

## Attachment C

**PLEASE RESPOND ELECTRONICALLY TO TERESA GARCIA 2ND FLOOR, 602-262-7399**



### **City of Phoenix** PLANNING & DEVELOPMENT DEPARTMENT

**To:** Departments Concerned  
**From:** Joshua Bednarek  
Planning & Development Department Director  
**Date:** January 16, 2024

**Subject: P.H.O. APPLICATION NO. PHO-2-24--Z-26-15-4 – Notice of Pending Actions by the Planning Hearing Officer**

1. Your attention is called to the fact that the **Planning Hearing Officer** will consider the following case at a public hearing on **February 21, 2024**.
2. Information about this case is available for review at the Zoning Counter in the Planning and Development Department on the 2nd Floor of Phoenix City Hall, telephone 602-262-7131, Option 6.
3. Staff, please indicate your comments and respond electronically to [pdd.pho@phoenix.gov](mailto:pdd.pho@phoenix.gov) or you may provide hard copies at the Zoning Counter in the Planning and Development Department on the second floor of Phoenix City Hall by **January 23, 2024**.

### **DISTRIBUTION**

Mayor's Office (Tony Montola), 11th Floor  
City Council (Stephanie Bracken), 11th Floor  
Aviation (Jordan D. Feld )  
CED (Michelle Pierson), 20th Floor  
Fire Prevention (Joel Asirsan), 2nd Floor  
Neighborhood Services (Gregory Gonzales, Lisa Huggins), 4th Floor  
Parks & Recreation (Todd Shackelford), 16th Floor  
Public Transit (Michael Pierce)  
Street Transportation Department (Maja Brkovic, Josh Rogers, Alan Hilty, Chris Kowalsky), 5th Floor  
Street Transportation - Ped. Safety Coordinator (Kurt Miyamoto), 5th Floor  
Street Transportation - Floodplain Management (Tina Jensen, Priscilla Motola, Rudy Rangel), 5th Floor  
Water Services (Don Reynolds, Victor Romo), 8th Floor  
Planning and Development (Joshua Bednarek, Tricia Gomes), 3rd Floor  
Planning and Development/Information Services (Ben Ernyei, Andrew Wickhorst), 4th Floor  
Planning and Development/Historic Preservation Office (Kevin Weight), 3rd Floor  
Planning Hearing Officer (Byron Easton, Teresa Garcia), 2nd Floor  
Village Planner (Sam Rogers, Alhambra)  
Village Planning Committee Chair (Jim DeGraffenreid, Alhambra Village)



# City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

## APPLICATION FOR PLANNING HEARING OFFICER ACTION

APPLICATION NO: PHO-2-24--Z-26-15-4

Council District: 4

**Request For:** Stipulation Modification

**Reason for Request:** Request to modify Stipulation 8 regarding development commencement.

### Contact Information

Name	Relationship Type	Address	Phone	Fax	Email
Ricki Horowitz	Other	1850 North Central Avenue, Suite 1700, Phoenix, AZ 85004	602-234-8728		rhorowitz@bcattorneys.com
Ed Bull	Applicant	1850 North Central Avenue, Suite 1700, Phoenix, AZ 85004	602-234-9913		ebull@bcattorneys.com
Ed Bull	Representative	1850 North Central Avenue, Suite 1700, Phoenix, AZ 85004			rhorowitz@bcattorneys.com
Perry Schroeder, Omninet Capital, LLC	Owner	9420 Wilshire Boulevard, Fourth Floor, Beverly Hills, CA 90212			

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

**Acreage:** 2.95

### Geographic Information

Zoning Map	APN	Quarter Section
H8	155-28-108B	Q18-27
H8	155-28-109B	Q18-27
H8	155-28-110B	Q18-27
H8	155-28-111C	Q18-27
H8	155-28-114B	Q18-27
H8	155-28-113A	Q18-27
H8	155-28-115F	Q18-27
H8	155-28-117B	Q18-27
H8	155-28-118	Q18-27
H8	155-28-119A	Q18-27
H8	155-28-120A	Q18-27
H8	155-28-109A	Q18-27
H8	155-28-110A	Q18-27
H8	155-28-111B	Q18-27
H8	155-28-115B	Q18-27
H8	155-28-115C	Q18-27
H8	155-28-115E	Q18-27
H8	155-28-115D	Q18-27
	155-28-108A	
H8	155-28-117A	Q18-27

Village:  
Alhambra

An applicant may receive a clarification from the city of its interpretation or application of a statute, ordinance, code or authorized

substantive policy statement. To request clarification or to obtain further information on the application process and applicable review time frames, please call 602-262-7131 (option 6), email [zoning@phoenix.gov](mailto:zoning@phoenix.gov) or visit our website at <https://www.phoenix.gov/pdd/licensing-time-frames>

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

I declare that all information submitted is true and correct to the best of my knowledge and belief. I acknowledge that any error in my application may be cause for changing its normal scheduling.

Signature: \_\_\_\_\_ DATE: \_\_\_\_\_

**Fee Information**

Fee	Fee Waived	Fee Date	Purpose
\$1,080.00	\$0.00	12/22/23	PHO (1-2 stipulations)



BURCH & CRACCHIOLO

BCATTORNEYS.COM

EDWIN C. BULL  
DIRECT LINE: 602.234.9913  
EMAIL: [EBULL@BCATTORNEYS.COM](mailto:EBULL@BCATTORNEYS.COM)

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

January 3, 2024

**VIA HAND-DELIVERY**

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

RE: PHO Stipulation Modification from PHO-1-22 – Z-26-15-4 (Stipulation 8)  
Northwest Corner of Central Avenue and Pierson Street


Dear Mr. Easton:

On behalf of Omninet Central LP (“Omninet”), who is the owner and developer of the property located at the northwest corner of Central Avenue and Pierson Street (“Site”), we request the PHO’s approval to modify Stipulation #8 (PHO-1-22--Z-26-15-4) to facilitate the development of a multi-family community with ground floor retail on this infill redevelopment Site. *See Exhibit 1*, Aerial Map identifying the Site. Omninet has modified its previously approved preliminary site plan (“PSP”) to bring it into compliance with the City Council’s December 2022 Approval of Amended Stipulations. Further, Omninet submitted its final site plan (“FSP”) and construction documents (“CDs”) on November 1, 2023.

The Site is zoned PUD (Planned Unit Development). *See Exhibit 2*, Zoning Map. In 2015, the City Council approved the rezoning for this vacant infill Site for a high quality multi-family development along the light rail corridor, subject to 5 stipulations. *See Exhibit 3*, Ordinance G-6089. On December 7, 2022, the City Council approved Ordinance G-7053 adding five stipulations and modifying Stipulation 8. *See Exhibit 4*, Ordinance G-7053.

We are not requesting a Rezoning, nor are we requesting an increase in building height, additional density, or reduced retail space. Rather, we are requesting modification of Stipulation 8 to extend the deadline to commence development for two additional years (10 years to commence development) to allow the time necessary for the City to process and approve





Omninet's CDs and issue building permits, obtain financing, and commence development on the Site.

The proposed Stipulation modification is below:

8. THE APPROVAL SHALL BE CONDITIONED UPON DEVELOPMENT COMMENCING WITHIN **TEN (10) EIGHT (8)** YEARS OF THE CITY COUNCIL APPROVAL OF THIS CHANGE OF ZONING IN ACCORDANCE WITH SECTION 506.B.1 OF THE PHOENIX ZONING ORDINANCE. (FOR PURPOSES OF THIS STIPULATION, DEVELOPMENT SHALL COMMENCE WITH THE ISSUANCE OF BUILDING PERMITS AND ERECTION OF BUILDING WALLS ON SITE).

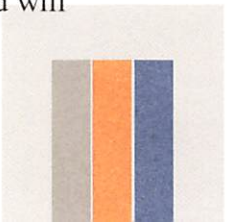
Providing a multi-family community with ground floor retail space will provide greater residential variety and shopping/entertainment/dining opportunities for those living and/or working in the area. The City Council has already approved the rezoning and subsequent PHO modification request to add a Stipulation requiring additional retail square footage, which is reflected in the site plan dated October 30, 2023. *See Exhibit 5*, Site Plan dated October 30, 2023. Omninet is not requesting any additional entitlements or changes to any development standards. Omninet is simply requesting time to commence the approved development that will benefit the area and City by providing a viable and sustainable use on this infill redevelopment Site.

Omninet has experienced various delays that necessitate the requested development extension. Omninet retained ownership of the Site after its purchase agreement with a previously anticipated developer expired shortly prior to the time the City Council approved the PHO modification in 2022. After the purchase agreement terminated, Omninet resumed efforts to work through the Site's various design and infrastructure challenges, obtain an updated preliminary site plan approval, and prepare, submit, and process a final site plan and CDs.

Omninet has submitted its final site plan and CDs and is awaiting the City's review. The review will not be complete until after the deadline to pull permits and commence development has passed. Any necessary plan revisions will require additional time before the FSP can be approved and the development will be permit-ready.

Granting the requested extension will facilitate the development of Omninet's attractive and inviting multi-family community. As shown in the renderings, the development will incorporate high quality materials and color palette, varied architectural details, and attractive landscaping to create visual interest. *See Exhibit 6*, Renderings. The proposed development will be an excellent use of this infill Site and will provide a viable, sustainable use appropriate for the area.

Omninet's request to modify Stipulation 8 is appropriate and necessary to ensure this infill redevelopment Site is redeveloped with the already approved multi-family community. This quality redevelopment is a viable and sustainable use for this now vacant, infill Site and will



provide much-needed housing variety and retail options for members of the Central Avenue community. Please contact Ed Bull (602-234-9913, [ebull@bcattorneys.com](mailto:ebull@bcattorneys.com)), Ali Bull (602-234-8747, [abull@bcattorneys.com](mailto:abull@bcattorneys.com)), or Ricki Horowitz (602-234-8728, [rhowitz@bcattorneys.com](mailto:rhowitz@bcattorneys.com)) if you have questions or need information. Thank you for your help and consideration.

Very truly yours,

BURCH & CRACCHIOLO, P.A.

A handwritten signature in blue ink, appearing to read "Ed Bull" and "Ali Bull" joined together.

Ed Bull and Ali Bull  
For the Firm

# **Exhibit 1**





Pierson Street

Central Avenue

# **Exhibit 2**



PASADENA AVE

R-3  
SP HP  
Z-153-02  
Z-SP-9-19

C-2

P-1

P-1

C-2 SP  
Z-SP-12-99

R-3-HP  
Z-35-14

C-2

R-5

R.5 HP<sup>2</sup>  
2-25-10

R-5

4

R-3

C-2  
Z-132-8

C-2H-R  
C/2.43-81

C-2

R2

R-3 HP  
Z-83-05

R-53

27 FUD  
Z-28-15

SITE

45  
C-2  
461

PUD\*  
Z-27-15

R-5  
H-R

R-3

**ELM ST**

R-3 HP  
Z-83-05

C-2 H-R  
Z-60-85

C-2

R-5

PUD  
Z-31-12

R-5

C-2-

PUD  
Z-22

PUD \*



# **Exhibit 3**

ORDINANCE G-6089

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

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

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

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

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

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

City of Phoenix Zoning Ordinance:

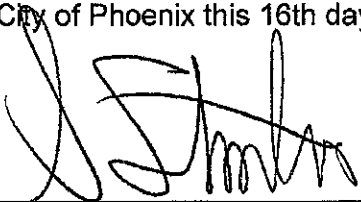
1. An updated Development Narrative for the Omninet – West PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with the Development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

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

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

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




  
MAYOR

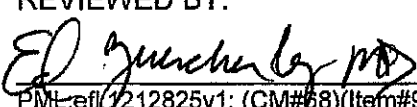
ATTEST:

  
ACTING  
City Clerk

APPROVED AS TO FORM:

  
Acting City Attorney

REVIEWED BY:

  
ACTING  
City Manager

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

Attachments:

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

ATTACHMENT A

LEGAL DESCRIPTION FOR Z-26-15-4

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

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

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

THENCE NORTH 89 43'49" WEST 50.00 FEET;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

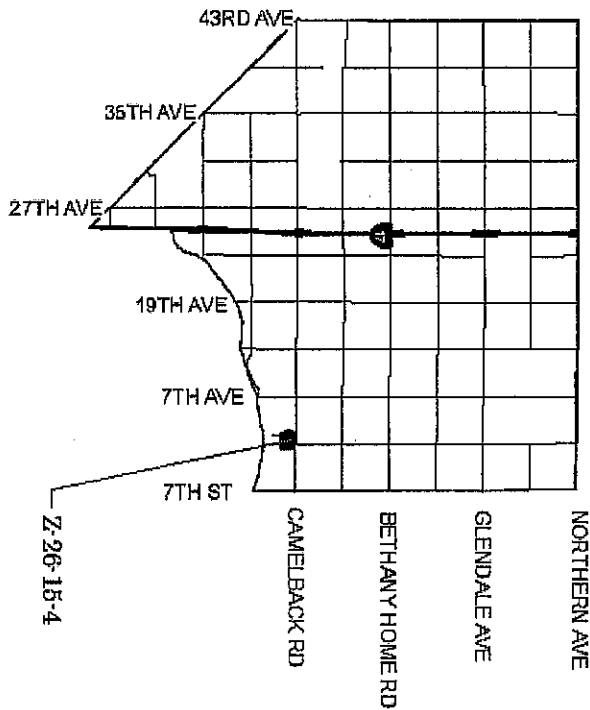
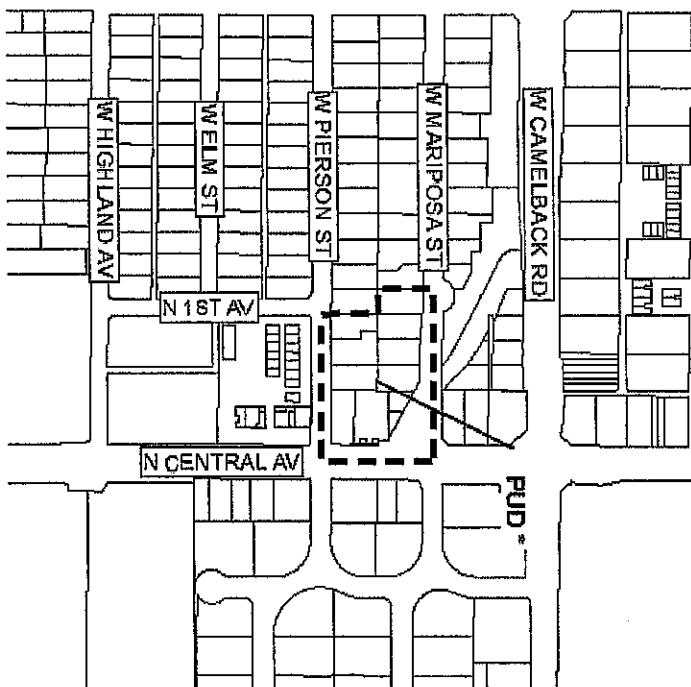


# ORDINANCE LOCATION MAP

ATTACHMENT B

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

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



NOT TO SCALE



Drawn Date: 11/12/2015

N:\S\_Team\MCore\_Functions\Zoning\SuppMaps\_OutMaps\2015 OutFormal\_Dec\_2\_2015\Z-26-15-4.mxd

# **Exhibit 4**

ORDINANCE G-7053

AN ORDINANCE AMENDING THE STIPULATIONS APPLICABLE TO  
REZONING APPLICATION Z-26-15-4 PREVIOUSLY APPROVED BY  
ORDINANCE G-6089.

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

SECTION 1. The zoning stipulations applicable to the property located  
approximately at the northwest corner of Central Avenue and Pierson Street in a  
portion of Section 20, Township 2 North, Range 3 East, as described more specifically  
in Attachment "A", are hereby modified to read as set forth below.

STIPULATIONS:

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

agreement of the five member neighborhood traffic team, the residents on affected streets, and the City of Phoenix Streets TRANSPORTATION Department Safety and Neighborhood Traffic section. Owner may apply for reimbursement of escrow funds from the Street Transportation Department if no special petition has been submitted within 5 years from the issuance of a certificate of occupancy.

3. Developer shall install a monument proximate to the northwest corner of the site identifying the Pierson Place Historic District and facing toward the Light Rail station, as approved by the Planning and Development Department. The monument shall be similar to the existing Pierson Place Historic District Monument located proximate to the southwest corner of 3rd Avenue and Camelback Road, or as otherwise agreed upon by the developer and the Board of Directors of the Pierson Place Historic District.
4. The developer shall construct a directional retail driveway to direct retail traffic away from the neighborhood as approved by the Planning and Development Department.
5. IF DETERMINED NECESSARY BY THE PHOENIX ARCHAEOLOGY OFFICE, THE APPLICANT SHALL CONDUCT PHASE I DATA TESTING AND SUBMIT AN ARCHAEOLOGICAL SURVEY REPORT OF THE DEVELOPMENT AREA FOR REVIEW AND APPROVAL BY THE CITY ARCHAEOLOGIST PRIOR TO CLEARING AND GRUBBING, LANDSCAPE SALVAGE, AND/OR GRADING APPROVAL.
6. IF PHASE I DATA TESTING IS REQUIRED, AND IF, UPON REVIEW OF THE RESULTS FROM THE PHASE I DATA TESTING, THE CITY ARCHAEOLOGIST, IN CONSULTATION WITH A QUALIFIED ARCHAEOLOGIST, DETERMINES SUCH DATA RECOVERY EXCAVATIONS ARE NECESSARY, THE APPLICANT SHALL CONDUCT PHASE II ARCHAEOLOGICAL DATA RECOVERY EXCAVATIONS.
7. IN THE EVENT ARCHAEOLOGICAL MATERIALS ARE ENCOUNTERED DURING CONSTRUCTION, THE DEVELOPER SHALL IMMEDIATELY CEASE ALL GROUND-DISTURBING ACTIVITIES WITHIN A 33- FOOT RADIUS OF THE DISCOVERY, NOTIFY THE CITY ARCHAEOLOGIST, AND ALLOW TIME FOR THE ARCHAEOLOGY OFFICE TO PROPERLY ASSESS THE MATERIALS.

8. The approval shall be conditioned upon development commencing within
5. EIGHT (8) ~~seven (7)~~ years of the City Council approval of this change of zoning in accordance with Section 506.B.1 of the Phoenix Zoning Ordinance. (For purposes of this stipulation, development shall commence with the issuance of building permits and erection of building walls on site).
9. PRIOR TO OCCUPANCY, THE DEVELOPER MUST PROVIDE A QUALIFIED ENGINEER'S REPORT CERTIFYING THE AVERAGE ANNUAL INTERIOR NOISE EXPOSURE FOR ANY RESIDENTIAL UNIT OR ENCLOSED PUBLIC ASSEMBLY AREA WILL NOT EXCEED 45 DECIBELS.
10. THE GROUND FLOOR AREA OF THE DEVELOPMENT SHALL INCLUDE A MINIMUM 14,300 SQUARE FEET OF NON-RESIDENTIAL USES. NON-RESIDENTIAL USES SHALL NOT INCLUDE LOBBY, EXERCISE, RECEPTION AREAS, OR OTHER SIMILAR USES INTENDED FOR EXCLUSIVE USE BY RESIDENTS. ALL NON-RESIDENTIAL USES SHALL FRONT PERIMETER RIGHTS-OF-WAY.

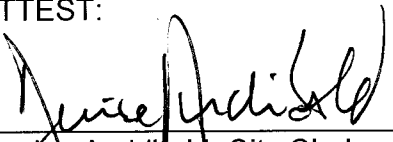
SECTION 2. Due to the site's specific physical conditions and the use district granted pursuant to Ordinance G-6089 this portion of the rezoning is now subject to the stipulations approved pursuant to Ordinance G-6089 and as modified in Section 1 of this Ordinance. Any violation of the stipulation is a violation of the City of Phoenix Zoning Ordinance. Building permits shall not be issued for the subject site until all the stipulations have been met.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 7th day of December,  
2022.

  
MAYOR

ATTEST:

  
Denise Archibald, City Clerk *cl. 05-2023*

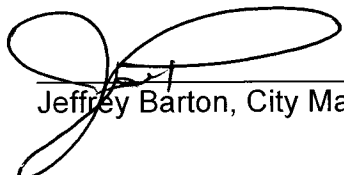


APPROVED AS TO FORM:  
Julie M. Kriegh, City Attorney

By: 

David Benton, Chief Assistant City Attorney  
*pml*

REVIEWED BY:

  
Jeffrey Barton, City Manager

PML:am:(LF22-2088):12-07-22:2354395\_1.docx

Exhibits:

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



EXHIBIT A

THAT PORTION OF LOTS 46 TROUGH 56, STANLEY PLACE, RECORDED AS BOOK 18 OF MAPS, PAGE 21 LOCATED IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE GILA RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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

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THENCE NORTH 89 43'49" WEST 50.00 FEET;

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

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

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

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

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

THENCE SOUTH 57°07'28" EAST 26.07 FEET BEING MARKED A 1/2" REBAR WITH  
CAP LS#38168;  
THENCE NORTH 89°59'52" EAST 7.65 FEET BEING MARKED BY A 1/2" REBAR  
WITH CAP LS#38175;  
THENCE SOUTH 00°15'26" EAST 29.09 FEET BEING MARKED BY A WITNESS  
CORNER LYING 1.80 FEET EAST, SAID POINT BEING A "X" IN CONCRETE;  
THENCE NORTH 89°59'51" EAST 14.22 FEET TO A POINT ON THE WEST RIGHT-  
OF-WAY LINE OF CENTRAL AVENUE, BEING MARKED BY A "X" IN  
CONCRETE; THENCE SOUTH 00°00'00" EAST PARALLEL WITH AND 50.00 FEET  
WEST OF THE NORTH- SOUTH MIDSECTION LINE, 142.42 FEET TO THE POINT  
OF BEGINNING.

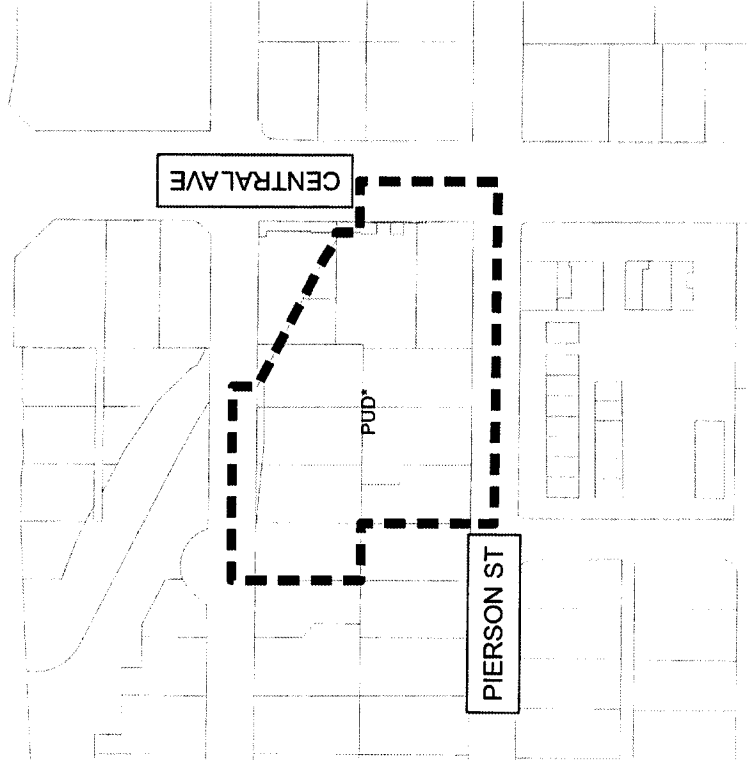
NET AREA OF PARCEL IS 100,792 S.F. OR 2.3139 ACRES MORE OR LESS

# ORDINANCE LOCATION MAP

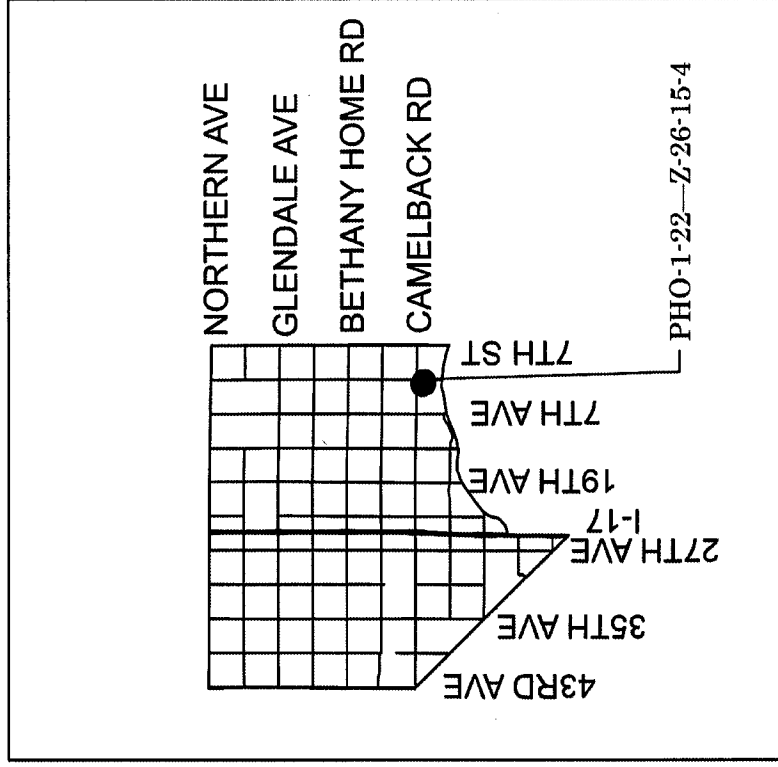
EXHIBIT B

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

Zoning Case Number: PHO-1-22—Z-26-15-4  
Zoning Overlay: N/A  
Planning Village: Alhambra



0 95 190 380 Feet



NOT TO SCALE

Drawn Date: 10/5/2022

# **Exhibit 5**



ARCHITECTURAL  
DESIGNERS:

CARPINA DESIGN GROUP  
TEL: (310) 795-4099  
SMC@CARPINA.COM

OWNER:

OWNMET CENTRAL LP #20  
WILSHIRE BLVD., FOURTH FLOOR  
BEVERLY HILLS, CA 90212  
TEL: (424) 284-4510

PROJECT ADDRESS:

4800 NORTH CENTRAL AVENUE,  
PHOENIX, ARIZONA

ARCHITECT:

ATABAK YOUSSEFZADEH  
TEL: (310) 558-7123  
ATABAK@GMAIL.COM



ENGINEER:

KIMLEY-HORN  
AND ASSOCIATES, INC  
7740 N. 16TH STREET #300,  
PHOENIX, AZ 85020  
OFFICE: 602 544 5500  
WWW.KIMLEY-HORN.COM

DESCRIPTION:

ISSUE FOR PERMIT - 10/30/2023

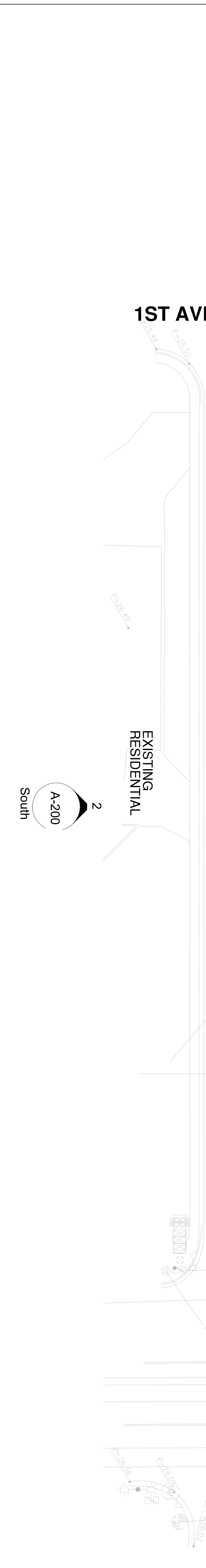
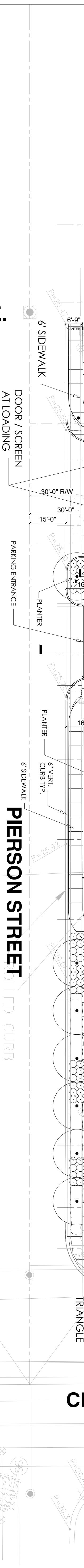
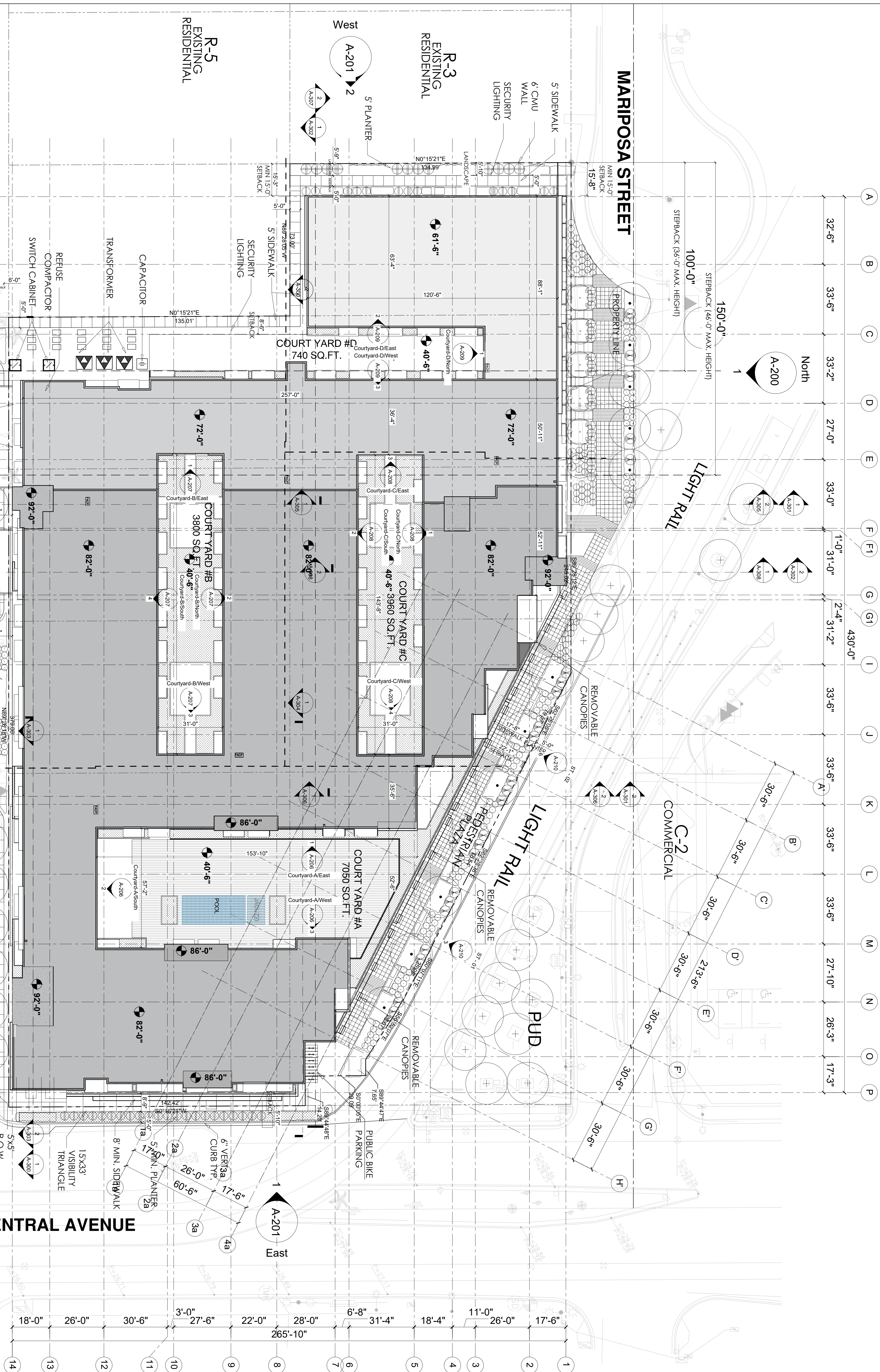
NOT FOR CONSTRUCTION

TITLE  
SITE PLAN - OVERALL

SCALE  
3/64"=1'-0"

SITE PLAN GENERAL NOTES

1. REFER TO G-002 PROJECT SUMMARY FOR MORE INFORMATION ON ZONING, BUILDING TYPE, SETBACKS AND ETC.
2. REFER TO LANDSCAPE FOR OPEN SPACE PLAN.
3. REFER TO CIVIL PLANS FOR TOP OF CURB INFORMATION, ELEVATIONS
4. REFER TO CIVIL PLANS FOR INFORMATION ON FINISH FLOOR PARKING ISLES AND STALLS.
5. REFER TO SITE PLAN DETAILS ON A1.100 FOR DIMENSIONED ALL DIMENSIONS ARE TO FOS, FOC, FOM OR CENTERLINE OF COLUMN, UNO.
6. ALL DIMENSIONS INDICATED AS "CLR" ARE FROM FINISH TO FINISH.
7. ALL HANDRAILS TO COMPLY WITH IBC 101.4.3.1 TYPE-1
8. PROVIDE LEVEL LANDINGS @ EXIT DOORS AND GATES. ALL DOORS TO BE SELF-CLOSING. MUST BE EQUIPPED WITH AN AUTOMATIC FIRE EXTINGUISHING SYSTEM COMPLYING WITH NFPA-13. THE SPRINKLER SYSTEM SHALL BE APPROVED BY PLUMBING DIV. PRIOR TO INSTALLATION





# **Exhibit 6**





















**City of Phoenix**  
PLANNING & DEVELOPMENT DEPARTMENT

January 10, 2023

Ed Bull  
Burch & Cracchiolo PA  
1850 North Central Avenue, Suite 1700  
Phoenix, AZ 85004

RE: PHO-1-22—Z-26-15-4 – Northwest corner of Central Avenue and Pierson Street

Dear Applicant:

Please be advised that the Phoenix City Council, in accordance with the provisions of Section 601 of the Zoning Ordinance, as amended, has on December 7, 2022, approved Zoning Ordinance # G-7053.

Development and use of the site is subject to compliance with all applicable codes and ordinances.

Sincerely,

Adam Stranieri  
Planner III

Attachment: Signed Ordinance

c: Kim Sperry, Omninet Central LP  
Bradley Wylam, PDD–Planning (Electronically)  
Joshua Bednarek, PDD–Development (Electronically)  
Greg Gonzales, NSD (Electronically)  
Stephanie Bracken, City Council (Electronically)  
Tony Motola, Mayor's Office (Electronically)

Book  
Case File

ORDINANCE G-7053

AN ORDINANCE AMENDING THE STIPULATIONS APPLICABLE TO  
REZONING APPLICATION Z-26-15-4 PREVIOUSLY APPROVED BY  
ORDINANCE G-6089.

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

SECTION 1. The zoning stipulations applicable to the property located  
approximately at the northwest corner of Central Avenue and Pierson Street in a  
portion of Section 20, Township 2 North, Range 3 East, as described more specifically  
in Attachment "A", are hereby modified to read as set forth below.

STIPULATIONS:

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

agreement of the five member neighborhood traffic team, the residents on affected streets, and the City of Phoenix Streets TRANSPORTATION Department Safety and Neighborhood Traffic section. Owner may apply for reimbursement of escrow funds from the Street Transportation Department if no special petition has been submitted within 5 years from the issuance of a certificate of occupancy.

3. Developer shall install a monument proximate to the northwest corner of the site identifying the Pierson Place Historic District and facing toward the Light Rail station, as approved by the Planning and Development Department. The monument shall be similar to the existing Pierson Place Historic District Monument located proximate to the southwest corner of 3rd Avenue and Camelback Road, or as otherwise agreed upon by the developer and the Board of Directors of the Pierson Place Historic District.
4. The developer shall construct a directional retail driveway to direct retail traffic away from the neighborhood as approved by the Planning and Development Department.
5. IF DETERMINED NECESSARY BY THE PHOENIX ARCHAEOLOGY OFFICE, THE APPLICANT SHALL CONDUCT PHASE I DATA TESTING AND SUBMIT AN ARCHAEOLOGICAL SURVEY REPORT OF THE DEVELOPMENT AREA FOR REVIEW AND APPROVAL BY THE CITY ARCHAEOLOGIST PRIOR TO CLEARING AND GRUBBING, LANDSCAPE SALVAGE, AND/OR GRADING APPROVAL.
6. IF PHASE I DATA TESTING IS REQUIRED, AND IF, UPON REVIEW OF THE RESULTS FROM THE PHASE I DATA TESTING, THE CITY ARCHAEOLOGIST, IN CONSULTATION WITH A QUALIFIED ARCHAEOLOGIST, DETERMINES SUCH DATA RECOVERY EXCAVATIONS ARE NECESSARY, THE APPLICANT SHALL CONDUCT PHASE II ARCHAEOLOGICAL DATA RECOVERY EXCAVATIONS.
7. IN THE EVENT ARCHAEOLOGICAL MATERIALS ARE ENCOUNTERED DURING CONSTRUCTION, THE DEVELOPER SHALL IMMEDIATELY CEASE ALL GROUND-DISTURBING ACTIVITIES WITHIN A 33- FOOT RADIUS OF THE DISCOVERY, NOTIFY THE CITY ARCHAEOLOGIST, AND ALLOW TIME FOR THE ARCHAEOLOGY OFFICE TO PROPERLY ASSESS THE MATERIALS.

Mod

8. The approval shall be conditioned upon development commencing within EIGHT (8) ~~seven (7)~~ years of the City Council approval of this change of zoning in accordance with Section 506.B.1 of the Phoenix Zoning Ordinance. (For purposes of this stipulation, development shall commence with the issuance of building permits and erection of building walls on site).
9. PRIOR TO OCCUPANCY, THE DEVELOPER MUST PROVIDE A QUALIFIED ENGINEER'S REPORT CERTIFYING THE AVERAGE ANNUAL INTERIOR NOISE EXPOSURE FOR ANY RESIDENTIAL UNIT OR ENCLOSED PUBLIC ASSEMBLY AREA WILL NOT EXCEED 45 DECIBELS.
10. THE GROUND FLOOR AREA OF THE DEVELOPMENT SHALL INCLUDE A MINIMUM 14,300 SQUARE FEET OF NON-RESIDENTIAL USES. NON-RESIDENTIAL USES SHALL NOT INCLUDE LOBBY, EXERCISE, RECEPTION AREAS, OR OTHER SIMILAR USES INTENDED FOR EXCLUSIVE USE BY RESIDENTS. ALL NON-RESIDENTIAL USES SHALL FRONT PERIMETER RIGHTS-OF-WAY.

SECTION 2. Due to the site's specific physical conditions and the use district granted pursuant to Ordinance G-6089 this portion of the rezoning is now subject to the stipulations approved pursuant to Ordinance G-6089 and as modified in Section 1 of this Ordinance. Any violation of the stipulation is a violation of the City of Phoenix Zoning Ordinance. Building permits shall not be issued for the subject site until all the stipulations have been met.

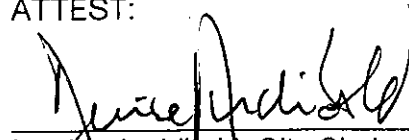
SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.



PASSED by the Council of the City of Phoenix this 7th day of December,  
2022.


  
MAYOR

ATTEST:

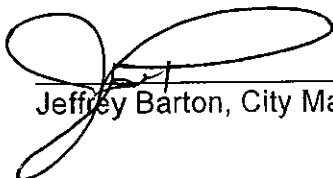
  
Denise Archibald, City Clerk *cl. 05-2023*



APPROVED AS TO FORM:  
Julie M. Kriegh, City Attorney

By:   
David Benton, Chief Assistant City Attorney  
*pml*

REVIEWED BY:

  
Jeffrey Barton, City Manager

PML:am:(LF22-2088):12-07-22:2354395\_1.docx

Exhibits:

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

EXHIBIT A

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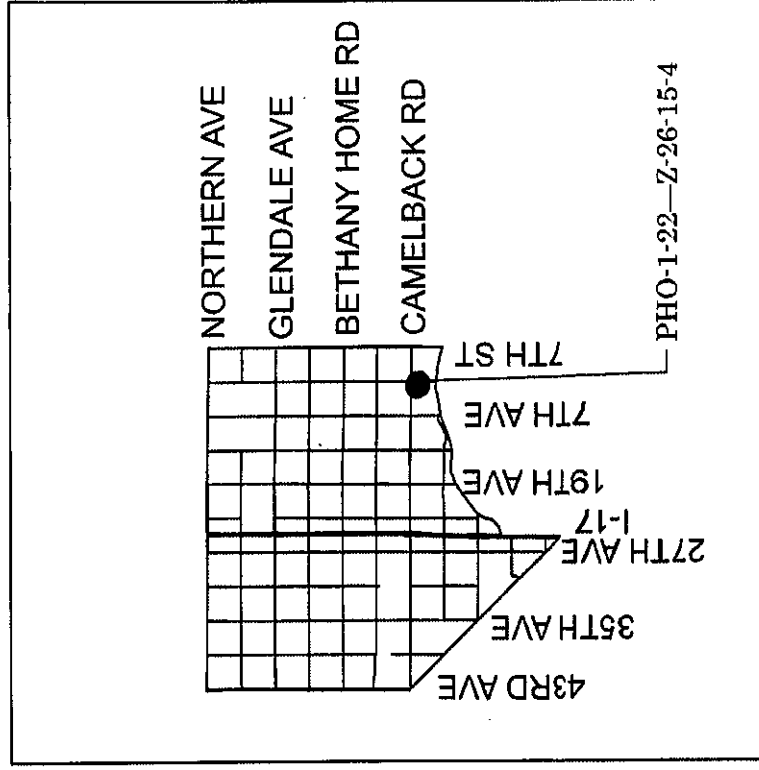
# EXHIBIT B

## ORDINANCE LOCATION MAP

Zoning Case Number: PHO-1-22-Z-26-15-4  
 Zoning Overlay: N/A  
 Planning Village: Alhambra

ZONING SUBJECT TO STIPULATIONS: \*

SUBJECT AREA: - - - - -

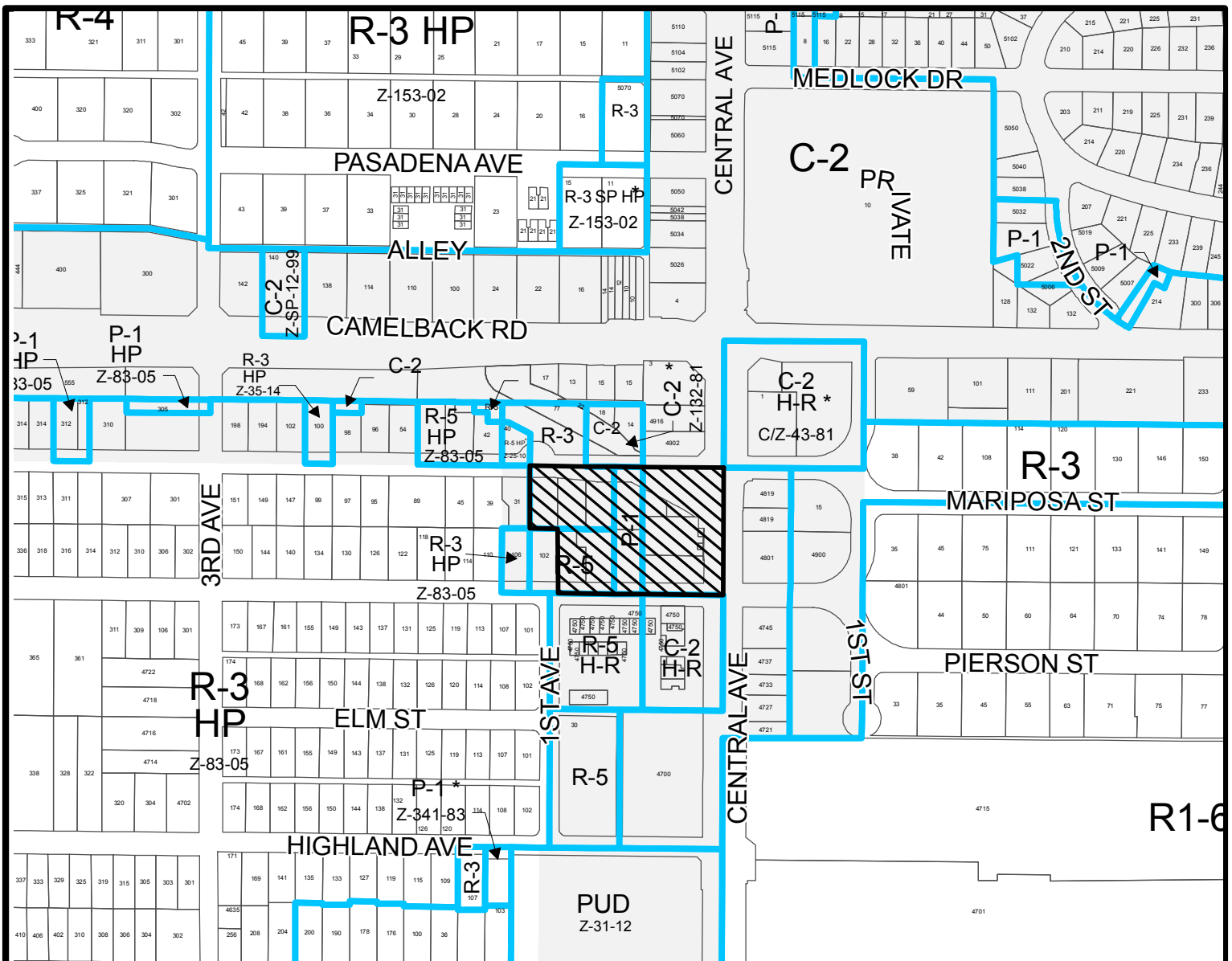


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NOT TO SCALE

Drawn Date: 10/5/2022

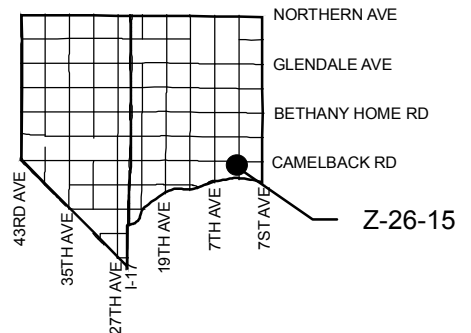


400 200 0 400 Feet

CITY OF PHOENIX PLANNING DEPARTMENT

## ALHAMBRA VILLAGE

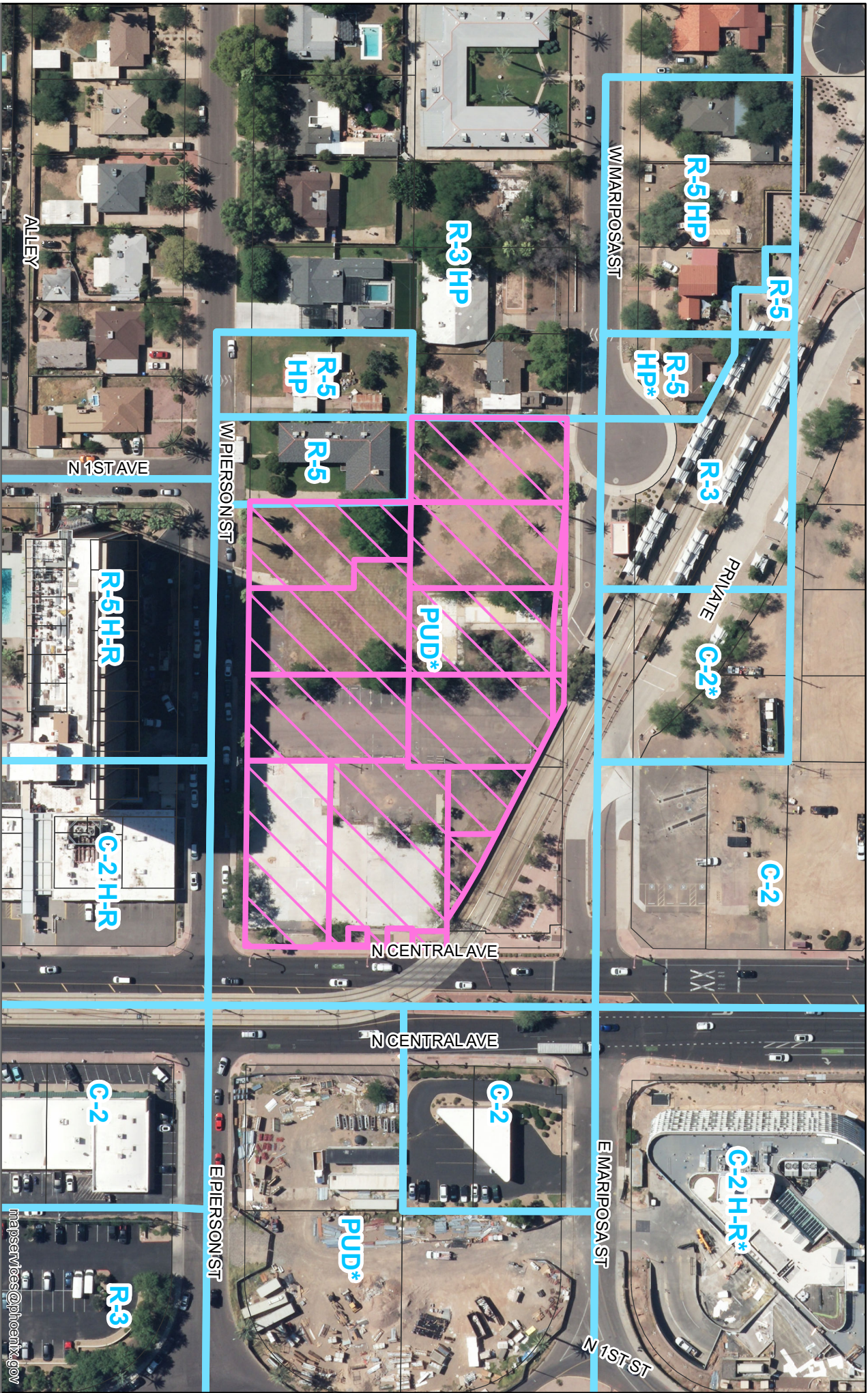
CITY COUNCIL DISTRICT: 4



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

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





PHO-2-24--Z-26-15-4

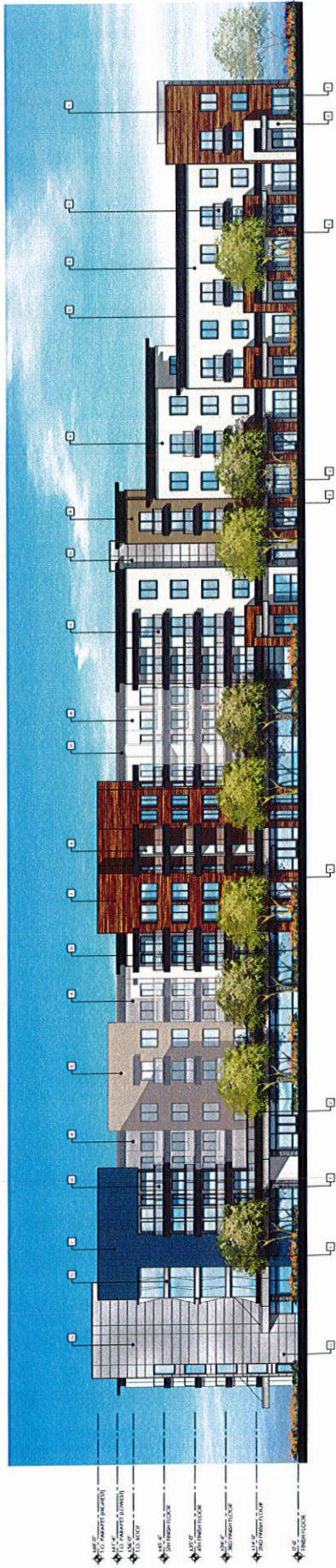
Property Location: Northwest corner of Central Avenue and Pierson Street











**1 NORTH ELEVATION**



## 2 EAST ELEVATION

## 2 EAST ELEVATION

TODD + ASSOCIATES

602-952-8280 / TODDASSOC.COM  
21-2036-00

21-2034-00

**RANGEWATER  
REAL ESTATE**

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

12-20-2021



SCALE: 1/16" = 1'-0"

## COLOR ELEVATIONS

Preliminary Not For Construction

**CITY OF PHOENIX**

JUN 08 2022

Planning & Development  
Department

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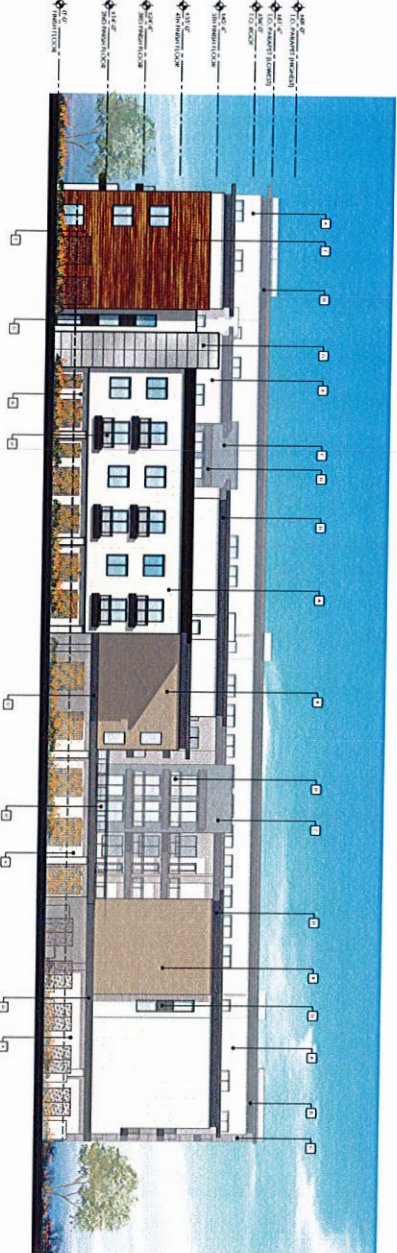
## A4.1\_C





1 SOUTH ELEVATION

SCALE: 1/8" = 1'-0"



2 WEST ELEVATION

SCALE: 1/8" = 1'-0"

CITY OF PHOENIX  
JUN 08 2022  
Planning & Development  
Department

EXTERIOR MATERIALS

1	BRICK COURSE 1	SHERWIN WILLIAMS - SWOOD TRIPLE WHITE
2	BRICK COURSE 2	SHERWIN WILLIAMS - SWOOD TRIPLE WHITE
3	BRICK COURSE 3	SHERWIN WILLIAMS - SWOOD TRIPLE WHITE
4	BRICK COURSE 4	SHERWIN WILLIAMS - SWOOD TRIPLE WHITE
5	CONCRETE BOARD	PERMABOND - PERMABOND
6	CHALK BOARD	PERMABOND - PERMABOND
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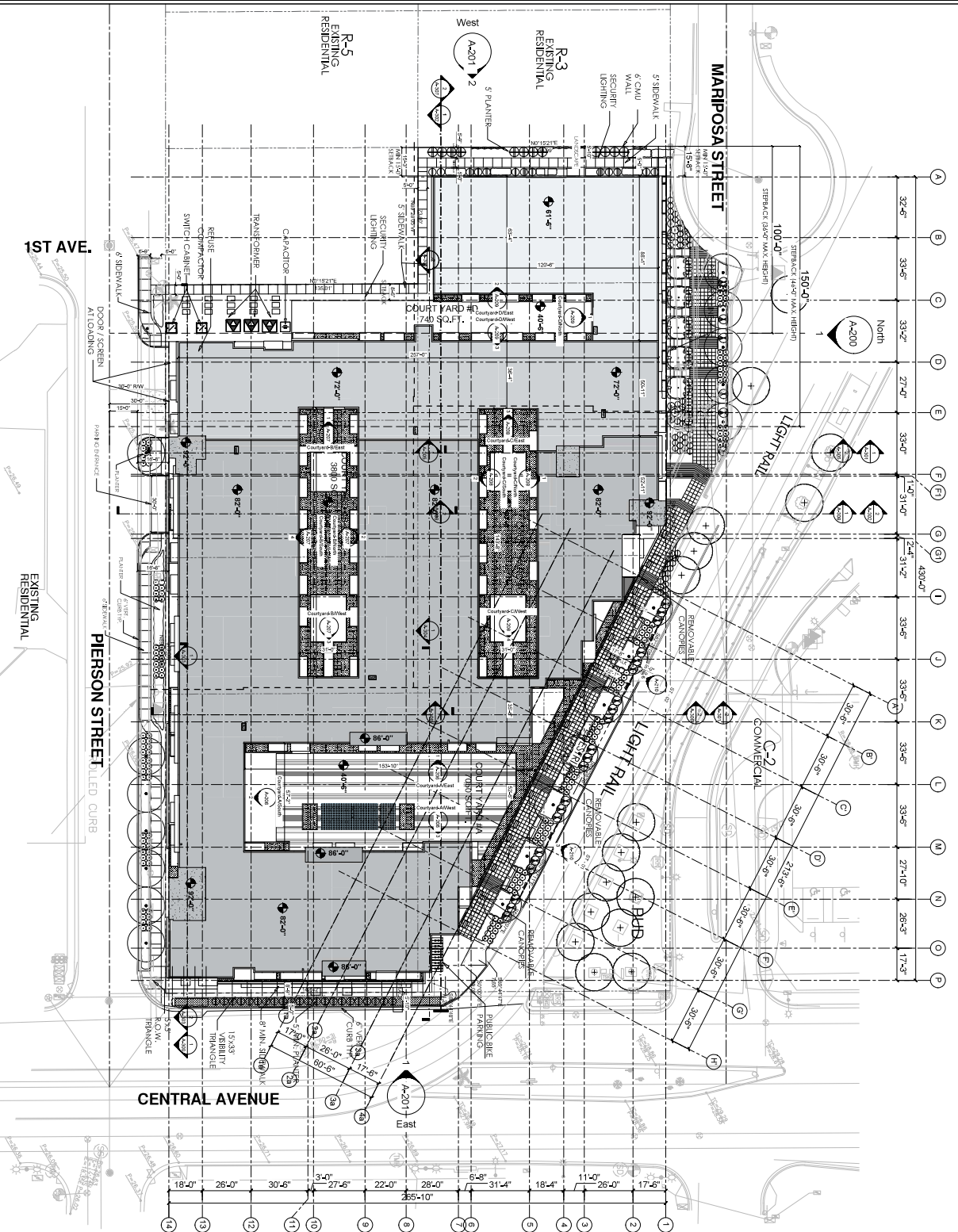
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PHOENIX, ARIZONA  
OPTION 2 PRE-APPLICATION  
12-20-2021

RANGewater  
REAL ESTATE

TODD +  
ASSOCIATES  
602-952-8286 / TODDASSOC.COM  
21-2024-00





SITE PLAN GENERAL NOTES

- 1. REFER TO CITY AND STATE PLANS FOR ALL INFORMATION CONCERNING BUILDING TYPE, SETBACKS AND ETC.
- 2. REFER TO LANDSCAPE ARCHITECT'S PLAN FOR ALL INFORMATION CONCERNING LANDSCAPE DESIGN.
- 3. REFER TO CIVIL PLANS FOR ALL INFORMATION CONCERNING SITE PLANS FOR INFORMATION ON FLOOR FINISHES, ELEVATIONS, AND FINISHES.
- 4. REFER TO SITE PLANS FOR INFORMATION ON FLOOR FINISHES, ELEVATIONS, AND FINISHES.
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- 9. PROVIDE LEVEL LAMINATIONS IN EXTERIOR WALLS. ALL DIMENSIONS INDICATED AS CIVIL ARE FROM THE BENT TO THE CENTERLINE OF THE ROAD.
- 10. PROVIDE LEVEL LAMINATIONS IN EXTERIOR WALLS. ALL DIMENSIONS INDICATED AS CIVIL ARE FROM THE BENT TO THE CENTERLINE OF THE ROAD.

**CARBURA DESIGN GROUP COMPANY**

ARCHITECTURAL DESIGNERS

OWNER: CARBURA DESIGN GROUP COMPANY

PROJECT ADDRESS: 400 NORTH CENTRAL AVENUE, PHOENIX, ARIZONA

ENGINEER: WILKES-CHON AND ASSOCIATES, INC.

7740 N. 15TH STREET #200, PHOENIX, AZ 85020

OFFICE: 602.944.5500

WWW.WILKES-CHON.COM

REGISTERED ARCHITECT

78910

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ENGINEER: WILKES-CHON AND ASSOCIATES, INC.

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OFFICE: 602.944.5500

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**CITY OF PHOENIX**

DEC 0 8 2023

Planning & Development Department

**KEY PLAN**

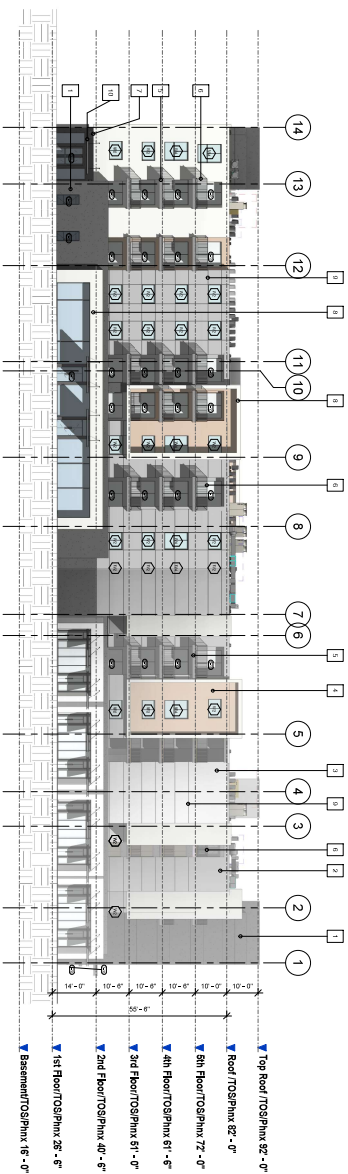
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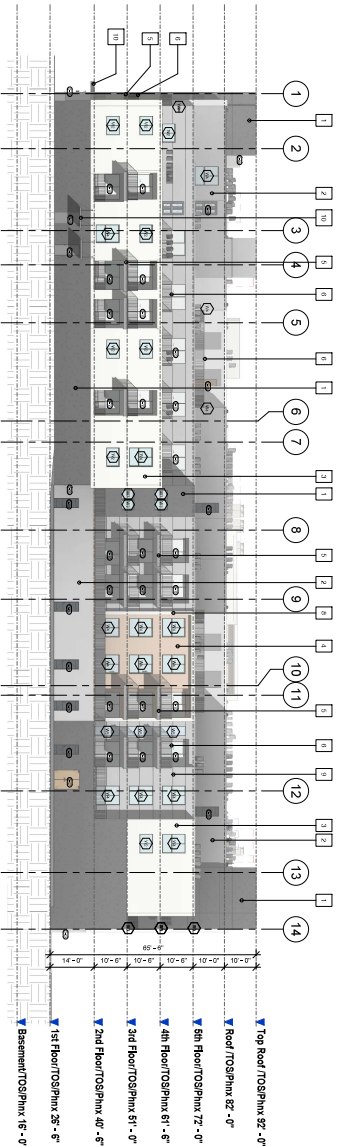
ARCHITECTURAL SHEETS







1 East  
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2 West  
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DOOR SCHEDULE NOTES

1. REFER TO CAD FOR SYMBOLS AND ASSURE WINDOW TYPES TO SHEET (SHEET FOR PART PANEL, CASING, AND TRIM).
2. THESE ELEVATIONS SHOW LARGE INFORMATION AND GREEN TO INDICATE THE LOCATION AND SECTION SHEETS FOR INFORMATION NOT SHOWN.
3. ALL WINDOW HEIGHTS SHALL BE 8'-0" ABOVE FINISH FLOOR.
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5. REFER TO MECHANICAL, PLUMBING, ELECTRICAL, AND STRUCTURAL DRAWINGS FOR ADDITIONAL INFORMATION.
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CARPIRA  
DESIGN  
GROUP  
COMPANY

ARCHITECTURAL  
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OWNER:  
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ARCHITECT:  
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ENGINEER:  
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PHOENIX, AZ 85020  
WWW.KIMLEY-HORN.COM

NOT FOR  
CONSTRUCTION

TITLE  
WEST & EAST  
ELEVATIONS -  
OVERALL

SCALE  
1/16" = 1'-0"

DESCRIPTION  
BUILDING ELEVATION - CONCEPT

CITY OF PHOENIX

DEC 08 2023

Planning & Development  
Department

PAGE NO.:

A-201

ARCHITECTURAL SHEETS

PHO-2-24--Z-26-15-4

Proposed Conceptual Elevations

Hearing Date: February 21, 2024

10/30/2023 3:57:22 PM

16.   **Application #:**           **PHO-1-22--Z-26-15-4**  
      **Existing Zoning:**       PUD  
      **Acreage:**             2.95  
      **Location:**           Northwest corner of Central Avenue and Pierson Street  
      **Proposal:**           Modification of Stipulation 5 regarding conditional  
                                  approval upon development commencing within seven  
                                  years.  
                                  Technical correction for Stipulation 2.  
      **Applicant:**           Ed Bull, Burch & Cracchiolo, P.A.  
      **Owner:**             Kim Sperry, Omninet Central LP  
      **Representative:**   Ed Bull, Burch & Cracchiolo, P.A.

*Chairman Howard recused himself from participating in this item due to a conflict of interest. Vice-Chairwoman Mangum took over as Chairperson for this item.*

Ms. Racelle Escolar stated that Item No. 16 is PHO-1-22--Z-26-15-4 a Planning Hearing Officer request regarding Rezoning Case No. Z-26-15-4. The request is to modify Stipulation No. 5 regarding conditional approval upon development commencing within seven years; and technical correction to Stipulation No. 2.

The subject site is currently zoned PUD (Planned Unit Development District) for the Omninet – West PUD and located on 2.95 acres at the northwest corner of Central Avenue and Pierson Street. The proposed development is for mixed-use development consisting of multifamily residential and commercial uses.

The Alhambra Village Planning Committee was scheduled to hear this request in July but did not have a quorum.

The Planning Hearing Officer recommended approval with additional stipulations. The approval includes an extension of the conditional time frame for one more year. The additional stipulations are the standard stipulations applied for properties that are archaeologically sensitive.

The Planning Hearing Officer's recommendation was appealed by a community member due to concerns that there have been significant modifications made to the TOD/WU Code centric plan, specifically, the commercial/walkable urban "mixed-use" portion and does not feel a time extension is warranted.

Staff recommends approval, per the Planning Hearing Officer recommendation.

Chairwoman Mangum stated there were both opposition and support speakers. She asked Mr. Jeremy Thacker whether he was in support or opposition of the case.

Ms. Escolar stated that Mr. Jeremy Thacker was no longer available. He and Mr. Travis Benton and Ms. Partici Anderson donated their time to the Appellant, Mr. Ken Waters.

Mr. Ken Waters stated that he needed 15 minutes, and that Mr. Ray Meunch would also be speaking.

Chairwoman Mangum stated she would give Mr. Waters 14 minutes to speak. Mr. Bull would speak first for six minutes, followed by commissioner comments if needed. Then, they would hear from opposition. He would speak 14 minutes and support speakers would receive 90 seconds each. Mr. Bull would rebut.

Commissioner Gaynor stated that it was uncommon to give so much time to the opposition when such a short period of time is being given to the representative. He asked if she could ask Mr. Bull how he felt about it, or if he needed more time.

Chairwoman Mangum stated that Mr. Bull had 12 minutes and Mr. Waters had 14, because the opposition dedicated their time to him. She asked Mr. Bull if that was acceptable to him. She stated, she wanted to be fair and Mr. Bull stated that it was acceptable to him.

Commissioner Gorraiz stated that he did not think it was fair to assume that those people who left the meeting early, had donated their time to Mr. Waters.

Ms. Escolar asked Commission members to keep in mind that this is not a review, and they are not asking for PUD zoning. This is a Planning Hearing Officer request, and they are asking for a time extension.

Mr. Bull provided a presentation. He stated that he was speaking on behalf of Omninet, the property owner, and he had two other speakers on the line. He stated that they do believe that the PHO got it correct. He listened to many of the arguments that would be discussed this evening by opposition. The PHO focused on what this is, and only what it is. This is a one year time extension.

Mr. Bull stated that the Staff Report talks about a whole host of complications that have burdened this site and why an additional year is justified. He could elaborate on that, if necessary. They are pleased with the PHO recommendation and asked that the Commission recommend accordingly.

Mr. Bull stated that this site is a now vacant infill redevelopment site on the west side of Central immediately south of the Central Avenue and Camelback light-rail station. When they took this thing through the processes six and a half years ago, there was an old building and some other stuff on the site. It was vacant and had become problematic. Some the neighbors asked Omninet to tear it down, and they did. It is now a slab. It then, became an ad hoc parking lot for

some other people in the area. They were asked to get rid of that, and so, a fence was put around it.

Mr. Bull stated that the site is zoned PUD. When they zoned it, the WU (Walkable Urban) Code was not yet adopted. There are WU Code principles included in the design of this development. He expected that some speaking later would insist that they are violating WU Code. He would wait to respond to that in rebuttal. He assured the Commission members that they are not in any way running counter to the approved PUD, and the fact that the 2022 site plan on this property has gone through preliminary site plan reviews and has received preliminary site plan approval, is positive proof that those who review plans at the City agree that what is proposed now is consistent with what was proposed previously.

Mr. Bull stated that important elements of WU Code are to provide buildings close to the street. They are doing that to provide a shaded environment next to the street. It is to provide ground floor store front windows, so, it has some form of non-residential use or non-parking structure use immediately behind that Central Avenue frontage. He pointed to the shade all around the development on the exhibit and stated that was not easy to do, considering that there is an Salt River Project (SRP) water line paralleling the west side of Central Avenue, and there is shade along the light-rail side and everywhere else. There are store front windows all along the Central Avenue and other street sides of this development.

Mr. Bull acknowledged as Ms. Escobar indicated, this is not a PUD case, it is not a rezoning case. It is not a stipulation modification other than one stipulation. There is the development time condition on an extremely complicated site, because it was previously developed with multiple buildings, with utilities here and there, and SRP facilities here, there and elsewhere. It has also continued to have complications in the aftermath of the pandemic, due to a shortage of materials. Now increased interest rates have cost a prior developer, who worked up these plans, to get in trouble by the interest rates and cost of the construction, to opt not to extend their escrow. So, it is back in Omninet's hands to build this development.

Mr. Bull recapped the challenges and added that they are recapped in the Staff Report. He could go into more detail, if necessary. This, like many infill sites, has its challenges; this one, more than any one he has worked on approximate to light-rail, has challenges everywhere. It is a Whack-A-Mole site where one issue is handled and another pops up. One of the things very important to some neighbors was traffic on Pierson Street. It was agreed to then that Omninet would deposit 50, 000 dollars with the City, per Stipulation No. 2. The City Street Transportation Department and a neighborhood committee are going to decide how to use that money. They have told both the City and Mr. Waters that how they choose to use that 50,000 dollars, is fine with them.



Mr. Bull stated that this is a one-year time extension on an extremely complicated project, next to a light-rail station that needs to be a predominantly residential development for reasons they have discussed on a number of other cases tonight. He could go into more detail, if necessary. They still have ground-floor, non-residential uses which he could detail out, if needed. It is a walkable, shaded site, pushed up next to the street. A one-year extension is appropriate, and it would be, he thinks, unnecessary and problematic to deny this land owner the opportunity to pick up the pieces and move it forward in the next year.

Mr. Bull concluded that issues that were really important before were building height. Even though they are in the shadow of a much taller building to the south, a taller building to the northeast, this site was capped at 56 feet. They did not ask to change that. They have not increased density, in fact, they reduced it some. He reiterated that the extension is appropriate, they believe that the PHO got it correct, and he asked that the Planning Commission infer that in his recommendation.

Chairwoman Mangum called on Commissioners to comment. There were no comments. She called on the opposition speaker, Mr. Ken Waters.

Mr. Ken Waters stated that he had a presentation. At the Planning Hearing Officer hearing, the PHO stated that there were better places for the appellant's arguments than before the PHO. He recommended speaking to the Planning Commission versus the PHO. Mr. Waters stated that this is a pure, bait and switch issue. The applicant is switching out what they presented to the Alhambra Village Planning Committee, the Planning Commission, and the City Council. This was a mixed use when they presented it, and now it is basically almost solely residential. He read from the second page of the Wall Street Journal, "... Retail real estate has not enjoyed a bigger revival in years". Mr. Waters was hoping that the City leaders and staffers would be bullish on Phoenix's future; but it does not look like we are doing that along the Transit Overlay District (TOD).

Mr. Waters provided a good example of what a good neighborhood is in a TOD and walkable urban environment:

- Exhibit - The Willow Historic District, across the street from the Heard Museum, at the corner of Encanto Boulevard and Central Avenue. You can see walkable urban environments here.
- Exhibit - He displayed more of the walkable urban and TOD environment, looking from the light-rail station. He stated, this is what the TOD and Walkable Urban Code have been pushing for.

- Exhibit – The back end of the Tapestry on Central project. It is a beautiful project. Anything that is done in Willow District seems to be a win, win, for all involved. The impacts on the other side of the gates are mitigated, and there are walkable urban environments that the Planning Commissioners and City Council wanted in the first place for the TOD.
- Exhibit - Walkable urban environments, retail commercial along Central Avenue. He was pleased and complimented the City leaders who built this area.
- Exhibit – The Pocket Park, Birdhouse Coffee Bar, and the Oven Plus Vine on Vernon Avenue, across from the Tapestry on Central project. It is a win, win for walkable urban environments, which we all want. There were additional images of the area displaying excellent examples of walkable urban environments in the Willow District.
- Exhibit – Vernon Avenue with gates.
- Exhibit – Beginning of problematic areas along Central Avenue. He addressed primarily between Indian School Road and Camelback Road on the west side of Central Avenue, as an example of what is going on with the TOD and the Walkable Urban Code. It is having the exact opposite effect of what the City intended.
- Exhibit of residential project with no walkable urban retail, mixed uses there.
- Exhibit - Looking along Indian School Road. It is all residential with no mixed use, walkable urban environment.
- Exhibit – Looking up Central Avenue, from the corner of Central and Indian School Road. There is no walkable urban environment or commercial, mixed use space.
- Exhibit – Project going north, The Station, on Central Avenue. There is no walkable urban environment, no retail, no mixed use, just residential.
- Exhibit - The Agave Farms site, just north of the restaurant George and Dragon. Mr. Waters stated that he had a great meeting with City Councilwoman Laura Pastor, hosted and presented by Deputy Director of the Planning and Development Department, Joshua Bednarek. They got an earful from the Carnation Neighborhood residents. There will be 1,600 dwelling units built on this 15.6 acre site. They are proposing only 7,000 square feet of mixed use retail. He learned at this meeting, that all developers are now plugging loopholes into this requirement, by calling

the fitness gym amenities that go in these residential projects, mixed use; and they are offering memberships to the outside public. People are complaining that a 15.6-acre site would only have 7,000 square feet of retail there.

- Exhibit – The Pavilions on Central apartments, just south of Campbell Road, at Central High School. There is no walkable urban, retail use.
- Exhibit - The Divine Legacy on Central apartments, just north of the Phoenix Union Highschool office building, across from Central High School. There is no walkable urban environment there, no destination retail or commercial use there, just strictly residential with a leasing office and maybe a fitness gym with membership, an amenity for the residents there. He stated, that is just a devious loophole there that should be closed.
- Exhibit - The Lex on Central apartments may have been prior to the TOD and light-rail, but again, there is no mixed-use retail, and it is along Central Avenue.
- The Hinkley Lighting Building is 1.7 acres. They are going to build 144 dwelling units on it. They are going to put all the ingress/egress off of Central Avenue, and they are going to alleviate it from Pierson Place impact. He stated this one gets a green light for him.
- The Elevation On Central apartments, on Highland and Central Avenue. There is no mixed use, no retail; it is just all residential. He asked, what are we doing to Central Avenue?
- Exhibit - The Legacy on Central, before TOD and Walkable Urban Code was put in place. He stated that it looked like the City did a better job of creating a walkable urban environment, before the TOD and the Walkable Urban Code came into effect. He stated this was good, but why were we not seeing any of this with the new development?
- The Omninet site. They propose doing a mixed use, and we looked forward to it. Now, they are going to gut it. If the applicant were to build everything they said they would build, we would be looking at beautiful mixed use, commercial, retail, walkable urban environments.
- Exhibit - At the heart of uptown, at the intersection of Central Avenue and Camelback Road. Applebee's restaurant is on the corner and the Camelback One retrofit on the south east corner, under construction the past 3.5 years.

- Exhibit - Looking from the end of Mariposa Street, looking out toward Central Avenue. The light-rail station is on the left, the Landmark Tower is on the right.
- Exhibit – Looking at the edge of the Omninet property, at the light-rail station where the retail should be going. Later on, the developer will pull it out.
- Exhibit – Parking photo was taken at 9:00am this morning, after everyone has gone to work. When people come back from work, this area is congested with three times the amount of parking.
- Exhibit - Looking toward Central Avenue and Camelback Road, everyone is parking on the street already. It is due to Landmark Towers. They do not want to park underneath their own parking garage.

Mr. Waters stated that they had seven years, the best real estate market in US/AZ history, and Phoenix history, and they are not entitled to the additional year, but he anticipated that they would get the additional one year. He is willing to go to a Plan B. On the first page, second and third sentence of their own PUD they write, “The purpose and intent of this PUD is to enable the redevelopment of this “Uptown” infill site with a high-quality, transit oriented, compact mixed use, Transit Oriented Development (“TOD”), that includes approximately 286 multi-family dwelling units and approximately 14,990 square feet of commercial and retail space. This infill mixed use development will provide a walkable, urban environment adjacent to one of the most heavily used Light Rail Transit Stations in the Valley...”

Mr. Waters displayed an exhibit of the applicant’s schematic on the PUD and stated, this is how it manifests. You can see all the retail along Central Avenue and the light-rail station, 14,990 square feet, and it is all shown in black and white, on the exhibit.

Mr. Waters displayed the schematic of the parking and stated that the applicant represented they would build three levels of parking. What he wanted to show earlier is there is already parking on Armageddon. Landmark Towers residents do not park in their building, so, it is just a mess. These guys also may not park in their own underground parking, so, we need all the parking that was promised. It shows ground level and two underground levels of parking. That was on their PUD.

Mr. Waters pointed out the “smoking gun” in his next exhibit. He stated that he met with Range Water in March or April; and they showed him what they were doing.

Chairwoman Mangum stated his 14 minutes had past.

Mr. Water stated that he was proposing to support the one-year extension, but with the following stipulation. He thinks it is fair and it should get a 7-0 majority. He read the following proposed stipulation:

“The approval of this additional one year time extension to PUD Development Stipulation #5, changing from seven years to eight years that development must commence from the City Council’s original approval in December, 2015 shall be conditioned upon development not doing less than 14,990 square feet of public commercial retail space, and that shall NOT include in that 14,990 square footage computation the residences’ traditional fitness/gym amenity space, even if offered with public membership, nor the “Live/Work/Co-work” office amenity space; and additionally, the development shall have a minimum of three levels of parking with a minimum of two being subterranean, below grade levels, regardless of the unit count. These development conditions honor the originally approved PUD’s original representations, purpose and intent, along with the Transit Overlay District’s Walkable Urban Code goals and aspirations, while also closing fitness/gym/membership and live/work/co-work office and retail space computation loopholes that attempts to count any residence amenities as walkable urban mixed use commercial retail space too.”

Mr. Waters stated that he was trying to close the loopholes and have them honor what they originally said they would build. He is in favor of the one-year extension, with this stipulation, and honoring what they are doing.

Chairwoman Mangum called on Mr. Ray Meunch, opposition speaker. She gave Mr. Meunch 90 seconds to speak.

Mr. Ray Meunch asked to give his time to Mr. Waters, so he could finish up his presentation.

Chairwoman Mangum stated that she had already given Mr. Waters two minutes and 17 seconds over what she allowed him to have. She thought he was done with his presentation, as well.

Mr. Meunch stated that if she wanted him to speak, he would give his two cents. He stated that he would be in favor of the time extension, if they got this Walkable Urban Code up to the Stipulations of the last five and one half years. He stated, the applicant promised that they were going to make that retail. They are going back on their word now. They are saying that they just want the time extension, but they are switching it up with the retail and the parking. The parking situation on Pierson Street is very serious. There are bars out in the front of the high-rise and there are people drunk out on the street, and somebody is going to get hurt. He would like to see that taken care of, and he would like to see the parking be fulfilled with the three stories. If those things would be agreed to, then he would be in favor of the extension of the time slot.

Chairwoman Mangum thanked the speaker for his time. She called on opposition speakers - Mr. Mr. Jeremy Thacker, Mr. Travis Benton, Ms. Patrici Anderson. They were not present to speak. She called on support speaker, Mr. Neil Kadisha to speak.

Mr. Bull stated that Mr. Kadisha is the principal owner of the property. He would speak, only if necessary. Mr. Michael Danielpour works with Mr. Kadisha and would also speak, if necessary. She called on Mr. Bull to give his rebuttal.

Mr. Bull stated, he knows that they know this is not a rezoning hearing, and that this is not a site plan review hearing. The site is zoned, and it has preliminary site plan approval. He asked staff to display Exhibit 5. He would talk regarding that exhibit in the context of some of the things that Mr. Waters stated earlier, in that he has accused Omninet, or Mr. Bull, or both of a "bait and switch", which he stated, he does not take lightly. While he fully appreciates that sometimes we should not let the facts get in the way of a good story, he would share some additional facts, because he thinks that is what the Planning Commission bases their decision on. He would not take the bait to comment on anybody else's existing, or proposed development up and down Central Avenue. If they were approved by the City, then they were approved. If they are going through the process, then they are going through the process. He stated that this unique site has zoning, it has preliminary site plan approval, which is reconfirmation of the fact that the proposed site plan that was displayed before them and the elevations are in compliance with the existing PUD.

Mr. Waters asked them to look at the site plans on the left side of the exhibit. He stated that they would see, as they are zoned PUD, not Walkable Urban Code, nonetheless, these buildings with great difficulty are pushed up to Central Avenue and to Pierson Street, because they are not supposed to have some of the wide setbacks that Mr. Waters has encouraged. Instead, Walkable Urban Code and this PUD has maximum built two lines of 12 feet on Central and 10 on Pierson Street, and they are honoring those. Along the northside (angle paralleling the light-rail), that too has a bunch of complications that they worked through, through the site plan review processes, due to a one-time in the need for fire access, now it is a pedestrian way. As they could see, this site has done exactly what it should do with respect to site planning and shade. It does not show up well here, but he talked before about putting trees in pots, big pots, along Central Avenue, because they cannot plant trees there due to the underground SRP (Salt River Project) water line.

Mr. Bull stated that he knows what this PUD says, because he wrote it. He knows the language that Mr. Waters is talking about, regarding the Purpose and Intent section, was talking about mixed use. This development is still mixed use. It talked about at that time what was shown on a conceptual plan, because you do not really stipulate the site plans typically in a PUD. They were shown about



14,990 square feet of not just retail space, but retail and commercial, non-residential space. Then, they have 286 dwelling units. That triggered a need for parking at surface and two levels down. The second level down was an anchor around this development's neck forever. Nobody could make the numbers work with the second level underground parking and the extraordinary costs associated with it. A developer that he had mentioned earlier who was involved until they justifiably got worried about interest rates and cost to construction, figured out a number of things, one of which the prior use mix included too many studio units for the Phoenix market. It had 161 studios. Part of what this updated site plan does is take a look at the studios, converted some into one-bedrooms. What was 286 dwelling units, reduced to 236, and the parking reduced accordingly. In addition, they made some adjustments on the ground floor. He wanted to talk about that, because there are still the right things on the ground floor. The bottom line is, this development that has preliminary site plan approval, has 283 parking spaces at surface and below grade. Code requires 263. If he remembered correctly, the Walkable Urban Code says you cannot have more than 10 percent more than Code. Yet, he thinks that Mr. Waters and Mr. Meunch were suggesting that this private development should provide parking for bars and other things in the area, which they should not do or be required to do.

Mr. Bull addressed the ground-floor uses. Today, on the plan that has preliminary site plan approval, there is about 3,000 of retail, there is another about 10,000 of other amenities and uses, such as co-work space, fitness, and so on. They are the things that are occurring behind these ground-floor windows, in addition, that co-work space, as he has discussed with Mr. Waters at a coffee shop on the edge of Willow. The 50,000 dollars can be used for a gate, if that is what the neighborhood group and the Street Transportation Department decide to spend the money on. They have co-work space, retail space, fitness, lobby and leasing, and along the light-rail side they have live/work space, which can be an artist studio, a gallery, an insurance agent, etc.

Mr. Bull stated, separating facts from a good story, this is a mixed-use development. It is in accordance with zoning, in accordance with WU code design principles. It is pushed up to the street, it is a shaded pedestrian-friendly environment. They have store front windows on the ground floor, and they are trying to provide 236 dwelling units that are desperately needed in this corridor, right next door to a light-rail station. All that aside, this is a one-year extension. It is not requesting modifying other stipulations; it is not requesting a rezoning. It is a one-year extension. Denying it is going to do nothing but set back, for many years, getting actual development on this vacant infill property adjacent to a light-rail station. It needs to develop. It is back in Omninet's hands. Omninet has assured Mr. Bull that they will do things necessary to get the permit pulled, and underway with construction withing a year, if the Planning Commission would be

inclined to approve the PHO's recommendation. He could go into more detail if the needed.

Chairwoman Mangum opened the floor up to discussion by Commissioners.

Commissioner Gorraiz asked if as part of this extension they were getting rid of underground stories of parking or was this request just to get another year, without modifying the original stipulations as they related to this property.

Mr. Bull responded that in this PUD there are no stipulations that require two levels of underground parking. There are no stipulations that require substantial conformance to a site plan. There are no stipulations that require a certain parking count, or a certain square footage of anything on the ground floor. Those stipulations do not exist. What they have is an approved, preliminary site plan, the City's Planning, Engineering, Traffic, Fire, and other departments go through the review of the site plan. They have granted preliminary site plan approval to this development that has ground floor parking and one level under. It does not include the second level under.

Commissioner Gorraiz asked how long ago they eliminated the second level down of parking.

Mr. Bull stated that attached to the Staff Report there is a June 8, 2022 letter from Mr. Bull to the Planning Hearing Officer, which is typical of what they provide when they file a PHO application. In that letter are dates for a site plan pre-app, which was about one and a half years ago. They submitted for a site plan pre-app, which is the first step in that site plan review process, on June 29, 2021. They had the Option 1 pre-app meeting on August 2, 2021. Then, they went back in for an Option 2 pre-app. The preliminary site plan was approved on April 29, 2022.

Commissioner Perez thanked Mr. Waters for his comments and asked if the Commission members were just considering the one year extension, since this is a PHO. If Mr. Waters wanted to take this to Council, could they talk more about the actual project and the changes in the site development plan?

Ms. Escolar responded that what can be done is the Planning Commission or City Council could add additional stipulations.

Commissioner Perez asked if that was appropriate for Commission members to do versus letting that happen at the City Council level.

Ms. Escolar stated that it can happen at either level.

Commissioner Perez asked if with the one year extension they would have to start developing by December of 2023.

Mr. Bull stated, December 16, 2023.

Commissioner Perez confirmed that it was date stamped December 16, 2015.

Ms. Escolar stated, as per the Code, "Development shall commence with the issuance of building permits and erection of building walls on the site." She stated that both of the building permits need to be issued and walls need to start being constructed on the site within seven years. That timeframe ends this December.

Commissioner Perez stated that she was not around for this case. She feels kind of weird even commenting about it as far as the design guidelines and the changes. She remembers when she was a citizen when it came out and was being contemplated. It was a little controversial at the time. It was one of the last pieces that would be along the light rail and has not followed it substantially at all. She wanted to make clear that the Council can actually make those actions if they wanted to. She thanked staff for the information.

Chairwoman Mangum asked for further comments or questions.

Mr. Boyd stated that he is supportive of removing the extra parking level. He loves underground parking; however, it is expensive. He thinks that Mr. Waters brought up a good point. He hit a nerve when it came to all the different fitness centers and leasing centers being considered retail. He has the old 2015 PUD site plan and the new one they have now. It is really hard for him not to support his mandate for some level of higher retail. He doesn't know whether he considers co-working retail. He thinks that co-working can be an active use; but it is weird for him to continuously see fitness center amenities, that are really just targeted at the multifamily, being considered an active frontage. He asked Mr. Bull what the rationale was for that. He was on the fence on that part of the ask.

Mr. Bull went back to the original PUD language. As, they know, there is background information that goes into PUDs and various other developments. At that time, it was anticipated there would be 14,990 square feet of commercial and retail space. They can quibble over what commercial and retail means. It is easiest to say non-residential space that was anticipated at that time, six and one half years ago. Today, when looking at the site plan that has summary site plan approval on it, there is about 3,000 square feet of retail. Then you get into co-work space and there is about 6,400 square feet of co-work space. It was explained to him that it would be available, not only to their residents, but to others. He envisions a kind of WeWork environment, where you probably need to be a part of it. The fitness is only 1,600 and some square feet. It is a store front window kind of design, and at least it will pass. The issue that was talked about when WU (Walkable Urban) was being formulated, (although this case is

not WU) was to provide something so as people walking by could look into a window and see people, not just a parking garage. It also is supposed to provide shade. Whether it is a retail, fitness, or co-work space, it will be active and people can see into it. It is achieving numerous WU goals. There are no stipulations that require either a second level of underground parking. There is no stipulation that requires “x” square feet of non-residential space. Things have changed over the last six and a half years from his perspective. The developer has tried to put together an honest site plan in response to those changes and still have the building up close to the street with store front windows. He thinks the developer has done an admirable job, and staff agreed with the site plan.

Commissioner Busching stated that one of the things brought to their attention as they have more and more projects close to the light-rail, and that is the noise level. She talked with Mr. Bull prior to the hearing about putting in the stipulation that they have seen in all of the recent light-rail projects, about the noise level not exceeding 45 decibels. He stated that his client was certainly willing to do that. She stated that she was prepared to make a motion to approve the one-year extension, but she also wanted to include a limitation on the noise levels, as well.

Mr. Bull stated, just to confirm on the record, the noise stipulation that Commissioner Busching was talking about, he discussed with an acoustical consultant that he knows and respects, and who is respected by the City. He also discussed it with his client. That proposed stipulation is acceptable to Omninet.

Commissioner Gaynor stated that he would also be supporting this case. As he has looked at this project over the years, he stated, it is a complicated space. He thinks this is a good proposal. It fits with the area. He believes that the developer went out of their way to make this work.

Chairwoman Mangum stated that the Commissioner members would be voting on the one-year extension. She is a little uncomfortable with the retail space of the 14,990 square feet. She felt that Mr. Waters made a very good point, in that the square footage is very precise. Therefore, with that precision, she would assume that the rendering or the concepts were already in mind in what square footage was going to be needed. To have 6,400 square feet of co-work space, seems like a lot of square footage for co-work space, when we need some more retail in that area. She stated that 1,600 square feet for a gym is not a big gym. That 6,400 feet of co-work space concerns her. As they get this one-year extension, it would be nice to be able to get more specific on what 14,990 square feet is going to be allocated for precisely.

Commissioner Gaynor asked if in the coworking space will have coffee shops or other amenities. He would hope that would be part of the plan. He is still ready to support this extension.



Chairwoman Mangum stated, I, as well. She entertained a motion.

**Commissioner Busching made a MOTION to approve PHO-1-22--Z-26-15-4, per the Planning Hearing Officer recommendation, with an additional stipulation to require that prior to occupancy, the developer must provide a qualified engineer's report certifying the average annual interior noise exposure for any residential unit or enclosed public assembly area will not exceed 45 decibels.**

**Commissioner Gaynor SECONDED.**

Mr. Boyd would oppose, as he stated, he could not get his head around the retail, but the rest of it makes sense.

There being no further discussion, Chairwoman Mangum called for a vote and the MOTION Passed 7-1-1(Boyd) (Conflict: Howard).

Chairman Howard returned to the meeting room for the next item, at 11:40 p.m.

Stipulations:

1. An updated Development Narrative for the Omninet - West PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with the Development Narrative date stamped October 14, 2015.
2. The property owner shall provide a deposit in the amount of \$50,000 into a Street Transportation Department escrow account at the City of Phoenix to be utilized for traffic calming measures in the Pierson Place Historic District. These funds may be contributed toward the purchase and installation of such devices as roundabouts, speed humps/cushions, or raised crosswalks (speed tables), limited turning, traffic diverters, gates or other such traffic calming or management tools for the area bounded by Central Avenue, Camelback Road, 7th Avenue, and the Grand Canal. Distribution of funds shall be at the mutual agreement of the five member neighborhood traffic team, the residents on affected streets, and the City of Phoenix Streets TRANSPORTATION Department Safety and Neighborhood Traffic section. Owner may apply for reimbursement of escrow funds from the Street Transportation Department if no special petition has been submitted within 5 years from the issuance of a certificate of occupancy.
3. Developer shall install a monument proximate to the northwest corner of the site identifying the Pierson Place Historic District and facing toward the Light Rail station, as approved by the Planning and Development Department. The

monument shall be similar to the existing Pierson Place Historic District Monument located proximate to the southwest corner of 3rd Avenue and Camelback Road, or as otherwise agreed upon by the developer and the Board of Directors of the Pierson Place Historic District.

4. The developer shall construct a directional retail driveway to direct retail traffic away from the neighborhood as approved by the Planning and Development Department.
5. IF DETERMINED NECESSARY BY THE PHOENIX ARCHAEOLOGY OFFICE, THE APPLICANT SHALL CONDUCT PHASE I DATA TESTING AND SUBMIT AN ARCHAEOLOGICAL SURVEY REPORT OF THE DEVELOPMENT AREA FOR REVIEW AND APPROVAL BY THE CITY ARCHAEOLOGIST PRIOR TO CLEARING AND GRUBBING, LANDSCAPE SALVAGE, AND/OR GRADING APPROVAL.
6. IF PHASE I DATA TESTING IS REQUIRED, AND IF, UPON REVIEW OF THE RESULTS FROM THE PHASE I DATA TESTING, THE CITY ARCHAEOLOGIST, IN CONSULTATION WITH A QUALIFIED ARCHAEOLOGIST, DETERMINES SUCH DATA RECOVERY EXCAVATIONS ARE NECESSARY, THE APPLICANT SHALL CONDUCT PHASE II ARCHAEOLOGICAL DATA RECOVERY EXCAVATIONS.
7. IN THE EVENT ARCHAEOLOGICAL MATERIALS ARE ENCOUNTERED DURING CONSTRUCTION, THE DEVELOPER SHALL IMMEDIATELY CEASE ALL GROUND-DISTURBING ACTIVITIES WITHIN A 33- FOOT RADIUS OF THE DISCOVERY, NOTIFY THE CITY ARCHAEOLOGIST, AND ALLOW TIME FOR THE ARCHAEOLOGY OFFICE TO PROPERLY ASSESS THE MATERIALS.
8. The approval shall be conditioned upon development commencing within  
5. EIGHT (8) ~~seven (7)~~ years of the City Council approval of this change of zoning in accordance with Section 506.B.1 of the Phoenix Zoning Ordinance. (For purposes of this stipulation, development shall commence with the issuance of building permits and erection of building walls on site).
9. **PRIOR TO OCCUPANCY, THE DEVELOPER MUST PROVIDE A QUALIFIED ENGINEER'S REPORT CERTIFYING THE AVERAGE ANNUAL INTERIOR NOISE EXPOSURE FOR ANY RESIDENTIAL UNIT OR ENCLOSED PUBLIC ASSEMBLY AREA WILL NOT EXCEED 45 DECIBELS.**

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

August 17, 2022

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

**ACTIONS:**

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

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

**DISCUSSION:**

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

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

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

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

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



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

**FINDINGS:**

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

**STIPULATIONS:**

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

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

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

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