

July 25, 2006

Mr. Jason Morris Withey, Anderson & Morris 2525 East Biltmore Circle, Suite A-212 Phoenix, Arizona

Re: Application Z-35-06-7

Dear Mr. Morris:

The Phoenix City Council, at its meeting held July 5, 2006, considered rezoning 4.04 acres from R-5 HRI TOD-1, C-2 HRI TOD-1 to C-1 HRI TOD-1 with a height waiver, located approximately 200 feet east of the southeast corner of Central Avenue and Thomas Road for High-Rise Residential/Mixed-Use.

The Council granted this item per a memo dated July 3, 2006, from Planning Department staff with the following stipulations as modified:

- 1. That the development shall be in general conformance with the site plan and elevations but limiting the maximum height to 658 feet (showing slimmer building profile as height increases), date stamped May 12, 2006 as approved or modified by the Development Services Department, and as modified by the following stipulations.
- That a landscape plan shall be submitted and approved by the Development Services Department that will include a pedestrian circulation plan to connect to the light rail transit station located at Thomas Road and Central Avenue.
- 3. That privately funded art visible to the public shall be provided at the ground level of the site. A plan for the art shall be submitted to the Planning Hearing Officer for an administrative review and approval, prior to final site plan approval. The art shall be maintained by the property owner.
- 4. That there shall be no structured parking on the first two floors above grade
- 5. That the applicant shall submit a plan for administrative approval to the Planning Hearing Officer prior to preliminary site plan approval that includes landscaping within the exterior areas of the building.

- 6. That the applicant shall submit a traffic impact study to the Street Transportation Department and the Development Services Department prior to or concurrent with preliminary site plan approval and any recommended improvements shall be provided by the applicant as approved by the Development Services Department.
- 7. That the property owner shall record documents that disclose to purchasers of property within the development the existence and operational characteristics of Phoenix Sky Harbor International Airport. The form and content of the document shall be as per the template approved by the city attorney.
- 8. That zoning shall be conditioned on development (issuance of a permit) within 60 months of City Council approval of this request.

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

If you require further assistance or information, please contact the Planning Department, Second Floor of Phoenix City Hall, 200 West Washington Street, or call (602) 262-7131.

Sincerely,

Mario Paniagua

City Clerk

MP/em/Item12

cc: Planning Department

Development Services - John Parks Development Services - Gerard Silvani

Street Transportation Official Records

#### EXHIBIT A

## Legal Description

### Parcel No. 1

The East 75 feet of Lot 8, and the West half of Lot 7, West Baltimore Heights, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, in Book 4 of Maps, Page 31; Except that portion deeded to the City of Phoenix in instrument No. 89-309376, described as follows: The North 9 feet of the West half of Lot 7, West Baltimore Heights, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, in Book 4 of Maps, Page 31;

Together with that part of the East 75 feet of Lot 8, West Baltimore Heights, lying North of the line described as follows:

Beginning at the intersection of the East line of said Lot 8 and the south line of the North 9 feet thereof; Thence West along said South line to the west line of the East 28.66 feet of said Lot 8;

Thence Southwesterly to the intersection of the west line of Said East 75 feet and the south line of the North 9.82 feet of said Lot 8 and the terminus of the line described herein.

#### Parcel No.2

The West 32 feet of Lot 8 and the East 53.5 feet of Lot 9, West Baltimore Heights, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, in Book 4 of Maps, Page 31; Except the North 9 feet of the West 32 feet of Lot 8, and the North 9 feet of the East 53.5 feet of Lot 9, both in West Baltimore Heights;

Except that portion lying North of the line described as follows:

Beginning at the intersection of the east line of said West 32 feet and the south line of the North 9.82 feet of said Lot 8;

Thence Southwesterly to the intersection of the west line of said East 53.5 feet and the south line of the North 11.33 feet of said Lot 9 and the terminus of the line described herein, except that part thereof lying within the North 9 feet of said Lots 8 and 9.

## Parcel No.3

The West half of Lot 9 and all of Lots 10, 15, 16 and 17, of West Baltimore Heights, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, in Book 4 of Maps, Page 31; Except the East 7 feet of said Lot 17;

Except the North 12 feet of said Lot 10;

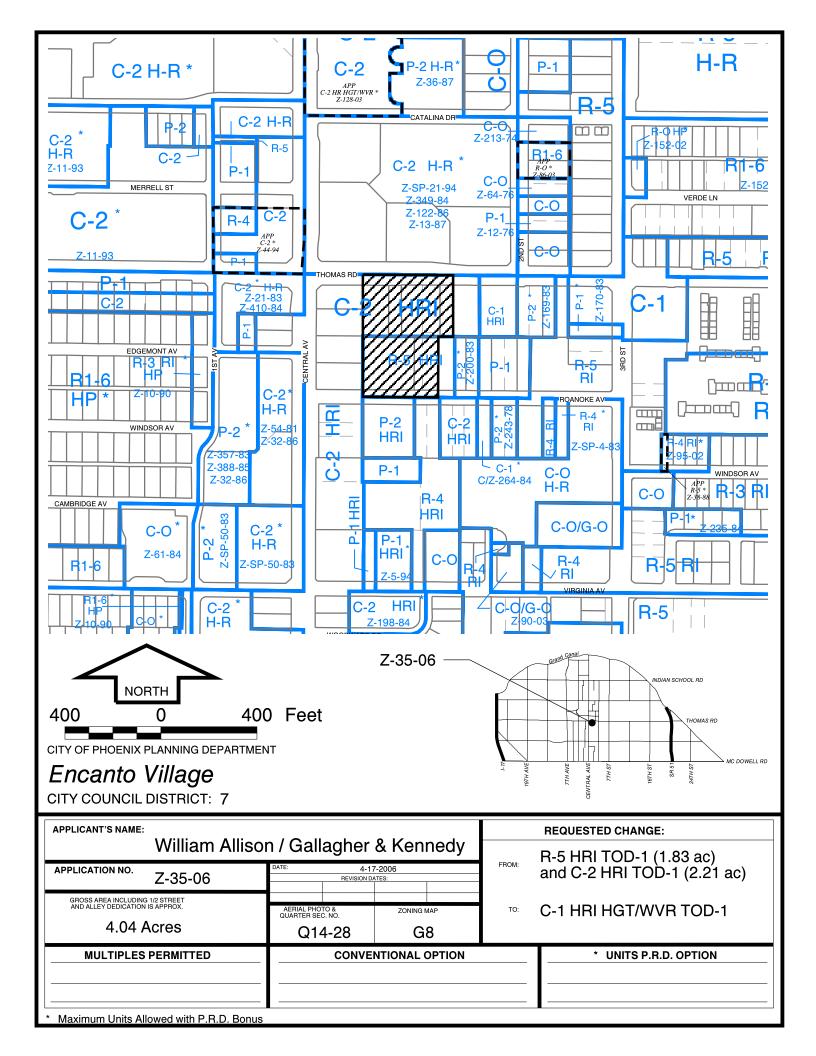
Except that part of the West half of Lot 9 in said West Baltimore Heights lying North of the line described as follows:

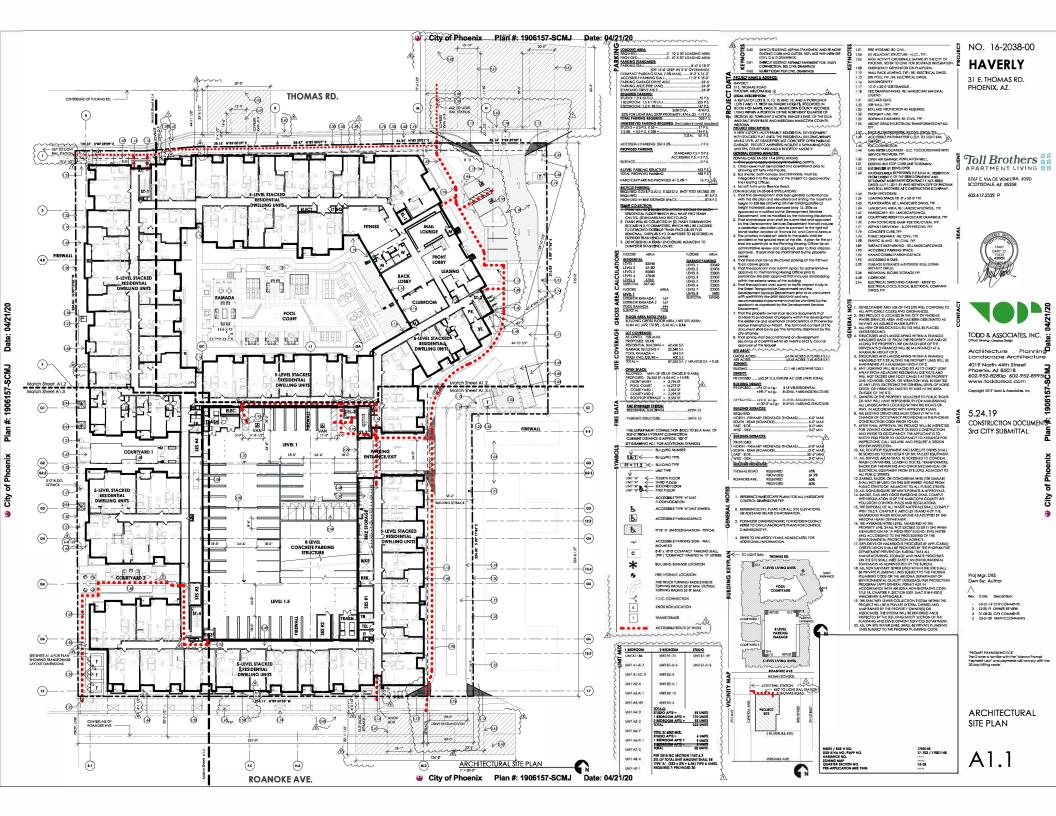
Beginning at the intersection of the west line of the East 53.5 feet of said Lot 9 and the south line of the North 11.33 feet thereof;

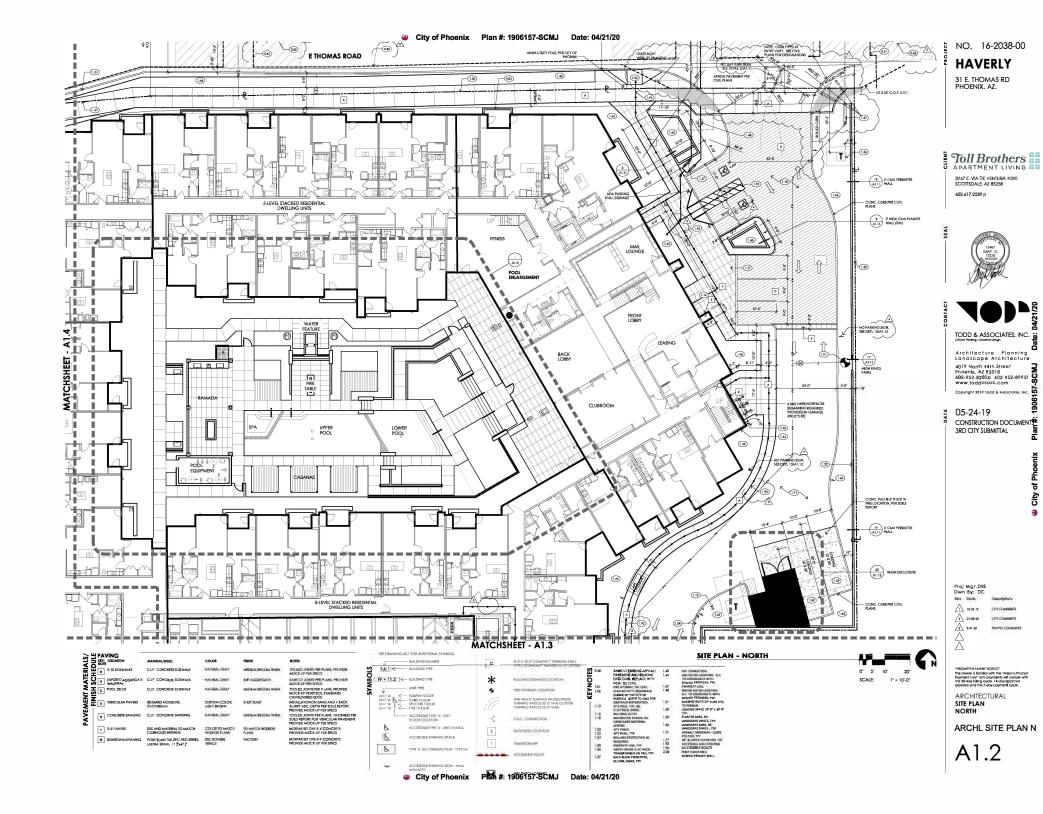
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Thence Southwesterly to the intersection of the west line of the East 38.16 feet of said West half and the south line of the North 12 feet of said Lot 9;

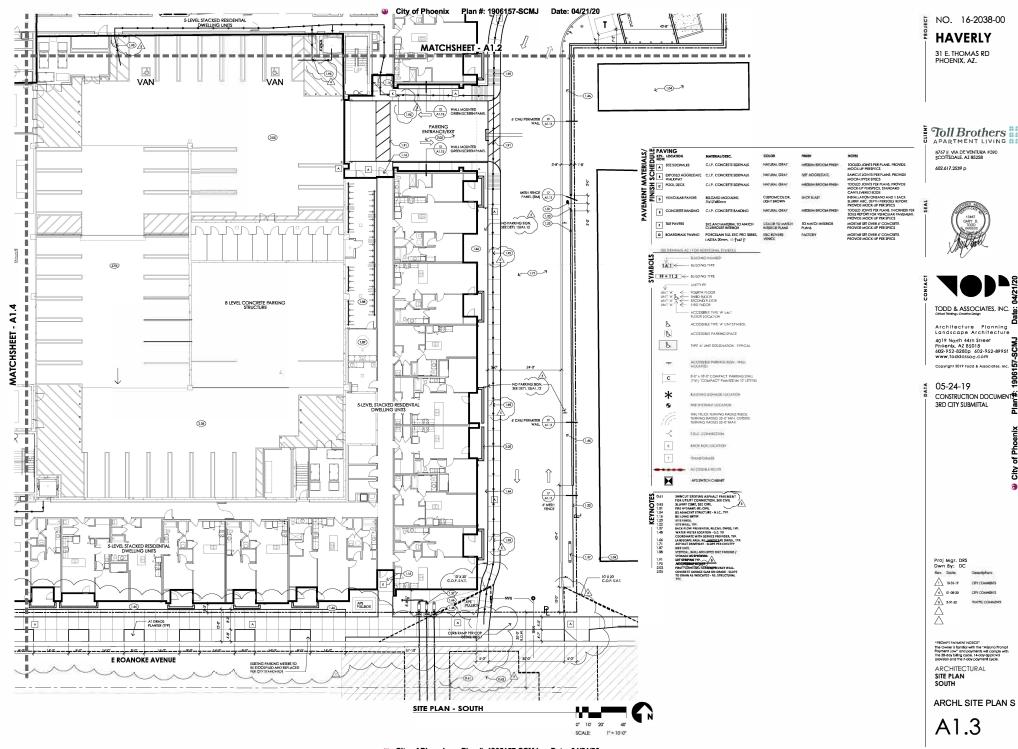
Thence West along the last said south line to the West line of said Lot 9 and terminus of the line described herein.











City of Phoenix Plan #: 1906157-SCMJ Date: 04/21/20

**HAVERLY** 

Toll Brothers

8767 E. VIA DE VENTURA #390 SCOTTSDALE, AZ 85258



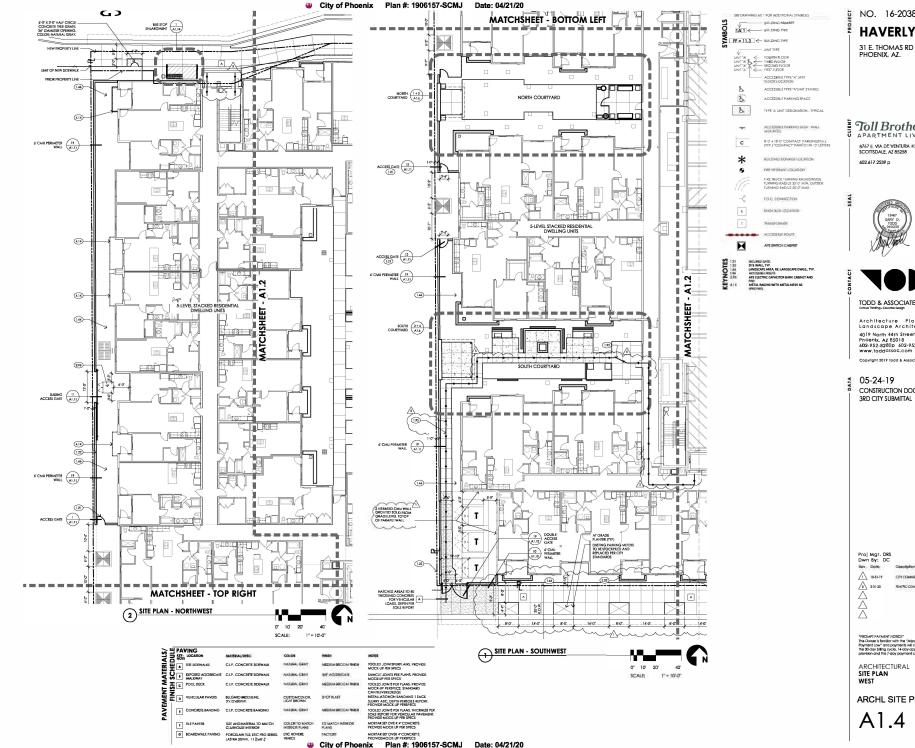


TODD & ASSOCIATES, INC.

CONSTRUCTION DOCUMENTS
3RD CITY SUBMITTAL

ARCHL SITE PLAN S

A1.3



NO. 16-2038-00

**HAVERLY** 

Toll Brothers 👬

8767 E. VIA DE VENTURA #390 SCOTISDALE, AZ 85258





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CONSTRUCTION DOCUMENTS
3RD CITY SUBMITTAL

ARCHITECTURAL

ARCHL SITE PLAN W