

# PHOENIX CITY COUNCIL FORMAL AGENDA



Mayor Greg Stanton

Vice Mayor  
District 4  
Laura Pastor

District 1  
Thelda Williams

District 2  
Jim Waring

District 3  
Debra Stark

District 5  
Daniel Valenzuela

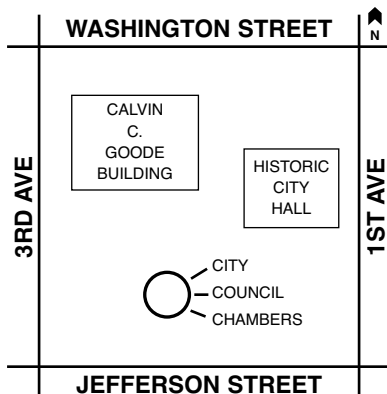
District 6  
Sal DiCiccio

District 7  
Michael Nowakowski

District 8  
Kate Gallego

*Online agendas and  
results available at  
[www.phoenix.gov](http://www.phoenix.gov)*

City Council Chambers  
200 W. Jefferson St.  
Phoenix, AZ 85003



## WELCOME!

Thank you for participating in the process of representative local government. We welcome your interest and hope you and your neighbors will often attend Phoenix City Council meetings. Democracy cannot endure without an informed and involved electorate.

Phoenix operates under a Council-Manager form of local government. Policy is set by the Mayor and Council, and the City Manager, who is appointed by the Council, directs staff to carry out the policies. This separation of policy-making and policy administration is considered the most economical and efficient form of city government.

## FORMAL CITY COUNCIL MEETINGS

The Council generally holds formal meetings at 2:30 p.m. on Wednesdays to take official action on Ordinances, Resolutions, and other items on the agenda. Although the formal agenda is subject to change, all changes to the printed agenda will be available at least 24 hours prior to the meeting. Visit <https://www.phoenix.gov/cityclerk/publicmeetings> to view the agenda and meeting schedule.

The formal meeting may appear to proceed very quickly, with important decisions reached with little discussion. However, councilmembers receive the agenda the week prior to the meeting, giving them the opportunity to study every item and to ask questions of City staff members. If no additional information is presented at the meeting, action may be taken without discussion.

## HOW CITIZENS CAN PARTICIPATE

The public may request to address the Council regarding an agenda item by submitting a yellow Request to Speak card at the meeting, or may submit a white card to state their support or opposition to an item for the record without speaking. Individuals should arrive and submit a card by the beginning of the meeting, before action is taken on the item. After action has been taken on an item, cards will not be accepted.

In addition, Citizen Comments are heard for up to 15 minutes at the start of the regular formal meeting and, if necessary, for up to 15 minutes (unless extended by the Chair) before adjournment or recess provided a quorum of the Council is present. Any member of the public will be given three minutes to address the Council on issues of interest or concern to them. Speakers will be called in the order in which requests to speak are received. As mandated by the Arizona Open Meeting Law, officials will not discuss matters raised during the Citizen Comment session, but may respond to personal criticism, and may direct staff to follow-up with the citizen.

If you have an individual concern involving the City, you are encouraged to contact your District councilmember at 602-262-7029 or the City Manager's Office at 602-262-4449. To reach the Mayor's Office, call 602-262-7111. We will do everything possible to be responsive to your individual requests.

## REGISTERED LOBBYISTS

Individuals paid to lobby on behalf of persons or organizations other than themselves must register with the City Clerk prior to lobbying or within five business days thereafter and must re-register annually. If you have any questions about registration or whether or not you must register, visit <https://www.phoenix.gov/cityclerk/publicmeetings> or contact the City Clerk's Office at 602-256-3186.

## ACCESSIBILITY

An assistive listening system is available in the Council Chambers for individuals with hearing loss. Obtain a headset unit at the entrance table in the Chambers. In addition, the City Clerk's Office will provide sign language interpreting services. Please call 602-256-3186 or Relay 7-1-1 as early as possible to coordinate needed arrangements.

Si necesita asistencia o traducción en español, favor de llamar lo mas pronto posible a la oficina de la Secretaría Municipal de Phoenix al 602-256-3186.

# City of Phoenix Council members and district boundaries



**Mayor Greg Stanton**  
602-262-7111  
mayor.stanton@phoenix.gov



**Thelda Williams**  
602-262-7444  
council.district.1@phoenix.gov



**Jim Waring**  
602-262-7445  
council.district.2  
@phoenix.gov



**Debra Stark**  
602-262-7441  
council.district.3@phoenix.gov



**Laura Pastor**  
602-262-7447  
council.district.4@phoenix.gov



**Sal DiCiccio**  
602-262-7491  
council.district.6  
@phoenix.gov



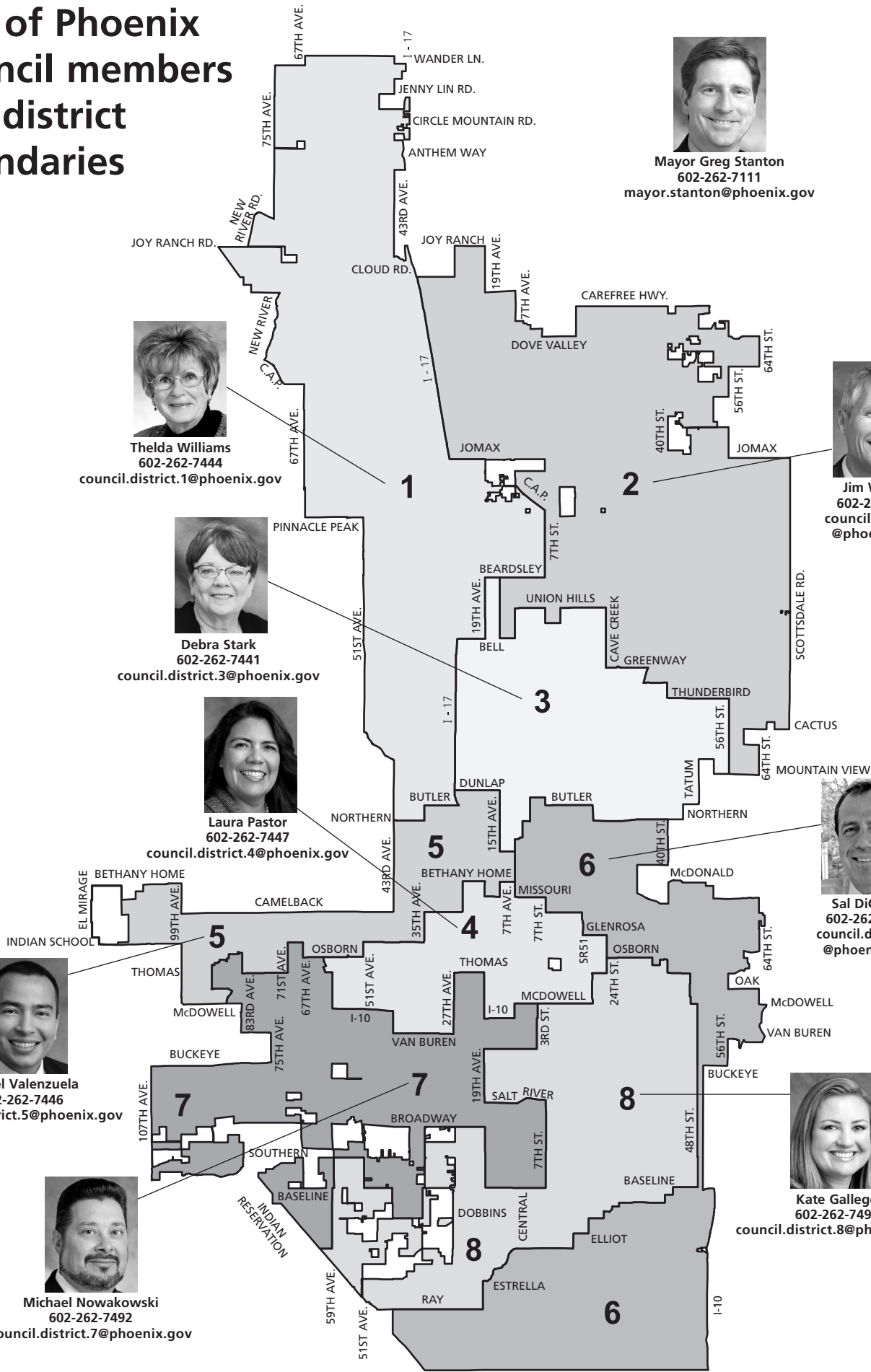
**Daniel Valenzuela**  
602-262-7446  
council.district.5@phoenix.gov



**Michael Nowakowski**  
602-262-7492  
council.district.7@phoenix.gov



**Kate Gallego**  
602-262-7493  
council.district.8@phoenix.gov





# Agenda

## City Council Formal Meeting

Wednesday, April 5, 2017

2:30 PM

phoenix.gov

**\*REVISED Tuesday, April 4, 2017**

**Items Revised: Items 1, 2, and 52; Item to be Withdrawn: 76;**

**Items to be Continued: 83 and 97; Item with Additional Information: 96**

### CALL TO ORDER AND ROLL CALL

### CITIZEN COMMENTS

### BOARDS AND COMMISSIONS

**\*1 Mayor's Appointments to Boards and Commissions - REVISED** Page 13

**\*2 Council Appointments to Boards and Commissions - REVISED** Page 16

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- 3     **Liquor License - Dilandri Family Foods** District 2 - Page 19
- 4     **Liquor License - Pointe Hilton Tapatio Cliffs** District 3 - Page 23
- 5     **Liquor License - Garibaldi Mexican Grill** District 4 - Page 25
- 6     **Liquor License - Special Event - Childrens Hope and Love Foundation** District 5 - Page 27
- 7     **(CONTINUED FROM MARCH 22, 2017) - Liquor License - Carniceria Los Reyes #2** District 5 - Page 28
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- 9     **Liquor License - Best Western Phoenix Biltmore** District 6 - Page 36
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**REPORTS FROM CITY MANAGER, COMMITTEES OR CITY OFFICIALS**

**CITIZEN COMMENTS**

**ADJOURN**







City of Phoenix

## City Council Formal Meeting

### City Council Report

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Agenda Date: 4/5/2017, Item No. \*1

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#### **REVISED ITEM (SEE REVISED ATTACHMENT) - Mayor's Appointments to Boards and Commissions**

##### **Summary**

This item transmits the Mayor's recommendations for appointments and reappointments to various city boards and commissions.

##### **Responsible Department**

This item is submitted by the Mayor's Office.

## Attachment A

\*Revised



# City of Phoenix

**To:** City Council **Date:** April 3, 2017  
**From:** Greg Stanton  
Mayor  
**Subject:** BOARDS AND COMMISSIONS – MAYOR’S APPOINTEES

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

### **Heritage Commission**

I recommend the following individuals for reappointment:

#### Richard de Uriarte

Mr. de Uriarte is a resident of District 6. He will serve his second term which will expire Dec. 14, 2019.

#### Derek Horn

Mr. Horn is resident of District 4. He will serve his second term which will expire Dec. 14, 2019.

#### Dan Klocke

Mr. Klocke is a resident of District 4. He will serve his second term which will expire Dec. 14, 2019.

#### Sherry Rampy

Ms. Rampy is a resident of District 4. She will serve her second term which will expire on Dec. 14, 2019.

#### Bill Scheel

Mr. Scheel is a resident of District 7. He will serve his second term which will expire on Jan. 25, 2020.

### **\*Judicial Selection Advisory Board**

I recommend the following individual for appointment:

#### Allister Adel

Ms. Adel is the executive director for the Maricopa County Bar Association and a resident of District 7. She represents the Maricopa County Bar Association on the Board and will serve a term which will expire on Nov. 19, 2019.

I recommend the following individual for reappointment:

#### David Cunanan

Judge Cunanan was reappointed by the Maricopa County Superior Court Presiding Judge Janet Barton and will serve his first full term which will expire on Nov. 19, 2019.

Vice Mayor Laura Pastor and I recommend the following individual for appointment:

#### Carlos Rascon

Mr. Rascon is the data science analyst for Education, Leadership & Analytics. He is a resident of District 4 and will serve his first term which will expire on Nov. 19, 2019.

### **\*Library Advisory Board**

I recommend the following individuals for appointment:

#### Kathleen Ingley

Ms. Ingley is a retired journalist and a resident of District 3. She fills a vacancy on the Board will serve a full term which will expire on April 5, 2020.

#### Brenda Thomson

Ms. Thomson is the executive director for Arizona Humanities Council and a resident of District 7. She fills a vacancy on the Board and will serve a full term which will expire on April 5, 2020.

### **Parks and Preserve Initiative Oversight Committee**

I recommend the following individual for appointment:

#### Sarah Porter

Ms. Porter is the director for the Kyl Center for Water Policy at Morrison Institute at Arizona State University and will represent the Parks and Recreation Board. She replaces Roger Peck and will serve her first term which will expire on May 31, 2020.

Thank you for your consideration.



City of Phoenix

## City Council Formal Meeting

### City Council Report

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Agenda Date: 4/5/2017, Item No. \*2

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#### **REVISED ITEM (SEE REVISED ATTACHMENT) - City Council Appointments to Boards and Commissions**

##### **Summary**

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

##### **Responsible Department**

This item is submitted by the City Council Office.

## Attachment A

\*Revised



## City of Phoenix

**To:** Mayor and Council City Council **Date:** April 3, 2017  
**From:** Penny Parrella  
Executive Assistant to the City Council  
**Subject:** BOARDS AND COMMISSIONS - CITY COUNCIL APPOINTEES

The purpose of this memo is to provide recommendations to the following Committees:

### **\*Alhambra Village Planning Committee**

Councilwoman Deb Stark recommends the following individual for appointment:

#### Joel McCabe

Mr. McCabe is the chief operating officer for Trellis and a resident of District 3. He fills a vacancy on the committee and will serve a term which will expire Nov. 19, 2019.

### **Desert View Village Planning Committee**

Councilman Jim Waring recommends the following individual for appointment:

#### Ryan Schaefer

Mr. Schaefer is an architect for Schaefer & Schaefer and a resident of District 2. He fills a vacancy on the committee and will serve his first term which will expire on Nov. 19, 2018.

### **North Gateway Village Planning Committee**

Councilman Jim Waring recommends the following individual for appointment:

#### Daniel Tome

Mr. Tome is the manager for Dignity Health and a resident of District 2. He fills a vacancy on the committee and will serve his first term which will expire on Nov. 19, 2019.

### **Laveen Village Planning Committee**

Councilwoman Kate Gallego recommends the following individual for appointment:

#### Cymone Ragland

Ms. Ragland is a resident of District 8 and will fill a vacancy on the committee. She will serve her first term which will expire on Nov. 19, 2019.

### **\*Paradise Valley Village Planning Committee**

Councilwoman Deb Stark recommends the following individual for appointment:

#### Jay Cantor

Mr. Cantor is a data analyst for VIMO Inc. and a resident of District 3. He fills a vacancy on the Committee and will serve a partial term which will expire on Nov. 19, 2018.

### **South Mountain Village Planning Committee**

Councilwoman Kate Gallego recommends the following individuals for appointment:

#### David Castello

Mr. Castello is an urban designer and architect for Coaction Group. He is a resident of District 8 and will fill a vacancy on the committee. He will serve his first term which will expire on Nov. 19, 2019.

#### Shelly Smith

Mr. Smith is a pastor at Full Gospel Deliverance Tabernacle and a resident of District 8. He fills a vacancy on the committee and will serve his first term which will expire on Nov. 19, 2019

Thank you for your consideration.



## Liquor License - Dilandri Family Foods

Request for a liquor license. Arizona State License 10076848.

### Summary

#### Applicant

Andrea Lewkowitz, Agent

#### License Type

Series 10 - Beer and Wine Store

#### Location

880 E. Lone Cactus Drive

Zoning Classification: A-1

Council District: 2

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

The sixty-day limit for processing this application is April 11, 2017.

Pursuant to A.R.S. 4-203, consideration may be given to the applicant's personal qualifications and to the location.

#### Other Active Liquor License Interest in Arizona

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

#### Public Opinion

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

#### Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling,

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grammar and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because:  
“Applicant is committed to upholding the highest standards for retail sales of alcohol. Managers and staff will be trained in Arizona liquor law and the techniques of responsible sales and service to guests 21 and over.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:  
“Applicant offers a wide-variety of healthy, organic and locally sourced menu items including salads, sandwiches, wraps, and more. Applicant would like to offer alcoholic beverages as an incident to prepared meals.”

Staff Recommendation

Staff recommends approval of this application.

Attachments

Liquor License Data - Dilandri Family Foods  
Liquor License Map - Dilandri Family Foods

**Responsible Department**

This item is submitted by Special Assistant to the City Manager Toni Maccarone and the City Clerk Department.



## Liquor License Data: Dilandri Family Foods

### Liquor License

Description	Series	1 Mile	1/2 Mile
Bar	6	1	1
Beer and Wine Store	10	2	0

### Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	10.01	2.07	1.06
Violent Crimes	1.49	0.18	0.21

\*Citywide average per square mile \*\*Average per square mile within 1 mile radius \*\*\*Average per square mile within 1/2 mile radius

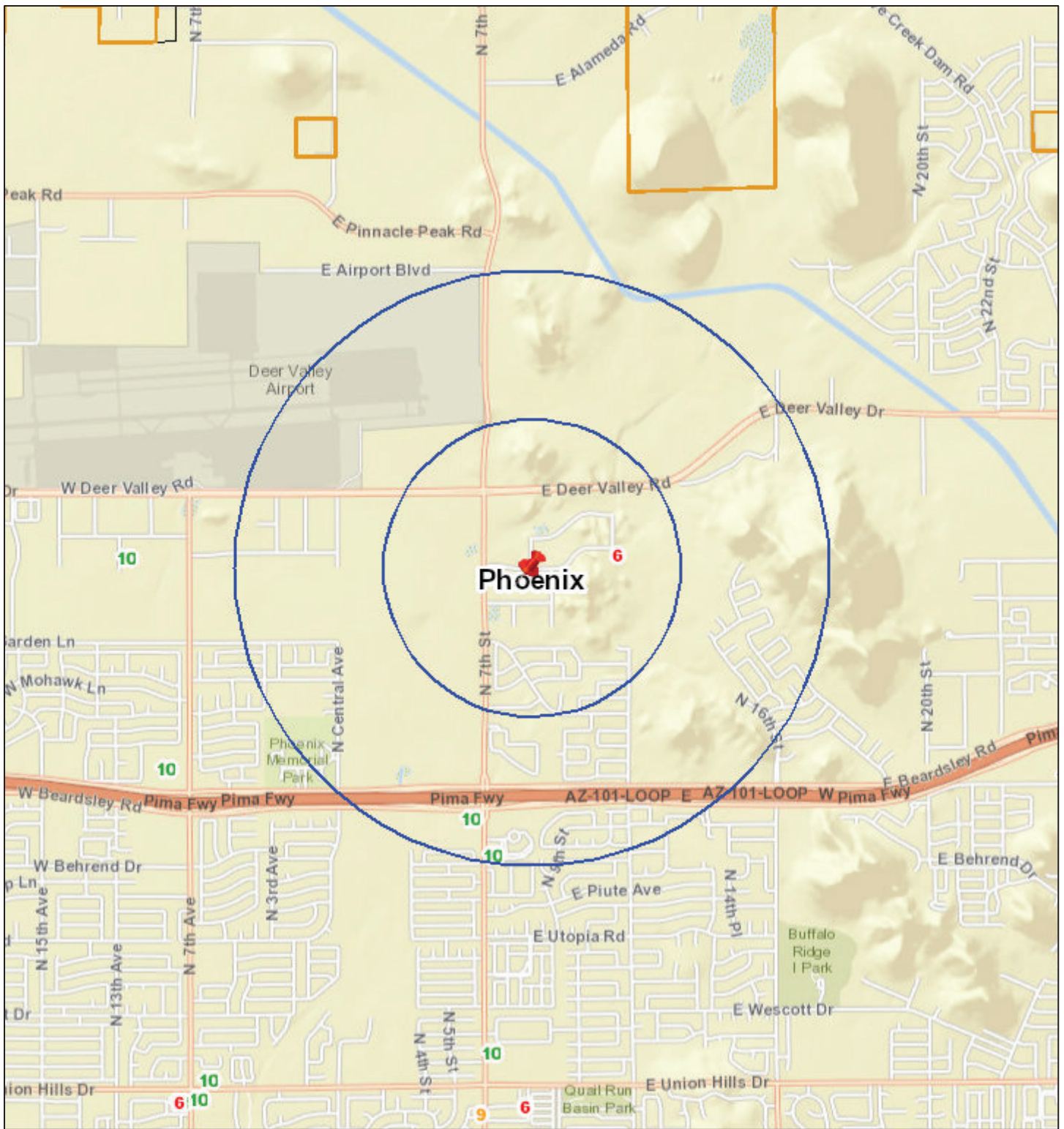
### Property Violation Data

Description	Average	1/2 Mile Average
Parcels w/Violations	59	1
Total Violations	110	1

### Census 2010 Data 1/2 Mile Radius

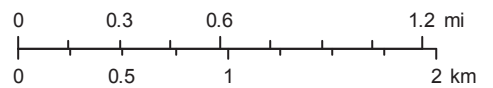
BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
6147001	287	86 %	29 %	31 %
6149001	1359	78 %	16 %	3 %
6149003	743	16 %	28 %	7 %
Average		61 %	13 %	19 %

# Liquor License Map: Dilandri Family Foods



March 13, 2017

1:36,112



mapservices@phoenix.gov  
Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community



## Liquor License - Pointe Hilton Tapatio Cliffs

Request for a liquor license. Arizona State License 06070409.

### Summary

#### Applicant

Andrea Lewkowitz, Agent

#### License Type

Series 6 - Bar

#### Location

11111 N. 7th St.

Zoning Classification: RH-PCD

Council District: 3

This request is for an ownership transfer of a liquor license for a hotel. This location was previously licensed for liquor sales and may currently operate with an interim permit.

The sixty-day limit for processing this application is April 11, 2017.

Pursuant to A.R.S. 4-203, consideration may be given only to the applicant's personal qualifications and not to the location.

#### Other Active Liquor License Interest in Arizona

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

#### Public Opinion

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

#### Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling,

---

grammar and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because: “Applicant is committed to upholding the highest standards for alcohol sales and service. Managers and staff will be trained in Arizona liquor law and the techniques of responsible sales and service to guests 21 and over.”

Staff Recommendation

Staff recommends approval of this application.

**Responsible Department**

This item is submitted by Special Assistant to the City Manager Toni Maccarone and the City Clerk Department.



## **Liquor License - Garibaldi Mexican Grill**

Request for a liquor license. Arizona State License 1207A909.

### **Summary**

#### Applicant

Jose Gonzalez, Agent

#### License Type

Series 12 - Restaurant

#### Location

3328 W. Van Buren St.

Zoning Classification: C-2

Council District: 4

This request is for a new liquor license for a restaurant. This location was previously licensed for liquor sales as El Rey Del Marisco and may currently operate with an interim permit. This location requires a Use Permit to allow live entertainment and patron dancing.

The sixty-day limit for processing this application is April 11, 2017.

Consideration should be given to the applicant's personal qualifications. In regard to the location, pursuant to A.R.S. 4-203, there is a presumption that the public convenience and the best interest of the community were established at the time the location was previously licensed.

#### Other Active Liquor License Interest in Arizona

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

#### Public Opinion

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

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Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because:  
"I'm a U.S citizen residing in the state of Arizona. I'm a reliable individual with no prior felony convictions. I have expence in the food restaurant business & have taken the basic course to serve liquor in restaurant."

Staff Recommendation

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

**Responsible Department**

This item is submitted by Special Assistant to the City Manager Toni Maccarone and the City Clerk Department.



## **Liquor License - Special Event - Childrens Hope and Love Foundation**

Request for a Series 15 - Special Event liquor license for the temporary sale of all liquors.

### **Summary**

#### Applicant

Rigoberto Ledezma

#### Location

4240 W. Camelback Road  
Council District: 5

#### Function

Concert/Dance

#### Date(s) - Time(s) / Expected Attendance

April 14, 2017 - 8 p.m. to 2 a.m. / 800 attendees  
April 15, 2017 - 8 p.m. to 2 a.m. / 800 attendees  
April 16, 2017 - 8 p.m. to 2 a.m. / 800 attendees

#### Staff Recommendation

Staff recommends approval of this application.

### **Responsible Department**

This item is submitted by Special Assistant to the City Manager Toni Maccarone and the City Clerk Department.



**(CONTINUED FROM MARCH 22, 2017) - Liquor License - Carniceria Los Reyes #2**

Request for a liquor license. Arizona State License 10076845.

**Summary**

Applicant

Edel Alcaraz, Agent

License Type

Series 10 - Beer and Wine Store

Location

2647 W. Glendale Ave., Ste. 8

Zoning Classification: C-2

Council District: 5

This request is for a new liquor license for a grocery store. This location was not previously licensed for liquor sales and does not have an interim permit. This location requires a Use Permit to allow packaged liquor sales within 300 feet of a residential zoning district. This business is currently being remodeled with plans to open in April 2017.

The sixty-day limit for processing this application was March 24, 2017.

Pursuant to A.R.S. 4-203, consideration may be given to the applicant's personal qualifications and to the location.

Other Active Liquor License Interest in Arizona

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



Carniceria Los Reyes (Series 10)

1603 N. 16th St., Phoenix

Calls for police service: 9

Liquor license violations: In March 2016, a fine of \$375 was paid for delinquent taxes.

Public Opinion

Three letters protesting the issuance of this license have been received and are on file in the Office of the City Clerk. The letters are from the Ocotillo Glen Neighborhood Association, North Glen Square Neighborhood Association and Lane Avenue Block Watch. They feel there are sufficient liquor licenses in the area to serve the neighborhood and are concerned with the potential impact of the liquor license on an area challenged with crime and blight. They are also concerned the applicant did not reach out to them to discuss his business plan and commitment to the neighborhood.

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because:  
"I have the training to do so, but most importantly the awareness and responsibility to know to whom to sell to within the law and good judgement."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:  
"Of the control of whom to sell to as to deter from the area and the community any transients bad crowds, also by controlling what type of alcoholic beverages to sell to keep those customers away."

Staff Recommendation

Staff recommends approval of this application noting the applicant must resolve any pending City of Phoenix building and zoning requirements, and be in compliance with the City of Phoenix Code and Ordinances. Staff gave careful consideration to the protest letters received, however after reviewing the application in its entirety staff is recommending approval of this application.

Attachments

Liquor License Data - Carniceria Los Reyes #2

Liquor License Map - Carniceria Los Reyes #2

**Responsible Department**

This item is submitted by Special Assistant to the City Manager Toni Maccarone and the City Clerk Department.

## Liquor License Data: Carniceria Los Reyes #2

### Liquor License

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

### Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	10.01	30.49	37.47
Violent Crimes	1.49	6.13	8.59

\*Citywide average per square mile \*\*Average per square mile within 1 mile radius \*\*\*Average per square mile within 1/2 mile radius

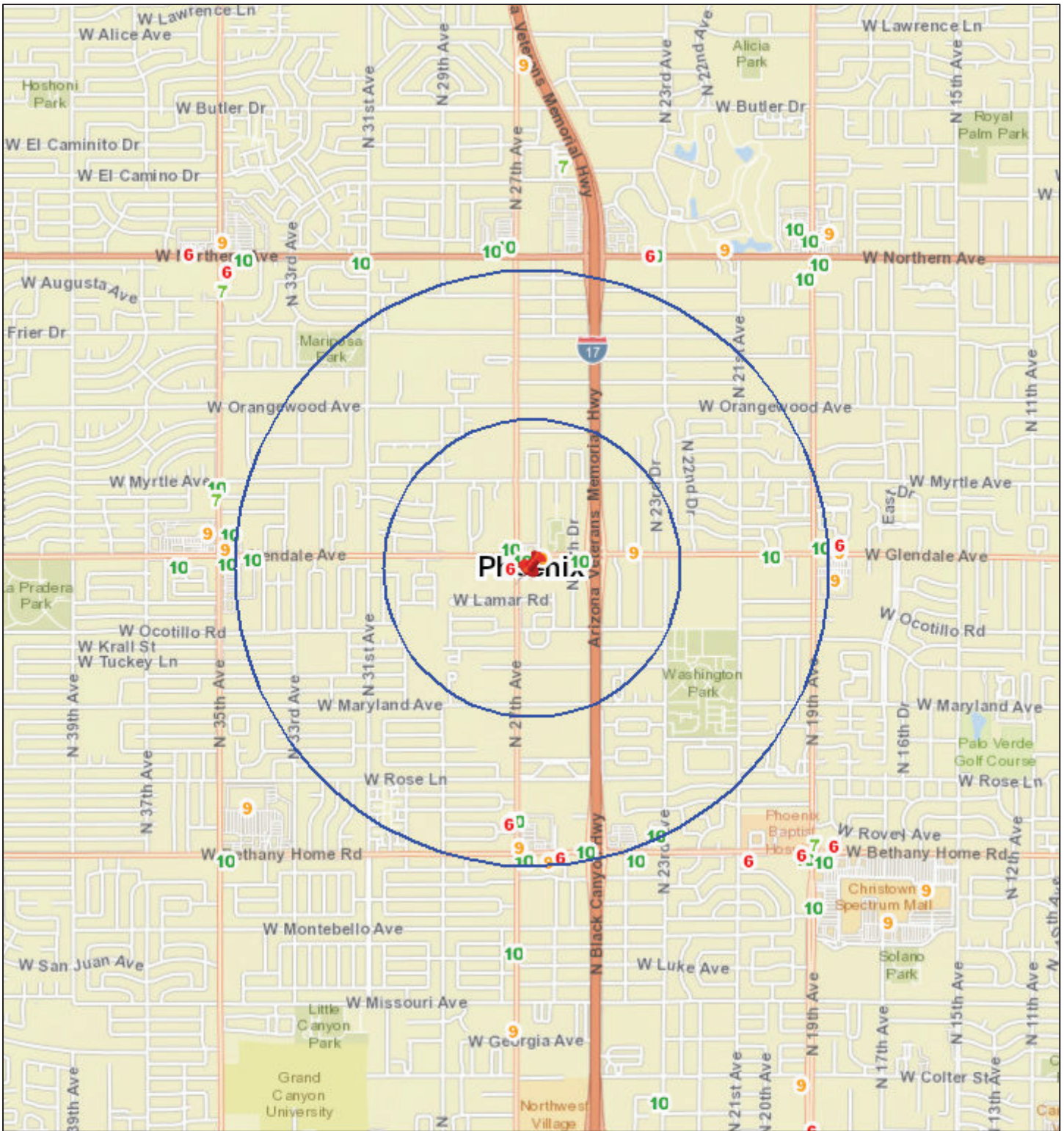
### Property Violation Data

Description	Average	1/2 Mile Average
Parcels w/Violations	58	116
Total Violations	108	208

**Census 2010 Data 1/2 Mile Radius**

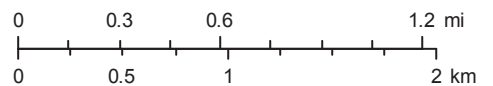
<b>BlockGroup</b>	<b>2010 Population</b>	<b>Owner Occupied</b>	<b>Residential Vacancy</b>	<b>Persons in Poverty</b>
1059003	1609	59 %	5 %	25 %
1060011	1487	31 %	17 %	50 %
1060032	1673	52 %	15 %	25 %
1068011	1652	2 %	12 %	52 %
1068012	1670	5 %	28 %	55 %
1068021	1099	60 %	0 %	9 %
1069001	1043	81 %	11 %	4 %
1069002	2629	71 %	5 %	22 %
Average		61 %	13 %	19 %

# Liquor License Map: Carniceria Los Reyes #2



February 27, 2017

1:36,112



mapservices@phoenix.gov  
Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community



## **Liquor License - Arizona Biltmore Resort & Spa**

Request for a liquor license. Arizona State License 06070556.

### **Summary**

#### Applicant

Andrea Lewkowitz, Agent

#### License Type

Series 6 - Bar

#### Location

2400 E. Missouri Ave.

Zoning Classification: PUD

Council District: 6

This request is for an ownership transfer of a liquor license for a hotel. This location was previously licensed for liquor sales and may currently operate with an interim permit.

The sixty-day limit for processing this application is April 11, 2017.

Pursuant to A.R.S. 4-203, consideration may be given only to the applicant's personal qualifications and not to the location.

#### Other Active Liquor License Interest in Arizona

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

#### Public Opinion

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

#### Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling,

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grammar and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because:  
“Applicant is committed to upholding the highest standards for alcohol sales and service. Managers and staff will be trained in Arizona liquor law and the techniques of responsible sales and service to guests 21 and over.”

Staff Recommendation

Staff recommends approval of this application.

**Responsible Department**

This item is submitted by Special Assistant to the City Manager Toni Maccarone and the City Clerk Department.



## **Liquor License - Best Western Phoenix Biltmore**

Request for a liquor license. Arizona State License 07070284.

### **Summary**

#### Applicant

Andrea Lewkowitz, Agent

#### License Type

Series 7 - Beer and Wine Bar

#### Location

1615 E. Northern Ave.

Zoning Classification: R-4

Council District: 6

This request is for an ownership transfer of a liquor license for a hotel. This location was previously licensed for liquor sales as Best Western Inn Suites Hotel & Suites and may currently operate with an interim permit.

The sixty-day limit for processing this application is April 16, 2017.

Pursuant to A.R.S. 4-203, consideration may be given only to the applicant's personal qualifications and not to the location.

#### Other Active Liquor License Interest in Arizona

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

#### Public Opinion

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

#### Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling,

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grammar and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because:  
“Applicant is committed to upholding the highest standards for retail sales of alcohol. Managers and staff will be trained in Arizona liquor law and the techniques of responsible sales and service to guests 21 and over.”

Staff Recommendation

Staff recommends approval of this application.

**Responsible Department**

This item is submitted by Special Assistant to the City Manager Toni Maccarone and the City Clerk Department.



## **Liquor License - Giant Rustic Pizza**

Request for a liquor license. Arizona State License 1207A912.

### **Summary**

#### Applicant

John Wunder, Agent

#### License Type

Series 12 - Restaurant

#### Location

3945 E. Camelback Road  
Zoning Classification: C-2  
Council District: 6

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

The sixty-day limit for processing this application is April 16, 2017.

Pursuant to A.R.S. 4-203, consideration may be given to the applicant's personal qualifications and to the location.

#### Other Active Liquor License Interest in Arizona

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

Ocho Locos Mexican Restaurant & Cantina (Series 12)  
3655 W. Anthem Way, #D105, Anthem  
Calls for police service: N/A - not in Phoenix

Liquor license violations: In June 2014, a fine of \$200 was paid for failure to file a manager's agreement form.

Public Opinion

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

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because: "I currently hold a liquor license at a restaurant in Maricopa County. I am trained in liquor management and I have operated that license for more than 7 years without incident."

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

"We are planning on serving beer with our pizza. We have had many many requests from our customers for beer. Also, many similar establishments currently sell beer putting us at a competitive disadvantage. Competition serves the public interest."

Staff Recommendation

Staff recommends approval of this application.

Attachments

Liquor License Data - Giant Rustic Pizza

Liquor License Map - Giant Rustic Pizza

**Responsible Department**

This item is submitted by Special Assistant to the City Manager Toni Maccarone and the City Clerk Department.

## Liquor License Data: Giant Rustic Pizza

### Liquor License

Description	Series	1 Mile	1/2 Mile
Bar	6	1	0
Beer and Wine Bar	7	5	1
Liquor Store	9	3	1
Beer and Wine Store	10	4	2
Hotel	11	1	0
Restaurant	12	18	7

### Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	10.01	11.59	15.60
Violent Crimes	1.49	0.58	1.27

\*Citywide average per square mile \*\*Average per square mile within 1 mile radius \*\*\*Average per square mile within 1/2 mile radius

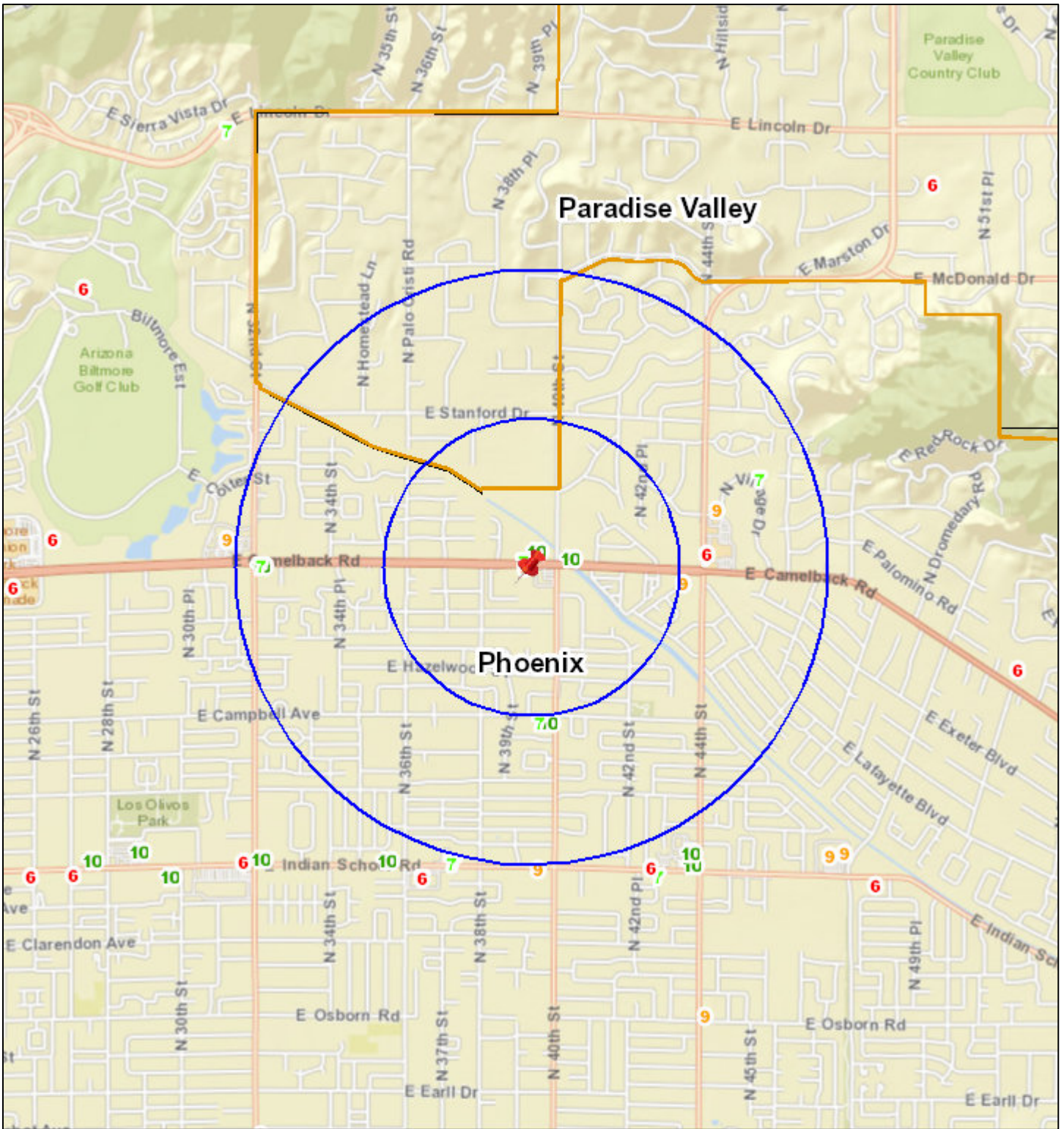
### Property Violation Data

Description	Average	1/2 Mile Average
Parcels w/Violations	60	13
Total Violations	110	20

**Census 2010 Data 1/2 Mile Radius**

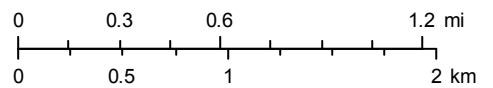
<b>BlockGroup</b>	<b>2010 Population</b>	<b>Owner Occupied</b>	<b>Residential Vacancy</b>	<b>Persons in Poverty</b>
1051033	1364	100 %	22 %	0 %
1079003	1457	31 %	6 %	6 %
1081001	1849	78 %	1 %	7 %
1082001	717	56 %	23 %	6 %
1083011	1100	89 %	14 %	0 %
1083012	1221	72 %	5 %	1 %
1083013	982	75 %	18 %	1 %
1083022	1824	50 %	13 %	4 %
Average		61 %	13 %	19 %

# Liquor License Map: Giant Rustic Pizza



March 16, 2017

1:36,112



mapservices@phoenix.gov  
Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community



## **Liquor License - Pointe Hilton Squaw Peak Resort**

Request for a liquor license. Arizona State License 06070410.

### **Summary**

#### Applicant

Andrea Lewkowitz, Agent

#### License Type

Series 6 - Bar

#### Location

7677 N. 16th St.

Zoning Classification: C-2 PCD

Council District: 6

This request is for an ownership transfer of a liquor license for a hotel. This location was previously licensed for liquor sales and may currently operate with an interim permit.

The sixty-day limit for processing this application is April 11, 2017.

Pursuant to A.R.S. 4-203, consideration may be given only to the applicant's personal qualifications and not to the location.

#### Other Active Liquor License Interest in Arizona

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

#### Public Opinion

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

#### Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling,

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grammar and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because: “Applicant is committed to upholding the highest standards for alcohol sales and service. Managers and staff will be trained in Arizona liquor law and the techniques of responsible sales and service to guests 21 and over.”

Staff Recommendation

Staff recommends approval of this application.

**Responsible Department**

This item is submitted by Special Assistant to the City Manager Toni Maccarone and the City Clerk Department.





## Liquor License - Taste of Thai

Request for a liquor license. Arizona State License 1207A911.

### Summary

#### Applicant

Artichar Uppamai, Agent

#### License Type

Series 12 - Restaurant

#### Location

4855 E. Warner Road, Ste. 16

Zoning Classification: C-1

Council District: 6

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

The sixty-day limit for processing this application is April 15, 2017.

Pursuant to A.R.S. 4-203, consideration may be given to the applicant's personal qualifications and to the location.

#### Other Active Liquor License Interest in Arizona

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

#### Public Opinion

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

#### Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling,

---

grammar and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because:  
“I Artichar have the capability to hold a liquor license due to owing a restaurant whereby we will serve alcoholic beverages upon request with food orders. I am reliable enough to own a successful restaurant in a good financial standing and understand the laws and regulations associated with having a liquor license after taking basic and management training classes.”

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

“The sole purpose of the liquor license for the Taste of Thai restaurant is to serve alcoholic beverages to 21 year or older adults who are being served food on premise. obtaining the liquor license adds the public convenience of being able to order and imbibe alcoholic beverages with their on premise meal.”

#### Staff Recommendation

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

#### Attachments

Liquor License Data - Taste of Thai

Liquor License Map - Taste of Thai

#### **Responsible Department**

This item is submitted by Special Assistant to the City Manager Toni Maccarone and the City Clerk Department.

## Liquor License Data: Taste Of Thai

### Liquor License

Description	Series	1 Mile	1/2 Mile
Microbrewery	3	1	0
Bar	6	3	1
Beer and Wine Bar	7	5	3
Liquor Store	9	6	2
Beer and Wine Store	10	4	1
Restaurant	12	25	7

### Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	10.01	11.35	12.10
Violent Crimes	1.49	0.82	1.38

\*Citywide average per square mile \*\*Average per square mile within 1 mile radius \*\*\*Average per square mile within 1/2 mile radius

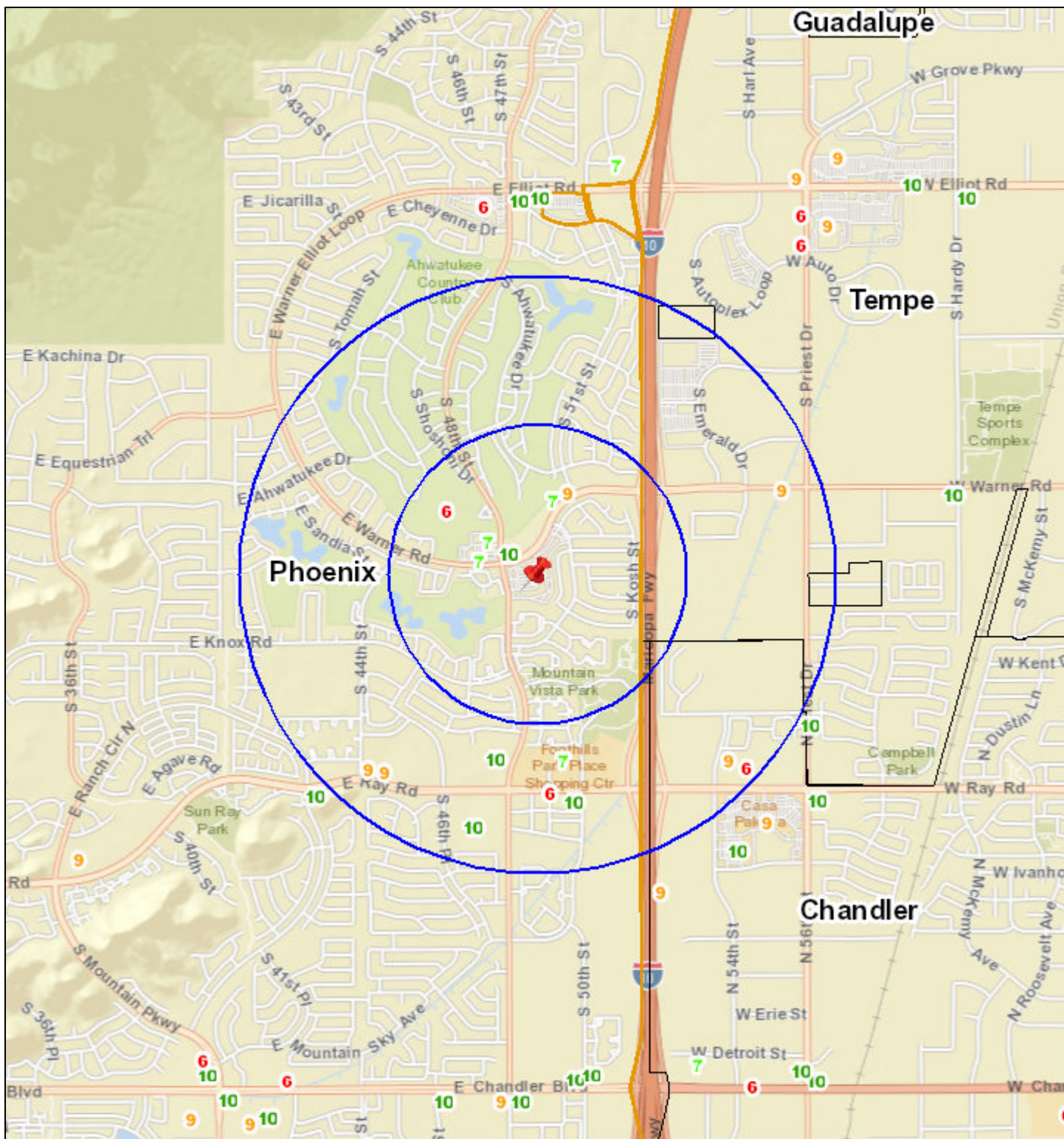
### Property Violation Data

Description	Average	1/2 Mile Average
Parcels w/Violations	60	23
Total Violations	110	31

### Census 2010 Data 1/2 Mile Radius

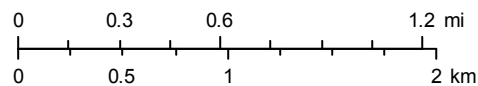
BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1167081	1516	88 %	0 %	2 %
1167082	1243	52 %	3 %	17 %
1167083	1314	34 %	0 %	7 %
1167111	758	80 %	4 %	15 %
1167171	1769	0 %	25 %	11 %
1167172	1663	40 %	18 %	17 %
1167181	2685	40 %	10 %	9 %
3199101	2488	92 %	3 %	12 %
8100001	1870	83 %	10 %	0 %
8104002	314	3 %	25 %	12 %
Average		61 %	13 %	19 %

# Liquor License Map: Taste Of Thai



March 16, 2017

1:36,112



mapservices@phoenix.gov  
 Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community



## **Liquor License - Carniceria Agave**

Request for a liquor license. Arizona State License 10076847.

### **Summary**

#### Applicant

Pamela Roll-Tercero, Agent

#### License Type

Series 10 - Beer and Wine Store

#### Location

3525 W. Southern Ave., Ste. 144

Zoning Classification: C-2

Council District: 7

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

The sixty-day limit for processing this application is April 10, 2017.

Pursuant to A.R.S. 4-203, consideration may be given to the applicant's personal qualifications and to the location.

#### Other Active Liquor License Interest in Arizona

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

#### Public Opinion

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

#### Applicant's Statement

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

applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because:  
“Three of the four LLC members are mature adults with a lengthy professional work experiences. Miguel Ival, Member and Operations Manager, has extensive grocery retail sales experience including liquor sales, in his current position as General Manager of Carniceria La Piedad, Phoenix, Arizona, and previous management positions with COSTCO and Albertsons in Phoenix, Arizona. We are all honest, dependable, responsible and law abiding.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:  
“The concept of this store is one of a mini market convenience store. The best interest of the community will be served by being able to provide an array of meats and supermarket food products, including beer and wine, in a one stop convenient location.”

Staff Recommendation

Staff recommends approval of this application.

Attachments

Liquor License Data - Carniceria Agave

Liquor License Map - Carniceria Agave

**Responsible Department**

This item is submitted by Special Assistant to the City Manager Toni Maccarone and the City Clerk Department.

## Liquor License Data: Carniceria Agave

### Liquor License

Description	Series	1 Mile	1/2 Mile
Liquor Store	9	3	2
Beer and Wine Store	10	4	2
Club	14	1	0

### Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	10.01	22.98	53.50
Violent Crimes	1.49	2.57	4.24

\*Citywide average per square mile \*\*Average per square mile within 1 mile radius \*\*\*Average per square mile within 1/2 mile radius

### Property Violation Data

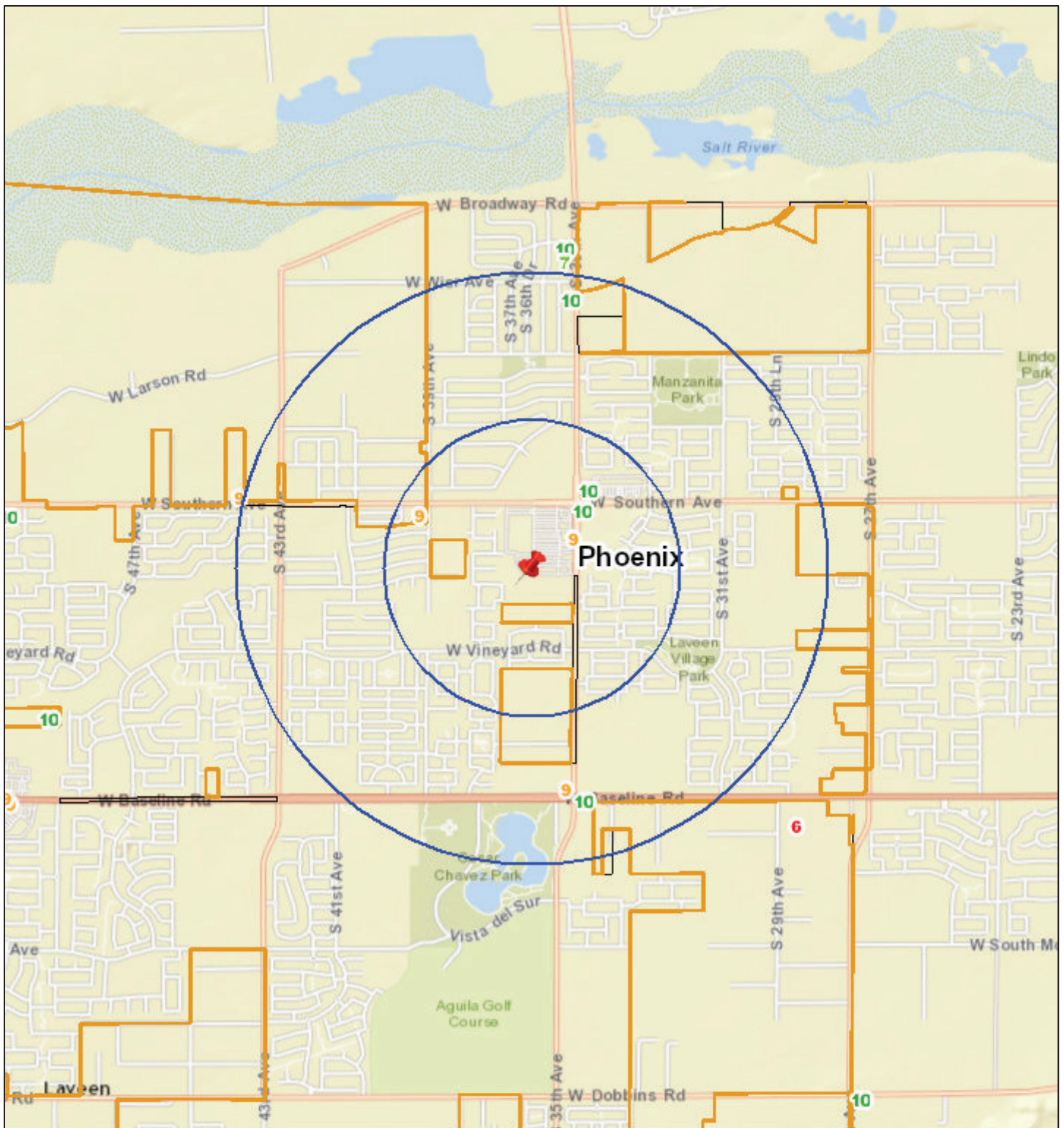
Description	Average	1/2 Mile Average
Parcels w/Violations	59	112
Total Violations	110	198

### Census 2010 Data 1/2 Mile Radius

BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1155002	2124	66 %	4 %	27 %
1166061	2005	82 %	7 %	15 %
1166062	1890	72 %	7 %	27 %
1166063	2092	67 %	0 %	29 %
1166071	3124	41 %	13 %	14 %
1166121	2293	90 %	9 %	4 %
Average		61 %	13 %	19 %

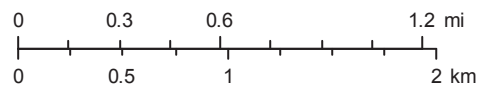


# Liquor License Map: Carniceria Agave



March 13, 2017

1:36,112



mapservices@phoenix.gov  
Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community



## **Liquor License - Filibertos Mexican Food**

Request for a liquor license. Arizona State License 1207A904.

### **Summary**

#### Applicant

Arturo Rubio Cervantes, Agent

#### License Type

Series 12 - Restaurant

#### Location

1075 N. 51st Ave., Ste. 109

Zoning Classification: C-2

Council District: 7

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

The sixty-day limit for processing this application is April 8, 2017.

Pursuant to A.R.S. 4-203, consideration may be given to the applicant's personal qualifications and to the location.

#### Other Active Liquor License Interest in Arizona

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

#### Public Opinion

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

#### Applicant's Statement

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

applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because:  
“I will attend all the required training classes and provide proper training to all employees to ensure that liquor laws all followed. I currently own and operate 2 restaurants in Phoenix which are family oriented and have never had any type of problems.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:  
“We will provide a family oriented restaurant where families can enjoy a peaceful dining experience.”

Staff Recommendation

Staff recommends approval of this application.

Attachments

Liquor License Data - Filibertos Mexican Food  
Liquor License Map - Filibertos Mexican Food

**Responsible Department**

This item is submitted by Special Assistant to the City Manager Toni Maccarone and the City Clerk Department.

## Liquor License Data: Filibertos Mexican Food

### Liquor License

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

### Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	10.01	17.14	23.35
Violent Crimes	1.49	3.68	6.15

\*Citywide average per square mile \*\*Average per square mile within 1 mile radius \*\*\*Average per square mile within 1/2 mile radius

### Property Violation Data

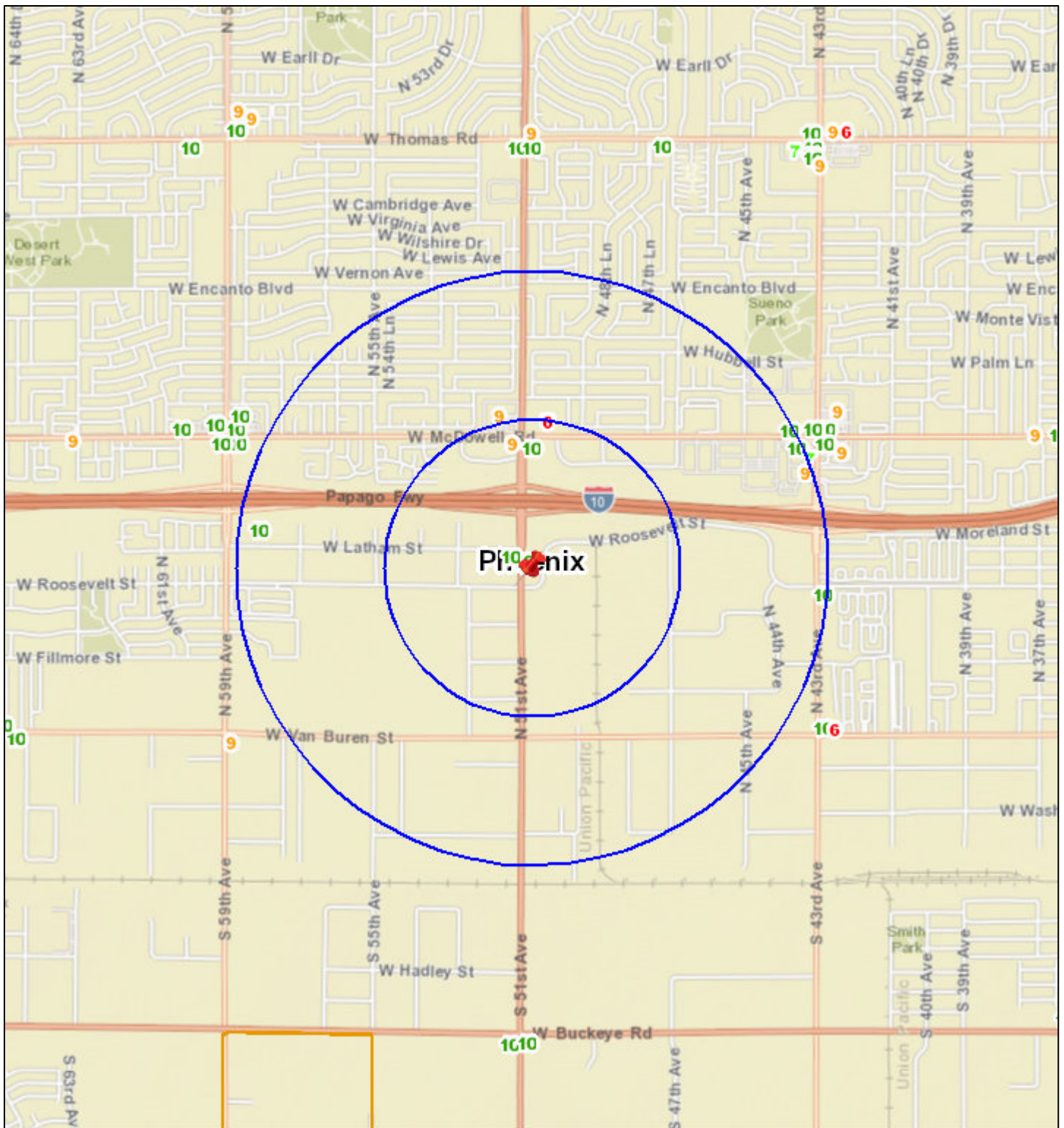
Description	Average	1/2 Mile Average
Parcels w/Violations	60	8
Total Violations	110	8

### Census 2010 Data 1/2 Mile Radius

<b>BlockGroup</b>	<b>2010 Population</b>	<b>Owner Occupied</b>	<b>Residential Vacancy</b>	<b>Persons in Poverty</b>
1123012	2098	68 %	7 %	47 %
1124023	1203	68 %	17 %	35 %
1125071	760	40 %	40 %	36 %
1125121	1518	14 %	36 %	22 %
Average		61 %	13 %	19 %

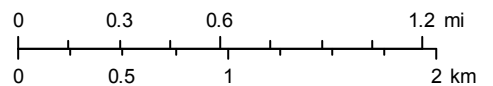


# Liquor License Map: Filibertos Mexican Food



March 16, 2017

1:36,112



mapservices@phoenix.gov  
 Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community



## **Liquor License - La Flor De Calabaza**

Request for a liquor license. Arizona State License 1207A905.

### **Summary**

#### Applicant

Theresa Morse, Agent

#### License Type

Series 12 - Restaurant

#### Location

705 N. 1st St., Ste. 110

Zoning Classification: DTC-West Evans Churchill

Council District: 7

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

The sixty-day limit for processing this application is April 8, 2017.

Consideration should be given to the applicant's personal qualifications. In regard to the location, pursuant to A.R.S. 4-203, there is a presumption that the public convenience and the best interest of the community were established at the time the location was previously licensed.

#### Other Active Liquor License Interest in Arizona

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

#### Public Opinion

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

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because:  
"I have been working in the restaurant industry for several years and I am familiar with liquor laws. I will be attending both Basic and Management liquor law again and will require my staff to attend to be familiar with valid identification and quantities of alcohol that may be served. The liquor license is to complement the food service."

Staff Recommendation

Staff recommends approval of this application.

**Responsible Department**

This item is submitted by Special Assistant to the City Manager Toni Maccarone and the City Clerk Department.





## **Liquor License - Embassy Suites Hotel**

Request for a liquor license. Arizona State License 06070072.

### **Summary**

#### Applicant

Andrea Lewkowitz, Agent

#### License Type

Series 6 - Bar

#### Location

2333 E. Thomas Road

Zoning Classification: C-2

Council District: 8

This request is for an ownership transfer of a liquor license for a hotel. This location was previously licensed for liquor sales as Embassy Suites Phoenix and may currently operate with an interim permit.

The sixty-day limit for processing this application is April 11, 2017.

Pursuant to A.R.S. 4-203, consideration may be given only to the applicant's personal qualifications and not to the location.

#### Other Active Liquor License Interest in Arizona

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

#### Public Opinion

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

#### Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling,

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grammar and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because:  
“Applicant is committed to upholding the highest standards for alcohol sales and service. Managers and staff will be trained in Arizona liquor law and the techniques of responsible sales and service to guests 21 and over.”

Staff Recommendation

Staff recommends approval of this application.

**Responsible Department**

This item is submitted by Special Assistant to the City Manager Toni Maccarone and the City Clerk Department.



**(CONTINUED FROM MARCH 1 AND 22, 2017) - Liquor License - El Rancho Bar**

Request for a liquor license. Arizona State License 07070842.

**Summary**

Applicant

Nancy Vazquez, Agent

License Type

Series 7 - Beer and Wine Bar

Location

1605 W. Broadway Road  
Zoning Classification: C-3  
Council District: 7

This request is for an ownership transfer of a liquor license for a beer and wine bar. This location was previously licensed for liquor sales as La Camelia Antro Bar and may currently operate with an interim permit.

The sixty-day limit for processing this application was March 19, 2017.

Consideration should be given to the applicant's personal qualifications. In regard to the location, pursuant to A.R.S. 4-203, there is a presumption that the public convenience and the best interest of the community were established at the time the location was previously licensed.

Other Active Liquor License Interest in Arizona

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

Public Opinion

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

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because:  
"I possess the qualities mentioned above to run a bar. I am a responsible person that is fully capable, reliable, and am a law abiding citizen."

Staff Recommendation

Staff recommends disapproval of this application based on a Police Department recommendation for disapproval. The Police Department disapproval is based on concerns with the applicant's qualifications, false statements on the application, and possible hidden ownership. The applicant has not demonstrated capability, qualifications and reliability to hold and control a liquor license.

Attachment:

Police Department Recommendation - El Rancho Bar

**Responsible Department**

This item is submitted by Special Assistant to the City Manager Toni Maccarone and the City Clerk Department.

**Police Department Liquor License Disapproval Recommendation**

**Application Information**

<b>Business Name</b>	<b>El Rancho Bar</b>	<b>District</b>	<b>7</b>
<b>Business Location</b>	<b>1605 West Broadway Road</b>		
<b>Applicant Name</b>	<b>Nancy Vazquez</b>	<b>Series Type</b>	<b>7</b>

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

The applicant, Nancy Vazquez is not capable, qualified or reliable as required by A.R.S. 4-203 for the following reasons: She claims no experience in the restaurant or bar industry. Several violations of liquor regulations and laws were observed during the on-site visit at the proposed liquor establishment. Ms. Vazquez provided false information on her liquor application and failed to report her husband Adalberto as a manager of the El Rancho Bar. Additionally, Ms. Vazquez was unable to explain dozens of large cash deposits being made into her savings account from undisclosed sources, those deposits total approximately \$45,000. There are also concerns with possible hidden ownership.

Officer Chad Williamsen #7748, conducted an investigation and he learned the following:

**• Concerns with applicant's qualifications:**

An on-site visit and interview was conducted at the business location (1605 West Broadway Road) on 2/1/17. Upon arrival, a person introduced himself as Adalberto, the husband of Ms. Vazquez. He informed us he manages the bar when Ms. Vazquez is not present. Ms. Vazquez was also present during the visit and interview. Ms. Vazquez confirmed that Adalberto manages the bar when she is not present. Adalberto was not listed as either a manager or owner in the application and has also not attended liquor law training class.

Ms. Vazquez had two pay-to-play pool tables inside the bar without proper licensing or documentation. Ms. Vazquez was unable to provide invoices for all of the beer stored on the premises, as required. Officer Williamsen asked Ms. Vazquez for Liquor Law training certificates and she stated she hadn't taken the class, however, she had previously informed him on the phone she had taken the class and provided information on her application that she had attended a class. Ms. Vazquez and her husband were both asked if they knew the valid forms of identification to buy alcohol in Arizona. They both said they did not know the acceptable forms of identification. Also, a log book was located at the register behind the bar. The log appeared to be a ledger for selling beer on credit; which is not allowed. Ms. Vazquez said the log was for the bartenders to keep track of what they sell. However, when she was asked to provide a list of employees/employee log to compare to the ledger, she did not know what an employee log was and was unable to provide one. Officer Williamsen also asked Ms. Vazquez to provide six months of bank statements in order to show she was financially stable and qualified to run a licensed liquor establishment. She provided her Bank of America statements. She was asked about the volume of large cash deposits being made into her account totaling \$45,000 in the past 6 months. She stated she sells stuff on Ebay and a company makes deposits into her account. When asked what stuff she selling on Ebay, she could not answer the question, she replied just stuff. Officer Williamsen also asked Ms. Vazquez about the discrepancies in the two liquor applications about the total amount paid for the business. On the City Questionnaire, Question #9, she indicated she paid \$15,000 out of her personal savings. In the State questionnaire, Question #10 she answered \$25,000. When asked what she actually paid for the license, she stated \$15,000. It should be noted the fair market value

**LIQUOR LICENSE DISAPPROVAL FORM**



**LIQUOR LICENSE DISAPPROVAL FORM**

**Police Department Liquor License Disapproval Recommendation**

**Application Information**

<b>Business Name</b>	<b>El Rancho Bar</b>	<b>District</b>	<b>7</b>
<b>Business Location</b>	<b>1605 West Broadway Road</b>		
<b>Applicant Name</b>	<b>Nancy Vazquez</b>	<b>Series Type</b>	<b>7</b>

listed on the Arizona Department of Liquor License and Control website for a Series 7 license for \$7,500.

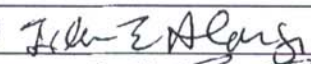
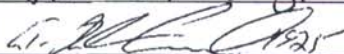
Also, in 2016 there were 16 calls for service for 1605 West Broadway Road. Two of the calls in November were from neighbors complaining about music coming from the bar. The noise complaints recently started occurring during the time Ms. Vazquez claims to have been the manager/owner the bar.

- **The application questionnaire was falsified in the following manner:**  
 Question #12 of the State questionnaire states "List your employment or type of business during the past five (5) years." The applicant answered that from 03/2015 to current, she has been a house wife. However, during the interview, she stated she has been managing the La Camelia Antro Bar/ El Rancho Bar for the past 6 months. Additionally, on a Facebook page that appears to be for Ms. Vazquez, she lists her employment as a promotor at "La Cantina Antro bar from August 2016 to present and also as a promotor at the "Bukkanas Bar located in Glendale from 7/18/08 – present. Additionally, Question #14A of the State questionnaire states "Have you attended a DLLC-approved Liquor Law Training Course within the past 3 years?" During Officer Williamsen phone conversation with Ms. Vazquez, he asked if she had obtained her liquor training, which was marked as "Yes" in the application. She said yes. However, during the February 1<sup>st</sup> meeting, when asked for the copy of the training certificates, she stated she had not taken the class.

- **Possible hidden ownership concerns:**  
 A Commercial Burglary in December 2016, 201602334692, was reported by the owner of the bar, Marcos Garcia, a possible hidden owner. In the police report Mr. Garcia told the reporting officer he had owned the bar for the past four months. It should be noted, Mr. Garcia has plead guilty in 2012 for Dangerous Drugs for Sale. During an interview with Ms. Vazquez on 2/1/17, she stated she had been running the bar for the past six months, which conflicts with what Mr. Garcia told the reporting officer on 12/20/16 during the burglary investigation. Additionally, investigations found multiple Facebook pages for the bar and persons claiming to be involved with the bar. One such page is for Marco Garcia believed to be the person claiming ownership of the bar in December 2016. The page pictures of him at the El Rancho Bar and also has posts advertising the activities of the bar including free entry and bar prices as recently as 1/29/17.

For the above stated reasons the applicant has failed to demonstrate the reliability, capability and qualification required of a liquor license in the State of Arizona.

**This recommendation for disapproval is submitted by: Officer Williamsen #7748**

SIGNATURES	
<b>Administrative Licensing Investigator</b>	<b>I Alonge A4289</b> 
<b>Liquor Enforcement Detail Supervisor</b>	<b>R Conrad 4925</b> 

# City Council Formal Meeting



City of Phoenix

## City Council Report

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Agenda Date: 4/5/2017, Item Nos. 18-30

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### **PAYMENT ORDINANCE (Items 18-30) (Ordinance S-43356)**

*Ordinance S-43356 is a request to authorize the City Controller to disburse funds, up to amounts indicated below, for the purpose of paying vendors, contractors, claimants and others, and providing additional payment authority under certain existing city contracts. This section also requests continuing payment authority, up to amounts indicated below, for the following contracts, contract extensions and/or bids awarded. As indicated below, some items below require payment pursuant to Phoenix City Code Section 42-13.*

**18 Combat Cartridge, Inc.**

For \$21,000.00 in additional payment authority for Contract 142408, for firearm maintenance and cleaning supplies, for the Police Department.

**19 FX Tactical, LLC**

For \$19,350.00 in payment authority to purchase Paraclete ASPIS-X III Police Ballistic Shields for the Airport Bureau of the Police Department. The ballistic shields provide a high level of protection for police officers in high-risk situations, such as search warrants, arrests of subjects with high violence potential, and resolution of barricaded subjects.

**20 David S. Woods, doing business as Fire Station Outfitters, LLC**

For \$36,450.00 in payment authority for a new contract entered on or about April 15, 2017 for a term of three years for the Fire Department. This contract is for station seating that will be used to provide temporary sleeping arrangements for move-up crews during high call volume periods and will also provide general seating for the public and visiting local, county, state and social service agency employees.

**21 Jones | Raczkowski PC in Trust for Diane Mihalsky**

To make payment of \$50,000.00 for settlement of claim in *Mihalsky v. City of Phoenix*, Maricopa County Superior Court Cause CV2016-003954,

15-0300-001 GL BI, for the Finance Department pursuant to Phoenix City Code Chapter 42.

**22 The Doyle Firm, PC, in Trust for Nancy K. O'Leary**

To make payment of \$79,500.00 in settlement of claim in *O'Leary v. City of Phoenix*, Maricopa County Superior Court Case CV2014-011891, 13-0697-001 GL BI, for the Finance Department pursuant to Phoenix City Code Chapter 42.

**23 Life Technologies Corporation**

For \$49,000.00 in payment authority to purchase five Proflex 96-well Polymerase Chain Reaction (PCR) systems with an extended warranty/service agreement and a Veriflex Temperature Verification Kit, for the Phoenix Police Department's Crime Laboratory. These specialized PCR systems enable the crime lab to make millions of copies of short fragments of DNA that have been obtained from crime scenes and other known reference standards in order to make links from an item of evidence from a crime scene to a known DNA profile from an individual. The current instruments used for this process are being discontinued by the vendor and must be replaced in order to continue support and maintenance. The Veriflex unit is required to perform federally mandated calibration on these PCR Systems. Life Technologies is the exclusive provider and distributor of the Proflex 96-well PCR systems and Veriflex Temperature Verification units.

**24 Warnock MacKinlay Law, PLLC, in trust for Teresa Hernandez as Conservator for Valeria Esqueda**

To make payment of \$29,753.58 in settlement of claim in *Esqueda v. City of Phoenix*, Maricopa County Superior Court Case CV2016-003341, 14-0941-002 GL BI, for the Finance Department pursuant to Phoenix City Code Chapter 42.

**25 MetLife Tower Resources Group, Inc., doing business as MetLife**

To make payment of \$70,246.42 in settlement of claim in *Esqueda v. City of Phoenix*, Maricopa County Superior Court Case CV2016-003341, 14-0941-002 GL BI, for the Finance Department pursuant to Phoenix City Code Chapter 42.

**26 West Publishing Corporation, doing business as**

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**Thomson Reuters**

For \$29,000.00 in payment authority to purchase CLEAR licensing software for the Neighborhood Services Department. The online investigation software provides electronic legal services and fraud investigation records search with skip tracing capabilities of public records in a customizable environment. The software licenses will provide the most current investigative information on subjects with the analytical capability to quickly locate property owners that are deceased and/or difficult to locate and provide next-of-kin, forwarding addresses, associates, employers, etc.

**27 Qwest Corporation, doing business as CenturyLink QC**

For \$14,400.00 in payment authority to purchase engineering and construction services for the Information Technology Services Department. The services are needed to relocate and reroute existing cable for the City's Bus Depot located at 2201 W. Lower Buckeye Road. The current cable is susceptible to damage. The new pathway will provide a more protected and documented route to the main server room.

**28 PC Links, LLC**

For \$13,274.46 in payment authority to purchase microphones and battery packs for the Public Transit Department. The additional microphones will be used to support the Department's hosting of the monthly Citizens Transportation Commission monthly meetings and regional transit training classes.

**29 Phoenix Tire, Inc.**

For \$26,000.00 in payment authority to purchase special service tires for the Public Works Department on behalf of the Fire Department. The tires are for specialty Fire disaster vehicles housed at Sky Harbor. The tires are all-terrain, all-position radial for special service in off-road applications and meet the unique specification and applications required of fire safety equipment.

**30 Southern Counties Oil, Co., a California Limited Partnership, doing business as SC Fuels**

For \$15,000.00 in payment authority to purchase 16 barrels of Shell Turbo T 32 oil for the Water Services Department. The Water Services Department's 91st Avenue Wastewater Treatment Plant has four Unified

Blowers that require an oil change every five years. All four Unified Blowers are in need of an oil change and use the same type of Shell Turbo T 32 oil.



**(CONTINUED FROM MARCH 22, 2017) - Barricade Stock - Requirements  
Contract Recommendation - IFB 17-106 (Ordinance S-43314)**

Request to authorize the City Manager, or his designee, to enter into a contract with Roadsafe Traffic Systems (Vendor 3069517) to provide barricade stock for the Street Transportation Department for up to five years in an amount not to exceed \$125,000. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

This contract will allow the Street Transportation Department to purchase barricades and associated warning lights, flags, and sandbags, as needed, for use as a safety device for pedestrians and vehicular traffic when access is restricted on streets, sidewalks or other areas in the City's right-of-way.

**Procurement Information**

IFB 17-106 was conducted in accordance with Administrative Regulation 3.10. There were three offers received by the Procurement Division on Feb. 3, 2017.

Roadsafe Traffic Systems: \$17,797.00

Brown Whole Sale Electric (DBA Wesco Dist.): \$18,341.50

Traffic Signs & Sales, Inc.: \$21,145.00

The Deputy Finance Director recommends that the offer from Roadsafe Traffic Systems be accepted as the lowest-priced, responsive, and responsible offer.

**Contract Term**

The five-year contract term shall begin about May 1, 2017 and end on April 30, 2022.

**Financial Impact**

The aggregate value will not exceed \$125,000, with an estimated annual expenditure of \$25,000. Funds are available in the Street Transportation Department's Operating budget.

**Responsible Department**

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



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**Dedication of Roadway and Drainage Easements over City-Owned Land at 22841 N. Cave Creek Road (Ordinance S-43357)**

Request that the City Council dedicate to public use easements for roadway and drainage purposes over a portion of land owned by the City of Phoenix, and order that the ordinance be recorded.

**Summary**

The dedication is a requirement of City Contract 144549 for the construction of roadway improvements along Deer Valley Road from Cave Creek Road to Black Mountain Boulevard. The proposed roadway improvements will have no impact on the existing Water Services infrastructure improvements.

**Location**

22841 N. Cave Creek Road

**Responsible Department**

This item is submitted by Deputy City Manager Mario Paniagua and the Street Transportation and Finance departments with concurrence by the Water Services Department.



**Liquefied Petroleum Gas (LPG) - Requirements Contract - IFB 17-133 (Ordinance S-43358)**

This item requests to authorize the City Manager, or his designee, to enter into contracts with Amerigas Propane LP, dba Acorn Propane and Ferrellgas LP, for the purchase of Liquefied Petroleum Gas (LPG). Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

This service will allow for the bulk delivery, propane cylinder delivery, and will-call fill of LPG on a citywide basis. The LPG is essential to fuel several varieties of machinery and equipment used by City departments for daily operations. The departments that rely on this contract include Public Works, Street Transportation, Water Services, Parks and Recreation, Phoenix Convention Center, Fire and Aviation.

**Procurement Information**

IFB 17-133 was conducted in accordance with Administrative Regulation 3.10. There were two offers received by the Procurement Division on Dec. 23, 2016. This contract is a multiple award to ensure departments get the most advantageous pricing for propane depending on their location and delivery method. Following is a bid tabulation of the offers received.

Vendor	Margin Price Per Gallon		
	Bulk	Cylinder	Will Call
Amerigas Propane LP, dba Acorn Propane	\$0.59	\$1.00	\$1.00
Ferrellgas LP	\$0.75	\$0.85	\$0.75

It is recommended by the Deputy Finance Director that Amerigas Propane LP, dba Acorn Propane and Ferrellgas LP, be accepted as the lowest responsible, responsive bidder. They have been determined to be fair and reasonable based on the competitive solicitation, market analysis, and comparisons with previous and other similar contracts.

**Contract Term**

The contract shall be for a five-year term beginning on or about April 15, 2017.

**Financial Impact**

The aggregate amount for the five-year term will be \$375,000.00. This is based on historical spending, projected average propane prices and estimated quantities needed. Funds are available in the various departments' budgets.

**Location**

This contract will be used on a citywide basis.

**Responsible Department**

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



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**Tires, Tubes and Services Requirements Contract - State of Arizona ADSP012-021289 (Ordinance S-43359)**

Request to authorize the City Manager, or his designee, to adopt State of Arizona Contract ADSP012-021289 with Community Tire Pros, GCR Tire Center, Phoenix Tire and Redburn Tire to purchase Bridgestone tires, tubes and related services in an aggregate amount not to exceed \$3,200,000.00. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

The Fleet Services Division of the Public Works Department operates and maintains a diverse fleet of equipment and vehicles, and tires are needed for light/medium duty vehicles, heavy duty equipment and emergency vehicles to ensure the ability to perform essential City services. These services include, but are not limited to, responding to public safety calls (Police and Fire), refuse collection, and street repairs and maintenance.

**Procurement Information**

In accordance with Arizona Revised Statutes Section 41-2632, the City has entered into an Intergovernmental Agreement with the State of Arizona and has the ability to use its agreements when it is beneficial for the City to do so. The State of Arizona contract was awarded using a similar competitive process as set forth in Phoenix City Code 43. This request seeks authorization to make purchases under the State's contract throughout the contract's term.

**Contract Term**

The State of Arizona awarded this contract on April 6, 2012, and its term will end on March 31, 2018, with a one-year option to extend through March 31, 2019.

**Financial Impact**

Expenditures against this contract are estimated at \$1,600,000 annually, and shall not exceed \$3,200,000 over the life of the contract. Funds are available in the relevant City of Phoenix departments' budgets.



**Responsible Department**

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



**Custodial Services for Downtown Facilities - RFP 12-009A (Ordinance S-43360)**

Request to authorize the City Manager, or his designee, to allow additional expenditures under Contract 134113 with Varsity Contractors, Inc. (Vendor 3058196) for purchase of custodial services for the Public Works Department. The additional requested funds will not exceed \$175,000 over the remaining contract term which expires on Sep. 30, 2017. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

The additional funds are necessary as a result of the passage of Proposition 206, which raised the minimum wage in Arizona. The Public Works Department uses this contract to provide custodial services for downtown facilities.

**Financial Impact**

Upon approval of \$175,000 in additional funds, the revised aggregate value of the contract will not exceed \$4,425,000. Funds are available in the Public Works Department's budget.

**Responsible Department**

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



**Fire Apparatus Preventive Maintenance and Repair - Requirements Contract - IFB 14-029A (Ordinance S-43361)**

Request the City Manager, or his designee, to add additional payment authority for Contract 137409 with H & E Equipment Services, Inc., in an amount of \$580,000. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

The contract with H & E Equipment Services, Inc., covers preventive maintenance of the City's fire apparatus, which includes pumper trucks, ladder trucks, ambulances, hazardous materials vans, and heavy duty rescue trucks. It is imperative that the fire apparatus is maintained to meet National Fire Protection Association Standard (NFPA) 1071, Standard for Emergency Vehicle Technician Professional Qualifications, and also NFPA 1911, Standard for the Inspection, Maintenance, Testing, and Retirement of In-Service Automotive Fire Apparatus.

**Contract Term**

The current contract term is through Dec. 4, 2018.

**Financial Impact**

The additional expenditures will be \$580,000, bringing the total contract amount to \$1,230,000. Funds are available in the Public Works Department's budget.

**Responsible Department**

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



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**Ammunition and Munitions - Statewide Cooperative Contract ADSPO14-067866 (Ordinance S-43362)**

Request to authorize the City Manager, or his designee, to allow the use of the State of Arizona Cooperative Contract #ADSPO14-067866 and enter into an agreement with Diamondback Police Supply. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

The Police Department Training Bureau, Firearms Training Detail, utilizes the CTS 12 Gauge Super-Sock ammunition in standard stunbag shotguns as a less lethal weapon for training, during high-risk encounters on the street, and in training to re-certify personnel.

**Procurement Information**

In accordance with Administrative Regulation 3.10, a participating agreement is required when the City uses a cooperative agreement from another public agency. The contract was awarded through a competitive process consistent with the City's procurement processes, as set forth in Phoenix City Code, Chapter 43. Utilization of cooperative agreements allows the City to benefit from national government pricing and volume discounts. The State of Arizona contract covers ammunition and munitions statewide. The State of Arizona's contract was awarded on April 1, 2014 and will end on March 31, 2019. The local vendor is Diamondback Police Supply.

**Contract Term**

The contract term shall begin on or about April 5, 2017 and end on March 31, 2019.

**Financial Impact**

The aggregate contract value will not exceed \$291,000. Funds are available in the Police Department's budget.

**Responsible Department**

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



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**Aircraft Parts and Services-Requirements Contract IFB 12-084A (Ordinance S-43363)**

Request the City Manager, or his designee, to authorize additional expenditures for Contract 133878 with Airbus Helicopters, Inc.; Contract 133875 with AgustaWestland; Contract 133876 with Hi-Line Electric Co; and Contract 133874 with Able Engineering and Component Services, Inc. for the purchase of Aircraft Parts and Services for the Phoenix Police Department, Air Support Unit, originally awarded by City Council approval on May 30, 2012. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

The additional funds are necessary for the service and maintenance of the Police Department, Air Support Unit's helicopters. The helicopters are critical to the Police Department in order to support patrol officers, provide crime suppression, and mountain rescue services. The Federal Aviation Administration (FAA) mandates routine maintenance and overhauls be performed to ensure the safe operation of the aircraft.

**Contract Term**

The contract term shall begin June 1, 2017 and end on May 31, 2018.

**Financial Impact**

The additional expenditures of \$1,465,000 are being requested upon Council approval through the contract term of May 31, 2018. Funds are available in the Police Department's budget.

**Responsible Department**

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



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**Motorola Regional Wireless Cooperative Service Agreement - RFA 16-130A  
(Ordinance S-43364)**

Request to authorize the City Manager, or his designee, to allow additional expenditures under Contract 142345 with Motorola Solutions, Inc., for the purchase of additional dispatch console support services. The additional requested funds will not exceed \$456,500 over the remaining contract term. Further request authorization for the City Controller to disburse all funds related to this item.

The additional funds are necessary to cover factory support required for dispatch consoles which support the Aviation, Police and Fire departments. The consoles are manufactured by Motorola and third-party vendors cannot provide these services, which include firmware/software and patching updates for the consoles, which provide mission-critical communications to field officers and personnel. Failure to maintain the consoles will cause equipment outages which will significantly impact public safety.

**Financial Impact**

Upon approval of \$456,500 in additional funds, the revised aggregate value of the contract will not exceed \$10,428,590 for the remainder of the contract term through March 31, 2021. Funds are available in the Information Technology Services Department budget.

**Responsible Department**

This item is submitted by Deputy City Manager Mario Paniagua and the Information Technology Services Department.



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**Participating Agreement under City of Tempe Cooperative - Minor Concrete Repairs (Ordinance S-43365)**

Request to authorize the City Manager, or his designee, to enter into a cooperative participating agreement with TNT Cement Contractors (Vendor 3511440) for minor concrete repair services, for up to two years, in an amount not to exceed \$75,000. Contract T-16-012-01 was established by the City of Tempe. Further request authorization for the City Controller to disburse all funds related to this item over the life of the contract.

**Summary**

This contract will provide the Parks and Recreation Department with general concrete repairs, skate park repairs and miscellaneous services in various Parks facilities throughout the City. This will allow for more timely repairs to ensure the department is providing safe surfaces, walkways and equipment to the public.

**Procurement Information**

In accordance with Administrative Regulation 3.10, a participating agreement is required when the City utilizes a cooperative agreement from another public agency. This contract was awarded through a competitive process consistent with the City's procurement processes, as set forth in Phoenix City Code, Chapter 43. Utilization of cooperative agreements allows the City to benefit from national government pricing and volume discounts.

The Deputy Finance Director recommends that the cooperative participating agreement with TNT Cement Contractors be accepted.

**Contract Term**

The contract term will begin on or about April 5, 2017 for a term of two years, and includes three one-year options to extend, which may be exercised by the City Manager or designee.

**Financial Impact**

The aggregate contract value will not exceed \$75,000, with an estimated annual expenditure of \$15,000. Funds are available in the Parks and Recreation Department's

budget.

**Responsible Department**

This item is submitted by Deputy City Manager Deanna Jonovich and the Parks and Recreation Department.





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**Acceptance and Dedication of Deeds and Easements for Roadway, Sidewalk and Drainage Purposes (Ordinance S-43366)**

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

**Summary**

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

Deed (a)

Applicant: Diluvina Payan  
Purpose: Roadway  
Location: NWC 16th Street and Grovers Avenue  
File: FN 170012  
Council District: 3

Deed (b)

Applicant: Arcadia Color Garden Nursery, LLC  
Purpose: Roadway  
Location: 1828 N. 52nd St.  
File: FN 170013  
Council District: 6

Easement (c)

Applicant: Arcadia Color Garden Nursery, LLC  
Purpose: Sidewalk  
Location: 1828 N. 52nd St.  
File: FN 170013  
Council District: 6

Easement (d)

Applicant: Prologis, LP

Purpose: Drainage

Location: 4225 W. Buckeye Road

File: FN 160099

Council District: 7

Easement (e)

Applicant: Prologis, LP

Purpose: Sidewalk

Location: 4225 W. Buckeye Road

File: FN 160099

Council District: 7

**Responsible Department**

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



**Acceptance of Easements for Public Utility and Water Purposes (Ordinance S-43367)**

Request for the City Council to accept easements for public utility and water purposes; further ordering the ordinance recorded.

**Summary**

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

Easement (a)

Applicant: Diluvina Payan  
Purpose: Public Utility  
Location: NWC 16th Street and Grovers Avenue  
File: FN 170012  
Council District: 3

Easement (b)

Applicant: Grand Canyon Education, Inc.  
Purpose: Water  
Location: 2947 W. Colter St.  
File: FN 170009  
Council District: 5

Easement (c)

Applicant: Phillip G. Vail, III  
Purpose: Public Utility  
Location: 5615 E. Lafayette Blvd.  
File: FN 170014  
Council District: 6

Easement (d)

Applicant: Scott Gould

Purpose: Public Utility

Location: 3701 E. Piccadilly Rd.

File: FN 170006

Council District: 6

Easement (e)

Applicant: Jose J. Vaquera and Eustolia S. Vaquera

Purpose: Public Utility

Location: 1123 W. Atlanta Ave.

File: FN 170005

Council District: 7

**Responsible Department**

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



**Amend Ordinance S-43158 Adopted on Jan. 11, 2017 to Revise the Legal Description - Southeast Corner of 103rd Avenue and Jones Avenue (Ordinance S-43368)**

Request that the City Council amend ordinance S-43158 adopted on Jan. 11, 2017 to revise the legal description. The ordinance was recorded on Jan. 31, 2017, 20170072835 with an incorrect legal description.

**Summary**

The above referenced ordinance authorized the City Council to dedicate a roadway easement to public use across City-owned land located at the Southeast corner of 103rd Avenue and Jones Avenue.

All of the conditions and stipulations previously stated in the above referenced ordinance will remain the same.

**Location**

Southeast corner of 103rd Avenue and Jones Avenue.

**Responsible Department**

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



**Plumbing Citywide Repairs - IFB 12-053A (Ordinance S-43369)**

Request to authorize the City Manager, or his designee, to authorize additional expenditures under Contract 133097 with Above All Plumbing Services Inc. (Vendor 3070834), for the purchase of all labor, materials, parts, equipment, permits, vehicles and transportation, and security fees necessary for plumbing repairs and service for various city-owned properties and facilities, for the Fire, Public Works, Parks and Recreation, Water Services, and other citywide departments. The additional requested funds will not exceed \$600,000 over the remaining contract term. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

The additional funds are necessary to provide continuing plumbing repair and related services on an as-needed basis to various City departments.

**Financial Impact**

Upon approval of \$600,000 in additional funds, the revised aggregate value of the contract will not exceed \$2,036,869.60 through the remainder of the contract term, which runs from April 1, 2017 through March 31, 2018. Funds are available in various departments' budgets.

**Responsible Department**

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



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**Information Technology Research and Advisory Services - State of Arizona  
Solicitation ADSPO14-085123 (Ordinance S-43370)**

Request to authorize the City Manager, or his designee, to add additional expenditures for contract ADSPO14-085123 with Gartner, Inc. for Information Technology (IT) research and advisory services in an amount of \$431,289. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

Gartner, Inc. is an industry leader in IT research and analysis, providing independent, up-to-date information and analysis to allow IT leaders to make informed decisions and implement effective IT programs. Services include assistance with contract negotiations, technology-related procurements, advisory services for IT planning, architecture, and technology implementation, as well as product assessments. Additional services are needed to continue support of critical citywide initiatives, including the Customer Care and Billing system, Telephone Replacement and Network Upgrade, disaster recovery and business continuity, and systems management solutions. The additional funds expand these services to the Water Services and Aviation departments to assist in their extensive technology environments and large projects.

**Contract Term**

The State awarded the contract on Dec. 8, 2014, with an initial contract term of three years ending in Dec. 7, 2017. Provisions of the agreement include an option to extend the contract for an additional two years. This request will extend the contract until Dec. 7, 2019.

**Financial Impact**

Including the \$431,289 in additional funds, the contract's revised aggregate value will be \$731,289 (including applicable taxes), with the new estimated annual expenditures of \$215,644.50. Funds are available in the Information Technology Services, Water Services, and Aviation department budgets.

**Responsible Department**

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





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**Grant of Easement to Salt River Project for Construction at the Phoenix Zoo; 455 N. Galvin Pkwy. (Ordinance S-43371)**

Request authorization for the City Manager, or designee, to grant an electrical easement to Salt River Project across City-owned property leased to the Arizona Zoological Society located at 455 N. Galvin Pkwy., for consideration in the amount of one dollar and other valuable consideration.

**Summary**

The electrical easement is required by Salt River Project in order to provide service for newly constructed improvements owned and operated by the Arizona Zoological Society pursuant to Amendment Two of Lease Agreement 106614, authorized by Ordinance S-40549. The easement contains an area of approximately 600 square feet.

**Location**

455 N. Galvin Pkwy.

**Responsible Department**

This item is submitted by Deputy City Manager Deanna Jonovich and the Parks and Recreation and Finance departments.



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**Workers' Compensation Third Party Administration Claims Management Services Contract (Ordinance S-43372)**

Request to authorize the City Manager, or his designee, to enter into a contract with Cannon, Cochran Management Services, Inc. (CCMSI) to provide third party administration of claims management services for the City's Workers' Compensation Program. Further request authorization for the City Controller to disburse all funds related to this item throughout the life of the contract, as necessary.

**Summary**

The City of Phoenix has been self-insured since April 1, 2003. Workers' compensation claims are administered and managed through a contracted third party administrator. The City's initial term with the current third party administrator for claims management administration services is set to expire on June 30, 2017. This contract was not automatically extended due to changes to the service delivery method, scope of work, and fee structure.

**Procurement Information**

A Request for Proposals (RFP) was issued on Nov. 23, 2016, with a deadline of Jan. 9, 2017, to submit responses. Five responses were received and forwarded to a seven-member selection committee which consisted of: two representatives from the Human Resources Department; one representative from the Police Department; one representative from the Public Works Department; one representative from the Phoenix Law Enforcement Association (PLEA); one representative from the Phoenix Fire Fighters Association (IAFF Local 493); and one representative from the American Federation of State, County, and Municipal Employees (AFSCME 2960). Proposals were scored on the following criteria as outlined in the RFP: qualifications and experience; method of approach; and pricing. The top two vendors were invited to an interview process held on Feb. 17, 2017. The final scores (out of 1,000 available points) for the top two bidders, noted below, reflect the consensus of the selection committee:

CCMSI: 836 points

Tristar: 797 points

One protest was received and reviewed by the Human Resources Department in conjunction with the Law Department. The protesting vendor's request was denied and that vendor has indicated they will not be appealing the decision.

**Contract Term**

The initial contract term will be three years, effective July 1, 2017, with the option to renew for two additional years in one-year increments, which may be exercised by the City Manager or his designee.

**Financial Impact**

Funding for this contract is available in the Workers' Compensation Program Trust Account. The annual contract cost is expected to be \$1,750,000; not to exceed \$8,750,000 over the five-year life of the contract.

**Responsible Department**

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



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**Oracle Citywide Software and Hardware Maintenance and Support (Ordinance S-43373)**

Request authorization for the City Manager, or his designee, to authorize three years of continued payment authority for citywide software licensing, support and maintenance with Oracle America, Inc. (Oracle) in an amount not to exceed \$19,101,000 for applications and technologies in multiple departments and several critical citywide systems. The total amount includes savings of approximately \$540,000 resulting from a three-year agreement. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

The City uses Oracle applications and technologies in multiple departments and for several critical citywide systems, such as the Police Department's Records Management System, the Customer Care and Billing system used for municipal billing, the Human Capital Management system used for human resources and payroll functions, the Planning and Development Department's permitting system, and the citywide Business Intelligence infrastructure. These systems are critical to City operations, as they bring in revenue from permitting and water and solid waste billing, and because they manage critical operations such as payroll and the Police Department's records management.

Over the last few years, the Information Technology Services (ITS) Department has been working with citywide departments to evaluate and consolidate licensing, support and maintenance agreements with Oracle. These are the annual support and maintenance agreements for software and systems in use by the City, and which were previously purchased with City Council approval. Consolidating the agreements has allowed the City to utilize better discounts, identify and eliminate redundant products, and reduce administrative overhead by reducing the number of invoices being processed. The number of invoices processed annually for Oracle has been reduced from approximately 200 to less than 60. Additionally, by entering into three-year support and maintenance agreements, the City can realize an additional savings of approximately \$540,000 over the three-year period through avoiding annual upcharges ranging from 3 to 5 percent. This authorization covers the majority of Oracle licensing, support and maintenance in use by the City.

**Financial Impact**

The annual cost for the agreements is estimated to be \$6,367,000, for a total three-year amount not to exceed \$19,101,000. Enterprise, special revenue and general funds are available in the ITS Capital Improvement Program and various departments' budgets.

**Responsible Department**

This item is submitted by Deputy City Manager Mario Paniagua and the Information Technology Services Department.



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**Amendment to Native American Connections, Inc.'s Nicholas Center Loan Agreement - Contract 133593**

Request authorization for the City Manager, or his designee, to amend Community Development Block Grant (CDBG) Loan Agreement 133593 between the City of Phoenix and Native American Connections, Inc. (NAC) to allow for transitional housing, emergency housing and/or permanent supportive housing for homeless youth, and to take all actions and execute all documents to complete the loan amendment.

**Summary**

City Council Ordinance S-38630 was passed on April 4, 2012, to loan NAC \$1,145,000 in CDBG funds for the acquisition of an existing transitional housing facility. Since that time, the facility has successfully assisted homeless youth by providing transitional housing with supportive services. NAC has maintained operations through awards from the U.S. Department of Housing and Urban Development's (HUD) Supportive Housing Program funds. However, in 2016, HUD substantially cut funding for transitional housing which has put this property at operational risk. NAC has a current operating grant that will sustain operations only through March 2017. To mitigate this risk, NAC has requested flexibility in the type of housing offered at the site for homeless youth. NAC's current contract with the City allows for transitional housing only. Amending the contract to also allow for emergency housing and/or permanent supportive housing for homeless youth will maximize NAC's ability to obtain financial support for their operations. The activities proposed are all eligible activities under the CDBG program. Supportive services will continue to be offered on site for homeless youth.

**Financial Impact**

There is no impact to the General Fund, and no additional funding will be added to the project.

**Location**

931 E. Devonshire Ave.

**Concurrence/Previous Council Action**

This item was heard at the Sustainability, Housing, Efficiency and Neighborhoods Subcommittee on March 21, 2017 and was approved by a vote of 4-0.

**Responsible Department**

This item is submitted by Deputy City Manager Deanna Jonovich and the Housing Department.



**Authorization to Enter into Agreement with Paradise Valley Police Department to Conduct Forensic Exams**

Request authorization for the City Manager, or his designee, to enter into an agreement with the Paradise Valley Police Department (PVPD), to utilize the Human Services Department, Family Advocacy Center (FAC) victim examination suite to conduct forensic exams and interviews at an annual rate of \$750 with an aggregate amount not to exceed \$3,937.50 through June 30, 2022, which includes a prorated amount for the additional months at the start of the contract. Further request authorization for the City Treasurer to accept the funds over the life of the contract.

**Summary**

PVPD does not have victim exam facilities. This agreement will allow PVPD to conduct exams at the Phoenix FAC, which is designed to meet the specific needs of victims in crisis, rather than a public medical facility. PVPD utilizes the same countywide contract for Sexual Assault Nurse Examiners as the City of Phoenix and will continue to utilize these services at the FAC.

**Contract Term**

The term of the contract will begin upon execution through June 30, 2022.

**Financial Impact**

No Phoenix General Funds will be utilized for this agreement.

**Location**

The Family Advocacy Center is located at 2120 N. Central Ave.

**Responsible Department**

This item is submitted by Deputy City Manager Deanna Jonovich and the Human Services Department.





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**Economic Impact Analysis for Margaret T. Hance Park (Ordinance S-43374)**

Request to authorize the City Manager, or his designee, to enter into a contract with Hunden Strategic Partners, Inc., to develop an economic impact analysis for Margaret T. Hance Park.

**Summary**

The purpose of this study is to develop objective economic data to inform potential sponsors and donors regarding the future economic impact of a fully implemented Hance Park Master Plan. The economic data will be used to assist the City's partners in solicitation of private and non-profit partnerships to be able to realize Hance Park's development.

Three proposals were received by the Parks and Recreation Department for the Request for Proposal (RFP) issued on Nov. 28, 2016 for the economic impact analysis for Margaret T. Hance Park. Following is the tabulation of the proposal scores received:

- Applied Economics: 66
- HR & A Advisors: 84
- Hunden Strategic Partners: 90

**Contract Term**

The agreement term is for one year.

**Financial Impact**

Cost for the economic impact analysis will not exceed \$50,000, and includes all consultants, subcontractor and reimbursable costs. Funds are available from the Parks and Recreation Department's Capital Improvement Program budget utilizing Phoenix Parks and Preserves Initiative funds.

**Concurrence/Previous Council Action**

This item was heard at the March 22, 2017 Parks, Arts, Education and Equality Subcommittee, and approval recommended by a vote of 4-0.

**Location**

Margaret T. Hance Park is a 32-acre public park located at 67 W. Culver St.

**Responsible Department**

This item is submitted by Deputy City Manager Deanna Jonovich and the Parks and Recreation Department.



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**REVISED (SEE ATTACHED CORRECTION MEMO) - Amendment to City Contract 121451 Disposition and Redevelopment Agreement with Block 23 Commercial, LLC (Ordinance S-43375)**

Request authorization for the City Manager, or his designee, to amend the CityScape Disposition and Redevelopment Agreement as amended by the Fifth Amendment, ("DRA") to modify the Block 23 Minimum Improvements description for the redevelopment of Block 23 located at 125 E. Washington Street in downtown Phoenix.

**Summary**

In October 2016, City Council authorized the amendment and assignment of rights associated with the DRA through Ordinance S-42897. Since that time, Block 23 Commercial, LLC, ("Developer"), an entity affiliated with RED Development, LLC, has executed a development agreement/lease and currently owns the development rights to Block 23 and has commenced construction of the Block 23 Project. Currently, the project is progressing through the archaeological assessment stage. This action is a request to amend the description of Block 23 Minimum Improvements in the Fifth Amendment to allow for additional market flexibility while keeping minimum requirements for the project.

Section 201.1 (Block 23 Improvements) will be modified in its entirety and replaced with the following:

Section 201.1 Block 23 Improvements

- (a) The proposed project is a mixed-use high-rise development project with an approximate total gross square footage of 500,000 gross square feet, not including parking (the "Project");
  - (i) The Project includes at least two of the following uses: office, commercial, or residential;
  - (ii) The Project specifically excludes hotel as a possible use;
- (b) The required minimum improvements within the Project ("Block 23 Minimum Improvements") shall be:
  - (i) a grocery store space of at least 50,000 gross square feet ("Grocery");

- (ii) at least 150,000 gross square feet of office space ("Office");
- (iii) approximately 500 above- and below-grade structured parking stalls or spaces ("Parking"); and
- (iv) all perimeter streetscape improvements associated with Block 23 ("Streetscape").

Upon execution of this amendment, the Grocery, Office, Parking and Streetscape collectively shall be and constitute the "Block 23 Minimum Improvements" described in the Fifth Amendment. The Project, including the Block 23 Minimum Improvements, will be reviewed and permitted by the City's respective permitting departments, and designed and constructed at Block 23 Developer's sole cost. Block 23 Developer shall continue to submit the necessary plans to CED for review in accordance with Section 401(b) of the contract.

All other terms and conditions of the DRA, as amended by the Fifth Amendment, will remain the same and in full force.

**Contract Term**

There is no impact to the contract term of 50 years.

**Financial Impact**

There is no impact to the General Fund by this action.

**Location**

125 E. Washington Street.

**Responsible Department**

This item is submitted by Deputy City Manager Paul Blue and the Community and Economic Development Department.

Attachment A



**City of Phoenix**

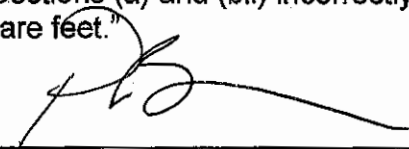
**To:** Paul Blue  
Deputy City Manager

**Date:** April 3, 2017

**From:** Christine Mackay  
Community and Economic Development Director

**Subject:** CORRECTION TO ITEM 52 ON THE APRIL 5, 2017, FORMAL AGENDA –  
AMENDMENT TO CITY CONTRACT 121451 DISPOSITION AND  
REDEVELOPMENT AGREEMENT WITH BLOCK 23 COMMERCIAL, LLC

The purpose of this memo is to correct a typographical error on Item 52 on the April 5, 2017, Formal agenda. Within the Summary section of the report, Section 201.1 Block Improvements Sections (a) and (bii) incorrectly state "gross square feed" and should read "gross square feet."

Approved by:   
Paul Blue, Deputy City Manager



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**Issuance of Additional Multifamily Housing Revenue Bonds - Broadway Terrace Apartments Project - Series 2017 (Resolution 21522)**

Requests City Council approval for the issuance of a principal amount of \$1,000,000 of additional Multifamily Housing Revenue Bonds (Broadway Terrace Apartments Project), Series 2017, originally to be issued in one or more tax-exempt and/or taxable series in an aggregate principal amount not to exceed \$8,000,000, which when combined with the current \$1,000,000, would constitute issuance of such bonds in a combined aggregate principal amount not to exceed \$9,000,000.

**Summary**

Request City Council adoption of a resolution granting approval of the proceedings under which the Industrial Development Authority of the City of Phoenix, Ariz., (the “Phoenix IDA”) has previously resolved to issue up to \$9,000,000 of Multifamily Housing Revenue Bonds (the “Revenue Bonds”) for use by Broadway Terrace, L.P. (the “Borrower”), an Arizona limited partnership, to:

- a) finance acquisition, rehabilitation, improvement, and equipping of buildings and land to be used as multifamily housing and related facilities (the “Project”), and
- b) to pay certain costs related to the issuance of the Revenue Bonds.

With the exception of certain housing bonds, the Phoenix IDA can finance projects located anywhere in Arizona. In addition, the Phoenix IDA may issue bonds to finance projects outside of Arizona, if the out-of-state project provides a benefit within the State.

**Concurrence/Previous Council Action**

The Phoenix IDA Board has previously resolved to issue the aggregate amount of \$9,000,000 of the Revenue Bonds at its meetings held on Aug. 17, 2016, and March 9, 2017.

City Council adopted a resolution at its Aug. 31, 2016, meeting granting approval of the proceedings under which the Phoenix IDA previously resolved to issue up to \$8,000,000 of the Revenue Bonds.

This Project falls within the parameters of the resolution endorsing main elements of the Phoenix IDA's 2015-2016 plan adopted by the City Council at its Oct. 21, 2015 formal meeting.

**Location**

The facilities are located at 12815 N. 28th Drive

**Responsible Department**

This item is submitted by Deputy City Manager Paul Blue.



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**2016 Staffing for Adequate Fire and Emergency Response (SAFER) Grant Application (Ordinance S-43376)**

Request authorization for the City Manager, or his designee, to retroactively authorize the Fire Department to apply for \$8,739,936 in 2016 Staffing for Adequate Fire and Emergency Response (SAFER) grant funding. The application period closed on Feb. 10, 2017. Further request authorization to accept the funds and enter into a grant agreement, if the grant is awarded, and request authorization for the City Treasurer to accept and for the City Controller to disburse all funds related to this item. If approval is not granted and the SAFER grant is awarded, the grant will not be accepted.

**Summary**

The purpose of the SAFER Grant Program is to increase the number of firefighters to help communities meet industry minimum standards and attain 24-hour staffing to provide adequate protection from fire and fire-related hazards. The grant application requests \$8,739,936 to hire 32 firefighter positions lost through attrition. If the grant request is approved, funding for these 32 positions will last for three years from the time of award.

The funding term and structure for this year's SAFER Grant Program has been modified from past years. The Federal Emergency Management Agency (FEMA) has increased the funding term to three years, but has implemented a cost share provision. Awardees are now responsible for contributing 25% of the costs for the first two years, and 65% of the cost for the third year. Additionally, the basis of salary and benefit calculations are limited to first year firefighter costs. Step increases and other wage adjustments for subsequent years are no longer allowed in the funding request.

**Contract Term**

The contract term will be for three years from the date of award. FEMA is anticipated to begin the first round of grant awards in July 2017.

**Financial Impact**

If the grant is awarded, the Fire Department will receive up to \$5,389,627 in grant funding for 32 firefighter positions. A Phoenix match of at least \$3,350,309 would be required over the three-year period of performance.



**Concurrence/Previous Council Action**

This item was retroactively recommended unanimously by the Public Safety and Veterans Subcommittee on March 8, 2017.

**Responsible Department**

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



**Authorization to Apply for, Accept and Enter Into Agreements for 2018 Governor's Office of Highway Safety Grants (Ordinance S-43377)**

Request authorization for the City Manager, or his designee, to authorize the City Prosecutor's Office and the Street Transportation, Police and Fire departments to apply for \$2,068,500.00 in grants through Fiscal Year 2018 funding administered by the Arizona Governor's Office of Highway Safety (GOHS). If the grants are awarded, request authorization to accept the funds and enter into grant agreements. Further request authorization for the City Treasurer to accept and City Controller to disburse all funds related to this item.

**Summary**

GOHS announced the availability of funding on Jan. 27, 2017. Grant proposals were due by March 3, 2017. These funds will be used to support new traffic safety programs and enhance existing programs in the City Prosecutor's Office and the Street Transportation, Police and Fire departments. If City Council denies approval, the grant proposals will be rescinded.

City Prosecutor's Office - Total Funding Request \$235,000.00

Awarded grant funds will be used to pay the salary, expenses, supplies and travel for an existing Traffic Safety Resource Prosecutor (TSRP), Attorney IV. Half of the funding (\$117,500.00) will be sought from the Oversight Council on Driving or Operating Under the Influence Abatement Council. The other half (\$117,500.00) of the funding will be requested through a grant from the GOHS.

The TSRP program will continue its four primary objectives:

- Provide training for prosecutors and law enforcement officers in the prosecution of traffic safety related crimes.
- Act as a resource for questions about traffic laws and trial advocacy.
- Improve communication between prosecutors, law enforcement officers, and members of the judiciary.
- Act as a liaison for individuals and agencies committed to the enforcement and prosecution of traffic safety related crimes.

The GOHS has funded the TSRP program since its inception in 2007. Though the grant project is administered by Phoenix, it benefits citizens, law enforcement, and prosecutors across Arizona. The TSRP is a resource to both small and large jurisdictions for legal issues related to the enforcement of DUI and traffic laws. During the latest grant period, the TSRP provided training to approximately 7,110 prosecutors, law enforcement officers, crime lab personnel, interns, and community groups.

Additionally, Arizona's TSRP is a state and nationwide resource as demonstrated by the more than 1,500 requests for assistance from prosecutors, law enforcement officers, and crime lab personnel that were received. It is anticipated that up to \$18,000.00 of employee-related expenses may need to be covered by City general funds.

Street Transportation Department - Total Funding Request \$223,500.00

*Roadway Safety/Education Programs*, funding will help develop and enhance roadway appurtenances, educational campaigns and employee tools for roadway, school, bicycle, and pedestrian safety. This includes funding for distracted driving high school safety education, purchases for sight visibility and roadway safety materials, developing corridor safety education and outreach campaign plan and purchase for distance measurement devices (\$128,500.00).

*Pedestrian and bicycle safety*, funding will be used for portable speed feedback signs, studying pedestrian detection signal equipment, purchases of bicycle helmets for community safety events, and pedestrian flashing STOP paddles (\$95,000.00).

Fire Department - Total Funding Request \$310,000.00

*Impaired driving*, funding will be requested for overtime and related fringe benefits, materials, and equipment related to high school education campaigns including dramatic mock crashes and classroom education. The program informs young drivers of the danger of distracted driving, alcohol, and other drug impairment with the goal of decreasing preventable injuries and fatalities associated with impaired and distracted driving (\$30,000.00).

*Occupant protection and child car seat*, funding will be requested for training, overtime, related fringe benefits, materials, public education and equipment related to child safety seats and seat belt usage. This funding will maintain current occupant protection efforts and increase the frequency for conducting child safety technician certification and recertification classes, increase the opportunities to educate residents at car seat check events, increase the number of locations of designated car seat check fitting stations to enhance geographical outreach, and to enhance outreach for occupant protection public education in K-12 schools (\$250,000.00).

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*Pedestrian and bicycle*, funding will be requested for overtime, related fringe benefits, materials, and equipment related to education campaigns to increase safety awareness, traffic awareness, and skills necessary for young pedestrians and bicyclists. This program provides bike rodeos for young cyclists, bike and pedestrian school safety assemblies, and public education opportunities at community safety fairs and events (\$30,000.00).

Police Department - Total Funding Request \$1,300,000.00

*DUI and underage alcohol enforcement*, through the Traffic Bureau, will seek funding for training, overtime, related fringe benefits, materials and supplies related to education and enforcement campaigns targeting prevention of underage alcohol use (\$100,000.00).

*Underage alcohol enforcement*, through the Maryvale 86Z squad, will seek funding for training, overtime, related fringe benefits, materials, and supplies related to education and enforcement campaigns targeting prevention of underage alcohol use (\$100,000.00).

*DUI enforcement*, through the Traffic Bureau, will seek funding for training, overtime, related fringe benefits, and equipment to support and enhance DUI enforcement within the City of Phoenix and joint enforcement efforts throughout the valley (\$300,000.00).

*Occupant protection*, through the Traffic Education Safety Unit, will seek funding for training, materials, supplies, overtime, and related fringe benefits associated with Click It or Ticket enforcement activities, child passenger safety technician certification classes, car seat events, Buckle Up Baby hotline, and various seatbelt enforcement campaigns (\$100,000.00).

*Pedestrian and bicycle safety*, through the Traffic Education Safety Unit, will seek funding for training, materials, supplies, overtime, and related fringe benefits associated with education and enforcement campaigns designated to increase safety awareness, traffic law knowledge, and skills among pedestrians and bicyclists (\$200,000.00).

*Traffic services*, through the Traffic Education Safety Unit, will seek funding for training, materials, supplies, equipment (radar/laser speed detection devices), overtime, and related fringe benefits associated with education and enforcement campaigns such as: traffic impact programs, school zone enforcement, construction zone enforcement, traffic complaint hotline enforcement, and selective traffic enforcement programs (\$200,000.00).

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*Motorcycle safety*, through the Traffic Education Safety Unit, will seek funding for training, materials, supplies, overtime, and related fringe benefits associated with an education and enforcement campaign designed to increase safety awareness, traffic law knowledge, and specific enforcement of motorcycle traffic law violations (\$100,000.00).

The Traffic Bureau will seek funding from the DUI Abatement Council for overtime and related fringe benefits associated with DUI enforcement and innovative Know Your Limit programs (\$200,000.00).

**Contract Term**

One year beginning Oct. 1, 2017 through Sept. 30, 2018.

**Financial Impact**

Total funding request is \$2,068,500.00. Cost to the City is personnel expenses and in-kind resources only.

**Concurrence/Previous Council Action**

This item was unanimously approved by the Public Safety and Veterans Subcommittee on March 8, 2017.

**Responsible Department**

This item is submitted by Assistant City Manager Milton Dohoney, Jr., the Prosecutor's Office, and the Street Transportation, Fire, and Police departments.



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**Authorization to Enter into an Agreement with Arizona State University for Encouraging Innovation Grant (Ordinance S-43378)**

Request authorization for the City Manager, or his designee, to authorize the Police Department to enter into an agreement with the Arizona Board of Regents on behalf of Arizona State University (ASU), who will act as a research partner on the Bureau of Justice Assistance, Encouraging Innovation grant. Further request authorization for the City Treasurer to accept and for the City Controller to disburse all funds related to this item.

**Summary**

The Police Department recently was awarded \$482,500.00 from the Bureau of Justice Assistance (BJA) through the 2016 Encouraging Innovation: Field-Initiated Programs grant. The grant and disbursement of grant funds was approved by City Council on June 15, 2016, under Ordinance #S-42663. The grant requires the Police Department to work with a research partner to collect and analyze data and produce project-related reports. The Police Department has partnered with ASU on similar projects in the past. This agreement will reimburse ASU \$173,484.00, over the three-year grant period, to document program implementation, program evaluation, and develop interim and final reports to be submitted to the granting agency by the Police Department. The City will be reimbursed for applicable ASU expenses through the BJA grant.

**Contract Term**

Three years from Oct. 1, 2016 through Sept. 30, 2019.

**Financial Impact**

The Encouraging Innovation grant provides \$173,484.00 in funding to reimburse ASU as the grant research partner. No matching funds are required.

**Concurrence/Previous Council Action**

This item was unanimously approved by the Public Safety and Veterans Subcommittee on March 8, 2017.

**Responsible Department**

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



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**Authorization to Apply for, Accept and Enter into Agreement for 2017 DNA Capacity Enhancement and Backlog Reduction Grant Program (Ordinance S-43379)**

Request authorization for the City Manager, or his designee, to authorize the Police Department to apply for, accept and enter into an agreement for federal grant funds through the National Institute of Justice's FY 2017 DNA Capacity Enhancement and Backlog Reduction grant program. Further request authorization for the City Treasurer to accept and for the City Controller to disburse all funds related to this item.

**Summary**

The Police Department's Laboratory Services Bureau (LSB) has applied for, and been awarded funds through this grant program for several years. This grant funding is to provide for the processing, recording, screening and analysis of forensic DNA and/or DNA database samples. The grant objective is to increase the capacity of public forensic DNA and DNA database laboratories to process more samples, thereby reducing the backlog. All DNA profiles will be entered into the Combined DNA Index System and ultimately, where applicable, uploaded to the National DNA Index System. If awarded, grant funding will be utilized for forensic science overtime, related fringe benefits, equipment, travel/training, consultants for outsourcing DNA testing, and other costs to improve the quality and timeliness of forensic DNA analysis. The grant application was due March 13, 2017. If City Council denies approval, the grant application will be rescinded.

**Contract Term**

Two years beginning Jan. 1, 2018 through Dec. 31, 2019.

**Financial Impact**

Eligible funding amount is \$355,684.00. No matching funds are required. Cost to the City would be in-kind resources only.

**Concurrence/Previous Council Action**

This item was unanimously approved by the Public Safety and Veterans Subcommittee on March 8, 2017.



**Responsible Department**

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



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**Authorization to Apply for, Accept and Enter into Agreement for 2017 Forensic DNA Laboratory Efficiency Improvement and Capacity Enhancement Grant Program (Ordinance S-43380)**

Request authorization for the City Manager, or his designee, to authorize the Police Department to apply for, accept and enter into an agreement for federal grant funds through the National Institute of Justice for the FY 2017 Forensic DNA Laboratory Efficiency Improvement and Capacity Enhancement grant program. Further request authorization for the City Treasurer to accept and for the City Controller to disburse all funds related to this item.

**Summary**

This is a new grant opportunity available to the Police Department's Laboratory Services Bureau (LSB). The purpose of this funding is to enhance the capacity and increase the efficiency for crime laboratories that process, record, screen and analyze DNA and other forensic evidence. The Police Department plans to apply under purpose area one of the four available purpose areas. The grant objective for purpose area one is to provide assistance to laboratories to complete entire cases that involve requests for both DNA and at least one other type of forensic analysis. This allows the LSB to test non-DNA disciplines, as these evidence samples may overlap with and affect DNA analysis and processing. The grant application was due March 13, 2017. If City Council denies approval, the grant application will be rescinded.

**Contract Term**

Three years beginning Jan. 1, 2018 through Dec. 31, 2020.

**Financial Impact**

Eligible funding amount is \$750,000.00. No matching funds are required. Cost to the City would be in-kind resources only.

**Concurrence/Previous Council Action**

This item was unanimously approved by the Public Safety and Veterans Subcommittee on March 8, 2017.

**Responsible Department**

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



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**Outsourcing DNA Casework to Private Laboratories (Ordinance S-43381)**

Request authorization for the City Manager, or his designee, to enter into contracts with the following companies: Sorenson Forensics and Bode Cellmark Forensics. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

The Phoenix Police Department Laboratory Services Bureau (Crime Lab) has been receiving grant funds from the National Institute of Justice to facilitate the analysis of backlogged cases through case outsourcing to private laboratories for more than 15 years. The Crime Lab conducted a Request for Qualifications (RFQ) process in March 2016, to initiate new contracts prior to the expiration of existing contracts to avoid any interruptions of DNA outsourcing services. From this process, six private laboratories were selected to create a Qualified Vendor List (QVL). It was determined only two contracts were needed at that time due to the amount of funding available for outsourcing services. The Crime Lab sought approval to enter into two-year contracts with two vendors from the QVL, which was approved by Council.

In October 2016, the Police Department was awarded \$1.59 million in the Bureau of Justice Assistance FY16 Sexual Assault Kit Initiative (SAKI) program, with \$450,000 of that funding going to outsourcing. This award funds the analysis of sexual assault kits by private DNA laboratories. The two labs that currently have contracts with the City of Phoenix do not have the capacity to receive and test all of the evidence that will need to be tested in order to meet the SAKI grant objectives with the approved project period. As a result, additional contracts with vendors that successfully completed the RFQ are necessary.

**Procurement Information**

The Crime Lab conducted a RFQ process, which resulted in six respondents. After a thorough review of vendor submissions, it was determined that each vendor met all of the minimum required qualifications and all six vendors were placed on a QVL.

**Contract Term**

The contract term shall begin May 1, 2017 and end April 30, 2019. Provisions of the

contract may include an option to extend the term up to two years, which may be exercised by the City Manager or designee.

**Financial Impact**

Funding is available from state and federal grants. Currently, there is \$478,201 budgeted for outsourcing services. It is anticipated additional funds will be awarded over the life of the contract for outsourcing services.

**Concurrence/Previous Council Action**

City Council approved and adopted RCA 76903, Ordinance S-42810, on Aug. 31, 2016. This was the first Request for Council Action to enter into contracts with DNA Labs International and Strand Analytical.

**Responsible Department**

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



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**Authorization to Apply for, Accept and Disburse State Grant Funds for Aviation-Related Projects (Ordinance S-43382)**

Request to authorize the City Manager, or his designee, to submit applications to, accept grant funds from, and enter into grant agreements with the Arizona Department of Transportation (ADOT) on behalf of the City of Phoenix Airport System. Further request to authorize the City Manager, or his designee, to execute amendments to existing grant agreements and to take any necessary administrative actions in connection with the grant agreements. The grant agreements and amendments may contain other terms and conditions deemed necessary or appropriate by the City Manager or his designee. Further request to authorize the City Treasurer to accept, and for the City Controller to disburse, any funds related to this item.

**Summary**

Each year, the Aviation Department submits grant applications to ADOT for eligible projects, including those related to maintenance, safety, capacity enhancement, environmental studies or planning, and land acquisition. The Aviation Department takes a proactive position in obtaining City Council authorization to accept any grants awarded by ADOT for eligible aviation-related projects.

Under the grant agreements, the State requires the City to indemnify and hold harmless the State and any of its departments, agencies, officers, and employees from any and all liability, loss, or damage the State may suffer as a result of claims, demands, costs, or judgments of any character arising out of the performance or non-performance of the City or its independent contractors in carrying out any provision of the grant agreements. In the event of any legal action, the indemnification shall include court costs, expenses of litigation, and reasonable attorney fees. Further, the State will not assume any liability to third persons and will not reimburse the City for the City's liability to third persons resulting from the performance of the grant agreements or any subcontract thereunder.

These authorizations are effective until June 30, 2018.

**Responsible Department**

This item is submitted by Deputy City Manager Paul Blue and the Aviation Department.



**Authorization to Apply for, Accept and Disburse Federal Grant Funds for Aviation-Related Projects (Ordinance S-43383)**

Request to authorize the City Manager, or his designee, to: (1) submit grant applications to the United States and any of its agencies for aviation-related projects; (2) sign all required certifications; and (3) enter into agreements with the United States and any of its agencies for the purpose of accepting federal funds and executing grant amendments. The grant agreements may contain other terms and conditions deemed necessary or appropriate by the City Manager or his designee. Further request to authorize the City Treasurer to accept, and for the City Controller to disburse, any funds related to this item.

**Summary**

Each year, the Aviation Department submits grant applications to the United States and its agencies for eligible projects. The Department takes a proactive position in obtaining City Council authorization to accept any grants awarded by the United States and its agencies for eligible aviation-related projects.

These authorizations will allow the Aviation Department to respond promptly to federal agencies if and when grant offers become available on short notice. The grant agreements or grant amendments or both may become available from the Department of Transportation, including FAA Airport Improvement Program, Department of Homeland Security, or any other federal program. Action associated with these authorizations will be for projects in the Airport's approved Capital Improvement Plan.

These authorizations are effective until June 30, 2018.

**Responsible Department**

This item is submitted by Deputy City Manager Paul Blue and the Aviation Department.





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**Authorization to Apply for, Accept and Disburse Federal Non-Grant Funds for Aviation-Related Projects (Ordinance S-43384)**

Request to authorize the City Manager, or his designee, to: (1) submit applications to the United States and any of its agencies for aviation-related projects; (2) sign all required certifications; and (3) enter into transaction agreements with the United States and any of its agencies for the purpose of accepting federal non-grant funds and executing transaction agreement amendments. The agreements and amendments may contain other terms and conditions deemed necessary or appropriate by the City Manager or his designee. Further request to authorize the City Treasurer to accept, and for the City Controller to disburse, any funds related to this item.

**Summary**

These authorizations will allow the Aviation Department to respond promptly to federal agencies if and when non-grant funds become available on short notice. The transaction agreements or amendments may become available from the Department of Homeland Security or any other federal program. The Aviation Department takes a proactive position in obtaining City Council authorization to accept any non-grant funds awarded by the United States for eligible aviation-related projects.

These authorizations are effective until June 30, 2018.

**Responsible Department**

This item is submitted by Deputy City Manager Paul Blue and the Aviation Department.



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**27th Avenue Mulching Area and Compost Facility Doppstadt Equipment - Parts and Service - RFA 17-FSD-111 (Ordinance S-43385)**

Request to authorize the City Manager, or his designee, to enter into a contract with RDO Equipment Company (Vendor 3017926) in an amount not to exceed \$120,000 for training and periodic monitoring of a high speed grinder, a slow speed shredder, and a trommel screen. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

The Public Works Department has purchased Doppstadt specialized equipment for the 27th Avenue Mulching Area and Compost Facility. This equipment includes a high speed grinder, a slow speed shredder, and a trommel screen. This contract will assist the City in ensuring that the equipment is being properly operated and maintained by the Contracted Compost Facility Operator as required by the original equipment manufacturer's guidelines. This specialized equipment is critical to daily mulching and composting operations.

**Procurement Information**

A determination has been made for this requirements contract because RDO Equipment Company is the one authorized vendor in Arizona that provides equipment, parts, service, warranty and training as Doppstadt's regional vendor. In accordance with Administrative Regulation 3.10, normal competition was waived as the result of a Determination Memo citing that there is only one vendor for this essential equipment and services.

**Contract Term**

The initial one-year contract term shall begin on or about April 15, 2017, and end on April 14, 2018. Provisions of the contract include an option to extend the term of the contract for up to four additional years, in one-year increments, which may be exercised by the City Manager or his designee.

**Financial Impact**

The contract amount is not to exceed \$120,000. Funds are available in the Public Works Department's budget.

**Responsible Department**

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



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**Security Management Enterprise Intrusion Detection System and Access Control Contractor Services (Ordinance S-43386)**

Request to authorize the City Manager, or his designee, to enter into an agreement with LSW Engineers Arizona, Inc. (3050497) to provide consulting services for Security Management and Access Control Systems for citywide facilities and critical infrastructure in an amount not to exceed \$500,000 over the life of the contract. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

The Public Works Department seeks a qualified consultant to provide professional services to: 1) develop a Rough Order of Magnitude (ROM) estimate for the citywide Enterprise Intrusion Detection System and Access Control System; 2) evaluate existing security systems citywide; 3) conduct a needs assessment and Fit-Gap analysis; 4) develop system requirements and replacement schedules for intrusion detection and access control; and 5) develop RFP criteria for the Intrusion Detection and Access Control System. The existing Access Control System will reach end of life in June 2018 and will no longer be supported by the system manufacturer.

**Procurement Information**

The Qualified Vendor List for Security Contract Information was approved by Council in July 2016. LSW Engineers Arizona, Inc., was one of the awarded vendors.

**Contract Term**

The contract term is for one year beginning April 1, 2017, and terminating on March 16, 2018, with no options to extend.

**Financial Impact**

Total expenditures for this contract will not exceed \$500,000 over the life of the contract. Funds are available in the Public Works Department's Capital Improvement Program budget.

**Responsible Department**

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



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**Electrical, Instrumentation and Control System Inspection and Testing Services - 24th Street Water Treatment Plant - WS85290023 (Ordinance S-43387)**

Request to authorize the City Manager, or his designee, to enter into an agreement with Brown and Caldwell, Inc., (Phoenix) to provide professional services for design support, construction inspections, and commissioning testing in support of projects associated with electrical, instrumentation, and control systems at the 24th Street Water Treatment Plant. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

The Water Services Department developed electrical, instrumentation, and control standards to ensure consistency and safety across the Department. Brown and Caldwell, Inc.'s role will be to ensure adherence to these standards at the 24th Street Water Treatment Plant during design, construction, calibration, testing, and commissioning of the electrical, instrumentation, and control systems. In addition, Brown and Caldwell, Inc., will provide operations and maintenance support when City staff are replacing existing equipment or installing new equipment, and may be required to provide arc flash hazardous testing services.

**Procurement Information**

Eleven firms submitted for this qualifications-based selection process. The City selected the top four ranked firms identified below to perform the above services in various Water Services locations based on a single procurement according to Section 34-604 of the Arizona Revised Statutes (ARS). The firm rankings are listed below.

- Black & Veatch Corporation: Ranked #1
- OZ Engineering: Ranked #2
- Brown and Caldwell, Inc.: Ranked #3
- Arcadis US, Inc.: Ranked #4
- Wilson Engineers, LLC.: Ranked #5
- Stanley Consultants, Inc.: Ranked #6
- Greeley and Hansen, LLC.: Ranked #7
- Westin Engineering, Inc.: Ranked #8
- Industrial Power Solutions, LLC.: Ranked #9

Quantum: Ranked #10

Automation Controls Design Specialists, LLC.: Ranked #11

Pursuant to ARS Title 34, the City is not to release the scoring of proposers until a contract has been awarded.

**Contract Term**

The term of the contract is for five years. Contract work scope identified and incorporated into the contract prior to the end of the contract may be agreed to by the parties, and work may extend past the termination of the contract. No additional contract work scope changes may be executed after the end of the contract term.

**Financial Impact**

Brown and Caldwell, Inc.'s fee will not exceed \$2,750,000 for the total five-year contract, including all subconsultant and reimbursable costs. Funding is available in the Water Services Department's Capital Improvement Program budget. Contract payments may be made up to contract limits for all rendered contract services, which may extend past the contract termination.

**Location**

24th Street Water Treatment Plant, 6202 N. 24th St.

**Responsible Department**

This item is submitted by Deputy City Managers Karen Peters and Mario Paniagua, the Water Services Department, and the City Engineer.



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**Electrical, Instrumentation and Control System Inspection & Testing Services - 23rd Avenue Wastewater Treatment Plant - WS90200037-1 (Ordinance S-43388)**

Request to authorize the City Manager, or his designee, to enter into a contract with Black & Veatch Corporation (Phoenix) to provide professional services for design support, construction inspections, and commissioning testing in support of projects associated with electrical, instrumentation and control systems at the 23rd Avenue Wastewater Treatment Plant. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

The Water Services Department developed electrical, instrumentation, and control standards which are used to provide consistency and safety throughout the Department. Black & Veatch Corporation's role will be to ensure adherence to these standards during design, construction, calibration, testing, and commissioning of electrical, instrumentation, and control systems. In addition, Black & Veatch Corporation will provide operations and maintenance support when City staff are replacing existing equipment or installing new equipment, and may be required to provide arc flash hazard testing services.

**Procurement Information**

Eleven firms submitted for this qualifications-based selection process. The City selected the top four ranked firms to perform the above services in various Water Services locations using a single procurement according to Section 34-604 of the Arizona Revised Statutes (ARS). The firm rankings are shown below:

- Black & Veatch Corporation: Ranked #1
- OZ Engineering: Ranked #2
- Brown and Caldwell, Inc.: Ranked #3
- Arcadis US, Inc.: Ranked #4
- Wilson Engineers, LLC.: Ranked #5
- Stanley Consultants, Inc.: Ranked #6
- Greeley and Hansen, LLC.: Ranked #7
- Westin Engineering, Inc.: Ranked #8
- Industrial Power Solutions, LLC.: Ranked #9



Quantum: Ranked #10

Automation Controls Design Specialists, LLC.: Ranked #11

Per ARS Title 34, the City is not to release the scoring of proposers until a contract has been awarded.

**Contract Term**

The term of the contract will be for a total of four years. Contract work scope identified and incorporated into the contract prior to the end of the contract may be agreed to by the parties, and work may extend past the termination for work in progress. No additional contract work scope changes may be executed after the end of the contract term.

**Financial Impact**

Black & Veatch Corporation's fee will not exceed \$800,000 for the four-year contract, including all sub-consultants and reimbursable costs. Funding is available in the Water Services Department's Capital Improvement Program budget. Contract payments may be made up to contract limits for all rendered contract services, which may extend past the contract termination.

**Location**

23rd Avenue Wastewater Treatment Plant, 2470 S. 22nd Ave.

**Responsible Department**

This item is submitted by Deputy City Managers Karen Peters and Mario Paniagua, the Water Services Department, and the City Engineer.



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**Electrical, Instrumentation and Control Systems Inspection and Testing Services  
- Lift Stations - WS90400078-1 (Ordinance S-43389)**

Request to authorize the City Manager, or his designee, to enter into a contract with Arcadis US, Inc., (Phoenix) to provide design support, construction inspections and commissioning testing in support of projects associated with electrical, instrumentation and control systems at 28 lift stations located throughout the City. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

The Water Services Department developed electrical, instrumentation, and control standards which are used to provide consistency and safety throughout the department. Arcadis US, Inc.'s role will be to ensure adherence to these standards during design, construction, calibration, testing, and commissioning of the electrical, instrumentation, and control systems at lift stations throughout the City. In addition, Arcadis US, Inc., will provide operations and maintenance support when City staff are replacing existing equipment or installing new equipment, and may be required to provide arc flash hazard testing services.

**Procurement Information**

Eleven firms submitted for this qualifications-based selection process. The City selected the top four ranked firms to perform the above services in various Water Services locations using a single procurement according to Section 34-604 of the Arizona Revised Statutes (ARS). The firm rankings are listed below:

- Black & Veatch Corporation: Ranked #1
- OZ Engineering: Ranked #2
- Brown and Caldwell, Inc.: Ranked #3
- Arcadis US, Inc.: Ranked #4
- Wilson Engineers, LLC.: Ranked #5
- Stanley Consultants, Inc.: Ranked #6
- Greeley and Hansen, LLC.: Ranked #7
- Westin Engineering, Inc.: Ranked #8
- Industrial Power Solutions, LLC.: Ranked #9
- Quantum: Ranked #10

Automation Controls Design Specialists, LLC.: Ranked #11

Per ARS Title 34, the City is not to release the scoring of proposers until a contract has been awarded.

**Contract Term**

The term of the contract is four years. Contract work scope identified and incorporated into the contract prior to the end of the contract may be agreed to by the parties, and work may extend past the termination for work in progress. No additional contract work scope changes may be executed after the end of the contract term.

**Financial Impact**

Arcadis US, Inc.'s fee will not exceed \$1,250,000 for the total four-year contract, including all subconsultants and reimbursable costs. Funding is available in the Water Services Department's Capital Improvement Program. Contract payments may be made up to contract limits for all rendered contract services, which may extend past the contract termination.

**Responsible Department**

This item is submitted by Deputy City Managers Karen Peters and Mario Paniagua, the Water Services Department, and the City Engineer.



**Cured-in-Place Pipe (CIPP) - Lined Concrete Sanitary Sewer Manhole Rehabilitation - Design-Bid-Build - WS90500271 (Ordinance S-43390)**

Request to authorize the City Manager, or his designee, to accept Hunter Contracting Co. (Gilbert, Ariz.) as the lowest-priced, responsive, and responsible bidder and to enter into a contract with Hunter Contracting Co. for construction services for the CIPP -Lined Concrete Sanitary Sewer Manhole Rehabilitation project. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

The CIPP-Lined Concrete Sanitary Sewer Manhole Rehabilitation project consists of rehabilitation of 130 active sanitary sewer manholes. The major work for this project includes repair of defective corrosion protection systems and installation of structural inserts in the interior of existing manholes. The types of corrosion protection systems used in this project are epoxy coatings and polyvinyl chloroide (PVC) linings.

Hunter Contracting Co. shall provide all materials, equipment and labor necessary to safely perform the work contained in the contract, including, but not limited to, lighting, odor control, bypass pumping, flow diversion, traffic control, pavement replacement, manhole rehabilitation, noise control and confined space entry.

**Procurement Information**

Four bids were received in compliance with Section 34-201 of the Arizona Revised Statutes by the Street Transportation Department on Jan. 31, 2017. The bids were reviewed by the Equal Opportunity Department (EOD) to determine subcontractor eligibility and general contractor responsiveness in demonstrating compliance with the project's Small Business Enterprise (SBE) goal. A Small Business Enterprise goal of four percent has been established for this project. EOD determined the four bidders were responsive.

Bids ranged from a low of \$1,189,236.76 to a high of \$1,387,252.00. The engineer's estimate and the four lowest-priced, responsive and responsible bidders are listed below:

Engineer's Estimate: \$1,771,440.00  
Hunter Contracting Co.: \$1,189,236.76  
Joseph Painting Company, Inc., dba JPCI Services: \$1,303,650.00  
B&F Contracting, Inc.: \$1,360,139.61  
Action Direct, LLC, dba Redpoint Contracting: \$1,387,252.00

**Contract Term**

The term of the contract is 310 calendar days. The contract work scope identified and incorporated into the contract prior to the end of the contract may be agreed to by the parties, and work may extend past the termination for work in progress. No additional contract work scope changes may be executed after the end of the contract term.

**Financial Impact**

The bid award amount of \$1,189,236.76 is within the total budget for this project. Funding is available in the Water Services Department's Capital Improvement Program budget. Contract payments may be made up to the contract limits for all rendered contract services, which may extend past the contract termination.

**Responsible Department**

This item is submitted by Deputy City Managers Karen Peters and Mario Paniagua, the Water Services Department and the City Engineer.



**Amendment to Intergovernmental Agreement with ADOT to Design-Build Chandler Boulevard Extension from 27th to 19th Avenues - Amendment 2 (Ordinance S-43391)**

Request authorization for the City Manager, or his designee, to enter into Amendment 2 to Intergovernmental Agreement (IGA) 16-0005970-I with the Arizona Department of Transportation (ADOT) to increase funding for the Chandler Boulevard: 27th to 19th Avenues extension project by \$600,000, for a total not to exceed \$12.1 million to cover all costs including design, right-of-way and construction. Further request authorization for the City Treasurer to accept, and for the City Controller to disburse, all funds related to this item.

**Summary**

Due to the revised engineer's cost estimates for expansion of the roadway width, additional funding is required from ADOT for the design, right-of-way and construction to complete the Chandler Boulevard extension, from 27th to 19th avenues. This project will re-route traffic onto Chandler Boulevard in time for the construction of the State Route 202 (SR202) South Mountain Freeway.

**Financial Impact**

ADOT has agreed to pay for all costs associated with design, right-of-way and construction, and the Maricopa Association of Governments has approved the costs in the Transportation Improvement Program. The City of Phoenix will operate and maintain the roadway.

**Concurrence/Previous Council Action**

On April 22, 2015, City Council approved IGA 15-0005164-I with ADOT in the amount of \$9,428,000. On Aug. 31, 2016, City Council approved IGA 16-0005970-I with ADOT for a construction funds increase of \$2,072,00.

**Responsible Department**

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



**Chandler Boulevard - 27th to 19th Avenues, 1-Step Design-Build, Amendment 3 - Project ST85100367 (Ordinance S-43392)**

Request to authorize the City Manager, or his designee, to enter into Amendment 3 with Hunter Contracting Co. (Gilbert, Ariz.) to provide 1-Step Design-Build construction phase services for the Chandler Boulevard - 27th to 19th Avenues project.

Amendment 3 for GMP#3 will allow for additional engineering design and construction for widening Chandler Boulevard to accommodate an additional lane of traffic. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

This street construction project will provide an important transportation connection to Ahwatukee Foothills residents, consisting of the construction of approximately 1.2 miles of new half street roadway for two-way traffic. The north side of the road will be developed to include curb and gutter, a five-foot wide sidewalk and street lighting. The project also includes the construction of two drainage-related bridge structures, roadway drainage system, flood protection and waterline relocations.

Amendment 3 consists of engineering design efforts and additional construction costs to provide sufficient pavement width as needed to provide three lanes of traffic. The cost also includes design and construction related project administration.

**Procurement Information**

Hunter Contracting Co. was chosen for this project using a qualifications-based selection process according to section 34-603 of the Arizona Revised Statutes (ARS). Scoring and selection were made in conjunction with the initial design-build team selection process.

**Contract Term**

The term of this amendment will remain the same, as this amendment will be completed within the original allotted time, which was 300 calendar days. Contract work scope identified and incorporated into the contract prior to the end of the contract may be agreed to by the parties, and work may extend past the termination of the contract. No additional contract work scope changes may be executed after the end of the contract term.

### **Financial Impact**

Hunter Contracting Co.'s fees under Amendment 3 will not exceed \$290,944.21, including all subconsultant, subcontractor and reimbursable costs. The new contract cost for all design and construction services for this project is \$8,472,904.46. Funding is available in the Street Transportation Department's Capital Improvement Program Budget. Contract payments may be made up to contract limits for all rendered contract services, which may extend past the contract termination.

### **Small Business Outreach**

The Small Business Enterprise goal for this project is eight percent.

### **Concurrence/Previous Council Action**

The City Council approved Contract 140977 for 1-Step Design-Build (design phase) services on July 1, 2015. Council approved Amendment 1 for 1-Step Design-Build (construction phase) services on June 15, 2016. On Feb. 15, 2017, Council approved Amendment 2 for additional construction phase services.

### **Public Outreach**

A public open house meeting was held on Jan. 25, 2016, with additional presentations given to the Ahwatukee Village Planning Committee (AVPC) and other homeowner associations within the project area, and the City conducted additional presentations to the AVPC in August 2016. Public outreach will continue throughout construction.

### **Location**

Chandler Boulevard from 27th to 19th avenues.

### **Responsible Department**

This item is submitted by Deputy City Manager Mario Paniagua, the Street Transportation Department and the City Engineer.





## **Centrifuge Maintenance and Repair Services Contract Additional Funding (Ordinance S-43393)**

Request to authorize the City Manager, or his designee, to add additional funding in the amount of \$800,000 to the original contract amount of \$325,000 with Alfa Laval, Inc. (3049590) for maintenance and repair of centrifuges in the Water Services Department. Further request authorization for the City Controller to disburse all funds related to this item.

### **Summary**

Centrifuges are equipment used to remove water from debris (solids) found in surface water throughout the water treatment process. The Water Services Department has between one and four centrifuges at each plant requiring regularly scheduled maintenance and repairs. The water removed from the solids is returned to the head of the treatment process to be treated. Properly maintained centrifuges allow the water treatment plants to meet water quality and permit requirements, prevent the return of highly turbid water into the treatment process, and uphold the equipment warranty.

The request for additional funding is needed because the original request erroneously sought funding for only one year of the five-year contract. This additional request is the estimate for the remaining four years of the contract.

### **Contract Term**

The five-year contract term began July 1, 2016, and ends June 30, 2021.

### **Financial Impact**

Estimated annual expenses are \$200,000 for each of the remaining four years of the contract, not to exceed \$1,125,000 over the life of the contract, including the original \$325,000 requested in July 2016.

### **Concurrence/Previous Council Action**

The original contract was approved by the City Council on June 22, 2016. Normal competition was waived as a result of a Determination Memo citing Alfa Laval, Inc., as the sole source provider for the equipment and proprietary components that are manufactured by Alfa Laval, Inc.

**Responsible Department**

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



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**User Configurable Open System Software Support Services (Ordinance S-43394)**

Request to authorize the City Manager, or his designee, to enter into a contract with OZ Engineering to provide software support for the User Configurable Open System (UCOS) Distribution Control System for the Water Services Department. Further request authorization for the City Controller to distribute all funds related to this item.

**Summary**

Water Services Department operations staff utilize the User Configuration Operating System to monitor and control processes at all of its water and wastewater treatment plants. This agreement provides software development, maintenance, and technical support for the UCOS InfoCenter application. OZ Engineering will be extending the functionality of UCOS InfoCenter by integrating with Oracle Work Asset Management System (WAM) for four water and two wastewater treatment plants. This enhancement will allow operations staff to generate a work request for equipment from within UCOS increasing efficiency and accuracy.

**Procurement Information**

Request for Proposals SC8000177737 was conducted in accordance with City of Phoenix Administrative Regulation 3.10. One offer was received by the Water Services Department on Nov. 4, 2016. The offer was evaluated based on price, responsiveness to all specifications, terms and conditions, and responsibility of the required services. The offer submitted by OZ Engineering is deemed to be fair and reasonable based on the market and previous contract pricing.

**Contract Term**

The initial contract term is estimated to begin on or about April 1, 2017, and end on March 31, 2020. Provisions of the contract may include an option to extend the term of the contract up to two additional years, which may be exercised by the City Manager or designee.

**Financial Impact**

The aggregate contract value including all optional years will not exceed \$500,000 (including applicable taxes) with estimated annual expenditures of \$100,000. Funds are available in the Water Services Department budget.

**Responsible Department**

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



### **Lab Fume Hood Services Contract (Ordinance S-43395)**

Request to authorize the City Manager, or his designee, to enter into a contract with Airtelligence, Inc., (3072436) and Controlled Environmental Management, LLC (3042276) for lab fume hood maintenance and inspection services. Further request to authorize the City Controller to disburse all funds related to this item.

#### **Summary**

The Water Services Department Compliance Lab has 62 lab fume hoods with electrical control valves which are used when conducting chemical and microbiological analyses. These fume hoods serve to minimize staff exposure to potentially harmful agents. They require annual certification, monthly testing, and at times need unscheduled repairs to ensure the safety of the Water Services Department employees. Airtelligence, Inc., and Controlled Environmental Management, LLC, will provide for lab fume hood testing, adjusting, balancing, maintenance, and certification services.

#### **Procurement Information**

The City of Phoenix issued IFB 84-17-008-IFB-8126 (SFB) on Feb. 10, 2017, with a due date of Feb. 28, 2017, for submission of bids. Two bids were received and are listed below for recommendation for contract award.

- 1 - Airtelligence, Inc. - Monthly Maintenance Services
- 2 - Controlled Environment Management, LLC - Annual Inspection Services

#### **Contract Term**

Both contract awards are anticipated to be effective April 15, 2017, through April 14, 2022, with no additional available extension.

#### **Financial Impact**

The Water Services Department anticipates spending up to \$57,000 annually not to exceed \$285,000 during the life of the five-year contract. Funding is available in the Water Services Department operating budget.

**Responsible Department**

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



**Grant Application to U.S. Bureau of Reclamation for WaterSMART Water Marketing Strategy Grant (Ordinance S-43396)**

Request authorization for the City Manager, or his designee, to submit, accept, and if awarded, enter into an agreement for a grant through the U.S. Bureau of Reclamation (BOR) (grant opportunity announcement BOR-DO-17-F014) WaterSMART Water Marketing Grant. Further request authorization for the City Treasurer to accept and the City Controller to disburse funds of up to \$200,000. Grant funding will be used to advance development of the Arizona Water Exchange Platform.

**Summary**

The Arizona Water Exchange Platform (Exchange Platform) is a collaborative project first developed by the City of Phoenix and a team of water professionals, academics, and non-profit organizations. The purpose of the Exchange Platform is to develop a technological tool to facilitate market-based transactions that will advance water resource sustainability of the City and other Colorado River water users in Central Arizona. The Exchange Platform was a finalist in the 2016 Arizona Community Foundation "Water Innovation Challenge" contest for the most innovative market-based, technological, or entrepreneurial solution to advance sustainability for Arizona communities. The Water Services Department will build on this success with funding from the BOR WaterSMART Water Marketing Strategy Grant for Fiscal Year 2017 to participate in development of a prototype technological tool and local water user advisory board to test and provide tool input.

**Financial Impact**

The anticipated grant from BOR will provide funding up to \$200,000. No matching funds are required. Cost to the City would be in-kind resources only.

**Responsible Department**

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



**Modification of Stipulation Request for Ratification of Oct. 19, 2016 Planning Hearing Officer Action**

Application: PHO-1-16 - Z-181-99-3

Existing Zoning: R1-6

Acreage: 1.91

Applicant: JL Ventures LLC

Owner: Apostolic Christian Church of America

Representative: Trapezium Consulting Group LLC

Proposal:

1. Request to delete Stipulation 1 that the development be in general conformation with the site plan dated Feb. 23, 2000, and building elevations dated Aug. 2, 1999.
2. Technical Corrections to Stipulations 4, 7, and 9.

**Summary**

Request to approve by formal action a recommendation made on the following Planning Hearing Officer zoning stipulation modification request which was heard by the Planning Commission on Thursday, March 2, 2017 without further public hearing by the City Council.

**Location**

East side of 26th Street, 350 feet south of Vogel Avenue

Council District: 3

**Concurrence/Previous Council Action**

Village Planning Committee (VPC) Recommendation: The Paradise Valley Village Planning Committee did not make a recommendation as the motion to deny by a 6-6 vote.

Planning Hearing Officer Recommendation: The Planning Hearing Officer took this case under advisement. On Nov. 10, 2016, the Planning Hearing Officer took this case out from under advisement and denied the request.

Planning Commission: Denied the Planning Hearing Officer recommendation, and approved PHO-1-16 - Z-181-99-4 with a modification of Stipulation 1 and technical



corrections to Stipulation 4,7, and 9 by a 6-0 vote.

**Responsible Department**

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

## Attachment A

**Application #:** PHO-1-16—Z-181-99-3

**Location:** East Side of 26th Street, 350 feet south of Vogel Avenue

### Approved Stipulations:

1. ~~That~~ The development SHALL be in general conformance to the site plan and floor plan ELEVATIONS dated ~~February 23, 2000,~~ and building elevations dated ~~August 2, 1999~~ MARCH 2, 2017, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
2. That there be no more than 9 dwelling units with a maximum density of 4.7.
3. That the building height shall not exceed one story and a maximum of 20 feet in height.
4. That right-of-way dedications and street alignments for local streets within the subdivision will be determined by the ~~Development Services~~ PLANNING AND DEVELOPMENT Department at the time of Preliminary Subdivision Plan Review.
5. That the developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping, and other incidentals as per plans approved by the City. All improvements shall comply with all ADA accessibility standards.
6. That the applicant install some means of mitigation treatment to eliminate potential sewer odor.
7. That the development be subject to Design Review guideline standards, as per ~~Development Services~~ PLANNING AND DEVELOPMENT Department.
8. That the City mail written notice of any request to modify the above-referenced stipulations to the following:

Dreamy Draw Estates Homeowner's Association, 2510 East Carol Avenue,  
Phoenix, AZ 85028

Phoenix Hillside Estates Property Owners Association, 9247 North 24<sup>th</sup> Way,  
Phoenix, AZ 85028

Francesca & Joseph Browner, 2616 East Vogel Avenue, Phoenix, AZ 85028

Judith F. Gunn, 9609 North 26<sup>th</sup> Place, Phoenix, AZ 85028

Dr. Kevin Crisham, 9845 North 22<sup>nd</sup> Place, Phoenix, AZ 85028

Sharon Oscar, 2527 East Carol Avenue, Phoenix, AZ 85028

Gini Linam, 2536 East Vogel Avenue, Phoenix, AZ 85028

Mark Shiya, 9247 North 24<sup>th</sup> Way, Phoenix, AZ 85028

Sandy Price, 2626 East Vogel Avenue, Phoenix, AZ 85028

9. That the City notify the above-noted residents of meetings with ~~Development Services~~ PLANNING AND DEVELOPMENT Department.

## Attachment B

### REPORT OF PLANNING COMMISSION ACTION March 2, 2017

ITEM NO: 13	
	DISTRICT NO.: 3
SUBJECT:	
Application #:	PHO-1-16--Z-181-99-3
Location:	East side of 26th Street, 350 feet south of Vogel Avenue
Request:	Request to delete Stipulation 1 that the development be in general conformance with the site plan dated February 23, 2000, and building elevations dated August 2, 1999. Technical Corrections to Stipulations 4, 7, and 9
Acreage:	1.91
Applicant:	JL Ventures LLC
Owner:	Apostolic Christian Church of America
Representative:	Trapezium Consulting Group LLC

#### **ACTIONS:**

Staff Recommendation: Denial

Village Planning Committee (VPC) Recommendation:

**Paradise Valley** 10/10/2016 Denied. Vote: 6-6

**Paradise Valley** 2/6/2017 No recommendation. Vote: 6-6

Planning Commission Recommendation: Approved, with a modification to Stipulation 1 and technical corrections to Stipulations 4, 7 and 9.

Motion discussion: N/A

Motion details – Commissioner Heck made a MOTION to approve PHO-1-16--Z-181-99-3 with a modification to Stipulation 1 and technical corrections to Stipulations 4, 7 and 9.

Maker: Heck  
Second: Shank  
Vote: 6-0  
Absent: Katsenes and Whitaker  
Opposition Present: Yes

Stipulations:

1. That ~~T~~the development SHALL be in general conformance to the site plan and floor plan ELEVATIONS dated ~~February 23, 2000,~~ and ~~building elevations dated August 2, 1999~~ MARCH 2, 2017, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
2. That there be no more than 9 dwelling units with a maximum density of 4.7.
3. That the building height shall not exceed one story and a maximum of 20 feet in height.
4. That right-of-way dedications and street alignments for local streets within the subdivision will be determined by the ~~Development Services~~ PLANNING AND DEVELOPMENT Department at the time of Preliminary Subdivision Plan Review.
5. That the developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping, and other incidentals as per plans approved by the City. All improvements shall comply with all ADA accessibility standards.
6. That the applicant install some means of mitigation treatment to eliminate potential sewer odor.
7. That the development be subject to Design Review guideline standards, as per ~~Development Services~~ PLANNING AND DEVELOPMENT Department.
8. That the City mail written notice of any request to modify the above-referenced stipulations to the following:

Dreamy Draw Estates Homeowner's Association, 2510 East Carol Avenue,  
Phoenix, AZ 85028

Phoenix Hillside Estates Property Owners Association, 9247 North 24<sup>th</sup>  
Way, Phoenix, AZ 85028

Francesca & Joseph Browner, 2616 East Vogel Avenue, Phoenix, AZ  
85028

Judith F. Gunn, 9609 North 26<sup>th</sup> Place, Phoenix, AZ 85028

Dr. Kevin Crisham, 9845 North 22<sup>nd</sup> Place, Phoenix, AZ 85028

Sharon Oscar, 2527 East Carol Avenue, Phoenix, AZ 85028

Gini Linam, 2536 East Vogel Avenue, Phoenix, AZ 85028

Mark Shiya, 9247 North 24<sup>th</sup> Way, Phoenix, AZ 85028

Sandy Price, 2626 East Vogel Avenue, Phoenix, AZ 85028

9. That the City notify the above-noted residents of meetings with ~~Development Services~~ PLANNING AND DEVELOPMENT Department.



**REQUEST TO WITHDRAW (SEE ATTACHED WITHDRAWAL MEMO) - Ratification of March 2, 2017 Planning Commission Action - Rezoning Application Z-36-16-2 - Northeast Corner of 30th Street and Union Hills Drive**

Request to ratify Planning Commission's recommendation of denial for the Rezoning Application - Z-36-16-2 for multifamily residential development.

**Summary**

Application: Z-36-16-2

Current Zoning: R1-8

Proposed Zoning: PUD

Acreage: 1.99

Proposal: Multifamily Residential

Owner: D. Schirripa, L. German, and D. Rifley

Applicant: GCHI Landholdings, LLC

Representative: Jenifer Corey, Zoning Strategies, LLC

Staff Recommendation: Approval, subject to stipulations

VPC Action: The Paradise Valley Village Planning Committee heard the request on Feb. 6, 2017 and approved the request per staff's recommendation by a vote of 8-6.

PC Action: The Planning Commission heard the request on March 2, 2017 and denied the request by a 7-0 vote.

**Location**

Northeast corner of 30th Street and Union Hills Drive

Council District: 2

**Responsible Department**

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


Attachment A



**City of Phoenix**  
PLANNING & DEVELOPMENT DEPARTMENT

**To:** Mario Paniagua  
Deputy City Manager

**Date:** March 30, 2017

**From:** Alan Stephenson   
Planning and Development Director

**Subject:** WITHDRAWAL OF ITEM 76 ON THE APRIL 5, 2017 FORMAL AGENDA -  
PUBLIC HEARING/ORDINANCE ADOPTION OF Z-36-16-2 – NORTHEAST  
CORNER OF 30<sup>TH</sup> STREET AND UNION HILLS DRIVE

Item 76, Rezoning Application Z-36-16-2 is a request to rezone 1.99 acres located at the northeast corner of 30<sup>th</sup> Street and Union Hills Drive from R1-8 to PUD to allow multifamily residential.

Staff has received correspondence from the owner's representative requesting this item be withdrawn, as the applicant is no longer pursuing this rezoning request.

Staff concurs with this request for withdrawal.

Attachment

Approved:  3/30/17  
Mario Paniagua, Deputy City Manager Date





ZONING STRATEGIES LLC

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March 21, 2017

Alan Stephenson  
Planning & Development Department  
200 W. Washington Street  
Phoenix, AZ 85003

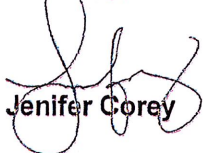
RE: Withdrawal of Application # Z-36-16-2  
Union Hills Vista  
NEC 30<sup>th</sup> Street and Union Hills Drive

Dear Mr. Stephenson,

Our client has authorized us to withdraw our application number Z-36-16-2 effective as of today's date. We appreciate the professionalism and objectivity the staff has displayed in this case.

If you have any questions, please contact me at (480) 628-1499 or by email at [jenifercorey@zoning-strategies.com](mailto:jenifercorey@zoning-strategies.com). Thank you.

**Sincerely,**



**Jenifer Corey**

Cc: Councilman Jim Warring  
John Barker



**Waiver of Federal Patent Easement - V150067F - 24777 N. 15th Ave. (Resolution 21523)**

Abandonment: V150067F

Project: 14-3022

Applicant: Brian Scott on behalf of Shybaru LLC, an Arizona Limited Liability Company

Request: To waive all of the 33 foot Federal Patent Easements on the parcel addressed 24777 N. 15th Ave., APN 210-08-004A

Date of Hearing: Feb. 24, 2016

**Summary**

The resolution of the waiver and the Map of Dedication number 160005, previously approved by Council on Jan. 11, 2017 as item number 82, are to be recorded together with the Maricopa County recorder on the same day, at the same time. The sequence of recording to be followed is that the resolution is recorded first, then the Map of Dedication is recorded second.

**Location**

24777 N. 15th Ave.

Council District: 1

**Financial Impact**

Pursuant to Phoenix City Code Art. 5, Sec. 31-64 (e) as the City acknowledges the public benefit received by the generation of additional revenue from the private tax rolls and by the elimination of third-party general liability claims against the city, maintenance expenses, and undesirable traffic patterns, also replatting of the area with alternate roadways and new development as sufficient and appropriate consideration in this matter.

**Responsible Department**

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



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**Final Plat - Fillmore and 4th Street - 160125 - Northeast Corner of Fillmore Street and 4th Street**

Plat: 160125  
Project: 16-2384  
Name of Plat: Fillmore & 4th Street  
Owner(s): City of Phoenix  
Engineer(s): Atwell, LLC  
Request: A 1 Lot Commercial Subdivision Plat  
Reviewed by Staff: March 6, 2017

**Summary**

Staff requests that the above plat be approved by the City Council and certified by the City Clerk. Recording of the plat dedicates the streets and easements as shown to the public. This plat needs to record concurrently with Abandonment V160048.

**Location**

Generally located at the northeast corner of Fillmore Street and 4th Street.  
Council District: 8

**Responsible Department**

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



**Final Plat - Road Machinery - 160121 - West Side of 7th Street, North of Buckeye Road**

Plat: 160121  
Project: 05-3793  
Name of Plat: Road Machinery  
Owner(s): Road Machinery, LLC  
Engineer(s): CEG, Inc.  
Request: A 1 Lot Commercial Plat  
Reviewed by Staff: March 6, 2017

**Summary**

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

**Location**

Generally located at the west side of 7th Street, north of Buckeye Road.  
Council District: 8

**Responsible Department**

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



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**Final Plat - Market at South Mountain - 160126 - Southwest Corner of Baseline Road and 24th Street**

Plat: 160126  
Project: 16-3491  
Name of Plat: Market at South Mountain  
Owner(s): Next Gen Development, LLC  
Engineer(s): 3 Engineering, LLC  
Request: A 3 Lot Commercial Subdivision Plat  
Reviewed by Staff: March 8, 2017

**Summary**

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

**Location**

Generally located at the southwest corner of Baseline Road and 24th Street.  
Council District: 8

**Responsible Department**

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



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**Final Plat - Phoenix Hotel Master Plan - 150108 - South of University Drive, West of 48th Street**

Plat: 150108

Project: 06-5242

Name of Plat: Phoenix Hotel Master Plan

Owner(s): Sky Harbor Hotel Properties, LLC, AUM Hospitality Ventures, LLC, and Soleil Conference Center, LLC

Engineer(s): Superior Surveying Services, Inc.

Request: A 3 Lot Commercial Subdivision Plat

Reviewed by Staff: March 9, 2017

**Summary**

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

**Location**

Generally located south of University Drive, west of 48th Street.

Council District: 8

**Responsible Department**

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



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**Final Plat - 40th Street Residences - 160128 - South of Indian School Road and East of 40th Street**

Plat: 160128  
Project: 15-2295  
Name of Plat: 40th Street Residences  
Owner(s): DB Camelback Investments, LLC  
Engineer(s): Abel & Associates, LLC  
Request: An 8 Lot Residential Subdivision Plat  
Reviewed by Staff: March 10, 2017

**Summary**

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

**Location**

Generally located south of Indian School Road and east of 40th Street.  
Council District: 6

**Responsible Department**

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



**REQUEST TO CONTINUE (SEE ATTACHED CONTINUANCE MEMO) -  
(CONTINUED FROM MARCH 22, 2017) - Final Plat - Lazy Day Manor - 160110 -  
West of 15th Avenue South of Orangewood Avenue**

Plat: 160110  
Project: 15-3216  
Name of Plat: Lazy Day Manor  
Owner(s): Plhaz Lazy Day, LLC  
Engineer(s): Wood, Patel & Associates, Inc.  
Request: A 24 Lot Conventional Subdivision Plat  
Reviewed by Staff: Feb. 15, 2017

**Summary**

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

**Location**

Generally located west of 15th Avenue, south of Orangewood Avenue.  
Council District: 5

**Responsible Department**

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




Attachment A



**City of Phoenix**  
PLANNING AND DEVELOPMENT SERVICES

**To:** Mario Paniagua  
Deputy City Manager

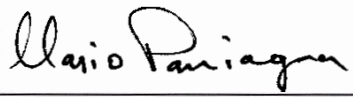
**Date:** April 4, 2017

**From:** Alan Stephenson   
Planning and Development Director

**Subject:** REQUEST FOR CONTINUANCE ON ITEM 83 – FINAL PLAT – LAZY DAY  
MANOR – 160110 – WEST OF 15<sup>TH</sup> AVENUE SOUTH OF ORANGEWOOD  
AVENUE ON THE APRIL 5, 2017 FORMAL AGENDA

The Planning and Development Department requests to continue Item 83 – Final Plat – Lazy Day Manor – 160110 – West of 15<sup>th</sup> Avenue South of Orangewood Avenue on the April 5, 2017 Formal Agenda. The applicant has requested the continuance to continue to work with neighbors related to rerouting irrigation.

Staff recommends continuing this item to April 19, 2017 to allow for additional discussions with the residents.

Approved:   
\_\_\_\_\_  
Mario Paniagua, Deputy City Manager



**Abandonment of Right-of-Way - V160066A - 2849 W. Buckeye Road (Resolution 21524)**

Abandonment: V160066A

Project: 16-485

Applicant: Juan Ramirez

Request: To abandon the east five feet of 29th Avenue Right-of-Way adjacent to the parcel addressed 2849 W. Buckeye Road, APN 105-09-023, beginning 40 feet south of the Buckeye Road monument line, and adjacent to the parcel identified as APN 105-09-022C.

Date of Hearing: Jan. 17, 2017

**Location**

2849 W. Buckeye Road

Council District: 7

**Financial Impact**

A fee was also collected as part of this abandonment in the amount of \$1,085.

**Responsible Department**

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



**Abandonment of Right-of-Way - V160048A - 4th and Pierce Streets (Resolution 21525)**

Abandonment: V160048A

Project: 16-2384

Applicant: City of Phoenix, Community and Economic Development Department

Request: To abandon the 20 foot alley Right-of-Way bounded by 4th and 5th Streets, Pierce and Fillmore Streets.

Date of Hearing: Sept. 28, 2016

**Summary**

The resolution of the abandonment and the subdivision plat number 160125, "Fillmore & 4th Street", are to be recorded together with the Maricopa County recorder on the same day, at the same time. The sequence of recording to be followed is that the resolution is recorded first, then the plat is recorded second.

**Location**

4th and Pierce Streets

Council District: 8

**Financial Impact**

Pursuant to Phoenix City Code Art. 5, Sec. 31-64 (e) as the City acknowledges the public benefit received by the generation of additional revenue from the private tax rolls and by the elimination of third-party general liability claims against the city, maintenance expenses, and undesirable traffic patterns, also replatting of the area with alternate roadways and new development as sufficient and appropriate consideration in this matter.

**Responsible Department**

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



**Abandonment of Right-of-Way - V160069A - 5837 E. Exeter Blvd. (Resolution 21526)**

Abandonment: V160069A

Project: 00-4124

Applicant: Larson Revocable Trust, Care of Robert H. Larson and Marilyn N. Larson

Request: To abandon the 15-foot alley Right-of-Way located between the parcels addressed 5837 and 5843 E. Exeter Blvd., APN 172-43-026 and 172-43-001.

Date of Hearing: Feb. 7, 2017

**Location**

5837 E. Exeter Blvd.

Council District: 6

**Financial Impact**

A fee was also collected as part of this abandonment in the amount of \$729.

**Responsible Department**

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



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**Amend City Code - Ordinance Adoption - Rezoning Application Z-53-16-8 - Approximately 200 Feet West of the Southwest Corner of 16th Street and Willetta Street (Ordinance G-6296)**

Request to authorize the City Manager to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-53-16-8 for the P-1 (Passenger Automobile Parking, Limited) zoning district located approximately 200 feet west of the southwest corner of 16th Street and Willetta Street to allow for surface parking.

**Location**

Approximately 200 feet west of the southwest corner of 16th Street and Willetta Street.

Council District: 8

**Responsible Department**

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

**Attachment A**

**THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL ADOPTED ORDINANCE**

ORDINANCE G-

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE 53-16-8) FROM R-3 RI (MULTIFAMILY RESIDENCE DISTRICT RESIDENTIAL INFILL) TO P-1 (PASSENGER AUTOMOBILE PARKING, LIMITED).

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

SECTION 1. The zoning of an approximately 0.20 acre property located approximately 200 feet west of the southwest corner of 16th Street and Willetta Street in a portion of Section 4, Township 1 North, Range 3 East, as described more specifically in Exhibit "A", is hereby changed from "R-3 RI" (Multifamily Residence District Residential Infill), to "P-1" (Passenger Automobile Parking, Limited).

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

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

1. The development shall be in general conformance with the site plan date stamped August 16, 2016, as approved by the Planning and Development Department, with specific regard to the following:
  - a. a 10-foot landscape setback on the west property line.
  - b. Access to the site from the R-5 RI zoned portion of the development.
  - c. Removal of Willetta Street driveway and elimination of access to the alley.
  - d. There shall be no carports, utility or repair/storage structures or trash enclosures on site.
2. Parking area lighting shall be no higher than six (6) feet.
3. The development shall provide a minimum 25-foot landscaped setback on Willetta Street as approved by the Planning and Development Department.
4. The development shall utilize the commercial streetscape landscape standards for planting type and size, Section 622.E.4.e., along Willetta Street and the west property line, as approved by the Planning and Development Department.
5. A one-foot non-vehicular access easement shall be recorded along the south property line, as approved by the Planning and Development Department.
6. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.

7. The developer shall comply with all ADA accessibility standards, as per plans approved by the Planning and Development Department.

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

PASSED by the Council of the City of Phoenix this 5th day of April, 2017.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

REVIEWED BY:

\_\_\_\_\_  
City Manager

Exhibits:

A – Legal Description (1 Page)

B – Ordinance Location Map (1 Page)



EXHIBIT A

LEGAL DESCRIPTION FOR Z-53-16-8

A PARCEL OF LAND SITUATED IN A PORTION OF SECTION 4, TOWNSHIP 1 NORTH, RANGE 3 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 10, LOCATED IN KENWOOD BLKS 1, 2, 3, SUBDIVISION RECORDED IN BOOK 16, PAGE 15, MARICOPA RECORDERS OFFICE, MARICOPA COUNTY AZ.

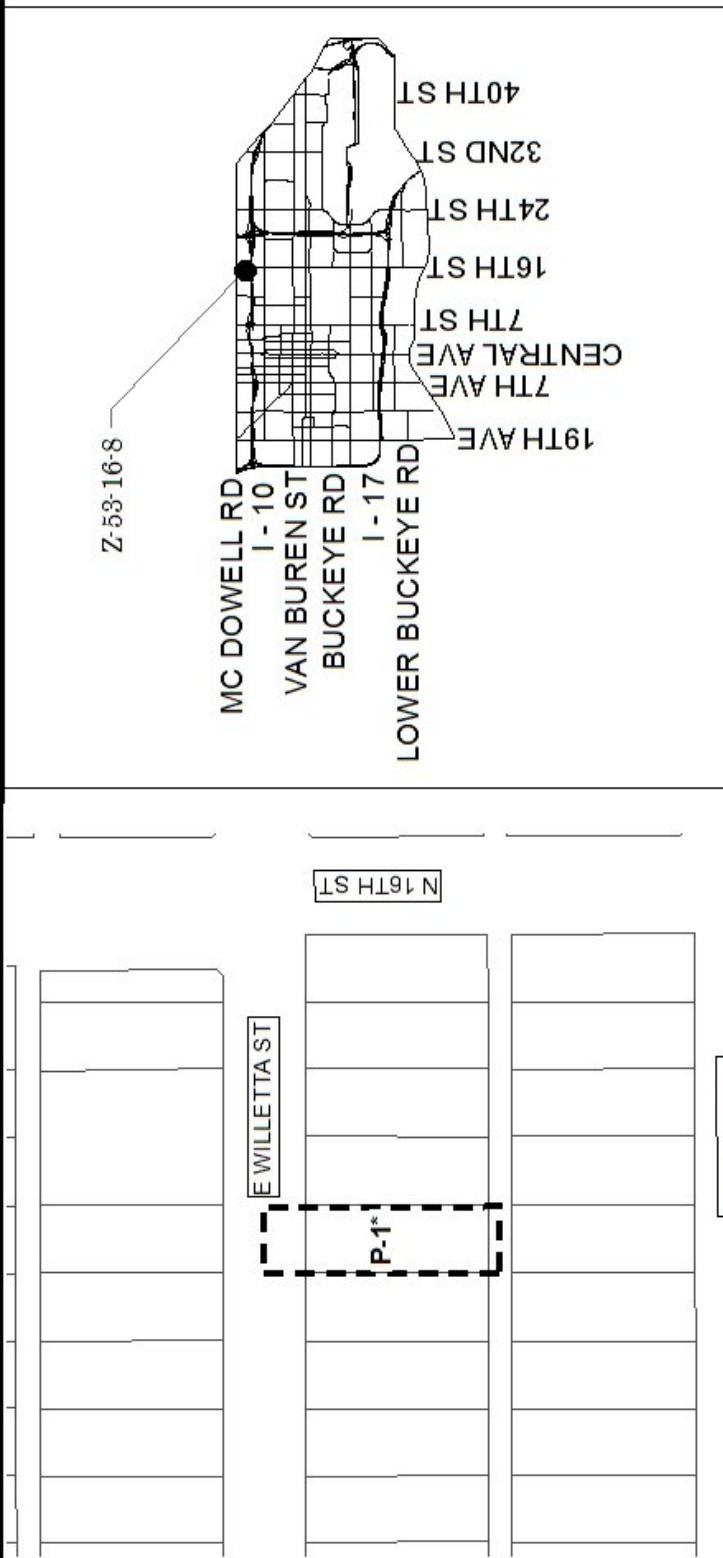
DRAFT

# ORDINANCE LOCATION MAP

EXHIBIT B

Zoning Case Number: Z-53-16-8  
Zoning Overlay: N/A  
Planning Village: Central City

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



NOT TO SCALE



Drawn Date: 2/23/2017

R:\IS\_Team\Core\_Functions\Zoning\SupplMaps\_OrdinMaps\2017\_Ord\3\_22\_17\Z-53-16-8.mxd



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**Amend City Code - Ordinance Adoption - Rezoning Application Z-57-16-8 - Approximately 639 Feet South of the Southwest Corner of 44th Street and Thomas Road (Ordinance G-6297)**

Request to authorize the City Manager to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-57-16-8 for a PUD (Planned Unit Development) to allow a mix of uses included multifamily residential and commercial.

**Location**

Approximately 639 feet south of the southwest corner of 44th Street and Thomas Road.

District: 8

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

**Attachment A**

**THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL ADOPTED ORDINANCE**

ORDINANCE G-

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-57-16-8) FROM C-O (COMMERCIAL OFFICE DISTRICT, RESTRICTED COMMERCIAL) TO PUD (PLANNED UNIT DEVELOPMENT).

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

SECTION 1. The zoning of an approximately 3.18-acre property located approximately 639 feet south of the southwest corner of 44th Street and Thomas Road in a portion of Section 31, Township 2 (north), Range 4 (east), as described more specifically in Exhibit "A", is hereby changed from "C-O" (Commercial Office District, Restricted Commercial), to "PUD" (Planned Unit Development).

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

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

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

1. An updated Development Narrative for the Pinnacle PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with Development Narrative date stamped January 27, 2017 as modified by the following stipulations.
  - a. Revise commercial parking on page 17 to read as follows:
    - Off street parking:
      - o 1 space per 300 square feet commercial
      - o 1 space per 50 square feet restaurant (including outside dining/sales) exclusive of kitchen, rest rooms, storage, etc.
2. The sidewalk along 44th Street shall be detached with a minimum five-foot-wide landscaped strip located between the sidewalk and back of curb and shall include a minimum 2-inch caliper shade trees planted a minimum of 20 feet on center or equivalent groupings along either side of the sidewalk, as approved by the Planning and Development Department.
3. If any archaeological materials are encountered during construction, all ground-disturbing activities must cease within 10 meters of the discovery and the City of Phoenix Archaeology Office must be notified immediately and allowed time to properly assess the materials.
4. The developer shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence and operational characteristics of Phoenix Sky Harbor International Airport (PHX) to future owners or tenants of the property.
5. The developer shall provide documentation to the City prior to final site plan approval that Form 7460-1 has been filed for the development and that the development received a "No Hazard Determination" from the Federal Aviation Administration (FAA). If temporary equipment used during construction exceeds the height of the permanent structure a separate Form 7460-1 shall be submitted to the FAA and a "No Hazard Determination" obtained prior to the construction start date.
6. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.

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 5th day of April, 2017.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

REVIEWED BY:

\_\_\_\_\_  
City Manager

Exhibits:

A – Legal Description (1 Page)

B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-57-16-8

THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 2 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 31;

THENCE SOUTH, 262.65 FEET ALONG THE EAST LINE OF SAID NORTHWEST QUARTER;

THENCE NORTH 88 DEGREES 58 MINUTES 26 SECONDS WEST, 50.01 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF 44TH STREET AND THE POINT OF BEGINNING;

THENCE SOUTH 471.55 FEET ALONG THE WEST RIGHT-OF-WAY LINE OF 44TH STREET TO AN ANGLE POINT;

THENCE SOUTH 00 DEGREES 20 MINUTES 53 SECONDS WEST, 177.80 FEET ALONG THE WEST RIGHT- OF-WAY LINE OF 44TH STREET;

THENCE NORTH 89 DEGREES 00 MINUTES 35 SECONDS WEST, 621.03 FEET ALONG A LINE 413 1/3 FEET NORTHERLY FROM AND PARALLEL TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID NORTHWEST QUARTER;

THENCE NORTH 00 DEGREES 00 MINUTES 13 SECONDS EAST, 252.24 FEET ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER OF THE NORTHWEST QUARTER;

THENCE SOUTH 88 DEGREES 45 MINUTES 32 SECONDS EAST, 19.00 FEET ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER;

THENCE NORTH 00 DEGREES 00 MINUTES 13 SECONDS EAST, 625.25 FEET ALONG A LINE, 19.00 FEET

# ORDINANCE LOCATION MAP

EXHIBIT B

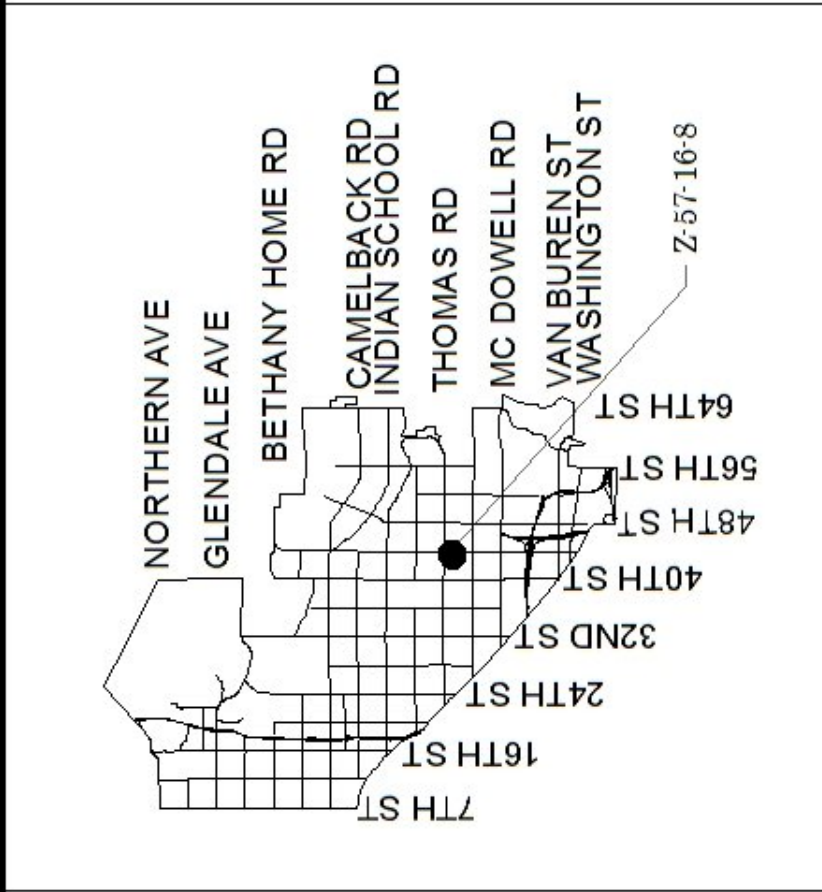
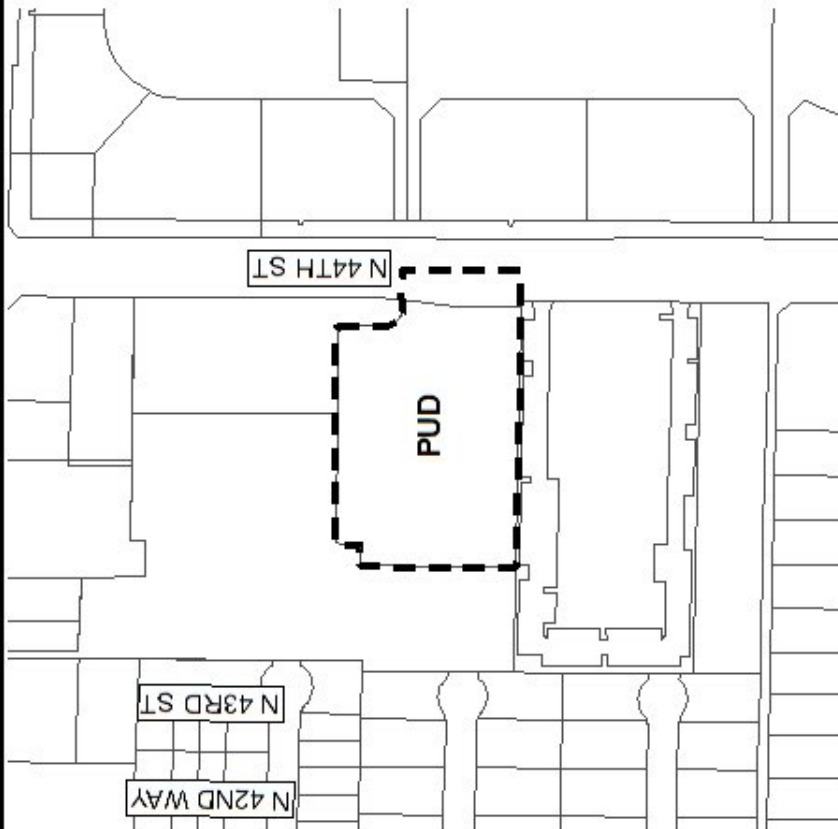
Zoning Case Number: Z-57-16-8

Zoning Overlay: N/A

Planning Village: Camelback East

ZONING SUBJECT TO STIPULATIONS: \*

SUBJECT AREA: ■■■■■



NOT TO SCALE



Drawn Date: 2/23/2017





**Amend City Code - Ordinance Adoption - Rezoning Application Z-64-16-5 - Approximately 168 Feet East of the Southeast Corner of 21st Avenue and Northern Avenue (Ordinance G-6298)**

Request to authorize City Manager to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-64-16-5 for a PUD (Planned Unit Development) to allow commercial and retail uses.

**Location**

Approximately 168 feet east of the southeast corner of 21st Avenue and Northern Avenue.

Council District: 5

**Responsible Department**

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

**Attachment A**

**THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL  
ADOPTED ORDINANCE**

**ORDINANCE G-**

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-64-16-5) FROM R-3 (MULTIFAMILY RESIDENCE DISTRICT) AND C-1 (NEIGHBORHOOD RETAIL DISTRICT), TO PUD (PLANNED UNIT DEVELOPMENT).

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

SECTION 1. The zoning of an approximately 5.52-acre property located approximately 168 feet east of the southeast corner of 21st Avenue and Northern Avenue in a portion of Section 1, Township 2 North, Range 2 East, as described more specifically in Exhibit "A", is hereby changed from "R-3" (Multifamily Residence District), and "C-1" (Neighborhood Retail District) to "PUD" (Planned Unit Development District).

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

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

violation of which shall be treated in the same manner as a violation of the City of

Phoenix Zoning Ordinance:

1. An updated Development Narrative for Northern Commercial 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 January 12, 2017, as modified by the following stipulations:

- A. Amend the Development Standards Table, Parking Standards to add:

Per Section 1307 of the Phoenix Zoning Ordinance

- B. Amend the Development Standards Table, Landscape Standards to add:

The sidewalk on Northern Avenue shall be detached from the curb by a minimum of five (5) feet and landscaping, and trees to provide shade, shall be planted between the curb and the sidewalk for a minimum of 30 percent of the frontage.

- C. Amend the Development Standards Table, Bicycle Standards to add:

Per Section 1307.H of the Phoenix Zoning Ordinance, except that public or private shower stalls and lockers are not required.

- D. Amend the list of uses to include the list of prohibited uses:

4. Prohibited uses. The following uses shall be prohibited

- Pawn shop
- Tattoo shop
- Auto title loan establishments
- Financial institutions, non-chartered (i.e. check cashing / "payday" loan businesses)
- Medical marijuana uses
- (stand-alone) liquor, package retail sales
- Tobacco oriented retailers
- Methadone clinics or offices
- Drug, alcohol, other substance abuse or mental health rehabilitation programs and facilities
- Any type of adult store or adult entertainment establishment
- Group homes.

- E. Amend the list of uses to remove the following from the permitted uses, self-service storage facility:

"With a minimum 15-foot building setback along property lines adjacent to residential uses."

2. The developer shall update all existing off-site street improvements (sidewalk, curb ramps, and driveways) to current ADA guidelines, as approved by Planning and Development Department.

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

PASSED by the Council of the City of Phoenix this 5th day of April, 2017.

\_\_\_\_\_

MAYOR

ATTEST:

\_\_\_\_\_

City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_

City Attorney

REVIEWED BY:

\_\_\_\_\_

City Manager

Exhibits:

A – Legal Description (1 Page)

B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-64-16-5

Parcel No. 1:

Lot 1, WESTWIND ACADEMY, according to the plat of record in the office of the County Recorder of Maricopa County, recorded in Book 589 of Maps, page 10.

Parcel No. 2:

Lot 4, VISTA INCOME ESTATES UNIT ONE, according to Book 18 of Maps, page 18, records of Maricopa County, Arizona;

EXCEPT the North 7 feet thereof.

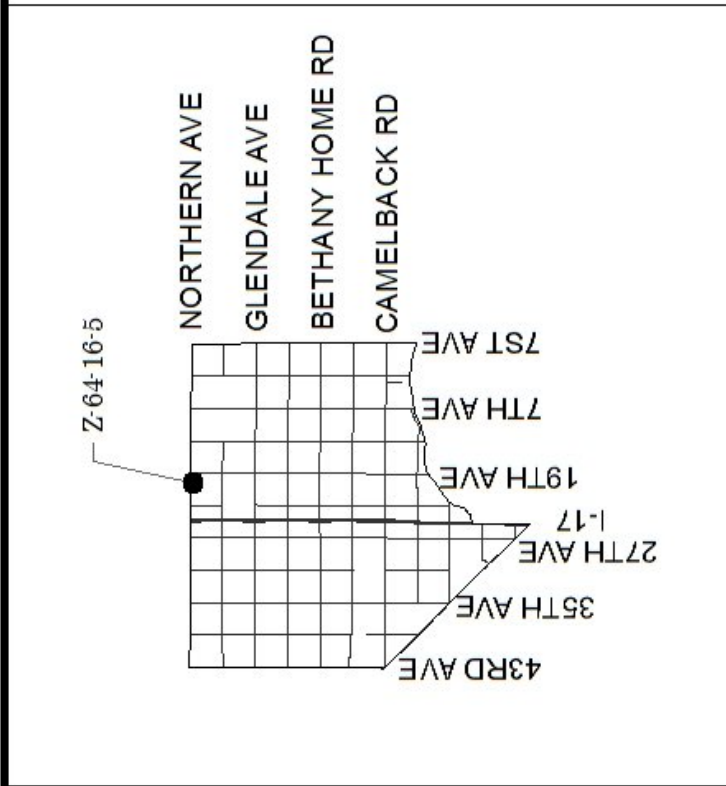
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# ORDINANCE LOCATION MAP

EXHIBIT B

Zoning Case Number: Z-64-16-5  
Zoning Overlay: N/A  
Planning Village: Alhambra

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



NOT TO SCALE



Drawn Date: 2/3/2017



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**Amend City Code - Ordinance Adoption - Rezoning Application Z-70-16-7 - Approximately 290 feet east of the northeast corner of 35th Avenue and Adams Street (Ordinance G-6299)**

Request to authorize the City Manager to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-70-16-7 for the A-1 (Light Industrial) zoning district located approximately 290 feet east of the northeast corner of 35th Avenue and Adams Street to allow for a car wash and automobile sales.

**Location**

Approximately 290 feet east of the northeast corner of 35th Avenue and Adams Street.

Council District: 7

**Responsible Department**

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

**Attachment A**

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**ORDINANCE G-**

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-70-16-7) FROM R-4 (MULTIFAMILY RESIDENCE DISTRICT) TO A-1 (LIGHT INDUSTRIAL).

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

SECTION 1. The zoning of an approximately 0.27 acre property located approximately 290 feet east of the northeast corner of 35th Avenue and Adams Street in a portion of Section 11, Township 1 North, Range 2 East, as described more specifically in Exhibit "A", is hereby changed from "R-4" (Multifamily Residence District), to "A-1" (Light Industrial).

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

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



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

1. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals as per plans approved by the Street Transportation and Planning and Development Departments. All improvements shall comply with all ADA accessibility standards.
2. The property owner shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence, and operational characteristics of City of Phoenix Sky Harbor International Airport (PHX) to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.

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 5th day of April, 2017.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

REVIEWED BY:

\_\_\_\_\_ City Manager

Exhibits:

A – Legal Description (1 Page)

B – Ordinance Location Map (1 Page)

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EXHIBIT A

LEGAL DESCRIPTION FOR Z-70-16-7

109-38-020-B

That part of Lot 3, Block 2, WORMSER'S ADDITION, according to Book 2 of Maps, page 16, records of Maricopa County, Arizona, lying West of the West line of the East 4 acres thereof; EXCEPT the South 280.00 feet; and EXCEPT the North 200.00 feet, of the Northwest Quarter of Section 11, Township 1 North, Range 2 East for the Gila and Salt River Base and Meridian, Maricopa County, Arizona

109-38-020-C

That part of Lot 3, Block 2, WORMSER'S ADDITION, in the City of Phoenix, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, in Book 2 of Maps, page 16, described as follows:

The North 250 feet of the South 280 feet of the West 37.94 feet of said Lot 3, the East line of which strip is identical with the West line of the East 4 acres of Lot 3, and the North 250 feet or the South 280 feet of said Lot 4, of the Northwest Quarter of Section 11, Township 1 North, Range 2 East for the Gila and Salt River Base and Meridian, Maricopa County, Arizona

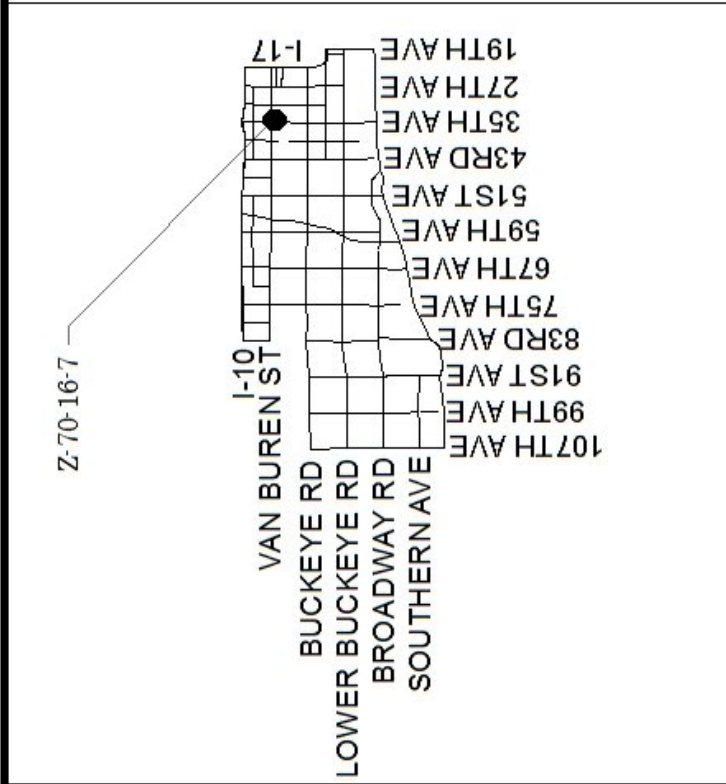
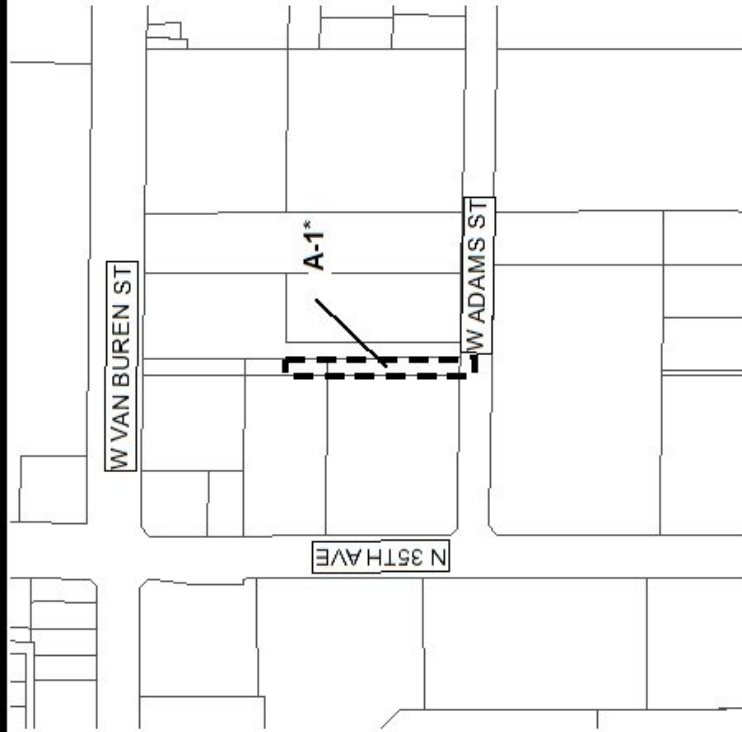
# ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: \*

SUBJECT AREA: ■■■■■

Zoning Case Number: Z-70-16-7  
Zoning Overlay: N/A  
Planning Village: Estrella



NOT TO SCALE



Drawn Date: 2/23/2017



**Amend City Code - Ordinance Adoption - Rezoning Application Z-86-16-4 - Approximately 70 Feet West of the Northwest Corner of 11th Street and Mariposa Street (Ordinance G-6300)**

Request to authorize the City Manager to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting rezoning application Z-86-16-4 for the Parking P-1 District (Passenger Automobile Parking Limited) to allow for a surface parking lot.

**Location**

Approximately 70 feet west of the northwest corner of 11th Street and Mariposa Street.

District 4

**Responsible Department**

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

**Attachment A**

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**ORDINANCE G-**

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-86-16-4) FROM R-3 (MULTIFAMILY RESIDENCE DISTRICT) TO P-1 (PASSENGER AUTOMOBILE PARKING, LIMITED).

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

SECTION 1. The zoning of an approximately 0.23-acre property located approximately 70 feet west of the northwest corner of 11th Street and Mariposa Street in a portion of Section 21, Township 2 (north), Range 3 (east), as described more specifically in Exhibit "A", is hereby changed from "R-3" (Multifamily Residence District), to "P-1" (Passenger Automobile Parking, Limited).

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

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

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

1. A minimum 10-foot landscape setback along the west property line shall be planted with minimum 3-inch caliper trees to be placed 20-feet on center, or in equivalent groupings, as approved by the Planning and Development Department.
2. A minimum 25-foot landscape setback along the south property line shall be planted with a minimum 50% 2-inch caliper trees, minimum 25% 3-inch caliper trees, and minimum 25% 4-inch caliper trees to be placed 20-feet on center or in equivalent groupings, as approved by the Planning and Development Department.
3. Vehicular access to and from the site from the adjacent alley shall only be permitted if approved separately through the Planning and Development Department's Driveway and Alley Appeal process.
4. No vehicular access is permitted onto or from Mariposa Street.
5. Parking area lighting shall be no higher than six (6) feet and shielded to cast the light downward.
6. There shall be no trash enclosures/dumpsters located on the site, as approved by the Planning and Development Department.
7. The property owner shall update all existing off-site street improvements (sidewalks, curb ramps, and driveways) to current ADA guidelines.
8. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.

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

PASSED by the Council of the City of Phoenix this 5th day of April, 2017.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

REVIEWED BY:

\_\_\_\_\_  
City Manager

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

DRAFT



EXHIBIT A

LEGAL DESCRIPTION FOR Z-86-16-4

Parcel 1: Lots one (1) and two (2), Block One (1), Palo Verde Place, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona in Book 32 of Maps, page 14;

Except the North 7 feet of Lots 1 and 2, Block 1, Palo Verde Place, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona in Book 32 of Maps, page 14 as conveyed to the City of Phoenix in Docket 10672, page 259.

Parcel 2: Lot 19, Block One (1), Palo Verde Place according to the plat of record in the office of the County Recorder of Maricopa County, Arizona in Book 32 of Maps, page 14.

Parcel 3: Lot Twenty (20), Block One (1), Palo Verde Place, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona in Book 32 of Maps, page 14.

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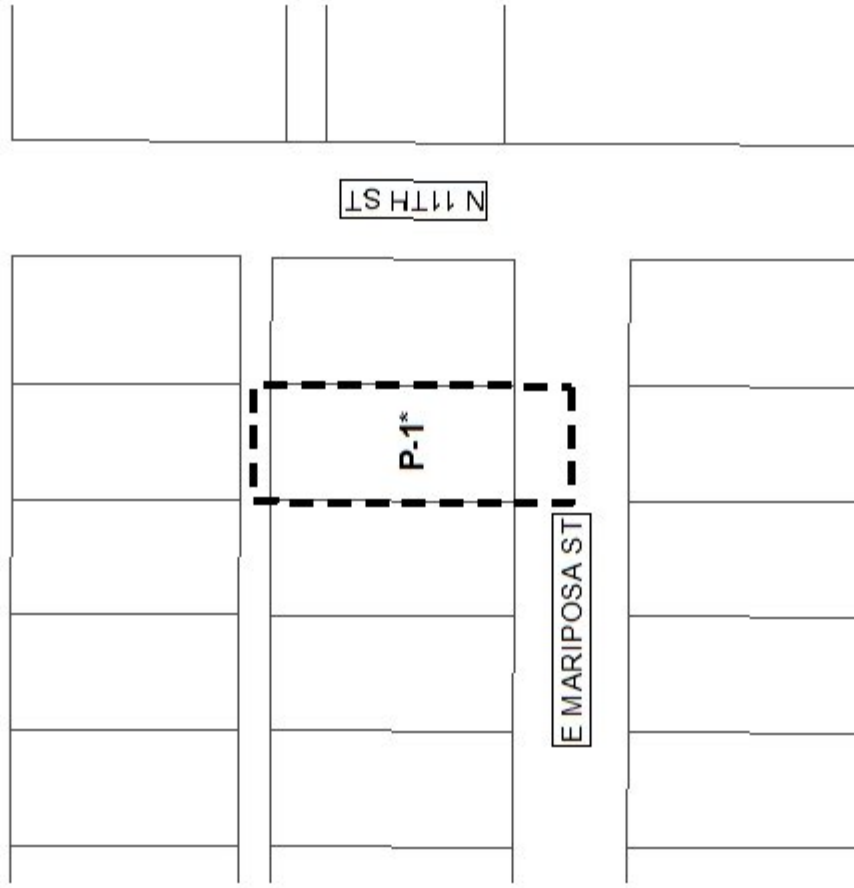
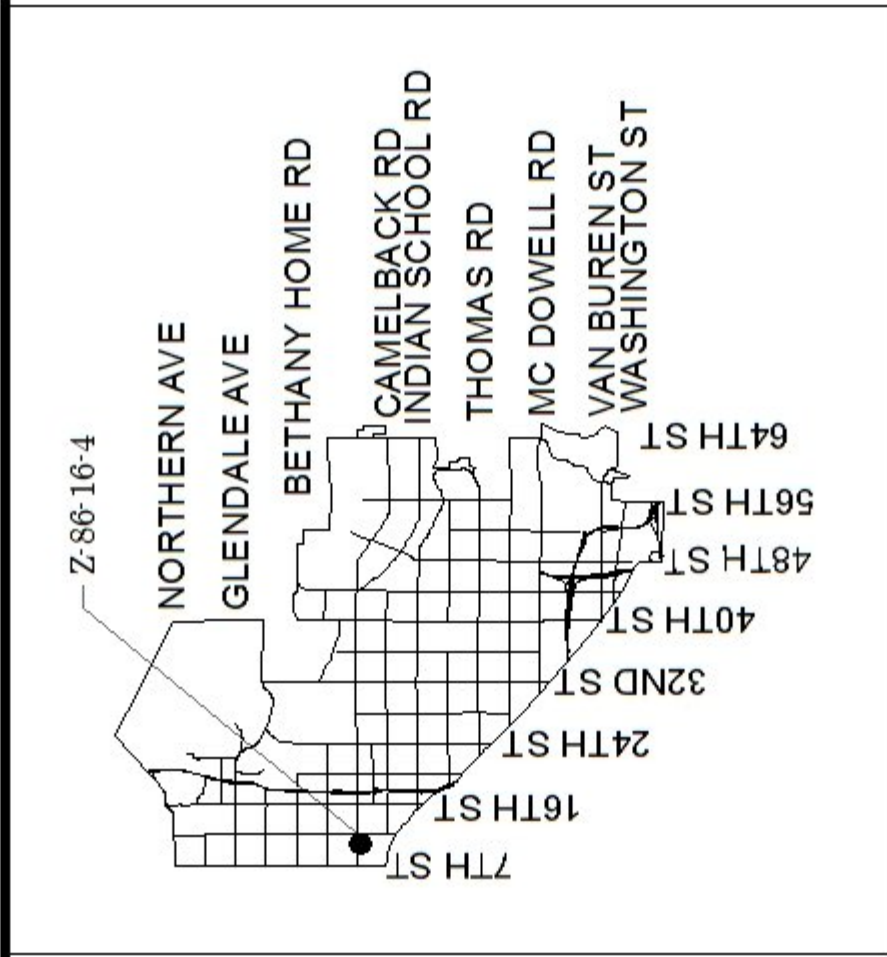
# ORDINANCE LOCATION MAP

EXHIBIT B

Zoning Case Number: Z-86-16-4  
Zoning Overlay: N/A  
Planning Village: Camelback East

ZONING SUBJECT TO STIPULATIONS: \*

SUBJECT AREA: - - - - -



NOT TO SCALE



Drawn Date: 2/23/2017



**Amend City Code - Ordinance Adoption - Rezoning Application Z-91-16-8 - Northeast Corner of 25th Street and Brill Street (Ordinance G-6301)**

Request to authorize the City Manager to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-91-16-8 for the C-2 (Intermediate Commercial) zoning district located at the northeast corner of 25th Street and Brill Street.

**Location**

Northeast corner of 25th Street and Brill Street.  
Council District: 8

**Responsible Department**

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

**Attachment A**

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**ORDINANCE G-**

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE 91-16-8) FROM R-3 (MULTIFAMILY RESIDENCE DISTRICT), C-2 (INTERMEDIATE COMMERCIAL) AND P-1 (PASSENGER AUTOMOBILE PARKING, LIMITED) TO C-2 (INTERMEDIATE COMMERCIAL).

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

SECTION 1. The zoning of an approximately 3.48 acre property located at the northeast corner of 25th Street and Brill Street in a portion of Section 2, Township 1 North, Range 3 East, as described more specifically in Exhibit "A", is hereby changed from "R-3" (Multifamily Residence District), "C-2" (Intermediate Commercial) and "P-1" (Passenger Automobile Parking, Limited) to "C-2" (Intermediate Commercial).

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

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

**APPLICABLE TO ALL PARCELS**

1. Signage identifying businesses shall not be visible from Brill Street.
2. Required trees in the McDowell Road, Brill Street, 25th Street and 26th Street landscape setbacks shall be placed adjacent to the sidewalks in order to provide shade for pedestrians, as approved by the Planning and Development Department.
3. The placement of any wall and/or window signs shall be coordinated with the placement of shade trees on the site to minimize conflicts between mature shade canopy and sign visibility, as approved by the Planning and Development Department.
4. 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.
5. The property owner shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence, and operational characteristics of Phoenix Sky Harbor International Airport (PHX) to future owners or tenants of the property.
6. The development shall comply with all ADA accessibility standards, as per plans approved by the Planning and Development Department.

**Section A**

7. In the event that the remaining residential parcel on 25th Street (Section D) is rezoned for commercial use, thus providing the opportunity for the four properties to function in a holistic manner, access to Section A from Brill Street shall cease and a one-foot vehicular non-access easement (VNAE) shall be recorded along the south property line on Brill Street.

## **Section B**

8. Development of the site shall be in general conformance to the site plan dated stamped December 19, 2016, as approved by the Planning and Development Department.
9. Access to Brill Street shall be restricted to emergency access only.
10. A minimum of one inverted-U bicycle rack shall be provided on site, located near an entrance to the business and installed per the requirements of Section 1307.H.4. of the Zoning Ordinance, as approved by the Planning and Development Department.

## **Section C (including C.1.)**

11. The existing driveway on Brill Street shall be removed and access to Brill Street shall be limited to pedestrians.
12. A cross-access agreement shall be recorded across Section C.1. to provide access through the site to 26th Street.
13. A one-foot vehicular non-access easement (VNAE) shall be recorded along the south property lines on Brill Street.
14. The frontage on Brill Street shall be landscaped per the requirements of Section 623.E.4.e. within 180 days of City Council approval of this request.
15. No razor wire is permitted. Existing razor wire must be removed.
16. A minimum of one inverted-U bicycle rack shall be provided on site, located near an entrance to a business and installed per the requirements of Section 1307.H.4. of the Zoning Ordinance, as approved by the Planning and Development Department.

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

PASSED by the Council of the City of Phoenix this 5th day of April, 2017.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

REVIEWED BY:

\_\_\_\_\_  
City Manager

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

DRAFT

EXHIBIT A

LEGAL DESCRIPTION FOR Z-91-16-8

**(Parcel 121-78-013 Legal Description)  
Per Deed Number 010873469**

LOT TWENTY-FIVE (25), DEL REY, AN ADDITION TO THE CITY OF PHOENIX, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 14 OF MAPS, PAGE 5; EXCEPT THE NORTH 5 FEET;

EXCEPT THE SOUTH 2 FEET OF THE NORTH 7 FEET THEREOF AS CONVEYED TO THE CITY OF PHOENIX, A MUNICIPAL CORPORATION BY PINAL ORDER OF CONDEMNATION RECORDED APRIL 20, 1989 AT RECORDERS NO. 89-181091;

EXCEPT THE SOUTH 30 FEET AS CONVEYED TO MARICOPA COUNTY BY DEED RECORDED JANUARY 8, 1948 IN DOCKET 119, PAGE 380.

**(Parcel 121-78-018 Legal Description)  
Per Deed Number 920215540**

THE EAST HALF OF LOT TWENTY-SEVEN (27), DEL REY, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE MARICOPA COUNTY RECORDER IN BOOK 14 OF MAPS, PAGE 5.

EXCEPT THE SOUTH 30 FEET AS CONVEYED TO MARICOPA COUNTY BY DEED RECORDED JANUARY 8, 1948 IN DOCKET 119, PAGE 380.

**(Parcel 121-78-017 Legal Description)  
Per Deed Number 110715085**

THE WEST HALF OF LOT TWENTY-SEVEN (27), DEL REY, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE MARICOPA COUNTY RECORDER IN BOOK 14 OF MAPS, PAGE 5.

EXCEPT THE SOUTH 30 FEET AS CONVEYED TO MARICOPA COUNTY BY DEED RECORDED JANUARY 8, 1948 IN DOCKET 119, PAGE 380.



EXHIBIT A, CONTINUED

LEGAL DESCRIPTION FOR Z-91-16-8

**(Parcel 121-78-023 Legal Description)  
Per Deed Number 160110787**

THE NORTH 55.13 FEET OF THE SOUTH 85.13 FEET OF LOT 29, DEL REY, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE MARICOPA COUNTY RECORDER IN BOOK 14 OF MAPS, PAGE 5.

**(Parcel 121-78-007 Legal Description)  
Per Deed Number 020014008**

THE WEST HALF OF LOT TWENTY-THREE (23), DEL REY, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE MARICOPA COUNTY RECORDER IN BOOK 14 OF MAPS, PAGE 5.

EXCEPT THE SOUTH 30 FEET, AS CONVEYED TO MARICOPA COUNTY BY DEED RECORDED JANUARY 8, 1948 IN DOCKET 119, PAGE 380, AND EXCEPT THE NORTH 7 FEET THEREOF.

**(Parcel 121-78-008 Legal Description)  
Per Deed Number 960357431**

THE EAST HALF OF LOT TWENTY-THREE (23), DEL REY, TO THE PLAT OF RECORD IN THE OFFICE OF THE MARICOPA COUNTY RECORDER IN BOOK 14 OF MAPS, PAGE 5.

EXCEPT THE SOUTH 30 FEET, AS CONVEYED TO MARICOPA COUNTY BY DEED RECORDED JANUARY 8, 1948 IN DOCKET 119, PAGE 380, AND EXCEPT THE NORTH 7 FEET THEREOF.; AND ALSO EXCEPT THE NORTH 5 FEET, AND ALSO EXCEPT THE SOUTH 2 FEET OF THE NORTH 7 FEET.

EXHIBIT A, CONTINUED

LEGAL DESCRIPTION FOR Z-91-16-8

**(Parcel 121-78-002A Legal Description)  
Per Deed Number 960357431**

THE SOUTH HALF OF THE WEST HALF OF LOT TWENTY-ONE (21), DEL REY,  
ACCORDING TO BOOK 14 OF MAPS, PAGE 5, RECORDS OF MARICOPA  
COUNTY, ARIZONA;

EXCEPT THE SOUTH 30 FEET, AS CONVEYED TO MARICOPA COUNTY BY DEED  
RECORDED JANUARY 8, 1948 IN DOCKET 119, PAGE 380, AND EXCEPT THE  
NORTH 7 FEET THEREOF.

**(Parcel 121-78-001 Legal Description)  
Per Deed Number 960357431**

THE SOUTH HALF OF THE EAST HALF OF LOT TWENTY-ONE (21), DEL REY,  
ACCORDING TO BOOK 14 OF MAPS, PAGE 5, RECORDS OF MARICOPA  
COUNTY, ARIZONA;

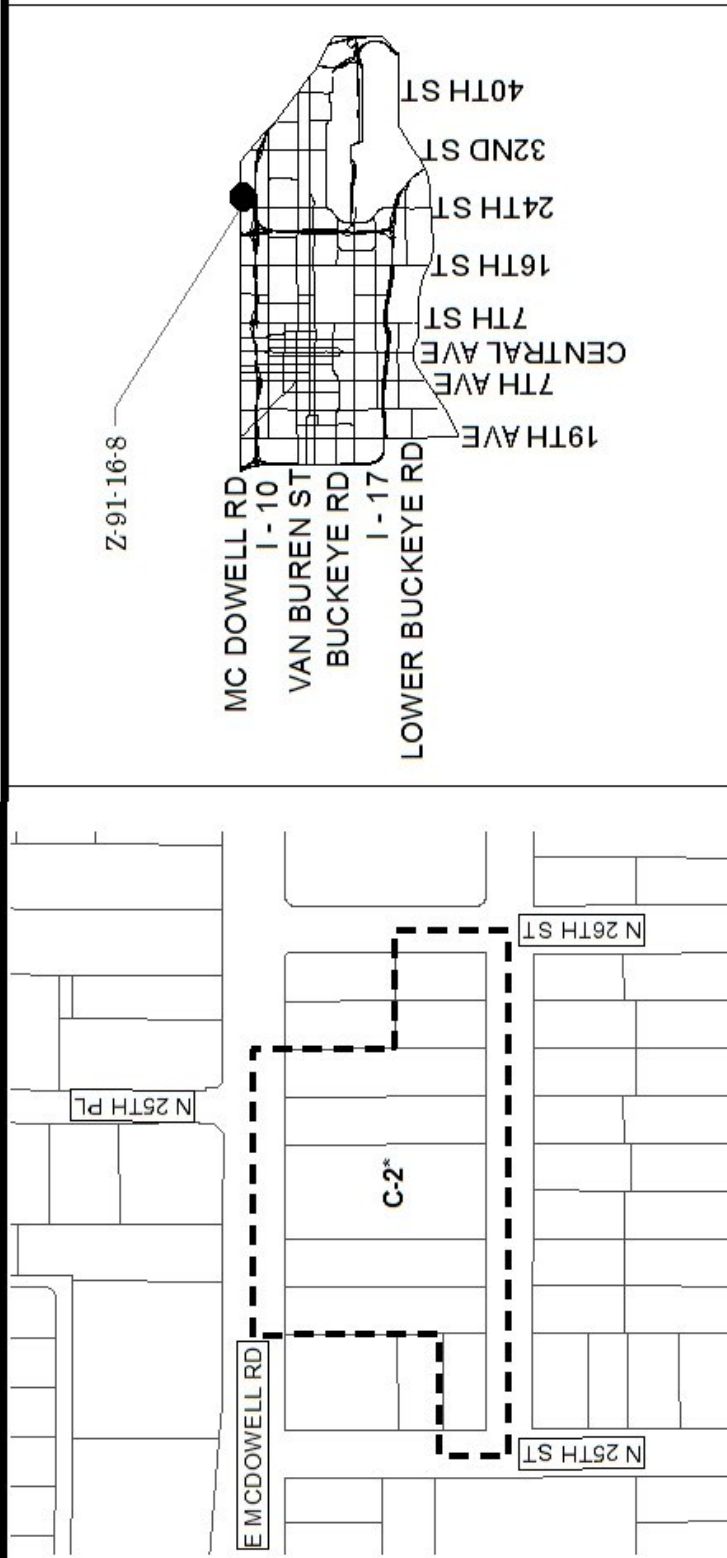
EXCEPT THE SOUTH 30 FEET, AS CONVEYED TO MARICOPA COUNTY BY DEED  
RECORDED JANUARY 8, 1948 IN DOCKET 119, PAGE 380, AND EXCEPT THE  
NORTH 7 FEET THEREOF.

# ORDINANCE LOCATION MAP

EXHIBIT B

Zoning Case Number: Z-91-16-8  
Zoning Overlay: N/A  
Planning Village: Central City

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



NOT TO SCALE



Drawn Date: 2/23/2017

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**Amend City Code - Ordinance Adoption - Rezoning Application Z-95-16-8 - Southeast Corner of 10th Street and Willetta Street (Ordinance G-6302)**

Request to authorize the City Manager to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-95-16-8 for the C-2 HR (Intermediate Commercial High Rise) and C-2 HR SP (Intermediate Commercial, High Rise, Special Permit) zoning districts located at the southeast corner of 10th Street and Willetta Street to allow for a hospital.

**Location**

Southeast corner of 10th Street and Willetta Street.  
Council District: 8

**Responsible Department**

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

**Attachment A**

**THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL ADOPTED ORDINANCE**

ORDINANCE G-

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE 95-16-8) FROM C-2 (INTERMEDIATE COMMERCIAL) AND C-2 SP (INTERMEDIATE COMMERCIAL SPECIAL PERMIT) TO C-2 HR (INTERMEDIATE COMMERCIAL HIGH RISE OVERLAY DISTRICT) AND C-2 HR SP (INTERMEDIATE COMMERCIAL HIGH RISE OVERLAY DISTRICT SPECIAL PERMIT).

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

SECTION 1. The zoning of an approximately 4.27 acre property located at the southeast corner of 10th Street and Willetta Street in a portion of Section 4, Township 1 North, Range 3 East, as described more specifically in Exhibit "A", is hereby changed from "C-2" (Intermediate Commercial) and "C-2 SP" (Intermediate Commercial Special Permit), to "C-2 HR" (Intermediate Commercial High Rise Overlay District) and "C-2 HR SP" (Intermediate Commercial High Rise Overlay District Special Permit).

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

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

1. The developer shall design and install a two-way cycle track on 10th Street from the Interstate 10 pedestrian/bicycle bridge sidewalk landing north to Willetta Street. The design shall be as approved by the City of Phoenix Bicycle Coordinator and the Planning and Development Department.
2. The private streets adjacent to the development shall conform to the commercial streetscape landscape standards of Section 623.E.4.e. for plant placement, type and size as of the Zoning Ordinance. Required trees in the streetscape landscape setbacks shall be placed parallel to the sidewalks in order to provide shade for pedestrians, as approved by the Planning and Development Department.
3. 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.
4. The property owner shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence, and operational characteristics of Phoenix Sky Harbor International Airport (PHX) to future owners or tenants of the property.
5. The development shall comply with all ADA accessibility standards, as per plans approved by the Planning and Development Department.

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

PASSED by the Council of the City of Phoenix this 5th day of April, 2017.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

REVIEWED BY:

\_\_\_\_\_  
City Manager

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

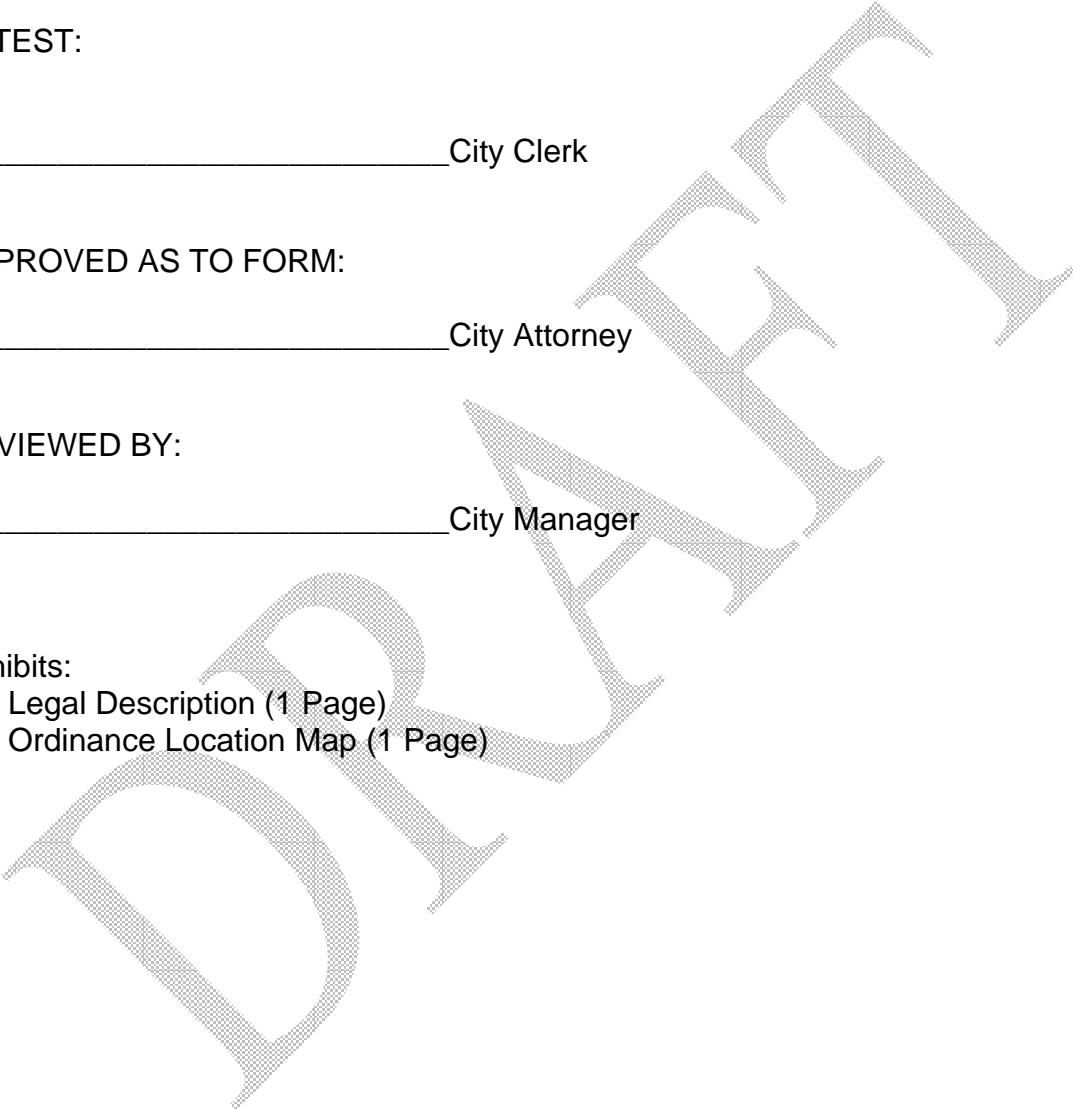


EXHIBIT A

LEGAL DESCRIPTION FOR Z-95-16-8

A PARCEL OF LAND SITUATED IN A PORTION OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 1 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A BRASS CAP IN HANDHOLE AT THE NORTH QUARTER CORNER OF SECTION 4, FROM WHICH A BRASS CAP FLUSH AT 10TH STREET AND MCDOWELL ROAD BEARS SOUTH 89 DEGREES 52 MINUTES 41 SECONDS WEST, A DISTANCE OF 1356.23 FEET;

THENCE UPON SAID NORTH LINE SOUTH 89 DEGREES 52 MINUTES 41 SECONDS WEST, A DISTANCE OF 894.05 FEET;

THENCE DEPARTING SAID NORTH LINE MEASURED AT RIGHT ANGLES SOUTH 00 DEGREES 07 MINUTES 19 SECONDS EAST, A DISTANCE OF 766.94 FEET THE POINT OF BEGINNING;

THENCE SOUTH 00 DEGREES 21 MINUTES 09 SECONDS WEST, A DISTANCE OF 177.65 FEET;

THENCE NORTH 89 DEGREES 39 MINUTES 01 SECONDS WEST, A DISTANCE OF 12.37 FEET;

THENCE SOUTH 00 DEGREES 20 MINUTES 59 SECONDS WEST, A DISTANCE OF 190.58 FEET TO A POINT FROM WHICH AN ADOT BRASS CAP FLUSH BEARS SOUTH 81 DEGREE 54 MINUTES 02 SECONDS EAST, A DISTANCE OF 122.89 FEET;

THENCE NORTH 89 DEGREES 39 MINUTES 01 SECONDS WEST, A DISTANCE OF 362.52 FEET;

THENCE SOUTH 00 DEGREES 20 MINUTES 59 SECONDS WEST, A DISTANCE OF 57.55 FEET;

THENCE NORTH 89 DEGREES 48 MINUTES 20 SECONDS WEST, A DISTANCE OF 118.86 FEET;

THENCE NORTH 00 DEGREES 21 MINUTES 00 SECONDS EAST, A DISTANCE OF 425.09 FEET;

THENCE SOUTH 89 DEGREES 46 MINUTES 01 SECONDS EAST, A DISTANCE OF 493.76 FEET TO THE POINT OF BEGINNING, CONTAINING A COMPUTED AREA OF 180,064 SQUARE FEET OR 4.133 ACRES OF LAND, MORE OF LESS.

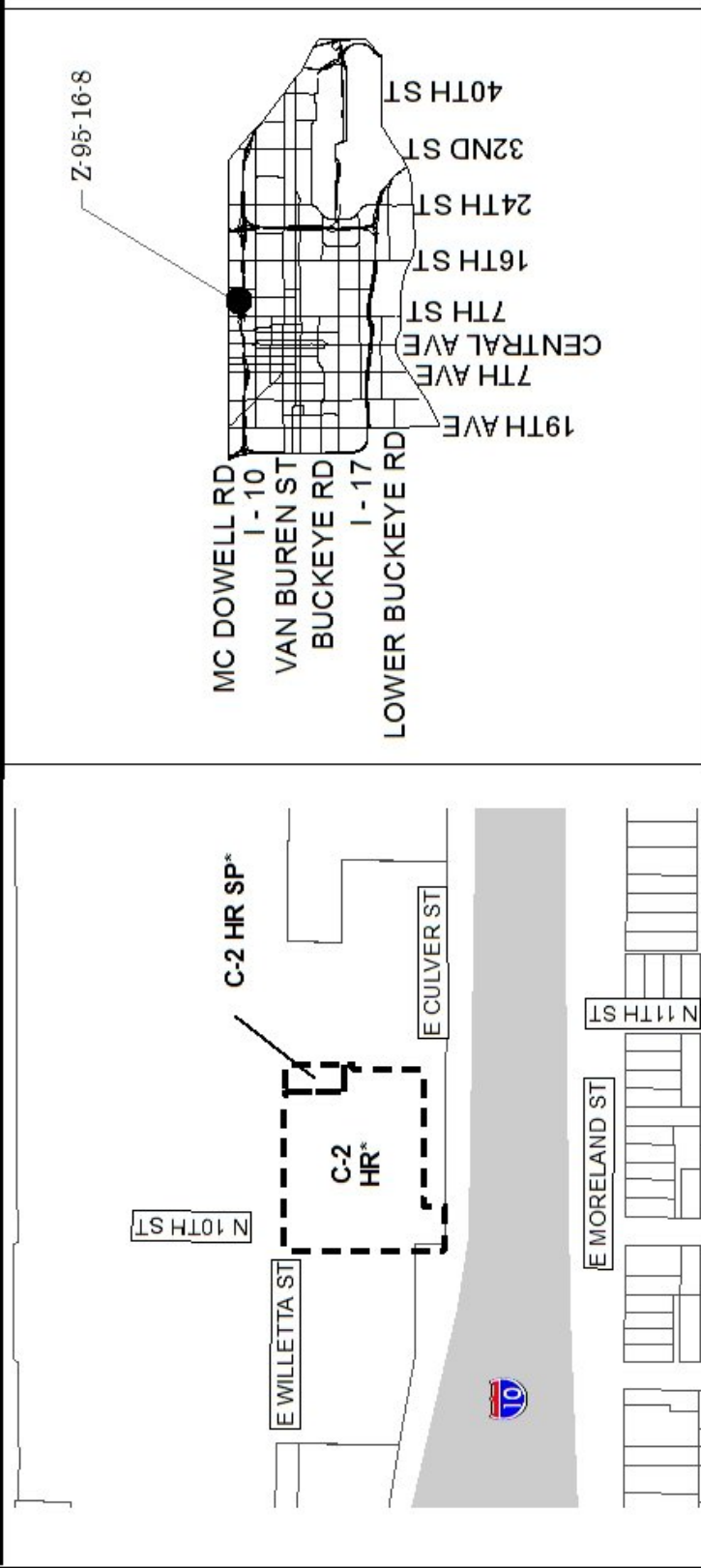


# ORDINANCE LOCATION MAP

EXHIBIT B

Zoning Case Number: Z-95-16-8  
 Zoning Overlay: N/A  
 Planning Village: Central City

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



NOT TO SCALE



Drawn Date: 2/23/2017

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**Amend City Code - Ordinance Adoption - Rezoning Application Z-SP-13-16-2 - Northwest Corner of Tatum Boulevard and Rose Garden Lane (Ordinance G-6303)**

Request to authorize City Manager to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-SP-13-16-2 for a Special Permit to allow a massage establishment and all underlying C-2 uses.

**Location**

Northwest corner of Tatum Boulevard and Rose Garden Lane.  
Council District: 2

**Responsible Department**

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

**Attachment A**

**THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL,  
ADOPTED ORDINANCE**

**ORDINANCE G-**

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-SP-13-2) FROM C-2 DNS/WVR DRSP (INTERMEDIATE COMMERCIAL DISTRICT, DENSITY WAIVER, DESERT RIDGE SPECIFIC PLAN) TO C-2 DNS/WVR DRSP SP (INTERMEDIATE COMMERCIAL DISTRICT, DENSITY WAIVER, DESERT RIDGE SPECIFIC PLAN, SPECIAL PERMIT).

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

SECTION 1. The zoning of an approximately 0.10-acre property located at northwest corner of Tatum Boulevard and Rose Garden Lane in a portion of Section 19, Township 4 north, Range 4 east, as described more specifically in Exhibit "A", is hereby changed from "C-2 DNS/WVR DRSP" (Intermediate Commercial District, Density Waiver, Desert Ridge Specific Plan) to "C-2 DNS/WVR DRSP SP" (Intermediate Commercial District, Density Waiver, Desert Ridge Specific Plan, Special Permit).

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

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

None.

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 5th day of April, 2017.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

REVIEWED BY:

Exhibits:

A – Legal Description (4 Pages)

B – Ordinance Location Map (1 Page)

DRAFT

EXHIBIT A

LEGAL DESCRIPTION FOR Z-SP-13-16-2

A PORTION OF TRACT A, BLOCK 5, ACCORDING TO STATE PLAT NO. 44, DESERT RIDGE WEST, BOOK 454 OF MAPS, PAGE 25 RECORDS OF MARICOPA COUNTY, ARIZONA, LOCATED IN THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 4 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND BRASS CAP FLUSH, LS 33307, AT THE EAST QUARTER CORNER OF SAID SECTION 19, FROM WHICH A FOUND BRASS CAP FLUSH AT THE SOUTHEAST CORNER OF SAID SECTION 19 BEARS SOUTH 00 DEGREES 01 MINUTES 08 SECONDS WEST, A DISTANCE OF 2640.57 FEET;

THENCE NORTH 16 DEGREES 39 MINUTES 40 SECONDS WEST, A DISTANCE OF 381.62 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 89 DEGREES 41 MINUTES 05 SECONDS WEST, A DISTANCE OF 4.00 FEET;

THENCE NORTH 00 DEGREES 18 MINUTES 55 SECONDS WEST, A DISTANCE OF 0.50 FEET;

THENCE NORTH 89 DEGREES 44 MINUTES 54 SECONDS WEST, A DISTANCE OF 14.71 FEET;

THENCE SOUTH 00 DEGREES 15 MINUTES 06 SECONDS WEST, A DISTANCE OF 0.50 FEET;

THENCE NORTH 89 DEGREES 44 MINUTES 54 SECONDS WEST, A DISTANCE OF 1.96 FEET;

THENCE SOUTH 00 DEGREES 15 MINUTES 06 SECONDS WEST, A DISTANCE OF 0.33 FEET;

THENCE NORTH 89 DEGREES 44 MINUTES 54 SECONDS WEST, A DISTANCE OF 4.05 FEET;

THENCE NORTH 00 DEGREES 15 MINUTES 06 SECONDS EAST, A DISTANCE OF 2.88 FEET;

THENCE NORTH 89 DEGREES 44 MINUTES 54 SECONDS WEST, A DISTANCE OF 15.34 FEET;

THENCE SOUTH 00 DEGREES 15 MINUTES 06 SECONDS WEST, A DISTANCE OF 0.55 FEET;

THENCE NORTH 89 DEGREES 44 MINUTES 54 SECONDS WEST, A DISTANCE OF 3.32 FEET;

THENCE NORTH 00 DEGREES 15 MINUTES 06 SECONDS EAST, A DISTANCE OF 0.55 FEET;

THENCE NORTH 89 DEGREES 44 MINUTES 54 SECONDS WEST, A DISTANCE OF 15.34 FEET;

THENCE SOUTH 00 DEGREES 15 MINUTES 06 SECONDS WEST, A DISTANCE OF 0.54 FEET;

THENCE NORTH 89 DEGREES 44 MINUTES 54 SECONDS WEST, A DISTANCE OF 3.30 FEET;

THENCE NORTH 00 DEGREES 15 MINUTES 06 SECONDS EAST, A DISTANCE OF 0.51 FEET;

THENCE NORTH 89 DEGREES 44 MINUTES 54 SECONDS WEST, A DISTANCE OF 10.67 FEET;

THENCE SOUTH 00 DEGREES 15 MINUTES 06 SECONDS WEST, A DISTANCE OF 0.50 FEET;

THENCE NORTH 89 DEGREES 44 MINUTES 54 SECONDS WEST, A DISTANCE OF 7.77 FEET;

THENCE NORTH 00 DEGREES 15 MINUTES 06 SECONDS EAST, A DISTANCE OF 32.74 FEET;

THENCE NORTH 89 DEGREES 44 MINUTES 54 SECONDS WEST, A DISTANCE OF 6.18 FEET;

THENCE NORTH 00 DEGREES 15 MINUTES 06 SECONDS EAST, A DISTANCE OF 10.71 FEET;

THENCE SOUTH 89 DEGREES 44 MINUTES 54 SECONDS EAST, A DISTANCE OF 6.00 FEET;

THENCE NORTH 00 DEGREES 15 MINUTES 06 SECONDS EAST, A DISTANCE OF 14.10 FEET;

THENCE NORTH 89 DEGREES 41 MINUTES 05 SECONDS EAST, A DISTANCE OF 53.94 FEET;

THENCE SOUTH 00 DEGREES 18 MINUTES 55 SECONDS EAST, A DISTANCE OF 6.31 FEET;

THENCE NORTH 89 DEGREES 41 MINUTES 05 SECONDS EAST, A DISTANCE OF 13.01 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE SOUTHEASTERLY ALONG SAID CURVE, HAVING A RADIUS OF 11.00 FEET, THROUGH A CENTRAL ANGLE OF 90 DEGREES 00 MINUTES 00 SECONDS, A DISTANCE OF 17.28 FEET;

THENCE NORTH 89 DEGREES 41 MINUTES 05 SECONDS EAST, A DISTANCE OF 2.04 FEET;

THENCE SOUTH 00 DEGREES 18 MINUTES 55 SECONDS EAST, A DISTANCE OF 2.73 FEET;

THENCE SOUTH 89 DEGREES 41 MINUTES 05 SECONDS WEST, A DISTANCE OF 2.53 FEET;

THENCE SOUTH 00 DEGREES 18 MINUTES 55 SECONDS EAST, A DISTANCE OF 5.95 FEET;

THENCE NORTH 89 DEGREES 41 MINUTES 05 SECONDS EAST, A DISTANCE OF 2.53 FEET;

THENCE SOUTH 00 DEGREES 18 MINUTES 55 SECONDS EAST, A DISTANCE OF 2.75 FEET;

THENCE SOUTH 89 DEGREES 41 MINUTES 05 SECONDS WEST, A DISTANCE OF 2.53 FEET;

THENCE SOUTH 00 DEGREES 18 MINUTES 55 SECONDS EAST, A DISTANCE OF 5.95 FEET;

THENCE NORTH 89 DEGREES 41 MINUTES 05 SECONDS EAST, A DISTANCE OF 2.59 FEET;

THENCE SOUTH 00 DEGREES 18 MINUTES 55 SECONDS EAST, A DISTANCE OF 8.82 FEET;

THENCE SOUTH 89 DEGREES 41 MINUTES 05 SECONDS WEST, A DISTANCE OF 0.50 FEET;



THENCE SOUTH 00 DEGREES 18 MINUTES 55 SECONDS EAST, A DISTANCE OF 12.70 FEET;

THENCE NORTH 89 DEGREES 41 MINUTES 05 SECONDS EAST, A DISTANCE OF 0.50 FEET;

THENCE SOUTH 00 DEGREES 18 MINUTES 55 SECONDS EAST, A DISTANCE OF 4.12 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 4,485 SQUARE FEET OR 0.103 ACRES, MORE OR LESS.

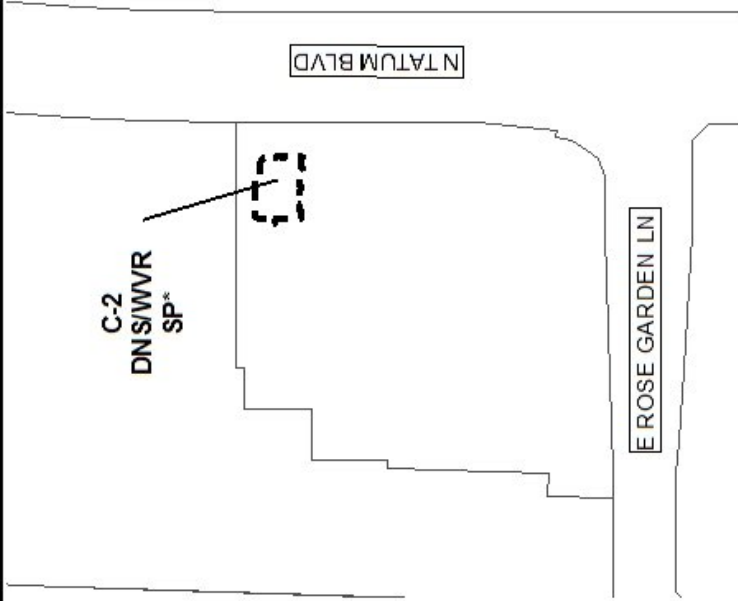
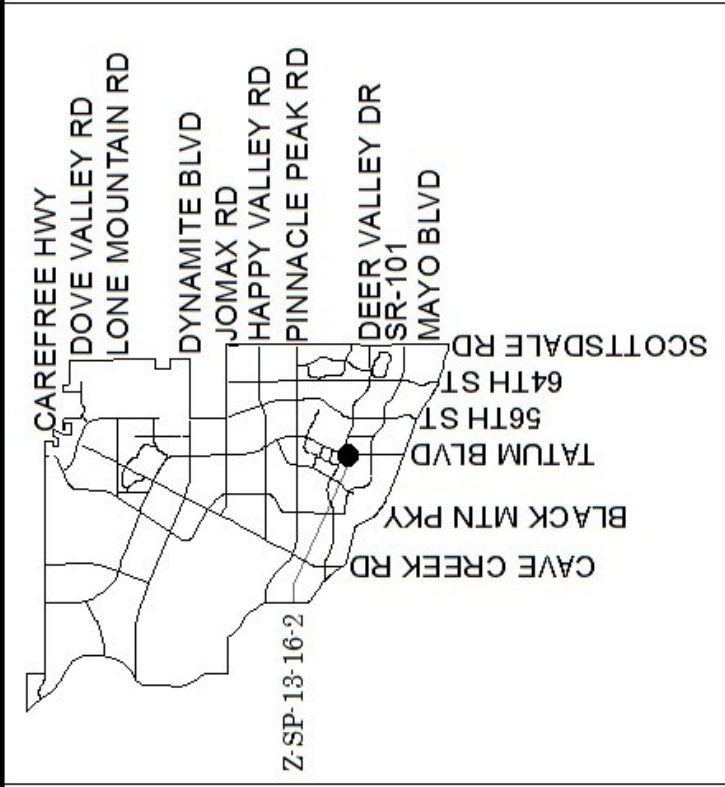
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# ORDINANCE LOCATION MAP

EXHIBIT B

Zoning Case Number: Z-SP-13-16-2  
Zoning Overlay: Desert Ridge Specific Plan  
Planning Village: Desert View

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



NOT TO SCALE



Drawn Date: 2/23/2017

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**Amend City Code - Public Hearing and Ordinance Adoption - Parking Improvements Text Amendment - Z-TA-6-14 (Ordinance G-6304)**

Request to hold a public hearing on a proposed Zoning Ordinance text amendment regarding parking improvements for parking restaurant/bar recreational outdoor area standards and to consider adopting the Downtown, Aviation, Economy and Innovation Subcommittee recommendation along with the related Ordinance.

Application: Z-TA-6-14

Request: Parking Improvements Text Amendment

Proposal: Amend Chapter 2, Section 202, Chapter 7, Section 702.C. of the Phoenix Zoning Ordinance to establish parking standards for restaurant/bar outdoor recreation areas and amend Section 702.E. to modify parking reductions within the infill district and add limited parking reductions for commercial developments.

Applicant: City of Phoenix Planning Commission

Representative: Planning and Development Department

Staff: Approval per the Downtown, Aviation, Economy and Innovation Subcommittee recommendation.

**Summary**

The intent of this proposed text amendment is to establish parking standards for restaurant/bar outdoor recreation areas, modify parking reductions within the infill district and add limited parking reductions for commercial developments to address neighborhood impacts (see Attachment D).

In 2014, neighbors near The Yard restaurant (located at the southwest corner of 7th Street and Montebello Avenue) raised concerns regarding customers parking on residential streets, cut-through traffic and traffic congestion. In response to these concerns, a Parking Standards Study Group was created to collaboratively research how other cities handle this issue and analyze commercial parking for businesses that impact neighborhoods. The members included neighborhood representatives, design professionals, commercial developers and staff from several City departments. The mission of the Parking Standards Study Group was to propose new policy that can assist in minimizing the impacts on the community while also supporting the needs of businesses to serve their customers.

In addition to the text amendment, additional improvements that are being recommended include: 1) updating the language in the Zoning Adjustment Packet, 2) providing standard stipulation language to the Zoning Adjustment Hearing Officers to assist their decision when a use permit or variance involves a reduced parking request and 3) provide a new valet parking policy. These improvements will increase communication and transparency as it relates to parking issues.

**Concurrence/Previous Council Action**

Fourteen Village Planning Committees (VPC) have heard this request and one VPC did not hear this request due to lack of quorum. Ten of the VPCs approved the amendment as proposed by staff and four VPCs denied the request as summarized in Attachment C. The Planning Commission heard this case on Feb. 2, 2017 and recommended approval with the exception of Sections 702.E.9.a and 702.E.10 regarding the on-street parking provisions with direction to staff to continue to work on the on-street parking provisions by a vote of 7-0 as summarized in Attachment B. The Downtown, Aviation, Economy and Innovation Subcommittee heard this request on March 1, 2017 and recommended denial of Z-TA-6-14 as filed and approved modified language removing new on-street parking provisions in Sections 702.E.9.a and 702.E.10. by a 4-0 vote.

**Responsible Department**

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

**THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL ADOPTED ORDINANCE**

ORDINANCE G-

AN ORDINANCE AMENDING PORTIONS OF THE CODE OF THE CITY OF PHOENIX, ARIZONA, PART II, CHAPTER 41, THE ZONING ORDINANCE OF THE CITY OF PHOENIX BY AMENDING CHAPTER 2, SECTION 202 (DEFINITIONS), CHAPTER 7, SECTION 702.C. (PARKING REQUIREMENTS) AND SECTION 702.E. (MODIFICATIONS TO PARKING REQUIREMENTS) REGARDING PARKING STANDARDS FOR RESTAURANT/BAR OUTDOOR RECREATION AREAS.

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

SECTION 1: That Chapter 2, Section 202 (Definitions) is amended to read:

**Amend Chapter 2, Section 202 (Definitions) to read as follows:**

\*\*\*

*Outdoor Display or Sales:* An outdoor arrangement of products or services used for the purpose of advertising a business that is located on site.

*OUTDOOR RECREATION AREAS FOR RESTAURANT, BARS, TAVERNS, NIGHT CLUBS, OR SIMILAR DRINKING ESTABLISHMENTS:* OUTDOOR SPACE THAT INCLUDES ACTIVE, PROGRAMMED OUTDOOR AREAS SPECIALLY DESIGNED AND EQUIPPED FOR RECREATIONAL USE (INCLUDING BUT NOT LIMITED TO VOLLEYBALL, TABLE TENNIS, HORSE SHOES, AND BEAN BAG TOSS).

*Outdoor Storage:* An exterior space used for the stockpiling or placement of materials or goods for more than 48 consecutive hours.

\*\*\*

SECTION 2: That Chapter 7, Section 702.C. (Parking Requirements) is amended to read:

**Amend Chapter 7, Section 702.C. (Parking Requirements) to read as follows:**

\*\*\*

- C. **Parking Requirements.** Off-street automobile parking space or area shall be provided according to the following table, except for large scale retail commercial uses (see Section 702.D). The parking ratios in the table identify the minimum level of parking required to serve that use and receive site plan approval.

\*\*\*

**Type of Land Use**

**Parking Requirements**

\*\*\*

Restaurant, Bars, Taverns, Night Clubs, or Similar Drinking Establishment

1 space per 50 s.f. (including outside dining/sales) exclusive of kitchen, rest rooms, storage, etc.

1 SPACE PER 200 S.F. OF OUTDOOR RECREATIONAL AREAS. LANDSCAPE PLANTERS WITH TREES AND SHRUBS, INGRESS/EGRESS PATHWAYS AND RETENTION AREAS WILL NOT BE COUNTED AS OUTDOOR RECREATIONAL AREAS.

\*\*\*

SECTION 3: That Chapter 7, Section 702.E. (Modifications to Parking Requirements) is amended to read:

**Amend Chapter 7, Section 702.E. (Modifications to Parking Requirements) to read as follows:**

\*\*\*

**9. Reductions for infill development district.**

- a. Within the infill development district, as shown on the general plan for Phoenix, a development's on-street parking adjacent to and along the same side of a public, local or collector street may be counted toward parking requirements.
- b. ~~OFF-SITE PARKING. The required parking for any use within the infill development district may use the following reduction.~~ Off-site parking NOT WITHIN THE RIGHT-OF-WAY may account for up to A MAXIMUM OF 50 percent of the required parking WITH, provided a use permit is obtained and the following conditions are met:
  - (1) The use is within 1,320 feet of a parking lot or garage to be used by patrons of the subject parcel. This shall be measured from the closest points from the parking area to the main entrance.

- (2) The owner of the subject parcel must provide an executed lease in a minimum five-year increment to the City demonstrating the right to use the off-site parking spaces, which spaces shall not have been counted for use by others, unless a shared parking model is approved for the site.
- (3) The lease must be renewable in a minimum of five-year increments. If at any time the lease is no longer in effect, the owner of the subject parcel shall notify the City in writing within 30 calendar days of this condition and provide the City a replacement executed lease for the required spaces. A copy of the executed recorded lease shall be provided by the applicant to the Planning and Development Department Traffic Engineer. If at any time a lease for necessary off-site parking is no longer in effect, it shall be considered a violation of the approved use permit.
- (4) The off-site parking area must be ~~exclusively~~ IDENTIFIED for use by patrons of the subject parcel and shall not eliminate required parking for any other use IF ON PRIVATE PROPERTY.
- (5) The use permit for infill development parking reductions may be revoked if any of the use permit stipulations are violated including the failure to obtain an executed lease.
- (6) Additional bicycle parking may be required as a condition of use permit approval.

PASSED by the Council of the City of Phoenix this 5th day of April, 2017

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MAYOR

ATTEST:

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City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_ City Attorney

REVIEWED BY:

\_\_\_\_\_ City Manager

DRAFT



REPORT OF PLANNING COMMISSION ACTION  
February 2, 2017

ITEM NO: 3	
	DISTRICT NO.:
SUBJECT:	
Application #:	Z-TA-6-14
Request:	Parking Improvements (Parking in the Right-of-Way and Restaurant/Bar Recreational Area Standards)
Proposal:	Amend Chapter 2, Section 202 (Definitions), amend Chapter 7, Section 702.C. (Parking Requirements) of the Phoenix Zoning Ordinance to establish parking standards for restaurant/bar outdoor recreation areas. Amend Section 702.E. (Modification to Parking Requirements) of the Phoenix Zoning Ordinance to modify parking reductions within the infill district and add limited parking reductions for commercial developments.
Applicant:	City of Phoenix Planning Commission
Owner:	Planning and Development Department
Representative:	Planning and Development Department

**ACTIONS:**

Staff Recommendation: Approval.

Village Planning Committee (VPC) Recommendation:

**Ahwatukee Foothills** 1/23/2017 Approved. Vote: 10-1

**Alhambra** 1/24/2017 No quorum.

**Camelback East** 1/17/2017 Denied. Vote: 13-0

**Central City** 1/9/2017 Denied. Vote: 12-0

**Deer Valley** 1/19/2017 Denied. Vote: 6-0

**Desert View** 1/10/2017 Approved. Vote: 12-0

**Encanto** 1/9/2017 Approved. Vote: 7-1

**Estrella** 1/17/2017 Approved. Vote: 6-0

**Laveen** 1/9/2017 Approved. Vote: 10-0

**Maryvale** 1/11/2017 Approved. Vote: 11-0

**North Gateway** 1/12/2017 Approved. Vote: 3-0

**North Mountain** 1/18/2017 Denied. Vote: 5-3

**Paradise Valley** 1/9/2017 Approved. Vote: 13-0

**Rio Vista** 1/10/2017 Approved. Vote: 2-1

**South Mountain** 1/10/2017 Approved. Vote: 6-4

Planning Commission Recommendation: Approved, per the language in Attachment A in the staff report with the exception of Sections 702.E.9.a and 702.E.10 regarding the on-street parking provisions with direction to staff to continue to work on the on-street parking provisions.

Motion discussion: N/A

Motion details – Commissioner Whitaker made a MOTION to approve Z-TA-6-14 per the language in Attachment A in the staff report with the exception of Sections 702.E.9.a and 702. E.10 regarding the on-street parking provisions with direction to staff to continue to work on the on-street parking provisions.

Maker: Whitaker  
Second: Heck  
Vote: 7-0  
Absent: Shank  
Opposition Present: Yes

Proposed Language:

**Amend Chapter 2, Section 202 (Definitions) to read as follows:**

\*\*\*

*Outdoor Display or Sales:* An outdoor arrangement of products or services used for the purpose of advertising a business that is located on site.

*OUTDOOR RECREATION AREAS FOR RESTAURANT, BARS, TAVERNS, NIGHT CLUBS, OR SIMILAR DRINKING ESTABLISHMENTS:* OUTDOOR SPACE THAT INCLUDES ACTIVE, PROGRAMMED OUTDOOR AREAS SPECIALLY DESIGNED AND EQUIPPED FOR RECREATIONAL USE (INCLUDING BUT NOT LIMITED TO VOLLEYBALL, TABLE TENNIS, HORSE SHOES, AND BEAN BAG TOSS).

*Outdoor Storage:* An exterior space used for the stockpiling or placement of materials or goods for more than 48 consecutive hours.

\*\*\*

**Amend Chapter 7, Section 702.C. (Parking Requirements) to read as follows:**

\*\*\*

C. **Parking Requirements.** Off-street automobile parking space or area shall be provided according to the following table, except for large scale retail commercial uses (see Section 702.D). The parking ratios in the table identify the minimum level of parking required to serve that use and receive site plan approval.

\*\*\*

**Type of Land Use**

**Parking Requirements**

\*\*\*

Restaurant, Bars, Taverns, Night Clubs, or Similar Drinking Establishment

1 space per 50 s.f. (including outside dining/sales) exclusive of kitchen, rest rooms, storage, etc.

1 SPACE PER 200 S.F. OF OUTDOOR RECREATIONAL AREAS. LANDSCAPE PLANTERS WITH TREES AND SHRUBS, INGRESS/EGRESS PATHWAYS AND RETENTION AREAS WILL NOT BE COUNTED AS OUTDOOR RECREATIONAL AREAS.

\*\*\*

**Amend Chapter 7, Section 702.E. (Modifications to Parking Requirements) to read as follows:**

\*\*\*

9. **Reductions for infill development district.** ~~WITHIN THE INFILL DEVELOPMENT DISTRICT, AS SHOWN ON THE GENERAL PLAN FOR PHOENIX, BOTH ON-STREET PARKING AND OFF-SITE PARKING MAY BE COUNTED TOWARD A DEVELOPMENT'S REQUIRED PARKING, SUBJECT TO THE FOLLOWING:~~
- a. ~~ON-STREET PARKING.~~ Within the infill development district, as shown on the general plan for Phoenix, a development's on-street parking adjacent to and along the same side of a public, local or collector street may be counted toward parking requirements.
- (1) ~~ON-STREET PARKING MUST BE ADJACENT TO AND ALONG THE SAME SIDE OF A PUBLIC LOCAL OR COLLECTOR STREET.~~
- (2) ~~ON-STREET PARKING MAY EXTEND UP TO 300 FEET FROM THE SUBJECT PROPERTY ALONG THE SAME SIDE OF THE STREET WITH A USE PERMIT AND COMPLIANCE WITH THE FOLLOWING:~~
- (a) ~~THE STREET RIGHT-OF-WAY MUST HAVE SUFFICIENT SPACE FOR THE ON-STREET PARKING SPACES, BIKE LANES AND TRAFFIC LANES, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.~~
- (b) ~~NO SINGLE-FAMILY DETACHED OR ATTACHED RESIDENCES FRONTING THE STREET ARE WITHIN 1,320 FEET OF THE COMMERCIAL DEVELOPMENT. THIS DISTANCE SHALL BE MEASURED FROM THE PROPERTY LINES OF THE COMMERCIAL DEVELOPMENT AND THE SINGLE-FAMILY RESIDENCE.~~
- (c) ~~A COMPLETED PARKING RESTRICTIONS WAIVER PETITION SHALL BE PROVIDED FOR ALL SINGLE-FAMILY RESIDENTIAL PROPERTY OWNERS THAT SIDE OR REAR ONTO THE RIGHT-OF-WAY WITH THE ON-STREET PARKING WITHIN 300 FEET OF THE SUBJECT PROPERTY.~~
- (3) ~~COMPLY WITH ALL OTHER APPLICABLE PARKING REGULATIONS.~~
- (4) ~~THE ON-STREET PARKING SPACES IDENTIFIED FOR USE BY THE SUBJECT PARCEL MUST NOT BE COUNTED TOWARD ANOTHER DEVELOPMENT'S REQUIRED PARKING.~~

- (5) ~~AN EXECUTED MAINTENANCE AGREEMENT BETWEEN THE STREET TRANSPORTATION DEPARTMENT AND THE COMMERCIAL PROPERTY OWNER. THE EXECUTED MAINTENANCE AGREEMENT SHALL ASSIGN THE RESPONSIBILITY FOR ALL EXPENSES RELATED TO STRIPING AND SIGNING THE PARKING SPACES TO THE COMMERCIAL PROPERTY OWNER.~~
  - (6) ~~AN EXECUTED AGREEMENT TO INDEMNIFY AND HOLD HARMLESS THE CITY FOR A CLAIM FOR DAMAGE TO A PERSON OR PROPERTY THAT MAY BE BROUGHT AGAINST THE CITY AS A RESULT OF THE ON-STREET PARKING SHALL BE EXECUTED BY THE COMMERCIAL PROPERTY OWNER PRIOR TO ANY PERMIT ISSUANCE.~~
  - (7) ~~UNLESS OTHERWISE RESTRICTED, THE ON-STREET PARKING MUST REMAIN OPEN FOR PUBLIC PARKING AT ALL TIMES. THE ON-STREET PARKING CANNOT BE RESTRICTED FOR USE ONLY BY PATRONS OR EMPLOYEES OF THE COMMERCIAL BUSINESS.~~
- b. OFF-SITE PARKING. ~~The required parking for any use within the infill development district may use the following reduction.~~ Off-site parking NOT WITHIN THE RIGHT-OF-WAY may account for up to A MAXIMUM OF 50 percent of the required parking WITH, ~~provided a use permit is obtained and the following conditions are met:~~
- (1) The use is within 1,320 feet of a parking lot or garage to be used by patrons of the subject parcel. This shall be measured from the closest points from the parking area to the main entrance.
  - (2) The owner of the subject parcel must provide an executed lease in a minimum five-year increment to the City demonstrating the right to use the off-site parking spaces, which spaces shall not have been counted for use by others, unless a shared parking model is approved for the site.
  - (3) The lease must be renewable in a minimum of five-year increments. If at any time the lease is no longer in effect, the owner of the subject parcel shall notify the City in writing within 30 calendar days of this condition and provide the City a replacement executed lease for the required spaces. A copy of the executed recorded lease shall be provided by the applicant to the Planning and Development Department Traffic Engineer. If at any time a lease for necessary off-site parking is no longer in effect, it shall be considered a violation of the approved use permit.
  - (4) The off-site parking area must be ~~exclusively~~ IDENTIFIED for use by patrons of the subject parcel and shall not eliminate required parking for any other use IF ON PRIVATE PROPERTY.

- (5) The use permit for infill development parking reductions may be revoked if any of the use permit stipulations are violated including the failure to obtain an executed lease.
- (6) Additional bicycle parking may be required as a condition of use permit approval.
- c. Use Permit Notice Procedure for Infill Parking Reductions. The following additional procedures shall be followed as part of the infill parking reduction use permit process (in addition to the procedures required by Section 307):
  - (1) A Neighborhood Traffic Notification Zone (NTNZ) as determined by the Street Transportation Department.
  - (2) The applicant for the use permit shall send, by first class mail, a notice of the date, time and place of the use permit zoning adjustment hearing to all property owners within the NTNZ. The notice shall also include an invitation to a meeting to discuss the proposal, and shall include a short description of the request.
  - (3) The following shall be provided to the City at least seven days prior to the zoning adjustment hearing:
    - (a) A written summary of the meeting or meetings.
    - (b) A map showing all leased off-site parking areas, number of spaces and locations of signs shall be placed on site to clearly show the location and address of the off-site parking areas, together with executed leases for such spaces.
    - (c) A written summary of how parking needs will be met and on-site management procedures to minimize impacts to surrounding residentially zoned properties. If valet parking is proposed, a copy of the valet parking plan that has preliminary approval by the Planning and Development Department's Traffic Engineer.
    - (d) A copy of a shared parking agreement as defined in this section, if applicable.

10. ~~**PARKING REDUCTIONS FOR COMMERCIAL DEVELOPMENTS. OUTSIDE OF THE INFILL DEVELOPMENT DISTRICT, A COMMERCIAL DEVELOPMENT MAY USE ON STREET PARKING TO MEET UP TO 20 PERCENT OF THE REQUIRED PARKING BY OBTAINING A USE PERMIT AND COMPLIANCE WITH THE FOLLOWING:**~~

- a. ~~ON STREET SPACES MUST BE LOCATED ON COLLECTOR OR MINOR COLLECTOR STREETS.~~
- b. ~~ON STREET PARKING SPACES MUST BE LOCATED WITHIN 300 FEET OF THE PROPERTY LINE OF THE COMMERCIAL DEVELOPMENT.~~

- c. ~~THE STREET RIGHT OF WAY MUST HAVE SUFFICIENT SPACE FOR THE ON STREET PARKING SPACES, BIKE LANES AND TRAFFIC LANES, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.~~
- d. ~~NO SINGLE-FAMILY DETACHED OR ATTACHED RESIDENCES FRONTING THE STREET ARE WITHIN 1,320 FEET OF THE COMMERCIAL DEVELOPMENT. THIS DISTANCE SHALL BE MEASURED FROM THE PROPERTY LINES OF THE COMMERCIAL DEVELOPMENT AND THE SINGLE-FAMILY RESIDENCE.~~
- e. ~~THE ON STREET PARKING SPACES IDENTIFIED FOR USE BY THE SUBJECT PARCEL MUST NOT BE COUNTED TOWARD ANOTHER DEVELOPMENT'S REQUIRED PARKING.~~
- f. ~~A COMPLETED PARKING RESTRICTIONS WAIVER PETITION SIGNED BY OWNERS OF ALL SINGLE-FAMILY RESIDENTIAL PROPERTY THAT SIDE OR REAR ONTO THE RIGHT OF WAY WITH THE ON STREET PARKING WITHIN 300 FEET OF THE SUBJECT PROPERTY.~~
- g. ~~COMPLY WITH ALL OTHER APPLICABLE PARKING REGULATIONS.~~
- h. ~~AN EXECUTED MAINTENANCE AGREEMENT BETWEEN THE STREET TRANSPORTATION DEPARTMENT AND THE COMMERCIAL PROPERTY OWNER. THE EXECUTED MAINTENANCE AGREEMENT SHALL ASSIGN THE RESPONSIBILITY FOR ALL EXPENSES RELATED TO STRIPING AND SIGNING THE PARKING SPACES TO THE COMMERCIAL PROPERTY OWNER.~~
- i. ~~AN EXECUTED AGREEMENT TO INDEMNIFY AND HOLD HARMLESS THE CITY FOR A CLAIM FOR DAMAGE TO A PERSON OR PROPERTY THAT MAY BE BROUGHT AGAINST THE CITY AS A RESULT OF THE ON-STREET PARKING SHALL BE EXECUTED BY THE COMMERCIAL PROPERTY OWNER PRIOR TO ANY PERMIT ISSUANCE.~~
- j. ~~UNLESS OTHERWISE RESTRICTED, THE ON STREET PARKING MUST REMAIN OPEN FOR PUBLIC PARKING AT ALL TIMES. THE ON STREET PARKING CANNOT BE RESTRICTED FOR USE ONLY BY PATRONS OR EMPLOYEES OF THE COMMERCIAL BUSINESS.~~

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Upon request, this publication will be made available within a reasonable length of time through appropriate auxiliary aids or services to accommodate an individual with a disability. This publication may be made available through the following auxiliary aids or services: large print, Braille, audiotape or computer diskette. Please contact Nici Wade at Voice (602) 495-0256 or the City TTY Relay at (602) 534-5500.

## Attachment C

TA-6-14 Parking Improvements			
<b>Village</b>	<b>Date</b>	<b>Recommendations</b>	<b>Vote</b>
Encanto VPC	1/9/17	Approved	7-1
Paradise Valley VPC	1/9/17	Approved	13-0
Central City VPC	1/9/17	Denied. Focused too much on auto instead of concentrating on other modes. A more refined amendment was needed - felt unfinished.	12-0
Laveen VPC	1/9/17	Approved	10-0
Desert View VPC	1/10/17	Approved	12-0
Rio Vista VPC	1/10/17	Approved	2-1
South Mountain VPC	1/10/17	Approved	6-4
Maryvale VPC	1/11/17	Approved	11-0
North Gateway VPC	1/12/17	Approved	3-0
Estrella VPC	1/17/17	Approved	6-0
Camelback East VPC	1/17/17	Denied. Concerned with parking impacts to adjacent neighborhoods with 20% allowance outside of the Infill District. Additional time to consider text amendment should have been provided.	13-0
North Mountain VPC	1/18/17	Denied. Concerned requirements may be too restrictive for developers and deter clustering of similar commercial uses (i.e., restaurants). Focus should be more on central city instead of citywide.	5-3 (2 abstained)
Deer Valley VPC	1/19/17	Denied. Concerned requirements may be too restrictive for businesses; however also concerned with negative impacts to adjacent neighborhoods. A more refined amendment was needed to reassess proposed language.	6-0
Ahwatukee Foothills VPC	1/23/17	Approved	10-1
Alhambra VPC	1/24/17	No Quorum	



**City of Phoenix**  
PLANNING AND DEVELOPMENT DEPARTMENT

**Staff Report**  
**Zoning Ordinance Text Amendment**  
**Z-TA-6-14**  
December 27, 2016

**Application No Z-TA-6-14:** Amend Chapter 2, Section 202 (Definitions), amend Chapter 7, Section 702.C. (Parking Requirements) of the Phoenix Zoning Ordinance to establish parking standards for restaurant/bar outdoor recreation areas. Amend Section 702.E. (Modification to Parking Requirements) of the Phoenix Zoning Ordinance to modify parking reductions within the infill district and add limited parking reductions for commercial developments.

**Staff Recommendation:** Staff recommends approval of Z-TA-6-14 as shown in Attachment A.

**Background**

In 2014, concern was raised by neighbors near The Yard restaurant located at the southwest corner of 7th Street and Montebello Avenue regarding customers parking in the streets, cut through traffic and traffic congestion. In response to the concern, a Parking Standards Study Group was formed in November 2014 that included neighborhood representatives as well as design professionals, commercial developers and several city departments (Planning and Development, Neighborhood Services and Street Transportation). Staff surveyed several Arizona cities (Tucson, Goodyear, Mesa, Scottsdale, Tempe, Avondale, Chandler) as well as cities outside of the state (Portland, Los Angeles, Denver, Seattle, San Jose and Salt Lake City) that were similar in size, auto-dominated and had Light Rail to understand how other jurisdictions address commercial parking in proximity to a single family neighborhood. The research found that there was a wide range of requirements for off-street and bicycle parking as well as parking reductions for providing bicycle parking and proximity to Light Rail.

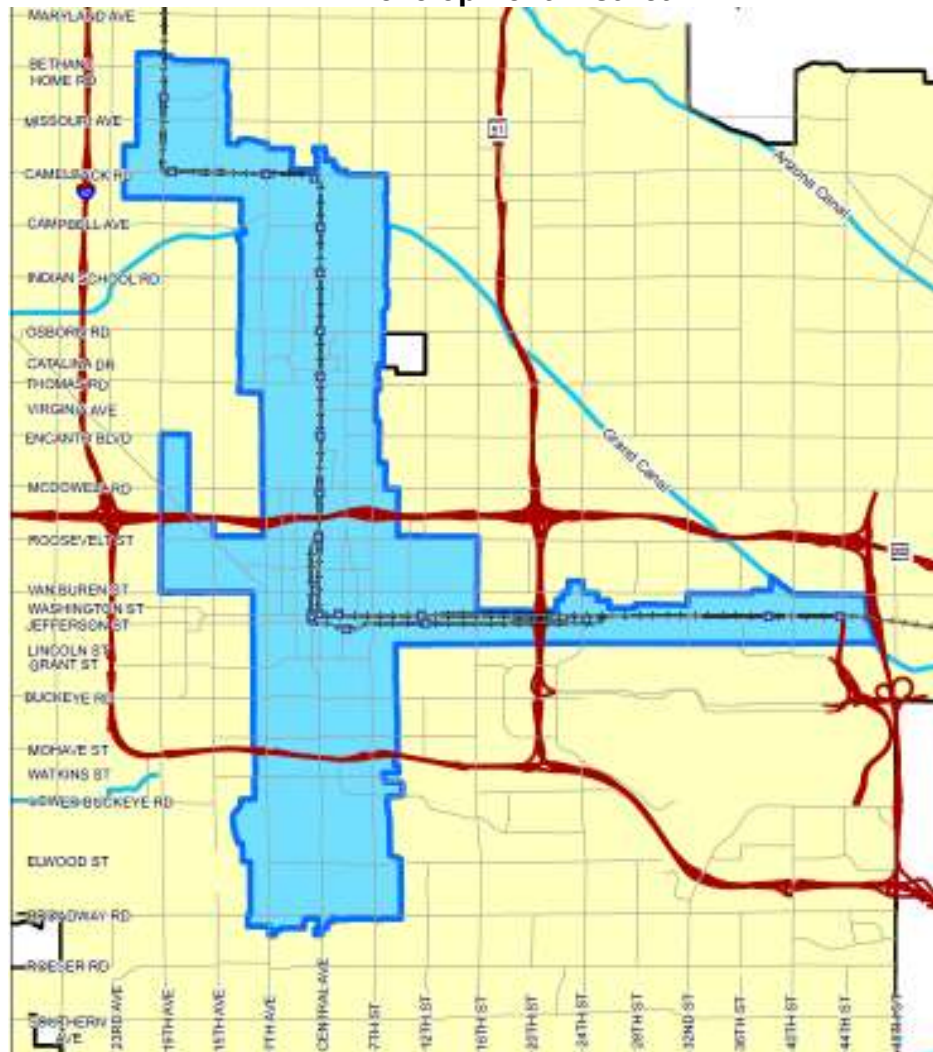
**Purpose**

The purpose of this text amendment is to establish parking standards for restaurant/bar outdoor recreation areas to address neighborhood impacts. Several new restaurant/bar establishments have incorporated outdoor recreation areas such as volleyball, tennis tables, and horseshoes that have raised concerns with overflow parking within the neighborhood. These outdoor areas attract additional patrons and generate an additional parking demand not currently addressed in the Zoning Ordinance. This text amendment will address the challenges of popular businesses causing overflow parking in adjacent neighborhoods.



In addition, this text amendment proposes allowing required business parking in the right-of-way. Within the Infill Development District, parking in the right-of-way is currently permitted when adjacent to and on the same side of the street as the subject site. The proposed amendment would allow parking in the right-of-way up to 300-feet from the subject site along the same side of the street subject to a use permit. Additional requirements to address sufficient right-of-way widths to accommodate on-street parking, bike lanes and traffic lanes, distancing requirements from single-family detached or attached residences that front onto the right-of-way, and a parking restrictions waiver petition requirement are proposed. A parking restrictions waiver petition will be required for all single family residential property owners that side of rear onto the right-of-way. The use permit and the waiver petition will provide nearby residences additional input and encourage greater collaboration between commercial businesses and area neighborhoods.

### Infill Development District



Lastly, this text amendment proposes to add limited parking reductions for commercial developments that are located outside of the Infill Development District. This amendment proposes to allow up to 20 percent of the required parking to be provided in the right-of-way within 300-feet of the subject site. The Zoning Ordinance allows parking for a commercial site to be located on another site within 300-feet if it is zoned to allow a commercial parking lot or has the same zoning as the subject site. This amendment would allow the parking in the right-of-way to be counted toward the required parking subject to a use permit. Similar requirements to address sufficient right-of-way widths to accommodate on-street parking, bike lanes and traffic lanes, distancing requirements from single-family detached or attached residences that front onto the right-of-way, and a parking restrictions waiver petition requirement are proposed.

### **Conclusion**

The proposed text amendment will establish parking standards for restaurant/bar outdoor recreation areas, modify parking reductions within the infill district and add limited parking reductions for commercial developments to address neighborhood impacts.

Staff recommends approval of the changes to the Zoning Ordinance as proposed in Attachment A.

### **Writer**

Tricia Gomes  
12/27/16

### **Attachments**

A. Proposed Language

**ATTACHMENT A**  
**Text Amendment Z-TA-6-14 – Parking Improvements**  
**(Parking in the Right-of-Way and Restaurant/Bar Recreational Area Standards)**

Proposed Language:

**Amend Chapter 2, Section 202 (Definitions) to read as follows:**

\*\*\*

*Outdoor Display or Sales:* An outdoor arrangement of products or services used for the purpose of advertising a business that is located on site.

*OUTDOOR RECREATION AREAS FOR RESTAURANT, BARS, TAVERNS, NIGHT CLUBS, OR SIMILAR DRINKING ESTABLISHMENTS:* OUTDOOR SPACE THAT INCLUDES ACTIVE, PROGRAMMED OUTDOOR AREAS SPECIALLY DESIGNED AND EQUIPPED FOR RECREATIONAL USE (INCLUDING BUT NOT LIMITED TO VOLLEYBALL, TABLE TENNIS, HORSE SHOES, AND BEAN BAG TOSS).

*Outdoor Storage:* An exterior space used for the stockpiling or placement of materials or goods for more than 48 consecutive hours.

\*\*\*

**Amend Chapter 7, Section 702.C. (Parking Requirements) to read as follows:**

\*\*\*

C. **Parking Requirements.** Off-street automobile parking space or area shall be provided according to the following table, except for large scale retail commercial uses (see Section 702.D). The parking ratios in the table identify the minimum level of parking required to serve that use and receive site plan approval.

\*\*\*

**Type of Land Use**

**Parking Requirements**

\*\*\*

Restaurant, Bars, Taverns, Night Clubs, or Similar Drinking Establishment

1 space per 50 s.f. (including outside dining/sales) exclusive of kitchen, rest rooms, storage, etc.

1 SPACE PER 200 S.F. OF OUTDOOR RECREATIONAL AREAS. LANDSCAPE PLANTERS WITH TREES AND SHRUBS, INGRESS/EGRESS PATHWAYS AND RETENTION AREAS WILL NOT BE COUNTED AS OUTDOOR RECREATIONAL AREAS.

\*\*\*

**Amend Chapter 7, Section 702.E. (Modifications to Parking Requirements) to read as follows:**

\*\*\*

9. **Reductions for infill development district.** WITHIN THE INFILL DEVELOPMENT DISTRICT, AS SHOWN ON THE GENERAL PLAN FOR PHOENIX, BOTH ON-STREET PARKING AND OFF-SITE PARKING MAY BE COUNTED TOWARD A DEVELOPMENT'S REQUIRED PARKING, SUBJECT TO THE FOLLOWING:
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  - (2) ON-STREET PARKING MAY EXTEND UP TO 300 FEET FROM THE SUBJECT PROPERTY ALONG THE SAME SIDE OF THE STREET WITH A USE PERMIT AND COMPLIANCE WITH THE FOLLOWING:
    - (a) THE STREET RIGHT-OF-WAY MUST HAVE SUFFICIENT SPACE FOR THE ON-STREET PARKING SPACES, BIKE LANES AND TRAFFIC LANES, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
    - (b) NO SINGLE-FAMILY DETACHED OR ATTACHED RESIDENCES FRONTING THE STREET ARE WITHIN 1,320 FEET OF THE COMMERCIAL DEVELOPMENT. THIS DISTANCE SHALL BE MEASURED FROM THE PROPERTY LINES OF THE COMMERCIAL DEVELOPMENT AND THE SINGLE-FAMILY RESIDENCE.
    - (c) A COMPLETED PARKING RESTRICTIONS WAIVER PETITION SHALL BE PROVIDED FOR ALL SINGLE-FAMILY RESIDENTIAL PROPERTY OWNERS THAT SIDE OR REAR ONTO THE RIGHT-OF-WAY WITH THE ON-STREET PARKING WITHIN 300-FEET OF THE SUBJECT PROPERTY.

- (3) COMPLY WITH ALL OTHER APPLICABLE PARKING REGULATIONS.
  - (4) THE ON-STREET PARKING SPACES IDENTIFIED FOR USE BY THE SUBJECT PARCEL MUST NOT BE COUNTED TOWARD ANOTHER DEVELOPMENT'S REQUIRED PARKING.
  - (5) AN EXECUTED MAINTENANCE AGREEMENT BETWEEN THE STREET TRANSPORTATION DEPARTMENT AND THE COMMERCIAL PROPERTY OWNER. THE EXECUTED MAINTENANCE AGREEMENT SHALL ASSIGN THE RESPONSIBILITY FOR ALL EXPENSES RELATED TO STRIPING AND SIGNING THE PARKING SPACES TO THE COMMERCIAL PROPERTY OWNER.
  - (6) AN EXECUTED AGREEMENT TO INDEMNIFY AND HOLD HARMLESS THE CITY FOR A CLAIM FOR DAMAGE TO A PERSON OR PROPERTY THAT MAY BE BROUGHT AGAINST THE CITY AS A RESULT OF THE ON-STREET PARKING SHALL BE EXECUTED BY THE COMMERCIAL PROPERTY OWNER PRIOR TO ANY PERMIT ISSUANCE.
  - (7) UNLESS OTHERWISE RESTRICTED, THE ON-STREET PARKING MUST REMAIN OPEN FOR PUBLIC PARKING AT ALL TIMES. THE ON-STREET PARKING CANNOT BE RESTRICTED FOR USE ONLY BY PATRONS OR EMPLOYEES OF THE COMMERCIAL BUSINESS.
- b. OFF-SITE PARKING. ~~The required parking for any use within the infill development district may use the following reduction.~~ Off-site parking NOT WITHIN THE RIGHT-OF-WAY may account for up to A MAXIMUM OF 50 percent of the required parking WITH, ~~provided a use permit is obtained and the following conditions are met:~~
- (1) The use is within 1,320 feet of a parking lot or garage to be used by patrons of the subject parcel. This shall be measured from the closest points from the parking area to the main entrance.
  - (2) The owner of the subject parcel must provide an executed lease in a minimum five-year increment to the City demonstrating the right to use the off-site parking spaces, which spaces shall not have been counted for use by others, unless a shared parking model is approved for the site.

- (3) The lease must be renewable in a minimum of five-year increments. If at any time the lease is no longer in effect, the owner of the subject parcel shall notify the City in writing within 30 calendar days of this condition and provide the City a replacement executed lease for the required spaces. A copy of the executed recorded lease shall be provided by the applicant to the Planning and Development Department Traffic Engineer. If at any time a lease for necessary off-site parking is no longer in effect, it shall be considered a violation of the approved use permit.
  - (4) The off-site parking area must be ~~exclusively~~ IDENTIFIED for use by patrons of the subject parcel and shall not eliminate required parking for any other use IF ON PRIVATE PROPERTY.
  - (5) The use permit for infill development parking reductions may be revoked if any of the use permit stipulations are violated including the failure to obtain an executed lease.
  - (6) Additional bicycle parking may be required as a condition of use permit approval.
- c. Use Permit Notice Procedure for Infill Parking Reductions. The following additional procedures shall be followed as part of the infill parking reduction use permit process (in addition to the procedures required by Section 307):
- (1) A Neighborhood Traffic Notification Zone (NTNZ) as determined by the Street Transportation Department.
  - (2) The applicant for the use permit shall send, by first class mail, a notice of the date, time and place of the use permit zoning adjustment hearing to all property owners within the NTNZ. The notice shall also include an invitation to a meeting to discuss the proposal, and shall include a short description of the request.
  - (3) The following shall be provided to the City at least seven days prior to the zoning adjustment hearing:
    - (a) A written summary of the meeting or meetings.

- (b) A map showing all leased off-site parking areas, number of spaces and locations of signs shall be placed on site to clearly show the location and address of the off-site parking areas, together with executed leases for such spaces.
- (c) A written summary of how parking needs will be met and on-site management procedures to minimize impacts to surrounding residentially zoned properties. If valet parking is proposed, a copy of the valet parking plan that has preliminary approval by the Planning and Development Department's Traffic Engineer.
- (d) A copy of a shared parking agreement as defined in this section, if applicable.

10. **PARKING REDUCTIONS FOR COMMERCIAL DEVELOPMENTS.**

OUTSIDE OF THE INFILL DEVELOPMENT DISTRICT, A COMMERCIAL DEVELOPMENT MAY USE ON-STREET PARKING TO MEET UP TO 20 PERCENT OF THE REQUIRED PARKING BY OBTAINING A USE PERMIT AND COMPLIANCE WITH THE FOLLOWING:

- a. ON-STREET SPACES MUST BE LOCATED ON COLLECTOR OR MINOR COLLECTOR STREETS.
- b. ON-STREET PARKING SPACES MUST BE LOCATED WITHIN 300 FEET OF THE PROPERTY LINE OF THE COMMERCIAL DEVELOPMENT.
- c. THE STREET RIGHT-OF-WAY MUST HAVE SUFFICIENT SPACE FOR THE ON-STREET PARKING SPACES, BIKE LANES AND TRAFFIC LANES, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
- d. NO SINGLE-FAMILY DETACHED OR ATTACHED RESIDENCES FRONTING THE STREET ARE WITHIN 1,320 FEET OF THE COMMERCIAL DEVELOPMENT. THIS DISTANCE SHALL BE MEASURED FROM THE PROPERTY LINES OF THE COMMERCIAL DEVELOPMENT AND THE SINGLE-FAMILY RESIDENCE.
- e. THE ON-STREET PARKING SPACES IDENTIFIED FOR USE BY THE SUBJECT PARCEL MUST NOT BE COUNTED TOWARD ANOTHER DEVELOPMENT'S REQUIRED PARKING.

- f. A COMPLETED PARKING RESTRICTIONS WAIVER PETITION SIGNED BY OWNERS OF ALL SINGLE- FAMILY RESIDENTIAL PROPERTY THAT SIDE OR REAR ONTO THE RIGHT-OF-WAY WITH THE ON-STREET PARKING WITHIN 300-FEET OF THE SUBJECT PROPERTY.
- g. COMPLY WITH ALL OTHER APPLICABLE PARKING REGULATIONS.
- h. AN EXECUTED MAINTENANCE AGREEMENT BETWEEN THE STREET TRANSPORTATION DEPARTMENT AND THE COMMERCIAL PROPERTY OWNER. THE EXECUTED MAINTENANCE AGREEMENT SHALL ASSIGN THE RESPONSIBILITY FOR ALL EXPENSES RELATED TO STRIPING AND SIGNING THE PARKING SPACES TO THE COMMERCIAL PROPERTY OWNER.
- i. AN EXECUTED AGREEMENT TO INDEMNIFY AND HOLD HARMLESS THE CITY FOR A CLAIM FOR DAMAGE TO A PERSON OR PROPERTY THAT MAY BE BROUGHT AGAINST THE CITY AS A RESULT OF THE ON-STREET PARKING SHALL BE EXECUTED BY THE COMMERCIAL PROPERTY OWNER PRIOR TO ANY PERMIT ISSUANCE.
- j. UNLESS OTHERWISE RESTRICTED, THE ON-STREET PARKING MUST REMAIN OPEN FOR PUBLIC PARKING AT ALL TIMES. THE ON-STREET PARKING CANNOT BE RESTRICTED FOR USE ONLY BY PATRONS OR EMPLOYEES OF THE COMMERCIAL BUSINESS.

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**ADDITIONAL INFORMATION (SEE ATTACHED MEMO) - Amend City Code - Public Hearing and Ordinance Adoption - Rezoning Application Z-88-16-3 - Southeast Corner of 37th Street and Shea Boulevard (Ordinance G-6305)**

Request to hold a public hearing on the rezoning application for the following item to consider adopting the Planning Commission's recommendation and the related Ordinance if approved.

**Summary**

Application: Z-88-16-3

Current Zoning: RE-43

Proposed Zoning: R-O

Acreage: 1.65

Proposal: Residential Office

Owner: RK & JE Wheeler Family Trust

Applicant/Representative: Adam Baugh, Withey Morris, PLC

Staff Recommendation: Approval, subject to stipulations

VPC Action: The Paradise Valley Village Planning Committee heard the request on Feb. 6, 2017 and approved the request with two additional stipulations by a 10-4 vote.

PC Action: The Planning Commission heard the request on March 2, 2017 and approved as recommended by the Paradise Valley Planning Committee with a modification to Stipulation 11 and technical correction to Stipulation 12 by a 7-0 vote.

**Location**

Southeast corner of 37th Street and Shea Boulevard

Council District: 3

**Responsible Department**

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

**Attachment A**

**THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL,  
ADOPTED ORDINANCE**

**ORDINANCE G-**

AN ORDINANCE AMENDING THE CODE OF THE CITY OF PHOENIX, ARIZONA, PART II, CHAPTER 41, THE ZONING ORDINANCE OF THE CITY OF PHOENIX, BY AMENDING SECTION 601, THE ZONING MAP OF THE CITY OF PHOENIX, CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (Z-88-16-3) FROM RE-43 (RESIDENTIAL ESTATE DISTRICT) TO R-O (RESIDENTIAL OFFICE DISTRICT).

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

SECTION 1. The zoning of an approximately 1.65 acre property located southeast corner of 37th Street and Shea Boulevard in a portion of Section 25, Township 3 North, Range 3 East, as described more specifically in Exhibit "A", is hereby changed from "RE-43" (Residential Estate District) to "R-O" (Residential Office District).

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

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

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

1. A minimum 20-foot landscape setback along Shea Boulevard and 37th Street, shall be planted with a minimum 50% 2-inch caliper trees, minimum 25% 3-inch caliper trees, and minimum 25% 4-inch caliper trees to be placed 20-feet on center or in equivalent groupings, as approved by the Planning and Development Department. When possible, the developer should use existing trees and landscaping to meet the landscaping requirements.
2. An average 12-foot landscape setback, minimum 10-foot landscape setback, with minimum 2-inch caliper trees shall be placed 20 feet on center or in equivalent groupings along the south property line, as approved by the Planning and Development Department.
3. A minimum 10-foot landscape setback with minimum 2-inch caliper trees shall be placed 20 feet on center or in equivalent groupings along the east property line, as approved by the Planning and Development Department.
4. A minimum building setback of 85 feet shall be required along the south property line, as approved by the Planning and Development Department.
5. The maximum building height shall be 22 feet.
6. No individual building shall exceed a maximum of 6,000 square feet.
7. Lot coverage shall not exceed 23%.
8. The development shall provide a minimum of 4 bicycle parking spaces that are located within 50 feet from the building entry points, as approved by the Planning and Development Department.
9. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals as per plans approved by the City. All improvements shall comply with all ADA accessibility standards.
10. The property owner shall update all existing off-site street improvements (sidewalks, curb ramps, and driveways) to current ADA guidelines.
11. If access is permitted to 37th Street, no southbound traffic movement shall be permitted and the driveway shall be signed and designed accordingly, as approved by the Planning and Development Department.
12. The applicant shall work with the neighbors and the Street Transportation

Department regarding traffic calming solutions on Mountain View Road, 36th Street and 37th Street.

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 5th day of April, 2017.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

REVIEWED BY:

\_\_\_\_\_  
City Manager

Exhibits:

A – Legal Description (1 Page)

B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-88-16-3

THE NORTH 188.00' OF THE WEST 1/2 OF LOT 2 OF PARADISE FOOTHILLS AS RECORDED IN BOOK 48 OF MAPS PAGE 41, RECORDS OR MARICOPA COUNTY, ARIZONA. SAID PARCEL BEING A PART OF THE NORTHEAST 1/4 SECTION 25, TOWNSHIP 3 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN. SAID PARCEL CONTAINS 1.3 GROSS ACRES MORE OR LESS.

DRAFT

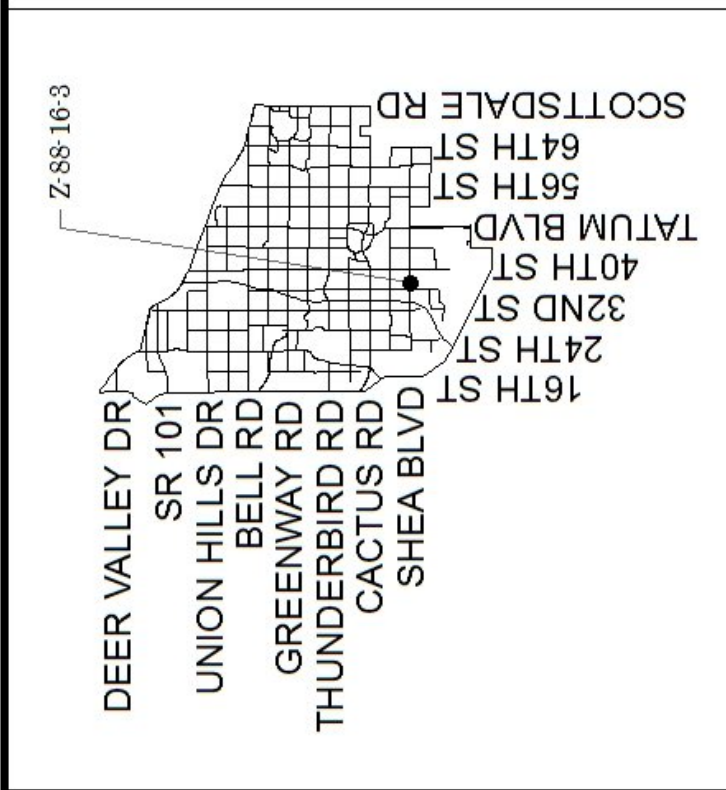
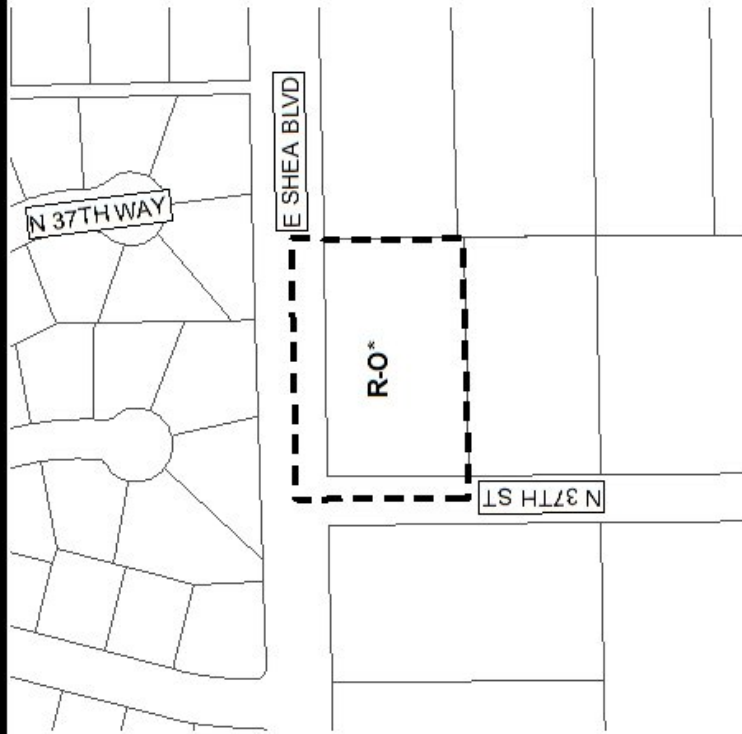
# ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: \*

SUBJECT AREA: - - - - -

Zoning Case Number: Z-88-16-3  
Zoning Overlay: N/A  
Planning Village: Paradise Valley



NOT TO SCALE



Drawn Date: 2/23/2017

R:\IS\_Team\Core\_Functions\Zoning\SupplMaps\_OrdMaps\2017\_Ord\3\_22\_17\Z-88-16-3.mxd

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**BACKUP INFORMATION - PUBLIC HEARING/ORDINANCE ADOPTION – (Z-88-16-3)  
ON THE APRIL 5, 2017, FORMAL AGENDA – SOUTHEAST CORNER OF 37TH  
STREET AND SHEA BOULEVARD**

---

TO: Mario Paniagua  
Deputy City Manager

FROM: Alan Stephenson  
Planning & Development Director

SUBJECT: BACKUP INFORMATION - PUBLIC HEARING/ORDINANCE ADOPTION –  
(Z-88-16-3) ON THE APRIL 5, 2017, FORMAL AGENDA – SOUTHEAST  
CORNER OF 37TH STREET AND SHEA BOULEVARD

---

This report provides backup information - Public Hearing/Ordinance Adoption to Z-88-16-3 located on the southeast corner of 37th Street and Shea Boulevard on the Apr. 5, 2017 Formal Agenda.

THE ISSUE

A rezoning application has been submitted for approval to the City Council for a parcel located on the southeast corner of 37th Street and Shea Boulevard. The application is being made by Withey Morris, PLC.

OTHER INFORMATION

Rezoning case Z-88-16-3 is a request to rezone 1.65 acres from RE-43 (Residential Estate District) to R-O (Residential Office District) to allow residential office.

The Paradise Valley Village Planning Committee heard the request on Feb. 6, 2017, and it was approved, with two additional stipulations. Vote: 10-4.

The Planning Commission heard this request on Mar. 2, 2017, and it was approved as recommended by the Paradise Valley Planning Committee with a modification to Stipulation 11 and technical correction to Stipulation 12. Vote: 7-0.

The item was appealed by the applicant on Mar. 9, 2016. Following the Planning Commission, the applicant and neighbors worked together on site plan changes and revised stipulations. The appeal is necessary to update stipulations to reflect the neighborhood compromise. The proposed language and additional stipulation is the following:

1. A minimum 20-foot landscape setback along Shea Boulevard and 37th Street, shall be planted with a minimum 50% 2-inch caliper trees, minimum 25% 3-inch caliper trees, and minimum 25% 4-inch caliper trees to be placed 20-feet on center or in equivalent groupings, as approved by the Planning and Development Department. When possible, the developer should use existing trees and landscaping to meet the landscaping requirements.
2. An average 12-foot landscape setback, minimum 10-foot landscape setback, with minimum 2-inch caliper trees shall be placed 20 feet on center or in equivalent groupings along the south property line, as approved by the Planning and Development Department.
3. A minimum 10-foot landscape setback with minimum 2-inch caliper trees shall be placed 20 feet on center or in equivalent groupings along the east property line, as approved by the Planning and Development Department.
4. A minimum building setback of 85 feet shall be required along the south property line, as approved by the Planning and Development Department.
5. The maximum building height shall be 22 feet.
6. No individual building shall exceed a maximum of 6,000 square feet.
7. Lot coverage shall not exceed 23%.
8. The development shall provide a minimum of 4 bicycle parking spaces that are located within 50 feet from the building entry points, as approved by the Planning and Development Department.
9. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals as per plans approved by the City. All improvements shall comply with all ADA accessibility standards.
10. The property owner shall update all existing off-site street improvements (sidewalks, curb ramps, and driveways) to current ADA guidelines.
11. If access is permitted to 37th Street, no southbound traffic movement shall be permitted and the driveway shall be signed and designed accordingly, as approved by the Planning and Development Department.
12. The applicant shall work with the neighbors and the Street Transportation Department regarding traffic calming solutions on Mountain View Road, 36th Street and 37th Street.
13. THERE SHALL BE NO PUBLIC VEHICULAR ACCESS TO 37TH STREET, EXCEPT A CRASH GATE FOR EMERGENCY VEHICLE ACCESS ONLY MAY BE PERMISSIBLE, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.



Exhibits:

1. – Staff Report Z-88-16-3
2. – Village Planning Committee Meeting Summary
3. – Planning Commission Summary
4. – Appeal

**Staff Report: Z-88-16-3**

January 23, 2017

<b>Paradise Valley Village Planning Committee Hearing Date</b>	February 6, 2017
<b>Planning Commission Hearing Date</b>	March 2, 2017
<b>Request From:</b>	RE-43 (1.65 acres)
<b>Request To:</b>	R-O (1.65 acres)
<b>Proposed Use</b>	Residential Office
<b>Location</b>	Southeast corner of 37 <sup>th</sup> Street and Shea Boulevard
<b>Owner</b>	RK & JE Wheeler Family Trust
<b>Applicant's Representative</b>	Withey Morris, PLC / Adam Baugh
<b>Staff Recommendation</b>	Approval, subject to stipulations

General Plan Conformity			
<b>General Plan Land Use Designation</b>		Residential 1 to 2 du/acre	
<b>Street Map Classification</b>	Shea Boulevard	Major Arterial	40-foot south half street
	N 37 <sup>th</sup> Street	Local	30-foot east half street
<p><b><i>CELEBRATE OUR DIVERSE COMMUNITIES AND NEIGHBORHOODS CORE VALUE; CERTAINTY AND CHARACTER; LAND USE PRINCIPLE: New development and expansion or redevelopment of existing development in or near residential areas should be compatible with existing uses and consistent with adopted plans.</i></b></p> <p>The proposed site improvements ensure compatibility with adjacent residential uses.</p>			
<p><b><i>STRENGTHEN OUR LOCAL ECONOMY CORE VALUE; ENTREPRENEURS AND EMERGING ENTERPRISES; LAND USE PRINCIPLE: Encourage land uses that promote the growth of entrepreneurs or new businesses in Phoenix in appropriate locations.</i></b></p> <p>The conversion of the property to an office use encourages the growth of business that is appropriately located along a major arterial.</p>			

Surrounding Land Uses/Zoning		
	<u>Land Use</u>	<u>Zoning</u>
<b>On Site</b>	Vacant	RE-43
<b>North</b>	Single-family residential	R1-10
<b>South</b>	Vacant / Single-family residential	RE-43

<b>East</b>	School	RE-43
<b>West</b>	Church	RE-43

<b>R-O (Residential Office District)</b>		
<b>Standards</b>	<b>Requirements</b>	<b>Proposed/Existing</b>
<i>Building Setbacks</i>		
Front	20 feet	Met – 20 feet
Side	10 feet	Met – 10 feet
Rear	25 feet	Met – 25 feet
Lot Coverage	Maximum 30%	Met – 23%
Building Height	Maximum 25 feet	Met – 22 feet
Parking	Minimum 42 required	Met – 58 provided

**Background/Issues/Analysis**

1. This is a request to rezone a 1.65 acre parcel from RE-43 (Single-Family Residence District) to R-O (Residential Office District) to allow for an residential office.
2. The General Plan Land Use Map designation for this property is Residential 1 to 2 dwelling units per acre. Although the proposal is not consistent with this designation, an amendment is not required as the subject parcel is less than 10 acres.

3. The site is currently vacant and zoned RE-43. Existing single-family residential developments are located to the north and south, zoned R1-10 (Single-family Residence District) and RE-43 (Single-family Residence District), respectively. A church is located to the west, and a school is located to the east of the subject site, both are zoned RE-43.

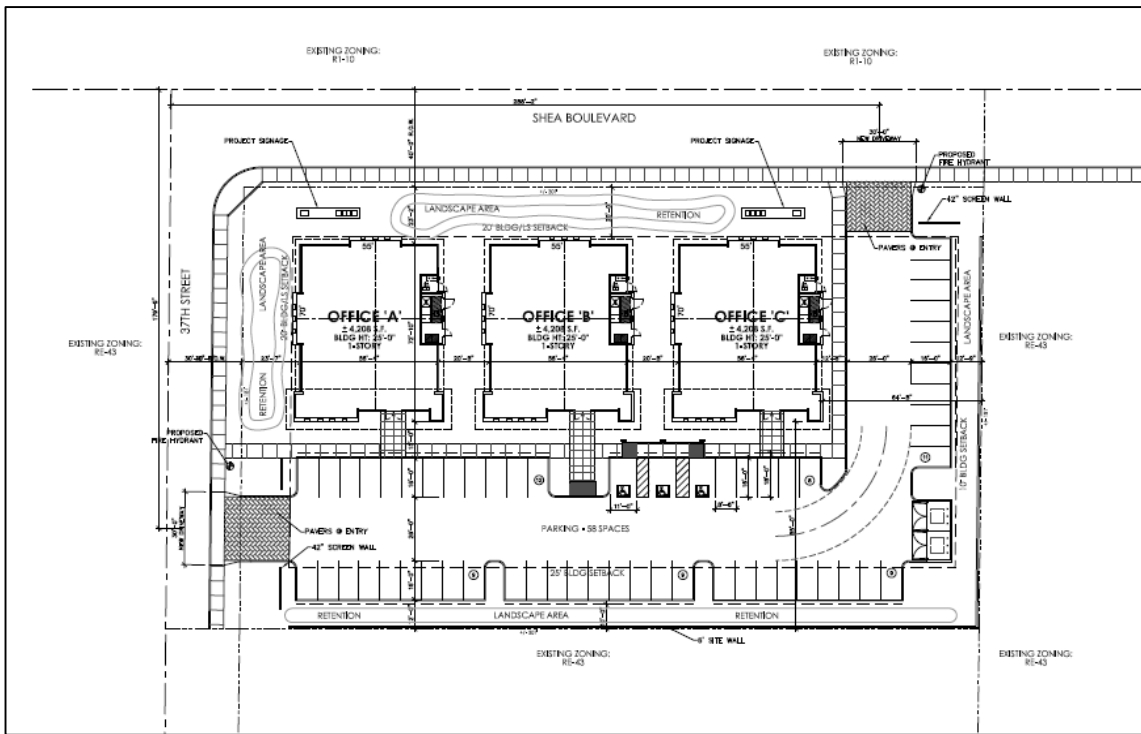


4. The Residential Office zoning district is intended to control developments on the edges of residential areas which, because of their location on arterial streets or other environmental conditions, are susceptible to pressures for nonresidential uses. The district permits new development at a residential scale or conversion of residential structures for use as professional offices or other limited service uses.

**SITE DESIGN / LAYOUT**

- The proposed site plan depicts three 4,200 square foot office buildings positioned along Shea Boulevard. In order to maintain the residential scale of the buildings, staff included two stipulations that limits the square footage of individual buildings to a maximum of 6,000 square feet and the maximum building height of 22 feet.

The site plan includes 58 parking spaces for employees and clients, and the majority of these spaces are located on the southern portion of the site. In order to provide a buffer from the single-family neighborhood and keep the buildings positioned along Shea Boulevard, staff included a stipulation of a minimum 85 foot building setback along the south property line.



- The total lot coverage for the site is 23%. To ensure that the buildings are compatible with the single-family residential development pattern located in the area, staff included a stipulation that the total lot coverage not exceed 23%.
- The site plan shows access to the site by two driveways off of Shea Boulevard and 37th Street. However, for the site to have vehicular access onto 37th Street, the developer will need to obtain a variance. The R-O zoning district only allows vehicular access onto arterials and collectors (Shea Boulevard) and not local streets (37th Street).
- The subject site is located adjacent to single-family residential homes; therefore, staff recommends stipulations to requiring additional landscaping along the

southern and eastern property line, that will serve as a buffer to the existing and future residences.

9. In order to provide shade for pedestrians along Shea Boulevard, staff recommends a stipulation to requiring additional landscaping along the street in the landscaping setback.
10. The subject site is located just north of the Phoenix Mountain Preserve and accessible to the bike lane located on 36<sup>th</sup> Street. Therefore, a stipulation requiring bicycle parking has been included.

#### DEPARTMENT COMMENTS

11. The Street Transportation Department is requesting that the developer have all improvements comply with ADA accessibility standards. Two stipulations addressing this recommendation has been included.
12. The Water Services Department has noted that there are no water or sewer infrastructure concerns with the proposed zoning.
13. The City of Phoenix Floodplain Management division of the Street Transportation Department has determined that this parcel is not in a Special Flood Hazard Area (SFHA), but is located in a Shaded Zone X, on panel 1735 L of the Flood Insurance Rate Maps (FIRM) dated October 16, 2013.
14. Development and use of the site is subject to all applicable codes and ordinances. Zoning approval does not negate other ordinance requirements. Other formal actions such as, but not limited to, zoning adjustments and abandonment may be required.

#### **Findings**

1. The proposed rezoning will allow for the development of a vacant parcel that is impacted by a major arterial to a residential office use.
2. The proposed use is compatible with the land uses along Shea Boulevard.
3. As stipulated, the proposal will provide an adequate buffer for existing and future residential uses adjacent to the site.

#### **Stipulations**

1. A minimum 20-foot landscape setback along Shea Boulevard and 37<sup>th</sup> Street, shall be planted with a minimum 50% 2-inch caliper trees, minimum 25% 3-inch caliper trees, and minimum 25% 4-inch caliper trees to be placed 20-feet on center or in equivalent groupings, as approved by the Planning and

Development Department. When possible, the developer should use existing trees and landscaping to meet the landscaping requirements.

2. An average 12-foot landscape setback, minimum 10-foot landscape setback, with minimum 2-inch caliper trees shall be placed 20 feet on center or in equivalent groupings along the south property line, as approved by the Planning and Development Department.
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9. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals as per plans approved by the City. All improvements shall comply with all ADA accessibility standards.
10. The property owner shall update all existing off-site street improvements (sidewalks, curb ramps, and driveways) to current ADA guidelines.

**Writer**

Hannah Oliver  
January 23, 2017

**Team Leader**

Craig Mavis

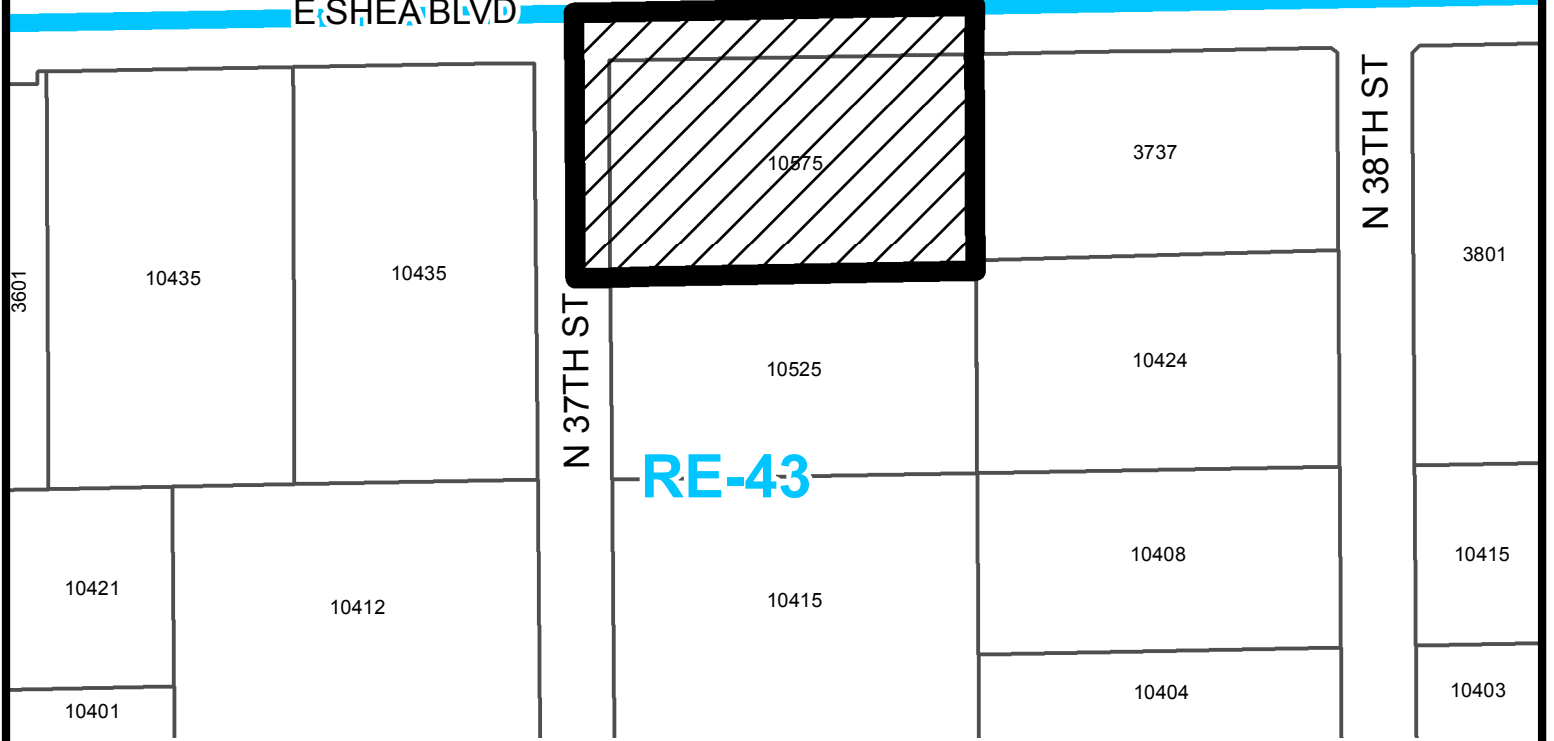
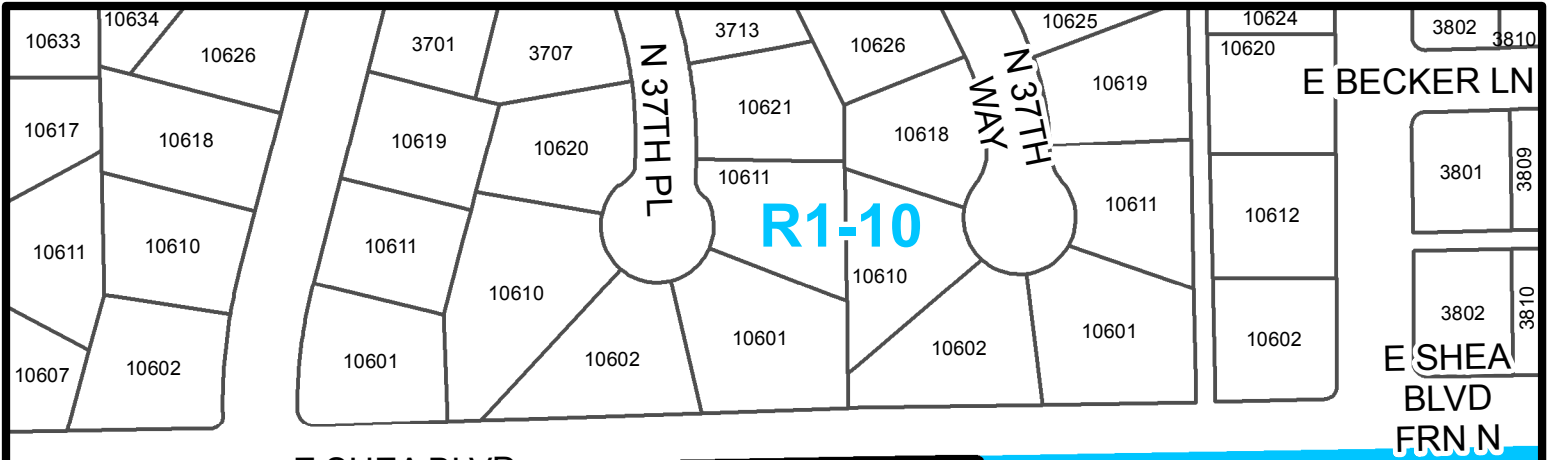
**Attachments**

Sketch Map

Aerial

Site Plan date stamped November 28, 2016 (1 page)

Elevations date stamped November 28, 2016 (1 page)

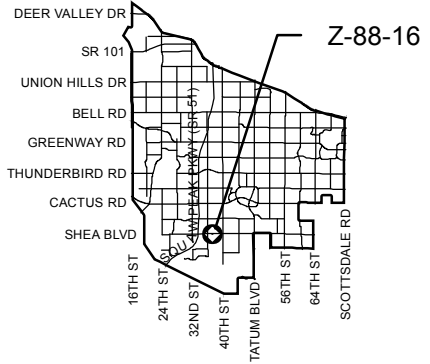


**PARADISE VALLEY VILLAGE**  
CITY COUNCIL DISTRICT: 3



**City of Phoenix**

PLANNING & DEVELOPMENT DEPARTMENT



<b>APPLICANT'S NAME:</b> Withey Morris, PLC/ Adam Baugh		<b>REQUESTED CHANGE:</b> FROM: RE-43, (1.65 a.c.)  TO: R-O, (1.65 a.c.)	
<b>APPLICATION NO.</b> Z-88-16	<b>DATE:</b> 12/28/2016 <b>REVISION DATES:</b>		
GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.  1.65 Acres	<b>AERIAL PHOTO &amp; QUARTER SEC. NO.</b> QS 28-36	<b>ZONING MAP</b> K-10	
<b>MULTIPLES PERMITTED</b> RE-43 R-O	<b>CONVENTIONAL OPTION</b> 1 1		<b>* UNITS P.R.D. OPTION</b> N/A N/A

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





Feet

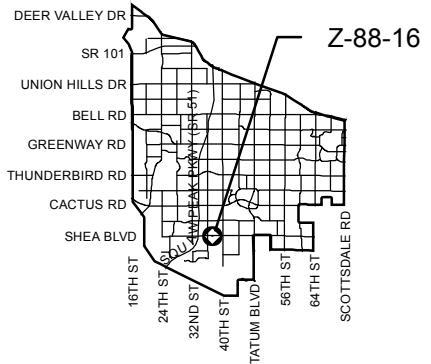
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**PARADISE VALLEY VILLAGE**  
CITY COUNCIL DISTRICT: 3



**City of Phoenix**

PLANNING & DEVELOPMENT DEPARTMENT



APPLICANT'S NAME:

Withey Morris, PLC/ Adam Baugh

REQUESTED CHANGE:

FROM: RE-43, (1.65 a.c.)

APPLICATION NO. Z-88-16

DATE: 12/28/2016  
REVISION DATES:

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

1.65 Acres

AERIAL PHOTO &  
QUARTER SEC. NO.  
QS 28-36

ZONING MAP  
K-10

TO: R-O, (1.65 a.c.)

**MULTIPLES PERMITTED**

RE-43

R-O

**CONVENTIONAL OPTION**

1

1

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

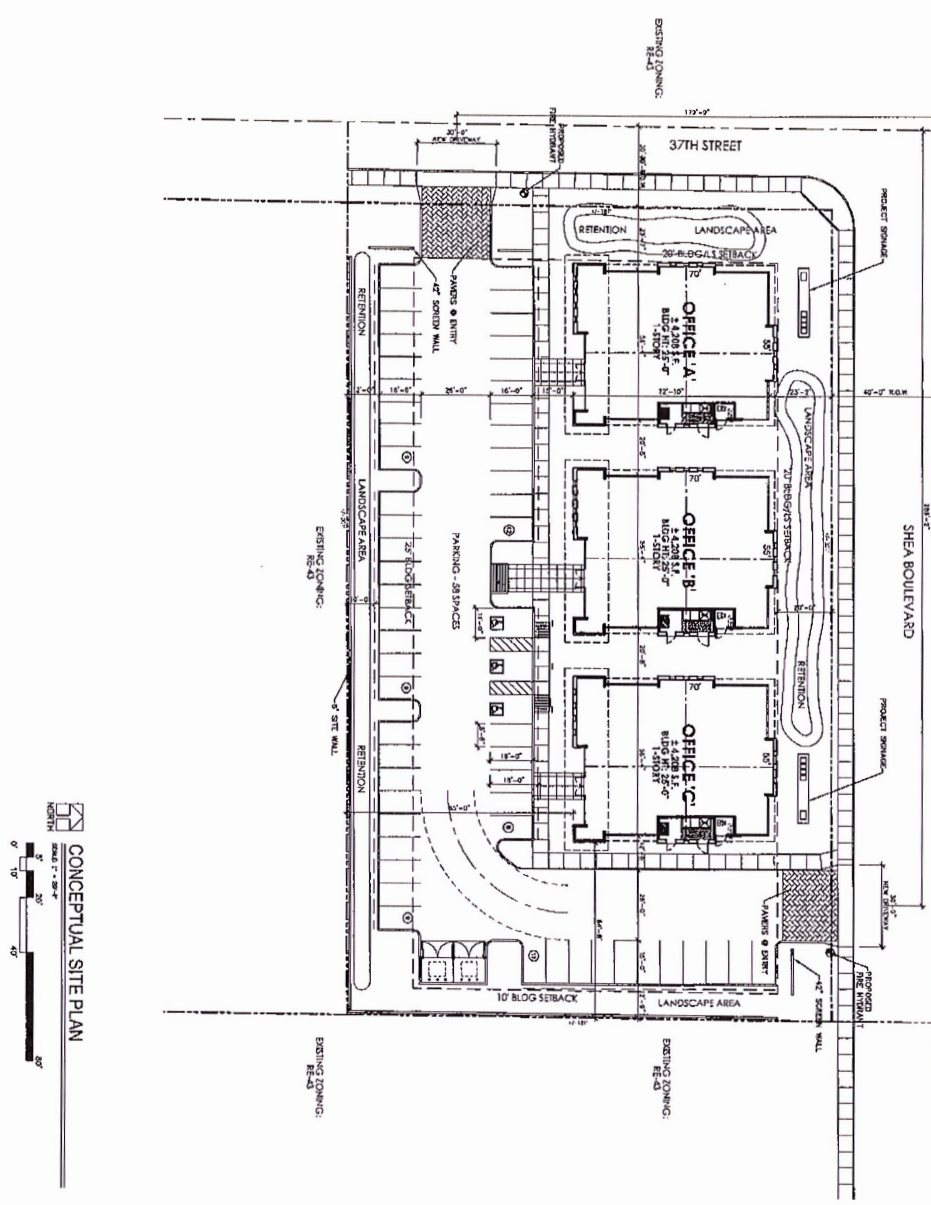
N/A

N/A

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

Page 256





**CONCEPTUAL SITE PLAN**

Scale: 1" = 20'-0"

0' 10' 20' 40'

EXISTING TOWNING: R-4.5

EXISTING TOWNING: R-110

EXISTING TOWNING: R-110

EXISTING TOWNING: R-4.5

**PROJECT DATA:**

ASSessor's PARCEL NUMBER: 165-01-007D

EXISTING TOWNING: R-4.5

PROPOSED TOWNING: COMMERCIAL OFFICE

PROPOSED USE: OFFICE

BUILDING HEIGHT: 28'-0"

BUILDING STORES: 1-3 STORY

**SITE DATA:**

GROSS SITE AREA: 2,79,915 S.F. (1.68 ACRES)

NET SITE AREA: 2,79,915 S.F. (1.68 ACRES)

PROPOSED BUILDING AREA: 1,12,424 S.F. (6.50 ACRES)

LOT F.A.R.: 1.17% (GROSS BLDG./GROSS LOT)

LOT COVERAGE: 4.23% (GROSS BLDG./NET SITE)

CITY PARKING REQUIRED: 4,42 SPACES (801,300 S.F.)

PARKING PROVIDED: 4,58 SPACES

PARKING RATIO: 2.48 PERS. 1,000 S.F.

**APPLICANT:**

WITHEY MORRIS P/LC

2525 E. ARIZONA BLVD. #212

PHOENIX, ARIZONA 85016

PHONE: 602-381-8890

CONTACT: MICHAEL WITHEY

CONTACT: ADAM BAUGH

**ARCHITECT:**

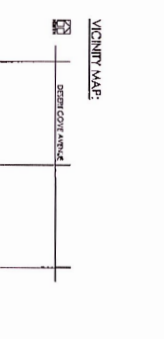
CONCEPT ARCHITECTS

4255 N. 19TH STREET, SUITE 250

PHOENIX, ARIZONA 85016

PHONE: 602-381-8890

CONTACT: TIM THERRE

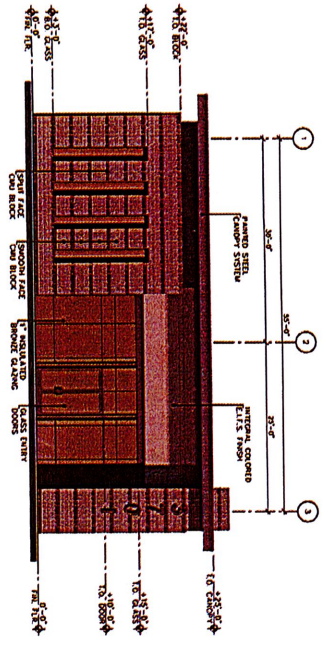


**CITY OF PHOENIX**

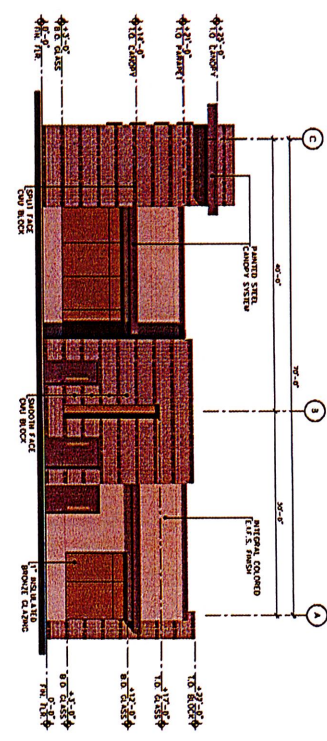
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Office Building  
37th Street and Shea Boulevard

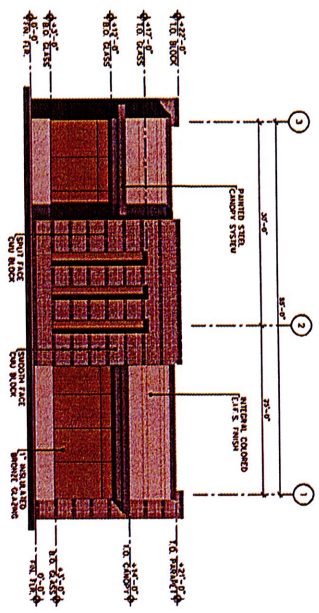
Planning & Development  
Department



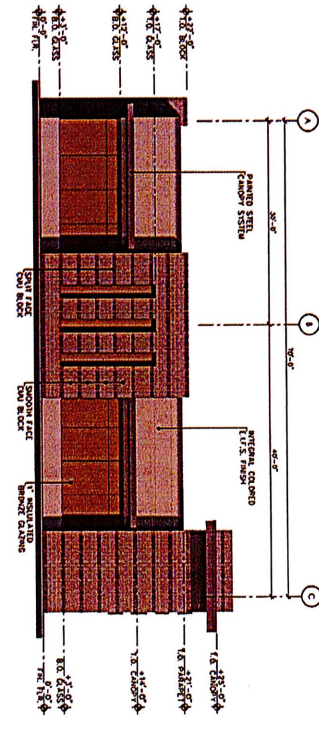
**CONCEPTUAL ELEVATION - SOUTH**  
SCALE: 1/8"=1'-0"



**CONCEPTUAL ELEVATION - EAST**  
SCALE: 1/8"=1'-0"



**CONCEPTUAL ELEVATION - NORTH**  
SCALE: 1/8"=1'-0"



**CONCEPTUAL ELEVATION - WEST**  
SCALE: 1/8"=1'-0"

**CITY OF PHOENIX**

NOV 28 2016

Planning & Development  
Department

## **Village Planning Committee Meeting Summary**

### **Z-88-16-3**

<b>Date of VPC Meeting</b>	February 6, 2017
<b>Request From</b>	RE-43 (1.65 acres)
<b>Request To</b>	R-O (1.65 acres)
<b>Proposed Use</b>	Residential Office
<b>Location</b>	Southeast corner of the 37th Street and Shea Boulevard
<b>VPC Recommendation</b>	Approval, with two additional stipulations
<b>VPC Vote</b>	10-4

#### **VPC DISCUSSION & RECOMMENDATION:**

Staff provided an overview of the rezoning request and identified the surrounding land uses and zoning, staff findings, and stipulations.

The applicant's representative, Mr. Adam Baugh, provided an overview of the request, discussed the site plan and elevations. The representative outlined the intent of the Residential Office zoning district and how it is used to buffer single-family residential from arterial streets, like Shea Boulevard. In addition, Mr. Baugh submitted two additional stipulations for the committee to consider that include a right turn only median and signage onto 37<sup>th</sup> Street and collaborating with neighbors and the Streets Department regarding traffic calming solutions on Mountain View Road, 36<sup>th</sup> Street, and 37<sup>th</sup> Street.

There were 12 cards submitted on this item. There were 10 cards submitted in opposition and 2 cards in favor of the request. In addition, staff received one email in opposition, and four emails in favor of the request prior to the meeting.

Chairman Avrhami opened the floor up for public comments.

The public in opposition to this item has concerns with the following:

- Traffic along 37<sup>th</sup> Street and that cars will use the neighborhood streets to cut through to get to the SR-51.
- Not consistent with the character of the neighborhood.
- That a single-family home would be a better use on the site.
- Increased traffic in the neighborhood and potential safety issues with additional vehicles and the existing horses in the area.
- The development will lower property values in the area.
- Concerns about notifications of the rezoning request.

In addition, there was a letter submitted that noted opposition to the rezoning request that was signed by 15 neighbors along 37<sup>th</sup> Street.

There was also some discussion about whether or not the subject site was in the Sahuaro Neighborhood Conservation Plan. Staff presented the ordinance that approved the Sahuaro Neighborhood Conservation Plan in 1986 and showed the map that was adopted, which shows the subject site being outside of the Plan area.

Chairman Avrhami opened the floor up for committee questions and discussion.

The Village Planning committee had questions for the applicant regarding the traffic patterns in the area and had clarifying questions about the site plan. In addition, there was concerned noted about the public in opposition stating they had not been contacted by the applicant. The applicant responded that they held two public meetings, which is exceeding the requirement, and added any resident that contacted the City and them to the notification list even outside of the 600-foot requirement.

**MOTION:**

Mr. Roger Baele made a motion to recommend approval with the addition of two stipulations:

- The development shall provide a right-turn only median and signage for egress on 37<sup>th</sup> Street.
- The applicant shall work with the neighbors and the Streets and Transportation Department regarding traffic calming solutions on Mountain View Road, 36<sup>th</sup> Street, and 37<sup>th</sup> Street.

Mr. Robert Goodhue seconded the request.

**VOTE:**

The motion was approved, 10-4.

**STAFF COMMENTS REGARDING VPC RECOMMENDATION:**

The first additional stipulation added by the VPC regarding a right-turn only median and signage on 37<sup>th</sup> Street is not applicable and should be removed. The R-O zoning district only allows vehicular access onto arterials and collectors (Shea Boulevard) and not local streets (37<sup>th</sup> Street).

REPORT OF PLANNING COMMISSION ACTION  
March 2, 2017

ITEM NO: 12	
	DISTRICT NO.: 3
SUBJECT:	
Application #:	Z-88-16-3
Location:	Southeast corner of 37th Street and Shea Boulevard
Request:	RE-43 To: R-O Acreage: 1.65
Proposal:	Residential Office
Applicant:	Withey Morris, PLC/ Adam Baugh
Owner:	RK & JE Wheeler Family Trust
Representative:	Withey Morris, PLC/ Adam Baugh

**ACTIONS:**

Staff Recommendation: Approval, subject to stipulations

Village Planning Committee (VPC) Recommendation:

**Paradise Valley** 2/6/2017 Approved, per staff stipulations. Vote: 10-4

Planning Commission Recommendation: Approved, as recommended by the Paradise Valley Planning Committee with a modification to Stipulation 11 and technical correction to Stipulation 12.

Motion discussion: N/A

Motion details – Commissioner Heck made a MOTION to approve Z-88-16-3 as recommended by the Paradise Valley Planning Committee with a modification to Stipulation 11 and technical correction to Stipulation 12.

Maker: Heck  
Second: Montalvo  
Vote: 7-0  
Absent: Whitaker  
Opposition Present: 4

Findings:

1. The proposed rezoning will allow for the development of a vacant parcel that is impacted by a major arterial to a residential office use.
2. The proposed use is compatible with the land uses along Shea Boulevard.
3. As stipulated, the proposal will provide an adequate buffer for existing and future residential uses adjacent to the site.

Stipulations:

1. A minimum 20-foot landscape setback along Shea Boulevard and 37<sup>th</sup> Street, shall be planted with a minimum 50% 2-inch caliper trees, minimum 25% 3-inch caliper trees, and minimum 25% 4-inch caliper trees to be placed 20-feet on center or in equivalent groupings, as approved by the Planning and Development Department. When possible, the developer should use existing trees and landscaping to meet the landscaping requirements.
2. An average 12-foot landscape setback, minimum 10-foot landscape setback, with minimum 2-inch caliper trees shall be placed 20 feet on center or in equivalent groupings along the south property line, as approved by the Planning and Development Department.
3. A minimum 10-foot landscape setback with minimum 2-inch caliper trees shall be placed 20 feet on center or in equivalent groupings along the east property line, as approved by the Planning and Development Department.
4. A minimum building setback of 85 feet shall be required along the south property line, as approved by the Planning and Development Department.
5. The maximum building height shall be 22 feet.
6. No individual building shall exceed a maximum of 6,000 square feet.
7. Lot coverage shall not exceed 23%.
8. The development shall provide a minimum of 4 bicycle parking spaces that are located within 50 feet from the building entry points, as approved by the Planning and Development Department.
9. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals as per plans approved by the City. All improvements shall comply with all ADA accessibility standards.
10. The property owner shall update all existing off-site street improvements (sidewalks, curb ramps, and driveways) to current ADA guidelines.
11. ~~THE DEVELOPMENT SHALL PROVIDE A RIGHT TURN ONLY MEDIAN AND SIGNAGE FOR EGRESS ON 37<sup>TH</sup> STREET.~~ IF ACCESS IS PERMITTED TO 37<sup>TH</sup> ST, NO SOUTHBOUND TRAFFIC MOVEMENT SHALL BE PERMITTED AND THE DRIVEWAY SHALL BE SIGNED AND DESIGNED ACCORDINGLY, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
12. THE APPLICANT SHALL WORK WITH THE NEIGHBORS AND THE STREETS AND TRANSPORTATION DEPARTMENT REGARDING TRAFFIC CALMING SOLUTIONS ON MOUNTAIN VIEW ROAD, 36<sup>TH</sup> STREET AND 37<sup>TH</sup> STREET.

CITY OF PHOENIX  
PLANNING AND DEVELOPMENT DEPARTMENT

<b>FORM TO REQUEST PC to CC</b>			
<b>I HEREBY REQUEST THAT THE PC / CC HOLD A PUBLIC HEARING ON:</b>			
<b>APPLICATION NO/ LOCATION</b>	Z-88-16-3 Southeast corner of the 37th Street and Shea Boulevard	<i>(SIGNATURE ON ORIGINAL IN FILE)</i>	
		<b>opposition</b>	<b>applicant</b> <input checked="" type="checkbox"/>
<b>APPEALED FROM:</b>	PC 3/2/17	Adam Baugh / Withey Morris 602-230-0600	
	<i>PC/CC DATE</i>	<i>NAME / PHONE</i>	
<b>TO PC/CC HEARING</b>	CC 4/5/17	2525 E Arizona Biltmore Circle A-212 Phoenix AZ 85016	
	<i>DATE</i>	<i>STREET ADDRESS/CITY/STATE/ZIP</i>	
<b>REASON FOR REQUEST:</b>			
The applicant and neighbors worked together on site plan changes and revised stipulations. The appeal is necessary to update the stipulations to reflect the neighborhood compromise.			
<b>RECEIVED BY:</b>	EM / mb for LO	<b>RECEIVED ON:</b>	03/09/17

Alan Stephenson  
Sandra Hoffman  
Tricia Gomes  
Christina Encinas  
Stephanie Saenz  
Lilia Olivarez, PC Secretary  
PLN All





CITY OF PHOENIX

MAR 09 2017

Planning & Development  
Department

The **PLANNING COMMISSION** agenda for March 2, 2017 is attached.

The **CITY COUNCIL** may approve the recommendation of the Planning Commission without further hearing **unless**:

- 1. A **REQUEST FOR A HEARING** by the **CITY COUNCIL** is filed within seven (7) days.

There is a \$630.00 appeal fee for hearings requested by the applicant, due by 5:00 p.m. March 9, 2017.

Any member of the public may, within seven (7) days after the Planning Commission's action, request a hearing by the City Council on any application. If you wish to request a hearing, fill out and sign the form below and return it to the Planning and Development Department by 5:00 p.m., March 9, 2017.

- 2. A **WRITTEN PROTEST** is filed, no later than seven (7) days after the Planning Commission's action, which requires a three-fourths vote. A written protest will require a three-fourths vote of the City Council to approve a zoning change when the owners of at least 20 percent of the land included in the proposed change or of the land within 150 feet (not including the width of the street) of the front, back or any side of the property sought to be rezoned signed the petition. For condominium, townhouse and other types of ownership with common lands, authorized property owner signatures are required. Please see Planning and Development Department Staff for additional information prior to gathering signatures.

To require a three-fourths vote of the City Council for approval, a written protest for applications on this agenda must be filed with the Planning and Development Department by 5:00 p.m. March 9, 2017.

The Planning and Development Department will verify ownership by protestors to determine whether or not a three-fourths vote will be required.

- 3. A **CONTINUANCE** is granted at the **PLANNING COMMISSION**. In the event of a continuance, there is an \$830.00 fee due from the applicant within fourteen (14) days, by 5:00 p.m. March 16, 2017.

**FORM TO REQUEST CITY COUNCIL HEARING**

**I HEARBY REQUEST THAT THE CITY COUNCIL HOLD A PUBLIC HEARING:**

2-88-16  
APPLICATION NO.

SEC of 37th St. + Shea Blvd  
LOCATION OF APPLICATION SITE

MARCH 2 2017  
DATE APPEALED FROM

OPPOSITION  
 APPLICANT

[Signature]  
PLANNER  
(PLANNER TAKING THE APPEAL)

**BY MY SIGNATURE BELOW, I ACKNOWLEDGE CITY COUNCIL APPEAL:**

ADAM BAUGH / WITHEY MORRIS P/C  
PRINTED NAME OF PERSON APPEALING

A. Abu Ramez  
SIGNATURE

2525 E. Arizona Biltmore Cr. A-212  
STREET ADDRESS

3/9/17  
DATE OF SIGNATURE

Phoenix AZ 85016  
CITY, STATE & ZIP CODE

602 230 0600  
TELEPHONE NO.

REASON FOR REQUEST The applicant and neighbors worked together on site plan changes and revised stipulations. The appeal is necessary to update the stipulations to reflect the

**APPEALS MUST BE FILED IN PERSON AT 200 WEST WASHINGTON, 2ND FLOOR, ZONING COUNTER** neighborhood compromise.



*\*Revised 2/24/17*

**NOTICE OF PUBLIC HEARING  
PLANNING COMMISSION**

Pursuant to A.R.S. Section 38-431.02, notice is hereby given to the members of the **PLANNING COMMISSION** and to the general public, that the **CITY OF PHOENIX PLANNING COMMISSION** will hold a meeting open to the public on **March 2, 2017, at 6:00 p.m. located in City Council Chambers, 200 West Jefferson Street, Phoenix, Arizona**

1. Public hearing for Z-94-16-2 will be held on March 22, 2017 at 2:30 p.m. in the City Council Chambers, 200 West Jefferson Street.

2. If appealed, the City Council Hearing will be held on April 5, 2017 at 2:30 p.m. For cases not appealed, the ordinance/resolution adoption will be on April 5, 2017 at 2:30 p.m. in the City Council Chambers, 200 West Jefferson Street.

The agenda for the meeting is as follows:

**I. APPROVAL OF MINUTES**

For correction or approval of the Planning Commission Hearing minutes of February 2, 2017 (Commissioner Heck)

**II. CONTINUANCES AND WITHDRAWALS**

1. Application #: Z-85-16-8  
From: S-1  
To: R1-8  
Acreage: 79.58  
Location: Northeast corner of 35th Avenue and Baseline Road  
Proposal: Single-family residential  
Applicant: Woodside Homes, Heather Davenport  
Owner: Silva Farming Enterprises, LTD Partnership  
Representative: Norris Design, Hillary Turby

**III. REZONING CASES**

2. Application #: Z-95-16-8  
From: C-2  
C-2 SP  
To: C-2 HR  
C-2 HR SP  
Acreage: 4.27  
Location: Southeast corner of 10th Street and Willetta Avenue  
Proposal: Hospital Expansion

- Applicant: Steve Eiss/Banner Health  
 Owner: Banner Health  
 Representative: Ray Brown/HKS Architects
3. Application #: Z-SP-13-16-2  
 From: C-2 DNS/WVR DRSP  
 To: C-2 DNS/WVR SP DRSP  
 Acreage: 0.10  
 Location: Approximately 350 feet north of the northwest corner of Tatum Boulevard and Rose Garden Lane  
 Proposal: Massage establishment and all underlying C-2 uses  
 Applicant: Rod Jarvis/Earl, Curley & Lagarde  
 Owner: Jerry Simms  
 Representative: Tim Rasnake - Archicon, AIA, LC
- 4.. Application #: Z-70-16-7  
 From: R-4  
 To: A-1  
 Acreage: 0.27  
 Location: Approximately 290 feet east of the northeast corner of 35th Avenue and Adams Street  
 Proposal: Car wash, automobile sales  
 Applicant: Rush Investments LLC, Janet Rush  
 Owner: Rush Investments LLC  
 Representative: James Day/ James M Day & Associates Inc.
5. Application #: Z-91-16-8  
 From: R-3  
 C-2  
 P-1  
 To: C-2  
 Acreage: 3.48  
 Location: Northeast corner of 25th Street and Brill Street  
 Proposal: Commercial Retail  
 Applicant: Olsson Associates, Cardell Andrews III  
 Owner: Various  
 Representative: O'Reilly Auto Parts, Mandi Paswaters
6. Application #: Z-94-16-2  
 From: C-3  
 To: R-3A  
 Acreage: 2.39  
 Location: Approximately 300 feet south of the southeast corner of 25th Street and Bell Road  
 Proposal: Multi-family Residential  
 Applicant: Jacob Zonn, Tiffany & Bosco, PA

- Owner: Chicanos Por La Causa Lan Bank, LLC  
 Representative: Jacob Zonn, Tiffany & Bosco, PA
7. Application #: Z-86-16-4  
 From: R-3  
 To: P-1  
 Acreage: 0.23  
 Location: Approximately 70 feet west of the northwest corner of 11th Street and Mariposa Street  
 Proposal: Parking Lot  
 Applicant: One Development, Virginia Senior  
 Owner: Palo Verde Place, LLC  
 Representative: One Development, Virginia Senior
8. Application #: Z-53-16-8  
 From: R-3 RI  
 To: P-1  
 Acreage: 0.20  
 Location: Approximately 200 feet west of the southwest corner of 16th Street and Willetta Street  
 Proposal: Surface parking for a medical clinic  
 Applicant: Dr. Ricardo Celaya  
 Owner: Willetta Building, LLC  
 Representative: Luis Badilla
9. Application #: Z-36-16-2  
 From: R1-8  
 To: PUD  
 Acreage: 1.99  
 Location: Northeast corner of 30th Street and Union Hills Drive  
 Proposal: Planned Unit Development to allow multifamily residential  
 Applicant: GCHI Landholdings, LLC  
 Owner: D. Schirripa, I.german, D.Rifley  
 Representative: Zoning Strategies, LLC / Jenifer Corey
10. Application #: Z-57-16-8  
 From: C-O  
 To: PUD  
 Acreage: 3.18  
 Location: Approximately 639 feet south of the southwest corner of 44th Street and Thomas Road  
 Proposal: Planned Unit Development to allow a mix of uses including retail and multi-family residential  
 Applicant: George Pasquel III - Withey Morris PLC  
 Owner: Stockdale Capital  
 Representative: George Pasquel III - Withey Morris PLC

11. Application #: Z-73-16-2  
 From: County RU-43 (Pending S-1)  
 To: R1-18  
 Acreage: 12.49  
 Location: Northeast corner of the 42nd Street alignment and Dynamite Boulevard  
 Proposal: Single-family Residential  
 Applicant: EcoVista Development, LLC/ Seth  
 Owner: J & M Aronica Revocable Trust  
 Representative: Berry Riddell, LLC/ Wendy Riddell esq.
12. Application #: Z-88-16-3  
 From: RE-43  
 To: R-O  
 Acreage: 1.65  
 Location: Southeast corner of 37th Street and Shea Boulevard  
 Proposal: Residential Office  
 Applicant: Withey Morris, PLC/ Adam Baugh  
 Owner: RK & JE Wheeler Family Trust  
 Representative: Withey Morris, PLC/ Adam Baugh
13. Application #: PHO-1-16—Z-181-99-3  
 Existing Zoning: R1-6  
 Acreage: 1.91  
 Location: East side of 26th Street, 350 feet south of Vogel Avenue  
 Proposal: Request to delete Stipulation 1 that the development be in general conformance with the site plan dated February 23, 2000, and building elevations dated August 2, 1999  
 Technical Corrections to Stipulations 4, 7, and 9  
 Applicant: JL Ventures, LLC  
 Owner: Apostolic Christian Church of America  
 Representative: Trapezium Consulting Group, LLC

#### **IV. OTHER BUSINESS**

- \*14. Presentation, discussion and possible action to initiate a rezoning application for a portion of the North Gateway Planned Community District generally located approximately 220 feet north of the northwest corner of the 27<sup>th</sup> Avenue alignment and North Foothills Drive alignment to remove the PCD designation.

#### **V COMMISSION MEMBER REQUESTS FOR INFORMATION, FOLLOW-UP ON FUTURE ITEMS, AS WELL AS COMMENTS FROM THE PUBLIC CONCERNING ITEMS NOT ON THE AGENDA**

For further information, please call Tricia Gomes at (602) 262-4870

Rezoning staff reports currently in the hearing process are now available online; please visit our website at <http://phoenix.gov/pdd/services/rezoning-and-special-permits>. This publication can be made available in alternate format upon request. Contact Tamra Ingersoll at (602) 534-6648, TTY: use 7-1-1.

To request reasonable accommodations, please contact Tamra Ingersoll at (602) 534-6648, TTY use 7-1-1.

February 23, 2017


Attachment D



**City of Phoenix**

PLANNING AND DEVELOPMENT DEPARTMENT

**To:** Mario Paniagua  
Deputy City Manager **Date:** March 17, 2017

**From:** Alan Stephenson   
Planning and Development Director

**Subject:** ITEM \_\_ ON THE APRIL 5, 2017 FORMAL AGENDA – PUBLIC HEARING/ORDINANCE ADOPTION OF Z-88-16-3 (G-\_\_) – SOUTHEAST CORNER OF 37TH STREET AND SHEA BOULEVARD

Item \_\_ rezoning application Z-88-16-3 and Ordinance G-\_\_, is a request to rezone a 1.65-acre property located at the southeast corner of 37th Street and Shea Boulevard from RE-43 (Residential Estate District) to R-O (Residential Office District) to allow residential office.

The applicant appealed the Planning Commission approval of this request to add a stipulation that eliminates public access to 37th Street. The addition of this stipulation addresses the neighborhood concerns with this proposal. Staff recommends approval per the stipulations of this memo and adoption of the related ordinance.

The proposed language and additional stipulation is as follows:

1. A minimum 20-foot landscape setback along Shea Boulevard and 37th Street, shall be planted with a minimum 50% 2-inch caliper trees, minimum 25% 3-inch caliper trees, and minimum 25% 4-inch caliper trees to be placed 20-feet on center or in equivalent groupings, as approved by the Planning and Development Department. When possible, the developer should use existing trees and landscaping to meet the landscaping requirements.
2. An average 12-foot landscape setback, minimum 10-foot landscape setback, with minimum 2-inch caliper trees shall be placed 20 feet on center or in equivalent groupings along the south property line, as approved by the Planning and Development Department.
3. A minimum 10-foot landscape setback with minimum 2-inch caliper trees shall be placed 20 feet on center or in equivalent groupings along the east property line, as approved by the Planning and Development Department.
4. A minimum building setback of 85 feet shall be required along the south property line, as approved by the Planning and Development Department.
5. The maximum building height shall be 22 feet.
6. No individual building shall exceed a maximum of 6,000 square feet.
7. Lot coverage shall not exceed 23%.

8. The development shall provide a minimum of 4 bicycle parking spaces that are located within 50 feet from the building entry points, as approved by the Planning and Development Department.
9. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals as per plans approved by the City. All improvements shall comply with all ADA accessibility standards.
10. The property owner shall update all existing off-site street improvements (sidewalks, curb ramps, and driveways) to current ADA guidelines.
11. If access is permitted to 37th Street, no southbound traffic movement shall be permitted and the driveway shall be signed and designed accordingly, as approved by the Planning and Development Department.
12. The applicant shall work with the neighbors and the Street Transportation Department regarding traffic calming solutions on Mountain View Road, 36th Street and 37th Street.
13. THERE SHALL BE NO PUBLIC VEHICULAR ACCESS TO 37TH STREET, EXCEPT A CRASH GATE FOR EMERGENCY VEHICLE ACCESS ONLY MAY BE PERMISSIBLE, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.



March 7, 2017

Alan Stephenson  
City of Phoenix  
Phoenix City Hall  
200 West Washington Street, 3<sup>rd</sup> Floor  
Phoenix, Arizona 85003

RE: (Z-88-16-3) Application to Rezone SEC 37<sup>th</sup> Street and Shea Boulevard

Dear Mr. Stephenson:

In accordance with Jason Morris' letter today to me on which you and Debra Stark are being copied, I and my wife are writing to withdraw our previous opposition to rezone case Z-88-16. I met with the applicant and they agreed to remove the driveway on 37<sup>th</sup> Street to prevent public access. We are agreeable to a crash gate for emergency vehicle access only as required by the Planning and Development Department. We have worked together with the applicant to revise the stipulation language to reflect this compromise agreement and we request this revised language be included in the amended staff recommendation to the City Council. Below is the proposed revised stipulation language.

There shall be no public vehicular access to 37<sup>th</sup> Street except a crash gate for emergency vehicle access only may be permissible as required by the Planning and Development Department.

I also spoke this morning with both Deb and Ken Woodward who live on 37<sup>th</sup> Street and who also have opposed the rezoning. They, too, are in agreement with this proposal and will no longer oppose the rezoning. Thank you for your assistance with this matter.

Sincerely,



Peter C. Warner

Cc: Jason Morris



March 7, 2017

Alan Stephenson  
City of Phoenix  
Phoenix City Hall  
200 West Washington Street, 3<sup>rd</sup> Floor  
Phoenix, Arizona 85003

RE: (Z-88-16-3) Application to Rezone SEC 37<sup>th</sup> Street and Shea Boulevard

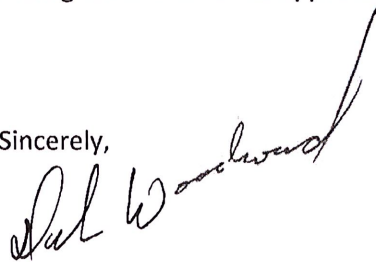
Dear Mr. Stephenson:

In accordance with Jason Morris' letter dated March 7, 2016, I and my husband are withdrawing our previous opposition to rezone case Z-88-16. I met with the applicant and they agreed to remove the driveway on 37<sup>th</sup> Street to prevent public access. We are agreeable to a crash gate for emergency vehicle access only as required by the Planning and Development Department. We have worked together with the applicant to revise the stipulation language to reflect this compromise agreement and we request this revised language be included in the amended staff recommendation to the City Council. Below is the proposed revised stipulation language.

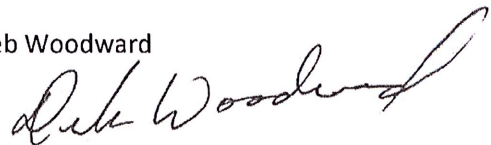
There shall be no public vehicular access to 37<sup>th</sup> Street except a crash gate for emergency vehicle access only may be permissible as required by the Planning and Development Department.

I also spoke with Peter Warner who lives on 37<sup>th</sup> Street and who also previously opposed the rezoning. They too are in agreement with the proposal and have signed a letter of no opposition. Thank you for your assistance with this matter.

Sincerely,



Deb Woodward






**City of Phoenix**

PLANNING AND DEVELOPMENT DEPARTMENT

**To:** Mario Paniagua  
Deputy City Manager

**Date:** April 3, 2017

**From:** Alan Stephenson   
Planning and Development Director

**Subject:** ITEM 96 ON THE APRIL 5, 2017 FORMAL AGENDA – PUBLIC HEARING/ORDINANCE ADOPTION OF Z-88-16-3 (G-6305) – SOUTHEAST CORNER OF 37TH STREET AND SHEA BOULEVARD

Item 96 rezoning application Z-88-16-3 and Ordinance G-6305, is a request to rezone a 1.65-acre property located at the southeast corner of 37th Street and Shea Boulevard from RE-43 (Residential Estate District) to R-O (Residential Office District) to allow residential office.

The applicant appealed the Planning Commission approval of this request to add a stipulation that eliminates public access to 37th Street. The addition of this stipulation addresses the neighborhood concerns with this proposal. Staff recommends approval per the stipulations of this memo and adoption of the related ordinance.

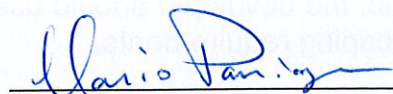
The proposed language and additional stipulation is as follows:

1. A minimum 20-foot landscape setback along Shea Boulevard and 37th Street, shall be planted with a minimum 50% 2-inch caliper trees, minimum 25% 3-inch caliper trees, and minimum 25% 4-inch caliper trees to be placed 20-feet on center or in equivalent groupings, as approved by the Planning and Development Department. When possible, the developer should use existing trees and landscaping to meet the landscaping requirements.
2. An average 12-foot landscape setback, minimum 10-foot landscape setback, with minimum 2-inch caliper trees shall be placed 20 feet on center or in equivalent groupings along the south property line, as approved by the Planning and Development Department.
3. A minimum 10-foot landscape setback with minimum 2-inch caliper trees shall be placed 20 feet on center or in equivalent groupings along the east property line, as approved by the Planning and Development Department.
4. A minimum building setback of 85 feet shall be required along the south property line, as approved by the Planning and Development Department.
5. The maximum building height shall be 22 feet.
6. No individual building shall exceed a maximum of 6,000 square feet.
7. Lot coverage shall not exceed 23%.



8. The development shall provide a minimum of 4 bicycle parking spaces that are located within 50 feet from the building entry points, as approved by the Planning and Development Department.
9. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals as per plans approved by the City. All improvements shall comply with all ADA accessibility standards.
10. The property owner shall update all existing off-site street improvements (sidewalks, curb ramps, and driveways) to current ADA guidelines.
11. If access is permitted to 37th Street, no southbound traffic movement shall be permitted and the driveway shall be signed and designed accordingly, as approved by the Planning and Development Department.
12. The applicant shall work with the neighbors and the Street Transportation Department regarding traffic calming solutions on Mountain View Road, 36th Street and 37th Street.
13. THERE SHALL BE NO PUBLIC VEHICULAR ACCESS TO 37TH STREET, EXCEPT A CRASH GATE FOR EMERGENCY VEHICLE ACCESS ONLY MAY BE PERMISSIBLE, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

Approved:



---

Mario Paniagua, Deputy City Manager



**REQUEST TO CONTINUE (SEE ATTACHED CONTINUANCE MEMO) - Amend City Code - Public Hearing and Ordinance Adoption - Rezoning Application Z-73-16-2 - Northeast Corner of the 42nd Street Alignment and Dynamite Boulevard (Ordinance G-6306)**

**Summary**

Request to hold a public hearing to authorize the City Manager to approve the Planning Commission's recommendation of denial to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix for the R1-18 (Single Family Residence District) zoning district to allow single family residential development as request with application Z-73-16-2.

Application No. Z-73-16-2

Current Zoning: County RU-43 (Pending S-1)

Proposed Zoning: R1-18

Acreage: 12.49

Proposal: Single Family Residential

Applicant: EcoVista Development LLC

Owner: J & M Aronica Revocable Trust

Representative: Wendy Riddell, Berry Riddell LLC

Staff Recommendation: Approved with stipulations

VPC Action: Denied by a vote of 4-3

PC Action: Denied by a vote of 3-3-1

3/4 Vote Required: Yes

**Location**

Northeast corner of the 42nd Street alignment and Dynamite Boulevard.

Council District: 2

**Responsible Department**

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

**Attachment A**

**THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL  
ADOPTED ORDINANCE**

**ORDINANCE G-**

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-73-16-2) FROM COUNTY RU-43 (PENDING S-1) (FARM RESIDENCE DISTRICT) TO R1-18 (SINGLE FAMILY RESIDENCE DISTRICT).

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

SECTION 1. The zoning of an approximately 12.49-acre property located at the northeast corner of the 42nd Street alignment and Dynamite Boulevard in a portion of Section 30, Township 5 North, Range 4 East, as described more specifically in Exhibit "A", is hereby changed from "County RU-43 (Pending S-1)" (Farm Residence District) to "R1-18" (Single Family Residence District).

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

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

violation of which shall be treated in the same manner as a violation of the City of

Phoenix Zoning Ordinance:

1. The development shall be in general conformance with the site plan date stamped January 26, 2017, as modified by the following stipulations and approved by the Planning and Development Department with specific regard to the following:
  - A. The development shall not exceed 28 lots.
  - B. A minimum 20% open space shall be provided.
  - C. The minimum residential lot width shall be 55 feet.
2. The development shall utilize view fencing for homes that side on common open space tracts, as approved by the Planning and Development Department.
3. A minimum 50-foot landscape setback shall be graded and planted to mimic natural desert landscape along the south property line, as approved by the Planning and Development Department.

#### ARCHAEOLOGY

4. The applicant shall 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.

#### STREETS

5. Right-of-way totaling 70 feet shall be dedicated for the north half of Dynamite Boulevard, as approved by the Planning and Development Department.
6. Right-of-way totaling 25 feet shall be dedicated for the east half of 42nd Street, as approved by the Planning and Development Department.
7. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.

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 5th day of April, 2017.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

REVIEWED BY:

\_\_\_\_\_  
City Manager

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

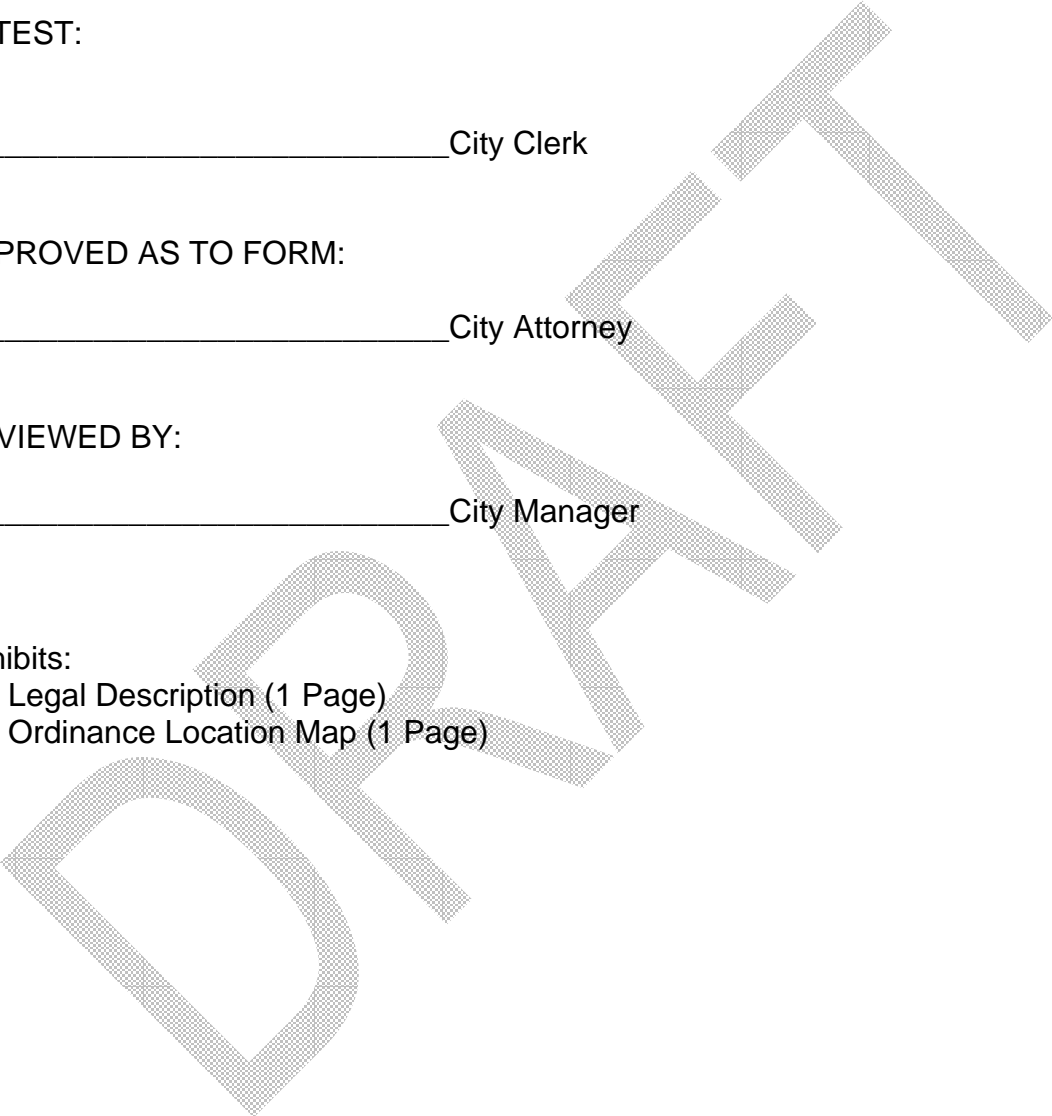


EXHIBIT A

LEGAL DESCRIPTION FOR Z-73-16-2

The Southwest Quarter of the Southeast Quarter of the Southeast Quarter of the Southwest Quarter of Section 30, Township 5 North, Range 4 East of the Gila and Salt River Meridian, Maricopa County, Arizona

Except the South 40 feet thereof.

DRAFT

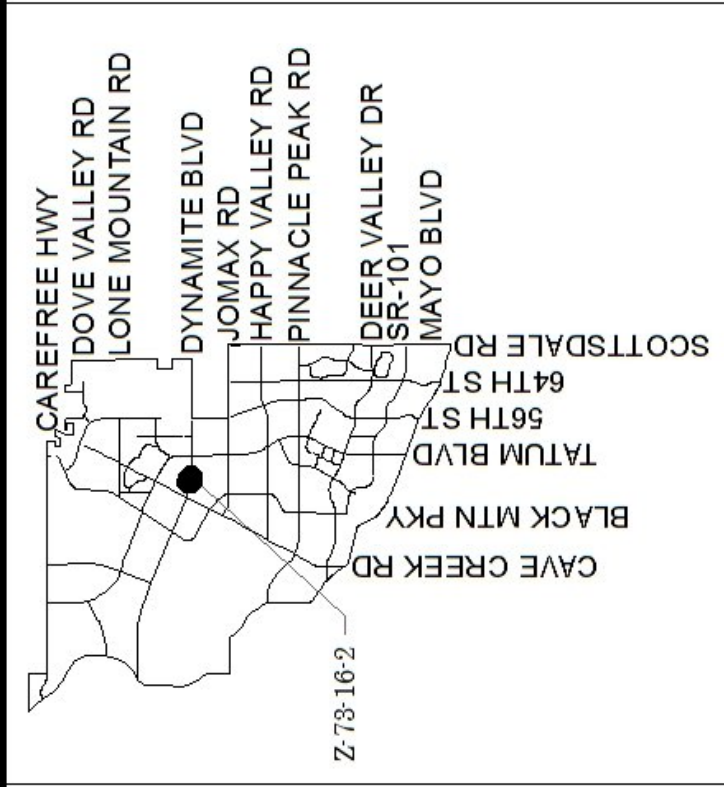
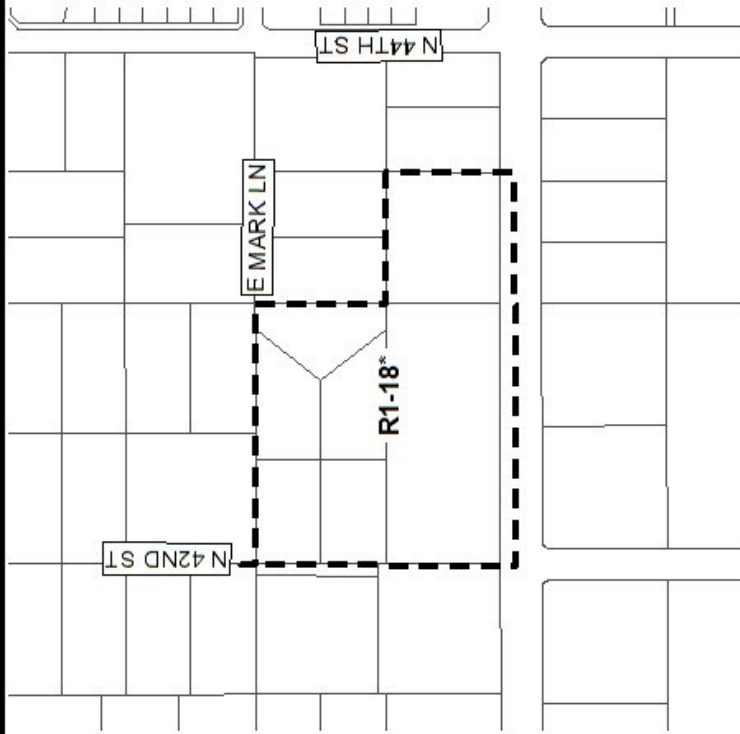


# ORDINANCE LOCATION MAP

EXHIBIT B

Zoning Case Number: Z-73-16-2  
Zoning Overlay: N/A  
Planning Village: Desert View

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



NOT TO SCALE



Drawn Date: 2/23/2017

R:\IS\_Team\Core\_Functions\Zoning\SupplMaps\_OrdMaps\2017\_Ord\3\_22\_17\Z-73-16-2.mxd

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**BACKUP INFORMATION - PUBLIC HEARING/ORDINANCE ADOPTION –  
(Z-73-16-2) ON THE APRIL 5, 2017, FORMAL AGENDA – NORTHEAST CORNER  
OF THE 42ND STREET ALIGNMENT AND DYNAMITE BOULEVARD**

---

TO: Mario Paniagua  
Deputy City Manager

FROM: Alan Stephenson  
Planning & Development Director

SUBJECT: BACKUP INFORMATION - PUBLIC HEARING/  
ORDINANCE ADOPTION – (Z-73-16-2) ON THE APRIL 5, 2017, FORMAL  
AGENDA – NORTHEAST CORNER OF THE 42ND STREET ALIGNMENT  
AND DYNAMITE BOULEVARD

---

This report provides backup information - Public Hearing/Ordinance Adoption to Z-73-16-2 located at the northeast corner of the 42nd Street alignment and Dynamite Boulevard on the April 5, 2017 Formal Agenda.

THE ISSUE

A rezoning application has been submitted for requesting approval by the City Council for a parcel located at the northeast corner of the 42nd Street alignment and Dynamite Boulevard. The application is being made by the EcoVista Development LLC.

OTHER INFORMATION

Rezoning case Z-73-16-2 is a request to rezone 12.49 acres from County RU-43 (Pending S-1) to R1-18 to allow single family residential.

The Desert View Village Planning Committee heard the request on Feb. 7, 2017, and it was denied. Vote: 4-3.

The Planning Commission heard the request on Mar. 2, 2017, and it was denied. Vote: 3-3.

The request was appealed by the applicant to hold a public hearing at the Apr. 5, 2017 City Council meeting.

The application was appealed by the applicant as there was a tie vote of the Planning Commission. A tie vote is treated as a denial. A three-fourths vote of the City Council is required for approval of this rezoning request due to adjacent property owner concerns with the proposal.

Exhibits:

1. – Staff Report Z-73-16-2
2. – Village Planning Committee Meeting Summary
3. – Planning Commission Minutes
4. – Appeal
5. – Three Quarters vote

## Staff Report Z-73-16-2

January 23, 2017

<b>Desert View Village Planning Committee Meeting Date:</b>	February 7, 2017
<b>Planning Commission Hearing Date:</b>	March 2, 2017
<b>Request From:</b>	County RU-43 (Pending S-1) (12.49 acres)
<b>Request To:</b>	R1-18 (12.49 acres)
<b>Proposed Use:</b>	Single Family Residential
<b>Location:</b>	Northeast corner of the 42 <sup>nd</sup> Street alignment and Dynamite Boulevard
<b>Owner:</b>	J & M Aronica Revocable Trust
<b>Applicant/Representative:</b>	EcoVista Development LLC; Wendy Riddell, Berry Riddell LLC
<b>Staff Recommendation:</b>	Approval, subject to stipulations

General Plan Conformity			
<b>General Plan Land Use Designation</b>	Residential 0-2 du/acre		
<b>Street Map Classification</b>	42 <sup>nd</sup> Street	Local	25-foot east half street
	Dynamite Boulevard	Major Arterial	70-foot east half street
<p><b><i>CELEBRATE OUR DIVERSE COMMUNITIES AND NEIGHBORHOODS CORE VALUE; CERTAINTY AND CHARACTER; DESIGN PRINCIPLE: Protect and enhance the character of each neighborhood and its various housing lifestyles through new development that is compatible in scale, design, and appearance.</i></b></p> <p>As stipulated, the proposed development is consistent with the scale, design, and appearance of the surrounding area. The proposal provides a high percentage of open space, integration of natural washes, and an increased setback along Dynamite Boulevard.</p>			

**BUILD THE SUSTAINABLE DESERT CITY CORE VALUE; RIVERS, WASHES AND WATERWAYS; LAND USE PRINCIPLE: Preserve natural washes coming from the preserves and promote access and views of the preserves by the public.**

The applicant has configured the lot layout to integrate the natural wash that currently runs through the subject property.

**BUILD THE SUSTAINABLE DESERT CITY CORE VALUE; RIVERS, WASHES AND WATERWAYS; DESIGN PRINCIPLE: Propose new design standards that address drainage, use of native plants, edge treatment, and access – both visual and physical – for private and public development adjacent to public preserves, parks, washes and open spaces.**

The proposed development is integrating natural washes into the site design. As stipulated, the proposal also provides an increased landscape setback along the south property line with grading and landscaping to mimic the natural desert environment.

#### Area Plan

The North Land Use Plan designates this area as Residential 0-2 du/ac. The plan recognizes the importance that the rural character and lifestyle play in determining appropriate land use densities. The proposed 2.24 du/acre project exceeds the North Land Use Plan density cap of 2 du/acre however the proposal meets the intent of the North Land Use Plan by integrating the naturally occurring wash, providing a large amount of open space, and reestablishing a natural desert landscape within the development constraints of the subject site.

#### Surrounding Land Uses/Zoning

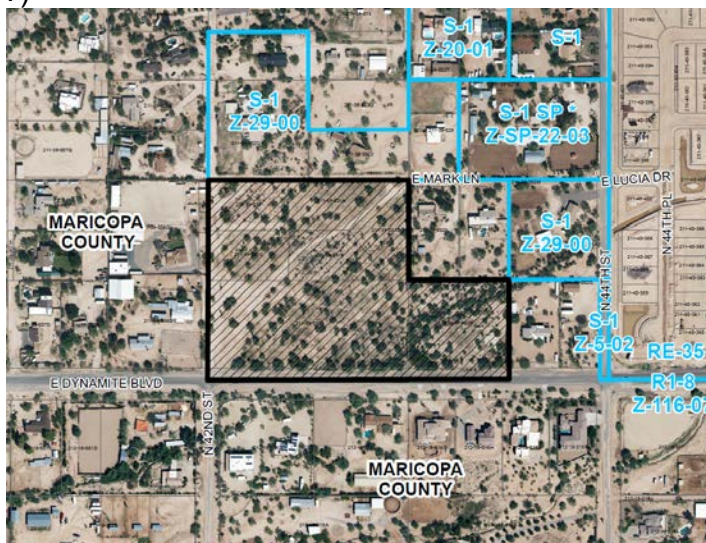
	<u>Land Use</u>	<u>Zoning</u>
<b>On Site</b>	Vacant	County RU-43 (Pending S-1)
<b>North</b>	Large Lot Single Family Residential	S-1
<b>South</b>	Large Lot Single Family Residential	County RU-43
<b>East</b>	Large Lot Single Family Residential	County RU-43
<b>West</b>	Large Lot Single Family Residential	County RU-43

<b>R1-18 Single Family</b>		<i>*if variance required</i>
<u>Standards</u>	<u>Requirements</u>	<u>Proposed site Plan</u>
Development Option	PRD	PRD
Gross Acreage	-	12.49 acres
Total Number of Units	-	28 units
Density	2.05, 2.34 with bonus	Met - 2.24 du/acre
Typical Lot Size	None	Met – 55 feet x 120 feet
Subject to Single Family Design Review	Yes	Yes
Open Space	Minimum 5% gross	Met – 32.7% (4.08 acres)
Perimeter Setbacks		
Street (Dynamite Boulevard)	20' adjacent to public street	Met – Varies between 56 feet and 111 feet
Street (42 <sup>nd</sup> Street alignment)	20' adjacent to public street	Met – 20 feet
Property Line (rear)	15'	Met – 23 feet 9 inches
Property Line (side)	15'	Met – 25 feet
Lot Coverage	Primary Structure 25%, Total 30%	Met – 25%; 30%
Building Height	2 stories and 30'	Not Shown

**Background/Issues/Analysis**

**SUBJECT SITE (REQUEST)**

1. This request is to rezone 12.49 acres located at the northeast corner of the 42<sup>nd</sup> Street alignment and Dynamite Boulevard from County RU-43 (Pending S-1) (Farm Residence) to R1-18 (Single Family Residential) to allow single family residential.



## SURROUNDING ZONING AND LAND USE

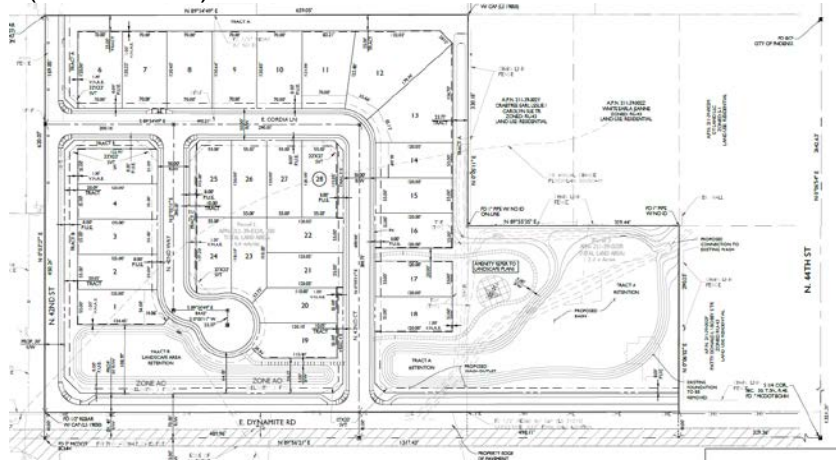
- The subject site is currently vacant, undeveloped land. To the north is large lot single family residential uses. To the south, east, and west are large lot single family residential uses located outside of the city limits.

## GENERAL PLAN

- The General Plan Land Use Map designation for the subject site is Residential 0-2 du/acre. The request is not in conformance with the General Plan designation of 0-2 du/acre, however the request is for the R1-18 zoning district which is defined as a Large Lot Residential product type. Residential requests that do not change from one type of residential product to another do not require a General Plan Amendment.

## ANALYSIS OF PROPOSAL (SITE PLAN)

- The site plan depicts a 28 lot subdivision with the integration of an existing wash along the southeast portion of site. The typical lot sizes are 6,600 square feet (55-foot x 120-foot) with approximately 32.7% common area provided.



Ingress and egress will be provided from 42<sup>nd</sup> Street and Dynamite Boulevard. Staff is recommending stipulations regarding the number of lots, percentage of open space, and minimum lot widths to ensure compatibility with the existing character of the area.

- View fencing provides visual access to open spaces to allow passive enjoyment and visual monitoring in order to discourage undesirable activity. To improve safety of existing washes and proposed open space, staff is recommending a stipulation that the development utilize view fencing for homes that side common open space tracts.
- The site plan depicts a large retention area along the southern portion of the subject site (Tract A and B) directly adjacent to Dynamite Boulevard. Staff is recommending a stipulation to ensure these two tracts are to be graded and planted to mimic the natural desert landscape.

## STREETS

7. The Street Transportation Department has indicated that the developer shall dedicate 70 feet of right-of-way for the north half of Dynamite Boulevard. Staff is recommending a stipulation to address this request.
8. The Street Transportation Department has indicated that the developer shall dedicate 25 feet of right-of-way for the east half of 42nd Street. Staff is recommending a stipulation to address this request.
9. The Street Transportation Department has indicated that the developer shall update all existing off-street improvements to current ADA guidelines. A stipulation has been recommended to address this request.

## WATER

10. The City of Phoenix Water Services Department has noted the potential need to up size existing water and sewer infrastructure mains so that any remodels or new buildings will be able to meet domestic and fire code requirements.

## ARCHAEOLOGY

11. The City of Phoenix Archaeology Office recommends that this project area undergo an archaeological survey. A stipulation has been recommended to address this request.

## OTHER

12. Development and use of the site is subject to all applicable codes and ordinances. Zoning approval does not negate other ordinance requirements. Other formal actions such as, but not limited to, zoning adjustments and abandonments, may be required.

## **Findings**

1. The proposed site plan, as stipulated, is compatible with the surrounding land use patterns in the area.
2. The development character respects the natural topography of the area and incorporates existing washes into the overall design.
3. The proposal will provide an additional housing option within the Desert View Village.

## **Stipulations**

1. The development shall be in general conformance with the site plan date stamped January 26, 2017, as modified by the following stipulations and approved by the Planning and Development Department with specific regard to the following:
  - A. The development shall not exceed 28 lots.
  - B. A minimum 20% open space shall be provided.
  - C. The minimum residential lot width shall be 55 feet.
2. The development shall utilize view fencing for homes that side on common open space tracts, as approved by the Planning and Development Department.
3. A minimum 50-foot landscape setback shall be graded and planted to mimic natural desert landscape along the south property line, as approved by the Planning and Development Department.

## **ARCHAEOLOGY**

4. The applicant shall 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.

## **STREETS**

5. Right-of-way totaling 70 feet shall be dedicated for the north half of Dynamite Boulevard, as approved by the Planning and Development Department.
6. Right-of-way totaling 25 feet shall be dedicated for the east half of 42<sup>nd</sup> Street, as approved by the Planning and Development Department.
7. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.

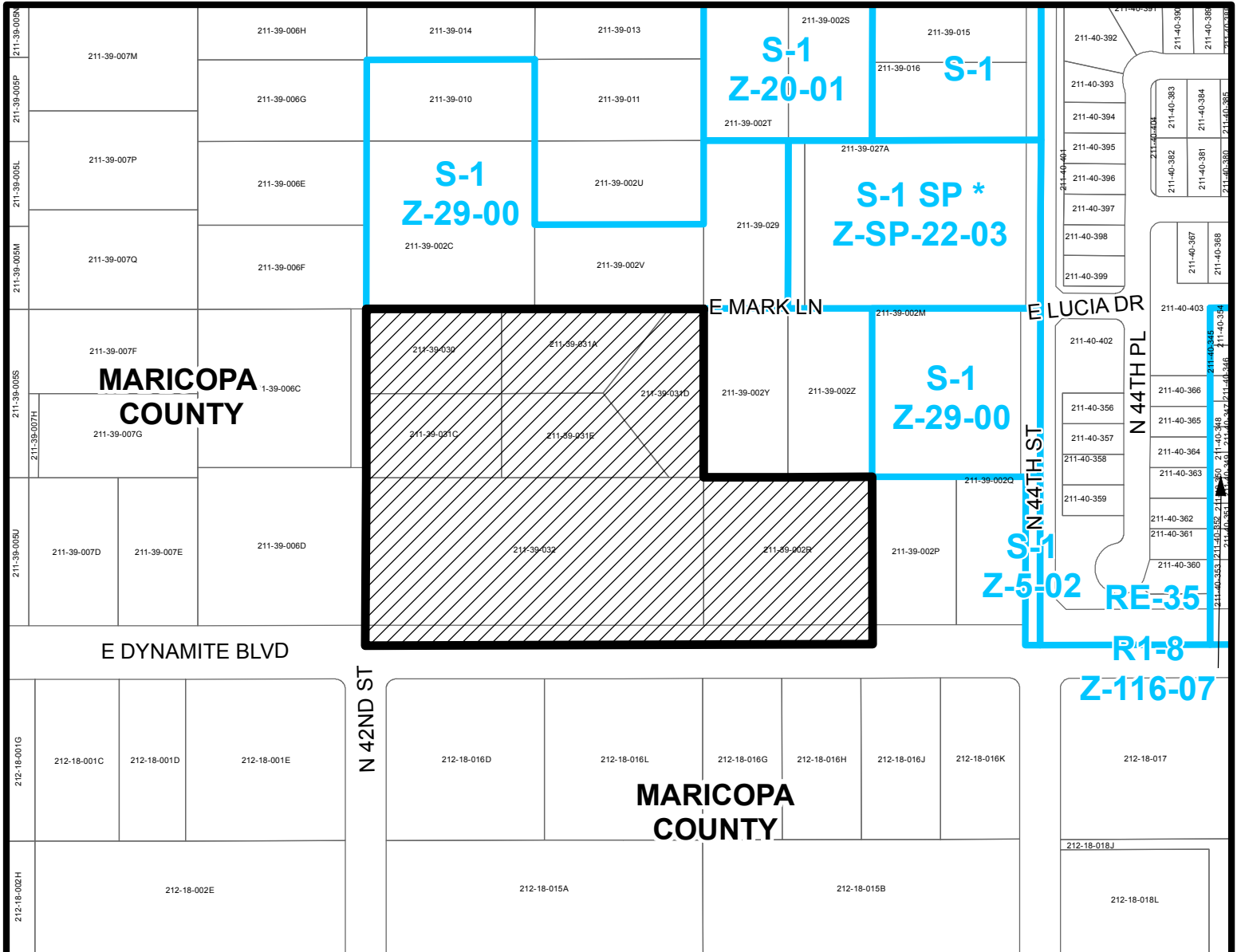


**Writer**

Joél Carrasco  
January 23, 2017  
Joshua Bednarek

**Exhibits**

Zoning sketch  
Aerial  
Site plan dated January 26, 2017 (2 pages)  
Illustrative Master Plan dated January 26, 2017 (1  
page)

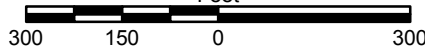


**MARICOPA COUNTY**

**MARICOPA COUNTY**



Feet



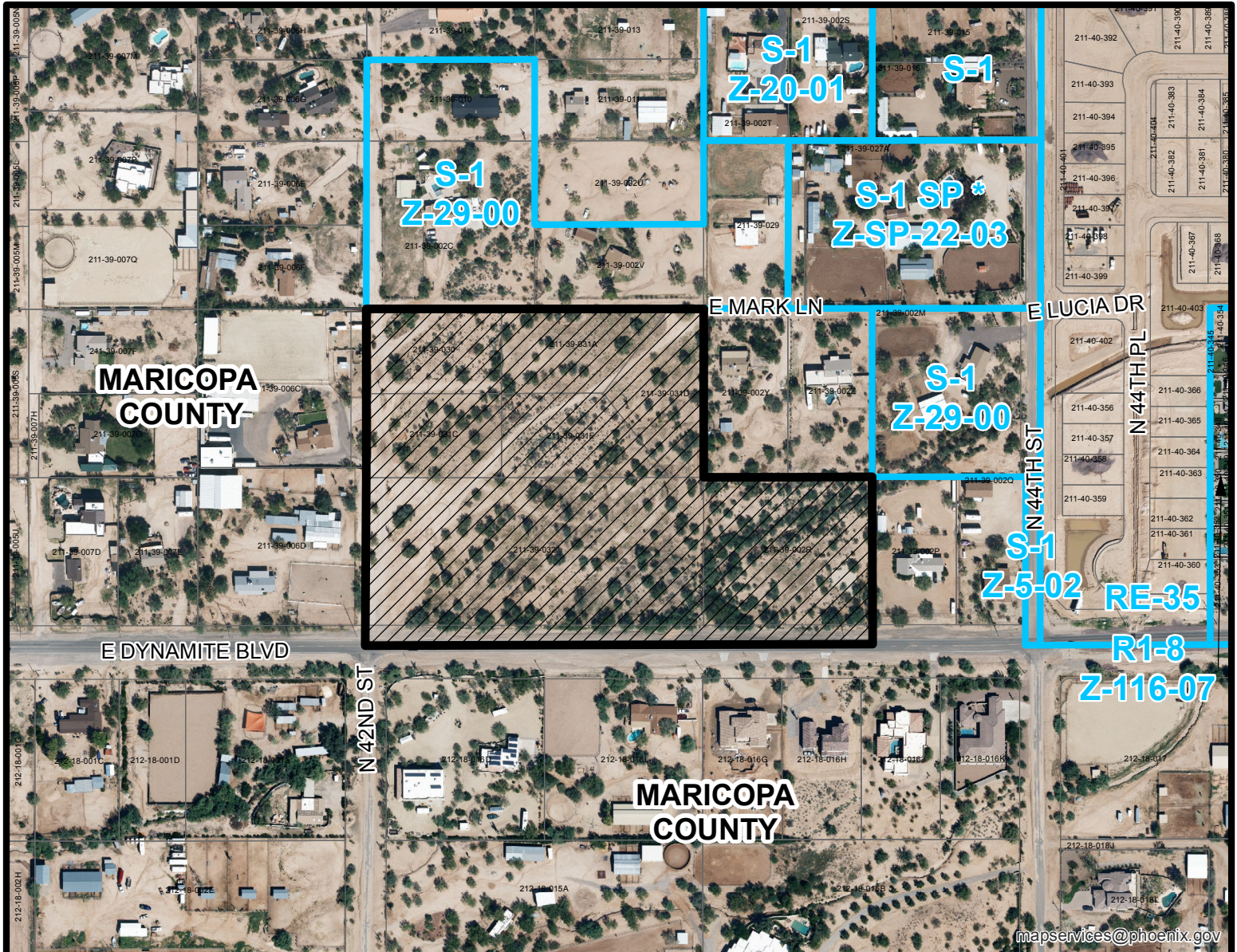
**DESERT VIEW VILLAGE**  
CITY COUNCIL DISTRICT: 2



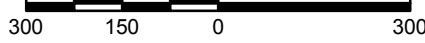
<b>APPLICANT'S NAME:</b> EcoVista Development LLC/ Seth		<b>REQUESTED CHANGE:</b> FROM: County RU-43 (pending S-1), (12.49 a.c.)  TO: R-1-8, (12.49 a.c.)	
<b>APPLICATION NO.</b> Z-73-16	<b>DATE:</b> 10/17/2016 <b>REVISION DATES:</b> 01/20/2017		
GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.  12.49 Acres	<b>AERIAL PHOTO &amp; QUARTER SEC. NO.</b> QS 51-37	<b>ZONING MAP</b> P-10	
<b>MULTIPLES PERMITTED</b> County RU-43 (pending S-1) R-1-8	<b>CONVENTIONAL OPTION</b> 12 (12) 24	<b>* UNITS P.R.D. OPTION</b> N/A 29	

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





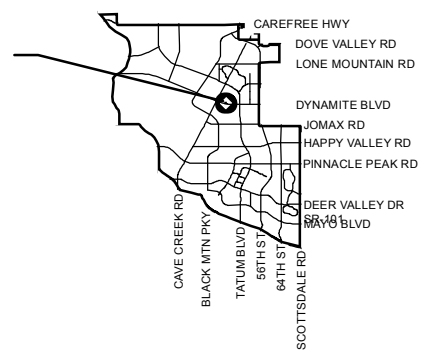
Feet



**DESERT VIEW VILLAGE**  
CITY COUNCIL DISTRICT: 2



Z-73-16



APPLICANT'S NAME: **EcoVista Development LLC/ Seth**

APPLICATION NO. **Z-73-16**

DATE: **10/17/2016**  
REVISION DATES:

01/20/2017		
AERIAL PHOTO & QUARTER SEC. NO.	ZONING MAP	
<b>QS 51-37</b>	<b>P-10</b>	

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

REQUESTED CHANGE:  
FROM: **County RU-43 (pending S-1), (12.49 a.c.)**  
TO: **R1-18, (12.49 a.c.)**

MULTIPLES PERMITTED
County RU-43 (pending S-1)
R1-18

CONVENTIONAL OPTION
12 (12)
24

* UNITS P.R.D. OPTION
N/A
29

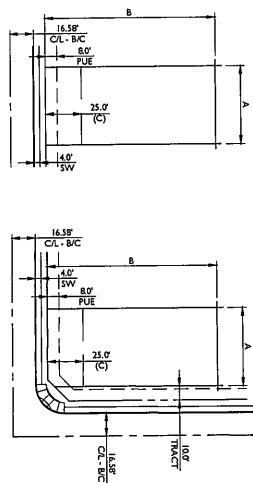
\* Maximum Units Allowed with P.R.D. Bonus



# PRELIMINARY SITE PLAN FOR SAGUARO TRAILS

NEC DYNAMITE ROAD & 42ND STREET, CAVE CREEK, ARIZONA  
A PORTION OF THE SOUTHWEST QUARTER OF SECTION 30, T.15 N., R.4 E.,  
OF THE GILA AND SALT TOWER BUREAU MERIDIAN, MARICOPA COUNTY, ARIZONA.

## TYPICAL LOT DETAIL



Typical Lot Setbacks

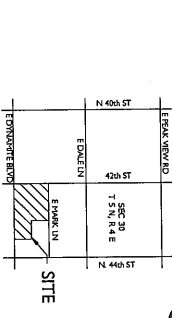
Corner Lot Setbacks

SETBACK	MIN. SETBACK	MAX. SETBACK
FRONT YARD	5'	5'
REAR YARD	5'	5'
SIDE YARD	5'	5'
DRIVEWAY	5'	5'
UTILITIES	5'	5'

## R1-18 PLANNED RESIDENTIAL DEVELOPMENT STANDARDS

STANDARD	REQUIRED	PROPOSED
MIN. LOT AREA	10,000 SQ. FT.	12,000 SQ. FT.
MIN. LOT FRONT SETBACK	5'	5'
MIN. LOT DEPTH	20'	20'
MIN. LOT WIDTH	30'	30'
MIN. LOT FRONT SETBACK	5'	5'
MIN. LOT DEPTH	20'	20'
MIN. LOT WIDTH	30'	30'
MIN. LOT FRONT SETBACK	5'	5'
MIN. LOT DEPTH	20'	20'
MIN. LOT WIDTH	30'	30'

## VICINITY MAP



## PROJECT TEAM

**PLANNER, ENGINEER, AND ARCHITECT**  
EPS GROUP  
2045 S. Vineyard Ave, Suite 101  
Mesa, AZ 85210  
TEL: (480) 503-2288  
WWW.EPSGROUP.COM

## PROJECT DATA

**PROJECT LOCATION:** 11.5686 ACRES, 11.5686 ACRES (27.2% OF GROSS AREA)  
**PROJECT ZONING:** R1-18  
**PROJECT AREA:** 11.5686 ACRES (27.2% OF GROSS AREA)  
**PROJECT BEARING:** 89° 12' 30" W  
**PROJECT AREA:** 11.5686 ACRES (27.2% OF GROSS AREA)

## UTILITIES

**WATER:** CITY OF PHOENIX  
**SEWER:** CITY OF PHOENIX  
**ELECTRIC:** CENTRAL ARIZONA ELECTRIC COOPERATIVE  
**CABLE TV:** CITY OF PHOENIX  
**POLICE:** CITY OF PHOENIX

## PROJECT DESCRIPTION

THE DEVELOPMENT PLAN CONSISTS OF 24 LOTS, SINGLE-FAMILY RESIDENTIAL LOTS, SITUATED IN THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 15 NORTH, RANGE 4 EAST, OF THE GILA AND SALT TOWER BUREAU MERIDIAN, MARICOPA COUNTY, ARIZONA. THE DEVELOPMENT PLAN IS SUBMITTED IN ACCORDANCE WITH THE LAND USE DEVELOPMENT ORDINANCE WITH VARIATION, WHICH IS A PART OF THE CITY OF PHOENIX GENERAL ORDINANCES. THE DEVELOPMENT PLAN IS SUBJECT TO THE CITY OF PHOENIX DEVELOPMENT REVIEW PROCESS AND THE CITY OF PHOENIX DEVELOPMENT REVIEW BOARD'S REVIEW AND APPROVAL.

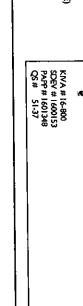
## PARCEL 2 - LEGAL DESCRIPTION:

THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 15 NORTH, RANGE 4 EAST, OF THE GILA AND SALT TOWER BUREAU MERIDIAN, MARICOPA COUNTY, ARIZONA, EXCEPT THE SOUTH 40 FEET THEREOF.

## TRACT USE TABLE

TRACT	USE	AREA (SQ. FT.)	AREA (AC.)
A	LANDSCAPE (OPEN SPACE) / RECREATION	131,641	3.01
B	LANDSCAPE (OPEN SPACE) / RECREATION	42,923	0.97
C	LANDSCAPE (OPEN SPACE)	223	0.05
D	LANDSCAPE (OPEN SPACE)	116	0.03
TOTAL TRACT USE		177,897	4.06

## LOCAL RESIDENTIAL STREET



## TRACT USE TABLE

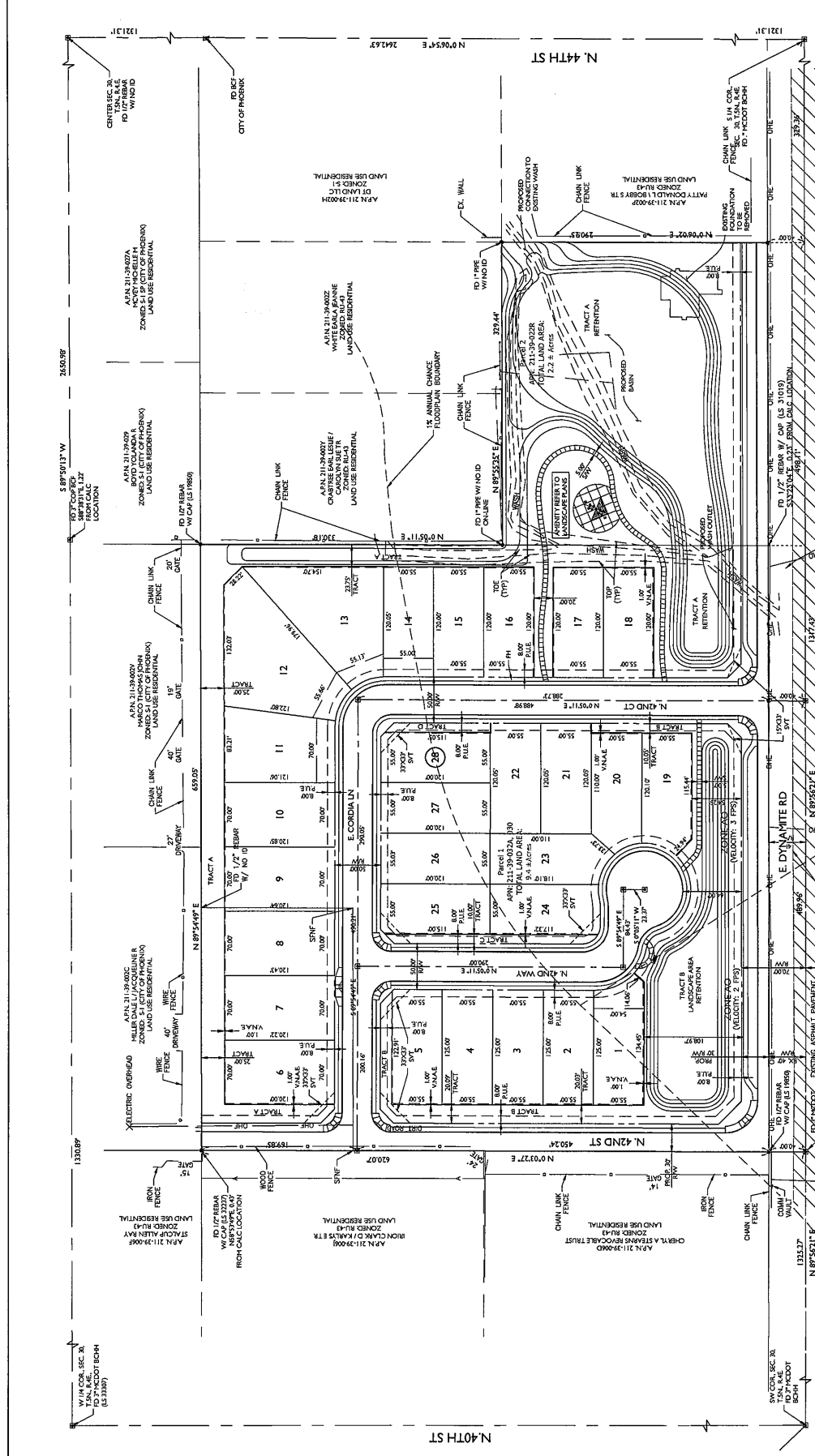
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TOTAL TRACT USE		177,897	4.06

**City of Phoenix**  
Department of Planning & Development  
JAN 26 2017

**EPS GROUP**  
2045 S. Vineyard Ave, Suite 101  
Mesa, AZ 85210  
TEL: (480) 503-2288  
WWW.EPSGROUP.COM

Project: Saguaro Trails  
Preliminary Site Plan  
Page 290

REVISIONS:  
1-6-084  
SP01  
Sheet No. 1 of 2



JAN 26 2017

APN 211-39-007  
 HOLLOWAY, KATHLEEN  
 LAND USE RESIDENTIAL

APN 211-39-008  
 HOLLOWAY, KATHLEEN  
 LAND USE RESIDENTIAL

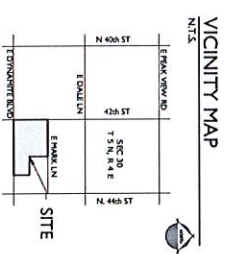
APN 211-39-009  
 HOLLOWAY, KATHLEEN  
 LAND USE RESIDENTIAL

APN 211-39-010  
 HOLLOWAY, KATHLEEN  
 LAND USE RESIDENTIAL

APN 211-39-011  
 HOLLOWAY, KATHLEEN  
 LAND USE RESIDENTIAL

APN 211-39-012  
 HOLLOWAY, KATHLEEN  
 LAND USE RESIDENTIAL

APN 211-39-013  
 HOLLOWAY, KATHLEEN  
 LAND USE RESIDENTIAL



**PROJECT TEAM**

**PROPERTY DEVELOPER:**  
 ECOVISTA DEVELOPMENT LLC  
 20451 VINEYARD, SUITE 101  
 SCOTTSDALE, AZ 85251  
 TEL: (480) 215-6888  
 FAX: (480) 215-6888  
 CONTACT: STEVE JANDOME

**PLANNER, ENGINEER, AND LANDSCAPE ARCHITECT:**  
 HESLA, AZ 85110  
 20451 VINEYARD, SUITE 101  
 TEL: (480) 501-2328  
 FAX: (480) 501-2328  
 CONTACT: JACQUE GUTHRIE

**PROJECT DATA**

**APN:** 211-29-020-032A-003A  
**LOCATION:** N.E.C. DYNAMITE ROAD & 42ND STREET  
**CITY OF PHOENIX VILLAGE:** DESERT VIEW  
**CURRENT LAND USE:** UNDERDEVELOPED  
**EXISTING ZONING:** RU-43 (PHOENIX COUNTY)  
**PROPOSED ZONING:** R-11.0 (CITY OF PHOENIX)  
**NET AREA:** 4.83 AC (12.38% OF GROSS AREA)  
**LOT SIZE:** 57' x 120'  
**NO. OF LOTS:** 22  
**LOT SIZE:** 78' x 120'  
**NO. OF LOTS:** 6  
**TOTAL NO. OF LOTS:** 28  
**GROSS DENSITY:** 4.83 AC (12.38% OF GROSS AREA)  
**OPEN SPACE:** 4.83 AC (12.38% OF GROSS AREA)

- KEYNOTES**
- 1 ENTRY HOUSING
  - 2 4 BDR/VALK
  - 3 ACCESS EAST
  - 4 PEDESTRIAN NODE
  - 5 RAMADA RESIDUAL AREA
  - 6 WALKING TRAIL



**PLANT LEGEND**

SYMBOL	SCIENTIFIC NAME	COMMON NAME	SIZE
(1)	Agave americana	Sweet Agave	2' to 4'
(2)	Callitriche occidentalis 'Purpurea'	Thymus Candicans	2' to 4'
(3)	Callitriche occidentalis 'Purpurea'	Thymus Candicans	2' to 4'
(4)	Callitriche occidentalis 'Purpurea'	Thymus Candicans	2' to 4'
(5)	Callitriche occidentalis 'Purpurea'	Thymus Candicans	2' to 4'
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**CITY OF PHOENIX**

**Planning & Development Department**

**JAN 26 2017**

## **Village Planning Committee Meeting Summary Z-73-16-2**

<b>Date of VPC Meeting</b>	February 7, 2017
<b>Request From</b>	County RU-43 (Pending S-1) (12.49 acres)
<b>Request To</b>	R1-18 (12.49 acres)
<b>Proposed Use</b>	Single family residential
<b>Location</b>	Northeast corner of the 42nd Street alignment and Dynamite Boulevard
<b>VPC Recommendation</b>	Denied
<b>VPC Vote</b>	4-3 (Bowser, Kruczek, Lagrave)

### **VPC DISCUSSION & RECOMMENDATION:**

Staff provided an overview of the request and summarized the staff report regarding the proposal, findings, and recommended stipulations. Staff further discussed the existing context, zoning and entitlements, as well as how the proposal, as stipulated, is consistent with the surrounding land use pattern in the area.

Committee members requested clarification on the height from staff. Staff clarified that the maximum height allowed with R1-18 is 2 stories or 30 feet.

Ms. Wendy Riddell, Berry Riddell LLC, presented additional details about the request. Ms. Riddell highlighted the multiple revisions of the site plan in working with staff, the fact that Dynamite is designated as a Major Arterial, and that the applicant has helped to connect the city and county regarding the larger area flooding issues that impact the site and the adjacent properties. The applicant also proposed two additional stipulations: one would limit the height on lot 13 to single story and the second would require full cut off light fixtures to prevent light spillage onto adjacent properties.

Committee members had the following questions and concerns:

1. What street improvements are being made?
2. What flooding improvements are being made?
3. Is the east portion of the site developable?
4. The setbacks along Dynamite are appreciated.
5. The extra area dedicated for retention/drainage is appreciated.
6. Lot 23 shares property lines with 5 adjacent lots, this is undesirable.
7. View fencing may not be appropriate for properties that are adjacent to Dynamite Boulevard.
8. What is the flood zone at this location?

9. How much higher in elevation is the Crabtree property (property to the east)?
10. Clarify what full cut off lighting is?
11. Did the applicant consider assembling adjacent properties?

Ms. Riddell responded with the following:

1. The city requires 70 feet of right of way dedication for the north half of Dynamite Boulevard.
2. Larger than required retention areas will help slow and dissipate flood waters.
3. Yes, the east portion of the site can be developed however staff has directed the applicant to preserve the wash in its natural state as much as possible.
4. Noted.
5. Noted.
6. Noted.
7. The applicant agrees and is supportive of the removal of the view fencing stipulation from staff.
8. The applicant called upon the project engineer to provide clarity to the flood zone designation.
9. The exact elevation change was not available; however, it was suggested to be approximately 4 feet.
10. Full Cut off doesn't allow you to see the bulb.
11. The applicant did consider assembling other parcels.

Chairman Bowser opened the floor to public comment.

Ms. Mary Markey, area resident, opposed the project and chose not to speak.

Ms. Lana Cullen, area resident, commented that she opposes the request due to flooding and density concerns.

Ms. Kelly Henry, opposed the project and wished to donate her time to her husband.

Mr. Corky Irion, area resident, raised concerns about area flooding and that the right of way dedication for 42<sup>nd</sup> Street is not equivalent to what he is dedication on the west side of 42<sup>nd</sup> Street.

Mr. Tom Marco, area resident, raised concerns about not being notified about this proposal and had additional concerns regarding height and density. Mr. Marco requested that no construction start prior to 6am and that the lighting be restricted to 16 foot light poles.

Mr. KC Henry, area resident, raised concerns regarding the flooding and suggested that the east portion of the property where the wash occurs should not contribute towards the gross acreage and density calculation. Mr. Henry commented that more outreach should have occurred and that this land use is not needed in the area.

Mr. Matt Holloway, area resident, raised concerns regarding the proposed lot sizes which are approximately 15% smaller than those surrounding the property and that the proposal does not fit the character of the area.



Ms. Earla White, area resident, raised concerns about mosquitos in the newly proposed retention areas and reiterated concerns regarding the larger area flooding issues, lighting and impact to wildlife.

Ms. Carlyn Crabtree, area resident, raised concerns regarding the larger area flooding issues.

Ms. Jackie Miller, area resident raised concerns regarding the larger area flooding issues. Ms. Miller also stated that she was not notified of this proposal.

Ms. Mary Markey, area resident, decided to speak and raised concerns regarding development trends in this area.

Ms. Riddell, in rebuttal, responded to some of the public concerns. Ms. Riddell commented that the applicant is happy to restrict the light poles to 16 feet in height. Ms. Riddell commented that the City and County are aware of the larger flooding issues and the applicant has helped to initiate this conversation.

Committee members had the following questions and concerns:

1. What is the depth of the retention basins?
2. Are there any other washes/areas of stormwater runoff on the property?

Ms. Riddell responded with the following:

1. The retention basins are approximately 3 to 4 feet in depth.
2. Yes, other areas of storm water runoff come from the north east and will be guided down a swale along the east portion as well as along the perimeter landscaping on the west portion of the site.

Vice Chair Kruczek commented that there are four issues he is concerned about:

1. We need more expertise from city or county staff regarding the larger area flooding.
2. All the adjacent property owners/neighbors have concerns.
3. The request is not consistent with the General Plan designation of 0-2 du/acre.
4. It appears the proposal is "gaming the system" as the lot sizes are not "large lots" as described by the General Plan.

Mr. Lagrave commented that no one is less in favor than he is however the area already has a flood problem, the property owner has rights as well, and similar cases in the past have encountered similar issues and constraints.

Committee member continued deliberation regarding the market for large lots vs. traditional lots, density, clustering, open space, and integration of the wash.

### **Motion**

Vice Chair Kruczek motioned to approve as recommended by staff with modification and additional stipulations as follows:

1. The development shall be in general conformance with the site plan date stamped January 26, 2017, as modified by the following stipulations and approved by the Planning and Development

Department with specific regard to the following:

- A. The development shall not exceed 28 lots.
  - B. A minimum 20% open space shall be provided.
  - C. The minimum residential lot width shall be 55 feet.
2. The development shall utilize view fencing for homes that side on common open space tracts, as approved by the Planning and Development Department.
  3. A minimum 50-foot landscape setback shall be graded and planted to mimic natural desert landscape along the south property line, as approved by the Planning and Development Department.

#### ARCHAEOLOGY

4. The applicant shall 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.

#### STREETS

5. Right-of-way totaling 70 feet shall be dedicated for the north half of Dynamite Boulevard, as approved by the Planning and Development Department.
6. Right-of-way totaling 25 feet shall be dedicated for the east half of 42<sup>nd</sup> Street, as approved by the Planning and Development Department.
7. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
8. THE DEVELOPMENT SHALL USE FULL CUT OFF AND FULLY SHIELDED EXTERIOR LIGHT FIXTURES, AND ANY STREET LIGHTS WITHIN THE PARCEL SHALL BE MINIMIZED AND USE THE LEAST LUMENS POSSIBLE TO REDUCE LIGHT SPILLAGE FROM THE PROPERTY LINES TO ADJACENT PROPERTIES AS APPROVED BY PLANNING AND DEVELOPMENT DEPARTMENT.
9. STREET LIGHTS WITHIN THE PARCEL SHALL BE LIMITED TO A MAXIMUM OF 16 FEET IN HEIGHT.
10. THE MINIMUM RESIDENTIAL LOT WIDTH SHALL BE 70 FEET.
11. LOTS 1 THROUGH 19 SHALL BE LIMITED TO SINGLE STORY.

Committee member Mr. Barto seconded.

### **Friendly Amendment**

Committee member Mr. Lagrave requested a friendly amendment to have the motion be for all perimeter lots be limited to single story and that the minimum lot width shall be 70 feet or the minimum lot size shall be 8,400 square feet.

1. The development shall be in general conformance with the site plan date stamped January 26, 2017, as modified by the following stipulations and approved by the Planning and Development Department with specific regard to the following:
  - A. The development shall not exceed 28 lots.
  - B. A minimum 20% open space shall be provided.
  - C. The minimum residential lot width shall be 55 feet.
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### **ARCHAEOLOGY**

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8. THE DEVELOPMENT SHALL USE FULL CUT OFF AND FULLY SHIELDED EXTERIOR LIGHT FIXTURES, AND ANY STREET LIGHTS WITHIN THE PARCEL SHALL BE MINIMIZED AND USE THE LEAST LUMENS POSSIBLE TO REDUCE LIGHT SPILLAGE FROM THE PROPERTY LINES TO ADJACENT PROPERTIES AS APPROVED BY PLANNING AND DEVELOPMENT DEPARTMENT.

9. STREET LIGHTS WITHIN THE PARCEL SHALL BE LIMITED TO A MAXIMUM OF 16 FEET IN HEIGHT.
10. THE MINIMUM RESIDENTIAL LOT WIDTH SHALL BE 70 FEET OR **MINIMUM LOT SIZE SHALL BE 8,400 SQUARE FEET.**
11. **ALL PERIMETER** LOTS 1 THROUGH 19 SHALL BE LIMITED TO SINGLE STORY.

**Vote:** 3-4 (Bowser, Chew, Nowell, Powell), Motion to approve failed

Staff shared with the committee that a recommendation is still needed for this item. Committee member continued discussion regarding the larger area flooding issue. Staff clarified that the committee may recommend to approve with modifications or additions to the stipulations, recommend to deny, or even recommend to continue, however suggested that the applicant be given an opportunity to respond to any remaining questions or concerns as well as voice their positions on the possibility of a continuation.

Chairman Bowser requested the applicant provide a brief explanation of the proposed flooding mitigation for the site.

Mr. Brian Nicholls, EPS Group, the project engineer provided clarification on the proposals flooding mitigation strategy. Ms. Riddell provided additional information regarding the public outreach strategy and suggested that a continuation would be a hardship for the applicant.

**Motion**

Vice Chair Kruczek motioned to deny the request. Committee member Mr. Powell seconded.

**Vote:** 4-3 (Bowser, Kruczek, Lagrave), Motion to deny passed.

Vice Chair Kruczek noted that he voted against the motion to deny as he proposed the motion only because he felt that the committee's discussion had reached its conclusion and that an up-or-down motion was appropriate to move the discussion forward.

**STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:**

Staff has no comments.

REPORT OF PLANNING COMMISSION ACTION  
March 2, 2017

ITEM NO: 11	
	DISTRICT NO.: 2
SUBJECT:	
Application #:	Z-73-16-2
Location:	Northeast corner of the 42nd Street alignment and Dynamite Boulevard
Request:	County RU-43 (Pending S-1) To: R1-18 Acreage: 12.49
Proposal:	Single-family Residential
Applicant:	EcoVista Development LLC/ Seth
Owner:	J & M Aronica Revocable Trust
Representative:	Berry Riddell LLC/ Wendy Riddell esq.

**ACTIONS:**

Staff Recommendation: Approval, subject to stipulations

Village Planning Committee (VPC) Recommendation:  
**Desert View 2/7/2017 Denied. Vote: 4-3**

Planning Commission Recommendation: Denied

Motion discussion: Commissioner Katsenes made a MOTION to approve Z-73-16-2 as recommended by staff with an additional stipulation that Lots 7, 11 and 13 be limited to one story.

Commissioner Glenn made a friendly amendment to add an additional stipulation that reads as follows:

PRIOR TO FINAL SITE PLAN APPROVAL, THE PROPERTY OWNER SHALL RECORD DOCUMENTS THAT DISCLOSE TO PURCHASERS OF PROPERTY WITHIN THE DEVELOPMENT(S) THE EXISTENCE AND OPERATIONAL CHARACTERISTICS OF NEARBY EXISTING RANCHETTES AND ANIMAL PRIVILEGE PRIVATE PROPERTIES THAT MAY CAUSE ADVERSE NOISE, ODORS, DUST, AND OTHER EXTERNALITIES. THE FORM AND CONTENT OF SUCH DOCUMENTS SHALL BE ACCORDING TO THE TEMPLATES AND INSTRUCTIONS PROVIDED WHICH HAVE BEEN REVIEWED AND APPROVED BY THE CITY ATTORNEY.

Commissioner Katsenes accepted the friendly amendment.

Commissioner Glenn Second the motion.

Ms. Gomes asked for clarification regarding the building height stipulation and suggested that the stipulation be added under 1.D and read as follows:

BUILDING HEIGHTS ON LOTS 7, 11 AND 13 SHALL BE LIMITED TO A SINGLE STORY.

Ms. Gomes also asked if staff could get clarification as to what the maximum height of the one story will be because single story means different things to different people.

Commissioner Johnson stated it would be a maximum of 22 feet.

Ms. Gomes then stated that Stipulation 1.D would read as follows:

BUILDING HEIGHTS ON LOTS 7, 11 AND 13 SHALL BE LIMITED TO A SINGLE STORY WITH A MAXIMUM HEIGHT OF 22 FEET, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

Commissioner Glenn stated that he had struggled as of late regarding this area. He noted that he could not speak for his fellow commissioners but from his perspective he looked for solutions regarding this project. He noted that the applicant had gone a long way to try to solve a lot of non-self-inflicted problems regarding the drainage issues and stated that the solutions provided may not appease everyone. He noted that density was also an issue and had taken guidance from a previous case in the area that approved R1-18 zoning. He believed that this specific zoning district is a good compromise as he could not support R1-10 or R1-6 in the area which had been approved to the east of the subject site. He noted that for those reasons he would be in support of the case tonight as he believed that R1-18 was a good and healthy compromise.

Commissioner Heck commented that the washes scare her because they are everywhere. However, she noted that it sounded as though the applicants worked hard to try to work around mother nature which was a hard thing to do. She stated that while this seemed like a good development she would have to respect the Village Planning Committee on this one and therefore was unable to support the case for that reason.

Commissioner Wininger asked if the motion could be read back before there was a vote made.

Ms. Gomes stated that the motion on the floor was as follows:

Approve Z-73-16-2 as recommended by staff with an additional stipulation that Lots 7, 11 and 13 be limited to one-story and 22 feet, as approved by the Planning and Development Department and an additional stipulation to read as follows:

PRIOR TO FINAL SITE PLAN APPROVAL, THE PROPERTY OWNER SHALL RECORD DOCUMENTS THAT DISCLOSE TO PURCHASERS OF PROPERTY WITHIN THE DEVELOPMENT(S) THE EXISTENCE AND OPERATIONAL CHARACTERISTICS OF NEARBY EXISTING RANCHETTES AND ANIMAL PRIVILEGE PRIVATE PROPERTIES THAT MAY CAUSE ADVERSE NOISE, ODORS, DUST, AND OTHER EXTERNALITIES. THE FORM AND CONTENT OF SUCH DOCUMENTS SHALL BE ACCORDING TO THE TEMPLATES AND INSTRUCTIONS PROVIDED WHICH HAVE BEEN REVIEWED AND APPROVED BY THE CITY ATTORNEY.

Commissioner Shank stated that she believed the project was nice and that she would really like to see this built somewhere and believed that the density was not terrible for this neighborhood. She noted that she had a property on 42<sup>nd</sup> Street and would be siding with the neighborhood and what she heard from the Village. She stated that her neighbors here tonight were not thrilled with this development and that they were not happy with what they were seeing. She noted that she respected the horses and that we have encroached on the horse community and the people really like that lifestyle. She then noted that while she did not live

here full time she was there four days a week riding; therefore, she felt the need to support the neighborhood. She also stated that even though this was not her village she would be voting no on this item.

Commissioner Katsenes stated that she would like to echo the comment make by Commissioner Glenn that all of the commissioners struggled on this item. She noted that the Planning Commission had heard several cases in this area, some that have had additional density compared to what this project had. She also noted that nearly all of the speakers were not opposed to the density of the development but rather the drainage issues. She then stated that she read the Village report and found that drainage seemed to be the topic of most concern. She commented that the applicant and the developer worked hard to address those concerns and that they would not be able to solve all of the issues regarding drainage simply because one small project cannot address all of those concerns and that it was not their responsibility to do so. She further commented that the drainage problem seemed to exist on the property before this project was proposed. She stated that she felt confident that this development will not add to drainage issues and that those questions have been very well addressed which is why she would be in support of this case.

Commissioner Johnson stated that the commission members live throughout Phoenix and that they have made decisions that are part of their neighborhoods and not part of their neighborhoods. He then noted that the commission looked at planning issues and at times these are hard decisions. He stated that it was important to keep in mind that the Planning Commission recommendation was just a recommendation and that City Council would make the final decision. He noted that he hoped the applicant and neighborhood would have time to work together over the next thirty days and find a solution that worked for both parties.

Commissioner Winger stated that she would need to abstain from voting on this item as she could not often hear the discussions over the phone.

Motion details – Commissioner Katsenes made a MOTION to approve Z-73-16-2 as recommended by staff with an additional stipulation that Lots 7, 11 and 13 be limited to one-story and 22 feet and an additional stipulation to read as follows:

PRIOR TO FINAL SITE PLAN APPROVAL, THE PROPERTY OWNER SHALL RECORD DOCUMENTS THAT DISCLOSE TO PURCHASERS OF PROPERTY WITHIN THE DEVELOPMENT(S) THE EXISTENCE AND OPERATIONAL CHARACTERISTICS OF NEARBY EXISTING RANCHETTES AND ANIMAL PRIVILEGE PRIVATE PROPERTIES THAT MAY CAUSE ADVERSE NOISE, ODORS, DUST, AND OTHER EXTERNALITIES. THE FORM AND CONTENT OF SUCH DOCUMENTS SHALL BE ACCORDING TO THE TEMPLATES AND INSTRUCTIONS PROVIDED WHICH HAVE BEEN REVIEWED AND APPROVED BY THE CITY ATTORNEY.

Maker: Katsenes

Second: Glenn

Vote: 3-3 (Shank, Montalvo and Heck) (Winger: Abstained)

Absent: Whitaker

Opposition Present: Yes

**Note:** *There was a quorum of seven members; however, Commissioner Winger abstained from voting on this item, leaving six Commissioners. The vote was split 3-3, therefore the motion did not obtain a majority vote resulting in a denial decision by the Planning Commission.*

Upon request, this publication will be made available within a reasonable length of time through appropriate auxiliary aids or services to accommodate an individual with a disability. This publication may be made available through the following auxiliary aids or services: large print, Braille, audiotape or computer diskette. Please contact Nici Wade at Voice (602) 495-0256 or the City TTY Relay at (602) 534-5500.



CITY OF PHOENIX  
PLANNING AND DEVELOPMENT DEPARTMENT

<b>FORM TO REQUEST PC to CC</b>			
<b>I HEREBY REQUEST THAT THE PC / CC HOLD A PUBLIC HEARING ON:</b>			
<b>APPLICATION NO/ LOCATION</b>	Z-73-16-2 Northeast corner of the 42 <sup>nd</sup> Street alignment and Dynamite Boulevard	<i>(SIGNATURE ON ORIGINAL IN FILE)</i>	
		opposition	applicant <b>X</b>
<b>APPEALED FROM:</b>	PC 3/2/17	Wendy Riddell 480-682-3902	
	<i>PC/CC DATE</i>	<i>NAME / PHONE</i>	
<b>TO PC/CC HEARING</b>	CC 4/5/17	6750 E Camelback Rd, #100 Scottsdale, AZ 85251	
	<i>DATE</i>	<i>STREET ADDRESS/CITY/STATE/ZIP</i>	
<b>REASON FOR REQUEST:</b>			
<p>The applicant's representative respectfully requests that the City Council hear rezoning case Z-73-16 at the hearing scheduled for April 5, 2017. The Planning Commission hearing resulted in a tie vote for a variety of reasons that were out of our control, but included the absence of one member and the inability of one Commissioner to hear the discussion due to a faulty telephone connection. Additionally, the applicant is continuing to work with the neighbors.</p>			
<b>RECEIVED BY:</b>	MM / mb for LO	<b>RECEIVED ON:</b>	03/09/17

Alan Stephenson  
Sandra Hoffman  
Tricia Gomes  
Christina Encinas  
Stephanie Saenz  
Lilia Olivarez, PC Secretary  
PLN All



MAR 09 2017

Planning & Development  
Department

The **PLANNING COMMISSION** agenda for March 2, 2017 is attached.

The **CITY COUNCIL** may approve the recommendation of the Planning Commission without further hearing **unless**:

- 1. A **REQUEST FOR A HEARING** by the **CITY COUNCIL** is filed within seven (7) days.

There is a \$630.00 appeal fee for hearings requested by the applicant, due by 5:00 p.m. March 9, 2017.

Any member of the public may, within seven (7) days after the Planning Commission's action, request a hearing by the City Council on any application. If you wish to request a hearing, fill out and sign the form below and return it to the Planning and Development Department by 5:00 p.m., March 9, 2017.

- 2. A **WRITTEN PROTEST** is filed, no later than seven (7) days after the Planning Commission's action, which requires a three-fourths vote. A written protest will require a three-fourths vote of the City Council to approve a zoning change when the owners of at least 20 percent of the land included in the proposed change or of the land within 150 feet (not including the width of the street) of the front; back or any side of the property sought to be rezoned signed the petition. For condominium, townhouse and other types of ownership with common lands, authorized property owner signatures are required. Please see Planning and Development Department Staff for additional information prior to gathering signatures.

To require a three-fourths vote of the City Council for approval, a written protest for applications on this agenda must be filed with the Planning and Development Department by 5:00 p.m. March 9, 2017.

The Planning and Development Department will verify ownership by protestors to determine whether or not a three-fourths vote will be required.

- 3. A **CONTINUANCE** is granted at the **PLANNING COMMISSION**. In the event of a continuance, there is an \$830.00 fee due from the applicant within fourteen (14) days, by 5:00 p.m. March 16, 2017.

**FORM TO REQUEST CITY COUNCIL HEARING**

I HEARBY REQUEST THAT THE CITY COUNCIL HOLD A PUBLIC HEARING: *42nd St alignment*

Z-73-16 APPLICATION NO. NEC 44th Street & Dynamite Blvd. LOCATION OF APPLICATION SITE

March 7, 2017 DATE APPEALED FROM  OPPOSITION  APPLICANT *Mattie M...* PLANNER (PLANNER TAKING THE APPEAL)

BY MY SIGNATURE BELOW, I ACKNOWLEDGE CITY COUNCIL APPEAL:

Wendy Riddell PRINTED NAME OF PERSON APPEALING *[Signature]* SIGNATURE

6750 E Camelback Road, Suite 100 STREET ADDRESS March 8, 2017 DATE OF SIGNATURE

Scottsdale, Arizona 85251 CITY, STATE & ZIP CODE 480-682-3902 TELEPHONE NO.

REASON FOR REQUEST See attached

**APPEALS MUST BE FILED IN PERSON AT 200 WEST WASHINGTON, 2ND FLOOR, ZONING COUNTER**



**Reason for Request:**

The applicant's representative respectfully requests that the City Council hear rezoning case Z-73-16 at the hearing scheduled for April 5, 2017. The Planning Commission hearing resulted in a tie vote for a variety of reasons that were out of our control, but included the absence of one member and the inability of one Commissioner to hear the discussion due to a faulty telephone connection. Additionally, the applicant is continuing to work with the neighbors.

**CITY OF PHOENIX**

MAR 09 2017

**Planning & Development  
Department**

CITY OF PHOENIX  
PLANNING AND DEVELOPMENT DEPARTMENT

<b>FORM TO REQUEST PC to CC</b>			
<b>I HEREBY REQUEST THAT THE PC / CC HOLD A PUBLIC HEARING ON:</b>			
<b>APPLICATION NO/ LOCATION</b>	Z-73-16-2 Northeast corner of the 42 <sup>nd</sup> Street alignment and Dynamite Boulevard	<i>(SIGNATURE ON ORIGINAL IN FILE)</i>	
		<b>opposition</b>	<b>x</b>
		<b>applicant</b>	
<b>APPEALED FROM:</b>	PC 3/2/17	Ken C Henry 602-723-4752	
	<small>PC/CC DATE</small>	<small>NAME / PHONE</small>	
<b>TO PC/CC HEARING</b>	CC 4/5/17	4307 E Dynamite Boulevard Cave Creek AZ 85331	
	<small>DATE</small>	<small>STREET ADDRESS/CITY/STATE/ZIP</small>	
<b>REASON FOR REQUEST: To require a 3/4 vote by City Council at pending meeting on the application dated 4/5/17</b>			
<b>RECEIVED BY:</b>	MM / LO	<b>RECEIVED ON:</b>	03/08/17

Alan Stephenson  
Sandra Hoffman  
Tricia Gomes  
Christina Encinas  
Stephanie Saenz  
Lilia Olivarez, PC Secretary  
PLN All



MAR 8 2017

The **PLANNING COMMISSION** agenda for March 2, 2017 is attached.

**Planning & Development  
Department**

The **CITY COUNCIL** may approve the recommendation of the Planning Commission without further hearing **unless**:

- 1. A **REQUEST FOR A HEARING** by the **CITY COUNCIL** is filed within seven (7) days.

There is a \$630.00 appeal fee for hearings requested by the applicant, due by 5:00 p.m. March 9, 2017.

Any member of the public may, within seven (7) days after the Planning Commission's action, request a hearing by the City Council on any application. If you wish to request a hearing, fill out and sign the form below and return it to the Planning and Development Department by 5:00 p.m., March 9, 2017.

- 2. A **WRITTEN PROTEST** is filed, no later than seven (7) days after the Planning Commission's action, which requires a three-fourths vote. A written protest will require a three-fourths vote of the City Council to approve a zoning change when the owners of at least 20 percent of the land included in the proposed change or of the land within 150 feet (not including the width of the street) of the front, back or any side of the property sought to be rezoned signed the petition. For condominium, townhouse and other types of ownership with common lands, authorized property owner signatures are required. Please see Planning and Development Department Staff for additional information prior to gathering signatures.

To require a three-fourths vote of the City Council for approval, a written protest for applications on this agenda must be filed with the Planning and Development Department by 5:00 p.m. March 9, 2017.

The Planning and Development Department will verify ownership by protestors to determine whether or not a three-fourths vote will be required.

- 3. A **CONTINUANCE** is granted at the **PLANNING COMMISSION**. In the event of a continuance, there is an \$830.00 fee due from the applicant within fourteen (14) days, by 5:00 p.m. March 16, 2017.

**FORM TO REQUEST CITY COUNCIL HEARING**

I HEARBY REQUEST THAT THE CITY COUNCIL HOLD A PUBLIC HEARING:

2-73-16-2  
APPLICATION NO.

N.E. CORNER of 42<sup>nd</sup> St. ALIGNMENT AND DYNAMITE BLVD,  
LOCATION OF APPLICATION SITE

3/2/17  
DATE APPEALED FROM

OPPOSITION  
 APPLICANT

Mattie Allen  
PLANNER  
(PLANNER TAKING THE APPEAL)

BY MY SIGNATURE BELOW, I ACKNOWLEDGE CITY COUNCIL APPEAL:

KEI C. HENRY  
PRINTED NAME OF PERSON APPEALING

[Signature]  
SIGNATURE

4307 E. DYNAMITE BLVD.  
STREET ADDRESS

3/6/17  
DATE OF SIGNATURE

CAVE CREEK AZ 85331  
CITY, STATE & ZIP CODE

602-723-4752  
TELEPHONE NO.

REASON FOR REQUEST TO REQUIRE A 3/4 VOTE BY CITY COUNCIL AT PENDING MEETING ON THE APPLICATION DATED 3/4/17

APPEALS MUST BE FILED IN PERSON AT 200 WEST WASHINGTON, 2ND FLOOR, ZONING COUNTER

MAR 8 2017

Petition for THREE QUARTERS Vote by City Council

For

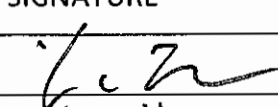
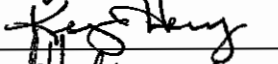
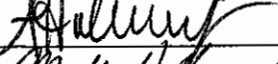
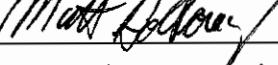
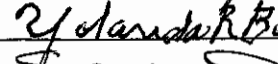
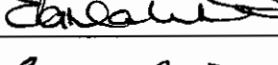
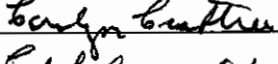
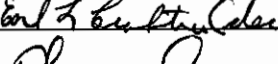
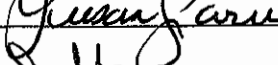
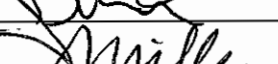
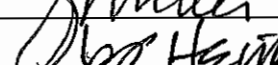

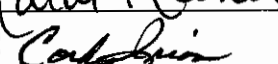
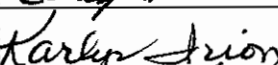
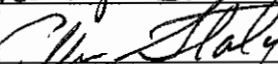
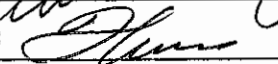

Planning & Development  
Department

REZONING APPLICATION #Z-73-16-2

Request: RU-43 to R1-18

Location: Northeast corner of the 42<sup>nd</sup> Street alignment and Dynamite Boulevard

We the undersigned are OWNERS of property within 150 feet of the property requesting the rezoning action. We request that the City Council be required to pass this rezoning application by a three quarters (3/4) vote.

Date	SIGNATURE	Print Name	ADDRESS	APN
3/7/17		KEN C. HENRY	4307 E. DYNAMITE BLVD	212-18-016G
3/7/17		KELLY HENRY	4307 E. Dynamite Blvd	212-18-016G
3/7/17		ASHLEY HOLLOWAY	4323 E. DYNAMITE BLVD	212-18-016H
3/8/17		Matt Holloway	4323 E. Dynamite Blvd	212-18-016H
3/7/17		YOLANDA BOYD	4308 E. MARK LANE	211-39-029
3/7/17		Earla White	4319 E. Mark Lane	211-39-002Z
3/7/17		Cardyn Sue Crabtree	4315 E Mark Lane	211-39-002Y
3/7/17		Earl L. Crabtree	4315 E MARK LANE	211-39-002Y
3/7/17		SUSAN GARVEY	4335 E DYNAMITE BLVD	212-18-016J
3/7/17		JERRY PITTMAN	4335 E DYNAMITE BLVD	212-18-016J
3/7/17		JACOBUS MILLER	28411 N 42 <sup>nd</sup> ST	211-39-002C
3/7/17		LES HEINERT	4209 E. DYNAMITE BLVD	212-18-016D
3/7/17		CAROL HEINERT	4209 E Dynamite Blvd	212-18-016D
3/7/17		CORKY IRION	28232 N. 42 <sup>nd</sup> ST	211-39-006J
3/7/17		KARLYS IRION	28232 N. 42 <sup>nd</sup> ST.	211-39-006J
3/7/17		ALLEN STALCUP	28404 N. 42 <sup>nd</sup> ST.	211-39-006F
3/8/17		TOM MARCO	4234 E. MARK LN	211-39-002V


Attachment C



**City of Phoenix**  
PLANNING AND DEVELOPMENT DEPARTMENT

**To:** Mario Paniagua  
Deputy City Manager

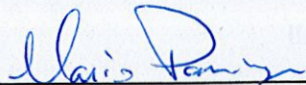
**Date:** April 3, 2017

**From:** Alan Stephenson   
Planning and Development Director

**Subject:** REQUEST FOR CONTINUANCE ON ITEM 97 - AMEND CITY CODE - PUBLIC HEARING AND ORDINANCE ADOPTION - REZONING APPLICATION Z-73-16-2 - NORTHEAST CORNER OF THE 42ND STREET ALIGNMENT AND DYNAMITE BOULEVARD (ORDINANCE G-6306) - ON THE APRIL 5, 2017 FORMAL AGENDA

The Planning and Development Department requests to continue Item 97 - Amend City Code - Public Hearing and Ordinance Adoption - Rezoning Application - Z-73-16-2 - northeast corner of the 42nd Street Alignment and Dynamite Boulevard (Ordinance G-6306) on the April 5, 2017 Formal Agenda. The applicant has had discussions with the surrounding neighbors and they have asked for a continuance of this matter for one month to resolve their concerns.

Staff recommends continuing this item to May 10 to allow the applicant to have additional discussions with the surrounding neighbors.

Approved:   
Mario Paniagua, Deputy City Manager



March 31, 2017

Wendy Riddell, Esq.  
(480) 682-3902 Direct  
wr@berryriddell.com

**VIA EMAIL**

City of Phoenix  
Attn: Greg Stanton and Council  
200 West Washington Street  
Phoenix, Arizona 85003

**Re: Z-73-16 / NEC of 42<sup>nd</sup> Alignment and Dynamite Boulevard**

Dear Mayor and Council,

We respectfully request a continuance to case number Z-73-16, to the May 10<sup>th</sup> agenda. We have been engaged in a productive dialogue with the surrounding neighbors and they have asked us to delay this matter for one month to continue to endeavor to resolve their concerns. We appreciate your consideration.

Best,



Wendy Riddell

cc: Alan Stephenson  
Jacque Miller  
Susan Garvey  
Corky Irion  
KC Henry  
TJ Marco  
Carolyn Crabtree  
Earla White