

September 16, 2009

The Phoenix City Council convened in recessed session on Wednesday, September 16, 2009, at 5:00 p.m. in the Assembly Rooms, 200 West Washington.

### **ROLL CALL**

Present: Council Members Sal DiCiccio, Bill Gates, \*Michael Johnson, Claude Mattox, Peggy Neely, \*Michael Nowakowski, Thelda Williams, and Vice Mayor Tom Simplot

Absent: Mayor Phil Gordon

Also

Present: City Manager Frank Fairbanks, Acting City Attorney Margaret Wilson, Acting City Clerk Cris Meyer, and Principal Planner Alan Stephenson

\*Mr. Johnson and Mr. Nowakowski arrived during Item 1.

Due to Mayor Gordon's absence, Vice Mayor Simplot assumed the Chair.

The minutes of this meeting were submitted to Mr. DiCiccio for review.

### **PUBLIC HEARINGS AND ORDINANCE ADOPTIONS**

#### **ITEM 1**

#### **DISTRICT 2**

#### **ORDINANCE G-5427 - PUBLIC HEARING - GPA-DSTV-2-09-2 - 56TH STREET AND LOOP 101 FREEWAY**

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The Council heard request to hold a public hearing and approve the following text changes to this item by adopting the Planning Commission's recommendation and the related ordinance.

Application: GPA-DSTV-2-09-2

Request: Specific Plan

Acreage: 34.75

Location: Northeast corner of 56th Street and the Loop 101 Freeway

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Proposal: Amend Chapter 6 of the Desert Ridge Specific Plan, Superblock 2 and particularly Development Parcel 2.H to increase the maximum number of dwelling units for Superblock 2 from 2,009 to 2,255 and the maximum density from 5.25 to 5.9 du/ac with a corresponding increase for Parcel 2.H to a density range of 10-31 du/ac for the entire parcel with a maximum of 1,066 units and a minimum of 300 units.

Applicant: Brian Kearney - East of Epicenter, LLC and Gray Development Group

Owner: Arizona State Land Department

Representative: Ed Bull - Burch and Cracchiolo

Staff: Approved

VPC Action: Desert View - July 7, 2009 - Approved. Vote 5-3-1

PC Action: September 9, 2009 - Recommendation would be verbal.

The following language was subject to discussion at the meeting and the City Council might add, delete, or amend the language.

#### Proposed Language

- Amend Chapter 2, Superblock 2, and Development Parcel 2.H as follows:

#### SUPERBLOCK 2

Superblock 2 contains a variety of residential densities, as well as a high school, community park, and a municipal complex consisting of a water storage reservoir, park-and-ride lot, and potentially a library, community center, police and fire station. -9

Size: 383 acres \*2 \*9 \*10

Maximum Number of Dwelling Units: ~~2,009~~ 2,255 \*2

Overall Superblock Maximum Density: ~~5.25~~ 5.9 du/ac \*2 \*9 \*10

The size of each development parcel may vary by 30 percent (25 percent for R1-6 and more dense zoning categories without a minor plan amendment). Within Superblock 2, the more dense developments are located adjacent to 56th Street and contiguous to the high school and community park. \*2

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## 2.H - Development Parcel 2.H

Size: 35 acres \*2 \*9 \*10

Uses Permitted:

- Residential
  - Nursing homes, group care homes, specialized treatment facilities, congregate living facilities.
- Churches +2

Density Range: ~~40-25~~ 10-31 du/ac for the entire parcel; ~~maximum density of 35 du/ac for individual developments;~~ no maximum density is imposed for nursing homes or congregate care facilities. \*2

Maximum Number of Units: ~~820;~~ 1,066 if acreage increases ~~30 percent~~ \*2 \*10

Minimum Number of Units: 300; ~~240 if acreage decreases 30 percent~~ \*2

Building Height Limit: 4 stories or 48 feet

Potential Zoning to be Applied: R-2, R-3, R-3A, R-4 +2

Minimum Lot Size: Zoning controls

### Special Requirements (Modifying City of Phoenix Regulations):

- A Use Permit shall be obtained for nursing homes, group care homes, specialized treatment facilities, and congregate living facilities.
- Residential units may be single-family detached, single-family attached, or multifamily. \*2
- Section C.4.B., Chapter 6 of Desert Ridge Specific Plan, applies.
- No more than 25 percent of the development parcel may be zoned R-2. +2

### Recommendations:

- Appropriate buffering from the Pima Freeway shall be provided.

Mr. Johnson and Mr. Nowakowski entered the room and joined the voting body.

Principal Planner Alan Stephenson pointed out copies of staff's handouts and any proposed stipulation modifications were made available to the public and placed on a table prior to entering the room.

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He stated this was a Desert Ridge Specific Plan Amendment located at the northeast corner of 56th Street and the Loop 101 Freeway. Staff requested the item be withdrawn from the agenda to be brought back at a later date.

**MOTION** was made by Ms. Neely, **SECONDED** by Mrs. Williams, that Item 1 be withdrawn from the agenda to be brought back at a later date.  
**MOTION CARRIED UNANIMOUSLY.**

**ITEM 3**

**DISTRICT 8**

**ORDINANCE G-5415 -  
PUBLIC HEARING -  
Z-22-09-8 -  
45TH PLACE AND OSBORN  
ROAD  
3/4 VOTE REQUIRED**

The Council heard request to hold a public hearing and approve the rezoning for the following item by adopting the Planning Commission's recommendation and the related ordinance.

Application: Z-22-09-8 - Continued from July 1, 2009 - Appealed by  
Opposition  
From: R1-10  
To: R1-6  
Acreage: 0.97  
Location: Northeast corner of 45th Place and Osborn Road  
Proposal: Residential housing  
3/4 Vote Required: Yes  
Applicant: Jim Marsh - JM Properties  
Owner: Jim Marsh - JM Properties  
Representative: Jim Marsh - JM Properties  
Staff: Approved, subject to stipulations.  
VPC Action: Camelback East - June 2, 2009 - Approved, subject to  
stipulations. Vote 11-4  
PC Action: June 10, 2009 - Approved, subject to stipulations. Vote 6-2

The following stipulations were subject to discussion at the meeting and the City Council might add, delete, or amend stipulations.

**Stipulations**

1. That the development shall be in general conformance to the site plan date stamped April 22, 2009, and the elevations date stamped May 19, 2009, as approved or modified by the Development Services Department.

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2. That development shall be limited to one story and 19 feet in height.
3. That the maximum number of residential units shall not exceed three.
4. That the developer shall construct all streets adjacent to the development with sidewalk, curb ramps, streetlights, landscaping, and other incidentals as approved by the Development Services Department. All improvements shall comply with all Americans with Disabilities Act accessibility standards.

Principal Planner Alan Stephenson stated staff received a continuance request to the October 7, 2009 recessed meeting. He noted this request was located at the northeast corner of 45th Place and Osborn Road.

In response to Mr. Johnson, Mr. Stephenson advised one neighbor, Mr. Smith, was present and aware of the continuance.

**MOTION** was made by Mr. Johnson, **SECONDED** by Ms. Neely, that Item 3 be continued to the October 7, 2009 recessed meeting. **MOTION CARRIED UNANIMOUSLY.**

**ITEM 2**

**DISTRICT 3**

**ORDINANCE G-5416 -  
PUBLIC HEARING -  
Z-98-08-3 -  
ROBERTS ROAD AND  
12TH STREET**

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The Council heard request to hold a public hearing and approve the rezoning for the following item by adopting the Planning Commission's recommendation and the related ordinance.

Application:	Z-98-08-3 - Continued from July 1, 2009
From:	S-1
To:	R1-10
Acreage:	0.55
Location:	Northeast corner of Roberts Road and 12th Street
Proposal:	Single-family residential
Applicant:	Planning Commission
Owner:	Erik and Kathleen Humphrey
Representative:	Planning Commission
Staff:	Approved, subject to stipulations.
VPC Action:	<u>North Mountain</u> - June 17, 2009 - Denied. Vote 14-0
PC Action:	June 10, 2009 - Approved, subject to stipulations. Vote 8-0

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The following stipulations were subject to discussion at the meeting and the City Council might add, delete, or amend stipulations.

Stipulations

1. That the site shall be in general conformance with the site plan date stamped October 24, 2008, or as may be modified by the Development Services Department.
2. That single-family homes constructed on the parcel(s) shall be subject to the Individual Unit Design Standards of the Phoenix Zoning Ordinance, Section 507 Tab A, and specifically that the southern lot with the easement shall be considered to be a lot that is less than 65 feet in width for the purposes of this review.
3. That the developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping, and other incidentals as per plans approved by the Development Services Department. All improvements shall comply with all Americans with Disabilities Act accessibility standards.

Principal Planner Alan Stephenson stated this was a rezoning request from S-1 to R1-10 located on the northeast corner of 12th Street and Roberts Road. The North Mountain Village Planning Committee denied this request; however, since that time, staff had clarified a misunderstanding with the neighbors. He explained the misunderstanding dealt with a larger area considered for rezoning earlier in the process. Staff recommended approval per the September 2, 2009 memo from the Planning Director and adoption of the related ordinance.

Acting Mayor Simplot noted two individuals submitted speaker comment cards in opposition and wished to speak.

Ms. Monta Redd lived on the same side of the street as the subject property and was opposed to the request. She sent a report with exhibits that addressed her concerns to the Council prior to this meeting. She conveyed the report submitted by the Planning Director was incorrect as it claimed drainage alterations did not occur on the property. There was a 32-foot drainage channel that ran through the property; however, the previous owners filled in the drainage area with dirt and erected a fence for their horses which altered the water flow so that it flooded her property. In 2001, the same owners filled in the Moon Valley Wash which was a 26-foot historic wash. She remarked another owner encroached nine feet into the same wash and installed a pool.

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The Planning Director's report was again inaccurate as it indicated that water did not flow from the property. Ms. Redd explained the water flowed from the south and southeast developments and the golf course to the wash that was now only six feet wide. If the wash was returned to its original state she believed the water would be accommodated for in this area. She expressed the previous owners who filled the wash submitted plans to the City's Development Services Department to widen it to 12 feet with a request to not be responsible for the flooding in the area. She would retract her opposition if the flooding could be resolved by returning the wash to its original state as the water now flooded her property as well as the neighbor's property.

Mr. Stephenson pointed out this issue was under review by staff in the Development Services Department. He spoke with City Civil Engineer Mr. Jim Taschner who was familiar with the subject site. Mr. Taschner advised Planning staff that the subject property was not involved in off-site drainage flow problems but was caused by four parcels to the north of the subject site. Mr. Stephenson declared that was staff's basis to proceed with the zoning case as the subject site was not involved in the drainage issue. He advised once rezoning was approved, the applicant had to proceed with the site plan review process through the Development Services Department where the drainage issues would be addressed for the subject property.

Ms. Redd knew of Mr. Taschner because of his limited involvement with her situation. He was unaware of the alterations done on the north property because the water mainly came from the subject property and went into the wash which was inadequate for the area. She conveyed Mr. Taschner did not explore the flow of water that came to the wash and flooded her and the neighbors. There was a paper on infill properties were exempt from doing grading and drainage plans to save on expenses. She felt since the subject property was in an area where there was extensive flooding that it should be required to submit such a report for the City's Civil Engineer to review.

Mr. Gates stressed her concerns would be addressed by the Development Services Department.

Mr. Robert Stapleton spoke in opposition as the designated spokesman for the neighborhood and advocacy group called the Old Neighborhood. It was called this because it had been in existence prior to the formation of the neighborhood, before being part of the County, or annexed into the City. He had spoken with the owners who wanted to split the property and build two houses on the two lots. He was under the impression the property owners had built homes in other communities and assumed they were developers. The property owners planned to reside in one of the homes and build the other home to sell for profit.

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Mr. Stapleton was chosen to be the spokesman for the neighborhood because residents were intimidated by City government. He recalled former Mayor Paul Johnson became a developer, acquired properties, and obtained permits to build one of eighteen projects. Due to former Mayor Johnson's association with the Planning Department, he felt the circumstances were handled improperly. He explained property known as a brown field was acquired next to his residence near 7th Street. At that time, the value of his property was inflated due to the real estate market which had since fallen given the current state of the economy. He conveyed the property sold for \$500,000 prior to the current owners acquiring the site. The previous owner had passed away and the property was seized by the bank that lost money on this property as the listed price was \$400,000 and was sold for \$350,000 to the current property owners.

The property owners purchased the property in an inflated market and were looking at ways to manage the proposed site. Mr. Stapleton suggested there was value to horse properties in the City with people willing to pay a considerable premium to keep their horses on the premises. The subject site was next to a bridal path that was part of the Phoenix Mountain Preserve which also added value to the property.

Mr. Stapleton received civil citations against his farm property from the City. The properties in the community were zoned S-1 for farming purposes though his citations were based on a residential standard. He stood firm but the citations were converted to criminal misdemeanors. He filed a suit against the City with the 9th Circuit Court of Appeals for abuse of his civil rights; however, was found guilty and a \$15,000 fine was imposed against him.

The community wanted to preserve the natural character of the neighborhood which was horse property. Mr. Stapleton thought there were better uses than what was proposed by this rezoning request. He planned to send material to the Council for examination of this matter.

Mr. Gates asked how many individuals were represented as part of the group. Mr. Stapleton replied the neighborhood consisted of approximately 125 households. The residents wanted to preserve the character of the neighborhood and not have the surrounding area become planned area development.

In response to Mr. Gates, Mr. Stapleton indicated he had spoken with almost all of his neighbors regarding the subject property.

In further response to Mr. DiCiccio, Mr. Stapleton responded approximately 80 percent of homes in the immediate area were in opposition to this rezoning request.

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Mrs. Williams wanted to know the size of the lots of these 125 homes. Mr. Stapleton conveyed many of the properties in the community were zoned S-1 with some less than an acre in size. He recalled all properties in the City were zoned S-1 but changed to residential over time.

Mr. Stephenson called attention to the Council's backup material that included a zoning sketch map and showed the predominant zoning pattern in the area which was R1-10. He pointed out the lot sizes on this block were 8,200 square feet, 6,100 square feet, 8,300 square feet, and 7,900 square feet. The proposed lots were 11,688 square feet.

Mr. Gates was unaware of the residents concerns prior to this meeting and noted this was a City initiated case. He wanted to have an opportunity to discuss the concerns of the neighborhood and wished to withdraw this item from the agenda to be brought back at a later date.

Mr. Stephenson clarified this was a staff generated application but was initially submitted by a property owner who wanted to rezone the subject site. Staff looked at the larger block as the existing S-1 zoning did not conform to many of the lots. He emphasized S-1 lots were typically an acre in size so these lots were already non-conforming. He suggested the Council continue this item to preserve the advertising requirement and to give staff time to meet with the neighborhood.

**MOTION** was made by Mr. Gates, **SECONDED** by Mrs. Williams, that Item 2 be continued to the November 4, 2009 recessed meeting. **MOTION CARRIED UNANIMOUSLY.**

Ms. Neely requested staff direct the Development Services Department to investigate the drainage canals so Council had details regarding the situation in this area when the item was revisited in November.

**ITEM 4**

**DISTRICT 8**

**ORDINANCE G-5428 -  
PUBLIC HEARING -  
Z-15-09-8 -  
24TH STREET AND VINEYARD  
ROAD**

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The Council heard request to hold a public hearing and approve the rezoning for the following item by adopting the Planning Commission's recommendation and the related ordinance.

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Application: Z-15-09-8  
From: R-5 BAOD, S-2 BAOD, MUA BAOD  
To: MUA BAOD  
Acreage: 67.30  
Location: Northeast corner of 24th Street and Vineyard Road  
Proposal: Mixed-use agriculture comprised of single-family residential and commercial

3/4 Vote Required: No  
Applicant: Jason Morris - Withey Morris, PLC  
Owner: Multiple Owners  
Representative: Jason Morris - Withey Morris, PLC  
Staff: Approved, subject to stipulations.  
VPC Action: South Mountain - May 12, 2009 - Approved, subject to staff stipulations in the addendum with the addition of language requiring Planning Hearing Officer review of residential elevations on lots 1/3 of an acre or less and an additional stipulation requiring the applicant to return to the committee within 24 months of City Council approval. Vote 10-1

PC Action: June 10, 2009 - Approved, per the Village Planning Committee recommendation and stipulations, with the deletion of Stipulation 12 recommended by the Village Planning Committee and the addition of Stipulation 12 regarding the Proposition 207 waiver. Vote 9-0

CC Action: July 1, 2009 - Ordinance adoption withdrawn from the Formal agenda and scheduled for public hearing.

The following stipulations were subject to discussion at the meeting and the City Council might add, delete, or amend stipulations.

Stipulations

1. That the development shall be in general conformance with the submitted site plan and commercial entry feature/plant palette (Attachment G) date stamped May 6, 2009, as modified by the following stipulations and approved by the Development Services Department with specific regard to:
  - a. The orientation and location of commercial buildings along 24th Street and Vineyard Road.
  - b. The location of parking areas in the rear or along the non-street side of buildings.

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- c. The location and size of the community garden and recreational space.
2. That prior to preliminary site plan approval, the Planning Hearing Officer shall review and approve RESIDENTIAL BUILDING ELEVATIONS FOR PROPERTIES 1/3 OF AN ACRE OR LESS AND the commercial building elevations through the public hearing process. This review is for conceptual purposes only. Specific development standards and requirements will be determined by the Development Services Department. At a minimum, the elevations shall be consistent with the conceptual renderings date stamped February 9, 2009, (Attachment D, Pages 1 and 2) and the commercial elevations shall include the following:

Commercial

- a. Architectural elements that emphasize horizontal plains such as overhangs, projections, alcoves, varied roof plains, and building offsets that are designed to minimize mass and volume of the structure.
- b. Changes in the façade, such as material design, façade height, or decorative details.
- c. Provision of alternative surface materials for parking areas.
- d. Pitched roof elements or flat roofs with a false front parapet.
- e. Overhanging wooden or composite wood eaves and exposed rafters.
- f. Building materials that include the use of:
  - 1) Board and batten
  - 2) Clapboard siding
  - 3) Wood/heavy timbers
  - 4) Adobe
  - 5) Stone or stone veneer
  - 6) Stucco, not to exceed 70 percent of the exterior wall surface area

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3. That the development shall be in general conformance with the conceptual Garden and Barn/Retention Area Plan (Attachment E, Pages 1 through 3) date stamped March 3, 2009, with specific regard to the following, as approved by the Development Services Department:
  - a. A landscape layout showing high tree density and shaded pedestrian pathways.
  - b. The provision of open space amenities which include shade structures, barbeques, picnic tables, benches, and trash receptacles.
4. That a comprehensive sign plan shall be approved for the entire development in accordance with Section 705 of the Zoning Ordinance.
5. That a 10-foot public multi-use trail shall be constructed within a 30-foot easement in accordance with the Maricopa Association of Governments supplemental detail along 24th Street, as approved by the Parks and Recreation Department.
6. That right-of-way totaling 30 feet shall be dedicated for the north half of Vineyard Road, as approved by the Development Services Department.
7. That right-of-way totaling 50 feet shall be dedicated for the east half of 24th Street, as approved by the Development Services Department.
8. That a 25-foot by 25-foot right-of-way triangle shall be dedicated at the northeast corner of 24th Street and Vineyard Road, as approved by the Development Services Department.
9. That the developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping, and other incidentals as per plans approved by the Development Services Department. All improvements shall comply with all Americans with Disabilities Act accessibility standards.
10. That the applicant shall submit a Traffic Impact Study to the Street Transportation Department and the Development Services Department prior to preliminary site plan review. The applicant shall be responsible for any dedications and required improvements recommended by the approved traffic study, as approved by Development Services Department and the Street Transportation Department.

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11. That the applicant shall complete and submit the Developer Project Information Form for the Maricopa Association of Governments Transportation Improvement Program to the Chief Engineering Technician with the Street Transportation Department, (602) 262-6193. This form is a requirement of the Environmental Protection Agency to meet clean air quality requirements.
- ~~12. That the approval shall be conditioned upon development commencing within 24 months of the City Council approval of this change of zoning in accordance with Section 506.B.1 of the Phoenix Zoning Ordinance. (For purposes of this stipulation, development shall commence with the issuance of building permits and erection of building walls on site). That if construction does not commence within 24 months, the owner shall return to the South Mountain Village Planning Committee for additional site plan review.~~
12. THAT PRIOR TO PRELIMINARY SITE PLAN APPROVAL, THE LANDOWNER SHALL EXECUTE A PROPOSITION 207 WAIVER OF CLAIMS IN A FORM APPROVED BY THE CITY ATTORNEY'S OFFICE. THE WAIVER SHALL BE RECORDED WITH THE MARICOPA COUNTY RECORDER'S OFFICE AND DELIVERED TO THE CITY TO BE INCLUDED IN THE REZONING APPLICATION FILE FOR RECORD.

Principal Planner Alan Stephenson stated this was a 67.3-acre rezoning request from R-5, S-2, and MUA Baseline Area Overlay District to MUA Baseline Area Overlay District located on the northeast corner of 24th Street and Vineyard Road. The South Mountain Village Planning Committee voted to approve this request. He noted the City Council referred the case to this agenda to add one stipulation regarding a time limit to start development which was now incorporated as Stipulation 13. Staff recommended approval per the September 2, 2009 memo from the Planning Director and adoption of the related ordinance.

**MOTION** was made by Mr. Johnson, **SECONDED** by Ms. Neely, that Item 4 be granted per the September 2, 2009 memo from the Planning Director and adopt the related ordinance with the following stipulations:

1. That the development shall be in general conformance with the submitted site plan and commercial entry feature/plant palette (Attachment G) date stamped May 6, 2009, as modified by the following stipulations and approved by the Development Services Department with specific regard to:

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- a. The orientation and location of commercial buildings along 24th Street and Vineyard Road.
  - b. The location of parking areas in the rear or along the non-street side of buildings.
  - c. The location and size of the community garden and recreational space.
2. That prior to preliminary site plan approval, the Planning Hearing Officer shall review and approve residential building elevations for properties 1/3 of an acre or less and the commercial building elevations through the public hearing process. This review is for conceptual purposes only. Specific development standards and requirements will be determined by the Development Services Department. At a minimum, the elevations shall be consistent with the conceptual renderings date stamped February 9, 2009, (Attachment D, Pages 1 and 2) and the commercial elevations shall include the following:

Commercial

- a. Architectural elements that emphasize horizontal plains such as overhangs, projections, alcoves, varied roof plains, and building offsets that are designed to minimize mass and volume of the structure.
- b. Changes in the façade, such as material design, façade height, or decorative details.
- c. Provision of alternative surface materials for parking areas.
- d. Pitched roof elements or flat roofs with a false front parapet.
- e. Overhanging wooden or composite wood eaves and exposed rafters.
- f. Building materials that include the use of:
  - 1) Board and batten
  - 2) Clapboard siding
  - 3) Wood/heavy timbers
  - 4) Adobe

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- 5) Stone or stone veneer
  - 6) Stucco, not to exceed 70 percent of the exterior wall surface area
3. That the development shall be in general conformance with the conceptual Garden and Barn/Retention Area Plan (Attachment E, Pages 1 through 3) date stamped March 3, 2009, with specific regard to the following, as approved by the Development Services Department:
  - a. A landscape layout showing high tree density and shaded pedestrian pathways.
  - b. The provision of open space amenities which include shade structures, barbeques, picnic tables, benches, and trash receptacles.
4. That a comprehensive sign plan shall be approved for the entire development in accordance with Section 705 of the Zoning Ordinance.
5. That a 10-foot public multi-use trail shall be constructed within a 30-foot easement in accordance with the Maricopa Association of Governments supplemental detail along 24th Street, as approved by the Parks and Recreation Department.
6. That right-of-way totaling 30 feet shall be dedicated for the north half of Vineyard Road, as approved by the Development Services Department.
7. That right-of-way totaling 50 feet shall be dedicated for the east half of 24th Street, as approved by the Development Services Department.
8. That a 25-foot by 25-foot right-of-way triangle shall be dedicated at the northeast corner of 24th Street and Vineyard Road, as approved by the Development Services Department.
9. That the developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping, and other incidentals as per plans approved by the Development Services Department. All improvements shall comply with all Americans with Disabilities Act accessibility standards.

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10. That the applicant shall submit a Traffic Impact Study to the Street Transportation Department and the Development Services Department prior to preliminary site plan review. The applicant shall be responsible for any dedications and required improvements recommended by the approved traffic study, as approved by Development Services Department and the Street Transportation Department.
11. That the applicant shall complete and submit the Developer Project Information Form for the Maricopa Association of Governments Transportation Improvement Program to the Chief Engineering Technician with the Street Transportation Department, (602) 262-6193. This form is a requirement of the Environmental Protection Agency to meet clean air quality requirements.
12. That prior to preliminary site plan approval, the landowner shall execute a Proposition 207 waiver of claims in a form approved by the City Attorney's Office. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record.
13. That if development does not commence within 60 months of City Council approval, the applicant shall return to the South Mountain Village Planning Committee for an update and information only on the proposed development. (For purposes of this stipulation, development shall commence with the issuance of building permits for the first phase of the development.)

Roll Call:	Ayes:	DiCiccio, Gates, Johnson, Mattox, Neely, Nowakowski, Williams, and Acting Mayor Simplot
	Nays:	None
	Absent:	Mayor Gordon

**MOTION CARRIED.**

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**ADJOURNMENT**

There being no further business to come before the Council, Acting Mayor Simplot declared the meeting adjourned.

  
\_\_\_\_\_  
ACTING MAYOR

ATTEST:

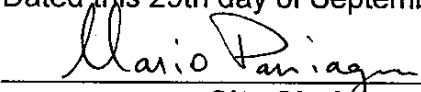
  
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CITY CLERK

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**CERTIFICATION**

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the recessed session of the City Council of the City of Phoenix held on the 16th day of September, 2009. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 29th day of September, 2009.

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



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