



Agenda

City Council Formal Meeting

Wednesday, April 3, 2024

2:30 PM

phoenix.gov

*****REVISED April 2, 2024*****
Item Revised: 4; Item Added: 81

OPTIONS TO ACCESS THIS MEETING

Virtual Request to speak at a meeting:

- **Register online** by visiting the City Council Meetings page on phoenix.gov **at least 2 hours prior to the start of this meeting**. Then, click on this link at the time of the meeting and join the Webex to speak:
<https://phoenixcitycouncil.webex.com/phoenixcitycouncil/onstage/g.php?MTID=e6520e0f7b5dc693922bfa77006530be7>

- **Register via telephone** at 602-262-6001 **at least 2 hours prior to the start of this meeting**, noting the item number. Then, use the Call-in phone number and Meeting ID listed below at the time of the meeting to call-in and speak.

In-Person Requests to speak at a meeting:

- Register in person at a kiosk located at the City Council Chambers, 200 W. Jefferson St., Phoenix, Arizona, 85003. Arrive **1 hour prior to the start of this meeting**. Depending on seating availability, residents will attend and speak from the Upper Chambers, Lower Chambers or City Hall location.

- Individuals should arrive early, 1 hour prior to the start of the meeting to submit an in-person request to speak before the item is called. After the item is called, requests to speak for that item will not be accepted.

At the time of the meeting:

- **Watch** the meeting live streamed on phoenix.gov or Phoenix Channel 11 on Cox Cable, or using the Webex link provided above.

- **Call-in** to listen to the meeting. Dial 602-666-0783 and Enter Meeting ID 2559 093 9296# (for English) or 2555 621 7447# (for Spanish). Press # again when prompted for attendee ID.

- **Watch** the meeting in-person from the Upper Chambers, Lower Chambers or City Hall depending on seating availability.

- Members of the public may attend this meeting in person. Physical

access to the meeting location will be available starting 1 hour prior to the meeting.

Para nuestros residentes de habla hispana:

- **Para registrarse para hablar en español**, llame al 602-262-6001 **al menos 2 horas antes del inicio de esta reunión** e indique el número del tema. El día de la reunión, llame al 602-666-0783 e ingrese el número de identificación de la reunión 2555 621 7447#. El intérprete le indicará cuando sea su turno de hablar.

- **Para solamente escuchar la reunión en español**, llame a este mismo número el día de la reunión (602-666-0783; ingrese el número de identificación de la reunión 2555 621 7447#). Se proporciona interpretación simultánea para nuestros residentes durante todas las reuniones.

- **Para asistir a la reunión en persona**, vaya a las Cámaras del Concejo Municipal de Phoenix ubicadas en 200 W. Jefferson Street, Phoenix, AZ 85003. Llegue 1 hora antes del comienzo de la reunión. Si desea hablar, regístrese electrónicamente en uno de los quioscos, antes de que comience el tema. Una vez que se comience a discutir el tema, no se aceptarán nuevas solicitudes para hablar. Dependiendo de cuantos asientos haya disponibles, usted podría ser sentado en la parte superior de las cámaras, en el piso de abajo de las cámaras, o en el edificio municipal.

- Miembros del público pueden asistir a esta reunión en persona. El acceso físico al lugar de la reunión estará disponible comenzando una hora antes de la reunión.

CALL TO ORDER AND ROLL CALL**MINUTES OF MEETINGS**

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- | | | |
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REPORTS FROM CITY MANAGER, COMMITTEES OR CITY OFFICIALS

000 CITIZEN COMMENTS

ADJOURN



For Approval or Correction, the Minutes of the Formal Meeting on July 1, 2021

Summary

This item transmits the minutes of the Formal Meeting of July 1, 2021, for review, correction and/or approval by the City Council.

The minutes are available for review in the City Clerk Department, 200 W. Washington St., 15th Floor.

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.



For Approval or Correction, the Minutes of the Formal Meeting on Aug. 25, 2021

Summary

This item transmits the minutes of the Formal Meeting of Aug. 25, 2021, for review, correction and/or approval by the City Council.

The minutes are available for review in the City Clerk Department, 200 W. Washington St., 15th Floor.

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.



For Approval or Correction, the Minutes of the Formal Meeting on Dec. 6, 2023

Summary

This item transmits the minutes of the Formal Meeting of Dec. 6, 2023, for review, correction and/or approval by the City Council.

The minutes are available for review in the City Clerk Department, 200 W. Washington St., 15th Floor.

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.



City of Phoenix

City Council Formal Meeting

Report

Agenda Date: 4/3/2024, Item No. *4

*****ITEM REVISED (SEE ATTACHED MEMO)*** Mayor and Council Appointments to Boards and Commissions**

Summary

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

Responsible Department

This item is submitted by the Mayor's Office.

ATTACHMENT A



City of Phoenix

To: City Council
From: Mayor Kate Gallego

Date: April 3, 2024

Subject: *REVISED BOARDS AND COMMISSIONS – APPOINTEES

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

Development Advisory Board

I recommend the following for reappointment:

Caroline Lobo

Ms. Lobo will serve her second term to expire April 3, 2027.

***ADD: North Gateway Village Planning Committee**

Councilwoman Ann O'Brien recommends the following for appointment:

Kylie Kennelly

Ms. Kennelly is a Community Outreach Specialist at HonorHealth and a resident of District 1. She fills a vacancy for a term to expire November 19, 2025.

North Mountain Village Planning Committee

Vice Mayor Debra Stark recommends the following for appointment:

Heather Garbarino

Ms. Garbarino is a resident of District 3. She will serve a term to expire November 19, 2025.

Sister Cities Commission

I recommend the following for appointment:

Drew Hutchinson

Mr. Hutchinson is the Chief Marketing Officer for McCarthy Law PLC and a resident of District 3. He fills a vacancy for a term to expire April 3, 2027.

Vision Zero Community Advisory Committee

Councilwoman Betty Guardado recommends the following for appointment:

Marco Marcial

Mr. Marcial is the Owner of Maddix Enterprises. He fills a vacancy representing District 5 for a partial term to expire March 1, 2025.

Councilwoman Laura Pastor recommends the following for reappointment:

Ed Hermes

Mr. Hermes will serve his first full term to expire March 1, 2026.

Councilman Kevin Robinson recommends the following for appointment:

Catherine Mulkerin

Ms. Mulkerin is the Owner & CEO of C/M Development & Design. She replaces Jay Beeber representing District 6 for a term to expire March 1, 2026.

*ADD: Councilman Jim Waring recommends the following for appointment:

Steve Burns

Mr. Burns is the CEO at Duplipack and a resident of District 2. He replaces James Farley for a term to expire March 1, 2026.

***ADD: Rio Vista Village Planning Committee**

Councilwoman Ann O'Brien recommends the following for appointment:

Dino Cotton

Mr. Cotton is the President at Rezeo and a resident of District 1. He fills a vacancy for a term to expire November 19, 2025.



Liquor License - Barrio Brewing Company Restaurant

Request for a liquor license. Arizona State License Application 06070119.

Summary

Applicant

Navayogasingam Thuraisingam, Agent

License Type

Series 6 - Bar

Location

702 W. Deer Valley Road
Zoning Classification: A-1 DVAO
Council District: 1

This request is for an ownership and location transfer of a liquor license for a bar. This location is currently licensed for liquor sales with a Series 12 - Restaurant, liquor license and does not have an interim permit.

The 60-day limit for processing this application is April 20, 2024.

Pursuant to A.R.S. 4-203, a spirituous liquor license shall be issued only after satisfactory showing of the capability, qualifications and reliability of the applicant and that the public convenience and the best interest of the community will be substantially served by the issuance. If an application is filed for the issuance of a license for a location, that on the date the application is filed has a valid license of the same series issued at that location, there shall be a rebuttable presumption that the public convenience and best interest of the community at that location was established at the time the location was previously licensed. The presumption shall not apply once the licensed location has not been in use for more than 180 days.

Other Active Liquor License Interest in Arizona

This information is not provided due to the multiple ownership interests held by the

applicant 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 held multiple liquor licenses and never had any violations. I plan to serve liquor always following all rules and regulations set forth by the city and state. Further, I will ensure these same rules and regulations are followed by management and employees, who will also receive the necessary and required training to serve liquor."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"This will be part of the Deer Valley Airport and provide a great service to both the airport as an organization, as well as all the passengers that travel to and from Phoenix via the Deer Valley Airport. This will be an excellent addition to the community, providing a safe and enjoyable environment to enjoy food and beverage for all patrons."

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

Attachment - Barrio Brewing Company Restaurant - Data

Attachment - Barrio Brewing Company Restaurant - Map

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.

Liquor License Data: BARRIO BREWING COMPANY

RESTAURANT

Liquor License

Description	Series	1 Mile	1/2 Mile
Producer	1	1	0
Microbrewery	3	1	1
Beer and Wine Store	10	2	2
Restaurant	12	4	3
Craft Distiller	18	1	0

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	64.2	20.48	17.72
Violent Crimes	12.31	1.77	0.63

*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

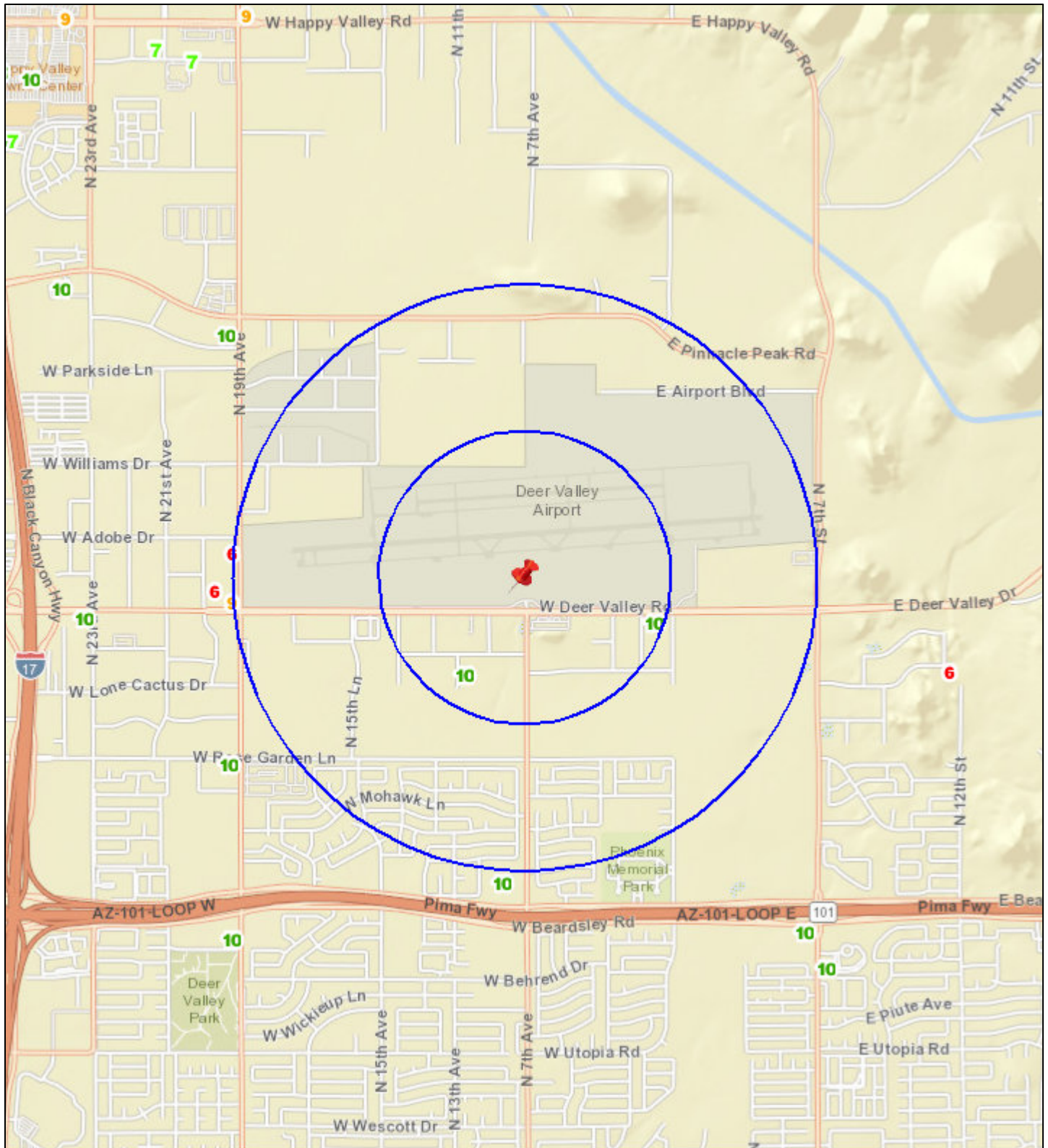
Description	Average	1/2 Mile Average
Parcels w/Violations	45	2
Total Violations	78	2

Census 2010 Data 1/2 Mile Radius

BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
6147001	287	86	29	31
Average	0	61	13	19

Liquor License Map: BARRIO BREWING COMPANY RESTAURANT

702 W DEER VALLEY RD



Date: 2/22/2024

0 0.2 0.4 0.8 1.2 1.6 mi



Liquor License - Romano's Macaroni Grill #31178

Request for a liquor license. Arizona State License Application 273558.

Summary

Applicant

Andrea Lewkowitz, Agent

License Type

Series 12 - Restaurant

Location

2949 W. Agua Fria Fwy.

Zoning Classification: C-2

Council District: 1

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 60-day limit for processing this application is April 15, 2024.

Pursuant to A.R.S. 4-203, a spirituous liquor license shall be issued only after satisfactory showing of the capability, qualifications and reliability of the applicant and that the public convenience and the best interest of the community will be substantially served by the issuance. If an application is filed for the issuance of a license for a location, that on the date the application is filed has a valid license of the same series issued at that location, there shall be a rebuttable presumption that the public convenience and best interest of the community at that location was established at the time the location was previously licensed. The presumption shall not apply once the licensed location has not been in use for more than 180 days.

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 business and maintaining compliance with applicable laws. Managers and staff will be trained in the techniques of legal and responsible alcohol sales and service."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Romano's Macaroni Grill is a nationwide restaurant known for it's Italian-American style dishes in a casual family-friendly atmosphere. Applicant would like to continue to offer guests 21 and over the opportunity to order alcohol beverages as an incident to the menu items they enjoy."

Staff Recommendation

Staff recommends approval of this application.

Attachments

Attachment - Romano's Macaroni Grill #31178 - Data

Attachment - Romano's Macaroni Grill #31178 - Map

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.

Liquor License Data: ROMANO'S MACARONI GRILL

#31178

Liquor License

Description	Series	1 Mile	1/2 Mile
Bar	6	1	1
Liquor Store	9	2	0
Beer and Wine Store	10	3	3
Restaurant	12	8	8

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	64.2	104.48	164.54
Violent Crimes	12.31	14.3	27.7

*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	45	32
Total Violations	78	52

Census 2010 Data 1/2 Mile Radius

BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
6146001	940	88	0	9
6146003	1301	56	0	0
6146004	840	3	7	16
6146005	1209	50	9	3
6146006	953	0	29	0
6164001	1022	80	28	4
6164003	2380	0	5	9
6164004	1106	100	0	0
6164005	576	73	38	9
Average	0	61	13	19



Liquor License - 76 Gas Station

Request for a liquor license. Arizona State License Application 279815.

Summary

Applicant

Yiorgos Makris, Agent

License Type

Series 10 - Beer and Wine Store

Location

4121 W. Bell Road

Zoning Classification: C-2

Council District: 1

This request is for a new liquor license for a convenience store that sells gas. This location was previously licensed for liquor sales and may currently operate with an interim permit.

The 60-day limit for processing this application is April 15, 2024.

Pursuant to A.R.S. 4-203, a spirituous liquor license shall be issued only after satisfactory showing of the capability, qualifications and reliability of the applicant and that the public convenience and the best interest of the community will be substantially served by the issuance. If an application is filed for the issuance of a license for a location, that on the date the application is filed has a valid license of the same series issued at that location, there shall be a rebuttable presumption that the public convenience and best interest of the community at that location was established at the time the location was previously licensed. The presumption shall not apply once the licensed location has not been in use for more than 180 days.

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 owned and operated more than 30 businesses in my life. Through my businesses I abide by the law, provide employment to the community and pay all Sales taxes. I wish to gain this license to open and operate a gas station that will serve the community it resides in."

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

"By issuing me a license I will be able to grow and expand the business adding more jobs to the community."

Staff Recommendation

Staff recommends approval of this application.

Attachments

Attachment - 76 Gas Station - Data

Attachment - 76 Gas Station - Map

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.

Liquor License Data: 76 GAS STATION

Liquor License

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

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	64.2	66.42	111.25
Violent Crimes	12.31	10.24	16.66

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

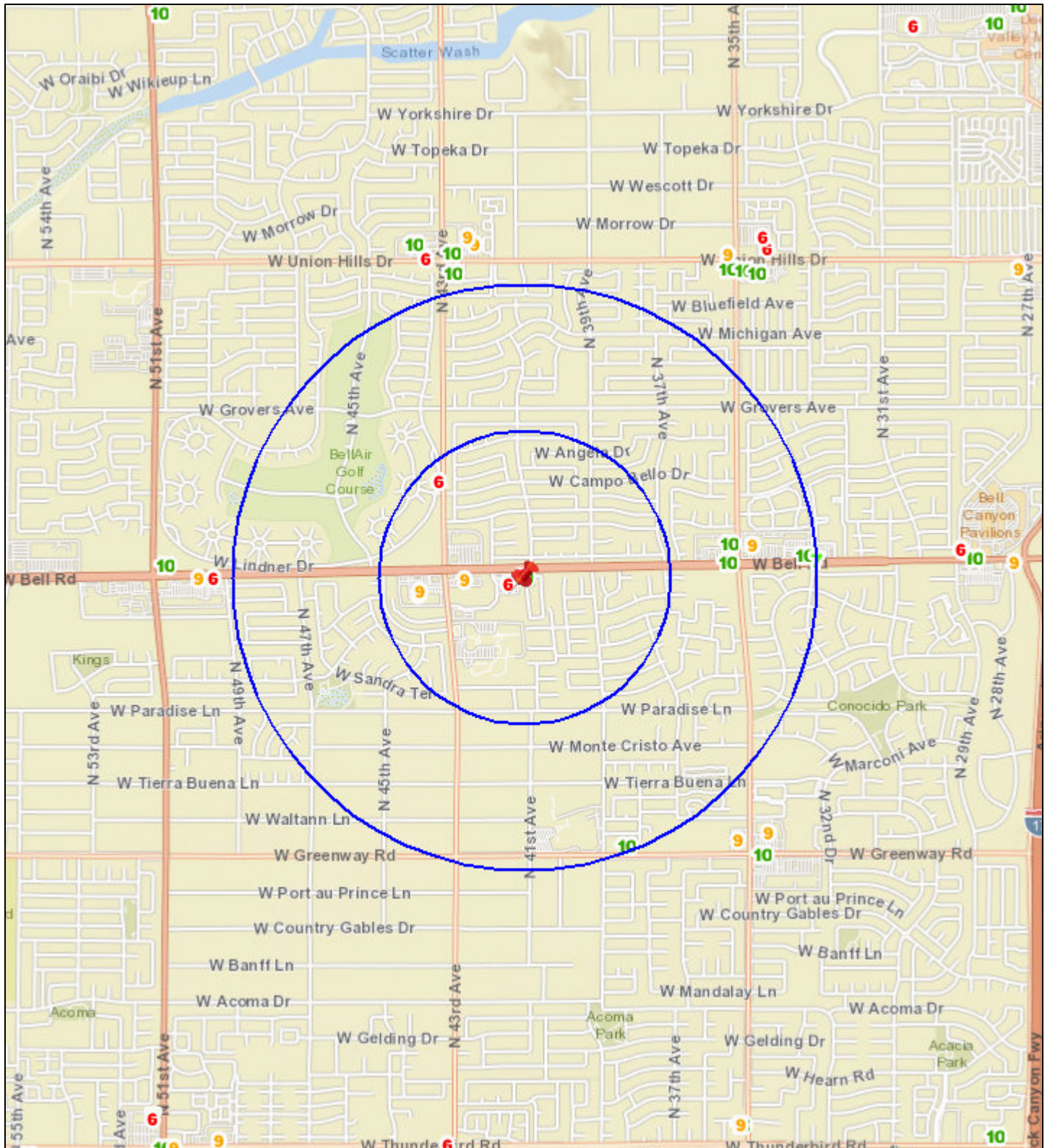
Property Violation Data

Description	Average	1/2 Mile Average
Parcels w/Violations	45	41
Total Violations	78	80

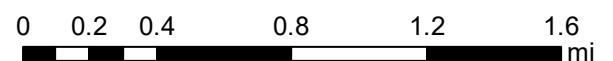
Census 2010 Data 1/2 Mile Radius

BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1042251	1242	53	8	9
1042261	949	26	8	11
1042262	1244	92	0	4
1042264	1538	92	7	15
6181001	1795	84	3	7
6183001	1982	94	7	9
6183002	1444	74	0	4
Average	0	61	13	19

4121 W BELL RD



Date: 2/20/2024





Liquor License - Special Event - Compass CBS Foundation

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

Summary

Applicant

Tanya Ospitale

Location

300 E. Indian School Road

Council District: 4

Function

Mixer

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

April 11, 2024 - 5:30 p.m. to 8 p.m. / 200 attendees

Staff Recommendation

Staff recommends approval of this application.

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.



Liquor License - Jaynewt's

Request for a liquor license. Arizona State License Application 277983.

Summary

Applicant

Georgia Robson, Agent

License Type

Series 12 - Restaurant

Location

300 W. Camelback Road, #2

Zoning Classification: C-2 TOD-1

Council District: 4

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 60-day limit for processing this application is April 8, 2024.

Pursuant to A.R.S. 4-203, a spirituous liquor license shall be issued only after satisfactory showing of the capability, qualifications and reliability of the applicant and that the public convenience and the best interest of the community will be substantially served by the issuance. If an application is filed for the issuance of a license for a location, that on the date the application is filed has a valid license of the same series issued at that location, there shall be a rebuttable presumption that the public convenience and best interest of the community at that location was established at the time the location was previously licensed. The presumption shall not apply once the licensed location has not been in use for more than 180 days.

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: information about any

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.

Otro Cafe (Series 12)
6035 N. 7th St., Phoenix
Calls for police service: 3
Liquor license violations: None

Gallo Blanco Cafe Y Bar (Series 12)
928 E. Pierce St., Phoenix
Calls for police service: 2
Liquor license violations: None

Cobra Arcade (Series 06)
801 N. 2nd St., Phoenix
Calls for police service: 0
Liquor license violations: None

Cobra Arcade (Series 06)
63 E. Congress St. Ste. 109, Tucson
Calls for police service: N/A - not in Phoenix
Liquor license violations: In September 2021, a fine of \$1,375 was paid for failure to require applicants, licensees, and employees who serve, sell or furnish liquor to take training courses; for failure to protect the safety of patrons; and having an employee intoxicated/disorderly on duty.

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've been in the Hospitality Industry for 36 years. I have an impeccable record running Restaurants sine 2002 in a managment Role. We implement systems and processes to ensure safety of guests and employees. I have both title 4 management and Basic Liquor training."

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 focused on the food aspect of the restaurant business. Utilizing local ingredients. The restaurant is inside the Hewton development and they are looking for a neighborhood kid friendly space. Our sales are mainly from food. Our hours are from 11 am to 9pm (10pm Friday's and Sat)."

Staff Recommendation

Staff recommends approval of this application.

Attachments

Attachment - Jaynewt's - Data

Attachment - Jaynewt's - Map

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.

Liquor License Data: JAYNEWT'S

Liquor License

Description	Series	1 Mile	1/2 Mile
Microbrewery	3	1	0
Bar	6	14	3
Beer and Wine Bar	7	11	10
Liquor Store	9	5	3
Beer and Wine Store	10	5	2
Restaurant	12	50	20

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	64.2	182.19	251.91
Violent Crimes	12.31	32.05	45.11

*Citywide average per square mile **Average per square mile within 1 mile radius ***Average per square mile within ½ mile radius

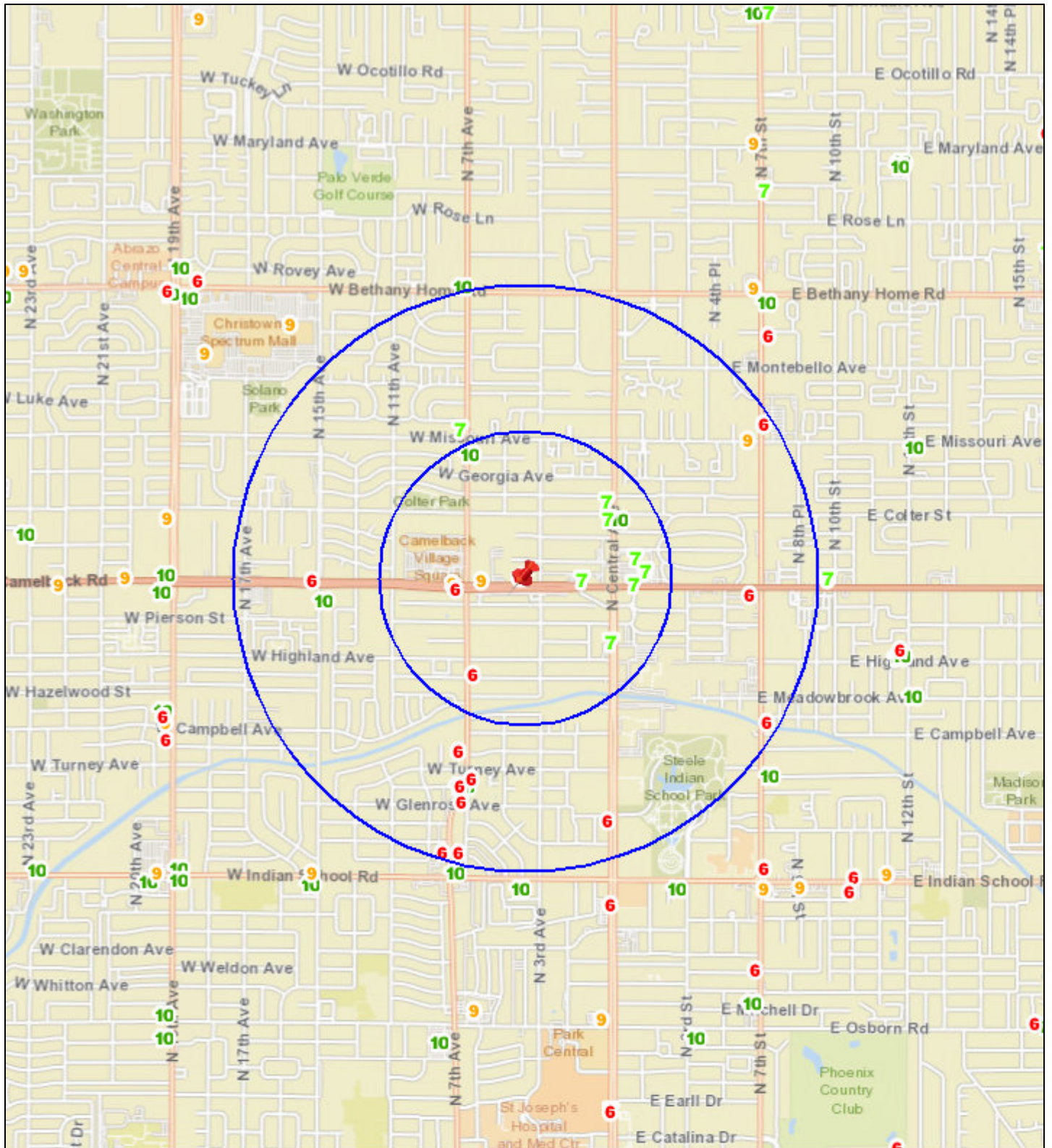
Property Violation Data

Description	Average	1/2 Mile Average
Parcels w/Violations	45	87
Total Violations	79	202

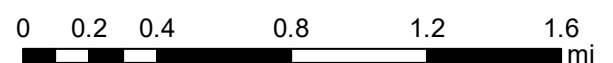
Census 2010 Data 1/2 Mile Radius

BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1074002	1009	62	7	16
1074005	661	0	30	77
1075001	758	80	2	3
1075002	1458	74	7	15
1075003	1599	46	15	14
1088021	1456	23	32	31
1088022	435	43	41	19
1089023	1072	28	3	47
1089024	1278	46	9	21
1171001	2126	10	15	10
1171002	703	57	27	12
Average	0	61	13	19

300 W CAMELBACK RD



Date: 2/8/2024





Liquor License - Mini Mart 4644

Request for a liquor license. Arizona State License Application 266440.

Summary

Applicant

Nitin Gupta, Agent

License Type

Series 10 - Beer and Wine Store

Location

4644 N. 12th St.

Zoning Classification: C-2

Council District: 4

This request is for a new liquor license for a convenience store that sells gas. This location was previously licensed for liquor sales and may currently operate with an interim permit.

The 60-day limit for processing this application is April 9, 2024.

Pursuant to A.R.S. 4-203, a spirituous liquor license shall be issued only after satisfactory showing of the capability, qualifications and reliability of the applicant and that the public convenience and the best interest of the community will be substantially served by the issuance. If an application is filed for the issuance of a license for a location, that on the date the application is filed has a valid license of the same series issued at that location, there shall be a rebuttable presumption that the public convenience and best interest of the community at that location was established at the time the location was previously licensed. The presumption shall not apply once the licensed location has not been in use for more than 180 days.

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.

Mini Mart (Series 10)
3502 W. Thomas Road, Phoenix
Calls for police service: 31
Liquor license violations: None

Kwik Corner 5402 (Series 10)
5402 W. Indian School Road, Phoenix
Calls for police service: 52
Liquor license violations: None

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 over 20 years of experience with Convenience Store and Gas Station businesses ranging from operations to management and during this time have learnt the ins and outs of handling the liquor license in a responsible manner providing due care of laws while being mindful of the needs to the community to the best of my abilities."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"It's a business that is already currently operational. I am purchasing the business from the current owner who has been serving the local community from this location for several years and I intend to continue the tradition of ensuring that this business continues to provide a safe and friendly environment and service to the same local community while assisting with the safety of the families living in the area by continuing to follow the liquor laws and safety protocols."

Staff Recommendation

Staff recommends approval of this application.

Attachments

Attachment - Mini Mart 4644 - Data

Attachment - Mini Mart 4644 - Map

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.

Liquor License Data: MINI MART 4644

Liquor License

Description	Series	1 Mile	1/2 Mile
Microbrewery	3	1	0
Wholesaler	4	2	0
Bar	6	7	2
Beer and Wine Bar	7	5	1
Liquor Store	9	9	1
Beer and Wine Store	10	13	5
Restaurant	12	46	7

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	64.2	211.49	167.94
Violent Crimes	12.31	31.76	29.29

*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

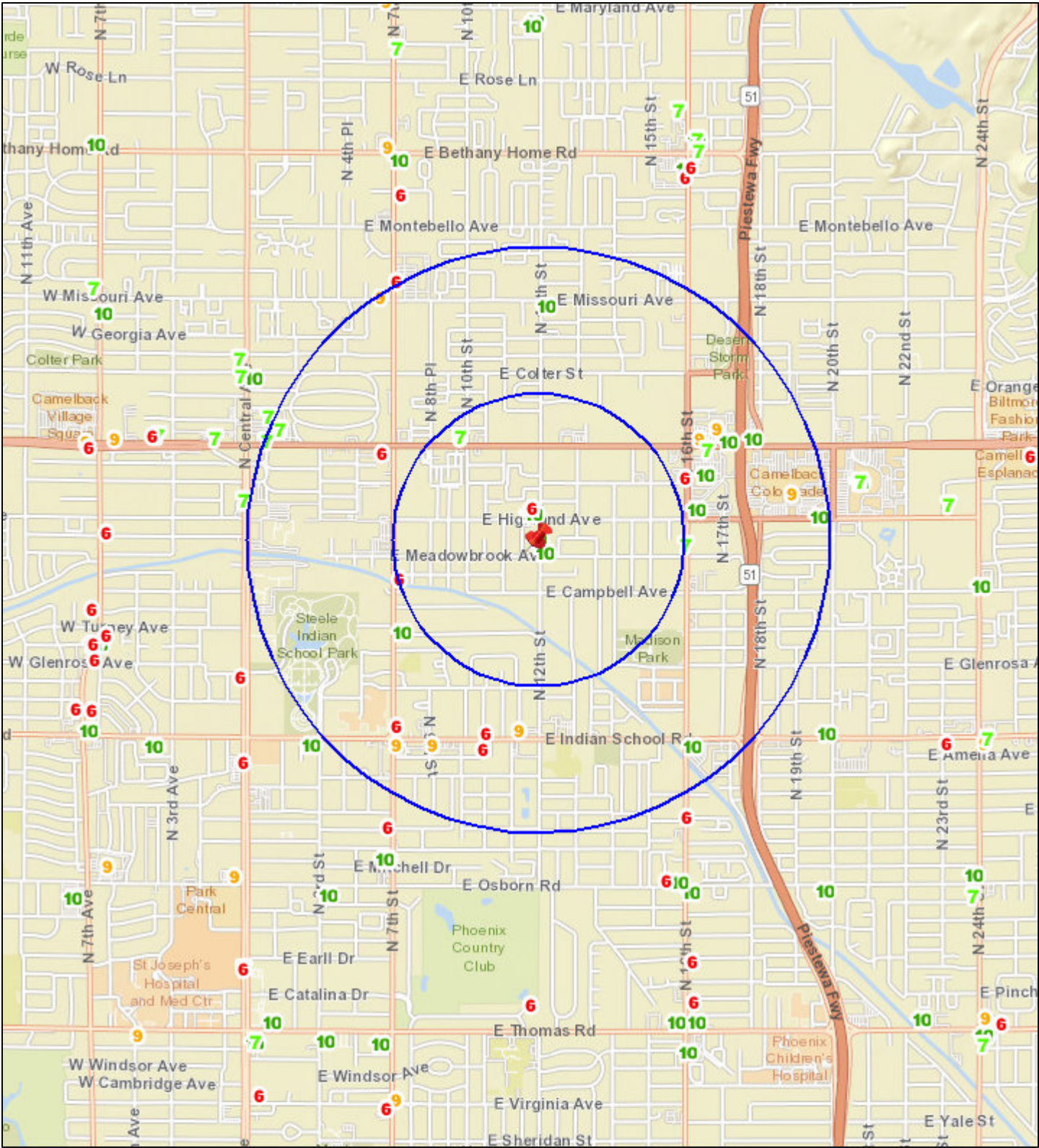
Description	Average	1/2 Mile Average
Parcels w/Violations	45	76
Total Violations	78	135

Census 2010 Data 1/2 Mile Radius

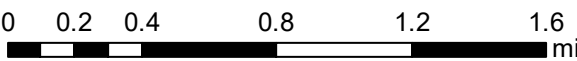
BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1076013	1748	38	8	17
1076022	1734	54	18	3
1086011	1374	18	29	41
1086012	1402	58	36	46
1086021	790	37	38	22
1086022	1187	11	25	52
1086023	650	23	34	15
1086024	1171	24	9	12
1088022	435	43	41	19
Average	0	61	13	19

Liquor License Map: MINI MART 4644

4644 N 12TH ST



Date: 2/12/2024





Liquor License - Quick Corner Liquors

Request for a liquor license. Arizona State License Application 09070449.

Summary

Applicant

Jamil Jabbar, Agent

License Type

Series 9 - Liquor Store

Location

5121 W. Thomas Road

Zoning Classification: C-2

Council District: 4

This request is for a location transfer of a liquor license for a liquor store. This location was not previously licensed for liquor sales and does not have an interim permit. This business is currently under construction with plans to open in May 2024.

The 60-day limit for processing this application is April 8, 2024.

Pursuant to A.R.S. 4-203, a spirituous liquor license shall be issued only after satisfactory showing of the capability, qualifications and reliability of the applicant and that the public convenience and the best interest of the community will be substantially served by the issuance. If an application is filed for the issuance of a license for a location, that on the date the application is filed has a valid license of the same series issued at that location, there shall be a rebuttable presumption that the public convenience and best interest of the community at that location was established at the time the location was previously licensed. The presumption shall not apply once the licensed location has not been in use for more than 180 days.

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.

Jimmies Market (Series 10)
6011 W. Thomas Road, Phoenix
Calls for police service: 11
Liquor license violations: None

Jimmies Market (Series 10)
5127 N. 43rd Ave., Phoenix
Calls for police service: 13
Liquor license violations: None

Quik Corner Market (Series 9)
5026 W. Thomas Road, Phoenix
Calls for police service: 14
Liquor license violations: In October 2023, a fine of \$1,500 was paid for failure to follow the identification procedure prescribed by statutes and for selling, giving, or furnishing an underage person with alcohol.

Los Vaqueros (Series 10)
6440 W. Van Buren St., Phoenix
Calls for police service: 1
Liquor license violations: None

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 the owner/member of a Limited Liability Company that has held a Series 9 Liquor License for many years. I have operated a store at 5026 W Thomas Road. I am building a new store at 5121 W Thomas Road and I am asking to move the current store and liquor license to the new location."

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

“I have been a member of the business community in Maryvale for many years. Other than the liquor store, I own and operate a carniceria on the corner of 51st Avenue and Thomas Road. I know the neighborhood and most of my customers.”

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

Attachment - Quick Corner Liquors - Data

Attachment - Quick Corner Liquors - Map

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.

Liquor License Data: QUICK CORNER LIQUORS

Liquor License

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

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	64.2	158.83	210.08
Violent Crimes	12.31	43.6	50.53

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

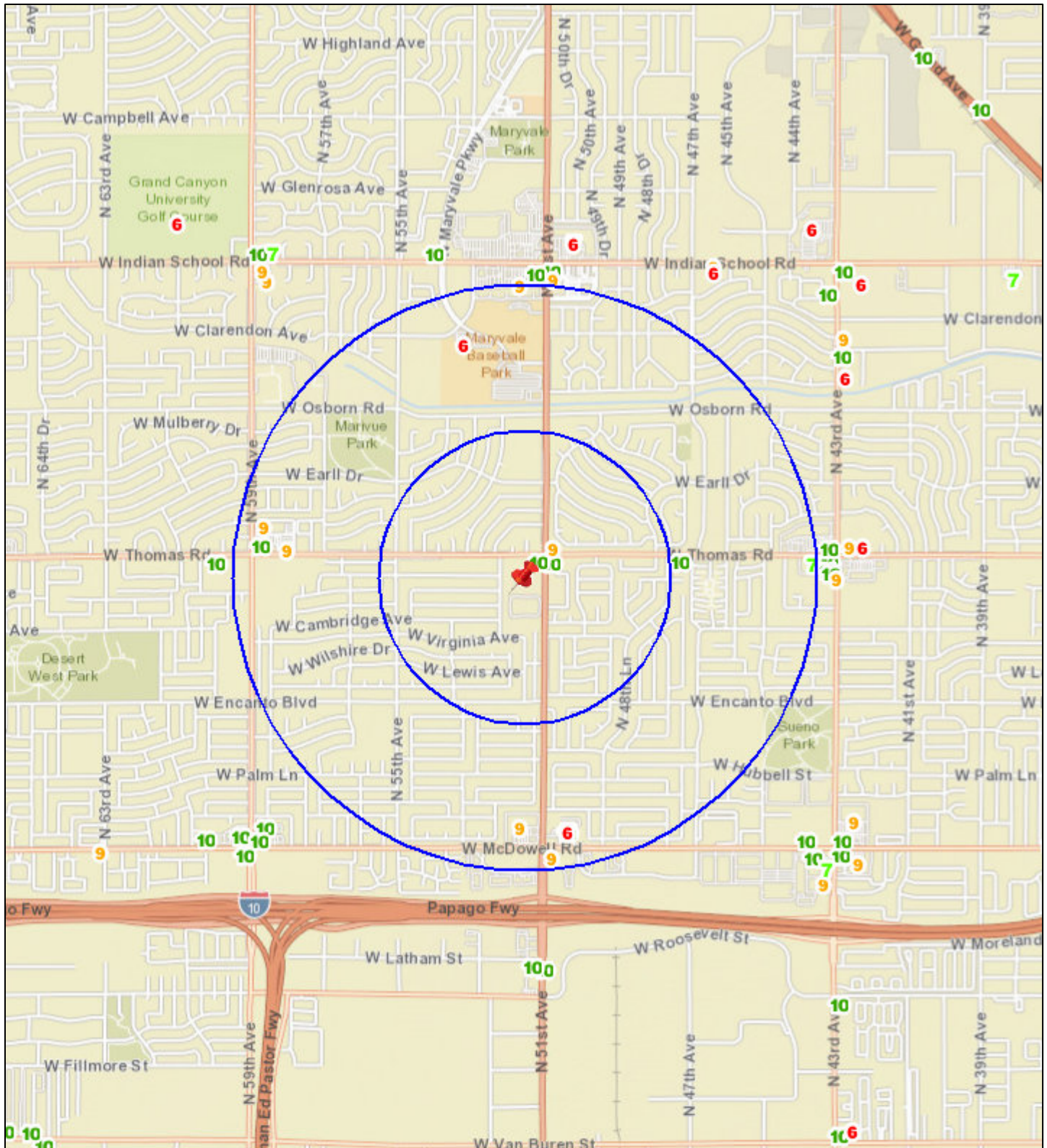
Property Violation Data

Description	Average	1/2 Mile Average
Parcels w/Violations	45	202
Total Violations	78	382

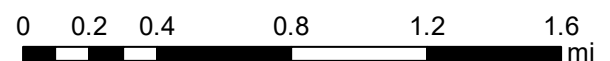
Census 2010 Data 1/2 Mile Radius

BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1099001	877	82	16	25
1099003	3146	54	16	33
1099004	697	77	17	19
1100011	1818	78	8	20
1100012	1781	69	8	14
1123012	2098	68	7	47
1123021	1045	48	24	28
1123022	1551	48	25	28
1123023	1472	59	12	59
1124011	1191	48	18	26
1124012	2494	70	5	36
1124013	1653	64	17	20
1124022	1531	76	21	27
Average	0	61	13	19

5121 W THOMAS RD



Date: 2/16/2024





Liquor License - Special Event - Knights of Columbus Cathedral Council 12708

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

Summary

Applicant

Richard Garrison

Location

6351 N. 27th Ave.

Council District: 5

Function

Dinner

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

May 24, 2024 - 6 p.m. to 10 p.m. / 300 attendees

Staff Recommendation

Staff recommends approval of this application.

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.



Liquor License - Special Event - Cursillo Movement of Phoenix, Inc.

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

Summary

Applicant

Sophia Bejarano

Location

4633 N. 54th St.

Council District: 6

Function

Dinner

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

May 11, 2024 - 5 p.m. to 9 p.m. / 250 attendees

Staff Recommendation

Staff recommends approval of this application.

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.



Liquor License - Special Event - Foothills Educational Foundation

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

Summary

Applicant

Randi Garcia

Location

4515 E. Muirwood Drive

Council District: 6

Function

Auction

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

April 20, 2024 - 5 p.m. to 10 p.m. / 200 attendees

Staff Recommendation

Staff recommends approval of this application.

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.



Liquor License - Camelback Flowershop

Request for a liquor license. Arizona State License Application 278104.

Summary

Applicant

Jeffrey Keck, Agent

License Type

Series 10 and 10S - Beer and Wine Store with Sampling Privileges

Location

4214 E. Indian School Road, Ste. 103/105

Zoning Classification: C-2

Council District: 6

This request is for a new liquor license for a beer and wine store with sampling privileges. This location was not previously licensed for liquor sales and does not have an interim permit.

The 60-day limit for processing this application is April 15, 2024.

Pursuant to A.R.S. 4-203, a spirituous liquor license shall be issued only after satisfactory showing of the capability, qualifications and reliability of the applicant and that the public convenience and the best interest of the community will be substantially served by the issuance. If an application is filed for the issuance of a license for a location, that on the date the application is filed has a valid license of the same series issued at that location, there shall be a rebuttable presumption that the public convenience and best interest of the community at that location was established at the time the location was previously licensed. The presumption shall not apply once the licensed location has not been in use for more than 180 days.

Other Active Liquor License Interest in 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.

Camelback Flower Shop (Series 10)
4214 E. Indian School Road, Ste. 101, Phoenix
Calls for police service: 4
Liquor license violations: None

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 am a certified liquor manager in the State of Arizona. I have a degree in Hotel, Restaurant and Travel Administration from the University of Massachusetts. I have managed in the restaurant industry for over 20 years in Arizona. I understand liquor laws and will responsibly manage shop, including training my staff on responsible alcohol sales behaviors."

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 an established, well respected business in the Arcadia area. We sell great quality flowers and retail goods. We would like to offer high quality wines and beer to sell to our patrons to go with the other products we sell. We believe the community would be happy to have the ability to purchase flowers and wine or beer at the same location. We have been selling with a Series 10 License in our shop that is 30 feet away from this location and it has been well received."

Staff Recommendation

Staff recommends approval of this application.

Attachments

Attachment - Camelback Flowershop - Data
Attachment - Camelback Flowershop - Map

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.

Liquor License Data: CAMELBACK FLOWERSHOP

Liquor License

Description	Series	1 Mile	1/2 Mile
Microbrewery	3	1	0
Wholesaler	4	2	2
Bar	6	6	2
Beer and Wine Bar	7	5	3
Liquor Store	9	6	1
Beer and Wine Store	10	6	4
Restaurant	12	35	15

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	64.2	85.37	91.82
Violent Crimes	12.31	7.8	8.06

*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

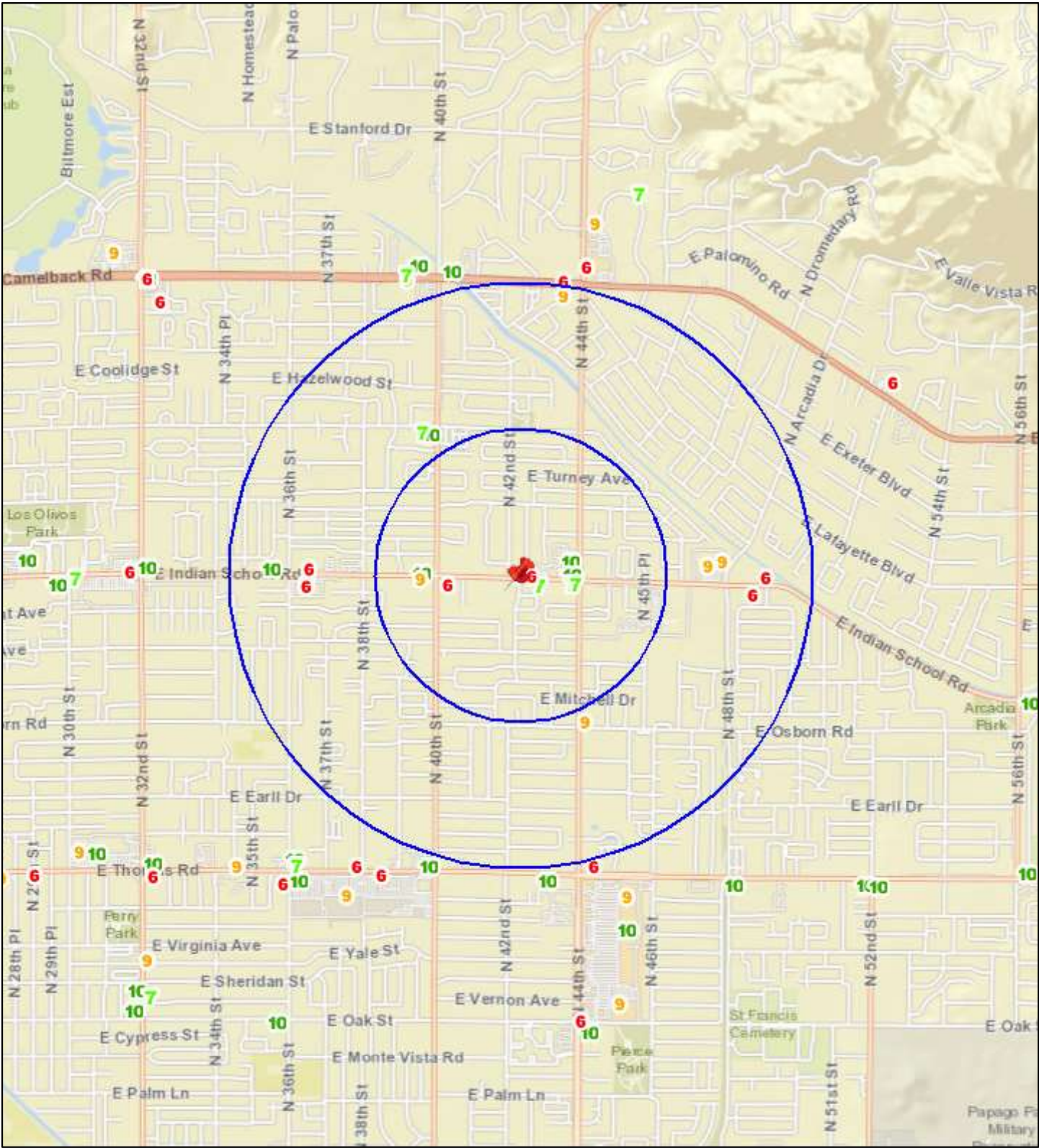
Description	Average	1/2 Mile Average
Parcels w/Violations	45	48
Total Violations	78	80

Census 2010 Data 1/2 Mile Radius

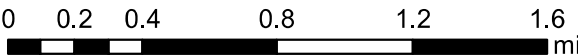
BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1082001	717	56	23	6
1082002	1178	45	8	8
1082003	1225	76	13	17
1083022	1824	50	13	4
1109022	2224	39	7	18
1110001	781	25	11	3
1110002	1105	63	8	19
1110004	707	59	25	0
1110005	698	88	19	5
Average	0	61	13	19

Liquor License Map: CAMELBACK FLOWERSHOP

4212 E INDIAN SCHOOL RD



Date: 2/16/2024





Liquor License - HHATT

Request for a liquor license. Arizona State License Application 278911.

Summary

Applicant

Andrea Lewkowitz, Agent

License Type

Series 12 - Restaurant

Location

1001 N. Central, Fl. 1

Zoning Classification: DTC - Downtown Gateway

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 60-day limit for processing this application is April 7, 2024.

Pursuant to A.R.S. 4-203, a spirituous liquor license shall be issued only after satisfactory showing of the capability, qualifications and reliability of the applicant and that the public convenience and the best interest of the community will be substantially served by the issuance. If an application is filed for the issuance of a license for a location, that on the date the application is filed has a valid license of the same series issued at that location, there shall be a rebuttable presumption that the public convenience and best interest of the community at that location was established at the time the location was previously licensed. The presumption shall not apply once the licensed location has not been in use for more than 180 days.

Other Active Liquor License Interest in Arizona

This information is not provided due to the multiple ownership interests held by the applicant 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 to maintain compliance with applicable laws. Managers and staff will be trained in the techniques of legal and responsible alcohol sales and service.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
“Hhatt is located on the first floor and the park-like outdoor space of the 9-story building on the northeast corner of Roosevelt and North Central Avenue. The casual, neighborhood restaurant will feature freshly-made gourmet appetizers, salads, sandwiches and specialty pizzas. Applicant would like to offer alcoholic beverages to guests 21 and over.”

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

Attachment - HHATT - Data

Attachment - HHATT - Map

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.

Liquor License Data: HHATT

Liquor License

Description	Series	1 Mile	1/2 Mile
Producer	1	1	0
Microbrewery	3	5	2
Government	5	7	5
Bar	6	48	14
Beer and Wine Bar	7	17	8
Liquor Store	9	5	1
Beer and Wine Store	10	16	4
Hotel	11	8	2
Restaurant	12	123	55
Club	14	2	0

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	64.2	259.63	372.39
Violent Crimes	12.31	55.89	75.26

*Citywide average per square mile **Average per square mile within 1 mile radius ***Average per square mile within ½ mile radius

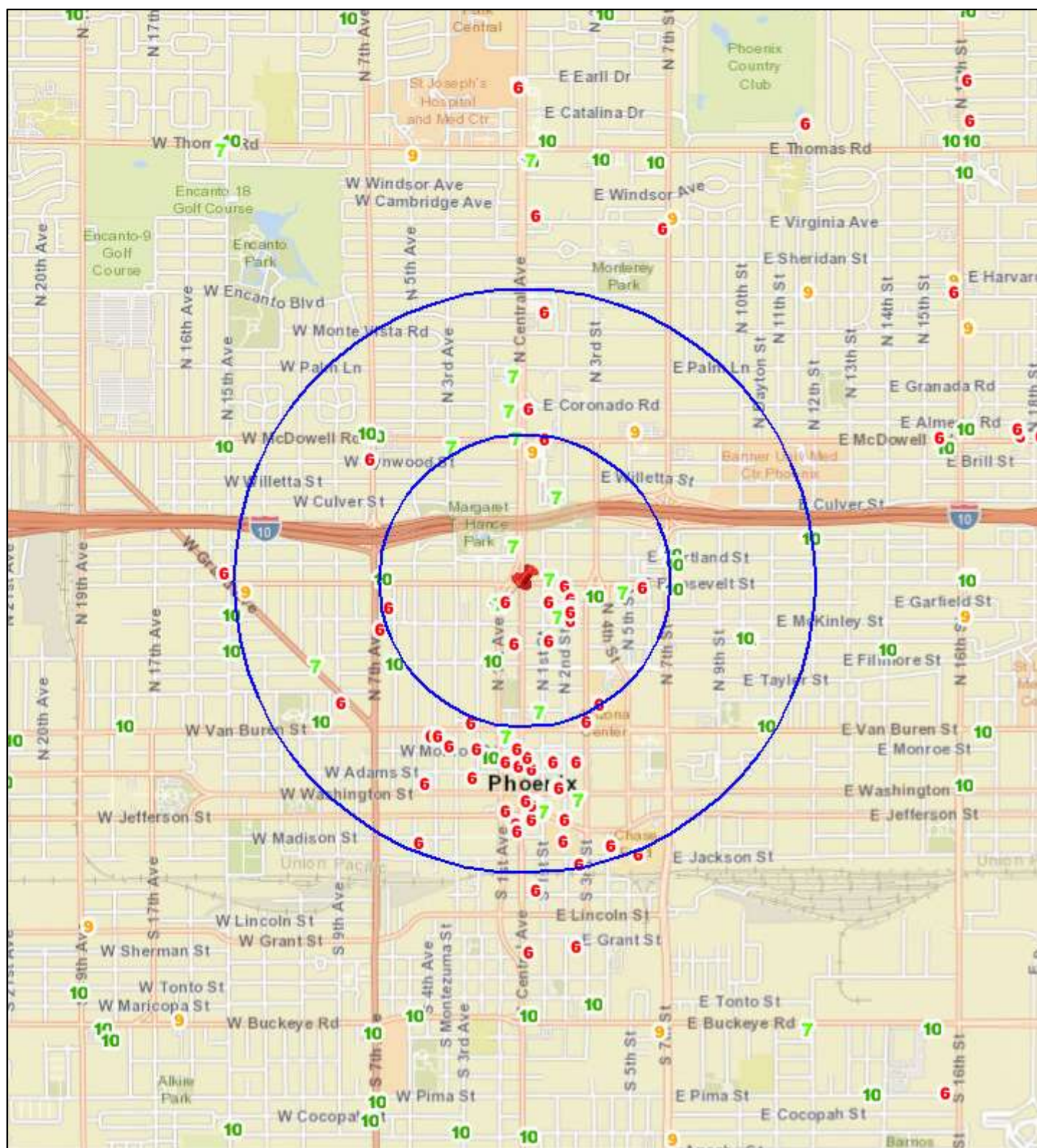
Property Violation Data

Description	Average	1/2 Mile Average
Parcels w/Violations	45	67
Total Violations	79	95

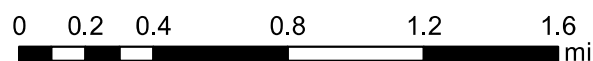
Census 2010 Data 1/2 Mile Radius

BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1118002	1030	67	9	17
1118004	671	62	6	6
1130001	1218	23	16	11
1130002	873	29	21	38
1131001	1015	7	8	28
1131002	1242	3	7	33
1132021	731	33	20	74
1132031	1473	30	20	57
Average	0	61	13	19

1001 N CENTRAL AVE



Date: 2/8/2024





Liquor License - Milk & Honey

Request for a liquor license. Arizona State License Application 271605.

Summary

Applicant

Jeffrey Miller, Agent

License Type

Series 9 - Liquor Store

Location

888 N. 1st Ave., Ste. 112

Zoning Classification: DTC-Downtown Gateway

Council District: 7

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

The 60-day limit for processing this application is April 13, 2024.

Pursuant to A.R.S. 4-203, a spirituous liquor license shall be issued only after satisfactory showing of the capability, qualifications and reliability of the applicant and that the public convenience and the best interest of the community will be substantially served by the issuance. If an application is filed for the issuance of a license for a location, that on the date the application is filed has a valid license of the same series issued at that location, there shall be a rebuttable presumption that the public convenience and best interest of the community at that location was established at the time the location was previously licensed. The presumption shall not apply once the licensed location has not been in use for more than 180 days.

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.

Milk & Honey (Series 9)
333 E. Roosevelt St., #114, Phoenix
Calls for police service: 49
Liquor license violations: None

Milk & Honey (Series 10)
115 W. 6th St., Tempe
Calls for police service: N/A - not in Phoenix
Liquor license violations: In February 2018, a fine of \$3,000 was paid for failure to request an ID from an underage buyer and for selling, giving, or furnishing an underage person with alcohol. In October 2019, a fine of \$6,000 was paid for failure to request an ID from an underage buyer and for selling, giving, or furnishing an underage person with alcohol.

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:
"Currently own and operate other businesses in the Valley including businesses with liquor licenses. We ensure all of our employees have attended Title 4 liquor law training."

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

"We would like to offer the downtown area a convenient place to shop for their everyday needs."

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

Attachment - Milk & Honey - Data

Attachment - Milk & Honey - Map

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.

Liquor License Data: MILK & HONEY

Liquor License

Description	Series	1 Mile	1/2 Mile
Producer	1	1	0
Microbrewery	3	5	3
Government	5	7	5
Bar	6	50	17
Beer and Wine Bar	7	17	8
Liquor Store	9	5	0
Beer and Wine Store	10	16	5
Hotel	11	8	2
Restaurant	12	124	55
Club	14	2	0

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	64.2	267.91	360.5
Violent Crimes	12.31	61.04	74.3

*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

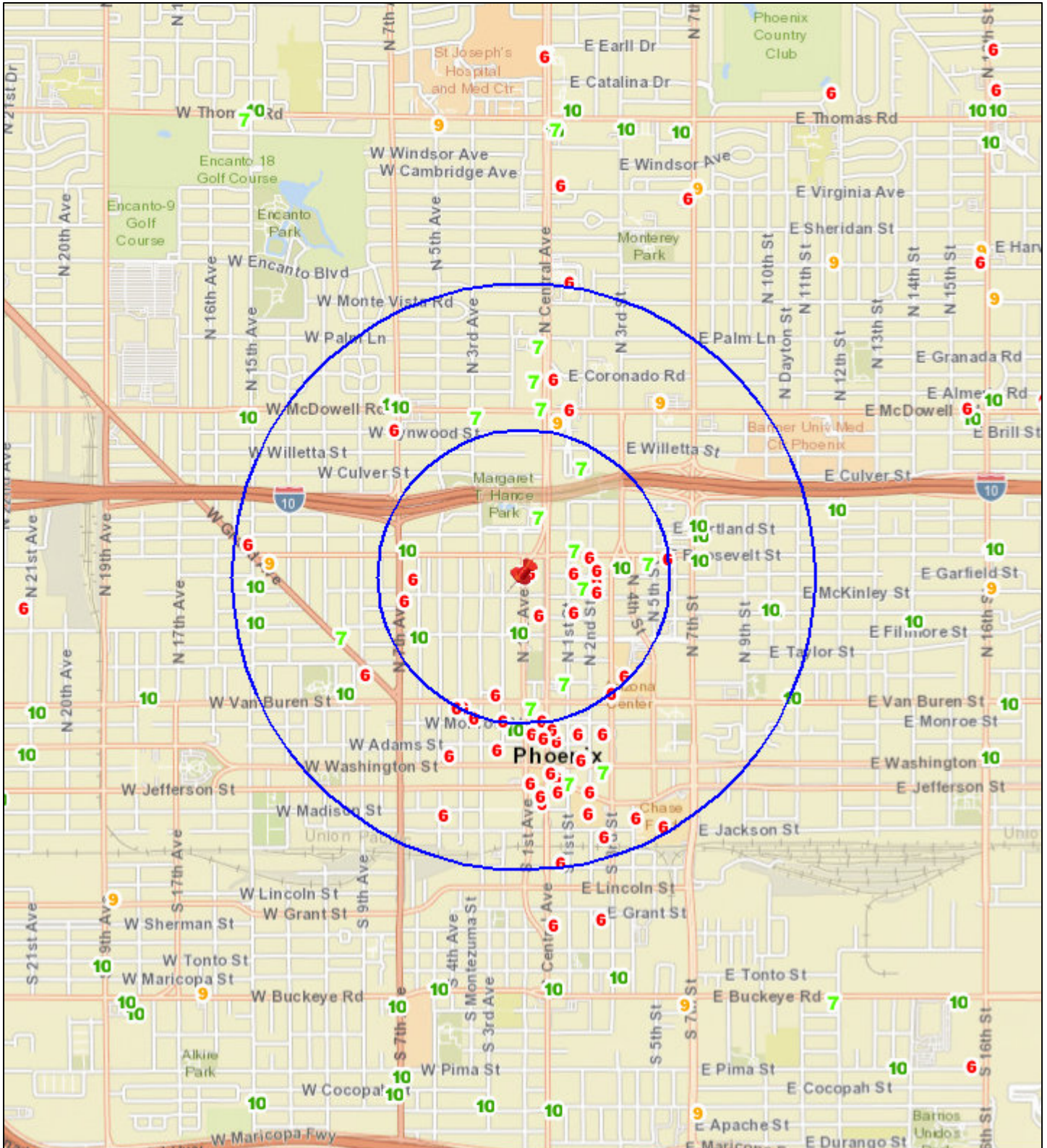
Description	Average	1/2 Mile Average
Parcels w/Violations	45	73
Total Violations	78	118

Census 2010 Data 1/2 Mile Radius

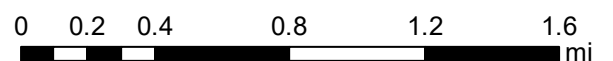
BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1129001	1670	70	4	19
1129002	815	37	22	24
1130001	1218	23	16	11
1130002	873	29	21	38
1131001	1015	7	8	28
1131002	1242	3	7	33
1141001	2299	16	37	44
Average	0	61	13	19

Liquor License Map: MILK & HONEY

888 N 1ST AVE



Date: 2/13/2024



City Clerk Department



Liquor License - Special Event - Evan's Churchill Community Association

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

Summary

Applicant

Sean Johnson

Location

907 N. 5th St.

Council District: 8

Function

Block Party

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

April 19, 2024 - 4:20 p.m. - Midnight / 5,000 attendees

Staff Recommendation

Staff recommends approval of this application.

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.



Liquor License - Carolina's Mexican Food

Request for a liquor license. Arizona State License Application 279168.

Summary

Applicant

Juanita Esparza, Agent

License Type

Series 12 - Restaurant

Location

1202 E. Mohave St.

Zoning Classification: C-2 AIOD

Council District: 8

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 60-day limit for processing this application is April 9, 2024.

Pursuant to A.R.S. 4-203, a spirituous liquor license shall be issued only after satisfactory showing of the capability, qualifications and reliability of the applicant and that the public convenience and the best interest of the community will be substantially served by the issuance. If an application is filed for the issuance of a license for a location, that on the date the application is filed has a valid license of the same series issued at that location, there shall be a rebuttable presumption that the public convenience and best interest of the community at that location was established at the time the location was previously licensed. The presumption shall not apply once the licensed location has not been in use for more than 180 days.

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:
"The owner's of Carolina's Mexican Food, Inc are committed to upholding high standards for "It's Bus practices and employees. They have been trained in the techniques of legal and responsibility and has taken Title IV Liquor training course as well as all employees. As the owner's and operators of the restaurant they will oversee all employees and will provide a safe experience all staff and patrons."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"The owner's of Carolina's Mexican Food, Inc wish to provide dining in a family restaurant environment with the service of an alcoholic drink at the restaurant of any patron over the age of 21 years. In addition the owners of Carolina's Mex Food, Inc will assume responsibility and adhere to all State and Federal Tax laws and maintain a strict adherenceto the security requirements of the City and State."

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

Attachment - Carolina's Mexican Food - Data

Attachment - Carolina's Mexican Food - Map

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.

Liquor License Data: CAROLINA'S MEXICAN FOOD

Liquor License

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

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	64.2	58.7	41.71
Violent Crimes	12.31	9.87	8.7

*Citywide average per square mile **Average per square mile within 1 mile radius ***Average per square mile within ½ mile radius

Property Violation Data

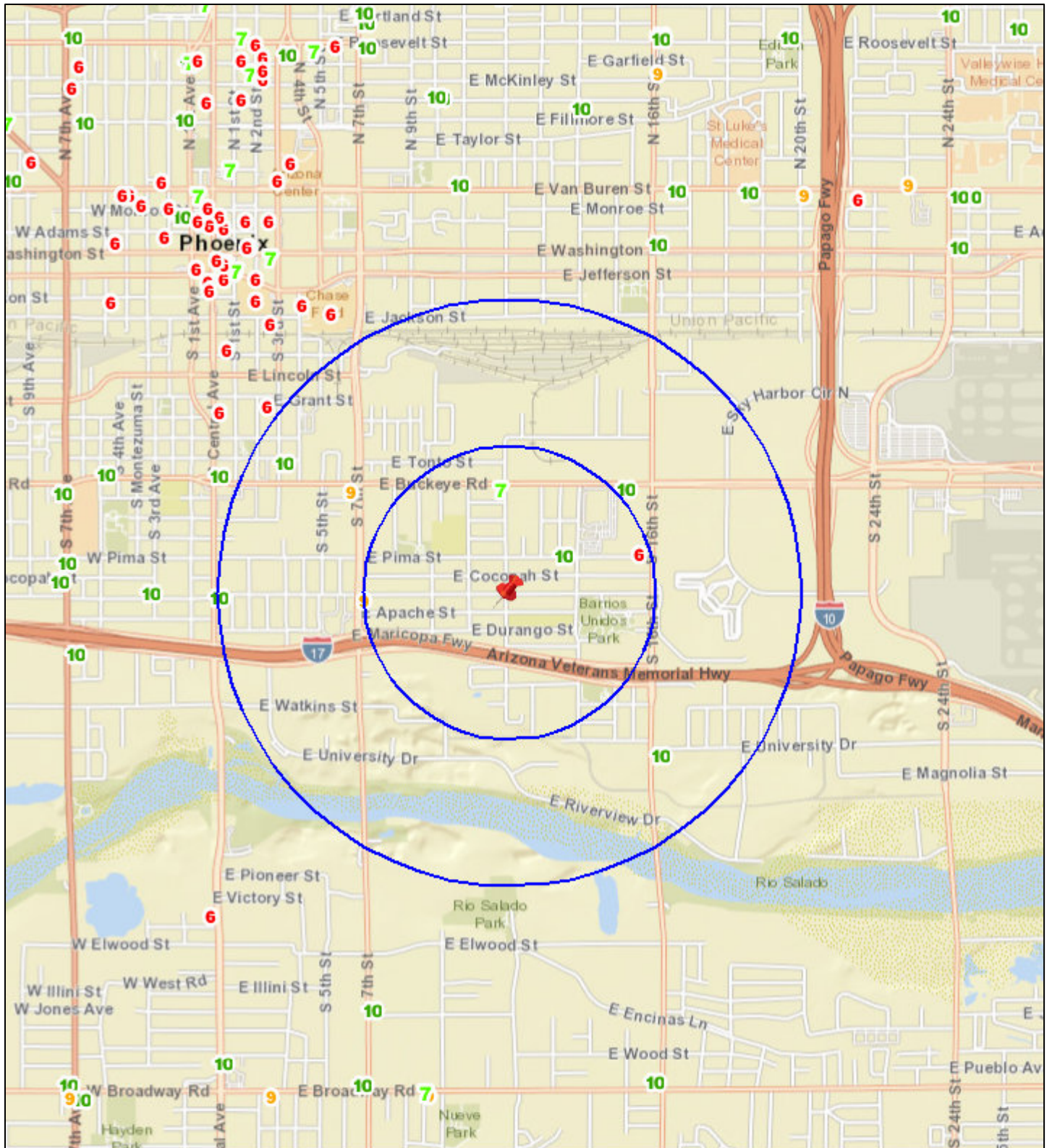
Description	Average	1/2 Mile Average
Parcels w/Violations	45	78
Total Violations	78	149

Census 2010 Data 1/2 Mile Radius

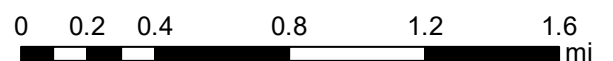
BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1140002	78	77	0	32
1172001	823	25	17	70
1172002	851	25	28	20
Average	0	61	13	19

Liquor License Map: CAROLINA'S MEXICAN FOOD

1202 E MOHAVE ST



Date: 2/22/2024





Liquor License - Ezbachi

Request for a liquor license. Arizona State License Application 278719.

Summary

Applicant

Jaqueline Padilla, Agent

License Type

Series 12 - Restaurant

Location

1713 S. Central Ave.

Zoning Classification: C-3

Council District: 8

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

The 60-day limit for processing this application is April 15, 2024.

Pursuant to A.R.S. 4-203, a spirituous liquor license shall be issued only after satisfactory showing of the capability, qualifications and reliability of the applicant and that the public convenience and the best interest of the community will be substantially served by the issuance. If an application is filed for the issuance of a license for a location, that on the date the application is filed has a valid license of the same series issued at that location, there shall be a rebuttable presumption that the public convenience and best interest of the community at that location was established at the time the location was previously licensed. The presumption shall not apply once the licensed location has not been in use for more than 180 days.

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 a manager certification for liquor. I have manage places of businesses that sold liquor. I am aware of how to properly and safely work/sell liquor."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"We want for the community to be able to sit down with family, friends, co-workers to enjoy a great meal and a drink within their own community rather than going else where. We hope to bring value to the community. We have the best interest of the community and the growth."

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

Attachment - Ezbachi - Data

Attachment - Ezbachi - Map

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.

Liquor License Data: EZBACHI

Liquor License

Description	Series	1 Mile	1/2 Mile
Producer	1	1	0
Government	5	1	0
Bar	6	8	0
Liquor Store	9	2	0
Beer and Wine Store	10	9	4
Hotel	11	2	0
Restaurant	12	9	2
Club	14	2	0

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	64.2	105.44	150.63
Violent Crimes	12.31	28.39	41.4

*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

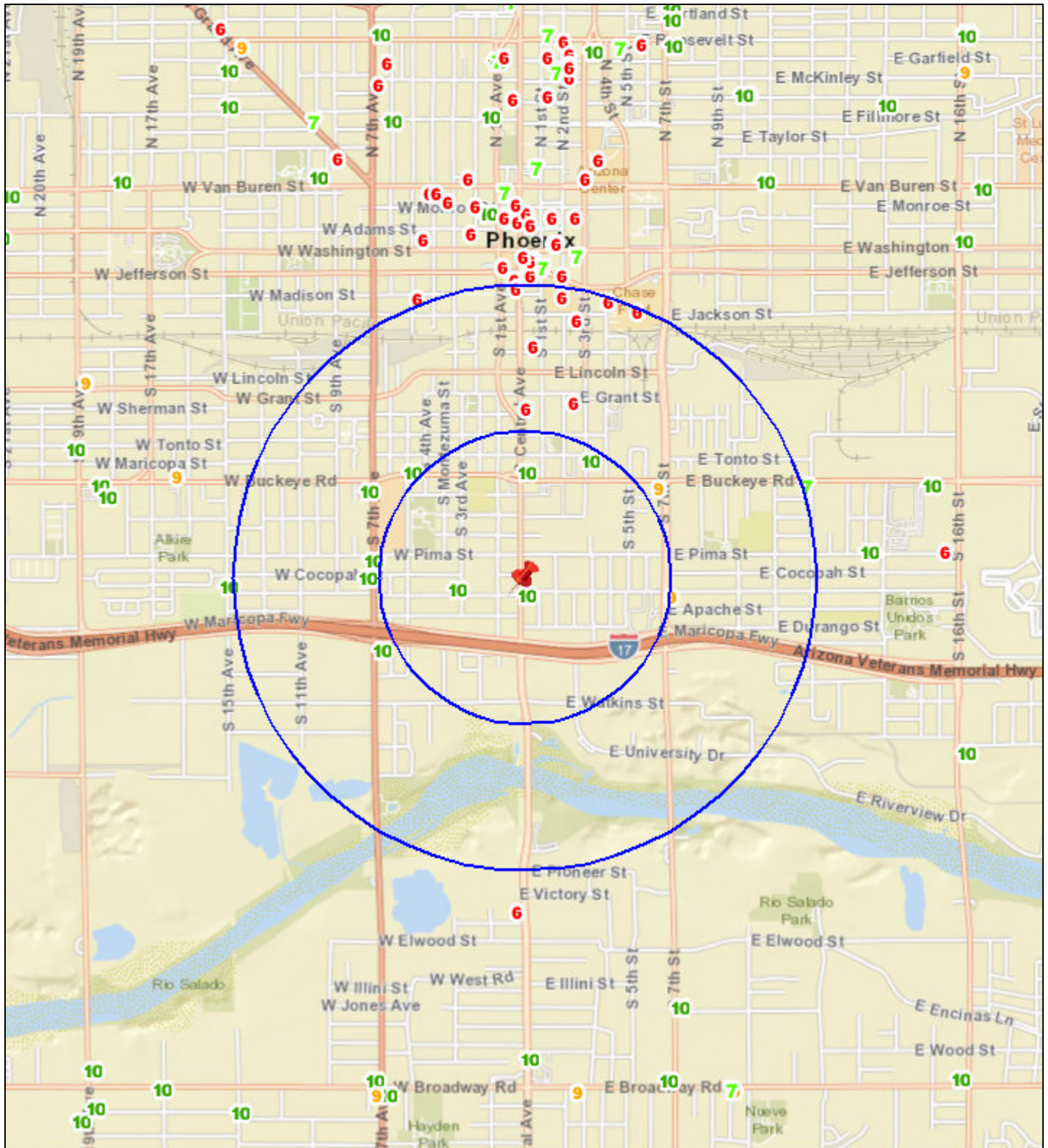
Description	Average	1/2 Mile Average
Parcels w/Violations	45	121
Total Violations	78	217

Census 2010 Data 1/2 Mile Radius

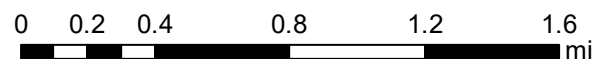
BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1142001	1321	36	22	50
1149001	798	28	13	57
1149002	1742	11	3	68
1172001	823	25	17	70
1172002	851	25	28	20
Average	0	61	13	19

Liquor License Map: EZBACHI

1713 S CENTRAL AVE



Date: 2/20/2024



City Clerk Department



Liquor License - La Consentida Tacos and Sushi

Request for a liquor license. Arizona State License Application 270372.

Summary

Applicant

Jeffrey Miller, Agent

License Type

Series 12 - Restaurant

Location

2647 W. Glendale Ave., Ste. 11-14

Zoning Classification: C-2

Council District: 5

This request is for an acquisition of control of an existing liquor license for a restaurant. This location is currently licensed for liquor sales.

The 60-day limit for processing this application is April 14, 2024.

Pursuant to A.R.S. 4-203, consideration should be given only to the applicant's personal qualifications.

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.

Silverado Canta Bar (Series 6)

4809 N. 27th Ave., Phoenix

Calls for police service: 45

Liquor license violations: None

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: "We train all of our employees in responsible liquor service. We also conduct regular audits to ensure they comply."

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 employment history and involvement with locations with a history of liquor license violations. The applicant has not demonstrated the capability, qualifications and reliability to hold and control a liquor license.

Attachments

Attachment - La Consentida Tacos and Sushi - Police Department Recommendation

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.

Police Department Liquor License Disapproval Recommendation

Application Information

Business Name	La Consentida Taco and Sushi	District	5
Business Location	2647 W. Glendale Avenue		
Applicant Names	Edgar Vega Caro aka Adrien	Series Type	12

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

La Consentida's controlling person Mr. Edgar Vega Caro, in accordance with Arizona Revised Statute 4-203.A is not capable, qualified and reliable to own and operate a Series 12 liquor license. Phoenix Police Department did not receive the required city questionnaire until after business hours on 3/5/2024. This did not allow Phoenix Police enough time to schedule an interview with him regarding his liquor application, before the Police Department's response was due to licensing.

While awaiting the city questionnaire a preliminary review was conducted which revealed that many of the establishments Mr. Caro listed as his previous and current places of employment have had multiple liquor violations.

One of these violations, Mr. Caro was present when Officers spoke with him. There have also been calls for service at La Consentida over the past year where acts of violence occurred on the property. Lastly, a recent liquor enforcement operation with Phoenix Police and State Liquor Detectives on 3/5/2024 led to four additional administrative violations against La Consentida.

As required on Question #10 on the state application, Mr. Caro listed both his past and previous employment as a "Consultant" since January 2011 at:

Club Delirium at 1614 E. McDowell Rd. in Phoenix,
 Club XTC (now known as La Boom Night Club) 5400 N. 59th Ave in Glendale,
 and Club Paris (now known as Paris) at 4280 N. Drinkwater Blvd in Scottsdale.

Club XTC – Liquor License # 06070122 La Boom Night Club (its current name) located at 5400 N. 59th Ave Glendale, AZ. The DLLC website indicated this liquor license has 4 violations between 2/3/2016 and 8/16/2022. Mr. Caro listed he was a previous consultant at this establishment since 1/2011. In the timespan he indicated he worked there, all 4 of those violations occurred. These violations are as follows:

2/3/2016 - R19-1-405 Notice Change in Status
2/22/2018 - 4-244.17 Consuming between 2:30 a.m. & 6:00 a.m.
2/22/2018 - 4-244.17 4-244.17 - Possession/Consumption of alcohol after 2:30 A.M.
8/16/2022 - 4-241.A Accepting unauthorized forms of I.D.

Club Paris – Liquor License # 06070013 Paris in Scottsdale (its current name) located at 4280 N Drinkwater Blvd in Scottsdale. The DLLC website indicated this liquor license has 5 violations between 3/14/2011 and 6/18/2018. Mr. Caro listed he was a previous consultant at this establishment since 1/2011. In the timespan he indicated he worked there, all 5 of those violations occurred.

Police Department Liquor License Disapproval Recommendation

Application Information

Business Name	La Consentida Taco and Sushi	District	5
Business Location	2647 W. Glendale Avenue		
Applicant Names	Edgar Vega Caro aka Adrien	Series Type	12

3/14/2011 - 4-210.A.5 Delinquent taxes
 10/3/2011 - 4-210.A.5 Delinquent taxes
 9/20/2012 - 4-210.A.5 Delinquent taxes
 4/27/2018 - 4-244.17 Consuming between 2:30 a.m. & 6:00 a.m.
 6/18/2018 - R19-1-314 Inducements Prohibited

Current Employment

The current consulting places Mr. Caro listed he works at are:

La Consentida Taco and Sushi at 2647 W. Glendale Ave in Phoenix,
 Silverado Santa Bar at 4809 N. 27th Avenue in Phoenix, and
 Club Silverado in Phoenix at 6108 N. 27th Ave.

La Consentida Taco and Sushi:

The DLLC website indicated this liquor license has 7 violations between 2/28/2020 and 2/3/2023. Mr. Caro listed he was and still is a consultant at this establishment since 1/2011. In the timespan he indicated he has worked there, all 7 of those violations occurred.

2/28/2020 - 4-244.9 Sell, give, furnish underage person with alcohol
 2/28/2020 - 4-241.A Failure to request ID from underage buyer
 7/23/2020 - 4-210.A.10 Failure to protect the safety of patrons
 7/23/2020 - 4-210.A.9 Licensee fails to comply with Title IV
 7/23/2020 - 4-210.A.2 The license fails to maintain capability, qualification and reliability
 2/3/2023 - 4-244.22 Underage on premises w/o parent (on-sale)
 2/3/2023 - 4-112(G).12 No Security Personnel Attestation Form

Silverado Santa Bar:

The DLLC website indicated this liquor license has 4 violations between 11/24/1997 and 9/9/2016. Mr. Caro listed he was and still is a consultant at this establishment since 1/2011. In the timespan he indicated he has worked there, 3 of those 4 violations occurred.

9/9/2016 - 4-243.01 Purchasing from other than primary source
 9/9/2016 - 4-119 Failure to maintain records
 9/9/2016 - R19-1-302 Knowledge of Liquor Laws and Rules

Club Silverado

The DLLC website indicated this liquor license has 17 violations between 10/7/2003 and 4/18/2023. Mr. Caro listed he was and still is a consultant at this establishment since 1/2011. In the timespan he indicated he has worked there, 14 of those 17 violations occurred.

4/8/2014 - 4-210.A.5 Delinquent taxes
 4/8/2014 - 4-210.A.5 Delinquent taxes

Police Department Liquor License Disapproval Recommendation

Application Information

Business Name	La Consentida Taco and Sushi	District	5
Business Location	2647 W. Glendale Avenue		
Applicant Names	Edgar Vega Caro aka Adrien	Series Type	12

9/9/2016 – 4-243.01 Purchasing from other than primary source
 9/9/2016 - 4-119 Failure to maintain records
 4/15/2021 - 4-244.22 Underage on premises w/o parent (on-sale)
 4/15/2021 - 4-210.A.9 Licensee fails to comply with Title IV
 7/21/2021 - 4-244.22 Underage on premises w/o parent (on-sale)
 7/21/2021 - 4-210.A.10 Failure to protect the safety of patrons
 7/21/2021 - 4-244.9 Sell, give, furnish underage person with alcohol
 7/21/2021 - 4-241.A Failure to request ID from underage buyer
 3/3/2023 - 4-244.23 Drinking contests, delivering more than Law Allows
 4/18/2023 - 4-244.23 Drinking contests, delivering more than Law Allows
 4/18/2023 - 4-210.A.9 Licensee fails to comply with Title IV
 4/18/2023 - 4-210.A.2 The license fails to maintain capability, qualification and reliability

The following incident also occurred at Club Silverado: On 1/25/2023, DR 2023-101840, when CAO Officers from Cactus Park and State Liquor Detectives completed an inspection of Club Silverado Night Club. On this night, they observed a Hispanic male at a bottle service table drinking alcohol from the bottle. They informed the manager, Edgar Vega-Caro that this is a violation of ARS 4-244.23 and the club would be given an administrative violation

Calls For Service

On 2/16/2024, Officer Chester checked the calls for service at this location, 2647 W. Glendale Ave #11-14 from 2/16/2021-2/16/2024. For those units specifically, there have been 11 calls for service in the past year, a few of which are violent in nature and an act of violence occurred on the property. Two of those notable incidents are below:

2021-931904, 6/16/2021, Aggravated Assault report completed for an aggravated assault committed by four patrons of the establishment. The suspects pointed firearms at the security on site and a waitress of the establishment due to an argument over their bill.

2021-1438636, 9/15/2021, Assault report completed for fight occurring inside bar. It should be noted, in this report, La Consentida is listed in the report by Police Officers as a "night club" and the suspect in this report is listed as one of the employees.

Enforcement Operation

On 3/5/2024, Officer Chester and additional Officers from the Cactus Park Precinct Community Action Squad went out to do a liquor enforcement operation at La Consentida Taco and Sushi located at 2647 W. Glendale Ave. Officer Chester had been receiving information from the State Liquor Department that there was underage drinking occurring at the establishment on Tuesdays around midnight. State Liquor Special Agents also assisted Phoenix Police on this operation. During the operation, there were violations that were found. The restaurant was charged with the following violations by the State Liquor Department.

LIQUOR LICENSE DISAPPROVAL FORM

Police Department Liquor License Disapproval Recommendation

Application Information

Business Name	La Consentida Taco and Sushi	District	5
Business Location	2647 W. Glendale Avenue		
Applicant Names	Edgar Vega Caro	aka Adrien	Series Type
			12

ARS 4-244.22 - Underage onsite (this female was not found to be drinking but was allowed inside the establishment and is not 21)

ARS 4-244.22 - Underage onsite (an underage employee who was not working today was found to be inside at a bottle service table)

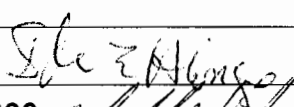
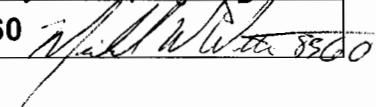
ARS 4-244.23 - Serving more than the law allows (an individual who was over 21 was found inside at a bottle service table pouring alcohol from a liquor bottle into his own glass)

ARS 4-241.K - Accepting an unauthorized form of identification (this male was over 21 years of age but was let in with a form of identification that is not accepted as valid)

Due to the aforementioned factors and the fact that the applicant Mr. Edgar Vega Caro failed to submit the city questionnaire in time for the Police Department to conduct the requisite complete review, he is not capable, qualified, or reliable to own and operate a liquor license within the city of Phoenix.

This recommendation for disapproval is submitted by: Ofc. S. Chester 10641

SIGNATURES

Administrative Licensing Investigator	I. Alonge A4289	
Liquor Enforcement Detail Supervisor	Sgt. M. Walter 8360	



PAYMENT ORDINANCE (Ordinance S-50707) (Items 22-28)

Ordinance S-50707 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.

22 Salt River Project Agricultural Improvement and Power District dba SRP

For \$50,760 in payment authority to SRP for service and work needed to add an electrical switch and transformer for new Fire Station 62, located at 9300 W Lower Buckeye Road, Phoenix, AZ 85053, for Fire Department Project FD57100027-4.

23 AmeriNational Community Services LLC dba AmeriNat

For \$200,000 in payment authority for a new contract, entered on or about May 1, 2024, for a term of five years for loan services for the Housing Department. The Housing Department is responsible for approximately 98 loans for affordable multifamily rentals, special needs housing, and home ownership financial assistance programs, which are managed by a financial institution. Services include but are not limited to collections, account monitoring, cash-flow analysis, delinquency monitoring, forbearance plans, online account services, loan subordination, and other loan portfolio management services. These loans are generally financed with federal funds. There is no impact to the General Fund.

24 NEVCO Sports, LLC

For \$46,000 in payment authority for a one-time purchase to replace seven LED scoreboards, including four at Desert West Sports Complex

and three at Rose Mofford Sports Complex, for the Parks and Recreation Department.

25 WMDTech, LLC

For \$35,000 in payment authority for an Explosive Ordnance Disposal training course for the Bomb Squad Unit of the Police Department. The course is designed to provide bomb responders with knowledge and decision-making skills when responding to a Special Event Response (SER), and will cover instances when complete separation or isolation of a package is not possible. The focus of the training will be on potential threats during initial encounters, knowledge of the type of equipment necessary to conduct a response, X-Ray techniques, as well as other skills needed to respond to a SER, while ensuring the safety of the public and bomb responders.

26 Settlement of Claim(s) Lopez v. City of Phoenix

To make payment of up to \$36,000 in settlement of claim(s) in *Lopez v. City of Phoenix*, CV2023-051608, 21-1047-001, AU, BI, for the Finance Department pursuant to Phoenix City Code Chapter 42. This is a settlement of a claim involving the Police Department that occurred on May 17, 2022.

27 Settlement of Claim(s) Moreno v. City of Phoenix

To make payment of up to \$50,000 in settlement of claim(s) in *Moreno v. City of Phoenix*, CV2023-001193, 22-0012-001, GL, BI, for the Finance Department pursuant to Phoenix City Code Chapter 42. This is a settlement of a claim involving the Public Works Department that occurred on March 9, 2022.

28 Settlement of Claim(s) Salazar v. City of Phoenix

To make payment of up to \$650,000 in settlement of claim(s) in *Salazar v. City of Phoenix*, CV2019-01188, 18-1059-001, GL, BI, for the Finance Department pursuant to Phoenix City Code Chapter 42. This is a settlement of a claim involving the Police Department that occurred on March 5, 2019.



Proposed SWC 67th Ave and Broadway Road Right of Way De-Annexation (Ordinance S-50749)

Request City Council authorization to de-annex and decrease the corporate limits of the City of Phoenix, Maricopa County, State of Arizona, pursuant to the provisions of Arizona Revised Statutes, Title 9, Chapter 4, Article 7 (section 9-471.03), by de-annexing a certain tract of land within the present corporate limits of the City of Phoenix, contingent upon that same tract of land being received by Maricopa County and declaring as County right-of-way, and the approval by the Maricopa County Board of Supervisors.

Summary

Maricopa County Department of Transportation is requiring dedication of right-of-way and roadway improvements for development along 67th Avenue. The City of Phoenix Street Transportation Department has requested the City of Phoenix de-annex a certain portion of right-of-way currently located within the limits of the City of Phoenix in connection with the Maricopa County Department of Transportation's requirement.

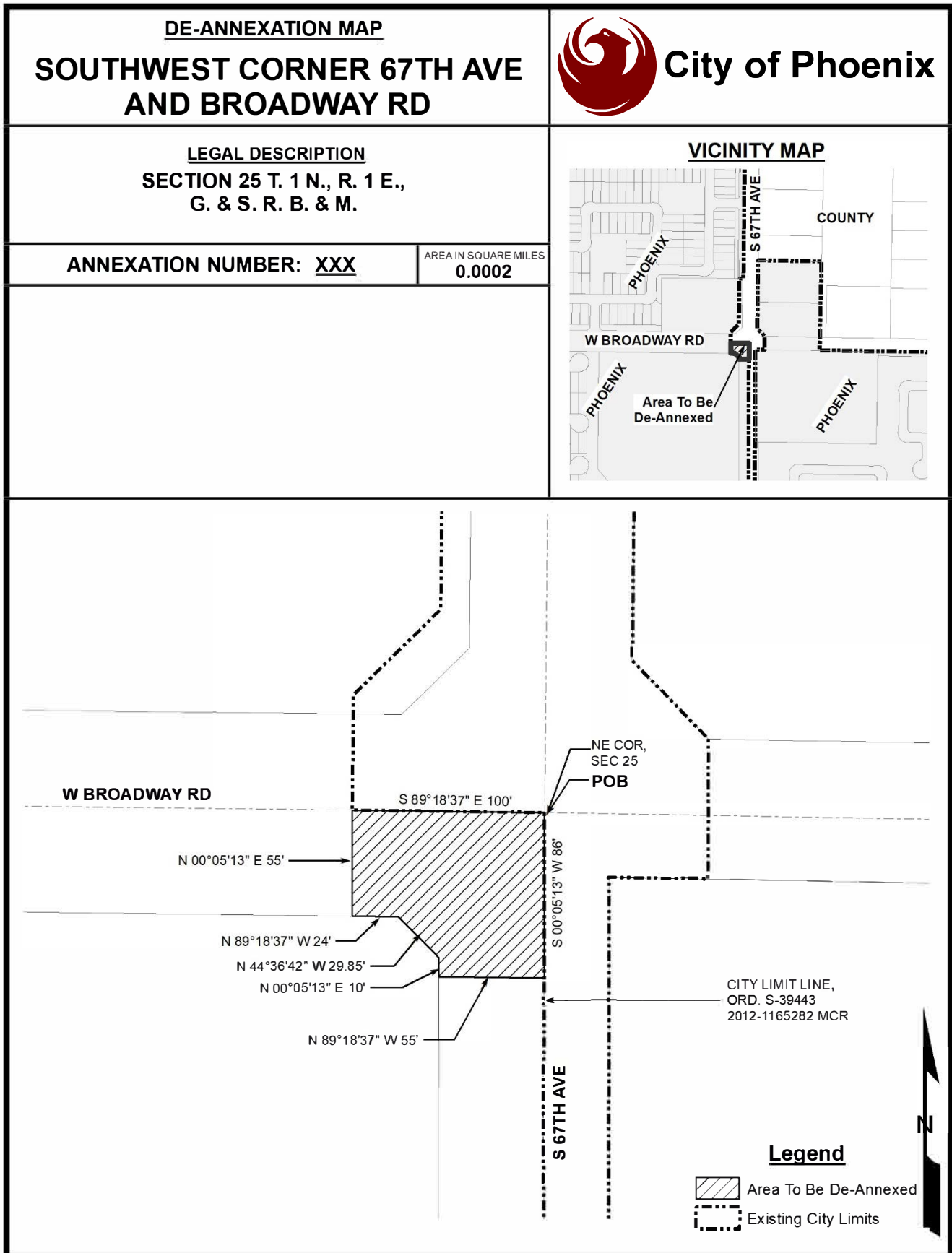
Location

The proposed de-annexation area includes the southwest corner of 67th Avenue and Broadway Road intersection right of way. (**Attachment A**) Additionally, all parts of the intersection of 67th Avenue and Broadway Road are to be maintained by Maricopa County Department of Transportation. The de-annexation area is approximately 0.1705 acres (0.0002 sq. mi.), decreasing the area of the City of Phoenix by approximately 0.1705 acres.

Council District: 7

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.



LEGAL DESCRIPTION DE-ANNEXATION AREA

THE AREA DESCRIBED IN CITY OF PHOENIX ANNEXATION ORDINANCE NO. S-39443 RECORDED IN DOCUMENT NO. 2012-1165282 LOCATED WITHIN THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 1 NORTH, RANGE 1 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 25, BEING MARKED BY A BRASS CAP IN HAND HOLE, FROM WHICH POINT THE NORTH QUARTER CORNER OF SAID SECTION 25, BEING MARKED BY A BRASS CAP FLUSH, BEARS NORTH 89°18'37" WEST (BASIS OF BEARINGS), A DISTANCE OF 2629.14 FEET;

THENCE SOUTH 00°05'13" WEST, ALONG THE EAST LINE OF SAID NORTHEAST QUARTER AND THE EAST LINE OF SAID ORDINANCE NO. S-39443, A DISTANCE OF 86.00 FEET;
THENCE NORTH 89°18'37" WEST, A DISTANCE OF 55.00 FEET TO THE WEST LINE OF THE EAST 55 FEET OF SAID NORTHEAST QUARTER;

THENCE NORTH 00°05'13" EAST, ALONG SAID WEST LINE, A DISTANCE OF 10.00 FEET;
THENCE NORTH 44°36'42" WEST, A DISTANCE OF 29.85 FEET TO THE SOUTH LINE OF THE NORTH 55 FEET OF SAID NORTHEAST QUARTER;

THENCE NORTH 89°18'37" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 24.00 FEET;
THENCE NORTH 00°05'13" EAST, A DISTANCE OF 55.00 FEET TO THE NORTH LINE OF SAID NORTHEAST QUARTER, AND THE NORTH LINE OF SAID ORDINANCE NO. S-39443;

THENCE SOUTH 89°18'37" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 7,425 SQ.FT. OR 0.1705 ACRES, MORE OR LESS



**Part-Time Television Engineering Services - RFQU 19-070 - Amendment
(Ordinance S-50716)**

Request to authorize the City Manager, or his designee, to execute amendment to Contract 150025 with Engineering and Recording dba EAR Professional Audio and Video, to extend the contract term and add additional expenditures. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed \$96,000.

Summary

This contract will provide the Communications Office with required part-time engineering services, maintenance of all station engineering facilities, video production software, software and equipment upgrades, live streaming, emergency equipment failure and service support as needed, as well as equipment tech research, and installation and operation of equipment and services.

The Communications Office operates PHXTV, a cable station available to inform the public. The station broadcasts programming on-air and online which requires television engineering services for the audio and video support provided for City Council, Subcommittee and department meetings.

Contract Term

Upon approval the contract will be extended through May 15, 2025, with an option to extend through May 15, 2026.

Financial Impact

Upon approval of \$96,000 in additional funds, the revised aggregate value of the contract will not exceed \$324,000. Funds are available in the Communications Office's budget.

Concurrence/Previous Council Action

The City Council previously reviewed this request:

- Part-Time Television Engineering Services Contract 150025 (Ordinance S-45664) on May 15, 2019.

- Part-Time Television Engineering Services Contract 150025 (Ordinance S-47628) on June 2, 2021.

Responsible Department

This item is submitted by City Manager Jeffrey Barton and the Communications Office.



Citywide Marketing Services - CTR056866 State of Arizona Cooperative Contract - Request for Award (Ordinance S-50711)

Request to authorize the City Manager, or his designee, to enter into a contract with Riester Sonoran, LLC, to provide marketing services and materials on an as-needed basis for Citywide departments. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will not exceed \$253,550.

Summary

This contract will provide a wide variety of marketing services and materials to support operations Citywide. The range of products and services from this contract include creative design, production media buying and placement, interactive marketing services, public relations, and multicultural-focused marketing.

Procurement Information

In accordance with Administrative Regulation 3.10, standard competition was waived as a result of an approved determination memo based on the following reason: Special Circumstances Alternative Competition. This State of Arizona Cooperative Agreement offers the best cost and provides full services to the City. The contract was awarded through a competitive process consistent with the City's procurement processes as set forth in the Phoenix City Code Chapter 43, and best aligns with the City's terms, conditions and needs.

Contract Term

The contract will begin on or about April 1, 2024, and expire on the expiration date of the Master Agreement, Sept. 30, 2026, with no options to extend.

Financial Impact

The aggregate contract value will not exceed \$253,550 for the aggregate term.

Funding is available in Citywide department budgets.

Responsible Department

This item is submitted by City Manager Jeffrey Barton and the Finance Department.



Real Time Captioning and Sign Language Interpretation Services Contract - RFQu-24-0086 - Request for Award (Ordinance S-50721)

Request to authorize the City Manager, or his designee, to establish a qualified vendor list and enter into contracts with Access Professional Interpreting, Inc.; Arizona Interpreting Service, Inc.; Horn Interpreting Services, Inc., dba Arizona Freelance Interpreting Services; Karla M. Martin; Lango SW, LLC; Language Line Services, Inc.; and Translation & Interpretation Network, LLC, to provide real time captioning and sign language interpretation services for Citywide departments. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contracts will not exceed \$728,000.

Summary

These contracts will provide real time captioning and sign language interpretation services for Citywide departments. Real time captioning and sign language interpretation services are utilized by various departments for effective communication with employees and customers who have disabilities so that the community may participate in City business and/or employment. These types of services ensure inclusivity under the City's Equal Opportunity Plan and is required under Title II and III of the Americans with Disabilities Act (ADA). The contracts will be available to all City departments, with primary usage from Communications, Parks and Recreation, Human Services, and the Aviation departments.

Procurement Information

A Request for Qualifications procurement was processed in accordance with Administrative Regulation 3.10 to establish a Qualified Vendor List (QVL).

There were eight offers submitted and seven were deemed to be responsive and responsible. The procurement officer evaluated those offers as a pass or fail based on the following minimum qualifications:

- Experience
- Capacity
- Qualifications

The procurement officer recommends award to the following Offerors:

- Access Professional Interpreting, Inc.
- Arizona Interpreting Service, Inc.
- Horn Interpreting Services, Inc. dba Arizona Freelance Interpreting Services
- Karla M. Martin
- Lango SW, LLC
- Language Line Services, Inc.
- Translation & Interpretation Network, LLC

Contract Term

The contract will begin on or about April 15, 2024, for a five-year term with no options to extend.

Financial Impact

The aggregate contract value will not exceed \$728,000.

Funding is available in various department budgets.

Responsible Department

This item is submitted by City Manager Jeffrey Barton and the Finance Department.



Acceptance of a Temporary Construction Easement for a High Intensity Activated Crosswalk at Osborn Road, West of 5th Avenue (Ordinance S-50725)

Request to authorize the City Manager, or his designee, to accept a temporary construction easement (TCE) from WFC North Park, LLC, for a High Intensity Activated Crosswalk (HAWK) at Osborn Road, west of 5th Avenue.

Summary

The TCE is for installation of a HAWK to provide pedestrians and bicyclists a secure passage for crossing the street, while enhancing safety and minimizing traffic impediment. Project improvements for the HAWK include striping, signals, lighting, curbs, gutters, and Americans with Disabilities Act (ADA) compliant sidewalks and ramps.

WFC North Park, LLC, donated a TCE within Maricopa County Assessor's parcel number 118-29-001G, Maricopa County Recording number 2024-0078490, recorded on Feb. 15, 2024. The TCE will commence upon 10-day advance written notification of the start of project construction and will terminate upon completion of project construction or within one year after commencement, whichever occurs first.

Financial Impact

The temporary construction easement was donated to the City at no cost.

Location

Osborn Road, west of 5th Avenue
Council District: 4

Responsible Department

This item is submitted by Deputy City Manager Alan Stephenson and the Street Transportation and Finance departments.



Cabling Communication Systems - State of Arizona Cooperative Contract - COOP 24-0211 Request for Award (Ordinance S-50747)

Request to authorize the City Manager, or his designee, to enter into contracts with Anixter, Inc.; BPG Technologies, LLC; Cable Solutions, LLC; Corporate Technology Solutions, LLC; Fishel Company; Graybar Electric Company, Inc.; IES Commercial, Inc.; Kearney Electric, Inc.; and Tel Tech Networks, Inc.; for equipment, installation, testing, and warranty of cabling communications systems for the Information Technology Services Department for Citywide use. Further request an exception to the indemnity and assumption of liability provisions of Phoenix City Code section 42-18. Further request authorization for the City Controller to disburse all funds related to this item. The total value of the contracts will not exceed \$17,500,000.

Summary

Cabling communication systems are used Citywide to connect City facilities to the data network and phone system through Internet access, phone lines, and data circuits, allowing City facilities to connect to email, instant messaging, and access to critical applications such as the City's financial accounting and reporting system and the human resources system. The City's cabling communication systems are critical to operations of City departments. Cabling communications systems enable access to emergency services provided by the Police and Fire departments, provide internet access in public libraries, allow the Parks and Recreation Department to manage sprinkler systems in City parks, allow the Street Transportation Department to manage traffic signals and lights throughout the City, and facilitate several other important City services. Without the cabling communication systems, users and devices will not be able to connect to their network and/or back-end systems for operations.

Procurement Information

In accordance with Administrative Regulation 3.10, standard competition was waived as a result of an approved Determination Memo based upon the following reason: Special Circumstances Alternative Competition. The State of Arizona Communications Cabling Systems contracts were awarded using a competitive process consistent with the City's procurement processes set forth in the Phoenix City Code, Chapter 43. The State of Arizona contracts cover various cabling communication systems and services required by the City. Utilization of the State cooperative allows the City to benefit from

statewide, government quantity pricing.

Contract Term

The contracts will begin on or about April 15, 2024, through Oct. 1, 2027, with a one-year option to extend.

Financial Impact

The aggregate contract value will not exceed \$17,500,000 for the aggregate term. Funding is available in the Information Technology Services Department's budget.

Responsible Department

This item is submitted by City Manager Jeffrey Barton and the Finance Department .



**Glass Repair and Replacement Contract - IFB-24-0084 Request for Award
(Ordinance S-50734)**

Request to authorize the City Manager, or his designee, to enter into a contract with Arizona Glass and Door, LLC, to provide glass repair and replacement services for Citywide departments. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will not exceed \$3,161,500.

Summary

This contract will provide glass products, repair, removal, and replacement services to Citywide departments. City departments require various glass windows, mirrors, and glass doors for commercial and residential buildings throughout the City. Additionally, this contract will provide window tinting products such as blackout film, frost film, and anti-graffiti film for existing windows and emergency board-up services for public safety.

Procurement Information

An Invitation for Bid procurement was processed in accordance with Administrative Regulation 3.10.

One vendor submitted a bid deemed responsive to posted specifications and responsible to provide the required goods and services. Following an evaluation based on price, the procurement officer recommends award to the following vendor(s):

Selected Bidder

- Arizona Glass and Door LLC

Contract Term

The contract will begin on or about April 1, 2024, for a five-year term with no options to extend.

Financial Impact

The aggregate contract value will not exceed \$3,161,500.

Funding is available in the various department operating budgets.

Responsible Department

This item is submitted by City Manager Jeffrey Barton and the Finance Department.



Grant of Easement to Cellco Partnership dba Verizon Wireless, LLC, for the Talking Stick Resort Amphitheatre at 2121 N. 83rd Ave. (Ordinance S-50750)

Request to authorize the City Manager, or his designee, to grant an underground utility easement to Cellco Partnership dba Verizon Wireless, LLC within City-owned property located at 2121 N. 83rd Ave., for consideration in the amount of the appraised value and other consideration. Further request to authorize the City Treasurer to accept all funds related to this item.

Summary

The Parks and Recreation Department owns Talking Stick Resort Amphitheatre, operated by Live Nation as an outdoor concert venue. Live Nation, on behalf of Verizon, requested an easement for the installation of fiber circuit at the venue for Verizon's 5G deployment to enhance communication for wireless technology. The six-foot wide easement for underground utilities is approximately 4,076 square feet and will be conveyed to Cellco Partnership dba Verizon Wireless, LLC.

Financial Impact

Revenue will be reflective of the market value of the easement.

Location

2121 N. 83rd Ave., identified by Maricopa County Assessor parcel number 102-37-009.
Council District: 5

Responsible Department

This item is submitted by Deputy City Manager John Chan and the Parks and Recreation and Finance departments.



Acceptance of an Easement for Water and Sewer Purposes (Ordinance S-50741)

Request for the City Council to accept an easement for water and sewer purposes; further ordering the ordinance recorded.

Summary

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

Easement (a)

Applicant: PV Retail II SPE, LLC; its successor and/or assigns

Purpose: Water and Sewer

Location: 12770 N. Tatum Blvd.

File: 230100

Council District: 3

Easement (b)

Applicant: PV Land SPE, LLC; its successor and/or assigns

Purpose: Water and Sewer

Location: 12750 N. Tatum Blvd.

File: 230100

Council District: 3

Responsible Department

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development and Finance departments.



Amendments to Pay Ordinance [S-49802] in Accordance with Human Resources Committee 624 Recommendations (Ordinance S-50742)

The following amendments to the Pay Ordinance (Ordinance S-49802) are proposed in accordance with the recommendation of Human Resources Committee 624, to be effective on April 29, 2024. The proposal will also require modifications to the City's Classification Plan (Ordinance S-5815), which will be processed under a separate ordinance.

Regrade the classification of Sales Supervisor, Job Code: 27150, Salary Plan: 001, Grade/Range: 057 (\$47,029 - \$102,669/annual), Labor Unit Code: 007, Benefit Category: 007, EEO-4 Category: Professional, FLSA Status: Exempt to Grade/Range: 059 (\$49,379 - \$107,806/annual).

Regrade the classification of Sales Manager, Job Code: 27120, Salary Plan: 001, Grade/Range: 051 (\$40,643 - \$88,691/annual), Labor Unit Code: 007, Benefit Category: 007, EEO-4 Category: Professional, FLSA Status: Exempt to Grade/Range: 053 (\$42,661 - \$93,122/annual).

Regrade the classification of Events Coordinator, Job Code: 27460, Salary Plan: 001, Grade/Range: 045 (\$35,110 - \$76,627/annual), Labor Unit Code: 007, Benefit Category: 007, EEO-4 Category: Professional, FLSA Status: Nonexempt to Grade/Range: 051 (\$40,643 - \$88,691/annual).

Regrade the classification of Asst Event Services Manager, Job Code: 80200, Salary Plan: 001, Grade/Range: 049 (\$38,688 - \$84,469/annual), Labor Unit Code: 007, Benefit Category: 007, EEO-4 Category: Professional, FLSA Status: Exempt to Grade/Range: 053 (\$42,661 - \$93,122/annual).

Regrade the classification of Neighborhood Maintenance Tech I, Job Code: 60630, Salary Plan: 006, Grade/Range: 331 (\$31,845 - \$54,454/annual), Labor Unit Code: 003, Benefit Category: 003, EEO-4 Category: Administrative Support, FLSA Status: Nonexempt to Grade/Range: 337 (\$31,845 - \$63,045/annual).

Regrade the classification of Building Code Examiner, Job Code: 60200, Salary Plan:

006, Grade/Range: 357 (\$47,029 - \$102,669/annual), Labor Unit Code: 003, Benefit Category: 003, EEO-4 Category: Technicians, FLSA Status: Nonexempt to Grade/Range: 359 (\$49,379 - \$107,806/annual).

Regrade the classification of Electrical Plans Examiner I, Job Code: 60100, Salary Plan: 006, Grade/Range: 351 (\$40,643 - \$88,691/annual), Labor Unit Code: 003, Benefit Category: 003, EEO-4 Category: Technicians, FLSA Status: Nonexempt to Grade/Range: 355 (\$44,803 - \$97,781/annual).

Regrade the classification of Electrical Plans Examiner II, Job Code: 60110, Salary Plan: 006, Grade/Range: 357 (\$47,029 - \$102,669/annual), Labor Unit Code: 003, Benefit Category: 003, EEO-4 Category: Technicians, FLSA Status: Nonexempt to Grade/Range: 359 (\$49,379 - \$107,806/annual).

Regrade the classification of Mechanical Plans Examiner I, Job Code: 60080, Salary Plan: 006, Grade/Range: 351 (\$40,643 - \$88,691/annual), Labor Unit Code: 003, Benefit Category: 003, EEO-4 Category: Technicians, FLSA Status: Nonexempt to Grade/Range: 355 (\$44,803 - \$97,781/annual).

Regrade the classification of Mechanical Plans Examiner II, Job Code: 60090, Salary Plan: 006, Grade/Range: 357 (\$47,029 - \$102,669/annual), Labor Unit Code: 003, Benefit Category: 003, EEO-4 Category: Technicians, FLSA Status: Nonexempt to Grade/Range: 359 (\$49,379 - \$107,806/annual).

Regrade the classification of Structural Plans Examiner I, Job Code: 60140, Salary Plan: 006, Grade/Range: 351 (\$40,643 - \$88,691/annual), Labor Unit Code: 003, Benefit Category: 003, EEO-4 Category: Technicians, FLSA Status: Nonexempt to Grade/Range: 355 (\$44,803 - \$97,781/annual).

Regrade the classification of Structural Plans Examiner II, Job Code: 60150, Salary Plan: 006, Grade/Range: 357 (\$47,029 - \$102,669/annual), Labor Unit Code: 003, Benefit Category: 003, EEO-4 Category: Technicians, FLSA Status: Nonexempt to Grade/Range: 359 (\$49,379 - \$107,806/annual).

Regrade the classification of Construction Permit Spec I, Job Code: 60070, Salary Plan: 006, Grade/Range: 351 (\$40,643 - \$88,691/annual), Labor Unit Code: 003, Benefit Category: 003, EEO-4 Category: Technicians, FLSA Status: Nonexempt to Grade/Range: 355 (\$44,803 - \$97,781/annual).

Regrade the classification of Elevator Insp Field Supv, Job Code: 60340, Salary Plan: 001, Grade/Range: 059 (\$49,379 - \$107,806/annual), Labor Unit Code: 007, Benefit

Category: 007, EEO-4 Category: Professional, FLSA Status: Exempt to Grade/Range: 063 (\$54,454 - \$118,872/annual).

Regrade the classification of General Insp Field Supv, Job Code: 60040, Salary Plan: 001, Grade/Range: 057 (\$47,029 - \$102,669/annual), Labor Unit Code: 007, Benefit Category: 007, EEO-4 Category: Professional, FLSA Status: Exempt to Grade/Range: 063 (\$54,454 - \$118,872/annual).

Retitle and regrade the classification of Asst Real Estate Admin, Job Code: 12190, Salary Plan: 001, Grade/Range: 067 (\$60,029 - \$131,040/annual), Labor Unit Code: 007, Benefit Category: 007, EEO-4 Category: Professional, FLSA Status: Exempt to Job Title: Real Estate Prog Manager, Grade/Range: 069 (\$63,045 - \$137,592/annual).

Retitle and regrade the classification of Asst Risk Management Admin, Job Code: 12360, Salary Plan: 001, Grade/Range: 067 (\$60,029 - \$131,040/annual), Labor Unit Code: 007, Benefit Category: 007, EEO-4 Category: Professional, FLSA Status: Exempt to Job Title: Risk Management Prog Manager, Grade/Range: 069 (\$63,045 - \$137,592/annual).

Reclassify the filled position of Project Manager, Position #: 00018116, Job Code: 08640, Salary Plan: 001, Grade/Range: 067 (\$60,029 - \$131,040/annual), Labor Unit Code: 007, Benefit Category: 007, EEO-4 Category: Professional, FLSA Status: Exempt to Job Title: Administrative Assistant III, Job Code: 06050, Salary Plan: 001, Grade/Range: 061 (\$51,854 - \$113,194/annual), Labor Unit Code: 007, Benefit Category: 007, EEO-4 Category: Professional, FLSA Status: Exempt.

Abolish the classification of Neighborhood Maintenance Tech III, Job Code: 60650, Salary Plan: 001, Grade/Range: 048 (\$37,773 - \$82,451/annual), Labor Unit Code: 007, Benefit Category: 007, EEO-4 Category: Technicians, FLSA Status: Nonexempt.

Abolish the classification of Property Records Specialist, Job Code: 12080, Salary Plan: 006, Grade/Range: 347 (\$36,858 - \$80,454/annual), Labor Unit Code: 003, Benefit Category: 003, EEO-4 Category: Technicians, FLSA Status: Nonexempt.

Abolish the classification of Property Records Supervisor Job Code: 12040, Salary Plan: 001, Grade/Range: 061 (\$51,854 - \$113,194/annual), Labor Unit Code: 007, Benefit Category: 007, EEO-4 Category: Professional, FLSA Status: Exempt.

Summary

The Classification and Compensation study was implemented rapidly to address a systemic staffing and labor market crisis throughout the City. Adjustments to grade and

salary ranges are necessary as the City adapts to the new pay structures that took effect on Aug. 7, 2023. These recommendations balance internal alignment with external market focus. As a result of the changes made during the Classification and Compensation study, staff requests that the adjustments listed above be approved.

Financial Impact

The estimated cost for this action for the first year is \$7,614.

Concurrence/Previous Council Action

On March 12, 2024, Human Resources Committee 624 reviewed and recommended these modifications for approval effective on April 29, 2024.

Responsible Department

This item is submitted by Assistant City Manager Lori Bays and the Human Resources Department.



Amendments to Classification Plan (Ordinance S-5815) in Accordance with Human Resources Committee 624 Recommendations (Ordinance S-50743)

The following amendments to the Classification Plan (Ordinance S-5815) are proposed in accordance with the recommendation of Human Resources Committee 624, to be effective on April 29, 2024. The proposal will also require modifications to the City's Pay Ordinance (S-49802), which will be processed under a separate ordinance.

Regrade the classification of Sales Supervisor, Job Code: 27150, Salary Plan: 001, Grade/Range: 057 (\$47,029 - \$102,669/annual), Labor Unit Code: 007, Benefit Category: 007, EEO-4 Category: Professional, FLSA Status: Exempt to Grade/Range: 059 (\$49,379 - \$107,806/annual).

Regrade the classification of Sales Manager, Job Code: 27120, Salary Plan: 001, Grade/Range: 051 (\$40,643 - \$88,691/annual), Labor Unit Code: 007, Benefit Category: 007, EEO-4 Category: Professional, FLSA Status: Exempt to Grade/Range: 053 (\$42,661 - \$93,122/annual).

Regrade the classification of Events Coordinator, Job Code: 27460, Salary Plan: 001, Grade/Range: 045 (\$35,110 - \$76,627/annual), Labor Unit Code: 007, Benefit Category: 007, EEO-4 Category: Professional, FLSA Status: Nonexempt to Grade/Range: 051 (\$40,643 - \$88,691/annual).

Regrade the classification of Asst Event Services Manager, Job Code: 80200, Salary Plan: 001, Grade/Range: 049 (\$38,688 - \$84,469/annual), Labor Unit Code: 007, Benefit Category: 007, EEO-4 Category: Professional, FLSA Status: Exempt to Grade/Range: 053 (\$42,661 - \$93,122/annual).

Regrade the classification of Neighborhood Maintenance Tech I, Job Code: 60630, Salary Plan: 006, Grade/Range: 331 (\$31,845 - \$54,454/annual), Labor Unit Code: 003, Benefit Category: 003, EEO-4 Category: Administrative Support, FLSA Status: Nonexempt to Grade/Range: 337 (\$31,845 - \$63,045/annual).

Regrade the classification of Building Code Examiner, Job Code: 60200, Salary Plan: 006, Grade/Range: 357 (\$47,029 - \$102,669/annual), Labor Unit Code: 003, Benefit

Category: 003, EEO-4 Category: Technicians, FLSA Status: Nonexempt to Grade/Range: 359 (\$49,379 - \$107,806/annual).

Regrade the classification of Electrical Plans Examiner I, Job Code: 60100, Salary Plan: 006, Grade/Range: 351 (\$40,643 - \$88,691/annual), Labor Unit Code: 003, Benefit Category: 003, EEO-4 Category: Technicians, FLSA Status: Nonexempt to Grade/Range: 355 (\$44,803 - \$97,781/annual).

Regrade the classification of Electrical Plans Examiner II, Job Code: 60110, Salary Plan: 006, Grade/Range: 357 (\$47,029 - \$102,669/annual), Labor Unit Code: 003, Benefit Category: 003, EEO-4 Category: Technicians, FLSA Status: Nonexempt to Grade/Range: 359 (\$49,379 - \$107,806/annual).

Regrade the classification of Mechanical Plans Examiner I, Job Code: 60080, Salary Plan: 006, Grade/Range: 351 (\$40,643 - \$88,691/annual), Labor Unit Code: 003, Benefit Category: 003, EEO-4 Category: Technicians, FLSA Status: Nonexempt to Grade/Range: 355 (\$44,803 - \$97,781/annual).

Regrade the classification of Mechanical Plans Examiner II, Job Code: 60090, Salary Plan: 006, Grade/Range: 357 (\$47,029 - \$102,669/annual), Labor Unit Code: 003, Benefit Category: 003, EEO-4 Category: Technicians, FLSA Status: Nonexempt to Grade/Range: 359 (\$49,379 - \$107,806/annual).

Regrade the classification of Structural Plans Examiner I, Job Code: 60140, Salary Plan: 006, Grade/Range: 351 (\$40,643 - \$88,691/annual), Labor Unit Code: 003, Benefit Category: 003, EEO-4 Category: Technicians, FLSA Status: Nonexempt to Grade/Range: 355 (\$44,803 - \$97,781/annual).

Regrade the classification of Structural Plans Examiner II, Job Code: 60150, Salary Plan: 006, Grade/Range: 357 (\$47,029 - \$102,669/annual), Labor Unit Code: 003, Benefit Category: 003, EEO-4 Category: Technicians, FLSA Status: Nonexempt to Grade/Range: 359 (\$49,379 - \$107,806/annual).

Regrade the classification of Construction Permit Spec I, Job Code: 60070, Salary Plan: 006, Grade/Range: 351 (\$40,643 - \$88,691/annual), Labor Unit Code: 003, Benefit Category: 003, EEO-4 Category: Technicians, FLSA Status: Nonexempt to Grade/Range: 355 (\$44,803 - \$97,781/annual).

Regrade the classification of Elevator Insp Field Supv, Job Code: 60340, Salary Plan: 001, Grade/Range: 059 (\$49,379 - \$107,806/annual), Labor Unit Code: 007, Benefit Category: 007, EEO-4 Category: Professional, FLSA Status: Exempt to Grade/Range:

063 (\$54,454 - \$118,872/annual).

Regrade the classification of General Insp Field Supv, Job Code: 60040, Salary Plan: 001, Grade/Range: 057 (\$47,029 - \$102,669/annual), Labor Unit Code: 007, Benefit Category: 007, EEO-4 Category: Professional, FLSA Status: Exempt to Grade/Range: 063 (\$54,454 - \$118,872/annual).

Retitle and regrade the classification of Asst Real Estate Admin, Job Code: 12190, Salary Plan: 001, Grade/Range: 067 (\$60,029 - \$131,040/annual), Labor Unit Code: 007, Benefit Category: 007, EEO-4 Category: Professional, FLSA Status: Exempt to Job Title: Real Estate Prog Manager, Grade/Range: 069 (\$63,045 - \$137,592/annual).

Retitle and regrade the classification of Asst Risk Management Admin, Job Code: 12360, Salary Plan: 001, Grade/Range: 067 (\$60,029 - \$131,040/annual), Labor Unit Code: 007, Benefit Category: 007, EEO-4 Category: Professional, FLSA Status: Exempt to Job Title: Risk Management Prog Manager, Grade/Range: 069 (\$63,045 - \$137,592/annual).

Reclassify the filled position of Project Manager, Position #: 00018116, Job Code: 08640, Salary Plan: 001, Grade/Range: 067 (\$60,029 - \$131,040/annual), Labor Unit Code: 007, Benefit Category: 007, EEO-4 Category: Professional, FLSA Status: Exempt to Job Title: Administrative Assistant III, Job Code: 06050, Salary Plan: 001, Grade/Range: 061 (\$51,854 - \$113,194/annual), Labor Unit Code: 007, Benefit Category: 007, EEO-4 Category: Professional, FLSA Status: Exempt.

Abolish the classification of Neighborhood Maintenance Tech III, Job Code: 60650, Salary Plan: 001, Grade/Range: 048 (\$37,773 - \$82,451/annual), Labor Unit Code: 007, Benefit Category: 007, EEO-4 Category: Technicians, FLSA Status: Nonexempt.

Abolish the classification of Property Records Specialist, Job Code: 12080, Salary Plan: 006, Grade/Range: 347 (\$36,858 - \$80,454/annual), Labor Unit Code: 003, Benefit Category: 003, EEO-4 Category: Technicians, FLSA Status: Nonexempt.

Abolish the classification of Property Records Supervisor Job Code: 12040, Salary Plan: 001, Grade/Range: 061 (\$51,854 - \$113,194/annual), Labor Unit Code: 007, Benefit Category: 007, EEO-4 Category: Professional, FLSA Status: Exempt.

Summary

The Classification and Compensation study was implemented rapidly to address a systemic staffing and labor market crisis throughout the City. Adjustments to grade and salary ranges are necessary as the City adapts to the new pay structures that took

effect on Aug. 7, 2023. These recommendations balance internal alignment with external market focus. As a result of the changes made during the Classification and Compensation study, staff requests that the adjustments listed above be approved.

Financial Impact

The estimated cost for this action for the first year is \$7,614.

Concurrence/Previous Council Action

On March 12, 2024, Human Resources Committee 624 reviewed and recommended these modifications for approval effective on April 29, 2024.

Responsible Department

This item is submitted by Assistant City Manager Lori Bays and the Human Resources Department.



Legal Document Retrieval Services - Legal Document Retrieval Services Agreement for Litigation and Claims with DocuTraK, LLC (Ordinance S-50735)

Request to authorize the City Attorney, through the City Manager or his designee, to enter into an agreement with DocuTrak, LLC (DocuTraK), to provide legal document retrieval services, such as medical bills and other records related to litigation or notice of claims for the Law Department. The aggregate amount will not exceed \$225,000 for a five year agreement. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The purpose of this agreement is for document retrieval related to litigation or notice of claims to pull all relevant documents such as medical, hospital, billing, payroll, personnel, insurance claims, Medicare, the United States Department of Veterans Affairs (VA), Social Security, police departments, fire departments, the Occupational Safety and Health Administration (OSHA), employment and educational records. Those records are provided to the Law Department as related to cases in litigation, or where the City has received a notice of claim, to assist in evaluation of the case and for discovery purposes.

Procurement Information

Legal services are exempt from the Procurement Code. Nevertheless, the Law Department sought quotes from multiple vendors. DocuTraK was the only responsive offeror and was selected. Moreover, in accordance with Administrative Regulation 3.10, standard competition was waived as a result of an approved determination memo where there was insufficient time for competition as a result of only one responsive offer being received and the critical need for these contracted services to be in place for the Law Department.

Contract Term

The term of the Legal Services Agreement will begin on or about March 20, 2024, for five years.

Financial Impact

Funds are not anticipated to exceed \$225,000 for the five-year term.

Responsible Department

This item is submitted by City Manager Jeffrey Barton and the Law Department.



Authorization to Restate and Amend Lease Agreement 35179 with Friendly House at 723 S. 1st. Ave. (Ordinance S-50708)

Request to authorize the City Manager, or his designee, to restate and amend Lease Agreement 35179 with Friendly House to extend the term for 40 years, allow for tenant improvements and co-location of partner nonprofits, and to provide an option to purchase. Further request authorization for the City Treasurer to accept all funds related to this item.

Summary

The City acquired and leased land to Friendly House (Tenant) through a development agreement to construct, operate, and maintain the Youth and Americanization Center at 723 S. 1st Ave. The ground lease, effective June 21, 1984, for approximately 18,170 square feet of land provided for a 40-year term, expires June 20, 2024.

The term will be extended 40 years (Extended Term) to allow for continued operations by Friendly House. The lease will be amended to allow for tenant improvements, with written approval from the City to support modern programs and community needs, at Tenant's sole expense. With the goal of better serving the community, Tenant will be allowed to co-locate partner nonprofits who share the same mission and similarly contribute to the community. The amendment will include an option to purchase the property at the beginning of the fifth and 10th anniversary of the Extended Term, subject to applicable Community Development Block Grant requirements. The purchase price, exclusive of tenant improvements, will be based on the then-appraised value, as procured, reviewed, and approved by the Finance Department's Real Estate Division,

Rent will be \$135,000, plus applicable taxes, for the first five years of the Extended Term. Rent will be abated for the first year, then adjusted to \$33,750 per year, plus applicable taxes, each year thereafter. Beginning year five, rent will be adjusted every five years to the then-market rent throughout the Extended Term. Rent is within the range of market rents as determined by the Finance Department's Real Estate Division. Tenant may receive a rent credit equal to an amount not to exceed the annual rent for non-monetary contributions and services provided to the community, to be quantified in terms of dollars.

Contract Term

The Extended Term is 40 years from June 21, 2024, through June 20, 2064.

Financial Impact

Contract rent during the first five years of the lease is \$135,000, plus applicable taxes, which may be offset by non-monetary contributions and services, to be quantified in terms of dollars.

Concurrence/Previous Council Action

Lease Agreement 35179 (Ordinance S-14965) was adopted on June 6, 1984.

Location

723 S. 1st Ave.

Council District: 8

Responsible Department

This item is submitted by Deputy City Manager Gina Montes and the Human Services and Finance departments.



Phoenix Union High School District Agreement (Ordinance S-50739)

Request to authorize the City Manager, or his designee, to enter into an agreement with Phoenix Union High School District No. 210 for the Aquatics All City Staff Meeting and future meetings. Further request to authorize and grant an exception pursuant to Phoenix City Code 42-18 authorizing indemnification or assumption of liability provisions that otherwise would be prohibited for the agreement.

Summary

The City of Phoenix Parks and Recreation Department (Parks) Aquatics program holds an annual All City Staff Meeting totaling approximately 600 part-time employees. Parks does not have a facility with the capacity to hold such a large meeting for that many people. Central High School in the Phoenix Union High School District has the means to accommodate the large group. Central High School is offering a low rate to rent the facility which includes free parking for attendees. However, in order to utilize the facility, Parks is required to enter into a Facility Use Agreement that contains indemnification and assumption language of liability provisions that otherwise would be prohibited by Phoenix City Code 42-18. This authorization requests authority to allow for mutual indemnification to enter into agreements with Phoenix Union High School District for the Aquatics All City Staff Meeting and future meetings, if needed for large events.

Financial Impact

There is no financial impact to the City.

Location

4525 N. Central Ave.
Council District: 4

Responsible Department

This item is submitted by Deputy City Manager John Chan and the Parks and Recreation Department.



Resolution to Amend the Downtown Enhanced Municipal Services District Boundaries to Add Additional Parcels (Resolution 22188)

Request to adopt a resolution amending the Downtown Enhanced Municipal Services District (Downtown EMSD) boundary to add additional parcels. Further request the resolution exempt Phoenix Union High School District No. 210 of Maricopa County from the Downtown EMSD assessment. There is no financial impact as a result of this action.

Summary

The City Council authorized formation of the Downtown EMSD in 1990 to provide enhanced municipal services, above and beyond the level of services provided in the remainder of the City. The Downtown EMSD is currently generally bound by Fillmore Street, 7th Street, 3rd Avenue, and the railroad tracks south of Jackson Street. The Fillmore Street boundary currently bisects the Phoenix Bioscience Core (PBC) campus and effectively excludes the northern half of the PBC from the Downtown EMSD. In an effort to maintain cohesiveness for the PBC, the stakeholders in the northern half of the PBC have requested to join the Downtown EMSD. The property being added to the Downtown EMSD is owned or leased by the City of Phoenix, Arizona State University (ASU), University of Arizona (UA), or Phoenix Union High School District and is generally bound by 4th Street, 7th Street, Fillmore Street, and Garfield Street. Existing developments within the expanded area include the Dignity Health Cancer Institute, 850 PBC and the Bioscience High School (**Attachment A**). No privately owned properties are included in this Downtown EMSD expansion request.

In addition, Arizona Revised Statutes 48-575 allows any government owned property owner to be exempt from assessment through a resolution passed by City Council upon finding the property owner is not benefited by being part of the Downtown EMSD. Due to the limited funding the Phoenix Union High School District has available and the limited benefit the school would receive, the school district will be exempt from assessment.

The costs for the Downtown EMSD's services are paid through assessments on property owners within the boundaries of the district. The expansion of the Downtown EMSD boundary does not have any financial impact on the stakeholders in 2024. The

City of Phoenix parcels are managed by the Community and Economic Development Department utilizing the Genomic Facilities and Operations Fund to pay for maintenance of the vacant land. Future financial impacts will be presented to City Council for consideration in late 2024 for the 2025 EMSD budget year. Estimated 2025 financial impacts are:

- City of Phoenix - \$52,000
- ASU - \$76,000
- UA - \$56,000

Financial Impact

There is no financial impact as a result of this action.

Concurrence/Previous Council Action

The item was recommended for approval by the Economic Development and Housing Subcommittee at the March 20, 2024 meeting by a vote of 3-0.

Public Outreach

Staff presented to the following organizations:

- Bioscience High School - Jan. 10, 2024
- Phoenix Bioscience Core Stakeholder meeting - Jan. 12, 2024
- Downtown Voices Coalition - Jan. 13, 2024
- Central City Village Planning Committee - Feb. 12, 2024
- Evans Churchill Neighborhood Association - Feb. 14, 2024

Location

The Downtown EMSD is currently generally bounded by Fillmore Street, 7th Street, 3rd Avenue and the railroad tracks south of Jackson Street. The expansion area is generally bounded by Fillmore Street, 7th Street, 4th Street and Garfield Street. The expansion area includes the following parcel numbers:

- 111-46-153
- 111-46-156
- 111-44-145
- 111-44-146A
- 111-44-146B
- 111-44-147
- 111-44-143
- 111-46-081A
- 111-44-104

- 111-44-105
- 111-44-106
- 111-44-107
- 111-44-108

Council Districts: 7 & 8

Responsible Department

This item is submitted by Deputy City Managers John Chan and Alan Stephenson, and the Community and Economic Development and Street Transportation departments.

DOWNTOWN PHOENIX ENHANCED MUNICIPAL SERVICES DISTRICT 2024 ASSESSMENT DIAGRAM

SUBMITTED _____ DATE _____
SUPERINTENDENT OF STREETS
APPROVED AT THE MEETING OF THE COUNCIL OF THE
CITY OF PHOENIX THIS _____ DAY OF _____, 2023
MAYOR
ATTEST _____
CITY CLERK
FILED THIS _____ DAY OF _____, 2023
SUPERINTENDENT OF STREETS

Parcel data from County Assessor as of 4/6/2023.
Assessment data updated as of 9/19/2023.

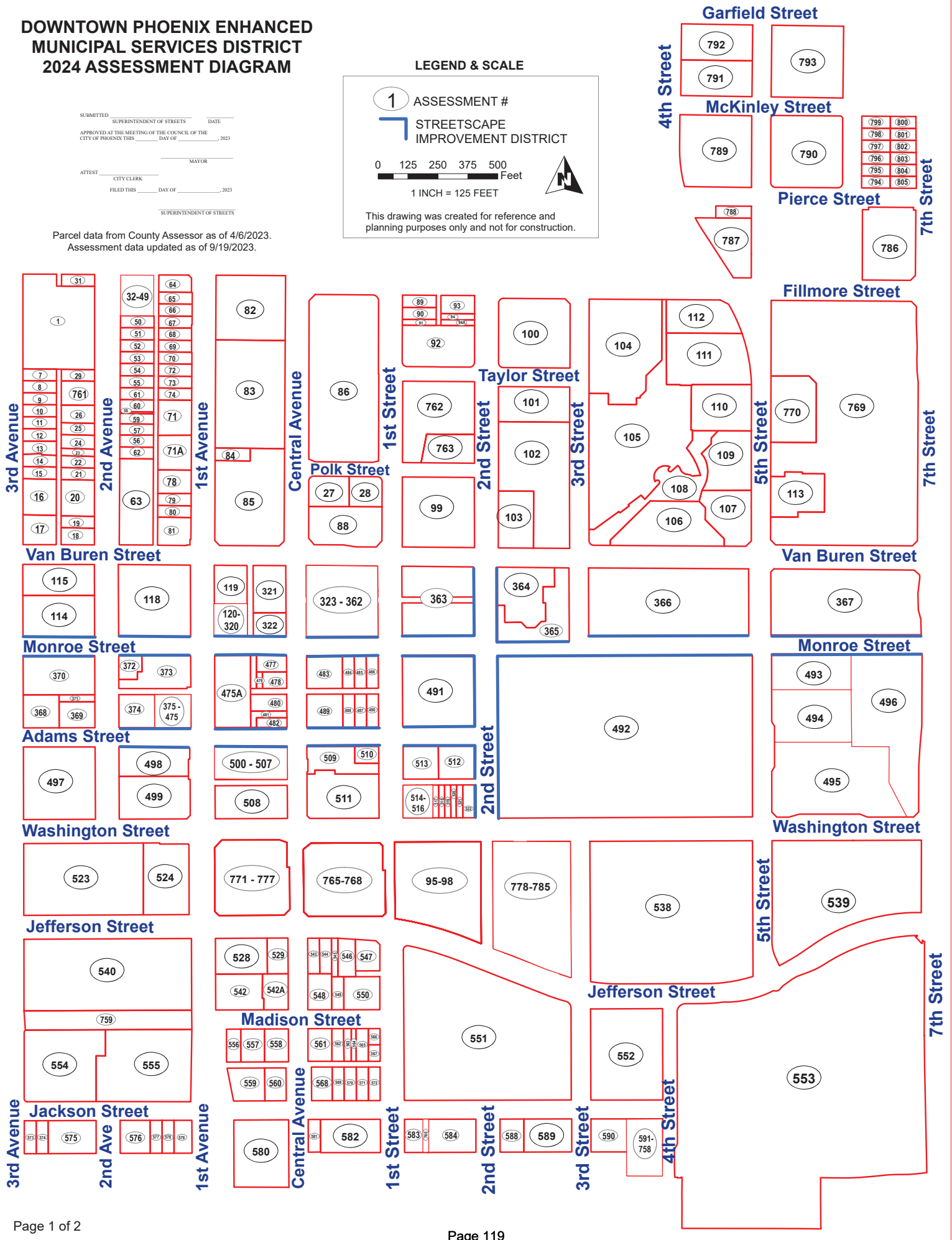
LEGEND & SCALE

1 ASSESSMENT #
STREETSCAPE
IMPROVEMENT DISTRICT

0 125 250 375 500 Feet
1 INCH = 125 FEET



This drawing was created for reference and
planning purposes only and not for construction.





Law Enforcement Badges and Accessories Equipment Contract - VH11592 - Amendment (Ordinance S-50751)

Request to authorize the City Manager, or his designee to allow additional expenditures under Contract 150984 with Municipal Emergency Services, Inc for the purchase of badges and accessories for the Police, Fire and Parks and Recreation departments. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed \$65,000.

Summary

This contract provides badges and accessories with a designated serial number for sworn and non-sworn employees who are required to wear a serialized badge with a uniform. The badges are worn to notify the public of what agency is being represented and who the individual employee is, in accordance with the serial number.

Contract Term

The contract term remains unchanged, ending on Sept. 30, 2024.

Financial Impact

Upon approval of \$65,000 in additional funds, the revised aggregate value of the contract will not exceed \$625,000. Funds are available in the Police, Fire and Parks and Recreation departments' budgets.

Concurrence/Previous Council Action

The City Council previously reviewed this request:

- Law Enforcement Badges and Accessories - Contract 150984 (Ordinance S-46027) on Sept. 18, 2019.

Responsible Department

This item is submitted by Assistant City Manager Lori Bays, Deputy City Manager John Chan and the Police, Fire and Parks and Recreation departments.



Fire Code Amendment Change (Ordinance G-7242)

Request to approve revisions to the Fire Prevention Code of the City of Phoenix. These revisions will update and correct existing regulations, simplify the permitting process, and adjust fees associated with implementing renewable energy systems.

Summary

The City of Phoenix adopted the 2018 International Fire Code in 2019. Since then, the Fire Code has been revised to ensure its continual relevance and modernization for requirements and protective measures. The Fire Code is the foundation of the Fire Department's ability to safeguard and mitigate risks for our community and first responders. Beyond the Fire Code's primary role, the code is pivotal in supporting and fostering growth within our community. As community risk profiles change, the Fire Code must evolve to remain relevant to the best practices in community risk reduction.

The Fire Department uses a standard process to assess the need for amendments to the Fire Code that focuses on openness, transparency, balancing interests, and building partnerships. The proposed amendment packet results from extensive stakeholder feedback and alignment with the Fire Department's goals and mission. The Fire Safety Advisory Board, which serves on behalf of the City Council as an advisory board for matters relating to Fire Prevention, voted unanimously in favor of this amendment packet after more than 15 hours of review, public meetings, and discussions.

This amendment packet (**Attachment A**) encompasses updates and changes across three key areas:

1. Corrections to address identified clerical errors that arose during the publishing and formatting of the original Fire Code. These errors fall into two categories: numbering errors, where section numbering sequences were inadvertently adjusted or reset, and grammar and sentence structure errors. These corrections have been made and will help ensure transparency in enforcement and compliance with the Fire Code.
2. Updates to keep pace with the evolving landscape of materials and industry trends to support development growth without causing construction delays.

Simultaneously, these revisions incorporate technological advancements and industry developments within the commercial and industrial sectors. For example, the fast-growing and evolving battery energy storage sector is central to the amendment. By incorporating the latest national fire codes and industry standards for batteries and their systems, we elevate our community protection while safeguarding our first responders.

3. Modifications to the fee schedule to simplify the permitting process and adjust fees associated with implementing renewable energy systems. The result is a more efficient process for requestors and city staff. While this measure is anticipated to result in a modest reduction in revenue, the significant benefits to our customers, industry partners, and staff far outweigh the decrease in fee-based revenues.

The Fire Department will release updates to the codes in both English and Spanish, enhancing outreach and accessibility for the community. This update marks the final packet of amendments, as the department will start collaborating with the Planning and Development Department on adopting the 2024 International Codes.

Financial Impact

The financial impact on the city will be a slight decrease in fee-based revenue, estimated at around \$76,200 per year.

Concurrence/Previous Council Action

The Public Safety and Justice Subcommittee recommended approval of this item on Jan. 3, 2024.

Public Outreach

In compliance with Arizona Revised Statutes section 9-499.15, which mandates the posting of new fee proposals, the proposed fee changes outlined in this amendment packet have been publicly displayed for 60 days on the City's official website and 15 days on the City's social media platforms.

Responsible Department

This item is submitted by Assistant City Manager Lori Bays and the Fire Department.



Amendment Packet to the Fire Prevention Code of the City of Phoenix (Currently No. G-6854, § 1, 2021)



City of Phoenix



Section 1

Fire Code Amendment Change Summary



City of Phoenix

Fire Prevention Code of the City of Phoenix Amendment, Clarification, & Consistency Change Proposals

The currently adopted Fire Prevention Code of the City of Phoenix (Phoenix Fire Code) is based on the 2018 International Fire Code. As of today, the 2024 edition will be released later this year and possibly ready for City adoption in 2025. To ensure the Fire Prevention Code of the City of Phoenix is both effective and relevant to today's first responders, communities, and development needs; adoption of new amendments to the current adopted edition are required. Therefore, we bring forth amendments to the current Phoenix Fire Code to ensure the code continues to represent the newest in technology, standards, and lessons learned to protect our first responders and community while also providing for a development encouraged environment. These codes are designed to mitigate fire hazards, protect life and property, and promote a safer environment for everyone. By adhering to and enforcing these regulations, we significantly reduce the risk of fire-related incidents and their potentially devastating consequences. Fire codes encompass a wide range of measures that address fire prevention, detection, suppression, and evacuation procedures. They dictate requirements for building materials, electrical systems, fire alarm systems, sprinkler systems, emergency exits, and much more. These regulations are based on extensive research, new scientific understanding, and lessons learned from past fire incidents. These provisions are especially critical in large public spaces, such as entertainment venues, bars and restaurants, hospitals, shopping malls, and high-rise buildings, where the rapid evacuation of a significant number of people is essential. Additionally, fire codes address fire prevention measures to reduce the likelihood of fire related incidents. They mandate the installation and maintenance of fire suppression systems, including fire extinguishers, sprinkler systems, and fire alarms, ensuring early detection and rapid response. Regular inspections and maintenance of these systems further enhance their effectiveness. By adhering to modern and updated fire codes, we create a culture of safety that permeates throughout our community. Proper, adaptive, and updated fire code adoption also enhances the community's resilience by reducing the risk of fire-related disasters and their associated economic, environmental, and social impacts. By valuing and enforcing fire safety measures, we create a safer environment for everyone, protecting lives, property, and the vitality of our community as a whole.

These changes have been designed to optimize outcomes and deliver mutual benefits to all stakeholders. Careful consideration has been given to balancing the interests of different parties, ensuring fairness, and maximizing positive impacts. Furthermore, the changes have been meticulously assessed for their potential risks and unintended consequences. Preemptive actions have been taken to mitigate any negative effects, and alternative solutions have been explored and incorporated where necessary to ensure a smooth transition for all stakeholders.

The following is a brief summary of the changes located in this document along with stakeholder information when relevant. The attached Fire Prevention Code of the City of Phoenix

Amendment, Clarification, & Consistency Change Tracker outlines and expresses each change and their specific rationale for the change and effects on the city and our community.

Summary of Changes

Construction and Operational Permit Changes

Items #1 – 10 & 67

- We have taken the necessary steps to remove repetitive and incorrect wording from permit requirements, aiming to minimize confusion and prevent any potential misunderstandings or misapplications for our customers and community. It is important to note that these actions do not result in the creation of any new permits.
- The proposed changes will have no adverse effects on any stakeholder involved. Through careful planning, consideration, and comprehensive analysis, the changes have been designed to ensure minimal disruption and maximum benefit for all parties involved.

Assessment Fee Changes

Items #11-12

- We have rectified clerical publishing errors that unintentionally combined two assessment fees, namely hazardous materials and outdoor combustible materials. Additionally, we have addressed the inadvertent assignment of assessment fees for undeveloped non-hazardous areas on properties. These corrections were necessary to ensure accurate and appropriate assessment of fees in accordance with the respective categories and conditions.
- Our stakeholders primarily include facilities involved in hazardous material and outdoor combustible storage. It is important to note that these changes do not result in any operational adjustments to assessment fees. The purpose of these amendments is solely to rectify clerical errors found in the original code publication. Furthermore, these changes have been carefully designed to enhance outcomes and foster mutual benefits for all stakeholders involved.

Fire Safety Advisory Board

Items #13

- Recently the Fire Safety Advisory Board (FSAB) adopted their first set of by-laws. These by-laws were previously based on the Phoenix Fire Code sections relating to the FSAB and its operations. After adoption of the by-laws, this section of the fire code is being altered to reflect the removal of the items now found in these documents.

- The FSAB, as the stakeholder, has unanimously approved the by-laws.

Appeals and Property Liens

Items #14-17

- We have made the decision to remove the appeal filing time limits and the statement regarding liens from the code. The current version of the code suggested that there were specific time limits for filing appeals, and implied that pursuing customer action beyond those limits was not a valid option. Initially, this approach was intended to expedite and encourage compliance with the fire code. However, Fire Prevention now has a comprehensive compliance policy in place, which includes well-defined time limits for achieving compliance and the imposition of penalties for noncompliance. As for the issue of liens, it is essential to clarify that the lien process is a separate legal procedure available to the Fire Prevention department. It is not specifically linked to the "appeals" process. The specific details and procedures concerning liens are addressed outside the scope of the Phoenix Fire Code.
- Any individual or entity whose operations fall under the regulation of the Phoenix Fire Code can be considered a stakeholder affected by these changes. These amendments bring benefits to both stakeholders and end users of our services by providing an extended timeframe to submit an appeal. This revised approach replaces the current provision in the code, which restricts options to appeal after a 30-day period. By allowing additional time for appeals, we aim to enhance accessibility and fairness in our processes, ensuring that stakeholders have a meaningful opportunity to exercise their rights.

Fire Code Violation and Penalty Requirements

Items #18-27

- We have undertaken the implementation of these changes to harmonize the penalties section of the current Phoenix Fire Code with the rules, procedures, and standards established by the City of Phoenix Courts and Arizona State Law. These modifications were executed through a collaborative effort with the Phoenix Fire Department's attorney and City of Phoenix Prosecutors, aiming to accurately reflect the prescribed consequences and measures outlined in the code. Our paramount objective remains the assurance of code compliance and the protection of our community's well-being

Definitions

Items #28-29

- Adding two new definitions for items found in this code adoption packet (Items #33 & 41)

Roof Top/Landscaped Roof Requirements

Item #30

- This adjustment reflects the national code language changes from “rooftop gardens” to “landscaped roofs.”
- The proposed change will have no adverse effects on any stakeholder involved.

Excavations and Trenches

Items #31-32

- This change eliminates the provision in the Phoenix Fire Code that mandates trenches and excavations to adhere to specific Federal requirements. It is important to note that these activities are already regulated by the Federal CFR Codes and OSHA. By removing this requirement, we maintain the ability of Fire Department staff to address unsafe conditions without imposing the burden of Federal inspection requirements on Fire Inspectors or the City of Phoenix.

Additive Manufacturing (3D Printing)

Item #33

- This newly introduced section in the currently published International Fire Code (which serves as the foundation for the Phoenix Fire Code) specifically focuses on 'industrial' 3D printing. It is important to distinguish this category from tabletop machine printing conducted in commercial, home, or hobby settings. The 'industrial' 3D printing process involves the utilization of hazardous chemicals and materials, which can potentially pose risks to operators and the surrounding community.
- This represents a burgeoning industry in large-scale manufacturing, characterized by ongoing growth and development. As this industry continues to evolve and new locations emerge, the Fire Prevention is committed to actively engaging with stakeholders. Our aim is to establish collaborative partnerships, foster effective communication, and ensure that appropriate fire safety measures are implemented to address the unique requirements of this emerging sector.

Trade Shows and Exhibits

Item #34

- This particular code statement serves to provide clarity regarding the utilization of Phoenix Fire Code Appendix N for the regulation of trade shows and exhibits. Since the adoption of the 2018 Phoenix Fire Code, the requirements outlined in Appendix N have been effectively employed. This newly introduced code statement aims to solidify the official recognition of Appendix N as an integral and adopted component of the Phoenix Fire Code
- The stakeholders affected by this amendment would include the individuals or entities involved in operating, managing, and hosting trade shows and exhibits. It is important to note that this amendment does not introduce any alterations to the application or enforcement of the existing Phoenix Fire Code. Instead, its purpose is to provide clarity and ensure that the current code is correctly interpreted and implemented in relation to trade shows and exhibits.

Fire Safety Evacuation Plans and Procedures

Items #35-37

- This amendment encompasses clerical adjustments related to occupant names, titles, and other minor revisions in alignment with the current International Fire Code (which serves as the foundation for the Phoenix Fire Code). These changes specifically pertain to emergency plans and procedures. The purpose of these modifications is to ensure accuracy and consistency in documentation, thereby enhancing the effectiveness and clarity of emergency preparedness measures.

Fire Department Access and Operations

Items #38-41

- These changes are to correct a clerical publishing error for address identification and to alter language and requirement for passing of emergency radio coverage systems to match current International Fire Codes language).
- These changes specifically address a critical necessity for buildings to ensure the operational functionality of emergency responder radio systems in designated 'critical areas.' This newly introduced requirement, derived from the 2021 International Fire Code, aims to establish secure and reliable radio coverage for first responders, including police and fire personnel, operating within buildings. It is important to note that the installation and testing of these radio systems are already mandated by the current Phoenix Fire Code. However, these changes provide an additional layer of protection by emphasizing the importance of testing and installation specifically in 'critical areas.'

Examples of such critical areas include stairwells and fire control rooms, which are essential locations where firefighters and law enforcement are anticipated to be present and carry out operations during emergency situations.

- Fire Prevention is committed to collaborating with building designers, owners, developers, and managers to facilitate a comprehensive understanding of the testing requirement and the significant benefits it brings to building and occupant safety. Our objective is to establish effective communication channels and provide guidance throughout the process, ensuring that all stakeholders are well-informed and equipped to achieve a positive outcome in terms of enhancing the safety and well-being of the building's occupants.

Building Life Safety Systems and Components

Items #42-49

- These changes primarily pertain to building fire protection systems and their various components. They encompass the incorporation of the latest 2021 International Fire Code requirements, as well as adjustments made to the existing Phoenix Fire Code. The overarching goal of these changes is to reinforce community safety and prioritize the well-being of first responders. By aligning with current standards and making necessary enhancements, we aim to ensure effective fire protection measures that mitigate risks and enhance overall safety within our community.
- Fire Prevention is dedicated to fostering collaboration with building designers, owners, developers, and managers to facilitate a thorough comprehension of the maintenance requirements and the substantial benefits they offer for building and occupant safety. Our primary aim is to establish robust communication channels and deliver comprehensive guidance throughout the entire process. By ensuring that all stakeholders are well-informed and equipped, we strive to achieve a positive outcome that enhances the safety and well-being of the building's occupants.

Mazes

Item #50

- These changes to the code section numbering were made to rectify a clerical error that occurred during the publishing process. It is important to note that these corrections do not introduce any regulatory changes to the code. The sole purpose of these modifications is to ensure accuracy and consistency in the numbering system for improved clarity and ease of reference.
- No stakeholder interests identified or anticipated as this amendment has no change to the application or enforcement of the Phoenix Fire Code.

Hazardous Materials

Items #51-52

- These changes to the code section numbering were made to rectify a clerical error that occurred during the publishing process. It is important to note that these corrections do not introduce any regulatory changes to the code. The sole purpose of these modifications is to ensure accuracy and consistency in the numbering system for improved clarity and ease of reference.
- No stakeholder interests were identified or anticipated as this amendment has no change to the application or enforcement of the Phoenix Fire Code.

National Standards Referenced

Item #53

- The Phoenix Fire Code incorporates national standards to establish industry-specific requirements within the fire code. Given that these national standards continually evolve in response to technological advancements, industry developments, and lessons learned, it is crucial to adopt and incorporate these reference standards accordingly. By aligning with the latest standards, we ensure that the Phoenix Fire Code remains up to date, effectively addressing emerging challenges and promoting enhanced fire safety practices.

Emergency Response Planning

Item #54

- When responding to emergencies, time is a critical factor in the ability of first responders to facilitate successful emergency operations and results. The ability to preplan and understand a buildings' critical life safety features are an integral part of this component of response. Current Phoenix Fire Code (Sections 404 Emergency Plans and 407 Hazard Communications) requires building operators and owners to produce some information relating to their building designs, layouts, and system locations/features based on occupancy type. However, the fire code currently falls short in its ability to ensure first responders have critical information relating to facilities. This missing information encompasses the locations of fire department connections (FDC), fire sprinkler riser rooms, standpipe locations, fire fighter breathing air locations, smoke control and evacuation panel locations, blind elevator shafts, and similar system locations and access points.

Energy Storage Systems (ESS), Photovoltaic (Solar), and Portable Generators

Items #55-65

- These changes encompass the correction of clerical errors as well as several updates derived from the latest edition of the International Fire Code, upon which the Phoenix Fire Code is based. The energy sector is a rapidly expanding and evolving industry, necessitating codes that can keep pace with technological and industrial advancements. These amendments not only prioritize the protection and safety of our community and first responders but also foster a development-friendly environment. By aligning our codes with industry advancements, we strive to promote innovation while ensuring the well-being and resilience of our community.

Appendix D

Item #66

- As referenced prior, time is a critical factor in the ability of first responders to facilitate successful emergency operations and results. Access for emergency vehicles is a critical component to that cycle or response. Fire code requires these critical fire access roads be marked and identified based on their design and size. Prior to the 2013 adoption of the Phoenix Fire Code, access specific details were contained in an “Access Details Manual” that provided specification as to the design requirements of these access markings. After the 2013 adoption these details were incorporated in the Phoenix Fire Code as appendix D. This action had the unintended consequence of delaying approval of industry and material advancements when it related to access as changes to these details and designs now required City Council action. This action reverts that change and moves the details to the Emergency Access Details Book. Appendix D will stay in the Phoenix Fire Code and will reference the details in this book as applicable.



Section 2

Fire Code Amendment Detailed Change Log



City of Phoenix



City of Phoenix

FIRE DEPARTMENT
FIRE PREVENTION

Fire Prevention Code of the City of Phoenix Amendment, Clarification, & Consistency Change Tracker

Proposed Changes to the Current 2018 Fire Prevention Code of the City of Phoenix

Black Text = Current adopted text

Blue Bold Text = Proposed text to be added

~~Blue Bold Strikethrough Text = Proposed text to be removed~~

All measures have been taken to ensure accurate numbering of code sections in this document. However, it is important to note that once final approval and adoption take place, the numbering sequence may undergo changes. It is important to emphasize that such changes will not have any regulatory implications of the code.

Action Taken By:

Fire Safety Advisory Board

Date 9/25/2023

☒ Approved as Submitted ☐ Modified and Approved ☐ Denied ☐ No Action Taken

Public Safety & Justice Subcommittee

Date 1/3/2024

☐ Approved as Submitted ☐ Modified and Approved ☐ Denied ☐ No Action Taken

City Council Action

Date TBD

☐ Approved as Submitted ☐ Modified and Approved ☐ Denied ☐ No Action Taken

1. **105.6.13** **Exhibits and trade shows.** An operational permit is required to operate exhibits and trade shows **as regulated by Appendix N.**

~~Exception: Exhibits less than 100 aggregate square feet (9290 mm2).~~

Action and Reason: This is a removal of the exception in chapter 1 that requires all trade shows and exhibits over 100 square feet (sqft) to obtain a Phoenix Fire Department operational permit. After this action, the fire code will default to the base code requirement of permitting found in appendix N for trade shows and exhibits greater than 1,500 sqft in buildings with no automatic fire sprinkler system and 4,500 sqft in buildings with an automatic fire sprinkler system.



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2.	105.6.17	Floor finishing. An operational permit is required for floor finishing or surfacing operations exceeding 350 square feet (33 m2) using Class I or Class II liquids. Buildings under construction or renovation with a valid construction permit do not require a permit to conduct this activity. The activity shall be performed in accordance with this section.
	Action and Reason: Removal of a clerical mistype inadvertently added to the adopted code.	
	Results of Action for City and Community: Reduces possible confusion over what “section” applies.	
3.	105.6.36	Outdoor assembly event. An operational permit is required to conduct an outdoor assembly event where planned attendance exceeds 500 persons, or where 50 or more persons are in a confined area. confining 50 or more persons by temporary installation of fencing or barrier.
	Action and Reason: Alter the text to align with the code’s definition of an outdoor assembly. Change from “confined area” to “by temporary installation of fencing.”	
	Results of Action for City and Community: This action eliminate the possible permitting requirement for venues who utilize already approved and established areas on their property for gatherings.	
4.	105.6.51.17	Medical facilities. An operational permit is required to operate a State of Arizona Department of Health Services (DHS) Licensed patient treatment medical facility.



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	Action and Reason: Add Arizona State DHS to define medical facilities requiring permits. Original intent of this permit was to inspect facilities that requested fire inspections due to their state licensed requirements from Arizona DHS. It was not intended to require all medical facilities to obtain an operational permit.	
	Results of Action for City and Community: This action clarifies the specific types of facilities that are required to have an operational permit rather than requiring all medical locations to obtain one.	
5.	105.6.51.18	Semiconductor facilities. An operational permit is required to operate a semiconductor facility that is not part of an HPM facility.
	Action and Reason: Removal of fire code semiconductor operational permit requirement found in 105.6.51.18. Current Phoenix Fire Code (a Phoenix amendment) as adopted has a requirement for an operational permit for HPM Facilities. HPM facilities are semiconductor facilities by code definition. This results in code as currently adopted, having two permits for the same operation type.	
	Results of Action for City and Community: Action removes the unintentional possible double permitting and billing for these types of semiconductor facilities.	
6.	105.7.26.10	Fire lines & hydrants. A construction permit is required for the installation or modification of fire lines that serve fire protection systems, fire hydrants, or any combination thereof.
	Action and Reason: Remove the word “hydrants.” Hydrant construction permits are covered in code in section 105.7.19. This section was intended to be specific to fire lines only.	



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	Results of Action for City and Community: This action removes the possibility of unintentional double permits required for same construction item (hydrants).	
7.	105.7.26.10.2	Hydrant, temporary. A construction permit is required for the installation of a temporary hydrant(s) and up to 500 feet (152 m) of and fire line.
	Action and Reason: Remove the reference to 500 ft. This distance was only intended to relate to permit fees calculated for each 500 ft section and is referenced in the fee schedule currently.	
	Results of Action for City and Community: This action removes what could be a 500 ft cap on permits that would negatively affect the development community and project growth.	
8.	105.7.25	Temporary membrane structures and tents. A construction permit is required to erect an air-supported temporary membrane structure, a temporary stage canopy or a tent having an area in excess of 800 square feet (74 m2). Exceptions: 1. Tents used exclusively for recreational camping purposes. 2. Funeral tents and curtains, or extensions attached thereto, when used for funeral services. 3. Tents and awnings open on all sides, which comply with all of the following: 3.1. Individual tents shall have a maximum size of 1,200 square feet (111 m2). 3.2. The aggregate area of multiple tents placed side by side



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		<p>without a fire break clearance of not less than 12 feet (3658 mm) shall not exceed 1,200 square feet (111 m2) total.</p> <p>3.3. A minimum clearance of 12 feet (3658 mm) to structures and other tents shall be maintained.</p> <p>Reserved</p>
	<p>Action and Reason: Removal of this “construction permit” for temporary tents and membrane structures from the fire code. Section 105.6.47 of the fire code currently requires an operational permit for temporary tents and membrane structures. This “construction” permit is a duplicate to the already required operational permit.</p>	
	<p>Results of Action for City and Community: This action removes the unintentional possible double permitting and billing for these types of tents and temporary membrane structures.</p>	
9.	105.7.26.11	<p>Lithium ion battery systems. To install or modify a lithium ion battery storage system used for facility standby power emergency power or uninterruptible power supplies as regulated by Section 1206.2.</p> <p>Reserved</p>
	<p>Action and Reason: Removal of this specific permitting text for lithium battery systems. This was a clerical duplicate to the permit requirement found already in code section 105.7.2.</p>	
	<p>Results of Action for City and Community: This action removes the duplicate permit requirement statement and clarifies the single construction permit required for battery systems.</p>	



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10.	105.7.26.12	<p>Smoke and heat vents. A construction permit is required to install, alter or modify smoke and heat vents.</p> <p>Reserved</p>
	<p>Action and Reason: Removal of this specific permitting text. This was a clerical duplicate to the permit requirement found already in code section 105.7.20</p>	
	<p>Results of Action for City and Community: This action removes the duplicate permit requirement statement and clarifies the single permit required for smoke and heat vents.</p>	
11.	106.9	<p>Assessment fees. The fire code official is authorized to assess fees annually for: agro-industrial or solid biomass facilities and pallet yards when material quantities meet those listed in the Fire Prevention Fee Schedule Agro-Industrial, Solid Biomass, and Pallet Fee Assessment Table</p> <p>The fire code official is authorized to assess fees annually for: hazardous materials or substances when quantities reach reportable quantities in accordance with Fire Prevention Fee Schedule Hazardous Materials Assessment Classification Table 8407.1; or hazardous material facilities with areas larger than 250,000 square foot (23 225 m2) that represent a special hazard as determined by the fire code official.</p>
	<p>Action and Reason: This “assessment fees” section contained two separate types of assessment fees. One for outdoor combustibles facilities (agro, biomass, and pallet yards) and the other for hazardous materials. Unfortunately, as the code was printed, it combined them into one paragraph and resulted in confusion for our customers as to the specific types of activities and their fees. This clerical change separates them into their two categories.</p>	

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	<p>The code also referenced the old fee schedule that was part of the fire code as Chapter 81 prior to 2021. In 2021 Council action removed this fee schedule from the fire code and created a stand alone fee schedule document with the same assessment fees included.</p> <p>The third change is in reference to facilities with more than 250,000 sq ft; which was a duplicate statement to section 106.10. Its removal clarifies and reduces possible customer confusion on requirements.</p>	
	<p>Results of Action for City and Community: This action does not alter or create fees or requirements. It only assists to clarify the location of such fees and removes duplicate code statements.</p>	
12.	106.10	<p>Area assessment fees. Facilities that represent special hazards as determined by the fire code official shall be assessed an area assessment fee. Facilities more than 250,000 square feet (23,225 m2) shall be assessed an additional fee calculated on the total area of the developed site. The assessment fee shall be calculated in intervals of 250,000 square feet (23,225 m2) in accordance with the fee schedule. For those facilities being assessed hazardous material fees, area fees will be based on the fee group on in accordance with Fire Prevention Fee Schedule Area Assessment Fee Table. 8106.3.</p> <p>Action and Reason: Add “developed” text to the calculation utilized for fees. It was intended to only charge a fee based on the area the facility uses, not undeveloped land on said property. Secondly, the old reference to chapter 81 (8106.3) fees is removed to reflect the current fire prevention fee schedule table location.</p> <p>Results of Action for City and Community: Eliminates the possible fee assessment for undeveloped land that poses no significant hazard to the community or first responders.</p>



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13.	109.1	<p>[A] 109.1 Fire Safety Advisory Board. In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, there shall be and is hereby created the Fire Safety Advisory Board. Hereinafter called “the Board,” it shall consist of up to 13 members, a majority of whom are residents of the City of Phoenix. Board members shall be United States citizens. One board member’s only qualification shall be Phoenix residency, while other board members shall be drawn from the following industries, trades and professions: fire-protection systems contractor; architect; realtor; developer; petroleum industry; liquefied petroleum gas industry; property insurance; fire-protection engineering; owner or manager of a business that would not qualify for membership in another industry; health care industry; special events coordinator; and construction contractor.-The Board shall be appointed by the governing body and shall hold office at its pleasure. The fire code official shall be an ex officio member of said board but shall not have a vote on any matter before the Board. The Board shall adopt and operate in accordance with City Procesures, Board by-laws, and adopted Fire Code rules-of-procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the fire code official.</p>
	Action and Reason: Removal of text from fire code that is now adopted in by-laws for the Fire Safety Advisory Board.	
	Results of Action for City and Community: Eliminates the possible conflict as changes are made to the board’s by-laws versus fire code.	



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14.	109.74	<p>Appeal to the Fire Marshal. An appeal shall be submitted to the Fire Marshal in writing. Appeals shall be made within 30 days of receipt of a notice of noncompliance indicating required corrections.</p>
	<p>Action and Reason: Removal of 30-day requirement to submit an appeal to the Fire Marshal. Fire Prevention has established procedures for the enforcement and compliance of fire code violations. This progressive process utilizes inspection notices and can include up to civil/criminal citations. This 30-day requirement is no longer in line with current procedures or policies and can have a negative effect on obtaining compliance and the customer ability to correct violations.</p>	
	<p>Results of Action for City and Community: Eliminates the possible conflict with Department policy and a customer's inability to submit an appeal after 30-days.</p>	
15.	109.85	<p>Appeal to the Fire Safety Advisory Board. Any person may appeal a decision of the Fire Marshal to the Fire Safety Advisory Board following the decision of the Fire Marshal. The appellant shall appear to present the appeal to the Board. The appeal shall be made within 30 days of receiving a decision from the Fire Marshal.</p>
	<p>Action and Reason: Removal of 30-day requirement to submit an appeal to the Fire Safety Advisory Board. Fire Prevention has established procedures for the enforcement and compliance of fire code violations. This progressive process utilizes inspection notices and can include up to civil/criminal citations and may last longer than 30 days. This 30-day requirement is no longer in line with current procedures or policies.</p>	
	<p>Results of Action for City and Community: Eliminates the possible conflict with Department policy and a customer's inability to submit an appeal after 30-days.</p>	



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16.	109.96	<p>Appeal to the Superior Court. Any persons aggrieved by a decision of the Board may at any time within 30 days after the Board's decision file an appeal with the Superior Court of the county by following the various methods of appeal or review procedures as set forth by the applicable statutes of the State of Arizona.</p>
	<p>Action and Reason: Removal of the 30-day requirement in current Phoenix Fire Code. The Phoenix Fire Code does not regulate or have authority over the procedures of filing timelines of the Arizona Superior court.</p>	
	<p>Results of Action for City and Community: Eliminates the possible conflict or inaccurate direction for court filings.</p>	
17.	109.7.1	<p>Property Liens. A property lien may be placed on properties when appeal stipulations are granted for extended periods of time.</p>
	<p>Action and Reason: Removal of this section. The City and its individual departments are otherwise authorized to place liens, and it is not required to be set forth in the Fire Code.</p>	
	<p>Results of Action for City and Community: There is a legal procedure for placing a lien. Elimination of the section ensures no conflict between fire code and those procedure(s).</p>	



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18.	110.3	<p>Notice of violation or civil citation. Where the fire code official finds a building, premises, vehicle, storage facility or outdoor area that is in violation of this code, the fire code official is authorized to prepare and issue a written notice of violation or civil citation describing the conditions deemed unsafe and, where compliance is not immediate, specifying a time for reinspection. in violation.</p> <p>Nothing herein shall require the issuance of a notice of violation prior to commencement of emergency abatement, the issuance of a citation or civil or criminal violation proceedings.</p>
		<p>Action and Reason: In conjunction with the Fire Department's Legal Council and the City of Phoenix Prosecutors, this section has been modified to more accurately reflect procedures and actions set forth by the Fire Code, Municipal Codes, and Court procedures and rules.</p>
		<p>Results of Action for City and Community: These changes will reduce possible conflict between Fire Code, Municipal Codes, and Court procedures and rules.</p>
19.	110.3.1	<p>Service of notice of violation. A notice of violation issued pursuant to this code shall be served on the owner, the owner's authorized agent, operator, occupant or other person responsible for the condition or violation, either by personal service, mail, e-mail or by delivering the same to, and leaving it with, some person of responsibility on the premises. For unattended or abandoned locations, a copy of such notice of violation shall may be posted on the premises in a conspicuous place at or near the entrance to such premises and the notice of violation shall be mailed by certified mail with return receipt requested or a certificate of mailing, to the last known address of the owner, the owner's authorized agent, or occupant further served in accordance with this section.</p>
		<p>Action and Reason: In conjunction with the Fire Department's Legal Council and the City of Phoenix Prosecutors, this section has been modified to provide more clarity and more accurately reflect procedures and actions set forth by the Fire</p>



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	Code, Municipal Codes, and Court procedures and rules.	
	Results of Action for City and Community: These changes will reduce possible conflict between Fire Code, Municipal Codes, and Court procedures and rules.	
20.	110.3.2	Service of civil citation. A civil citation issued pursuant to this code shall be served on the owner, the owner's authorized agent, operator, occupant or other person responsible for the condition or violation, either by personal service, mail, or by delivering the same to, and leaving it with, some person of responsibility on the premises. For unattended or abandoned locations, a copy of civil citation shall be posted on the premises in a conspicuous place at or near the entrance to such premises and the civil citation shall be mailed by certified mail or registered mail, with return receipt requested. Service of civil citations may also be accomplished as provided under rule 2.3 of the Local Rules of Practice and Procedure for the City of Phoenix Municipal Court.
	Action and Reason: In conjunction with the Fire Department's Legal Council and the City of Phoenix Prosecutors, this section has been modified to provide more clarity and more accurately reflect procedures and actions set forth by the Fire Code, Municipal Codes, and Court procedures and rules.	
	Results of Action for City and Community: These changes will reduce possible conflict between Fire Code, Municipal Codes, and Court procedures and rules.	
21.	110.4	Compliance with orders, citations and notices. A building, premises or thing shall not be used when in violation of this code as noted on a tag order or notice in accordance with Section 104.5. A notice of violation or civil citation issued or served as provided by this code shall be complied with by the owner, the owner's authorized agent, operator, occupant or other person responsible for the condition or violation to which the notice of violation or civil citation pertains. In case of extreme danger to persons or property,



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		immediate compliance is required. Each day that a violation continues may be deemed a separate violation.
	Action and Reason: In conjunction with the Fire Department's Legal Council and the City of Phoenix Prosecutors, this section has been modified to provide more clarity and more accurately reflect procedures and actions set forth by the Fire Code, Municipal Codes, and Court procedures and rules.	
	Results of Action for City and Community: These changes will reduce possible conflict between Fire Code, Municipal Codes, and Court procedures and rules.	
22.	110.5	Cumulative proceedings and remedies. If violations are not promptly remedied, the fire code official is authorized to request the legal counsel of the jurisdiction to institute the appropriate legal proceedings at law or in equity to restrain, correct or abate such violation or to require removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant hereto. The proceedings and remedies are cumulative and the City may proceed to seek one or more such remedies.
	Action and Reason: In conjunction with the Fire Department's Legal Council and the City of Phoenix Prosecutors, this section has been modified to provide more clarity and more accurately reflect procedures and actions set forth by the Fire Code, Municipal Codes, and Court procedures and rules.	
	Results of Action for City and Community: These changes will reduce possible conflict between Fire Code, Municipal Codes, and Court procedures and rules.	



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23.	110.6	<p>Civil Violations. Any person, firm or corporation who causes, permits, facilitates, aids or abets any violation of this code, or who fails to perform any act or duty required by this code, is subject to a civil sanction of not less than \$500 nor more than \$2,500. Each day that a violation continues may be deemed a separate violation.</p> <p>110.3.4 Civil actions or criminal citations. Any person, firm or corporation who causes, permits, facilitates, aids or abets any violation of this code, or who fails to perform any act or duty required by this code, is subject to a civil sanction of not less than \$500 nor more than \$2,500 or a Class 1 criminal misdemeanor.</p>
	<p>Action and Reason: In conjunction with the Fire Department's Legal Council and the City of Phoenix Prosecutors, this section has been modified to provide more clarity and more accurately reflect procedures and actions set forth by the Fire Code, Municipal Codes, and Court procedures and rules.</p>	
	<p>Results of Action for City and Community: These changes will reduce possible conflict between Fire Code, Municipal Codes, and Court procedures and rules.</p>	
24.	110.7	<p>Criminal Violations. Any person, firm or corporation who causes, permits, facilitates, aids or abets any violation of this code, or who fails to perform any act or duty required by this code shall be guilty of a Class 1 misdemeanor. Each day that a violation continues may be deemed a separate violation.</p> <p>110.3.4 Civil actions or criminal citations. Any person, firm or corporation who causes, permits, facilitates, aids or abets any violation of this code, or who fails to perform any act or duty required by this code, is subject to a civil sanction of not less than \$500 nor more than \$2,500 or a</p>



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		Class 1 criminal misdemeanor.
	Action and Reason: In conjunction with the Fire Department's Legal Council and the City of Phoenix Prosecutors, this section has been modified to provide more clarity and more accurately reflect procedures and actions set forth by the Fire Code, Municipal Codes, and Court procedures and rules.	
	Results of Action for City and Community: These changes will reduce possible conflict between Fire Code, Municipal Codes, and Court procedures and rules.	
25.		110.3.4.1 Commencement of civil action. Any civil action to enforce the provisions of this code shall be commenced, and summons shall be issued, in accordance with the procedures set forth in Arizona Revised Statutes or city ordinances, or as provided in the Local Rules of Practice and Procedure—City Court—City of Phoenix. 110.3.4.2 Admission or denial of allegations; hearing; findings of Court; civil sanctions. 1. A person served with a civil citation or complaint shall appear at the time and place stated in the citation or summons, or may appear prior to the time, and admit or deny the allegations of the complaint. Allegations not denied at the time of appearance are deemed admitted. 2. If the allegations are admitted, the Court shall enter judgment for the City and impose a civil sanction. 3. If the person denies the allegations, the Court



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	<p>shall set the matter for hearing. Civil hearings are informal and held without a jury, and the City of Phoenix is required to prove the violation charged by a preponderance of the evidence. Technical rules of evidence do not apply, except for statutory provisions relating to privileged communications. If the person elects to be represented by counsel, the person shall so notify the Court at least 10 days prior to the hearing date. Hearings may be recorded. If the Court finds in favor of the person, the Court shall enter an order dismissing the citation or complaint. If the Court finds in favor of the City, the Court shall enter judgment for the City and impose a civil sanction.</p> <p>4. If the person served with a civil citation or complaint fails to appear on or before the time directed to appear or at the time set for hearing by the Court, the allegations shall be deemed admitted and the Court shall enter judgment for the City and impose a civil sanction.</p> <p>110.3.4.3 Criminal penalties. Where in any section of this code the doing of any act is required, prohibited or declared to be unlawful, any person, firm or corporation who shall be convicted of a violation of any such section shall be guilty of a Class I misdemeanor.</p> <p>110.3.4.4 Injunctive Relief. The imposition of any civil action or criminal penalty provided in this Code shall not preclude the fire code official from instituting any appropriate action or proceeding to require compliance with the provisions of this Code and with administrative orders and determinations made hereunder. In the event that any building, structure, occupancy, or equipment is erected, constructed, reconstructed,</p>
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		altered, repaired, converted, demolished, moved or maintained, or any building, structure, premises or system service is used or occupied in violation of this Code, the fire code official may institute any appropriate action or proceedings to prevent unlawful erection, construction, reconstruction, alteration, repair, removal, demolition or utilization a building, occupancy, premises or system regulated by this code.
		[A] 110.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a Class 1 criminal misdemeanor punishable by a civil sanction of not less than \$500 per day nor more than \$2,500 per day. Each day that a violation continues after due
		Action and Reason: In conjunction with the Fire Department's Legal Council and the City of Phoenix Prosecutors, this section has been modified to provide more clarity and more accurately reflect procedures and actions set forth by the Fire Code, Municipal Codes, and Court procedures and rules.
		Results of Action for City and Community: These changes will reduce possible conflict between Fire Code, Municipal Codes, and Court procedures and rules.
26.	110.8	Abatement of violation. In addition to the imposition of the penalties herein described, the fire code official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises. Abatement of violation. In addition to the



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		imposition of the penalties herein described, the fire code official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.
		Action and Reason: In conjunction with the Fire Department's Legal Council and the City of Phoenix Prosecutors, this section has been modified to provide more clarity and more accurately reflect procedures and actions set forth by the Fire Code, Municipal Codes, and Court procedures and rules.
		Results of Action for City and Community: These changes will reduce possible conflict between Fire Code, Municipal Codes, and Court procedures and rules.
27.	110.8.1	<p>Abatement orders. The Municipal Court of the City of Phoenix shall have jurisdiction to issue orders to the property owner of record, as recorded in the Maricopa County Recorder's Office, to abate unsafe conditions or any other violation of this Code, or to issue orders permitting the City of Phoenix to abate unsafe conditions as defined in this Code. Abatement orders may be issued by the Municipal Court pursuant to a request from the fire code official, or may be initiated by the Court in addition to any civil sanction or criminal penalty assessed for violations of this Code.</p> <p>Abatement orders. The Municipal Court of the City of Phoenix shall have jurisdiction to issue orders to the property owner of record, as recorded in the Maricopa County Recorder's Office, to abate unsafe conditions or any other violation of this Code, or to issue orders permitting the City of Phoenix to abate unsafe conditions as defined in this Code. Abatement orders may be issued by the Municipal Court pursuant to a request from the fire code official, or may be initiated by the Court in addition</p>



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		to any civil sanction or criminal penalty assessed for violations of this Code.
	Action and Reason: In conjunction with the Fire Department's Legal Council and the City of Phoenix Prosecutors, this section has been modified to provide more clarity and more accurately reflect procedures and actions set forth by the Fire Code, Municipal Codes, and Court procedures and rules.	
	Results of Action for City and Community: These changes will reduce possible conflict between Fire Code, Municipal Codes, and Court procedures and rules.	
28.	202	3D PRINTER. A machine used in the additive manufacturing process for fabricating objects through the deposition of a material using a print head, nozzle or other printer technology.
	Action and Reason: Add a recent national code definition that is not in current adopted Phoenix Fire Code. Commercial/industrial 3D printers are a new requirement in the base 2021 International Fire Code and the definition is not in currently adopted Phoenix Fire Code.	
	Results of Action for City and Community: 3D printer requirements are proposed to be added to section 322 of the Phoenix Fire Code and this action provides a definition for 3D printer.	



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29.	202	CRITICAL AREAS. Areas that are designated for the highest level of emergency responder radio coverage including but not limited to areas such as exit stairs, exit passageways, elevator lobbies, fire protection equipment room and control valve locations, and fire command centers.
	Action and Reason: Add a recent national code definition that is not in current adopted Phoenix Fire Code. This term “critical area” is used in the proposed updated section 510.4.1 of the Phoenix Fire Code.	
	Results of Action for City and Community: This action provided clarity as to the definition of “critical areas.”	
30.	317.2	Rooftop garden or Landscaped roof size. Rooftop garden or Landscaped roof areas shall not exceed 15,625 square feet (1,450m ²) in size for any single area with a maximum dimension of 125 feet (39m) in length or width. A minimum 6-foot-wide (1.8m) clearance consisting of a listed Class A rated roof system complying assembly tested with ASTM E108 or UL 790 shall be provided between adjacent rooftop gardens or landscaped roof area.
	Action and Reason: This change of terminology acknowledges that the scope and intent of plants and foliage installed on rooftops is broader than the common definition of “garden”. There is no change to requirements to allow for a variety of horticulture to be installed other than classical garden plants.	
	Results of Action for City and Community: Allows for a greater variety of horticultural installation while not changing the previous requirements.	



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31.	320.2.1	Excavations and trenches. Excavations and trenches shall be in accordance with Title 29, Code of Federal Regulations, Part 1926.650-1926.652, Subpart P.
		Action and Reason: Removes the section that requires excavations and trenches comply with Federal regulations (Title 29, Part 1926.650-1926.652, subpart P). The Phoenix Fire Department does not enforce Federal Title 29. The original intent of the section was to provide a code section for the Phoenix Fire Department to deem unsafe excavations and trenches as so, and the ability to order their evacuation and hazard abatement. With the wording of the current section, it could place an enforcement requirement of Federal law(s) onto the Phoenix Fire Department. Current Phoenix Fire Code section 320.2.3 already allows the Phoenix Fire Department to deem an excavation or trench as unsafe and order an evacuation and abate the condition without the Title 29 reference.
		Results of Action for City and Community: There is no level of change to our community from a service or protection aspect with this proposed change, as the ability to ensure excavations and trenches that are unsafe are evacuated and hazards abated still exists in Phoenix fire Code.
32.	320.2.2	Confined spaces. Confined spaces shall be in accordance with Title 29, Code of Federal Regulations, Part 1910.
		Action and Reason: Removes the section that requires confined spaces comply with Federal regulations (Title 29). The Phoenix Fire Department does not enforce Federal Title 29. The original intent of the section was to provide a code section for the Phoenix Fire Department to deem unsafe confined spaces as so, and the ability to order their evacuation and hazard abatement. With the wording of the current section,



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	it could place an enforcement requirement of Federal law(s) onto the Phoenix Fire Department. Current Phoenix Fire Code section 320.2.3 already allows the Phoenix Fire Department to deem a confined space as unsafe and order an evacuation and abate the condition without the Title 29 reference.	
	Results of Action for City and Community: There is no level of change to our community from a service or protection aspect with this proposed change, as the ability to ensure confined spaces that are unsafe are evacuated and hazards abated still exists in Phoenix Fire Code.	
33.	322	ADDITIVE MANUFACTURING (3D PRINTING) General. Additive manufacturing equipment and operations shall comply with Section 322. 322.1.1 Scope. Additive manufacturing shall comply with one of the following: <ul style="list-style-type: none">1. Nonindustrial additive manufacturing shall comply with Section 322.2.2. Industrial additive manufacturing shall comply with Section 322.3 322.1.2 Installation, operation and maintenance. 3D printers and associated additive manufacturing equipment shall be installed, operated and maintained in accordance with this code, the listing and the manufacturer's instructions. 322.1.3 Production materials. Only the production materials <i>listed</i> for use with the equipment and included in the manufacturer's instructions shall be used. 322.2 Nonindustrial additive manufacturing. Nonindustrial additive manufacturing equipment and operations shall comply



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	<p>with Sections 322.2.1 and 322.2.2. Additive manufacturing equipment and operations that do not comply with Section 322.2 shall comply with Section 322.3.</p> <p>322.2.1 Listing. 3D printers used in nonindustrial additive manufacturing shall be <i>listed</i> and <i>labeled</i> in accordance with UL2011, UL 60950-1 or UL 62368-1. The listing shall also verify:</p> <ol style="list-style-type: none">1. The 3D printers are self-contained and utilize maximum 30-liter prepackaged production materials.2. The operation of the 3D printers shall not create a hazardous (classified) electrical area or zone outside the unit.3. If any hazardous (classified) electrical area or zone exists inside the unit's outer enclosure, the area shall be protected by intrinsically safe electrical construction or other acceptable protection methods.4. The 3D printers shall not utilize inert gas or an external combustible dust collection system. <p>322.2.2 Occupancies. Nonindustrial additive manufacturing shall be permitted in all occupancy groups.</p> <p>322.3 Industrial additive manufacturing. Industrial additive manufacturing equipment and operations shall comply with Sections 322.3.1 through 322.3.12.</p> <p>322.3.1 Permits required. Permits shall be obtained from the <i>fire code official</i> in accordance with Section 105.5 prior to engaging in industrial additive manufacturing operations.</p>
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	<p>322.3.2 Listing. 3D printers used in industrial additive manufacturing shall be <i>listed</i> and <i>labeled</i> in accordance with UL 2011 or <i>approved</i> for the application based on a field evaluation conducted by an <i>approved</i> agency.</p> <p>322.3.3 Combustible dusts and metals. Industrial additive manufacturing operations that store, use or produce combustible dust, combustible particulate solids or combustible metals shall comply with Chapter 22 and this section.</p> <p>322.3.4 Powder evaluation. Printing powders used in industrial additive manufacturing operations shall be tested for combustibility in accordance with NFPA 484 or NFPA 652 as applicable. A copy of test reports shall be provided to the <i>fire code official</i> upon request.</p> <p>322.3.5 Combustible (nonmetallic) dusts. Industrial additive manufacturing operations that store, use or produce combustible (nonmetallic) dusts shall comply with NFPA 654.</p> <p>322.3.6 Combustible metals. Industrial additive manufacturing operations that store or use combustible metals shall comply with NFPA 484.</p> <p>322.3.7 Ancillary equipment. Ancillary equipment provided for recycling, sieving, vacuuming or handling combustible powders shall be designed and <i>approved</i> for such use.</p> <p>322.3.8 Hazardous materials. Industrial additive manufacturing operations that store or use hazardous materials exceeding the</p>
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maximum allowable quantity limits shall comply with Chapter 50.

322.3.9 Inert gas. Additive manufacturing processes that utilize inert gases shall comply with Chapter 53. Ventilation or gas detection shall be provided in accordance with Section 5307.

322.3.10 Technical assistance. Where required by the *fire code official*, a report evaluating the acceptability of technologies, processes, products, facilities, materials and uses associated with the operation shall be provided in accordance with Section 104.9 and *approved*

322.3.11 Performance-based design alternative. Where *approved* by the *fire code official*, buildings and facilities where industrial additive manufacturing is performed shall be permitted to comply with the performance-based design options in Section 5001.3 as an alternative to compliance with the other requirements set forth in this section.

320.3.12 Occupancies. Industrial additive manufacturing shall be conducted only in the occupancy groups associated with manufacturing operation and permitted by the Chapter 50 maximum allowable quantity tables. Where *approved*, the requirements in Section 322.3.6 shall be permitted to provide the technical basis for determining compliance with Table 5003.1.1(1), Note q.

Action and Reason: Adding 3D printer requirements from the base 2021 International Fire Code to the current Phenix Fire Code that is based on the 2018 International Fire Code. As material and manufacturing technology improve, adapt, and change, the fire code needs to adapt at the same pace to meet the needs and expectations of our development community. Clear sizing of exempted amounts of



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<p>product and listed equipment guidelines narrows the requirement for permitting to commercial rather than personal levels of 3-D printers. The guidelines provided in these sections give a predictable path to successful installation and prescriptive guidelines that previously required a special engineered report and use of the Appeals process to address this new technology while allowing for that performance-based design alternatives as the technology continues to evolve.</p>		
<p>Results of Action for City and Community: This action allows for clear guidance for proper and safe installation of 3-D printing equipment without requiring the engineering evaluation of smaller units, reflecting the wide use of these printers in schools and homes.</p>		
34.	323	Trade Shows and Exhibits. Trade Shows and Exhibits shall conform to Appendix N.
	<p>Action and Reason: This adopts the International Fire Code Appendix N that regulates and permits trade shows and exhibits. These activities can present a unique fire danger based on their contents, layout, booth construction, and large attendance. Prior to this appendix creation, the Phoenix Fire Code had a specific trade show section. This aligns Phoenix Fire Code with the national fire code.</p>	
	<p>Results of Action for City and Community: There are no event design or setup enforcement, or requirement changes based on adopting this appendix. This change serves to clarify the section for trade shows and exhibits in the Phoenix Fire Code.</p>	



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35.	403.10.3.1	Fire safety and evacuation plan. The fire safety and evacuation plan required by Section 404 shall include special employee actions, including fire protection procedures necessary for residents, and shall be amended or revised upon admission of a resident with unusual needs. a description of staff actions. Plans shall include procedures necessary for full evacuation of care recipients and shall be amended or revised upon admission of care recipients with unusual needs.
	Action and Reason: Rewording of code language to better clarify and express requirements of the safety and evacuation plan.	
	Results of Action for City and Community: Provided clarity for operations and facilities that are required to comply with this section base on their facility design or use.	
36.	403.10.3.1.1	Fire safety plans. A copy of the plan shall be maintained at the facility at all times. Plans shall include the following in addition to the requirements of Section 404: 1. Location and number of resident sleeping rooms. 2. Location of special locking or egress control arrangements
	Action and Reason: Rewording of code language to better clarify and express requirements of the safety and evacuation plan.	
	Results of Action for City and Community: Provided clarity for operations and facilities that are required to comply with this section based on their facility design or use.	



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37.	403.10.3.2	Employee training. Employees shall be periodically instructed and kept informed of their duties and responsibilities under the plan. Records of instruction shall be maintained. Such instruction shall be reviewed by employees at intervals not exceeding two months. A copy of the plan shall be readily available at all times within the facility. Training of new staff shall be provided promptly upon employment. Staff shall be instructed in the proper use of portable fire extinguishers.
	Action and Reason: Rewording of code language to better clarify and express requirements of the safety and evacuation plan.	
	Results of Action for City and Community: Provided clarity for operations and facilities that are required to comply with this section base on their facility design or use.	
38.	503.3.2	Fire apparatus access road signs. Required fire apparatus access road markings less than 36 feet (10972 mm) wide shall be identified by fire lane signs (see Appendix D) and red curbs on both sides of the road as follows:
	Action and Reason: Removal of a clerical mistype inadvertently added to this section. Sections 503.3.3, 503.3.4, and 503.3.5 already state the width of roads in comparison to their fire lane signage and red curb requirements.	
	Results of Action for City and Community: The action clarifies the code requirements for fire lanes and removes the unintended requirement for fire lanes on both sides of roads less than 36 ft.	



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39.	505.1.2	Commercial occupancies. Premises identification shall be provided for Group A, B, E, F, H, I, M, S and U occupancies. The building identification is required to be internally or externally illuminated to meet visibility requirements in low or no light conditions.
	Action and Reason: Adding illumination text to the section. This requirement for illumination is currently found in the immediately following section 505.1.2.1 and the intent was to apply to all commercial addressing (505.1.2.1, 5.5.1.2.2, and 505.1.2.3). However, due to a clerical mistype, it was inadvertently placed in the wrong section at print.	
	Results of Action for City and Community: This action will ensure that address numbering at commercial locations, that are critical to reducing emergency response times, are visible in low and no light conditions.	
40.	505.1.2.1	Buildings less than 200 feet. Buildings less than 200 feet (60,960 mm) long and less than 100 feet (30,480 mm) from the edge of the road shall be identified with a building address that is not less than 12 inches (305 mm) high with a minimum 2-inch (51 mm) brush stroke on a contrasting background. The address shall be visible from all access directions. The building identification is required to be internally or externally illuminated.
	Action and Reason: This item is to be correctly moved to the code section referenced in item #39 of this document.	
	Results of Action for City and Community: This action will ensure that address numbering at commercial locations, that are critical to reducing emergency response times, are visible in low and no light conditions.	



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41.	510.4.1	Emergency responder communication enhancement coverage system signal strength . The building shall be considered to have acceptable in-building, two-way emergency responder communications enhancement system coverage when where signal strength measurements in 95 percent of all areas and 99 percent of areas designated as critical areas by the fire code official on each floor of the building meet the signal strength requirements in Sections 510.4.1.1 through 510.4.1.3.
	Action and Reason: Rewording of code language to better clarify and express requirements of Emergency Responder Communications Coverage systems. Coincides with latest terminology of latest referenced standards which allow for greater flexibility in radio coverage installations.	
	Results of Action for City and Community: These systems provide first responders the ability to communicate on portable radios in buildings that would otherwise not be possible due to the buildings size, height, or construction material used. These systems are critical for first responders' safety. These changes strengthen the safety factor for "critical areas" like stairwells in buildings by increasing the signal requirements from 95% to 99%.	
42.	703.2	Repair of penetrations. Where damaged, materials used to protect membrane- and through-penetrations shall be replaced or restored with materials or systems that meet or exceed the code requirements applicable at the time when the assembly was constructed, remodeled or altered.
	Action and Reason: Adding a new section from the 2021 International Fire Code that addresses items not previously clarified in current code.	
	Results of Action for City and Community: Provided clarity for operations and facilities that repair damage to fire rated barriers to ensure the barrier maintains required listing and protection factor.	



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43.	901.4.6.3	<p>Environment. Automatic sprinkler system riser rooms and fire pump rooms shall be maintained at a temperature of not less than 40°F (4°C) and not more than 100°F (37°C). All fire protection equipment in the room/space shall be listed for the temperatures anticipated in the space/room. If equipment listing temperatures and/or manufacture specifications fall below the anticipated maximum room/space temperatures, then cooling shall be provided to meet equipment listing. Heating and cooling units shall be permanently installed.</p> <p>Action and Reason: The intent behind the original text in adopted code was to ensure that the equipment in the room was protected from overheating. The base fire code only addresses freezing. Unique to the Phoenix area, we must be aware of electronic and equipment in non-cooled rooms/spaces. This code change requires cooling be provided if the equipment in the room/space are listed for temperatures under the anticipated maximum room temperature. In most situations, equipment with electronics and microprocessors will require cooling for the room/space.</p> <p>Results of Action for City and Community: This action benefits the customer as currently all rooms/spaces must have cooling. This change allows the cooling to be omitted if the equipment in the room is listed for the extreme Phoenix summer heat.</p>
44.	901.6	<p>901.6 Inspection, testing and maintenance. Fire detection and alarm systems, emergency alarm systems, gas detection systems, fire-extinguishing systems, smoke control systems, mechanical smoke exhaust systems and smoke and heat vents shall be maintained in an operative condition at all times, and shall be replaced or repaired where defective. Appendix I is adopted as part of the Phoenix Fire Code. This appendix is not intended to provide comprehensive inspection, testing and maintenance requirements, which are found in NFPA 10, 25 and 72. Rather, it is intended to identify problems that are readily observable during fire inspections. Nonrequired fire protection systems and equipment shall be inspected, tested and maintained or removed.</p>



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45.	Action and Reason: This text addition to the code adopts Appendix I of the 2018 International Fire Code into the Phoenix Fire Code. This appendix expresses some of the common observable violations that can impair a fire protection system from operating correctly.	
	Results of Action for City and Community: This adoption will add a job aid to fire inspection staff with additional detailed inspections points to observe while conducting inspections. This appendix does not create any new code requirements or violations. It only offers to identify common observable ones.	
	901.7	<p>Systems out of service. Where a required fire protection system is out of service, the Phoenix Fire Department Alarm Room, 602-495-5555 shall be notified immediately and, where required by the fire code official, the building shall be either evacuated and/or an approved fire watch shall be provided for all occupants left unprotected by the shutdown until the fire protection system has been returned to service. Failure to comply may result in the revocation of qualified contractor status to be an accepted Inspecting Authority within the City of Phoenix.</p> <p>Where utilized, fire watches shall be provided with not less than one approved means for notification of the fire department and their only duty shall be to perform constant patrols of the protected premises and keep watch for fires.</p>
	<p>Action and Reason: Returns requirements to national standard language for facilities that have approved mitigation procedures in place for impairments of life safety systems.</p> <p>Results of Action for City and Community: More flexibility is offered to the community in addressing temporary and accidental impairments to life safety systems.</p>	



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46.	907.5.2.2.5	Emergency Standby Power. Emergency voice/ alarm communications systems shall be provided with emergency power in accordance with Section 1203. The system shall be capable of powering the required load for a duration of not less than 24 hours, as required in NFPA 72.
	Action and Reason: This aligns the type of power source in accordance with current national base IFC 2021	
	Results of Action for City and Community: Aligns requirement with national code.	
47.		Intentionally Left Blank
	Action and Reason:	
	Results of Action for City and Community:	
48.	914.3.1.2	Water supply to required fire pumps. In buildings that are more than 420 feet (128 m) in building height, and buildings of Type IVA and IVB construction that are more than 120 feet (36.6 m) in building height , required fire pumps shall be supplied by connections to not fewer than two water mains located in different streets. Separate supply piping shall be provided between each connection to the water main and the pumps. Each connection and the supply piping between the connection and the pumps shall be sized to supply the flow and pressure required for the pumps to operate.



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	<p>Action and Reason: Adding in new language found in the 2021 International Fire Code that ensures Heavy Wood Timber (IVB) constructed buildings of more than 120 feet tall are provided with secondary water supplies to avoid fire protection disruption. This would help to ensure that a single water shut down would not shut down the whole building's fire protection systems.</p>	
	<p>Results of Action for City and Community: This will provide a higher level of protection for occupants during disruptions to service, in heavy timber high rises along with enhanced fire fighter safety and ability to mitigate a fire emergency.</p>	
49.	2007.6	<p>Foam protection. Foam fire-protection capabilities shall be provided for rooftop heliports. Such systems shall be designed, installed and maintained in accordance with the applicable provisions of Sections 903 through 905 and NFPA 11 & 418 409.</p>
	<p>Action and Reason: This change in the NFPA numbers is to correct a clerical error that resulted in the original code adoption referencing the incorrect NFPA standards for foam systems.</p>	
	<p>Results of Action for City and Community: This action does not alter or change the enforcement or requirements of the Phoenix Fire Code and only serves to eliminate incorrect NFPA standard reference numbering.</p>	
50.	3103.3.2 3108	<p>3103.3.2 3108 Mazes. Mazes including, but not limited, to corn stalk or hedge mazes, shall be in accordance with this section and Section 3106.</p>
		<p>3103.3.2.1 3108.1 Safe refuge areas. Safe refuge areas shall be established outside of the maze or building and structure, and shall not be closer than 50 feet (15240 mm).</p> <p>3103.3.2.2 3108.2 Paths. Paths throughout the maze shall be a</p>



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minimum of 36 inches (914 mm) clear and unobstructed width.

~~3103.3.2.3~~ **3108.3 Separation.** Not less than 20 feet (6096 mm) shall be provided between mazes and buildings and structures. The 20-foot (6096 mm) clearance shall be free from vegetation and obstructions.

~~3103.3.2.4~~ **3108.4 Means of egress.** Each exit shall be not less than 6 feet (1828 mm) wide.

~~3103.3.2.5~~ **3108.5 Travel distance.** The maximum travel distance to reach an exit access shall not exceed 75 feet (22,860 mm). The travel distance shall be determined by using the maze path.

~~3103.3.2.6~~ **3108.6 Number.** The travel distance required to reach an exit access shall determine the number of exits required. Locking devices shall remain unlocked on exits when the maze is occupied.

~~3103.3.2.7~~ **3108.7 Exit signs.** Signs shall be provided next to or above each exit. The lettering shall be not less than 12 inches (305 mm) high with 2-inch (51 mm) brushstrokes. The signs shall read EXIT with lettering in a color contrasting to the sign's background.

~~3103.3.2.8~~ **3108.8 Security plan.** The plan shall document who shall provide security (e.g., off-duty police officers, sheriff's posse, employees). All security personnel shall be provided with a 2-way radio and flashlight.

~~3103.3.2.9~~ **3108.9 Evacuation plans.** The plan shall document the responsibilities of all on-site employees. The plan shall also document how attendees will be evacuated and where they will be evacuated.



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~~3103.3.2.10~~ **3108.10 Maze rules.** Rules shall be posted at the maze entrance.

~~3103.3.2.11~~ **3108.11 Employee responsibilities.** Each employee shall be familiar with the evacuation plan and with fire extinguisher locations. Documentation of training shall be provided to the fire code official.

~~3103.3.2.12~~ **3108.12 Employee guides.** An employee shall be responsible for guiding a group of not more than 14 attendees through the maze. Each employee shall be provided with one flashlight and a two-way radio. The employees shall be responsible for detecting and reporting fire or smoke to a competent person posted at the maze main entrance and begin evacuation procedures.

~~3103.3.2.13~~ **3108.13 Main entrance employee.** Each maze shall be manned by an employee at the entrance. The employee shall be capable of communicating with the employees and shall be provided with a cellular telephone. When the main entrance employee receives a report of smoke, fire or injury, the employee shall immediately call 911.

~~3103.3.2.14~~ **3108.14 Watering.** Corn stalk and hedge mazes shall be provided with sufficient water and at a frequency that prevents the vegetation from becoming dry or brittle. Failure to comply with this provision creates an imminent hazard and the fire code official shall issue a stop order.

~~3103.3.2.15~~ **3108.15 Buildings and structures.** Where buildings and structures are intended to be occupied by attendees, the building and structure shall comply with Section 905 regarding Class III standpipes.



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	Action and Reason: This section for “Mazes” was clerically placed in the wrong location of the Chapter when printed. This corrected that clerical error.	
	Results of Action for City and Community: There is no permitting or regulatory change as a result of this action.	
51.	5003.2.2.1	2. Piping and tubing shall be identified in accordance with ASME A13.1. Markings used for piping systems shall consist of the content's name and include a direction-of-flow arrow. Markings shall be provided at each valve; at wall, floor or ceiling penetrations; at each change of direction; and at a minimum of every 20 feet (6096 mm) or fraction thereof throughout the piping run.
	Action and Reason: This action changes a clerical error in the original code adoption where ASME A13 was an incorrect statement. The correct ASME is 13.1	
	Results of Action for City and Community: This action does not alter or change the enforcement or requirements of the Phoenix Fire Code and only serves to eliminate incorrect ASME standard reference numbering.	
52.	5005.1.12	Emergency isolation. Where gases or liquids having a hazard ranking of Health Class 3 or 4, Flammability Class 4, Water Reactive Reactivity Class 3 or 4 or Instability Class 3 or 4 in accordance with NFPA 704 are carried in pressurized piping above 15 pounds per square inch gauge (psig) (103 kPa), an approved means of leak detection and emergency shutoff or excess flow control shall be provided. Where the piping originates from within a hazardous material storage room or area, the excess flow control shall be located within the storage room or area. Where the piping originates from a bulk source, the excess flow control shall be located as close to the bulk source as practical.



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	Action and Reason: Change the hazards classification description of “Reactivity” to Water Reactive” as the original statement was a clerical error in the original adoption of the fire code.	
	Results of Action for City and Community: This action does not alter or change the enforcement or requirements of the Phoenix Fire Code and only serves to eliminate incorrect hazards classification description.	
53.	Chapter 80	<p>API</p> <p>Std 2000 - 6th 7th Edition (2009 2014): Venting Atmosphere and Low-pressure Storage Tanks: Nonrefrigerated and Refrigerated</p> <p>RP 2028 – 3rd Edition (2002) Flame Arresters in Piping Systems</p> <p>RP 2350 – 5th Edition (2021) Overfill Prevention for Storage Tanks in Petroleum Facilities</p> <p>ASHRAE The American Society of Heating, Refrigerating and Air-Conditioning Engineers</p> <p>15 – 2016 2022 Safety Standard for Refrigeration Systems</p> <p>ASME</p> <p>A13.1 – 2015 2020</p> <p>B31.3 – 2016 2020 Process Piping</p> <p>BPVC - 2015 2019: ASME Boiler and Pressure Vessel Code (Sections I, II, IV, V & VI, VIII)</p>



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ANSI/BHMA

A156.38 – 2009 Low Energy Power Operated Sliding and Folding Doors

A156.27 – 2019 Power and Manual Operated Revolving Pedestrian Doors

A156.19 – 2007 Power Assist and Low-Energy Power Operated Doors

A156.10 – 2007 Power Operated Pedestrian Doors

OSHA

29 CFR 1910 & 1926

NFPA

855 – ~~20~~ 23 Standard for the installation of energy storage systems

1221 – 19 Standard for the Installation, Maintenance, and Use of Emergency Services Communication Systems

Action and Reason: As material and manufacturing technology improve, adapt, and change, the fire code needs to adapt at the same pace to meet the needs and expectations of our development community. These changes update current adopted national standards to newer editions and versions to ensure the Phoenix Fire Code can provide safety while still promoting growth of new and emerging technologies and code development.

Results of Action for City and Community: This action will bring the reference standards more in line with current editions.



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54.	408	Emergency Response Preplanning. When required by the Fire Code Official a facility, property, and/or business shall provide the Fire Code Official with a site plan and building layout (internal and external) identifying emergency access points, fire control and protection equipment locations, and other life safety features inside the property and structures.
		<ul style="list-style-type: none">• Action and Reason: This is a new requirement to the Phoenix Fire Code to address identification of emergency equipment and locations both outside and inside a building that are used during emergencies. When responding to emergencies, time is a critical factor in the ability of first responders to facilitate successful emergency operations and results. The ability to preplan and understand a buildings' critical life safety features are an integral part of this component of response. Current Phoenix Fire Code (Sections 404 Emergency Plans and 407 Hazard Communications) requires building operators and owners to produce some information relating to their building designs, layouts, and system locations/features based on occupancy type. However, the fire code currently falls short in its ability to ensure first responders have critical information relating to facilities. This missing information encompasses the locations of fire department connections (FDC), fire sprinkler riser rooms, standpipe locations, fire fighter breathing air locations, smoke control and evacuation panel locations, blind elevator shafts, and similar system locations and access points.
		Results of Action for City and Community: This action will enhance fire fighter and building occupant safety by allowing responding first responders to evaluate and formulate plans while enroute and while operating on-scene.



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55.	1204.2.3	<p>Building-integrated photovoltaic (BIPV) systems. Where building-integrated photovoltaic (BIPV) systems are installed in a manner that creates areas with electrical hazards to be hidden from view, markings shall be provided to identify the hazardous areas to avoid. The markings shall be reflective and be visible from grade.</p> <p>Exception: BIPV systems <i>listed</i> in accordance with Section 690.12(B)(2) of NFPA 70 (2020 edition), where the removal or cutting away of portions of the BIPV system during fire-fighting operations have been determined to not expose a fire fighter to electrical shock hazards.</p>
		<p>Action and Reason: This requirement reflects new language in the International Fire Code of which our Phoenix Fire Code is derived from. This new section requires markings and signage to address concerns for fire fighter safety when cutting holes or exposing wires in a building during fire ground operations that may still be energized from a photovoltaic (solar) system.</p>
		<p>Results of Action for City and Community: This action will enhance fire fighter and building occupant safety.</p>
56.	1206.2.2	<p>Construction documents. The following information shall be provided with the permit application:</p> <ol style="list-style-type: none"> 1. Location and layout diagram of the room in which the stationary storage battery system is to be installed. 2. Details on hourly fire-resistance-rated assemblies provided. 3. Quantities and types of storage batteries and battery systems. 4. Manufacturer's specifications, ratings and listings of storage batteries and battery systems. 5. Details on energy management systems.



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		6. Location and content of signage. 7. Details on fire-extinguishing, smoke detection and ventilation systems. 8. Rack storage arrangement, including seismic support criteria. 9. A commissioning plan Section TBD 10. A decommissioning plan Section TBD
		Action and Reason: This requirement reflects new language in the International Fire Code of which our Phoenix Fire Code is derived from. This code section requires a commission and decommission plan be created for ESS installations. This will help ensure that safe and code compliant procedures are adhered to when the systems are brought online and when they meet their end of life.
		Results of Action for City and Community: This action help provide a plan for the safe operation and decommissioning of ESS installations over their life span.
57.	1206.1	<p>Scope. The provisions in this section are applicable to energy storage systems designed to provide electrical power to a building or facility. These systems are used to provide standby or emergency power, an uninterruptable power supply, load shedding, load sharing or similar capabilities. Energy storage systems in Group R-3 and R-4 occupancies shall be in accordance with Sections 1206.2.1 and 1206.4. Approved signage is required for all installations.</p> <p>General. The provisions in this section are applicable to stationary and mobile Energy Storage System (ESS).</p> <p>Exception: ESS in Group R-3 and R-4 occupancies exceeding those amounts listed in table 1206.2 shall comply with Section 1206.4 and 1206.2.1.1</p>
		Action and Reason: These changes to the current code text serve only to better articulate the size of an energy storage system that would be regulated and permitted by this section.



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	Results of Action for City and Community: There is no change in the regulation amounts or permitting as a result of this action.	
58.	1206.2.1	<p>Permits. Permits shall be obtained for the construction and operation of stationary storage battery systems with a capacity of more than 3 kWh, in accordance with Section 105.7.2.</p> <p>Scope. ESS having capacities exceeding the values shown in Table 1206.2 shall comply with this section.</p> <p>Exception: ESS in Group R-3 and R-4 occupancies exceeding those amounts listed in table 1206.2 shall comply with Section 1206.4</p>
	Action and Reason: These changes to the current code text serve only to better articulate the size of an energy storage system that would be regulated and permitted by this section.	
	Results of Action for City and Community: There is no change in the regulation amounts or permitting as a result of this action.	
59.	1206.2.1.1	<p>Stationary storage battery systems. Stationary storage battery systems having capacities exceeding the values shown in Table 1206.2 shall comply with Section 1206.2.1 through 1206.2.13.6, as applicable. Approved signage is required for all installations.</p> <p>Permits. Permits shall be obtained for ESS as follows;</p> <ol style="list-style-type: none"> 1. Construction permits shall be obtained for stationary ESS installations greater than table 1206.2 and for mobile ESS charging and storage locations covered by Section 1207.10.1.



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		2. Permits shall be obtained in accordance with Section 105.7.2		
	Action and Reason: These changes to the current code text serve only to better articulate the size of an energy storage system that would be regulated and permitted by this section.			
	Results of Action for City and Community: There is no change in the regulation amounts or permitting as a result of this action.			
60.	1206.2.1	Permits. Permits shall be obtained for the construction of stationary storage battery systems with a capacity of more than 3 kWh, in accordance with Section 105.7.2.		
	Action and Reason: These changes to the current code text serve only to better articulate the size of an energy storage system that would be regulated and permitted by this section.			
	Results of Action for City and Community: There is no change in the regulation amounts or permitting as a result of this action.			
61.	Table 1206.2	BATTERY TECHNOLOGY	ENERGY CAPACITY a	
		Flow batteries	20 kWh	
		Lead-acid batteries, all types	70 kWh	
		Lithium, all types	20 kWh	
		Nickel-cadmium batteries (Ni-Cd)	70 kWh	
		Other battery technologies	10 kWh	



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		Stationary ESS in R3/4 Occupancies	3 kWh
		Other electrochemical ESS	3 kWh
	Action and Reason: There are two actions with this table change. Firstly, the “ <i>Stationary battery technologies at R-3 & R-4 occupancies</i> ” change to the current table serves only to better articulate the size of an energy storage system that would be regulated and permitted by this section. Secondly, the “ <i>Other electrochemical ESS</i> ” is not currently in the Phoenix Fire Code but is found in the 2021 International Fire Code. As technology and manufacturing material improve, adapt, and change, the fire code needs to adapt at the same pace to meet the needs and expectations of our development community.		
	Results of Action for City and Community: This will set forth the regulation of new ESS (battery) technology and chemistry types not yet developed or envisioned when the current Phoenix Fire Code was adopted.		
62.	1207	PORTABLE GENERATORS 1207.1 Portable generators. The use, operation and maintenance of portable generators shall comply with this section. 1207.2 Listing. Portable generators manufactured after January 1, 2021, shall be <i>listed</i> and <i>labeled</i> in accordance with UL 2201. 1207.3 Operation and maintenance. Portable generators shall be operated and maintained in accordance with the manufacturer’s instructions. 1207.4 Grounding. Portable generators shall be grounded in accordance with NFPA 70.	



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1207.5 Operating locations. Portable generators shall be operated only outdoors a minimum of 5 feet (1524 mm) from any building openings such as windows and doors or air intakes. Portable generators shall not be operated within buildings or enclosed areas. Additional separation shall be provided for tents, membrane structures and outdoor assembly events as specified in Chapter 31.

1207.6 Cords and wiring. Extension cords and temporary wiring used to connect portable generators shall be in accordance with Section 604 and shall be provided with GFCI protection.

1207.7 Connections to premise wiring. Connections to a premise wiring system shall comply with all of the following:

- 1. Power shall not be provided in a manner that “backfeeds” receptacles or the premise wiring system.**
- 2. Connection to a premise served by commercial power shall be made through a *listed* transfer switch installed, used and maintained in accordance with NFPA 70.**
- 3. Connection to buildings not served by commercial power shall comply with NFPA 70.**

1207.8 Refueling. Portable generators shall not be refueled while operating.

1207.9 Storage and repair. Storage and repair of fuel-fired portable generators shall comply with Section 313.

1207.10 Fire extinguisher. A listed portable fire extinguisher complying with Section 906 with a minimum rating of 2-A:20-B:C shall be provided not more than 50 feet (15 240 mm) from the portable generator.



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	Action and Reason: This requirement reflects new language in the 2021 International Fire Code of which our Phoenix Fire Code is derived from.	
	Results of Action for City and Community: These new sections address the hazards associated with portable generators and work to reduce and hopefully eliminate any possible hazards situation with their use.	
63.	Final Numbering TBD	<p>1203.2.5 (Final Numbering TBD) Exhaust ventilation. Standby power shall be provided for mechanical exhaust ventilation systems as required in Section 1207.6.1.2.1 (Final Numbering TBD). The system shall be capable of powering the required load for a duration of not less than 2 hours.</p> <p>1203.4.1 Group I-2 and ambulatory care facilities. In Group I-2 occupancies and ambulatory care facilities, emergency and standby power systems shall be maintained in accordance with NFPA 99.</p> <p>1203.5.1 Group I-2 and ambulatory care facilities. In Group I-2 occupancies and ambulatory care facilities, emergency and standby power systems shall be inspected and tested under load in accordance with NFPA 99.</p>
	Action and Reason: These proposed code sections reflects new language found in the 2021 International Fire Code	



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	Results of Action for City and Community: These changes reflect emergency and standby power requirements. This adoption of current 2021 International Fire Code base language supports our mission of community risk reduction.	
64.	Final Numbering TBD	<p>1207.3.8 (Final Numbering TBD) Replacements. Replacements of ESS shall be considered new ESS installations and shall comply with the provisions of Section 1207 (Final Numbering TBD) as applicable to new ESS. The ESS being replaced shall be decommissioned in accordance with Section 1207.2.3 (Final Numbering TBD).</p> <p>1207.3.9 (Final Numbering TBD) Reused and repurposed equipment. Equipment and materials shall only be reused or reinstalled as permitted in Section 104.8.1. (Final Numbering TBD) Storage batteries previously used in other applications, such as electric vehicle propulsion, shall not be reused in applications regulated by Chapter 12 unless approved by the fire code official and unless the equipment is refurbished by a battery refurbishing company approved in accordance with UL 1974.</p> <p>1207.1.6.1 (Final Numbering TBD) Fire mitigation personnel. Where, in the opinion of the fire code official, it is essential for public safety that trained personnel be on-site to respond to possible ignition or re-ignition of a damaged ESS, the system owner, agent or lessee shall immediately dispatch one or more fire mitigation personnel to the premise, as required and approved, at their expense. These personnel shall remain on duty continuously after the fire department leaves the premise until the damaged energy storage equipment is removed from the premises, or earlier if the fire code official indicates the public safety hazard has been abated.</p> <p>1207.1.6.2 (Final Numbering TBD) Duties. On-duty fire mitigation personnel shall have the following responsibilities:</p>



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1. Keep a diligent watch for fires, obstructions to means of egress and other hazards.
 2. Immediately contact the fire department if their assistance is needed to mitigate any hazards or extinguish fires.
 3. Take prompt measures for remediation of hazards in accordance with the decommissioning plan per Section 1207.2.3 (Final Numbering TBD).
 4. Take prompt measures to assist in the evacuation of the public from the structures.
- 1206.2.7 (Final Numbering TBD) Testing, maintenance and repair and retrofitting.** Storage batteries and associated equipment and systems shall be tested and maintained in accordance with the manufacturer's instructions. Any storage batteries or system components used to replace existing units shall be compatible with the battery charger, energy management systems, other storage batteries and other safety systems. Introducing other types of storage batteries into the stationary storage battery system or other types of electrolytes into flow battery systems shall be treated as a new installation and require approval by the fire code official before the replacements are introduced into service.
- 1207.3.6 (Final Numbering TBD) Repairs.** Repairs of ESS shall only be done by qualified personnel. Repairs with other than identical parts shall be considered retrofitting and comply with Section 1207.3.7 (Final Numbering TBD). Repairs shall be documented in the service records log.
- 1207.3.7 (Final Numbering TBD) Retrofits.** Retrofitting of an existing ESS shall comply with the following:
1. A construction permit shall be obtained in accordance with Section 105.6.5 (Final Numbering TBD).
 2. New batteries, battery modules, capacitors and similar ESS components shall be listed.



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	<p>3. Battery management and other monitoring systems shall be connected and installed in accordance with the manufacturer's instructions.</p> <p>4. The overall installation shall continue to comply with UL 9540 listing requirements, where applicable.</p> <p>5. Systems that have been retrofitted shall be commissioned in accordance with Section 1207.2.1 (Final Numbering TBD).</p> <p>6. Retrofits shall be documented in the service records log.</p> <p>1207.3.7.1 (Final Numbering TBD) Retrofitting lead acid and nickel cadmium. Section 1207.3.7 (Final Numbering TBD) shall not apply to retrofitting of lead-acid and nickel-cadmium batteries with other lead-acid and nickel-cadmium batteries at facilities under the exclusive control of communications utilities that comply with NFPA 76 and operate at less than 50 VAC and 60 VDC.</p> <p>1206.2.10.1 Listings. Storage batteries and battery storage systems shall comply with the following:</p> <p>1. Storage batteries shall be listed in accordance with UL 1973.</p> <p>2. Prepackaged and pre-engineered stationary storage battery systems shall be listed in accordance with UL 9540.</p> <p>Exception: Lead-acid batteries are not required to be listed.</p> <p>1206.2.10.1 (Final Numbering TBD) Energy storage system listings. ESS shall be listed in accordance with UL 9540. Exception: Lead-acid and nickel-cadmium battery systems installed in facilities under the exclusive control of communications utilities, and operating at less than 50 VAC and 60 VDC in accordance with NFPA 76, are not required to be listed.</p>
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1207.3.2 (Final Numbering TBD) Equipment listing. Chargers, inverters and energy storage management systems shall be covered as part of the UL 9540 listing or shall be listed separately.

1207.3.3 (Final Numbering TBD) Utility interactive systems. Inverters shall be listed and labeled in accordance with UL 1741. Only inverters listed and labeled for utility interactive system use and identified as interactive shall be allowed to operate in parallel with the electric utility power system to supply power to common loads.

1207.5.4.1 (Final Numbering TBD) System status. Where required by the fire code official, visible annunciation shall be provided on cabinet exteriors or in other approved locations to indicate that potentially hazardous conditions associated with the ESS exist.

~~**1206.2.11.2 Smoke detection system. An approved automatic smoke detection system shall be installed in rooms containing stationary storage battery systems in accordance with Section 907.2.**~~

1207.5.4 (Final Numbering TBD) Fire detection. An approved automatic smoke detection system or radiant energy-sensing fire detection system complying with Section 907.2 shall be installed in rooms, indoor areas and walk-in units containing electrochemical ESS. An approved radiant energy-sensing fire detection system shall be installed to protect open parking garage and rooftop installations. Alarm signals from detection systems shall be transmitted to a central station, proprietary or remote station service in accordance with NFPA 72, or where approved to a constantly attended location.



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1207.5.4.1 (Final Numbering TBD) System status. Where required by the fire code official, visible annunciation shall be provided on cabinet exteriors or in other approved locations to indicate that potentially hazardous conditions associated with the ESS exist.

1207.2 (Final Numbering TBD) Commissioning, decommissioning, operation and maintenance. Commissioning, decommissioning, operation and maintenance shall be conducted in accordance with this section.

1207.2.1 (Final Numbering TBD) Commissioning. Commissioning of newly installed ESS and existing ESS that have been retrofitted, replaced or previously decommissioned and are returning to service shall be conducted prior to the ESS being placed in service in accordance with a commissioning plan that has been approved prior to initiating commissioning. The commissioning plan shall include the following:

- 1. A narrative description of the activities that will be accomplished during each phase of commissioning, including the personnel intended to accomplish each of the activities.**
- 2. A listing of the specific ESS and associated components, controls and safety-related devices to be tested, a description of the tests to be performed and the functions to be tested.**
- 3. Conditions under which all testing will be performed, which are representative of the conditions during normal operation of the system.**
- 4. Documentation of the owner's project requirements and the basis of design necessary to understand the installation and operation of the ESS.**
- 5. Verification that required equipment and systems are installed in accordance with the approved plans and specifications.**
- 6. Integrated testing for all fire and safety systems.**



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7. Testing for any required thermal management, ventilation or exhaust systems associated with the ESS installation.
8. Preparation and delivery of operation and maintenance documentation.
9. Training of facility operating and maintenance staff.
10. Identification and documentation of the requirements for maintaining system performance to meet the original design intent during the operation phase.
11. Identification and documentation of personnel who are qualified to service, maintain and decommission the ESS, and respond to incidents involving the ESS, including documentation that such service has been contracted for.
12. A decommissioning plan for removing the ESS from service, and from the facility in which it is located. The plan shall include details on providing a safe, orderly shutdown of energy storage and safety systems with notification to the code officials prior to the actual decommissioning of the system. The decommissioning plan shall include contingencies for removing an intact operational ESS from service, and for removing an ESS from service that has been damaged by a fire or other event.

Exception: Commissioning shall not be required for lead-acid and nickel-cadmium battery systems at facilities under the exclusive control of communications utilities that comply with NFPA 76 and operate at less than 50 VAC and 60 VDC. A decommissioning plan shall be provided and maintained where required by the fire code official.

1207.2.1.1 (Final Numbering TBD) Initial acceptance testing. During the commissioning process an ESS shall be evaluated for proper operation in accordance with the manufacturer's instructions and the commissioning plan prior to final approval.

1207.2.1.2 (Final Numbering TBD) Commissioning report. A report describing the results of the system commissioning,



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including the results of the initial acceptance testing required in Section 1207.2.1.1 (**Final Numbering TBD**), shall be provided to the fire code official prior to final inspection and approval and maintained at an approved on-site location.

1207.2.2 (Final Numbering TBD) Operation and maintenance. An operation and maintenance manual shall be provided to both the ESS owner or their authorized agent and the ESS operator before the ESS is put into operation and shall include the following:

- 1. Manufacturer's operation manuals and maintenance manuals for the entire ESS, or for each component of the system requiring maintenance, that clearly identify the required routine maintenance actions.**
- 2. Name, address and phone number of a service agency that has been contracted to service the ESS and its associated safety systems.**
- 3. Maintenance and calibration information, including wiring diagrams, control drawings, schematics, system programming instructions and control sequence descriptions, for all energy storage control systems.**
- 4. Desired or field-determined control set points that are permanently recorded on control drawings at control devices or, for digital control systems, in system programming instructions.**
- 5. A schedule for inspecting and recalibrating all ESS controls.**
- 6. A service record log form that lists the schedule for all required servicing and maintenance actions and space for logging such actions that are completed over time and retained on-site.**

The ESS shall be operated and maintained in accordance with the manual and a copy of the manual shall be retained at an approved on-site location.



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		<p>1207.2.2.1 (Final Numbering TBD) Ongoing inspection and testing. Systems that monitor and protect the ESS installation shall be inspected and tested in accordance with the manufacturer's instructions and the operation and maintenance manual. Inspection and testing records shall be maintained in the operation and maintenance manual.</p> <p>1207.2.3 (Final Numbering TBD) Decommissioning. The code official shall be notified prior to the decommissioning of an ESS. Decommissioning shall be performed in accordance with the decommissioning plan that includes the following:</p> <ol style="list-style-type: none">1. A narrative description of the activities to be accomplished for removing the ESS from service, and from the facility in which it is located.2. A listing of any contingencies for removing an intact operational ESS from service, and for removing an ESS from service that has been damaged by a fire or other event.
		<p>Action and Reason: These proposed code sections reflects new language found in the 2021 International Fire Code</p>
		<p>Results of Action for City and Community: These changes are a reflection of current 2021 International Fire Code base language that supports our mission of community risk reduction as it relates to ESS.</p>
	65.	<p>1207.10 (Final Numbering TBD) Mobile ESS equipment and operations. Mobile ESS equipment and operations shall comply with Sections 1207.10.1 (Final Numbering TBD) through 1207.10.7.7 (Final Numbering TBD).</p>



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TABLE 1207.10 MOBILE ENERGY STORAGE SYSTEMS (ESS)

COMPLIANCE REQUIRED		DEPLOYMENT ^a
Feature	Section	
All ESS installations	1207.4	Yes ^b
Fire suppression systems	1207.5.5	Yes ^c
Maximum allowable quantities	1207.5.2	Yes
Maximum enclosure size	1207.5.6	Yes
Means of egress separation	1207.5.8	Yes
Size and separation	1207.5.1	Yes ^d
Smoke and automatic fire detection	1207.5.4	Yes ^e
Technology-specific protection	1207.6	Yes
Vegetation control	1207.5.7	Yes

^a See Section 1207.10.2.

^b Mobile operations on wheeled vehicles and trailers shall not be required to comply with Section 1207.4.4 seismic and structural load requirements.

^c Fire suppression system connections to the water supply shall be permitted to use approved temporary connections.

^d In walk-in units, spacing is not required between ESS units and the walls of the enclosure.

^e Alarm signals are not required to be transmitted to an approved location for mobile ESS deployed 30 days or less.

1207.10.1 (Final Numbering TBD) Charging and storage. For the purpose of Section 1207.10 (Final Numbering TBD), charging and storage covers the operation where mobile ESS are charged and stored so they are ready for deployment to another site, and where they are charged and stored after a deployment.

1207.10.2 (Final Numbering TBD) Deployment. For the purpose of Section 1207.10, deployment covers operations where mobile ESS are located at a site other than the charging and storage site and are being used to provide power.

1207.10.3 (Final Numbering TBD) Permits. Construction permits shall be provided for charging and storage of mobile ESS shall be provided for deployment of mobile ESS as required by Section 1207.1.2 (Final Numbering TBD).

1207.10.4 (Final Numbering TBD) Construction documents. Construction documents complying with Section 1207.1.3 (Final Numbering TBD) shall be provided with the construction permit application for mobile ESS charging and storage locations.

1207.10.4.1 (Final Numbering TBD) Deployment documents. The following information shall be provided with the operation permit applications for mobile ESS deployments:



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1. Relevant information for the mobile ESS equipment and protection measures in the construction documents required by Section 1207.1.3 (Final Numbering TBD).
 2. Location and layout diagram of the area in which the mobile ESS is to be deployed, including a scale diagram of all nearby exposures.
 3. Location and content of signage, including no smoking signs.
 4. Description of fencing to be provided around the ESS, including locking methods.
 5. Details on fire suppression, smoke and automatic fire detection, system monitoring, thermal management, exhaust ventilation and explosion control, if provided.
 6. For deployment, the intended duration of operation, including anticipated connection and disconnection times and dates.
 7. Location and description of local staging stops during transit to the deployment site. See Section 1207.10.7.5 (Final Numbering TBD).
 8. Description of the temporary wiring, including connection methods, conductor type and size, and circuit overcurrent protection to be provided.
 9. Description of how fire suppression system connections to water supplies or extinguishing agents are to be provided.
 10. Contact information for personnel who are responsible for maintaining and servicing the equipment, and responding to emergencies as required by Section 1207.1.6.1 (Final Numbering TBD).
- 1207.10.5 (Final Numbering TBD) Approved locations. Locations where mobile ESS are charged, stored and deployed shall be restricted to the locations established on the construction permit.**
- 1207.10.6 (Final Numbering TBD) Charging and storage. Installations where mobile ESS are charged and stored shall be treated as permanent ESS indoor or outdoor installations, and**



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shall comply with the following sections, as applicable:

1. Indoor charging and storage shall comply with Section 1207.7.

2. Outdoor charging and storage shall comply with Section 1207.8.

3. Charging and storage on rooftops and in open parking garages shall comply with Section 1207.9 (Final Numbering TBD).

Exceptions:

1. Electrical connections shall be permitted to be made using temporary wiring complying with the manufacturer's instructions, the UL 9540 listing and NFPA 70.

2. Fire suppression system connections to the water supply shall be permitted to use approved temporary connections.

1207.10.7 (Final Numbering TBD) Deployed mobile ESS requirements. Deployed mobile ESS equipment and operations shall comply with this section and Table 1207.10 (Final Numbering TBD).

1207.10.7.1 (Final Numbering TBD) Duration. The duration of mobile ESS deployment shall not exceed 30 days.

Exceptions:

1. Mobile ESS deployments that provide power for durations longer than 30 days shall comply with Section 1207.10.6 (Final Numbering TBD).

2. Mobile ESS deployments shall not exceed 180 days unless additional approval from the Fire Code Official is obtained.

1207.10.7.2 (Final Numbering TBD) Restricted locations.

Deployed mobile ESS operations shall not be located indoors, in covered parking garages, on rooftops, below grade or under building overhangs.

1207.10.7.3 (Final Numbering TBD) Clearance to exposures.

Deployed mobile ESS shall be separated by a minimum of 10



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	<p>feet (3048 mm) from the following exposures:</p> <ol style="list-style-type: none">1. Public ways.2. Buildings.3. Stored combustible materials.4. Hazardous materials.5. High-piled storage.6. Other exposure hazards. <p>Deployed mobile ESS shall be separated by a minimum of 50 feet (15,240 mm) from public seating areas and from tents, canopies and membrane structures with an occupant load of 30 or more.</p> <p>1207.10.7.4 (Final Numbering TBD) Electrical connections. Electrical connections shall be made in accordance with the manufacturer's instructions and the UL 9540 listing. Temporary wiring for electrical power connections shall comply with NFPA 70. Fixed electrical wiring shall not be provided.</p> <p>1207.10.7.5 (Final Numbering TBD) Local staging. Mobile ESS in transit from the charging and storage location to the deployment location and back shall not be parked within 100 feet (30,480 mm) of an occupied building for more than 1 hour during transit, unless specifically approved by the fire code official when the permit is issued.</p> <p>1207.10.7.6 (Final Numbering TBD) Fencing. An approved fence with a locked gate or other approved barrier shall be provided to keep the general public at least 5 feet (1,524 mm) from the outer enclosure of a deployed mobile ESS.</p> <p>1207.10.7.7 (Final Numbering TBD) Smoking. Smoking shall be prohibited within 10 feet (3,048 mm) of mobile ESS. Signs shall be posted in accordance with Section 310.</p>
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	Action and Reason: These proposed code sections reflects new language found in the 2021 International Fire Code	
	Results of Action for City and Community: These changes are a reflection of mobile ESS system language in the current 2021 International Fire Code base that supports our mission of community risk reduction.	
66.	Appendix D	Remove Appendix D's contents (Fire Department Details) from the adopted Fire Code and create a standalone "Phoenix Fire Department Access and Identification Detail Manual." Appendix D will now refer to this document for access details.
	Action and Reason: Chapter 5 of the Phoenix Fire Code drives the requirements for when emergency access is required. Appended D only serves to clarify the way in which the access is to be signed or marked. Example a fire lane sign color, size, lettering, font, and location. As access technology and emergency apparatus evolve, so must the emergency access and signage detail requirements of the fire code. This change allows Fire Prevention to adjust material and specs for access identification as industry evolves rather than awaiting a code change cycle.	
	Results of Action for City and Community: Fire Prevention can approve and allow new technology and materials with a reduced approval time frame for our customers.	
67.	105.6.36	Outdoor assembly event. An operational permit is required to conduct an outdoor assembly event where planned attendance exceeds 500 persons, or where 50 or more persons are in-a confined area.by temporary fencing or barriers.
	Action and Reason: With the original text, any event with 50 or more people on an already permitted patio or similar enclosed area would require an assembly permit. This was not the intent to require outdoor assembly permits for areas	



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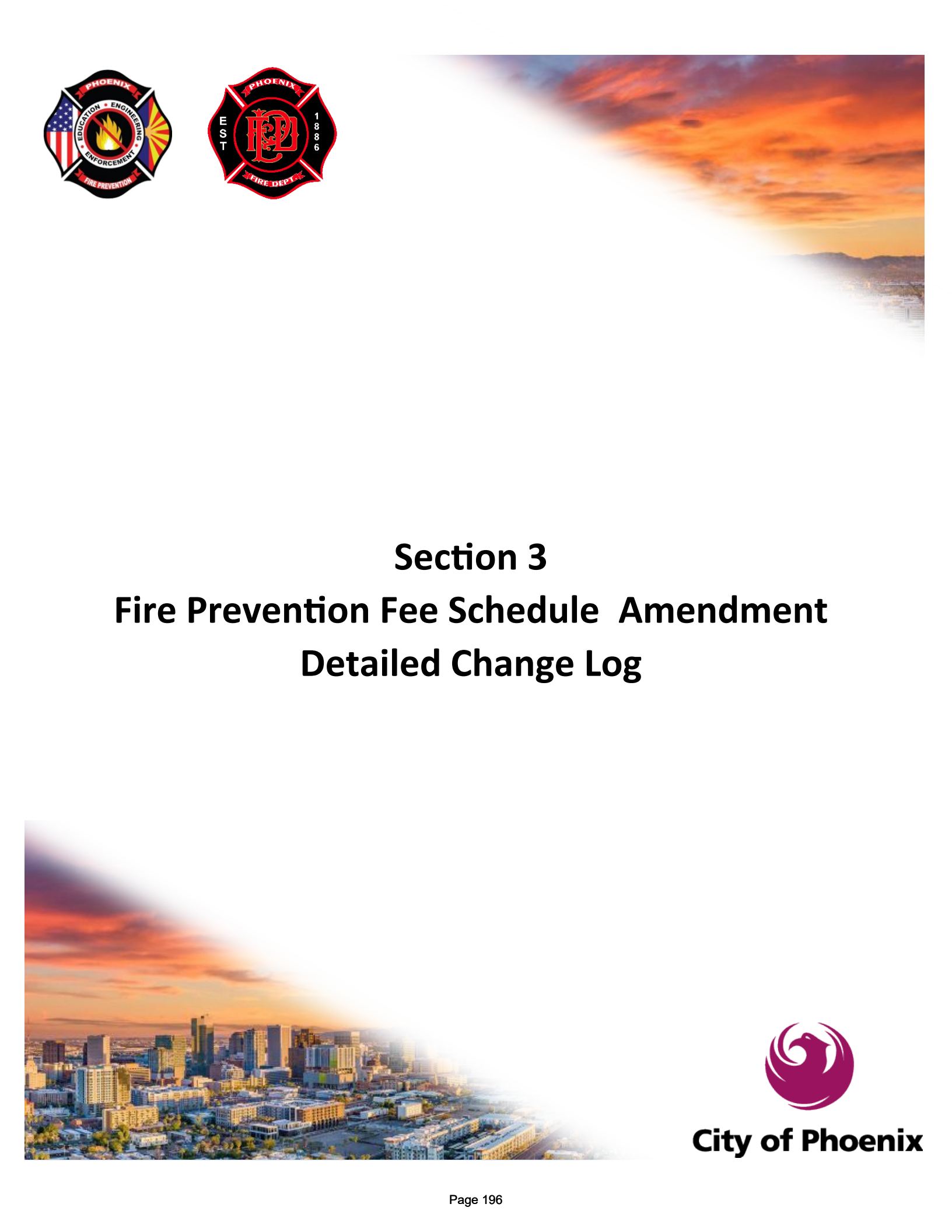
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already approved for that use. This new language now adds those confined by temporary fencing or barriers to apply to special temporary events only.

Results of Action for City and Community: This will reduce the confusion of the requirements and clarify the intent for temporary special events.



Section 3

Fire Prevention Fee Schedule Amendment Detailed Change Log



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Fire Prevention Fee Schedule Amendments, Consistency, & Clarification Change Tracker

Changes after Adoption 2018 Fire Prevention Fee Schedule Amendment Log

Black Text = Current adopted Fee Schedule text

Blue Bold Text = Proposed amended text to be added

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Action Taken By:

Fire Safety Advisory Board

Date 9/25/2023

☐ Approved as Submitted ☐ Modified and Approved ☐ Denied ☐ No Action Taken

Public Safety & Justice Subcommittee

Date 1/3/2024

☐ Approved as Submitted ☐ Modified and Approved ☐ Denied ☐ No Action Taken

City Council Action

Date TBD

☐ Approved as Submitted ☐ Modified and Approved ☐ Denied ☐ No Action Taken

1.	Fee Group 5 Stationary Aboveground Storage Tank Assessment	A Group 5 facility is any: Business, factory, institutional, storage or hazardous occupancy that also has storage of hazardous materials in stationary above-ground storage tanks, stationary cryogenic tanks or stationary pressure vessels having a capacity of greater than 60 gallons (227 L), or compressed gas cylinder or dewars greater than 40 gallons (151 L).
	Reason: This action removes the \$525 annual assessment fee for properties that use Dewars between 40 – 60 gallons. These are commonly found as carbon dioxide (CO2) vessels used at food establishments and convenience stores for beverage systems. These CO2 systems and Dewars already have a recurring operational permit fees established.	
	Results of Action for City and Community: This action removes the unintentional double assessment/fee for these Dewars at businesses. Currently through procedures and SOPs Fire Prevention has not been charging this assessment fee so no cost or fee impacts are anticipated to be experienced by the City or customer.	
2.	Solar Photovoltaic Power System and Electrical Energy Storage Systems Combo OTC	To install or modify a residential solar photovoltaic power system with an alternating current nameplate rating of 3 kW - 15 kW alternating current nameplate rating and battery energy storage system with 3 kWh - 27 kWh capacity. \$150 per hour / Minimum \$300 (2 hour)
	Reason: To streamline processes and reduce costs for the solar and energy storage development community and end users, a combination permit has been introduced. This	



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	<p>permit consolidates the over-the-counter permits for solar and battery installations at single-family residential locations when submitted together, resulting in reduced staff processing time and customer fees. Previously, separate permits incurred fees of 4 hours (\$600), whereas the new combo permit costs 2 hours (\$300) in total. This action also brings the permit fee in line with current staff time expenditures facilitating permitting and inspections for these types of installation. These permits account for only 3% of all energy system permits and will have a negligible effect on revenue. Based FY 22-23 data, this change would result in approximately \$63,000 in reduced revenue for a program that generates \$1.9 million in total revenue.</p> <p>Results of Action for City and Community: Reduction in City staff resources required in processing applications and permits along with streamlining customer application and inspection process.</p>	
3.	Table Area Assessment Fees Table	<p>Building Site area (ft2)</p> <p>Reason: This fee is based on total “site area” per code and not “building” site area. This was a clerical error in the original fee schedule that added the word building.</p> <p>Results of Action for City and Community: No cost or fee impacts anticipated as this error has been temporarily addressed in Fire Prevention procedures and will now be corrected in code.</p>
4.	After Hours Inspections	<p>After-hours inspections shall be billed a minimum 3 hrs at the hourly rate. Additional time needed to complete the inspection will be billed at the hourly rate. Special Event permits (Pyrotechnic, bonfire, indoor/outdoor assembly, fire performer, vehicle display inside an assembly, amusement building, trade show, and tent) include 3 hours overtime in the permit fee. Additional time required will be billed at the established rate.</p> <p>Reason: Unlike other permit fees, special event permit fees currently have the base overtime rate compensation built into their permit fee. It was not intended to charge special event permits additional fees for overtime that do not exceed the 3 hours built into the permit.</p> <p>Results of Action for City and Community: Action will ensure customers are not doubled billed for overtime inspection activity. No cost or fee impacts anticipated as this error has been temporarily addressed in Fire Prevention procedures and will now be corrected in code.</p>



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5.	Semiconductor facility.	To operate a semiconductor facility that is not part of an HPM facility
	Reason: Current Phoenix Fire Code has a requirement for an operational permit for HPM facilities and semiconductor facilities. This results in code as currently adopted, having two permits for the same operation type.	
	Results of Action for City and Community: Action removes the unintentional possible double permitting and billing for these types of semiconductor facilities.	
6.	Solar Photovoltaic Power System and Electrical Energy Storage Systems Combo	To install or modify a residential solar photovoltaic power system with an alternating current nameplate rating of greater than 15 kW alternating current nameplate rating and battery energy storage system with a greater than 27 kWh capacity. Plan review Fee = \$150 per hour / Minimum \$300 (2 hour) Inspection Fee = \$150 per hour / Minimum \$150 (1 hour)
	To streamline processes and reduce costs for the solar and energy storage development community and end users, a combination permit has been introduced. This permit consolidates the over-the-counter permits for solar and battery installations at single-family residential locations when submitted together, resulting in reduced staff processing time and customer fees. Previously, separate permits incurred fees of 4 hours (\$600), whereas the new combo permit costs 2.5 hours (\$450) in total. This action also brings the permit fee in line with current staff time expenditures facilitating permitting and inspections for these types of installation. These permits account for only 1.2% of all energy system permits and will have a negligible effect on revenue. Based FY 22-23 data, this change would result in approximately \$13,200 in reduced revenue for a program that generates \$1.9 million in total revenue.	
	Results of Action for City and Community: Reduction in City staff resources required in processing applications, permits, and plan reviews along with streamlining customer application and inspection process.	
7.	Flammable/Combustible Dispenser Changeout or Tank Reline OTC	To change out a F/C dispenser at a motor vehicle fueling site. Does not include any work below sheer valve (process piping/sumps/etc.) or emergency shutoff switch relocation. All work that is below sheer valve and/or affects piping will require plan review. \$150 per hour / Minimum \$300 (2 hour)



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	<p>Reason: This action creates an over the counter (OTC) construction permit to replace the current operational permit required. This action is a construction activity and inadvertently was originally made an operational permit type.</p>
	<p>Results of Action for City and Community: This will help expedite fueling sites when they are required to change out a dispenser by reducing permitting time frames. This permit is existing but will now become an over the counter not requiring plans to be submitted as a condition of permit issuance. No cost or fee impacts anticipated.</p>



Aircraft Rescue Firefighter Training (Ordinance S-50710)

Request authorization for the City Manager, or his designee, to enter into an Intergovernmental Agreement with the Dallas/Fort Worth International Airport Board (DFW) for Aircraft Rescue Firefighter Training for the Fire Department. Further request authorization for the City Controller to disburse funds required for this item.

Summary

Phoenix Sky Harbor International Airport (Sky Harbor) has Aircraft Rescue Firefighting (ARFF) capability. In order to maintain this capability, City of Phoenix Fire Department (PFD) firefighters stationed at Sky Harbor must train in accordance with Federal Aviation Administration (FAA) standards. These standards mandate that PFD firefighters train with live burn exercises each year, and every third year the training must be held at a facility with multiple, simultaneously burning full-scale aircraft. DFW meets or exceeds the Index D training facility requirements by the FAA.

There are very few large-scale training sites located across the United States that meet the Index D training facility requirements set by the FAA. ARFF requires a site with ample flight availability and proximity to allow an approximate 24-hour turnaround training for students. DFW is a large-scale training facility and meets the flight and proximity requirements.

DFW has taken exception to the indemnification and liability provisions in the contract. PFD is seeking an exception to Phoenix Code section 42-18 in allowing for indemnification against any liability, claim, loss, damage or expenses, including without limitation, reasonable attorney fees, arising from its negligent acts or omissions in connection with its performance of the agreement, or its failure to comply with the terms of the agreement, as determined by a court of competent jurisdiction. PFD is also seeking an exception to Phoenix Code section 42-18 in allowing a limitation of damages not to exceed \$5,000,000.

Contract Term

The contract term shall begin on or about April 1, 2024 for a three-year term with no options to extend.

Financial Impact

Maximum total three-year contract value could be up to \$415,000. The funds are available in the Aviation Department's budget.

Responsible Department

This item is submitted by Assistant City Manager Lori Bays and the Fire Department.



Fire Hose and Ladder Testing Contract - COOP 24-0083 Request for Award (Ordinance S-50729)

Request to authorize the City Manager, or his designee, to enter into a cooperative agreement with Fire Catt, LLC to provide Fire Hose and Ladder Testing for the Fire Department. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will not exceed \$250,000.

Summary

This contract will provide Fire Hose and Ladder Testing for the Fire Department. The Fire Department maintains a large fleet of specialized vehicles equipped with numerous ladders and approximately 200,000 linear feet of fire hose. Per the National Fire Protection Association Standards, NFPA 1962 and NFPA 1932, testing and inspections of fire hose and ladders must be performed annually by trained personnel. All testing and inspections shall be in accordance with applicable state and local fire codes, as well as the NFPA. Without proper testing and inspections, the Fire Department would experience equipment failures and be subject to potential property loss and jeopardize firefighter and public safety.

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 process, as set forth in the Phoenix City Code, Chapter 43. Cooperative agreements allow the City to benefit from government pricing and volume discounts. Fire Catt, LLC, uses patented technology to provide precision service testing allowing the Fire Department to maintain its hoses and ladders at levels required by NFPA standards.

Contract Term

The contract will begin on or about April 3, 2024, for a five-year term with no options to extend.

Financial Impact

The aggregate contract value will not exceed \$250,000 for the five-year aggregate

term. Funding is available in the Fire Department's budget.

Responsible Department

This item is submitted by Assistant City Manager Lori Bays and the Fire Department.



Request to Apply for and Accept Federal Fiscal Year 2023 Assistance to Firefighters Grant Program Funds (Ordinance S-50748)

Request to authorize the City Manager, or his designee, to retroactively apply for, and accept, if awarded, up to \$311,553 from Federal Fiscal Year (FFY) 2023 Assistance to Firefighters Grant (AFG) Program to fund wearable biometric devices for firefighter safety and accountability. Further request authorization for the City Treasurer to accept, and for the City Controller to disburse, all funds related to this item. If not approved, the grant, if awarded, would be turned down.

Summary

The AFG Program, administered through the Federal Emergency Management Agency (FEMA), is intended to help the nation's fire service by providing vital funds to local fire departments across the country. The primary goal of the program is to meet the firefighting and emergency response needs of fire departments, nonaffiliated emergency medical service organizations, and State Fire Training Academies. Since 2001, AFG has helped firefighters and other first responders obtain critically needed equipment, protective gear, emergency vehicles, training, and other resources necessary to protect the public and emergency personnel from fire and related hazards.

Wearable Biometric Device Project

This project will implement a limited pilot program to trial wearable biometric technology for firefighters who face high-risk, physically intensive tasks in extremely hot conditions. The devices are designed to offer feedback on key health indicators directly related to heat stress, including pulse rate, core body temperature, and levels of physical exertion. Immediate access to critical health data will enable more effective monitoring and management of the risks associated with heat-related illnesses and injuries among firefighters. The total investment for this initiative is estimated at \$311,553 with a contribution of approximately \$40,637.35 coming from City funds.

Since 2008, the Fire Department has received more than \$7 million in AFG funding. These grants have been used to purchase portable radios, thermal imaging cameras, Incident Safety Officer System Training, Automatic Chest Compression devices, Peer Support Team Training and Physical Therapy Equipment upgrades, Peer Fitness

Instructor Training and Fire Ground Survival Training and Equipment.

Procurement Information

The Fire Department will administer the grant in accordance with Administrative Regulation 3.10.

Contract Term

The grant Period of Performance is twenty-four months and projected to begin on or around Sept. 1, 2024.

Financial Impact

The grant is anticipated to have a 15 percent required cost match; funds are available in the Fire Department's operating budget.

Responsible Department

This item is submitted by Assistant City Manager Lori Bays and the Fire Department.



Amend Intergovernmental Agreement with Arizona Department of Health Services for Immunization Services (Ordinance S-50731)

Request authorization for the City Manager, or his designee, to enter into an amendment to Agreement #159280 with the Arizona Department of Health Services to extend the term of the agreement to immunize children and adults residing in the City of Phoenix. Authorization also is requested for the City Treasurer to accept, and for the City Controller to disburse, all related funds.

Summary

The Arizona Department of Health Services' (AZDHS) Arizona Immunization Program Office strives to meet national immunization goals outlined by the Centers for Disease Control and Prevention (CDC). The Fire Department will assist in Vaccine-Preventable Diseases (VPD) outbreaks and pandemic responses in coordination with equivalent county public health preparedness programs and other relevant partners. Preparedness activities may include mass vaccination exercises, identification of priority groups and hard-to-reach populations for immunization, and identification of critical infrastructure personnel. In addition to preparedness activities, this agreement with AZDHS will provide for additional capacity for data entry, reminder recall activities, and vaccine cold storage capacity.

Contract Term

The original term of the agreement was two years, commencing on July 1, 2022, and ending on June 30, 2024, with an option to renew up to a five-year period. The new term of the agreement is July 1, 2022, through June 30, 2025.

Financial Impact

The aggregate reimbursement over the life the contract will depend on the number of immunization clinics hosted but will not exceed \$10,000.

Responsible Department

This item is submitted by Assistant City Manager Lori Bays and the Fire Department.



Agreement with the State of Arizona Department of Administration for the 9-1-1 Program (Ordinance S-50745)

Request authorization for the City Manager, or his designee, to authorize the Phoenix Fire Department to retroactively apply for, accept, and enter into an agreement with the State of Arizona Department of Administration Office of Grants and Federal Resources to receive a 9-1-1 grant not to exceed \$1,745,000. Further request authorization for the City Treasurer to accept, and for the City Controller to disburse, all funds related to this item.

Summary

The Arizona Department of Administration requires 9-1-1 planning at a local level as referenced in the State of Arizona Administrative Code, Title 2, Chapter 1, Article 4 Emergency Telecommunications Services Revolving Fund. The State of Arizona Office of Grants and Federal Resources' Arizona 9-1-1 Program Office has announced the availability of funds for the Program to be distributed during the final six months of Fiscal Year 2023-24. Funding will be available for multiple grants and allocated to each System Administrator Agency to pay, on behalf of the Public Safety Answering Points (PSAP), 9-1-1 system costs and approved projects that support the goals of the Arizona 9-1-1 Program.

The System Administrator Agency for the Maricopa Region is the Phoenix Fire Department. The City of Phoenix is the contracting agent of ongoing operations of the 9-1-1 system. This authority is given through signed resolutions by Maricopa Association of Governments (MAG) member agencies. These agreements act as the governing documents for the oversight of the 9-1-1 system design, implementation, and management in the MAG Region.

The 9-1-1 Grant funding would be used to support:

- 9-1-1 networking, telecom, and Internet Protocol infrastructure.
- 9-1-1 related hardware, software, and maintenance equipment.
- Continue to fund current staff of the Regional 9-1-1 Services section.

Contract Term

The grant Period of Performance is projected to begin on or around Jan. 1, 2024, and end June 30, 2024.

Financial Impact

There is no cost to the City of Phoenix. All equipment, services, and personnel-related costs are reimbursed by the State of Arizona.

Responsible Department

This item is submitted by Assistant City Manager Lori Bays and the Fire Department.



Donation from Ladder Goo Graphics, LLC for Phoenix Fire Department Arizona Task Force One Program (Ordinance S-50746)

Request authorization for the City Manager, or his designee, to accept a donation valued at approximately \$4,000 from Ladder Goo Graphics, LLC for the Phoenix Fire Department's (PFD) Arizona Task Force One (AZ-TF1) Program. Further request authorization for the City Treasurer to accept all funds related to this donation. If not approved, the donation would be declined.

Summary

Ladder Goo Graphics, LLC wishes to express their appreciation for the AZ-TF1 Program by donating 800 Challenge Coins with PFD and AZ-TF1 logos on the front and back to the Department. The coins will be distributed to members of AZ-TF1, select members of the PFD, and other Federal Emergency Management (FEMA) National Urban Search and Rescue (US&R) members as a means of promoting comradery.

This request adheres to the Fire Department's charitable donations process.

Financial Impact

This donation does not require any matching funds. The funds will be used in accordance with City policies.

Responsible Department

This item is submitted by Assistant City Manager Lori Bays and the Fire Department.



LexisNexis Accurint and Accurint Crime Analysis Services - RFA 18-009 - Amendment (Ordinance S-50709)

Request to authorize the City Manager, or his designee, to execute an amendment to Contract 148401 with LexisNexis Risk Solutions FL, Inc. to add to the scope of work the Accurint TRAX suite and add additional expenditures. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed \$45,000.

Summary

This contract amendment will provide the Accurint TRAX suite to the Phoenix Police Department. The Accurint TRAX suite will be utilized by investigators to load data including Call Detail Records (CDR's) and map mobile communication devices. The CDR's are obtained through search warrants during criminal investigations and are documented as evidence. Accurint TRAX suite reduces the time an investigator takes to examine data and reduces investigative time on data entry.

This item has been reviewed and approved by the Information Technology Services Department.

Contract Term

The contract term remains unchanged, ending on Aug. 31, 2028.

Financial Impact

Upon approval of \$45,000 in additional funds, the revised aggregate value of the contract will not exceed \$1,099,000. Funds are available in the Police Department's budget.

Concurrence/Previous Council Action

The City Council previously reviewed this request:

- LexisNexis Accurint and Accurint Crime Analysis 148401 (Ordinance S-44909) on Aug. 29, 2018;
- LexisNexis Accurint and Accurint Crime Analysis 148401 (Ordinance S-49969) on June 28, 2023.

Responsible Department

This item is submitted by Assistant City Manager Lori Bays and the Police Department.



Law Enforcement Mental Health and Wellness Act (LEMHWA) Implementation Grant (Ordinance S-50744)

Request to authorize the City Manager, or his designee, to allow the Police Department to apply for, accept, and enter into an agreement with the Community Oriented Policing Services (COPS) Office for the Law Enforcement Mental Health and Wellness Act (LEMHWA) Implementation Grant. The grant amount is not to exceed \$200,000.

Summary

This program support efforts to protect the mental health and well-being of law enforcement officers. Funding will be used to improve the delivery and access to mental health and wellness services for law enforcement officers and their families through the implementation of peer support, training, family resources, suicide prevention and other promising practices for wellness programs.

The Employee Wellness Unit has initiated new programs focused on building resilience in employees so they can better prevent, mitigate and recover from the cumulative stress and exposure to traumatic incidents they experience as unique elements of their work life. One of these new resilience-based programs that has garnered a great deal of support and participation from the employees it serves is the Human Performance Pilot Program. This program, sourced through the company O2X, provides on-site mental and physical performance specialists backed by a suite of technological resources. Through this program employees gain access to in person mental performance consultations, injury evaluations, injury rehabilitation, and strength and conditioning consultations, as well as coaching related to nutrition, sleep, coping with stress and other holistic wellness related issues. The current program is only accessible to a portion of the employees.

The Employee Wellness Unit will use this grant funding to expand this program, which will add an additional on-site injury risk and reduction specialist to the program. This specialist focuses on early identification and correction of physical health risks specific to job functions, evaluations of untreated injuries, consultations for strength and conditioning, readiness assessments and rehabilitation assistance. With this grant, the Employee Wellness Unit will be able to open the Human Performance Pilot Program to

the entire Police Department, encouraging resilient wellness strategies for the challenges faced by police employees.

The grant application is due on April 23, 2024. If approved, the Police Department will move forward with submitting our application.

Contract Term

The project period is for two years and will begin on Oct. 1, 2024.

Financial Impact

No matching funds are required.

Responsible Department

This item is submitted by Assistant City Manager Lori Bays and the Police Department.



Phoenix Sky Harbor International Airport Rental Car Center LED Light Retrofit - Design-Bid-Build Services - AV15000073 (Ordinance S-50717)

Request to authorize the City Manager, or his designee, to accept Sun Eagle Corporation as the lowest-priced, responsive and responsible bidder and to enter into an agreement with Sun Eagle Corporation for Design-Bid-Build Services for the Phoenix Sky Harbor International Airport Rental Car Center LED Light Retrofit project. Further request to authorize the City Controller to disburse all funds related to this item. The fee for services will not exceed \$11,197,948.

Summary

The purpose of this project is to replace existing lighting fixtures with energy efficient sustainable Light Emitting Diode (LED) lighting in the Phoenix Sky Harbor International Airport Rental Car Center (RCC).

Sun Eagle Corporation's services include, but are not limited to: provide construction services to replace existing metal halide high-intensity discharge (HID) and fluorescent lighting fixtures with LED lighting in the RCC facility including interior core areas, exterior, walkway, all levels of the garage, and small operator parcel parking lots.

The selection was made using an Invitation for Bids procurement process set forth in section 34-201 of the Arizona Revised Statutes. Four bids were received on Nov. 28, 2023, and were sent to the Equal Opportunity Department for review to determine subcontractor eligibility and contractor responsiveness in demonstrating responsiveness to Small Business Enterprise program requirements.

The Opinion of Probable Cost and the two lowest responsive, responsible bidders are listed below:

- Opinion of Probable Cost: \$6,717,265.03
- Sun Eagle Corporation: \$11,197,948
- Kimbrell Electric, Inc.: \$11,581,157.72

Bidders who were deemed non-responsive are listed below, in alphabetical order:

- Fluoresco Services, LLC

- Voss Electric Company DBA Voss Lighting, Inc.

Although the bid exceeds the Engineer's Opinion of Probable Cost by more than 10 percent, it has been determined the bid represents a fair and reasonable price for the required work scope. Additionally, the bid award amount is within the total budget for this project.

Contract Term

The term of the agreement is 470 calendar days from issuance of the Notice to Proceed. Work scope identified and incorporated into the agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the agreement. No additional changes may be executed after the end of the term.

Financial Impact

The agreement value for Sun Eagle Corporation will not exceed \$11,197,948, including all subcontractor and reimbursable costs.

Funding is available in the Aviation Department's Capital Improvement Program budget. The Budget and Research Department will separately review and approve funding availability prior to execution of any amendments. Payments may be made up to agreement limits for all rendered agreement services, which may extend past the agreement termination.

Location

1805 E. Sky Harbor Circle South
Council District: 8

Responsible Department

This item is submitted by Deputy City Managers Mario Paniagua and Alan Stephenson, the Aviation Department and the City Engineer.



**Goodyear Airport Infield Paving - Phase 2 - Engineering Services - AV41000079
FAA (Ordinance S-50724)**

Request to authorize the City Manager, or his designee, to enter into an agreement with TRACE Consulting, LLC to provide Engineering Services that include design and construction administration and inspection for the Goodyear Airport Infield Paving Phase 2 project. Further request to authorize execution of amendments to the agreement as necessary within the Council-approved authority as provided below, and for the City Controller to disburse all funds related to this item. The fee for all services will not exceed \$735,000.

Additionally, request to authorize the City Manager, or his designee, to take all action as may be necessary or appropriate and to execute all design and construction agreements, licenses, permits, and requests for utility services related to the development, design and construction of the project. Such utility services include, but are not limited to: electrical, water, sewer, natural gas, telecommunication, cable television, railroads and other modes of transportation. Further request the City Council to grant an exception to Phoenix City Code 42-20 to authorize inclusion in the documents pertaining to this transaction of indemnification and assumption of liability provisions that otherwise should be prohibited by Phoenix City Code 42-18. This authorization excludes any transaction involving an interest in real property.

Summary

The purpose of this project is to implement one of the recommendations of the 2018 Master Plan Update to improve infield areas between Runway 3/21 and Taxiway A at Goodyear (GYR) Airport. The seven infield areas to be improved for Phase 2 of this project are located north of Taxiway A1, between Taxiways A1 and A2, between Taxiways A4 and A5, between Taxiways A5 and A6, between Taxiways A6 and A7, between Taxiways A7 and A8, and between Taxiways A9 and A10. The goals of this project include infield grading requirements per Federal Aviation Administration (FAA) Standards, infield paving as a safety improvement to mitigate the dangers of jet blast and propwashing blowing around foreign object debris and to improve ease of maintenance in the infields, and utility vault adjustments to be consistent with the new grading and paving. Phase 1 of the GYR Infield Paving Project previously completed design for three infields.

TRACE Consulting, LLC's continued services include, but are not limited to: provide design services, cost estimating, and specifications; assist with bidding for a Design-Bid-Build delivery method; perform detailed survey of the limits of asphalt concrete paving; geotechnical analysis; complete Engineer's Report required for FAA, Arizona Department of Transportation (ADOT), and Airport Improvement Program (AIP) grant compliance; provide construction administration and inspection services per AIP and FAA/ADOT grant requirements; review contractor shop/record drawings and submittals; verify compliance with contract documents; prepare inspection reports; conduct warranty inspection; and other tasks as needed for a complete project. GYR may opt to extend design services to other infields in future Phase 3.

Procurement Information

The selection was made using a qualifications-based selection process set forth in section 34-603 of the Arizona Revised Statutes for GYR Infield Paving - Phase 1, with the option for the selected consultant to provide continued services through Phase 2 and Phase 3.

Contract Term

The term of the agreement is five years from the issuance of the Notice to Proceed. Work scope identified and incorporated into the agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the agreement. No additional changes may be executed after the end of the term.

Financial Impact

The agreement value for TRACE Consulting, LLC will not exceed \$735,000, including all subconsultant and reimbursable costs.

Funding is available in the Aviation Department's Capital Improvement Program. The Aviation Department anticipates State Grant Funding for this project. The Budget and Research Department will separately review and approve funding availability prior to the execution of any amendments. Payments may be made up to agreement limits for all rendered agreement services, which may extend past the agreement termination.

Concurrence/Previous Council Action

The City Council approved Engineering Services Agreement 155730 (Ordinance S-48220) on Jan. 5, 2022.

Location

1658 S. Litchfield Rd., Goodyear, Ariz.
Council District: Out of City

Responsible Department

This item is submitted by Deputy City Managers Mario Paniagua and Alan Stephenson, the Aviation Department and the City Engineer.



Trego/Dugan Aviation of Grand Island, Inc. Facility License Agreement at Phoenix Sky Harbor International Airport (Ordinance S-50733)

Request to Authorize the City Manager, or his designee, to enter into a Facility License Agreement with Trego/Dugan Aviation of Grand Island, Inc. at Phoenix Sky Harbor International Airport for the use of 109 square feet of office space at Terminal 4.

Summary

Trego/Dugan Aviation of Grand Island, Inc. is operating under Commercial Use Permit No. 525-23 for aircraft interior, lavatory, ramp, boarding gate cleaning, ground handling, and passenger handling services and is under contract with Flair Airlines to provide these services. The Facility License Agreement is month-to-month. Currently, Trego/Dugan Aviation of Grand Island, Inc. is occupying the terminal space under a Temporary License Agreement, which is set to expire on April 30, 2024.

Contract Term

The term of the Facility License Agreement is month-to-month.

Financial Impact

Estimated annual revenue to the City is \$18,455.88 (monthly \$1,537.99). The Facility License Agreement terminal rental rate is subject to annual rate adjustments each year on July 1st.

Location

Phoenix Sky Harbor International Airport, 3800 East Sky Harbor Blvd.
City Council District: 8

Responsible Department

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



**Aviation Civil Construction - Job Order Contracting Services - 4108JOC227
(Ordinance S-50736)**

Request to authorize the City Manager, or his designee, to enter into separate master agreements with two contractors listed below to provide Aviation Civil Construction Job Order Contracting services for the Aviation Department. Further request to authorize execution of amendments to the agreements as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The total fee for all services will not exceed \$80 million.

Additionally, request to authorize the City Manager, or his designee, to take all action as may be necessary or appropriate and to execute all design and construction agreements, licenses, permits, and requests for utility services relating to the development, design, and construction of the project. Such utility services include, but are not limited to: electrical, water, sewer, natural gas, telecommunications, cable television, railroads and other modes of transportation. Further request the City Council to grant an exception pursuant to Phoenix City Code 42-20 to authorize inclusion in the documents pertaining to this transaction of indemnification and assumption of liability provisions that otherwise should be prohibited by Phoenix City Code 42-18. This authorization excludes any transaction involving an interest in real property.

Summary

The Job Order Contracting (JOC) contractors' services will be used on an as-needed basis to provide Aviation Civil Construction Job Order Contracting services for earthwork and dust stabilization; concrete paving and flatwork; asphalt overlay and pavement rehabilitation; underground and above ground utilities (water, sewer, electrical, etc.); A.D.A. modifications; roadway striping and markings; bridge repairs (structural and maintenance); fence and gate installation and repairs; landscaping; grading and drainage; safety and security systems (loop detectors, barriers, attenuators, etc.); demolition; signage; airfield and landside maintenance; and minor design/engineering and other work as needed. Additionally, the JOC contractors will be responsible for fulfilling Small Business Enterprise program requirements.

Procurement Information

The selections were made using a qualifications-based selection process set forth in section 34-604 of the Arizona Revised Statutes (A.R.S.). In accordance with A.R.S. section 34-604(H), the City may not publicly release information on proposals received, including the scoring results, until an agreement is awarded. Four firms submitted proposals and are listed below.

Selected Firms

Rank 1: ViaSun Corporation

Rank 2: Kiewit Infrastructure West Co.

Additional Proposers

Rank 3: Markham Contracting Co., Inc.

Rank 4: Rummel Construction, Inc.

Contract Term

The term of each master agreement is for up to five years, or up to \$40 million, whichever occurs first. Work scope identified and incorporated into the master agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the master agreement. No additional changes may be executed after the end of the term.

Financial Impact

The master agreement value for each of the JOC contractors will not exceed \$40 million, including all subcontractor and reimbursable costs. The total fee for all services will not exceed \$80 million.

Request to authorize the City Manager, or his designee, to execute job order agreements performed under these master agreements for up to \$4 million each. In no event will any job order agreement exceed this limit without Council approval to increase the limit.

Funding is available in the Aviation Department's Capital Improvement Program and Operating budgets. The Budget and Research Department will review and approve funding availability prior to issuance of any job order agreement. Payments may be made up to agreement limits for all rendered agreement services, which may extend past the agreement termination.

Location

Phoenix Sky Harbor International Airport, 2485 E. Buckeye Road

Phoenix Deer Valley Airport, 702 W. Deer Valley Road

Phoenix Goodyear Airport, 1658 S. Litchfield Rd., Goodyear, Ariz.
Council Districts: 1, 8 and Out of City

Responsible Department

This item is submitted by Deputy City Managers Mario Paniagua and Alan Stephenson, the Aviation Department and the City Engineer.



Bus Contingency Services RFQu 22-023 - Amendment (Ordinance S-50737)

Request to authorize the City Manager, or his designee, to allow additional expenditures under Contract 157269 with Via Adventures, Inc.; Contract 157281 with J.E.T. Limousines & Transportation, LLC; Contract 157282 with Tour West America, Inc.; and Contract 157284 with Industrial Bus Lines, Inc. to provide Bus Contingency services for the Aviation Department. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will be up to \$1,500,000.

Summary

These contracts provide qualified operators of medium and large shuttle buses, motorcoach buses, and driver resources to assist the Aviation Department in transporting customers between airport facilities on an on demand/as-needed basis to support the PHX Sky Train® contingency operations and other events. Initial estimates related to the PHX Sky Train® contingency operations assumed the bus contractors would be activated on an average of one time per year. Continued improvements of the PHX Sky Train® system, including software upgrades, customer experience enhancements, and preventative maintenance, have resulted in a need for the provision of bus services on a more frequent basis in order to maintain a high level of customer service during planned system outages. In the unlikely event of unplanned system outages, it is imperative to have all possible means of transporting customers available. The purpose of this request is to provide additional funds to ensure continued high level of customer service provided to airport customers in the event planned and unplanned PHX Sky Train® contingency operations are required.

Contract Term

The contract terms remain unchanged, ending on Oct. 31, 2027.

Financial Impact

Additional funds in the amount of \$1,500,000 will increase the total value of the contracts up to \$1,672,000 for the contract terms. Funds are available in the Aviation Department's budget.

Concurrence/Previous Council Action

The City Council previously reviewed this request:

- Bus Contingency Contract RFQu 22-023 - Request for Award (Ordinance S-49042)

Location

Phoenix Sky Harbor International Airport - 2485 E. Buckeye Road
Council District: 8

Responsible Department

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



DVT Hangars LLC Rent Credits for Taxiway Construction at Phoenix Deer Valley Airport (Ordinance S-50740)

Request to authorize the City Manager, or his designee, to amend Ground Lease No. 154206 with DVT Hangars LLC (DVT Hangars) to establish rent credits in an amount of up to \$3.2 million for the construction of a portion of a taxiway at Phoenix Deer Valley Airport (DVT).

Summary

DVT Hangars is requesting rent credits to pay for the construction of a portion of a taxiway at DVT. DVT Hangars is currently constructing Phase 1 of a two-phase project to build corporate hangars at DVT. Access to the runways from the development is currently available via an existing taxiway, known as Taxiway Charlie that connects to the taxi lane located within the DVT Hangars leased premises. DVT Hangars wishes to improve runway access for its tenants by completing a portion of a second parallel taxiway, known as Taxiway Delta that has been designed by DVT, but not constructed. Completion of this segment of Taxiway Delta will improve the safety and efficiency of ground operations at DVT by decreasing the distance of jets taxiing to and from the DVT Hangars premises from the runway.

Contract Term

This amendment will have no impact to the DVT Hangars 40-year lease term.

Financial Impact

The rent credits will be applied to the DVT Hangars account at the rate of 75 percent of their rent on a monthly basis until the rent credits are exhausted. It is estimated the rent credits will be exhausted within 20 years of the 40-year lease. The time for the rent credits to be exhausted will be reduced if DVT Hangars constructs and begins payment of rent on Phase 2 of their development.

Concurrence/Previous Council Action

The Phoenix Aviation Advisory Board, Business and Development Subcommittee recommended approval of the item on March 7, 2024 by a vote of 3-0.

The Phoenix Aviation Advisory Board recommended approval of the item on March 21, 2024 by a vote of 9-0.

Location

Phoenix Deer Valley Airport, 702 W. Deer Valley Road
Council District: 1

Responsible Department

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



Intergovernmental Agreement with City of Prescott to Accept and Process Recyclable Materials (Ordinance S-50727)

Request to authorize the City Manager, or his designee, to enter into an Intergovernmental Agreement (IGA) with the City of Prescott to accept and process recyclable materials collected in the City of Prescott and delivered to the City of Phoenix's Material Recovery Facilities (MRF). Additionally, request the City Council to grant an exception pursuant to Phoenix City Code section 42-20(B) to authorize inclusion of mutual indemnification language that otherwise would be prohibited by Phoenix City Code section 42-18(A) and (B). Further request authorization for the City Treasurer to accept, and for the City Controller to disburse, all funds related to this item.

Summary

The City of Prescott has requested to enter into an Intergovernmental Agreement with the City of Phoenix to accept and process its recyclable material. The City of Phoenix can accept these materials with terms to address changing market conditions, resulting in lower commodity prices and increased processing costs from contamination in the recyclables. This IGA will authorize the City of Phoenix to charge a processing fee to the City of Prescott for recycling tonnage processed at the City MRFs, which is designed to ensure all costs associated with processing recyclables are recovered by the fee. The terms of this IGA include:

- In a market with low recycling commodity prices, the City of Phoenix will charge a processing fee to the City of Prescott, and no revenue share to Prescott will be available.
- In a market with high recycling commodity prices, the City of Prescott will pay a processing fee and will receive 50 percent of the net revenue share and the City of Phoenix will receive the remaining 50 percent.

Annually, the City of Prescott will deliver up to 10,000 tons of recyclable materials to City of Phoenix facilities.

Contract Term

The one-year term of this IGA will begin on or about July 1, 2024 and conclude on or

about June 30, 2025. Provisions of the IGA include four, one-year options to extend the agreement.

Financial Impact

The City of Prescott will pay the City of Phoenix to accept recyclables and cover all expenses associated with proper handling of the materials. If recycle market prices increase during the term of the agreement, Phoenix and Prescott would share the additional revenue at a 50/50 split. Funds for the revenue share payments to the City of Prescott are available in the Public Works Department's budget.

Location

North Gateway Material Recovery Facility, 30205 N. Black Canyon Hwy.

27th Avenue Material Recovery Facility, 3060 S. 27th Ave.

Council Districts: 2 and 7

Responsible Department

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



Heating, Ventilation and Air Conditioning Maintenance, Repair, and Replacement Services - Amendment (Ordinance S-50732)

Request to authorize the City Manager, or his designee, to execute an amendment to Contract 157109 with Artic Air Heating & Cooling, Inc, Contract 157140 with Crawford Mechanical Services, LLC, Contract 157108 with Haci Service, LLC, Contract 157107 with Chiller Services, Inc, and Contract 157119 with Pueblo Mechanical & Controls, LLC to provide additional funding for Heating, Ventilation and Air Conditioning (HVAC) Maintenance, Repair, and Replacement Services. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures included in the amendment will not exceed \$7,600,000.

Summary

The purpose of this amendment is to provide additional payment authority that is necessary due to planned Capital Improvement Program (CIP) work for equipment replacement, and to provide services related to the installation and repair of HVAC equipment, including chillers, cooling towers, heat pumps, gas equipment, package air conditioners, and mini splits to more than 600 City owned facilities.

The contractors are responsible for performing preventative maintenance, equipment repairs, startup services, and providing replacement parts for City of Phoenix units.

Contract Term

The contract expiration date is Sept. 30, 2024 and has one option year remaining.

Financial Impact

The initial authorization for the contract was for an amount not to exceed \$10,086,000. This amendment will increase the authorization for the contracts by an additional \$7,600,000 for a new amount not to exceed \$17,686,000. Funding for this amendment is available in the Public Works Department's operating budget.

Concurrence/Previous Council Action

The City Council previously approved HVAC Maintenance, Repair, and Replacement Services contracts 157109, 157140, 157108, 157107, and 157119 (Ordinance S-48971) on Sept. 21, 2022.

Responsible Department

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



Acquisition of Real Property for High Intensity Activated Crosswalks at Various Locations Citywide (Ordinance S-50712)

Request to authorize the City Manager, or his designee, to acquire all real property and related property interests required by donation, purchase within the City's appraised value, or by the power of eminent domain for the installation of High Intensity Activated Crosswalks (HAWKS) at various locations Citywide. Further request to authorize dedication of fee simple or easement land rights, land to public use for right-of-way, or sidewalk purposes via separate recording instrument. Additionally, request to authorize the City Controller to disburse all funds related to this item.

Summary

The acquisition of real property is required to facilitate the construction of HAWKS, which provide pedestrians and bicyclists a secure passage for crossing streets, while enhancing safety and minimizing traffic impediment. Improvements include striping, signals, lighting, curbs, gutters, and Americans with Disabilities Act (ADA) compliant sidewalks and ramps.

The HAWKS will be installed at the following locations:

- 43rd Avenue and W. Hubbell Street
- 3rd Avenue and W. Buckeye Road
- Northern Avenue and Arizona Canal
- 7th Avenue and Western Canal

The parcels affected by this project are identified in **Attachment A**.

Financial Impact

Funding is available in the Street Transportation Department's Capital Improvement Program budget.

Location

Various Locations

Council Districts: 4, 6 and 8

Responsible Department

This item is submitted by Deputy City Manager Alan Stephenson and the Street Transportation and Finance departments.

ATTACHMENT A
Property Identification

City of Phoenix Street Improvement Project:

Acquisition of Real Property for High Intensity Activated Crosswalks at Various Locations Citywide

The following improved and/or unimproved parcels affected by acquisition and included in this request are identified by the Maricopa County Assessor's parcel number (APN) and the address or location.

APN	Address / Location
103-21-003	4401 W. Encanto Blvd.
108-21-084	4255 W. Hubbell St.
112-24-132A	1023 S. 3rd Ave.
112-24-150	1024 S. 3rd Ave.
112-24-210A	1108 S. 3rd Ave.
112-24-213A	1121 S. 3rd Ave.
160-17-090A	902 E. Northern Ave.
160-17-090B	902 E. Northern Ave.
300-40-002F	7801 S. 7th Ave.
300-48-018	717 W. Baseline Road



Lift Station 80 Verdin - Construction Administration and Inspection Services - WS90400102 (Ordinance S-50713)

Request to authorize the City Manager, or his designee, to enter into agreements with Stanley Consultants, Inc., to provide Engineering Services that include construction administration and inspection for the Lift Station 80 Verdin project. Further request to authorize execution of amendments to the agreement as necessary within the Council-approved authority as provided below, and for the City Controller to disburse all funds related to this item. The fee for services will not exceed \$493,591.36.

Additionally, request to authorize the City Manager, or his designee, to take all action as may be necessary or appropriate and to execute all design and construction agreements, licenses, permits, and requests for utility services related to the development, design and construction of the project. Such utility services include, but are not limited to: electrical, water, sewer, natural gas, telecommunication, cable television, railroads and other modes of transportation. Further request the City Council to grant an exception to Phoenix City Code 42-20 to authorize inclusion in the documents pertaining to this transaction of indemnification and assumption of liability provisions that otherwise should be prohibited by Phoenix City Code 42-18. This authorization excludes any transaction involving an interest in real property.

Summary

The purpose of this project encompasses construction of a new 0.5-acre 1.57 million gallons per day lift station facility, including a new wet well, two submersible pumps, discharge force main piping, a 15-inch gravity sewer line, biofilter odor control system, calcium nitrate (Bioxide) odor control facility, and new dual 12-inch High-Density Polyethylene force main piping approximately 26,000 feet in length. There will be an inspection component at approximately three wash crossings on a 16-inch water main to be included in this work.

Stanley Consultants, Inc. services include, but are not limited to: on-site inspection and review of work to ensure the quality of the executed work and verify the work is in accordance with the construction documents and specifications; assist the contractor in obtaining permits and approvals for work, providing oversight to ensure protection against defects and deficiencies in the work of contractor and its sub consultants;

confirm contractor's work progress and quantities of work completed are on schedule and meet standards; review of cost proposals, submittals, shop drawings, RFIs, change orders, and other documents as directed by the City; attend the pre-construction meeting and other project-related progress meetings; review the construction schedule, assist with interpretations and clarifications to the contractor, attend substantial, final completion and warranty walks, and assist in preparation of punch list of corrective work to be performed by the contractor; perform re-inspection of work and develop a list of necessary repairs, and inspect all completed repairs; and assist with gathering as-builts, operation and maintenance manuals and Computerized Maintenance Management System tags from the Design Engineer and contractor.

Procurement Information

The selection was made using a qualifications-based selection process set forth in section 34-603 of the Arizona Revised Statutes (A.R.S.). In accordance with A.R.S. section 34-603(H), the City may not publicly release information on proposals received or the scoring results until an agreement is awarded. Six firms submitted proposals and are listed below.

Selected Firm

Rank 1: Stanley Consultants, Inc.

Additional Proposers

Rank 2: Consor North America, Inc.

Rank 3: Entellus, Inc.

Rank 4: Brown and Caldwell, Inc.

Rank 5: HDR Engineering, Inc.

Contract Term

The term of the agreement is five years from the issuance of the Notice to Proceed. Work scope identified and incorporated into the agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the agreement. No additional changes may be executed after the end of the term.

Financial Impact

The agreement value for Stanley Consultants, Inc. will not exceed \$493,591.36, including all subconsultant and reimbursable costs.

Funding is available in the Water Services Department's Capital Improvement Program budget. The Budget and Research Department will separately review and approve funding availability prior to execution of any amendments. Payments may be made up to agreement limits for all rendered agreement services, which may extend past the

agreement termination.

Location

South of Sonoran Desert Drive, north of Cave Creek Dam, between Apache Wash and Cave Creek Wash

Council District: 2

Responsible Department

This item is submitted by Deputy City Managers Ginger Spencer and Alan Stephenson, the Water Services Department and the City Engineer.



Amend Ordinance S-49816 for Acquisition of Real Property for Roadway Improvements Along Van Buren Street from 7th to 24th Streets (Ordinance S-50718)

Request the City Council amend Ordinance S-49816 for authorization to acquire additional real property and related property interests for the roadway improvements along Van Buren Street from 7th to 24th streets.

Summary

Ordinance S-49816 authorized the acquisition of real property for the roadway improvements along Van Buren Street from 7th to 24th streets. Property rights from one additional parcel will be acquired for the project, which consists of traffic signal upgrades, medians, landscape, and Americans with Disabilities Act (ADA) compliant sidewalks and ramps. All other conditions and stipulations stated in Ordinance S-49816 remain the same.

The additional parcels impacted by this project are identified in **Attachment A**.

Financial Impact

Funding is available in the Street Transportation Department's Capital Improvement Program budget.

Concurrence/Previous Council Action

Ordinance S-49816 was adopted on June 14, 2023.

Location

1305 E. Van Buren St., identified by Maricopa County Assessor parcel number 116-45-011A

1118 E. Van Buren St., identified by Maricopa County Assessor parcel number 116-26-016

1219 E. Van Buren St., identified by Maricopa County Assessor parcel number 116-45-185

1745 E. Van Buren St., identified by Maricopa County Assessor parcel number 115-04-128

Along the Northwest corner of Van Buren Street, Unassessed parcel
Council District: 8

Responsible Department

This item is submitted by Deputy City Manager Alan Stephenson and the Street Transportation and Finance departments.

ATTACHMENT A
Property Identification

City of Phoenix Street Improvement Project: Amend Ordinance S-49816 for Acquisition of Real Property for Roadway Improvements Along Van Buren Street from 7th to 24th Streets

The following improved and/or unimproved parcels affected by acquisition and included in this request are identified by the Maricopa County Assessor's parcel number (APN) and the address or location.

APN	Address / Location
116-45-011A	1305 E. Van Buren St.
116-26-016	1118 E. Van Buren St.
116-45-185	1219 E. Van Buren St.
115-04-128	1745 E. Van Buren St.
Unassessed parcel	Along the Northwest corner of Van Buren Street



Authorization to Grant Easements, Execute Real Property Licenses and Agreements, and Dedicate Right-of-Way for Fire Station 62 (Ordinance S-50719)

Request authorization to grant easements, execute all necessary real property licenses and agreements, and dedicate right-of-way required for the construction of Fire Station 62.

Further request that the City Council grant an exception pursuant to Phoenix City Code section 42-20 to authorize inclusion of indemnification and assumption of liability provisions that otherwise would be prohibited by Phoenix City Code section 42-18 within documents for those transactions between the City and other government entities and Salt River Project for irrigation facilities.

Summary

Fire Station 62 is being constructed within Maricopa County Assessor parcel number 101-14-005G at Lower Buckeye Road, near the 93rd Avenue alignment. The Real Estate Division will grant the necessary easements including irrigation within the existing right-of-way and on City-owned property; and execute real property licenses and agreements required for utilities needed to construct and operate the fire station. Right-of-way for public improvements required by the Planning and Development Department will be dedicated to public use for right-of-way purposes via separate recording instrument.

Location

Lower Buckeye Road, near the 93rd Avenue alignment
Council District: 7

Responsible Department

This item is submitted by Deputy City Manager Alan Stephenson and the Street Transportation and Finance departments.



Intergovernmental Agreement with the Arizona Department of Transportation to Amend the Better Utilizing Investments to Leverage Development Grant Project on 35th Avenue, Interstate 10 to Camelback Road (Ordinance S-50726)

Request to authorize the City Manager, or his designee, to enter into an Intergovernmental Agreement (IGA) with the Arizona Department of Transportation (ADOT) to amend the scope of work for the Better Utilizing Investments to Leverage Development (BUILD) grant project along 35th Avenue between Interstate 10 (I-10) and Camelback Road.

Summary

On April 15, 2020, City Council approved the BUILD grant application submittal to implement a series of safety improvements on 35th Avenue between I-10 and Camelback Road. The grant was awarded, and the Street Transportation Department created the BUILD grant improvement project to implement critical safety enhancements for pedestrians and motorists along this corridor. These enhancements include the installation of three pedestrian hybrid beacons, modernization of approximately eight intersections with upgrades to signals and LED streetlighting corridor-wide, construction of raised medians, pavement restoration, and the installation of a broadband fiber network to facilitate intelligent and connected transportation systems.

Concurrently, ADOT has a project with proposed improvements at the 35th Avenue and Indian School Road / Grand Avenue intersection that will impact the proposed safety improvements outlined in the BUILD grant project. The ADOT initiatives aim to change the grade at this intersection to separate vehicular traffic from the Burlington Northern Santa Fe (BNSF) Railway network and vehicular traffic on Grand Avenue by building a bridge overpass for 35th Avenue across this intersection. The proposed ADOT project complements and enhances the safety goals of the BUILD project. The ADOT project footprint extends from Weldon to Glenrosa avenues along 35th Avenue.

The purpose of this IGA is to mitigate any potential overlap between the two projects by allowing ADOT to implement the safety improvements within the ADOT project footprint and eliminating the duplicate efforts from the BUILD grant project's scope of work. This will ensure the safety intent of the 35th Avenue BUILD grant application is

achieved. The IGA will be used as supporting documentation for the BUILD grant amendment with the Federal Highway Administration currently underway for the 35th Avenue, I-10 to Camelback Road, safety improvement project.

Contract Term

The agreement will be effective on the date it is executed by all the governing organizations and shall remain in effect for 30 years.

Financial Impact

There is no financial impact for this agreement.

Concurrence/Previous Council Action

City Council authorized utilization of federal funds awarded through the BUILD grant (Ordinance S-46531) on April 15, 2020.

Location

35th Avenue, Weldon to Glenrosa avenues
Council Districts: 4 and 5

Responsible Department

This item is submitted by Deputy City Manager Alan Stephenson and the Street Transportation Department.



Request to Revoke Contract 155182-0 (Revocable Permit 202156) (Ordinance S-50728)

Subject to City Code section 31-80(H), revocable permits authorized by the City Manager are subject to revocation at any time at the discretion of the Street Transportation Director with ratification by the City Council.

Summary

A revocable permit was granted through Contract 155182-0 for the use and maintenance of approximately 104 linear feet of 36" existing fence within the City public right-of-way (ROW) adjacent to the property at 6802 North 24th Place. The request to revoke the existing contract is made to allow for the sale of the property to another person(s). Staff is entering into a new contract with the new buyer for the same encroachment.

Financial Impact

There is no financial impact to this request.

Location

6802 North 24th Place

Council District: 6

Responsible Department

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



**Sweetwater Avenue Sewer Relief - Engineering Services - WS90500317
(Ordinance S-50714)**

Request to authorize the City Manager, or his designee, to enter into agreements with Consor North America, Inc., to provide Engineering Services that include an alignment study, design, and construction administration and inspection for the Sweetwater Avenue Sewer Relief project. Further request to authorize execution of amendments to the agreement as necessary within the Council-approved authority as provided below, and for the City Controller to disburse all funds related to this item. The fee for services will not exceed \$1.56 million.

Additionally, request to authorize the City Manager, or his designee, to take all action as may be necessary or appropriate and to execute all design and construction agreements, licenses, permits, and requests for utility services related to the development, design and construction of the project. Such utility services include, but are not limited to: electrical, water, sewer, natural gas, telecommunication, cable television, railroads and other modes of transportation. Further request the City Council to grant an exception to Phoenix City Code 42-20 to authorize inclusion in the documents pertaining to this transaction of indemnification and assumption of liability provisions that otherwise should be prohibited by Phoenix City Code 42-18. This authorization excludes any transaction involving an interest in real property.

Summary

The purpose of this relief sewer project is to perform an alignment study and to design the relief sewer replacing approximately 5,000 linear feet of existing 12-inch sewer with new 15-inch and 18-inch generally along Sweetwater Avenue from 23rd Avenue to 15th Avenue. This project is part of the Sanitary Sewer Relief Program. This ongoing program intends to review and manage the capacity of Phoenix's wastewater collection system to avoid sanitary sewer overflows.

Consor North America, Inc.'s services include, but are not limited to: conduct an alignment study for the relief sewer; sewer capacity analysis; assist with obtaining any required easements and licenses; data collection and field survey; perform geotechnical investigations; prepare design concept report and design documents including technical specifications, special provisions, and drawings for constructing the

relief sewer project; preliminary and final construction cost estimates; project schedules and hold progress meetings and workshops as needed to complete the work; coordinate with outside agencies; required cultural surveys; and obtain any required local, county, state, or national permits and approvals; provide bid phase assistance, including answering bidder questions, preparing and issuing addenda; provide construction administration and inspection, and other work as required for a completed project.

Procurement Information

The selection was made using a qualifications-based selection process set forth in section 34-603 of the Arizona Revised Statutes (A.R.S.). In accordance with A.R.S. section 34-603(H), the City may not publicly release information on proposals received or the scoring results until an agreement is awarded. Four firms submitted proposals and are listed below:

Selected Firm

Rank 1: Consor North America, Inc.

Additional Proposers

Rank 2: Stantec Consulting Services Inc.

Rank 3: Entellus, Inc.

Rank 4: Sustainability Engineering Group LLC

Contract Term

The term of the agreement is five years from the issuance of the Notice to Proceed. Work scope identified and incorporated into the agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the agreement. No additional changes may be executed after the end of the term.

Financial Impact

The agreement value for Consor North America, Inc., will not exceed \$1.56 million, including all subconsultant and reimbursable costs.

Funding is available in the Water Services Department's Capital Improvement Program budget. The Budget and Research Department will separately review and approve funding availability prior to execution of any amendments. Payments may be made up to agreement limits for all rendered agreement services, which may extend past the agreement termination.

Location

General Location: Sweetwater Avenue from 23rd Avenue to 15th Avenue

Council District: 3

Responsible Department

This item is submitted by Deputy City Managers Ginger Spencer and Alan Stephenson, the Water Services Department and the City Engineer.



**Water Facilities General Construction - Job Order Contracting Services
Amendment - 4108JOC202 (Ordinance S-50715)**

Request to authorize the City Manager, or his designee, to execute amendments to Agreements 156389 with Garney Companies, Inc. and 156390 with J.R. Filanc Construction Company, Inc. to provide additional Water Facilities General Construction Job Order Contracting Services. Further request to authorize execution of amendments to the agreement as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The additional fee for all services included in these amendments will not exceed \$30 million.

Summary

The Contractors' services will be used on an as-needed basis to provide Water Facilities General Construction Job Order Contracting services for installations and/or replacement of mechanical equipment, such as raw water, sludge and/or booster pumps, bar screen components, submersible mixers, valves and/or actuators; installation and/or replacement of chemical feed systems, chemical storage tanks, chemical piping, including chlorine building odor control scrubbers, chlorine evaporators, halogen valves and chlorine piping which are regularly inspected and improved at the water facilities; installations of instrumentation and electrical equipment, such as analyzers, meters, sensors, variable frequency drives, and Supervisory Control and Data Acquisition system components, including conduit and/or wiring; programming remote terminals units, programmable logic controllers and instrumentation to control facilities in accordance with City Operation Division's control strategy; general work such as building modifications, painting, specialized maintenance and concrete, masonry, or structural steel work; emergency repair services; pre-construction and post construction services; engineering design services when necessary or required; and water, sewer, and sludge lines rehabilitation and/or replacement within the water plants.

These amendments are necessary because the City will be managing work at the Lake Pleasant Water Treatment Plant. In addition, the amount of work under these contracts continues to increase and the available capacity for each contractor is being utilized faster than anticipated. These amendments will provide additional funds to the

agreements.

Contract Term

The term of the agreements remain unchanged from the original Notices to Proceed. Work scope identified and incorporated into the agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the agreements. No additional changes may be executed after the end of the term.

Financial Impact

- The initial agreements for Water Facilities General Construction Job Order Contracting Services was approved for an amount not to exceed \$37.5 million each, including all subcontractor and reimbursable costs.
- This amendment will increase the agreements by an additional \$15 million each, for a new total amount not to exceed \$52,500,000 each, including all subcontractor and reimbursable costs.

Funding is available in the Water Services Department's Capital Improvement Program budgets. The Budget and Research Department will review and approve funding availability prior to the issuance of any job order agreement. Payments may be made up to agreement limits for all rendered agreement services, which may extend past the agreement termination.

Concurrence/Previous Council Action

The City Council approved Water Facilities General Construction Job Order Contracting Services Agreement 156389 with Garney Companies, Inc. and Agreement 156390 with J.R. Filanc Construction Company, Inc. (Ordinance S-48714) on June 15, 2022.

Responsible Department

This item is submitted by Deputy City Managers Ginger Spencer and Alan Stephenson, the Water Services Department and the City Engineer.



HSQ Miser SCADA System Replacement Servers, Parts, and Services Requirements Contract - RFA 2324-WPC-593 Request for Award (Ordinance S-50720)

Request to authorize the City Manager, or his designee, to enter into a contract with HSQ Tech, Inc. to provide system replacement servers, parts, software upgrades and telephone support for the Water Services Department. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will not exceed \$1,050,000.

Summary

This contract will provide system replacement servers, parts, software upgrades and telephone support for the HSQ Miser SCADA (Supervisory, Control, and Data Acquisition) System. This system is used for monitoring and controlling the process of water distribution for remote facilities. Without Support from the manufacturer, failures would go unresolved which may cause a disruption of water delivery to our customers.

This item has been reviewed and approved by the Information Technology Services Department.

Procurement Information

In accordance with Administrative Regulation 3.10, standard competition was waived as a result of an approved Determination Memo based on the following reason: Special Circumstances Without Competition. The HSQ Miser System software and hardware is proprietary to HSQ Tech.

Contract Term

The contract will begin on or about April 3, 2024 for a 5-year term with two 1-year options to extend.

Financial Impact

The aggregate contract value will not exceed \$1,050,000 for the 7-year aggregate term.

Funding is available in the Water Services Department's operating budget.

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the Water Services Department.



Request to Enter into a Development Agreement with a Developer to Provide Funds to Own, Operate and Maintain Two Force Mains (Ordinance S-50722)

Request authorization for the City Manager, or his designee, to enter into a Development Agreement with M Brothers 67th Avenue, LLC, to allow the Developer to provide funds in exchange of having the City own, operate and maintain two small diameter force mains in Phoenix. Further request to authorize the City Controller to accept and distribute the necessary funds related to this item.

Summary

M Brothers 67th Avenue, LLC (referred to herein as the "Developer"), is planning to develop a property at the northeast corner of 67th Avenue and Pinnacle Peak Road in Phoenix (referred to herein as the "Development"). Due to the site topographic constraint, the Development could not gravity flow sewer into the City's collection system. The Development does not generate enough wastewater flow to warrant a public lift station and force mains. Therefore the Development was allowed to design and construct a private lift station with a one and half inch private force main to convey wastewater to the City's sewer main north of the Development along 67th Avenue. However, 67th Avenue is in the City of Peoria's Right-of-Way (ROW) and they do not allow private utilities located inside their ROW.

The Developer filed a technical appeal asking the City to allow this small diameter force main to be public while the lift station remains private. Because this property is in the City's service area and neither a gravity public sewer nor a private force main option to the City's sewer system is technically feasible, the technical appeal was approved with stipulations including entering into a Development Agreement with the City to cover all future operational and maintenance costs with the force mains incurred by the City in perpetuity.

According to the Development Agreement, the Developer, at its own expense, will design, permit and construct two, one and a half inch force mains in accordance with the City's public force main standards. After the City accepts the force mains, the City will own, operate and maintain the two force mains. The City will invoice the Developer on all future maintenance costs (defined as the collective costs of all maintenance, repair or replacement, including labor costs associated with the two force mains). The

Developer must make full payment within 30 days of receipt of the invoice or submit a notification of dispute according to the development agreement. The City may add liens to the property for any unpaid or unsettled maintenance costs.

Contract Term

The contract term will be for perpetuity.

Financial Impact

The City will take two small diameter force mains for operation and maintenance. Since the maintenance costs of those two force mains will be reimbursed by the Developer or its Successors-in-Interest, there will be no financial impact to the City.

Location

Council District 1

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the Water Services Department.



Report

Agenda Date: 4/3/2024, Item No. 72

HVAC Maintenance and Repair Services - Amendment (Ordinance S-50730)

Request to authorize the City Manager, or his designee to allow additional expenditures under agreements 152375, 152362, and 152364 with Adobe Insulation Inc. dba Adobe Energy Management Co., Artic Air Heating & Cooling, and HACI Services, LLC for the purchase of HVAC Maintenance and Repair Services for Water Services Department. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed \$1,823,000.

Summary

The purpose of this amendment is to request additional funds for providing preventative maintenance services, repairs and replacement parts on all heating, ventilation, and air conditioning (HVAC) units and replacement units on an as-needed basis for the Water Services Department.

This amendment is necessary to ensure repair and replacement work continues uninterrupted until the end of contract in June 2025. Additional funds are needed due to equipment price increases, and scheduling of preventative maintenance services.

Agreement Term

The agreement term remains unchanged, ending on June 30, 2025.

Financial Impact

- The initial authorization for HVAC Maintenance and Repair was for an expenditure not-to-exceed \$7,500,000.
- This amendment will increase the agreement by an additional \$1,823,000, for a new total not-to-exceed agreement value of \$9,323,000.

Concurrence/Previous Council Action

The City Council approved:

- HVAC Maintenance and Repair Agreement (Ordinance S-46664) on June 3, 2020.

Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the Water Services Department.



Agenda Date: 4/3/2024, Item No. 73

Final Plat - Terra Terra Hills Subdivision - PLAT 230109 - Northeast Corner of Tonopah Drive and 51st Avenue

Plat: 230109

Project: 17-3889

Name of Plat: Terra Terra Hills Subdivision

Owner: Guru's Faith, LLC

Engineer: Thomas E. Granillo, RLS

Request: A 20-Lot Detached Single-Family Subdivision Plat

Reviewed by Staff: Feb. 14, 2024

Final Plat requires Formal Action Only

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 northeast corner of Tonopah Drive and 51st Avenue

Council District: 1

Responsible Department

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.



Zoning, General Hearing, Historic Preservation, and Abandonment Signage - IFB 19-137- Amendment (Ordinance S-50723)

Request to authorize the City Manager, or his designee, to allow additional expenditures under Contract 150788 with Looks Good Printing and Sign Services for the purchase of zoning, abandonment and historic preservation signs for the Planning and Development Department and Historic Preservation Office. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed \$90,000.

Summary

This contract will provide the Planning and Development Department and the Historic Preservation Office with labor, materials, supplies, equipment, and transportation necessary to furnish, install, replace, and remove zoning, abandonment, and general hearing signs; as well as Historic Preservation blue street signs and aluminum plaques on an as-needed basis.

Contract Term

The contract term remains unchanged, ending on Aug. 31, 2024.

Financial Impact

Upon approval of \$90,000 in additional funds, the revised aggregate value of the contract will not exceed \$240,000. Funds are available in the Planning and Development Department's budget.

Concurrence/Previous Council Action

The City Council previously reviewed this request:

- Zoning, General Hearing, Historic Preservation, and Abandonment Signage Contract 150788 (Ordinance S-45947) on Aug. 28, 2019.

Responsible Department

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.



Amend City Code - Ordinance Adoption - Rezoning Application Z-104-23-8 - Northeast Corner of 36th Street and Beverly Road (Ordinance G-7243)

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-104-23-8 and rezone the site from R1-6 BAOD (Approved R1-10 BAOD) (Single-Family Residence District, Baseline Area Overlay District, Approved Single-Family Residence District, Baseline Area Overlay District), S-1 BAOD (Approved R1-10 BAOD) (Ranch or Farm Residence, Baseline Area Overlay District, Approved Single-Family Residence District, Baseline Area Overlay District), and S-1 BAOD (Ranch or Farm Residence, Baseline Area Overlay District) to R1-6 BAOD (Single-Family Residence District, Baseline Area Overlay District) to allow single-family residential.

Summary

Current Zoning: R1-6 BAOD (Approved R1-10 BAOD) (0.83 acres), S-1 BAOD (Approved R1-10 BAOD) (6.74 acres), and S-1 BAOD (10.95 acres)

Proposed Zoning: R1-6 BAOD

Acreage: 18.52

Proposal: Single-family residential

Owner: Miguel and Yvonne Montiel Family Trust; All Other Properties, LLP; and DK Square Investments, LLC

Applicant/Representative: Adam Baugh, Withey Morris Baugh, PLC

Staff Recommendation: Approval, subject to stipulations.

VPC Action: The South Mountain Village Planning Committee heard this item on Feb. 13, 2024, and recommended approval, per the staff recommendation, with modifications and additional stipulations, by a vote of 13-0-1.

PC Action: The Planning Commission heard this item on March 7, 2024, and recommended approval, per the staff memo dated March 6, 2024, with a modified stipulation and a deleted stipulation, by a vote of 8-0.

Location

Northeast corner of 36th Street and Beverly Road

Council District: 8

Parcel Address: 7825, 7833, 7965, 7977, 7989, and 8035 S. 36th St.

Responsible Department

This item is submitted by Deputy City Manager Alan Stephenson 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 ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (Z-104-23-8) FROM R1-6 BAOD (APPROVED R1-10 BAOD) (SINGLE-FAMILY RESIDENCE DISTRICT, BASELINE AREA OVERLAY DISTRICT, APPROVED SINGLE-FAMILY RESIDENCE DISTRICT, BASELINE AREA OVERLAY DISTRICT), S-1 BAOD (APPROVED R1-10 BAOD) (RANCH OR FARM RESIDENCE, BASELINE AREA OVERLAY DISTRICT, APPROVED SINGLE-FAMILY RESIDENCE DISTRICT, BASELINE AREA OVERLAY DISTRICT), AND S-1 BAOD (RANCH OR FARM RESIDENCE, BASELINE AREA OVERLAY DISTRICT) TO R1-6 BAOD (SINGLE-FAMILY RESIDENCE DISTRICT, BASELINE AREA OVERLAY DISTRICT)

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

SECTION 1. The zoning of an 18.52-acre site located at the northeast corner of 36th Street and Beverly Road in a portion of Section 1, Township 1 South, Range 3 East, as described more specifically in Exhibit "A," is hereby changed from 0.83 acres of "R1-6 BAOD (Approved R1-10 BAOD)" (Single-Family Residence District, Baseline Area Overlay District, Approved Single-Family Residence District, Baseline Area Overlay District), 6.74 acres of "S-1 BAOD (Approved R1-10 BAOD)" (Ranch or Farm Residence, Baseline Area Overlay District, Approved Single-Family Residence

District, Baseline Area Overlay District), and 10.95 acres of “S-1 BAOD” (Ranch or Farm Residence, Baseline Area Overlay District) to “R1-6 BAOD” (Single-Family Residence District, Baseline Area Overlay 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. Tracts “C”, “H”, “I”, and “G”, as generally depicted on the site plan date stamped January 17, 2024, shall be reserved for open space, as modified by the following stipulations, and approved by the Planning and Development Department.
2. The undisturbed hillside area (above 10% per the approved Slope Analysis) shall remain undisturbed and be dedicated with a preservation easement except for Lot 27 and development of private accessways as generally depicted on the site plan date stamped January 17, 2024, as approved by the Planning and Development Department.
3. The existing home on Lot 27 shall remain and any improvements to this lot shall be reviewed and approved through a Hillside/Grading and Drainage Plan by the Planning and Development Department.
4. A physical feature (such as retaining wall, rock wall, etc.) shall be provided along the west and south portions of Tract “J”, as generally depicted on the site plan date stamped January 17, 2024, to protect the undisturbed hillside area, as approved by the Planning and Development Department.
5. A minimum of three distinct exterior accent materials for each required standard plan within the subdivision shall be provided, as approved by the Planning and Development Department.
6. If fencing is proposed along the perimeter of the site, the fencing shall be a minimum of 75% view fencing, except on Lots 1, 50, 51, 52, and 53 as depicted on the site plan date stamped January 17, 2024, as approved by the Planning

and Development Department. Any perimeter fencing requirement adjacent to the Highline Canal is subject to review and approval of SRP.

7. All landscape setbacks shall be planted with minimum 2-inch caliper large canopy drought-tolerant trees, 20 feet on center or in equivalent groupings, with five 5-gallon shrubs per tree, as approved by the Planning and Development Department.
8. A minimum of 10% of the required shrubs, shall be a milkweed or other native nectar species, and shall be planted in groups of three or more and maintained, as approved by the Planning and Development Department.
9. The sidewalk along 36th Street shall be a minimum of five feet in width and detached with a minimum five-foot wide landscape strip located between the sidewalk and back of curb and planted to the following standards, as approved by the Planning and Development Department.
 - a. Minimum 2-inch caliper, single-trunk, large canopy, drought-tolerant shade trees planted 20 feet on center or in equivalent groupings.
 - b. Drought tolerant vegetation to achieve a minimum of 75 percent live coverage at maturity.

Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment for installing the required plants.

10. Prior to preliminary plat approval, documentation shall be provided that demonstrates participation in the Environmental Protection Agency's WaterSense certification program, or an equivalent program, as approved by the Planning and Development and Water Services departments.
11. A WaterSense inspection report from a third-party verifier shall be submitted that demonstrates successful participation in the Environmental Protection Agency's WaterSense certification program, or an equivalent program, prior to certificate of occupancy, as approved by the Planning and Development Department.
12. In addition to the landscape materials listed in the Baseline Area Master Plan Plant List Cercidium Hybrid (Desert Museum Palo Verde), Quercus Virginiana (Live Oak), And Pistacia X 'Red-Push (Red Push Pistache), may be permitted as approved by Planning and Development Department and shall be utilized throughout the subdivision including the front, side, and rear yards of individual residential lots. This restriction shall be included in the Covenants, Conditions, and Restrictions for the subdivision.
13. Landscaping in common areas shall be maintained by permanent and

automatic/water efficient WaterSense labeled irrigation controllers (Smart Controller) to minimize maintenance and irrigation water consumption for all on and offsite landscape irrigation.

14. Pressure regulating sprinkler heads and drip lines shall be utilized in any turf areas to reduce water waste.
15. Natural turf shall only be utilized on individual single-family lots (behind the front yard); required retention areas (bottom of basin), and functional turf areas within common areas, as approved by the Planning and Development Department.
16. A minimum of two green infrastructure (GI) techniques for stormwater management shall be implemented per the Greater Phoenix Metro Green Infrastructure and Low-Impact Development Details for Alternative Stormwater Management, as approved or modified by the Planning and Development Department.
17. Swimming pools on individual single-family lots shall be limited to 600 square feet in size.
18. A public connection to the existing 36th Way stub street shall be provided or the existing 36th Way right-of-way shall be terminated per the City of Phoenix termination standards, as required by the Street Transportation Department.
19. An enhanced connection shall be provided on the southern site boundary to allow for direct pedestrian access to the adjacent Highline Canal. The developer shall construct an 8-foot-wide shaded pedestrian pathway consisting of decorative material such as brick, pavers or alternative material providing at the entryway, as approved by the Planning and Development Department.
20. A sidewalk easement shall be dedicated over a clearly defined pedestrian pathway(s) providing a public connection through the site from the existing 36th Way access point on the northern site boundary to the Highline Canal and the adjacent wash/trail system, as approved by the Planning and Development Department.
21. Replace unused driveways with sidewalk, curb, and gutter. Also, replace any broken or out-of-grade curb, gutter, sidewalk, curb ramps on all streets and upgrade all off-site improvements to be in compliance with current ADA guidelines.
22. All streets within and adjacent to the development shall be constructed 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

23. The property owner shall record documents that disclose the existence, and operational characteristics of Phoenix Sky Harbor Airport 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.
24. If determined necessary by the Phoenix Archaeology Office, the applicant shall conduct Phase I data testing and submit an archaeological survey report of the development area for review and approval by the City Archaeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.
25. If Phase I data testing is required, and if, upon review of the results from the Phase I data testing, the City Archaeologist, in consultation with a qualified archaeologist, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archaeological data recovery excavations.
26. 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.
27. Prior to final site plan approval, the landowner shall execute a Proposition 207 waiver of claims form. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record.
28. Bench seating shall be provided near the western pedestrian connection, located between Lots 39 and 50, as depicted on the site plan date stamped January 17, 2024, and as approved by the Planning and Development Department.
29. At least 50% of the residential homes abutting the canal (Lots 28 through 39, as depicted on the site plan date stamped January 17, 2024) shall be a maximum of one story or 15 feet in height, as approved by the Planning and Development Department.
30. The developer shall provide evidence of undertaking reasonable efforts to work with the adjacent homeowners association to the north, to close off the former access drive east of the "Groves at Baseline" subdivision by installing a solid 4-foot tall block wall with a 2-foot view fence atop, at the northeast corner of the site and at the driveway entrance along Baseline Road, with a locked access gate on the south end for maintenance as needed.
31. A Traffic Impact Analysis (TIA) shall be submitted to the City for this development. No preliminary approval of plans shall be granted until the analysis is reviewed and approved by the Street Transportation Department.

The TIA shall include a signal warrant analysis for 36th Street and Baseline Road. If the approved TIA determines that a signal is warranted and is approved by the Street Transportation Department for installation, the developer shall be responsible for its proportionate share of the funding and construction of all recommendations of the analysis.

32. The subdivision shall have no more than 61 lots.
33. On-site lighting within open space areas shall be accomplished with low level, uniform light fixtures dispersed throughout the site with a lumen rating of 3,000 or less.
34. The conceptual elevations for future development (new homes) shall be reviewed and approved, with specific regard to the Single-Family Design Review Guidelines, by the Planning Hearing Officer through the public hearing process, including review by the South Mountain Village Planning Committee, for stipulation modification prior to preliminary site plan approval. This is a legislative review for conceptual purposes only. Specific development standards and requirements will be determined by the Planning Hearing Officer, and the Planning and Development Department.
35. Any invasive plants shall not be allowed.
36. Native materials, or similar materials, shall be used for all exterior perimeter wall columns, 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 3rd day of April, 2024.

MAYOR

ATTEST:

Denise Archibald, City Clerk

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

By:

REVIEWED BY:

Jeffrey Barton, City Manager

Exhibits:
A – Legal Description (2 Pages)
B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-104-23-8

A portion of the North half of Section 1, Township 1 South, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the North quarter corner of said Section 1;

Thence along the West line of the Northeast quarter of said Section 1, South 00 degrees 31 minutes 29 seconds West a distance of 835.13 feet to the beginning of a non-tangent curve whose center bears North 89 degrees 28 minutes 44 seconds West a distance of 500.00 feet;

Thence along the arc of said non-tangent curve through a central angle of 16 degrees 47 minutes 26 seconds and an arc length of 146.52 feet to the POINT OF BEGINNING;

Thence South 72 degrees 41 minutes 18 seconds East a distance of 30.00 feet to a point on the Easterly right of way line of 36th Street;

Thence North 89 degrees 40 minutes 26 seconds East a distance of 527.92 feet;

Thence North 00 degrees 34 minutes 55 seconds East a distance of 332.04 feet;

Thence North 89 degrees 51 minutes 09 seconds East a distance of 464.64 feet to a point on the West property line of Blossom Hills, a subdivision, as recorded in Book 899 of Maps, Page 7, records of Maricopa County, Arizona;

Thence along said West line, South 00 degrees 31 minutes 34 seconds West a distance of 666.62 feet;

Thence North 89 degrees 58 minutes 24 seconds East a distance of 129.98 feet to a point on the arc of a non-tangent curve whose center bears South 61 degrees 57 minutes 55 seconds East a distance of 323.00 feet, also being a point on the Northerly right of way line of the Highline Canal, as recorded in Book 122 of Deeds, Pages 1 through 9, records of Maricopa County, Arizona;

This along said right of way line the following 6 courses:

Thence along the arc of said non-tangent curve through a central angle of 7 degrees 35 minutes 20 seconds and an arc length of 42.78 feet;

Thence South 20 degrees 26 minutes 45 seconds West a distance of 120.01 feet to the beginning of a tangent curve whose center bears North 69 degrees 33 minutes 15 seconds West a distance of 187.90 feet;

Thence along the arc of said tangent curve through a central angle of 58 degrees 34 minutes 01 seconds and an arc length of 192.07 feet;

Thence South 79 degrees 00 minutes 46 seconds West a distance of 366.74 feet to the beginning of a tangent curve whose center bears North 10 degrees 59 minutes 14 seconds West a distance of 158.18 feet;

Thence along the arc of said tangent curve through a central angle of 56 degrees 46 minutes 19 seconds and an arc length of 156.73 feet; Thence North 44 degrees 12 minutes 55 seconds West a distance of 176.41 feet to the beginning of a tangent curve whose center bears South 45 degrees 47 minutes 05 seconds West a distance of 228.18 feet;

Thence along the arc of said tangent curve through a central angle of 50 degrees 23 minutes 19 seconds and an arc length of 200.67 feet;

Thence South 85 degrees 23 minutes 46 seconds West a distance of 123.36 feet;

Thence South 89 degrees 19 minutes 11 seconds West a distance of 70.30 feet;

Thence North 00 degrees 28 minutes 46 seconds East a distance of 144.59 feet to the beginning of a tangent curve whose center bears North 89 degrees 31 minutes 14 seconds West a distance of 117.87 feet;

Thence along the arc of said tangent curve through a central angle of 46 degrees 01 minutes 50 seconds and an arc length of 114.78 feet;

Thence North 45 degrees 31 minutes 27 seconds West a distance of 47.96 feet to a point on the arc of a non-tangent curve whose center bears North 45 degrees 26 minutes 34 seconds West a distance of 500.00 feet;

Thence along the arc of said non-tangent curve through a central angle of 27 degrees 14 minutes 28 seconds and an arc length of 237.80 feet to the POINT OF BEGINNING.

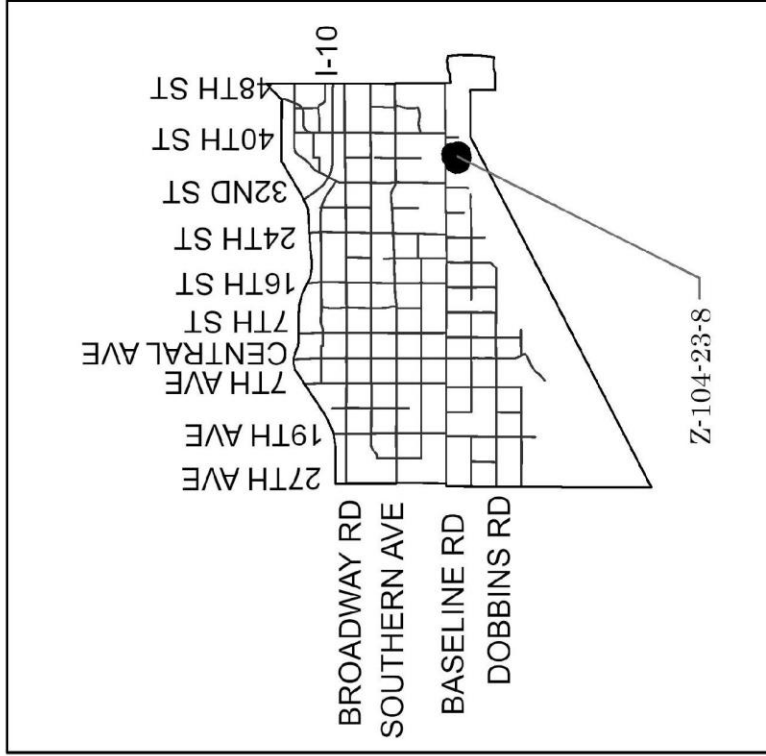
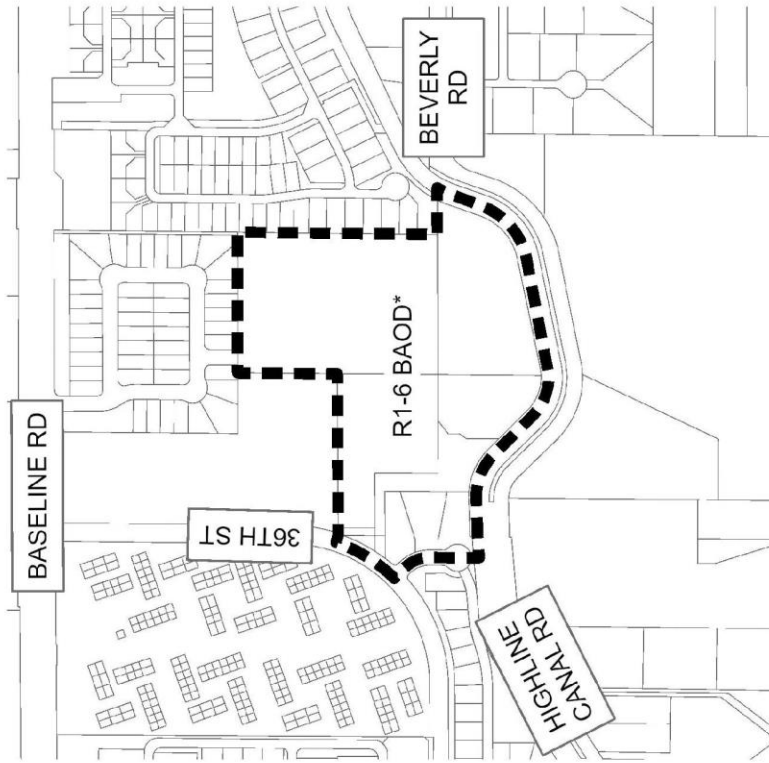
Note: The above described parcel contains 784,908 square feet or 18.0190 acres, more or less.

ORDINANCE LOCATION MAP

EXHIBIT B

Zoning Case Number: Z-104-23-8
 Zoning Overlay: Baseline Area Plan and Overlay District
 Planning Village: South Mountain

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



NOT TO SCALE

Drawn Date: 3/4/2024

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*****REQUEST TO CONTINUE (SEE ATTACHED MEMO)*** Public Hearing and Resolution Adoption - General Plan Update PlanPHX 2025 - GPA-12-23 (Resolution 22191)**

Request to hold a public hearing and adopt a resolution on the General Plan Update as recommended by the Planning Commission on March 7, 2024. State Law requires that the City Council hold at least one public hearing before adoption of the General Plan, and that the City Council adopt the General Plan by an affirmative vote of at least two-thirds of its members. It is tentatively scheduled that City Council will refer the measure to voters on May 1, 2024.

Summary

The General Plan provides policy direction for growth, redevelopment, conservation and infrastructure investment for the city. The Phoenix General Plan was last adopted by the Phoenix City Council and approved by voters in 2015. In January of 2023, the Planning and Development Department, with the leadership of the Phoenix City Council, initiated an effort to update the General Plan and termed the project PlanPHX.

Applicant: City of Phoenix, Planning Commission

Representative: City of Phoenix, Planning and Development Department

Staff Recommendation: Approval of GPA-12-23 as shown in Exhibit A of the Staff Report (**Attachment B**).

VPC Action: All 15 Village Planning Committees (VPCs) considered the request. Twelve VPCs recommended approval, per the staff recommendation; one VPC recommended approval, per the staff recommendation, with modifications; and two VPCs recommended approval, per the staff recommendation, with direction, as reflected in **Attachment C**.

PC Action: State Law requires that the Planning Commission hold at least two public hearings before approving the General Plan. The Planning Commission held the first public hearing on Feb. 22, 2024. The Planning Commission held the second public hearing on March 7, 2024, and recommended approval, per the Addendum A Staff Report (**Attachment D**), by a vote of 8-0, as reflected in

Attachment E.

Responsible Department

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.



City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

To: Alan Stephenson
Deputy City Manager

Date: March 27, 2024

From: Joshua Bednarek
Planning and Development Director

Subject: CONTINUANCE OF ITEM 76 ON THE APRIL 3, 2024, FORMAL AGENDA –
PUBLIC HEARING AND RESOLUTION ADOPTION - GENERAL PLAN UPDATE
PLANPHX 2025 - GPA-12-23 (RESOLUTION 22191)

Item 76, GPA-12-23 is a request to hold a public hearing and adopt a resolution on the General Plan Update. The General Plan provides policy direction for growth, redevelopment, conservation and infrastructure investment for the city.

Following the Planning Commission hearing, minor updates are needed to include outstanding comments from some departments, the public and councilmembers. Staff recommends continuing this item to the April 17, 2024, City Council Formal meeting.

Approved:


Alan Stephenson
Deputy City Manager

ATTACHMENT A

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

RESOLUTION

A RESOLUTION ADOPTING THE PHOENIX GENERAL PLAN,
APPLICATION GPA-12-23.

WHEREAS, the Phoenix City Council adopted the Phoenix General Plan
on March 4, 2015; and,

WHEREAS, the General Plan was ratified by the voters on August 25,
2015; and,

WHEREAS, State law requires a city or town council to readopt an
existing general plan or adopt a new general plan by July 1, 2025; and,

WHEREAS, the Planning Commission, PlanPHX Leadership Committee,
village planning committees, City residents, and City staff worked together to create
an update to the General Plan; and,

WHEREAS, the goals and policies produced as part of the update to the
General Plan have received extensive review by the general public and have been
further refined to reflect public input and the need for consistency, coordination, and
the need of the City as a whole; and,

WHEREAS, a comprehensive, long-range plan that complies with Arizona statutory requirements is needed to provide a vision and sense of direction for a city; and,

WHEREAS, such a plan is also needed to provide a framework for growth, redevelopment, conservation, and infrastructure investment that will inform the decisions of residents, developers, land owners, City staff, the Planning Commission and the City Council;

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

SECTION 1. That the 2025 Phoenix General Plan dated March 18, 2024, is hereby adopted.

SECTION 2. That the Planning and Development Department, as the City's planning agency, with the input from the village planning committees and other boards and commissions and recommendations from the Planning Commission, shall monitor, evaluate and recommend revisions to the General Plan annually, and comprehensively every ten years.

PASSED by the Council of the City of Phoenix this 3rd day of April 2024.

M A Y O R

ATTEST:

Denise Archibald, City Clerk

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

By: _____

REVIEWED BY:

Jeffrey Barton, City Manager



City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

GENERAL PLAN AMENDMENT STAFF ANALYSIS

Application:	GPA-12-23
Applicant:	Planning Commission
Requested Change:	To update the General Plan to provide policy direction for growth, redevelopment, conservation, and infrastructure investment for the city.
Reason for Requested Change:	As required by Arizona Revised Statutes.
Staff Recommendation:	Staff recommends approval of the request.

BACKGROUND

Arizona Revised Statutes (ARS) require every city in Arizona to prepare and maintain a long-range general plan that provides a vision and policies for the growth and development of the city. The Phoenix General Plan was last adopted by the Phoenix City Council and approved by voters in 2015. In January of 2023, the Planning and Development Department (PDD), with the leadership of the Phoenix City Council, initiated an effort to update the Phoenix General Plan generally referred to as PlanPHX. The project's launch included the appointment of a PlanPHX Leadership Committee by the City Council.

The General Plan provides a powerful medium for residents to strategize on how the city will grow. This General Plan update focused on the following:

1. Building on and refining the existing General Plan Framework.
2. Aligning General Plan's goals and strategies with other City Council adopted initiatives.
3. Outlining what we will be working on to accomplish goals for the next 10 years.

BUILDING ON AND REFINING THE EXISTING GENERAL PLAN FRAMEWORK

This General Plan Update builds on the concepts established in the 2015 General Plan that a unified policy framework of all the City's various initiatives is one of the best strategies to employ to realize a collective vision, values and goals.

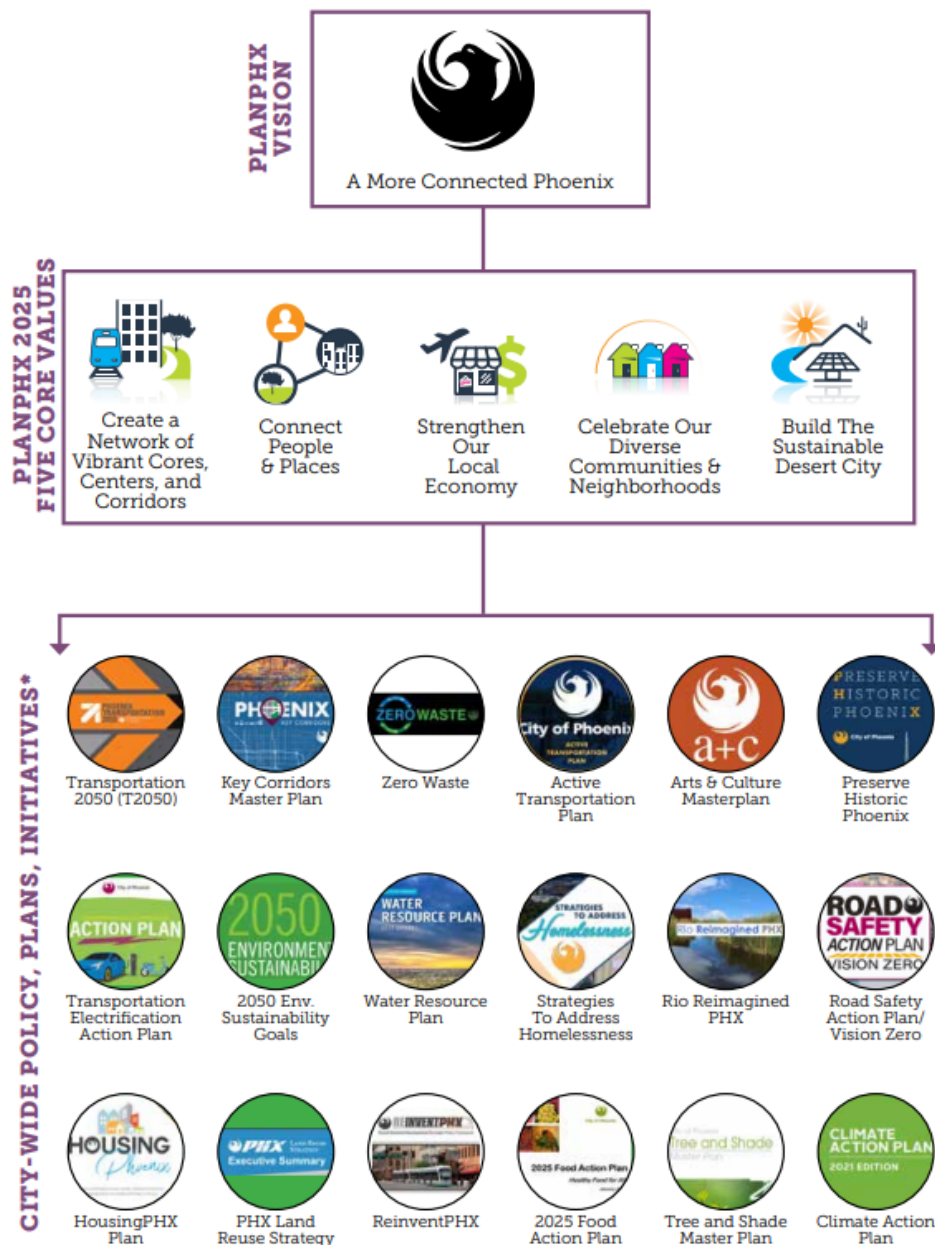
The Vision to be "a more connected city" has been carried through for decades of planning in Phoenix and consistently referenced in plans, policies and initiatives to this day holding its place atop the General Plan Framework. The next tier within the framework has been slightly modified to further address "Planning Equity" through the lens of the already established 3 Community Benefits. These updated Community Benefits provide critical guidance in achieving the Vision and informing Goals in a more inclusive and equitable way. Each of the 5 Core Values have also been updated to align with new goals and priorities. The 7 Strategic Tools continue to organize an abundance of implementation resources and actions. The most noticeable update is the introduction of a new Core Value to Create a Network of Vibrant Cores, Centers, and Corridors across the city. This new framework reinforces alignment and connections across all city plans, policies, and initiatives to enhance the quality of life for all Phoenixians.

The four primary parts of the General Plan



ALIGNING GENERAL PLAN'S GOALS AND STRATEGIES WITH OTHER CITY COUNCIL ADOPTED INITIATIVES

The PlanPHX Five Core Values and Subsection/Goals provide a purposeful and strategic alignment with a variety of City and community driven Policies, Plans and Initiatives celebrating the city's commitment to continuously improving, evolving and addressing opportunities and challenges through a holistic and unified policy framework to become a more connected Phoenix. This policy alignment to the Five Core Values is illustrated below.



*Sample for references only, for all city policy, plans and initiatives visit phoenix.gov

WHAT ARE WE GOING TO DO TOGETHER NEXT

The Plan highlights a strategic set of actions for each of the 5 Core Values. These actions will not only respond to the General Plan's goals, but the goals of other City Council adopted policy initiatives. This approach reinforces the city's commitment to better harness the collective vision that was developed together as a community the past eight years across a series of initiatives like the Housing Phoenix, Climate Action, and Road Safety Action plans to name just a few. The commitment to keeping the process going, short term actions and immediate next steps are outlined on pages 225-236. Some examples of these actions are illustrated below:

ACTION: Initiate an update of the HistoricPHX Plan to incorporate new policies and strategies and lay out a path forward for the future of historic preservation in Phoenix.

ACTION: Partner with Housing experts to evaluate and update Zoning Ordinance standards for residential development to promote a diversity of housing options in appropriate locations.

RECOMMENDATION

Staff recommends approval of GPA-12-23.

EXHIBIT

Exhibit A: [Draft 2025 General Plan](#)

ATTACHMENT C
GPA-12-23: General Plan Update

-
Village Planning Committee Summary Results

Village	Recommendation Date	Recommendation	Vote
Ahwatukee Foothills	1/22/24	Approved	7-1
Alhambra	2/27/24	Approved	13-0
Camelback East	1/9/24	Approved	16-0
Central City	1/8/24	Approved with direction	13-0
Deer Valley	1/16/24	Approved	9-0
Desert View	1/9/24	Approved	8-0
Encanto	1/8/24	Approved	12-0
Estrella	1/16/24	Approved	9-0
Laveen	1/8/24	Approved with modifications	6-1
Maryvale	1/10/24	Approved	7-2
North Gateway	2/8/24	Approved	6-0
North Mountain	1/17/24	Approved with direction	12-0
Paradise Valley	1/8/24	Approved	12-0
Rio Vista	2/13/24	Approved	4-0
South Mountain	1/9/24	Approved	12-0-1

Village Planning Committee Meeting Summary GPA-12-23

Date of VPC Meeting	January 22, 2024
Request	Amend the General Plan to incorporate the 2025 General Plan Update
VPC Recommendation	Approval, per the staff recommendation
VPC Vote	7-1

VPC DISCUSSION:

STAFF PRESENTATION

Matteo Moric, staff, provided a presentation reviewing the General Plan Update 2025 process, highlighting specific elements of the draft plan, the action items identified moving forward, and the timeline. Mr. Moric noted the item is in front of the Village Planning Committee for a recommendation.

QUESTIONS FROM COMMITTEE AND STAFF RESPONSE

Chair Gasparro asked if staff was looking for an action on the General Plan Update today. **Mr. Moric** said yes that staff is hoping to get an action.

Clifford Mager said much of the General Plan is high level and strategic, and asked what items in the plan are more relevant to the community of Ahwatukee Foothills. **Mr. Moric** explained through previous discussions with the Committee the highest rated core value was “Connecting People and Places,” and the other Core Values ranked in order of priority were “Strengthen Our Local Economy”, “Create a Network of Vibrant Cores, Centers, and Corridors”, “Build The Sustainable Desert City” and “Celebrate Our Diverse Communities & Neighborhoods”.

PUBLIC COMMENTS

None.

MOTION

Toni Broberg motioned to recommend approval of GPA-12-23. **Kimberly Barua** seconded the motion.

VOTE

7-1, Motion to recommend approval of GPA-12-23 passed with Committee Members Barua, Broberg, Mager, Maloney, Meier, Pritchette, Fisher and Chair Gasparro in favor; and Schiller opposed.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

No comments.

Village Planning Committee Meeting Summary GPA-12-23

Date of VPC Meeting	February 27, 2024
Request	Amend the General Plan to incorporate the 2025 General Plan Update
VPC Recommendation	Approval, per the staff recommendation
VPC Vote	13-0

VPC DISCUSSION:

STAFF PRESENTATION

Samuel Rogers, staff, provided a presentation reviewing the General Plan Update 2025 process, highlighting specific elements of the draft plan, the action items identified moving forward, the timeline, and explained that the item is at VPC for recommendation.

QUESTIONS FROM THE COMMITTEE

Committee Member Maurita Harris asked about the General Plan Survey turnout. **Mr. Rogers** stated that he did not know the survey numbers but would ask his team and report back.

Committee Member Jak Keyser asked about the roadshow event activity and spoke about the roadshow event attendance. **Mr. Rogers** stated that the participants voted for the three Core Values most important to them using tokens provided at the event.

Committee Member Alexander Malkoon stated that there was not clear winner regarding the number of tokens each Core Value received. **Committee Member Keyser** stated that it was good that there was not a clear winner. **Mr. Rogers** agreed with Committee Member Malkoon and Committee Member Keyser.

Committee Member Krietor stated that City of Phoenix had satisfied the State of Arizona General Plan process requirements and stated that he would like to endorse the General Plan.

FLOOR/PUBLIC DISCUSSION CLOSED: MOTION, DISCUSSION, AND VOTE

MOTION

Committee Member David Kreitor made a motion to recommend approval GPA-12-23 per staff recommendation. **Committee Member Jak Keyser** seconded the motion.

Committee Member Keyser stated that good presentations bring out the best in people.

VOTE

13-0, motion to recommend approval of GPA-12-23 per staff recommendation passed with Committee members Farina, Fitzgerald, Harris, Jones, Keyser, Krietor, Malkoon, Pimentel, Sanchez, Shore, Smith, Camp, and DeGraffenreid in favor.

STAFF COMMENTS:

No comment.



Village Planning Committee Meeting Summary

GPA-12-23

Date of VPC Meeting	January 9, 2024
Request	Amend the General Plan to incorporate the 2025 General Plan Update
VPC Recommendation	Approval, per the staff recommendation
VPC Vote	16-0

VPC DISCUSSION:

No members of the public registered to speak on this item.

STAFF PRESENTATION:

John Roanhorse, staff provided an introduction and status report of the development the General Plan update noting many committee members have been directly involved in the review and meetings that have been conducted since March 2023. Mr. Roanhorse stated that the presentation is intended to provide a summary and to obtain any remaining details and adjustments before proceeding to the Planning Commission. Mr. Roanhorse said the discussion is also an opportunity to answer questions and provide a preview. Mr. Roanhorse reviewed the policy framework and the alignment to bring together the vision of the plan and what would be the next steps. Mr. Roanhorse reviewed and discussed the focus of what we do next noting examples of Place Type and Key Corridors as applicable to the Camelback East Village. Mr. Roanhorse discussed the road show format and the information presented and the feedback that was obtained from eight event conducted at various locations. Mr. Roanhorse discussed the road shows and the results from the exercises from each village addressing the core values. Mr. Roanhorse noted the results from the Camelback East village compared to the overall results. Mr. Roanhorse stated the importance of what was heard from the road shows as well as the online surveys because this information will be included in adjusting the draft general plan. Mr. Roanhorse described the action items in the general plan and how they will be instrumental in forming and creating changes for

development and design. Mr. Roanhorse noted that the online survey had over 1100 responses. Mr. Roanhorse displayed the calendar of actions that will occur in moving the general plan to the committees then two the Planning Commission in February and March, ultimately it is expected that the draft general plan will eventually be presented to the Council.

QUESTIONS FROM THE COMMITTEE:

Chair Swart commented that the work and engagement from Committee Member Paceley and the participation of the committee members was substantial thought out the development of the General Plan.

PUBLIC COMMENTS:

None.

STAFF RESPONSE:

None.

MOTION:

Committee Member Barry Paceley motioned to recommend approval of GPA-12-23. **Committee Member Grace** seconded the motion.

VOTE:

16-0; motion to recommend approval of GPA-12-23 passes with Committee members Abbott, Augusta, Baumer, Bayless, Beckerleg Thraen, Garcia, Grace, Jurayeva, Langmade, O'Malley, Paceley, Schmieder, Sharaby, Whitesell, Fischbach, and Swart in favor.

Village Planning Committee Meeting Summary GPA-12-23

Date of VPC Meeting	January 8, 2024
Request	Amend the General Plan to incorporate the 2025 General Plan Update
VPC Recommendation	Approval, per the staff recommendation with direction
VPC Vote	13-0

VPC DISCUSSION:

STAFF PRESENTATION

Anthony Grande, staff, provided a presentation reviewing the General Plan Update 2025 process, highlighting specific elements of the draft plan, the action items identified moving forward, and the timeline. **Mr. Grande** noted that the item is at the VPC for recommendation.

QUESTIONS FROM COMMITTEE

Committee Member Panetta asked about how the City measures results. **Mr. Grande** replied that the plan defines action items, and the Department has staff that will be working on the next steps along with the VPC.

Committee Member Olivas asked how often the General Plan is reviewed. **Mr. Grande** replied that the General Plan is updated every 10 years, but specific policy plans are developed in the interim.

Committee Member Rachel Frazier Johnson asked about projects under the Arts and Culture Master Plan tying into the General Plan or the work the VPC does. **Mr. Grande** replied that other plans developed by the City should refer back to the General Plan policy statements. **Ms. Johnson** asked how the VPC knows when projects are taking place to track that they are following the General Plan. **Mr. Grande** replied that City projects use interdepartmental collaboration and ideally will bring items to the VPC for information or involve stakeholders.

Ms. Olivas stated that at least 85 percent of projects should be in alignment with the General Plan. **Mr. Grande** stated that every project the Department reviews should tie back to General Plan policies.

Committee Member Starks asked about dashboards to track progress on General Plan goals. **Mr. Grande** noted that the document has links to some dashboards that track measurable items and that specific policy plans have more measurable goals. **Vice Chair Gaughan** highlighted that each initiative has its own goals with separate tracking.

Committee Member Sherman asked how often other policy plans will be updated. **Mr. Grande** stated that it will vary by plan, but the new General Plan update provides new policy statements as a foundation for other plans to be updated in the future. **Mr. Panetta** noted that some plans will be updated more often depending on the subject of the plan.

Chair O’Grady stated that specific policy plans will have more measurable goals than the General Plan.

Mr. Panetta stated that a dashboard that has a collection of all the City’s policy plans in one place would be helpful. **Vice Chair Gaughan** stated that right now it requires searching around for each policy plan.

Ms. Olivas stated that the General Plan should be revisited annually. **Mr. Grande** highlighted the upcoming work the Department plans to do with VPCs after the General Plan is approved.

PUBLIC COMMENTS

None.

STAFF RESPONSE

None.

MOTION

Patrick Panetta made a motion to recommend approval of GPA-12-23. **Jeff Sherman** seconded the motion for approval.

Rachel Frazier Johnson requested a friendly amendment to recommend approval with direction for staff to provide annual updates on progress of initiatives. **Patrick Panetta** and **Jeff Sherman** agreed to the friendly amendment.

VOTE

13-0; Motion to recommend approval of GPA-12-23 with direction passed, with Committee Members Burton, Gonzales, R. Johnson, Lockhart, Nervis, Olivas, Panetta, Sherman, Sonoskey, Starks, Vargas, Gaughan, and O’Grady in favor.

Village Planning Committee Meeting Summary GPA-12-23

Date of VPC Meeting	January 16, 2024
Request	Amend the General Plan to incorporate the 2025 General Plan Update
VPC Recommendation	Approval, per the staff recommendation
VPC Vote	9-0

VPC DISCUSSION:

No members of the public registered to speak on this item.

STAFF PRESENTATION

Matteo Moric, staff, provided a presentation reviewing the General Plan Update 2025 process, highlighting specific elements of the draft plan, the action items identified moving forward, and the timeline. Mr. Moric noted the item is at the Village Planning Committee for recommendation.

QUESTIONS FROM THE COMMITTEE

None.

PUBLIC COMMENTS

None.

STAFF RESPONSE

None.

MOTION:

Committee Member Susan Herber motioned to recommend approval of GPA-12-23. **Committee Member Braden Lopez-Biggs** seconded the motion.

VOTE:

9-0, motion to recommend approval of GPA-12-23 passes with Committee Members Davenport, Greenberg, Herber, Hoffman, Lopez-Biggs, Romero, Sutphen, Freeman, and DiLeo in favor.

STAFF COMMENTS:

None.

Village Planning Committee Meeting Summary GPA-12-23

Date of VPC Meeting	January 9, 2024
Request	Amend the General Plan to incorporate the 2025 General Plan Update
VPC Recommendation	Approval, per the staff recommendation
VPC Vote	8-0

VPC DISCUSSION:

No members of the public registered to speak on this item.

STAFF PRESENTATION

Anthony Grande, staff, provided a presentation reviewing the General Plan Update 2025 process, highlighting specific elements of the draft plan, the action items identified moving forward, and the timeline. **Mr. Grande** noted that the item is at the VPC for recommendation.

QUESTIONS FROM COMMITTEE

Committee Member Kollar asked for clarification on the timeline. **Mr. Grande** replied with details of the timeline.

PUBLIC COMMENTS

None.

MOTION:

Vice Chair Lagrave made a motion to recommend approval of GPA-12-23. **Committee Member Reginald Younger** seconded the motion.

VOTE:

8-0; the motion to recommend approval of GPA-12-23 passed with Committee Members Barto, Douvalakis, Israel, Kollar, Nowell, Younger, Lagrave, and Bowser in favor.



Village Planning Committee Meeting Summary

GPA-12-23

Date of VPC Meeting	January 8, 2024
Request	Amend the General Plan to incorporate the 2025 General Plan Update
VPC Recommendation	Approval, per the staff recommendation
VPC Vote	12-0

VPC DISCUSSION:

No members of the public registered to speak on this item.

STAFF PRESENTATION

John Roanhorse, staff provided an introduction and status report of the development the General Plan update noting many committee members have been directly involved in the review and meetings that have been conducted since March 2023. Mr. Roanhorse stated that the presentation is intended to provide a summary and to obtain any remaining details and adjustments before proceeding to the Planning Commission. Mr. Roanhorse said the discussion is also an opportunity to answer questions and provide a preview. Mr. Roanhorse reviewed the policy framework and the alignment to bring together the vision of the plan and what would be the next steps. Mr. Roanhorse reviewed and discussed the focus of what we do next noting examples of Place Type and Key Corridors as applicable to the Encanto Village. Mr. Roanhorse discussed the road show format and the information presented and the feedback that was obtained from eight event conducted at various locations. Mr. Roanhorse discussed the road shows and the results from the exercises from each village addressing the core values. Mr. Roanhorse noted the results from Encanto village compared to the overall results. Mr. Roanhorse stated the importance of what was heard from the road shows as well as the online surveys because this information will be included in adjusting the draft general plan. Mr. Roanhorse described the action items in the general plan and how

they will be instrumental in forming and creating changes for development and design. Mr. Roanhorse noted that the online survey had over 1100 responses. Mr. Roanhorse displayed the calendar of actions that will occur in moving the general plan to the committees then two the Planning Commission in February and March, ultimately it is expected that the draft general plan will eventually be presented to the Council.

QUESTIONS FROM THE COMMITTEE

Committee Member Montañó Searles commented that he attended the road shows and staff did a good job on the activities in particular the youth town hall was fun and engaging.

Chair Wagner commented that she reviewed the General Plan and compared the documents and there are so many things have been developed and noted such as water policy and a realistic emphasis and noted the shift from focusing on downtown to the village cores.

PUBLIC COMMENTS

None

STAFF RESPONSE

John Roanhorse noted that that Planning and Development staff have been very engaged and worked extensively to prepare, review and assemble the draft General Plan. Mr. Roanhorse thanked the committee for the responsiveness and review of the information.

Chair Wagner commented that transportation is an important issue and also the canals noting that Phoenix has more miles of canals than Venice or Amsterdam. Chair Wagner stated that for many years canals were a hazard and now there has been a shift to explore how that can be more effectively utilized. **Mr. Roanhorse** responded that canals have been an important part of the developing pedestrian network and has been a complimentary feature for development. Mr. Roanhorse noted that the City has made extensive improvements to the canal banks with development standards and promote pedestrian use. Mr. Roanhorse discussed a rezoning project along the canal bank at 7th Street and Minnezona Avenue and the requirements for connectivity, landscaping and pedestrian improvements as part of the development.

MOTION:

Committee Member Jayson Matthews motioned to recommend approval of the request to amend the General Plan to incorporate the 2025 General Plan Update per the staff recommendation. **Committee Member G.G. George** seconded the motion.

VOTE:

12-0; motion to recommend approval of the request to amend the General Plan to incorporate the 2025 General Plan Update passes with Committee Members Carranza, Doescher, George, Jewett, Kleinman, Matthews, Perez, Picos, Procaccini, Montaña Searles, Tedhams and Wagner in favor.

Village Planning Committee Meeting Summary GPA-12-23

Date of VPC Meeting	January 16, 2024
Request	Amend the General Plan to incorporate the 2025 General Plan Update
VPC Recommendation	Approval, per the staff recommendation
VPC Vote	9-0

VPC DISCUSSION:

Staff Presentation:

Nayeli Sanchez Luna summarized the General Plan Update for 2025. Ms. Sanchez Luna noted that planning equity would be part of the three community benefits of prosperity, health and well-being, and environment. Ms. Sanchez Luna stated the new core value that would be utilized to create a network of vibrant cores, centers, and corridors. Ms. Sanchez Luna summarized the numerous roadshow events and the timeline for the General Plan Update.

Questions From the Committee:

Chair Perez stated that the Land Use Map should have been updated as part of this General Plan Update. Chair Perez stated that the Department has created a proposed timeline for upcoming projects such as identifying cores and corridors and updating the Character Plan. Chair Perez added that the Estrella core has been bisected by a freeway and she has talked to numerous members on the leadership committee for a new core location. Chair Perez stated that several meetings will be required to address the issues.

Public Comment:

None.

Committee Discussion:

None.

Motion:

Vice Chair Beth Cartwright motioned to recommend approval for GPA-12-23, per the staff recommendation. **Tino Hernandez** seconded the motion.

Vote:

9-0, motion to recommend approval of GPA-12-23 passed with Committee Members Barquin, Burd, Hernandez, Morris, Serrette, Wallace, Cartwright, Cenicerros, and Perez in favor.

Staff comments regarding VPC Recommendation:

None.

Village Planning Committee Meeting Summary GPA-12-23

Date of VPC Meeting	January 8, 2024
Request	Amend the General Plan to incorporate the 2025 General Plan Update
VPC Recommendation	Approval, per the staff recommendation with modifications
VPC Vote	6-1

VPC DISCUSSION:

One member of the public registered to speak on this item.

Staff Presentation:

Ms. Sanchez Luna summarized the General Plan Update for 2025. Ms. Sanchez Luna noted that planning equity would be part of the three community benefits of prosperity, health and well-being, and environment. Ms. Sanchez Luna stated the new core value that would be utilized to create a network of vibrant cores, centers, and corridors. Ms. Sanchez Luna summarized the numerous roadshow events and the timeline for the General Plan Update.

Questions From the Committee:

Ms. Jensen asked how the committee could retain Laveen's unique characteristics. **Ms. Sanchez Luna** noted that each village has a Character Plan and that the committee has created stipulations that further enforce Laveen's character.

Mr. Ortega asked how the committee can enforce the character if developers are not willing to accommodate the characteristics. Mr. Ortega stated that numerous proposals do not align with Laveen but when the committee is in opposition, the Planning Department or Planning Commission still recommend approval.

Chair Abegg added that numerous proposals are not required to go through the Village Planning Committee. Chair Abegg noted that staff should enforce Laveen development standards even if a proposal doesn't go through the rezoning or PHO process.

Ms. Jensen reiterated that an issue that the committee faces is when they vote to deny a proposal but Planning Commission votes in favor. **Chair Abegg** stated that that is when City Council's opinion is important. Chair Abegg added that the City Council makes the final decision. Chair Abegg stated that the Planning and Development

Department, Village Planning Committee, and Planning Commission are all in odds with one another. Chair Abegg noted that cases that have concerns or modifications should not be on the Planning Commission consensus agenda.

Ms. Perrera noted that she would like more information on how Planning Commission members are appointed. Ms. Perrera supported the idea of Planning Commission being made up of Village Planning Committee members. **Chair Abegg** noted that Planning Commission members that are on Village Planning Committees reach out to the committee and respect the opinion and the final vote. **Ms. Perrera** noted that the Planning Commission must understand each village's perspective.

Mr. Ortega stated that Laveen is one of the toughest committees and other villages just accept development. Mr. Ortega noted that other villages do not require a list of design and site improvement. Mr. Ortega voiced his frustration when the committee votes in denial but Planning Commission or the Planning and Development Department keep supporting the proposal.

Patrick Nasser-Taylor stated that he agreed with Committee Member Ortega's comments. Mr. Nasser-Taylor noted that the purpose of the committee is to keep and promote Laveen's character and that Phoenix should not look entirely like Phoenix Downtown.

Chair Abegg noted that she has listened to Planning Commission discussions and most of the time, Planning Commission does not have any conflicts with the proposals in the City. Chair Abegg added that if staff provided an alternative recommendation from that in the Village Planning Committee, the Planning Commission votes on staff's recommendation. Chair Abegg stated that she supported a cohesive decision between Planning Commission and the Village Planning Committee where the same.

Ms. Perrera noted that there was a list of undeveloped parks on page 256 and that all were in Estrella and Laveen. Ms. Perrera noted that the General Plan noted a pool in the proposed Estrella Regional Park but that there were no pools proposed for Laveen. Ms. Perrera added that the General Plan focuses on equity but that she would like to see a clear definition of equity. Ms. Perrera noted that she has received pushback from departments regarding a shaded splash pad. Ms. Perrera stated that if South Phoenix needs a shaded splash pad, that does not mean that everyone needs one. Ms. Perrera added that that is equality not equity when it came to resources and amenities. Ms. Perrera noted that page 61 had a map displaying all the employment corridors. Ms. Perrera stated that the Tech Corridor is not displayed on any of the maps or figures. Ms. Perrera added that if the City has been promoting this area as a Tech Corridor, then it should be added in the General Plan. Ms. Perrera appreciated the discussion regarding the Dobbins Road and Baseline Road Scenic Plans and the focus on the Rio Salado. Ms. Perrera noted that there were inconsistencies between the proposal for funding and implementation methods. Ms. Perrera noted that impact fees were reduced before the COVID-19 pandemic and that the City has denied any additional contributions from developers. **Chair Abegg** added that there have been situations where developers are willing to provide additional contributions but are denied by the City. Chair Abegg added

that she has asked the City for exact numbers but has yet to receive an answer. Chair Abegg stated that new forms of funding must be accepted if it is going to be presented in the General Plan.

Ms. Perrera noted that there was also a section regarding a restoration plan for the next ten years. Ms. Perrera stated that plans must be put in place for South Phoenix where there is poor air quality. Ms. Perrera added that the Land Use Map must be updated. Ms. Perrera noted that development often contradicts the General Plan but is not required to file for a General Plan Amendment. Ms. Perrera stated that the Land Use Map needed to be updated so that CED could bring the job and tech corridor that is needed for Laveen. Ms. Perrera added that there is a large mismatch between all department within the City. Ms. Perrera stated that the General Plan has goals and tasks that will address this moving forward but that she hopes that they are attained.

Chair Abegg noted that there had to be a responsible way to develop the village and asked for the total number of residential units needed within the village to meet the City's goals. Chair Abegg also noted that the land use map should be enforced and that the village had to have responsible development rather than letting the market dictate the number of units.

Jennifer Rouse noted that affordable housing was not attainable and that rental rates have been overpriced. Ms. Rouse noted that she appreciated the public outreach but that she was disappointed with the turnout. Ms. Rouse added that additional outreach should have been provided. Ms. Rouse stated that equity needed to be provided to south Phoenix and that parks are not being built or renovated when the City has promised improvements in the past. Ms. Rouse stated that Planning Commission members should be required to reach out to Village Planning Committee members for their opinion on items. Ms. Rouse voiced her concerns regarding the promises heard for the technical corridor along the Loop 202 Freeway. **Ms. Perrera** voiced her agreement. **Ms. Rouse** stated that a school was proposed in the technical corridor. Ms. Rouse added that Dobbins Road was meant to be a scenic corridor and that no movement has been proposed by the City. Ms. Rouse added that the process where Planning Commission members are appointed needed to be modified. Ms. Rouse stated commission members needed to respect the committee's comments and stipulations.

Ms. Jensen noted that the biggest issue was that Planning Commission does not take all aspects into consideration. Ms. Jensen noted that the committee needed to have more power than persuasion and that Planning Commission should consider the modification before agreeing to remove any proposed stipulations.

Mr. Ortega asked where the events were held. **Ms. Sanchez Luna** displayed the slide with all the locations. Ms. Ortega stated that an event should have been hosted in Laveen. **Ms. Rouse** voiced her agreement and stated that there were limited events held south of Van Buren Street. **Ms. Jensen** voiced her agreement and added that the committee has not been as present as other Village Planning Committees.

Public Comment:

T.J. Henshau voiced his support for the General Plan Update. Mr. Henshau stated that he supported creating vibrant cores and that he was looking forward to high density housing and intense commercial uses such as a movie theater. Mr. Henshau noted that the would like bicycle paths and pedestrian paths to be more connected and that Dobbins Road should be developed as a scenic corridor. Mr. Henshau voiced his disappointment in the technical corridor and the approval of warehouses and distribution centers. Mr. Henshau noted that no one was following the General Plan Land Use Map designation and that the City should not ignore the committee's recommendations. Mr. Henshau supported the idea of the Village Planning Committee having more power than recommendation and noted that policy frameworks needed to be created to give the committee more power.

Mr. Perrera thanks Mr. Henshau for his comment and stated the General Plan is setting up framework to address some of Laveen's concerns. **Mr. Henshau** added that the City should support the Village Planning Committee and not work against it.

Committee Discussion:

Mr. Ortega asked how fast they could voice their concerns regarding the General Plan. **Chair Abegg** recommended contacting the Planning and Development Department, Planning Commission, and City Council.

Ms. Perrera asked if the General Plan could define equity, add the technical corridor and creating policy to align with the proposed modifications.

Chair Abegg noted that measurable time frames needed to be added to prevent delays such as establishing Dobbins Road Scenic Corridor.

Ms. Jensen asked if the committee could write a letter regarding the General Plan Update to the Mayor and City Council. **Chair Abegg** agreed and requested staff to add an agenda item for next month.

Chair Abegg, Ms. Perrera, and Ms. Jensen discussed items that needed to be addressed for the General Plan Update

Mr. Ortega asked for the General Plan Update to have a specific chapter or section for each village, especially Laveen. Mr. Ortega noted that Laveen should not be looped in with the rest of the City. **Ms. Perrera** noted that having a section on each village will create an excessive document and that Laveen has policy plans that protect its character. **Mr. Ortega** stated that Laveen should not be grouped with other villages that allow any type of development.

Chair Abegg listed the proposed changes. **Ms. Perrera** added that she would like equity to be defined. **Ms. Jensen** added that it had to align with different villages requiring different needs.

Mr. Ortega asked how the committee can continue to push their concerns. **Chair Abegg** noted that an agenda item will be added for the next meeting. **Mr. Ortega** requested the role of the committee to be defined. **Chair Abegg** noted that the committee has been defined as a recommending body.

Motion:

JoAnne Jensen motioned to recommend approval for GPA-12-13 per the staff recommendation with the following modifications:

- Include the Tech Corridor in the Employment Areas
- Include specific, measurable, achievable timebound metrics for goals such as identifying corridors and exploring/establishing funding for infrastructure (e.g., parks).
- Update the Land Use Map
- Add steps to codify and enforce Village Character Plans
- Define equity, particularly in regards to bringing necessary resources to each Village.

Francisco Barraza seconded the motion.

Vote:

6-1, motion to recommend approval of GPA-12-23 per the staff recommendation with modifications passed with Committee members, Barraza, Jensen, Nasser-Taylor, Perrera, Rouse, and Abegg in favor and Committee Member Ortega in opposition.

Staff comments regarding VPC Recommendation:

None.

Village Planning Committee Meeting Summary GPA-12-23

Date of VPC Meeting	January 10, 2024
Request	Amend the General Plan to incorporate the 2025 General Plan Update
VPC Recommendation	Approval, per the staff recommendation
VPC Vote	7-2

VPC DISCUSSION:

STAFF PRESENTATION

Matteo Moric, staff, provided a presentation reviewing the General Plan Update 2025 process, highlighting specific elements of the draft plan, the action items identified moving forward, and the timeline. Mr. Moric noted the item is in front of the Village Planning Committee for a recommendation.

QUESTIONS FROM COMMITTEE AND STAFF RESPONSE

Warren Norgaard asked if when it goes to the public vote if it does not get approved. **Mr. Moric** stated he was not aware of any penalties that the City would face, but it is required by State Law to be updated every 10 years. Mr. Moric also said that he was optimistic it would pass.

Chair Derie said chances are the City would probably have to review and have the General Plan Update on a special election.

Chair Derie explained the reasoning behind having the police and fire department in the “Celebrate Our Diverse Communities & Neighborhoods Core Value” was because in the General Plan Update it was to setup the infrastructure for police and fire department. To ensure with growth in the area the services can be provided.

Mr. Norgaard asked what specific changes were made from the meeting in November until now. **Mr. Moric** stated that planning equity was added to the framework across each Village and what we would work on next together. Mr. Moric added that we noticed housing and water were big priorities.

Chair Derie asked if the exercise with the poker chips snapshot included all Villages. **Mr. Moric** said yes it did and stated the item was up for a vote to amend the General Plan to incorporate the 2025 General Plan Update.

Meli Acevedo felt the plan was super broad and she wanted to know more specifically of how equity would be addressed across all Villages.

Mr. Moric said that each Village may have different focuses and different Villages would focus on their priorities. And said it lays out some of the action plans of what we are to do next.

Chair Derie said the vote would be to tell the Planning Commission and City Council that the General Plan is moving in the right direction.

PUBLIC COMMENTS

None.

MOTION

Patricia Jimenez motioned recommend approval of GPA-12-23. **Zeke Valenzuela** seconded the motion.

VOTE

7-2, Motion to recommend approval of GPA-12-23 passed, with Committee Members Battle, DePascal, DuBose, Jimenez, Valenzuela, Weber and Derie in favor; Acevedo and Norgaard opposed.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

None

Village Planning Committee Meeting Summary GPA-12-23

Date of VPC Meeting	February 8, 2024
Request	Amend the General Plan to incorporate the 2025 General Plan Update
VPC Recommendation	Approval, per the staff recommendation
VPC Vote	6-0

VPC DISCUSSION:

No members of the public registered to speak on this item.

Chandra McCarty joined the meeting during this item, bringing the quorum to six members.

Staff Presentation:

Adrian Zambrano, staff, provided a refresher of the City's commitment for this update to be strategic and focused, noting that this update purposefully aligned with and celebrated existing Citywide policies, plans, and initiatives as a unified policy framework. Mr. Zambrano highlighted the two important changes to the General Plan. Mr. Zambrano provided a refresher of Part IV of the General Plan, which outlines the City's commitment to keeping the process going and which summarizes short-term actions and immediate next steps, including planning for place types to further identify, evaluate, and update key areas and key corridors for growth, preservation, and infrastructure. Mr. Zambrano thanked those who helped spread the word, attended, and participated in the PlanPHX road show series of events. Mr. Zambrano then summarized results from both activities that the Village Planning Committees participated in. Mr. Zambrano shared the timeline for the General Plan Update. Mr. Zambrano concluded that staff recommends approval per the recommendation in the staff report.

Questions from Committee:

None.

Public Comments:

None.

Staff Response:

None.

MOTION – GPA-12-23:

Mr. Johnson motioned to recommend approval of GPA-12-23, per the staff recommendation. **Ms. French** seconded the motion.

VOTE – GPA-12-23:

6-0; the motion to recommend approval of GPA-12-23 per the staff recommendation passes with Committee members French, Johnson, Krieger, McCarty, McGill, and Ricart in favor.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

None.

Village Planning Committee Meeting Summary GPA-12-23

Date of VPC Meeting	January 17, 2024
Request	Amend the General Plan to incorporate the 2025 General Plan Update
VPC Recommendation	Approval, per the staff recommendation
VPC Vote	12-0

VPC DISCUSSION:

No speaker cards were received on this item.

Committee Member Perez arrived bringing the quorum to 12 members (10 needed for a quorum)

STAFF PRESENTATION

Mr. Klimek, staff, provided a presentation reviewing the General Plan Update 2025 process, highlighting specific elements of the draft plan, the action items identified moving forward, and the timeline. The item is on the agenda for a possible recommendation.

QUESTIONS FROM COMMITTEE

Committee Member Alauria asked if “strengthen our local economy” applies mostly to downtown. **Mr. Klimek** responded that the 2015 plan contained a specific core value focused on strengthening the downtown district but that has now been shifted to “create a network of vibrant cores, centers, and corridors.” Together, “strengthen our local economy” and “create a network of vibrant cores, centers, and corridors” are intended to acknowledge the role and importance of businesses of any scale and community focal points both big and small. **Committee Member Alauria** thanked Klimek for the response and noted the importance of commercial centers such as Hatcher Road.

PUBLIC COMMENTS

None.

STAFF RESPONSE

None.

FLOOR/PUBLIC DISCUSSION CLOSED:

MOTION:

Vice Chair Matthews moved to recommend approval of GPA-12-23 with the direction that staff investigate opportunities for implementing key performance indicators to track progress for all action items within the General Plan. **Committee Member Barraza** seconded the motion.

DISCUSSION

None.

VOTE: 12-0-0, motion to recommend approval of GPA-12-23 with direction passes with Committee Members Adams, Alauria, Krentz, McBride, Molfetta, O'Connor, O'Hara, Perez, Sommacampagna, Whitney, Vice Chair Matthews, and Chair Fogelson in favor; none in opposition; and none in abstention.

Village Planning Committee Meeting Summary

GPA-12-23

Date of VPC Meeting	January 8, 2024
Request	Amend the General Plan to incorporate the 2025 General Plan Update
VPC Recommendation	Approval, per the staff recommendation
VPC Vote	12-0

VPC DISCUSSION:

Toby Gerst joined the meeting during this item, bringing the quorum to 12 members.

No members of the public registered to speak on this item.

Staff Presentation:

Adrian Zambrano, staff, provided a refresher of the City's commitments for this General Plan update to be strategic and focused, what the General Plan is, and why it is needed. Mr. Zambrano displayed the updated framework of the 2025 General Plan. Mr. Zambrano shared "Part IV: What We Are Going To Do Together Next" of the 2025 General Plan and key takeaways. Mr. Zambrano thanked those who helped spread the word, attended, and participated in the PlanPHX road show series of events. Mr. Zambrano shared the results from the "prioritizing our core values" chips activity completed at the road show series of events, with the Village Planning Committees, and with the Planning Commission. Mr. Zambrano then shared the results of what was heard during the second activity, "prioritizing our actions". Mr. Zambrano shared the timeline of the General Plan update, noting that the Planning Commission would have two hearings, and will take action in March. Mr. Zambrano concluded that staff recommends approval per the staff recommendation in the staff report.

Questions from the Committee:

None.

Public Comments:

None.

Staff Response:

None.

MOTION – GPA-12-23:

Alan Sparks motioned to recommend approval of GPA-12-23, per the staff recommendation. **Jennifer Hall** seconded the motion.

VOTE – GPA-12-23:

12-0; motion to recommend approval of GPA-12-23 per the staff recommendation passes with Committee members Bustamante, DeMoss, Gerst, Hall, Knapp, Mazza, Schmidt, Sparks, Ward, Wise, Mortensen, and Popovic in favor.

MOTION – GPA-12-23:

Mr. Lawrence motioned to recommend approval of GPA-12-23, per the staff recommendation. **Mr. Perreira** seconded the motion.

VOTE – GPA-12-23:

4-0; the motion to recommend approval of GPA-12-23 per the staff recommendation passes with Committee members Holton, Perreira, Lawrence, and Sommacampagna in favor.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

None.

Village Planning Committee Meeting Summary GPA-12-23

Date of VPC Meeting	January 9, 2024
Request	Amend the General Plan to incorporate the 2025 General Plan Update
VPC Recommendation	Approval, per the staff recommendation
VPC Vote	12-0-1

VPC DISCUSSION:

STAFF PRESENTATION

Samuel Rogers, staff, provided a presentation reviewing the General Plan Update 2025 process, highlighting specific elements of the draft plan, the action items identified moving forward, the timeline, and explained that the item is at VPC for recommendation.

QUESTIONS FROM THE COMMITTEE

Committee Member George Brooks asked how much the General Plan had changed since the 2015 General Plan. **Mr. Rogers** explained that the 2015 General Plan was used as a starting point for the 2025 General Plan Update.

Committee Member Shelly Smith asked about the implementation of General Plan Policies and if a maintenance component will be implemented.. **Mr. Rogers** explained that the General Plan's policies are implemented through the seven strategic tools discussed in the General Plan. **Elias Valencia**, staff, explained that the General Plan is higher level policy document and maintenance is covered in documents like the Landscape Ordinance.

Committee Member Busching stated that the General Plan discusses a bridge across the Rio Salado at 3rd Street, discusses solar lighting to be installed on the existing Rio Salado pathway, asked where the existing Rio Salado pathway is, and asked when the 3rd Street Bridge will be constructed. **Committee Member Emma Viera** explained that there is a Rio Salado pathway in the wash of river and extends from 7th Avenue to Tempe. **Sofia Mastikhina**, with the Street Transportation Department, explained that federal funding had been received for the 3rd Street

bridge, explained that the project is in the design phase, and stated that she is not sure when construction will start. **Committee Member Kay Shepard** asked if the bridge will be for vehicles or pedestrians. Ms. Mastikhina explained that the 3rd Street bridge will be for pedestrians and bicycles and stated that the Street Transportation also received funding to construct protected bicycle pathways to connect to the bridge.

Chair Trent Marchuk stated that the Village Planning Committee (VPC) is voting on General Plan update and framework and asked when the implementation component will be started. **Mr. Rogers** explained that he would follow up on what the workplan will look like going forward.

FLOOR/PUBLIC DISCUSSION CLOSED: MOTION, DISCUSSION, AND VOTE

MOTION

Committee Member Emma Viera made a motion to recommend approval GPA-12-23 per staff recommendation. **Committee Member George Brooks** seconded the motion.

VOTE

12-0-1, motion to recommend approval of GPA-12-23 per staff recommendation passed with Committee members Aldama, Alvarez, Brooks, Busching, F. Daniels, Holmerud, Jackson, Muhammad, Shepard, Greathouse, Smith, Greathouse, and Marchuk favor and Committee Member Busching in abstention.

Committee Member Busching explained that she abstained because the General Plan will come before her at least two or three more times.

STAFF COMMENTS:

None.



City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

ADDENDUM A

GPA-12-23
(PlanPHX 2025 Update)
March 3, 2024

Application:	GPA-12-23
Applicant:	Planning Commission
Requested Change:	To update the General Plan to provide policy direction for growth, redevelopment, conservation, and infrastructure investment for the city.
Reason for Requested Change:	As required by Arizona Revised Statutes.
Planning Commission Meeting Date:	March 7, 2024
Staff Recommendation:	Approval, as shown in the recommended text in Exhibit A

SUMMARY

The Phoenix General Plan was last adopted by the Phoenix City Council and approved by voters in 2015. In January of 2023, the Planning and Development Department (PDD), with the leadership of the Phoenix City Council, initiated an effort to update the Phoenix General Plan generally referred to as PlanPHX. The project's launch included the appointment of a PlanPHX Leadership Committee by the City Council.

This General Plan update focused on the following:

1. Building on and refining the existing General Plan Framework.
2. Aligning General Plan's goals and strategies with other City Council adopted initiatives.
3. Outlining what we will be working on to accomplish goals for the next 10 years.

COMMUNITY REVIEW AND FEEDBACK

Arizona Revised Statutes requires that a municipality provide a minimum of a 60-day review period for the community to provide feedback on the draft General Plan. PDD circulated the draft General Plan on December 18, 2023, and continued taking feedback through February 16, 2024. Outreach efforts included presentations at each of the Village Planning Committees (VPC), cards, flyers, community meeting and events, meeting people where they were at, as well as provide informational presentations to various groups, boards, and commissions along the way so that everyone had opportunities to stay involved and provide input on their own priorities via our online surveys.

Between October 14, 2023, and December 16, 2023, staff hosted seven roadshows throughout the city to unveil the draft General Plan and obtain feedback, where more than 200 total attendees provided feedback to staff.

Each of the Village Planning Committees had the opportunity to provide a recommendation on the General Plan. Below is a summary of the recommendations.

Village	Recommendation Date	Recommendation	Vote
Paradise Valley	1/8/24	Approved	12-0
Encanto	1/8/24	Approved	12-0
Camelback East	1/9/24	Approved	16-0
Desert View	1/9/24	Approved	8-0
Deer Valley	1/16/24	Approved	9-0
North Gateway	2/8/24	Approved	6-0
Central City	1/8/24	Approved with direction	13-0
Laveen	1/8/24	Approved with modifications	6-1
Rio Vista	2/13/24	Approved	4-0
South Mountain	1/9/24	Approved	12-0-1
Maryvale	1/10/24	Approved	7-2
Estrella	1/16/24	Approved	9-0
North Mountain	1/17/24	Approved with direction	12-0
Ahwatukee Foothills	1/22/24	Approved	7-1
Alhambra	2/27/24	Approved	13-0

As a result of the feedback received from the Village Planning Committees, community groups, residents, and staff during the review period, staff has made several updates to the General Plan as outlined in Exhibit B.

RECOMMENDATION

Staff recommends approval of GPA-12-23 as modified in Exhibit B.

EXHIBIT

Exhibit A: [Draft 2025 General Plan](#)

Exhibit B: Proposed Changes

Exhibit B

Location in General Plan	Proposed Changes
Pages 2-3	Add Letter from Mayor and PlanPHX 2025 Leadership Committee Chairman
Page 3	Update photos of Planning Commissioners and PlanPHX Leadership Committee
Page 3	Update Vice Mayor to reflect current Vice Mayor Debra Stark and former Vice Mayor Yassamin Ansari
Page 6	Change the “phoenix today” “occupied housing units by jurisdiction area” from 659,880 to 579,876.
Page 6, Phoenix Today Population, Occupied Housing Units, Median Age, and Housing Mix	Add as follows: “Source: Maricopa Association of Governments (MAG) - U.S. Census Bureau, 2017-2021 American Community Survey (ACS) 5-Year Estimates”
Page 6, Population Growth by Decade	Update as follows: “Source: Maricopa Association of Governments (MAG) 2023 MAG Socioeconomic Projections - June 2023” with hyper link to resource.
Page 6	Added source under Square Miles as follows: “City of Phoenix Planning and Development Department”
Page 7	Updated Employment figure as follows “933,700 Jobs by Municipal Planning Area” and “Added source as follows: “Source: Maricopa Association of Governments (MAG) 2023 MAG Socioeconomic Projections - June 2023” with hyper link to resource.
Page 7	Replaced Phoenix weather figures with the following “Average annual temperature High 87 degrees and Low 63 degrees Fahrenheit” and source as follows: www.usclimatedata.com
Page 7	Updated Sunshine figure to “Averages approximately 300 days of sunshine” and source as follows “ en.wikipedia.org ”
Page 7	Replace “30,000” with “41,000” for Desert Parks and Preserves and added source as follows: “City of Phoenix Parks and Recreation Department, https://www.phoenix.gov/parks ”
Page 8	Added source under the Phoenix 2025 Population, Housing Unit, Jobs, and Population Growth by Decade as follows: “Source: Maricopa Association of Governments (MAG) 2023 MAG Socioeconomic Projections - June 2023” with hyper link to resource.
Page 9	Added source under the Projected Population Concentration, 2050 exhibit as follows: “Source: Maricopa Association of Governments (MAG) 2023 MAG Socioeconomic Projections - June 2023” with hyper link to resource.
After Page 9	Add updated spread modeled from the current 2015 general plan (pages 44-45) to articulate continued regional coordination and collaboration.
Page 10, 2nd Paragraph	Replace “this vision by providing” with “a vision that provides”
Page 10, Last Paragraph	Replace “making” with “preserving, shaping and building”
Page 10, 3rd Paragraph, Last Sentence	Remove “a privilege not often found elsewhere”
Page 11, Last Paragraph	Replace “Create” with “Create a Network of”

Page 12, 1st Paragraph, 2nd Column	Replace “Planning Department” with Planning and Development Department” also replace “Phoenix City Council” with “the PlanPHX 2025 Leadership Committee”, also update “Appendix X” with “Appendix L” and make clickable link.
Page 15 and Parts III & IV	Add a Youth icon to celebrate alignment between Youth recommendations and General Plan Goals and Actions.
Page 17, 2nd Paragraph	Replace “relationships across the city” with “connection across all city initiatives”.
Page 23, 1st Paragraph and Page 64	Replace total miles of streets to 4,870 miles, 269 Major Arterials, 428 for Arterials, 135 collectors, 473 Minor Collector, and 3,565 Locals
Page 26, 1st Paragraph, 1st Sentence	Remove the word “true” and replace “any” with “of any”
Page 26, 2nd Paragraph, 1st Sentence	Replace “They” with “People”
Page 28, 1st Paragraph, 2nd Sentence	Replace “particularly in” with “particularly within”
Page 28, Environment Column, Progress in the areas of section	Add "access to natural spaces" and "increased preservation and restoration of natural open space". Add “rates” after asthma.
Page 31, 1st Paragraph, Last Sentence	Replace “articulate input and the needs” with “articulate and address the needs”.
Page 31, 5th Paragraph	Replace “has noted” with “recognizes”.
Page 32	Add "environment, recreation, and natural open spaces" to the following paragraph: Continuously creating new, high-quality opportunities in Phoenix for workers and businesses. This includes our residents’ connectivity to education, training, jobs, services, housing, arts, culture, environment, recreation, and natural open spaces and transportation options.
Page 32	Add “Viability of” to 2nd bullet under Prosperity Challenges
Page 32, Mobility Paragraph	Revise as follows: “Mobility is critical to humanity’s growth in the urban environment. It is one of the major facilitators of human settlement and success. Where an individual goes, if they drive a vehicle or instead walk, ride a bicycle or e-scooter-how they use to get there , and the resources they have access to have can the potential to influence nearly every other element of their lives. Mobility and equitable access to adequate infrastructure transportation and transit facilities have become more widely regarded as civil rights, central to inclusion and critical to individuals’ capacity to participate and prosper in the modern-day economy.”
Page 34	Replace “and has faced housing challenges like every city across the country” with “but faces housing affordability challenges.”
Page 34	Remove “aspect of the” from second to last sentence in first paragraph
Page 34	Change Strategies to Address Homelessness “report” to “plan”.
Throughout	Replace “HousingPHX Plan” with “Housing Phoenix Plan”
Page 35	Add the word “Plan” in the following sentence: In response to the current housing challenges and the goals and recommendations from the Housing Phoenix Plan and Strategies to Address Homelessness Plan the conversation around housing in Phoenix must now look to answer the question about what can be done to provide a robust mix of different housing types throughout the city.

Page 35, 2nd Paragraph	Revise the following sentence as follows: The General Plan's Cores, Centers and Corridors and Place Types concepts will provide the policy framework for this next evolution in the conversation around housing. and Several of the actions outlined in Part IV of the General Plan call for continued updates to the Zoning Ordinance related to facilitate a diversity of housing types to be dealt with a variety of scales, sensitive to unique and varied context, while utilizing the Urban Village Model to ensure all communities and neighborhoods are part of the conversation and part of the solution.
Page 35	Remove "e" from the word "suite" in the last sentence.
Page 36, Second Sentence	Second sentence under "Housing" section, replace "proportion" with "portion".
Page 36, 2nd Paragraph, 1st Sentence	Replace "tap" with "drinking" and add "preserving and restoring natural spaces" and "providing" to the following sentence: Equitable health in city planning includes ensuring safe tap drinking water, ample street lighting, street shade, mitigating excessive heat during summer months for at-risk residents, preserving and restoring natural spaces and providing public parks that welcome residents and offer opportunities for recreation and exercise.
Page 36, 2nd Paragraph, Last Sentence	Add "in a way that does not create new financial burdens on economically disadvantaged communities" to the following sentence: It includes ensuring that we acknowledge the historical context of decisions on health and populations, and we use data and community voice to empower and plan healthy communities in a way that does not create new financial burdens on economically disadvantaged communities.
Page 36, 4th Paragraph, 2nd Sentence	Revise as follows: From ample tree canopy, and sidewalks to access to green spaces and natural open spaces , every infrastructure investment is an opportunity to improve public health and make the built environment safer and more inviting, encouraging physical activity and time spent outdoors and in neighborhoods.
Page 36, 4th Paragraph, 2nd to Last Sentence	Replace "Another challenge would be that Phoenix has many areas that are considered primary care undeserved." with "Many areas in Phoenix are considered underserved regarding healthcare."
Page 36, Last Paragraph	Replace "30,000" with "41,000" under Phoenix Mountain and Sonoran Preserves Header.
Page 36, 6th Paragraph	Revise as follows: "According to the Road Safety Action Plan adopted by Phoenix City Council on September 7, 2022, Phoenix has an average of over 30,000 crashes annually and an average of 2 crashes resulting in serious injury every single day, the National Highway Traffic Safety Administration (NHTSA) has consistently ranked Phoenix in the top 3 cities in the nation for overall traffic fatalities."
Page 37, 2nd Paragraph, Last Sentence	Revise as follows: "The trails along the canals have become one of Phoenix's most popular recreation destinations and their popularity will only continue to grow as improvements to the canal trail system are made."
Page 37, 3rd Paragraph, 1st Sentence	Revise as follows: " Phoenix is home to f Five out of the ten Trauma Level 1 hospitals in Arizona call Phoenix home, which are among the 15 major hospitals located in the city."
Page 37, Healthcare + Housing Section, 3rd Sentence	Remove "-Phoenix"
Page 37, Health Spotlight	Update "community voice" with "the community's voice"

Page 38, Heat and Health, 1st Sentence	Add the word 'more' in front of intense heatwaves
Page 40, 3rd Paragraph	<p>Revise as follows: Phoenix strives to be the most sustainable city in the world by improving the quality of life for everyone and allowing nature to thrive. 2050 Sustainability Goals set long-term outcomes necessary to fulfill this vision and the 2021 Climate Action Plan (CAP) outlines the actions to achieving, 2050 goals along with new ambitious climate goals. The CAP is part of how Phoenix is addressing the impacts of climate change by putting the city on a path to reduce GHG emissions by a minimum of 50 percent by 2030 and to achieve net-zero emissions by 2050.</p> <p>All aspects of society including, in part, our health, our economy, and our food systems are directly influenced by climate change. By using a place-based approach for development, and including robust public involvement, equitable development fosters collaborative problem solving; and makes a visible difference in communities that are under served, under-resourced and overburdened.</p>
Page 40, 5th Paragraph	<p>Revise as follows: Part of tackling sustainability is addressing environmental justice. Certain populations can be disproportionately impacted by climate change can include Black, Indigenous, and People of Color, lower income individuals, historically underrepresented groups such as children and older adults, and those experiencing multiple environmental burdens. In Phoenix, extreme heat and poor air quality impact residents who may already be dealing with chronic health conditions, no or inadequate healthcare, or a lack of clear and reliable information and resources.</p> <p>Phoenix makes addressing environmental justice a priority. Environmental Justice concerns include such things as fair and just access to environmental resources, protection from environmental hazards and the ability to participate in environmental decision making.</p>
Page 40, 1st Paragraph under "Environmental Challenges"	Replace as follows: Environmental threats for Phoenix include extreme heat, more intense wildfires, increased flooding risk and vector borne disease. Rapid urbanization, which can strain basic infrastructure, coupled with more frequent and extreme weather events linked to global climate change is exacerbating the impact of environmental threats.
Page 40, 2nd Paragraph under "Environmental Challenges"	Revise as follows: Poor air quality impacts every resident in the city of Phoenix. The federal Clean Air Act (CAA) requires Arizona to create a state implementation plan (SIP) aimed at meeting National Ambient Air Quality Standards (NAAQS) that include the following six criteria pollutants: carbon monoxide, ozone, particulate matter with a diameter smaller than 10 micrometers (PM-10) and with a diameter smaller than 2.5 micrometers (PM-2.5), lead, nitrogen dioxide, and sulfur dioxide. These air quality standards must be met within the Maricopa Nonattainment Area, which includes the city of Phoenix. Of course, air is not contained by city limits so actions directed at improving air quality must be considered at a regional level. In 2021, Phoenix became a Signatory City of the C40 Clean Air Cities Declaration. As a C40 City, Phoenix meets the World Health Organization (WHO) air quality standards for nitrogen dioxide and sulfur dioxide and will work toward meeting the standards for particulate matter and ozone. This will be done by including relevant top pollution-reducing actions into the plan, which includes expanding public transit,

	increasing active transport options, modeling air pollution reduction as a result of actions, and monitoring air quality. The greater Phoenix area is currently designated as Moderate Non-attainment for ozone, and likely to be redesignated to Serious Non-attainment in 2024. The area also is designated as Serious Non-attainment for PM-10 (dust) and is experiencing increasing levels for PM-2.5 (soot) that could potentially result in the region's status changed to Non-attainment for PM-2.5. As the classification becomes more severe, the Clean Air Act requirements become more stringent and costly and impact public health.
Page 41, 6th Bullet	Replace "Village Cores and Centers" with "Village Cores, Centers and Corridors"
Page 41, 1st and 2nd Paragraphs under "Environment Opportunities"	Revise as follows: Implement the Phoenix Climate Action Plan. Phoenix has accomplished many initiatives, programs, and projects that have led to climate pollution reductions and provided social, economic and environmental benefits.
Page 43, Adaptation to Change, 3rd Column	Replace "This declaration will heighten awareness...." with "This declaration heightened awareness..."
Page 43, Adaptation to Change, 3rd Column	Replace sentence as follows "In addition, the city is pursuing new water supplies by recycling wastewater through Advanced Water Purification." with "In addition, the city is pursuing new water supplies, such as the possibility of recycling wastewater through Advanced Water Purification."
Page 43	Update "Adaptation to Change" with "Adapting to Change"
Between Pages 61-62	<p>Add new spread for Tech Corridors with the following language "As Phoenix has continued to establish itself as a leader in the technology sector, locations like the Loop 202 Corridor in the Laveen and Estrella villages and Interstate 17 Corridor in the Deer Valley and North Gateway villages are quickly becoming destinations for investments in technology sectors".</p> <p>"Phoenix's Technology Corridors will be an integral part of the Cores, Centers and Corridors exercise outlined in the Identifying and Prioritizing Key Corridors section in Part IV of this update. Defined boundaries for each of the corridors will be identified followed by land use, zoning and infrastructure analysis to determine what each of the corridors needs to continue to attract investment."</p>
Page 64	Add the following sentence as its own subsection: "Safe and convenient crossings for people walking and biking are part of reconnecting the street grid for everyone in Phoenix. In high activity areas and near transit, street crossings should be more frequent to connect to local destinations and support street safety."
Page 66, Safe Systems for Safe Roads and Streets, 1st Sentence	Add "every day" to the following sentence "On average in the City of Phoenix there are 83 automobile collisions every day. "
Page 69, Realizing Sense of Place, 1st Sentence	Revise as follows: A challenge facing Phoenix is one of identity due to its short time being a city, its vast land area and its explosive, rather than incremental, population growth.
Page 72, Resiliency, Last Paragraph	Replace sentence as follows "Green stormwater infrastructure improves irrigation efficiency and lessens pollutants"..... with "Green stormwater infrastructure (GSI) improves irrigation efficiency, reduces pollutants, and offers many other benefits. "
Page 72	Remove "lush" from the following sentence "Planting trees, constructing lush open spaces and using heat-resisting building materials mitigate rising outdoor temperatures."

Page 75, 1st Bullet under E.4	Replace as follows: “A minimum of 30 percent of housing units are dedicated for long-term affordability for low to moderate income households (up to 80% of the area median income for the Phoenix metro area), as approved by the Housing Department.”
Page 76	Remove “lushly” from the following sentence: “A connected oasis approach to open space planning that links together a network of lushly landscaped streets, canals, desert preserves and parks.”
Page 77, Policy F.7	Revise as follows: “Support the integration of Green Stormwater Infrastructure (GSI) management practices . . .”
Page 85, Rivers, Washes & Waterways	Add “and buffer” after preserve
Page 85	Update Rivers, Washes, and Waterways.... In the 2025 plan, suggest updating this goal to preserving natural washes (not just those coming from desert preserves) and promote access, views, and trails along the rivers, washes, and waterways (rather than promoting access to preserves, which really belongs in a separate section, not in the washes section). These washes provide many benefits, including connectivity corridors for humans and wildlife, recreation such as birdwatching, and safe movement of water flows through the urban area. Also recommend adding a goal regarding preserving and restoring the Salt River through Phoenix and improving access, views, and trail connectivity along that corridor.
Page 89, Fairness, 1st Sentence	Replace sentence as follows: “Maintaining checks and balances to uphold an equitable system is important when asking the development community to contribute to infrastructure financing.”
Page 91, 2 nd Column, 2nd Paragraph	Add as follows: Land Use: Discourage new mining operations adjacent to or in close proximity to existing residential development, schools or existing or planned city recreation areas or open space areas.
Page 97	Figure: Some key City initiatives that are left out and would provide value in the context of the General Plan content are: the Mayor's Monarch Pledge and the Montreal Biodiversity Pledge (both of which the city has joined and departments have committed to supporting).
Page 100, 1st Paragraph	Revise as follows: Residents believe that a network of vibrant Cores, Centers, and Corridors will serve to provide our city with variety uniqueness across our 15 Urban Villages, by providing access and opportunities for significant cultural, entertainment and employment amenities that to benefits all Phoenixians, and Arizona as a whole. In addition, A network of Vibrant Cores, Centers and Corridors will also contributes to Arizona’s ability to both compete and collaborate regionally and globally for growing economic development opportunities at various scales and intensities across villages and the throughout our city.
Page 100, 2nd Paragraph, 1st Sentence	Replace sentence as follows: “Phoenix residents, businesses, and visitors within the Cores, Centers, and Corridors and surrounding neighborhoods are proud...”
Page 100, 5th Paragraph	Create a new paragraph with “Opportunity sites...”
Page 101	Update photo description from “Encanto Village Core / Midtown Transit Oriented District” to “Central City Core / Downtown Phoenix in the foreground; Encanto Village Core / Midtown Transit Oriented District in the background”
Page 104	Update photo with image of ASU Downtown Phoenix Campus.
Pages 105-107	Replaced “DTPHX” with “Downtown Phoenix” throughout.

Page 105	Update last bullet on the page from “In 1.7 square miles of DTPHX there are 7 public parks, including 32- acre Hance Park.” to “In 1.7 square miles of DTPHX there are 7 public parks, including the 32-acre newly revitalized Hance Park with more improvements planned.”
Page 105, 2nd Bullet	Revise as follows: “ Over the past two decades , nearly 12,000 residential housing units have been added in DTPHX and another 3,000 are under construction. Between 2020-2022, 34% of this downtown housing has delivered. ”
Page 106	Update the fifth bullet under “Policies” by replacing “should” with “will”
Page 107, 2nd Bullet	Replace “Could” with “May” and remove parentheses.
Page 107	Remove “Starting in 2024”
Page 108	Remove hyperlink/underlined format from the following: Metrics - #of Housing Units within TOCs / # of Jobs within TOCs.
Page 110	Update the number “2” to “two”
Pages 110 + 195	Change “City of Phoenix Office of Arts and Culture” to “City of Phoenix Department of Arts and Culture”
Page 112, 1st Paragraph	Replace as follows: “Significant amount of land is available in small vacant parcels and larger underutilized parcels that could be developed and redeveloped within several of our centrally located villages.”
Page 116, 1st-3rd Sentences	Replace as follows: “Phoenix’s future vibrancy relies on embracing the next evolution of growth that also enhances the city’s sustainability and environmental health. Developing healthy neighborhoods that support for safe walking, biking, and micromobility is imperative. New technologies and automated processes can optimize access while supporting local productivity.” Also delete the words “over time” in the Goal statement.
Page 117	Update spotlight descriptive text to include a reference and hyperlink to https://www.phoenix.gov/ADU
Page 119, 1st Paragraph	Revise as follows: “Phoenix’s growing population and infrastructure demands will be met with new and evolving responses, resources and operational approaches”. Update the GOAL by removing the words “over time”.
Page 120, 1st Paragraph	Revise as follows: “Phoenix is growing as a national and international destination and creating abundant housing options to meet these needs are a priority.”
Page 120	Update Goal language “scale” and “intensity” to read as plural “scales” and “intensities”
Page 124, 1st Paragraph, 1st Sentence	Revise as follows: “With almost 1.7 million residents and more than 529 square miles, the city of Phoenix has many opportunities for growth.” Remove the word “in” from the Goal language.
Page 124, 1st Paragraph, Last Sentence	Revise as follows: “Development and redevelopment of vacant and underutilized properties should consider existing and surrounding development character as well as adjacent jurisdictions. Focusing within urbanized areas reduces the cost of managing growth, by focusing new development in areas where the infrastructure has already been developed.”
Page 125	Update to spotlight narrative to spell out what “Taiwan Semiconductor Manufacturing Company (TSMC)”.
Page 126	Update the last sentence in the first paragraph from “But we are changing, evolving, and rethinking mobility, access and experience of places as well as

	infrastructure needs to get us there” to “But we are changing, evolving, and rethinking mobility, and how we access and experience places including the infrastructure needed to get us there”
Page 130-133	Update language throughout from “Rio Salado Park” to “Rio Salado Habitat Restoration”
Page 131, 1st Paragraph	Revise as follows: “Rio Salado is the central component of the Rio Reimagined vision, as rivers are an integral part of life in a desert city. The Regional Rio Reimagined objectives are to connect communities, restore and revitalize healthy rivers, and develop economic sustainability. Rio Reimagined Phoenix focuses on the Rio Salado (Salt River) corridor, encompassing Rio Salado and properties beyond its banks. Phoenix’s goal for Rio Reimagined is to promote the 20-mile Rio Salado corridor as a local and regional destination that attracts positive investment for the benefit of river, nature, wildlife and supportive ecological systems as well as existing and future businesses, residents, and visitors.”
Page 132	Add additional policy as follows: “Support partnerships towards conservation and preservation of open space areas, conservation and preservation of wetland and riparian areas, prioritizing wildlife and habitat connectivity, wildlife related recreation opportunities, and working with to identify and maintain wildlife corridors.”
Page 133, Spotlight Descriptive Text	Revise as follows: “... with its connection to the trails within the Rio Salado Habitat Restoration Area.”
Page 134, Spotlight Descriptive Text, Last Sentence	Revise as follows: “The opening date was January 27, 2024”
Page 141	Update spotlight descriptive text to spell out “ <u>H</u> igh Intensity <u>A</u> ctivated cross <u>W</u> alk (<u>H</u> AWK)”
Page 142	Update spotlight descriptive text by replacing “In fall 2023, Phoenix plans to increase...” to “In fall 2023, Phoenix increased...” and “Currently” to “As of 2024”
Page 143	Update Goal statement to include the word “Continue” at the beginning. →
Pages 144-145	Update the Parks Facilities Map 2023 (Appendix G) with a new Parks Facilities Map 2024.
Page 147	Update goal/section title from “Canals & Trails” to “Canal Trails”
Page 150, 1st Sentence	Revise as follows: “Phoenicians have fewer barriers to enjoying library materials and access to technology not more than ever.”
Page 152, End of the 4th Paragraph	Add the following: “In 2022, state resident and nonresidents spent \$9.8 billion on fishing, hunting, watchable wildlife and other outdoor related recreation in Arizona (USFWS 2022) supporting 18,220 jobs statewide.”
Page 158, Policies	<p>Add new policy language as follows:</p> <ul style="list-style-type: none"> • Continue to support the investment and growth of Advanced Air Mobility (AAM) and other emerging and transformative technologies to improve the accessibility and robustness of the City’s transportation systems. Leverage and market Advanced Air Mobility and other unique aviation development opportunities associated with vacant land at Deer Valley Airport. • Align infrastructure investment serving the airport system with emerging and forecast aviation needs and technology. Ensure new forms of city infrastructure

	and services (eg, new cellular broadband, municipal drone usage and new facilities for advanced air mobility) are compatible with airport operations.
Page 157, Last Paragraph	Update as follows: "The Greater Phoenix Economic Council (GPEC) released a report in 2023 highlighting how far Phoenix and the other cities in the Valley have come to support the growth of the technology sector. Greater-Phoenix-TechStory-2023.pdf (gpec.org)" Also include a clickable hyperlink to the referenced report.
Page 168	Update the Phoenix Airport System spotlight economic impact statistics as follows: "In 2022, the Phoenix Airport System (PHX, DVT and GYR) total regional impact (direct, indirect, and induced) was \$44 billion dollars, with direct employment adding up to 140,546 jobs, and airline visitor (domestic and international) spending of \$7 billion. Total tax revenues (federal, state, and local) exceeded \$6 billion. The Airport System achieves all this through focusing on customer needs, valuing diversity and partnerships, and maintaining facilities that are sustainable and loved by the flying public."
Page 170	Add ", and other eco-tourism supporting infrastructure" to the end of the last sentence.
174 & Throughout	Update square miles of the city to read as 529 square miles.
183 & Throughout	Update font format and effects to make clear and legible.
Page 184	Update the spelling in the title to correctly spell "Precinct" and update the spotlight descriptions first sentence to include the words "is located" after the word "Precinct"
Pages 185-186 & Throughout	Update resource in bulleted list from "Housing Consolidated Plan" to "NSD Consolidated Plan"
Page 185	Update the second sentence from "Residents want to work in concert with all departments to improve and enact..." to "Residents and the city work together to improve and enact..."
Page 190	Update descriptive language to read "co-locating with non-residential uses" instead of "with employment opportunities"
Page 197	Add a sentence at the end as follows "Ecotourism is a large economic driver for the city as it is the most beautiful and diverse desert in the world."
Page 197, Last Sentence	Revise as follows: "Open spaces can also serve as opportunities for preserving native plants, incorporating water harvesting and green stormwater infrastructure features like bioswales, all while further contributing to the city's overall sustainability, biodiversity, and well-being."
Page 202, Project Spotlight	Revise as follows: "approximately 1.7 million customers" and add a period at the end of the last sentence.
Page 203, 1st Paragraph, Last Sentence	Remove "Green Stormwater Infrastructure" and replace with "GSI" and change "permeable pavement" to "porous pavers".
Page 203	Update the following sentence from "Proper stormwater management through green stormwater infrastructure (GSI) reduce flooding and protect surface waters for a healthier community" to "Proper stormwater management through green stormwater infrastructure (GSI) reduce flooding, protect surface waters, and can help reduce reliance on potable water irrigation for a healthier community"
Page 203, Last Paragraph	Move the following sentence to the end of the paragraph: "These features are also sometimes referred to as low impact development (LID)."

Page 204	Add a new policy as follows: 4. Promote and support GSI elements as an approach to enhance wildlife habitat, natural washes, and rivers, sustain native vegetation and water preservation towards achieving climate resiliency.
Page 204, Policy 2	Change “types” to “elements”. Encourage and promote planning and design of Green Stormwater Infrastructure types elements in early phases of projects.
Page 204	Update the “Protects Water Quality” Section as follows: "GSI help capture the first flush flows that carry the heaviest pollution that otherwise rush to the city's waterways during a downpour. Instead, water captured by GSI gets slowly filtered and absorbed into the water table."
Page 204	Update language under “Localized Flood Mitigation” section as follows: “By capturing and infiltrating water close to where it falls, it reduces the overload on the stormwater sewer system during and after a rainstorm, reducing flood risk from overloaded stormwater pipes. GSI can also help by capturing and infiltrating water where no stormwater sewer system is available.”
Page 204	Update language under “Curb Opening” to include parking lots as follow "...can be retrofitted into existing roadways or parking lot medians..."
Page 205	Update title to include “Rain Gardens” also updated descriptive language from this “The Phoenix Zoo in Papago Park completed a redesign of its parking lot in 2022. The parking area was designed to protect the natural drainage function of the washes, and installed curb cuts for all landscaping and trees to be sustained by with stormwater and used native plants and trees.” to this “The Phoenix Zoo in Papago Park completed a design of its parking lot in 2022. The parking area was designed to protect the natural drainage function of the washes and capture runoff from the parking lot and installed curb cuts for all landscaping and trees to be sustained by with stormwater and used native plants and trees.”
Throughout	Adjust placement of the “Click here to return to the Table of Contents” box to avoid blocking substantive material on the page.
Page 207, First Sentence	Replace the word “innovative” with “resident-driven”
Page 208	Update to include “, ecological process” after the words “environmental preservation”
Page 208	Add Mayor’s Monarch Pledge and Montreal Biodiversity Pledge under the related policy initiatives and resources list with hyperlink.
Page 210	Update spotlight title to “Phoenix Mayor’s Monarch Pledge” and updated language to include the Desert Botanical Garden as a key partner.
Page 210	Update photo to celebrate the Mayor’s Monarch Pledge and new spotlight title.
Pages 210-211	Update Goal Language from “Celebrate and protect our Rivers, Washes and Waterways.” to “Celebrate and protect and restore our Rivers, Washes and Waterways in their natural state and explore potential to accommodate wildlife movement and passive recreation corridors where possible.”
Page 211	Add Tres Rios Website to the Related Policy Initiatives and Resources list.
Page 212	Remove “Brownfields are a liability for the city because they pose a risk to public health, create barriers in maximizing existing infrastructure and have unknown environmental conditions.”
Page 232	Change “Development” to “Develop”
Page 233	Update the 2nd Action item to include “trails along washes” as follows: Continue to partner with adjacent property owners and pursue grants that enhance multi-

	modal transportation infrastructure and amenities along designated corridors like our canals, trails along washes, mass transit corridors and the Rio Salado.
Page 233	Add new action: Support the Parks and Recreation Department in an update of the Parks and Recreation Master Plan.
Page 234	Add new action: Partner with downtown stakeholders on an update of the Downtown Strategic Plan.
Page 234	Second “Codes” Action, include “and other codes and ordinances” after “Zoning Ordinance”
Page 234	Add new action: Develop and implement a process improvement program to support enhanced customer service for customers within the Planning and Development Department's plan review, permit, and inspection processes.
Page 235	Update Partnerships Action to read as “to promote a diversity of housing options and variety of income levels in appropriate locations”
Page 236	Add “build the Sustainable Desert City” logo to top of page
Page 236	Update the following Action “Update the Tree and Shade Master Plan” with “Support the Office of Heat Response and Mitigation with an update to the Tree and Shade Master Plan”
Page 236	Update the following Action “Update the Climate Action Plan” with “Support the Office of Environmental Programs with an update to the Climate Action Plan”
Part IV after page 236	Add additional “IPlanPHX” page modeled off the City Council Adopted 2015 General Plan Page 186.
Page 237	Update image to align more with “Sustainability”
Page 238	Remove “Michelle Pierson, Deputy Economic”
Page 238	Change “Office of Arts and Culture” to “Arts and Culture” and not “Office of Arts and Culture” and Mitch Menchaca as Director, and Carrie Brown as Deputy Director.
Page 238	Update Mitch Menchaca as Director and Carrie Brown as Deputy Director.
Page 238	Replace “Balluf” with “Balluff”
Appendix H: Glossary of Terms	Add General Plan Land Use definitions as adopted in GPA-1-08.
Appendix H: Glossary of Terms	Add definition to the glossary of terms: Accessory Dwelling Units (ADUs) ADUs, often referred to as guest houses, casitas, or granny flats are separate, self-continued living areas that are either fully detached structures or attached to an existing home, with its own external entrance. An ADU usually contains all of the amenities to operate as a fully independent, operational dwelling, including a kitchen, bathroom, living area and sleeping quarters.
Appendix H: Glossary of Terms	Add definition to the glossary of terms: Green Stormwater Infrastructure, or GSI means infrastructure constructed with a range of measures that use plant or soil systems, permeable pavement or other permeable surfaces or substrates, stormwater harvest and reuse, or landscaping to store, infiltrate, or evapotranspire stormwater and reduce flows to the public storm drain system or to surface waters. These features are also sometimes referred to as low impact development (LID). They are generally small in size to capture water where it falls for multiple co-benefits.
Appendix H: Glossary of Terms	Add definition to the glossary of terms: High-capacity transit (HCT), such as light rail, streetcar, or bus rapid transit, is designed to efficiently move large volumes of

	people by operating on dedicated tracks or right-of-way. HCT vehicles offer a balance between speed, capacity, and accessibility by allowing faster and more frequent service, fewer stops, and the ability to carry more people than local service transit.
Appendix H: Glossary of Terms	Add definition to the glossary of terms: Missing Middle Housing is a range of house-scale buildings with multiple units - compatible in scale and form with detached single-family homes – located in a walkable neighborhood. Missing middle housing refers to housing that falls between single-family homes and mid-rise apartments. Examples include duplexes, triplexes, townhomes, small apartments, courtyard clusters, bungalows, fourplexes and live work.
Appendices	Add Place Type Matrix
Throughout	Removed/replaced/updated references, footnotes, and sources and renumbered pages accordingly throughout.

ATTACHMENT E

REPORT OF PLANNING COMMISSION ACTION March 7, 2024

ITEM NO: 6	
	DISTRICT NO.: Citywide
SUBJECT:	
Application #:	GPA-12-23
Location:	Citywide
Request:	Request to amend the General Plan to incorporate the 2025 General Plan Update
Proposal:	2025 General Plan Update
Applicant:	City of Phoenix, Planning Commission
Representative:	City of Phoenix, Planning and Development Department

ACTIONS:

Staff Recommendation: Approval.

Village Planning Committee (VPC) Recommendation:

Ahwatukee Foothills 1/22/2024 Approved. Vote: 7-1.

Alhambra 2/27/2024 Approved. Vote: 13-0.

Camelback East 1/9/2024 Approved. Vote: 16-0.

Central City 1/8/2024 Approved with direction. Vote: 13-0.

Deer Valley 1/16/2024 Approved. Vote: 9-0.

Desert View 1/9/2024 Approved. Vote: 8-0.

Encanto 1/8/2024 Approved. Vote: 12-0.

Estrella 1/16/2024 Approved. Vote: 9-0.

Laveen 1/8/2024 Approved with modifications. Vote: 6-1.

Maryvale 1/10/2024 Approved. Vote: 7-2.

North Gateway 2/8/2024 Approved. Vote: 6-0.

North Mountain 1/17/2024 Approved with direction. Vote: 12-0.

Paradise Valley 1/8/2024 Approved. Vote: 12-0.

Rio Vista 2/13/2024 Approved. Vote: 4-0.

South Mountain 1/9/2024 Approved. Vote: 12-0-1.

Planning Commission Recommendation: Approval, per the Addendum A Staff Report.

Motion Discussion: N/A

Motion details: Commissioner Matthews made a MOTION to approve GPA-12-23, per the Addendum A Staff Report.

Maker: Matthews
Second: Jaramillo
Vote: 8-0
Absent: Busching
Opposition Present: No

Findings:

1. Arizona Revised Statutes (ARS) require every city in Arizona to prepare and maintain a long-range general plan that provides a vision and policies for the growth and

development of the city. The Phoenix General Plan was last adopted by the Phoenix City Council and approved by voters in 2015. In January of 2023, the Planning and Development Department, with the leadership of the Phoenix City Council, initiated an effort to update the Phoenix General Plan generally referred to as PlanPHX.

2. This General Plan update focuses on building on and refining the existing General Plan framework, aligning the General Plan's goals and strategies with other City Council adopted initiatives, and outlining what we will be working on to accomplish goals for the next 10 years.

Proposed Changes:

Location in General Plan	Proposed Changes
Pages 2-3	Add Letter from Mayor and PlanPHX 2025 Leadership Committee Chairman
Page 3	Update photos of Planning Commissioners and PlanPHX Leadership Committee
Page 3	Update Vice Mayor to reflect current Vice Mayor Debra Stark and former Vice Mayor Yassamin Ansari
Page 6	Change the "phoenix today" "occupied housing units by jurisdiction area" from 659,880 to 579,876.
Page 6, Phoenix Today Population, Occupied Housing Units, Median Age, and Housing Mix	Add as follows: "Source: Maricopa Association of Governments (MAG) - U.S. Census Bureau, 2017-2021 American Community Survey (ACS) 5-Year Estimates"
Page 6, Population Growth by Decade	Update as follows: "Source: Maricopa Association of Governments (MAG) 2023 MAG Socioeconomic Projections - June 2023" with hyper link to resource.
Page 6	Added source under Square Miles as follows: "City of Phoenix Planning and Development Department"
Page 7	Updated Employment figure as follows "933,700 Jobs by Municipal Planning Area" and "Added source as follows: "Source: Maricopa Association of Governments (MAG) 2023 MAG Socioeconomic Projections - June 2023" with hyper link to resource.
Page 7	Replaced Phoenix weather figures with the following "Average annual temperature High 87 degrees and Low 63 degrees Fahrenheit" and source as follows: www.usclimatedata.com
Page 7	Updated Sunshine figure to "Averages approximately 300 days of sunshine" and source as follows "en.wikipedia.org"
Page 7	Replace "30,000" with "41,000" for Desert Parks and Preserves and added source as follows: "City of Phoenix Parks and Recreation Department, https://www.phoenix.gov/parks "
Page 8	Added source under the Phoenix 2025 Population, Housing Unit, Jobs, and Population Growth by Decade as follows: "Source: Maricopa Association of Governments (MAG) 2023 MAG Socioeconomic Projections - June 2023" with hyper link to resource.
Page 9	Added source under the Projected Population Concentration, 2050 exhibit as follows: "Source: Maricopa Association of Governments (MAG) 2023 MAG Socioeconomic Projections - June 2023" with hyper link to resource.

After Page 9	Add updated spread modeled from the current 2015 general plan (pages 44-45) to articulate continued regional coordination and collaboration.
Page 10, 2nd Paragraph	Replace “this vision by providing” with “a vision that provides”
Page 10, Last Paragraph	Replace “making” with “preserving, shaping and building”
Page 10, 3rd Paragraph, Last Sentence	Remove “a privilege not often found elsewhere”
Page 11, Last Paragraph	Replace “Create” with “Create a Network of”
Page 12, 1st Paragraph, 2nd Column	Replace “Planning Department” with Planning and Development Department” also replace “Phoenix City Council” with “the PlanPHX 2025 Leadership Committee”, also update “Appendix X” with “Appendix L” and make clickable link.
Page 15 and Parts III & IV	Add a Youth icon to celebrate alignment between Youth recommendations and General Plan Goals and Actions.
Page 17, 2nd Paragraph	Replace “relationships across the city” with “connection across all city initiatives”.
Page 23, 1st Paragraph and Page 64	Replace total miles of streets to 4,870 miles, 269 Major Arterials, 428 for Arterials, 135 collectors, 473 Minor Collector, and 3,565 Locals
Page 26, 1st Paragraph, 1st Sentence	Remove the word “true” and replace “any” with “of any”
Page 26, 2nd Paragraph, 1st Sentence	Replace “They” with “People”
Page 28, 1st Paragraph, 2nd Sentence	Replace “particularly in” with “particularly within”
Page 28, Environment Column, Progress in the areas of section	Add "access to natural spaces" and "increased preservation and restoration of natural open space". Add “rates” after asthma.
Page 31, 1st Paragraph, Last Sentence	Replace “articulate input and the needs” with “articulate and address the needs”.
Page 31, 5th Paragraph	Replace “has noted” with “recognizes”.
Page 32	Add "environment, recreation, and natural open spaces" to the following paragraph: Continuously creating new, high-quality opportunities in Phoenix for workers and businesses. This includes our residents’ connectivity to education, training, jobs, services, housing, arts, culture, environment, recreation, and natural open spaces and transportation options.
Page 32	Add “Viability of” to 2nd bullet under Prosperity Challenges
Page 32, Mobility Paragraph	Revise as follows: “Mobility is critical to humanity’s growth in the urban environment. It is one of the major facilitators of human settlement and success. Where an individual goes, if they drive a vehicle or instead walk, ride a bicycle or e-scooter-how they use to get there , and the resources they have access to have can the potential to influence nearly every other element of their lives.

	Mobility and equitable access to adequate infrastructure transportation and transit facilities have become more widely regarded as civil rights, central to inclusion and critical to individuals' capacity to participate and prosper in the modern-day economy."
Page 34	Replace "and has faced housing challenges like every city across the country" with "but faces housing affordability challenges."
Page 34	Remove "aspect of the" from second to last sentence in first paragraph
Page 34	Change Strategies to Address Homelessness "report" to "plan".
Throughout	Replace "HousingPHX Plan" with "Housing Phoenix Plan"
Page 35	Add the word "Plan" in the following sentence: In response to the current housing challenges and the goals and recommendations from the Housing Phoenix Plan and Strategies to Address Homelessness Plan the conversation around housing in Phoenix must now look to answer the question about what can be done to provide a robust mix of different housing types throughout the city.
Page 35, 2nd Paragraph	Revise the following sentence as follows: The General Plan's Cores, Centers and Corridors and Place Types s concepts will provide the policy framework for this next evolution in the conversation around housing. and Several of the actions outlined in Part IV of the General Plan call for continued updates to the Zoning Ordinance related to facilitate a diversity of housing types to be health with a variety of scales, sensitive to unique and varied context, while utilizing the Urban Village Model to ensure all communities and neighborhoods are part of the conversation and part of the solution.
Page 35	Remove "e" from the word "suite" in the last sentence.
Page 36, Second Sentence	Second sentence under "Housing" section, replace "proportion" with "portion".
Page 36, 2nd Paragraph, 1st Sentence	Replace "tap" with "drinking" and add "preserving and restoring natural spaces" and "providing" to the following sentence: Equitable health in city planning includes ensuring safe tap drinking water, ample street lighting, street shade, mitigating excessive heat during summer months for at-risk residents, preserving and restoring natural spaces and providing public parks that welcome residents and offer opportunities for recreation and exercise.
Page 36, 2nd Paragraph, Last Sentence	Add "in a way that does not create new financial burdens on economically disadvantaged communities" to the following sentence: It includes ensuring that we acknowledge the historical context of decisions on health and populations, and we use data and community voice to empower and plan healthy communities in a way that does not create new financial burdens on economically disadvantaged communities.
Page 36, 4th Paragraph, 2nd Sentence	Revise as follows: From ample tree canopy, and sidewalks to access to green spaces and natural open spaces , every infrastructure investment is an opportunity to improve public health and make the built environment safer and more inviting, encouraging physical activity and time spent outdoors and in neighborhoods.

Page 36, 4th Paragraph, 2nd to Last Sentence	Replace “Another challenge would be that Phoenix has many areas that are considered primary care undeserved.” with “Many areas in Phoenix are considered underserved regarding healthcare.”
Page 36, Last Paragraph	Replace “30,000” with “41,000” under Phoenix Mountain and Sonoran Preserves Header.
Page 36, 6th Paragraph	Revise as follows: “According to the Road Safety Action Plan adopted by Phoenix City Council on September 7, 2022, Phoenix has an average of over 30,000 crashes annually and an average of 2 crashes resulting in serious injury every single day, the National Highway Traffic Safety Administration (NHTSA) has consistently ranked Phoenix in the top 3 cities in the nation for overall traffic fatalities.”
Page 37, 2nd Paragraph, Last Sentence	Revise as follows: “The trails along the canals have become one of Phoenix’s most popular recreation destinations and their popularity will only continue to grow as improvements to the canal trail system are made.”
Page 37, 3rd Paragraph, 1st Sentence	Revise as follows: “ Phoenix is home to f Five out of the ten Trauma Level 1 hospitals in Arizona call Phoenix home, which are among the 15 major hospitals located in the city.”
Page 37, Healthcare + Housing Section, 3rd Sentence	Remove “-Phoenix”
Page 37, Health Spotlight	Update “community voice” with “the community’s voice”
Page 38, Heat and Health, 1st Sentence	Add the word ‘more’ in front of intense heatwaves
Page 40, 3rd Paragraph	<p>Revise as follows: Phoenix strives to be the most sustainable city in the world by improving the quality of life for everyone and allowing nature to thrive. 2050 Sustainability Goals set long-term outcomes necessary to fulfill this vision and the 2021 Climate Action Plan (CAP) outlines the actions to achieving, 2050 goals along with new ambitious climate goals. The CAP is part of how Phoenix is addressing the impacts of climate change by putting the city on a path to reduce GHG emissions by a minimum of 50 percent by 2030 and to achieve net-zero emissions by 2050.</p> <p>All aspects of society including, in part, our health, our economy, and our food systems are directly influenced by climate change. By using a place-based approach for development, and including robust public involvement, equitable development fosters collaborative problem solving; and makes a visible difference in communities that are under served, under-resourced and overburdened.</p>
Page 40, 5th Paragraph	Revise as follows: Part of tackling sustainability is addressing environmental justice. Certain populations can be disproportionately impacted by climate change can include Black, Indigenous, and People of Color, lower income individuals, historically underrepresented groups such as children and older adults, and those experiencing multiple environmental burdens. In Phoenix, extreme heat and poor air quality impact residents who may already be dealing with chronic health conditions, no or inadequate

	<p>healthcare, or a lack of clear and reliable information and resources.</p> <p>Phoenix makes addressing environmental justice a priority. Environmental Justice concerns include such things as fair and just access to environmental resources, protection from environmental hazards and the ability to participate in environmental decision making.</p>
Page 40, 1st Paragraph under "Environmental Challenges"	Replace as follows: Environmental threats for Phoenix include extreme heat, more intense wildfires, increased flooding risk and vector borne disease. Rapid urbanization, which can strain basic infrastructure, coupled with more frequent and extreme weather events linked to global climate change is exacerbating the impact of environmental threats.
Page 40, 2nd Paragraph under "Environmental Challenges"	Revise as follows: Poor air quality impacts every resident in the city of Phoenix. The federal Clean Air Act (CAA) requires Arizona to create a state implementation plan (SIP) aimed at meeting National Ambient Air Quality Standards (NAAQS) that include the following six criteria pollutants: carbon monoxide, ozone, particulate matter with a diameter smaller than 10 micrometers (PM-10) and with a diameter smaller than 2.5 micrometers (PM-2.5), lead, nitrogen dioxide, and sulfur dioxide. These air quality standards must be met within the Maricopa Nonattainment Area, which includes the city of Phoenix. Of course, air is not contained by city limits so actions directed at improving air quality must be considered at a regional level. In 2021, Phoenix became a Signatory City of the C40 Clean Air Cities Declaration. As a C40 City, Phoenix meets the World Health Organization (WHO) air quality standards for nitrogen dioxide and sulfur dioxide and will work toward meeting the standards for particulate matter and ozone. This will be done by including relevant top pollution-reducing actions into the plan, which includes expanding public transit, increasing active transport options, modeling air pollution reduction as a result of actions, and monitoring air quality. The greater Phoenix area is currently designated as Moderate Non-attainment for ozone, and likely to be redesignated to Serious Non-attainment in 2024. The area also is designated as Serious Non-attainment for PM-10 (dust) and is experiencing increasing levels for PM-2.5 (soot) that could potentially result in the region's status changed to Non-attainment for PM-2.5. As the classification becomes more severe, the Clean Air Act requirements become more stringent and costly and impact public health.
Page 41, 6th Bullet	Replace "Village Cores and Centers" with "Village Cores, Centers and Corridors"
Page 41, 1st and 2nd Paragraphs under "Environment Opportunities"	Revise as follows: Implement the Phoenix Climate Action Plan. Phoenix has accomplished many initiatives, programs, and projects that have led to climate pollution reductions and provided social, economic and environmental benefits.
Page 43, Adaptation to Change, 3rd Column	Replace "This declaration will heighten awareness...." with "This declaration heightened awareness..."
Page 43, Adaptation to Change, 3rd Column	Replace sentence as follows "In addition, the city is pursuing new water supplies by recycling wastewater through Advanced Water Purification." with "In addition, the city is pursuing new water

	supplies, such as the possibility of recycling wastewater through Advanced Water Purification."
Page 43	Update "Adaptation to Change" with "Adapting to Change"
Between Pages 61-62	<p>Add new spread for Tech Corridors with the following language "As Phoenix has continued to establish itself as a leader in the technology sector, locations like the Loop 202 Corridor in the Laveen and Estrella villages and Interstate 17 Corridor in the Deer Valley and North Gateway villages are quickly becoming destinations for investments in technology sectors".</p> <p>"Phoenix's Technology Corridors will be an integral part of the Cores, Centers and Corridors exercise outlined in the Identifying and Prioritizing Key Corridors section in Part IV of this update. Defined boundaries for each of the corridors will be identified followed by land use, zoning and infrastructure analysis to determine what each of the corridors needs to continue to attract investment."</p>
Page 64	Add the following sentence as its own subsection: "Safe and convenient crossings for people walking and biking are part of reconnecting the street grid for everyone in Phoenix. In high activity areas and near transit, street crossings should be more frequent to connect to local destinations and support street safety."
Page 66, Safe Systems for Safe Roads and Streets, 1st Sentence	Add "every day" to the following sentence "On average in the City of Phoenix there are 83 automobile collisions every day ."
Page 69, Realizing Sense of Place, 1st Sentence	Revise as follows: A challenge facing Phoenix is one of identity due to its short time being a city, its vast land area and its explosive, rather than incremental, population growth.
Page 72, Resiliency, Last Paragraph	Replace sentence as follows "Green stormwater infrastructure improves irrigation efficiency and lessens pollutants"..... with "Green stormwater infrastructure (GSI) improves irrigation efficiency, reduces pollutants, and offers many other benefits. "
Page 72	Remove "lush" from the following sentence "Planting trees, constructing lush open spaces and using heat-resisting building materials mitigate rising outdoor temperatures."
Page 75, 1st Bullet under E.4	Replace as follows: "A minimum of 30 percent of housing units are dedicated for long-term affordability for low to moderate income households (up to 80% of the area median income for the Phoenix metro area) , as approved by the Housing Department."
Page 76	Remove "lushly" from the following sentence: "A connected oasis approach to open space planning that links together a network of lushly landscaped streets, canals, desert preserves and parks."
Page 77, Policy F.7	Revise as follows: "Support the integration of Green Stormwater Infrastructure (GSI) management practices . . ."
Page 85, Rivers, Washes & Waterways	Add "and buffer" after preserve
Page 85	Update Rivers, Washes, and Waterways.... In the 2025 plan, suggest updating this goal to preserving natural washes (not just those coming from desert preserves) and promote access, views, and trails along the rivers, washes, and waterways (rather than promoting access to preserves, which really belongs in a separate

	section, not in the washes section). These washes provide many benefits, including connectivity corridors for humans and wildlife, recreation such as birdwatching, and safe movement of water flows through the urban area. Also recommend adding a goal regarding preserving and restoring the Salt River through Phoenix and improving access, views, and trail connectivity along that corridor.
Page 89, Fairness, 1st Sentence	Replace sentence as follows: “Maintaining checks and balances to uphold an equitable system is important when asking the development community to contribute to infrastructure financing.”
Page 91, 2 nd Column, 2nd Paragraph	Add as follows: Land Use: Discourage new mining operations adjacent to or in close proximity to existing residential development, schools or existing or planned city recreation areas or open space areas.
Page 97	Figure: Some key City initiatives that are left out and would provide value in the context of the General Plan content are: the Mayor’s Monarch Pledge and the Montreal Biodiversity Pledge (both of which the city has joined and departments have committed to supporting).
Page 100, 1st Paragraph	Revise as follows: Residents believe that a network of vibrant Cores, Centers, and Corridors will serve to provide our city with variety uniqueness across our 15 Urban Villages, by providing access and opportunities for significant cultural, entertainment and employment amenities that to benefits all Phoenicians, and Arizona as a whole. In addition, A network of Vibrant Cores, Centers and Corridors will also contribute to Arizona’s ability to both compete and collaborate regionally and globally for growing economic development opportunities at various scales and intensities across villages and the throughout our city.
Page 100, 2nd Paragraph, 1st Sentence	Replace sentence as follows: “Phoenix residents, businesses, and visitors within the Cores, Centers, and Corridors and surrounding neighborhoods are proud...”
Page 100, 5th Paragraph	Create a new paragraph with “Opportunity sites...”
Page 101	Update photo description from “Encanto Village Core / Midtown Transit Oriented District” to “Central City Core / Downtown Phoenix in the foreground; Encanto Village Core / Midtown Transit Oriented District in the background”
Page 104	Update photo with image of ASU Downtown Phoenix Campus.
Pages 105-107	Replaced “DTPHX” with “Downtown Phoenix” throughout.
Page 105	Update last bullet on the page from “In 1.7 square miles of DTPHX there are 7 public parks, including 32- acre Hance Park.” to “In 1.7 square miles of DTPHX there are 7 public parks, including the 32-acre newly revitalized Hance Park with more improvements planned.”
Page 105, 2nd Bullet	Revise as follows: “ Over the past two decades , nearly 12,000 residential housing units have been added in DTPHX and another 3,000 are under construction. Between 2020-2022, 34% of this downtown housing has delivered. ”
Page 106	Update the fifth bullet under “Policies” by replacing “should” with “will”
Page 107, 2nd Bullet	Replace “Could” with “May” and remove parentheses.
Page 107	Remove “Starting in 2024”

Page 108	Remove hyperlink/underlined format from the following: Metrics - #of Housing Units within TOCs / # of Jobs within TOCs.
Page 110	Update the number “2” to “two”
Pages 110 + 195	Change “City of Phoenix Office of Arts and Culture” to “City of Phoenix Department of Arts and Culture”
Page 112, 1st Paragraph	Replace as follows: “Significant amount of land is available in small vacant parcels and larger underutilized parcels that could be developed and redeveloped within several of our centrally located villages.”
Page 116, 1st-3rd Sentences	Replace as follows: “Phoenix’s future vibrancy relies on embracing the next evolution of growth that also enhances the city’s sustainability and environmental health. Developing healthy neighborhoods that support for safe walking, biking, and micro mobility is imperative. New technologies and automated processes can optimize access while supporting local productivity.” Also delete the words “over time” in the Goal statement.
Page 117	Update spotlight descriptive text to include a reference and hyperlink to https://www.phoenix.gov/ADU
Page 119, 1st Paragraph	Revise as follows: “Phoenix’s growing population and infrastructure demands will be met with new and evolving responses, resources and operational approaches”. Update the GOAL by removing the words “over time”.
Page 120, 1st Paragraph	Revise as follows: “Phoenix is growing as a national and international destination and creating abundant housing options to meet these needs are a priority.”
Page 120	Update Goal language “scale” and “intensity” to read as plural “scales” and “intensities”
Page 124, 1st Paragraph, 1st Sentence	Revise as follows: “With almost 1.7 million residents and more than 529 square miles, the city of Phoenix has many opportunities for growth.” Remove the word “in” from the Goal language.
Page 124, 1st Paragraph, Last Sentence	Revise as follows: “Development and redevelopment of vacant and underutilized properties should consider existing and surrounding development character as well as adjacent jurisdictions. Focusing within urbanized areas reduces the cost of managing growth, by focusing new development in areas where the infrastructure has already been developed.”
Page 125	Update to spotlight narrative to spell out what “Taiwan Semiconductor Manufacturing Company (TSMC)”.
Page 126	Update the last sentence in the first paragraph from “But we are changing, evolving, and rethinking mobility, access and experience of places as well as infrastructure needs to get us there” to “But we are changing, evolving, and rethinking mobility, and how we access and experience places including the infrastructure needed to get us there”
Page 130-133	Update language throughout from “Rio Salado Park” to “Rio Salado Habitat Restoration”
Page 131, 1st Paragraph	Revise as follows: “Rio Salado is the central component of the Rio Reimagined vision, as rivers are an integral part of life in a desert city. The Regional Rio Reimagined objectives are to connect communities, restore and revitalize healthy rivers, and develop economic sustainability. Rio Reimagined Phoenix focuses on the Rio Salado (Salt River) corridor, encompassing Rio Salado and

	properties beyond its banks. Phoenix’s goal for Rio Reimagined is to promote the 20-mile Rio Salado corridor as a local and regional destination that attracts positive investment for the benefit of river, nature, wildlife, and supportive ecological systems as well as existing and future businesses, residents, and visitors.”
Page 132	Add additional policy as follows: “Support partnerships towards conservation and preservation of open space areas, conservation and preservation of wetland and riparian areas, prioritizing wildlife and habitat connectivity, wildlife related recreation opportunities, and working with to identify and maintain wildlife corridors.”
Page 133, Spotlight Descriptive Text	Revise as follows: "... with its connection to the trails within the Rio Salado Habitat Restoration Area."
Page 134, Spotlight Descriptive Text, Last Sentence	Revise as follows: “The opening date was January 27, 2024”
Page 141	Update spotlight descriptive text to spell out “ <u>H</u> igh Intensity <u>A</u> ctivated cross <u>W</u> alk (HAWK)”
Page 142	Update spotlight descriptive text by replacing “In fall 2023, Phoenix plans to increase...” to “In fall 2023, Phoenix increased...” and “Currently” to “As of 2024”
Page 143	Update Goal statement to include the word “Continue” at the beginning. --
Pages 144-145	Update the Parks Facilities Map 2023 (Appendix G) with a new Parks Facilities Map 2024.
Page 147	Update goal/section title from “Canals & Trails” to “Canal Trails”
Page 150, 1st Sentence	Revise as follows: “Phoenixians have fewer barriers to enjoying library materials and access to technology not more than ever.”
Page 152, End of the 4th Paragraph	Add the following: “In 2022, state resident and nonresidents spent \$9.8 billion on fishing, hunting, watchable wildlife and other outdoor related recreation in Arizona (USFWS 2022) supporting 18,220 jobs statewide.”
Page 158, Policies	Add new policy language as follows: <ul style="list-style-type: none"> • Continue to support the investment and growth of Advanced Air Mobility (AAM) and other emerging and transformative technologies to improve the accessibility and robustness of the City’s transportation systems. Leverage and market Advanced Air Mobility and other unique aviation development opportunities associated with vacant land at Deer Valley Airport. • Align infrastructure investment serving the airport system with emerging and forecast aviation needs and technology. Ensure new forms of city infrastructure and services (eg, new cellular broadband, municipal drone usage and new facilities for advanced air mobility) are compatible with airport operations.
Page 157, Last Paragraph	Update as follows: “The Greater Phoenix Economic Council (GPEC) released a report in 2023 highlighting how far Phoenix and the other cities in the Valley have come to support the growth of the technology sector. Greater-Phoenix-TechStory-2023.pdf (gpec.org)” Also include a clickable hyperlink to the referenced report.
Page 168	Update the Phoenix Airport System spotlight economic impact statistics as follows: “In 2022, the Phoenix Airport System (PHX, DVT and GYR) total regional impact (direct, indirect, and induced) was \$44 billion dollars, with direct employment adding up to 140,546 jobs, and airline visitor (domestic and international)

	spending of \$7 billion. Total tax revenues (federal, state, and local) exceeded \$6 billion. The Airport System achieves all this through focusing on customer needs, valuing diversity and partnerships, and maintaining facilities that are sustainable and loved by the flying public.”
Page 170	Add “, and other eco-tourism supporting infrastructure” to the end of the last sentence.
174 & Throughout	Update square miles of the city to read as 529 square miles.
183 & Throughout	Update font format and effects to make clear and legible.
Page 184	Update the spelling in the title to correctly spell “Precinct” and update the spotlight descriptions first sentence to include the words “is located” after the word “Precinct”
Pages 185-186 & Throughout	Update resource in bulleted list from “Housing Consolidated Plan” to “NSD Consolidated Plan”
Page 185	Update the second sentence from “Residents want to work in concert with all departments to improve and enact...” to “Residents and the city work together to improve and enact...”
Page 190	Update descriptive language to read “co-locating with non-residential uses” instead of “with employment opportunities”
Page 197	Add a sentence at the end as follows “Ecotourism is a large economic driver for the city as it is the most beautiful and diverse desert in the world.”
Page 197, Last Sentence	Revise as follows: “Open spaces can also serve as opportunities for preserving native plants, incorporating water harvesting and green stormwater infrastructure features like bioswales, all while further contributing to the city’s overall sustainability, biodiversity, and well-being.”
Page 202, Project Spotlight	Revise as follows: “approximately 1.7 million customers” and add a period at the end of the last sentence.
Page 203, 1st Paragraph, Last Sentence	Remove “Green Stormwater Infrastructure” and replace with “GSI” and change “permeable pavement” to “porous pavers”.
Page 203	Update the following sentence from "Proper stormwater management through green stormwater infrastructure (GSI) reduce flooding and protect surface waters for a healthier community" to "Proper stormwater management through green stormwater infrastructure (GSI) reduce flooding, protect surface waters, and can help reduce reliance on potable water irrigation for a healthier community"
Page 203, Last Paragraph	Move the following sentence to the end of the paragraph: “These features are also sometimes referred to as low impact development (LID).”
Page 204	Add a new policy as follows: 4. Promote and support GSI elements as an approach to enhance wildlife habitat, natural washes, and rivers, sustain native vegetation and water preservation towards achieving climate resiliency.
Page 204, Policy 2	Change “types” to “elements”. Encourage and promote planning and design of Green Stormwater Infrastructure types elements in early phases of projects.
Page 204	Update the “Protects Water Quality” Section as follows: "GSI help capture the first flush flows that carry the heaviest pollution that otherwise rush to the city’s waterways during a downpour. Instead,

	water captured by GSI gets slowly filtered and absorbed into the water table."
Page 204	Update language under "Localized Flood Mitigation" section as follows: "By capturing and infiltrating water close to where it falls, it reduces the overload on the stormwater sewer system during and after a rainstorm, reducing flood risk from overloaded stormwater pipes. GSI can also help by capturing and infiltrating water where no stormwater sewer system is available."
Page 204	Update language under "Curb Opening" to include parking lots as follow "...can be retrofitted into existing roadways or parking lot medians..."
Page 205	Update title to include "Rain Gardens" also updated descriptive language from this "The Phoenix Zoo in Papago Park completed a redesign of its parking lot in 2022. The parking area was designed to protect the natural drainage function of the washes, and installed curb cuts for all landscaping and trees to be sustained by with stormwater and used native plants and trees." to this "The Phoenix Zoo in Papago Park completed a design of its parking lot in 2022. The parking area was designed to protect the natural drainage function of the washes and capture runoff from the parking lot and installed curb cuts for all landscaping and trees to be sustained by with stormwater and used native plants and trees."
Throughout	Adjust placement of the "Click here to return to the Table of Contents" box to avoid blocking substantive material on the page.
Page 207, First Sentence	Replace the word "innovative" with "resident-driven"
Page 208	Update to include ", ecological process" after the words "environmental preservation"
Page 208	Add Mayor's Monarch Pledge and Montreal Biodiversity Pledge under the related policy initiatives and resources list with hyperlink.
Page 210	Update spotlight title to "Phoenix Mayor's Monarch Pledge" and updated language to include the Desert Botanical Garden as a key partner.
Page 210	Update photo to celebrate the Mayor's Monarch Pledge and new spotlight title.
Pages 210-211	Update Goal Language from "Celebrate and protect our Rivers, Washes and Waterways." to "Celebrate and protect and restore our Rivers, Washes and Waterways in their natural state and explore potential to accommodate wildlife movement and passive recreation corridors where possible."
Page 211	Add Tres Rios Website to the Related Policy Initiatives and Resources list.
Page 212	Remove "Brownfields are a liability for the city because they pose a risk to public health, create barriers in maximizing existing infrastructure and have unknown environmental conditions."
Page 232	Change "Development" to "Develop"
Page 233	Update the 2nd Action item to include "trails along washes" as follows: Continue to partner with adjacent property owners and pursue grants that enhance multi-modal transportation infrastructure and amenities along designated corridors like our canals, trails along washes, mass transit corridors and the Rio Salado.

Page 233	Add new action: Support the Parks and Recreation Department in an update of the Parks and Recreation Master Plan.
Page 234	Add new action: Partner with downtown stakeholders on an update of the Downtown Strategic Plan.
Page 234	Second “Codes” Action, include “and other codes and ordinances” after “Zoning Ordinance”
Page 234	Add new action: Develop and implement a process improvement program to support enhanced customer service for customers within the Planning and Development Department's plan review, permit, and inspection processes.
Page 235	Update Partnerships Action to read as “to promote a diversity of housing options and variety of income levels in appropriate locations”
Page 236	Add “build the Sustainable Desert City” logo to top of page
Page 236	Update the following Action “Update the Tree and Shade Master Plan” with “Support the Office of Heat Response and Mitigation with an update to the Tree and Shade Master Plan”
Page 236	Update the following Action “Update the Climate Action Plan” with “Support the Office of Environmental Programs with an update to the Climate Action Plan”
Part IV after page 236	Add additional “IPlanPHX” page modeled off the City Council Adopted 2015 General Plan Page 186.
Page 237	Update image to align more with “Sustainability”
Page 238	Remove “Michelle Pierson, Deputy Economic”
Page 238	Change “Office of Arts and Culture” to “Arts and Culture” and not “Office of Arts and Culture” and Mitch Menchaca as Director, and Carrie Brown as Deputy Director.
Page 238	Update Mitch Menchaca as Director and Carrie Brown as Deputy Director.
Page 238	Replace “Balluf” with “Balluff”
Appendix H: Glossary of Terms	Add General Plan Land Use definitions as adopted in GPA-1-08.
Appendix H: Glossary of Terms	Add definition to the glossary of terms: Accessory Dwelling Units (ADUs) ADUs, often referred to as guest houses, casitas, or granny flats are separate, self-contained living areas that are either fully detached structures or attached to an existing home, with its own external entrance. An ADU usually contains all of the amenities to operate as a fully independent, operational dwelling, including a kitchen, bathroom, living area and sleeping quarters.
Appendix H: Glossary of Terms	Add definition to the glossary of terms: Green Stormwater Infrastructure, or GSI means infrastructure constructed with a range of measures that use plant or soil systems, permeable pavement or other permeable surfaces or substrates, stormwater harvest and reuse, or landscaping to store, infiltrate, or evapotranspire stormwater and reduce flows to the public storm drain system or to surface waters. These features are also sometimes referred to as low impact development (LID). They are generally small in size to capture water where it falls for multiple co-benefits.
Appendix H: Glossary of Terms	Add definition to the glossary of terms: High-capacity transit (HCT), such as light rail, streetcar, or bus rapid transit, is designed to efficiently move large volumes of people by operating on dedicated tracks or right-of-way. HCT vehicles offer a balance between speed,

	capacity, and accessibility by allowing faster and more frequent service, fewer stops, and the ability to carry more people than local service transit.
Appendix H: Glossary of Terms	Add definition to the glossary of terms: Missing Middle Housing is a range of house-scale buildings with multiple units - compatible in scale and form with detached single-family homes – located in a walkable neighborhood. Missing middle housing refers to housing that falls between single-family homes and mid-rise apartments. Examples include duplexes, triplexes, townhomes, small apartments, courtyard clusters, bungalows, fourplexes and live work.
Appendices	Add Place Type Matrix
Throughout	Removed/replaced/updated references, footnotes, and sources and renumbered pages accordingly throughout.

This publication can be made available in alternate format upon request. Please contact Teleia Galaviz at 602-291-2559, teleia.galaviz@phoenix.gov, TTY: Use 7-1-1.



Agenda Date: 4/3/2024, Item No. 77

Public Hearing and Resolution Adoption - General Plan Amendment GPA-EST-2-24-7 - Approximately 1,170 Feet North of the Northwest Corner of 67th Avenue and Lower Buckeye Road (Resolution 22190)

Request to hold a public hearing on a General Plan Amendment for the following item to consider adopting the Planning Commission's recommendation and the related resolution if approved. Request to amend the General Plan Land Use Map designation on 112.32 acres from Residential 3.5 to 5 dwelling units per acre, Mixed Use (Commercial / Commerce/Business Park) and Industrial to Commerce/Business Park. This item is a companion case to Z-8-24-7 and must be heard first, followed by Z-8-24-7.

Summary

Application: GPA-EST-2-24-7

Current Designation: Residential 3.5 to 5 dwelling units per acre (96.44 acres), Mixed Use (Commercial / Commerce/Business Park) (11.48 acres), and Industrial (4.40 acres)

Proposed Plan Designation: Commerce/Business Park

Acreage: 112.32

Proposal: Minor General Plan Amendment to allow for a commerce park development

Owner: Property Reserve Arizona, LLC c/o Brett Hopper

Applicant: Stephanie Watney, Withey Morris Baugh, PLC

Representative: Jason Morris, Withey Morris Baugh, PLC

Staff Recommendation: Approval.

VPC Action: The Estrella Village Planning Committee heard this item on Feb. 20, 2024, and recommended denial, by a vote of 7-1.

PC Action: The Planning Commission heard the item on March 7, 2024, and recommended approval, per the staff recommendation, by a vote of 6-2.

Location

Approximately 1,170 feet north of the northwest corner of 67th Avenue and Lower Buckeye Road

Council District: 7

Parcel Address: 1602, 1802, 2000, and 2300 S. 67th Ave.

Responsible Department

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.

ATTACHMENT A

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

RESOLUTION

A RESOLUTION ADOPTING AN AMENDMENT TO THE 2015
GENERAL PLAN FOR PHOENIX, APPLICATION GPA-EST-2-24-
7, CHANGING THE LAND USE CLASSIFICATION FOR THE
PARCEL DESCRIBED HEREIN.



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

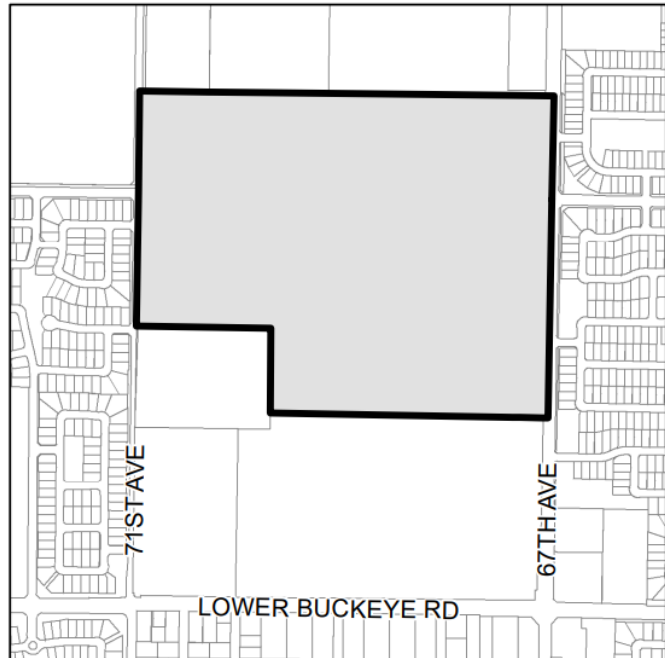
SECTION 1. The 2015 Phoenix General Plan, which was adopted by
Resolution 21307, is hereby amended by adopting GPA-EST-2-24-7. The 112.32-acre
site located approximately 1,170 feet north of the northwest corner of 67th Avenue
and Lower Buckeye Road is designated as Commerce/Business Park.

SECTION 2. The Planning and Development Director is instructed to
modify the 2015 Phoenix General Plan to reflect this land use classification change as
shown below:

PROPOSED CHANGE:

Commerce / Business Park (112.32 +/- Acres)

-  Proposed Change Area
 Commerce / Business Park



PASSED by the Council of the City of Phoenix this 3rd day of April 2024.

MAYOR

ATTEST:

Denise Archibald, City Clerk

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

By: _____

REVIEWED BY:

Jeffrey Barton, City Manager

DRAFT



City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

**GENERAL PLAN AMENDMENT
STAFF ANALYSIS**
February 14, 2024

Application: GPA-EST-2-24-7

Applicant: Stephanie Watney, Withey Morris Baugh, PLC

Representative: Jason Morris, Withey Morris Baugh, PLC

Owner: Property Reserve Arizona LLC c/o Brett Hopper

Location: Approximately 1,170 feet north of the northwest corner of 67th Avenue and Lower Buckeye Road

Acreage: 112.32 acres

Current Plan Designation: [Residential 3.5 to 5 dwelling units per acre](#) (96.44 acres), [Mixed Use \(Commercial / Commerce/Business Park\)](#) (11.48 acres) and [Industrial](#) (4.40 acres)

Requested Plan Designation: [Commerce/Business Park](#) (112.32 acres)

Reason for Requested Change: Minor General Plan Amendment to allow for a commerce park development

[Estrella Village Planning Committee](#) Meeting Date: February 20, 2024

Staff Recommendation: Approval

FINDINGS:

- 1) The proposed Commerce/Business Park land use designation will help maximize employment opportunities within the Estrella Village.
- 2) The companion rezoning case, Z-8-24-7, as stipulated, will provide extensive building and landscape setbacks adjacent to the future multifamily development and a proposed school location to the south.

- 3) The proposed Commerce/Business Park land use designation will be a compatible transition from the Industrial designation to the north to the Residential designation to the south.

BACKGROUND

The subject site is 112.32 gross acres and is located approximately 1,170 feet north of the northwest corner of 67th Avenue and Lower Buckeye Road. The subject site is currently vacant. The companion rezoning case Z-8-24-7 is requesting to rezone the site from RE-35 (Single-Family Residence District) and R1-8 (Single-Family Residence District) to CP/GCP (Commerce Park District/ General Commerce Park Option) to allow a commerce park development.

This request proposes a minor amendment to the General Plan Land Use Map to allow for commerce park uses. The proposal will modify the land use designation from 96.44 acres of Residential 3.5 to 5 dwelling units per acre, 11.48 acres of Mixed Use (Commercial / Commerce/Business Park), and 4.40 acres of Industrial to 112.32 acres of Commerce/Business Park.

SURROUNDING LAND USES

NORTH

North of the subject site, are numerous warehouses and some outdoor storage designated Industrial and Mixed Use (Commercial / Commerce/Business Park).

SOUTH

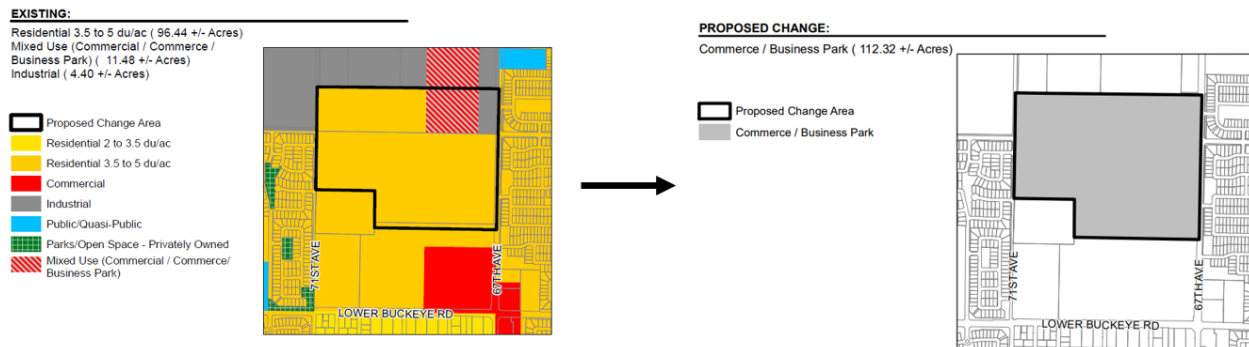
South of the subject site is vacant land proposed as multifamily residential and a property belonging to a school district designated Residential 3.5 to 5 dwelling units per acre.

EAST

A single-family residential development is located east of the subject site, across 67th Avenue, designated as Residential 3.5 to 5 dwelling units per acre.

WEST

To the west of the subject site, across 71st Avenue, is a single-family residential development designated Residential 3.5 to 5 dwelling units per acre. A warehouse is located northwest of the subject site, across 71st Avenue and is designated Industrial.



Existing and Proposed General Land Use Designation Maps
Source: City of Phoenix Planning and Development Department

RELATIONSHIP TO GENERAL PLAN CORE VALUES AND PRINCIPLES

CONNECT PEOPLE AND PLACES

- **ENTREPRENEURS AND EMERGING ENTERPRISES; LAND USE PRINCIPLE:** Encourage land uses that promote the growth of entrepreneurs or new businesses in Phoenix in appropriate locations.

This General Plan Amendment request, with the companion rezoning request, Z-8-24-7, will support a variety of employment uses adjacent to 67th Avenue, an arterial street. The development will provide a place for businesses to operate and grow within the Estrella Village.

- **Connect people and places core value; opportunity sites; land use principle:** Support reasonable levels of increased intensity, respectful of local conditions and surrounding neighborhoods.

The proposal provides a reasonable level of intensity that is respectful to local conditions. The companion rezoning case, Z-8-24-7, includes stipulations such as enhanced elevations, landscape buffers with enhanced landscaping standards, and large building setbacks to ensure the proposal will be compatible with the surrounding uses.

- **Safe Neighborhoods, Traffic: Land Use:** Locate major traffic-generating land uses on major streets in areas planned for such uses, or near parkway and freeway access and transit centers or light rail transit stations, and avoid use of local streets.

The proposed General Plan Land Use Map designation and companion rezoning case would place proposed traffic-generating employment uses adjacent to 67th Avenue. Furthermore, the proposed development will be required to build out Durango Street which will deviate traffic to the north portion of the subject site,

away from proposed and existing residential uses.

CONCLUSION AND RECOMMENDATION

Staff recommends approval of GPA-EST-2-24-7. The proposed land use map designation will maximize the property's opportunity for development and serve as a buffer from the industrial uses to the north and the proposed residential uses to the south. Along with the companion rezoning case, Z-8-24-7, the General Plan Amendment will allow land uses that will provide employment opportunities for the Estrella community.

Writer

Nayeli Sanchez Luna
February 14, 2024

Team Leader

Racelle Escolar

Exhibits

Sketch Maps (2 pages)









GENERAL PLAN AMENDMENT

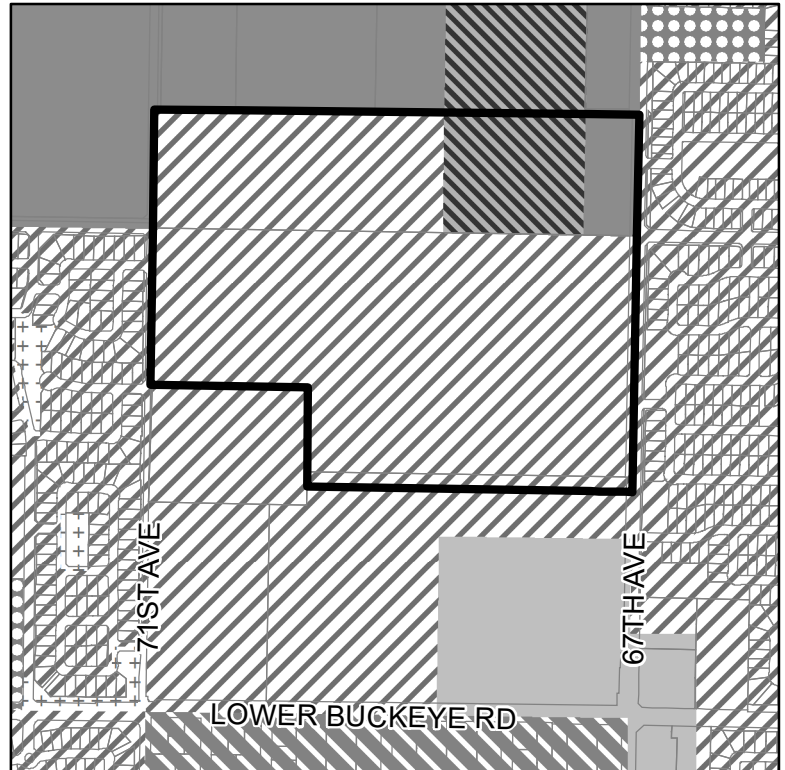
CITY OF PHOENIX ♦ PLANNING & DEVELOPMENT DEPARTMENT ♦ 200 W WASHINGTON ST ♦ PHOENIX, AZ ♦ 85003 ♦ (602) 262-6882

APPLICATION NO: GPA-EST-2-24-7	ACRES: 112.32 +/-	REVISION DATE:
VILLAGE: Estrella	COUNCIL DISTRICT: 7	
APPLICANT: Withey Morris Baugh, PLC		

EXISTING:



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Mixed Use (Commercial / Commerce /
Business Park) (11.48 +/- Acres)
Industrial (4.40 +/- Acres)

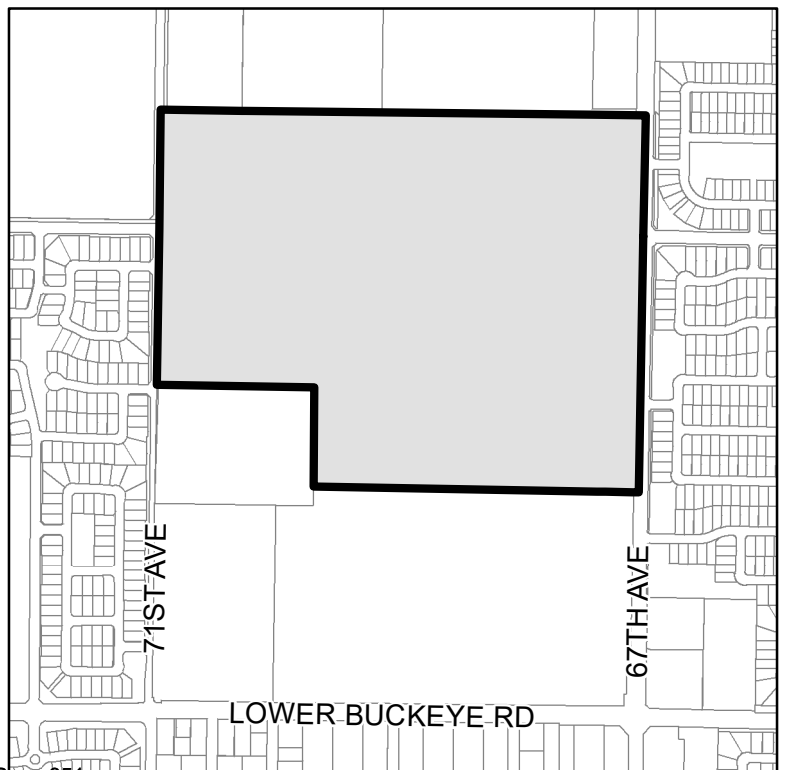
-  Proposed Change Area
-  Residential 2 to 3.5 du/acre
-  Residential 3.5 to 5 du/acre
-  Commercial
-  Industrial
-  Public/Quasi-Public
-  Parks/Open Space - Privately Owned
-  Mixed Use (Commercial / Commerce / Business Park)



PROPOSED CHANGE:

Commerce / Business Park (112.32 +/- Acres)

-  Proposed Change Area
-  Commerce / Business Park



GENERAL PLAN AMENDMENT

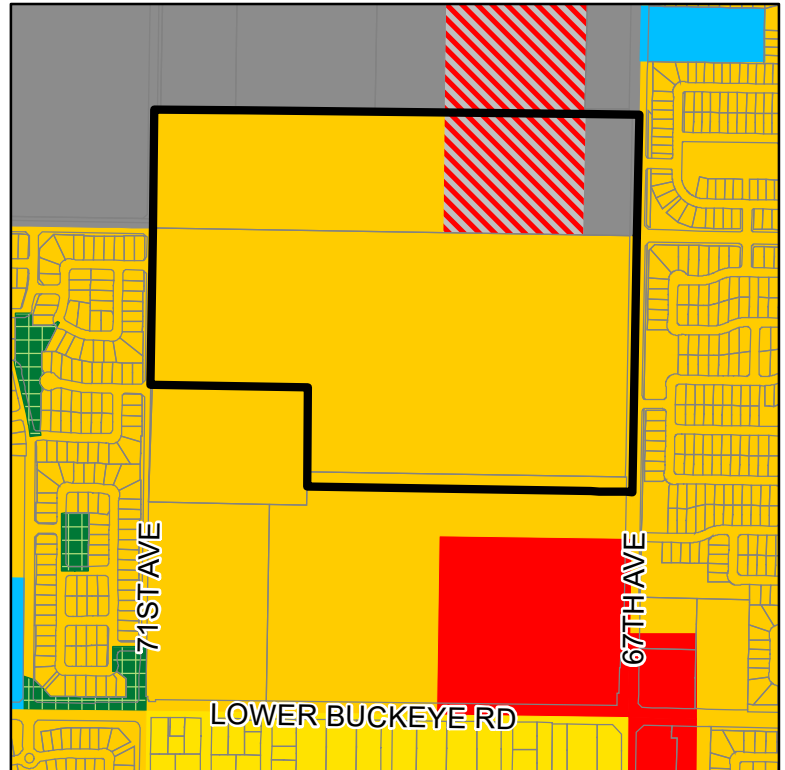
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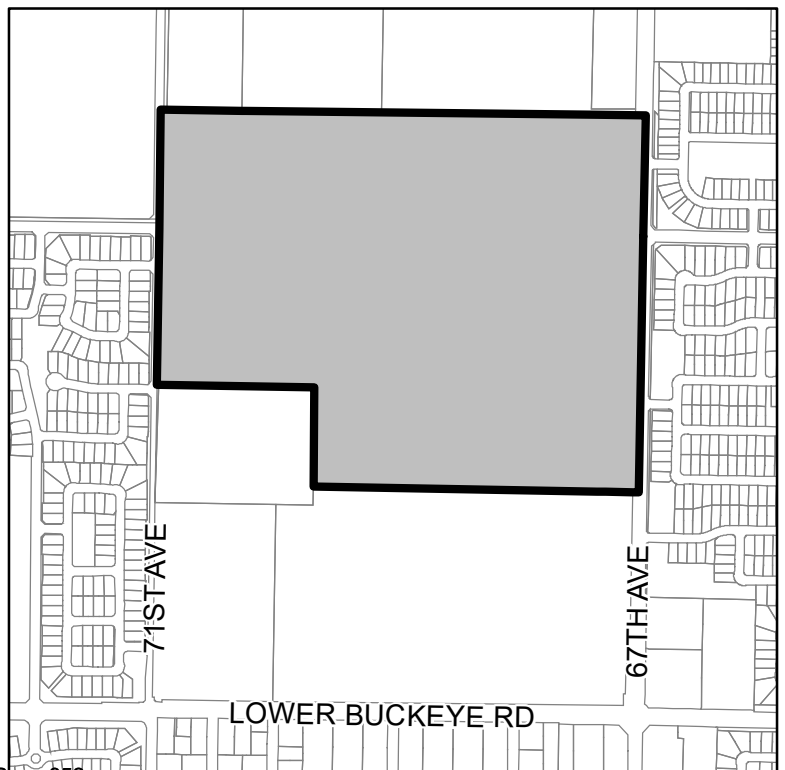
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PROPOSED CHANGE:

Commerce / Business Park (112.32 +/- Acres)

-  Proposed Change Area
-  Commerce / Business Park





Village Planning Committee Meeting Summary

GPA-EST-2-24-7

Date of VPC Meeting	February 20, 2024
Request From	Residential 3.5 to 5 dwelling units per acre, Mixed Use (Commercial / Commerce/Business Park), and Industrial
Request To	Commerce/Business Park
Proposal	Minor General Plan Amendment to allow for a commerce park development
Location	Approximately 1,170 feet north of the northwest corner of 67th Avenue and Lower Buckeye Road
VPC Recommendation	Denial
VPC Vote	7-1

VPC DISCUSSION:

Cases GPA-EST-2-24-7 and Z-8-24-7 are companion cases and were heard together. Eight members of the public registered to speak.

Staff Presentation:

Nayeli Sanchez Luna, staff, presented an overview of the general plan amendment and rezoning requests. Mrs. Sanchez Luna discussed the location of the site, the requested zoning designation, the surrounding land uses, and the proposed General Plan Land Use Map designation. Mrs. Sanchez Luna displayed the site plan and elevation and noted the proposed height, square footage, and architectural façade. Mrs. Sanchez Luna concluded the presentation by providing the staff findings, the recommendation, and summarizing the proposed stipulations.

Applicant Presentation:

Adam Baugh, representing the applicant with Withey Morris Baugh, PLC, provided an overview of the proposed general plan amendment and rezone request. Mr. Baugh displayed the conceptual site plan and noted the proximity to transportation corridors. Mr. Baugh summarized the numerous changes to the site plan and noted the landscape buffers when adjacent to single-family residential. Mr. Baugh noted other cities that had commerce park buildings when adjacent to single-family residential and added that the commerce park buildings increased property values. Mr. Baugh concluded the applicant presentation by going over the outreach process and trip generation for the proposed use.

Questions from the Committee:

Chair Lisa Perez asked if the applicant provided 50 letters of support on the same day of the hearing. **Mr. Baugh** confirmed affirmatively. **Chair Perez** noted that the letters were not in the committee packet and that she would have preferred to receive them with more time to review them.

Public Comments:

Laura Martinez noted that she has seen the vacant property used as an illegal dumping site. Ms. Martinez voiced her support for the proposal because it bring jobs to the area.

Francisca Montoya stated that she was involved with the Fowler School District and was a former member of the Village Planning Committee. Ms. Montoya noted that industrial uses were located primarily along Buckeye Road but that the subject property was closer to Lower Buckeye Road. Ms. Montoya added that Lower Buckeye Road was primarily surrounded by single-family residential development. Ms. Montoya stated that the proposed use should be located along the Loop 202 and that the proposed SR-30 has not received funding for construction. Ms. Montoya concluded her comment by stating that school buses would use the same route as the commercial traffic, thus causing a safety hazard.

Lorena Cardenas voiced her support for the proposed development. Ms. Cardenas noted that it would bring jobs to the community.

Nathan Wright, with the Community and Economic Development Department (CED), noted that there was only one other possible 1,000,000 square foot building in the City. Mr. Wright added that south of the I-10 there weren't any large commerce park buildings that could support large businesses. Mr. Wright also supported the smaller warehouses because they could bring amenities to the area such as dance studios or offices. Mr. Wright concluded his comment by stating that they could market the 1,000,000 square foot building. **Chair Perez** asked for more clarification on why CED was speaking at a committee meeting in favor of a rezoning case. **Mr. Wright** noted that this is an important project and that the CED takes close interest in any projects that bring high quality jobs. **Chair Perez** noted that CED spoke with her once and asked why the Department hadn't done more outreach. **Mr. Wright** noted that they were also present at the Laveen Village Planning Committee and that they advocate for job generating projects.

Chair Perez stated that in the past, the committee had asked the City how they were promoting the area; however, they never received an answer. **Mr. Wright** suggested returning to the committee to listen to the community's needs and reviewing proposed projects in the area. Mr. Wright reiterated that they support job generating projects. **Angelica Terrazas** voiced her agreement and asked CED to return to the committee. **Chair Perez** noted that the technological corridor along the Loop 202 is an example of a marketable area promoted by the City. **Mr. Wright** agreed.

Abby Dunton stated that she worked with numerous HOAs along Lower Buckeye Road. Ms. Dunton stated that she supported keeping the area zoned for residential development. Ms. Dunton noted that there were existing commercial uses that rely on residential uses and concluded her comment by stating that she was in opposition of the development.

Selina Lemley stated that she lived in the area for many years. Ms. Lemley stated that she supported a use that would ensure jobs. Ms. Lemley added that a Walmart is located down the street to serve the community and stated that she would like the area to be developed.

Olga Pritchett asked for more information regarding public outreach and asked if they went house to house or if they just sent out notification letters. **Mr. Baugh** noted that they went door-to-door.

Ms. Terrazas noted that everyone in the committee has experienced traffic congestion with limited exits on Lower Buckeye Road. Ms. Terrazas noted her traffic congestion concerns and encouraged a through street to alleviate traffic from major roads.

Peter Mastro asked what type of business requires a million square foot building. **Mr. Wright** noted that there is a need for warehousing and advance manufacturing in the solar industry or semi-conductors.

Applicant Response:

Mr. Baugh noted that any development would generate traffic. Mr. Baugh stated that a single-family subdivision would create more traffic than the proposed commerce park development. Mr. Baugh added that single-family residential will add to traffic during peak hours in the morning and in the afternoon. Mr. Baugh reiterated the need for this type of development in the area.

Committee Discussion:

Dafra Joel Sanou asked how the developer would dictate who leases the buildings. **Mr. Baugh** stated that numerous uses could be used within the buildings including car restoration or indoor entertainment for children and adults. Mr. Baugh reiterated that there were many uses that could come into the building to add amenities to the area. Mr. Baugh stated that they would ensure someone that would be there for a long time.

Co-Vice Chair Cenicerros asked how much additional pollution this would add to the community. **Mr. Baugh** noted that he could not quantify pollution. Mr. Baugh stated that the proposal included numerous stipulations to try to alleviate pollution and water conservation.

Renee Dominguez stated that traffic on 67th Avenue is horrible and noted that semitrailer and commercial traffic will further add to the existing traffic congestion

problem in the area. Ms. Dominguez stated that areas with a mixture of commerce park and residential development have a lot of traffic congestion and safety issues. **Mr. Baugh** noted that residential uses would create more congestion and that an accident would create traffic congestion anywhere in the City.

Andre Serrette stated that he agreed that the village was very diverse when it came to uses but wondered if this was the only place in the village that could accommodate the proposed development. **Mr. Baugh** noted that they are developing to what the market demands. Mr. Baugh added that there wasn't a 1,000,000 square foot building in the City and the smaller buildings could easily be leased out.

Melanie Burd asked about the traffic light at 67th Avenue and Durango. **Mr. Baugh** displayed the location of the purposed traffic lights. **Ms. Burd** asked if the site will have access via 71st Avenue or 67th Avenue. **Mr. Baugh** stated that access will be via 67th Avenue. **Ms. Burd** stated that there should be an additional lane on 71st Avenue and Lower Buckeye Road. **Mr. Baugh** noted that a traffic study would be required to analyze the number of lanes. **Ms. Burd** asked if the proposed buildings could be used for a bar. **Mr. Baugh** noted that that would not be allowed.

Ms. Burd asked if there was parking on the east side of the building. **Mr. Baugh** stated that that would be employee parking. **Ms. Burd** voiced her concern for traffic along 71st Avenue.

Chair Perez stated that she has met with numerous developers for this site and that they always proposed commerce park or industrial uses. Chair Perez noted that the south portion of the site was recently zoned to allow multifamily residential, and that the representative did extensive outreach to the community. Chair Perez stated that this representative only held one community meeting and that they did not present a narrative of the project but rather just asked if the community had questions. Chair Perez added that the committee has a right to comment on proposed warehouses and commerce park buildings in the area. Chair Perez stated that there is a housing shortage in the City but the proposal does not support additional housing. Chair Perez stated that all these buildings are conceptual because there are no purposed tenants for the buildings. Chair Perez voiced her concerns regarding the square footage, employment parking and commercial parking. Chair Perez stated that she would like to see more public outreach and more meetings with CED. **Mr. Baugh** noted that during the public meeting, there were a few members that lived in close proximity to the proposal and that the rest were part of the school district. **Chair Perez** added that school employees would be directly affected by the development. **Mr. Baugh** stated that they consider additional meetings based on the first public meeting. Mr. Baugh added that they had contacted the district for a meeting. **Chair Perez** noted that this development would impact a whole area of people other than those adjacent to the development. **Mr. Baugh** noted that the number of people at the first meeting will indicate if more meetings were needed. Mr. Baugh added that only two members of the immediate area attended the meeting.

Ms. Dominguez stated that many property owners do not receive notification letters. Ms. Dominguez added that there is a future school location and there is a nearby school so extensive outreach would have been beneficial. Ms. Dominguez asked how many houses were knocked on when the applicant went door-to-door. **Mr. Baugh** noted that the door-to-door method exceeded what was required by the rezoning process. **Ms. Dominguez** asked why they waited the weekend before the meeting to go door-to-door and not allow the committee to review all the letters of support. **Mr. Baugh** noted that they had a neighborhood meeting at the end of January.

Co-Vice Chair Cenicerros asked if the applicant was willing to continue to work with the committee before a recommendation. **Mr. Baugh** voiced his agreement but stated that they would like the case to move forward. Mr. Baugh added that he could hold a meeting before Planning Commission.

Motion:

Co-Vice Chair Markus Cenicerros motioned to recommend the denial of GPA-EST-2-23-7. **Renee Dominguez** seconded the motion.

Vote:

7-1, Motion passed with Committee Members Ayala, Burd, Dominguez, Sanou, Serrette, Cenicerros, and Perez in favor and Committee Member Terrazas in opposition.

Staff comments regarding VPC Recommendation:

None.

ATTACHMENT D

REPORT OF PLANNING COMMISSION ACTION March 7, 2024

ITEM NO: 9	
	DISTRICT NO.: 7
SUBJECT:	
Application #:	GPA-EST-2-24-7 (Companion Case Z-8-24-7)
Location:	Approximately 1,170 feet north of the northwest corner of 67th Avenue and Lower Buckeye Road
From:	Industrial, Mixed Use (Commercial/Commerce/Business Park) and Residential 3.5 to 5 dwelling units per acre
To:	Commerce/Business Park
Acreage:	112.32
Proposal:	Minor General Plan Amendment to clean up the mix of land use designations and allow a framework for cohesive commerce park development
Applicant:	Stephanie Watney, Withey Morris Baugh, PLC
Owner:	Brett Hopper, Property Reserve Arizona, LLC
Representative:	Jason Morris, Withey Morris Baugh, PLC

ACTIONS:

Staff Recommendation: Approval.

Village Planning Committee (VPC) Recommendation:

Estrella 2/20/2024 Denial. Vote: 7-1.

Planning Commission Recommendation: Approval, per the staff recommendation.

Motion Discussion: N/A

Motion details: Commissioner Mangum made a MOTION to approve GPA-EST-2-24-7, per the staff recommendation.

Maker: Mangum
Second: Matthews
Vote: 6-2 (Jaramillo, Perez)
Absent: Busching
Opposition Present: Yes

Findings:

1. The proposed Commerce/Business Park land use designation will help maximize employment opportunities within the Estrella Village.
2. The companion rezoning case, Z-8-24-7, as stipulated, will provide extensive building and landscape setbacks adjacent to the future multifamily development and a proposed school location to the south.
3. The proposed Commerce/Business Park land use designation will be a compatible transition from the Industrial designation to the north to the Residential designation to the south.

This publication can be made available in alternate format upon request. Please contact Teleia Galaviz at 602-291-2559, teleia.galaviz@phoenix.gov, TTY: Use 7-1-1.

ATTACHMENT E

To Whom it May Concern,

I SUPPORT the Property Reserve Inc. park development project located on 116.5 acres north of the northwest corner of 67th Avenue and Lower Buckeye Road in Phoenix. We support this high-quality proposal, including the rezoning and general amendment plan (z-3- 84 and GPA-EST-2-24).

The existing zoning for the Property has been carried over from the time of annexation into the City of Phoenix. It was a holding pattern until development occurred similar to the S-1 District. The proposal request facilitating development of current property to create a high-quality speculative commerce park development which would include 4 flex buildings with a cumulative space of 1.8 million square feet of shell warehouse space. These flex buildings will be divided to accommodate smaller tenants' suites, this would address the dynamic need for small and larger tenant and employer spaces. Consistent to CP/GCP regulations, the maximum height for each building is set at 56 feet tall.

The design of the buildings is eye-catching and includes large windows along with a mint green entryway that welcomes you to the property along with the mesquite trees and cacti surrounding the lot. In addition, the proposal is to provide the area with new, high quality employment opportunities in a way which is consistent and mindful of the area's land use pattern. This will provide the area with more employment and business opportunities along with the ability to create space for warehouses which are common in the area.

I am in full support of the Property Reserve Inc. project and am excited to see this development revitalize the neighborhood and surrounding area with multiple opportunities.

NAME Adrian Torrecillas

SIGNATURE 

ADDRESS 6625 W. Hers St Phoenix, AZ 85043

PHONE 

EMAIL 

CITY OF PHOENIX

FEB 20 2024

**Planning & Development
Department**

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NAME Agapito R. Mero

SIGNATURE [Signature]

ADDRESS 6557 W Ne-2 Acres

PHONE [Signature]

EMAIL [Signature]

CITY OF PHOENIX

FEB 20 2024

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NAME ALFARDO TORREALBA

SIGNATURE 

ADDRESS 6626 W HUSS ST

PHONE 

EMAIL 

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FEB 20 2024

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NAME Ana Maria Ruiz
SIGNATURE Ana Maria Ruiz
ADDRESS 6627 W. W. Hymann Ave
PHONE Phoenix, AZ 85045
EMAIL [REDACTED]

CITY OF PHOENIX

FEB 20 2024

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NAME Armando Rascon

SIGNATURE Armando Rascon

ADDRESS 2827 S 76th Dr

PHONE

EMAIL

phx ar 85043

CITY OF PHOENIX

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NAME Aurelio Rocha

SIGNATURE 

ADDRESS 6611 Wymore Ave

PHONE 

EMAIL 

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NAME Aurelio Medina

SIGNATURE [Signature]

ADDRESS 7112 W. Watkins St

PHONE [Redacted]

EMAIL _____

CITY OF PHOENIX

FEB 20 2024

**Planning & Development
Department**

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NAME Brandon Johnson

SIGNATURE 

ADDRESS 6531 W. Heskett

PHONE 

EMAIL 

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NAME Carl Nieh

SIGNATURE [Signature]

ADDRESS 1802 S. 66th Ln

PHONE [Redacted]

EMAIL [Redacted]

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NAME Chasity DeMarco

SIGNATURE Chasity DeMarco

ADDRESS 2316 S 66th Ln

PHONE none

EMAIL None

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NAME Don Pilkington

SIGNATURE Don Pilkington

ADDRESS 6635 W Hughes

PHONE [REDACTED]

EMAIL [REDACTED]

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NAME Edner D. Rivas

SIGNATURE Edner Rivas

ADDRESS 6628 W. Watkins

PHONE [REDACTED]

EMAIL [REDACTED]

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NAME

Emelia Pacheco

SIGNATURE

Emelia C Pacheco

ADDRESS

6516 W GROSS Ave.

PHONE

[REDACTED]

EMAIL

[REDACTED]

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NAME

Irka Martinez

SIGNATURE



ADDRESS

6037 W Histon Ave

PHONE



EMAIL



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NAME Bretha Solis Avila

SIGNATURE Bretha Solis Avila

ADDRESS 6532 W. Watkins St.

PHONE [REDACTED]

EMAIL [REDACTED]

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NAME Hoa Mick

SIGNATURE Hoa Mick

ADDRESS 6519 W. Hess St

PHONE [REDACTED]

EMAIL [REDACTED]

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NAME Brian Soto

SIGNATURE Brian Soto

ADDRESS 2004 S. 66th Ln

PHONE [REDACTED]

EMAIL _____

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NAME Jason Skinner

SIGNATURE 

ADDRESS 6519 West Hessa

PHONE 

EMAIL 

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NAME Jason Wessel

SIGNATURE 

ADDRESS 6605 W. Gross Ave

PHONE 

EMAIL _____

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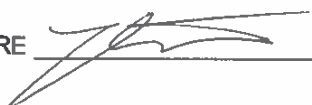
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NAME Jeremy Putsko

SIGNATURE 

ADDRESS 2319 S 65th Ln

PHONE _____

EMAIL _____

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NAME Boyce Vargas

SIGNATURE [Signature]

ADDRESS 7434 W. Valencia Dr.

PHONE [Redacted]

EMAIL [Redacted]

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NAME Juan A. Wila

SIGNATURE [Signature]

ADDRESS 6582 W. WATKINS

PHONE [Redacted]

EMAIL [Redacted]

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NAME Kalla Gamiz

SIGNATURE Kalla Gamiz

ADDRESS 6602 W Chicago St Phx, AZ 85043

PHONE _____

EMAIL [Signature]

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NAME KATHY BAUGHER

SIGNATURE Kathy Baugher

ADDRESS 6610 W HESS ST

PHONE [REDACTED]

EMAIL [REDACTED]

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NAME Kim Roth

SIGNATURE Kimberly Roth

ADDRESS 6605 W. GROSS AVE.

PHONE _____

EMAIL 

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NAME Lucio Munoz

SIGNATURE [Signature]

ADDRESS 6615 W Hess St

PHONE [Redacted]

EMAIL [Redacted]

CITY OF PHOENIX

FEB 20 2024

**Planning & Development
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NAME Manco Alvarez

SIGNATURE [Signature]

ADDRESS 2019 S. 71st Ave.

PHONE [Redacted]

EMAIL [Redacted]

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NAME Mariana Macias

SIGNATURE 

ADDRESS 6606 W. Whyman Ave

PHONE 

EMAIL _____

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NAME Mario Hines

SIGNATURE Mario D. Hines

ADDRESS 2308 S. 66th Ln

PHONE [REDACTED]

EMAIL [REDACTED]

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NAME Marguana Davis

SIGNATURE 

ADDRESS 2220 S. 66th Lane Phx, AZ 85048

PHONE 

EMAIL _____

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NAME marlo Gamiz

SIGNATURE Marlo G

ADDRESS 6602 W Chickasaw St

PHONE [REDACTED]

EMAIL [REDACTED]

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NAME Maude Soto

SIGNATURE M. Soto

ADDRESS 2004 S. 46th Ln

PHONE [REDACTED]

EMAIL [REDACTED]@com

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NAME

Melanie Martinez

SIGNATURE

Melanie Martinez

ADDRESS

2316 S. 66th Lane

PHONE

[REDACTED]

EMAIL

[REDACTED]

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NAME Muzad Hadabo
SIGNATURE Muzad Hadabo
ADDRESS 7229 W Whymen Ave
PHONE [REDACTED]
EMAIL [REDACTED]

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NAME MIKE SEIBER

SIGNATURE Mike Seiber

ADDRESS 6031 W. HUGHES DR.

PHONE [REDACTED]

EMAIL [REDACTED]

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NAME Nora Haverro

SIGNATURE 

ADDRESS 6557 W. McDowell St

PHONE 

EMAIL 

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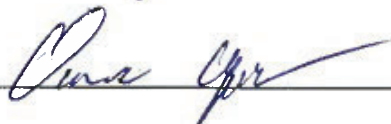
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NAME Omer Aguilar

SIGNATURE 

ADDRESS 6625 W Watson St

PHONE 

EMAIL _____

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NAME

Patricia Abigail Hernandez

SIGNATURE

Abigail H

ADDRESS

6626 W Hess St

PHONE

[REDACTED]

EMAIL

[REDACTED]

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NAME Patricia Rivas

SIGNATURE Patricia Rivas

ADDRESS 6628 W. Watkins St PHX AZ 85043

PHONE [REDACTED]

EMAIL [REDACTED]

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NAME Phillip Ruelas

SIGNATURE 

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EMAIL _____

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NAME Robert Fleckenstein
SIGNATURE Robert Fleckenstein ✓
ADDRESS 2623 S. 17th Dr. Phoenix, AZ

PHONE [REDACTED]

EMAIL [REDACTED]

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NAME Robert Kivas

SIGNATURE 

ADDRESS 6628 W. Watkins St.

PHONE 

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NAME Rose Valenciano

SIGNATURE Rose Valenciano

ADDRESS 4422 W. Hwy 205 St

PHONE _____

EMAIL _____

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NAME Santa Gutierrez

SIGNATURE Santa Gutierrez

ADDRESS 1726 S 66th Ln Phoenix AZ

PHONE [REDACTED]

EMAIL _____

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The design of the buildings is eye-catching and includes large windows along with a mint green entryway that welcomes you to the property along with the mesquite trees and cacti surrounding the lot. In addition, the proposal is to provide the area with new, high quality employment opportunities in a way which is consistent and mindful of the area's land use pattern. This will provide the area with more employment and business opportunities along with the ability to create space for warehouses which are common in the area.

I am in full support of the Property Reserve Inc. project and am excited to see this development revitalize the neighborhood and surrounding area with multiple opportunities.

NAME Stephen M Sanders

SIGNATURE 

ADDRESS 2224 50 60 LN

PHONE 

EMAIL 

CITY OF PHOENIX

FEB 20 2024

**Planning & Development
Department**

To Whom it May Concern,

I SUPPORT the Property Reserve Inc. park development project located on 116.5 acres north of the northwest corner of 67th Avenue and Lower Buckeye Road in Phoenix. We support this high-quality proposal, including the rezoning and general amendment plan (z-3- 84 and GPA-EST-2-24).

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NAME Susan Hughes

SIGNATURE [Signature]

ADDRESS 2323 S 65th LN

PHONE [Redacted]

EMAIL [Redacted]

CITY OF PHOENIX

FEB 20 2024

**Planning & Development
Department**

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SIGNATURE

ADDRESS

PHONE

EMAIL

CITY OF PHOENIX

FEB 20 2024

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NAME Troy Neece

SIGNATURE 

ADDRESS 6405 W Gross Ave

PHONE 

EMAIL _____

CITY OF PHOENIX

FEB 20 2024

**Planning & Development
Department**

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I am in full support of the Property Reserve Inc. project and am excited to see this development revitalize the neighborhood and surrounding area with multiple opportunities.

NAME William Baugher

SIGNATURE 

ADDRESS 6610 W Hess St Phoenix AZ 85043

PHONE 

EMAIL 

CITY OF PHOENIX

FEB 20 2024

**Planning & Development
Department**

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NAME

Yessenia Garcia

SIGNATURE

Yessenia Garcia

ADDRESS

6604 W Chickadee St

PHONE

[REDACTED]

EMAIL

N/A

CITY OF PHOENIX

FEB 20 2024

**Planning & Development
Department**

ATTACHMENT F

Nayeli Sanchez Luna

Subject: FW: Review & Comment on General Plan Amendment in the Estrella Village (GPA-ES-2-24-7)

From: mjb cartof.com <mjb@cartof.com>

Sent: Wednesday, January 17, 2024 10:04 AM

To: Geno Koman <geno.koman@phoenix.gov>

Cc: Nayeli Sanchez Luna <nayeli.sanchez.luna@phoenix.gov>; Racelle Escolar <racelle.escolar@phoenix.gov>; Joshua Bednarek <joshua.bednarek@phoenix.gov>

Subject: RE: Review & Comment on General Plan Amendment in the Estrella Village (GPA-ES-2-24-7)

I don't understand why we are taking a parcel (116 acres!) that is largely designated residential (both GPA and zoning) and is surrounded by residential on 3 sides, and turning it into CP. Seems like a bad idea to me. At best, a portion of it could be CP, and the majority should be residential.

Marcia Busching
Planning Commission, Vice chair

Dear Estrella Village Planning Committee and Planning Commission,

I am writing to express my strong opposition to GPA-EST-2-24-7, a request from Property Reserve Arizona, LLC to modify the general plan land use map of 112.32 acres located approximately 1,170 feet north of the northwest corner of 67th Avenue and Lower Buckeye Road from RE-35 and R1-8 to CP/GCP.

Proposal:

The General Plan Amendment Staff Analysis for a property located approximately 1,170 feet north of the northwest corner of 67th Avenue and Lower Buckeye Road. The applicant, Stephanie Watney, and representative, Jason Morris, are requesting a minor amendment to the General Plan to allow for a commerce park development. The proposal will modify the land use designation from 96.44 acres of Residential 3.5 to 5 dwelling units per acre, 11.48 acres of Mixed Use (Commercial / Commerce/Business Park), and 4.40 acres of Industrial to 112.32 acres of Commerce/Business Park.

Analysis:

Estrella Village, over the past 50 years, has developed as a major hub for industrial, commercial, and agricultural activities in Phoenix. It comprises a MAG designated major employment center and is home to numerous warehousing, transportation, logistics, shipping, and other businesses. The village has seen significant population growth since the 2000 census, and it closely meets the goal of the General Plan to provide housing, jobs, commercial development, recreation, transportation, and other urban amenities. The central portion of the village has the largest concentration of commerce park and industrial activity in the Valley with a significant amount of land available for expansion.

Opposition Statement:

Given the existing high concentration of commerce park/general commerce park and industrial development in Estrella Village, the proposed amendment to further increase this concentration could exacerbate certain issues. These could include increased traffic, noise pollution, and potential environmental concerns related to industrial activities. Moreover, the amendment could limit the diversity of land use in the area, potentially hindering the development of a balanced and vibrant community.

It's also important to consider the potential impact on residential areas. The proposed amendment could lead to an imbalance between commercial and residential spaces, potentially affecting the quality of life for residents.

In light of these considerations, it would be prudent to deny the minor general plan amendment. Instead, efforts could be directed towards encouraging a more balanced

development approach that considers residential needs, environmental sustainability, and community character alongside economic growth. This would help ensure that Estrella Village remains a diverse, vibrant, and livable community.

The Land Use Goals for respective areas within the Estrella Village also support this opposition. They promote and encourage compatible infill development with a mix of housing types in neighborhoods close to employment centers, commercial areas, and where transit or transportation alternatives exist. They also support the growth of land uses that contribute to a healthy and sustainable food system (i.e., grocery stores, community gardens, urban farms, and other urban agriculture elements). They encourage land uses that promote the growth of entrepreneurs or new businesses in Phoenix in appropriate locations and discourage the location of incompatible uses near base industrial clusters. These goals align with the need for a balanced approach to development in Estrella Village.

Sincerely

Dan Penton

8216 S 42nd Ave

Phoenix, AZ 85339

CITY OF PHOENIX

FEB 20 2024

**Planning & Development
Department**

Nayeli Sanchez Luna

From: Maria Martinez <maria65mj@gmail.com>
Sent: Sunday, February 25, 2024 8:42 PM
To: Nayeli Sanchez Luna
Subject: Against rezoning

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Nayeli Sanchez

I hope my voice is heard as a resident of west phoenix. We are tired of these industrial buildings. Please stop the proposed rezoning and prioritize your residents. Thank you

- Maria Martinez

Nayeli Sanchez Luna

From: Matteo Martinez-Lainez <matteo27jm@outlook.com>
Sent: Sunday, February 25, 2024 8:52 PM
To: Nayeli Sanchez Luna
Subject: Against Rezoning

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Nayeli Sanchez

I hope my voice is heard as a long time resident of the west phoenix. We are TIRED of these industrial buildings, the constant construction delays, AND these semi trucks. Please stop the proposed rezoning, start prioritize your residents and start FIXING/EXPANDING our roads first!

Sincerely,
A very tried resident, Matteo Martinez

Get [Outlook for iOS \[aka.ms\]](https://aka.ms/OutlookforiOS)

MAR 01 2024

RECEIVED

2-26-2024

Phoenix Planning and Development Department
200 W. Washington Street
Phoenix, AZ 85003

Dear Phoenix Planning and Development Dept.,

I am writing you in regards to Rezoning Case Numbers Z-8-24-7 and GPA-EST-2-24-7 for the general plan amendment of the property located at the Northwest corner of 67th Avenue & Lower Buckeye Road. This property is currently zoned as RE-35 & R1-8. However, a recent request has been made to rezone the 112.32 acres located at the NW corner of 67th Avenue and Lower Buckeye Road from RE-35 and R1-8 to CP/GCP (Commercial Park District / General Commerce Park) to allow for a commerce/business park development.

I must insist that my voice be heard by the Planning Commission in regards to the above referenced request for rezoning. I am strongly **OPPOSED** to changing the zoning of the referenced property. There are multiple valid and extremely impactful reasons against changing the zoning of this property & against the proposed commercial business park development of this property. Firstly, the current road infrastructure is already insufficient to handle the amount of traffic on Broadway and Lower Buckeye. Building the proposed business complex will add to back up traffic along Lower Buckeye and extend all the way past the 202. Ongoing development of luxury apartments on the property at 67th Avenue & Broadway Road is sure to cause even more unbalanced traffic patterns during rush hours so this new business park proposal is out of the question until the city fully develops our roads to eliminate the existing congestion and properly balance & handle all the future traffic.

Secondly, the proposed business park complex for the referenced property will surely lower our neighborhood home values and thus cause irreparable harm to existing local residents. It is the duty of the Planning Commission to prove that this zone change will not interfere with the neighborhood home values or cause existing local residents harm.

Thirdly, Phoenix, the U.S and the world in general are currently at a precipice regarding climate change and global warming. The needless elimination of undeveloped low-density single-family residence land and replacement of this climate-supporting land use with more high-density business park development creates more problems which scientifically pushes the world closer to a disastrous outcome. It is the duty of the Planning Commission to prove that this zone change will not contribute to additional climate change in the near term as well as in the distant future. I can currently see the temperature fluctuate by more than 5 degrees Fahrenheit during the summer, and even during the winter months, as I drive around the city of Phoenix thereby proving that the city of Phoenix has not done an adequate or responsible job of controlling the city's impacts on climate change and global warming. Continuing the zoning of the referenced property as RE-35 and R1-8 is the Planning Commission's only responsible and legitimate decision when taking into consideration the impacts to climate change, existing neighborhood property valuations, & traffic congestion.

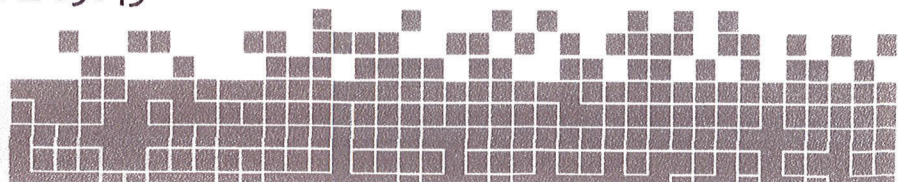
To reiterate, I am strongly OPPOSED to the rezoning of the referenced property (Rezoning Case Number Z-8-24-7 and GPA-EST-2-24-7) due to the multiple valid and extremely impactful reasons outlined in my letter above.

Sincerely,



Kent Stange

7930 W. Encinas Lane, Phoenix AZ 85043





Public Hearing and Ordinance Adoption - Rezoning Application Z-8-24-7 - Approximately 1,170 Feet North of the Northwest Corner of 67th Avenue and Lower Buckeye Road (Ordinance G-7245)

Request to hold a public hearing and amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-8-24-7 and rezone the site from RE-35 (Single-Family Residence District) and R1-8 (Single-Family Residence District) to CP/GCP (Commerce Park District/General Commerce Park Option) to allow flex commerce park general commerce park buildings. This is a companion case to GPA-EST-2-24-7 and should be heard following GPA-EST-2-24-7.

Summary

Current Zoning: RE-35 (111.30 acres) and R1-8 (1.02 acres)

Proposed Zoning: CP/GCP

Acreage: 112.32

Proposed Use: Flex commerce park general commerce park buildings

Owner: Property Reserve Arizona, LLC c/o Brett Hopper

Applicant: Stephanie Watney, Withey Morris Baugh, PLC

Representative: Jason Morris, Withey Morris Baugh, PLC

Staff Recommendation: Approval, subject to stipulations.

VPC Action: The Estrella Village Planning Committee heard this item on Feb. 20, 2024, and recommended denial, by a vote of 7-1.

PC Action: The Planning Commission heard this item on March 7, 2024, and recommended approval, per the staff recommendation, by a vote of 6-2.

Location

Approximately 1,170 feet north of the northwest corner of 67th Avenue and Lower Buckeye Road

Council District: 7

Parcel Address: 1602, 1802, 2000, and 2300 S. 67th Ave.

Responsible Department

This item is submitted by Deputy City Manager Alan Stephenson 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 ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-8-24-7) FROM RE-35 (SINGLE-FAMILY RESIDENCE DISTRICT) AND R1-8 (SINGLE-FAMILY RESIDENCE DISTRICT) TO CP/GCP (COMMERCE PARK DISTRICT/GENERAL COMMERCE PARK OPTION).

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

SECTION 1. The zoning of a 112.32-acre site located approximately 1,170 feet north of the northwest corner of 67th Avenue and Lower Buckeye Road in a portion of Section 13, Township 1 North, Range 1 East, as described more specifically in Exhibit "A," is hereby changed from 111.30 acres of "RE-35" (Single-Family Residence District) and 1.02 acres of "R1-8" (Single-Family Residence District) to "CP/GCP" (Commerce Park District/General Commerce Park Option).

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 elevations date stamped January 8, 2024, as modified by the following stipulations and approved by the Planning and Development Department.
2. One outdoor employee resting area of no less than 400 square feet or two 200-square foot areas shall be provided on site. Each required pedestrian area shall include a minimum of two pedestrian seating benches, constructed of quality and durable materials, and shaded to a minimum of 75% using minimum 2-inch caliper, large canopy, drought-tolerant, shade trees, and/or architectural shade, as approved by the Planning and Development Department.
3. Where pedestrian walkways cross a vehicular path, the pathway shall be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrasts parking and drive aisle surfaces, as approved by the Planning and Development Department.
4. Bicycle parking spaces shall be provided per the requirements of Section 1307.H of the Phoenix Zoning Ordinance through inverted U and/or artistic racks located near the office and installed per the requirements of Section 1307.H of the Phoenix Zoning Ordinance. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.
5. A minimum 100-foot landscape setback shall be provided along the south perimeter of the site.
6. Landscape areas and surface retention areas shall be planted with minimum 2-inch caliper, large canopy, drought-tolerant, shade trees planted 25 feet on center or in equivalent groupings, as approved by the Planning and Development Department.
7. A minimum of 10% of the required shrubs, shall be a milkweed or other native nectar species, and shall be planted in groups of three or more, as approved by the Planning and Development Department.
8. A minimum of 25% of the surface parking areas shall be shaded, as approved by the Planning and Development Department. Shade may be achieved by

structures or by minimum 2-inch caliper, drought tolerant, shade trees, or a combination thereof.

9. Only landscape materials listed in the Phoenix Active Management Area Low-Water-Use/Drought-Tolerant Plant List shall be utilized internal to the site, as approved or modified by the Planning and Development Department
10. Landscaping shall be maintained by permanent and automatic/water efficient WaterSense labeled irrigation controllers (or similar smart controller) to minimize maintenance and irrigation water consumption for all on and offsite landscape irrigation.
11. Prior to final site plan approval, documentation shall be provided that demonstrates a commitment to participate in the City of Phoenix Business Water Efficiency Program for a minimum of 10 years, or as approved by the Planning and Development Department.
12. A minimum of two green infrastructure (GI) techniques for stormwater management shall be implemented per the Greater Phoenix Metro Green Infrastructure and Low-Impact Development Details for Alternative Stormwater Management, as approved or modified by the Planning and Development Department.
13. The development shall conform with the Estrella Village Arterial Street Landscaping Program landscape palette and landscaping standards along arterial streets in the Estrella Village, except as otherwise noted herein, as approved by the Planning and Development Department.
14. A minimum of 10% of the required parking spaces shall be EV Installed.
15. A bus stop pad shall be constructed on southbound 67th Avenue, located from Durango Street according to City of Phoenix Standard Detail P1258. The bus stop pad shall be designed according to City of Phoenix Standard Detail P1260 with a depth of 10 feet, as approved by the Planning and Development Department.
16. A minimum 55-feet of right-of-way shall be dedicated for the west half of 67th Avenue, adjacent to the development.
17. Improvements to 67th Avenue shall be consistent with the Arterial CM cross-section, consisting of a 14-foot raised center median and a minimum 6-foot-wide detached sidewalk separated by a minimum 10-foot-wide landscape area, adjacent to the development. The landscape strip shall be planted with minimum 2-inch caliper, single trunk, drought-tolerant, shade trees to provide a minimum of 75% shade, as approved by the Planning and Development Department. Where utility conflicts exist, the developer shall work with the

Planning and Development Department on alternative design solutions consistent with a pedestrian environment.

18. A minimum 60-feet of right-of-way shall be dedicated for the full width of Durango Street, adjacent to the development. The right-of-way shall align with the existing Durango Street connections on the eastern and western boundaries of the site.
19. A minimum 5-foot-wide detached sidewalk separated by a minimum 5-foot-wide landscape area shall be constructed on both sides of Durango Street, adjacent to the development. The landscape strip shall be planted with minimum 2-inch caliper, single trunk, drought-tolerant, shade trees to provide a minimum of 75% shade, as approved by the Planning and Development Department. Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.
20. A minimum 30-feet of right-of-way shall be dedicated for the east half of 71st Avenue, adjacent to the development.
21. A minimum 1-foot Vehicular Non-Access Easement shall be dedicated along the western property line (adjacent to 71st Avenue), south of the existing Durango Street alignment.
22. A minimum 5-foot-wide detached sidewalk separated by a minimum 5-foot-wide landscape area shall be constructed on the east side of 71st Avenue, adjacent to the development. The landscape strip shall be planted with minimum 2-inch caliper, single trunk, drought-tolerant, shade trees to provide a minimum of 75% shade, as approved by the Planning and Development Department. Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.
23. A traffic signal shall be installed at 67th Avenue and Durango Street. The developer shall fund 100% of the cost and install the traffic signal at the intersection, as approved by the Street Transportation Department.
24. All existing electrical utilities within the public right-of-way shall be undergrounded, adjacent to the development. The developer shall coordinate with the affected utility companies for their review and permitting.
25. Existing SRP facilities along all public streets are to be relocated outside of city right-of-way, unless otherwise approved by the Street Transportation Department. Contact SRP to identify existing land rights and establish the appropriate process to relocate the facility.

26. Replace unused driveways with sidewalk and curb and gutter. Also, replace any broken or out-of-grade curb, gutter, sidewalk, curb ramps on all streets and upgrade all off-site improvements to be in compliance with current ADA guidelines.
27. All streets within and adjacent to the development shall be constructed 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.
28. 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.
29. Prior to final site plan approval, the landowner shall execute a Proposition 207 waiver of claims form. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record.

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

PASSED by the Council of the City of Phoenix this 3rd day of April, 2024.

MAYOR

ATTEST:

Denise Archibald, City Clerk

APPROVED AS TO FORM:

Julie M. Kriegh, City Attorney

By:

REVIEWED BY:

Jeffrey Barton, City Manager

Exhibits:

A – Legal Description (1 Page)

B – Ordinance Location Map (1 Page)

DRAFT

EXHIBIT A

LEGAL DESCRIPTION FOR Z-8-24-7

A portion of the East half of Section 13, Township 1 North, Range 1 East of the Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

BEGINNING at the East quarter corner of said Section 13, marked by a found 3-inch City of Phoenix brass cap in hand hole, down 0.5 feet, from which the Northeast corner, marked by a found 3 inch City of Phoenix brass cap in hand hole, down 0.5 feet, thereof bears North 01°05'37" East, 2622.54 feet;

THENCE South 01°05'06" West, 1400.65 feet on the easterly boundary of the Southeast quarter of said Section 13;

THENCE leaving said easterly line, North 88°55'11" West, 1766.47 feet to the easterly boundary of the Special Warranty Deed, recorded date June 13th, 2002 and filed in Document No. 2002-0605378, Records of Maricopa County, Arizona;

THENCE on said easterly boundary, North 00°50'36" East, 546.08 feet to the northeast corner thereof;

THENCE North 89°00'36" West, 856.70 feet on the northerly boundary of said Special Warranty Deed extended westerly to the westerly boundary of said East half;

THENCE on said westerly boundary, North 00°50'41" East, 1491.37 feet;

THENCE leaving said westerly boundary, South 89°21'32" East, 2631.91 feet to the easterly boundary of the Northeast quarter of said Section 13;

THENCE on said easterly boundary, South 01°05'37" West, 655.59 feet to the point of BEGINNING.

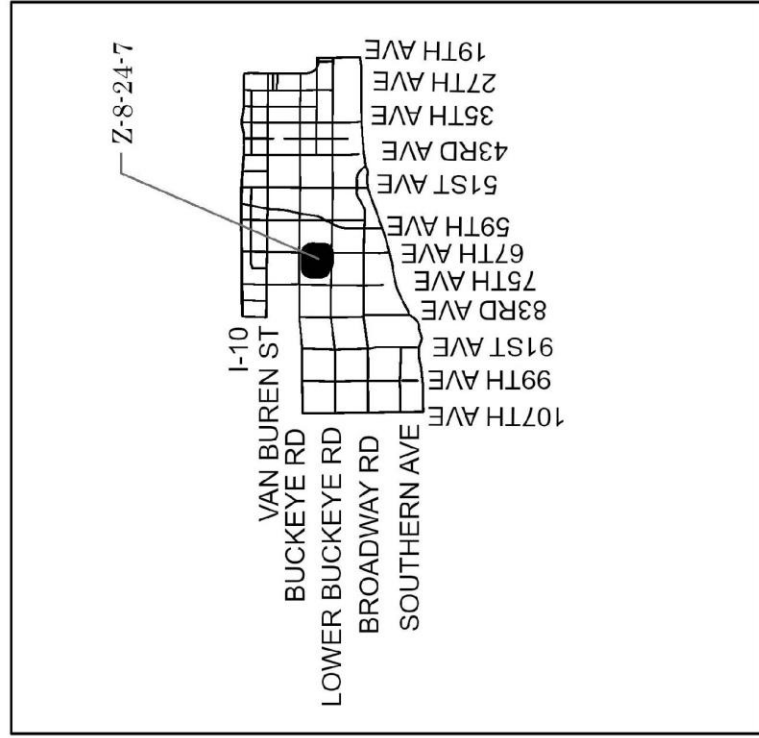
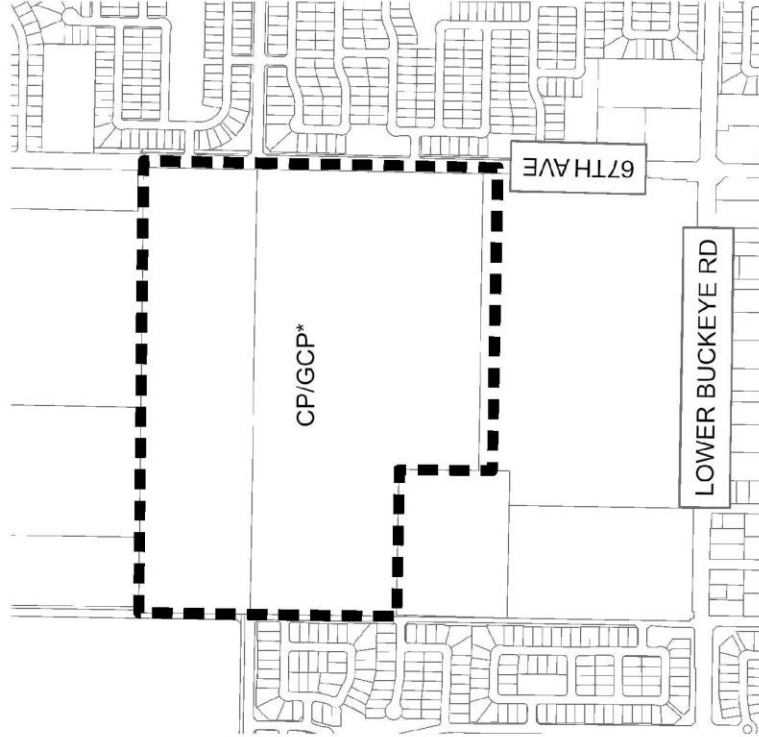
The above described parcel contains a computed area of 4,909,030 sq. ft. (112.70 acres) more or less.

Being subject to any easements, restrictions, rights-of-way of record or otherwise.

ORDINANCE LOCATION MAP

ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: - - - - -



0 425 850 1,700 Feet

NOT TO SCALE



Drawn Date: 3/4/2024

ATTACHMENT B



City of Phoenix PLANNING AND DEVELOPMENT DEPARTMENT

Staff Report Z-8-24-7 February 15, 2024

[Estrella Village Planning Committee](#) February 20, 2024

Meeting Date:

[Planning Commission](#) Hearing Date: March 7, 2024

Request From: [RE-35](#) (Single-Family Residence District) (111.30 acres) and [R1-8](#) (Single-Family Residence District) (1.02 acres)

Request To: [CP/GCP](#) (Commerce Park District/General Commerce Park Option) (112.32 acres)

Proposal: Flex commerce park general commerce park buildings

Location: Approximately 1,170 feet north of the northwest corner of 67th Avenue and Lower Buckeye Road

Owner: Property Reserve Arizona, LLC c/o Brett Hopper

Applicant: Stephanie Watney, Withey Morris Baugh, PLC

Representative: Jason Morris, Withey Morris Baugh, PLC

Staff Recommendation Approval, subject to stipulations

General Plan Conformity			
General Plan Land Use Map Designation		Current: Industrial, Mixed Use (Commercial / Commerce/Business Park) and Residential 3.5 to 5 dwelling units per acre Proposed (GPA-EST-2-24-7): Commerce/Business Park	
Street Map Classification	67th Avenue	Arterial	33 to 38-feet west half street
	71st Avenue	Local (North of Durango Street) Minor Collector (South of Durango Street)	0-feet east half street
	Durango Street	Minor Collector	0 feet

CONNECT PEOPLE AND PLACES CORE VALUE, OPPORTUNITY SITE; LAND USE PRINCIPLE: Support reasonable levels of increased intensity, respectful of local conditions and surrounding neighborhoods.

The proposal, as stipulated, will be required to provide a 100-foot landscape setback adjacent to proposed multifamily residential uses to the south. Furthermore, landscape setbacks and retention areas will be planted with large caliper shade trees to further screen the proposed development from adjacent land uses.

CONNECT PEOPLE & PLACES CORE VALUE; COMPLETE STREETS; DESIGN PRINCIPLE: In order to balance a more sustainable transportation system, development should be designed to include increased amenities for transit, pedestrian and bicyclists such as shade, water, seating, bus shelters, wider sidewalks, bike racks, pedestrian scale lighting and way-finding.

Located adjacent to an arterial street, the proposal, as stipulated, will provide elements for transit, pedestrians, and bicyclists in order to promote walking and alternative transportation. These elements include shaded detached sidewalks along public streets and bicycle parking located on site.

BUILD THE SUSTAINABLE DESERT CITY CORE VALUE; TREES AND SHADE; DESIGN PRINCIPLE: Integrate trees and shade into the design of new development and redevelopment projects throughout Phoenix.

The proposal, as stipulated, will be required to provide shade along the adjacent public sidewalks, amenity areas and parking. This will help to encourage walking and to mitigate the urban heat island effect by covering hard surfaces, thus cooling the micro-climate around the project vicinity.

Applicable Plans, Overlays, and Initiatives

[Estrella Village Plan](#): Background Item No. 6.

[Estrella Village Arterial Street Landscaping Program](#): Background Item No. 7.

[Complete Streets Guiding Principles](#): Background Item No. 8.

[Comprehensive Bicycle Master Plan](#): Background Item No. 9.

[Tree and Shade Master Plan](#): Background Item No. 10.

[Monarch Butterfly Pledge](#): Background Item No. 11.

[Transportation Electrification Action Plan](#): Background Item No. 12.

[Conservation Measures for New Development](#): Background Item No. 13.

[Phoenix Climate Action Plan](#): Background Item No. 14.

[Zero Waste PHX](#): Background Item No. 15.

Surrounding Land Uses/Zoning		
	<u>Land Use</u>	<u>Zoning</u>
On Site	Vacant	RE-35 and R1-8
North	Warehouses and outdoor storage	A-1
East (across 67th Avenue)	Single-family residential	R1-6 and R1-8
South	Vacant (proposed multifamily residential and school)	R-2 and RE-35
West (across 71st Avenue)	Warehouses and single-family residential	A-1 and R1-8

Commerce Park / General Commerce Park Option		
<u>Standards</u>	<u>Requirements</u>	<u>Provisions on the Proposed site Plan</u>
<i>Minimum Building Setbacks</i>		
North (Perimeter, adjacent to A-1)	20 feet	Approximately 180 feet (Met)
East (Perimeter, adjacent to 67th Avenue)	30 feet	Approximately 100 to 248 feet (Met)
South (Perimeter, adjacent to R-2)	20 feet	192 feet (Met)
South (Perimeter, adjacent to RE-35)	20 feet	Approximately 600 feet (Met)
West (Perimeter, adjacent to RE-35)	20 feet	165 feet (Met)
West (Perimeter, adjacent to 71st Avenue)	30 feet	245 feet (Met)

Minimum Landscaped Setbacks		
North (Perimeter, adjacent to A-1)	5 feet	50 feet (Met)
East (Perimeter, adjacent to 67th Avenue)	30 feet	30 feet (Met)
South (Perimeter, adjacent to R-2)	5 feet	101 feet – 122 feet (Met)
South (Perimeter, adjacent to RE-35)	5 feet	Approximately 240 feet (Met)
West (Perimeter, adjacent to RE-35)	5 feet	93 feet (Met)
West (Perimeter, adjacent to 71st Avenue)	30 feet	52 feet (Met)
Maximum Lot Coverage	50%	37% (Met)
Maximum Building Height	18-foot maximum height is permitted within 30 feet of the perimeter lot line, then one-foot of additional height is allowed for every 3 feet of additional setback, maximum 56 feet to 80 feet with a use permit and site plan.	52 feet (Met)
Minimum Parking Requirements	Unspecified Use (Shell Building): For buildings between 150,001 square feet to 500,000 square feet, 1 space per 2,000 square feet. Unspecified Use (Shell Building): For buildings greater than 150,001 square feet, 1 space per 2,500 square feet. 778 spaces required	1,664 parking spaces (Met)

*Variance or Site Plan modification needed

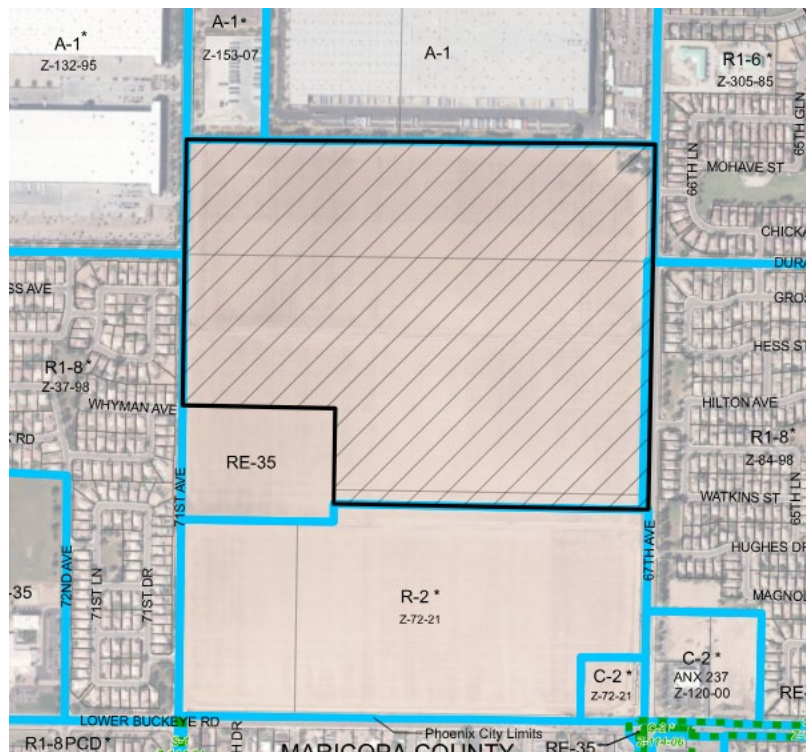
Background/Issues/Analysis

SUBJECT SITE

1. This request is to rezone 112.32 acres located approximately 1,170 feet north of the northwest corner of 67th Avenue and Lower Buckeye Road from RE-35 (Single-Family Residence District) to CP/GCP (Commerce Park District/General Commerce Park Option) to allow flex commerce park general commerce park buildings. The site is currently vacant and undeveloped. The proposed CP/GCP zoning will support new employment opportunities within the Estrella Village.

SURROUNDING LAND USES AND ZONING

2. The area to the north consists of numerous warehouses and outdoor storage zoned A-1. To the east, across 67th Avenue, are single-family residences zoned R1-6 (Single-Family Residence District) and R1-8 (Single-Family Residence District). Vacant property owned by the Fowler School District is located southwest of the subject site and zoned RE-35 (Single-Family Residence District). Vacant land, proposed as a multifamily development is located south of the site, zoned R-2 (Multifamily Residence District). A warehouse building is located to the northwest of the site across 71st Avenue, zoned A-1 (Light Industrial District). Finally, west of the subject site, across 71st Avenue, is a single-family residential development zoned R1-8.



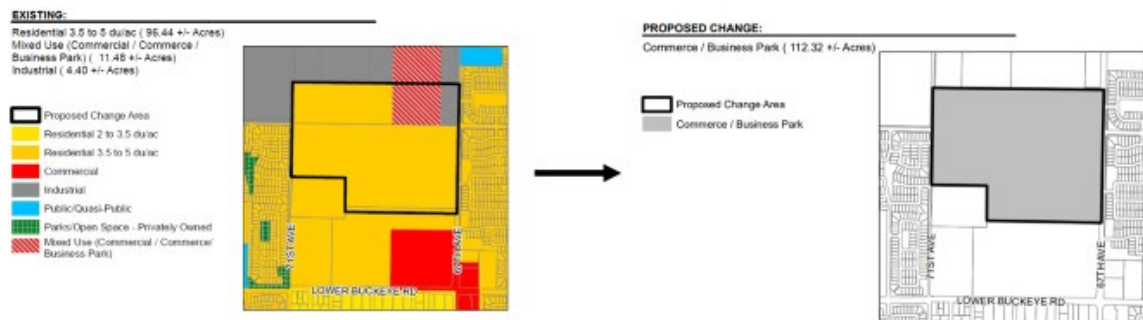
Existing Zoning Aerial Map
Source: Planning and Development Department

GENERAL PLAN LAND USE MAP DESIGNATION

3. The majority of the subject site is designated Residential 3.5 to 5 dwelling units per acre on the General Plan Land Use Map. A portion of the northeast corner is designated Industrial, and the remainder of the site is designated as Mixed Use (Commercial / Commerce/Business Park).

The property to the north is designated as Industrial and Mixed Use (Commercial / Commerce/Business Park). East of the subject site, across 67th Avenue, south, and west across 71st Avenue is designated Residential 3.5 to 5 dwelling units per acre. Northwest of the subject site, across 71st Avenue, is designated as Industrial.

To ensure consistency with the General Plan, a concurrent General Plan Land Use Map amendment, GPA-EST-2-24-7, is proposed to change the land use map designation of the entire site to Commerce/Business Park. The requested CP/GCP zoning is consistent with the proposed General Plan Land Use Map designation.



General Plan Land Use Map
Source: Planning and Development Department

PROPOSAL

4. Site Plan

The conceptual site plan depicts a proposed east-west public street from 67th Avenue to 71st Avenue. A 1,242,000-square foot warehouse building is proposed north of the street adjacent to the existing warehouse uses to the north. Commercial parking and loading docks will be located north and south of the building, away from public view. South of the street are three smaller warehouse buildings ranging from approximately 177,000 to 190,000 square feet. Loading docks are proposed internal to the site and the buildings are surrounded by employee and customer parking. The proposed site plan depicts an approximate 120-foot landscape setback along the south perimeter adjacent to the proposed multifamily residential development and vacant land belonging to the Fowler School District. The Street Transportation Department has indicated that Durango Street must be built straight across the alignments located along

71st Avenue and 67th Avenue. The Durango Street alignment is located north of the proposed public street. As a result, staff does not recommend general conformance to the site plan. In order to ensure an enhanced buffer adjacent to proposed residential uses, staff recommends Stipulation Nos. 5 and 6 to ensure the large landscape setbacks proposed adjacent to residential uses and enhanced planting standards. Due to the number of proposed commerce park buildings, staff recommends Stipulation No. 2 which would require shaded employee resting areas.



Master Site Plan

Source: Butler Design Group, Inc.

5. Elevations

The conceptual building elevations, attached as an exhibit, depict four 52-foot-tall industrial/commerce park buildings. The conceptual building elevations depict architectural features that include variation in colors, building articulation, and emphasizes the corner of each building. Staff is recommending general conformance to these building elevations per Stipulation No. 1.



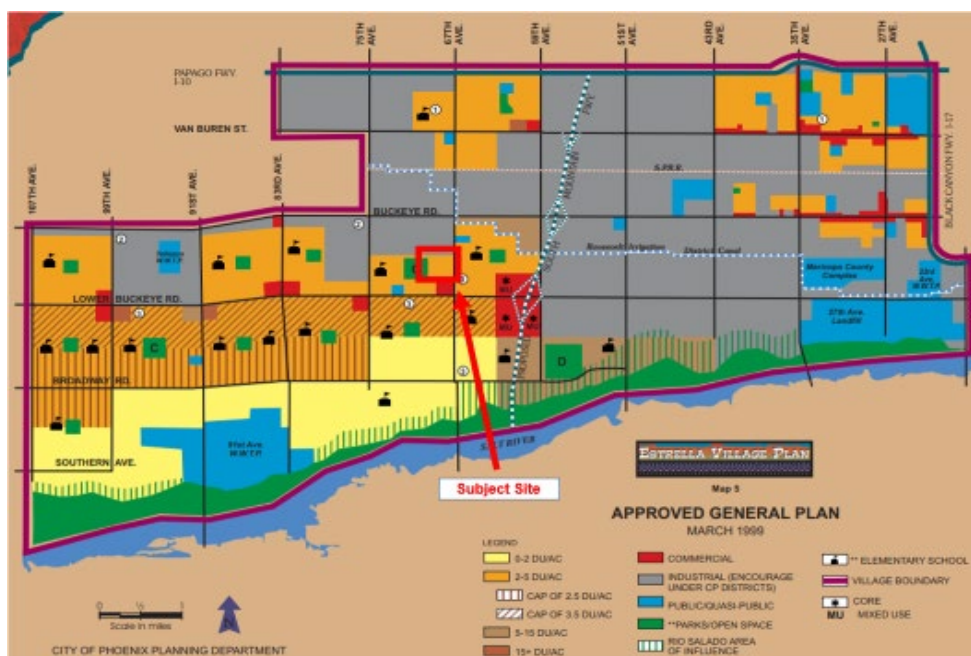
Conceptual Building Rendering
Source: Butler Design Group, Inc.

PLANS, OVERLAYS, AND INITIATIVES

6. Estrella Village Plan

The Estrella Village Plan adopted in 1999, outlines a vision for developing the Estrella Village through five main goals that include:

1. Orderly growth;
2. Identifiable village core;
3. Strong residential neighborhoods;
4. Variety of homes and jobs; and
5. Consistent streetscapes and trail linkages.



Estrella Land Use Map

Source: Planning and Development Department

Goal 1, “Growth”, recommends industrial development to utilize commerce park development standards. The proposed CP/GCP zoning will act as a buffer between the industrial uses to the north zoned A-1 and the proposed multifamily residential uses to the south zoned R-2. The proposal will include enhanced landscape buffers, street frontages and enhanced building elevations facing the public streets. This is addressed in Stipulation Nos. 1, 5, and 6.

Goal 5, “Urban Design”, Objective D, “Street Appearance” recommends industrial properties along major streets and adjoining residential neighborhoods to be well landscaped and open storage and activity screened from view. Several stipulations as recommended by staff and would promote enhanced urban design along the streetscapes. Lastly, Stipulation Nos. 17, 19, and 22 includes provisions for a detached sidewalk along Durango Street, 71st Avenue and 67th Avenue with enhanced landscaping between the back of the curb and sidewalk.

7. **Estrella Village Arterial Street Landscaping Program**

The Estrella Village Arterial Street Landscaping Program adopted in 1999, provides a landscape palette for arterial streets within the Estrella Village to help establish the community’s character. In addition to providing planning guidelines, the plan also indicates the locations to establish entry gateways that welcome individuals entering the village with an entry sign and an enhanced landscape area of 75 feet by 75 feet in size.

The subject site is adjacent to 67th Avenue, an arterial street. Thus, staff recommends Stipulation No. 13 to require adherence with the Estrella Village Arterial Street Landscaping Program requirements along the street frontage to promote the community’s character.

8. **Complete Streets Guiding Principles**

In 2014, the City of Phoenix City Council adopted the Complete Streets Guiding Principles. The principles are intended to promote improvements that provide an accessible, safe, connected transportation system to include all modes, such as bicycles, pedestrians, transit, and vehicles. To provide a safe pedestrian environment staff is recommending enhanced pavement treatment for the on-site pedestrian walkways that cross vehicular drive aisles. This is addressed in Stipulation No. 3. Stipulation Nos. 17, 19, and 22 will help pedestrianize the immediate street frontage by providing a detached sidewalk along Durango Street, 67th Avenue, and 71st Avenue. Furthermore, bicycle parking will be required on the site to encourage alternative transportation. This is addressed in Stipulation No. 4. In addition, any street improvements must comply to City of Phoenix and ADA standards. This is addressed in Stipulation No. 27.

9. **Comprehensive Bicycle Master Plan**

The City of Phoenix adopted the Comprehensive Bicycle Master Plan in 2014 to guide the development of its Bikeway System and supportive infrastructure. The Comprehensive Bicycle Master Plan supports options for both short- and long-term bicycle parking as a means of promoting bicyclist traffic to a variety of destinations. As stipulated, the project will provide bicycle parking spaces, installed per the requirements in the city's Walkable Urban (WU) Code. This is addressed in Stipulation No. 4.

10. **Tree and Shade Master Plan**

The Tree and Shade Master Plan encourages treating the urban forest as infrastructure to ensure the trees are an integral part of the City's planning and development process. Sidewalks on the street frontages should be detached from the curbs to allow trees to be planted on both sides of the sidewalk to provide thermal comfort for pedestrians and to reduce the urban heat island effect. Staff is recommending stipulations designed to provide trees and enhanced shade within and adjacent to the development. Staff is recommending stipulations designed to provide trees and enhanced shade within the development as follows:

- All required landscape and retention areas shall be planted with two-inch caliper large canopy, drought tolerant trees (Stipulation No. 6);
- Uncovered surface parking lot areas shall be landscaped with minimum two-inch caliper drought tolerant shade trees to achieve a minimum of 25 percent shade (Stipulation No. 8);
- Detached sidewalks along 67th Avenue shall be planted with two-inch caliper trees (Stipulation No. 17);
- Detached sidewalk along Durango Street shall be planted with two-inch caliper trees (Stipulation No. 19);
- Detached sidewalk along 71st Avenue shall be planted with two-inch caliper trees (Stipulation No. 22).

11. **Monarch Butterfly Pledge**

In April 2021, Mayor Kate Gallego signed the [National Wildlife Federation's Mayor's Monarch Pledge](#). This pledge commits the city to take action to support the monarch butterfly population. In the United States, loss of milkweed habitat is a major factor in the decline of the monarchs. Arizona has at least 29 species of milkweed native to the state. Adult monarchs feed on the nectar of many flowers,

but they breed only where milkweeds are found. To support the monarch butterfly population, Stipulation No. 7 will require the planting of milkweed shrubs, or other native nectar plant species on the subject site.

12. **Transportation Electrification Action Plan**

In June 2022, the Phoenix City Council approved the Transportation Electrification Action Plan. The current market desire for the electrification of transportation is both a national and global phenomenon, fueled by a desire for better air quality, a reduction in carbon emissions, and a reduction in vehicle operating and maintenance costs. Businesses, governments and the public are signaling strong future demand for electric vehicles (EVs), and many automobile manufacturers have declared plans for a transition to fully electric offerings within the coming decade. This Plan contains policy initiatives to prepare the City for a future filled with more EVs, charging infrastructure and e-mobility equity, and outlines a roadmap for a five-step plan to prepare for the EV infrastructure needs of 280,000 EVs in Phoenix by 2030. One goal of the Plan, to accelerate public adoption of electric vehicles through workplace, business, and multifamily charging infrastructure, is to recommend a standard stipulation for rezoning cases to provide EV charging infrastructure. This is addressed in Stipulation No. 14.

13. **Conservation Measures for New Development**

In June 2023, the Phoenix City Council adopted the Conservation Measures for New Development policy as part of a resolution addressing the future water consumption of new development (Resolution 22129). This resolution addresses the future water consumption of new development to support one of the City's Five Core Values in the General Plan which calls for Phoenix to - *Build the Sustainable Desert City*. The Conservation Measures for New Development policy includes direction to develop standards for consideration as stipulations for all rezoning cases that will address best practices related to water usage in nine specific categories. This is addressed in Stipulation Nos. 8 through 12.

14. **Phoenix Climate Action Plan**

In October 2021, the Phoenix City Council approved the Climate Action Plan. The Climate Action Plan will serve as a long-term plan to achieve greenhouse gas emissions reductions and resiliency goals from local operations and community activities as well as prepare for the impacts of climate change. This plan contains policy and initiatives regarding stationary energy, transportation, waste management, air quality, local food systems, heat, and water. Goal W2 (Water), Action W2.4, pertains to the implementation of the [Greater Phoenix Green Infrastructure \(GI\) and Low Impact Development Details for Alternative Stormwater Management](#) to benefit the environment, promote water conservation, reduce urban heat, improve the public health, and create additional green spaces. This goal is addressed in Stipulation No. 12, which

requires a minimum of two GI techniques for stormwater management to be implemented in this development.

15. **Zero Waste PHX:**

The City of Phoenix is committed to its waste diversion efforts and has set a goal to become a zero waste city, as part of the city's overall 2050 Environmental Sustainability Goals. One of the ways Phoenix can achieve this is to improve and expand its recycling and other waste diversion programs. Section 716 of the Phoenix Zoning Ordinance establishes standards to encourage the provision of recycling containers for multifamily, commercial, and mixed-use developments meeting certain criteria. The applicant's submittal indicates that recycled waste pickup will be coordinated with a third party provider.

COMMUNITY INPUT SUMMARY

16. At the time this staff report was written, staff has received four letters of opposition for this rezoning application. The stated concerns are commerce park buildings surrounded by single-family residential homes, traffic congestion, pollution, commercial traffic in residential neighborhoods, and lack of commercial zoning in the area.

INTERDEPARTMENTAL COMMENTS

17. **Street Transportation Department**

The Street Transportation Department has requested the following:

- A 55-foot dedication for the west half of 67th Avenue.
- Improvements to 67th Avenue including a center median and a detached sidewalk.
- A 60-foot dedication for Durango Street.
- A detached sidewalks along both sides of Durango Street.
- A 30-foot dedication for the east half of 71st Avenue.
- A one-foot dedication for a Vehicular Non-Access Easement along 71st Avenue.
- A detached sidewalk along the east side of 71st Avenue.
- A traffic signal at 67th Avenue and Durango Street.
- All existing electrical utilities must be undergrounded.
- Existing SRP facilities located along 67th Avenue must be relocated outside of the City right-of-way.
- The replacement of unused driveways with sidewalk, curb, and gutter.
- All streets shall be constructed with all required elements and to ADA requirements.

These are addressed in Stipulation Nos. 16 through 27.

18. Public Transportation Department

The Public Transportation Department has requested a bus stop pad on southbound 67th Avenue. The proposed bus stop pad must meet the City of Phoenix Standard Detail P1258. This is addressed in Stipulation No. 15.

OTHER

19. The site has not been identified as being archaeologically sensitive. However, in the event archaeological materials are encountered during construction, all ground disturbing activities must cease within 33-feet of the discovery and the City of Phoenix Archaeology Office must be notified immediately and allowed time to properly assess the materials. This is addressed in Stipulation No. 28.
20. Staff has not received a completed form for the Waiver of Claims for Diminution in Value of Property under Proposition 207 (A.R.S. 12-1131 et seq.), as required by the rezoning application process. Therefore, a stipulation has been added to require the form be completed and submitted prior to final site plan approval. This is addressed in Stipulation No. 29.
21. 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 proposal is compatible with the proposed General Plan Land Use Map designation and will provide employment opportunities within the Estrella Village.
2. The proposal contains enhanced standards that will result in a more walkable, shaded and pedestrian-friendly environment. The proposal will provide increased shade which will help to reduce the urban heat island effect.
3. As stipulated, the proposed development will include development and design standards, such as enhanced streetscapes, landscape buffer and planting standards, to mitigate impacts to the surrounding properties.

Stipulations

1. The development shall be in general conformance with the elevations date stamped January 8, 2024, as modified by the following stipulations and approved by the Planning and Development Department.
2. One outdoor employee resting area of no less than 400 square feet or two 200-square foot areas shall be provided on site. Each required pedestrian area shall

include a minimum of two pedestrian seating benches, constructed of quality and durable materials, and shaded to a minimum of 75% using minimum 2-inch caliper, large canopy, drought-tolerant, shade trees, and/or architectural shade, as approved by the Planning and Development Department.

3. Where pedestrian walkways cross a vehicular path, the pathway shall be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrasts parking and drive aisle surfaces, as approved by the Planning and Development Department.
4. Bicycle parking spaces shall be provided per the requirements of Section 1307.H of the Phoenix Zoning Ordinance through inverted U and/or artistic racks located near the office and installed per the requirements of Section 1307.H of the Phoenix Zoning Ordinance. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.
5. A minimum 100-foot landscape setback shall be provided along the south perimeter of the site.
6. Landscape areas and surface retention areas shall be planted with minimum 2-inch caliper, large canopy, drought-tolerant, shade trees planted 25 feet on center or in equivalent groupings, as approved by the Planning and Development Department.
7. A minimum of 10% of the required shrubs, shall be a milkweed or other native nectar species, and shall be planted in groups of three or more, as approved by the Planning and Development Department.
8. A minimum of 25% of the surface parking areas shall be shaded, as approved by the Planning and Development Department. Shade may be achieved by structures or by minimum 2-inch caliper, drought tolerant, shade trees, or a combination thereof.
9. Only landscape materials listed in the Phoenix Active Management Area Low-Water-Use/Drought-Tolerant Plant List shall be utilized internal to the site, as approved or modified by the Planning and Development Department
10. Landscaping shall be maintained by permanent and automatic/water efficient WaterSense labeled irrigation controllers (or similar smart controller) to minimize maintenance and irrigation water consumption for all on and offsite landscape irrigation.
11. Prior to final site plan approval, documentation shall be provided that demonstrates a commitment to participate in the City of Phoenix Business Water

Efficiency Program for a minimum of 10 years, or as approved by the Planning and Development Department.

12. A minimum of two green infrastructure (GI) techniques for stormwater management shall be implemented per the Greater Phoenix Metro Green Infrastructure and Low-Impact Development Details for Alternative Stormwater Management, as approved or modified by the Planning and Development Department.
13. The development shall conform with the Estrella Village Arterial Street Landscaping Program landscape palette and landscaping standards along arterial streets in the Estrella Village, except as otherwise noted herein, as approved by the Planning and Development Department.
14. A minimum of 10% of the required parking spaces shall be EV Installed.
15. A bus stop pad shall be constructed on southbound 67th Avenue, located from Durango Street according to City of Phoenix Standard Detail P1258. The bus stop pad shall be designed according to City of Phoenix Standard Detail P1260 with a depth of 10 feet, as approved by the Planning and Development Department.
16. A minimum 55-feet of right-of-way shall be dedicated for the west half of 67th Avenue, adjacent to the development.
17. Improvements to 67th Avenue shall be consistent with the Arterial CM cross-section, consisting of a 14-foot raised center median and a minimum 6-foot-wide detached sidewalk separated by a minimum 10-foot-wide landscape area, adjacent to the development. The landscape strip shall be planted with minimum 2-inch caliper, single trunk, drought-tolerant, shade trees to provide a minimum of 75% shade, as approved by the Planning and Development Department. Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.
18. A minimum 60-feet of right-of-way shall be dedicated for the full width of Durango Street, adjacent to the development. The right-of-way shall align with the existing Durango Street connections on the eastern and western boundaries of the site.
19. A minimum 5-foot-wide detached sidewalk separated by a minimum 5-foot-wide landscape area shall be constructed on both sides of Durango Street, adjacent to the development. The landscape strip shall be planted with minimum 2-inch caliper, single trunk, drought-tolerant, shade trees to provide a minimum of 75%

shade, as approved by the Planning and Development Department. Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.

20. A minimum 30-feet of right-of-way shall be dedicated for the east half of 71st Avenue, adjacent to the development.
21. A minimum 1-foot Vehicular Non-Access Easement shall be dedicated along the western property line (adjacent to 71st Avenue), south of the existing Durango Street alignment.
22. A minimum 5-foot-wide detached sidewalk separated by a minimum 5-foot-wide landscape area shall be constructed on the east side of 71st Avenue, adjacent to the development. The landscape strip shall be planted with minimum 2-inch caliper, single trunk, drought-tolerant, shade trees to provide a minimum of 75% shade, as approved by the Planning and Development Department. Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.
23. A traffic signal shall be installed at 67th Avenue and Durango Street. The developer shall fund 100% of the cost and install the traffic signal at the intersection, as approved by the Street Transportation Department.
24. All existing electrical utilities within the public right-of-way shall be undergrounded, adjacent to the development. The developer shall coordinate with the affected utility companies for their review and permitting.
25. Existing SRP facilities along all public streets are to be relocated outside of city right-of-way, unless otherwise approved by the Street Transportation Department. Contact SRP to identify existing land rights and establish the appropriate process to relocate the facility.
26. Replace unused driveways with sidewalk and curb and gutter. Also, replace any broken or out-of-grade curb, gutter, sidewalk, curb ramps on all streets and upgrade all off-site improvements to be in compliance with current ADA guidelines.
27. All streets within and adjacent to the development shall be constructed 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.

28. 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.
29. Prior to final site plan approval, the landowner shall execute a Proposition 207 waiver of claims form. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record.

Writer

Nayeli Sanchez Luna

February 15, 2024

Team Leader

Racelle Escobar

Exhibits

Sketch map

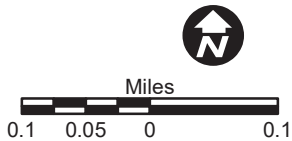
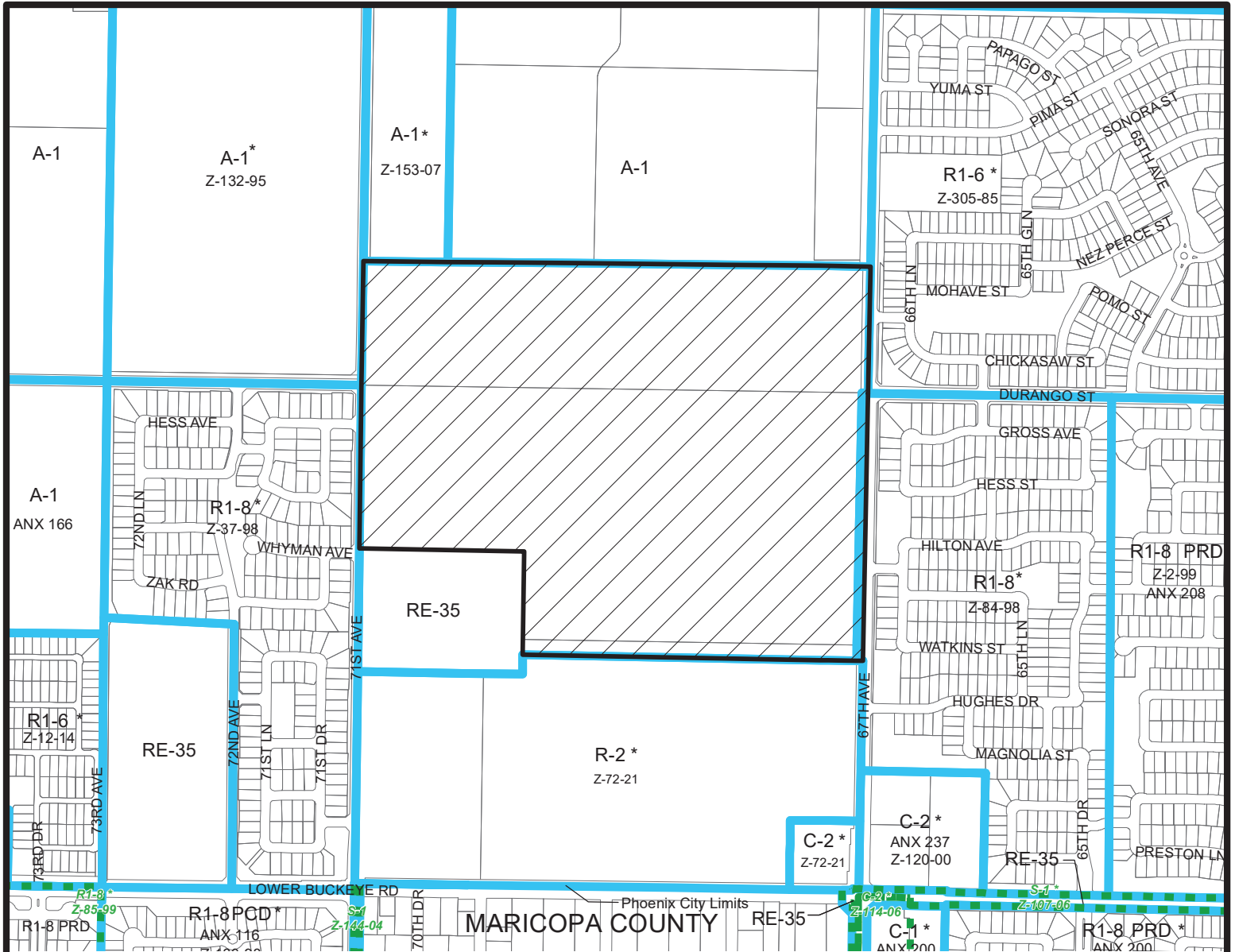
Aerial map

Conceptual site plan date stamped January 8, 2024 (2 pages)

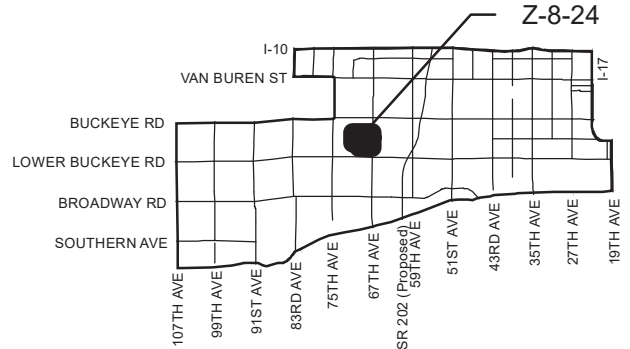
Conceptual elevations date stamped January 8, 2024

Conceptual elevation renderings date stamped January 8, 2024

Correspondence (4 pages)



ESTRELLA VILLAGE
CITY COUNCIL DISTRICT: 7



APPLICANT'S NAME: Withey Morris Baugh, PLC		REQUESTED CHANGE:	
APPLICATION NO. Z-8-24	DATE: 2/01/2024 REVISION DATES:	FROM: RE-35 (111.30 a.c.) R1-8 (1.02 a.c.)	
GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX. 112.32 Acres	AERIAL PHOTO & QUARTER SEC. NO. QS 7-12, QS 8-12	ZONING MAP E-4, F-4	TO: CP/GCP (112.32 a.c.)
MULTIPLES PERMITTED RE-35, R1-8 CP/GCP	CONVENTIONAL OPTION 122, 4 N/A		* UNITS P.R.D. OPTION 147, 5 N/A

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



[illegible]

Proposed Zoning:	CP/GCP
APN#:	104-29-005, 104-36-001C
Net Site Area: (Excluding additional ROW dedication)	4,931,907 S.F. (113.2 AC.)
Total Building Area:	1,800,500 / 4,931,907 = 37%
Coverage:	1,800,500 / 4,931,907 = 37%

Building A - 1,242,000 S.F. (500,001 and greater S.F. = 1/2,500 S.F.);	497 Spaces
Building B - 190,700 S.F. (150,001 to 500,000 S.F. = 1/2,000 S.F.);	96 Spaces
Building C - 177,100 S.F. (150,001 to 500,000 S.F. = 1/2,000 S.F.);	89 Spaces
Building D - 190,700 S.F. (150,001 to 500,000 S.F. = 1/2,000 S.F.);	96 Spaces

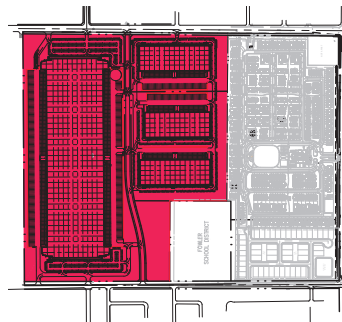
Parking Provided:	1,664 Spaces
Assessible Parking Required:	34 Spaces
Assessible Parking Provided:	34 Spaces
Proposed Building Height:	56 feet max.

Developer	Architect
Property Reserve, Inc. 51 S. Main St., Suite 301 Salt Lake City, Utah 84111 Contact: Luke Rothley Ph: (801) 321-8723	Butler Design Group 5013 E. Washington St. Ste 100 Phoenix, Arizona 85034 Contact: Rick Butler Ph: (602) 957-1800

Map of the site location in the City of Vancouver. The site is located at the intersection of S 67th Ave and W Buckle Road. The map shows a grid of streets with the site highlighted by a black rectangle. A line points from the word "SITE" to the rectangle. The surrounding streets are labeled: W Van Buren St, W Buckle Road, S 67th Ave, S 75th Ave, S 83rd Ave, W Lower Buckle Road, W Broadway Road, and W 103rd Ave.

01-05-24	PRE-APPLICATION SITE PLAN
DEVELOPMENT SERVICES DEPARTMENT APPROVAL	

MASTER SITE PLAN
1" = 600'-0"



Time (days)	Control (eggs/female)	100 mg/L (eggs/female)	200 mg/L (eggs/female)
0	0	0	0
50	~50	~50	~50
100	~100	~150	~250
150	~150	~120	~220
200	~200	~100	~200
250	~250	~80	~180
300	~280	~60	~150

Phoenix, Arizona

Butler Design Group, Inc
architects & planners

JAN 08 2024

**Planning & Development
Department**

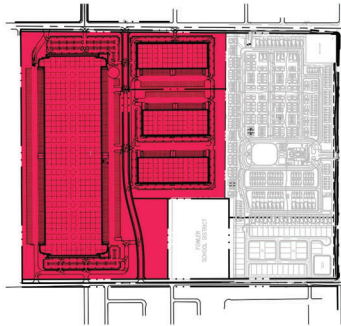
01.05.24
23047 ST-10

DSD KIVA #:
ZONING MAP

SDEV #:
PAPP #:

CITY OF PHOENIX NOTES

1. DEVELOPMENT AND USE OF THIS SITE SHALL CONFORM WITH ALL APPLICABLE CODES AND ORDINANCES OF THE CITY OF PHOENIX.
2. THIS PROJECT IS LOCATED IN THE CITY OF PHOENIX, MARICOPA COUNTY, ARIZONA. THE PROJECT SITE IS LOCATED AT THE INTERSECTION OF 67TH AVENUE AND LOWER BUCKEYE ROAD.
3. THE PROJECT SITE IS LOCATED IN THE FOWLER SCHOOL DISTRICT, PHOENIX, ARIZONA. THE PROJECT SITE IS LOCATED IN THE FOWLER SCHOOL DISTRICT, PHOENIX, ARIZONA.
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10. THE PROJECT SITE IS LOCATED IN THE FOWLER SCHOOL DISTRICT, PHOENIX, ARIZONA. THE PROJECT SITE IS LOCATED IN THE FOWLER SCHOOL DISTRICT, PHOENIX, ARIZONA.



MASTER SITE PLAN

1" = 600'-0"



CITY OF PHOENIX

JAN 08 2024

Planning & Development
Department

67TH AVENUE & LOWER BUCKEYE ROAD
Phoenix, Arizona



Butter Design Group, Inc.
architects & planners

01.05.24
23047 ST-10



SITE PLAN

0 75' 150' 300'
SCALE: 1" = 150'

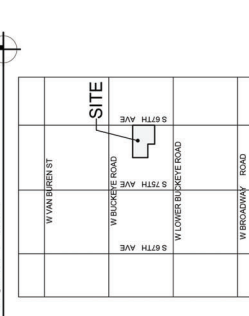
PROJECT DATA

Proposed Zoning:	CP/GCP
APN#:	104-29-005, 104-36-201C
Net Site Area:	4,931,807 S.F. (113.2 AC.)
(Excluding additional ROW dedication)	
Total Building Area:	~1,800,500 S.F.
Coverage:	1,800,500 / 4,931,807 = 37%
Parking Required (Unspecified Industrial Use - Shell Bldg)	
Building A - 1,242,000 S.F. (500,001 and greater S.F.)	497 Spaces
Building B - 1,242,000 S.F. (500,001 and greater S.F.)	497 Spaces
Building C - 1,242,000 S.F. (500,001 and greater S.F.)	497 Spaces
Building D - 1,242,000 S.F. (500,001 and greater S.F.)	497 Spaces
Total Parking Required:	1,988 Spaces
Parking Provided:	1,664 Spaces
Assessable Parking Required:	34 Spaces
Assessable Parking Provided:	34 Spaces
Proposed Building Height:	56 feet max.

PROJECT TEAM

Developer:	Butter Design Group
513 E. Washington St. Suite 301	
Phoenix, Arizona 85034	
Contact: Rick Butler	
PH: (602) 957-1800	

VICINITY MAP



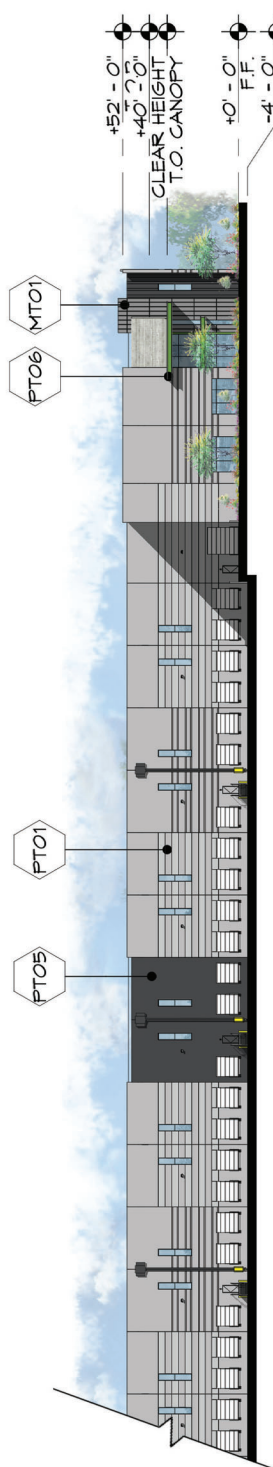
DATE:	01-05-24
SUBMISSION:	PRE-APPLICATION SITE PLAN
DEVELOPMENT SERVICES DEPARTMENT APPROVAL:	
DSD KIVA #:	
ZONING MAP:	
SDEI #:	
PAPP #:	



1 NORTH - SOUTH ELEVATION
SCALE: 1" = 60'-0"



2 WEST ELEVATION
SCALE: 1" = 60'-0"



3 EAST ELEVATION
SCALE: 1" = 60'-0"



JAN 08 2024

Planning & Development
Department

67TH AVENUE & LOWER BUCKEYE ROAD

Phoenix, Arizona



Butler Design Group, Inc.
architects & planners



67TH AVENUE & LOWER BUCKEYE ROAD

Phoenix, Arizona

CITY OF PHOENIX
JAN 08 2024
Planning & Development
Department



Nayeli Sanchez Luna

Subject: FW: Review & Comment on General Plan Amendment in the Estrella Village (GPA-ES-2-24-7)

From: mjb cartof.com <mjb@cartof.com>

Sent: Wednesday, January 17, 2024 10:04 AM

To: Geno Koman <geno.koman@phoenix.gov>

Cc: Nayeli Sanchez Luna <nayeli.sanchez.luna@phoenix.gov>; Racelle Escolar <racelle.escolar@phoenix.gov>; Joshua Bednarek <joshua.bednarek@phoenix.gov>

Subject: RE: Review & Comment on General Plan Amendment in the Estrella Village (GPA-ES-2-24-7)

I don't understand why we are taking a parcel (116 acres!) that is largely designated residential (both GPA and zoning) and is surrounded by residential on 3 sides, and turning it into CP. Seems like a bad idea to me. At best, a portion of it could be CP, and the majority should be residential.

Marcia Busching
Planning Commission, Vice chair

Nayeli Sanchez Luna

From: elisa tobias <elisatobias@icloud.com>
Sent: Wednesday, January 31, 2024 9:39 PM
To: Nayeli Sanchez Luna
Subject: AGAINST REZONING TO INDUSTRIAL LAND

Follow Up Flag: Follow up
Flag Status: Flagged

Hello I am a current resident within the community near 67th Ave and lower Buckeye. I am against rezoning the land from single-family homes to industrial buildings. This community is growing and trying to clean up the area. By rezoning industrial land we will only lose the traction we have made to make this community better. If you are for our community, please will help us accomplish, single-family housing, or even having it rezoned to commercial. Again I am against the land being rezoned to industrial building. Thanks you for your time.

Elisa Tobias

Nayeli Sanchez Luna

From: Sonja <speters1930@gmail.com>
Sent: Tuesday, February 6, 2024 10:47 AM
To: Nayeli Sanchez Luna
Subject: AGAINST REZONING TO INDUSTRIAL LAND - PreApp ZPA-139-23

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Ms. Sanchez:

I am a resident in the Tuscano Community in west Phoenix and want to make my voice heard in regards to the proposed rezoning from single family housing land to industrial around 67th Avenue and Lower Buckeye Road.

The area is already congested with many trucks and distribution centers. The logic of putting an industrial center in the middle of residential neighborhoods shows the developers disregard for the community.

Zoning should stay for residential neighborhoods. The developers should locate and closer to Interstate 10 where land is already zoned for industrial.

If needed, I can be contacted by email. Thank you for your time.

Sonja Perry
3217 S. 77th LN
Phoenix, AZ 85043

Nayeli Sanchez Luna

From: kevin perry <robperkev7@yahoo.com>
Sent: Wednesday, February 7, 2024 6:56 AM
To: Nayeli Sanchez Luna
Subject: AGAINST REZONING TO INDUSTRIAL LAND - PreApp ZPA-139-23

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms. Sanchez:

I am writing to express my strong opposition to the proposed rezoning of the area around 67th Avenue and Lower Buckeye Road from single-family housing land to industrial use. As a resident of the Tuscano Community in west Phoenix, I believe it is crucial to voice concerns about the potential negative impacts this rezoning could have on our neighborhood.

The existing congestion in the area, primarily due to the presence of numerous trucks and distribution centers, already poses challenges for residents in terms of traffic flow, noise pollution, and overall quality of life. Introducing an industrial center in the midst of residential neighborhoods would only exacerbate these issues and demonstrate a disregard for the well-being of the community.

Maintaining the current zoning for residential neighborhoods is essential for preserving the character and livability of our community. Furthermore, I urge the developers to explore alternative locations, such as areas closer to Interstate 10 where industrial zoning is already established, rather than encroaching on residential areas.

I am deeply invested in the future of our community, and I believe that rezoning this area for industrial use would have far-reaching consequences that must be carefully considered. I respectfully request that you take into account the concerns of myself and other residents regarding this rezoning proposal.

Should you require any further information or wish to discuss this matter further, please do not hesitate to contact me via email at robperkev7@yahoo. Thank you for your time and attention to this important issue.

Sincerely,

Kevin R. Perry
3217 S. 77th LN
Phoenix, AZ 85043



Village Planning Committee Meeting Summary Z-8-24-7

Date of VPC Meeting	February 20, 2024
Request From	RE-35 and R1-8
Request To	CP/GCP
Proposal	Flex commerce park general commerce park buildings
Location	Approximately 1,170 feet north of the northwest corner of 67th Avenue and Lower Buckeye Road
VPC Recommendation	Denial
VPC Vote	7-1

VPC DISCUSSION:

Cases GPA-EST-2-24-7 and Z-8-24-7 are companion cases and were heard together. Eight members of the public registered to speak.

Staff Presentation:

Nayeli Sanchez Luna, staff, presented an overview of the general plan amendment and rezoning requests. Mrs. Sanchez Luna discussed the location of the site, the requested zoning designation, the surrounding land uses, and the proposed General Plan Land Use Map designation. Mrs. Sanchez Luna displayed the site plan and elevation and noted the proposed height, square footage, and architectural façade. Mrs. Sanchez Luna concluded the presentation by providing the staff findings, the recommendation, and summarizing the proposed stipulations.

Applicant Presentation:

Adam Baugh, representing the applicant with Withey Morris Baugh, PLC, provided an overview of the proposed general plan amendment and rezone request. Mr. Baugh displayed the conceptual site plan and noted the proximity to transportation corridors. Mr. Baugh summarized the numerous changes to the site plan and noted the landscape buffers when adjacent to single-family residential. Mr. Baugh noted other cities that had commerce park buildings when adjacent to single-family residential and added that the commerce park buildings increased property values. Mr. Baugh concluded the applicant presentation by going over the outreach process and trip generation for the proposed use.

Questions from the Committee:

Chair Lisa Perez asked if the applicant provided 50 letters of support on the same day of the hearing. **Mr. Baugh** confirmed affirmatively. **Chair Perez** noted that the letters were not in the committee packet and that she would have preferred to receive them with more time to review them.

Public Comments:

Laura Martinez noted that she has seen the vacant property used as an illegal dumping site. Ms. Martinez voiced her support for the proposal because it bring jobs to the area.

Francisca Montoya stated that she was involved with the Fowler School District and was a former member of the Village Planning Committee. Ms. Montoya noted that industrial uses were located primarily along Buckeye Road but that the subject property was closer to Lower Buckeye Road. Ms. Montoya added that Lower Buckeye Road was primarily surrounded by single-family residential development. Ms. Montoya stated that the proposed use should be located along the Loop 202 and that the proposed SR-30 has not received funding for construction. Ms. Montoya concluded her comment by stating that school buses would use the same route as the commercial traffic, thus causing a safety hazard.

Lorena Cardenas voiced her support for the proposed development. Ms. Cardenas noted that it would bring jobs to the community.

Nathan Wright, with the Community and Economic Development Department (CED), noted that there was only one other possible 1,000,000 square foot building in the City. Mr. Wright added that south of the I-10 there weren't any large commerce park buildings that could support large businesses. Mr. Wright also supported the smaller warehouses because they could bring amenities to the area such as dance studios or offices. Mr. Wright concluded his comment by stating that they could market the 1,000,000 square foot building. **Chair Perez** asked for more clarification on why CED was speaking at a committee meeting in favor of a rezoning case. **Mr. Wright** noted that this is an important project and that the CED takes close interest in any projects that bring high quality jobs. **Chair Perez** noted that CED spoke with her once and asked why the Department hadn't done more outreach. **Mr. Wright** noted that they were also present at the Laveen Village Planning Committee and that they advocate for job generating projects.

Chair Perez stated that in the past, the committee had asked the City how they were promoting the area; however, they never received an answer. **Mr. Wright** suggested returning to the committee to listen to the community's needs and reviewing proposed projects in the area. Mr. Wright reiterated that they support job generating projects. **Angelica Terrazas** voiced her agreement and asked CED to return to the committee. **Chair Perez** noted that the technological corridor along the Loop 202 is an example of a marketable area promoted by the City. **Mr. Wright** agreed.

Abby Dunton stated that she worked with numerous HOAs along Lower Buckeye Road. Ms. Dunton stated that she supported keeping the area zoned for residential development. Ms. Dunton noted that there were existing commercial uses that rely on residential uses and concluded her comment by stating that she was in opposition of the development.

Selina Lemley stated that she lived in the area for many years. Ms. Lemley stated that she supported a use that would ensure jobs. Ms. Lemley added that a Walmart is located down the street to serve the community and stated that she would like the area to be developed.

Olga Pritchett asked for more information regarding public outreach and asked if they went house to house or if they just sent out notification letters. **Mr. Baugh** noted that they went door-to-door.

Ms. Terrazas noted that everyone in the committee has experienced traffic congestion with limited exits on Lower Buckeye Road. Ms. Terrazas noted her traffic congestion concerns and encouraged a through street to alleviate traffic from major roads.

Peter Mastro asked what type of business requires a million square foot building. **Mr. Wright** noted that there is a need for warehousing and advance manufacturing in the solar industry or semi-conductors.

Applicant Response:

Mr. Baugh noted that any development would generate traffic. Mr. Baugh stated that a single-family subdivision would create more traffic than the proposed commerce park development. Mr. Baugh added that single-family residential will add to traffic during peak hours in the morning and in the afternoon. Mr. Baugh reiterated the need for this type of development in the area.

Committee Discussion:

Dafra Joel Sanou asked how the developer would dictate who leases the buildings. **Mr. Baugh** stated that numerous uses could be used within the buildings including car restoration or indoor entertainment for children and adults. Mr. Baugh reiterated that there were many uses that could come into the building to add amenities to the area. Mr. Baugh stated that they would ensure someone that would be there for a long time.

Co-Vice Chair Cenicerros asked how much additional pollution this would add to the community. **Mr. Baugh** noted that he could not quantify pollution. Mr. Baugh stated that the proposal included numerous stipulations to try to alleviate pollution and water conservation.

Renee Dominguez stated that traffic on 67th Avenue is horrible and noted that semitrailer and commercial traffic will further add to the existing traffic congestion problem in the area. Ms. Dominguez stated that areas with a mixture of commerce park and residential development have a lot of traffic congestion and safety issues. **Mr.**

Baugh noted that residential uses would create more congestion and that an accident would create traffic congestion anywhere in the City.

Andre Serrette stated that he agreed that the village was very diverse when it came to uses but wondered if this was the only place in the village that could accommodate the proposed development. **Mr. Baugh** noted that they are developing to what the market demands. Mr. Baugh added that there wasn't a 1,000,000 square foot building in the City and the smaller buildings could easily be leased out.

Melanie Burd asked about the traffic light at 67th Avenue and Durango. **Mr. Baugh** displayed the location of the purposed traffic lights. **Ms. Burd** asked if the site will have access via 71st Avenue or 67th Avenue. **Mr. Baugh** stated that access will be via 67th Avenue. **Ms. Burd** stated that there should be an additional lane on 71st Avenue and Lower Buckeye Road. **Mr. Baugh** noted that a traffic study would be required to analyze the number of lanes. **Ms. Burd** asked if the proposed buildings could be used for a bar. **Mr. Baugh** noted that that would not be allowed.

Ms. Burd asked if there was parking on the east side of the building. **Mr. Baugh** stated that that would be employee parking. **Ms. Burd** voiced her concern for traffic along 71st Avenue.

Chair Perez stated that she has met with numerous developers for this site and that they always proposed commerce park or industrial uses. Chair Perez noted that the south portion of the site was recently zoned to allow multifamily residential, and that the representative did extensive outreach to the community. Chair Perez stated that this representative only held one community meeting and that they did not present a narrative of the project but rather just asked if the community had questions. Chair Perez added that the committee has a right to comment on proposed warehouses and commerce park buildings in the area. Chair Perez stated that there is a housing shortage in the City but the proposal does not support additional housing. Chair Perez stated that all these buildings are conceptual because there are no purposed tenants for the buildings. Chair Perez voiced her concerns regarding the square footage, employment parking and commercial parking. Chair Perez stated that she would like to see more public outreach and more meetings with CED. **Mr. Baugh** noted that during the public meeting, there were a few members that lived in close proximity to the proposal and that the rest were part of the school district. **Chair Perez** added that school employees would be directly affected by the development. **Mr. Baugh** stated that they consider additional meetings based on the first public meeting. Mr. Baugh added that they had contacted the district for a meeting. **Chair Perez** noted that this development would impact a whole area of people other than those adjacent to the development. **Mr. Baugh** noted that the number of people at the first meeting will indicate if more meetings were needed. Mr. Baugh added that only two members of the immediate area attended the meeting.

Ms. Dominguez stated that many property owners do not receive notification letters. Ms. Dominguez added that there is a future school location and there is a nearby school so extensive outreach would have been beneficial. Ms. Dominguez asked how many houses were knocked on when the applicant went door-to-door. **Mr. Baugh** noted that

the door-to-door method exceeded what was required by the rezoning process. **Ms. Dominguez** asked why they waited the weekend before the meeting to go door-to-door and not allow the committee to review all the letters of support. **Mr. Baugh** noted that they had a neighborhood meeting at the end of January.

Co-Vice Chair Cenicerros asked if the applicant was willing to continue to work with the committee before a recommendation. **Mr. Baugh** voiced his agreement but stated that they would like the case to move forward. Mr. Baugh added that he could hold a meeting before Planning Commission.

Motion:

Co-Vice Chair Markus Cenicerros motioned to recommend the denial of Z-8-24-7.

Melanie Burd seconded the motion.

Vote:

7-1, Motion passed with Committee Members Ayala, Burd, Dominguez, Sanou, Serrette, Cenicerros, and Perez in favor and Committee Member Terrazas in opposition.

Staff comments regarding VPC Recommendation:

None.

ATTACHMENT D

REPORT OF PLANNING COMMISSION ACTION March 7, 2024

ITEM NO: 10	
	DISTRICT NO.: 7
SUBJECT:	
Application #:	Z-8-24-7 (Companion Case GPA-EST-2-24-7)
Location:	Approximately 1,170 feet north of the northwest corner of 67th Avenue and Lower Buckeye Road
From:	RE-35 and R1-8
To:	CP/GCP
Acreage:	112.32
Proposal:	Flex commerce park general commerce park buildings
Applicant:	Stephanie Watney, Withey Morris Baugh, PLC
Owner:	Brett Hopper, Property Reserve Arizona, LLC
Representative:	Jason Morris, Withey Morris Baugh, PLC

ACTIONS:

Staff Recommendation: Approval, subject to stipulations.

Village Planning Committee (VPC) Recommendation:
Estrella 2/20/2024 Denial. Vote: 7-1.

Planning Commission Recommendation: Approval, per the staff recommendation.

Motion Discussion: N/A

Motion details: Commissioner Mangum made a MOTION to approve Z-8-24-7, per the staff recommendation.

Maker: Mangum
Second: Hu
Vote: 6-2 (Jaramillo, Perez)
Absent: Busching
Opposition Present: Yes

Findings:

1. The proposal is compatible with the proposed General Plan Land Use Map designation and will provide employment opportunities within the Estrella Village.
2. The proposal contains enhanced standards that will result in a more walkable, shaded and pedestrian-friendly environment. The proposal will provide increased shade which will help to reduce the urban heat island effect.
3. As stipulated, the proposed development will include development and design standards, such as enhanced streetscapes, landscape buffer and planting standards, to mitigate impacts to the surrounding properties.

Stipulations:

1. The development shall be in general conformance with the elevations date stamped January 8, 2024, as modified by the following stipulations and approved by the Planning and Development Department.
2. One outdoor employee resting area of no less than 400 square feet, or two 200-square foot areas shall be provided on site. Each required pedestrian area shall include a minimum of two pedestrian seating benches, constructed of quality and durable materials, and shaded to a minimum of 75% using minimum 2-inch caliper, large canopy, drought-tolerant, shade trees, and/or architectural shade, as approved by the Planning and Development Department.
3. Where pedestrian walkways cross a vehicular path, the pathway shall be constructed of decorative pavers, stamped, or colored concrete, or other pavement treatments that visually contrasts parking and drive aisle surfaces, as approved by the Planning and Development Department.
4. Bicycle parking spaces shall be provided per the requirements of Section 1307.H of the Phoenix Zoning Ordinance through inverted U and/or artistic racks located near the office and installed per the requirements of Section 1307.H of the Phoenix Zoning Ordinance. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.
5. A minimum 100-foot landscape setback shall be provided along the south perimeter of the site.
6. Landscape areas and surface retention areas shall be planted with minimum 2-inch caliper, large canopy, drought-tolerant, shade trees planted 25 feet on center or in equivalent groupings, as approved by the Planning and Development Department.
7. A minimum of 10% of the required shrubs, shall be a milkweed or other native nectar species, and shall be planted in groups of three or more, as approved by the Planning and Development Department.
8. A minimum of 25% of the surface parking areas shall be shaded, as approved by the Planning and Development Department. Shade may be achieved by structures or by minimum 2-inch caliper, drought tolerant, shade trees, or a combination thereof.
9. Only landscape materials listed in the Phoenix Active Management Area Low-Water-Use/Drought-Tolerant Plant List shall be utilized internal to the site, as approved, or modified by the Planning and Development Department
10. Landscaping shall be maintained by permanent and automatic/water efficient WaterSense labeled irrigation controllers (or similar smart controller) to minimize maintenance and irrigation water consumption for all on and offsite landscape irrigation.
11. Prior to final site plan approval, documentation shall be provided that demonstrates a commitment to participate in the City of Phoenix Business Water Efficiency Program for a minimum of 10 years, or as approved by the Planning and Development Department.

12. A minimum of two green infrastructure (GI) techniques for stormwater management shall be implemented per the Greater Phoenix Metro Green Infrastructure and Low-Impact Development Details for Alternative Stormwater Management, as approved, or modified by the Planning and Development Department.
13. The development shall conform with the Estrella Village Arterial Street Landscaping Program landscape palette and landscaping standards along arterial streets in the Estrella Village, except as otherwise noted herein, as approved by the Planning and Development Department.
14. A minimum of 10% of the required parking spaces shall be EV Installed.
15. A bus stop pad shall be constructed on southbound 67th Avenue, located from Durango Street according to City of Phoenix Standard Detail P1258. The bus stop pad shall be designed according to City of Phoenix Standard Detail P1260 with a depth of 10 feet, as approved by the Planning and Development Department.
16. A minimum 55-feet of right-of-way shall be dedicated for the west half of 67th Avenue, adjacent to the development.
17. Improvements to 67th Avenue shall be consistent with the Arterial CM cross-section, consisting of a 14-foot raised center median and a minimum 6-foot-wide detached sidewalk separated by a minimum 10-foot-wide landscape area, adjacent to the development. The landscape strip shall be planted with minimum 2-inch caliper, single trunk, drought-tolerant, shade trees to provide a minimum of 75% shade, as approved by the Planning and Development Department. Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.
18. A minimum 60-feet of right-of-way shall be dedicated for the full width of Durango Street, adjacent to the development. The right-of-way shall align with the existing Durango Street connections on the eastern and western boundaries of the site.
19. A minimum 5-foot-wide detached sidewalk separated by a minimum 5-foot-wide landscape area shall be constructed on both sides of Durango Street, adjacent to the development. The landscape strip shall be planted with minimum 2-inch caliper, single trunk, drought-tolerant, shade trees to provide a minimum of 75% shade, as approved by the Planning and Development Department. Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.
20. A minimum 30-feet of right-of-way shall be dedicated for the east half of 71st Avenue, adjacent to the development.
21. A minimum 1-foot Vehicular Non-Access Easement shall be dedicated along the western property line (adjacent to 71st Avenue), south of the existing Durango Street alignment.
22. A minimum 5-foot-wide detached sidewalk separated by a minimum 5-foot-wide landscape area shall be constructed on the east side of 71st Avenue, adjacent to the development. The landscape strip shall be planted with minimum 2-inch caliper, single trunk, drought-tolerant, shade trees to provide a minimum of 75% shade, as approved by the Planning and Development Department. Where utility conflicts exist, the

developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.

23. A traffic signal shall be installed at 67th Avenue and Durango Street. The developer shall fund 100% of the cost and install the traffic signal at the intersection, as approved by the Street Transportation Department.
24. All existing electrical utilities within the public right-of-way shall be undergrounded, adjacent to the development. The developer shall coordinate with the affected utility companies for their review and permitting.
25. Existing SRP facilities along all public streets are to be relocated outside of city right-of-way, unless otherwise approved by the Street Transportation Department. Contact SRP to identify existing land rights and establish the appropriate process to relocate the facility.
26. Replace unused driveways with sidewalk and curb and gutter. Also, replace any broken or out-of-grade curb, gutter, sidewalk, curb ramps on all streets and upgrade all off-site improvements to be in compliance with current ADA guidelines.
27. All streets within and adjacent to the development shall be constructed 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.
28. 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.
29. Prior to final site plan approval, the landowner shall execute a Proposition 207 waiver of claims form. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record.

This publication can be made available in alternate format upon request. Please contact Teleia Galaviz at 602-291-2559, teleia.galaviz@phoenix.gov, TTY: Use 7-1-1.

ATTACHMENT E

To Whom it May Concern,

I SUPPORT the Property Reserve Inc. park development project located on 116.5 acres north of the northwest corner of 67th Avenue and Lower Buckeye Road in Phoenix. We support this high-quality proposal, including the rezoning and general amendment plan (z-3- 84 and GPA-EST-2-24).

The existing zoning for the Property has been carried over from the time of annexation into the City of Phoenix. It was a holding pattern until development occurred similar to the S-1 District. The proposal request facilitating development of current property to create a high-quality speculative commerce park development which would include 4 flex buildings with a cumulative space of 1.8 million square feet of shell warehouse space. These flex buildings will be divided to accommodate smaller tenants' suites, this would address the dynamic need for small and larger tenant and employer spaces. Consistent to CP/GCP regulations, the maximum height for each building is set at 56 feet tall.

The design of the buildings is eye-catching and includes large windows along with a mint green entryway that welcomes you to the property along with the mesquite trees and cacti surrounding the lot. In addition, the proposal is to provide the area with new, high quality employment opportunities in a way which is consistent and mindful of the area's land use pattern. This will provide the area with more employment and business opportunities along with the ability to create space for warehouses which are common in the area.

I am in full support of the Property Reserve Inc. project and am excited to see this development revitalize the neighborhood and surrounding area with multiple opportunities.

NAME Adrian Torrecillas

SIGNATURE 

ADDRESS 6625 W. Hers St Phoenix, AZ 85043

PHONE 

EMAIL 

CITY OF PHOENIX

FEB 20 2024

**Planning & Development
Department**

To Whom it May Concern,

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NAME Agapito R. Mero

SIGNATURE [Signature]

ADDRESS 6557 W Ne-2 Acres 7

PHONE [Signature]

EMAIL [Signature]

CITY OF PHOENIX

FEB 20 2024

**Planning & Development
Department**

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NAME ALFREDO TORREALBA

SIGNATURE 

ADDRESS 6626 W HUSS ST

PHONE 

EMAIL 

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NAME Ana Maria Ruiz
SIGNATURE Ana Maria Ruiz
ADDRESS 6627 W. W. Hymann Ave
PHONE Phoenix, AZ 85045
EMAIL [REDACTED]

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NAME Armando Rascon

SIGNATURE Armando Rascon

ADDRESS 2827 S 76th Dr

PHONE

EMAIL

phx ar 85043

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NAME Aurelio Rocha

SIGNATURE 

ADDRESS 6611 Wymore Ave

PHONE 

EMAIL 

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NAME Aurelio Medina

SIGNATURE [Signature]

ADDRESS 7112 W. Watkins St

PHONE [Redacted]

EMAIL _____

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NAME Brandon Johnson

SIGNATURE 

ADDRESS 6531 W. Heskett

PHONE 

EMAIL 

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NAME Carl Nieh

SIGNATURE [Signature]

ADDRESS 1802 S. 66th Ln

PHONE [Redacted]

EMAIL [Redacted]

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NAME Chasity DeMarco

SIGNATURE Chasity DeMarco

ADDRESS 2316 S 66th Ln

PHONE none

EMAIL None

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NAME Don Pilkington

SIGNATURE Don Pilkington

ADDRESS 6635 W Hughes

PHONE [REDACTED]

EMAIL [REDACTED]

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NAME Edner D Rivas

SIGNATURE Edner Rivas

ADDRESS 6628 W. Watkins

PHONE [REDACTED]

EMAIL [REDACTED]

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NAME

Emelia Pacheco

SIGNATURE

Emelia C Pacheco

ADDRESS

6516 W GROSS Ave.

PHONE

[REDACTED]

EMAIL

[REDACTED]

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NAME Irka Martinez

SIGNATURE 

ADDRESS 6037 W hilton Ave

PHONE 

EMAIL 

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NAME Bretha Solis Avila

SIGNATURE Bretha Solis Avila

ADDRESS 6532 W. Watkins St.

PHONE [REDACTED]

EMAIL [REDACTED]

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NAME Hoa Mick

SIGNATURE Hoa Mick

ADDRESS 6519 W. Hess St

PHONE [REDACTED]

EMAIL [REDACTED]

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NAME Brian Soto

SIGNATURE Brian Soto

ADDRESS 2004 S. 66th Ln

PHONE [REDACTED]

EMAIL _____

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NAME Jason Skinner

SIGNATURE 

ADDRESS 6519 West HESS ST

PHONE 

EMAIL 

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NAME Jason Wessel

SIGNATURE 

ADDRESS 6605 W. Gross Ave

PHONE 

EMAIL _____

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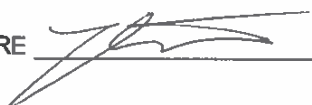
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NAME Jeremy Putsko

SIGNATURE 

ADDRESS 2319 S 65th Ln

PHONE _____

EMAIL _____

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NAME Boyce Vargas

SIGNATURE [Signature]

ADDRESS 7434 W. Valencia Dr.

PHONE [Redacted]

EMAIL [Redacted]

CITY OF PHOENIX

FEB 20 2024

**Planning & Development
Department**

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NAME Juan A. Wila

SIGNATURE [Signature]

ADDRESS 6582 W. WATKINS

PHONE [Redacted]

EMAIL [Redacted]

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NAME Kalla Gamiz

SIGNATURE Kalla Gamiz

ADDRESS 6602 W Chicago St Phx, AZ 85043

PHONE _____

EMAIL [Signature]

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NAME KATHY BAUGHER

SIGNATURE Kathy Baugher

ADDRESS 6610 W HESS ST

PHONE [REDACTED]

EMAIL [REDACTED]

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NAME Kim Roth

SIGNATURE Kimberly Roth

ADDRESS 6605 W. GROSS AVE.

PHONE _____

EMAIL 

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NAME Lucio Munoz

SIGNATURE [Signature]

ADDRESS 6615 W Hess St

PHONE [Redacted]

EMAIL [Redacted]

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NAME Manco Alvarez

SIGNATURE [Signature]

ADDRESS 2019 S. 71st Ave.

PHONE [Redacted]

EMAIL [Redacted]

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NAME Mariana Macias

SIGNATURE 

ADDRESS 6606 W. Whyman Ave

PHONE 

EMAIL _____

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NAME Mario Hines

SIGNATURE Mario D. Hines

ADDRESS 2308 S. 66th Ln

PHONE 

EMAIL 

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NAME Marguana Davis

SIGNATURE 

ADDRESS 2220 S. 66th Lane Phx, AZ 85048

PHONE 

EMAIL _____

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NAME marlo Gamiz

SIGNATURE Marlo G

ADDRESS 6602 W Chickasaw St

PHONE [REDACTED]

EMAIL [REDACTED]

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NAME Maude Soto

SIGNATURE M. Soto

ADDRESS 2004 S. 46th Ln

PHONE [REDACTED]

EMAIL [REDACTED] .com

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NAME

Melanie Martinez

SIGNATURE

Melanie Martinez

ADDRESS

2316 S. 66th Lane

PHONE

[REDACTED]

EMAIL

[REDACTED]

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NAME

Muzad Hadaabo

SIGNATURE

Muzad Hadaabo

ADDRESS

7229 W Whymen Ave

PHONE

[REDACTED]

EMAIL

[REDACTED]

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NAME MIKE SEIBER

SIGNATURE Mike Seiber

ADDRESS 6031 W. HUGHES DR.

PHONE [REDACTED]

EMAIL [REDACTED]

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NAME Nora Haverro

SIGNATURE 

ADDRESS 6557 W. McDowell St

PHONE 

EMAIL 

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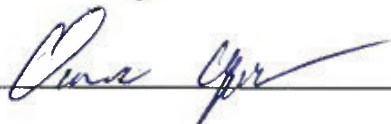
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NAME Omer Aguilar

SIGNATURE 

ADDRESS 6625 W Watson St

PHONE 

EMAIL _____

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NAME

Patricia Abigail Hernandez

SIGNATURE

Abigail H

ADDRESS

6626 W Hess St

PHONE

[REDACTED]

EMAIL

[REDACTED]

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NAME Patricia Rivas

SIGNATURE Patricia Rivas

ADDRESS 6628 W. Watkins St PHX AZ 85043

PHONE [REDACTED]

EMAIL [REDACTED]

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The existing zoning for the Property has been carried over from the time of annexation into the City of Phoenix. It was a holding pattern until development occurred similar to the S-1 District. The proposal request facilitating development of current property to create a high-quality speculative commerce park development which would include 4 flex buildings with a cumulative space of 1.8 million square feet of shell warehouse space. These flex buildings will be divided to accommodate smaller tenants' suites, this would address the dynamic need for small and larger tenant and employer spaces. Consistent to CP/GCP regulations, the maximum height for each building is set at 56 feet tall.

The design of the buildings is eye-catching and includes large windows along with a mint green entryway that welcomes you to the property along with the mesquite trees and cacti surrounding the lot. In addition, the proposal is to provide the area with new, high quality employment opportunities in a way which is consistent and mindful of the area's land use pattern. This will provide the area with more employment and business opportunities along with the ability to create space for warehouses which are common in the area.

I am in full support of the Property Reserve Inc. project and am excited to see this development revitalize the neighborhood and surrounding area with multiple opportunities.

NAME Phillip Ruelas

SIGNATURE 

ADDRESS 6611 W hess St

PHONE 

EMAIL _____

CITY OF PHOENIX

FEB 20 2024

**Planning & Development
Department**

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NAME Robert Fleckenstein
SIGNATURE Robert Fleckenstein ✓
ADDRESS 2623 S. 17th Dr. Phoenix, AZ

PHONE [REDACTED]

EMAIL [REDACTED]

CITY OF PHOENIX

FEB 20 2024

**Planning & Development
Department**

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NAME Robert Kivas

SIGNATURE 

ADDRESS 6628 W. Watkins St.

PHONE 

EMAIL _____

CITY OF PHOENIX

FEB 20 2024

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Department**

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NAME Rose Valenciano

SIGNATURE Rose Valenciano

ADDRESS 4422 W. Hwy 205 St

PHONE _____

EMAIL _____

CITY OF PHOENIX

FEB 20 2024

**Planning & Development
Department**

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NAME Santa Gutierrez

SIGNATURE Santa Gutierrez

ADDRESS 1726 S 66th Ln Phoenix AZ

PHONE [REDACTED]

EMAIL _____

CITY OF PHOENIX

FEB 20 2024

**Planning & Development
Department**

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NAME Stephen M Sanders

SIGNATURE 

ADDRESS 2224 50 60 LN

PHONE 

EMAIL 

CITY OF PHOENIX

FEB 20 2024

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NAME Susan Hughes

SIGNATURE [Signature]

ADDRESS 2323 S 65th LN

PHONE [Redacted]

EMAIL [Redacted]

CITY OF PHOENIX

FEB 20 2024

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Department**

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SIGNATURE

ADDRESS

PHONE

EMAIL

CITY OF PHOENIX

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NAME Tyler Neece

SIGNATURE 

ADDRESS 6405 W Gross Ave

PHONE 

EMAIL _____

CITY OF PHOENIX

FEB 20 2024

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Department**

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NAME William Baugher

SIGNATURE 

ADDRESS 6610 W Hess St Phoenix AZ 85043

PHONE 

EMAIL 

CITY OF PHOENIX

FEB 20 2024

**Planning & Development
Department**

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NAME

Yessenia Garcia

SIGNATURE

Yessenia Garcia

ADDRESS

6604 W Chickasaw St

PHONE

[REDACTED]

EMAIL

N/A

CITY OF PHOENIX

FEB 20 2024

**Planning & Development
Department**

ATTACHMENT F

Opposition to Z-8-24-7

February 15, 2024

Dear Estrella Village Planning Committee
and Planning Commission,

I am writing to express my strong opposition to the request from Property Reserve Arizona, LLC to rezone 112.32 acres located approximately 1,170 feet north of the northwest corner of 67th Avenue and Lower Buckeye Road from RE-35 and R1-8 to CP/GCP. I am concerned about the negative impacts of the proposed flex commerce park general commerce park buildings on the surrounding area

My reasons for opposition are as follows:

- The proposed rezoning is incompatible with the existing and planned land uses in the vicinity. The subject site is mostly designated as Residential 3.5 to 5 dwelling units per acre on the General Plan Land Use Map, which reflects the predominant character of the area. The proposed CP/GCP zoning would allow industrial and commercial uses that are more intensive and intrusive than the current and future residential uses. The proposed rezoning would also require a General Plan Land Use Map amendment, which would undermine the public input and vision that went into the creation of the General Plan.
- The proposed rezoning would adversely affect the traffic, safety, and quality of life of the nearby residents. The proposed flex commerce park general commerce park buildings would generate a significant amount of traffic, noise, light, and air pollution, especially from the large warehouse building north of the street. The traffic would worsen the already congested conditions on 67th Avenue and Lower Buckeye Road, and create safety hazards for pedestrians, bicyclists, and school children. The noise, light, and air pollution would disturb the peace and tranquility of the adjacent neighborhoods, and would adverse impact the health of the residents, especially our most vulnerable populations.
- The proposed rezoning would conflict with the goals and policies of the Estrella Village Core Plan and the Estrella Village Arterial Life Cycle Program. The Estrella Village Core Plan aims to preserve and enhance the existing residential areas, promote compatible and quality development, and foster a sense of community and identity. The Estrella Village Arterial Life Cycle Program seeks to improve the appearance, function, and safety of the arterial streets, and create attractive and pedestrian-friendly corridors. The proposed rezoning would contradict these objectives by introducing incompatible and low-quality development, eroding the community and identity of the area, and degrading the appearance, function, and safety of the arterial streets.
- The proposed rezoning would disregard the staff's recommendation of not conforming to the site plan due to the Durango Street alignment. The Durango Street alignment is a critical component of the Estrella Village Arterial Life Cycle Program, which aims to improve the connectivity and mobility of the area. The proposed public street would interfere with the Durango Street alignment and create confusion and inefficiency for the traffic flow and access. The proposed rezoning would also ignore the staff's recommendation of providing shaded

employee resting areas, which are essential for the health and comfort of the workers in the hot and arid climate of Phoenix.

- The proposed rezoning would violate the Estrella Village Plan's goals and objectives of orderly growth, identifiable village core, strong residential neighborhoods, variety of homes and jobs, and consistent streetscapes and trail linkages. The proposed CP/GCP zoning would allow industrial and commercial uses that are out of scale and character with the existing and planned residential uses in the vicinity.
- Approval of the proposed rezoning would also undermine the identity and cohesion of the Estrella Village by introducing a large and incompatible development that would dominate the landscape and create visual and physical barriers. The proposed rezoning would also fail to provide a variety of homes and jobs that would meet the diverse needs and preferences of the residents and workers in the area.

For these reasons, I urge you to disapprove the proposed rezoning and the associated General Plan Land Use Map amendment. I believe that the subject site should remain as RE-35 and R1-8, and be developed in a manner that is consistent and compatible with the surrounding residential uses and the General Plan. I appreciate your service and attention to this matter.

Sincerely,
Dan Penton
8216 S 42nd Ave
Phoenix, AZ 85339

Nayeli Sanchez Luna

From: Maria Martinez <maria65mj@gmail.com>
Sent: Sunday, February 25, 2024 8:42 PM
To: Nayeli Sanchez Luna
Subject: Against rezoning

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Nayeli Sanchez

I hope my voice is heard as a resident of west phoenix. We are tired of these industrial buildings. Please stop the proposed rezoning and prioritize your residents. Thank you

- Maria Martinez

Nayeli Sanchez Luna

From: Matteo Martinez-Lainez <matteo27jm@outlook.com>
Sent: Sunday, February 25, 2024 8:52 PM
To: Nayeli Sanchez Luna
Subject: Against Rezoning

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Nayeli Sanchez

I hope my voice is heard as a long time resident of the west phoenix. We are TIRED of these industrial buildings, the constant construction delays, AND these semi trucks. Please stop the proposed rezoning, start prioritize your residents and start FIXING/EXPANDING our roads first!

Sincerely,
A very tried resident, Matteo Martinez

Get [Outlook for iOS \[aka.ms\]](https://aka.ms/OutlookforiOS)

MAR 01 2024

RECEIVED

2-26-2024

Phoenix Planning and Development Department
200 W. Washington Street
Phoenix, AZ 85003

Dear Phoenix Planning and Development Dept.,

I am writing you in regards to Rezoning Case Numbers Z-8-24-7 and GPA-EST-2-24-7 for the general plan amendment of the property located at the Northwest corner of 67th Avenue & Lower Buckeye Road. This property is currently zoned as RE-35 & R1-8. However, a recent request has been made to rezone the 112.32 acres located at the NW corner of 67th Avenue and Lower Buckeye Road from RE-35 and R1-8 to CP/GCP (Commercial Park District / General Commerce Park) to allow for a commerce/business park development.

I must insist that my voice be heard by the Planning Commission in regards to the above referenced request for rezoning. I am strongly **OPPOSED** to changing the zoning of the referenced property. There are multiple valid and extremely impactful reasons against changing the zoning of this property & against the proposed commercial business park development of this property. Firstly, the current road infrastructure is already insufficient to handle the amount of traffic on Broadway and Lower Buckeye. Building the proposed business complex will add to back up traffic along Lower Buckeye and extend all the way past the 202. Ongoing development of luxury apartments on the property at 67th Avenue & Broadway Road is sure to cause even more unbalanced traffic patterns during rush hours so this new business park proposal is out of the question until the city fully develops our roads to eliminate the existing congestion and properly balance & handle all the future traffic.

Secondly, the proposed business park complex for the referenced property will surely lower our neighborhood home values and thus cause irreparable harm to existing local residents. It is the duty of the Planning Commission to prove that this zone change will not interfere with the neighborhood home values or cause existing local residents harm.

Thirdly, Phoenix, the U.S and the world in general are currently at a precipice regarding climate change and global warming. The needless elimination of undeveloped low-density single-family residence land and replacement of this climate-supporting land use with more high-density business park development creates more problems which scientifically pushes the world closer to a disastrous outcome. It is the duty of the Planning Commission to prove that this zone change will not contribute to additional climate change in the near term as well as in the distant future. I can currently see the temperature fluctuate by more than 5 degrees Fahrenheit during the summer, and even during the winter months, as I drive around the city of Phoenix thereby proving that the city of Phoenix has not done an adequate or responsible job of controlling the city's impacts on climate change and global warming. Continuing the zoning of the referenced property as RE-35 and R1-8 is the Planning Commission's only responsible and legitimate decision when taking into consideration the impacts to climate change, existing neighborhood property valuations, & traffic congestion.

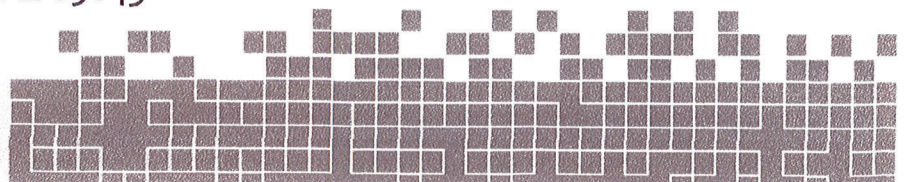
To reiterate, I am strongly OPPOSED to the rezoning of the referenced property (Rezoning Case Number Z-8-24-7 and GPA-EST-2-24-7) due to the multiple valid and extremely impactful reasons outlined in my letter above.

Sincerely,



Kent Stange

7930 W. Encinas Lane, Phoenix AZ 85043





Public Hearing and Resolution Adoption - General Plan Amendment GPA-DV-1-23-3 - Approximately 1,200 Feet East and 360 Feet North of the Northeast Corner of 19th Avenue and Tierra Buena Lane (Resolution 22189)

Request to hold a public hearing on a General Plan Amendment for the following item to consider the Planning Commission's recommendation and the related resolution if approved. Request to amend the General Plan Land Use Map designation on 18.97 acres from Residential 2 to 5 dwelling units per acre to Mixed Use (Commercial / Commerce/Business Park). This is a companion case to Z-31-23-3 and should be heard first, followed by Z-31-23-3.

Summary

Application: GPA-DV-1-23-3

Current Designation: Residential 2 to 5 dwelling units per acre

Requested Designation: Mixed Use (Commercial / Commerce/Business Park)

Acreage: 18.97

Proposed Use: Office/Commerce Park

Owner/Applicant: Jerry Simms, TP Racing, LLLP

Representative: Paul E. Gilbert, Gilbert Blilie, PLLC

Staff Recommendation: Approval.

VPC Action: The Deer Valley Village Planning Committee heard this item on Aug. 10, 2023, and recommended approval, per the staff recommendation, by a vote of 8-4.

PC Action: The Planning Commission continued this item on Sept. 7, 2023, Nov. 2, 2023, and Dec. 7, 2023. The Planning Commission heard this item on March 7, 2024, and recommended approval, per the Deer Valley Village Planning Committee recommendation, by a vote of 8-0.

Location

Approximately 1,200 feet east and 360 feet north of the northeast corner of 19th Avenue and Tierra Buena Lane

Council District: 3

Parcel Address: 16846 N. 11th Ave.; 1445, 1475, and 1501 W. Bell Road; and 1722 W. Tierra Buena Lane

Responsible Department

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.

ATTACHMENT A

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

RESOLUTION

A RESOLUTION ADOPTING AN AMENDMENT TO THE 2015
GENERAL PLAN FOR PHOENIX, APPLICATION GPA-DV-1-23-3,
CHANGING THE LAND USE CLASSIFICATION FOR THE
PARCEL DESCRIBED HEREIN.



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

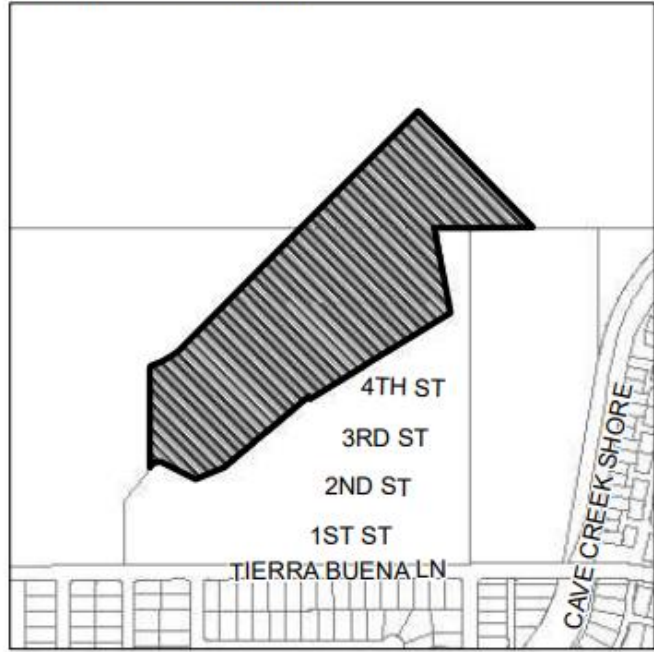
SECTION 1. The 2015 Phoenix General Plan, which was adopted by
Resolution 21307, is hereby amended by adopting GPA-DV-1-23-3. The 18.97 acres
of property located approximately 1,200 feet east and 360 feet north of the northeast
corner of 19th Avenue and Tierra Buena Lane is designated as Mixed Use
(Commercial / Commerce/Business Park).

SECTION 2. The Planning and Development Director is instructed to
modify the 2015 Phoenix General Plan to reflect this land use classification change as
shown below:

PROPOSED CHANGE:

Mixed Use (Commercial / Commerce / Business Park) (18.97 +/- Acres)

-  Proposed Change Area
-  Mixed Use (Commercial / Commerce / Business Park)



PASSED by the Council of the City of Phoenix this 3rd day of April, 2024.

MAYOR

ATTEST:

Denise Archibald, City Clerk

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

By: _____

REVIEWED BY:

Jeffrey Barton, City Manager

DRAFT



City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

**GENERAL PLAN AMENDMENT
STAFF ANALYSIS
*REVISED**

August 3, 2023

Application: GPA-DV-1-23-3

Owner: TP Racing, LLLP

Applicant: CT Investors

Representative: Paul E. Gilbert, Beus Gilbert McGroder, PLLC

Location: Approximately 1,200 feet east and 360 feet north of the northeast corner of 19th Avenue and Tierra Buena Lane

Acreage: 18.97 acres

Current Plan Designation: [Residential 2 to 5 dwelling units per acre](#) (18.97 acres)

Requested Plan Designation: [Mixed Use \(Commercial / Commerce/Business Park\)](#) (18.97 acres)

Reason for Requested Change: Minor General Plan Amendment to allow office/commerce park.

[Deer Valley Village Planning Committee](#) Date Meeting Date: August 10, 2023

Staff Recommendation: Approval

FINDINGS:

- 1) The subject site is also part of a rezoning request which exceeds 10 acres and is not consistent with the current General Plan Land Use Map designation, therefore a minor General Plan Amendment to the Land Use Map is required.

- 2) The proposed General Plan Land Use Map designation of Mixed Use (Commercial / Commerce/Business Park) is compatible with adjacent designations to the north and west.
- 3) The companion Rezoning Case Z-31-23-3, as stipulated, includes standards that ensure an appropriate transition in design from the proposed use to the surrounding properties.

BACKGROUND

The subject site is 18.97 acres and is located approximately 1,200 feet east and 360 feet north of the northeast corner of 19th Avenue and Tierra Buena Lane. The subject site is largely occupied with stables and mobile homes associated with the horse racetrack activities of Turf Paradise. The companion rezoning case Z-31-23-3 is requesting to rezone the subject site from S-1 SP (Ranch or Farm Residence, Special Permit) and C-2 SP (Intermediate Commercial, Special Permit) to CP/GCP (Commerce Park District/General Commerce Park Option) to allow commerce park uses. The General Plan Land Use Map designation of the subject site is Residential 2 to 5 dwelling units per acre. The proposed General Plan Amendment is to designate the site as Mixed Use (Commerce / Commerce/Business Park).

SURROUNDING LAND USES

NORTH

North of the subject site is a horse racetrack and ancillary uses zoned S-1 SP (Approved C-2 SP) (Ranch or Farm Residence, Special Permit, Approved Intermediate Commercial, Special Permit) or CP/BP (Commerce Park District/Business Park Option) and approved CP/GCP (Commerce Park District/General Commerce Park Option). This area is designated as Mixed Use (Commercial / Commerce/Business Park) on the General Plan Land Use map.

SOUTH

South of the subject site is a former mobile home park which is vacant zoned C-2 SP (Intermediate Commercial, Special Permit) and S-1 (Ranch or Farm Residence). This area is designated as Residential 2 to 5 dwelling units per acre on the General Plan Land Use map.

EAST

East of the subject site is vacant land zoned S-1 (Ranch or Farm Residence). This area is designated as Residential 2 to 5 dwelling units per acre on the General Plan Land Use map.

WEST

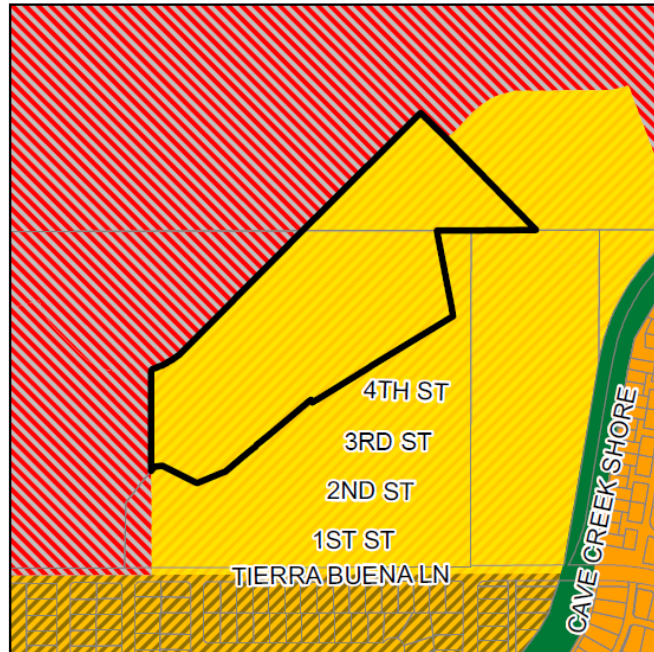
West of the subject site are ancillary uses associated with the horse racetrack zoned S-1 SP (Approved C-2 SP or CP/BP) (Ranch or Farm Residence, Special Permit,

Approved Intermediate Commercial, Special Permit, or Commerce Park District/Business Park Option). This area is designated as Mixed Use (Commercial / Commerce/Business Park) on the General Plan Land Use map.

EXISTING:

Residential 2 to 5 du/ac (18.97 +/- Acres)

-  Proposed Change Area
-  Residential 2 to 5 du/ac
-  Residential 5 to 10 du/ac
-  Residential 5 to 15 du/ac
-  Parks/Open Space - Publicly Owned
-  Mixed Use (Commercial / Commerce / Business Park)



Proposed General Plan Land Use Map, Source: City of Phoenix

RELATIONSHIP TO GENERAL PLAN CORE VALUES AND PRINCIPLES

CONNECT PEOPLE AND PLACES

- **OPPORTUNITY SITES; LAND USE:** Support reasonable levels of increased intensity, respectful of local conditions and surrounding neighborhoods.

The proposed minor General Plan Amendment, along with the companion rezoning case, Z-31-23-3, would allow redevelopment of an underused site into a commerce park development that is compatible with the development planned in the area and respectful of local conditions by providing enhanced landscaping and detached sidewalks around the subject site.

STRENGTHEN OUR LOCAL ECONOMY CORE VALUE

- **JOB CREATION (EMPLOYERS); LAND USE:** Support General Plan Land Use Map and zoning changes that will facilitate the location of employment generating uses in each of the designated employment centers.

* A portion of the subject site is within the North I-17 Major Employment Center and is compatible with the planned development on the remainder of the Turf Paradise site. The proposal will allow for an underutilized property to be redeveloped for employment generating uses within the North I-17 Major Employment Center.

CELEBRATE OUR DIVERSE COMMUNITIES AND NEIGHBORHOODS

- **CERTAINTY AND CHARACTER; LAND USE:** Locate land uses with the greatest height and most intense uses within limits based on village character, land use needs, infrastructure and transportation system capacity.

The proposal will allow for the redevelopment of the site into commerce park uses (per companion Rezoning Case Z-31-23-3) which is consistent with the surrounding zoning of the larger Turf Paradise site and in close proximity to two major arterial streets, 19th Avenue and Bell Road.

CONCLUSION AND RECOMMENDATION

Staff recommends approval of GPA-DV-1-23-3. The land use map designation, as requested, would further diversify land uses in this part of the Deer Valley Village in a manner consistent with development patterns, existing zoning and General Plan Land Use Map designations in the general area. Furthermore, the requested land use map designation and companion rezoning case will allow for compatible land uses that will provide employment opportunities in the Deer Valley Village.

Writer

Matteo Moric
August 3, 2023

Team Leader

Racelle Escolar

Exhibits

Sketch Maps (2 pages)
Correspondence (2 pages)

GENERAL PLAN AMENDMENT

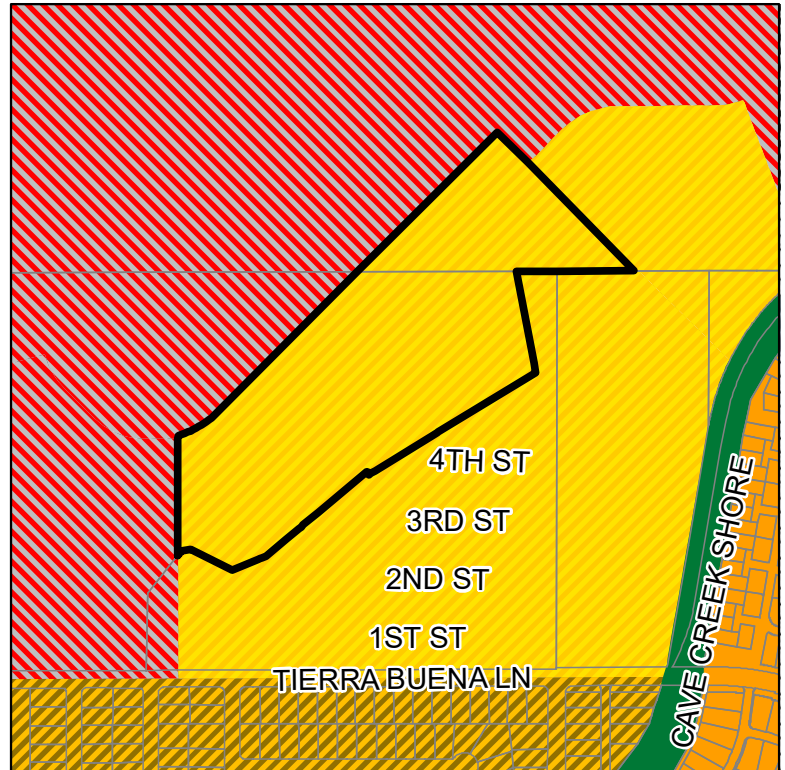
CITY OF PHOENIX ♦ PLANNING & DEVELOPMENT DEPARTMENT ♦ 200 W WASHINGTON ST ♦ PHOENIX, AZ ♦ 85003 ♦ (602) 262-6882

APPLICATION NO: GPA-DV-1-23-3	ACRES: +/- 18.97	REVISION DATE:
VILLAGE: Deer Valley	COUNCIL DISTRICT: 3	
APPLICANT: CT Investors c/o James Watson		

EXISTING:



Residential 2 to 5 du/ac (18.97 +/- Acres)

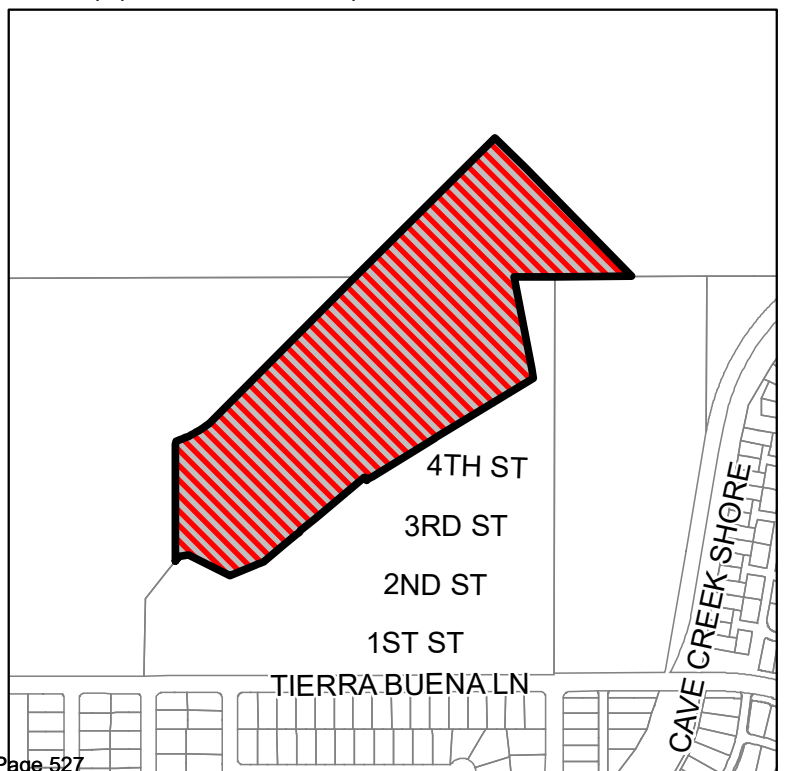
-  Proposed Change Area
-  Residential 2 to 5 du/ac
-  Residential 5 to 10 du/ac
-  Residential 5 to 15 du/ac
-  Parks/Open Space - Publicly Owned
-  Mixed Use (Commercial / Commerce / Business Park)



PROPOSED CHANGE:

Mixed Use (Commercial / Commerce / Business Park) (18.97 +/- Acres)

-  Proposed Change Area
-  Mixed Use (Commercial / Commerce / Business Park)



GENERAL PLAN AMENDMENT

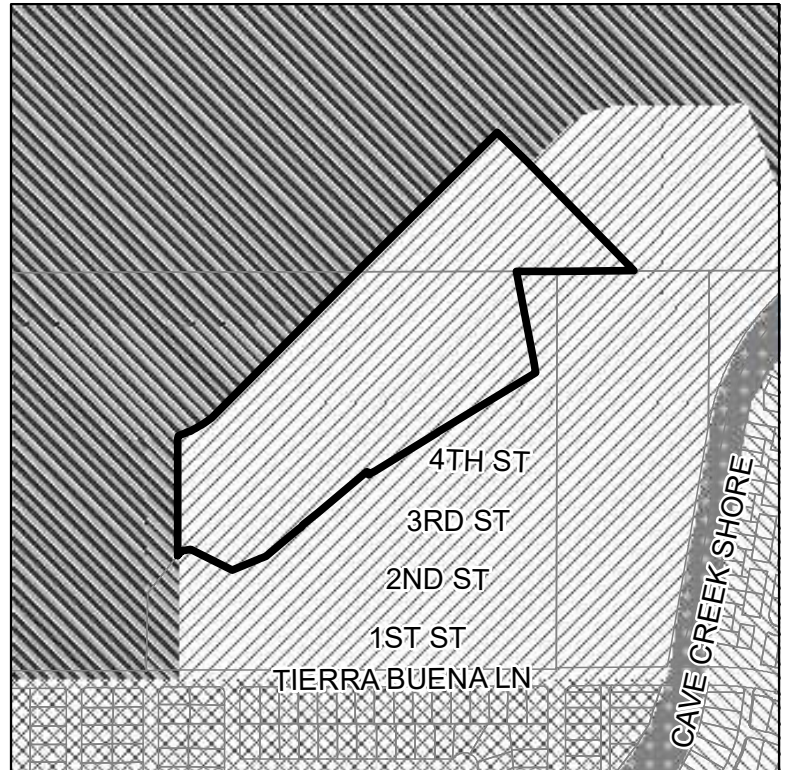
CITY OF PHOENIX ♦ PLANNING & DEVELOPMENT DEPARTMENT ♦ 200 W WASHINGTON ST ♦ PHOENIX, AZ ♦ 85003 ♦ (602) 262-6882

APPLICATION NO: GPA-DV-1-23-3_BW	ACRES: +/- 18.97	REVISION DATE:
VILLAGE: Deer Valley	COUNCIL DISTRICT: 3	
APPLICANT: CT Investors c/o James Watson		

EXISTING:



Residential 2 to 5 du/ac (18.97 +/- Acres)

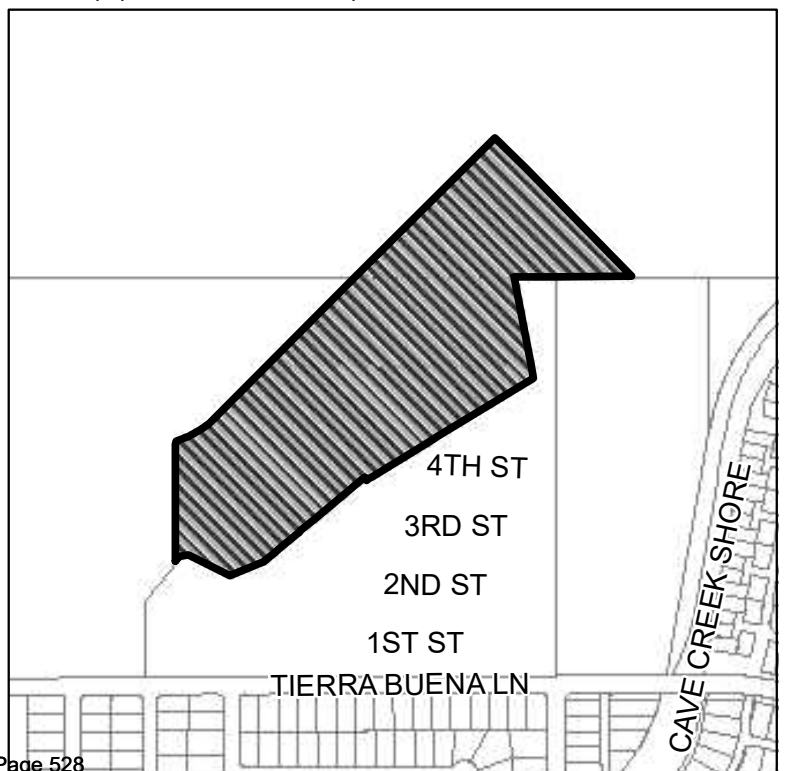
-  Proposed Change Area
-  Residential 2 to 5 du/acre
-  Residential 5 to 10 du/acre
-  Residential 5 to 15 du/acre
-  Parks/Open Space - Publicly Owned
-  Mixed Use (Commercial / Commerce / Business Park)



PROPOSED CHANGE:

Mixed Use (Commercial / Commerce / Business Park) (18.97 +/- Acres)

-  Proposed Change Area
-  Mixed Use (Commercial / Commerce / Business Park)



Matteo Moric

Subject: FW: Review & Comment on General Plan Amendment in the Deer Valley Village (GPA-DV-1-23-3)
Attachments: GPA-DV-1-23-3.pdf

From: mjb cartof.com <mjb@cartof.com>
Sent: Monday, June 26, 2023 12:08 PM
To: Matteo Moric <matteo.moric@phoenix.gov>
Subject: FW: Review & Comment on General Plan Amendment in the Deer Valley Village (GPA-DV-1-23-3)

Dear Matteo—

I have reviewed the proposed GPA change and feel that it is inappropriate for the area. In the “Applicant Analysis Questions” the Applicant failed to directly answer Questions 2 and 3—two very key questions.

The subject property is bordered on 2 sides by residential, and is not on a main street. The property to the north should provide sufficient additional commerce park property for the area, without the need for a GPA.

With the need for housing in the City, there is no justifiable reason to amend the GPA/rezone to do anything other than make it the 2-3.5 du/acre ad 3.5-5 du/ac that it was designated.

Marcia Busching, Planning Commission member

From: Geno Koman [<mailto:geno.koman@phoenix.gov>]
Sent: Thursday, June 15, 2023 9:45 AM
Subject: Review & Comment on General Plan Amendment in the Deer Valley Village (GPA-DV-1-23-3)

Attached for your review is an amendment to the General Plan for Phoenix that has been filed:

DEER VALLEY VILLAGE

Application **GPA-DV-1-23-3** at approximately 500 feet east of the northeast corner of 19th Avenue and Tierra Buena Lane. Request for a Map Amendment to change the General Plan land use designation on approximately 27.2 acres from Residential 2 to 3.5 du/acre and Residential 3.5 to 5 du/acre to Mixed Use, Commercial and Commerce Park / Business Park to allow office commerce park.

This application is proceeding concurrently with a rezoning request (Z-31-23-3) for the same property, approximately 28 acres from S-1 to CP / GCP to allow commerce park.

Please forward your comments prior to **June 29, 2023** to:

Matteo Moric
Village Planner
City of Phoenix Planning & Development Department
200 West Washington Street, 3rd Floor
Phoenix, AZ 85003-1611
602-261-8235
matteo.moric@phoenix.gov

Should you have any questions or concerns, please contact the Planning & Development Department at 602-262-7811.

Thank you,

Geno Koman

Secretary II

City of Phoenix Planning and Development Department

200 West Washington Street, 3rd Floor

Phoenix, Arizona 85003

Phone: 602-495-2076

geno.koman@phoenix.gov



Village Planning Committee Meeting Summary

GPA-DV-1-23-3

Date of VPC Meeting	August 10, 2023
Request From	Residential 2 to 5 dwelling units per acre
Request To	Mixed Use (Commercial / Commerce/Business Park)
Proposal	Office/commerce park
Location	Approximately 1,200 feet east and 360 feet north of the northeast corner of 19th Avenue and Tierra Buena Lane
VPC Recommendation	Approval
VPC Vote	8-4

Item No. 6 (GPA-DV-1-23-3) and Item No. 7 (Z-31-23-3) are companion cases and were heard together.

Six members of the public registered to speak on this item, in opposition.

VPC DISCUSSION:

Matteo Moric, staff, noted that Case GPA-DV-1-23-3 would be heard at the same time as Case Z-31-23-3, but would require two separate motions. Mr. Moric provided an overview and identified where the site was located, the site size and the requests. Mr. Moric noted a general plan amendment was required and there would be no stipulations associated with the general plan land use change request. Mr. Moric described the surrounding zoning, uses and general plan land use designation and showed the renderings and conceptual plan. Mr. Moric noted there was one letter of opposition for the general plan request and identified the staff findings and stipulations.

Keith Greenberg stated a concern with the milkweed specifically stipulated as he felt it was an invasive plant which could take up a lot of space. Mr. Moric, staff, and Sandra Hoffman provided additional information on the milkweed plant and the monarch butterfly pledge.

APPLICANT PRESENTATION

Paul Gilbert with Beus, Gilbert, McGroder, LLC, introduced himself as representing CT Realty who had a majority of the Turf Paradise property under contract and were currently doing their due diligence. Mr. Gilbert explained that 85% of the overall Turf

Paradise property was already zoned and tonight was a rezone of the small piece of the property of approximately 28 acres. Mr. Gilbert shared the zoning history as he was the attorney who represented the Turf Paradise property owner in 2002. Mr. Gilbert said a majority of the property was zoned S-1 but in 2002, the applicant rezoned the property but did not vest the property. Mr. Gilbert added that in 2002 Turf Paradise was able to operate with the Special Permit overlay. Mr. Gilbert noted the zoning would change upon processing a site plan, but they were not doing that, and they needed to wrap up the zoning to decide if his client wanted to move forward with the purchase. Mr. Gilbert described the zoning of the majority of the Turf Paradise property, which is approved but not vested, and said the property on the west side was zoned for a combination C-2 (Intermediate Commercial) or CP/BP (Commerce Park/Business Park Option). Mr. Gilbert noted the C-2 allows for all types of retail and services and the CP/BP would allow employment, warehouse distribution, along with light manufacturing and assembly. Mr. Gilbert added the east side was zoned CP/GCP (Commerce Park/General Commerce Park Option) and said this option allows a little more flexibility.

Mr. Gilbert said the subject of the zoning request was for the 28 acre portion and did not know why the land was not rezoned from S-1 in 2002. Now, Mr. Gilbert said they wanted it to be CP/GCP to be commensurate with the bulk of the Turf Paradise site. Mr. Gilbert said this was a conceptual site plan and they were not ready to create a final site plan. Mr. Gilbert added that the conceptual site plan showed the uses that could go in a commerce park, and they were going to use commercial retail option on the small portion that fronts Bell Road at the intersection of 15th Avenue. Mr. Gilbert noted they wanted to keep the grandstand structure of Turf Paradise and continue the off-track racing. He said they'd continue with the off-track betting but not live horse racing. The parking and grandstand would remain; however, the horse track and racing would go.

Mr. Gilbert added that in addition to the rezoning request a general plan amendment was required to change about 14 acres of the property. Mr. Gilbert said approximately half the 28 acres had the correct general plan land use designation.

Mr. Gilbert shared their public outreach efforts and said they presented their case virtually to every neighborhood association in the area. He explained how they utilized the entire boundary of Turf Paradise rather than the 28 acres which was 6 or 7 times more people required to contact.

Mr. Gilbert said there was a strong staff recommendation and strong encouragement from the Economic Development Department. Mr. Gilbert read the staff findings and emphasized a portion of the site was within the I-17 Major Employment Corridor. Mr. Gilbert said they agreed with all the stipulations except one minor exception with stipulation number 11 which states vehicular access shall not be permitted on Tierra Buena Lane. Mr. Gilbert said there was good reason for the stipulation as Tierra Buena Lane was a residential street and requested the stipulation to be modified to say vehicular access shall not be permitted on Tierra Buena Lane as long as the applicable roadway is classified as a residential road.

QUESTIONS FROM COMMITTEE

Trilese DiLeo questioned how much of the property the escrow was addressing to which **Mr. Gilbert** replied that it was for the entire Turf Paradise property.

Ms. DiLeo inquired about the history of the zoning and why the zoning was not for the entire property since Turf Paradise existed in 2002. **Mr. Gilbert** said he could not remember all the history of why that was other than staff pointed him in that direction at the time. **Mr. Gilbert** indicated staff wanted to control the site plan as they had no uses for that part of the site at that time.

Ms. DiLeo asked why it was not being rezoned to residential due to the housing demand. **Mr. Gilbert** said there was a need for both housing and employment and they spent a significant amount of time with Economic Development Department and stated the site would be much more conducive to commerce park uses.

Braden Lopez-Biggs inquired about the amount of property in the S-1 zoning and if there was any intention to build housing on that portion. **Mr. Lopez-Biggs** also wanted clarity on stipulation No. 11 and wanted to know how it could be classified as a non-residential street.

Mr. Gilbert stated the C-2 allows building multifamily. **Mr. Gilbert** also noted that they were welcome to add a stipulation to come to the Village Planning Committee with a site plan in the future.

Will Novak questioned if there was a study on how much property tax the property generated as is versus the amount after it is developed. **Mr. Novak** asked if a user was lined up and if there was a phasing plan.

Mr. Gilbert mentioned that there was no phasing plan developed yet.

Mr. Novak also asked if they thought about the grandstand getting historic preservation designation. **Mr. Gilbert** said he was not sure as they had never been asked the question with his client.

Ms. Hoffman asked if there was a traffic analysis. **Mr. Gilbert** said a traffic study was required for the entire project when they come in to do the site plan. **Ms. Hoffman** stated the plan was quite conceptual and it may be premature to move forward. **Ms. Hoffman** asked if they'd come back with more details.

Mr. Gilbert said they'd comply with the Zoning Ordinance for setbacks and height. And **Mr. Gilbert** said he was keenly aware this was a major development as approximately 250 acres. He said if they'd want more details later he'd come back when its time for the site plan.

Trilese DiLeo believed modifying stipulation no. 11 would not work. She felt the entire mobile home park and residents down the road would be impacted.

Public Comments

Stephan H. Nolan said he lived in the area for many years and has been in the horse race business. Mr. Nolan said that the acting general manager of the property does not know if the property sale will be complete. Mr. Nolan said he was concerned with car accidents and traffic. Mr. Nolan wanted this at least postponed to October to decide if the owner of the horse race business wanted to go through. He noted that there was litigation of the property and expressed concerns about the current owners previous motivation to sell and there was a concern if the sale would even go through. Mr. Nolan wanted the issue to be tabled and indicated the horse race industry employees felt the meeting was strategic so there would not be opposition.

Chairman Grossman informed Mr. Nolan that his 3 minute time had expired. **Ms. DiLeo** stated she wanted to continue to listen to Mr. Nolan's comments. **Mr. Lopez-Biggs** noted that if they allow Mr. Nolan to exceed 3 minutes they would need to allow all members of the community to do so.

Chairman Grossman stated he would allow Mr. Nolan to continue his remarks yet adhere to the 3 minute time line unless he feels it is appropriate to extend.

Mr. Nolan noted that this is an agricultural entertainment industry that would impact many people's livelihoods.

Ms. DiLeo asked about the amount of money horse racing brings to the region economically. **Mr. Nolan** responded that there was a lot of money brought into the state and felt this site needed to remain horse racing.

Cynthia George shared her ties to the community and said she was a horse racing professional. Ms. George said Turf Paradise supports many self-supportive businesses and the racetrack is a job for many people. It would put thousands of people in the community at risk to sell their homes as they would need to leave their employment.

Debi Ferguson stated she represented many people who love horse racing. Ms. Ferguson said the property would need to be zoned and she said the racetrack is in operation, but they are closed during the summer months. Ms. Ferguson discussed the request to remove the Special Permit. She said there are two dedicated parties interested in buying the racetrack immediately as an operating racetrack. The property would continue to be in use with the new buyers. She said Turf Paradise had a major economic impact for the region. She asked for help in supporting the horserace industry.

Keith Greenberg asked what the community would like to see on the property if horse racing goes away.

Hanna Adams stated she moved to Arizona to live in the area and said the economic impact would be devastating as feed stores, veterinarians, local shops, etc. rely on this industry. Ms. Adams was concerned that everything surrounding the property was residential and traffic would increase which the residents would not like and added turf paradise was sensitive to the neighborhood and did not do nighttime racing for this reason.

Terri Ferguson shared her background and the history of horse racing in Arizona. Ms. Ferguson said if there is no live racing there would be no permit for off race betting and mentioned they need live racing to continue. Ms. Ferguson indicated all they see are warehouse facilities going up but thought they could have the new owners remain yet add stipulations to their property to upkeep the area. She stated she opposes the zone change.

Phil Hartman stated concerns regarding speeding cars and the animals that frequented the ponds in the area. Mr. Hartman expressed frustration with the city and thought the project could be pushed across the street from 19th Avenue.

Mr. Lopez-Biggs identified his concerns with the stipulation on Tierra Buena Lane and said the stipulation would not permit access to the development from Tierra Buena Lane.

Bill Allison of the law firm Withey Morris Baugh explained he was there to ask questions on behalf of his client Bruin Corporation Properties. Mr. Allison raised concerns that the application was lacking detail necessary to form an opinion of the request and the zoning application was not adequate. Mr. Allison said it was not fair to the public since they did not provide details which could be analyzed, and the data center may not even fit on the property.

Mr. Allison said there was no traffic study provided as part of this project and the neighbors should know how this is being resolved. Mr. Allison noted his client did not hear about the hearing until recently. In conclusion, Mr. Allison stated the community was not given an opportunity to evaluate the proposal and added this needed to be addressed in a public forum rather than at the site plan process.

Applicant Response

Paul Gilbert stated the concerns expressed from the community were regarding the current racetrack business and why it should stay, yet the purpose of the meeting was just to determine the zoning and land use change request. Mr. Gilbert stated the proposal would generate more revenue than the existing use.

Mr. Gilbert said there were strong findings from staff that this should be approved. Mr. Gilbert said his client was working with the horse race industry and other opportunities to preserve horse racing in Arizona, possibly in another location. Mr. Gilbert addressed the traffic concerns stating there was a stipulation to do a full and complete traffic study and his client would be willing to bring the site plan to the Committee for future review. Mr. Gilbert defended his client's conceptual site plan. Mr. Gilbert stated the ongoing litigation should not be pertinent to the request, and that the major opposition is against the cessation of horse racing.

Chair Grossman asked how long Mr. Gilbert had been a zoning attorney. **Mr. Gilbert** replied for 48 years. The Chair then asked if in the 48 years if Mr. Gilbert ever had cases that they left so open in concept, and Mr. Gilbert replied in 50% of the cases they had. Mr. Gilbert said they were not asking for any zoning variances.

Mr. Greenberg asked if approval of this zone change required the removal of the Special Permit. **Mr. Gilbert** said they would still need to go to the City to formally remove the Special Permit and racing could continue until it is removed.

Ms. DiLeo asked if the purchase contract forced him to sell. Mr. Gilbert said he did not read the purchase contract. Ms. DiLeo felt Mr. Gilbert was dismissive and disrespectful to this public body and believed it was their business to look into this deeply to see if the future development will support the current economy in this area of the City. Ms. DiLeo knew thousands of people rely on this industry and it was unimaginable to her of why Mr. Gilbert would be so dismissive on these individuals' livelihoods being threatened if the industry were to go away.

Ricardo Romero said Turf Paradise was an iconic place and there could be concerns of poor management.

Gregory Freeman provided insight to how there are many ways a real estate transaction can be broken.

Mr. Gilbert said the primary negative effect of postponing the case is it leaves some uncertainty to the client that the zoning will move forward. Mr. Gilbert clarified he represented the buyer of Turf Paradise.

Comments from Committee

Will Novak felt what CED had to say about the case was not relevant and added that they did not do the most basic calculation of what the property taxes would be. Mr. Novak said he felt Mr. Gilbert spoke on both sides and indicated the applicant was demeaning and did a poor job for his client. Mr. Novak believed the matter needed to be tabled and recommended for the community to look at HP landmark designation for the folks interested in horse track racing.

Ms. DiLeo said this was a lot of commercial in the area and questioned if this was right for the area. Ms. DiLeo felt one strip of land had the say which could impact people economically and traffic in the area and her opinion was the area would be more appropriate as residential. Ms. DiLeo felt this was a historic location and to think an everyday commercial building would be disheartening. Ms. DiLeo was concerned with litigation and if there was a chance to preserve the location for the community, and believed they needed more concrete information to change the zoning.

Mr. Lopez-Biggs said the owner could demolish the whole thing and they were strictly looking at the zoning and felt there was not enough information for the entire 250-acre property. Mr. Lopez-Biggs said there was not enough information to make a decision.

Ms. Hoffman said the Special Permits were still over the properties, and the zoning would not vest until the site plan was approved. Ms. Hoffman's biggest concern was the neighbors saying they did not get sufficient notice and wanted to ensure the public had a voice, and felt the case needed to be postponed a month or two for time conversations to take place. Ms. Hoffman suggested making a motion for a continuance.

Mr. Greenberg said this was a zoning case on one strip of land. Mr. Greenberg did not see the reason to postpone the case and said if it was up to them for Turf Paradise to stay and if it goes he felt this would only allow a new owner to develop the land properly. Mr. Greenberg stated if Turf Paradise goes away that they would not need a big vacant site.

Mr. Freeman said he represents Bell Road Business Alliance and he verified he received the communication. Mr. Freeman added they are doing a rezoning issue and felt the zoning question should be answered.

Mr. Virgil mentioned that there was an airport where Turf Paradise is located.

Chair Grossman said a portion of the Board wants to postpone, which requires a motion to recommend a continuance, and a portion who want to vote today. Chair Grossman reminded that this was the first hurdle of the public process to go through and added there was a desire to modify the stipulation for vehicular traffic from Tierra Buena Lane.

MOTION:

MOTION #1:

Committee Member Trilese DiLeo motioned to recommend a continuance of GPA-DV-1-23-3. **Committee Member Will Novak** seconded the motion.

VOTE #1:

6-6, motion to recommend a continuance of GPA DV-1-23-3 fails with Committee Members DiLeo, Hoffman, Lopez-Biggs, Novak, Romero, and Virgil in favor; and

Committee Members Davenport, Freeman, Greenberg, Sutphen, Vice Chair Kenney and Chair Grossman in opposition.

MOTION #2:

Committee Member Keith Greenberg made a motion to recommend approval of GPA-DV-1-23-3 per the staff recommendation. **Vice Chair Matthew Kenney** seconded the motion.

VOTE #2:

8-4, motion to recommend approval of GPA-DV-1-23-3 per the staff recommendation passes with Committee Members Davenport, Freeman, Greenberg, Hoffman, Lopez-Biggs, Sutphen, Vice Chair Kenney and Chair Grossman in favor; and Committee Members DiLeo, Novak, Romero and Virgil in opposition.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

None.

ATTACHMENT D

REPORT OF PLANNING COMMISSION ACTION March 7, 2024

ITEM NO: 7	
	DISTRICT NO.: 3
SUBJECT:	
Application #:	GPA-DV-1-23-3 (Companion Case Z-31-23-3) (Continued from November 2, 2023)
Location:	Approximately 1,200 feet east and 360 feet north of the northeast corner of 19th Avenue and Tierra Buena Lane
From:	Residential 2 to 5 dwelling units per acre
To:	Mixed Use (Commercial/Commerce/Business Park)
Acreage:	18.97
Proposal:	Minor General Plan Amendment to allow office/commerce park
Applicant:	Jerry Simms, TP Racing, LLLP
Owner:	Jerry Simms, TP Racing, LLLP
Representative:	Paul E. Gilbert, Gilbert Blilie, PLLC

ACTIONS:

Staff Recommendation: Approval.

Village Planning Committee (VPC) Recommendation:

Deer Valley 8/10/2023 Approval. Vote: 8-4.

Planning Commission Recommendation: Approval, per the Deer Valley Village Planning Committee recommendation.

Motion Discussion: N/A

Motion details: Acting Vice-Chairperson Boyd made a MOTION to approve GPA-DV-1-23-3, per the Deer Valley Village Planning Committee recommendation.

Maker: Acting Vice-Chairperson Boyd

Second: Jaramillo

Vote: 8-0

Absent: Busching

Opposition Present: Yes

Findings:

1. The subject site is also part of a rezoning request which exceeds 10 acres and is not consistent with the current General Plan Land Use Map designation, therefore a minor General Plan Amendment to the Land Use Map is required.
2. The proposed General Plan Land Use Map designation of Mixed Use (Commercial / Commerce/Business Park) is compatible with adjacent designations to the north and west.
3. The companion Rezoning Case Z-31-23-3, as stipulated, includes standards that ensure an appropriate transition in design from the proposed use to the surrounding properties.

This publication can be made available in alternate format upon request. Please contact Teleia Galaviz at 602-291-2559, teleia.galaviz@phoenix.gov, TTY: Use 7-1-1.

ATTACHMENT E

From: [Stephen Nolan](#)
To: [Matteo Moric](#)
Subject: Fw: Agenda for Special Racing Commission meeting, Tues. Dec 5th, 2023 @ 2:30
Date: Monday, December 4, 2023 2:56:19 PM

----- Forwarded Message -----

From: Stephen Nolan <nolanhorseracing@yahoo.com>
To: Council District 3 PCC <council.district.3@phoenix.gov>; Debra Stark <debstarkaz@gmail.com>
Sent: Monday, December 4, 2023 at 02:54:46 PM MST
Subject: Agenda for Special Racing Commission meeting, Tues. Dec 5th, 2023 @ 2:30

Link to Agenda

<https://gaming.az.gov/file/4434/download?token=UsTxivZ7> [gaming.az.gov]

From: [Stephen Nolan](#)
To: [Rudy Casillas](#); [Ana Armenta](#); [Council District 3 PCC](#); [Debra Stark](#); [Matteo Moric](#); [Jackie Johnson](#); [Caitlin Caputo](#); [Brian Duncan](#)
Subject: Consideration for additional item to be placed on AZ Racing Commission Special Meeting agenda, (companion to any request for race dates).
Date: Monday, December 4, 2023 7:37:05 AM

Good morning,

In an attempt to be completely transparent, I respectfully request an addition item be placed on any agenda of a "Special Commission Meeting". I believe discussion is warranted concerning the permittee's attempt to rezone a parcel of land that falls inside the fenced portion of the property that falls under the jurisdiction of the Arizona Department of Racing, a division of the Arizona Department of Gaming and the ARIZONA RACING COMMISSION. I am concerned that there is misinformation, as it relates to the application for dates and the affect that the rezoning could have on Arizona's Agricultural Entertainment Industries of Horse Racing and Breeding.

Many have said that the rezoning of the property would have no affect on racing. And I find that statement very troublesome and not completely the whole story, thus this request for more transparency.

As mentioned above, the parcel of land trying to be rezoned falls in that part of the property that is required to run a race meet. Therefore, it falls under the regulatory authority of the Racing Commission leading me to request clarification as to whether the permittee has the "unfettered personal property rights" to request rezoning without Commission approval.

It was clear that the Arizona Legislature in a recent legislation (2019, SB1144, resulted in Arizona Revised Statute Title #5, Chapter #1 5-117) has clarified that the Permittee does not have "unfettered authority" when it comes to regulations that fall under the regulatory umbrella of the Arizona Racing Commission. This request is a companion to any request for dates. The industries need to know the facts and an Attorney General review of the legal authority of the Arizona Racing Commission as it relates to the attempt to rezone the regulated parcel of property required to run a race meet. This is a very unusual situation that has not come to the attention of regulators as other portions of the property, that had been rezoned, had not come before the Arizona Racing Commission as those portions of property they were not in jeopardy of redevelopment. And is that redevelopment in the best interest of Breeding and Racing in Arizona.

Director Casillas, I copied you a communication dated November 20th, 2023, to many more authorities, voicing my concerns as it relates to the rezoning planned and the potential damage it could do to the Racing and Breeding Industries in Arizona. I urge caution, and I do not understand the urgency in rezoning if in fact there is a planned race meet through early May.

Sincerely,
Stephen H. Nolan

From: [Stephen Nolan](#)
To: [Council District 3 PCC](#); [Debra Stark](#); [Matteo Moric](#); [Jackie Johnson](#); [Caitlin Caputo](#); [Rudy Casillas](#); [Brian Duncan](#)
Subject: Turf Paradise Property rezoning applications Z-31-23-3 (companion GPA-DV-1-23-3)
Date: Monday, November 20, 2023 9:29:39 PM
Attachments: [IMG_1479 \(1\).PNG](#)

Good morning,

The reason for this communication is to inform City of Phoenix District #3 and Councilwoman Stark and Staff of some information as it relates to the application(s) mentioned above.

I wish to voice my concern as it is related to the August 3rd, 2023, GENERAL PLAN AMENDMENT STAFF ANALYSIS (REVISED) recommending the approval of application #GPA-DV-23-1-3, (and as it relates to application #Z-31-23-3) as much has changed since the August 3rd, revision. It appears, that the original application(s) submitted by applicant James Watson of CT Investors, is not the same application(s) that is trying to move forward now. For instance, referring to the June 5th, 2023 letter sent out included a conceptual site plan showing data centers with the thought that the perimeter of the Turf Paradise property would be more AESTHETICALLY pleasurable to our community. That plan is no longer in play and the information disseminated prior to the August 3rd revised analysis is not the same information that currently exists at the Turf Paradise property. The entire property is in total disarray and in deplorable condition. The application(s) are now in Simms name, therefore, I respectfully request another review and analysis by staff addressing all the changes that have been made prior to these applications moving forward.

THERE IS AN EXTREME NEED FOR TOTAL TRANSPARENCY AS IT IS THE CURRENT OWNER (SIMMS), HAS 'SINGLE HANDEDLY" ALLOWED THE TURF PARADISE PROPERTY AND ARIZONA'S AGRICULTURAL ENTERTAINMENT BUSINESSES OF HORSE RACING AND BREEDING (APPROX \$100mil ECONOMIC IMPACT TO THE STATE OF ARIZONA) TO SIGNIFICANTLY DECLINE. THE CURRENT OWNER (SIMMS) HAS SUCKED MOST OF THE LIFE OUT OF THE VEGETATION ON THE PROPERTY BY FAILING TO WATER THE PLANTS AND DO NORMAL LANDSCAPING UPDATES AND HAS CONTINUALLY (FOR 2 DECADES) FAILED TO DO ANY UPDATES TO INFRASTRUCTURE OF THE PROPERTY AND BUILDINGS (APPROXIMATELY 60 STRUCTURES). IN ADDITION, THE CURRENT OWNER (SIMMS) HAS AND CURRENTLY CONTINUES TO FAIL TO FULFILL HIS LEGAL OBLIGATION TO HOLD A RACE MEET (FROM THE FALL OF 2023 THROUGH SPRING OF 2024) AS REQUIRED BY A 3 YEAR PERMIT GRANTED TO TURF PARADISE (SIMMS) BY THE ARIZONA RACING COMMISSION AT THE RECOMMENDATION OF THE AZ DEPARTMENT OF RACING, A DIVISION OF THE AZ DEPARTMENT OF GAMING, WHICH DOES NOT EXPIRE UNTIL JUNE 30TH, 2024.

There are many moving parts when dealing with the application and the applicant (Simms) and the requested rezoning of the Turf Paradise property.

One such concern is the fact there are litigation(s) that involve the property in question that were initiated in 2010 and involves a "land swap". (referencing Maricopa County Superior Court Case CV2010-022308 which has been Stayed pending the resolution of Maricopa County Superior Case #2016-000505 which I believe is in the Court of Appeals). Because of the litigations, it is speculative to know if the property could close on a purchase agreement pending the final adjudication of such cases. Because of this uncertainty, I urge caution, as if the rezoning is allowed, and a sale is then tied up due to these outstanding litigations, then the Turf Paradise property could potentially sit empty until such time the litigations are finally adjudicated (as there is no end in sight). This attempted rezoning will replace the current status of "Special Use Permit, Horse Racing".

According to a letter dated June 5th, 2023, sent by Attorneys, Beus Gilbert McGroder, this rezoning if allowed "will become effective upon the ceasing of horse racing operations and the redevelopment of the property or portions thereof"... It is now known that the ceasing of horse racing operations terminates on December 31st, 2023. And if the smallest part of the property is redeveloped the whole property is rezoned. I hope you understand the concern this raises, as this community watched the property on the west side of 19th avenue (across from the Turf Paradise property) sit empty for near 2 decades as that property was tied up in litigation.

There are many other concerns, too many to address at this time. I wish to remind you that many people showed up to speak on these applications at the Deer Valley Village Committee Meeting last Thursday evening Nov. 16th, 2023 and were turned away as the meeting had no quorum. That was through no fault of the community members wishing their voices be heard. And in the spirit of the Arizona Open Meeting Laws, I feel that these applications should follow the process as originally set, (requiring an updated review and analysis by staff as it now relates to Jerry Simms, the new applicant) and being heard by the Deer Valley Village Committee, then to the City of Phoenix Planning Commission, and then to the City of Phoenix City Council. To follow this procedure, it would allow for the proper time for more information to become available to those empowered to make the best decision for our community.

There is said to be another purchase contract concerning this property and very little due diligence has been done and it seems skeptical that it will be able to make it to the finish line in the near future. A project of this magnitude which will be disruptive to our community for years, needs a proper review and analysis and as Jerry Simms states that this decision will have an impact on about 5000 jobs in our community. He stated this at the Racing Commission Meeting on October 12th, 2023 and has it published on the Turf Paradise website. (See attached)

Thank you for your attention to this matter as many in this community ask for more transparency and simply just want to be heard on this matter. I look forward to you response.



LATEST NEWS

Clarification

The buyer of Turf Paradise is going to be Richard Moore and the Turf Paradise Land Trust. Frank Nickens is the visionary. Mr. Moore's purchase of the track will save over 5,000 jobs.

Turf Paradise, located at 19th Ave and Bell Road, first opened its doors in 1956. It has maintained Arizona's horse racing tradition for more than six decades and is Arizona's FIRST sports franchise.

Horsemen

The reason the AZHBPA extended the simulcast contract until November 12, was because there's a buyer for Turf Paradise. "There were a number of buyers that wanted to buy the track, perhaps at a higher price," said Jerry Simms. "But I decided on this gentleman because he's going to run racing. I wanted to keep live racing alive in Arizona."

From: [Stephen Nolan](#)
To: [Matteo Moric](#); [Debra Stark](#)
Subject: Turf Paradise Property rezoning cases.
Date: Friday, October 20, 2023 12:58:05 PM

I want to give you a quick update.

I have filed the following public records request with the planning and development department:

Public Records Request

R005336-102023 [cityofphoenixaz.govqa.us]

I would greatly appreciate a copy of the new application filed for Zoning Case No. #Z-31-23-3. In addition, there is an accompanying Application to Amend the General Plan, application #GPA-DV-1-23-3, also on file with Planning and Development. Could I get an update (and copy) of the status is of application #GPA-DV-1-23-3? Thank YOU for your attention to this matter!

Status : Waiting for Clarification

Mr. Moric, Could you help me understand the process to move forward, such as a new notice being sent out? Or is this item automatically put on next months agenda and when is next months meeting(s) (as there is confusion to the dates that are publicly posted on the corner of 19th Ave and Tierra Buena)? Or is this meeting rescheduled prior to the next months agenda?

I wish to voice my concern as it is related to the August 3rd, 2023, GENERAL PLAN AMENDMENT STAFF ANALYSIS (REVISED) recommending the approval of application #GPA-DV-23-1-3, (and as it relates to application #Z-31-23-3) as much has changed since the August 3rd, revision.

It appears, that the original application(s) submitted by applicant James Watson of CT Investors, is not the same application(s) that is trying to move forward now. For instance, referring to the June 5th, 2023 letter sent out included a conceptual site plan showing data centers and the thought that the perimeter of the Turf Paradise property would be more AESTHETICALLY pleasurable to our community. That plan is no longer in play and the information disseminated prior to the August 3rd revised analysis is not the same information that currently exists at the Turf Paradise property. The entire property is in total disarray and in deplorable condition. And if the application(s) are reverting back to the current owner (SIMMS);

THEN THERE IS AN EXTREME NEED FOR TOTAL TRANSPARENCY AS IT IS THE CURRENT OWNER (SIMMS), THAT HAS 'SINGLE HANDEDLY' ALLOWED THE TURF PARADISE PROPERTY AND ARIZONA'S AGRICULTURAL ENTERTAINMENT BUSINESSES OF HORSE RACING AND BREEDING (APPROX \$100mil AZ ECONOMIC IMPACT) TO SIGNIFICANTLY DECLINE. THE CURRENT OWNER (SIMMS) HAS SUCKED MOST OF THE LIFE OUT OF THE VEGETATION ON THE PROPERTY BY FAILING TO WATER THE PLANTS AND DO NORNAL LANDSCAPING UPDATES AND HAS CONTINUED (FOR 2 DECADES) FAILED TO DO ANY UPDATES TO INFRASTRUCTURE OF THE PROPERTY AND BUILDINGS (APPROXIMATELY 60 STRUCTURES). IN ADDITION, THE CURRENT OWNER (SIMMS) HAS AND CURRENTLY CONTINUES TO FAIL TO FULFILL HIS LEGAL OBLIGATION TO HOLD A RACE MEET (FROM THE FALL OF 2023 THROUGH SPRING OF 2024) AS REQUIRED BY A 3 YEAR PERMIT GRANTED TO TURF PARADISE (SIMMS) BY THE ARIZONA RACING COMMISSION AT THE RECOMMENDATION OF THE AZ DEPARTMENT OF RACING, A DIVISION OF THE AZ DEPARTMENT OF GAMING, WHICH DOES NOT EXPIRE UNTIL JUNE 30TH, 2024.

I respectfully request another review and analysis addressing all the changes that have been made prior to these applications moving forward. This request is to require the appropriate transparency expected, following the guidelines of the "Open Meeting Laws".

Please forward this communication to the Deer Valley Village Planning Committee Members and City of Phoenix Planning Commission Members and all other interested parties.

Sincerely,
Stephen H Nolan
1120 W. Le Marche Ave
Phoenix Az, 85023

From: [Matteo Moric](#)
To: [Stephen Nolan](#)
Cc: [Sarah Stockham](#)
Subject: RE: Turf Paradise property cases
Date: Tuesday, October 10, 2023 8:27:00 PM
Attachments: [image003.png](#)
[image004.emz](#)
[image005.png](#)

Hello Stephen,

Thank you for your input. I will forward your email to the Deer Valley Village Planning Committee.

For your information:

- The applicant on a rezoning application can change. They just need to let the City of Phoenix Planning and Development Department know the contact information for the new applicant and sign an updated application form, which they have completed.
- Approved zoning means the zoning was approved but not vested with a final site plan.
- And I can not speculate on why the owners many years ago did not include the subject approximate 28 acres into their earlier request.

Thank you,

Matteo Moric

Planner II* Village

City of Phoenix

Planning and Development Department

Long Range Planning Division

200 West Washington Street

Phoenix, Arizona 85003

matteo.moric@phoenix.gov

(602) 261-8235



Mission: Planning, Development and Preservation for a Better Phoenix

From: Stephen Nolan <nolanhorse racing@yahoo.com>

Sent: Tuesday, October 10, 2023 8:42 AM

To: Matteo Moric <matteo.moric@phoenix.gov>

Subject: Turf Paradise property cases

Please forward to Deer Valley Planning Committee Members and all appropriate.

I will update you concerning the two dates that have come and gone as to the reason these cases were continued from the August 10th Planning Committee Meeting.

First, the due diligence deadline (of September 15th) passed and the rezoning applicant, James Watson of CT Investors, has walked away from the project to purchase Turf Paradise.

Secondly, the Arizona Racing Commission had a meeting on September 28th, at which time, current Turf Paradise owner, Jerry Simms spoke (min 38:00-40:12), ([715th Arizona Racing Commission Meeting \[youtube.com\]](#)) in support of the Racing Industry remaining at Turf Paradise and that is why he chose the new prospective buyer.



The above leads me to request further information as it pertains to item #4 scheduled on the agenda of the Oct. 12th, Deer Valley Village Planning Committee Meeting.

Applications, GPA-DV-1-23-3, and Z-31-23 were submitted by James Watson of CT Investors, and paid for by such on May 19th, 2023.

Now knowing (through numerous media sources and Mr. Simms statements) that Mr. James Watson of CT Investors have walked away from this purchase project.

1) ARE THESE APPLICATIONS TRANSFERRABLE TO ANOTHER ENTITY?

In the June 28th, "Outreach Meeting", it was stated that the current zoning of the Turf Paradise property was done in approximately 2002, and was "approved" as is, but was never "finalized" by the City of Phoenix.

2) CAN I GET AN EXPLANATION TO THIS PROCESS OF "APPROVAL BUT NEVER FINALIZED"?

(Many things have changed to the immediate surrounding of the Turf Paradise property that were not here in 2002, including Walmart and Sam's Club which have had a major impact to the traffic in our community. If in fact that this technical matter is a concern, I would greatly appreciate it investigated and a response if these cases move forward).

Additionally, at that same "Outreach Meeting" a question remains unanswered?

3) When this 2002 rezoning occurred to some of the Turf Paradise property, why was this particular 28 acre parcel left out of that rezoning at that time? (this is very peculiar as it is in the middle of the property and a major part of the current land necessary for racing).

As I stated at the Aug 10th Planning Committee Meeting, there are many moving parts (that i believe relevant to this process) when it comes to Turf Paradise and Owner Jerry Simms. Litigations that extend over 13 years and one in particular that involves the State Department of Racing and the Arizona Racing Commission that has made it to the State Supreme Court.

I wish to submit the following two photos. The first is a visual of some of the the impact that Arizona Racing (mostly at Turf Paradise) has on the entire Arizona community. Second picture is what Turf Paradise (on it's website) states the need for the 5000 jobs it saves.

There is a regularly scheduled Racing Commission Meeting scheduled for Thursday morning at 10:00am.

There is not an agenda out at this time. I will forward it accordingly including a link to join with a zoom call.

Thank You,
Stephen H. Nolan
1120 W. Le Marche Ave
Phoenix, Az 85023

From: [Matteo Moric](#)
To: [Stephen Nolan](#)
Cc: [gfreeman@mpbreality.net](#); [debstarkaz@gmail.com](#)
Subject: GPA-DV-1-23-3 and Z-31-23-3 (Approximately 500 feet east of the northeast corner of 19th Avenue and Tierra Buena Lane)
Date: Tuesday, September 5, 2023 5:47:00 PM
Attachments: [image002.png](#)

Good afternoon Mr. Nolan,

Thank you for your interest in these cases.

The Planning Commission agenda items you are speaking of related to the Turf Paradise site (GPA-DV-1-23-3 and Z-31-23-3) are being continued.

On August 10, the Deer Valley Village Planning Committee made a recommendation of approval of the General Plan Amendment, and recommended a continuance of the Rezoning Case to the October VPC meeting. The VPC meeting is planned to be on October 12, 2023 at the Deer Valley Community Center.

If you have any correspondence of support or opposition please feel free to forward those onto me.

Thank you,

Matteo Moric

Planner II* Village

City of Phoenix

Planning and Development Department

Long Range Planning Division

200 West Washington Street

Phoenix, Arizona 85003

matteo.moric@phoenix.gov

(602) 261-8235



Mission: Planning, Development and Preservation for a Better Phoenix

From: Stephen Nolan <nolanhorseracing@yahoo.com>

Sent: Tuesday, September 5, 2023 3:58 PM

To: Matteo Moric <matteo.moric@phoenix.gov>; gfreeman@mpbreality.net;
debstarkaz@gmail.com

Subject: Re: This is Greg Freeman from the Turf Paradise meeting last night

Good afternoon,

I want to thank you for being available to answer some questions as I am not familiar with the rezoning process.

Concerning the agenda items #4 and #5 scheduled for the City of Phoenix Planning Commission Hearing at 6:00 pm, September 7th, 2023.

I respectfully request clarification as I had left the August 10th, Deer Valley Village Planning Committee meeting thinking that at least one if not both agenda items #4 & 5 above were to be tabled until the October meeting. The reason cited was to allow 2 important dates to occur in September. The Next Racing Commission Meeting, now rescheduled for September 28th from a date of September 14th. And the September due diligence deadline for the rezoning applicants, Mr. Watson to move forward with the purchase of the property wishing to be rezoned. I feel there are numerous issues that remain unanswered, and it is premature to move forward without gathering all possible information to be able to make the best decision for the community.

Many factual and legal reasons can be provided in support of the continuation of these agenda items to another date in order to allow for these meetings and deadlines to pass. A tremendous amount of information will be gathered from the results of due diligence deadline and Racing Commission meeting. Therefore, I respectfully request that the agenda items #4 & #5 be tabled to another date.

Sincerely,

Stephen H Nolan

1120 w Le Marche ave, Phoenix Az 85023

On Friday, July 7, 2023 at 10:03:10 AM MST, Greg Freeman <gfreeman@mpbrealty.net> wrote:

Thank you for the email, Stephen.

I just got back in town from a trip to see my wife's family over the holiday, so pardon my delayed response. I would love for us to meet so I can get some insight into the history of the property and hear a bit more about things on the horse racing side. We can meet together or with other interested parties that you see fit to include.

In this next week, I have availability to meet in the evening between 6pm and 8pm on Monday, Tuesday or Wednesday. Let me know if one of those days and or times work for you.



[\[mpbrealty.net\]](http://mpbrealty.net)

Greg Freeman

PROPERTY MANAGER

gfreeman@mpbrealty.net | mpbrealty.net [\[mpbrealty.net\]](http://mpbrealty.net)

O 602.280.1010 EXT 108 F 602.234.3880

1450 EAST INDIAN SCHOOL RD, SUITE 104 [\[MPBREALETY.NET\]](http://MPBREALETY.NET)

PHOENIX, AZ 85014 [\[MPBREALETY.NET\]](http://MPBREALETY.NET)

From: Stephen Nolan <nolanhorseracing@yahoo.com>
Sent: Monday, July 3, 2023 7:09 AM
To: Greg Freeman <gfreeman@mpbrealty.net>; Debra Stark <debstarkaz@gmail.com>; Leroy Gessmann <wlgessmann@gmail.com>; Berdette ATBA <atba@att.net>; Ivy Kushner <iv4k@aol.com>
Subject: Re: This is Greg Freeman from the Turf Paradise meeting last night

Thank You for your response. I am willing and available to meet with you at your convenience.

My concerns are for my neighborhood, where I have resided since the mid 1980's.

I wish to gather information concerning the past rezoning of the Turf Paradise property in order to understand why the 28 acre parcel was not included in the previous rezoning as part of this acreage is in the middle of the property.

In the past 23 years (the period when Jerry Simms has owned the property), I have witnessed the deterioration of this property. Many attempts to request regulators to hold Jerry Simms accountable for it's upkeep have fallen upon deaf ears. He was able to accomplish this through his manipulation of the Racing Commission which is the focus of litigation, that currently exist. I will bring these attempts to your attention when we meet.

In conclusion, it is my belief that this property needs to be restored to the condition in which it was when he purchased the property, (approximately) 1999-2000. The damage that the presence of Jerry Simms has brought to my community, our neighborhood, the Arizona Agricultural Entertainment Businesses of Horse Racing and Breeding, and all of Arizona are extremely visible. He has been a terrible business neighbor to all of Arizona.

Again, Thank You for your response, and I await your reply.

On Thursday, June 29, 2023 at 12:20:15 PM MST, Greg Freeman <gfreeman@mpbrealty.net> wrote:

Stephen,

This is Greg Freeman, we met at the Turf Paradise meeting last night.
I apologize for not having a business card with me, but my contact information is attached. Let me know if you have any questions or would like to set a time to meet.

Thank you!



Greg Freeman

PROPERTY MANAGER

gfreeman@mpbrealty.net | mpbrealty.net [\[mpbrealty.net\]](http://mpbrealty.net)

[\[mpbrealty.net\]](http://mpbrealty.net) O 602.280.1010 EXT 108 F 602.234.3880

1450 EAST INDIAN SCHOOL RD. SUITE 104 [\[MPBREALETY.NET\]](http://MPBREALETY.NET)

PHOENIX, AZ 85014 [\[MPBREALETY.NET\]](http://MPBREALETY.NET)



Public Hearing and Ordinance Adoption - Rezoning Application Z-31-23-3 - Approximately 500 Feet East of the Northeast Corner of 19th Avenue and Tierra Buena Lane (Ordinance G-7244)

Request to hold a public hearing and amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-31-23-3 and rezone the site from S-1 SP (Ranch or Farm Residence, Special Permit) and C-2 SP (Intermediate Commercial, Special Permit) to CP/GCP (Commerce Park District/General Commerce Park Option) to allow commerce park. This is a companion case to GPA-DV-1-23-3 and must be heard following GPA-DV-1-23-3.

Summary

Current Zoning: S-1 SP (28.69 acres) and C-2 SP (0.23-acres)

Proposed Zoning: CP/GCP

Acreage: 28.92

Proposal: Commerce park

Owner/Applicant: Jerry Simms, TP Racing, LLLP

Representative: Paul E. Gilbert, Gilbert Blilie, PLLC

Staff Recommendation: Approval, subject to stipulations.

VPC Action: The Deer Valley Village Planning Committee heard this item on Aug. 10, 2023, and recommended a continuance, by a vote 7-5. The Deer Valley Village Planning Committee was scheduled to hear this item on Oct. 12, 2023, and Nov. 16, 2023, for recommendation; however, there was no quorum.

PC Action: The Planning Commission continued this item on Sept. 7, 2023, Nov. 2, 2023, and Dec. 7, 2023. The Planning Commission heard this item on March 7, 2024, and recommended approval, per the staff memo dated March 7, 2024, by a vote of 7-1.

Location

Approximately 500 feet east of the northeast corner of 19th Avenue and Tierra Buena Lane

Council District: 3

Parcel Address: 16846 N. 11th Ave.; 1445, 1475, and 1501 W. Bell Road; and 1722 W.

Tierra Buena Lane

Responsible Department

This item is submitted by Deputy City Manager Alan Stephenson 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 ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-31-23-3) FROM S-1 SP (RANCH OR FARM RESIDENCE, SPECIAL PERMIT) AND C-2 SP (INTERMEDIATE COMMERCIAL, SPECIAL PERMIT) TO CP/GCP (COMMERCE PARK DISTRICT/GENERAL COMMERCE PARK OPTION).

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

SECTION 1. The zoning of an a 28.92-acre site located approximately 500 feet east of the northeast corner of 19th Avenue and Tierra Buena Lane in a portion of Section 6, Township 3 North, Range 3 East, as described more specifically in Exhibit "A," is hereby changed from 28.69 acres of "S-1 SP" (Ranch or Farm Residence, Special Permit) and 0.23-acres of "C-2 SP" (Intermediate Commercial, Special Permit) to "CP/GCP" (Commerce Park District/General Commerce Park Option).

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. General conformance to the site plan date stamped March 7, 2024 as it applies to the 28-acre site that is the subject of Z-31-23-3, as modified by the following stipulations and approved by the Planning and Development Department.
2. Required landscape setbacks adjacent to streets shall be planted with minimum 2-inch caliper large canopy drought-tolerant trees, 20 feet on center or in equivalent groupings, with five 5-gallon shrubs per tree, as approved by the Planning and Development Department.
3. A minimum 20-foot landscaped setback shall be provided along perimeter lot lines not adjacent to a street. This standard shall not apply if the adjacent property is zoned C-1, C-2, C-3, A-1, A-2, commerce park. Required landscape setbacks shall be planted with 50% minimum 2-inch caliper and 50% minimum 3-inch caliper large canopy drought-tolerant trees, 20 feet on center, or in equivalent groupings, with five 5-gallon shrubs per tree, as approved by the Planning and Development Department.
4. Where pedestrian walkways cross a vehicular path, the pathway shall be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrast parking and drive aisle surfaces, as approved by the Planning and Development Department.
5. A minimum of 2% of the required parking spaces shall include Electric Vehicle (EV) Installed infrastructure, and a minimum of 8% of the required parking spaces shall include EV Capable infrastructure, as approved by the Planning and Development Department.
6. All nonresidential uses over 5,000 square feet floor area shall provide one bicycle parking space per 25 vehicle parking spaces, with a maximum of 25 spaces. Bicycle parking shall be provided through Inverted U and/or artistic racks located near the front of offices and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.
7. A minimum of 10% of the required bicycle parking spaces shall include standard electrical receptacles for electric bicycle charging capabilities, as

approved by the Planning and Development Department.

8. A minimum of 10% of the required shrubs, shall be a milkweed or other native nectar species, and shall be planted in groups of three or more, as approved by the Planning and Development Department.
9. One outdoor employee resting area of no less than 400 square feet, or two 200-square foot areas shall be provided for each warehouse/office building on site. Each required pedestrian area shall include a minimum of two pedestrian seating benches, constructed of quality and durable materials, and shaded to a minimum of 75% using minimum 2-inch caliper large canopy drought-tolerant shade trees and/or architectural shade, as approved by the Planning and Development Department.
10. A minimum 6-foot-wide detached sidewalk and a minimum 10-foot-wide landscape area shall be constructed between back of curb and sidewalk on the east side of 19th Avenue from Turf Paradise Road to Tierra Buena Lane, planted as follows, as approved by the Planning and Development Department.
 - a. Minimum 2-inch caliper single-trunk, large canopy, drought-tolerant shade trees planted 20 feet on center or in equivalent groupings.
 - b. Drought tolerant shrubs, accents, and vegetative groundcovers to achieve a minimum of 75% live vegetative ground coverage at maturity.

Where utility conflicts exist, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.

11. A minimum 30-feet of right-of-way shall be dedicated for the north side of Tierra Buena Lane, as approved by the Planning and Development Department.
 - a. The improvements shall be consistent with the Minor Collector cross section and constructed with a minimum 5-foot-wide sidewalk with a minimum 8-foot-wide landscape area between back of curb and sidewalk, planted as follows:
 - (1) Minimum 2-inch caliper single-trunk, large canopy, drought-tolerant shade trees planted 20 feet on center or in equivalent groupings.
 - (2) Drought tolerant shrubs, accents, and vegetative groundcovers to achieve a minimum of 75% live vegetative ground coverage at maturity.

Where utility conflicts exist, the developer shall work with the Planning and

Development Department on an alternative design solution consistent with a pedestrian environment.

12. The existing traffic signal at the Phelps Road and 19th Avenue intersection shall be fully funded and reconstructed to meet City of Phoenix standards, as approved by the Street Transportation Department.
13. Vehicular access shall not be permitted to Tierra Buena Lane.
14. A Traffic Impact Study (TIS) shall be submitted to the City for this development. No preliminary approval of plans shall be granted until the study is reviewed and approved by the Street Transportation Department. The TIS shall include signal warrant analysis for 19th Avenue and Grandview Road, and Tierra Buena Lane and Greenway Parkway. If the approved TIS determines that a signal is warranted at any of these intersections, the developer shall be required to fund 100% of the cost and construct the signal, if the TIS does not warrant the signal, the developer shall be required contribute 25% of traffic signal cost in an escrow account to the Street Transportation Department. If the signal is installed by others, the development shall be responsible for 100% of the cost for signal relocation and/or modifications.
15. Replace unused driveways with sidewalk and curb and gutter. Also, replace any broken or out-of-grade curb, gutter, sidewalk, curb ramps on all streets and upgrade all off-site improvements to be in compliance with current ADA guidelines.
16. 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.
17. Prior to final site plan approval, the landowner shall execute a Proposition 207 waiver of claims form. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record.
18. Any outdoor storage areas shall be setback a minimum of 100 feet from a residential zoning district.
19. Parking lot area(s) shall be landscaped per the standards of Phoenix Zoning Ordinance §624.E.4.e, the C-3 (General Commercial) District.
20. Noise-generating equipment, e.g. but not limited to air chillers and generators, shall be located a minimum of 300 feet from a residential district or shall be shielded by a building or sound mitigation wall to achieve the required noise level.

21. Parking lot and security lighting shall not exceed a maximum height of 15 feet including lamp, pole, and base within 200 feet of a residential district.
22. All on-site lighting shall be shielded to prevent direct visibility of the light source from adjacent property.
23. Lighting shall be shielded with cut-off fixtures and deflectors to direct light downward and limit on-site lighting levels to a maximum of one foot candle at the property line.
24. Signage shall be subject to approval of a comprehensive sign plan per the Phoenix Zoning Ordinance §705.E.2.

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

PASSED by the Council of the City of Phoenix this 3rd day of April, 2024.

MAYOR

ATTEST:

Denise Archibald, City Clerk

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

By:

REVIEWED BY:

Jeffrey Barton, City Manager

Exhibits:

A – Legal Description (2 Pages)

B – Ordinance Location Map (1 Page)

DRAFT

EXHIBIT A

LEGAL DESCRIPTION FOR Z-31-23-3

A PARCEL OF LAND LYING WITHIN A PORTION OF THE WEST HALF OF SECTION 6, TOWNSHIP 3 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

SECTION DATA PER TURF PARADISE MARKETPLACE AS RECORDED IN BOOK 846, PAGE 4, RECORDS OF MARICOPA COUNTY, ARIZONA.

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 6 FROM WHICH THE SOUTHWEST CORNER OF SAID SECTION 6 BEARS NORTH 89°56'54" WEST, A DISTANCE OF 2509.05 FEET;

THENCE NORTH 00°15'13" EAST, ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 6, A DISTANCE OF 2641.07 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 89°57'48" WEST, A DISTANCE OF 132.49 FEET;

THENCE SOUTH 10°29'14" EAST, A DISTANCE OF 335.80 FEET;

THENCE SOUTH 58°49'45" WEST, A DISTANCE OF 636.09 FEET;

THENCE NORTH 36°32'07" WEST, A DISTANCE OF 11.61 FEET;

THENCE SOUTH 50°12'53" WEST, A DISTANCE OF 427.41 FEET;

THENCE SOUTH 68°10'11" WEST, A DISTANCE OF 118.23 FEET;

THENCE NORTH 63°55'20" WEST, A DISTANCE OF 149.88 FEET;

THENCE SOUTH 83°29'21" WEST, A DISTANCE OF 31.42 FEET;

THENCE SOUTH 39°09'52" WEST, A DISTANCE OF 177.01 FEET;

THENCE SOUTH 00°55'30" WEST, A DISTANCE OF 277.13 FEET;

THENCE NORTH 89°57'21" WEST, ALONG THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 6, A DISTANCE OF 690.16 FEET;

THENCE NORTH 00°22'22" EAST, A DISTANCE OF 741.52 FEET;

THENCE NORTH 44°21'42" EAST, A DISTANCE OF 332.06 FEET;

THENCE NORTH 74°58'19" EAST, A DISTANCE OF 139.20 FEET TO A POINT OF NON-TANGENT CURVATURE, CONCAVE NORTHEASTERLY WHOSE RADIUS IS 265.85 FEET AND WHOSE CHORD BEARS SOUTH 29°57'20" EAST A CHORD DISTANCE OF 136.96 FEET;

THENCE SOUTHEASTERLY ALONG SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 29°51'18" AN ARC LENGTH OF 138.53 FEET;

THENCE SOUTH 44°52'59" EAST, A DISTANCE OF 127.33 FEET TO A POINT OF CURVATURE, CONCAVE NORTHEASTERLY WHOSE RADIUS IS 238.05 FEET;

THENCE SOUTHEASTERLY ALONG SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 45°04'46" AN ARC LENGTH OF 187.29 FEET;

THENCE NORTH 89°59'52" EAST, A DISTANCE OF 209.06 FEET TO A POINT OF CURVATURE, CONCAVE NORTHWESTERLY WHOSE RADIUS IS 236.51 FEET;

THENCE NORTHEASTERLY ALONG SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 45°04'14" AN ARC LENGTH OF 186.05 FEET;

THENCE NORTH 45°00'19" EAST, A DISTANCE OF 1212.96 FEET;

THENCE SOUTH 44°52'59" EAST, A DISTANCE OF 485.83 FEET;

THENCE NORTH 89°57'48" WEST, A DISTANCE OF 242.45 FEET TO THE POINT OF BEGINNING.

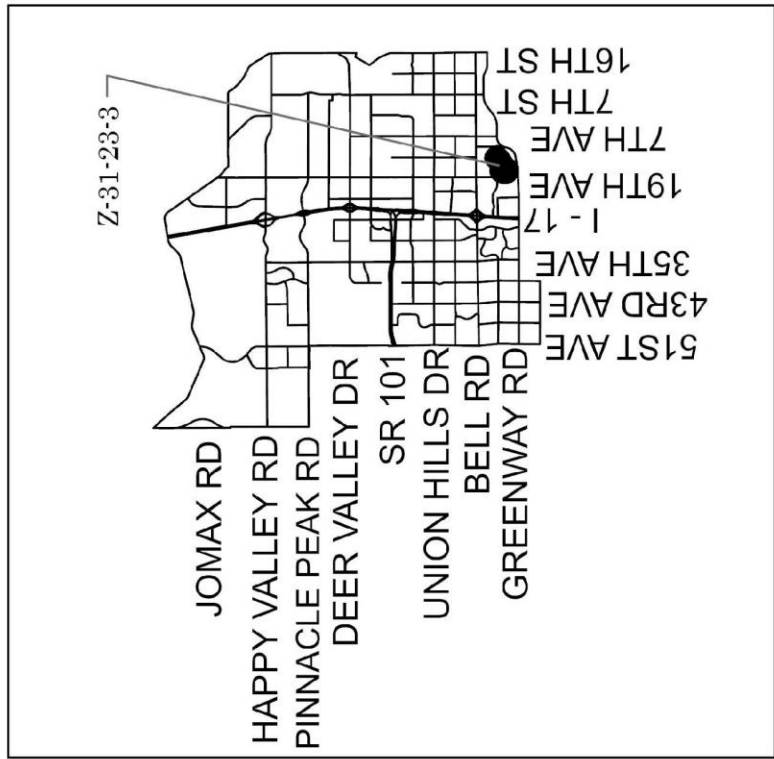
SAID DESCRIPTION CONTAINING 28.88 ACRES±.

ORDINANCE LOCATION MAP

EXHIBIT B

Zoning Case Number: Z-31-23-3
 Zoning Overlay: NA/
 Planning Village: Deer Valley

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



NOT TO SCALE



Drawn Date: 12/6/2023

\\nash\pds\Shared\Capartment_Share\Information_Systems\PL_GIS\US_Team\Case_Functions\Zoning\Supp\Maps_Draft\13-24\13-24.aprx

ATTACHMENT B



City of Phoenix PLANNING AND DEVELOPMENT DEPARTMENT

Staff Report: Z-31-23-3 August 4, 2023

**Deer Valley Village Planning
Committee Meeting Date:**

August 10, 2023

**Planning Commission Hearing
Date:**

September 7, 2023

Request From:

S-1 SP (Ranch or Farm Residence, Special Permit) (28.69 acres) and C-2 SP (Intermediate Commercial, Special Permit) (0.23 acres)

Request To:

CP/GCP (Commerce Park District, General Commerce Park Option) (28.92 acres)

Proposal:

Commerce Park

Location:

Approximately 500 feet east of the northeast corner of 19th Avenue and Tierra Buena Lane

Owner:

TP Racing, LLLP

Applicant:

James Watson, CT Investors

Representative:

Paul E. Gilbert, Beus Gilbert McGroder PLLC

Staff Recommendation:

Approval, subject to stipulations

<u>General Plan Conformity</u>			
<u>General Plan Land Use Map Designation</u>	Existing: Mixed Use (Commercial / Commerce/Business Park) (14.77 acres) Residential 2 to 5 dwelling units per acre (14.15 acres) Proposed: Mixed Use (Commercial / Commerce/Business Park) (28.92 acres)		
<u>Street Map Classification</u>	Tierra Buena Lane	Local	25-foot north half street

CONNECT PEOPLE AND PLACES CORE VALUE; BICYCLES; LAND USE PRINCIPLE: Development should include convenient bicycle parking.

The proposal, as stipulated, will provide bicycle parking for nonresidential uses.

STRENGTHEN OUR LOCAL ECONOMY CORE VALUE; JOB CREATION (EMPLOYERS); LAND USE PRINCIPLE: Support General Plan Land Use Map and zoning changes that will facilitate the location of employment generating uses in each of the designated employment centers.

A portion of the subject site is within the North I-17 Major Employment Center and is compatible with the planned development on the remainder of the Turf Paradise site. The proposal will allow for an underutilized property to be redeveloped for employment generating uses within the North I-17 Major Employment Center.

BUILD THE SUSTAINABLE DESERT CITY CORE VALUE; TREES AND SHADE; DESIGN PRINCIPLES: Integrate trees and shade into the design of new development and redevelopment projects throughout Phoenix.

The proposal, as stipulated, will provide shade trees along the detached sidewalks adjacent to 19th Avenue and Tierra Buena Lane.

Applicable Plans, Overlays, and Initiatives

[Monarch Butterfly Pledge](#) – See Background Item No. 6.

[Tree and Shade Master Plan](#) – See Background Item No. 7.

[Complete Streets Guiding Principles](#) – See Background Item No. 8.

[Comprehensive Bicycle Master Plan](#) – See Background Item No. 9.

[Zero Waste PHX](#) – See Background Item No. 10.

[Transportation Electrification Action Plan](#) – See Background Item No. 11.

Surrounding Land Uses/Zoning		
	<u>Land Use</u>	<u>Zoning</u>
On Site	Horse racetrack and ancillary uses	S-1 SP and C-2 SP
North	Horse racetrack	S-1 SP (Approved C-2 SP or CP/BP) and S-1 SP (Approved CP/GCP)
South (across Tierra Buena Lane)	Single-family residential and mobile home park	R1-6 SP
East	Vacant	S-1 SP (Approved C-2 SP or CP/BP), C-2 SP, and S-1
West	Horse racetrack and ancillary uses	S-1 SP (Approved C-2 SP or CP/BP)

CP/GCP (Commerce Park District, General Commerce Park Option)		
<u>Standards</u>	<u>Requirements</u>	<u>Proposed</u>
<i>Gross Acreage</i>	-	28.92 acres
<i>Building Setbacks</i>		
Adjacent to perimeter lot line on a street	30 feet	Not specified
Adjacent to interior lot line on a street	20 feet	Not specified
Adjacent to perimeter lot line not on a street	20 feet	Not specified
Adjacent to interior lot line not on a street	0 feet	Not specified
<i>Landscape Setbacks</i>		
Adjacent to perimeter lot line on a street	30 feet	Not specified
Adjacent to interior lot line on a street	20 feet	Not specified
Lot Coverage	Maximum 50 percent	Not specified
Building Height	Maximum 18 feet within 30 feet of perimeter lot line; 1-foot increase in height per 3 feet in additional setback, to a maximum of 56 feet	Not specified
Parking	Unspecified Industrial Use (Shell Building) with gross floor area of 150,001 to 500,000 square feet: 1 space per 2,000 square feet	Not specified

*Site plan revision or variance required

Background / Issues / Analysis

SUBJECT SITE

1. This request is to rezone 28.92 acres located approximately 500 feet east of the northeast corner of 19th Avenue and Tierra Buena Lane from S-1 SP (Ranch or Farm Residence, Special Permit) and C-2 SP (Intermediate Commercial, Special Permit) to CP/GCP (Commerce Park District/General Commerce Park Option) for a commerce park development.

GENERAL PLAN LAND USE MAP DESIGNATION

2. The General Plan Land Use Map designation for the subject site is 14.77 acres of Mixed Use (Commercial / Commerce/Business Park) and 14.15 acres of Residential 2 to 5 dwelling units per acre. The proposal for CP/GCP zoning is consistent with the Mixed Use (Commercial / Commerce/Business Park) designation but is inconsistent with the Residential 2 to 5 dwelling units per acre designation. A concurrent minor General Plan Amendment case, GPA-DV-1-23-3, is proposed to change the General Plan Land Use Map designation for 14.15 acres of the site from Residential 2 to 5 dwelling units per acre to Mixed Use (Commercial / Commerce/Business Park). The proposal for CP/GCP zoning is consistent with the proposed General Plan Land Use Map designation. The subject site is partially within the North I-17 Major Employment Center.

North:

The General Plan Land Use Map designation for the area to the north is Mixed Use (Commercial / Commerce/Business Park) and Residential 2 to 5 dwelling units per acre.

East and Southeast:

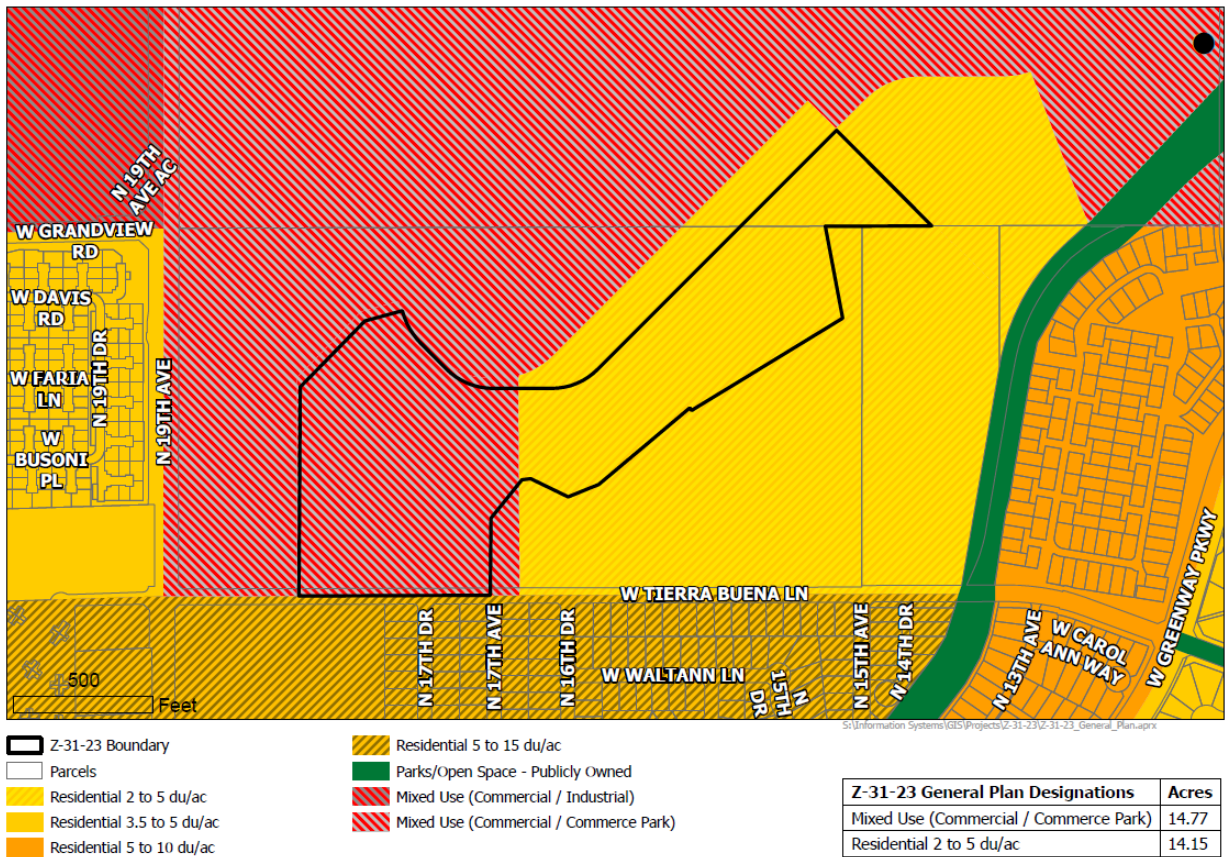
The General Plan Land Use Map designation for the area to the east is Residential 2 to 5 dwelling units per acre and Mixed Use (Commercial / Commerce/Business Park).

South:

The General Plan Land Use Map designation for the area to the south is Residential 5 to 15 dwelling units per acre.

West:

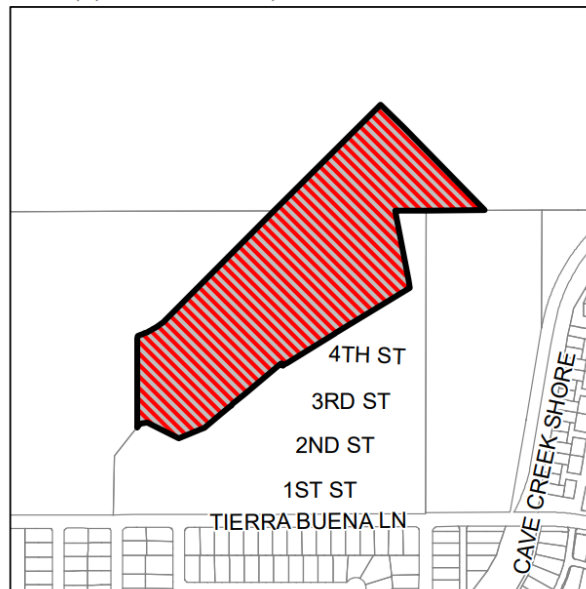
The General Plan Land Use Map designation for the area to the west is Mixed Use (Commercial / Commerce/Business Park).



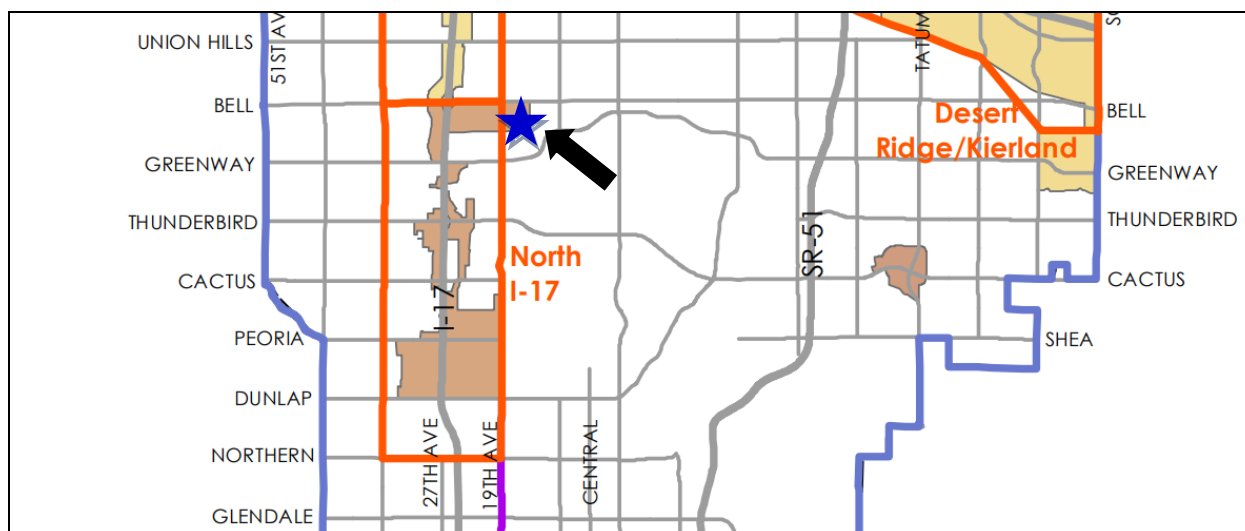
PROPOSED CHANGE:

Mixed Use (Commercial / Commerce / Business Park) (18.97 +/- Acres)

- ☐ Proposed Change Area
☐ Mixed Use (Commercial / Commerce / Business Park)



Existing and Proposed General Plan Land Use Map
 Source: Planning and Development Department



Major Employment Centers Map

Source: Planning and Development Department

SURROUNDING LAND USES AND ZONING

3. Subject Site:

The subject site is part of the Turf Paradise horse racetrack and currently zoned S-1 SP (Ranch or Farm Residence, Special Permit) and C-2 SP (Intermediate Commercial, Special Permit).

North:

North of the subject site is also part of the existing horse racetrack property zoned S-1 SP (Approved C-2 SP or CP/BP) (Ranch or Farm Residence, Special Permit, Intermediate Commercial, Special Permit, or Commerce Park District/Business Park Option) and S-1 SP (Approved CP/GCP) (Ranch or Farm Residence SP, Commerce Park District/General Commerce Park Option).

South:

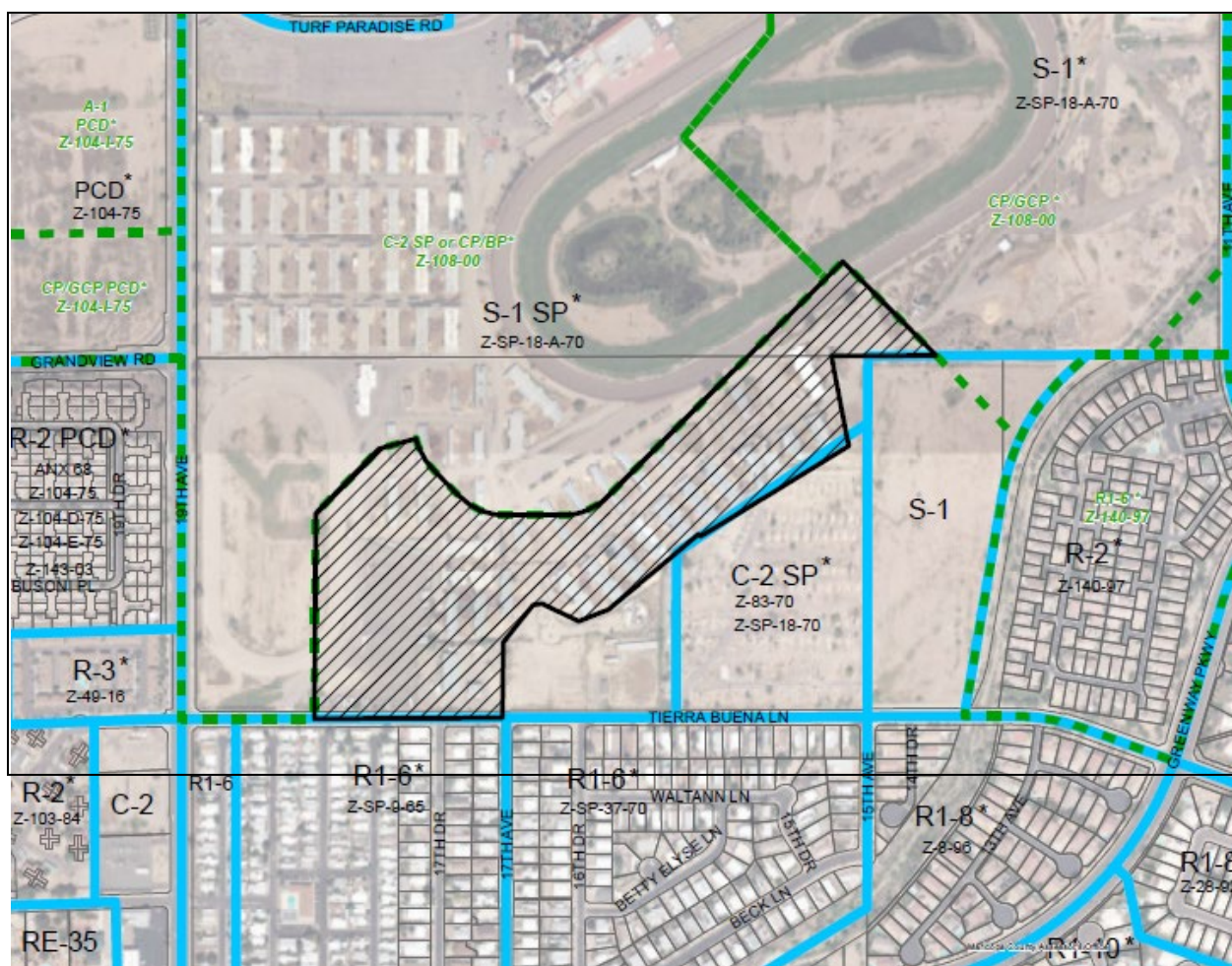
South of the subject site across Tierra Buena Lane are single-family residences and a mobile home park zoned R1-6 SP (Single-Family Residence District, Special Permit).

East and Southeast:

East of the subject site is vacant land, zoned S-1 SP (Approved C-2 SP or CP/BP), C-2 SP, and S-1.

West:

West of the subject site is also part of the horse racetrack property also zoned S-1 SP (Approved C-2 SP or CP/BP).



Zoning Sketch Map

Source: Planning and Development Department

PROPOSAL

4. **Site Plan**

The subject site is within the Turf Paradise horse racetrack property, which was established with Rezoning Case Nos. Z-83-70 and Z-SP-18-70-3, and amended by Z-108-00. The horse racetrack will be closed upon redevelopment of the site. The site plan, attached as an exhibit, depicts a commerce park development for the larger part of the Turf Paradise site with eight unspecified industrial shell buildings, totaling approximately 1,847,000 square feet and two data center buildings totaling approximately 796,000 square feet. Vehicular access will be from Turf Paradise Road, 19th Avenue, and Tierra Buena Lane. The rezoning area only covers a portion of the overall commerce park site due to existing zoning entitlements that allow commerce park development for the other portions of the overall site. The site plan depicts the buildings having loading bay doors with loading dock areas. The number of parking spaces are not specified. To ensure employees have a designated space to rest outdoors, staff recommends that one outdoor employee resting area of no less than 400 square feet, or two 200-square foot areas, be provided for each warehouse/office

building on site. This is addressed in Stipulation No. 7. Staff also recommends that the required landscape setbacks include minimum two-inch caliper trees (Stipulation No.1), to increase shade throughout the site.

5. **Elevations**

Renderings, attached as an exhibit, depict typical commerce park architecture with some variation in colors, materials, breaking of massing, and architectural embellishments.

PLANS, OVERLAYS, AND INITIATIVES

6. **Monarch Butterfly Pledge**

In April 2021, Mayor Kate Gallego signed the National Wildlife Federation's Mayor's Monarch Pledge. This pledge commits the city to take action to support the monarch butterfly population. In the United States, loss of milkweed habitat is a major factor in the decline of the monarchs. Arizona has at least 29 species of milkweed native to the state. Adult monarchs feed on the nectar of many flowers, but they breed only where milkweeds are found. To support the monarch butterfly population, Stipulation No. 6 addresses the planting of milkweed shrubs, or other native nectar plant species, on the subject site.

7. **Tree and Shade Master Plan**

The Tree and Shade Master Plan encourages treating the urban forest as infrastructure to ensure the trees are an integral part of the City's planning and development process. Sidewalks on the street frontages should be detached from the curbs to allow trees to be planted on both sides of the sidewalk to provide thermal comfort for pedestrians and to reduce the urban heat island effect. Staff is recommending stipulations designed to provide trees and enhance shade within and adjacent to the development. Staff is recommending stipulations for a detached shaded sidewalk along 19th Avenue and Tierra Buena Lane, in addition to enhanced landscape standards in the required landscape setbacks. Additionally, staff recommends employee resting areas be shaded to a minimum of 75 percent. These are addressed in Stipulation Nos. 1, 7, 8, and 9.

8. **Complete Streets Guiding Principles**

In 2014, the City of Phoenix City Council adopted the Complete Streets Guiding Principles. The principles are intended to promote improvements that provide an accessible, safe, connected transportation system to include all modes, such as bicycles, pedestrians, transit, and vehicles. To provide a safe pedestrian environment, staff is recommending that enhanced pavement treatment for the on-site pedestrian walkways that cross vehicular drive aisles and detached sidewalks to ensure a more comfortable and safe walking environment. This is addressed in Stipulation Nos. 2, 8 and 9.

9. **Comprehensive Bicycle Master Plan**

The City of Phoenix adopted the Comprehensive Bicycle Master Plan in 2014 to guide the development of its Bikeway System and supportive infrastructure. The Comprehensive Bicycle Master Plan also supports options for both short-and long-term bicycle parking as a means of promoting bicyclist traffic to a variety of destinations, including commerce park employment centers. Stipulation Nos. 4 and 5 require bicycle parking spaces be provided on the site with electrical bicycle charging capabilities.

10. **Zero Waste PHX**

The City of Phoenix is committed to its waste diversion efforts and has set a goal to become a zero-waste city, as part of the city's overall 2050 Environmental Sustainability Goals. One of the ways Phoenix can achieve this is to improve and expand its recycling and other waste diversion programs. Section 716 of the Phoenix Zoning Ordinance establishes standards to encourage the provision of recycling containers for multifamily, commercial and mixed-use developments meeting certain criteria. The applicant's submittal materials indicate that it is expected that any future commerce park users will include recycling along with standard waste containers.

11. **Transportation Electrification Action Plan**

In June 2022, the Phoenix City Council approved the Transportation Electrification Action Plan. The current market desire for the electrification of transportation is both a national and global phenomenon, fueled by a desire for better air quality, a reduction in carbon emissions, and a reduction in vehicle operating and maintenance costs. Businesses, governments and the public are signaling strong future demand for electric vehicles (EVs), and many automobile manufacturers have declared plans for a transition to fully electric offerings within the coming decade. This Plan contains policy initiatives to prepare the City for a future filled with more EVs, charging infrastructure and e-mobility equity, and outlines a roadmap for a five-step plan to prepare for the EV infrastructure needs of 280,000 EVs in Phoenix by 2030. One goal of the Plan to accelerate public adoption of electric vehicles through workplace, business, and multifamily charging infrastructure recommends a standard stipulation for rezoning cases to provide EV charging infrastructure. Stipulation No. 3 provides requirements for EV parking with EV charging infrastructure installed and EV capable infrastructure, and Stipulation No. 5 requires electrical bicycle charging capabilities.

COMMUNITY INPUT SUMMARY

12. At the time the staff report was written, staff has not received any correspondence from members of the public.

INTERDEPARTMENTAL COMMENTS

13. **Public Transit Department**

The Public Transit Department commented that there should be two bus stop pads on northbound 19th Avenue and one on eastbound Bell Road. These will be provided with the construction of the surrounding commerce park development.

14. **Signs Section**

The Signs Section commented that they would suggest the applicant submit a use permit to adopt a Comprehensive Sign Plan (CSP) for the entire development prior to requesting the first sign permit.

15. **Water Services Department**

The City of Phoenix Water Services Department has noted the property has existing water and sewer mains that can potentially serve the proposed development; however, water capacity is a dynamic condition that can change over time due to a variety of factors.

16. **Street Transportation Department**

The Street Transportation Department commented on access point separation, driveway right-in / right-out restrictions, and driveway separation requirements from traffic signals. The Street Transportation Department requested the following, which are addressed in Stipulations Nos. 8 through 13:

- Detached sidewalks separated by landscape strips for 19th Avenue and Tierra Buena Lane.
- Minimum right-of-way dedication for the north side of Tierra Buena Lane.
- Funding and reconstruction of the existing traffic signal at the Phelps Road and 19th Avenue intersection.
- Vehicular access not permitted to Tierra Buena Lane.
- Submittal and approval of a Traffic Impact Analysis (TIA) prior to preliminary site plan approval.
- Replacing unused driveways with sidewalk, curb and gutter, and replacing any broken or out-of-grade curb, gutter, sidewalk, and curb ramps on all streets and upgrading all off-site improvements to be in compliance with current ADA guidelines.

17. The City of Phoenix Fire Department commented that they do not anticipate any problems with the case. However, the water supply is required to meet fire flow as defined by Appendix B of the 2018 IFC with Phoenix Amendments.

OTHER

18. The site is not located in an area identified as being archaeologically sensitive. However, in the event archaeological materials are encountered during construction, ground-disturbing activities must cease to allow the Archaeology Office time to assess the materials. This is addressed in Stipulation No. 14.
19. Staff has not received a completed form for the Waiver of Claims for Diminution in Value of Property under Proposition 207 (A.R.S. 12-1131 et seq.), as required by the rezoning application process. Therefore, a stipulation has been added to require the form be completed and submitted prior to preliminary site plan approval. This is addressed in Stipulation No. 15.

20. Development and use of the site is subject to all applicable codes and ordinances. Zoning approval does not negate other ordinance requirements.

Findings

1. The proposal is consistent with the existing and proposed General Plan Land Use Map designation of Mixed Use (Commercial / Commerce/Business Park).
2. The proposal provides a diversity of commerce park type uses nearby the North I-17 Major Employment Center.
3. As stipulated, the proposal supports efforts from various plans, such as the Monarch Butterfly Pledge, the Tree and Shade Master Plan, the Complete Streets Guiding Principles, the Comprehensive Bicycle Master Plan, and the Transportation Electrification Action Plan.

Stipulations

1. Required landscape setbacks shall be planted with minimum 2-inch caliper large canopy drought-tolerant trees, 20 feet on center or in equivalent groupings, with five 5-gallon shrubs per tree, as approved by the Planning and Development Department.
2. Where pedestrian walkways cross a vehicular path, the pathway shall be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrast parking and drive aisle surfaces, as approved by the Planning and Development Department.
3. A minimum of 2% of the required parking spaces shall include Electric Vehicle (EV) Installed infrastructure, and a minimum of 8% of the required parking spaces shall include EV Capable infrastructure, as approved by the Planning and Development Department.
4. All nonresidential uses over 5,000 square feet floor area shall provide one bicycle parking space per 25 vehicle parking spaces, with a maximum of 25 spaces. Bicycle parking shall be provided through Inverted U and/or artistic racks located near the front of offices and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.
5. A minimum of 10% of the required bicycle parking spaces shall include standard electrical receptacles for electric bicycle charging capabilities, as approved by the Planning and Development Department.

6. A minimum of 10% of the required shrubs, shall be a milkweed or other native nectar species, and shall be planted in groups of three or more, as approved by the Planning and Development Department.
7. One outdoor employee resting area of no less than 400 square feet, or two 200-square foot areas shall be provided for each warehouse/office building on site. Each required pedestrian area shall include a minimum of two pedestrian seating benches, constructed of quality and durable materials, and shaded to a minimum of 75% using minimum 2-inch caliper large canopy drought-tolerant shade trees and/or architectural shade, as approved by the Planning and Development Department.
8. A minimum 6-foot-wide detached sidewalk and a minimum 10-foot-wide landscape area shall be constructed between back of curb and sidewalk on the east side of 19th Avenue from Turf Paradise Road to Tierra Buena Lane, planted as follows, as approved by the Planning and Development Department.
 - a. Minimum 2-inch caliper single-trunk, large canopy, drought-tolerant shade trees planted 20 feet on center or in equivalent groupings.
 - b. Drought tolerant shrubs, accents, and vegetative groundcovers to achieve a minimum of 75% live vegetative ground coverage at maturity.

Where utility conflicts exist, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.

9. A minimum 30-feet of right-of-way shall be dedicated for the north side of Tierra Buena Lane, as approved by the Planning and Development Department.
 - a. The improvements shall be consistent with the Minor Collector cross section and constructed with a minimum 5-foot-wide sidewalk with a minimum 8-foot-wide landscape area between back of curb and sidewalk, planted as follows:
 - (1) Minimum 2-inch caliper single-trunk, large canopy, drought-tolerant shade trees planted 20 feet on center or in equivalent groupings.
 - (2) Drought tolerant shrubs, accents, and vegetative groundcovers to achieve a minimum of 75% live vegetative ground coverage at maturity.

Where utility conflicts exist, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.

10. The existing traffic signal at the Phelps Road and 19th Avenue intersection shall be fully funded and reconstructed to meet City of Phoenix standards, as approved by the

Street Transportation Department.

11. Vehicular access shall not be permitted to Tierra Buena Lane.
12. A Traffic Impact Study (TIS) shall be submitted to the City for this development. No preliminary approval of plans shall be granted until the study is reviewed and approved by the Street Transportation Department. The TIS shall include signal warrant analysis for 19th Avenue and Grandview Road, and Tierra Buena Lane and Greenway Parkway. If the approved TIS determines that a signal is warranted at any of these intersections, the developer shall be required to fund 100% of the cost and construct the signal, if the TIS does not warrant the signal, the developer shall be required contribute 25% of traffic signal cost in an escrow account to the Street Transportation Department. If the signal is installed by others, the development shall be responsible for 100% of the cost for signal relocation and/or modifications.
13. Replace unused driveways with sidewalk and curb and gutter. Also, replace any broken or out-of-grade curb, gutter, sidewalk, curb ramps on all streets and upgrade all off-site improvements to be in compliance with current ADA guidelines.
14. 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.
15. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 waiver of claims form. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record.

Writer

Adrian Zambrano

Matteo Moric

August 4, 2023

Team Leader

Racelle Escolar

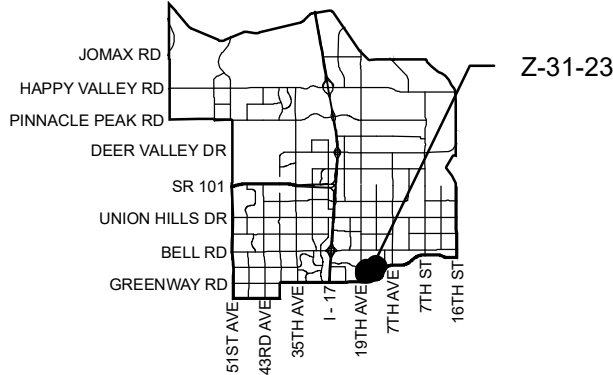
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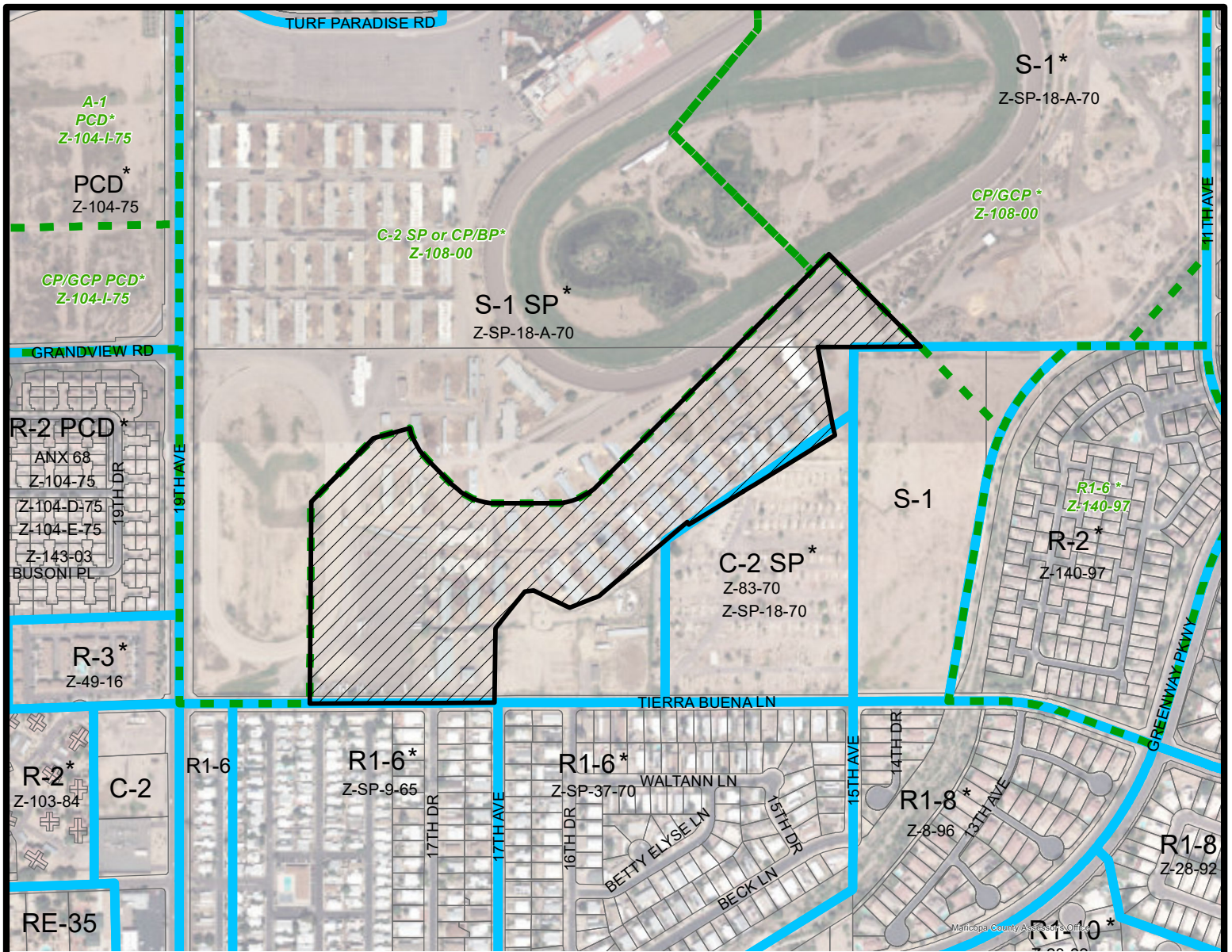
Zoning sketch map

Aerial sketch map

Site plan date stamped May 19, 2023

Renderings date stamped May 19, 2023 (2 pages)





Miles

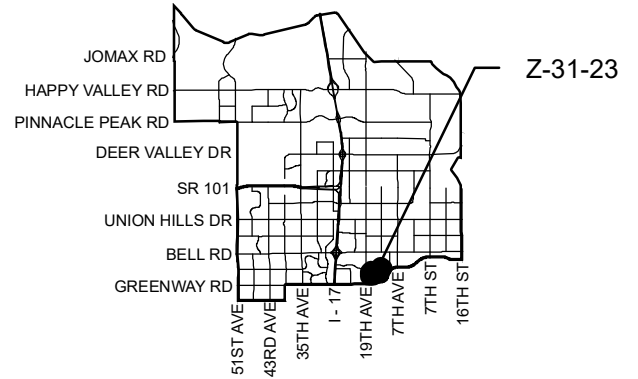
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DEER VALLEY VILLAGE

CITY COUNCIL DISTRICT: 3



City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT



APPLICANT'S NAME: CT Investors c/o James Watson

APPLICATION NO. Z-31-23

DATE: 7/11/2023
REVISION DATES:

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

28.92 Acres

AERIAL PHOTO &
QUARTER SEC. NO.
QS 35-25, QS 36-25,
QS 36-26 L-7, M-7, M-8

REQUESTED CHANGE:

FROM: S-1 SP (28.69 ac.)
C-2 SP (0.23 ac.)

TO: CP/GCP (28.92 ac.)

MULTIPLES PERMITTED

S-1 SP, C-2 SP
CP/GCP

CONVENTIONAL OPTION

28, 3
N/A

* UNITS P.R.D. OPTION

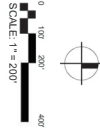
N/A, 4
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* Maximum Units Allowed with P.R.D. Bonus



WINNER'S CIRCLE BUSINESS PARK

Conceptual Site Plan
Phoenix, Arizona





WINNERS CIRCLE BUSINESS PARK

Conceptual Elevations
Conceptual Elevations, Quality & Materials
Phoenix, Arizona

CITY OF PHOENIX
MAY 19 2023
**Planning & Development
Department**





WINNERS CIRCLE BUSINESS PARK

Conceptual Elevations
Conceptual Elevations, Quality & Materials
Phoenix, Arizona

CITY OF PHOENIX

MAY 19 2023

Planning & Development
Department





Village Planning Committee Meeting Summary Z-31-23-3

Date of VPC Meeting	November 16, 2023
Request From	S-1 SP and C-2 SP
Request To	CP/GCP
Proposal	Commerce park
Location	Approximately 500 feet east of the northeast corner of 19th Avenue and Tierra Buena Lane
VPC Recommendation	No quorum
VPC Vote	No quorum

VPC DISCUSSION:

No quorum.

STAFF COMMENTS:

No quorum.

Village Planning Committee Meeting Summary Z-31-23-3

Date of VPC Meeting	October 12, 2023
Request From	S-1 SP and C-2 SP
Request To	CP/GCP
Proposal	Commerce park
Location	Approximately 500 feet east of the northeast corner of 19th Avenue and Tierra Buena Lane
VPC Recommendation	No quorum
VPC Vote	No quorum

VPC DISCUSSION:

No quorum.

STAFF COMMENTS:

No quorum.

Village Planning Committee Meeting Summary Z-31-23-3

Date of VPC Meeting	August 10, 2023
Request From	S-1 SP and C-2 SP
Request To	CP/GCP
Proposal	Commerce park
Location	Approximately 500 feet east of the northeast corner of 19th Avenue and Tierra Buena Lane
VPC Recommendation	Continuance to the October VPC meeting
VPC Vote	7-5

Item No. 6 (GPA-DV-1-23-3) and Item No. 7 (Z-31-23-3) are companion cases and were heard together.

Six members of the public registered to speak on this item, in opposition.

VPC DISCUSSION:

Matteo Moric, staff, noted that Case GPA-DV-1-23-3 would be heard at the same time as Case Z-31-23-3, but would require two separate motions. Mr. Moric provided an overview and identified where the site was located, the site size and the requests. Mr. Moric noted a general plan amendment was required and there would be no stipulations associated with the general plan land use change request. Mr. Moric described the surrounding zoning, uses and general plan land use designation and showed the renderings and conceptual plan. Mr. Moric noted there was one letter of opposition for the general plan request and identified the staff findings and stipulations.

Keith Greenberg stated a concern with the milkweed specifically stipulated as he felt it was an invasive plant which could take up a lot of space. Mr. Moric, staff, and Sandra Hoffman provided additional information on the milkweed plant and the monarch butterfly pledge.

APPLICANT PRESENTATION

Paul Gilbert with Beus, Gilbert, McGroder, LLC, introduced himself as representing CT Realty who had a majority of the Turf Paradise property under contract and were currently doing their due diligence. Mr. Gilbert explained that 85% of the overall Turf

Paradise property was already zoned and tonight was a rezone of the small piece of the property of approximately 28 acres. Mr. Gilbert shared the zoning history as he was the attorney who represented the Turf Paradise property owner in 2002. Mr. Gilbert said a majority of the property was zoned S-1 but in 2002, the applicant rezoned the property but did not vest the property. Mr. Gilbert added that in 2002 Turf Paradise was able to operate with the Special Permit overlay. Mr. Gilbert noted the zoning would change upon processing a site plan, but they were not doing that, and they needed to wrap up the zoning to decide if his client wanted to move forward with the purchase. Mr. Gilbert described the zoning of the majority of the Turf Paradise property, which is approved but not vested, and said the property on the west side was zoned for a combination C-2 (Intermediate Commercial) or CP/BP (Commerce Park/Business Park Option). Mr. Gilbert noted the C-2 allows for all types of retail and services and the CP/BP would allow employment, warehouse distribution, along with light manufacturing and assembly. Mr. Gilbert added the east side was zoned CP/GCP (Commerce Park/General Commerce Park Option) and said this option allows a little more flexibility.

Mr. Gilbert said the subject of the zoning request was for the 28 acre portion and did not know why the land was not rezoned from S-1 in 2002. Now, Mr. Gilbert said they wanted it to be CP/GCP to be commensurate with the bulk of the Turf Paradise site. Mr. Gilbert said this was a conceptual site plan and they were not ready to create a final site plan. Mr. Gilbert added that the conceptual site plan showed the uses that could go in a commerce park, and they were going to use commercial retail option on the small portion that fronts Bell Road at the intersection of 15th Avenue. Mr. Gilbert noted they wanted to keep the grandstand structure of Turf Paradise and continue the off-track racing. He said they'd continue with the off-track betting but not live horse racing. The parking and grandstand would remain; however, the horse track and racing would go.

Mr. Gilbert added that in addition to the rezoning request a general plan amendment was required to change about 14 acres of the property. Mr. Gilbert said approximately half the 28 acres had the correct general plan land use designation.

Mr. Gilbert shared their public outreach efforts and said they presented their case virtually to every neighborhood association in the area. He explained how they utilized the entire boundary of Turf Paradise rather than the 28 acres which was 6 or 7 times more people required to contact.

Mr. Gilbert said there was a strong staff recommendation and strong encouragement from the Economic Development Department. Mr. Gilbert read the staff findings and emphasized a portion of the site was within the I-17 Major Employment Corridor. Mr. Gilbert said they agreed with all the stipulations except one minor exception with stipulation number 11 which states vehicular access shall not be permitted on Tierra Buena Lane. Mr. Gilbert said there was good reason for the stipulation as Tierra Buena Lane was a residential street and requested the stipulation to be modified to say vehicular access shall not be permitted on Tierra Buena Lane as long as the applicable roadway is classified as a residential road.

QUESTIONS FROM COMMITTEE

Trilese DiLeo questioned how much of the property the escrow was addressing to which **Mr. Gilbert** replied that it was for the entire Turf Paradise property.

Ms. DiLeo inquired about the history of the zoning and why the zoning was not for the entire property since Turf Paradise existed in 2002. Mr. Gilbert said he could not remember all the history of why that was other than staff pointed him in that direction at the time. Mr. Gilbert indicated staff wanted to control the site plan as they had no uses for that part of the site at that time.

Ms. DiLeo asked why it was not being rezoned to residential due to the housing demand. **Mr. Gilbert** said there was a need for both housing and employment and they spent a significant amount of time with Economic Development Department and stated the site would be much more conducive to commerce park uses.

Braden Lopez-Biggs inquired about the amount of property in the S-1 zoning and if there was any intention to build housing on that portion. **Mr. Lopez-Biggs** also wanted clarity on stipulation No. 11 and wanted to know how it could be classified as a non-residential street.

Mr. Gilbert stated the C-2 allows building multifamily. Mr. Gilbert also noted that they were welcome to add a stipulation to come to the Village Planning Committee with a site plan in the future.

Will Novak questioned if there was a study on how much property tax the property generated as is versus the amount after it is developed. Mr. Novak asked if a user was lined up and if there was a phasing plan.

Mr. Gilbert mentioned that there was no phasing plan developed yet.

Mr. Novak also asked if they thought about the grandstand getting historic preservation designation. **Mr. Gilbert** said he was not sure as they had never been asked the question with his client.

Ms. Hoffman asked if there was a traffic analysis. **Mr. Gilbert** said a traffic study was required for the entire project when they come in to do the site plan. Ms. Hoffman stated the plan was quite conceptual and it may be premature to move forward. Ms. Hoffman asked if they'd come back with more details.

Mr. Gilbert said they'd comply with the Zoning Ordinance for setbacks and height. And Mr. Gilbert said he was keenly aware this was a major development as approximately 250 acres. He said if they'd want more details later he'd come back when its time for the site plan.

Trilese DiLeo believed modifying stipulation no. 11 would not work. She felt the entire mobile home park and residents down the road would be impacted.

Public Comments

Stephan H. Nolan said he lived in the area for many years and has been in the horse race business. Mr. Nolan said that the acting general manager of the property does not know if the property sale will be complete. Mr. Nolan said he was concerned with car accidents and traffic. Mr. Nolan wanted this at least postponed to October to decide if the owner of the horse race business wanted to go through. He noted that there was litigation of the property and expressed concerns about the current owners previous motivation to sell and there was a concern if the sale would even go through. Mr. Nolan wanted the issue to be tabled and indicated the horse race industry employees felt the meeting was strategic so there would not be opposition.

Chairman Grossman informed Mr. Nolan that his 3 minute time had expired. **Ms. DiLeo** stated she wanted to continue to listen to Mr. Nolan's comments. **Mr. Lopez-Biggs** noted that if they allow Mr. Nolan to exceed 3 minutes they would need to allow all members of the community to do so.

Chairman Grossman stated he would allow Mr. Nolan to continue his remarks yet adhere to the 3 minute time line unless he feels it is appropriate to extend.

Mr. Nolan noted that this is an agricultural entertainment industry that would impact many people's livelihoods.

Ms. DiLeo asked about the amount of money horse racing brings to the region economically. **Mr. Nolan** responded that there was a lot of money brought into the state and felt this site needed to remain horse racing.

Cynthia George shared her ties to the community and said she was a horse racing professional. Ms. George said Turf Paradise supports many self-supportive businesses and the racetrack is a job for many people. It would put thousands of people in the community at risk to sell their homes as they would need to leave their employment.

Debi Ferguson stated she represented many people who love horse racing. Ms. Ferguson said the property would need to be zoned and she said the racetrack is in operation, but they are closed during the summer months. Ms. Ferguson discussed the request to remove the Special Permit. She said there are two dedicated parties interested in buying the racetrack immediately as an operating racetrack. The property would continue to be in use with the new buyers. She said Turf Paradise had a major economic impact for the region. She asked for help in supporting the horserace industry.

Keith Greenberg asked what the community would like to see on the property if horse racing goes away.

Hanna Adams stated she moved to Arizona to live in the area and said the economic impact would be devastating as feed stores, veterinarians, local shops, etc. rely on this industry. Ms. Adams was concerned that everything surrounding the property was residential and traffic would increase which the residents would not like and added turf paradise was sensitive to the neighborhood and did not do nighttime racing for this reason.

Terri Ferguson shared her background and the history of horse racing in Arizona. Ms. Ferguson said if there is no live racing there would be no permit for off race betting and mentioned they need live racing to continue. Ms. Ferguson indicated all they see are warehouse facilities going up but thought they could have the new owners remain yet add stipulations to their property to upkeep the area. She stated she opposes the zone change.

Phil Hartman stated concerns regarding speeding cars and the animals that frequented the ponds in the area. Mr. Hartman expressed frustration with the city and thought the project could be pushed across the street from 19th Avenue.

Mr. Lopez-Biggs identified his concerns with the stipulation on Tierra Buena Lane and said the stipulation would not permit access to the development from Tierra Buena Lane.

Bill Allison of the law firm Withey Morris Baugh explained he was there to ask questions on behalf of his client Bruin Corporation Properties. Mr. Allison raised concerns that the application was lacking detail necessary to form an opinion of the request and the zoning application was not adequate. Mr. Allison said it was not fair to the public since they did not provide details which could be analyzed, and the data center may not even fit on the property.

Mr. Allison said there was no traffic study provided as part of this project and the neighbors should know how this is being resolved. Mr. Allison noted his client did not hear about the hearing until recently. In conclusion, Mr. Allison stated the community was not given an opportunity to evaluate the proposal and added this needed to be addressed in a public forum rather than at the site plan process.

Applicant Response

Paul Gilbert stated the concerns expressed from the community were regarding the current racetrack business and why it should stay, yet the purpose of the meeting was just to determine the zoning and land use change request. Mr. Gilbert stated the proposal would generate more revenue than the existing use.

Mr. Gilbert said there were strong findings from staff that this should be approved. Mr. Gilbert said his client was working with the horse race industry and other opportunities to preserve horse racing in Arizona, possibly in another location. Mr. Gilbert addressed the traffic concerns stating there was a stipulation to do a full and complete traffic study and his client would be willing to bring the site plan to the Committee for future review. Mr. Gilbert defended his client's conceptual site plan. Mr. Gilbert stated the ongoing litigation should not be pertinent to the request, and that the major opposition is against the cessation of horse racing.

Chair Grossman asked how long Mr. Gilbert had been a zoning attorney. **Mr. Gilbert** replied for 48 years. The Chair then asked if in the 48 years if Mr. Gilbert ever had cases that they left so open in concept, and Mr. Gilbert replied in 50% of the cases they had. Mr. Gilbert said they were not asking for any zoning variances.

Mr. Greenberg asked if approval of this zone change required the removal of the Special Permit. **Mr. Gilbert** said they would still need to go to the City to formally remove the Special Permit and racing could continue until it is removed.

Ms. DiLeo asked if the purchase contract forced him to sell. Mr. Gilbert said he did not read the purchase contract. Ms. DiLeo felt Mr. Gilbert was dismissive and disrespectful to this public body and believed it was their business to look into this deeply to see if the future development will support the current economy in this area of the City. Ms. DiLeo knew thousands of people rely on this industry and it was unimaginable to her of why Mr. Gilbert would be so dismissive on these individuals' livelihoods being threatened if the industry were to go away.

Ricardo Romero said Turf Paradise was an iconic place and there could be concerns of poor management.

Gregory Freeman provided insight to how there are many ways a real estate transaction can be broken.

Mr. Gilbert said the primary negative effect of postponing the case is it leaves some uncertainty to the client that the zoning will move forward. Mr. Gilbert clarified he represented the buyer of Turf Paradise.

Comments from Committee

Will Novak felt what CED had to say about the case was not relevant and added that they did not do the most basic calculation of what the property taxes would be. Mr. Novak said he felt Mr. Gilbert spoke on both sides and indicated the applicant was demeaning and did a poor job for his client. Mr. Novak believed the matter needed to be tabled and recommended for the community to look at HP landmark designation for the folks interested in horse track racing.

Ms. DiLeo said this was a lot of commercial in the area and questioned if this was right for the area. Ms. DiLeo felt one strip of land had the say which could impact people economically and traffic in the area and her opinion was the area would be more appropriate as residential. Ms. DiLeo felt this was a historic location and to think an everyday commercial building would be disheartening. Ms. DiLeo was concerned with litigation and if there was a chance to preserve the location for the community, and believed they needed more concrete information to change the zoning.

Mr. Lopez-Biggs said the owner could demolish the whole thing and they were strictly looking at the zoning and felt there was not enough information for the entire 250-acre property. Mr. Lopez-Biggs said there was not enough information to make a decision.

Ms. Hoffman said the Special Permits were still over the properties, and the zoning would not vest until the site plan was approved. Ms. Hoffman's biggest concern was the neighbors saying they did not get sufficient notice and wanted to ensure the public had a voice, and felt the case needed to be postponed a month or two for time conversations to take place. Ms. Hoffman suggested making a motion for a continuance.

Mr. Greenberg said this was a zoning case on one strip of land. Mr. Greenberg did not see the reason to postpone the case and said if it was up to them for Turf Paradise to stay and if it goes he felt this would only allow a new owner to develop the land properly. Mr. Greenberg stated if Turf Paradise goes away that they would not need a big vacant site.

Mr. Freeman said he represents Bell Road Business Alliance and he verified he received the communication. Mr. Freeman added they are doing a rezoning issue and felt the zoning question should be answered.

Mr. Virgil mentioned that there was an airport where Turf Paradise is located.

Chair Grossman said a portion of the Board wants to postpone, which requires a motion to recommend a continuance, and a portion who want to vote today. Chair Grossman reminded that this was the first hurdle of the public process to go through and added there was a desire to modify the stipulation for vehicular traffic from Tierra Buena Lane.

MOTION #1:

Committee Member Keith Greenberg made a motion to recommend approval of Z-31-23-3 per staff recommendation. **Vice Chair Matthew Kenney** seconded the motion.

Chair Grossman presented a secondary motion to approve with an added stipulation that the applicant would have obligation to come back to the Village Planning Committee at the time they plan to develop the site. **Gregory Freeman** seconded the motion.

Mr. Gilbert said they would have an ability to get feedback and the Village Planning Committee (VPC) could recommend changes to the site plan. **Ms. Hoffman** clarified that there was no obligation to make those changes as long as it meets the code.

Chair Grossman said the intent was for there to be a public format. **Braden Lopez-Biggs** said there would be nothing that could be done legally make the applicant make the changes. Mr. Lopez-Biggs said if the Committee was worried about transparency, they lost their opportunity with the 6-6 to continue the general plan amendment.

The secondary motion was made by **Chair Grossman** seconded by **Gregory Freeman** and amended by **Trilese DiLeo**. **Ms. DiLeo** said the motion was to make a secondary motion for them to come back to the VPC and amend to notify everyone that signed a comment card of the preliminary site plan meeting.

VOTE #1:

6-6, motion to recommend approval of Z-31-23-3 with an added stipulation to come back with a site plan to the VPC and amended to require the notification of all those who filled out a comment card of the Preliminary Site Plan meeting fails with Committee Members Davenport, Freeman, Greenberg, Sutphen, Vice Chair Kenney and Chair Grossman in favor; and Committee Members DiLeo, Lopez-Biggs, Hoffman, Novak, Romero and Virgil in opposition.

MOTION #2:

Committee Member Keith Greenberg motioned to recommend approval of Z-31-23-3 per staff recommendation. **Vice Chair Matthew Kenney** seconded the motion.

VOTE #2:

6-6, motion to recommend approval of Z-31-23-3 per staff recommendation fails with Committee Members Davenport, Freeman, Greenberg, Sutphen, Vice Chair Kenney and Chair Grossman in favor; and Committee Members DiLeo, Lopez-Biggs, Hoffman, Novak, Romero and Virgil in opposition.

MOTION #3:

Committee Member Braden Lopez-Biggs motioned to recommend a continuance of Z-31-23-3 to the October VPC meeting. **Committee Member Trilese DiLeo** seconded the motion.

VOTE #3:

7-5, motion to continue case Z-31-23-3 to the October meeting passes with Committee Members DiLeo, Freeman, Lopez-Biggs, Hoffman, Novak, Romero, and Virgil in favor; and Committee Members Davenport, Greenberg, Sutphen, Vice Chair Kenney and Chair Grossman opposed.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

None.

ATTACHMENT D



City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

To: City of Phoenix Planning Commission **Date:** March 7, 2024

From: Racelle Escolar, AICP
Principal Planner

Subject: ITEM NO. 8 (Z-31-23-3) – APPROXIMATELY 500 FEET EAST OF THE
NORTHEAST CORNER OF 19TH AVENUE AND TIERRA BUENA LANE

The purpose of this memo is to recommend modified and additional stipulations in response to stipulations that are agreed upon by the applicant and an adjacent neighbor.

Rezoning Case No. Z-31-23-3 is a request to rezone 28.92 acres from S-1 SP (Ranch or Farm Residence, Special Permit) and C-2 SP (Intermediate Commercial, Special Permit), to CP/GCP (Commerce Park / General Commerce Park option) to allow commerce park.

The Deer Valley Village Planning Committee heard this request on August 10, 2023 and continued the case to October, by a vote of 7-5. There was no quorum at the October 12, 2023 and November 16, 2023 meetings.

The applicant has been working with the adjacent neighbor to address concerns. The applicant and neighbor have agreed on the stipulations reflected below.

Staff recommends approval, per the modified stipulations in **bold** font below.

1. **GENERAL CONFORMANCE TO THE SITE PLAN DATE STAMPED MARCH 7, 2024 AS IT APPLIES TO THE 28-ACRE SITE THAT IS THE SUBJECT OF Z-31-23-3, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.**
4. Required landscape setbacks **ADJACENT TO STREETS** shall be planted with minimum 2-inch caliper large canopy drought-tolerant trees, 20 feet on center or in equivalent groupings, with five 5-gallon shrubs per tree, as approved by the Planning and Development Department.
2. **A MINIMUM 20-FOOT LANDSCAPED SETBACK SHALL BE PROVIDED ALONG PERIMETER LOT LINES NOT ADJACENT TO A STREET. THIS STANDARD SHALL NOT APPLY IF THE ADJACENT PROPERTY IS ZONED C-1, C-2, C-3, A-1, A-2, COMMERCE PARK. REQUIRED LANDSCAPE SETBACKS SHALL PLANTED WITH 50% MINIMUM 2-INCH CALIPER AND 50% MINIMUM 3-INCH CALIPER LARGE CANOPY DROUGHT-TOLERANT TREES, 20 FEET ON CENTER, OR IN EQUIVALENT GROUPINGS, WITH FIVE 5-GALLON SHRUBS PER TREE, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.**

2. Where pedestrian walkways cross a vehicular path, the pathway shall be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrast parking and drive aisle surfaces, as approved by the Planning and Development Department.
3. A minimum of 2% of the required parking spaces shall include Electric Vehicle (EV) Installed infrastructure, and a minimum of 8% of the required parking spaces shall include EV Capable infrastructure, as approved by the Planning and Development Department.
4. All nonresidential uses over 5,000 square feet floor area shall provide one bicycle parking space per 25 vehicle parking spaces, with a maximum of 25 spaces. Bicycle parking shall be provided through Inverted U and/or artistic racks located near the front of offices and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.
5. A minimum of 10% of the required bicycle parking spaces shall include standard electrical receptacles for electric bicycle charging capabilities, as approved by the Planning and Development Department.
6. A minimum of 10% of the required shrubs, shall be a milkweed or other native nectar species, and shall be planted in groups of three or more, as approved by the Planning and Development Department.
7. One outdoor employee resting area of no less than 400 square feet, or two 200-square foot areas shall be provided for each warehouse/office building on site. Each required pedestrian area shall include a minimum of two pedestrian seating benches, constructed of quality and durable materials, and shaded to a minimum of 75% using minimum 2-inch caliper large canopy drought-tolerant shade trees and/or architectural shade, as approved by the Planning and Development Department.
8. A minimum 6-foot-wide detached sidewalk and a minimum 10-foot-wide landscape area shall be constructed between back of curb and sidewalk on the east side of 19th Avenue from Turf Paradise Road to Tierra Buena Lane, planted as follows, as approved by the Planning and Development Department.
 - a. Minimum 2-inch caliper single-trunk, large canopy, drought-tolerant shade trees planted 20 feet on center or in equivalent groupings.
 - b. Drought tolerant shrubs, accents, and vegetative groundcovers to achieve a minimum of 75% live vegetative ground coverage at maturity.

Where utility conflicts exist, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.

- 9
11. A minimum 30-feet of right-of-way shall be dedicated for the north side of Tierra Buena Lane, as approved by the Planning and Development Department.

a. The improvements shall be consistent with the Minor Collector cross section and constructed with a minimum 5-foot-wide sidewalk with a minimum 8-foot-wide landscape area between back of curb and sidewalk, planted as follows:

- (1) Minimum 2-inch caliper single-trunk, large canopy, drought-tolerant shade trees planted 20 feet on center or in equivalent groupings.
- (2) Drought tolerant shrubs, accents, and vegetative groundcovers to achieve a minimum of 75% live vegetative ground coverage at maturity.

Where utility conflicts exist, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.

- 40
12. The existing traffic signal at the Phelps Road and 19th Avenue intersection shall be fully funded and reconstructed to meet City of Phoenix standards, as approved by the Street Transportation Department.

- 44
13. Vehicular access shall not be permitted to Tierra Buena Lane.

- 42
14. A Traffic Impact Study (TIS) shall be submitted to the City for this development. No preliminary approval of plans shall be granted until the study is reviewed and approved by the Street Transportation Department. The TIS shall include signal warrant analysis for 19th Avenue and Grandview Road, and Tierra Buena Lane and Greenway Parkway. If the approved TIS determines that a signal is warranted at any of these intersections, the developer shall be required to fund 100% of the cost and construct the signal, if the TIS does not warrant the signal, the developer shall be required contribute 25% of traffic signal cost in an escrow account to the Street Transportation Department. If the signal is installed by others, the development shall be responsible for 100% of the cost for signal relocation and/or modifications.

- 43
15. Replace unused driveways with sidewalk and curb and gutter. Also, replace any broken or out-of-grade curb, gutter, sidewalk, curb ramps on all streets and upgrade all off-site improvements to be in compliance with current ADA guidelines.

44. In the event archaeological materials are encountered during construction, the
16. 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.
15. Prior to ~~preliminary~~ **FINAL** site plan approval, the landowner shall execute a
17. Proposition 207 waiver of claims form. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record.
18. **ANY OUTDOOR STORAGE AREAS SHALL BE SETBACK A MINIMUM OF 100 FEET FROM A RESIDENTIAL ZONING DISTRICT.**
19. **PARKING LOT AREA(S) SHALL BE LANDSCAPED PER THE STANDARDS OF PHOENIX ZONING ORDINANCE §624.E.4.E, THE C-3 (GENERAL COMMERCIAL) DISTRICT.**
20. **NOISE-GENERATING EQUIPMENT, E.G. BUT NOT LIMITED TO AIR CHILLERS AND GENERATORS, SHALL BE LOCATED A MINIMUM OF 300 FEET FROM A RESIDENTIAL DISTRICT OR SHALL BE SHIELDED BY A BUILDING OR SOUND MITIGATION WALL TO ACHIEVE THE REQUIRED NOISE LEVEL.**
21. **PARKING LOT AND SECURITY LIGHTING SHALL NOT EXCEED A MAXIMUM HEIGHT OF 15 FEET INCLUDING LAMP, POLE, AND BASE WITHIN 200 FEET OF A RESIDENTIAL DISTRICT.**
22. **ALL ON-SITE LIGHTING SHALL BE SHIELDED TO PREVENT DIRECT VISIBILITY OF THE LIGHT SOURCE FROM ADJACENT PROPERTY.**
23. **LIGHTING SHALL BE SHIELDED WITH CUT-OFF FIXTURES AND DEFLECTORS TO DIRECT LIGHT DOWNWARD AND LIMIT ON-SITE LIGHTING LEVELS TO A MAXIMUM OF ONE FOOT CANDLE AT THE PROPERTY LINE.**
24. **SIGNAGE SHALL BE SUBJECT TO APPROVAL OF A COMPREHENSIVE SIGN PLAN PER THE PHOENIX ZONING ORDINANCE §705.E.2.**

ATTACHMENT E

REPORT OF PLANNING COMMISSION ACTION March 7, 2024

ITEM NO: 8	
	DISTRICT NO.: 3
SUBJECT:	
Application #:	Z-31-23-3 (Companion Case GPA-DV-1-23-3) (Continued from November 2, 2023)
Location:	Approximately 500 feet east of the northeast corner of 19th Avenue and Tierra Buena Lane
From:	S-1 SP and C-2 SP
To:	CP/GCP
Acreage:	28.92
Proposal:	Commerce Park
Applicant:	Jerry Simms, TP Racing, LLLP
Owner:	Jerry Simms, TP Racing, LLLP
Representative:	Paul E. Gilbert, Gilbert Blilie, PLLC

ACTIONS:

Staff Recommendation: Approval, subject to stipulations.

Village Planning Committee (VPC) Recommendation:

Deer Valley 8/10/2023 Continued. Vote: 7-5.

Deer Valley 10/12/2023 No quorum.

Deer Valley 11/16/2023 No quorum.

Planning Commission Recommendation: Approval, per the staff memo dated March 7, 2024.

Motion Discussion: N/A

Motion details: Acting Vice-Chairperson Boyd made a MOTION to approve Z-31-23 per the staff memo dated March 7, 2024.

Maker: Acting Vice-Chairperson Boyd

Second: Gorraiz

Vote: 7-1 (Perez)

Absent: Busching

Opposition Present: Yes

Findings:

1. The proposal is consistent with the existing and proposed General Plan Land Use Map designation of Mixed Use (Commercial / Commerce/Business Park).
2. The proposal provides a diversity of commerce park type uses nearby the North I-17 Major Employment Center.
3. As stipulated, the proposal supports efforts from various plans, such as the Monarch Butterfly Pledge, the Tree, and Shade Master Plan, the Complete Streets Guiding Principles, the Comprehensive Bicycle Master Plan, and the Transportation Electrification Action Plan.

Stipulations:

1. GENERAL CONFORMANCE TO THE SITE PLAN DATE STAMPED MARCH 7, 2024 AS IT APPLIES TO THE 28-ACRE SITE THAT IS THE SUBJECT OF Z-31-23-3, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
4. Required landscape setbacks ADJACENT TO STREETS shall be planted with
2. minimum 2-inch caliper large canopy drought-tolerant trees, 20 feet on center or in equivalent groupings, with five 5-gallon shrubs per tree, as approved by the Planning and Development Department.
3. A MINIMUM 20-FOOT LANDSCAPED SETBACK SHALL BE PROVIDED ALONG PERIMETER LOT LINES NOT ADJACENT TO A STREET. THIS STANDARD SHALL NOT APPLY IF THE ADJACENT PROPERTY IS ZONED C-1, C-2, C-3, A-1, A-2, COMMERCE PARK. REQUIRED LANDSCAPE SETBACKS SHALL PLANTED WITH 50% MINIMUM 2-INCH CALIPER AND 50% MINIMUM 3-INCH CALIPER LARGE CANOPY DROUGHT-TOLERANT TREES, 20 FEET ON CENTER, OR IN EQUIVALENT GROUPINGS, WITH FIVE 5-GALLON SHRUBS PER TREE, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
2. Where pedestrian walkways cross a vehicular path, the pathway shall be constructed
4. of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrast parking and drive aisle surfaces, as approved by the Planning and Development Department.
3. A minimum of 2% of the required parking spaces shall include Electric Vehicle (EV)
5. Installed infrastructure, and a minimum of 8% of the required parking spaces shall include EV Capable infrastructure, as approved by the Planning and Development Department.
4. All nonresidential uses over 5,000 square feet floor area shall provide one bicycle
6. parking space per 25 vehicle parking spaces, with a maximum of 25 spaces. Bicycle parking shall be provided through Inverted U and/or artistic racks located near the front of offices and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.
5. A minimum of 10% of the required bicycle parking spaces shall include standard
7. electrical receptacles for electric bicycle charging capabilities, as approved by the Planning and Development Department.
6. A minimum of 10% of the required shrubs, shall be a milkweed or other native nectar
8. species, and shall be planted in groups of three or more, as approved by the Planning and Development Department.
7. One outdoor employee resting area of no less than 400 square feet, or two 200-square
9. foot areas shall be provided for each warehouse/office building on site. Each required pedestrian area shall include a minimum of two pedestrian seating benches, constructed of quality and durable materials, and shaded to a minimum of 75% using minimum 2-inch caliper large canopy drought-tolerant shade trees and/or architectural shade, as approved by the Planning and Development Department.

- 8
10. A minimum 6-foot-wide detached sidewalk and a minimum 10-foot-wide landscape area shall be constructed between back of curb and sidewalk on the east side of 19th Avenue from Turf Paradise Road to Tierra Buena Lane, planted as follows, as approved by the Planning and Development Department.
- a. Minimum 2-inch caliper single-trunk, large canopy, drought-tolerant shade trees planted 20 feet on center or in equivalent groupings.
 - b. Drought tolerant shrubs, accents, and vegetative groundcovers to achieve a minimum of 75% live vegetative ground coverage at maturity.

Where utility conflicts exist, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.

- 9
11. A minimum 30-feet of right-of-way shall be dedicated for the north side of Tierra Buena Lane, as approved by the Planning and Development Department.
- a. The improvements shall be consistent with the Minor Collector cross section and constructed with a minimum 5-foot-wide sidewalk with a minimum 8-foot-wide landscape area between back of curb and sidewalk, planted as follows:
 - (1) Minimum 2-inch caliper single-trunk, large canopy, drought-tolerant shade trees planted 20 feet on center or in equivalent groupings.
 - (2) Drought tolerant shrubs, accents, and vegetative groundcovers to achieve a minimum of 75% live vegetative ground coverage at maturity.

Where utility conflicts exist, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.

- 40
12. The existing traffic signal at the Phelps Road and 19th Avenue intersection shall be fully funded and reconstructed to meet City of Phoenix standards, as approved by the Street Transportation Department.

- 44
13. Vehicular access shall not be permitted to Tierra Buena Lane.

- 42
14. A Traffic Impact Study (TIS) shall be submitted to the City for this development. No preliminary approval of plans shall be granted until the study is reviewed and approved by the Street Transportation Department. The TIS shall include signal warrant analysis for 19th Avenue and Grandview Road, and Tierra Buena Lane and Greenway Parkway. If the approved TIS determines that a signal is warranted at any of these intersections, the developer shall be required to fund 100% of the cost and construct the signal, if the TIS does not warrant the signal, the developer shall be required contribute 25% of traffic signal cost in an escrow account to the Street Transportation Department. If the signal is installed by others, the development shall be responsible for 100% of the cost for signal relocation and/or modifications.

- 43
15. Replace unused driveways with sidewalk and curb and gutter. Also, replace any broken or out-of-grade curb, gutter, sidewalk, curb ramps on all streets and upgrade all off-site improvements to be in compliance with current ADA guidelines.

44. In the event archaeological materials are encountered during construction, the
16. 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.
45. Prior to preliminary FINAL site plan approval, the landowner shall execute a
17. Proposition 207 waiver of claims form. The waiver shall be recorded with the Maricopa
County Recorder's Office and delivered to the City to be included in the rezoning
application file for record.
18. ANY OUTDOOR STORAGE AREAS SHALL BE SETBACK A MINIMUM OF 100 FEET
FROM A RESIDENTIAL ZONING DISTRICT.
19. PARKING LOT AREA(S) SHALL BE LANDSCAPED PER THE STANDARDS OF
PHOENIX ZONING ORDINANCE §624.E.4.E, THE C-3 (GENERAL COMMERCIAL)
DISTRICT.
20. NOISE-GENERATING EQUIPMENT, E.G. BUT NOT LIMITED TO AIR CHILLERS
AND GENERATORS, SHALL BE LOCATED A MINIMUM OF 300 FEET FROM A
RESIDENTIAL DISTRICT OR SHALL BE SHIELDED BY A BUILDING OR SOUND
MITIGATION WALL TO ACHIEVE THE REQUIRED NOISE LEVEL.
21. PARKING LOT AND SECURITY LIGHTING SHALL NOT EXCEED A MAXIMUM
HEIGHT OF 15 FEET INCLUDING LAMP, POLE, AND BASE WITHIN 200 FEET OF A
RESIDENTIAL DISTRICT.
22. ALL ON-SITE LIGHTING SHALL BE SHIELDED TO PREVENT DIRECT VISIBILITY
OF THE LIGHT SOURCE FROM ADJACENT PROPERTY.
23. LIGHTING SHALL BE SHIELDED WITH CUT-OFF FIXTURES AND DEFLECTORS
TO DIRECT LIGHT DOWNWARD AND LIMIT ON-SITE LIGHTING LEVELS TO A
MAXIMUM OF ONE FOOT CANDLE AT THE PROPERTY LINE.
24. SIGNAGE SHALL BE SUBJECT TO APPROVAL OF A COMPREHENSIVE SIGN
PLAN PER THE PHOENIX ZONING ORDINANCE §705.E.2.

This publication can be made available in alternate format upon request. Please contact Teleia Galaviz at 602-291-2559, teleia.galaviz@phoenix.gov, TTY: Use 7-1-1.

ATTACHMENT F

From: [Stephen Nolan](#)
To: [Matteo Moric](#)
Subject: Fw: Agenda for Special Racing Commission meeting, Tues. Dec 5th, 2023 @ 2:30
Date: Monday, December 4, 2023 2:56:19 PM

----- Forwarded Message -----

From: Stephen Nolan <nolanhorseracing@yahoo.com>
To: Council District 3 PCC <council.district.3@phoenix.gov>; Debra Stark <debstarkaz@gmail.com>
Sent: Monday, December 4, 2023 at 02:54:46 PM MST
Subject: Agenda for Special Racing Commission meeting, Tues. Dec 5th, 2023 @ 2:30

Link to Agenda

<https://gaming.az.gov/file/4434/download?token=UsTxivZ7> [gaming.az.gov]

From: [Stephen Nolan](#)
To: [Rudy Casillas](#); [Ana Armenta](#); [Council District 3 PCC](#); [Debra Stark](#); [Matteo Moric](#); [Jackie Johnson](#); [Caitlin Caputo](#); [Brian Duncan](#)
Subject: Consideration for additional item to be placed on AZ Racing Commission Special Meeting agenda, (companion to any request for race dates).
Date: Monday, December 4, 2023 7:37:05 AM

Good morning,

In an attempt to be completely transparent, I respectfully request an addition item be placed on any agenda of a "Special Commission Meeting". I believe discussion is warranted concerning the permittee's attempt to rezone a parcel of land that falls inside the fenced portion of the property that falls under the jurisdiction of the Arizona Department of Racing, a division of the Arizona Department of Gaming and the ARIZONA RACING COMMISSION. I am concerned that there is misinformation, as it relates to the application for dates and the affect that the rezoning could have on Arizona's Agricultural Entertainment Industries of Horse Racing and Breeding.

Many have said that the rezoning of the property would have no affect on racing. And I find that statement very troublesome and not completely the whole story, thus this request for more transparency.

As mentioned above, the parcel of land trying to be rezoned falls in that part of the property that is required to run a race meet. Therefore, it falls under the regulatory authority of the Racing Commission leading me to request clarification as to whether the permittee has the "unfettered personal property rights" to request rezoning without Commission approval.

It was clear that the Arizona Legislature in a recent legislation (2019, SB1144, resulted in Arizona Revised Statute Title #5, Chapter #1 5-117) has clarified that the Permittee does not have "unfettered authority" when it comes to regulations that fall under the regulatory umbrella of the Arizona Racing Commission. This request is a companion to any request for dates. The industries need to know the facts and an Attorney General review of the legal authority of the Arizona Racing Commission as it relates to the attempt to rezone the regulated parcel of property required to run a race meet. This is a very unusual situation that has not come to the attention of regulators as other portions of the property, that had been rezoned, had not come before the Arizona Racing Commission as those portions of property they were not in jeopardy of redevelopment. And is that redevelopment in the best interest of Breeding and Racing in Arizona.

Director Casillas, I copied you a communication dated November 20th, 2023, to many more authorities, voicing my concerns as it relates to the rezoning planned and the potential damage it could do to the Racing and Breeding Industries in Arizona. I urge caution, and I do not understand the urgency in rezoning if in fact there is a planned race meet through early May.

Sincerely,
Stephen H. Nolan

From: [Stephen Nolan](#)
To: [Council District 3 PCC](#); [Debra Stark](#); [Matteo Moric](#); [Jackie Johnson](#); [Caitlin Caputo](#); [Rudy Casillas](#); [Brian Duncan](#)
Subject: Turf Paradise Property rezoning applications Z-31-23-3 (companion GPA-DV-1-23-3)
Date: Monday, November 20, 2023 9:29:39 PM
Attachments: [IMG_1479 \(1\).PNG](#)

Good morning,

The reason for this communication is to inform City of Phoenix District #3 and Councilwoman Stark and Staff of some information as it relates to the application(s) mentioned above.

I wish to voice my concern as it is related to the August 3rd, 2023, GENERAL PLAN AMENDMENT STAFF ANALYSIS (REVISED) recommending the approval of application #GPA-DV-23-1-3, (and as it relates to application #Z-31-23-3) as much has changed since the August 3rd, revision. It appears, that the original application(s) submitted by applicant James Watson of CT Investors, is not the same application(s) that is trying to move forward now. For instance, referring to the June 5th, 2023 letter sent out included a conceptual site plan showing data centers with the thought that the perimeter of the Turf Paradise property would be more AESTHETICALLY pleasurable to our community. That plan is no longer in play and the information disseminated prior to the August 3rd revised analysis is not the same information that currently exists at the Turf Paradise property. The entire property is in total disarray and in deplorable condition. The application(s) are now in Simms name, therefore, I respectfully request another review and analysis by staff addressing all the changes that have been made prior to these applications moving forward.

THERE IS AN EXTREME NEED FOR TOTAL TRANSPARENCY AS IT IS THE CURRENT OWNER (SIMMS), HAS 'SINGLE HANDEDLY" ALLOWED THE TURF PARADISE PROPERTY AND ARIZONA'S AGRICULTURAL ENTERTAINMENT BUSINESSES OF HORSE RACING AND BREEDING (APPROX \$100mil ECONOMIC IMPACT TO THE STATE OF ARIZONA) TO SIGNIFICANTLY DECLINE. THE CURRENT OWNER (SIMMS) HAS SUCKED MOST OF THE LIFE OUT OF THE VEGETATION ON THE PROPERTY BY FAILING TO WATER THE PLANTS AND DO NORMAL LANDSCAPING UPDATES AND HAS CONTINUALLY (FOR 2 DECADES) FAILED TO DO ANY UPDATES TO INFRASTRUCTURE OF THE PROPERTY AND BUILDINGS (APPROXIMATELY 60 STRUCTURES). IN ADDITION, THE CURRENT OWNER (SIMMS) HAS AND CURRENTLY CONTINUES TO FAIL TO FULFILL HIS LEGAL OBLIGATION TO HOLD A RACE MEET (FROM THE FALL OF 2023 THROUGH SPRING OF 2024) AS REQUIRED BY A 3 YEAR PERMIT GRANTED TO TURF PARADISE (SIMMS) BY THE ARIZONA RACING COMMISSION AT THE RECOMMENDATION OF THE AZ DEPARTMENT OF RACING, A DIVISION OF THE AZ DEPARTMENT OF GAMING, WHICH DOES NOT EXPIRE UNTIL JUNE 30TH, 2024.

There are many moving parts when dealing with the application and the applicant (Simms) and the requested rezoning of the Turf Paradise property.

One such concern is the fact there are litigation(s) that involve the property in question that were initiated in 2010 and involves a "land swap". (referencing Maricopa County Superior Court Case CV2010-022308 which has been Stayed pending the resolution of Maricopa County Superior Case #2016-000505 which I believe is in the Court of Appeals). Because of the litigations, it is speculative to know if the property could close on a purchase agreement pending the final adjudication of such cases. Because of this uncertainty, I urge caution, as if the rezoning is allowed, and a sale is then tied up due to these outstanding litigations, then the Turf Paradise property could potentially sit empty until such time the litigations are finally adjudicated (as there is no end in sight). This attempted rezoning will replace the current status of "Special Use Permit, Horse Racing".

According to a letter dated June 5th, 2023, sent by Attorneys, Beus Gilbert McGroder, this rezoning if allowed "will become effective upon the ceasing of horse racing operations and the redevelopment of the property or portions thereof"... It is now known that the ceasing of horse racing operations terminates on December 31st, 2023. And if the smallest part of the property is redeveloped the whole property is rezoned. I hope you understand the concern this raises, as this community watched the property on the west side of 19th avenue (across from the Turf Paradise property) sit empty for near 2 decades as that property was tied up in litigation.

There are many other concerns, too many to address at this time. I wish to remind you that many people showed up to speak on these applications at the Deer Valley Village Committee Meeting last Thursday evening Nov. 16th, 2023 and were turned away as the meeting had no quorum. That was through no fault of the community members wishing their voices be heard. And in the spirit of the Arizona Open Meeting Laws, I feel that these applications should follow the process as originally set, (requiring an updated review and analysis by staff as it now relates to Jerry Simms, the new applicant) and being heard by the Deer Valley Village Committee, then to the City of Phoenix Planning Commission, and then to the City of Phoenix City Council. To follow this procedure, it would allow for the proper time for more information to become available to those empowered to make the best decision for our community.

There is said to be another purchase contract concerning this property and very little due diligence has been done and it seems skeptical that it will be able to make it to the finish line in the near future. A project of this magnitude which will be disruptive to our community for years, needs a proper review and analysis and as Jerry Simms states that this decision will have an impact on about 5000 jobs in our community. He stated this at the Racing Commission Meeting on October 12th, 2023 and has it published on the Turf Paradise website. (See attached)

Thank you for your attention to this matter as many in this community ask for more transparency and simply just want to be heard on this matter. I look forward to you response.



LATEST NEWS

Clarification

The buyer of Turf Paradise is going to be Richard Moore and the Turf Paradise Land Trust. Frank Nickens is the visionary. Mr. Moore's purchase of the track will save over 5,000 jobs.

Turf Paradise, located at 19th Ave and Bell Road, first opened its doors in 1956. It has maintained Arizona's horse racing tradition for more than six decades and is Arizona's FIRST sports franchise.

Horsemen

The reason the AZHBPA extended the simulcast contract until November 12, was because there's a buyer for Turf Paradise. "There were a number of buyers that wanted to buy the track, perhaps at a higher price," said Jerry Simms. "But I decided on this gentleman because he's going to run racing. I wanted to keep live racing alive in Arizona."

Matteo Moric

From: William F. Allison <bill@wmbattorneys.com>
Sent: Thursday, November 16, 2023 1:59 PM
To: Matteo Moric
Cc: Jason Morris; Hannah Bleam; Stephanie Watney
Subject: Z-31-23 - Turf Paradise
Attachments: Z-31-23 draft stipulations - Bruin Corporation.pdf

Matteo-

Attached is a set of proposed stipulations Jason is presenting at the Deer Valley VPC meeting this evening re Z-31-23/Turf Paradise on behalf of our client, Bruin Corporation. Jason will have copies for the VPC members. We shared the proposal with Paul Gilbert's office yesterday.

Thank you.

Bill

William F. Allison, Esq.
Withey Morris Baugh, PLC
2525 E. Arizona Biltmore Cir, Ste A-212
Phoenix, AZ 85016
602-346-4615-direct



WITHEY MORRIS BAUGH

Check out our podcast: [Dirt to Development \[witheymorris.com\]](https://www.witheymorris.com)



[\[witheymorris.com\]](https://www.witheymorris.com)

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November 15, 2023

PHOENIX REZONING APPLICATION Z-31-23 – PROPOSED STIPULATIONS

1. A minimum 20-foot landscaped setback shall be provided along perimeter lot lines not adjacent to a street. This standard shall not apply if the adjacent property is zoned C-1, C-2, C-3, A-1, A-2, Commerce Park.
2. The 20-foot landscaped setback along perimeter lot lines, when required, shall include:
 - a. Min. 2-inch caliper trees (50%) and min. 3-inch caliper trees (50%) planted 20-feet on center or in equivalent groupings, as approved by the Planning & Development Department.
 - b. Min. five (5) 5-gallon shrubs per tree.
3. Outdoor storage shall be setback a minimum of 100 feet from a residential district.
4. Parking lot area(s) shall be landscaped per the standards of Phoenix Zoning Ordinance §624.E.4.e, the C-3/General Commercial Zoning District.
5. The average noise level, measured at the property line, shall not exceed 55 dB (Ldn) when measured on an "A weighted" sound level meter and according to the procedures of the Environmental Protection Agency.
6. Noise-generating equipment, e.g. but not limited to air chillers and generators, shall be located a minimum of 300 feet from a residential district or shall be shielded by a building or sound mitigation wall to achieve the required noise level.
7. Parking lot and security lighting shall not exceed a maximum height of 15 feet including lamp, pole, and base within 200 feet of a residential district.
8. All on-site lighting shall be shielded to prevent direct visibility of the light source from adjacent property.
9. Lighting shall be shielded with cut-off fixtures and deflectors to direct light downward and limit on-site lighting levels to a maximum of one (1) foot candle at the property line.
10. Illuminative gases, LED lights, and fiber optics, including signage, shall not be placed on structures within 200 feet of a residential district.

From: [Stephen Nolan](#)
To: [Matteo Moric](#); [Debra Stark](#)
Subject: Turf Paradise Property rezoning cases.
Date: Friday, October 20, 2023 12:58:05 PM

I want to give you a quick update.

I have filed the following public records request with the planning and development department:

Public Records Request

R005336-102023 [cityofphoenixaz.govqa.us]

I would greatly appreciate a copy of the new application filed for Zoning Case No. #Z-31-23-3. In addition, there is an accompanying Application to Amend the General Plan, application #GPA-DV-1-23-3, also on file with Planning and Development. Could I get an update (and copy) of the status is of application #GPA-DV-1-23-3? Thank YOU for your attention to this matter!

Status : Waiting for Clarification

Mr. Moric, Could you help me understand the process to move forward, such as a new notice being sent out? Or is this item automatically put on next months agenda and when is next months meeting(s) (as there is confusion to the dates that are publicly posted on the corner of 19th Ave and Tierra Buena)? Or is this meeting rescheduled prior to the next months agenda?

I wish to voice my concern as it is related to the August 3rd, 2023, GENERAL PLAN AMENDMENT STAFF ANALYSIS (REVISED) recommending the approval of application #GPA-DV-23-1-3, (and as it relates to application #Z-31-23-3) as much has changed since the August 3rd, revision.

It appears, that the original application(s) submitted by applicant James Watson of CT Investors, is not the same application(s) that is trying to move forward now. For instance, referring to the June 5th, 2023 letter sent out included a conceptual site plan showing data centers and the thought that the perimeter of the Turf Paradise property would be more AESTHETICALLY pleasurable to our community. That plan is no longer in play and the information disseminated prior to the August 3rd revised analysis is not the same information that currently exists at the Turf Paradise property. The entire property is in total disarray and in deplorable condition. And if the application(s) are reverting back to the current owner (SIMMS);

THEN THERE IS AN EXTREME NEED FOR TOTAL TRANSPARENCY AS IT IS THE CURRENT OWNER (SIMMS), THAT HAS 'SINGLE HANDEDLY' ALLOWED THE TURF PARADISE PROPERTY AND ARIZONA'S AGRICULTURAL ENTERTAINMENT BUSINESSES OF HORSE RACING AND BREEDING (APPROX \$100mil AZ ECONOMIC IMPACT) TO SIGNIFICANTLY DECLINE. THE CURRENT OWNER (SIMMS) HAS SUCKED MOST OF THE LIFE OUT OF THE VEGETATION ON THE PROPERTY BY FAILING TO WATER THE PLANTS AND DO NORNAL LANDSCAPING UPDATES AND HAS CONTINUED (FOR 2 DECADES) FAILED TO DO ANY UPDATES TO INFRASTRUCTURE OF THE PROPERTY AND BUILDINGS (APPROXIMATELY 60 STRUCTURES). IN ADDITION, THE CURRENT OWNER (SIMMS) HAS AND CURRENTLY CONTINUES TO FAIL TO FULFILL HIS LEGAL OBLIGATION TO HOLD A RACE MEET (FROM THE FALL OF 2023 THROUGH SPRING OF 2024) AS REQUIRED BY A 3 YEAR PERMIT GRANTED TO TURF PARADISE (SIMMS) BY THE ARIZONA RACING COMMISSION AT THE RECOMMENDATION OF THE AZ DEPARTMENT OF RACING, A DIVISION OF THE AZ DEPARTMENT OF GAMING, WHICH DOES NOT EXPIRE UNTIL JUNE 30TH, 2024.

I respectfully request another review and analysis addressing all the changes that have been made prior to these applications moving forward. This request is to require the appropriate transparency expected, following the guidelines of the "Open Meeting Laws".

Please forward this communication to the Deer Valley Village Planning Committee Members and City of Phoenix Planning Commission Members and all other interested parties.

Sincerely,
Stephen H Nolan
1120 W. Le Marche Ave
Phoenix Az, 85023

From: [Matteo Moric](#)
To: [Stephen Nolan](#)
Cc: [Sarah Stockham](#)
Subject: RE: Turf Paradise property cases
Date: Tuesday, October 10, 2023 8:27:00 PM
Attachments: [image003.png](#)
[image004.emz](#)
[image005.png](#)

Hello Stephen,

Thank you for your input. I will forward your email to the Deer Valley Village Planning Committee.

For your information:

- The applicant on a rezoning application can change. They just need to let the City of Phoenix Planning and Development Department know the contact information for the new applicant and sign an updated application form, which they have completed.
- Approved zoning means the zoning was approved but not vested with a final site plan.
- And I can not speculate on why the owners many years ago did not include the subject approximate 28 acres into their earlier request.

Thank you,

Matteo Moric

Planner II* Village

City of Phoenix

Planning and Development Department

Long Range Planning Division

200 West Washington Street

Phoenix, Arizona 85003

matteo.moric@phoenix.gov

(602) 261-8235



Mission: Planning, Development and Preservation for a Better Phoenix

From: Stephen Nolan <nolanhorse racing@yahoo.com>

Sent: Tuesday, October 10, 2023 8:42 AM

To: Matteo Moric <matteo.moric@phoenix.gov>

Subject: Turf Paradise property cases

Please forward to Deer Valley Planning Committee Members and all appropriate.

I will update you concerning the two dates that have come and gone as to the reason these cases were continued from the August 10th Planning Committee Meeting.

First, the due diligence deadline (of September 15th) passed and the rezoning applicant, James Watson of CT Investors, has walked away from the project to purchase Turf Paradise.

Secondly, the Arizona Racing Commission had a meeting on September 28th, at which time, current Turf Paradise owner, Jerry Simms spoke (min 38:00-40:12), ([715th Arizona Racing Commission Meeting \[youtube.com\]](#)) in support of the Racing Industry remaining at Turf Paradise and that is why he chose the new prospective buyer.



The above leads me to request further information as it pertains to item #4 scheduled on the agenda of the Oct. 12th, Deer Valley Village Planning Committee Meeting.

Applications, GPA-DV-1-23-3, and Z-31-23 were submitted by James Watson of CT Investors, and paid for by such on May 19th, 2023.

Now knowing (through numerous media sources and Mr. Simms statements) that Mr. James Watson of CT Investors have walked away from this purchase project.

1) ARE THESE APPLICATIONS TRANSFERRABLE TO ANOTHER ENTITY?

In the June 28th, "Outreach Meeting", it was stated that the current zoning of the Turf Paradise property was done in approximately 2002, and was "approved" as is, but was never "finalized" by the City of Phoenix.

2) CAN I GET AN EXPLANATION TO THIS PROCESS OF "APPROVAL BUT NEVER FINALIZED"?

(Many things have changed to the immediate surrounding of the Turf Paradise property that were not here in 2002, including Walmart and Sam's Club which have had a major impact to the traffic in our community. If in fact that this technical matter is a concern, I would greatly appreciate it investigated and a response if these cases move forward).

Additionally, at that same "Outreach Meeting" a question remains unanswered?

3) When this 2002 rezoning occurred to some of the Turf Paradise property, why was this particular 28 acre parcel left out of that rezoning at that time? (this is very peculiar as it is in the middle of the property and a major part of the current land necessary for racing).

As I stated at the Aug 10th Planning Committee Meeting, there are many moving parts (that i believe relevant to this process) when it comes to Turf Paradise and Owner Jerry Simms. Litigations that extend over 13 years and one in particular that involves the State Department of Racing and the Arizona Racing Commission that has made it to the State Supreme Court.

I wish to submit the following two photos. The first is a visual of some of the the impact that Arizona Racing (mostly at Turf Paradise) has on the entire Arizona community. Second picture is what Turf Paradise (on it's website) states the need for the 5000 jobs it saves.

There is a regularly scheduled Racing Commission Meeting scheduled for Thursday morning at 10:00am.

There is not an agenda out at this time. I will forward it accordingly including a link to join with a zoom call.

Thank You,
Stephen H. Nolan
1120 W. Le Marche Ave
Phoenix, Az 85023

From: [Matteo Moric](#)
To: [Stephen Nolan](#)
Cc: gfreeman@mpbreality.net; debstarkaz@gmail.com
Subject: GPA-DV-1-23-3 and Z-31-23-3 (Approximately 500 feet east of the northeast corner of 19th Avenue and Tierra Buena Lane)
Date: Tuesday, September 5, 2023 5:47:00 PM
Attachments: [image002.png](#)

Good afternoon Mr. Nolan,

Thank you for your interest in these cases.

The Planning Commission agenda items you are speaking of related to the Turf Paradise site (GPA-DV-1-23-3 and Z-31-23-3) are being continued.

On August 10, the Deer Valley Village Planning Committee made a recommendation of approval of the General Plan Amendment, and recommended a continuance of the Rezoning Case to the October VPC meeting. The VPC meeting is planned to be on October 12, 2023 at the Deer Valley Community Center.

If you have any correspondence of support or opposition please feel free to forward those onto me.

Thank you,

Matteo Moric

Planner II* Village

City of Phoenix

Planning and Development Department

Long Range Planning Division

200 West Washington Street

Phoenix, Arizona 85003

matteo.moric@phoenix.gov

(602) 261-8235



Mission: Planning, Development and Preservation for a Better Phoenix

From: Stephen Nolan <nolanhorseracing@yahoo.com>

Sent: Tuesday, September 5, 2023 3:58 PM

To: Matteo Moric <matteo.moric@phoenix.gov>; gfreeman@mpbreality.net; debstarkaz@gmail.com

Subject: Re: This is Greg Freeman from the Turf Paradise meeting last night

Good afternoon,

I want to thank you for being available to answer some questions as I am not familiar with the rezoning process.

Concerning the agenda items #4 and #5 scheduled for the City of Phoenix Planning Commission Hearing at 6:00 pm, September 7th, 2023.

I respectfully request clarification as I had left the August 10th, Deer Valley Village Planning Committee meeting thinking that at least one if not both agenda items #4 & 5 above were to be tabled until the October meeting. The reason cited was to allow 2 important dates to occur in September. The Next Racing Commission Meeting, now rescheduled for September 28th from a date of September 14th. And the September due diligence deadline for the rezoning applicants, Mr. Watson to move forward with the purchase of the property wishing to be rezoned. I feel there are numerous issues that remain unanswered, and it is premature to move forward without gathering all possible information to be able to make the best decision for the community.

Many factual and legal reasons can be provided in support of the continuation of these agenda items to another date in order to allow for these meetings and deadlines to pass. A tremendous amount of information will be gathered from the results of due diligence deadline and Racing Commission meeting. Therefore, I respectfully request that the agenda items #4 & #5 be tabled to another date.

Sincerely,

Stephen H Nolan

1120 w Le Marche ave, Phoenix Az 85023

On Friday, July 7, 2023 at 10:03:10 AM MST, Greg Freeman <gfreeman@mpbrealty.net> wrote:

Thank you for the email, Stephen.

I just got back in town from a trip to see my wife's family over the holiday, so pardon my delayed response. I would love for us to meet so I can get some insight into the history of the property and hear a bit more about things on the horse racing side. We can meet together or with other interested parties that you see fit to include.

In this next week, I have availability to meet in the evening between 6pm and 8pm on Monday, Tuesday or Wednesday. Let me know if one of those days and or times work for you.



[\[mpbrealty.net\]](http://mpbrealty.net)

Greg Freeman

PROPERTY MANAGER

gfreeman@mpbrealty.net | mpbrealty.net [\[mpbrealty.net\]](http://mpbrealty.net)

O 602.280.1010 EXT 108 F 602.234.3880

1450 EAST INDIAN SCHOOL RD, SUITE 104 [\[MPBREALETY.NET\]](http://MPBREALETY.NET)

PHOENIX, AZ 85014 [\[MPBREALETY.NET\]](http://MPBREALETY.NET)

From: Stephen Nolan <nolanhorseracing@yahoo.com>
Sent: Monday, July 3, 2023 7:09 AM
To: Greg Freeman <gfreeman@mpbrealty.net>; Debra Stark <debstarkaz@gmail.com>; Leroy Gessmann <wlgessmann@gmail.com>; Berdette ATBA <atba@att.net>; Ivy Kushner <iv4k@aol.com>
Subject: Re: This is Greg Freeman from the Turf Paradise meeting last night

Thank You for your response. I am willing and available to meet with you at your convenience.

My concerns are for my neighborhood, where I have resided since the mid 1980's.

I wish to gather information concerning the past rezoning of the Turf Paradise property in order to understand why the 28 acre parcel was not included in the previous rezoning as part of this acreage is in the middle of the property.

In the past 23 years (the period when Jerry Simms has owned the property), I have witnessed the deterioration of this property. Many attempts to request regulators to hold Jerry Simms accountable for it's upkeep have fallen upon deaf ears. He was able to accomplish this through his manipulation of the Racing Commission which is the focus of litigation, that currently exist. I will bring these attempts to your attention when we meet.

In conclusion, it is my belief that this property needs to be restored to the condition in which it was when he purchased the property, (approximately) 1999-2000. The damage that the presence of Jerry Simms has brought to my community, our neighborhood, the Arizona Agricultural Entertainment Businesses of Horse Racing and Breeding, and all of Arizona are extremely visible. He has been a terrible business neighbor to all of Arizona.

Again, Thank You for your response, and I await your reply.

On Thursday, June 29, 2023 at 12:20:15 PM MST, Greg Freeman <gfreeman@mpbrealty.net> wrote:

Stephen,

This is Greg Freeman, we met at the Turf Paradise meeting last night.
I apologize for not having a business card with me, but my contact information is attached. Let me know if you have any questions or would like to set a time to meet.

Thank you!



Greg Freeman

PROPERTY MANAGER

gfreeman@mpbrealty.net | mpbrealty.net [\[mpbrealty.net\]](http://mpbrealty.net)

[\[mpbrealty.net\]](http://mpbrealty.net) O 602.280.1010 EXT 108 F 602.234.3880

1450 EAST INDIAN SCHOOL RD. SUITE 104 [\[MPBREALETY.NET\]](http://MPBREALETY.NET)

PHOENIX, AZ 85014 [\[MPBREALETY.NET\]](http://MPBREALETY.NET)

Racelle Escolar

From: William F. Allison <bill@wmbattorneys.com>
Sent: Wednesday, March 6, 2024 1:45 PM
To: Racelle Escolar
Cc: Paul Gilbert; Andy Jochums; Jason Morris; Hannah Bleam
Subject: Z-31-23 - Proposed Stipulations
Attachments: LT Planning Commission with proposed stipulations - Z-31-23 - 03.06.24.pdf; Site Plan 10-11 annotated.pdf

Importance: High

Follow Up Flag: Follow up
Due By: Wednesday, March 6, 2024 4:00 PM
Flag Status: Flagged

Racelle-

This firm represents Bruin Corporation regarding its interest in Z-31-23, the 28-acre rezoning case of part of the Turf Paradise development, which is scheduled for hearing at the Planning Commission tomorrow evening, March 7, 2024. We have worked with the applicant's counsel, Paul Gilbert, on stipulations for the case. We understand both parties agree to the stipulations, a copy of which is attached with a letter to the Planning Commission.

We apologize for the late delivery but ask that these be included for the Planning Commission's consideration at the hearing.

Also attached is a version of the site plan that the parties reviewed during the discussions.

Thank you!

Bill

William F. Allison, Esq.
Withey Morris Baugh, PLC
2525 E. Arizona Biltmore Cir, Ste A-212
Phoenix, AZ 85016
602-346-4615-direct



[Check out our podcast: Dirt to Development \[witheymorris.com\]](#)



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WITHEY
MORRIS
BAUGH

March 6, 2024

VIA ELECTRONIC MAIL

Phoenix Planning Commission
Phoenix Planning & Development Department
200 West Washington Street, 2nd Floor
Phoenix, Arizona 85003
racelle.escolar@phoenix.gov

Re: Z-31-23

Dear Chairman Gaynor and Planning Commission Members::

This firm represents Bruin Corporation regarding its property at 1656 West Tierra Buena Lane, Phoenix, which is the largest parcel south and east of the property addressed in rezoning case Z-31-23. The case is coming to the Planning Commission on March 7, 2024 without benefit of a Deer Valley Village Planning Committee recommendation.

We have watched with interest as the case has progressed and communicated with the applicant's counsel regarding Bruin's concerns with the project. We are pleased to say we worked with the applicant's counsel and agreed to the enclosed proposed stipulations for the case. We understand the applicant is also in agreement.

Bruin seeks definitive mitigation of potential impacts from the overall commerce park project contemplated on the rezoning site and the bulk of the Turf Paradise property. Without a development plan for Turf Paradise that is more than highly conceptual, Bruin believes the added protections included in the attached proposal are necessary for the rezoning parcel, which is contiguous to Bruin's property.

Thank you for your consideration.

Very truly yours,

WITHEY MORRIS BAUGH P.L.C.

By 

Jason Barclay Morris

Enclosure

cc: pdd.planningcomm@phoenix.gov
Paul Gilbert (pgilbert@gilbertblilie.com)

March 6, 2024

PHOENIX REZONING APPLICATION Z-31-23 – PROPOSED STIPULATIONS

1. General conformance to the site plan date stamped _____, 2024 as it applies to the 28 acre parcel that is the subject of Z-31-23.
2. A minimum 20-foot landscaped setback shall be provided along perimeter lot lines not adjacent to a street. This standard shall not apply if the adjacent property is zoned C-1, C-2, C-3, A-1, A-2, Commerce Park.
3. The 20-foot landscaped setback along perimeter lot lines, when required, shall include:
 - a. Min. 2-inch caliper trees (50%) and min. 3-inch caliper trees (50%) planted 20-feet on center or in equivalent groupings, as approved by the Planning & Development Department.
 - b. Min. five (5) 5-gallon shrubs per tree.
4. Outdoor storage shall be setback a minimum of 100 feet from a residential zoning district.
5. Parking lot area(s) shall be landscaped per the standards of Phoenix Zoning Ordinance §624.E.4.e, the C-3/General Commercial Zoning District.
6. The average noise level, measured at the property line, shall not exceed 55 dB (ldn) when measured on an “A weighted” sound level meter and according to the procedures of the Environmental Protection Agency.
7. Noise-generating equipment, e.g. but not limited to air chillers and generators, shall be located a minimum of 300 feet from a residential district or shall be shielded by a building or sound mitigation wall to achieve the required noise level.
8. Parking lot and security lighting shall not exceed a maximum height of 15 feet including lamp, pole, and base within 200 feet of a residential district. (Slightly revised from S507 Tab A.II.A.8.3.)
9. All on-site lighting shall be shielded to prevent direct visibility of the light source from adjacent property.
10. Lighting shall be shielded with cut-off fixtures and deflectors to direct light downward and limit on-site lighting levels to a maximum of one (1) foot candle at the property line.
11. Signage shall be subject to approval of a comprehensive sign plan per Phoenix Zoning Ordinance §705.F.2.

March 7, 2024

PHOENIX REZONING APPLICATION Z-31-23 – PROPOSED STIPULATIONS

1. General conformance to the site plan date stamped _____, 2024 as it applies to the 28 acre parcel that is the subject of Z-31-23.
2. A minimum 20-foot landscaped setback shall be provided along perimeter lot lines not adjacent to a street. This standard shall not apply if the adjacent property is zoned C-1, C-2, C-3, A-1, A-2, Commerce Park. Required landscape setbacks shall be planted with minimum 2-inch caliper (50%) and min. 3-inch caliper trees (50%) large canopy drought-tolerant trees, 20-feet on center or in equivalent groupings, with five 5-gallon shrubs per tree, as approved by the Planning & Development Department.
3. Outdoor storage areas shall be setback a minimum of 100 feet from a residential zoning district.
4. Parking lot area(s) shall be landscaped per the standards of Phoenix Zoning Ordinance §624.E.4.e, the C-3/General Commercial Zoning District.
5. Noise-generating equipment, e.g. but not limited to air chillers and generators, shall be located a minimum of 300 feet from a residential district or shall be shielded by a building or sound mitigation wall to achieve the required noise level.
6. Parking lot and security lighting shall not exceed a maximum height of 15 feet including lamp, pole, and base within 200 feet of a residential district.
7. All on-site lighting shall be shielded to prevent direct visibility of the light source from adjacent property.
8. Lighting shall be shielded with cut-off fixtures and deflectors to direct light downward and limit on-site lighting levels to a maximum of one (1) foot candle at the property line.
9. Signage shall be subject to approval of a comprehensive sign plan per Phoenix Zoning Ordinance §705.E.2.



Agenda Date: 4/3/2024, Item No. *81

*****REQUEST TO ADD-ON (SEE ATTACHED MEMO)*** Acceptance and Dedication of a Deed and Easement for Roadway and Public Utility Purposes (Ordinance S-50738)**

Request for the City Council to accept and dedicate a deed and easement for roadway and public utility purposes; further ordering the ordinance recorded.

Summary

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

Easement (a)

Applicant: Mangl Murti, LLC; its successor and/or assigns

Purpose: Public Utility

Location: 9202 N. 35th Ave.

File: 240001

Council District: 1

Easement (b)

Applicant: TNS Investments Company; its successor and/or assigns

Purpose: Sidewalk

Location: 1639 E. Deer Valley Rd.

File: 240011

Council District: 2

Deed (c)

Applicant: Esperanza Y. Alvarado Felix; its successor and/or assigns

Purpose: Roadway

Location: 337 W. Watkins St.

File: 230101

Council District: 8

Responsible Department


This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development and Finance departments.



City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

To: Alan Stephenson
Deputy City Manager

Date: March 29, 2024

From: Joshua Bednarek 
Planning and Development Director

Subject: ITEM 81 - REQUEST FOR ADD-ON TO THE APRIL 3, 2024, CITY COUNCIL FORMAL AGENDA TO ADD ACCEPTANCE AND DEDICATION OF A DEED AND EASEMENT FOR ROADWAY AND PUBLIC UTILITY PURPOSES (ORDINANCE S-50738)

This memo requests an add-on to the April 3, 2024, Formal Agenda under Planning and Zoning Matters for City Council to approve the Acceptance and Dedication of a Deed and Easement for Roadway and Public Utility Purposes.

Approved: _____

Alan Stephenson, Deputy City Manager

3/29/24
Date