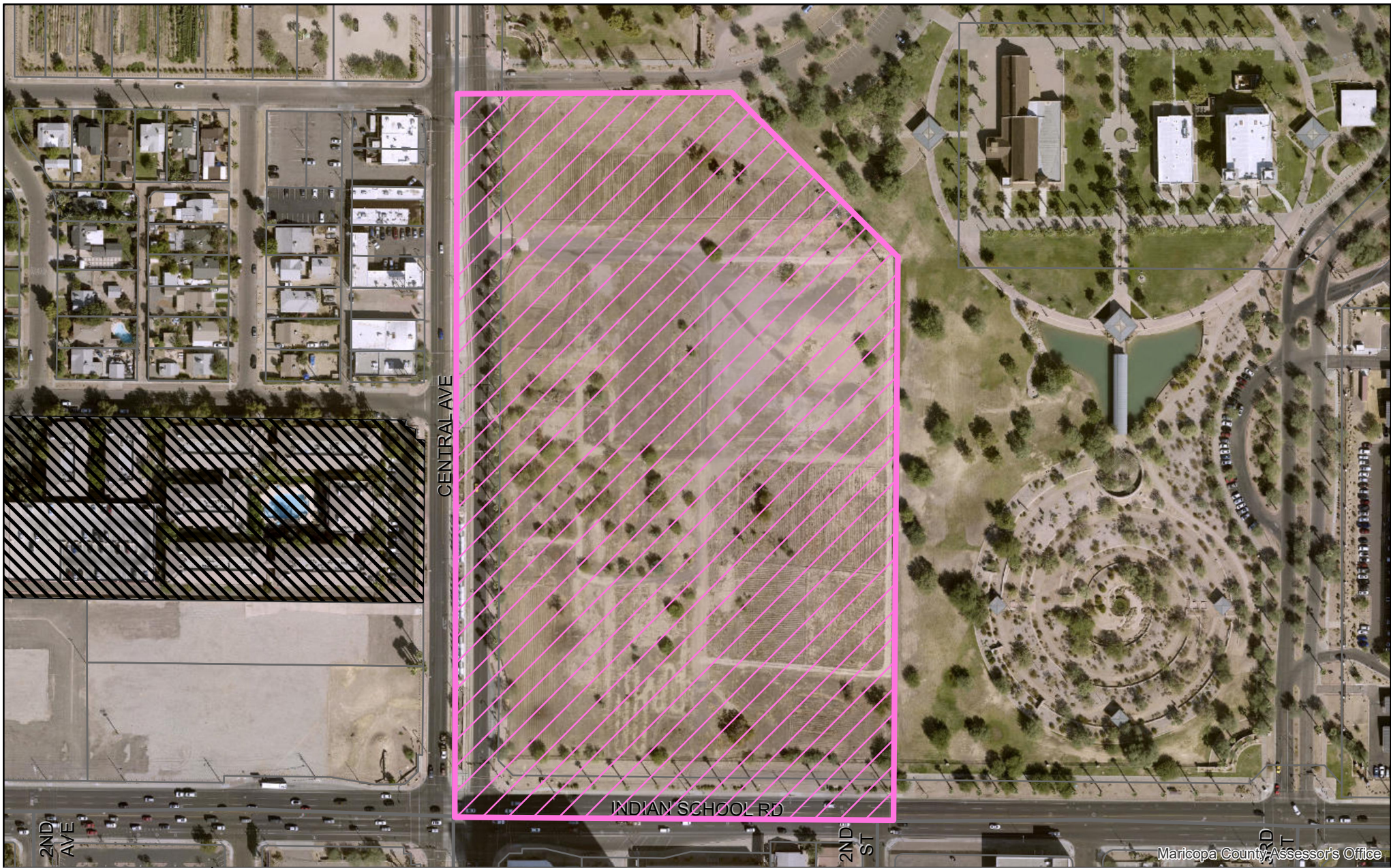
\\lonelpdd\Shared\Department Share\Information Systems\PL GIS\GIS_Team\Core_Functions\Zoning\SuppMaps_OrdMaps\2019_Ord\7-3-19\Z-9-19-4.mxd

TAB 7



TAB 8

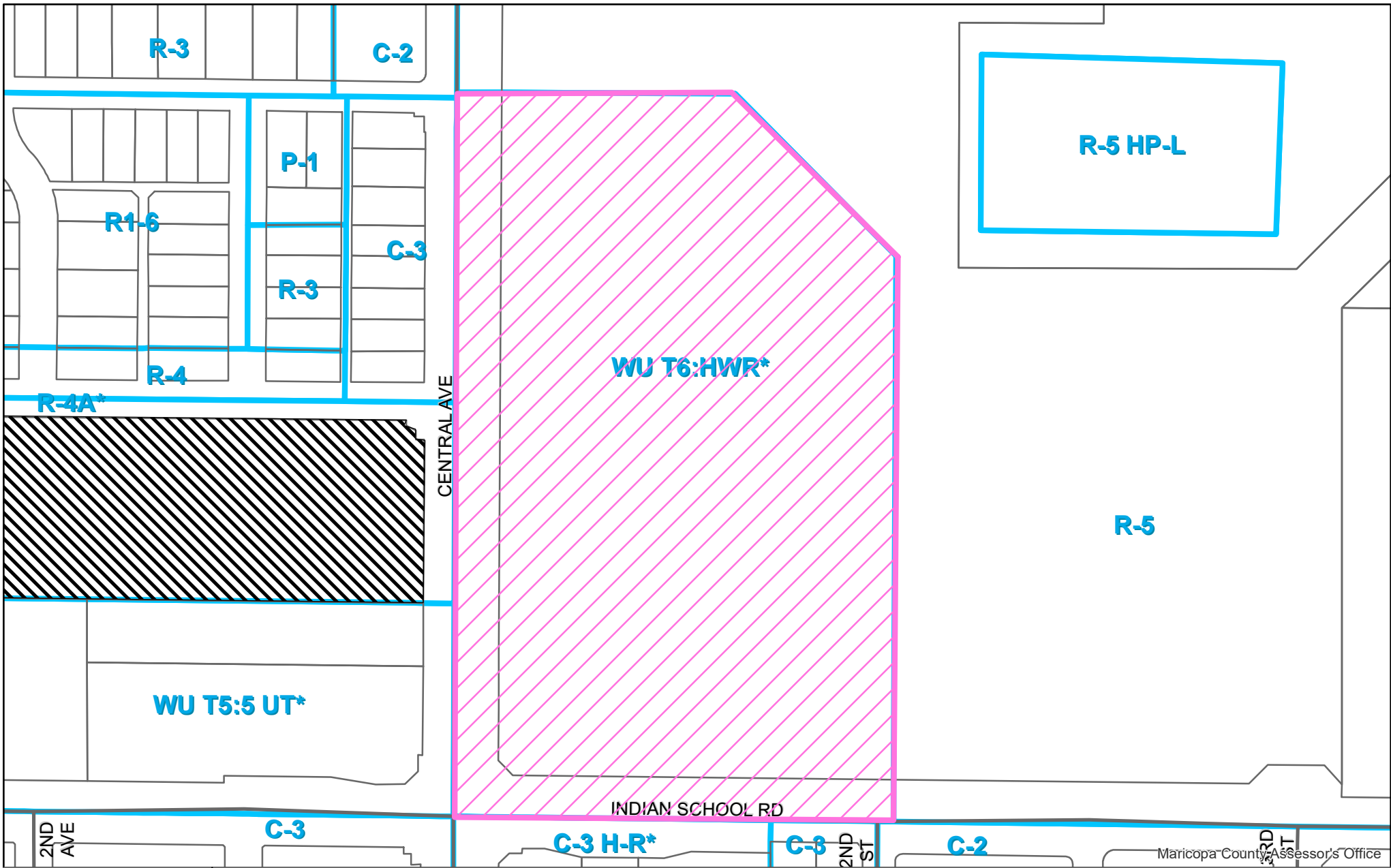




Maricopa County Assessor's Office

PHO-1-23--Z--9-19-4

Property Location: Northeast corner of Central Avenue and Indian School Road



PHO-1-23--Z--9-19-4

Property Location: Northeast corner of Central Avenue and Indian School Road

ORDINANCE G-6610

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-9-19-4) FROM R-5 TOD-1 PISSP (APPROVED C-2 TOD-1 PISSP) (MULTIFAMILY RESIDENCE DISTRICT, INTERIM TRANSIT-ORIENTED ZONING OVERLAY DISTRICT ONE, PHOENIX INDIAN SCHOOL SPECIFIC PLAN (APPROVED INTERMEDIATE COMMERCIAL DISTRICT, INTERIM TRANSIT-ORIENTED ZONING OVERLAY DISTRICT ONE, PHOENIX INDIAN SCHOOL SPECIFIC PLAN)) AND R-5 TOD-1 PISSP (APPROVED C-2 H-R TOD-1 PISSP) (MULTIFAMILY RESIDENCE DISTRICT, INTERIM TRANSIT-ORIENTED ZONING OVERLAY DISTRICT ONE, PHOENIX INDIAN SCHOOL SPECIFIC PLAN (APPROVED INTERMEDIATE COMMERCIAL, HIGH-RISE AND HIGH-DENSITY DISTRICT, INTERIM TRANSIT-ORIENTED ZONING OVERLAY DISTRICT ONE, PHOENIX INDIAN SCHOOL SPECIFIC PLAN)) TO WU CODE T6:HWR UT (WALKABLE URBAN CODE, TRANSECT 6:HEIGHT WAIVER DISTRICT, TRANSIT UPTOWN CHARACTER AREA).

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

follows:

SECTION 1. The zoning of a 17.82 acre property located at the northeast corner of Central Avenue and Indian School Road in a portion of Section 20, Township 2 North, Range 3 East, as described more specifically in Exhibit "A," is hereby changed from 0.58 acres of "R-5 TOD-1 PISSP (Approved C-2 TOD-1 PISSP)" (Multifamily Residence District, Interim Transit-Oriented Zoning Overlay District One, Phoenix Indian

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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 maximum building height shall be limited to 400 feet.

Mod 2. A minimum 1 gross acre public pedestrian plaza/public open space area shall be provided at the intersection of Central Avenue and Indian School Road.

Mod 3. A linear view corridor that is an average of 85 feet in width, minimum 60 feet in width, measured at the ground level and between buildings shall be provided from the southwest corner of the site to the northeast corner of the site and begin with the pedestrian plaza. The view corridor shall focus on the historic cafeteria tower and on the mountain views (Piestewa Peak) and be in general conformance with the Uptown TOD conceptual Master Plan, as approved by the Planning and Development Department.

Del 4. A minimum 26-foot-wide primary and a minimum 10-foot-wide secondary public pedestrian accessway shall be located within the view corridor and shall be constructed of a decorative material, as approved by the Planning and

Development Department. The public accessway shall be provided at the southwest corner of the site and extend to the northeast end of the site.

Mod 5

A minimum 26-foot-wide public pedestrian accessway shall be provided from the public primary pedestrian accessway within the view corridor and connecting to the light rail pedestrian crossing along the western property line, and shall be constructed with decorative material, as approved by the Planning and Development Department.

Mod 6

The development shall provide a minimum 30 percent public open space on the site, excluding perimeter setbacks, as approved by the Planning and Development Department.

Mod 7

The development shall include a minimum of three distinct public open space areas, a minimum of 20,000 square feet in size and shall be oriented to capture the view of the historic cafeteria tower and the mountain views (Piestewa Peak). Each open space area shall follow the guidelines established in Section 1310 of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. All open space areas shall provide seating and be open to the public.

8. All pedestrian crossings, including but not limited to the stipulated public pedestrian accessways, constructed across driveways, shall be raised and shall consist of decorative pavers, stamped or colored concrete, or another material, other than those used to pave the parking surfaces and drive aisles, as approved by the Planning and Development Department.

9. One of the following streetscape treatments shall be provided along Indian School Road:

- a. A minimum 15-foot-wide uninterrupted public pedestrian accessway located behind the back of a minimum 10-foot wide detached landscape strip. The landscape strip may taper to allow for an appropriate transition into the one-gross acre open space area at the intersection of Central Avenue and Indian School Road. The accessway shall connect to the 1 gross acre open space area and shall provide the following amenities or similar features, as approved by the Planning and Development Department:

- 1) Minimum four gathering areas with seating.
- 2) Minimum four landscape planters.
- 3) Decorative pavement.
- 4) Art elements.

- 5) Decorative bollard lighting along the entire frontage.
 - b. A minimum 6-foot-wide detached sidewalk and a landscape strip along Indian School Road for the length of the project site. The landscape strip, to be located between the sidewalk and the back of curb, shall begin at a minimum of 30 feet in width at the eastern property line and may taper to a minimum of 15 feet in width, as approved by the Planning and Development Department. The landscape strip shall include a minimum of 2-inch caliper shade trees planted a minimum of 20 feet on center or in equivalent groupings between the existing palm trees, as approved by the Planning and Development Department.
10. Bicycle parking shall be provided as follows:
 - a. All required bicycle parking for multifamily use, per Section 1307.H.6.d of the Phoenix Zoning Ordinance, shall be secured parking.
 - b. Guest bicycle parking for multifamily residential use shall be provided at a minimum of 0.05 spaces per unit with a maximum of 50 spaces near entrances of buildings and installed per the requirements of Section 1307.H of the Phoenix Zoning Ordinance.
 - c. A minimum of 10% of the required bicycle parking for nonresidential uses shall be secured.
 11. The developer shall submit a Traffic Impact Study/Statement to the City for this development. No preliminary approval of plans shall be granted until the study has been reviewed and approved by the City upon satisfactory resolutions of review comments by the City staff, as approved by the Street Transportation Department and the Planning and Development Department.
 12. The development shall provide an internal vehicular and pedestrian circulation plan to address ingress and egress to and from the site, vehicle loading, pick up and drop off locations, pedestrian connections to existing light rail station and proposed mitigation to potential vehicle / pedestrian conflict points internal and external to the site. No preliminary approval of plans shall be granted until the internal vehicular and pedestrian circulation plan has been reviewed and approved by the Street Transportation and Planning and Development departments.
 13. The development shall underground the existing overhead utility lines adjacent to Indian School Road for the entirety of its frontage, as approved by the Planning and Development Department.
 - Del 14. Proposed site ingress and egress points to align with existing street network

locations, as approved by the Planning and Development Department.

15. The Central Avenue frontage shall comply with the Central Avenue Development Standards.
16. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
17. The developer shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence and operational characteristics of Phoenix Sky Harbor International Airport to future owners or tenants of the property.
18. The developer shall provide documentation to the City of Phoenix prior to final site plan approval that Form 7460-1 has been filed for the development and that the development received a "No Hazard Determination" from the FAA. If temporary equipment used during construction exceeds the height of the permanent structure, a separate Form 7460-1 shall be submitted to the FAA and a "No Hazard Determination" obtained prior to the construction start date.
19. Prior to preliminary site plan approval, a report prepared by a qualified professional archaeologist determining the history of past uses of the property shall be submitted to the City Archaeology Office for review and comment. The report shall include compliance with ARS 41-865 (Arizona Burial Law). Results of the plan shall include a recommendation for further archaeologist testing or additional monitoring if recommended.
20. 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.
21. 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.
22. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.


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

PASSED by the Council of the City of Phoenix this 3rd day of July, 2019.



MAYOR

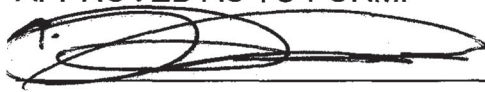
ATTEST:



City Clerk



APPROVED AS TO FORM:



Acting City Attorney pm/

REVIEWED BY:

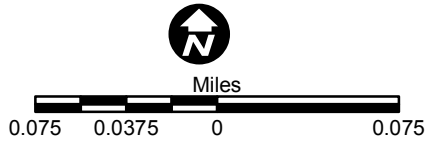
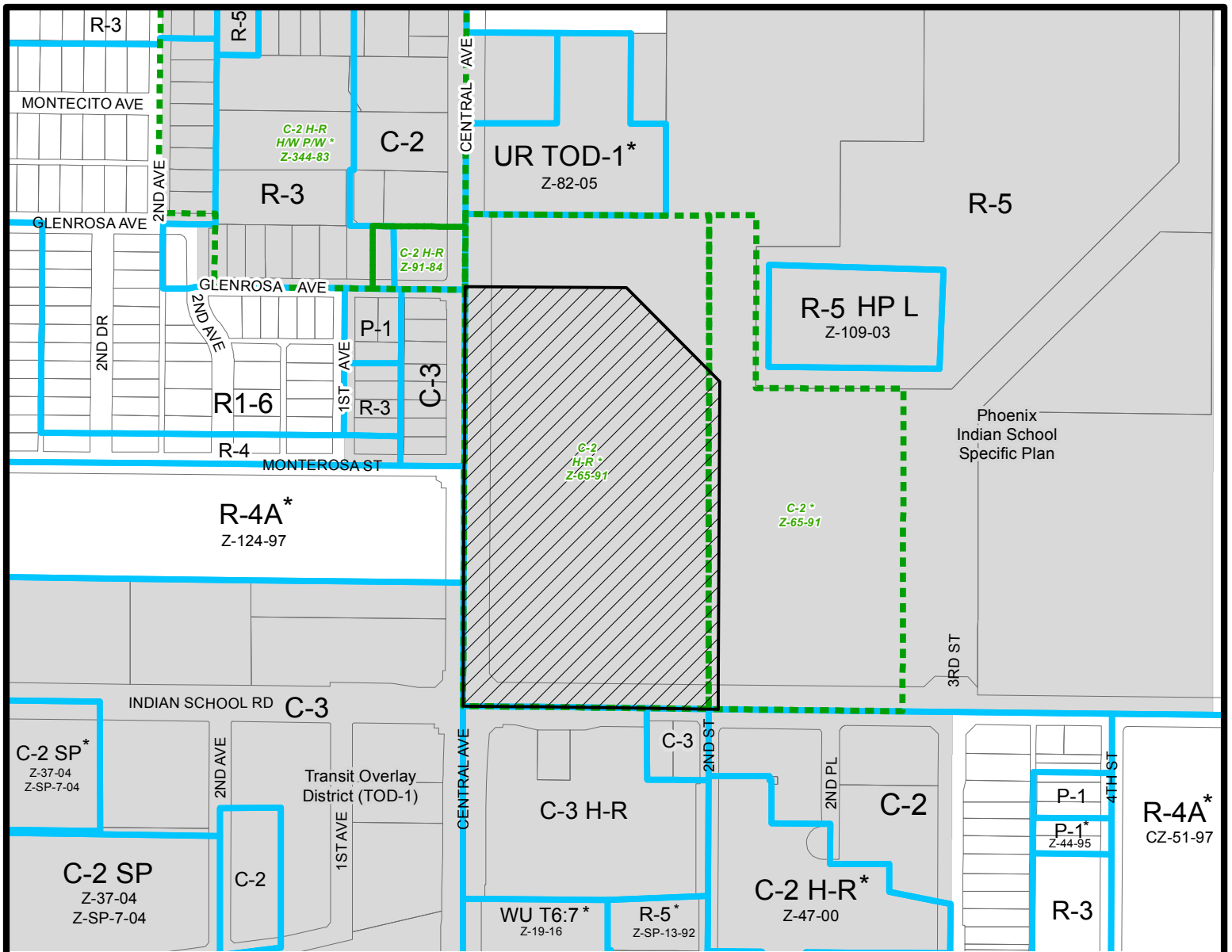


City Manager

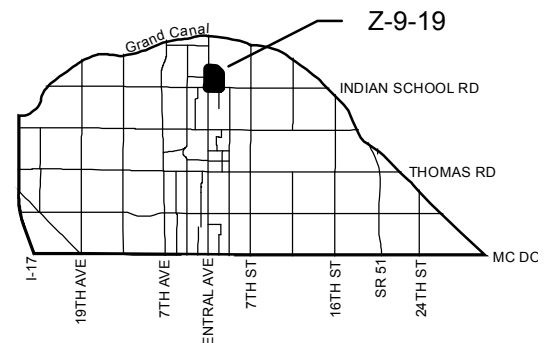
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Exhibits:

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



ENCANTO VILLAGE
CITY COUNCIL DISTRICT: 4



APPLICANT'S NAME: **Withey Morris PLC - Jason Morris**

APPLICATION NO. **Z-9-19**

GROSS AREA INCLUDING 1/2 STREET
AND ALLEY DEDICATION IS APPROX.

17.82 Acres

DATE:	3/13/2019		
REVISION DATES:			
	3/15/2019	3/18/2019	
AERIAL PHOTO & QUARTER SEC. NO.	QS 17-28		
ZONING MAP	H-8		

REQUESTED CHANGE:

FROM:
R-5 TOD-1 PISSP (Approved C-2 TOD-1 PISSP), 0.58 a.c.
R-5 TOD-1 PISSP (Approved C-2 H-R TOD-1 PISSP), 17.24 a.c.

TO: **WU Code T6:HWR UT (17.82 a.c.)**

MULTIPLES PERMITTED

R-5 TOD-1 PISSP, (Approved C-2 TOD-1 PISSP),
(Approved C-2 H-R TOD-1 PISSP)

WU Code T6:HWR UT

CONVENTIONAL OPTION

775, (8), (2,503)

No Maximum

*** UNITS P.R.D. OPTION**

930, (10), (N/A)

N/A

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

Village Planning Committee Meeting Summary

PHO-1-23—Z-9-19-4

Date of VPC Meeting	August 7, 2023
Date of Planning Hearing Officer Hearing Request	August 16, 2023
	<ol style="list-style-type: none"> 1) Modification of Stipulation 2 regarding public pedestrian plaza. 2) Modification of Stipulation 3 regarding a linear corridor. 3) Deletion of Stipulation 4 regarding public pedestrian accessway. 4) Modification of Stipulation 5 regarding public primary pedestrian accessway. 5) Modification of Stipulation 6 regarding public open space. 6) Modification of Stipulation 7 regarding three public open space areas. 7) Deletion of Stipulation 14 regarding alignment of ingress and egress points with the existing street network.
Location	Northeast corner of Central Avenue and Indian School Road
VPC Recommendation	Continuance
VPC Vote	17-0

VPC DISCUSSION:

*3 members of the public registered in opposition wishing to speak.
2 members of the public registered in opposition not wishing to speak.*

John Roanhorse, staff, provided an overview of the PHO request, describing the location, general plan designation, existing zoning districts, and the surrounding uses. Mr. Roanhorse relayed the case history, the stipulations, and the process for the PHO hearing.

Jason Morris, representing the applicant with Morris Withey Baugh, PLC introduced himself and provided an initial overview of the original project and the process that was approved. Mr. Morris noted the location and scale of the project and the Encanto Village Planning Committee's involvement in the review and approval of the original rezone. Mr. Morris stated the project has remained the same and they are seeking changes in response to land use demand for office, residence and mixed use. Mr. Morris expressed that all the proposed changes with the PHO are permitted and with the proposed changes the project will fit the current economic and urban environment.

Benjamin Tate, representing the applicant with Morris Withey Baugh, PLC introduced himself and discussed his involvement with the original project and noted his previous residence in the Woodlea Neighborhood and attendance in the Osborn School District. Mr. Tate reviewed the project area, the Indian School and the design development of the project. Mr. Tate stated the proposed changes address the decreased need for office and the housing crisis. Mr. Tate explained that over the last four years they have continued to evaluate and explore options as conditions have changed to see how this project would work more responsively to focus on residential development, and some office use while maintaining retail/commercial use. Mr. Tate noted the approved plans include ground level retail with a grocery store market and this has not changed with the proposed revisions. Mr. Tate stated the changes on the site would reduce one office tower and increase the number of residential units which would change the number of daily trips that would impact road and access configurations. Mr. Tate stated that a basic concept of the proposal that development would be a lobby to Indian Steel Park and that the corridor function would have food, beverage and retailers as well as a gathering space. Mr. Tate stated that each of the proposed modified stipulations had a clear and responsive rationale that would promote a pedestrian network, allow more direct access to the park and movement from the Central Avenue light rail station. Mr. Tate expressed by presenting the stipulation modifications the plans are improved and promote alignment and create more effective activation with the commercial retail, adding open podium parking, roof decks and public open space. Mr. Tate stated that the proposed changes would promote a more intuitive aligned orientation that is consistent with the original plan design.

Questions from the Committee

Committee Member Perez asked about changes to the onsite parking. **Mr. Tate** responded that in the original plan there was subterranean parking and now the proposal includes an open garage and each development parks itself and includes podium parking.

Committee Member Bryck stated that the rendering includes a water feature and is that still part of the proposed development. **Mr. Tate** responded that the plaza area will include a splash pad or similar feature but not a pool.

Committee Member Jewett asked about the parking structures for each development in the proposal and are elevations available. **Mr. Morris** responded that this detail is being researched to identify the best materials that will be available. Mr. Morris stated

that there will be no open parking garages and the final design will include perforated materials. Mr. Morris explained they are evaluating materials to be cognizant of current retail needs and future conditions to accommodate parking.

Vice Chair Rodriguez asked if the parking garages could be converted to other uses if conditions change. **Mr. Morris** responded that parking lots are being evaluated for potential future use but not necessarily as habitable space. Chair Rodriguez asked how can parking be developed into other uses and what will they be turned into. Mr. Morris stated parking has been developed into other uses such as multi use office, shared office space and a hotel but the intent now is to look forward and see what the next use might be and include infrastructure. Chair Rodriguez asked if there was any confirmation that alternative uses were included with the proposed modifications. Mr. Morris responded that the details of the development are still being evolved for each of the buildings. Chair Rodriguez asked about the applicability of the WU Code and why are they over parked and what is the applicability of any parking reductions. Mr. Morris responded that due to the various proposed uses they have not included any parking reductions to allow review of options.

Committee Member Kleinman asked that if the proposed pedestal parking is being evaluated for possible reuse opportunities in the future. **Mr. Morris** responded yes that is what is being considered and this was the concept in the original approved plan. Mr. Kleinman stated he liked the open space concept and will there be an open area without trees and furnishings where there could be music performances. Mr. Morris responded that yes an open area is a main design concept that may include a stage or a market and with the new design there will be more access to an open area. Mr. Kleinman asked about the initial construction that will begin at the corner of Indian School Road and Central Avenue to feature the retail commercial development. Mr. Morris responded yes that is the proposed construction plan.

Committee Member Procaccini asked if the interior roads would be private. **Mr. Morris** responded yes, they would be private and they will be smaller streets. Mr. Procaccini commented that they will be privately maintained and asked if they will still have access from public streets and will they focus on the retail areas. **Mr. Tate** displayed the proposed traffic circulation. Mr. Procaccini asked why the retail did not face Central Avenue or Indian School Road. **Mr. Morris** responded the park is the central feature and brings people in. Mr. Procaccini stated it appears that Indian School Road will be a back of house area. Mr. Morris responded that all service delivery will be from the interior streets which was part of the original plan.

Committee Member Searles acknowledged the proposed landscaping and noted the canopies would be beneficial and inquired about the configuration of the senior living development. **Mr. Tate** responded that it would include 320 units for independent and assisted living. Mr. Searles asked about the proposed artwork on the site and how it will be accommodated. **Mr. Morris** responded that the art design will be a magnet to draw people in and what is shown is a rendering. Mr. Searles noted that the original approval

included a theater and if that will still be part of the development. Mr. Morris stated that they are working on the design details and this feature will be included.

Committee Member Cardenas asked how transportation access for future residents will be addressed. **Mr. Morris** responded that over the years they have observed many of the residential developments along Central Avenue and for the proposed project they expect to have a mix of transportation modes including light rail with some residents having cars as well as use for bicycles. Mr. Morris stated that parking will be adjusted but they expect that some residents prefer access to a car but over time some may not rely on a car including residents in the senior living development. Mr. Morris stated the proposal provides options for residents to have choices in how they live, work and play. QUESTIONS FROM THE COMMITTEE:

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Committee Member Perez commented that as an engineer with experience in design the structural integrity of the parking garage has potential for other uses and the alignment to the center is optimal for traffic movement for the overall design. **Mr. Morris** responded they have evaluated options for street frontage and the design accommodates an approach to take advantage of street level appeal.

Committee Member Bryck asked about the phased development and if the streets and the shade trees on the north and south will be part of phase one. **Mr. Morris** responded yes the phased development is an opportunity to look ahead and have shaded sidewalks.

Committee Member George asked about the proposed 17,000 square feet of retail space planned for grocery and what type of market is expected. **Mr. Morris** responded that there are discussions with potential tenants and presently the space is sized for a small grocer.

Committee Member Schiller noted the light rail station on Central Avenue and will the proposal include a crosswalk to access the site. **Mr. Morris** responded yes a crosswalk is planned. **Mr. Tate** responded there is an existing traffic light to allow crossing. **Mr. Morris** stated the development will align with the traffic light on Central Avenue. Mr. Schiller asked if there will be a traffic light added on Indian School Road for pedestrian access. **Mr. Tate** responded that details are being evaluated. Mr. Morris stated that a signal is being evaluated based on the volume of trips but it will have to meet the requirements of the Streets Transportation Department. Mr. Morris responded that there will be an access point on Indian School Road that will be restricted to right-in/right-out but there will be access to Central Avenue from the proposed development.

Vice Chair Rodriguez expressed concern with potential pedestrian roadway conflicts that the changes may create. Vice Chair Rodriguez asked if a cul de sac had been considered for the interior development to allow more pedestrian movement. **Mr. Morris** responded that committing to reducing a space with no cars is a challenge because the retail space does need some local parking and the revised design considers this with narrow streets and limited flow and this is not the perfect design and they will consider options for improvements. Vice Chair Rodriguez stated there are options to make the project better and still maintain walkability and engagement and asked about delivery service access. Mr. Morris responded that service and delivery would be from the interior streets and they are reviewing options and is open to ideas from the Committee. Vice Chair Rodriguez stated that it would have been beneficial if the proposed changes were brought to the Village Planning Committee first and asked if there were plans to include or acknowledge a historical reference to Indian School Park. Mr. Morris responded that the plans included informative references and there are discussing and interpretative garden feature with the Indian School Conservatory. Mr. Morris responded that the proposal was intended to make changes to the approved plans not a rezone action so that is why it was not initially brought to the Committee and welcomes input to the changes and would be happy to meet as necessary.

Committee Member Perez commented on her observation of a mixed used development at 16th Street and Highland Avenue and the parking provided. Ms. Perez stated that parking is important to retailers and also consumers and commended the presenters with the information provided.

Committee Member Procaccini offered a suggestion for artistic resources for the proposal which included the Inter-Tribal Council of Arizona, Inc. and the Native American Connections. **Mr. Tate** stated in the original development they did consult with the Native American Connections, and they expect to continue that relationship.

Chair Wagner asked about stipulation number 6 and the reduction of open space and to provide an example in square feet and asked how the intersection on the north side of the development will look and will it still comply with the WU Code. **Mr. Morris** responded that the blocks will be shorter and have more pedestrian access points and where it can be designed there will be stores that have interior fronts and frontage along Central Avenue and there will be no sheer walls. Chair Wagner asked if the frontage will have glass and be activated. Mr. Morris responded that WU Code requires entries which will be included along the store fronts. **Mr. Tate** responded that a 20 percent reduction is about 154,000 square feet and a 30 percent reduction would be about 230,000 square feet. Mr. Tate said that the proposed reduction of open space is an estimate based on the level of change they are pursuing.

Committee Member Kleinman asked if the majority of retail space would be adjacent to the grass and water feature and if the parking would be close to the stores. **Mr. Morris** responded that there will be some limited parking but patrons will have to walk because parking is not directly near the store front. Mr. Kleinman asked if some parking would be located in structures and some walking would be involved. Mr. Morris stated there will not be lots of store front parking and they have avoided large parking lots in the design.

Public Comment

Ed Hermes with the Carnation Neighborhood Association introduced himself and stated he has followed the development since 2019 and had been active in engaging and getting public input from the community. Mr. Hermes expressed that there was no input and involvement with the community leading up to these stipulations and with projects there has always been give and take. Mr. Hermes expressed that the stipulations are a legally binding promise that represent the engagement, involvement and input that addressed the community's concerns. Mr. Hermes expressed that the Carnation Neighborhood did not oppose the initial development because of the meetings and discussions which resulted in the stipulations. Mr. Hermes asked the Committee to vote no to modify the stipulations because it would make the project worse. Mr. Hermes stated that development on the site is a good opportunity and the stipulations were a compromise and the proposed modifications should have come back to the neighborhood for discussion. Mr. Hermes stated that the presentation to the Committee is the only opportunity to discuss the proposed modifications. Mr. Hermes expressed his concern with the short amount of time to prepare and have responsive engagement. Mr. Hermes stated that there have been many changes since this project was approved but some things have not changed like the vision and Indian School Park and some of the ideas were good in the past and are still good now. Mr. Hermes stated the pedestrian network and crossing are important elements of the project and the modification impact these features. Mr. Hermes said they need to pause the process and meet with the neighborhood and asked the Committee to vote no on the proposal.

Ken Waters introduced himself and stated this project is on the TOD and is next to the city's premier park and he opposes the modifications. Mr. Waters stated it is great that there is 70,000 square feet of walkable urban retail at a great location and the planned

layout was good but at this location the development has to be compatible with TOD. Mr. Waters stated that previous projects did not achieve complete compatibility with TOD and the city has not been fully involved in the development. Mr. Waters said there is a TOD Project Manager in the City Economic Development Department and they are not engaged in this project. Mr. Waters stated that the City's leadership said they would bring projects back to neighborhoods for change and they need to go back to the Villages and that did not happen. Mr. Waters expressed the need to have more citizen participation and discussion and there needs to be an investment in an urban walkable lifestyle. Mr. Waters stated that the office market has declined but the retail market is reviving with more growth and jobs and this project could be so much better. Mr. Waters expressed that there is so much opportunity with this project and it needs to be an A+ but this has not been achieved.

Eric Thomas introduced himself as he former treasurer of the Osborn Neighborhood Association. Mr. Thomas stated that the proposed development is very exciting because the site has been vacant for too long. Mr. Thomas said that there is great concern about the stipulation modifications and how the neighborhood was notified. Mr. Thomas noted the project was a good design but there has been no dialogue and there has been no opportunity other than the Committee meeting to provide feedback. Mr. Thomas stated the proposed changes may not be a big factor but the applicant needs to come back to the neighborhood and get input and the stipulations were developed for a reason and the changes need to be discussed. Mr. Thomas said losing pedestrian space and other adjustments and conflict points need to be discussed. Mr. Thomas asked the Committee to vote no on the proposed stipulation modifications.

Mr. Morris stated that everything that was heard was helpful and that the process is not a rezone case. Mr. Morris said before the PHO notice was sent out they were not certain this case would be reviewed by the Village Planning Committee. Mr. Morris said the intent was to present the case to the PHO and they were not trying to avoid a public meeting. Mr. Morris expressed an apology for not providing an opportunity for discussion. Mr. Morris stated that if this case was a rezoning with the amount of residential and open space, senior living and commercial development there would be support and approval for this design. Mr. Morris said that the proposal does not include a single new use all the current uses, height and density were in the original purpose and they are keeping true to the intensity and the changes will have positive results including less daily trips and improves the original design and will be vibrant. Mr. Morris stated that the retail market has changed but is still subject to several factors including specialization. Mr. Morris stated market options may include food and beverage service in retail areas. Mr. Morris stated they are open to meet with HOA's and neighborhoods and they are beginning the process. **Mr. Tate** stated that many people were involved in the original process and they were hit with a once in a century crisis and it was their intention to continue the development process. Mr. Tate expressed that they have continued to work on the project with a sense of urgency to deliver on the concept that was originally approved.

Committee Discussion

Mr. Cardenas asked if the Committee's action would prevent the applicant with meeting with the Carnation Neighborhood prior to PHO. **Mr. Roanhorse**, staff, responded that the applicant could meet with the neighborhoods prior to the PHO. Mr. Cardenas asked if the parties could meet the following week.

Mr. Benjamin asked about a substitute motion and a situation where there may be two voting cycles on an action item and has there been any determination on the process.

Chair Wagner stated for the item presented the Committee is seeking a motion, and substitute motions are allowed.

Mr. Procaccini asked what are the boundaries of the Carnation Neighborhood. **Mr. Hermes** responded the boundaries are 7th Avenue, Central Avenue, Indian School Road and the Grand Canal.

Mr. Cardenas asked if the Committee's action would prevent the applicant with meeting with the Carnation Neighborhood prior to PHO. **Mr. Roanhorse**, staff, responded that the applicant could meet with the neighborhoods prior to the PHO. Mr. Cardenas asked if the parties could meet the following week.

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Chair Wagner stated for the item presented the Committee is seeking a motion, and substitute motions are allowed.

Mr. Procaccini asked what are the boundaries of the Carnation Neighborhood. **Mr. Hermes** responded the boundaries are 7th Avenue, Central Avenue, Indian School Road and the Grand Canal.

MOTION 1

Vice Chair Rodriguez made a motion to recommend denial of PHO-1-23--Z-9-19-4. **Committee Member George** seconded the motion.

Vice Chair Rodriguez asked if there was a HAWK crossing at 2nd Street and Indian School Road. **Mr. Morris** responded a traffic light was considered.

Mr. Kleinman stated it appears that from the public comments and the motion presented there is an intent to delay and not deny the proposal presented. Mr. Kleinman expressed that there is agreement that the proposal is a good project and there is not enough time to engage in a meeting with the public prior to the PHO. Mr. Kleinman stated there needs to be a proactive approach and asked if the applicant would be willing to push this request back a month in a delayed manner. **Mr. Morris** responded that it would be their preference to meet with the public prior to the PHO and they will not go to the PHO without meeting with the people that are attending tonight's meeting.

Vice Chair Rodriguez stated the intent of the motion is to allow the applicant to work with the community and have a substantive meeting to promote dialogue and provide information as a measure of due diligence for the proposed modified stipulations.

Ms. Perez stated that allowing options is beneficial for the developer and the neighborhoods and the Committee wants to support and not to bypass any discussion even if it requires an extra step.

Mr. Cardenas stated he is ok with approving the motion because he trusts that Mr. Morris will engage with the community and he has a good reputation and is a man of his word.

Chair Wagner thanked Mr. Morris and Mr. Tate for the presentation. Chair Wagner stated that the PHO case was optional for the Committee but felt it was important to have the presentation and the Village Planning Committee is an opportunity to hear the public's voice. Chair Wagner stated that the proposal includes many changes and transforms the project and there needs to be more outreach. **Mr. Morris** responded that he agreed and suggested they conduct a public meeting and continue the PHO for 30 days and come back to the Village Planning Committee.

Vice Chair Rodriguez asked meeting participants if 30 days was suitable to continue the proposal request to allow for additional outreach and discussion.

Chair Wagner asked Mr. Morris and Mr. Tate if a 30-day continuance was acceptable to them. **Mr. Morris** said a 30-day continuance would be acceptable.

Vice Chair Rodriguez withdrew the motion to recommend denial of PHO-1-23--Z-9-19-4.

Mr. Kleinman clarified that the applicant needs to meet with the Carnation Neighborhood and associated groups prior to the next Village Committee meeting.

Mr. Matthews stated he is in favor of supporting a continuance and the applicant will come back to the Encanto Village Planning Committee on September 11, 2023 with the expectation of hearing the status of the meetings with the Carnation, Pierson and Osborn neighborhoods.

MOTION 2

Committee Member Matthews made a motion to recommend a continuance for PHO-1-23--Z-9-19-4 to the September 11, 2023 meeting date with direction that the applicant will conduct a meeting with the Carnation, Pierson Place and Osborn Neighborhood groups; and provide their findings to the Encanto Village Planning Committee.

Committee Member Cardenas seconded the motion.

VOTE:

17-0; motion to recommend a continuance of PHO-1-23--Z-9-19-4 passes; Members Benjamin, Bryck, Cardenas, Doescher, George, Jewett, Kleinman, Mahrle, Matthews, Perez, Picos, Procaccini, Schiller, Searles, Tedhams, Vice Chair Rodriguez and Chair Wagner in favor.

Staff comments regarding VPC Recommendations:

None.



Village Planning Committee Meeting Summary PHO-1-23—Z-9-19-4

Date of VPC Meeting	September 11, 2023
Date of Planning Hearing Officer Hearing Request	September 20, 2023
	1) Modification of Stipulation 2 regarding public pedestrian plaza.
	2) Modification of Stipulation 3 regarding a linear corridor.
	3) Deletion of Stipulation 4 regarding public pedestrian accessway.
	4) Modification of Stipulation 5 regarding public primary pedestrian accessway.
	5) Modification of Stipulation 6 regarding public open space.
	6) Modification of Stipulation 7 regarding three public open space areas.
	7) Deletion of Stipulation 14 regarding alignment of ingress and egress points with the existing street network.
Location	Northeast corner of Central Avenue and Indian School Road
VPC Recommendation	Approval
VPC Vote	9-4

VPC DISCUSSION:

7 members of the public registered in opposition wishing to speak.

1 member of the public registered in favor wishing to speak.

4 members of the public registered in opposition not wishing to speak.

John Roanhorse, staff, provided a review of the PHO request, describing the location, general plan designation, existing zoning districts, and the surrounding uses. Mr. Roanhorse relayed the case history, the stipulations, and the process for the PHO hearing.

Jason Morris, representing the applicant with Morris Withey Baugh, PLC introduced himself and thanked the Committee for the opportunity to present an update on the proposal. Mr. Morris stated he met with the Carnation Neighborhood, and they provided feedback which allowed the development team to make modifications to the original design. Mr. Morris said there was never a project that could not be changed and with this project there are no new uses. Mr. Morris stated the changes to the project are in response to the pandemic and the original design was ambitious and included many details that are no longer suitable. Mr. Morris indicated that the applicant fully intended to build the project as designed but there must be several modifications to make the project work. Mr. Morris stated that a basic challenge for the project design was there was nothing they could compare this development to as there is nothing along Central Avenue built to the same scale. Mr. Morris stated that coming back to the Village Committee was a good opportunity to identify and include what the Village needs and can support with a mix of uses including a grocer and other commercial uses. Mr. Morris said the design team has focused on this site changes the site size has not changed and the uses have been adjusted to allow pedestrian activity access to the site and parking. Mr. Morris also stated that in the original design views to Piestewa Peak were important elements but due to the revised site plan this element was not achievable. Mr. Morris stated that the current conditions for the proposed site do not include some retail in the original uses and the proposed changes will promote walkability and access from the light rail platform to Indian School Park. Mr. Morris indicated that the changes allow a more viable use of ground floor retail, and this will create a more inviting environment. Mr. Morris stated that in the new design they have removed some on street parking to allow more pedestrian movement and accessibility to the space in the center of the development. Mr. Morris said that parking is necessary for this design because a mixed-use development cannot only rely on bicycling and pedestrian access. Mr. Morris stated that retail relies on automobile traffic and other retailers, so they have adjusted parking. Mr. Morris stated the design team had to review ground floor retail uses so they would not just be gyms or leasing offices but something that was more active. Mr. Morris stated that they also must be responsive to brokers to maintain businesses that come to the development. Mr. Morris stated that an office tower is not as leasable or usable and residential needs have increased. Mr. Morris stated that by adding more residential units they can get more condominium owners and have a variety of opportunities including senior housing, age restricted housing assisted living and units of various sizes. Mr. Morris indicated that the new plan keeps an open plaza, but it is not located at the intersection of Central Avenue and Indian School Road. Mr. Morris noted that the plaza feature is at ground level adjacent to the retail spaces and will have outdoor dining, anchor stores and open space. Mr. Morris expressed the value of having a view of Piestewa Peak from the site however this concept came from the original design but does not fit in the revised plans. Mr. Morris noted that the design now emphasizes connection from the light rail platform to Indian School Park through their proposed development. Mr. Morris said with the revised pedestrian network they have removed the palm trees and have added shade trees. Mr. Morris said that linear walkways into the central open space will be a significant difference for residents and will allow better access and improve opportunities for pedestrians and bicycles. Mr. Morris stated that the sidewalks and pedestrian routes will be adjusted to have variations in the pavement

and domes to separate movement in the area. Mr. Morris said that traffic management and signalization will be more appropriately reviewed by the Streets Transportation Department so this will be another change from the original plans. Mr. Morris stated that by shifting from office space to residential traffic volume will change and that will be addressed by the Street Transportation Department as well. Mr. Morris stated that the redesign of the site will create greater commercial opportunities and allow improved frontage on Central Avenue. Mr. Morris stated that the proposed changes do not address everything, but it does accommodate the necessary changes to make the proposed project successful. Mr. Morris concluded his presentation and thanked the Committee and asked for their support.

Questions from the Committee

Committee Member Kleinman asked about the retail spaces and the intent of the diagonal alignment and if it is adjacent to the proposed retirement/senior living development. **Mr. Morris** responded that the proposed condominiums are not adjacent to the retail area. Committee Member Kleinman thanked Mr. Morris for having a neighborhood meeting and coming back to the Committee to show the modifications and meet the concerns that were expressed. Committee Member Kleinman noted the proposed frontage on Indian School Road and Central Avenue and the intended view of Piestewa Peak and indicated the proposed development site has been desolate for a long time. Committee Member Kleinman stated that this proposed development if approved will begin construction right away and positively impact the area and thanked Mr. Morris for the presentation.

Mr. Morris commented that the original design followed the Phoenix Indian School Specific Plan which included a view of Piestewa Peak and that the ownership pattern and area was different and that determined how the parcels were created.

Vice Chair Rodriguez inquired about a proposed grocery store and the street facing frontage and does it affect the stipulation. **Mr. Morris** responded that the proposed location would not change the stipulation and the location has been adjusted because of the meeting with the Carnation Neighborhood Association.

Committee Member Cardenas asked about the original plan and the intended view of Piestewa Peak and height of the buildings on the site. **Mr. Morris** responded that site was set to provide a view of Piestewa Peak from the corner but has changed and the building height have been decreased in the revised plans. Committee Member Cardenas asked with the lower building height would there still be a view to Piestewa Peak. Mr. Morris responded the view to Piestewa Peak would not be accessible and even with the original plan there were limited views. Mr. Morris stated the revised plans are more neotraditional and more walkable and allows more effective loading of the retail areas.

Committee Member Cardenas asked about a development project to the west of the subject site. **Mr. Morris** responded that location is undergoing a rezone and is more residential with more traditional neighbors adjacent to it and will take a while to get built.

Mr. Morris noted that the retail space on that site is very different and there is less open space.

Committee Member Cardenas commented that the Arizona Veterans Home is near the proposed development and will there be any opportunities to have it included in the new design. **Mr. Morris** responded that with additional residential units added they have included some single occupancy units.

Committee Member Procaccini asked what has changed in the plans based on the meeting with the neighborhood groups and if there were any vote or recommendations from the meetings. **Mr. Morris** responded that there were a few changes, and they are responsive to the neighbors' concerns. Committee Member Procaccini asked about the retail location and if there would be any store frontage at the corner. Mr. Morris responded that it would be possible to locate frontage at the corner, but they are showing what is anticipated. Mr. Morris stated they will do retail and restaurant space, but it will depend on who will want to go in at the different locations.

Committee Member Tedhams asked about the placement of the condominium building and why property boundaries of the lot are set as they appear. **Mr. Morris** responded that the park and adjacent area have a lot of history and the boundaries were adjusted over time and the result is how this site is currently laid out.

Vice Chair Rodriguez asked about the tree shade displayed in the presentation and that the palm trees are conceptual and there will be more shade trees included. Vice Chair Rodriguez stated that open space can be supported next to a public park however there could be less public open space and possibly more housing with less parking. Chair Rodriguez asked if adding a bike lane decreases the width of the sidewalk. **Mr. Morris** responded no, by adjusting parking and other features the bike lane is slightly wider.

Chair Wagner asked about the earlier site plan and a case that went to the hearing adjustment officer to get a variance for an 80-foot setback. Chair Wagner asked if the 80-foot setback was needed and with the current plan does it meet the requirements for the Walkable Urban Code. **Mr. Morris** responded that the plans do meet the requirements for the Walkable Urban Code and there is no 80-foot setback.

Public Comment

Ed Hermes with the Carnation Neighborhood Association introduced himself and thanked the Committee for the opportunity to speak. Mr. Hermes discussed the neighborhood meeting that was held at Indian School Park and noted the attendance was 40 to 50 people. Mr. Hermes stated that the level of participation reflected the neighborhood wanting the applicant to get this project right. Mr. Hermes stated that the consensus was that the original stipulations from 2019 were good today, the same stipulations that the Committee approved. Mr. Hermes stated when the original plans were prepared the developer came to the neighborhood and provided the stipulations and stated they could abide by them. Mr. Hermes stated the developer knew it would be

a challenge with the diagonal view corridor and paseo and these were unique and important features. Mr. Hermes said when the applicant came back to the neighborhood with designs that were suburban and car centric that are less pedestrian focused. Mr. Hermes stated they agreed that request was not a rezone, and they need to address the stipulations. Mr. Hermes stated an important stipulation was the street alignment which included a pedestrian crossing for Indian School Road and 2nd Street was an important feature that was required by the city. Mr. Hermes stated that pedestrian access was very important because it is a very dangerous area. Mr. Hermes discussed the amount of open space within the development and noted that the reduction of space was to make it private. Mr. Hermes stated the walkable corridor is very important to the neighborhood and the applicant needs to stick with the design that was proposed before. Mr. Hermes stated if the design changes are allowed then the applicant can make other changes and they need to stay with the original design that was approved. Mr. Hermes asked the Committee to vote no on the proposal.

Ken Waters introduced himself and stated he agreed with Mr. Ed Hermes comments to the Committee. Mr. Waters said there was concern that Economic Development was not part of the development process now the Parks Department is missing in action. Mr. Waters stated that four years ago the Phoenix Indian School Specific Plan was repealed, and the reason was the project had not met the requirements. Mr. Waters referenced the project plan and noted the park area around the proposed development and new opportunities for development. Mr. Waters stated there are opportunities to enhance intersections and the current plan separates the area and makes access to the park challenging. Mr. Waters stated there may have been an opportunity for the developer to work with the Parks Department to promote a walkable environment and the Committee is the first line to promote walkable urban infrastructure. Mr. Waters stated they need to keep the original stipulations and the site needs to be reviewed by the Parks Department.

Dave Brian Jenkins introduced himself as a resident of the Carnation Neighborhood and appreciates being in walking distance of Indian School Park. Mr. Jenkins stated that the development made promises on an agreed amount of retail space and other amenities and now they want to go back on their word. Mr. Jenkins stated that global international events have little to do with this project and it does not change the need for density and housing. Mr. Jenkins stated it does not change the need for retail space to support high density population. Mr. Jenkins said high density luxury apartments demand retail space for business that residents can patronize. Mr. Jenkins said the lack of retail, dining and shopping will drive out residents. Mr. Jenkins asked which came first the tenants or businesses, retail space comes first, and the tenants will follow. Mr. Jenkins recommends the denial of reducing any retail space in the proposed development.

Samuel Sievert asked if there was a net change in the amount of parking and is there a net change in the number of residences. **Mr. Morris** responded that there is less parking and there are more residences. Mr. Morris stated there will also be some office.

Felipe Carraza introduced himself as a resident of the Carnation Neighborhood and a parent. Mr. Carraza stated there are concerns with the amount of available walkable space in the neighborhood. Mr. Carraza stated he strongly recommends keeping the first stipulations for the proposed project. Mr. Carraza stated he is the principal at Encanto School and that children are 24 percent of the population and 100 percent of our future. Mr. Carraza stated the Committee's decision today is very critical in ensuring the future of children. Mr. Carraza stated that maintaining a walkable environment is very important for children and the proposal with changes is not the space that is needed. Mr. Carraza stated that the Committee needs to listen to the community and to advocate for children. Mr. Carraza noted the importance of access to Indian School Park and valuable open space.

Jeremy Thacker stated there were two words to consider for the proposal objective standards. Mr. Thacker expressed to the Committee that if they supported the Peetree proposal they need to support this proposal. Mr. Thacker expressed the proposed project is like the Peetree proposal in terms of size and residential units. Mr. Thacker stated that the number of buildings, area of retail space, open space, ownership options, grocer and walkability varied from the proposed adjacent development. Mr. Thacker said that the review of the proposal was the result of objective standards. Mr. Thacker stated the Committee supported the adjacent development and needs to approve this project. Mr. Thacker indicated that the adjacent project would increase automobile traffic onto the local streets and the current proposal will not.

Nick Kavacovich introduced himself as a long-time resident of the Carnation Neighborhood. Mr. Kavacovich stated his participation in the negotiations with the Peetree development team and the neighborhood had little leverage in the process. Mr. Kavacovich said in the adjacent proposal the developer came in with their project and proceeded and the community objected. Mr. Kavacovich stated the stipulations are all the community has for leverage with developers. Mr. Kavacovich stated if they give up the stipulations there needs to be some method of quid pro quo, something equal to negotiate with. Mr. Kavacovich stated that developers bring in designs and rotate the stipulations and appear to be guidelines and the final plans can change. Mr. Kavacovich stated they need to keep the approved stipulations.

Margaret Dietrich stated the applicant's proposed changes are more functional than the original plans. Ms. Dietrich stated that the concern with the Parks Department is they wanted to put up fences and close Indian School Park at night. Ms. Dietrich said there was access to the park and it is very walkable and with the proposed project the concentration of retail space and a grocer facing Central Avenue is a good feature. Ms. Dietrich stated other developments that have retail space are not adjacent to a big street and they have pedestrians and shade features. Ms. Dietrich said that the Midtown Neighborhood area is very walkable, and the office buildings are partially occupied so a reduction of office space is reasonable. Ms. Dietrich stated that reducing the number of traffic stops between 7th Street and Central Avenue makes sense and a crossing at 2nd Street is not practical and the south side of the street is hardly ever used. Ms. Dietrich

said the pedestrian crossing at Indian School Road, 3rd Street and Central Avenue are fine.

Committee Discussion

Committee Member Benjamin stated four years ago he had met with Mr. Benjamin Tate and was concerned about building a suburban styled project. Committee Member Benjamin said he reviewed the project and was impressed with the design and stipulations are promises you make, and they are why the project was approved and it appears that the proposal is a bait and switch situation.

Vice Chair Rodriguez stated that it would be preferred to add a stipulation to reduce parking as the project appears to be over parked. Vice Chair Rodriguez said the project is parked to conventional standards. **Mr. Morris** responded that project is parked to residential standards without discounting. **Chair Rodriguez** asked if the parking could be adjusted to the Walkable Urban Code standards.

Committee Member Cardenas stated that he sits on another Village Committee where there are different issues for parking. Committee Members Cardenas stated there was an industrial rezoning case that passed with stipulations. Committee Member Cardenas stated the case described was like the proposed project because the applicant engaged with the community and had the integrity to come back and meet with the community. Committee Member Cardenas stated that the applicant met with the neighborhood and made adjustment and that is beneficial.

Committee Member Kleinman commented on the activity of the committee over the last few years and had seen many projects. Committee Member Kleinman commended the applicant for coming back to the Committee to adjust the project in response to the various changes where other projects are not making progress and leaves areas vacant. Committee Member Kleinman stated it is important for the Committee that changes need to be made. Committee Member Kleinman understands that stipulations are promises and in this case the applicant came back to ask for allowances to create a project that will work in 2023 and provide for the neighborhood. Committee Member Kleinman stated that this project will make Central Avenue safer and provides an opportunity compared to what is there now.

Committee Member Searles expressed confusion about this project and noted that it is a good project and is walkable and accessible. Committee Member Searles stated that the engagement with neighbors was important and having a grocery store is necessary. Committee Member Searles stated he was confused about the opposition to this project, the proposal allows access and now there are just gates, and this project will activate the corner that has been dead for decades. Committee Member Searles stated he goes to the park frequently and it is very useful. Committee Member Searles stated he supports the proposal and will vote to approve it because it will be beneficial.

Vice Chair Rodriguez stated that the Parks Department would not allow access and the city did not plan on breaking ground any time soon in 2019 and the community

farms were cleared out. Vice Chair Rodriguez stated she is in Indian School Park every day.

Chair Wagner stated that is not unusual for a project to be inactive for years then go back to the PHO to request modifications. Chair Wagner stated that it makes sense that there would be changes to the stipulations with changes to the economy. Chair Wagner stated that regarding the Walkable Urban Code the proposed changes fit the footprint. Chair Wagner stated the view from the corner is stunning, but it is not likely a developer would have to frame a certain view and a project must be economically viable. Chair Wagner stated that a view to Piestewa Peak is not viable and obstructed by trees and buildings as the project gets built. Chair Wagner stated support for the proposal.

MOTION

Committee Member Kleinman made a motion to recommend approval of PHO-1-23--Z-9-19-4. **Committee Member Doescher** seconded the motion.

VOTE

9-4; the motion to recommend approval of PHO-1-23--Z-9-19-4 passes; Members Cardenas, Doescher, Jewett, Kleinman, Procaccini, Schiller, Searles, Tedhams, and Wagner in favor. Members Benjamin, George, Picos, and Rodriguez opposed.

Staff comments regarding VPC Recommendation:

None.

REPORT OF PLANNING HEARING OFFICER ACTION
Byron Easton, Planner III, Hearing Officer
Teresa Garcia, Planner I, Assisting

October 18, 2023

ITEM NO: 1	
	DISTRICT NO. 4
SUBJECT:	
Application #:	PHO-1-23--Z-9-19-4 (Continued from September 20, 2023)
Location:	Northeast corner of Central Avenue and Indian School Road
Zoning:	WU T6:HWR
Acreage:	17.72
Request:	<ol style="list-style-type: none">1) Request to modify Stipulation 2 regarding public pedestrian plaza.2) Request to modify Stipulation 3 regarding a linear view corridor.3) Request to delete Stipulation 4 regarding public pedestrian accessways.4) Request to modify Stipulation 5 regarding public primary pedestrian accessway.5) Request to modify Stipulation 6 regarding public open space.6) Request to modify Stipulation 7 regarding three public open space areas.7) Request to delete Stipulation 14 regarding alignment of ingress and egress points with the existing street network.
Applicant:	Jason Morris, Withey Morris Baugh, PLC
Owner:	Julia Najafi, Central Park I, LLC
Representative:	Jason Morris, Withey Morris Baugh, PLC

ACTIONS:

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended denial as filed, approved with modifications and additional stipulations.

Village Planning Committee (VPC) Recommendation: The Encanto Village Planning Committee reviewed the request on August 7, 2023. The VPC recommended continuance by a vote of 17-0. The VPC reviewed the continued request on September 11, 2023. The VPC recommended approval by a vote of 9-4.

DISCUSSION:

Benjamin Tate, representative of Withey Morris Baugh, introduced the subject site and gave an overview of why the case was continued. He stated that the meeting with the Parks and Recreation Department went well, stating that the meeting was to discuss how access to the park will occur on the site, not whether it will occur. He stated the Parks and Recreation Department was more receptive to the revised site plan because it had better controlled access.

Ken Waters, nearby property owner, asked the Planning Hearing Officer if he made it a stipulation that required the applicant needed to make the meeting with the Parks and Recreation Department open to the public. He stated that the public was frustrated with not being involved in the meeting with the Parks and Recreation Department. He stated that they had scheduled a meeting with the department back in August, but the department cancelled it. He asked the Planning Hearing Officer again if the meeting was something he wanted to be done by the applicant.

Byron Easton, Planning Hearing Officer, stated that it was a recommendation for the meeting with the Parks and Recreation Department and the applicant to be open to the public, not a requirement.

Mr. Waters stated that he thought Mr. Easton made it mandatory for the meeting to be open to the public and was frustrated that the public was not involved with the Parks and Recreation Department meeting.

Mr. Tate stated that the meeting was for two property owners to come to a contractual agreement and discuss legalities over the accessways. He stated that there was no development involvement with the meeting. He stated he doesn't agree with Mr. Water's "bait and switch" comment, stating it was a false choice to compare the 2019 and 2023 project proposal.

Ed Hermes, Carnation Association of Neighbors, stated he was in opposition of the project. He stated that the developers' negotiated with the neighborhood on development of the new project while keeping the original stipulations from the Steele Indian School Park Specific Plan in place. He stated that this was something the neighborhood was in support of back in 2019. He stated that with little to no public engagement, the developers went to go back on stipulations and the neighborhood wants to hold the developer to the original stipulations. He stated that he was disappointed that the public was not invited to the Parks and Recreation meeting with the applicant and that the Carnation Neighborhood has been trying to have a meeting with the Parks and Recreation Department for some time. He stated that the alignment of the roads on the intersections of Central Avenue and Glenrosa Street and 2nd Avenue and Indian School is important to help reduce the number of vehicles coming through the neighborhood. He stated that the view corridor is still an important factor to the neighborhood and the neighborhood helped develop the view corridor stipulation back in 2019. He stated it was important to keep the pedestrian corridor on the corner of

Central Avenue and Indian School Road to support the future Light Rail Expansion. He stated that the neighborhood does not support the reduction of open space. He stated that the stipulations are feasible, and the developer should be upheld to abide by the original stipulations.

Mr. Tate responded to the registered speaker by mentioning that he was disappointed with Mr. Hermes comments, disagreeing that there has been little to no public engagement. He stated there were two VPC meetings and two PHO meetings regarding the case. He stated there has been more public engagement at this point of the project compared to the original rezoning case in 2019. He stated that the original stipulations is not feasible because the original development is no longer possible. He stated they are making adjustments in order to make the vision possible in 2023.

Sabrina Perez, Encanto Village Planning Committee, stated that the developer had done a lot more neighborhood outreach regarding this project due to all the changes the project was experiencing. She stated that she understands the concerns the neighborhood has regarding preserving the specifics of the connectivity to the park, but from a technical perspective, the developer has done a great job keeping up with the development standards that would work with the current market. She stated that the developer has done a good job to bridge the distance between what the public wants and what the developer can provide. She stated her support for the developer and said that the team has tried to assist with the increased public outreach when changes were made to the project. She stated that the meeting with Parks and Recreation was for the two private parties and is not intended as a public meeting.

Mr. Easton asked Mr. Tate how many connections did the project make with the park.

Mr. Tate stated they were technically three; The northeast connection is weaved between the proposed condominiums and senior living building and is purely a pedestrian access point. He stated the second connection is to the south of the senior living building, which is part of the east-west pedestrian connection that goes directly into the park. He stated the third is the north-south connection to Farrington Drive. He stated that this connection differs from the other two because they already have an existing access agreement with the Parks and Recreation Department to use Farrington Drive as a connection.

Mr. Easton asked if the north connection were to be used as a possible vehicular and pedestrian connection.

Mr. Tate stated that the Parks and Recreation Department Board approved the access point to Farrington Drive in 2019. He stated he believes it is currently for vehicular access, but would need to confirm the language in the access agreement. He stated that the crosswalks shown on the proposed site plan were place at the north connection for pedestrian safety perspective.

Mr. Easton recommended approval for Stipulation 2 regarding a public pedestrian plaza. He stated that the slight reduction of the corner is offset by the additional west-east access from Indian School Road. He stated the applicant is meeting the intent of the public open space and is a more well-planned public plaza. He recommended approval with modifications for Stipulation 3 regarding a linear view corridor. He stated that the new stipulation language from the applicant and Parks and Recreation Department was going to be incorporated into the existing stipulation language. He recommended approval to delete Stipulation 4 regarding public pedestrian accessways. He stated that the stipulation is no longer necessary because of the redesign and subsequent elimination of the view corridor in favor of the pedestrian corridor.

He recommended approval for Stipulation 5 regarding public primary pedestrian accessway. He stated the reconfiguration of the pedestrian and vehicular circulating system necessitates a revision to the stipulation. He stated the modification reflects the redesign and implements the changes agreed upon from the latest VPC meeting. He recommended approval for Stipulation 6 regarding public open space. He stated that the new design incorporates smaller open space areas throughout the site and the smaller block design necessitates less overall public open space. He stated that the current design opens the space up to the public better, providing easier access from the surrounding streets to the park. He recommended approval for Stipulation 7 regarding three public open space areas. He stated the design does not allow for the orientation of the open space areas toward the historic cafeteria tower and mountain views.

He recommended denial for Stipulation 14 regarding alignment of ingress and egress points with the existing street network. He stated that the intent of the stipulation is to ensure any proposed access points on Indian School Road aligns with existing driveways on the south side of the road to mitigate undesired and unsafe turning conflicts and to mitigate pedestrian, bicycle, and vehicle conflicts. He stated that the developer will need to submit a geometric design, tapers, and dedications to align the west leg of the intersection to operate under a non-split phase signal. He stated the property at the northwest corner of the intersection of Central Avenue and Glenrosa Street had been stipulated to the same requirement, therefore completing the intersection improvements. He stated that the site was archeologically sensitive and new stipulations were to be added. He stated that staff did not receive a Proposition 207 waiver and that an additional stipulation would be included requiring a waiver to be submitted prior to final site plan approval.

Mr. Tate stated that the new archeological stipulation does not match what has already occurred with the project. He stated the added stipulated already exists in the original 2019 case. He stated that an archaeological report was submitted to the City of Phoenix in 2019 and was discussed with former director, Alan Stephenson, and the report is on file with the Archaeological Office.

Mr. Easton stated he would retract the additional archaeological stipulations.

FINDINGS:

- 1) The request for modification of Stipulation 2 is approved. Redesign of buildings facilitated this request and the slight reduction of the corner.
- 2) The request for modification of Stipulation 3 is approved. The redesign of the site, which has been vetted by the VPC and the City Long Range Planning Section, facilitates the modification of the stipulation. The updated design is more consistent with the intent of the Uptown TOD Plan, which was adopted to facilitate a more walkable, bikeable urban environment. In the context of this site, the updated plan promotes the flow of people between the Metro Light Rail, the arterial streets, the development, and Steele Indian School Park in a more logical, convenient, and efficient manner. In addition, new language, that was proposed by City Staff, was added to further specify access between the Park and the development.
- 3) Request for the deletion of Stipulation 4 is approved. Because of the redesign and subsequent elimination of the view corridor in favor of the pedestrian corridor, this stipulation is no longer necessary.
- 4) The request to modify Stipulation 5 is approved. The reconfiguration of the pedestrian and vehicular circulation system necessitates a significant revision to this stipulation – one that was formulated with the input of the VPC ultimately being modified after the initial hearing with the VPC. The changes/modifications clarify the new design and implement the changes that were agreed upon during the latest VPC hearing.

The design change supports a better pedestrian and vehicular access to and through the development by providing a major east/west throughfare that bisects the site and creates an unobstructed view corridor between Central Avenue and Steele Indian School Park. Individuals standing on the Central Avenue Metro Light Rail platform will be able to look directly through the project to Steele Indian School Park, providing a visual indication of pedestrian accessibility through the development and into the Park – a feature that did not exist in the previous conceptual plan with the diagonal view corridor.

- 5) The request to modify Stipulation 6 is approved. The smaller “block” design necessitates less overall public open space but also opens up the space to the public with better access points.
- 6) The request to modify Stipulation 7 is approved. The design does not allow for the orientation of the open space areas in this way.
- 7) The request for the deletion of Stipulation 14 is denied. The intent of the stipulation is to ensure any proposed access point to this property on Indian School Road aligns with existing driveways on the south side of the road to

mitigate undesired and unsafe turning conflicts in line with the adopted complete streets ordinance and to mitigate ped/bike & vehicle conflicts. Although the applicant shows a proposed driveway in the generally correct location, this stipulation must remain to ensure it remains as indicated.

- 8) The new Stipulation 14 is intended to further specify how to align the intersection that is currently offset. The developer will be required to submit a geometric design, tapers and dedications to align the west leg of the intersection to operate under a non-split phase signal. The property at the northwest corner of Central and Glenrosa had been stipulated to the same requirement, this stipulation will complete the intersection improvements.
- 9) The applicant did not submit a Proposition 207 waiver of claims prior to the Planning Hearing Officer hearing. Submittal of this form is an application requirement. An additional stipulation is recommended to require the applicant to record this form and deliver it to the City to be included in the rezoning application file for record.

STIPULATIONS:

1.	The maximum building height shall be limited to 400 feet.
2.	A minimum 0.75 ± gross acre public pedestrian plaza/public open space area shall be provided at the intersection of Central Avenue and Indian School Road.
3.	<p>A PEDSTRIAN linear view corridor that is A an average of 85 feet in width, minimum 40 60 feet in width, measured at the ground level and between buildings shall be provided from the southwest corner of the site to A CENTRALIZED OPEN SPACE PLAZA the northeast corner of the site and begin with the pedestrian plaza. THE DEVELOPER SHALL WORK WITH THE PLANNING AND DEVELOPMENT DEPARTMENT AND PARKS AND RECREATION DEPARTMENT TO ESTABLISH THREE (3) PEDESTRIAN ACCESS POINTS BETWEEN THE INTERIOR OF THE SUBJECT SITE AND STEELE INDIAN SCHOOL PARK (THE "PARK"), SUBJECT TO LEGAL ACCESS TO THE PARK BEING PROVIDED BY THE CITY OF PHOENIX AT ITS SOLE DISCRETION. ONE (1) ACCESS POINT IS DESIRED OUTSIDE OF THE PARK GATES AT FARRINGTON DRIVE AND TWO (2) ARE DESIRED ALONG THE NORTHEAST AND EAST SHARED PROPERTY LINES.</p> <p>The view corridor shall focus on the historic cafeteria tower and on the mountain views (Piestewa Peak) and be in general conformance with the Uptown TOD conceptual Master Plan, as approved by the Planning and Development Department</p>
4.	A minimum 26 foot wide primary and a minimum 10 foot wide secondary

	public pedestrian accessway shall be located within the view corridor and shall be constructed of a decorative material, as approved by the Planning and Development Department. The public accessway shall be provided at the southwest corner of the site and extend to the northeast end of the site.	
4. 5.	THE DEVELOPMENT SHALL PROVIDE AN EAST/WEST-ORIENTED PEDESTRIAN AND VEHICULAR THROUGHFARE ACCESSED FROM CENTRAL AVENUE AND ALLOWING PEDESTRIAN CONNECTIVITY FROM THE CENTRAL AVENUE LIGHT RAIL STATION, THROUGH THE DEVELOPMENT, TO THE BOUNDARY OF STEELE INDIAN SCHOOL PARK. THE THOROUGHFARE SHALL INCLUDE THE FOLLOWING ELEMENTS: A minimum 26-foot-wide public pedestrian accessway shall be provided from the public primary pedestrian accessway within the view corridor and connecting to the light rail pedestrian crossing along the western property line, and shall be constructed with decorative material, as approved by the Planning and Development Department.	
	A.	DETACHED SIDEWALK WITH LANDSCAPE STRIP ADJACENT TO BUILDINGS "D" AND "F" AS INDICATED ON SITE PLAN.
	B.	ONE (1) MINIMUM 5-FOOT-WIDE BIKE LANE
	C.	PEDESTRIAN SAFETY INFRASTRUCTURE AT ROADWAY AND DRIVEWAY CROSSINGS, WHICH MAY INCLUDE (BUT NOT LIMITED TO) TRUNCATED DOMES, LIGHTED CROSSWALKS, RAISED CROSSWALKS, OR OTHER FEATURES AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
	D.	SEATING AREAS AND SHADE TREES AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
5. 6.	The development shall provide a minimum 20 30 percent public open space on the site, excluding perimeter setbacks, as approved by the Planning and Development Department.	
6. 7.	The development shall include a minimum of three distinct public open space areas, a minimum of 20,000 square feet in size and shall be oriented to capture the view of the historic cafeteria tower and the mountain views (Piestewa Peak). Each open space area shall follow the guidelines established in Section 1310 of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. All open space areas shall provide seating and be open to the public.	
7.	All pedestrian crossings, including but not limited to the stipulated public	

8.	pedestrian accessways, constructed across driveways, shall be raised and shall consist of decorative pavers, stamped or colored concrete, or another material, other than those used to pave the parking surfaces and drive aisles, as approved by the Planning and Development Department.		
8. 9.	One of the following streetscape treatments shall be provided along Indian School Road:		
	a.	A minimum 15-foot-wide uninterrupted public pedestrian accessway located behind the back of a minimum 10-foot wide detached landscape strip. The landscape strip may taper to allow for an appropriate transition into the one-gross acre open space area at the intersection of Central Avenue and Indian School Road. The accessway shall connect to the 1 gross acre open space area and shall provide the following amenities or similar features, as approved by the Planning and Development Department:	
		1)	Minimum four gathering areas with seating.
		2)	Minimum four landscape planters.
		3)	Decorative pavement.
		4)	Art elements.
		5)	Decorative bollard lighting along the entire frontage.
	b.	A minimum 6-foot-wide detached sidewalk and a landscape strip along Indian School Road for the length of the project site. The landscape strip, to be located between the sidewalk and the back of curb, shall begin at a minimum of ,30 feet in width at the eastern property line and may taper to a minimum of 15 feet in width, as approved by the Planning and Development Department. The landscape strip shall include a minimum of 2-inch caliper shade trees planted a minimum of 20 feet on center or in equivalent groupings between the existing palm trees, as approved by the Planning and Development Department.	
9. 10.	Bicycle parking shall be provided as follows:		
	a.	All required bicycle parking for multifamily use, per Section 1307.H.6.d of the Phoenix Zoning Ordinance, shall be secured parking.	
	b.	Guest bicycle parking for multifamily residential use shall be provided	

		at a minimum of 0.05 spaces per unit with a maximum of 50 spaces near entrances of buildings and installed per the requirements of Section 1307.H of the Phoenix Zoning Ordinance.
	c.	A minimum of 10% of the required bicycle parking for nonresidential uses shall be secured.
10. 44.		The developer shall submit a Traffic Impact Study/Statement to the City for this development. No preliminary approval of plans shall be granted until the study has been reviewed and approved by the City upon satisfactory resolutions of review comments by the City staff, as approved by the Street Transportation Department and the Planning and Development Department.
11. 42.		The development shall provide an internal vehicular and pedestrian circulation plan to address ingress and egress to and from the site, vehicle loading, pick up and drop off locations, pedestrian connections to existing light rail station and proposed mitigation to potential vehicle / pedestrian conflict points internal and external to the site. No preliminary approval of plans shall be granted until the internal vehicular and pedestrian circulation plan has been reviewed and approved by the Street Transportation and Planning and Development departments.
12. 43.		The development shall underground the existing overhead utility lines adjacent to Indian School Road for the entirety of its frontage, as approved by the Planning and Development Department.
13. 44.		Proposed site ingress and egress points to align with existing street network locations, as approved by the Planning and Development Department.
14.		DEDICATE SUFFICIENT RIGHT-OF-WAY AND CONSTRUCT THE SOUTH SIDE OF FARRINGTON DRIVE TO ACCOMMODATE REALIGNMENT WITH THE WEST LEG OF GLENROSA AVENUE AND CORRESPONDING SIGNAL MODIFICATIONS, AS REQUIRED BY THE STREET TRANSPORTATION DEPARTMENT. THE DEVELOPER SHALL BE RESPONSIBLE FOR ALL COST AND CONSTRUCTION OF IMPROVEMENTS.
15.		The Central Avenue frontage shall comply with the Central Avenue Development Standards.
16.		The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall

	comply with all ADA accessibility standards.
17.	The developer shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence and operational characteristics of Phoenix Sky Harbor International Airport to future owners or tenants of the property.
18.	The developer shall provide documentation to the City of Phoenix prior to final site plan approval that Form 7460-1 has been filed for the development and that the development received a "No Hazard Determination" from the FAA. If temporary equipment used during construction exceeds the height of the permanent structure, a separate Form 7460-1 shall be submitted to the FAA and a "No Hazard Determination" obtained prior to the construction start date.
19.	Prior to preliminary site plan approval, a report prepared by a qualified professional archaeologist determining the history of past uses of the property shall be submitted to the City Archaeology Office for review and comment. The report shall include compliance with ARS 41-865 (Arizona Burial Law). Results of the plan shall include a recommendation for further archaeologist testing or additional monitoring if recommended.
20.	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.
22.	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.
23.	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.
24.	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.

Upon request, this publication will be made available within a reasonable length of time through appropriate auxiliary aids or services to accommodate an individual with a disability. This publication may be made available through the following auxiliary aids or services: large print, Braille, audiotape or computer diskette. To request a reasonable accommodation, please contact Teleia Galaviz at teleia.galaviz@phoenix.gov or (602) 291-2559 or TTY: 7-1-1.

John Roanhorse

From: Ed Hermes <edward.hermes@gmail.com>
Sent: Monday, July 24, 2023 8:49 PM
To: Council District 4; PDD Encanto VPC; John Roanhorse
Cc: CarnationAssociationAZ; Nick Klimek; zoning.mailbox@phoenix.gov
Subject: Neighborhood Opposition to Application No: PHO-1-23-Z-9-19 (Application to modify stipulations)

Good Evening,

I am writing with regard to application no. PHO-1-23-Z-9-19 regarding the 17.7 acre lot on the northeast corner of Indian School and Central (the "Application"). As President of the Carnation Association of Neighbors ("CAN") - the nearest neighborhood association - I just received notice that the developer is requesting to eliminate the beneficial stipulations that the City approved in 2019. I am writing to ask you to oppose and VOTE NO on the Application because it would eliminate important protections and benefits for the public that were stipulated to in 2019, such as eliminating the public pedestrian plaza, eliminating the linear view corridor, eliminating public pedestrian accessways, eliminate public open spaces, and other deleterious modifications. In 2019, when the developer approached us about this development, CAN supported the development in large part because of these stipulations. These proposed modification to the stipulations would walk back all of those promises made to the neighborhood and do so without any meaningful public outreach.

What I am most disappointed about and the main reason for my opposition is because the developer has not kept our neighborhood and the nearby community apprised since it received the original approval in 2019, has not reached out to the neighborhood at all, and has not spoken with our neighborhood about this proposed change. The only contact that I have received on this development in the past three (3) years is the letter I received today in my mailbox stating that the developer wishes to completely change the development for the worse and walk away from the increased walkability, access to public spaces, and connectivity that we were promised in 2019. The short letter I received in the mail does not adequately detail the proposed modifications and the lack of public engagement by the developer this time around this has left us with frustrations and concerns.

For such a significant development and such a significant and deleterious proposed modification, it is reasonable to expect that the developer will engage with our community to, at a minimum, have a meeting to explain these proposed modifications to the stipulations that were promised in 2019.

For these reasons, I ask that you VOTE NO on Application no. PHO-1-23-Z-9-19.

Sincerely,

Ed Hermes
President, Carnation Association of Neighbors
480-452-2062

John Roanhorse

From: Jeremy Thacker <jeremythacker@gmail.com>
Sent: Tuesday, July 25, 2023 12:50 PM
To: Ed Hermes
Cc: CarnationAssociationAZ; Christian Solorio; Council District 4; PDD Encanto VPC; Joel Carrasco; Joshua Bednarek; Kenny W; Kristin Lisson; Nick Klimek; Russ Yaw; tseely@arizonarepublic.com; Stacey Champion; John Roanhorse; kathryn northcentralnews.net; zoning.mailbox@phoenix.gov
Subject: Re: Neighborhood Opposition to Application No: PHO-1-23-Z-9-19 (Application to modify stipulations)

Ed,

WOW! This email may be the epitome of lack of self-awareness!

In June, you and the CAN Board supported an inferior project, Petree, directly across the street from the Central Park.* Within 2 months of Petree being approved by you and CAN board, the Central Park files to remove retail and commercial elements and increase residential density. Coincidence? I think not!

The Central Park made the changes based on the precedent approved by YOU and CAN board! **The changes you oppose are being made because of you!** As further proof, Eric Kenney at Petree told me that the Pivotal Group, the Central Park, contacted him about changes to the Central Park. The Central Park was waiting on Petree's approval, which you gave them, to submit these changes.

Let's compare the developments. Both developments have 1,500 residential units on roughly the same acreage but Petree only has 20K sq ft of retail compared to 90K at the Central Park. In addition, the Central Park offers 250K of commercial space and condos for purchase whereas Petree has none. Additionally, the Central Park has substantially more open space, and smaller and more parcels. Yet, you supported Petree but now oppose the Central Park.

What's the difference? Maybe the Central Park should offer to put a park and culdesac in front of the 3 CAN board members houses...wait, Petree already did that. Would you prefer suitcases of \$ this time instead? Unbelievable!

My favorite part is that you're upset that Pivotal has not communicated with the neighborhood. I guess you prefer Petree's communication methods so that the CAN board members can have several private meetings with the developer to voice your personal subjective concerns before involving the rest of the neighbors. Have you no shame!?

I do not support the changes being made at the Central Park either so my email should not be misconstrued as support. I just think the individuals who enabled these proposed changes shouldn't be clutching pearls when those inevitable and predicted changes take place. Despite all of the horrible changes proposed for the Central Park, it is still 5x better a project than Petree.

*You videoed your speech in support of Petree at the EVPC for your upcoming CC campaign. Also, you just posted a video on Carnation's Facebook page of support and exuberance regarding Petree.

Disgusted and ashamed,
Jeremy Thacker

On Tue, Jul 25, 2023 at 6:30 AM Ed Hermes <edward.hermes@gmail.com> wrote:

Good Evening,

I am writing with regard to application no. PHO-1-23-Z-9-19 regarding the 17.7 acre lot on the northeast corner of Indian School and Central (the "Application"). As President of the Carnation Association of Neighbors ("CAN") - the nearest neighborhood association - I just received notice that the developer is requesting to eliminate the beneficial stipulations that the City approved in 2019. I am writing to ask you to oppose and VOTE NO on the Application because it would eliminate important protections and benefits for the public that were stipulated to in 2019, such as eliminating the public pedestrian plaza, eliminating the linear view corridor, eliminating public pedestrian accessways, eliminate public open spaces, and other deleterious modifications. In 2019, when the developer approached us about this development, CAN supported the development in large part because of these stipulations. These proposed modification to the stipulations would walk back all of those promises made to the neighborhood and do so without any meaningful public outreach.

What I am most disappointed about and the main reason for my opposition is because the developer has not kept our neighborhood and the nearby community apprised since it received the original approval in 2019, has not reached out to the neighborhood at all, and has not spoken with our neighborhood about this proposed change. The only contact that I have received on this development in the past three (3) years is the letter I received today in my mailbox stating that the developer wishes to completely change the development for the worse and walk away from the increased walkability, access to public spaces, and connectivity that we were promised in 2019. The short letter I received in the mail does not adequately detail the proposed modifications and the lack of public engagement by the developer this time around this has left us with frustrations and concerns.

For such a significant development and such a significant and deleterious proposed modification, it is reasonable to expect that the developer will engage with our community to, at a minimum, have a meeting to explain these proposed modifications to the stipulations that were promised in 2019.

For these reasons, I ask that you VOTE NO on Application no. PHO-1-23-Z-9-19.

Sincerely,

Ed Hermes
President, Carnation Association of Neighbors
480-452-2062

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Inline image

Jeremy Thacker

(480) 410-1923

jeremythacker@gmail.com

4520 N 2nd Ave, Phoenix, AZ 85013

John Roanhorse

From: Cliff Valenti <cliffvalenti@outlook.com>
Sent: Friday, September 8, 2023 2:02 PM
To: PDD Encanto VPC
Cc: CarnationAssociationAZ; Ed Hermes; bgarmen@gmail.com; julia.luscher@gmail.com; Blessings; Ed Hermes; Council District 4
Subject: PHO-1-23--Z-9-19 - Indian School & Central Avenue Developer Request to Modify and or Drop Stipulations.
Importance: High

Dear EVPC Members –

Thank you for your service to the community. The role you each play in scrutinizing and upholding the communities needs and desires regarding development is critical to the success of our city. With this in mind, I implore you to oppose any and all modifications to the stipulation requested by Central Park I, LLC.

Considering the significant extent of changes that the revised project entails, I am genuinely shocked that it does not need to go through the full review process, beginning with the approval of the Encanto Village Planning Committee. The leniency, reduced requirements, and upzoning provided for Transit-Oriented Development projects are of substantial benefit developers. However, the community stands to gain tremendous benefits only if the agreed-upon stipulations are honored when a project like this is passed.

Preserving the historic views and breathtaking framing of Piestewa Peak, as outlined in stipulations 2, 3, and 4, must be a priority. Moreover, stipulation 5, which addresses access to light rail, is currently more functional in the existing proposal than in the modification sought by Central Park I, LLC. This sentiment was strongly conveyed by the community during a meeting on August 21st, where the developers' lawyers were present.

During that same meeting, one of the attorneys representing the developers, Ben Tate, informed me that they had worked on this plan multiple times since 2020 before settling on the proposed configuration. Astonishingly, throughout this three-year period, they failed to reach out to the community even once to seek their feedback or recommendations.

Stipulations 6 and 7 play crucial roles in ensuring the successful function of a large multi-purpose zoning project. It is important to note that this land previously contributed to the overall size of Steele-Indian School Park. While the rezoning also plays an important role in providing housing and much-needed retail, in which Phoenix currently has a deficiency, the large influx of people in this area necessitates elements that enhance walkability and integrate surrounding assets, such as the light rail system, into a cohesive pedestrian network.

Furthermore, I would like to draw attention to the fact that the new configuration allocates almost all of its Central Avenue frontage to parking garages -, neglecting retail, commercial, or even walk-out residential spaces. This also holds true for the frontage along Indian School Road.

I kindly request your support in prioritizing the interests of the community and denying this request. Our city's future depends on the careful preservation of the agreed-upon stipulations and the overall well-being of our beloved community.

Thank you for your attention and consideration.

Regards,

Cliff Valenti
Chair, Carnation Association of Neighbors Development Committee

Ms. Feather
Post Office Box 32957
Phoenix, Arizona 85064-2957

August 14, 2023

Planning and Development Dept.
City of Phoenix
200 West Washington Street
Phoenix, Arizona 85003

Attention: PHO HRG

CITY OF PHOENIX

AUG 14 2023

**Planning & Development
Department**

Re: Hearing date: August 16, 2023

Statement regarding planned sale of land on the NE
corner of Indian School Road and Central Avenue

A few days ago I read an article regarding the above-referenced planned sale of land. Years ago a similar sale was hotly discussed. The core complaints against such at the time were (1) why are we selling our land, a valuable commodity; and, (2) why in the world would we sell that particular land, which has historical importance to our community, our state and our nation. The nutshell bottom-line resolution was that a portion of the land would be sold or leased (I don't recall which) and the balance of the land would remain, partially as a park and partially for the historical value, including that the main Indian School building would not be demolished and would thereafter house a museum. As is often the case in such battles, neither side was 100% happy with that result, but it was the best resolution the parties could agree upon; and, we have lived with that, as we should with agreements.

Now, because someone wants that piece of land, the sale of same is again being discussed, and discussed by many who do not know the history of that land. Although I and many others feel this potential action did not receive near enough public notice (speaking about reality, not about the legal requirement), we have no time to discuss that issue before the August 16, 2023, hearing.

The important points which need to be heard are these: (1) We had an agreement about the land; people are now discussing breaking that agreement, which should not be permitted to happen; (2) land is a valuable commodity and usually should not be sold simply because someone else wants it; (3) to close yet another City park is not a good idea; (4) the fate of the Indian School museum was not discussed (or even mentioned) in the one article I read and that is a great concern to many; (5) the proposed eventual use of the land reportedly is that of 'luxury' apartments, which will not ease the serious lack of housing in this city, and shopping areas, a gym, etc. all of which are not lacking in that neighborhood; (6) there are SO many pieces of land in this city which are available to be used for those exact same purposes and are also within easy walking distance of the light rail, apparently a big 'push' point supporting the land's sale; (7) we absolutely do not need yet another cement and glass building, especially in our Central Corridor, which will help

hold in the heat and be a hypocritical move in light of all of the discussions about how 'climate' is making things worse for us and we need more trees and so forth.

Alternate suggestions are to build elsewhere, even in two, three, four locations, still keeping in mind the supposed 'pro' points of being close to the light rail and shopping. Any portion of that new construction could still be created and advertised as 'luxury' housing, although the City truly needs affordable housing for its citizens, not something Madison Avenue has attached the buzz word 'luxury' to. If the City does not promote and assist builders to provide affordable housing it is forcing people to move far away from where they're employed, meaning their drive time is increased, meaning we're shooting ourselves in the foot as far as our stated desire to decrease pollution, stress and red-light runners. Not everyone works somewhere close to the NE corner of Indian School Road and Central Avenue, so building in multiple locations would actually help the City's residents live closer to where they work, providing a great convenience and the probable greater use of the light rail and/or bus system. Having more housing locations would also support the rebuilding of our community stores which were damaged or just plain closed due to the pandemic restrictions, which would then benefit the neighborhoods with a ripple effect, including that of providing employment for more people.

This proposed sale does not seem to have any benefit to anyone other than the builder who wants the land and there are more than a couple of negatives which will result from such proposed construction. Our City planners should seriously re-think this proposed sale and look at the broader picture and the other ways planning and thinking ahead can truly benefit our City as a whole and all of the residents we have. We have long admitted the tremendous need for affordable housing, the need to reduce the use of heat-retaining products in new construction, the desire to "somehow" rebuild our neighborhoods and return many of the stores and businesses which had to close these past few years. This is the City's opportunity to actually be "forward thinking" by working with this and any other potential builders to effect much better end results, keep our park and museum and benefit all of us.

I ask for a 'no' vote for this proposed sale and planned construction, please!

Sincerely,

A handwritten signature in cursive script, appearing to read "Feather".

Ms. Feather
a native Phoenician

John Roanhorse

From: Ed Hermes <edward.hermes@gmail.com>
Sent: Sunday, September 10, 2023 10:05 PM
To: PDD Encanto VPC
Cc: CarnationAssociationAZ; bgarmen@gmail.com; Julia.luscher@gmail.com; Blessings; Council District 4; John Roanhorse; Pamela Pawlowski; Michael Petersen-Incorvaia
Subject: PHO-1-23--Z-9-19 - Indian School & Central Avenue Developer Request to Modify and Eliminate Stipulations - Please vote no on item no.

Dear Encanto Village Planning Committee:

First, thank you for tabling this agenda item last month and insisting that the developer meet with the community to discuss its pending application to eliminate certain stipulations that were put in place when the property was up zoned in 2019. The meeting was held on the evening of August 21st at the Steele Indian School Park Memorial Hall. Despite the short notice, this meeting was well attended by residents who live near the development. The consensus was that the stipulations required by the City's 2019 staff report should continue as is. Eliminating the stipulations would make the development more car-centric, less walkable, and less unique for our uptown community.

Therefore, I am asking for you to vote no on the stipulation elimination, not to stop the site from being developed, but to ensure that the site is developed consistent with these important stipulations required and agreed to in 2019. This is not a new zoning case, and the developer is free to shift the development away from office space to more residential units, but should do so in accordance with the stipulations that it previously agreed to. As stated further below, shifting to more residential units makes these stipulations even more important to comply with so that residents have a unique, pedestrian-centric development to call home.

Preserving the pedestrian paseo and Piastewa Peak Views - Stipulations 2, 3, 4, and 5

As part of the Steele Indian School Park Plan, developers are required to preserve the historic views and breathtaking framing of Piasta Peak. In 2019 when the developer sought the zoning change to put a large development at this corner, it agreed to preserve this corridor and presented the community with unique design plans. It was because of this that our community supported the re-zone in 2019. Eliminating these stipulations would make the development less walkable as it would significantly narrow the walkway and, much worse, put pedestrians into conflict with cars when trying to walk from the intersection to the Park. Eliminating these stipulations would eliminate what made this development so unique in the first place and would pave the way (literally) for this development to look like the mixed-use developments in Scottsdale or far north Phoenix. Let's keep in place the requirements that have been in place for 30 years in the Steele Indian School Park Plan and what made this development so unique for uptown Phoenix by preserving the pedestrian paseo and Piastewa Peak views.

I take the Light Rail almost every day from the Indian School/Central stop and can tell you first hand that this corner is special and very busy with pedestrian traffic from not only the Light Rail, but also from residents who live in the apartments nearby. Having the pedestrian paseo emanate from this important corner is not only unique and pedestrian-focused, but it makes good design sense given the activity at these corners.

Preserving Public Open Space - Stipulations 6 and 7

The applicant is seeking to reduce its commitment and requirement to have public space on this 17.7 acre lot and is requesting a 33.3% reduction in open space (from 30% down to 20%). This stipulation revision would make the development objectively worse and less welcoming to pedestrians. The 30% public space requirements, as it currently

exists, could be achieved by making the planned pickle ball court (which the developer currently wants to be private access only) open to the public, or by making other design choices to prioritize the pedestrian experience and open space.

Aligning ingress and egress points with the existing street network - Stipulation 14

Stipulation 14 was insisted upon by City Staff in 2019 to ensure a safe, sensible network for both pedestrians and drivers. I fear that eliminating this important stipulation will make our roads even less safe. According to City of Phoenix Streets Department data presented on June 21 to the Vision Zero Street Safety Committee, the intersection of 3rd Street and Indian School is on of the top ten deadliest intersection with an average of nine (9) crashes a year that kill or cause someone a life-altering injury. This is in addition to the segment of Indian School between 3rd and 12th street being the second deadliest segment or road in the City according to City data.

If the roads in this development are not aligned with the existing street network, it will mean that cars will not be able to turn east out of this development toward the SR51 freeway (which will likely cause car traffic to push into our neighborhood) and, more importantly, it means that there will not be a stop light pedestrian crossing at 2nd and Indian School for pedestrians to cross this dangerous street at. This will lead to unsafe conditions for pedestrians and more people opting out of biking or walking due to safety concerns. Aligning to the existing street network means that there will likely need to be a light at 2nd Street and Indian School, which will encourage walkability and safe crossings at 2nd street and Indian School.

Conclusion

The stipulations were a good idea in 2019. The developer agreed to them then when requesting the zoning change and there is no good reason why the developer should not be required to comply with them now. In a post-pandemic world where we should all emphasize and value public open space and walkability even more, these stipulations are more important now than ever.

I respectfully request that you vote no on eliminating the current stipulations so that this development can move forward as this committee originally intended so that we can have the unique development in uptown Phoenix that our current and future residents deserve.

Sincerely,

Ed Hermes
President, Carnation Association of Neighbors
480-452-2062

Teresa R Garcia

From: Ed Hermes <edward.hermes@gmail.com>
Sent: Sunday, September 17, 2023 2:33 PM
To: PDD PHO
Cc: carnationassociationaz@gmail.com
Subject: PHO-1-23--Z-9-19 - Indian School & Central Avenue Developer Request to Modify and Eliminate Stipulations - Opposition

Hello,

My name is Ed Hermes, I am writing to submit comments regarding the developer's request to be relieved from important stipulations that were promised and required by the City in 2019. (See the City Staff report from 2019). I am asking that you retain these stipulations that are currently in place. I apologize for not being able to join you in September 20 at the hearing, but I have to work during the day and cannot be there.

First, the stipulation to align to the existing road network is very reasonable and needed to ensure safe, efficient traffic flow and to avoid sending traffic through our neighborhood - the Carnation Neighborhood. This stipulation is more important than ever given that the site just west of Central (on the old Agave farms) has been rezoned now. We need to make sure these roads at Glenrosa and 2nd street are aligned. Please do not allow this stipulation to be eliminated.

Similarly, the other stipulations regarding view corridor and open space are also important because they make the development unique and preserve important corridors that have been in place for 30 years in the Steele Indian School Park Plan and what made this development so unique for uptown Phoenix.

Also, applicant is seeking to reduce its commitment and requirement to have public space on this 17.7 acre lot and is requesting a 33.3% reduction in open space (from 30% down to 20%). This stipulation revision would make the development worse and less welcoming to pedestrians. The 30% public space requirements, as it currently exists, could be achieved by making the planned pickle ball court (which the developer currently wants to be private access only) open to the public, or by making other design choices to prioritize the pedestrian experience and open space.

In sum, these stipulations were promises made to the neighborhood, community, and City in exchange for this large rezone in 2019 and this developer should be held to the promises.

Sincerely,

Ed Hermes
Carnation Association of Neighbors, President
480-452-2062

Teresa R Garcia

From: Cliff Valenti <cliffvalenti@outlook.com>
Sent: Monday, September 18, 2023 4:17 PM
To: PDD PHO
Cc: CarnationAssociationAZ
Subject: Opposition to PHO-1-23--Z-9-19, - Central Ave & Indian School

Dear Planning Hearing Officer –

A growing number of people who live within Urban Walkable Code areas are realizing the system in Phoenix is broken. Development projects are getting approved under WU-Code, without honoring the input they receive from the communities they are in, and without providing the elements laid out in Reinvent Phoenix TOD Development Plan. With this in mind, I implore you to oppose any and all modifications to the stipulation requested by Central Park I, LLC.

Considering the significant extent of changes that the revised project entails, I am genuinely shocked that it does not need to go through the full review process, beginning with the approval of the Encanto Village Planning Committee. The leniency, reduced requirements, and upzoning provided for Transit-Oriented Development projects are of substantial benefit developers. However, the community stands to gain tremendous benefits only if the agreed-upon stipulations are honored when a project like this is passed.

Preserving the historic views and breathtaking framing of Piastewa Peak, as outlined in stipulations 2, 3, and 4, must be a priority. Moreover, stipulation 5, which addresses access to light rail, is currently more functional in the existing proposal than in the modification sought by Central Park I, LLC. This sentiment was strongly conveyed by the community during a meeting on August 21st, where the developers' lawyers were present.

During that same meeting, one of the attorneys representing the developers, Ben Tate, informed me that they had worked on this plan multiple times since 2020 before settling on the proposed configuration. Astonishingly, throughout this three-year period, they failed to reach out to the community even once to seek their feedback or recommendations.

Stipulations 6 and 7 play crucial roles in ensuring the successful function of a large multi-purpose zoning project. It is important to note that this land previously contributed to the overall size of Steele-Indian School Park. While the rezoning also plays an important role in providing housing and much-needed retail, in which Phoenix currently has a deficiency, the large influx of people in this area necessitates elements that enhance walkability and integrate surrounding assets, such as the light rail system, into a cohesive pedestrian network.

Furthermore, I would like to draw attention to the fact that the new configuration allocates **almost all of its Central Avenue frontage to parking garages - neglecting retail, commercial, or even walk-out residential units**. This also holds true for the frontage along Indian School Road.

I kindly request your support in prioritizing the interests of the community and denying this request. Our city's future depends on the careful preservation of the agreed-upon stipulations and the overall well-being of our beloved community.

Thank you for your attention and consideration.

Regards,
Cliff Valenti
Chair, Carnation Association of Neighbors Development Committee

Teresa R Garcia

From: Dave Brian Jenkins <daveinmelrose@gmail.com>
Sent: Monday, September 18, 2023 8:21 PM
To: PDD PHO; Mayor Gallego; Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 6 PCC; Council District 7 PCC; Council District 8 PCC
Subject: PHO-1-23--Z-9-19 Central Park Stipulations

To Phoenix Hearing Officer, City of Phoenix Mayor, and City Phoenix Council Members,

Please vote no. It is the right thing to do. It is not about comparing this project to other projects. That ship passed long ago. The developer had offered us a very unique building design. It fits in with the Melrose spirit and community. They want to change it to a cookie cutter design, a track house design to speak, that is seen around the country over and over again. The original design has a very walkable Urban Design for today and tomorrow. They now want to reduce Urban walkability. Yes, it might barely meet today's standards for urban walkability. Reducing the walkability is a poor choice. More importantly, the developer wants to violate the spirit of Phoenix's Urban walkability goals. World events do not affect our little corner of the world and reduce retail and office space. Phoenix has grown to over 5 million residents and is one of the fastest-growing cities in the nation. Retail and Office Space are needed for the fast-growing Phoenix population. We need your support to help keep our community unique and to make it a destination. A destination for people to come to enjoy and support our local unique businesses. Melrose and the surrounding neighborhood communities are on a roll to show the world what community success looks like. Please help us in our goals and help save our neighborhoods. Please vote no and require the developer to fulfill his previous commitments. We can keep Melrose and the surrounding neighborhoods strong unique and growing. A destination. Thank you.

Sincerely, Dave Brian Jenkins

Teresa R Garcia

From: nick kay <kovaniche@gmail.com>
Sent: Tuesday, September 19, 2023 2:02 PM
To: PDD PHO
Cc: Carnation Association of Neighbors
Subject: PHO-1-23--Z-9-19 - Indian School & Central Avenue Developer Request to Modify and Eliminate Stipulations - Opposition

Hi, I'm Nick Kovacovich long time Carnation resident and concerned witness. My apologies, I wasn't aware of the 48 hour submission requirement.

I am writing in opposition to this request to alter stipulations defined and approved in 2019 for the central park development. There may be some alterations in order, but this developer (pivotal) is attempting to pull a fast one and scratch hard-won stipulations from this development without adequate review or balance.

1st- Pivotal held off until the very last minute in notifying the Carnation neighborhood of this request,

2nd- They severely limited any opportunity for neighborhood feedback by withholding the day, time and location of the neighborhood's opportunity to learn about their request. Upon fierce and unanimous resistance to the changes at the Encanto Village Planning Presentation, these guys agreed to discuss with the neighborhood within 30 days and return to EVPC for consideration. They sat on the date and time of that public meeting with the neighborhood until a few days before it was to occur. The actual location was not provided until the very day of the meeting, and only 3 hours prior.

3rd- The developer left out obviously necessary items as low hanging fruit for the neighborhood to call out, and now pretends they are boons that they deign bequeath to the peasants. Frontage to central or Indian School was not a significant part of the original design, of course it would be applicable here. Would the commercial investors not have required frontage on central regardless of our opinion?

Pivotal is colluding with Petree to bait-and-switch the Steele Indian School general plan. They have taken a page out the book that got Z-17-22-4 approved for Petree at Glenrosa and central... they imply to city leadership and the community that there is some kind of negotiation occurring and that the neighborhood has some input, when in fact they are omitting critical design elements that we are forced to point out and then own as gifts.

please ensure that these stipulations are considered thoroughly and that there is some appropriate balance for any element that are removed from the original, approved plan.

Thank you for your consideration.

Teresa R Garcia

From: Ryan Boyd <ryan.boyd@uppnetwork.org>
Sent: Tuesday, September 19, 2023 9:39 PM
To: PDD PHO
Subject: UPP Concerns with PHO-1-23--Z-9-19

Good evening Planning Hearing Officer team,

I'm writing to you to express the Urban Phoenix Project's concerns with PHO-1-23—Z-9-19 coming before you as item #2 on the agenda.

While we understand that market conditions change and that the original Z-9-19 was not perfect, we have considerable concerns about the proposal in this PHO case meeting the goals and intents of the Uptown TOD Plan. As a PHO case, we believe this case inherently must be compared with what was originally approved as the applicant is asking for modification of stipulations rather than a plain rezoning which would be a more legislative process.

Z-9-19 envisioned high intensity uses and an extensive pedestrian pathway throughout the project. Proponents claim that a view on a street across the east-west is an adequate substitute, however in reality the entire site is reconfigured to center around automobile traffic like many of its peer developments.

Proponents claim that a market on said street also is a marked improvement to the site. This is plausible, but site plans currently do not show this market engaging with Central Avenue which means the site remains inward and autocentric. We also fail to see commitments to activations besides a singular cafe on the southwest corner of the site, nor have we been able yet to find mitigating factors in access from the buildings onto the streets, suggesting that there will be quite massive dead spaces on the site.

Combined with what we seem to be a large number of parking spaces, we're concerned that the project as proposed is skirting its walkable promises from 2019 and replacing them with inadequate mitigating aspects. This is not to say that the project is beyond saving, but as proposed it fails to live up to the standards that should merit relief via a PHO case until the spirit of the original stipulations attached to the rezoning are honored.

Please feel free to reach out if you have any questions or requests of us.

Thank you for your time,

Ryan Boyd

Mobile: 602-799-4478

President, [Urban Phoenix Project Foundation \[urbanphoenixproject.org\]](https://urbanphoenixproject.org/)

Treasurer, Urban Phoenix Project Network



Teresa R Garcia

From: Kenny W <kennywaters602@gmail.com>
Sent: Wednesday, September 20, 2023 9:17 AM
To: PDD PHO; Joshua Bednarek
Subject: PHO Item #2 re The Central Park

ORDINANCE S-45917

AN ORDINANCE REPEALING THE PHOENIX INDIAN SCHOOL SPECIFIC PLAN, APPLICATION GPA-EN-1-19-4.

WHEREAS, the City Council passed Ordinance S-20563 adopting the Phoenix Indian School Specific Plan on December 11, 1991;

WHEREAS, the primary goals of the Phoenix Indian School Specific Plan have been met with development of Steele Indian School Park and the expansion of the United States Department of Veterans Affairs Hospital;

WHEREAS, the request to rezone the privately-owned parcel at the northeast corner of Indian School Road and Central Avenue to the Walkable Urban Code (Z-9-19-4) is in conformance with the City Council adopted Uptown TOD Policy Plan will address the outstanding goals and policies of the Phoenix Indian School Specific Plan; and

WHEREAS, the Phoenix Indian School Specific Plan has fulfilled its purpose and intent.

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

SECTION 1. That the Phoenix Indian School Specific Plan is repealed in its entirety.

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PDF Document · 7.8 MB

I'm writing to oppose TCP's stipulation changes as currently proposed and highlight the Phoenix Indian School Park Specific Plan's repeal that is now logically ***nullified*** with the bait and switch to this new plan. Look no further than the third Whereas of the repeal ordinance. Also the Land Use Plan starting on page 40 of the Park's visionary Specific Plan are not being followed. It all quite obvious now why The Central Park developer started with its 2019 "Plan 1.0", so they could present the case they were following the park's Specific Plan, thus could make the case for its repeal ... but this bait & switch to Plan 2.0 violates the visionary guidelines the Phoenix Indian School Park Specific Plan put in place. Please reject this tactic. This TCP PHO case should be sent FIRST to the Phoenix Parks & Rec Department, then the the Parks & Rec Board before further consideration. Clearly.

Plus ... this current plan loses all synergy and integration of its Walkable Urban Lifestyle infrastructure with the park! It's as if this 2.0 plan walls itself off from the park, which goes against the very roots of the Park Specific Plan's intent. Please be bold and send this to Parks for **INITIAL** consideration where it belongs. Phoenix deserves BETTER.

Sincerely

Ken Waters

Sent from my iPad