



Village News



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Debra Stark
Planning Director

City of Phoenix Welcomes New Planning Director

Debra Wilkins Stark joined the City of Phoenix Planning Department in October 2005. She holds a Bachelor's Degree in Sociology from Western Kentucky University and a Master's Degree in Planning from Arizona State University. She began her planning career at the City of Phoenix in 1982 and left in 1987 to work for Maricopa County from 1988 to 1996 reaching the position of Planning Manager. After the county, she was the Community Development Director for the City of Peoria from 1996 to 2005. As the Community Development Director, she oversaw the planning, building safety and neighborhood services functions for the city.

Debra served as the Vice-President/Legislative Affairs for the Arizona Planning Association and is on the Board of Directors for Valley Partnership. She is also a member of the Governor's Growing Smarter Oversight Council. Her civic duty also includes serving as a member of the Maricopa County Trial Court Selection Commission. This board reviews judicial candidates for the Maricopa County Superior Court and forms a constitutional list of names to send to the Governor.

Debra is married and is the proud mother of two.

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It's an exciting time for Planning in Phoenix! Since my return to the City of Phoenix, I have worked on numerous projects such as the Camelback corridor building height mediation process, review of the Desert Ridge area uses and consideration to apply the Edge Treatment Guidelines citywide.

So far, I've had the opportunity to visit with several Villages and have plans to visit all of the Villages before the end of the current City Council session. I look forward to continuing to work with each of the Village Planning Committees, the Planning Commission and the City Council to ensure that the planning needs of the City of Phoenix are met.

I truly appreciate the work that our Village Planning Committee and Planning Commission members do by volunteering their time to help shape the development process in Phoenix. That's why we recently held a Village Planning Committee and Planning Commission retreat in January to learn about your goals and desires for the future of these boards.

You said that you would like a refresher on, "How to run an effective meeting" and we incorporated that as a session of the upcoming Continuous Learning Institute. Please know that we value your input and want to make sure that your service is productive. If you have any questions about your committee's role and/or the planning process in Phoenix, please contact your Village Planner, contact numbers are listed on the Village map that appears in this newsletter.

Sincerely,

Planning Director

Glossary of Terms

VPC – Village Planning Committee

CLI – Continuous Learning Institute

Zoning Variances

What is a zoning variance, anyway? Many people use the term “variance” to mean almost any regulation which touches their property. But variances are a part of an overall zoning scheme – they allow relief for a property owner from the strict letter of the zoning law. But first, some background about zoning.

A zoning ordinance is adopted by a city or county government, and regulates the uses of land and the standards under which buildings are placed on the land. Most zoning ordinances specify locations where commercial and industrial development can occur, and where residences can be built. Within each zoning category, the ordinance also specifies the development standards for each lot. For example, it might say that a house must be set back 30 feet from the front property line, and 15 feet from the side and back property line. It may also specify the maximum height of the building, the number of required parking spaces, and the like.

It is important not to confuse zoning, which regulates the use of land, with the building code, which regulates how buildings are constructed. Most cities have a separate building code which specifies a myriad items relating to electric service, plumbing, structural engineering, and the like. Relief from these requirements is accomplished in a totally separate manner from zoning variances.

The Standard State Zoning Enabling Act, first adopted in 1926, gave Boards of Adjustment the power to authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

This authorizing language has been interpreted by case law. In the Phoenix zoning ordinance, the case law has been synthesized into four conditions under which variances may be granted. They are:

- a. That there are special circumstances or conditions applying to the land, building, or use referred to in the application and which do not apply to other properties in the district; and
- b. That such special circumstances were not created by the owner or applicant; and
- c. That the authorizing of the variance is necessary for the preservation and enjoyment of substantial property rights; and
- d. That the authorizing of the application will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general.

In Arizona, a property owner can only seek a variance for the development standards, and not for the use of the property. As an example, a person could not seek a variance to build a shopping center in a zone that permits only single-family residences. But, he may apply for a variance to modify the front yard setback from 30 feet to 25 feet, or the lot coverage from a maximum of 25 percent to 28 percent. However, in other states so-called “use variances” are permitted.

One common misunderstanding regarding the “hardship standard” (“a literal enforcement of the provisions of the ordinance will result in unnecessary hardship”) is that a personal hardship (such as changing the color of a building in violation of a zoning ordinance) qualifies. Case law has held that the hardship must relate to the use of land rather than a hardship to the owner.

Case law has also held that “special circumstances” or “hardships” that are intentionally created do not justify the granting of a variance, such as when an owner submits an erroneous site plan to the City.

A Board of Adjustment is the body which hears applications for variances. In some cities, the application goes directly to the Board, in others, the Zoning Administrator first hears the application which may then be appealed to the Board.

The Board hears not only variances but challenges to interpretations of the zoning ordinance. It is a “quasi-judicial” board, which means it acts more like a court than like an elected city council. The hearing before the Board is “de novo”, which means that new evidence may be presented, as well as that which was considered by the Zoning Administrator. Like a court, Board members may not be lobbied outside of the hearing, so as to preserve their ability to impartially consider the evidence.

The Roles of Village Planning Committees, Planning Commission & The City Council...

The City of Phoenix is divided into 15 Urban Villages (see map). Each Village has a Village Planning Committee that is appointed by the City Council. Village Planning Committee members represent their area to assist the Planning Commission in the performance of its duties. Village Planning Committee activities include: identifying areas or provisions of the General Plan text that need refinement and updating; identifying problems and needs related to implementation of the General Plan; defining in greater detail the intended future function, density and character of subareas of the village; and commenting on proposals for the new zoning districts or land use districts.

The Planning Commission recommends plans for building and improvement of the city, including parks, streets, etc. The Commission also recommends Charter amendments and Ordinances regarding promotion of public health, comfort, safety and welfare. The Commission is appointed by the City Council and comprised of nine members who are residents of the City of Phoenix. Seven members serve for four-year terms unless removed by Council; with one member as a Chairman or Vice Chairman of a Village Planning Committee and serve for a one-year term, selected on a rotating basis from all of the village planning committees; and one member is a Board Member of a Neighborhood Association registered with the city and serves for a one-year term, selected on a rotating basis from the several registered Neighborhood Associations. The Planning Commission meets on the second and fourth Wednesday of each month at 7 p.m. in the City Council Chambers.

The City Council is comprised of elected officials representing eight council districts citywide. They review the zoning recommendations of city staff, the Village Planning Committees and Planning Commission to make planning decisions within the best interest of Phoenix residents as a whole.

Does Phoenix Rank Fifth or Sixth Largest City in the Nation?

Is Phoenix the fifth or sixth largest city in the nation? That is the question that has no simple answer. By all accounts, the city of Philadelphia yielded the 5th largest spot to Phoenix last summer but according to Census Bureau estimates we have not officially surpassed Philadelphia as of yet. The U.S. Bureau of the Census provides annual July 1 estimates for incorporated places with a population over 100,000. The most current estimates are for July 1, 2004, in which Phoenix is ranked in sixth place. Based on trends in census data since April 1, 2000, it would appear that the July 1, 2005, estimates (to be released early this summer) will not change the rankings, with Phoenix remaining in sixth place.

However, we can use two statistical methods to estimate the July 1, 2005, and later population estimates. The first involves using previously reported census data. The average population *loss* for Philadelphia from April 1, 2000, to July 1, 2004, was 11,153 persons per year or 929 persons per month, while the average population gain for Phoenix for the same time period was 22,702 persons per year or 1,892 persons per month.

Applying these losses and gains forward to February, 2006, Philadelphia has a population of 1,452,493, while Phoenix has a population of 1,453,985. In this methodology, Phoenix becomes the fifth largest city in the U.S. in February, 2006.

The second method also relies on census-documented population losses for Philadelphia between April 1, 2000, and July 1, 2004, but now incorporates the Arizona Department of Economic Security (DES) population estimate for Phoenix, as well as Phoenix completed residential building permits converted to population.

The DES estimate for Phoenix on July 1, 2005, is 1,452,825. Between July 1 and Sept. 30, 2005, Phoenix added 3,375 completed residential units resulting in an additional population of 8,869 bringing the Phoenix population to 1,461,694, thereby surpassing Philadelphia in October, 2005 for fifth largest city in the U.S.

Who is Vern Swaback???



He has been called a dreamer, philosopher and visionary but most of all, he has been an agent of change, who heads up one of the southwest's most sought-after firm of architects and planners. Vernon Swaback was unanimously selected to give the keynote address at the CLI to discuss "A Vision for Phoenix Development and the Role of Community Participation in that Vision."

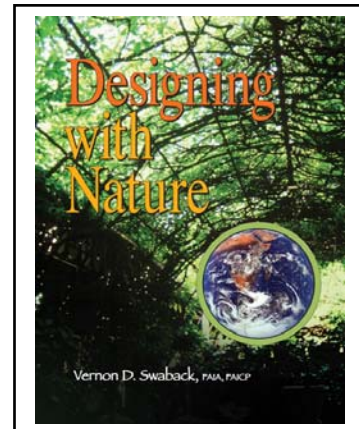
As the managing partner of Swaback Partners, a 40 person multi-disciplinary firm established in 1978 and headquartered in Scottsdale, Swaback oversees the firms planning and architectural services for a wide range of institutional, commercial and residential projects.

Swaback is a registered architect and planner. He began his training at the University of Illinois before moving to Arizona in 1957 to become an apprentice to Frank Lloyd Wright. He remained with the Wright Organization for 22 years where he served as Director of Planning and was responsible for many of the organization's major architectural projects.

Swaback was the planner for the 1,040 acres surrounding the Arizona Biltmore Hotel. His experience includes his continuous 20- year involvement in both planning and architecture for the historic 5,000-acre Village of Kohler, Wisconsin including creation of the town's second Fifty Year Plan. From 1991 to 1993, Swaback directed the citizen-centered program known as Scottsdale Visioning. He has been the Architect for a wide range of environmentally sensitive public and commercial projects including the Citadel at Pinnacle Peak, numerous award winning residences and the Swaback Partners' studio headquarters office complex which received the top AIA Award in the state.

His work has been widely published in local and national publications. Swaback's latest book entitled "*Designing with Nature*" is being used as a guide to doing more with less. The audience for *Designing with Nature* ranges from policy makers, students, architects and planners and individuals who are interested in a sustainable future for generations to come. It forces the linkage between individual Architectural and Planning projects with the greater ecological issues and relationships between humanity with itself and with the planetary home we all share.

Other writings include "Desert Excellence - A Guide to Natural Landscaping," "Production Dwellings" published by the Wisconsin Department of Natural Resources, and the award winning "Designing the Future," published by Arizona State University. For more information please visit swabackpartners.com



Lance Decker

Why will Lance Decker Talk About the Roles of Planning Commissioners and VPC Members?

As the president and CEO of **LL DECKER & ASSOCIATES, INC.** and the managing partner of the **Institute for Community Involvement, LLC**, Lance Decker helps public agencies plan their futures, assists groups in resolving conflicts and trains other people to do the same. His current consulting practice focuses on business planning for state/local governments and nonprofit organizations, the intervention and resolution of public disputes, and the training of public officials to manage community involvement processes. His credentials include an MPA from The Ohio State University, twenty years as a public manager for cities in Ohio, Iowa and Arizona, and 14 years as a practicing management consultant. A frequent speaker and lecturer, Decker also teaches in the schools of Planning and Public Affairs at the Arizona State University. He has numerous journal articles and several books to his credit including, "Over My Dead Body! A Workbook for Community Involvement" (second edition, 2005).

What's Happening in Downtown Phoenix?

During the March bond election, voter's approved the \$878.5 million bond program. What does this mean for downtown? It means that funding is now available to move forward with the plans for the ASU Downtown Campus and the Arizona Biomedical Collaborative which will include the UA/ASU Phoenix Medical College and College of Pharmacy. When passing the \$878.5 million bond program, voters approved \$230 million to fund the ASU Downtown campus. In fall of 2006, the ASU Downtown Phoenix Campus will open its doors at Copper Square in downtown Phoenix. The city and ASU are also developing plans for Phase II implementation of the Campus for fall 2008 classes.

After the passing of the bond program, the Arizona Biomedical Collaborative (ABC) project held a press conference on March 16 to announce the start of construction on the first public buildings dedicated to research in Phoenix. Gov. Janet Napolitano, Mayor Phil Gordon, university presidents, Michael Crow, Arizona State University and Peter Likins, University of Arizona; and Arizona Board of Regents President Christina Palacios attended the event to show the collaboration between the various agencies. The ABC project is the first building that will be shared by the two universities.

What's coming up? On Friday, March 24, the Urban Form Development will host the official groundbreaking ceremony for the residential development at 215 E. McKinley St. The developer will construct 12 market rate ownership housing units ranging in size from approximately 500 sq. feet to 1,600 sq. feet, with prices ranging between \$100,000 and \$300,000. Estimated completion for this project is by December 2006. The Sheraton Phoenix Downtown Hotel will break ground March 28. The Groundbreaking Ceremony will start at 8:30 a.m. at 340 N. Third St. (northwest corner of Third and Van Buren streets). The hotel will be operated by the Starwood Corporation and boasts 31 stories with 1,000 rooms with a 15,000-square-foot ballroom and 42 meeting rooms for a total of 80,000 square feet of meeting space. The hotel is scheduled for completion in the fall of 2008.

First Light Rail Tracks Placed

The first 100 feet of in-street tracks for the light rail were installed on Washington at 56th Street. Work on several other sections of the rail is currently in progress. The Maintenance Facility has completed installation of approximately four miles of track work, and the yard lead is nearly completed up to Washington Street. Meanwhile, the Tempe Lake Bridge, which began construction in March of 2005, is in the final stages of completion. It is expected to be finished in the summer of 2006. Upcoming milestones include a station mock-up in the summer with the first vehicle arriving by late 2006. The Safety Campaign for vehicle testing and operations will kickoff in early 2007 and the system grand opening is anticipated for December 2008.



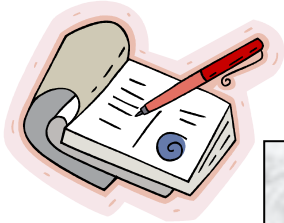
**The City of Phoenix
welcomes Dr. Joan Kelchner
as the new Planning
Commission chair.**

2006 Community Leadership for Planning Award Recipients

1. **Ahwatukee Foothills VPC Committee:**
Mel Hannah - Vision & Leadership
Laurel Arndt - Vision & Leadership
2. **Alhambra VPC Committee:**
Seventh Avenue Merchants Association and it's partnership with ASU- Vision & Leadership
Alhambra VPC Light Rail Subcommittee -Community Outreach
Chair Ardyce Edstrom - Participation & Involvement
3. **Camelback East VPC Committee:**
Camelback East Village Primary Core - Vision & Leadership
Corey Johnson - Community Outreach
John Schneeman - Participation & Involvement
4. **Central City VPC Committee:**
Wendy Johnson - Vision & Leadership
Jim Trocki - Community Outreach
Ann Durkin - Participation & Involvement
5. **Deer Valley VPC Committee:**
Bell Road Corridor Subcommittee (Combined membership from DVVPC & PVVPC) - Vision & Leadership
6. **Desert View VPC Committee:**
Lynn Pleskoff - Vision & Leadership
7. **Encanto VPC Committee:**
Tracy Gromer - Vision & Leadership
F.C.Slaght - Community Outreach
Andrew Smigielski - Participation & Involvement
8. **Estrella VPC Committee**
Peggy Eastburn - Community Outreach
9. **Laveen VPC Committee:**
Laveen Development Review & Participation - Participation & Involvement
10. **Maryvale VPC Committee:**
Maryvale Circulator Bus Subcommittee (Mike Sullivan, Jerry Joaquin, and Dwight Amery) - Vision & Leadership
Brandon Sirochman - Community Outreach
Norma Veach - Participation & Involvement
11. **North Gateway VPC Committee:**
K. Dean Howard - Vision & Leadership
12. **North Mountain VPC Committee:**
Robert Beletz - Community Outreach
Joel McCabe - Community Outreach
Bill Burch - Community Outreach
13. **Paradise Valley VPC Committee:**
Sandra Stein - Vision & Leadership
Bell Road Corridor Subcommittee (Combined membership from DVVPC & PVVPC) - Vision & Leadership
14. **South Mountain VPC Committee:**
SMVPC Development Sub-Committee - Vision & Leadership
SMVPC Development Sub-Committee - Community Outreach
SMVPC Development Sub-Committee - Participation & Involvement

Who to Call for Information on Planning and Development in my Area?

Please refer to the Village Planners map on the last page in this document. More information about Village Planning Committees is available at <http://phoenix.gov/PLANNING/vpcommitt.html>.



Mark Your Calendar

Spring Continuous Learning Institute Scheduled...

The next CLI for VPC members is scheduled from 11:30 a.m. to 5 p.m., Friday, March 24 in the Phoenix City Hall assembly rooms, 200 W. Washington St. Topics include: Roles of VPC members and Zoning Stipulations. **Call 602-262-6364 to RSVP.**

Thank you for your interest in Planning in Phoenix. We want to hear from you and place a spotlight on your Village. Please forward articles regarding new developments, special events or topics of interest to Cynthia Weaver at cynthia.weaver@phoenix.gov for the next edition of *Village News*. Questions should be addressed to Leonard Knight at 602-534-9804. Please keep in mind that articles may be edited to meet spacing requirements. Again, thank you for taking an interest in your community and participating in your Village Planning Committee.

In accordance with the requirements of title II of the Americans with Disabilities Act of 1990, the city of Phoenix provides persons with disabilities equal access to its services, programs and activities. The city of Phoenix will provide reasonable accommodations to persons with disabilities whenever necessary to ensure their full participation. For more information, call Theresa Damiani in the Planning Department at 602-262-6368/voice or 602-534-5500 TTY.

