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MARCH 18, 2014

**The March 18, 2014 Executive Session and Policy Session have been Cancelled**

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Packet Date: March 13, 2014

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**CITY COUNCIL REPORT**

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**FORMAL AGENDA**

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TO: City Council AGENDA DATE: March 19, 2014  
FROM: Greg Stanton PAGE: 1  
Mayor  
SUBJECT: BOARDS AND COMMISSIONS

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**Development Advisory Board**

I recommend the following for appointment:

Anamaria Ortega

Ms. Ortega is a supervisor in the Neighborhood Preservation Division of the Neighborhood Services Department. She will replace Patrick Ravenstein as an ex-officio member of the board.

Matthew Brady

Mr. Brady is the director of land acquisition for KB Home. He is a resident of District 6 and will replace Jessica Bushong, who resigned, to represent contractors. He will serve a term to expire July 1, 2015.

**Phoenix Women's Commission**

I recommend the following for appointment:

Theresa A. "Terri" Jackson

Ms. Jackson is a former television producer, actor, entrepreneur, and activist. She has experience serving on multiple boards including the YWCA board of directors, Channel 12 Minority Advisory Board, and the Tumbleweed Center for Youth Development board. She is a resident of District 8 and will serve a term to expire June 30, 2016.

**Phoenix Workforce Connection Youth Initiatives Committee**

I recommend the following for appointment:

Marsha Cordova

Ms. Cordova is the owner of Marsha's Cleaning Services and a student of Phoenix College. She will represent Parents of WIA Youth on the committee. She will serve a term to expire August 31, 2014.

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**CITY COUNCIL REPORT**

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**FORMAL AGENDA**

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TO: Mayor and Council Members AGENDA DATE: March 19, 2014

FROM: Penny Parrella, Executive Assistant to the City Council PAGE: 1

SUBJECT: BOARDS AND COMMISSIONS – CITY COUNCIL APPOINTEES

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**Camelback East Village Planning Committee**

Councilman Sal DiCiccio recommends the following for appointment:

William Fischbach

Mr. Fischbach is a shareholder at Tiffany & Bosco, P.A., where he focuses on commercial and civil litigation. He lives and works in District 6 and Camelback East Village. He replaces Michael Maledon and will serve a term to expire November 19, 2014.

**South Mountain Village Planning Committee**

Councilwoman Kate Gallego recommends the following for appointment:

Aaron Marquez

Mr. Marquez is a First Lieutenant and Civil Affairs Team Leader at the United States Army Reserve and a public policy professional at Agave Public Affairs. He resides in District 8 and will serve a term to expire November 19, 2014.

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**CITY COUNCIL REPORT**

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**FORMAL AGENDA**

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TO: Lisa Takata  
Deputy City Manager

AGENDA DATE: March 19, 2014

FROM: Cris Meyer  
City Clerk

ITEMS: 28 & 30 PAGES: 41 & 51

SUBJECT: POLICE DEPARTMENT RECOMMENDATIONS FOR TWO LIQUOR  
LICENSE ITEMS ON THE MARCH 19, 2014 FORMAL AGENDA

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The attached memorandum supplements the Request for Council Action report for Liquor License Items 28 and 30 on the March 19 Formal Council Agenda. This memorandum provides the Council with additional information regarding the Police Department disapproval recommendations for the following items:

**New Business Item**

- **District 8, 48th Street Market**

**Old Business Item**

- **District 2, McFadden's Restaurant & Saloon (Series 12)**

For further information regarding these items, please contact the City Clerk Department, License Services Section at 602-262-7003.

**Police Department Liquor License Disapproval Recommendation**

**Application Information**

<b>Business Name</b>	<b>48th Street Market</b>	<b>District</b>	<b>8</b>
<b>Business Location</b>	<b>320 North 48th Street</b>		
<b>Applicant Name</b>	<b>Mohammed Abdul Kareem</b>	<b>Series Type</b>	<b>10</b>

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

- The application was falsified in the following manner:**  
 Mohammed J. Abdul Kareem is a member of MOE LLC and has applied for liquor license #10076492 for 48th Market. Abdul Kareem failed to provide information on the Arizona Department of Liquor Licenses & Control questionnaire, question number 15 which states, **“Have you been cited, arrested, indicted or summoned into court for violation of ANY law or ordinance, regardless of the disposition, even if dismissed or expunged, within the past ten (10) years? In addition, please include all traffic tickets and complaints within the last ten (10) years that resulted in a warrant for arrest AND any traffic tickets and complaints that are alcohol or drug-related.”** On August 17, 2013, Abdul Kareem was arrested for selling liquor without a license and knowingly allowing an underage to drink (unlicensed). These criminal complaints were dismissed by the court on August 26, 2013. There is a pending case regarding this arrest for allowing unlicensed liquor consumption. On October 3, 2009, Abdul Kareem was arrested for loitering in a park after hours in the City of Phoenix. The criminal complaint was dismissed by the court on October 14, 2009.

It was confirmed that Abdul Kareem has a pending charge related to his August 17, 2013 arrest, however he failed to provide information on the Arizona Department of Liquor Licenses & Control questionnaire, question number 16 which states, **“Are there ANY administrative law citations, compliance actions or consents, criminal arrest, indictments or summonses PENDING against you or ANY entity in which you are now involved? Include only criminal traffic tickets and complaints.”**

Mohammed J. Abdul Kareem has filed an application as the controlling person and agent for 48th Street Market. He provided information on the Arizona Department of Liquor Licenses & Control questionnaire, question number 12 that he was manager from February 2008 to the present at Chevron at 1901 West Bethany Home Road. The liquor license (#10073063) at this establishment had compliance actions for several liquor violations. The establishment had compliance actions and paid a fine in April 2012, for violation of A.R.S 4-241.A, failure to request ID from an underage buyer and 4-244.9, sell, give, furnish underage person with alcohol. The business had another compliance action on November 2013 and paid a fine for violation of A.R.S 4-202.C, no manager’s agreement form on file.

In addition, there was a compliance action in January 2014, and a fine was paid for violation of A.R.S 4-244.14, selling liquor to an intoxicated or disorderly person. Abdul Kareem failed to provide information on the Arizona Department of Liquor Licenses & Control questionnaire, questions number 17 which states, **“Have you or any entity in which you have held ownership, been an officer, member, director or manager EVER had a business, professional or liquor application or license rejected, denied, revoked, suspended or fined in this or any other state?”**

On February 24, 2014 at approximately 1300 hours, Detective Matthew Walker #5945 and I went to 320 North 48th Street to interview the applicant Mohammed J. Abdul Kareem. Abdul Kareem provided financial documents showing the sale of a home at 14069 North 48th Avenue to purchase this business. He also provided a voided business check from MOE LLC.

I asked Abdul Kareem if he filled out his Arizona Department of Liquor Licenses & Control application. He said he had a guy named “Edgar” complete it on his behalf. He could not provide the full name of Edgar but said he was the same person, who notarized the application. The application was notarized by Orlando Ramirez. Abdul Kareem said he is not good at writing, but can read. Several times during the interview I asked if the signature on the Arizona Department of Liquor Licenses & Control application was Mohammed J. Abdul Kareem and he confirmed it was his signature. I also asked Abdul Kareem if he needed a translator. He said he did not, and that he understood me perfectly.

After confirming with Abdul Kareem that he approved all the information provided on the application, I asked why he did not answer yes to question 15 and 16, which I read to him. Initially he said he first learned the information was not provided on the application when he was questioned by a representative from the AZ Lottery. Abdul Kareem said he disclosed the information to Edgar but he did not put the information on the application. At one point, Abdul Kareem said it was not something to be proud of (referring to his criminal charges) and did not know if he should list the information regardless of whether or not the charges were dismissed.

I also read a statement on the application which states, **“If any answer to Questions 15 through 19 is "YES" YOU MUST attach a signed statement. Give complete details including dates, agencies involved, and dispositions. SUBSTANTIVE CHANGES TO THIS APPLICATION WILL NOT BE ACCEPTED.”** Once again Abdul Kareem explained he did not fill out the application and only looked over the addresses and the job history when he signed it. He then began to read documents about the charges mentioned above that I provided to him.

At the conclusion of the interview, Abdul Kareem asked what he needed to do to correct these issues. I told him it was his responsibility to consult with the Arizona Department of Liquor Licenses & Control for this information.

These actions show a cause of concern for the applicants' ability to responsibly control a liquor license. The applicant has failed to demonstrate reliability, capability and qualification for issuance of a liquor license as required by A.R.S 4-203.A.

**This investigation summary is submitted by: Armida Gonzales #6190**

<b>SIGNATURES</b>	
<b>Investigating Detective</b>	
<b>Liquor Enforcement Detail Supervisor</b>	



**Police Department Liquor License Disapproval Recommendation**

**Application Information**

<b>Business Name</b>	<b>McFadden's Restaurant &amp; Saloon</b>	<b>District</b>	<b>2</b>
<b>Business Location</b>	<b>21001 North Tatum Blvd #6</b>		
<b>Applicant Name</b>	<b>Randy Nations</b>	<b>Series Type</b>	<b>12</b>

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

The owners other two locations, McFadden's located at 9425 West Coyotes Blvd in Glendale, AZ and Calico Jacks located at 6770 North Sunrise Blvd in Surprise, AZ have a 3 year history consisting of several violations and fines levied related to Repeated Acts of Violence, Selling to Intoxicated or Disorderly Person's, Underage Consumption, Failure to ID, Employee Consuming on Duty, Accepting Unauthorized ID, Failure to Maintain Capability, Qualification and Reliability and Having Intoxicated on Premises for thirty minutes.

The application is for a Series 12 license but it appears the location is actually going to be operated as a bar requiring a Series 6 liquor license similar as the owners other two locations operated as bars under Series 6 licenses. The new location is similar to the Series 6 location in Glendale in scope of types of tables appearing to be more than 60% for alcohol consumption, advertisement of promotions and alcohol consumption, business plan operations indicate more of a sports bar atmosphere (24 TV's), staffing of security, layout of location to include an outside bar area.

The applicants have failed to maintain capability, qualification and reliability for the licenses they already have. Additionally the Series 12 license that they are applying is inappropriate for the stated intended use. For these reasons the Police Department recommends denial.

**This recommendation for disapproval is submitted by: Officer Timothy Mitten # 5279**

<b>SIGNATURES</b>	
<b>Administrative Licensing Investigator</b>	
<b>Liquor Enforcement Detail Supervisor</b>	

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## CITY COUNCIL REPORT

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### FORMAL AGENDA

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TO: Lisa Takata  
Deputy City Manager

AGENDA DATE: March 19, 2014

FROM: Kara Kalkbrenner  
Acting Fire Chief

ITEM: 31 PAGE: 53

SUBJECT: AMENDMENTS TO THE 2012 INTERNATIONAL FIRE CODE

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This report provides back-up information for Item 31 on the March 19, 2014, Formal Agenda.

#### THE ISSUE

Council approved the adoption of the 2012 International Fire Code with Phoenix amendments on May 15, 2013. As we have begun to implement the use of the 2012 fire code, we took note of some adjustments and changes that would improve customer service and make other changes that have a positive impact on safety. Many of the changes are editorial in nature.

The highlights of the proposed amendments to the code include:

- Additional requirement for special equipment and/or material(s) to ensure rapid response and timely emergency abatement for active mulch fires
- Modification for standby fire personnel to be present at events with large gatherings of people
- Modification for the requirement of an inspection of fire apparatus access roads, and the responsibility of the owner for any repairs needed to bring the road up to design standards
- Inclusion of requirement of an active automatic fire sprinkler system prior to the issuance of a Temporary Certificate of Occupancy
- Modification to prohibit stopping or parking in fire apparatus access roads
- Additional requirement for Directed Care (R-3 and R-4 occupancies) facilities to have locking devices that can be opened from the inside
- A requirement for smoke alarms that are solely battery-operated to be replaced with an Underwriters Laboratory listed smoke alarm with a sealed 10-year battery

#### OTHER INFORMATION

A detailed listing of the amendments is attached.

The fire code adoption process is consistent with the 2012 Construction Code Adoption process approved by the City Council on June 19, 2012. In the fire code adoption process, the Fire Safety Advisory Board acted as the reviewing body in place of the Development Advisory Board.

The Fire Safety Advisory Board gave their approval to the adoption of these amendments to the 2012 edition of the International Fire Code on November 14, 2013, and the Development Advisory Board gave their approval on January 16, 2014. The Multi-Housing Association supports the smoke alarm requirements.

#### RECOMMENDATION

The Public Safety and Veterans Subcommittee also approved this item.

This report is for information only.

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## CITY COUNCIL REPORT

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### FORMAL AGENDA

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TO: Ed Zuercher  
City Manager

AGENDA DATE: March 19, 2014

Danny Murphy  
Assistant City Manager

FROM: Ginger Spencer  
Special Assistant to the City  
Manager

ITEMS: 69 & 70 PAGE: 95

Deanna Jonovich  
Senior Executive Assistant to the  
City Manager

SUBJECT: BACK-UP INFO TO ITEMS 69 & 70 ON THE MARCH 19, 2014, FORMAL  
AGENDA REGARDING THE CHILDHHELP RELOCATION PROJECT

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This report provides back-up information on Item 69 – Extend Lease with 2346 LLC During Relocation of Child Victim Services, and Item 70 – License Agreement with Childhelp, Inc. for the Occupancy of Space at 2120 N. Central, on the March 19, 2014 Formal Agenda. These Requests for Council Action are related to the relocation of Childhelp USA and its partners, including the City of Phoenix Police Department Crimes Against Children Unit, to the City-owned Family Advocacy Center building located at 2120 North Central Avenue.

Item 69 requests authorization to extend the lease on the existing 2346 building through April 7, 2014, to ensure a seamless move and uninterrupted availability of services. Item 70 requests authorization to enter into a license agreement with Childhelp to occupy space at the 2120 building as of April 7, 2014.

#### THE ISSUE

In October 2012, the City Council approved authorization for the City to enter into a temporary occupancy agreement with 2346 LLC, an Arizona limited liability company, and with Childhelp, Inc., a California corporation, for the continued occupancy of child victim services at 2346 North Central Avenue, Phoenix, Arizona.

The City of Phoenix Police Department, Phoenix Children’s Hospital, Child Protective Services, Office of Child Welfare Investigations, County Attorney’s Office, and Childhelp Inc. work cooperatively in one location to provide a broad range of victim advocacy services for abused children. The Family Advocacy Center uses a similar multi-agency model and provides comprehensive victim advocacy services to victims of all violent crime, including domestic violence, sexual violence and elder abuse victims. The

relocation of Childhelp to the 2120 North Central building allows for a one-stop-shop facility for adult and child victims of violent crime, and houses the Police Department's Family Investigations Bureau in one location. It further provides a long-term cost-effective home in a City-owned facility.

In June 2013, the City Council approved for the City to engage The Wagner Partnership for design services and Jokake Construction for tenant improvements of the remodel of the first floor of the 2120 North Central building for Childhelp and its partners. The relocation project is scheduled to be completed by April 7, 2014. Item 69 requests authorization to extend the lease on the existing 2346 building through April 7, 2014, to ensure a seamless move and uninterrupted availability of services, as well as to allow time to decommission the existing building. Item 70 requests authorization for the City to enter into a license agreement with Childhelp to occupy space on the first floor of the 2120 building as of April 7, 2014. The City owns the 2120 building and this agreement sets forth terms for Childhelp and its partners to occupy the space as a tenant of the Family Advocacy Center.

#### OTHER INFORMATION

Due to the age and condition of the office and modular furniture at the existing Childhelp building, two payment ordinances will be forthcoming to replace the furniture that did not meet City standards and requirements due to life/safety issues (related to electrical requirements) maintenance and parts availability, and sizing issues for Police detectives totaling \$274,353 and for Childhelp victim advocates and common areas for victims totaling \$187,746. Equipment was not available in the City's surplus to meet the office or modular furniture needs. In addition, staff will seek authorization to develop two City-owned lots adjacent to the FAC to meet parking needs for the project, which is estimated at \$379,580. Funds are budgeted for the design, construction, relocation, and parking costs using 2006 bond funds, 2120 building funds and grant funds. Separate payment ordinance items and Requests for Council Action will be submitted for these requests.

#### RECOMMENDATION

Staff requests City Council authorization to extend the lease on the existing 2346 building with 2346 LLC through April 7, 2014. Staff also requests City Council authorization to enter into a license agreement with Childhelp to occupy space at the 2120 building as of April 7, 2014.

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## CITY COUNCIL REPORT

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### FORMAL AGENDA

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TO: Rick Naimark  
Deputy City Manager

AGENDA DATE: March 19, 2014

FROM: Alan Stephenson  
Acting Planning and Development  
Director

ITEM:100 PAGE: 119

SUBJECT: NORTH MOUNTAIN REDEVELOPMENT AREA PLAN

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This report provides back-up information to the City Council regarding Formal Agenda Item 100, the North Mountain Redevelopment Area Plan (NMRA). Staff requests the City Council recommend approval of the proposed Redevelopment Area Plan. The Downtown, Aviation, and Redevelopment Subcommittee recommended approval on February 5, 2014.

#### THE ISSUE

The NMRA Plan was created as a result of a call for action by the City Council and community members to revitalize the area generally bounded by 19th and 15th avenues on the east; Cholla Street, Sahuaro and Peoria avenues on the north; 35th Avenue on the west; Butler, Alice and the Arizona Canal on the south. An interdepartmental team from the City of Phoenix collaborated with community members to analyze the area's assets and challenges and develop a vision for the area's future. The resulting NMRA Plan (Attachment A) has five components - Economic Development, Connectivity, Recreation, Safety/Code Compliance, and Community Education/Engagement. Each component has goals and strategies that identify both public and private opportunities to help revitalize the area. The Plan provides a community based approach to achieving revitalization and supports the continued redevelopment of the area.

#### OTHER INFORMATION

Staff presented to several groups to gather feedback on the draft plan. These groups included the owners of Metrocenter Mall, Metro Block Watch, Metro Business Alliance, and the North Mountain Business Alliance. Staff sent out over 1,100 invitations to listed property owners for a meeting to discuss the draft plan. The North Mountain Village Planning Committee recommended approval of the draft plan on January 15 by an 11-0 vote. The NMRA Plan was scheduled for information purposes at the City Council Policy Session on February 11, and was recommended for approval at the February 5 Downtown, Aviation, and Redevelopment Subcommittee and at the February 11 Planning Commission (Attachment B).

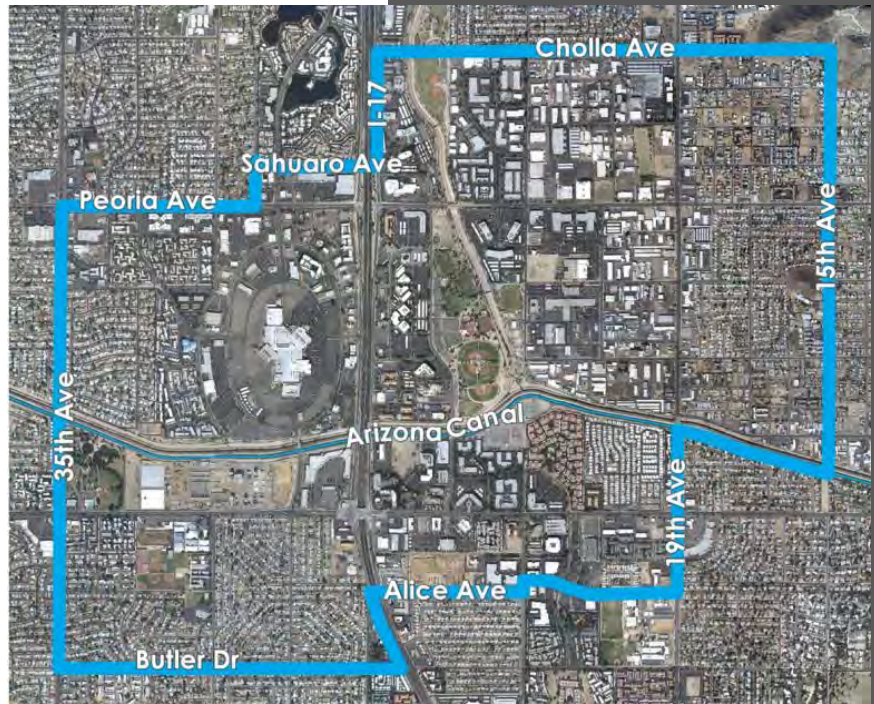
## RECOMMENDATION

Staff requests City Council approval of the proposed North Mountain Redevelopment Area Plan as recommended by the Downtown, Aviation, and Redevelopment Subcommittee and the Planning Commission.

Attachment A: North Mountain Redevelopment Area Plan

Attachment B: February 11, 2014 Planning Commission Minutes

# North Mountain Redevelopment Area Plan



Prepared by the City of Phoenix  
Planning and Development  
Department  
12/9/2013



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## Acknowledgements

### City Council

Mayor Greg Stanton

Vice Mayor Bill Gates, D3

Councilwoman Thelda Williams, D1

Councilman Jim Waring, D2

Councilman Tom Simplot, D4

Councilman Daniel Valenzuela, D5

Councilman Sal DiCiccio, D6

Councilman Michael Nowakowski, D7

Councilman Michael Johnson, D8

### Community Partners

NMBA Business Alliance

Metrocenter Blockwatch

Metro Business Alliance

### City Management

Paul Blue

John Chan

Chris Hallett

Alan Stephenson

### City Staff

Esther Avila

Robb Barr

Brandie Barrett

Sonia Blain

Joshua Bednarek

Sergeant Jeff Brandenberger

Christine Diaz

Kelly Doell

Jennifer Emerson

Officer Karen Freund

Nicholas Gonzales

Melissa G. Hoffmann

Lisa Huggins-Hubbard

Lt. Ben Leuschner

Pam Lindley

Craig Mavis

Officer Wade Niver

Commander Kevin Robinson

Robyn Sahid

Georgeanna Soberay

Liz Sugges

Commander Brent Vermeer

Officer Debra Wehr

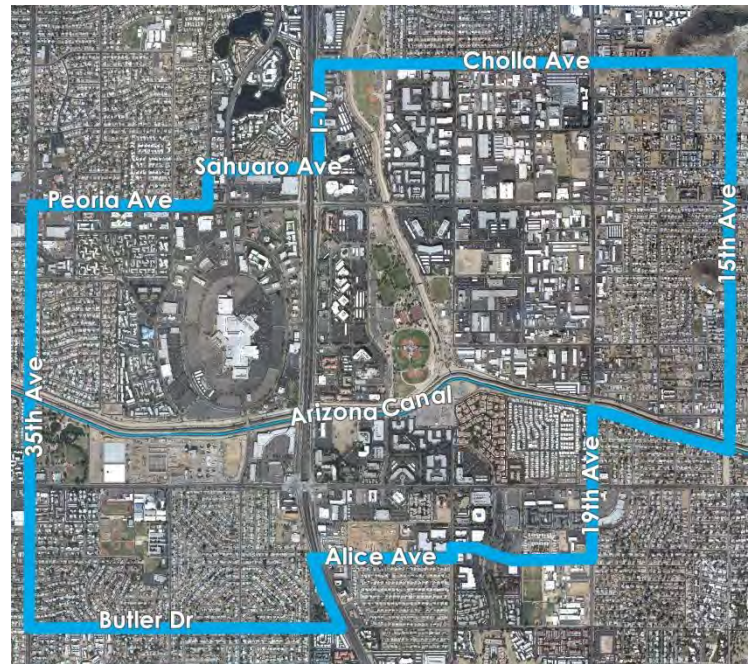
Lisa Williams








The City of Phoenix lovingly dedicates the North Mountain Redevelopment Area Plan to the late Deputy City Manager Jerome E. Miller whose passion for comprehensive neighborhood revitalization and commitment to Phoenix neighborhoods was an inspiration to all. Jerome exemplified what it meant to be a dynamic committed partner in helping build vibrant neighborhoods. He dedicated his life to public service, was a compassionate leader, a supportive mentor and friend. We acknowledge his commitment to revitalizing Phoenix neighborhoods and without his support this plan would not have been made possible.

## Executive Summary

The North Mountain Redevelopment Area (NMRA) Plan was created as a result of a call for action by the Phoenix City Council and community members to revitalize the area generally bounded by 19th and 15th avenues on the east; Cholla Street, Sahuaro and Peoria avenues on the north; 35th Avenue on the west; Butler, Alice and the Arizona Canal on the south. An interdepartmental team from the City of Phoenix collaborated with community members to analyze the area's assets and challenges and develop a vision for the area's future. The resulting NMRA Plan has five components - Economic Development, Connectivity, Recreation, Safety / Code Compliance, and Community Education / Engagement. Each component has goals and strategies that identify both public and private opportunities to help revitalize the area. The Plan provides a community based approach to achieving revitalization and supports the continued redevelopment of the area.



## Plan Highlights – Components and Strategies

Economic Development	Connectivity	Recreation	Safety and Code Compliance	Community Education and Engagement
<ul style="list-style-type: none"> <li>Area Planning</li> <li>Transit Oriented Development</li> <li>Opportunity Sites</li> <li>Special Districts</li> <li>Targeted Users</li> </ul>	<ul style="list-style-type: none"> <li>Light Rail Extension</li> <li>Streetscape Improvements</li> <li>Phoenix Bikeway Plan</li> <li>Increased Pedestrian Safety</li> </ul>	<ul style="list-style-type: none"> <li>Pool Improvements</li> <li>Parking Lot Upgrades</li> <li>Increased Lighting</li> <li>New Recreational Opportunities</li> </ul>	<ul style="list-style-type: none"> <li>Property Clean Up</li> <li>Code Enforcement</li> <li>Graffiti Busters</li> <li>Street Lighting</li> <li>CPTED</li> <li>Block Watches</li> </ul>	<ul style="list-style-type: none"> <li>Neighborhood College</li> <li>College Depot</li> <li>Head Start Program</li> <li>Heat Relief Network</li> <li>Respite Program</li> <li>Volunteer Opportunities</li> </ul>
				

## Overview



## Overview

The city has been working to improve this area for a number of years with various efforts such as the North Mountain Industrial and Commercial Study Area in 2011 and the Urban Land Institute Arizona Technical Assistance Panel in 2009 for the Metrocenter Mall retail area. This plan is a continuation of those efforts. It identifies the areas assets and challenges as well as a vision for the future development in the area.

This Plan identifies five components, each with its own goals and strategies, which address both public and private opportunities to help revitalize the area. A strategic approach is provided in this Plan to achieve revitalization and support the continued growth of the area.

## Why Here? Why Now?

The North Mountain Redevelopment Area (NMRA) Plan was created as a result of a call for action by the Phoenix City Council and community members to revitalize the area. City staff analyzed data such as the U.S. Census data; environmental issues; crime statistics; Fire Department statistics; extensively toured the area taking a visual inventory of buildings, property, platting, utilities, streets and other conditions of the properties that may affect the health, safety or welfare of its residents. After completion of the data analysis, Planning staff then completed the report with the recommendation to the Phoenix City Council that the study area met the statutory requirements to declare this area blighted and establish a redevelopment area pursuant to Arizona Revised Statute 36-1471. On February 20, 2013 through Resolution 21112 the Phoenix City Council approved the creation of the redevelopment area. Upon establishment of the redevelopment area, the City may assist residents, property owners and business groups to apply for grants and other funding mechanisms to help eliminate blight. This Redevelopment Plan outlines the local objectives as to appropriate land uses, improved infrastructure, public transportation, and other items of concern based upon input during the planning process.

## RDA Requirements

Arizona Revised Statute 36-1470 defines a blighted area as "An area other than a slum area where sound municipal growth and the provision of housing accommodations is substantially retarded or arrested in a predominance of the properties by any of the following:

- Defective street layout
- Faulty lot layout
- Unsanitary or unsafe conditions
- Deterioration of site or other improvements
- Diversity of ownership
- Tax or special assessment delinquency exceeding the fair value of the land
- Defective conditions of title
- Improper subdivision platting
- Existence of conditions that endanger life or property by fire and other causes

## Redevelopment Area – Context and Boundaries

The North Mountain Redevelopment Plan area is bounded by 19<sup>th</sup> and 15<sup>th</sup> avenues on the east; Cholla Street, Sahuaro and Peoria avenues on the north; 35<sup>th</sup> Avenue on the west; Butler, Alice and the Arizona Canal on the south. The area is located approximately 10 miles northwest of Downtown Phoenix and is approximately 2,500 acres in size.

Major landmarks are found within the study area. These include, but are not limited to, the Metrocenter Mall, Rose Mofford Sports Complex, the Arizona Canal, several higher education campuses, and the nearby Phoenix Mountain Preserves.



## Redevelopment Area – History and Assessment

The total population within the Plan area is approximately 26,000. The demographic information for the area shows a relatively young population with a median age of 29.07, versus 32.2 for the entire city. Only 6.4% of individuals living in the area are 65 years or older. The majority of people living in the area are White (57.6%) which is lower than the city average of 65.9%. Approximately 25.3% of the area's population was living below the poverty threshold. The city average is 15.9%. Within the area, approximately 35.95% of household had incomes below \$25,000.

Varying degrees of each of the three major land use categories (Residential, Industrial, Commercial) are found within the area. The majority of residential uses are along the western and eastern boundaries. The residential uses range from single-family to multi-family. There is a strong presence of commercial and industrial uses within this area. They range from small convenience markets to the Metro Center Mall. The Rose Mofford Sports Complex, the Cave Creek Wash, and the Arizona Canal all provide recreational opportunities and complement the area.

There is a diverse mix of zoning present within the area. Industrial/Commerce Park is the prevalent zoning district (30.68%), followed by Single-Family Residential (27.19%) and Commercial (26.98%). Multi-Family Residential makes up 15.00% and Office at 2.32%

### Fast Facts: North Mountain Redevelopment Area

29.02 is the median age

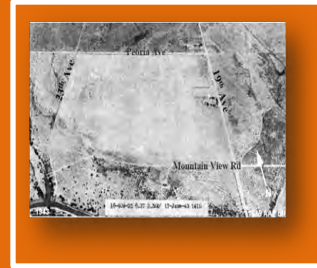
25.3% live below the poverty threshold

31% of the area is zoned industrial/commerce park

26,000 people call the area home

## Did you know?

This area was once part of the vast agricultural west valley land until the late 1950s.



There was an airport in the area from 1941 until 1960.



There are several architectural structures within the area. See the NMRA Study for more information (Appendix B).



## Assets

There are several assets found within the North Mountain Redevelopment Area. Access to the area is relatively easy with the existing transportation infrastructure. The Black Canyon Freeway (I-17) provides easy vehicular access to and from the area. There are varying degrees of bus services offered, from the free Phoenix Neighborhood Circulator (SMART) up to the Rapid/Express transit station at the Metro Center Mall. Plans are in place to extend the Metro light Rail to 19<sup>th</sup> Avenue and Dunlap Avenue and options are being explored to connect to the Metro Center Mall.

Public parks as well as the Arizona Canal are found throughout the area. In close proximity is a portion of the Phoenix Mountain Preserves. All offer recreational outlets for neighborhood residents.

There is a diverse array of businesses in the area that serve as the economic engine for the local region. There are over 300 businesses within the area. Major employers in the area are Karsten/Ping, Vangent, Cognizant, Liberty Mutual, and Mass Mutual. There is also a strong presence of locally owned small businesses contributing to the overall economic health of the area.

Two active business partnerships exist within the area. The Metro Business Alliance and the North Mountain Business Alliance both work to ensure that businesses can flourish and continuously strive to make the area attractive to both existing and future businesses.

There are several higher education institutions that complement the area and provide another employment base. Within the area there are more than 20 higher education facilities. This presents a significant opportunity to create an educational corridor or clustering.



## Challenges

The North Mountain Redevelopment Area (NMRA) is home to its own unique set of challenges. Due to the concentration of commercial uses clustered around the Metrocenter Mall, commercial vacancy has been an ongoing challenge for the area. The average retail vacancy rate for the NMRA between Peoria Avenue and Dunlap Avenue and Interstate 17 and 35<sup>th</sup> Avenue is 28%. When contrasted to the citywide rate of 12.4%, the severity of the challenge is highlighted.

Such a high concentration of vacant buildings has led to other challenges, such as graffiti and lack of property maintenance. Collectively these conditions detract from the NMRA's image and can deter additional investment from the area.

As discussed on the previous page, the NMRA is home to a wealth of assets like nowhere else in the city; from its thriving businesses and recreational amenities to the forthcoming extension of the METRO light rail. The goal of this plan will be to build on these assets and strengthen the entire NMRA community in the process.

### Fast Facts: North Mountain Redevelopment Area

**28%** is the average retail vacancy rate between Peoria/Dunlap Avenue and I-17 and 35<sup>th</sup> Avenue

**12.4%** is the average retail vacancy rate citywide





## Five Components of the Plan

Economic Development

Connectivity

Recreation

Safety and Code Compliance

Community Education and  
Engagement

## The Plan: Economic Development

### Goal

Promote land uses and redevelopment in order to:

- Facilitate private investment and development
- Advance underutilized properties to the market
- Eliminate blighting conditions
- Improve infrastructure
- Create employment opportunities



### Development Aspirations

**Revitalization of Metrocenter Mall:** Support efforts to revitalize Metrocenter Mall and the surrounding area to become a thriving economic hub with a diverse mix of uses.

**Higher Education:** Promote the growth and attract private higher education institutions to the NMRDA.

**North I-17 Regional Employment Center:** Ensure that the North I-17 Employment Center remains a competitive location for prospective corporate users.

**Sustained Business Activity:** Support existing commercial businesses in the NMRDA to be a key contributor to the City's revenue base.



Retrofitted mall example



Grand Canyon University



Campus within NMBA

### Resource Spot Light: Enhanced Municipal Services District

An enhanced municipal services district gives municipalities the opportunity to create a legally recognized enhanced municipal services district that provides public services at a higher level or to a greater degree than provided to the remainder of the community. Such services can include enhanced public safety, fire protection, refuse collection, street or sidewalk cleaning or landscape maintenance in public areas, planning promotion, transportation and public parking. The services are paid for by property owners within the district through a special assessment on their property tax bill.

## The Plan: Economic Development

### Phase I – Short-Term Action Items

**Opportunity Sites:** Identify key sites with high market potential for adaptive reuse or redevelopment.

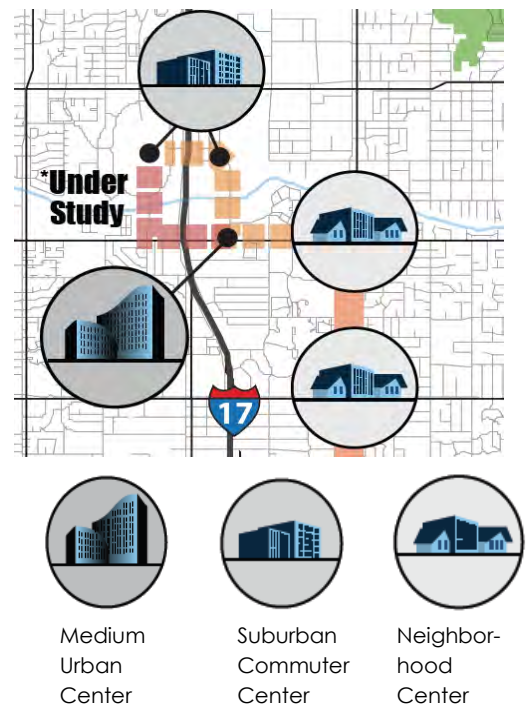
**Metrocenter Mall Area:** Coordinate and collaborate with property owners on marketing, branding and revitalization strategies.

- Complete Planned Unit Development (PUD) rezoning process to maximize development potential and flexibility.
- Explore adaptive reuse opportunities for vacant big box buildings.
- Promote the use of private sector driven development teams to prepare market-feasible development concepts.

**Ottawa University:** Collaborate with Ottawa University on development of its campus expansion plans.

- Explore feasibility of incorporating sports programs into the Rose Mofford Sports Complex.
- Evaluate direct economic impact potential of campus expansion to finance public infrastructure.
- Coordinate campus expansion plans with future light rail station planning to maximize public and private investment.
- Identify pipeline projects for pre-development analysis and due diligence.

**Transit Oriented Development (TOD):** Support rezoning requests that are consistent with the adopted Transit Oriented Development Policy Framework for Place Types within the study area based upon appropriate timing of development.



### Phase II – Medium to Long-Term Strategies

**Entrepreneurship:** Explore the feasibility of expanding the ASU Alexandra Network co-working space model to the Cholla Branch Library.

**Area Planning:** Coordinate private sector driven planning and development teams to work with property owners to develop project specific solutions and opportunities. Evaluate existing development regulations to ensure that they are not unnecessary impediments to private sector investment.

**Special Districts:** Work with property owners to explore interest/feasibility of forming special districts as permitted by State statutes such as Enhanced Municipal Services Districts or Infrastructure Improvement Districts.

**Station Area District Plans:** Utilize Phoenix TOD policies to shape walkable mixed use environments and focus redevelopment near high capacity transit stations.

## The Plan: Connectivity

### Goal

Enhance access and mobility of residents to jobs, retail, schools, and housing through improved public transportation options.



### Phase I –Short Term Strategies

## What are we already doing?... What will we start doing right away?

**Light Rail Extension:** Phase I will extend light rail 3.2 miles north on 19<sup>th</sup> Avenue from Montebello to Dunlap Avenue and serve 5,000 riders per day. This extension includes three stations, one park-and-ride and additional bus service extensions. Plans are being evaluated to extend the light rail from 19<sup>th</sup> Avenue and Dunlap Avenue west towards the Metrocenter Mall vicinity.

**Streetscape Improvements:** The City is working on identifying possible projects in the existing Street and Sidewalk Modernization Program to improve the appearance of streets in the study area. The program is used to construct sidewalks on local and collector streets in residential areas that have curb and gutter but are lacking sidewalks. It also is used to complete existing local and collector streets that lack curb, gutter, sidewalks and full width paving to City standards. Part of this effort includes needed bus stop improvements with ADA upgrades and bus pullouts as detailed in the Bus bay Priority Study.



### Resource Spot Light: Landscape Retrofit Program (LRP)

The Street Transportation Department is dedicated to ensuring that Phoenix neighborhoods have safe, clean, well-maintained streets. The department's programs provide improvements to the City's infrastructure and to improve the quality of life in Phoenix, and it oversees programs for sidewalk improvements, lighting improvements, speed humps and the **Landscape Retrofit Program (LRP)**. The LRP enhances the community by providing new or replacing damaged/dead landscape on the street right-of-way, and it includes new irrigation, new design and landscaping.

For more information on other resources available, please review Appendix A.

## Phase II - Medium to Long Term Strategies

### What will we do next?

**Dunlap Avenue Improvements:** Improvements made to Dunlap Avenue from 31<sup>st</sup> Avenue to 43<sup>rd</sup> Avenue will include the installation of new streetlights, solar crosswalks, dual left-turn lanes and as well as modified signal operation at 35<sup>th</sup> Avenue and Dunlap Avenue.

**I-17 RAPID Operation:** Continue to explore the possibility of allowing RAPID I-17 buses priority over ramp metered vehicles on the southbound Dunlap Avenue/I-17 on-ramp. This would act as an interim solution in lieu of the future development of a multi-modal bridge crossing I-17.

**Light Rail Extension:** The Northwest Extension Phase II to the Metro Center vicinity shall be identified and planned, maximizing the link between transportation and transit-oriented development opportunities.

**Transportation Capital Needs Assessment:** The City's transportation infrastructure needs are far greater than the funding provided by existing sources. An assessment of city-wide transportation infrastructure needs is being conducted in order to determine funding requirements. This is a first step toward identifying possible funding strategies.

**Phoenix Bikeway Plan:** Staff is partnering with Maricopa Association of Governments (MAG), Valley Metro, other City departments, and a Citizen Ad Hoc committee to develop an updated comprehensive Phoenix Bikeway Plan. This effort would align with the City's planPHX efforts and prioritize planned projects to take into account factors such as bike connectivity to/from major destinations and neighboring cities.



## Phase III Strategies

# What will we aspire to do together?

**Complementary Transit Service:** Continue to work on connecting transit options from Winifred Green Park to the light rail.

**Increased Pedestrian Safety:** Install a High-Intensity Activated crossWalk (HAWK) beacon to protect pedestrians crossing Peoria Avenue near Winifred Green Park.

**Canalscape Improvements:** Create sustainable public spaces along the Arizona Canal to add vibrancy to the area and connected by dedicated, improved bikeways as part of the Phoenix Bike Master Plan. These improvements could be in the form of naturally landscaped public recreation areas to small urban hubs complete with restaurants, grocery stores and dry cleaners.

**Funding Mechanism for Transportation Capital Needs:** After the assessment of city-wide transportation infrastructure needs is completed, funding strategies will be recommended.

**LED Streetlight Conversion:** The Street Transportation Department is in the process of converting the 90,000 streetlights in the City of Phoenix from High Pressure Sodium (HPS) fixtures to Light Emitting Diode (LED) fixtures. The LED fixtures will reduce energy consumption by roughly 50% and improve lighting levels along the roadway.

**Federal Grant Opportunities:** The Street Transportation Department will pursue Integrated Corridor Management (ICM) Deployment Planning Grants provided by the Federal Highway Administration for Intelligent Transportation Systems (ITS) projects on 19<sup>th</sup> and 35<sup>th</sup> Avenues.

**Northwest Light Rail Transit Line Extension:** Enter into a collaborative effort with Valley Metro and ADOT to extend a multi-modal bridge structure across the I-17 at the mid-mile location between Dunlap Avenue and Peoria Avenue. Planning may also include the relocation of the existing Metrocenter Transit Center in the creation of a multi-modal transit hub in conjunction with the developing educational corridor.



## The Plan: Recreation

### Goal

Upgrade or improve existing facilities and their amenities in parks that neighbor the North Mountain Redevelopment Area to provide additional recreational opportunities, promote active, healthy lifestyles, and improve the safety for local residents.

Partner with local schools and businesses to inform, facilitate and enhance the services and programs to area residents.



### Phase I – Short Term Strategies

## What are we already doing?... What will we start doing right away?

**Pool Improvements:** Cortez Pool improvements are already underway. The project includes the design and construction of a new swimming facility with features such as a water slide, play features and a lap swim pool. The anticipated completion is May 2014.

**Parking Lot Upgrades:** Repair and re-stripe the north parking lot at Cortez Park with new accessible parking spaces.

**Increased Lighting:** Additional security lighting will be added to Cortez Park to assist park patrons through the evening programming.



### Resource Spot Light: Phoenix Parks and Preserve Initiative Program (3PI)

**3PI** is funded through a \$0.001 cent sales tax approved by City of Phoenix voters and reauthorized by the Phoenix City Council. The tax amounts to one cent for every ten dollars spent. This small contribution is a huge benefit to Phoenixians quality of life. Over the past nine years this sales tax has funded the renewal of neighborhood parks all over the city, including installation of new playground equipment and lighting. **3PI** funding may help improve and enhance the recreation facilities within the North Mountain Redevelopment Area.

For more information on other resources available, please review Appendix A.

## Phase II – Mid to Long Term Strategies

## What will we do next?

**New Recreational Opportunities:** Install a new 18-hole disc golf course within the Cave Creek Wash recreation area.

**Community Volunteers:** Promote volunteerism in the community through My Phoenix My Park and Adopt-a-Park programs.

**Demolish** the Parks Department maintenance building at the northwest corner of Cortez Park, just south of the canal.



Buffalo Ridge Disc Golf Course

## Phase III Strategies

## What will we aspire to do together?

**Softball Field Upgrades:** Upgrade softball fields and court surfaces that will enhance the recreation experience at Cortez Park.

**Upgrade Parks:** Upgrade and develop park amenities in and near the area.

**Community Events:** Continue the efforts in shared responsibility with businesses to promote fairs, educational and networking events such as the "Back to School" fair with Metro Center Mall.

**Community Activities:** Educate and market activities to the community through the Phoenix Afterschool Center, Phoenix Play and FitPhx programs and initiatives.

**Community Center:** Build a small community center in the northwest corner of Cortez Park, just south of the canal.

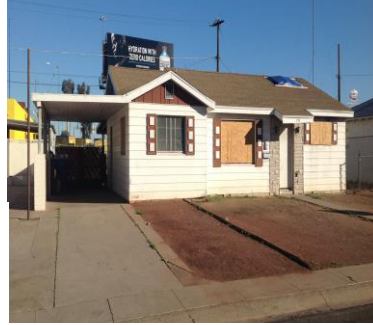


## The Plan: Safety and Code Compliance

### Goal

To eliminate blight, improve the area aesthetics and achieve increased code compliance.

Decrease and prevent crimes that are hampering the neighborhood's overall safety and the ability to stimulate business investment.



### Phase I – Short Term Strategies

## What are we already doing?... What will we start doing right away?

**Neighborhood Code Enforcement:** Expand on existing strategic code enforcement strategies to the residential areas that will help address zoning code, blight, rental registrations and illegal signs.

**Graffiti Busters:** Increase the frequency and number of Graffiti Buster sweeps. Solicit volunteers to join the Blight Buster Program. Utilize flash cameras for surveillance at extreme problem areas to deter graffiti.

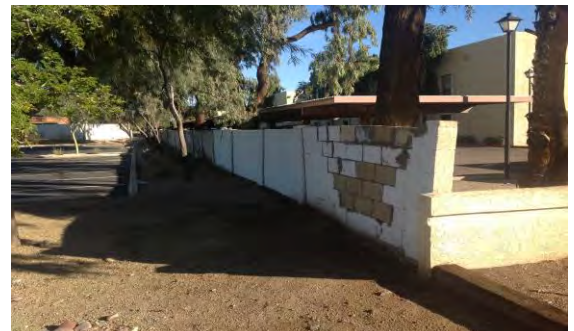
**Neighborhood Associations and Block Watches:** Identify areas to establish new associations or block watches and continue to provide existing groups with training and assistance as necessary as it relates to crime and blight.

**Dusk to Dawn Lighting:** Work with the local utility company to provide additional lighting on private property as well as public right-of-way areas.

**Crime Abatement:** Issue crime abatement notifications to property owners regarding properties with a history of criminal activity.

**Crime Free Multi-Housing Program:** Provide an opportunity for rental property owners and residents to share responsibility with police for creating and maintaining a safe housing environment.

**Safe Biz:** Coordinate educational opportunities for business owners on a variety of topics such as Crime Prevention through Environmental Design (CPTED), workplace violence classes, employee personal safety and security awareness as well as a number of other topics.



## The Plan: Safety and Code Compliance

### Phase I – Short Term Strategies continued

**The Cactus Park Precinct** has implemented a 2-person team to address the growing issues related to transients, such as illegal encampments, trespassing, aggressive behavior, etc. This team conducts weekly sweeps of parks, intersections, and other locations in order to contact, educate, and enforce issues related to transients. They complete a weekly report on their efforts.

**For the first quarter of 2014**, the Cactus Park Precinct will implement a patrol saturation model for the North Mountain Redevelopment Area. This involves utilizing our double-squad days and assigning the secondary squad to work a designated area within the boundaries of the NMRA, in order to address specific issues related to criminal activities, blight, and other order maintenance issues.

### Resource Spot Light: Block Watch Program (BWP)

The BWP is a program of neighbors looking out for each other and a long standing partnership between the City, Police Department and residents. With guidance from Community Action Officers, residents from neighborhood networks unite against crime by learning simple techniques that help deter, delay and detect crime and improve the quality of life for the neighborhood. Listed block watch groups and neighborhood associations can apply for Neighborhood Block Watch Grants for projects designed to enhance the safety of their neighborhoods. Eligible grant projects include crime fighting workshops, two-way radios, walkie-talkies, binoculars, bicycles and even solar/LED lighting assistance. For more information on other resources available, please review Appendix A.

### Phase II – Mid to Long Term Strategies

## What will we do next? What will we continue to do?

**The City will serve as a catalyst** for long term revitalization to promote property maintenance and safety through education and enforcement. By laying the foundation in the short term we provide the tools and resources to residents, business owners and employees to take ownership of their issues and work toward the long term success of the area.

**Property Maintenance and Code Enforcement:** Continue to coordinate and target enforcement through a comprehensive strategy in areas identified by community organizations.

**Provide access to Educational Opportunities:** Improve access to City information on programs and services around property maintenance and crime prevention.

**Seek Additional Funding:** Continue to seek additional funding for services that will improve the aesthetics and safety of the community.

## The Plan: Community Education and Engagement

### Goals

Facilitate sustained and comprehensive community engagement aimed at:

- Providing educational opportunities for community residents and businesses
- Enhanced neighborhood capacity
- Increased neighborhood capacity

Partner with local schools and businesses to inform, facilitate and enhance the services and programs to North Mountain Redevelopment Area residents.



### Phase I – Short Term Strategies

## What are we already doing?... What will we start doing right away?

**Community Education:** The City will promote educational opportunities through programs such as the Neighborhood College, Good Neighbor Program, Tomorrows Involved Leaders Today (TILT) and the College Depot. These programs provide knowledge about city programs, services and resources; the tools to access those resources; and the skills and ideas with which to build positive, sustainable communities.

**Civic Engagement:** The City will encourage community involvement with programs such as Adopt-a-Street, My Phoenix My Park, Head Start, Phoenix Play and FitPhx. The City will continue its efforts in shared responsibility with businesses to promote fairs, educational and networking events such as the “Back to School” fair with Metro Center Mall.

**Increase Community Capacity:** The City will work with existing business and neighborhood organizations and facilitate the development of new groups in areas of need.

**Heat Relief Network and Respite Program:** The City will work with businesses, faith and community-based organizations in mitigating the effects of summertime heat on the homeless and vulnerable populations.

**Project Connect:** The City will work with the Valley of the Sun United Way to bring together a broad range of vital health and human services to a single accessible location to help the homeless population. These critical resources are provided at a different Valley location each month to broaden their reach and scope. More than 13,000 individuals have been helped by Project Connect since its launch in June 2008.



## The Plan: Community Education and Engagement

### Resource Spot Light: Neighborhood College and Good Neighbor Program

The **Neighborhood College** is a one-of-a-kind collaboration of workshops and hands-on learning experiences from multiple City departments. The intent of the program is to provide each participant with knowledge about the City's programs, services and resources; the tools to access those resources; and the skills and ideas with which to build positive, sustainable communities. The **Good Neighbor Program** features a series of educational classes and workshops with topics such as improving communication between residents and City department and building community pride. For more information on other resources available, please review Appendix A.

## Phase II – Mid to Long Term Strategies

### What will we do next? What will we continue to do?

**Comprehensive Revitalization** can only be sustained by the residents, business owners and employees that live and work in the area. As a committed partner the City will continue to provide support and facilitate community engagement and training opportunities to ensure continued success for the area. The City will achieve this by encouraging:

**Community Engagement:** Continue to coordinate and target City services in the area by creating outreach strategies to inform residents, businesses, and the community about City programs and services around school, family and business involvement opportunities.

**Continue to Increase Access to Services:** Provide ongoing education, training and resources to the community on programs and services.

**Seek Additional Funding:** Continue to seek additional funding for neighborhood improvement, community leadership development, early childhood literacy, tutoring during out-of-school time, college access, youth employment, and mentorship that target disconnected youth in the area.

**Conduct a Youth Town Hall:** Coordinate a youth town hall to hear directly from young people and identify their concerns and struggles. The town hall will also train youth as future leaders and give them a voice in the area.

**Community Network Conference:** The City will work with the Chamber of Commerce to hold a Community Network Conference to provide guest speakers as well as workshops on issues of importance.

**Conduct a community focus group and include community based organizations:** Work with retail and local businesses to seek their input on possible solutions, target business assistance visits and services to area merchants. The participant's input shall be prioritized, the services provided and information given.

## Attachment B

Planning Commission Minutes for February 11, 2014

Item #: 10

### North Mountain Redevelopment Area Plan (District 1, 3 and 5)

The North Mountain Redevelopment Area Plan is generally bounded by 19th and 15th Avenues on the east; Cholla Street, Sahuaro and Peoria Avenues on the north; 35th Avenue on the west; Butler Drive, Alice Avenue and the Arizona Canal on the south. The North Mountain Village Planning Committee recommended approval 11-0.

Mr. Craig Mavis provided a brief presentation of the North Mountain Redevelopment Plan stating that over the last few years staff was working diligently with the community on ways to revitalize the Metrocenter area and surrounding areas as well.

The plan identified the area's assets and challenges to create the framework for redevelopment and revitalization. The Village Core was Metrocenter Mall which was surrounded by multi-family and commercial uses. Other landmarks in the area included the Rose Mofford Sports Complex, the Arizona Canal, the Phoenix Mountain Preserves as well as several higher education campuses.

The area met the statutory requirements to be declared blighted pursuant to Arizona Revised Statute 36-1471. Areas were categorized into long range plans to be implemented over time. The five components included economic development, connectivity, recreation, safety and code compliance and community education and engagement. Phase I within the redevelopment plan identified 0-2 years, which was what already had been funded and planned to occur by the City or a private public partnership. Phase II was the mid to long term; 2-10 years, projects that would be done next when funding became available. Phase III did not have a time frame as it was the long term aspirations for the area.

Phase I included the Ottawa University expansion on the east side of the I-17 and the future light rail station to extend from 19<sup>th</sup> Avenue and Dunlap Avenue west toward the Metrocenter Mall vicinity. Streetscape improvements were also included.

Phase II included exploring the feasibility of expanding the ASU Alexandra Network co-working space model to the Cholla Branch Library which was a program that supported investors, inventors, problem solvers and small business owners who needed help to advance, but did not necessarily know how to do it.

Other strategies included: Area Planning, which would coordinate private sector driven planning and development teams to work with property owners to develop project specific solution and opportunities. Special districts to work with property owners to explore interest and feasibility of forming special districts as permitted by State statutes and Station Area District Plans to utilize Phoenix TOD policies to shape walkable mixed use environments and focus redevelopment near high capacity transit stations.

The Recreation strategy focused on the Cortez Pool for pool improvements, parking lot upgrades, increased lighting and new recreational opportunities. The Safety and Code Compliance component included property clean up, code enforcement, graffiti busters,

street lighting and block watches. In Phase II the City would continue to promote property maintenance, enforce codes, provide access to educational opportunities and seek funding to improve the aesthetics and safety of the area.

The component of Community Education and Engagement worked with the neighborhoods to inform them of programs that were available to help with their properties and potentially compliment their area in the form of a neighborhood college. The Good Neighbor Program; TILT, Tomorrows Involved Leaders Today; College Depot; and Civic Engagement Programs such as adopt-a –street.

Comprehensive Revitalization could be sustained by the residents, business owners and employees that live and work in the area. The City of Phoenix had committed to continue to provide support, facilitate community engagement and provide training opportunities to ensure continued success for the area. The plan had identified funding sources from potential government partners, private sources as well as foundation giving.

Commissioner Heck asked if there was a general timeline established.

Mr. Mavis stated particular projects had been identified in Phase I which had funding and could start immediately if they had not already. If funding becomes available, Phase II projects could start with the items that had been prioritized.

Commissioner Heck asked what the City planned on doing to aggressively and proactively obtain funding.

Mr. Mavis stated now that this has become a top priority by the City Council action it would be the responsibility of each department that participated in the collaborated of the plan to actively seek funds as they become available.

Commissioner Montalvo asked if the projects were going to be private or public projects.

Mr. Mavis stated the majority of the projects identified in Phase I were city programs. Phase III emphasized more private sector funding the majority of the projects.

Commissioner Heck made a MOTION to approve the North Mountain Redevelopment Area Plan as recommended by the North Mountain Village Planning Committee.

Commissioner Davis SECONDED.

There being no further discussion, Chairwoman Katsenes called for a vote and the MOTION PASSED 7-0 (Whitaker, Beletz absent)

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## CITY COUNCIL REPORT

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### FORMAL AGENDA

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TO: Rick Naimark  
Deputy City Manager

AGENDA DATE: March 19, 2014

FROM: Alan Stephenson  
Acting Planning and Development  
Director

ITEM: 101 PAGE: 120

SUBJECT: GPA-CTYW-1-13 - AMENDMENTS TO THE STREET CLASSIFICATION  
MAP

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This report provides back-up information on Item 101 on the March 19, 2014 Formal Agenda.

#### THE ISSUE

A General Plan amendment application has been submitted for approval to the City Council to amend the Street Classification map with additions and deletions of new platted roadways. Application is being made by the City of Phoenix Planning Commission on behalf of the Street Transportation Department.

#### OTHER INFORMATION

The Street Classification Map was first adopted in 1961. In 1994, the Map was modified to reflect the Street Classification System Policy and to incorporate information from the former Minimum Right-of-Way Standards Map. The Street Classification Map provides information on the City's street network, identifying the alignment and minimum right-of-way standards for existing and planned major arterial and collector streets.

This is an annual "housekeeping" amendment intended to propose non-controversial changes for the map during the past year that do not warrant individual General Plan Amendments. The last amendment to the Street Classification Map was January 20, 2010.

The Street Classification amendment has been approved by 10 Village Planning Committees (VPC); 2 did not review the amendments due to lack of a quorum, 1 was withdrawn and 2 did not have any amendments in their villages. (Attachment B)

The application was heard by the Planning Commission on February 11, 2014, and recommended for approval per Addendum A dated January 29, 2014, on a 7-0 vote.

#### Attachments:

- A – Staff Report GPA-CTYW-1-13
- B – Village Planning Committee Results

## Attachment A



**City of Phoenix**  
PLANNING AND DEVELOPMENT DEPARTMENT

### **ADDENDUM A** January 29, 2014

<b>Application No:</b>	GPA-CTYW-1-13
<b>Applicant:</b>	Planning Commission
<b>Current Map:</b>	Street Classification Map
<b>Requested Change:</b>	Additions/Deletions
<b>Reason for Change:</b>	To update the map with additions and deletions of new platted roadways.
<b>Staff Recommendation</b>	Approval, with modifications

Upon additional study, staff has identified two street segments within the original request which no longer need to be included.

Item 2, Camelback Road between 16th Street and 44th Street, was submitted because of higher traffic volumes recorded on the roadway. However, roadway improvements which are not possible in this area are typically associated with the designation change. Because these roadway improvements are not possible, there is no need to change the classification of Camelback Road, between 16th Street and 44th Street.

Item 8, 60th Street between Lone Mountain Road and Dove Valley Road, is a private, gated street and cannot be designated on the Street Classification Map as a minor collector. Staff is recommending approval of the request with the exception of Items 2 and 8.

#### **Attachment**

General Plan and Street Classification Map Amendments Matrix



General Plan and Street Classification Map Amendments 2012

No.	Street Name	From / to	Council District	Village	Status	Current Class	Proposed Class	Current Cross Section	Proposed Cross Section	Map Change	Segment Length	Map Number	Comment
1	Chandler Blvd	I-10 to Desert foothills Pkwy	8	Alhambra	Existing	Arterial	Major Arterial	D	X-A	Class & Change Cross Section	5.00	1	See (2)
2	Camblock Rd	16th St to 44th St	6	Camblock East	Existing	Arterial	Major Arterial	X-B, X-B/A, X-A	-----	Change Class	3.52	2	See (2)
3	44th St	Washington St to McDowell Rd	8	Camblock East	Existing	Major Arterial	Arterial	X-B	-----	Change Class	1.20	2	See (3)
4	44th St	Washington St to University Dr	8	Central City	Existing	FWY	Arterial	X-B	-----	Change Class	2.10	3	See (4)
5	Pinnacle Peak Rd	Central Ave to 7th St	1	Deer Valley	Existing	Arterial	-----	C	-----	Remove for Re-alignment (See # 6)	0.69	4	See (5)
6	Pinnacle Peak Rd	Central Ave to 7th St	1	Deer Valley	Existing	-----	Arterial	-----	D	Re-alignment & Cross Section	0.72	4	See (5)
7	Corporate Center Dr	Lone Mountain Rd to Dove Valley Rd	1	Deer Valley	Future	-----	Min. Collector	-----	F	Add	0.18	4	See (1)
8	60th St	Lone Mountain Rd to Dove Valley Rd	2	Desert View	Future	-----	Min. Collector	-----	F	Add	1.50	5	See (1)
9	Peak View Rd	Cave Creek Rd to 1300' East	2	Desert View	Future	-----	Min. Collector	-----	F	Add	0.23	5	See (1)
10	44th St	Ranger Dr to Pinnacle Peak Rd	2	Desert View	Future	-----	Collector	-----	F	Add	0.23	5	See (1)
11	Cashman Dr	17th St to 18th Way	2	Desert View	Existing	Collector	Local	-----	-----	Remove from Map (Class Change)	0.43	5	See (3)
12	52nd St	Mayo Blvd. to Deer Valley Dr	2	Desert View	Existing	Public	Private	-----	-----	Remove from Map (Class Change)	0.85	5	See (3)
13	66th Dr	Roosevelt St to Latham St	7	Estrella	Future	-----	Min. Collector	-----	F	Add	0.10	6	See (1)
14	Roosevelt St	67th Ave to 68th Dr	7	Estrella	Existing	Collector	Min. Collector	F	-----	Change Class	0.04	6	See (1)
15	Roosevelt St	66th Dr to 63rd Ave	7	Estrella	Existing	Collector	Local	-----	-----	Remove from Map (Class Change)	0.40	6	See (3)
16	Latham St	67th Ave to 63rd Ave	7	Estrella	Future	-----	Min. Collector	-----	F	Add	0.40	8	See (1)
17	63rd Ave	Latham St to Fwy	7	Estrella	Future	-----	Min. Collector	-----	F	Add	0.15	6	See (1)
18	Sherman St	70th Ave to 75th Ave	7	Estrella	Future	-----	Min. Collector	-----	F	Add	0.68	6	See (1)
19	Broadway Rd	51st Ave to 58th Ave	7	Estrella	Existing	Arterial	-----	D	CM	Change Cross Section	1.08	6	See (2)
20	Avenida Rios Salado	43rd Ave to 27th Ave	7	Laveen	Existing	Arterial	Major Arterial	D, Z-D	Z-B	Class & Change Cross Section	3.00	7	See (2)
21	McNeil St	43rd Ave to 41st Ave	7	Laveen	Existing	-----	Min. Collector	-----	F	Add	0.22	7	See (1)
22	41st Ave	McNeil St to Olney Ave	7	Laveen	Existing	-----	Min. Collector	-----	F	Add	0.11	7	See (1)
23	51st Ave	Baseline Rd to 800' South	7	Laveen	Existing	-----	Arterial	-----	F	Change Alignment to Match Existing Conditions	0.40	7	See (5)
24	45th Ave	Indian School Rd to Camblock Rd	5	Maryvale	Future	-----	Min. Collector	-----	F	Add	0.25	8	See (1)
25	93rd Ave	Thomas Rd to Osborn Rd	7	Maryvale	Future	-----	Min. Collector	-----	E	Add	0.57	8	See (1)
26	Agodon Way (Loop)	93rd Ave to 93rd Ave	7	Maryvale	Future	-----	Min. Collector	-----	E	Add	0.40	8	See (1)
27	Pinacol Ave	Agodon Way to 81st Ave	7	Maryvale	Future	-----	Min. Collector	-----	E	Add	0.17	8	See (1)
28	32nd Ave	Dove Valley Rd to Westland Rd	1	North Gateway	Existing	-----	Min. Collector	-----	F	Add	0.50	9	See (3)
29	Dove Valley Rd	North Valley Pkwy to I-17	1	North Gateway	Future	Arterial	Major Arterial	A	-----	Change Class	0.75	9	See (1)
30	27th Ave	Lone Mountain Rd to North Valley Pkwy	1	North Gateway	Future	Collector	-----	D	-----	Remove from Map Till New Alignment is Set	2.00	9	See (5)
31	Hatcher Rd	12th St to 18th St	3	North Mountain	Future	Local	Collector	-----	F	Add	0.50	10	See (1)
32	Avenida Rios Salado	27th Ave to 18th Ave	7	South Mountain	Existing	Arterial	Major Arterial	D	Z-B	Class & Change Cross Section	1.00	11	See (2)
33	18th Ave	1100' South of Baseline Rd	7	South Mountain	Existing	Arterial	-----	D	-----	Change Alignment to Match Existing Conditions	0.40	11	See (5)

Footnotes:

1	New plat/paving plans
2	Additional Capacity Needed
3	Decrease Capacity
4	City Project
5	Roadway Re-alignment

APPROXIMATE NEW OR CHANGED ROADWAY LENGTH	
Major Arterial	13.27 Miles
Arterial	4.10 Miles
Collectors	1.00 Miles
Minor Collectors	8.29 Miles
Total	26.66 Miles

APPROXIMATE REMOVED ROADWAY LENGTH	
Major Arterial	0.00 Miles
Arterial	0.69 Miles
Collectors	3.68 Miles
Minor Collectors	0.00 Miles
Total	4.37 Miles





## General Plan Amendment **STAFF ANALYSIS**

<u>Application No.:</u>	GPA-CTYW-1-13
<u>Applicant:</u>	Planning Commission
<u>Current Map:</u>	Street Classification Map
<u>Requested Change:</u>	Additions/Deletions
<u>Reason for Change:</u>	To update the map with additions and deletions of new platted roadways.
<u>Staff Recommendation:</u>	Staff recommends approval of this request

### Summary:

The Street Classification Map was first adopted in 1961. In 1994 the Map was modified to reflect the Street Classification System Policy and to incorporate information from the former Minimum Right-of-Way Standards Map. The Street Classification Map provides information on the City's street network, identifying the alignment and minimum right-of-way standards for existing and planned major arterial and collector streets.

This is an annual "house keeping" amendment intended to propose non-controversial changes for the map during the past year that do not warrant individual General Plan Amendments. The last amendment to the Street Classification Map was January 20, 2010.

The table and maps provided in Appendices A and B show the location of each numbered street segment by village. As noted, most of the changes to the Street Classification Map are for newly constructed or dedicated streets. The other changes are a result in a change in local conditions.

The proposed changes support the following Goals of the General Plan:

- **CIRCULATION**

**GOAL 2A – ARTERIAL STREETS:** A SYSTEM OF ARTERIAL STREETS SHOULD BE DEVELOPED THAT MEETS TRAFFIC DEMANDS, WHILE SUPPORTING LAND USE AND ENVIRONMENTAL GOALS.

Strategically adding or reclassifying arterial streets provides a higher level of service to Phoenix motorists, while also supporting the surrounding land uses and General Plan land use goals.

**GOAL 2B – COLLECTOR STREETS:** RESIDENTIAL COLLECTOR STREETS SHOULD BE DESIGNED OR RETROFITTED SO THEY FACILITATE TRAVEL FROM LOCAL STREETS TO PARKS, SCHOOLS AND ARTERIAL STREETS WHILE MAINTAINING A SAFE AND ATTRACTIVE NEIGHBORHOOD ENVIRONMENT. COMMERCIAL COLLECTOR STREETS SHOULD BE DESIGNED OR RETROFITTED SO THEY FACILITATE TRAVEL AMONG HIGH TRAFFIC GENERATORS.

Continual review and updates of our collector street system offers a network of connecting streets which are designed for the community they serve.

**GOAL 3B – LOCAL STREETS:** LOCAL STREETS SHOULD BE DESIGNED TO PROVIDE ACCESS BY RESIDENTS AND EMERGENCY VEHICLES TO NEIGHBORHOOD FACILITIES AND COLLECTOR STREETS, WHILE MAINTAINING SAFETY FOR RESIDENTS, PEDESTRIANS AND BICYCLISTS AND ENHANCING THE NEIGHBORHOOD ENVIRONMENT.

Changes to the Street Classification map will protect residents and the neighborhood element of a community.

Attachments

- A – General Plan and Street Classification Map Amendments Matrix
- B – Proposed Amendment Maps by Village Planning Committee (12 pages)
- C – Proposed Cross Section Changes (20 pages)
- D – Existing Street Classification Map (2 pages)

General Plan and Street Classification Map Amendments 2012

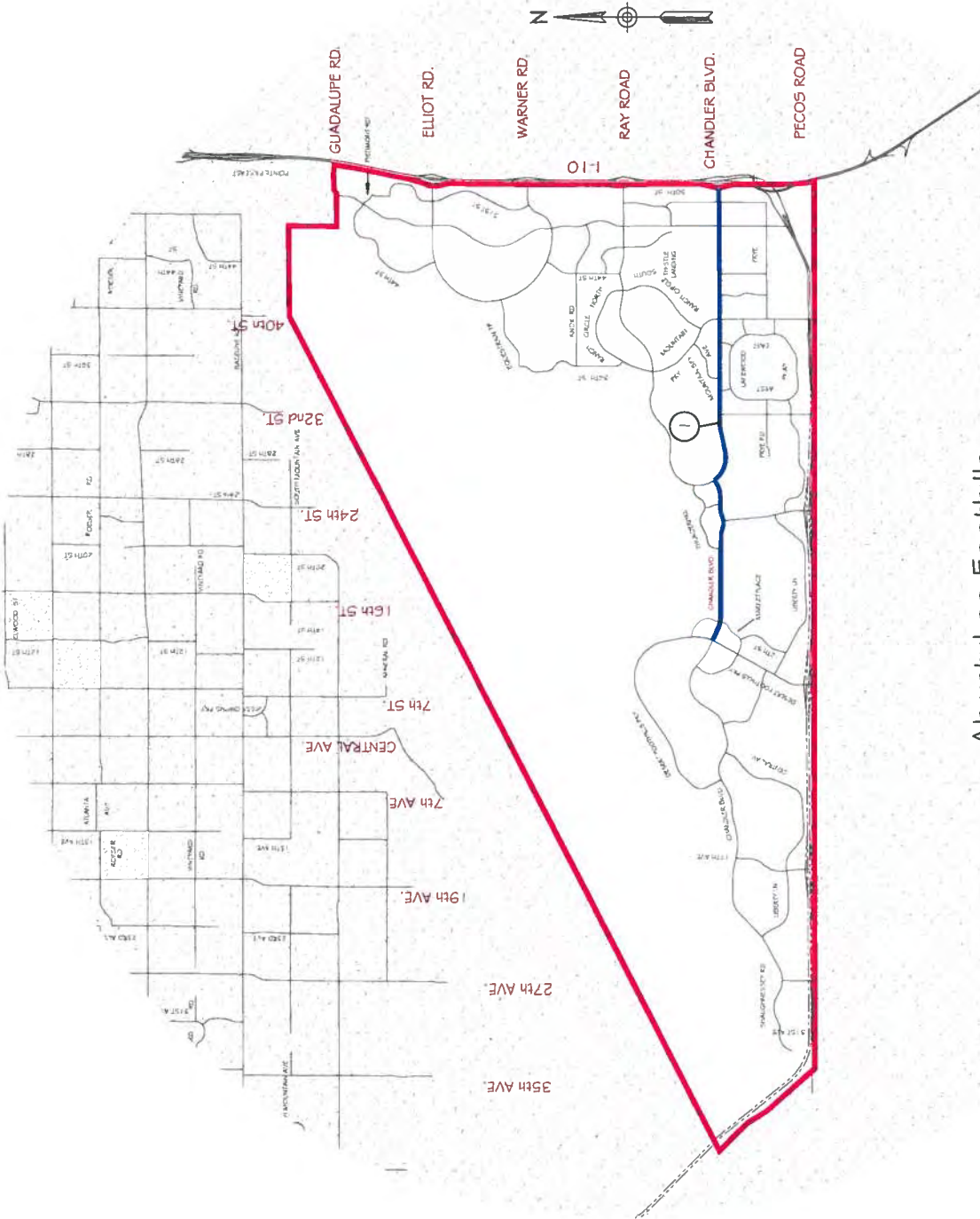
No.	Street Name	From / to	Council District	Village	Status	Current Class	Proposed Class	Current Cross Section	Proposed Cross Section	Map Change	Segment Length	Map Number	Comment
1	Chandler Blvd	I-10 to Desert Footfalls Pkwy	8	Ahwatukee	Existing	Arterial	Major Arterial	D	X-A	Class & Change Cross Section	5.00	1	See (2)
2	Camblock Rd	16th St to 44th St	6	Camblock East	Existing	Arterial	Major Arterial	X-B, X-B/A, X-A	-----	Change Class	3.52	2	See (2)
3	44th St	Washington St to McDowell Rd	8	Camblock East	Existing	Major Arterial	Arterial	X-B	-----	Change Class	1.20	2	See (3)
4	44th St	Washington St to University Dr	8	Central City	Existing	FWY	Arterial	X-B	-----	Change Class	2.10	3	See (4)
5	Pinnacle Peak Rd	Central Ave to 7th St	1	Deer Valley	Existing	Arterial	-----	C	-----	Remove for Re-alignment (See # 6)	0.69	4	See (5)
6	Pinnacle Peak Rd	Central Ave to 7th St	1	Deer Valley	Existing	-----	Arterial	-----	D	Re-alignment & Cross Section	0.72	4	See (5)
7	Corporate Center Dr	I-17 to 24th Dr	1	Deer Valley	Future	-----	Min. Collector	-----	F	Add	0.18	4	See (1)
8	60th St	Lone Mountain Rd to Dove Valley Rd	2	Desert View	Future	-----	Min. Collector	-----	F	Add	1.50	5	See (1)
9	Peak View Rd	Cave Creek Rd to 1300' East	2	Desert View	Future	-----	Min. Collector	-----	F	Add	0.23	5	See (1)
10	44th St	Ranger Dr to Pinnacle Peak Rd	2	Desert View	Future	-----	Collector	-----	F	Add	0.23	5	See (1)
11	Casman Dr	17th St to 18th Way	2	Desert View	Existing	Collector	Local	-----	-----	Remove from Map (Class Change)	0.43	5	See (3)
12	52nd St	Mayo Blvd. to Deer Valley Dr	2	Desert View	Existing	Public	Private	-----	-----	Remove from Map (Class Change)	0.65	5	See (3)
13	66th Dr	Roosevelt St to Latham St	7	Estrella	Future	-----	Min. Collector	-----	F	Add	0.10	6	See (1)
14	Roosevelt St	67th Ave to 68th Dr	7	Estrella	Existing	Collector	Min. Collector	F	-----	Change Class	0.04	6	See (1)
15	Roosevelt St	66th Dr to 63rd Ave	7	Estrella	Existing	Collector	Local	-----	-----	Remove from Map (Class Change)	0.40	6	See (3)
16	Latham St	67th Ave to 63rd Ave	7	Estrella	Future	-----	Min. Collector	-----	F	Add	0.40	8	See (1)
17	63rd Ave	Latham St to Fwy	7	Estrella	Future	-----	Min. Collector	-----	F	Add	0.15	6	See (1)
18	Sherman St	70th Ave to 75th Ave	7	Estrella	Future	-----	Min. Collector	-----	F	Add	0.68	6	See (1)
19	Broadway Rd	51st Ave to 58th Ave	7	Estrella	Existing	Arterial	-----	D	CM	Change Cross Section	1.08	6	See (2)
20	Avenida Rios Salado	43rd Ave to 27th Ave	7	Laveen	Existing	Arterial	Major Arterial	D, Z-D	Z-B	Class & Change Cross Section	3.00	7	See (2)
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24	45th Ave	Indian School Rd to Camelback Rd	5	Maryvale	Future	-----	Min. Collector	-----	F	Add	0.25	8	See (1)
25	93rd Ave	Thomas Rd to Osborn Rd	7	Maryvale	Future	-----	Min. Collector	-----	E	Add	0.57	8	See (1)
26	Algodon Way (Loop)	93rd Ave to 93rd Ave	7	Maryvale	Future	-----	Min. Collector	-----	E	Add	0.40	8	See (1)
27	Pinchot Ave	Algodon Way to 81st Ave	7	Maryvale	Future	-----	Min. Collector	-----	E	Add	0.17	8	See (1)
28	32nd Ave	Dove Valley Rd to Westland Rd	1	North Gateway	Existing	-----	Min. Collector	-----	F	Add	0.50	9	See (3)
29	Dove Valley Rd	North Valley Pkwy to I-17	1	North Gateway	Future	Arterial	Major Arterial	A	-----	Change Class	0.75	9	See (1)
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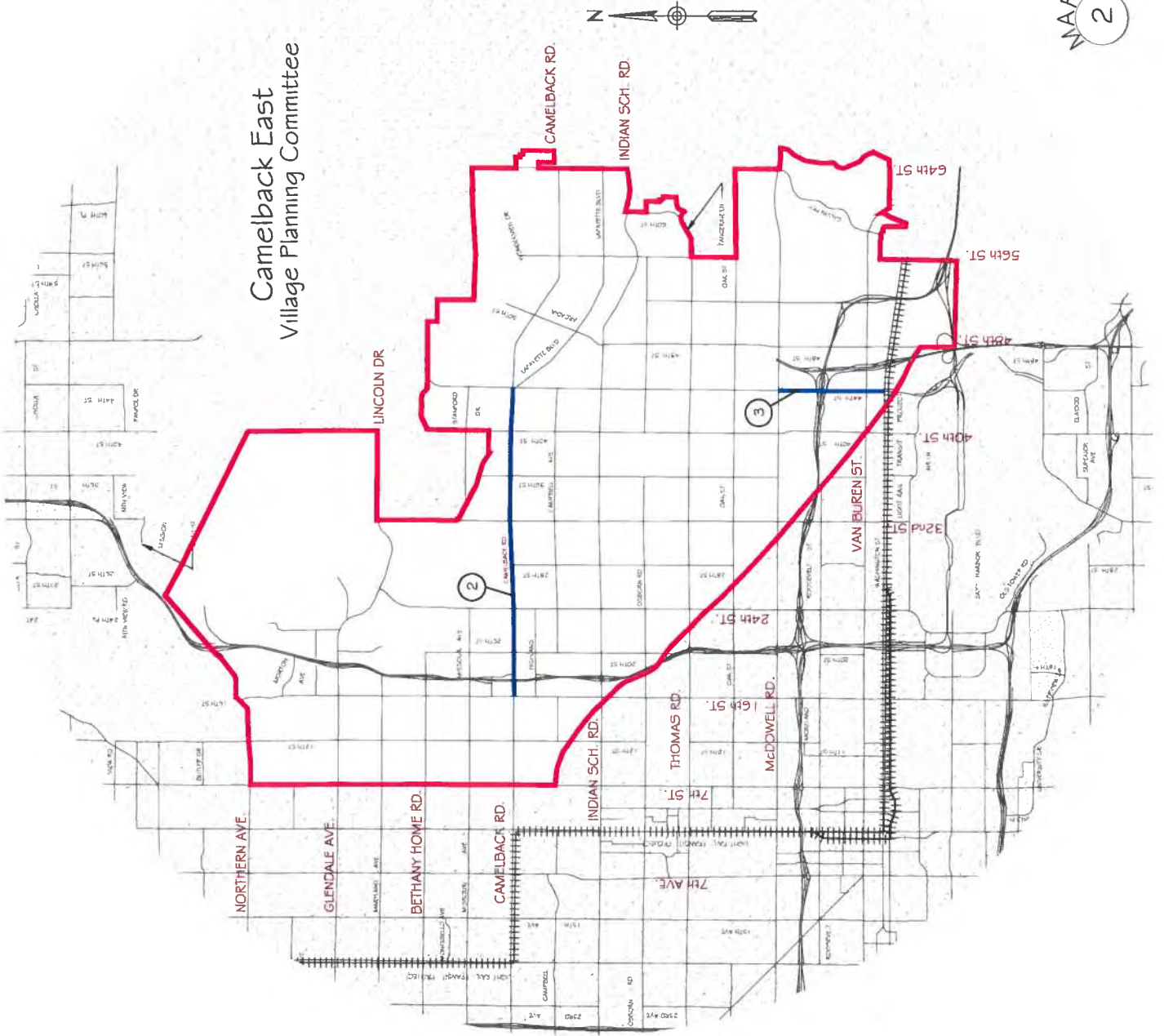




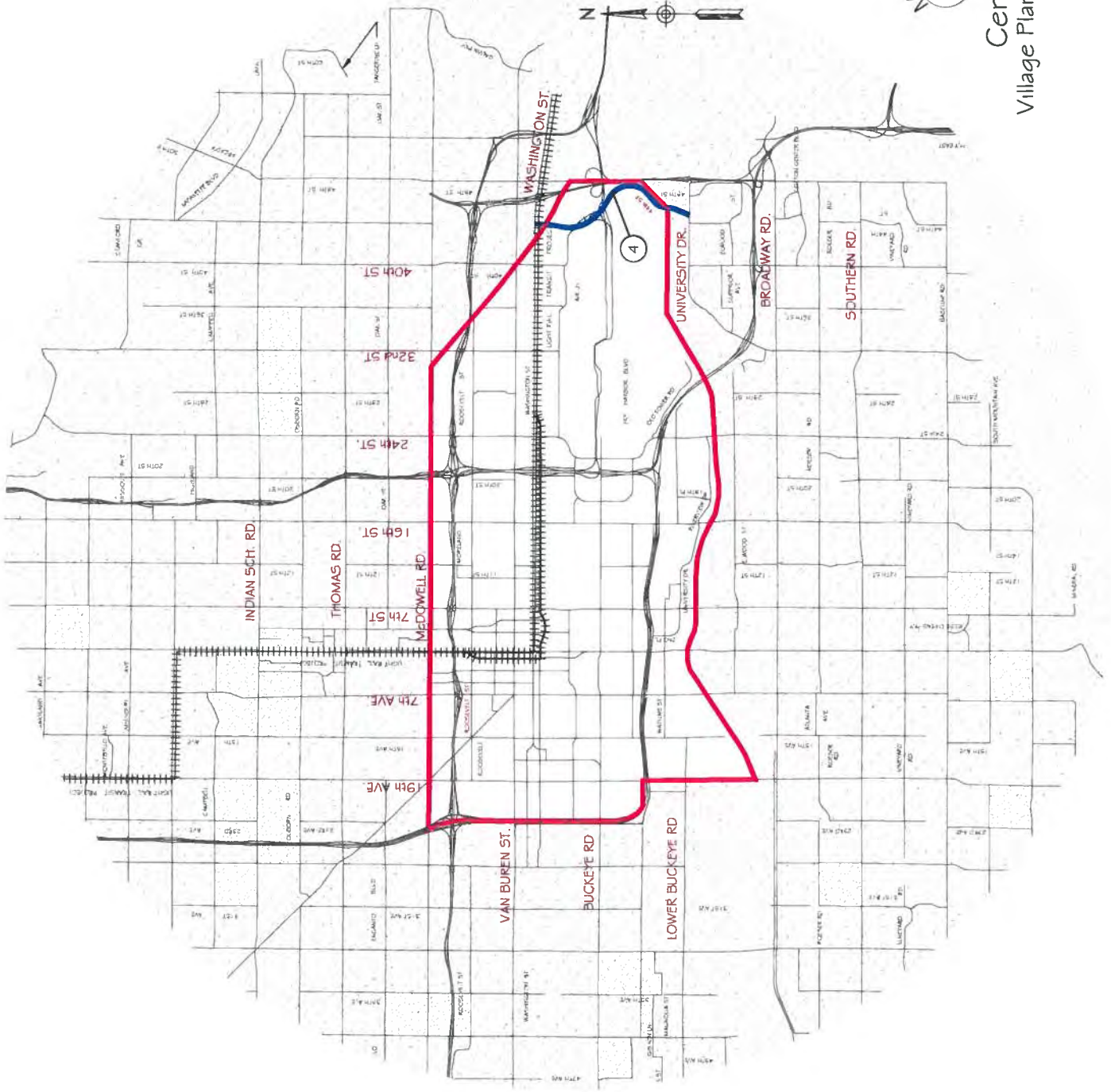
Ahwatukee Foothills  
Village Planning Committee



# Camelback East Village Planning Committee



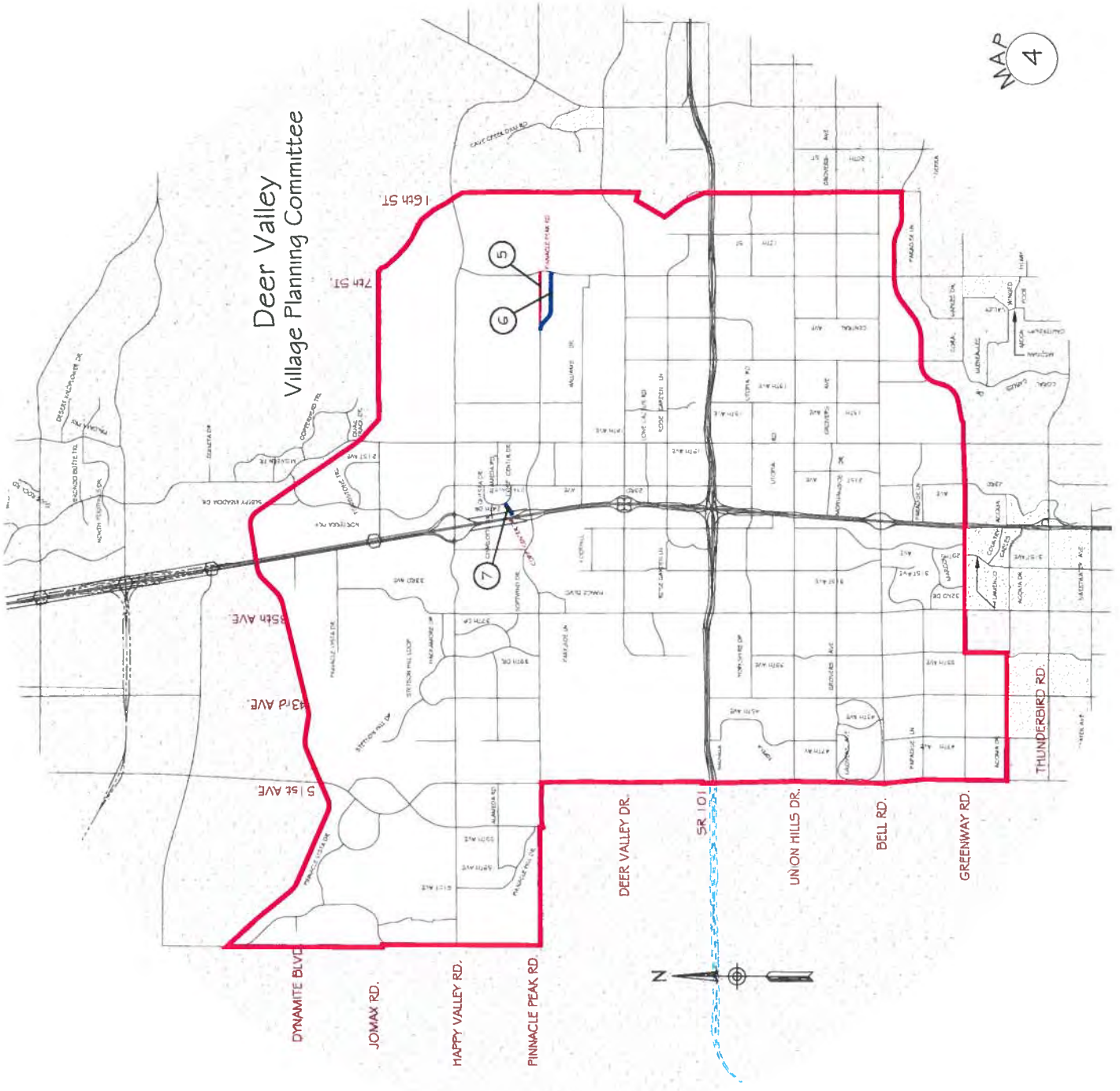




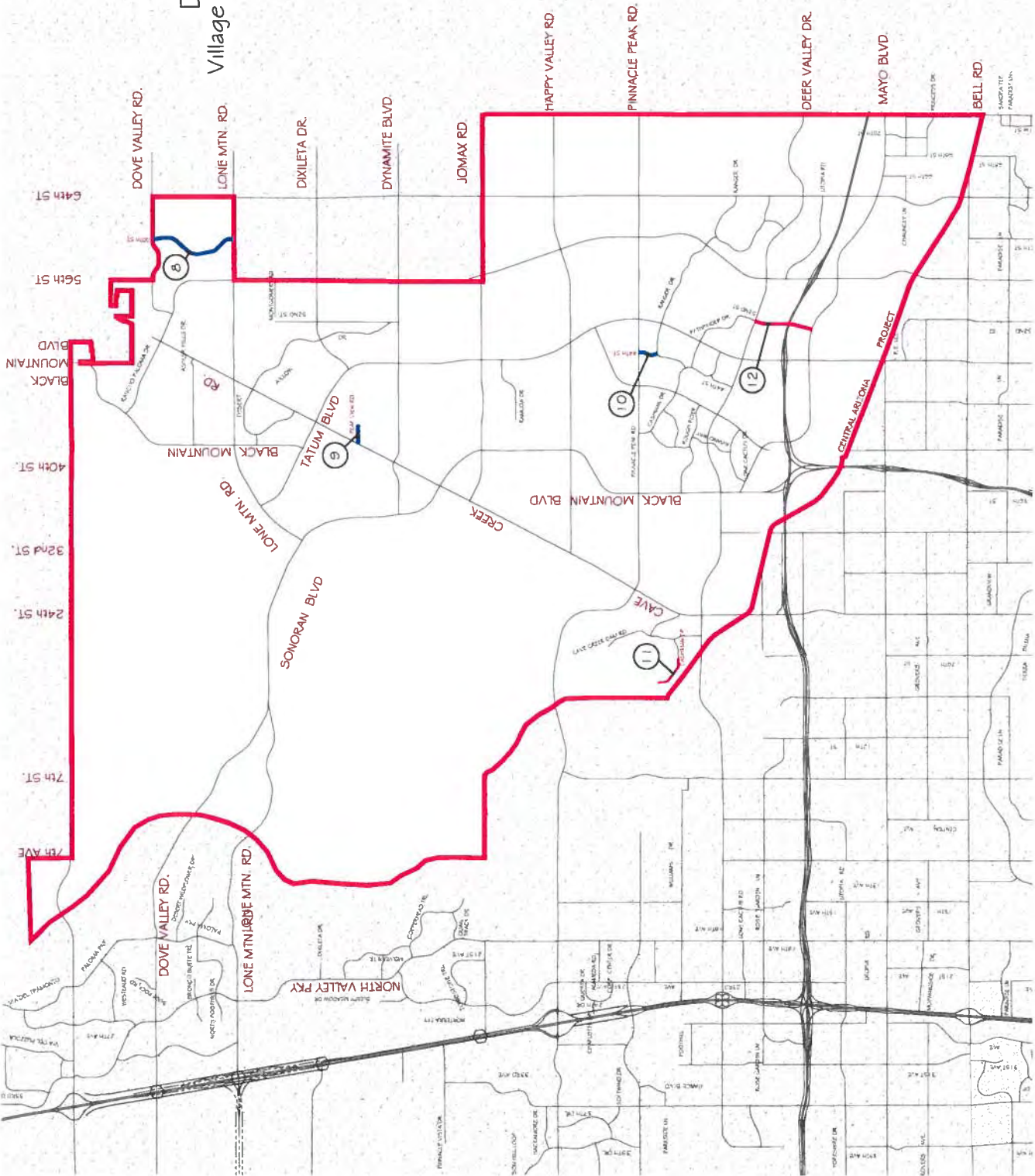
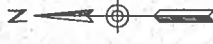
MAP 3

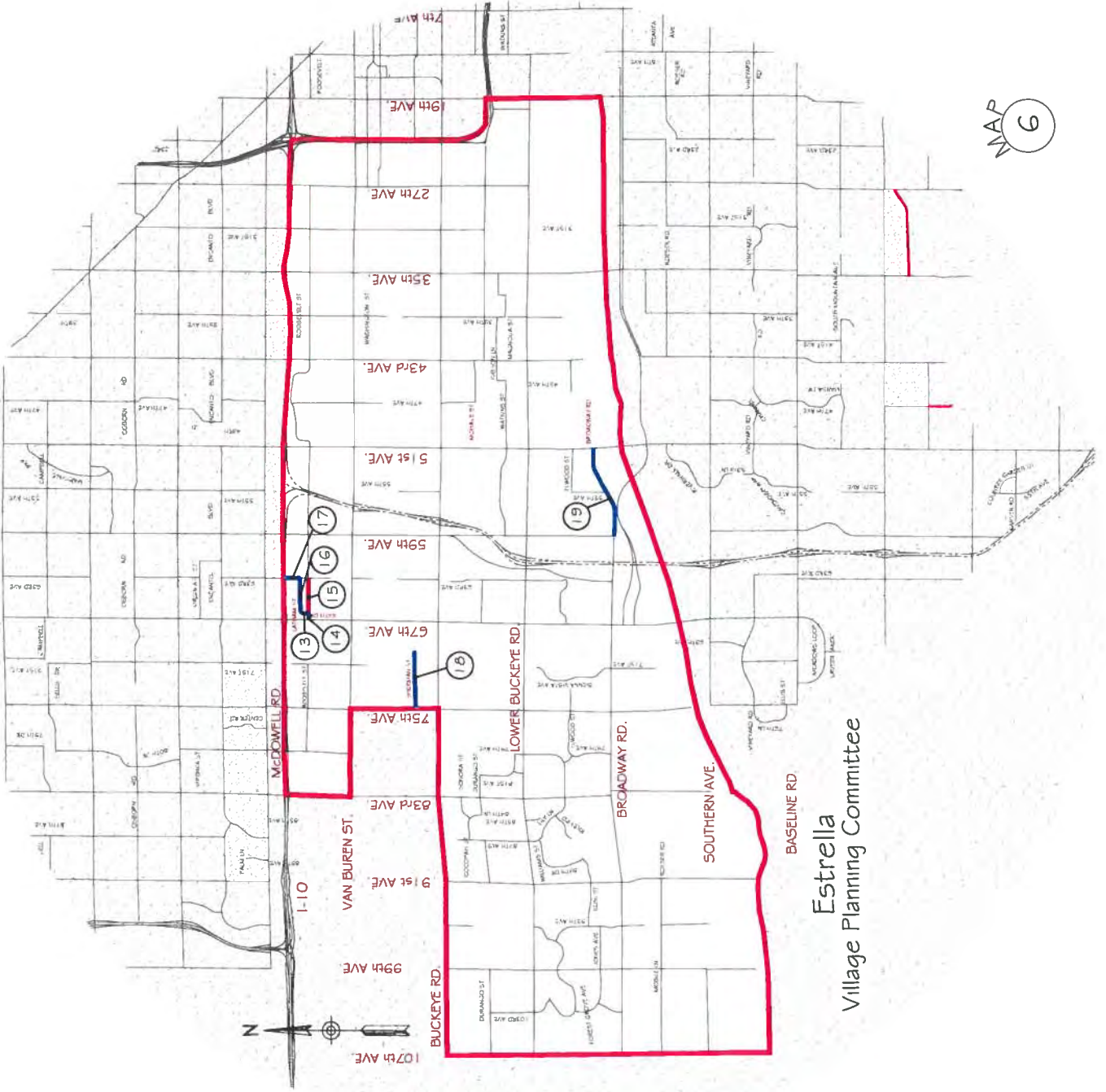
Central City  
Village Planning Committee

# Deer Valley Village Planning Committee



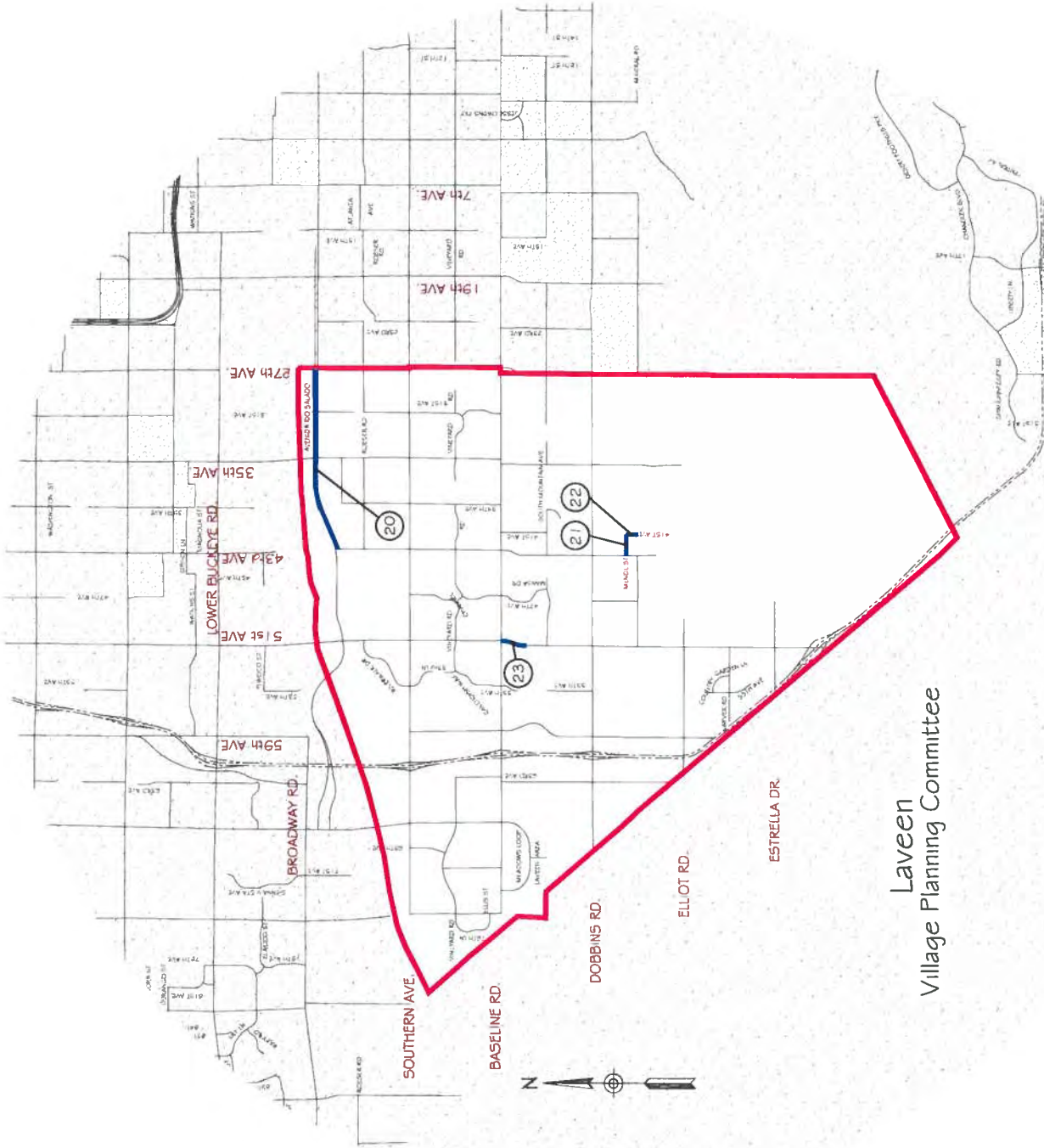
# Desert View Village Planning Committee





MAP  
6

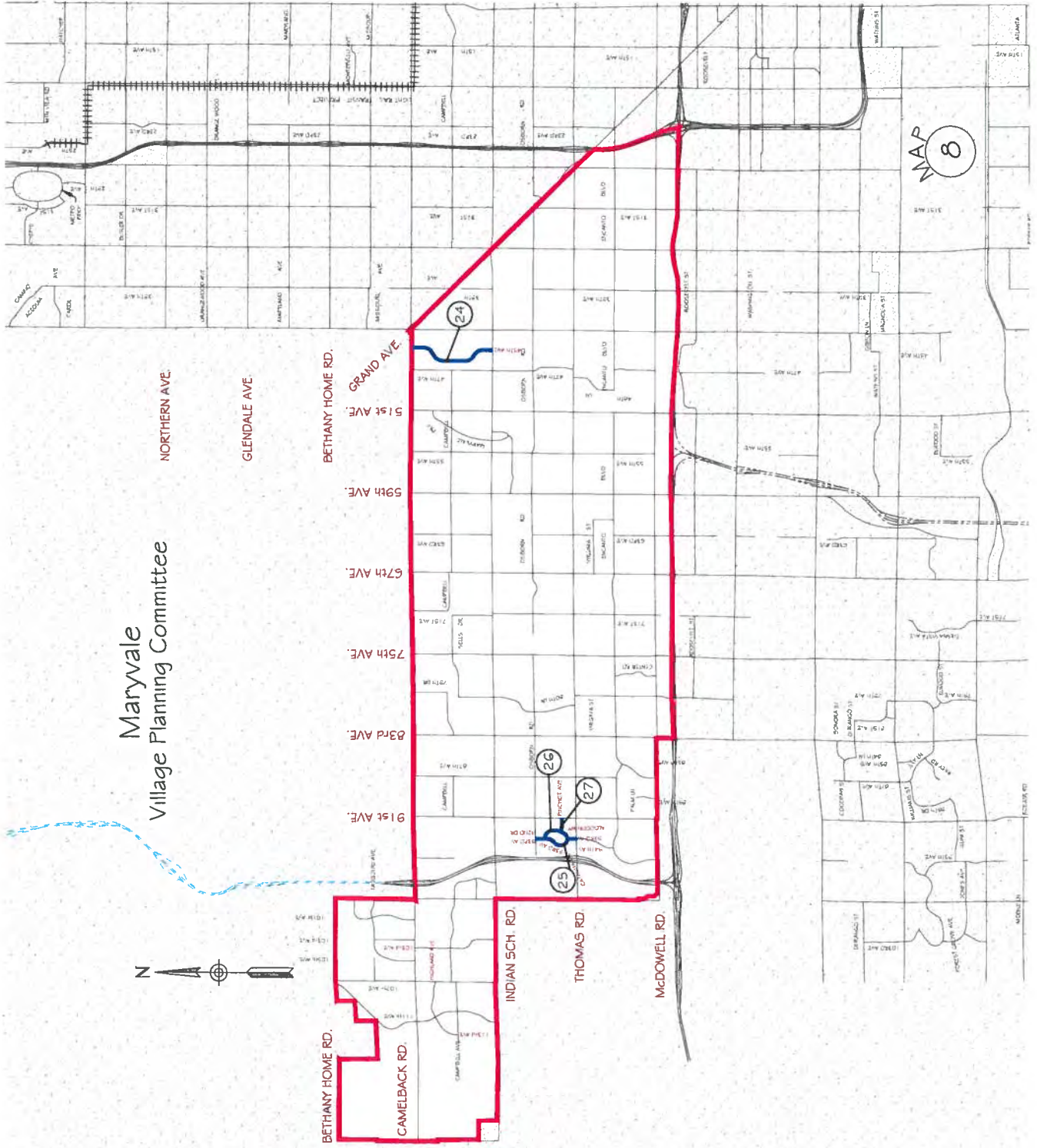
Estrella  
Village Planning Committee



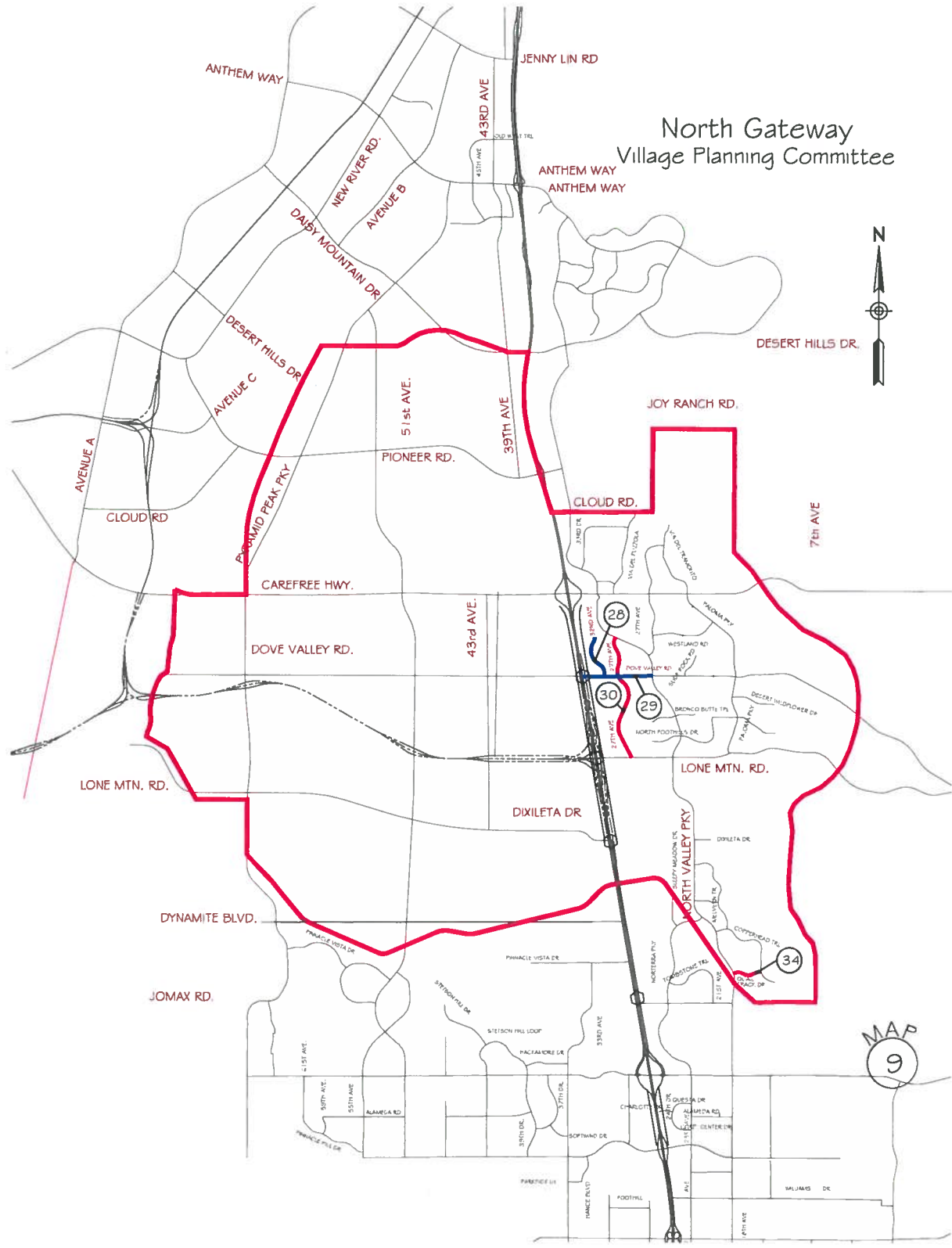
MAP  
7

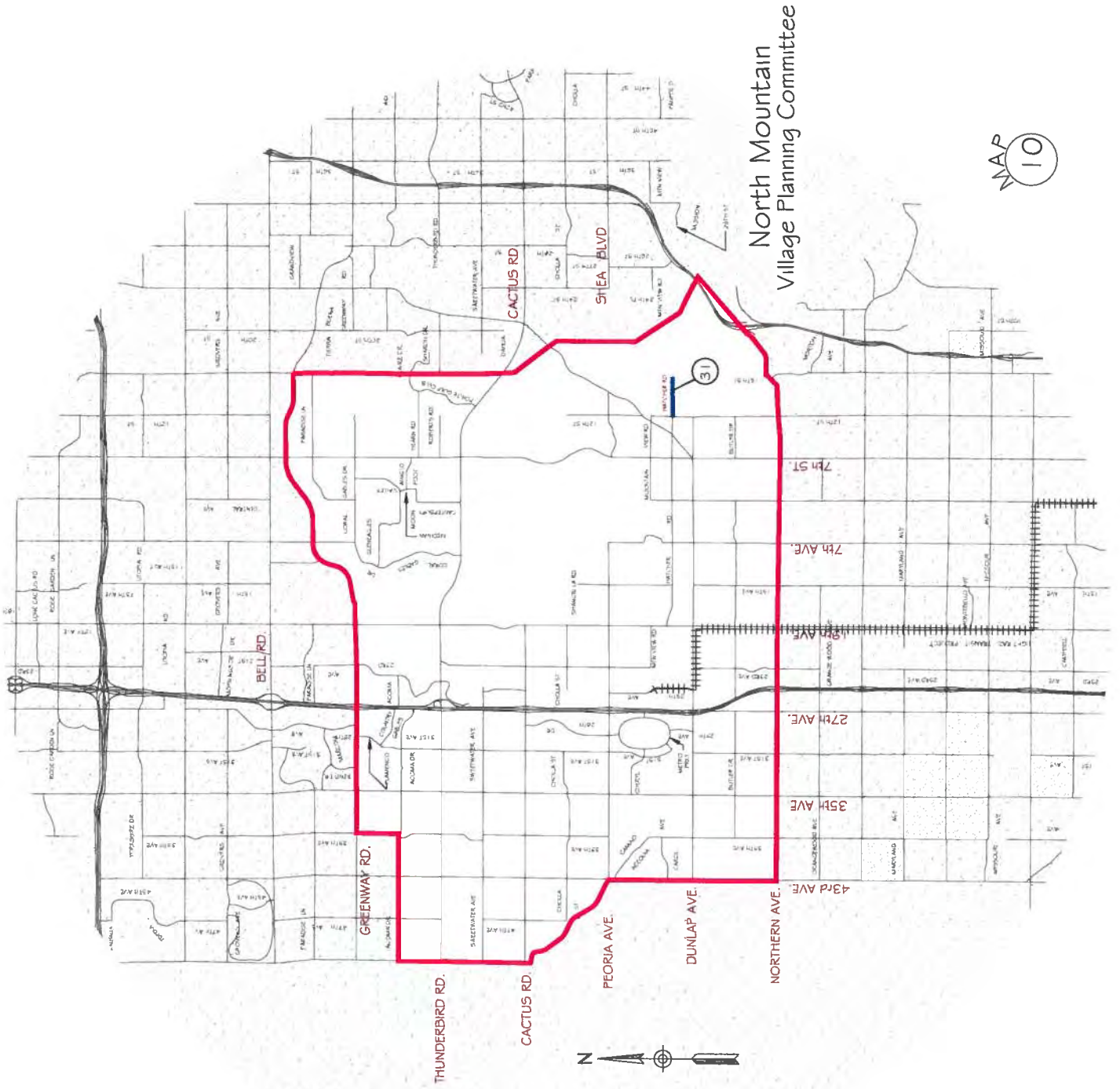
Laveen  
Village Planning Committee

# Maryvale Village Planning Committee



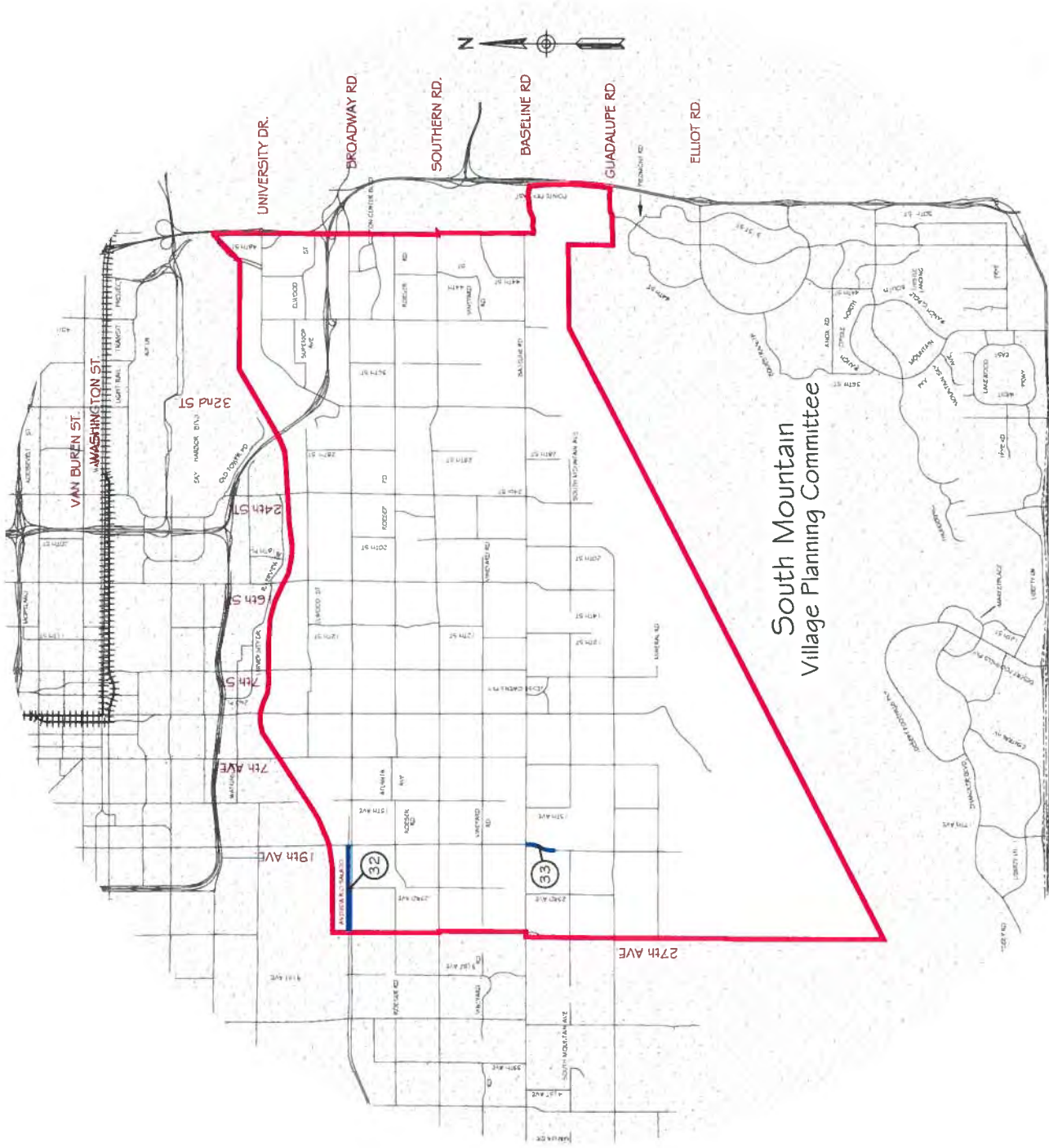
# North Gateway Village Planning Committee





North Mountain  
Village Planning Committee

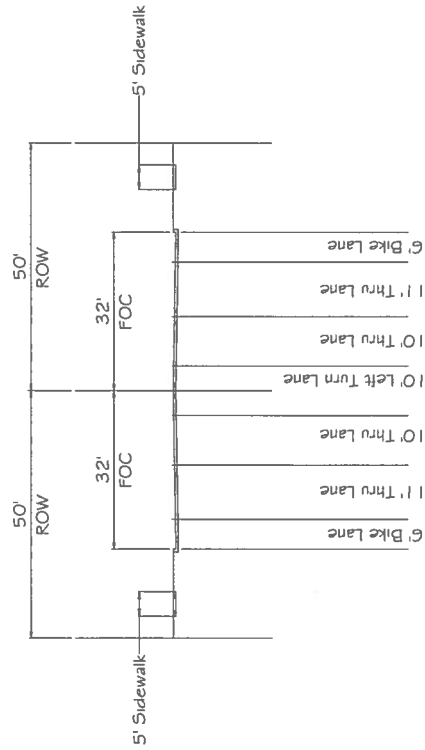




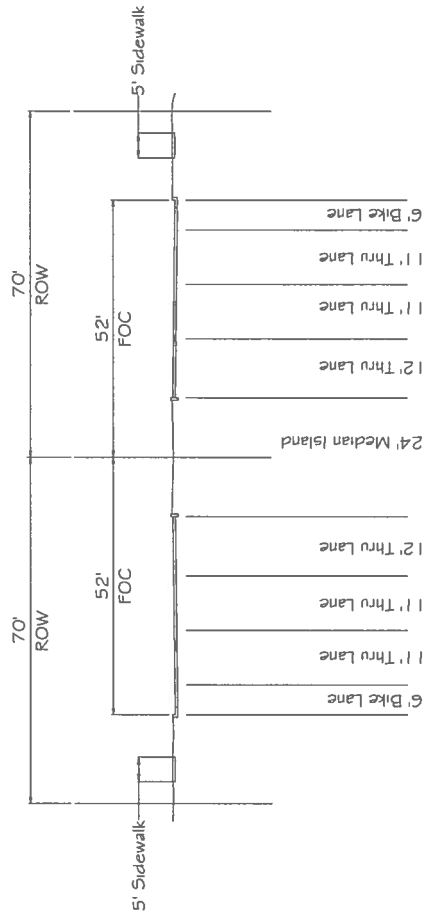
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Village Planning Committee



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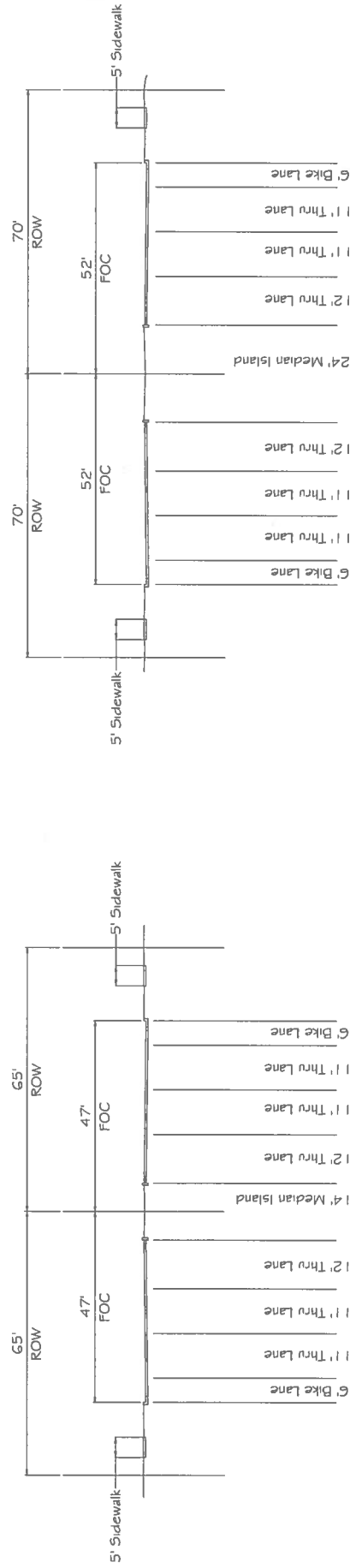


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Collector/Arterial  
64/100



Cross Section A  
Arterial  
104/140

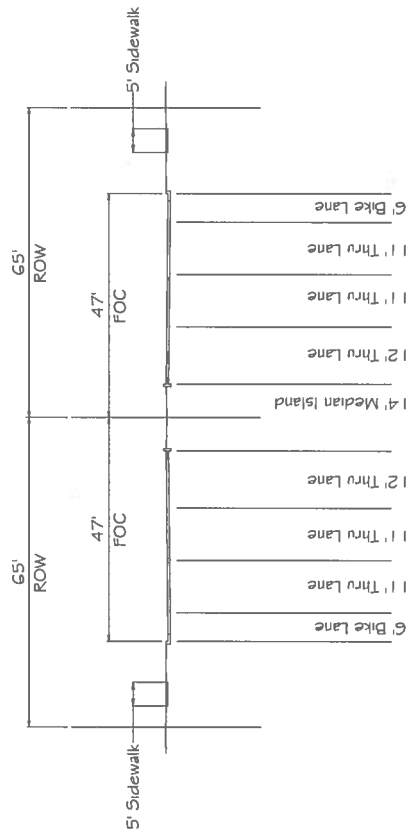
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104/140

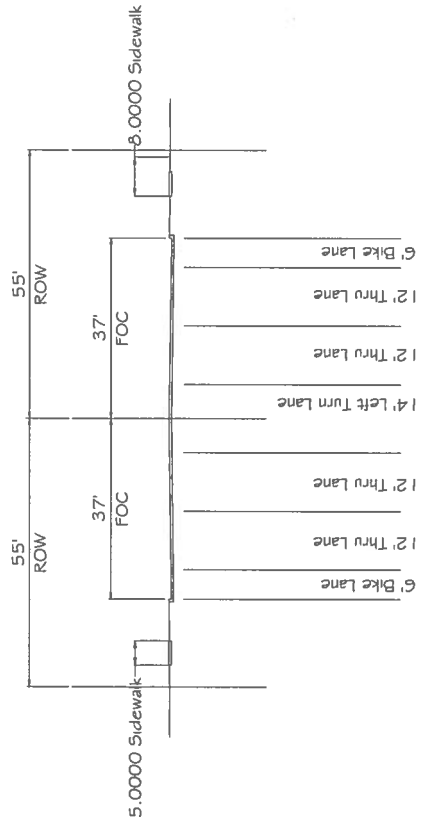
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Arterial  
94/130

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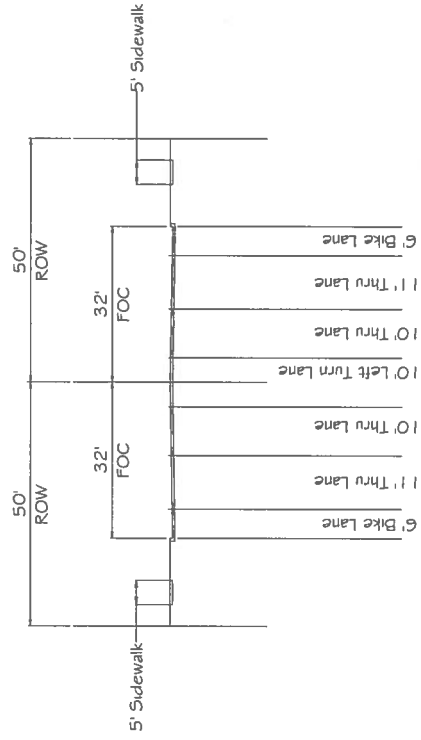
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Arterial  
94/130

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Cross Section C  
Collector/Arterial

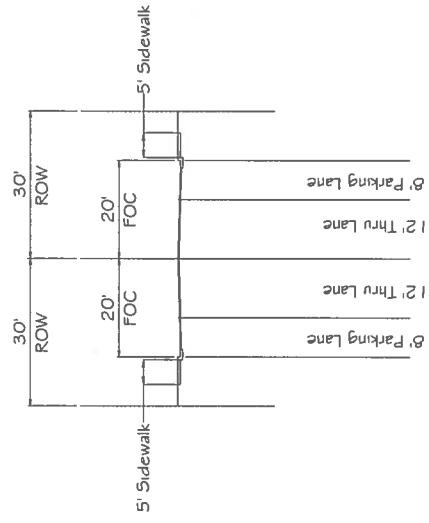
74/110



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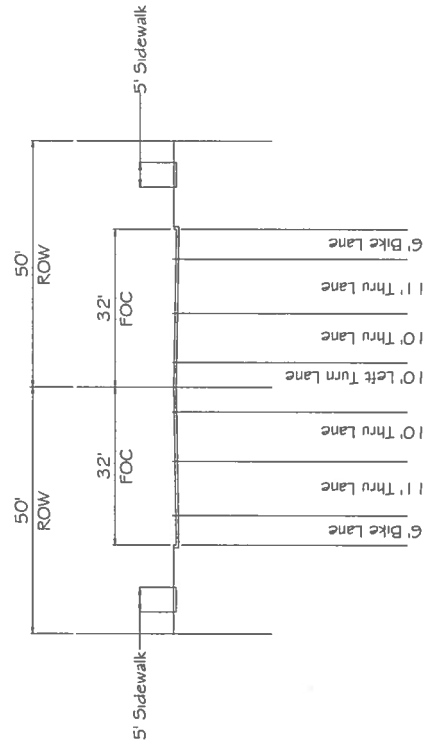
64/100

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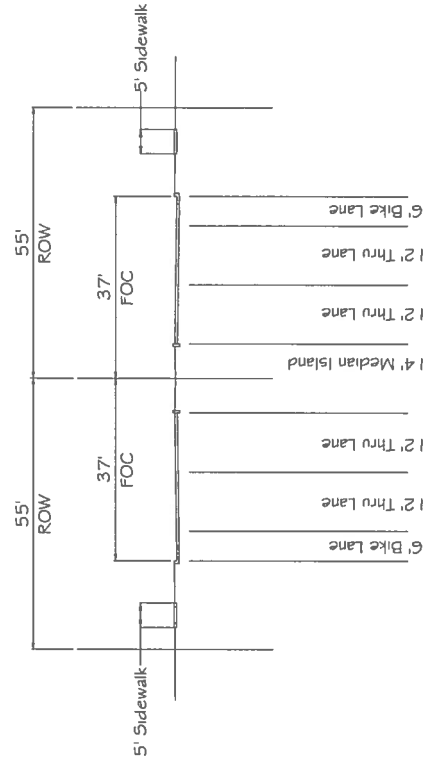


Cross Section F  
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Cross Section D  
Collector/Arterial  
64/100

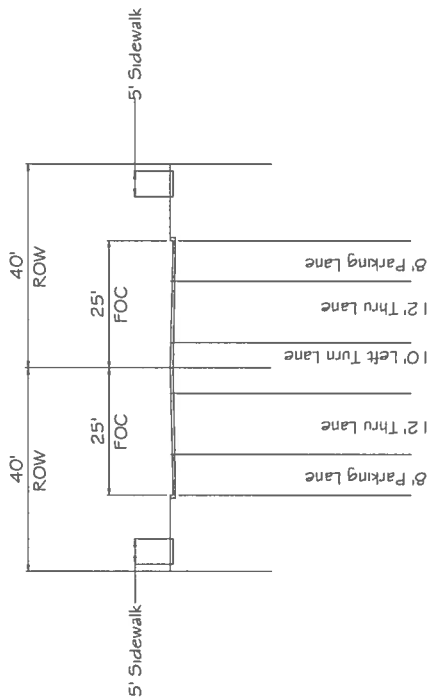


Cross Section CM  
Collector/Arterial  
74/110



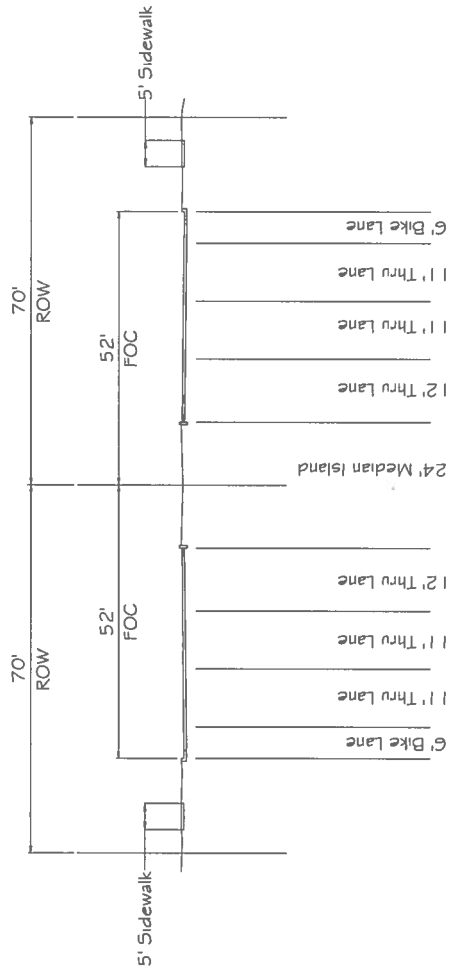


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Collector  
50/80

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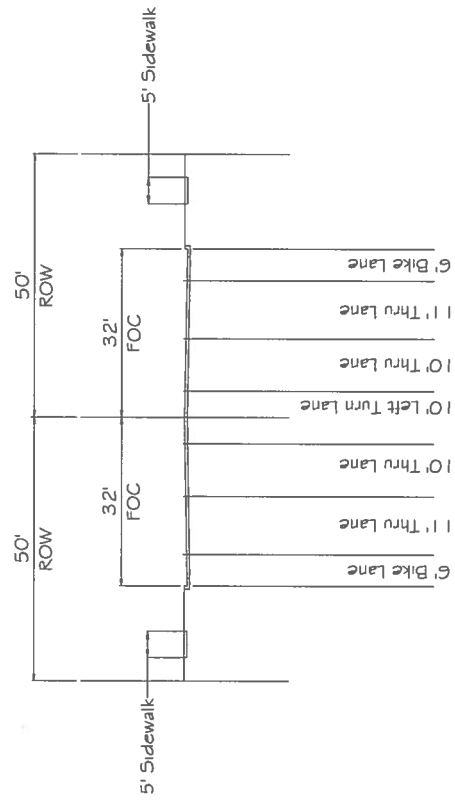


Cross Section A

Arterial

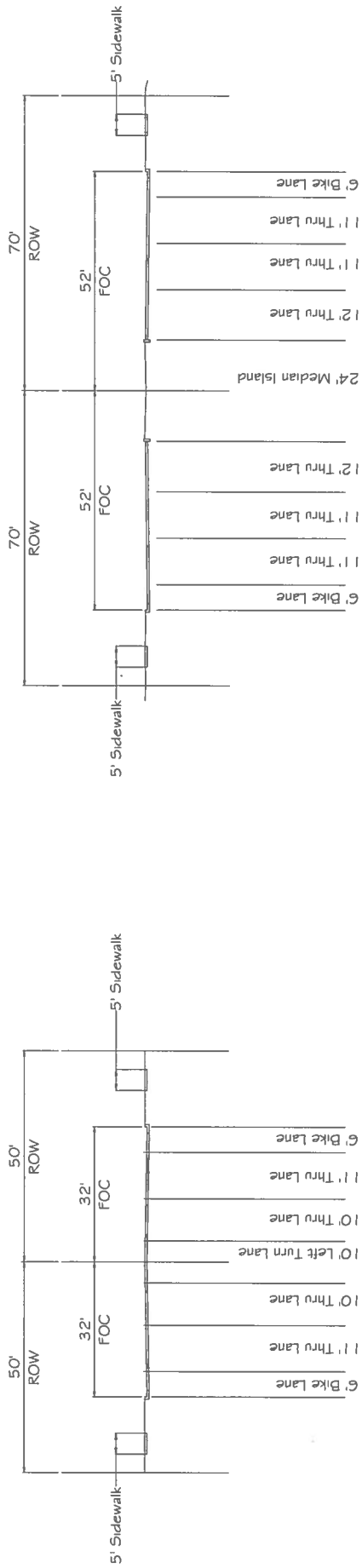
104/140

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Cross Section D  
Collector/Arterial  
64/100

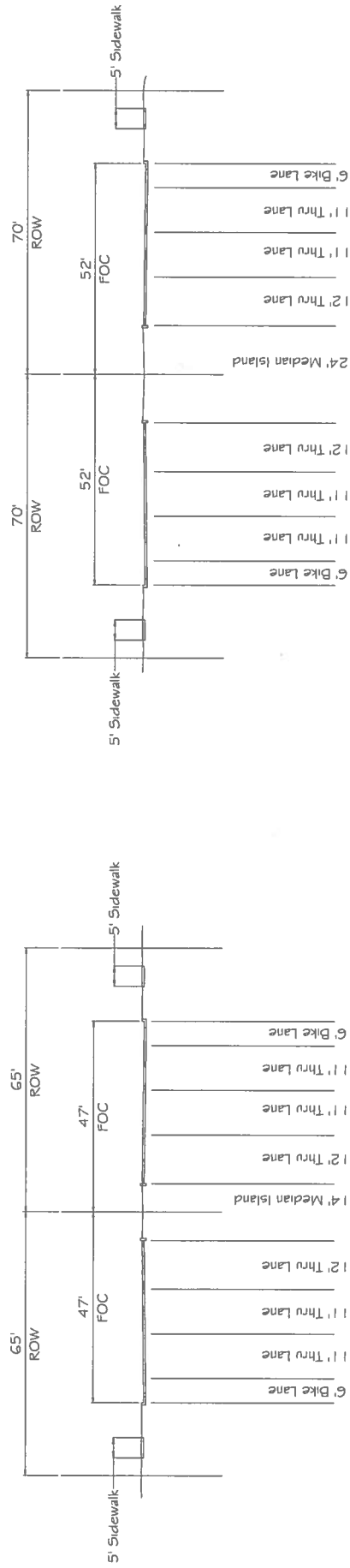
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Cross Section D  
 Collector/Arterial  
 64/100

Cross Section A  
 Arterial  
 104/140

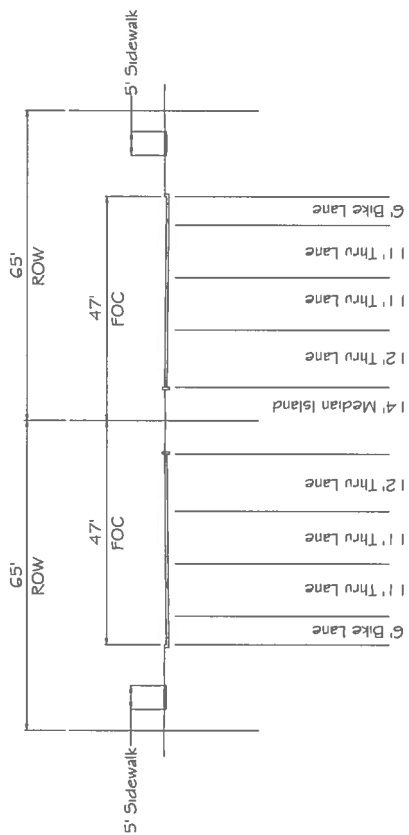
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Arterial  
94/130

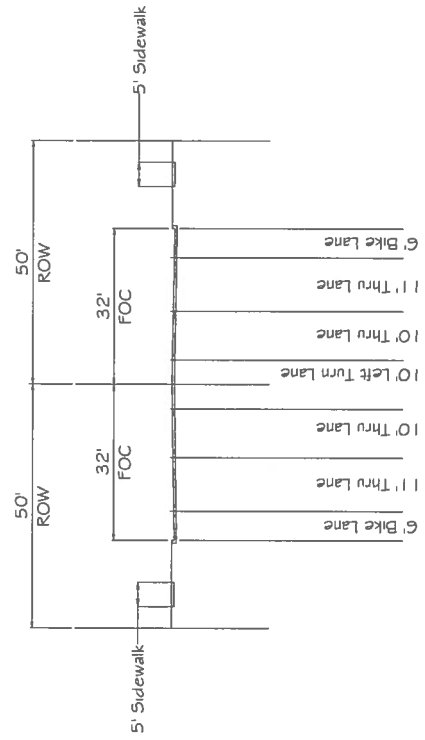
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Arterial  
104/140

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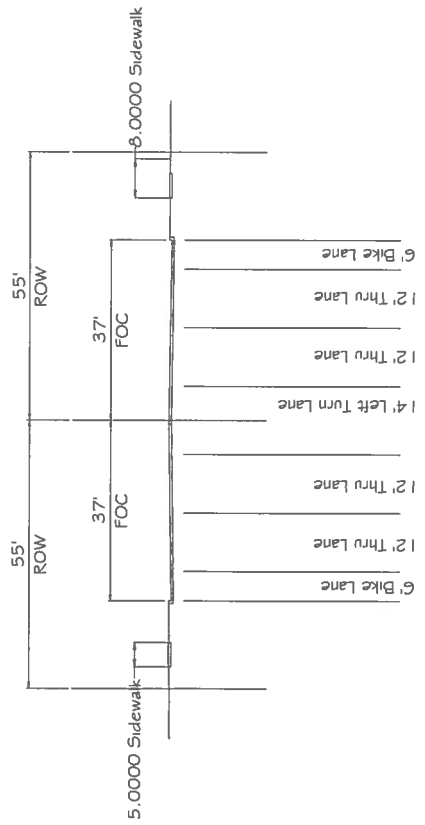


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Arterial  
94/130

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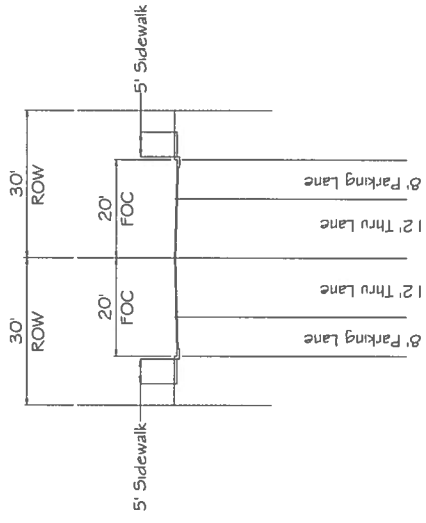


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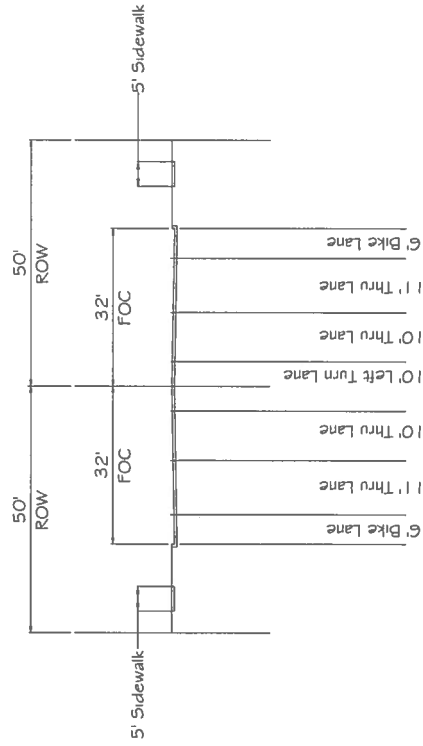
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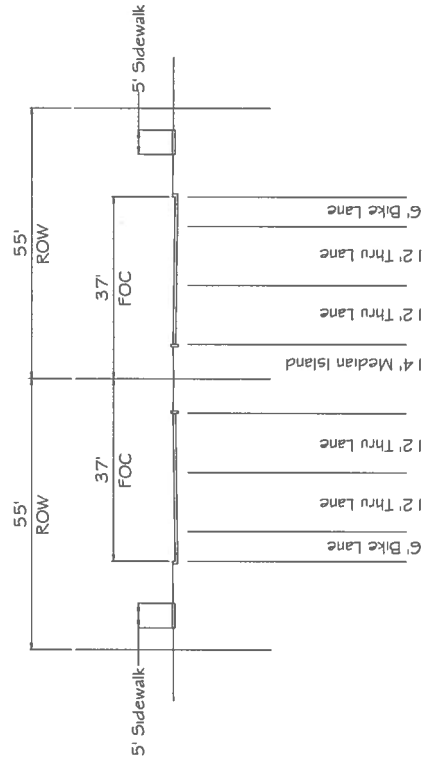
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Industrial Local  
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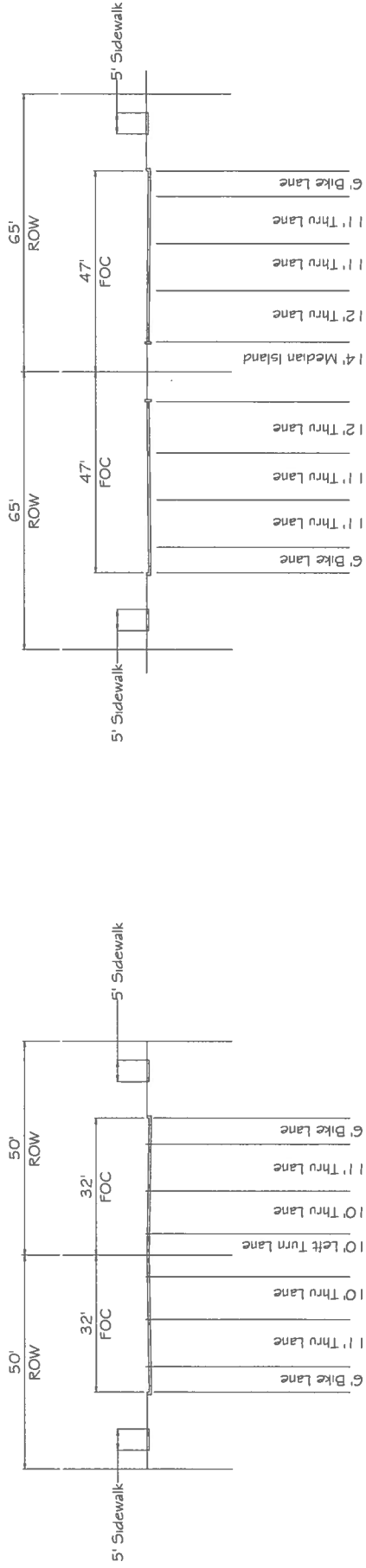


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Collector/Arterial  
64/100



Cross Section CM  
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74/110

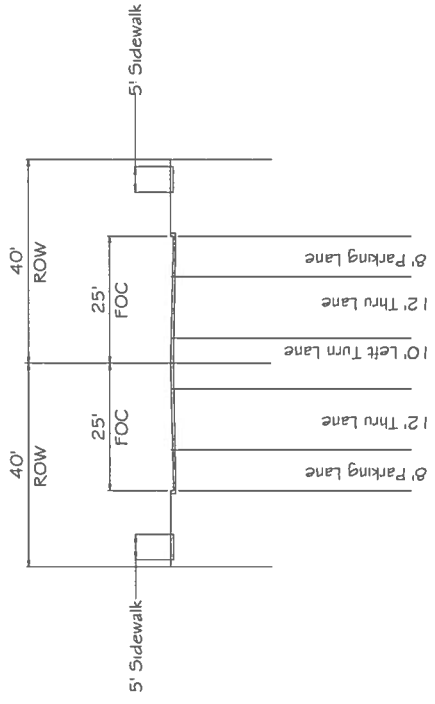
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Cross Section B  
Arterial  
94/130

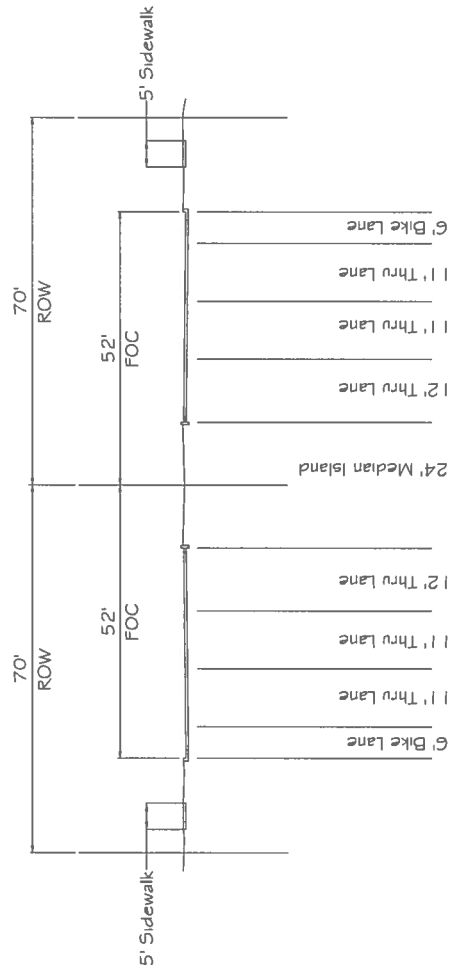
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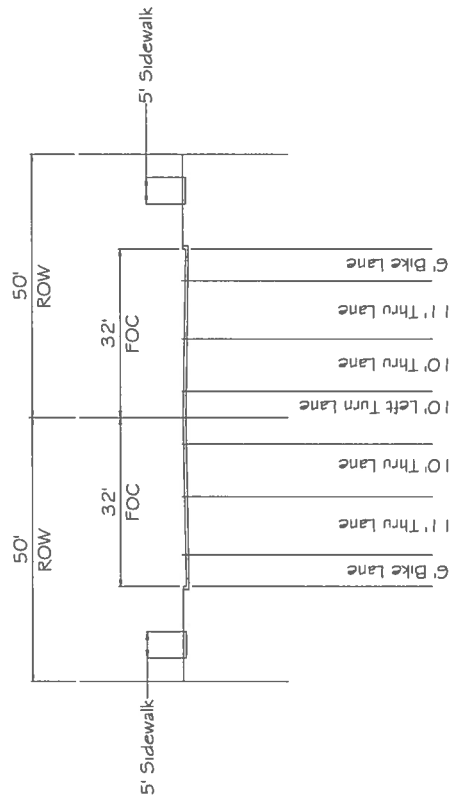
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Collector  
50/80

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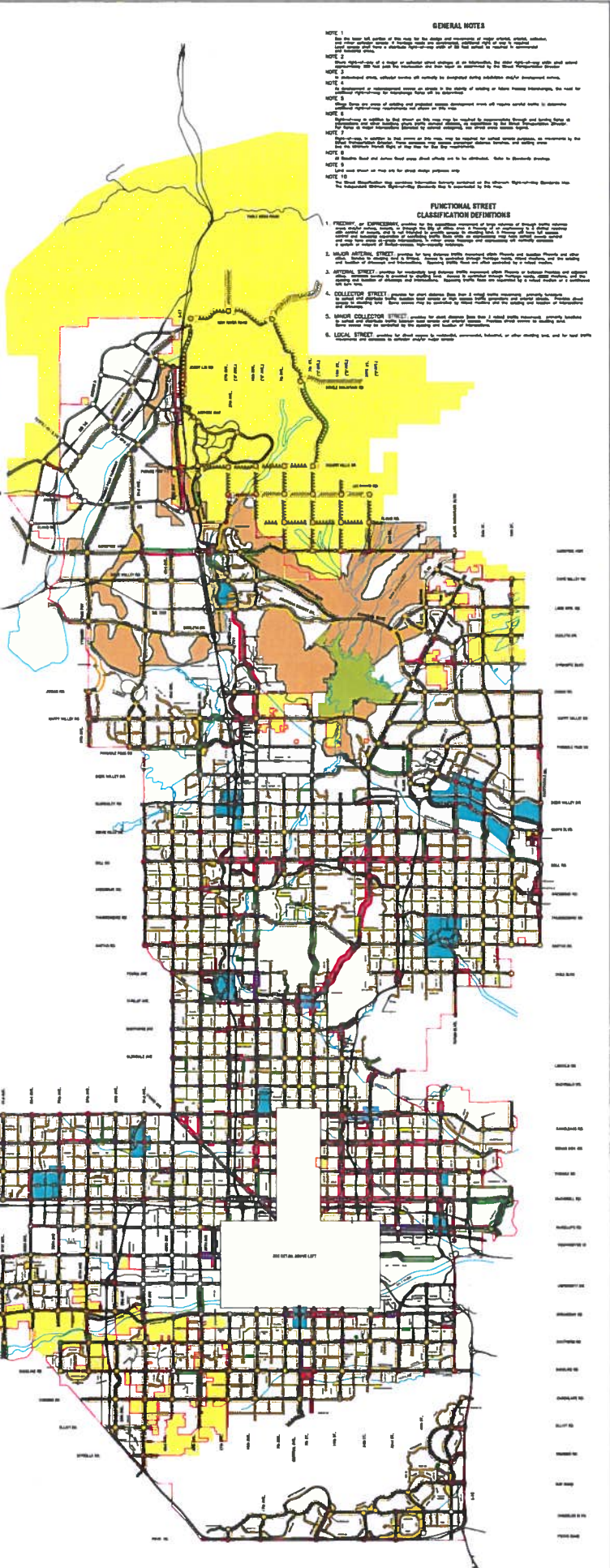
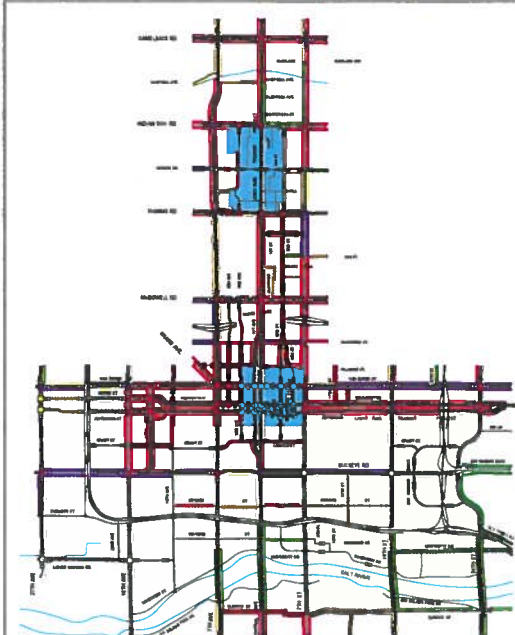
Cross Section A  
Arterial  
104/140

CURRENT CROSS SECTION "D" TO REMAIN



Cross Section D  
Collector/Arterial

64/100



- GENERAL NOTES**
1. This map is a general guide for the design and construction of streets, and is not intended to be used as a legal document.
  2. Street names shown on this map are subject to change without notice.
  3. The City of Phoenix is not responsible for the accuracy of the information shown on this map.
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  10. The City of Phoenix is not responsible for the accuracy of the information shown on this map.

- FUNCTIONAL STREET CLASSIFICATION DEFINITIONS**
1. **PRINCIPAL ARTERIAL STREET** - provides for long distance, high speed travel between major thoroughfares and other major thoroughfares. It is designed to carry the highest volume of traffic and is the backbone of the street system.
  2. **MAJOR ARTERIAL STREET** - provides for long distance, high speed travel between major thoroughfares and other major thoroughfares. It is designed to carry a high volume of traffic and is the backbone of the street system.
  3. **ARTERIAL STREET** - provides for long distance, high speed travel between major thoroughfares and other major thoroughfares. It is designed to carry a high volume of traffic and is the backbone of the street system.
  4. **COLLECTOR STREET** - provides for short distance, high speed travel between major thoroughfares and other major thoroughfares. It is designed to carry a high volume of traffic and is the backbone of the street system.
  5. **MINOR COLLECTOR STREET** - provides for short distance, high speed travel between major thoroughfares and other major thoroughfares. It is designed to carry a high volume of traffic and is the backbone of the street system.
  6. **LOCAL STREET** - provides for short distance, high speed travel between major thoroughfares and other major thoroughfares. It is designed to carry a high volume of traffic and is the backbone of the street system.

**STREET CLASSIFICATION MAP**  
City of Phoenix, Arizona

RESOLUTION #	DATE	RESOLUTION #	DATE
18800	APRIL 8, 1984	20180	OCTOBER 13, 2004
18847	FEBRUARY 18, 1986	20303	OCTOBER 12, 2006
19218	FEBRUARY 10, 1988	20472	MARCH 7, 2007
19608	AUGUST 30, 2000	20669	OCTOBER 17, 2007
19623	MAY 2, 2001	20842	JANUARY 20, 2010
19836	JULY 3, 2002		
19855	JANUARY 8, 2003		
20027	JANUARY 7, 2004		

**STREET CROSS SECTION LEGEND**

SECTION	DESCRIPTION
1.0	Section 1.0 - 100' wide
2.0	Section 2.0 - 100' wide
3.0	Section 3.0 - 100' wide
4.0	Section 4.0 - 100' wide
5.0	Section 5.0 - 100' wide
6.0	Section 6.0 - 100' wide
7.0	Section 7.0 - 100' wide
8.0	Section 8.0 - 100' wide
9.0	Section 9.0 - 100' wide
10.0	Section 10.0 - 100' wide

**MAP LEGEND**

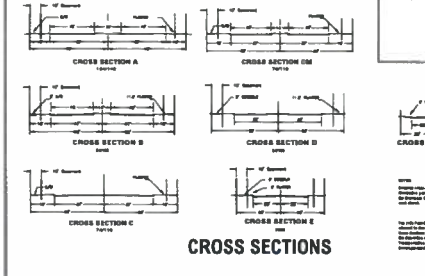
SYMBOL	DESCRIPTION
(Solid line)	EXISTING FREEWAY
(Dashed line)	FUTURE FREEWAY
(Dotted line)	FUTURE FREEWAY INTERCHANGE
(Thick solid line)	FUTURE FREEWAY
(Thin solid line)	FUTURE FREEWAY PROPOSED ROAD
(Thin solid line)	FUTURE LIGHT RAIL ALIGNMENT
(Yellow box)	CITY LIMITS
(Green box)	CROSS SECTION
(Blue box)	MANHOLES
(Red box)	LOWDOWN OR BEST PRACTICE (PROPOSED)
(Purple box)	LAND USE RESTRICTION AREA

**LAND USE LEGEND**

LAND USE	SYMBOL
URBAN CORE	(Blue)
RESIDENTIAL	(Light Blue)
COMMERCIAL	(Yellow)
INDUSTRIAL	(Orange)
UNDEVELOPED	(Green)
WATER	(Light Blue)
WETLANDS	(Dark Green)
WOODLAND	(Light Green)
DESERT	(Light Brown)
AGRICULTURE	(Light Green)
RAILROADS	(Black)
ROADS	(Black)
UTILITIES	(Black)

**STREET CLASSIFICATION LEGEND**

SECTION DRIVE	STREET	MAJOR ARTERIAL	ARTERIAL	COLLECTOR	MINOR COLLECTOR
(Thick solid line)	(Solid line)	(Thick solid line)	(Solid line)	(Solid line)	(Solid line)
(Thin solid line)	(Dashed line)	(Thin solid line)	(Dashed line)	(Thin solid line)	(Thin solid line)
(Thin solid line)	(Dotted line)	(Thin solid line)	(Dotted line)	(Thin solid line)	(Thin solid line)





**Attachment B**

GPA-CTYW-1-13 Citywide Update to the Street Classification Map			
<u>Village</u>	<u>Date</u>	<u>Recommendation</u>	<u>Vote</u>
Ahwatukee Foothills	12/16/2013	Approval	12-0
Alhambra	1/28/2014	Approval, with a comment that language based on the Complete Streets Policy be included into the current General Plan	10-0
Camelback East	1/7/2014	Approval, with the removal of the section of Camelback Road, between 16th Street and 44th Street	14-0
Central City	1/13/2014	Approval, with comment that 44th Street from Washington Street to University included bike lanes.	14-0
Deer Valley	1/16/2014	No quorum	N/A
Desert View	1/7/2014	Approval, with a comment that 60th Street, between Lone Mountain Road and Dove Valley Road is gated.	9-0
Estrella	1/21/2014	Approval	6-0
Laveen	12/9/2013	Approval	6-0
Maryvale	1/8/2014	Approval	9-0
North Gateway	1/9/2014	No quorum	N/A
North Mountain	1/15/2014	Approval	10-0
South Mountain	1/14/2014	Approval	11-0



## Village Planning Committee Meeting Summary GPA-CTYW-1-13

<b>Date of VPC Meeting</b>	December 16, 2013
<b>Request</b>	To update the Street Classification Map with additions and deletions of new platted roadways
<b>VPC Recommendation</b>	Approval
<b>VPC Vote</b>	12-0

### **VPC DISCUSSION & RECOMMENDED STIPULATIONS:**

**Mr. Xandon Keating** presented the General Plan Amendment, noting the request is an annual cleanup to make noncontroversial changes to the Street Classification Map. The only change that effected Ahwatukee was a change in cross section for Chandler Boulevard, to bring the map up to date with what was actually built.

**Chairman Cole** noted the request was to update City Policy to reflect what the City is already doing.

**Motion:** **Mr. W.D. Robinson** moved with a second from **Mr. Christopher Gentis** to approve the request per the staff recommendation.

**Vote:** 12-0, motion passes.

### **STAFF COMMENTS REGARDING VPC RECOMMENDATION**

Staff has no comments.



## Village Planning Committee Meeting Summary GPA-CTYW-1-13

<b>Date of VPC Meeting</b>	January 28, 2014
<b>Request</b>	To update the Street Classification Map with additions and deletions of new platted roadways
<b>VPC Recommendation</b>	Approval with comment
<b>VPC Vote</b>	10-0

### **VPC DISCUSSION & RECOMMENDED STIPULATIONS:**

Staff gave a presentation on an overview of the GPA and stated that no additions or modifications are listed for Alhambra.

### **MOTION:**

Committee member **Krietor** motioned to approve GPA-CTYW-1-13 with the comment that staff include language based on the Complete Streets Policy into the current General Plan. Committee member **Heck** seconded the motion.

### **VOTE:**

The committee voted 10-0. Motion passes

## Village Planning Committee Meeting Summary GPA-CTYW-1-13

<b>Date of VPC Meeting</b>	January 7, 2014
<b>Request</b>	To update the Street Classification Map with additions and deletions of new platted roadways
<b>VPC Recommendation</b>	Approved with modifications
<b>VPC Vote</b>	14-0

### **VPC DISCUSSION & RECOMMENDED STIPULATIONS:**

Mr. Xandon Keating gave the staff presentation noting the cleanup nature the request, the staff recommendation to remove Camelback Road between 16<sup>th</sup> Street and 44<sup>th</sup> Street from the request, and the effect on 44<sup>th</sup> Street.

Vice Chair Cole asked by Camelback Road was being removed. Mr. Keating responded that staff determined it was likely included in error, there is no need to make a change to the classification of Camelback Road. In addition, there is no need for a change because an expansion of Camelback Road is unrealistic based on local conditions.

Ms. Jaleh Najafi asked what the implications of approving the request where. Mr. Keating explained it is important to keep the map updated for planning purposes. Both the City and property owners rely on the map to know where to invest infrastructure.

Mr. Morris Stein noted the City was doing a good thing by updating the map appropriately. He continued that there may be unintended consequences of including the section of Camelback Road in the request. Property owners may use the classifications on the map as justification for their requests, even though the road may not be built to those standards.

Two cards were submitted on this item, both stating they were opposed, and both wishing to speak.

Mr. Paul Barnes mentioned he was confused about the staff report and asked for clarification. He also stated he supported the removal of Camelback Road from the request.

Mr. Jasper Hawkins stated that Mr. Barnes had summed up his comments.

**MOTION:**

Ms. Jaleh Najafi moved to approve the request per the staff recommendation with the removal of the section of Camelback Road between 16<sup>th</sup> Street and 44<sup>th</sup> Street. Mr. Barry Paceley seconded the request.

**VOTE:**

14-0 motion to approve with modifications passes.

**STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:**

Staff is supportive of the VPC modification to stipulation #1.

**Village Planning Committee Meeting Summary  
GPA-CTYW-1-13**

<b>Date of VPC Meeting</b>	January 13, 2014
<b>Location</b>	44 <sup>th</sup> Street from Washington Street to University
<b>VPC Recommendation</b>	Approval with stipulation
<b>VPC Vote</b>	14-0

**VPC DISCUSSION & RECOMMENDED STIPULATIONS:**

**MOTION:** Jim Trocki moved, with a second from **Albert Harris, Jr.** to recommend that the classification for 44<sup>th</sup> Street from Washington Street to University be changed to an arterial classification that is constructed with bicycle lanes.

**DISCUSSION:** Staff explained that the amendment under consideration contains proposed changes to the Street Classification Map throughout the city. One change is proposed within the Central City Village, 44<sup>th</sup> Street from Washington Street to University, change from Freeway to Major Arterial. This collection of amendments is intended to reflect changes from what a cross section was to what it is now. Although the arterial cross section includes bicycle lanes, this particular section of 44<sup>th</sup> Street is not developed with bicycle lanes. She reported that committee member **Sean Sweat** could not attend this meeting and he asked that the following comments be provided to the committee:

- 44<sup>th</sup> Street needs bike lanes
- a new Street Classification needs to be created for the downtown, perhaps called "urban local", which includes bike lanes. The current classification is being used to deny the community's call for bike lanes on downtown streets.
- or, remove classifications from the downtown entirely so all streets can be assigned the same burden.

There was a short discussion about the current configuration of arterial cross sections.

**Village Planning Committee Meeting Summary  
GPA-CTYW-1-13**

<b>Date of VPC Meeting</b>	January 16, 2014
<b>Request</b>	To update the Street Classification Map with additions and deletions of new platted roadways
<b>VPC Recommendation</b>	No quorum
<b>VPC Vote</b>	No quorum

**VPC DISCUSSION & RECOMMENDED STIPULATIONS:**

The case was not discussed as no quorum was present to hold the meeting.

**STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:**



## Village Planning Committee Meeting Summary GPA-CTYW-1-13

<b>Date of VPC Meeting</b>	January 7, 2014
<b>Request</b>	To update the Street Classification Map with additions and deletions of new platted roadways
<b>VPC Recommendation</b>	Approval, noting 60 <sup>th</sup> Street, between Dove Valley Road and Lone Mountain Road was gated.
<b>VPC Vote</b>	9-0

### **VPC DISCUSSION:**

Ms. Tricia Gomes presented the details of the case.

Vice Chairman Steven Bowser motioned to approve GPA-CTYW-1-13 as presented; noting that 60<sup>th</sup> Street, between Lone Mountain Road and Dove Valley Road was gated and restricted access. Ms. Deanna Chew seconded.

The committee voted 9-0 to approve the motion.

### **STAFF COMMENTS REGARDING VPC RECOMMENDATION:**

Staff has no comments.



## Village Planning Committee Meeting Summary

GPA-CTYW-1-13

<b>Date of VPC Meeting</b>	January 21, 2014
<b>Request From</b>	Street Classification MAP
<b>Request To</b>	
<b>Proposed Use</b>	Update Map
<b>Location</b>	Citywide
<b>VPC Recommendation</b>	Approval
<b>VPC Vote</b>	Unanimous approval 6-0.

### **VPC DISCUSSION & RECOMMENDED STIPULATIONS:**

Mr. Marc Thornton presented an overview of the request noting proposed changes.

### **MOTION:**

Mr. Weisinger moved, with a second from Ms. Flores, to approve as the request as presented.

### **VOTE:**

Unanimous approval 6-0.

### **STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:**

Staff has no concerns with the VPC recommendation





## Village Planning Committee Meeting Summary GPA-CTYW-1-13

<b>Date of VPC Meeting</b>	January 13, 2014
<b>Request From</b>	Update the Street Classification Map
<b>Request To</b>	
<b>Proposed Use</b>	
<b>Location</b>	Citywide
<b>VPC Recommendation</b>	Approval
<b>VPC Vote</b>	Unanimous approval 6-0

### **VPC DISCUSSION & RECOMMENDED STIPULATIONS:**

Mr. Rob Lane declared a conflict of interest for items 21 and 22 and the VPC lost quorum.

Mr. Marc Thornton provided an overview of the request.

### **MOTION:**

Mr. Findlay moved, with a second from Ms. Scovell, to approve number 20 and 23 of the request as presented.

### **VOTE:**

6-0 Unanimous approval

### **STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:**

Staff has no concerns with the VPC recommendation.



## Village Planning Committee Meeting Summary GPA-CTYW-1-13

<b>Date of VPC Meeting</b>	January 8, 2014
<b>Request</b>	To update the Street Classification Map with additions and deletions of new platted roadways
<b>VPC Recommendation</b>	Approval
<b>VPC Vote</b>	9-0

Staff gave a brief presentation on the amendment stating that this is an annual house keeping amendment intended to propose non-controversial changes for the map during the past year. Staff stated the additions being because of new development in the Estrella medical campus and the industrial area along 45<sup>th</sup> Avenue.

**MOTION:** Committee member Del Palacio motioned to approve GPA-CTYW-1-13 as presented. Committee member Weber seconded the motion.

**VOTE:** 9-0 Motion approved



**Village Planning Committee Meeting Summary  
GPA-CTYW-1-13**

<b>Date of VPC Meeting</b>	January 9, 2014
<b>Request</b>	To update the Street Classification Map with additions and deletions of new platted roadways
<b>VPC Recommendation</b>	NO QUORUM
<b>VPC Vote</b>	NO QUORUM

**VPC DISCUSSION & RECOMMENDED STIPULATIONS:**

Due to lack of Quorum this item was not heard.

**STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:**

None

**Village Planning Committee Meeting Summary  
GPA-CTYW-1-13**

<b>Date of VPC Meeting</b>	January 15, 2014
<b>Request</b>	To update the Street Classification Map with additions and deletions of new platted roadways
<b>VPC Recommendation</b>	Approval
<b>VPC Vote</b>	10-0 (Mings abstained)

**VPC DISCUSSION & RECOMMENDED STIPULATIONS:**

**Craig Mavis** gave a presentation outlining the General Plan Street Classification Map amendment. He noted the only street impacted in the North Mountain Village was Hatcher Road between 12<sup>th</sup> and 16<sup>th</sup> Street. The street will be reclassified from Local to Collector. He noted that the city regularly reviews the map for potential changes such as this.

The committee had the following comments, questions and observations:

- Will the speed limit change as a result of this action?
- How will the adjacent property owners be impacted?
- How does this help emergency vehicles as described in the staff report?
- Are there speed bumps or traffic calming devices in this area?

**MOTION:** **Bob Beletz** made the motion to approve the General Plan amendment as presented by staff. **Randall McLaughlin** seconded the motion.

**VOTE:** 10-0, approval (**Mings** abstained)

**STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:**

None

## Village Planning Committee Meeting Summary GPA-CTYW-1-13

<b>Date of VPC Meeting</b>	January 14, 2014
<b>Request</b>	To update the Street Classification Map with additions and deletions of new platted roadways
<b>VPC Recommendation</b>	Approval
<b>VPC Vote</b>	11-0

**VPC DISCUSSION & RECOMMENDED STIPULATIONS:**

***GPA-CTYW-1-13:** Presentation, discussion, and possible recommendation on a city-initiated change to the General Plan Street Classification Map.*

Presentation by Staff

*The Planning Commission will hear this request on February 11, 2014.*

**Mrs. Kasandra Zobrist** gave a presentation outlining the General Plan Street Classification Map amendment. She noted that two changes were proposed for the South Mountain Village.

1. A map update that shows the existing street conditions of 19<sup>th</sup> Avenue (south of Baseline Road).
2. Change the typical cross section of Avenida Rio Salado between 27<sup>th</sup> Avenue and 19<sup>th</sup> Avenue. The street will be reclassified from an arterial road to a major arterial. She noted that the city regularly reviews the map for potential changes such as this.

**Dr. Brooks** motioned to recommend approval of the GPA-CTYW-1-13 as presented.  
**Mr. Gene Holmerud** seconded.

The committee voted unanimously 11-0 to approve the motion.

**Vote**

**11-0, approval**

**STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:**

None

**GENERAL PLAN AMENDMENTS AND COMPANION REZONING CASES**

Item #: 1  
Application #: GPA-CTYW-1-13  
Request: Street Classification - Map Amendment  
Location: Various  
Proposal: Amend the Street Classification Map to update changes in street classifications and additions of newly platted roadways.  
Applicant: Planning and Development Department  
Representative: City of Phoenix Planning Commission

Ms. Tricia Gomes presented GPA-CTYW-1-13; a citywide amendment to the General Plan Street Classification Map to update changes in street classifications and additions of newly platted roadways. This request was approved by 8 Village Planning Committees, approved with modifications by 2 Village Planning Committees and 2 Village Planning Committees did not have quorum. Staff recommended approval per Addendum A dated January 29, 2014, which reflected the modifications made by the Village Planning Committees and removed the proposed changes to Camelback Road, between 16<sup>th</sup> Street and 44<sup>th</sup> Street and 60<sup>th</sup> Street, between Lone Mountain Road and Dove Valley Road.

Commissioner Heck made a MOTION to approve GPA-CTYW-1-13 per Addendum A dated January 29, 2014.

Commissioner Madeksza SECONDED.

There being no further discussion, Chairwoman Katsenes called for a vote and the MOTION PASSED 7-0 (Whitaker, Beletz absent)


\* \* \*



**City of Phoenix**  
PLANNING & DEVELOPMENT DEPARTMENT

**To:** Rick Naimark  
Deputy City Manager

**Date:** March 13, 2014

**Through:** Alan Stephenson   
Acting Planning and Development Director

**From:** Michelle Dodds  
Historic Preservation Officer

**Subject:** CONTINUANCE OF ITEM 102 ON THE MARCH 19, 2014 FORMAL AGENDA  
– PUBLIC HEARING/ORDINANCE ADOPTION OF Z-24-12-6 (G-5753)

Item 102, Rezoning Application Z-24-12-6 and Ordinance G-5753, is a request to rezone 2.45 acres located approximately 310 feet north of the northeast corner of Exeter Boulevard and Rubicon Avenue from the RE-35 ACSPD to RE-35 HP-L ACSPD zoning district to place Historic Preservation-Landmark Overlay Zoning on the David and Gladys Wright House. Paul Gilbert of Beus Gilbert PLLC has been retained to assist the property owner with this application.

Staff recommends continuing this item to December 17, 2014, as requested by the property owner's representative's to allow time to begin the process of completing and filing the necessary approvals as well as working with the neighborhood and staff.

Attachment

ok  
rw  
3/13/14

**BEUS GILBERT**

PLLC

ATTORNEYS AT LAW

701 NORTH 44TH STREET  
PHOENIX, ARIZONA 85008-8504  
(480) 429-3000  
FAX (480) 429-3100

PAUL E. GILBERT  
DIRECT: (480) 429-3002

EMAIL: PGILBERT@BEUSGILBERT.COM

24080-001

February 24, 2014

VIA E-MAIL (michelle.dodds@phoenix.gov)

Michelle Dodds, AICP  
Historic Preservation Officer  
Planning and Development Department  
200 West Washington, 3<sup>rd</sup> Floor  
Phoenix, AZ 85003

Re: Nine (9) Month Continuance Request.  
David & Gladys Wright House.  
Case No. Z-24-12-6 (Historic Preservation-Landmark (HP-L)).

Dear Michelle:

As you are aware, we have been recently retained to assist the property owner in the above-referenced case as well as with other necessary attendant approvals. The City Council is presently scheduled to consider the above case at their hearing on March 19, 2014. With that being said, we are requesting a nine (9) month continuance in order to allow us time to begin the process of completing and filing the necessary approvals as well as working with the neighborhood and the City Staff.

We look forward to working on this mutually beneficial endeavor with the City and neighborhood to implement the owner's vision for the David & Gladys Wright House.

If you have any questions regarding this correspondence, please feel free to contact me.

Sincerely,

BEUS GILBERT PLLC



Paul E. Gilbert

cc: Mayor Greg Stanton (Via e-mail: [mayor.stanton@phoenix.gov](mailto:mayor.stanton@phoenix.gov))  
Councilman Sal DiCiccio (Via e-mail: [council.district.6@phoenix.gov](mailto:council.district.6@phoenix.gov))  
Zach Rawling (Via e-mail: [zach.rawling@r2devcorp.com](mailto:zach.rawling@r2devcorp.com))  
Kendis Muscheid (Via e-mail: [kmuschei@felaw.com](mailto:kmuschei@felaw.com))  
Richard Rea (Via e-mail: [rrea@azboss.net](mailto:rrea@azboss.net) and U.S. Mail)  
Paul Barnes (Via e-mail: [pbarnes32@cox.net](mailto:pbarnes32@cox.net) and U.S. Mail)

Document Number: 174679





**City of Phoenix**  
PLANNING & DEVELOPMENT DEPARTMENT

**To:** Rick Naimark  
Deputy City Manager

**Date:** March 13, 2014

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

**Subject:** WITHDRAWAL OF ITEM 103 ON THE MARCH 19, 2014 FORMAL AGENDA -  
PUBLIC HEARING/ORDINANCE ADOPTION OF Z-47-13-4 (G-5890)

Item 103, Rezoning Application Z-47-13-4 and Ordinance G-5890, is a request to rezone 1.14 acres located Approximately 115 feet east of the northeast corner of 3rd Avenue and Camelback Road from C-2 TOD-1 and C-2 SP TOD-1 to R-5 TOD-1 to allow multifamily residential.

Staff has received correspondence from the owner's representative requesting this item be withdrawn.

Staff concurs with this request for withdrawal.

Attachment

OK  
KN  
3/13/14



LAW OFFICES OF

**Lazarus, Silvyn & Bangs, P.C.**

A PROFESSIONAL CORPORATION

March 11, 2014

Mr. Alan Stephenson  
Acting Director, Planning & Development Department  
200 W. Washington Street  
Phoenix, Arizona 85003

RE: Withdrawal of Application #Z-47-13-4

Dear Mr. Stephenson:

Our client has authorized us to withdraw our application number Z-47-13-4, effective as of today's date. We appreciate the professionalism and objectivity the staff has displayed in this case.

Sincerely,

A handwritten signature in black ink, appearing to read 'Larry S. Lazarus', is written over a diagonal line that extends from the signature down to the 'cc:' line.

Larry S. Lazarus  
Lazarus, Silvyn & Bangs, P.C.

cc: Councilman Laura Pastor  
Michael Stringfellow

LSL/mr

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## CITY COUNCIL REPORT

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### FORMAL AGENDA

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TO: Rick Naimark  
Deputy City Manager

AGENDA DATE: March 19, 2014

FROM: Alan Stephenson  
Acting Planning and Development  
Director

ITEM: 104 PAGE: 123

SUBJECT: Z-24-13-3 - LOCATED APPROXIMATELY 750 FEET WEST OF THE  
SOUTHWEST CORNER OF TATUM BOULEVARD AND SHEA  
BOULEVARD

---

This report provides back-up information on Item 104 on the March 19, 2014 Formal Agenda.

#### THE ISSUE

A rezoning application has been submitted for approval to the City Council for a parcel located approximately 750 feet west of the southwest corner of Tatum Boulevard and Shea Boulevard. Application is being made by Robert Brooks Ministries, Inc.

#### OTHER INFORMATION

Rezoning case Z-24-13-3 is a request to rezone 3.52 acres from CO/GO to C-1 to allow a day care facility.

The Paradise Valley Village Planning Committee reviewed the application on September 9, 2013, and recommended denial on a 14-0 vote.

The application was heard by the Planning Commission on January 14, 2013, and recommended for approval per the staff Addendum A dated January 14, 2014 on a 4-2 vote.

The application was appealed by the opposition and a three-fourths vote of the City Council is required for approval.

Attachments:

A – Staff Report Z-24-13-3

## Attachment A



**City of Phoenix**  
PLANNING AND DEVELOPMENT DEPARTMENT

### **ADDENDUM A** **Staff Report: Z-24-13-3** January 10, 2014

<b>Paradise Valley Village Planning Committee Meeting Date</b>	September 9, 2013
<b>Planning Commission Hearing Date</b>	January 14, 2014
<b>Request From:</b>	C-O/G-O (3.52 acres)
<b>Request To:</b>	C-1 (3.52 Acres)
<b>Proposed Use</b>	Day Care Facility
<b>Location</b>	Approximately 750 feet west of the southwest corner of Tatum Boulevard and Shea Boulevard
<b>Owner</b>	Robert Brooks Ministries, Inc.
<b>Applicant/Representative</b>	Robert Brooks
<b>Staff Recommendation</b>	Approval, subject to stipulations

This request has been continued several times since the September 10, 2013 Planning Commission hearing to allow the applicant to address neighborhood concerns. The applicant has amended the site plan associated with this rezoning application. The amended site plan depicts a smaller day care facility located closer to the southern property line. The revised site plan shows an 11,000 square foot building footprint whereas the previous depicted a 20,000 square foot building. The proposed new building setback is 25 feet from the southern property whereas the previous was 50 feet. The Zoning Ordinance permits a maximum building height of 15 feet within 25 feet of a property when adjacent to single-family residential zoning. The revised Stipulation 1 reflects the new site plan date stamped January 10, 2014.

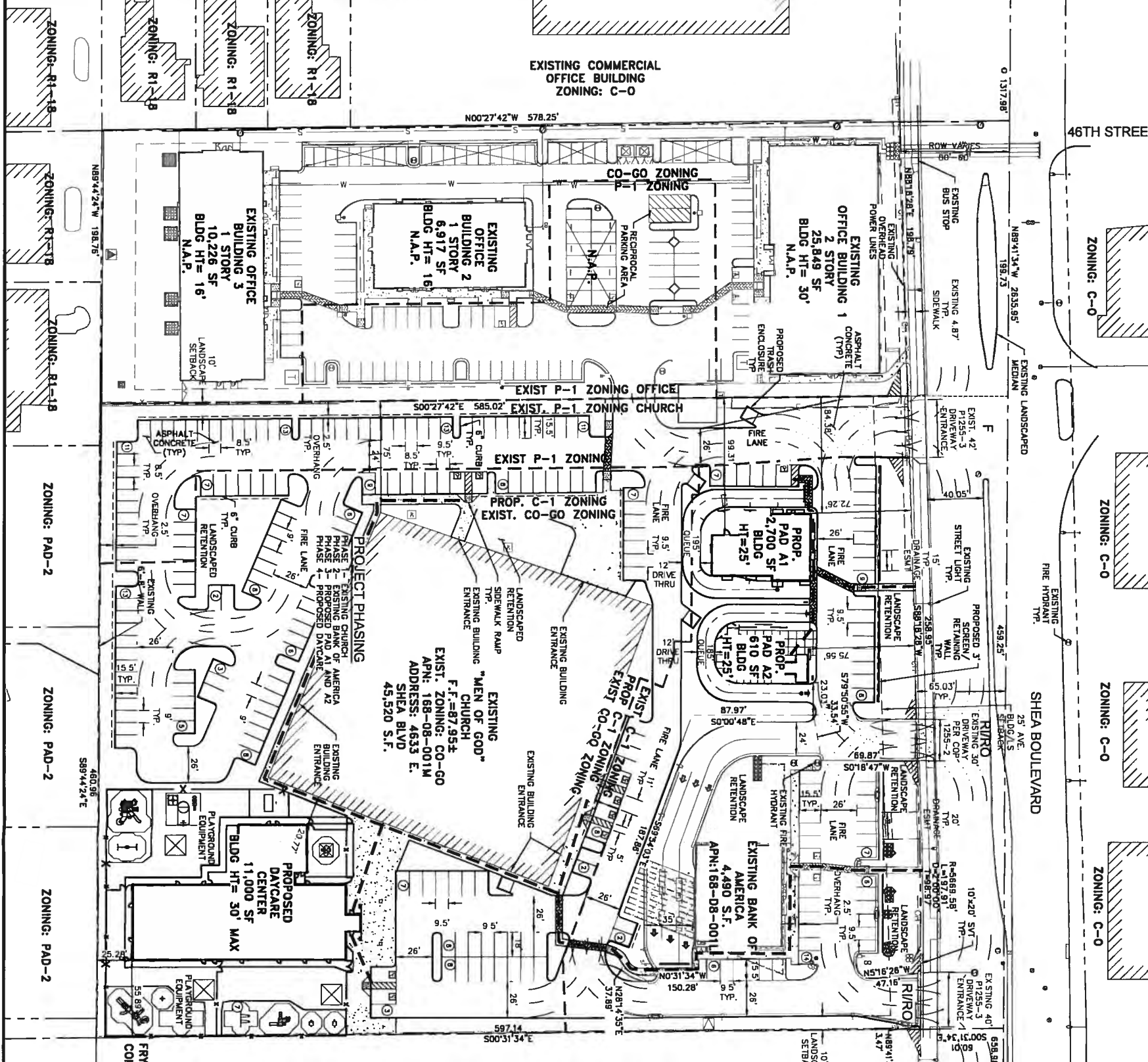
Two additional stipulations are proposed to provide an additional landscape buffer along the south property line and ensure the location of the dumpster is not located near the residential. Staff is adding a stipulation requiring the landscaped setback along the southern property line be planted with a minimum 50% 2-inch caliper trees and minimum 50% 3-inch caliper trees planted twenty feet on center. This stipulation will help buffer the proposed use from the residential neighborhood to the south. Staff is also proposing a stipulation requiring that no dumpster be placed within one hundred feet from the southern property line.

### **Stipulations**

1. The development shall be in general conformance with the site plan date stamped ~~July 18, 2013~~ JANUARY 10, 2014, as approved by the Planning and Development Department.
2. A MINIMUM 50% 2-INCH CALIPER TREES AND 50% 3-INCH CALIPER TREES SHALL BE PLANTED 20 FEET ON CENTER WITHIN THE REQUIRED LANDSCAPE SETBACK ALONG THE SOUTH PROPERTY LINE, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
3. NO DUMPSTER SHALL BE LOCATED WITHIN 100 FEET OF THE SOUTHERN PROPERTY LINE.

**Attachment**

Revised site plan date stamped January 10, 2014



REVISION	DESCRIPTION	BY	DATE	APPR

PROJECT INFORMATION		
ASSessor's PARCEL #	188-08-001M AND L	188-08-001M AND L
PROPOSED USE:	CHURCH, COMMERCIAL/RETAIL	
EXISTING ZONING:	P-1/C-1/CO-GO	
PROPOSED ZONING:	P-1/C-1/CO-GO	
JURISDICTION:	CITY OF PHOENIX, ARIZONA	

SITE DATA		
GROSS(A/C)	GROSS(SF)	NET(SF)
CHURCH (188-08-001M)	5,912	5,442
BUILDING AREA	257,276	237,060
BUILDING HEIGHT	(45,520+2700+610+11,000)	
LOT GROSS HEIGHT	30'-0" (25'-0" MAX FOR PAD A1 AND A2)	
BANK (188-08-001L)	GROSS(A/C)	NET(SF)
BUILDING AREA	45,492	0,832
BUILDING HEIGHT	4,980 SF	35,948
LOT GROSS HEIGHT	30'-0" (4,980)/25,948=12.5%	

PARKING		
PARKING REQUIRED:	1,100 SF (MINING)/50 = 22 SPACES	
PAD A1 (REST):	2 EMPLOYEES = 2 SPACES	
PAD A2 (DRIVE THRU ONLY):	500 SF / 50 = 10 SPACES	
CHURCH (PATIO):	500 SF / 50 = 10 SPACES	
DAYCARE:	11,000 SF / 40 / 200 = 12 SPACES	
TOTAL:	4,490 SF / 80 / 200 = 239 SPACES	

LEGEND		
ACCESSIBLE PARKING SPACE	232 SPACES	
EXISTING STREET LIGHT	63 SPACES	
EXISTING PROPERTY LINE	299 SPACES	
EXISTING RIGHT-OF-WAY LINE	7 SPACES	
CENTER LINE	13 SPACES	
ADA ROUTE		
LIMITS OF ZONING BOUNDARY		
DECORATIVE STAMPED ASPHALT CROSSWALK		

**OWNER/DEVELOPER**  
 MEN OF GOD MINISTRIES, INC.  
 7000 N. 18TH ST., SUITE 120  
 PHOENIX, ARIZONA 85020  
 CONTACT: ROBERT BROOKS  
 PH: (602) 770-8148

**CIVIL ENGINEER**  
 KIMLEY-HORN AND ASSOCIATES, INC.  
 7740 N. 16TH STREET, SUITE 300  
 PHOENIX, ARIZONA 85020  
 PH: (602) 944-5500  
 FAX: (602) 944-7423  
 CONTACT: STERLING MARGELITS

**PROJECT NARRATIVE**

THE SCOPE OF THIS PROJECT CONSISTS OF A RESTAURANT DRIVE-THRU AND PATIO PAD A1 AND A2, A DAYCARE AND AN EXISTING MEN OF GOD CHURCH. THE SITE IS SITUATED ON A 6.24 ACRES NET 15.5 ACRES OVERLAPPING SHEA BOULEVARD TO THE EAST, SINGLE FAMILY RESIDENTIAL TO THE SOUTH, AND AN OFFICE COMPLEX TO THE WEST.

THE PROPOSED ESTABLISHMENT WILL CONSIST OF A RESTAURANT DRIVE-THRU AND PATIO PAD A1 AND A2, A DAYCARE AND AN EXISTING MEN OF GOD CHURCH. THE CURRENT ZONING FOR THE SITE IS P-1/C-1/CO-GO. THE CURRENT ZONING FOR THE EAST 15 PAC IS P-1/C-1/CO-GO. THE SOUTH 15 PAC IS P-1/C-1/CO-GO.

ACCESS TO THE SITE IS PROVIDED FROM THE THREE EXISTING DRIVEWAY ENTRANCES ON SHEA BOULEVARD. THE PROPOSED DRIVEWAY ENTRANCES ARE FROM THESE DRIVEWAY ENTRANCES.

THE CURRENTLY IMPROVED SITE DRAINS TO DETENTION BASIN ALONG SHEA BOULEVARD. IT IS PROPOSED THAT THESE EXISTING DRAINAGE INLETS CAN CONTINUE TO BE USED FOR THE PROPOSED DRIVEWAY ENTRANCES.

**CITY OF PHOENIX**

JAN 10 2014

Planning & Development  
 Department

PROJECT No. 191471001

SCALE (H): 1" = 40'

SCALE (V): NONE

DRAWN BY: SV

DESIGN BY: SV

CHECK BY: SM

DATE: 1/9/14

4633 EAST SHEA BOULEVARD

**CONCEPTUAL MASTER SITE PLAN**

PHOENIX, ARIZONA

**RBM CENTER**

**Kimley-Horn and Associates, Inc.** © 2014

7740 N. 16th Street, Suite 300  
 Phoenix, Arizona 85020 (602) 944-5500



**City of Phoenix**  
PLANNING AND DEVELOPMENT DEPARTMENT

**Staff Report: Z-24-13-3**  
July 31, 2013

**Paradise Valley Village Planning Committee Meeting Date** September 9, 2013  
**Planning Commission Hearing Date** September 10, 2013  
**Request From:** C-O/G-O (3.52 Acres)  
**Request To:** C-1 (3.52 Acres)  
**Proposed Use** Day Care Facility  
**Location** Approximately 750' west of the southwest corner of Tatum and Shea Boulevards  
**Owner** Robert Brooks Ministries, Inc.  
**Representative** Robert Brooks  
**Staff Recommendation** Approval

General Plan Conformity			
<b>General Plan Land Use Designation</b>		Public/Quasi-Public	
<b>Street Map Classification</b>	Shea Boulevard	Major Arterial	60' right-of-way
<p><b>LAND USE ELEMENT, GOAL 4:</b> SUPPORT HEALTHY URBAN VILLAGES WITH A BALANCED MIX OF HOUSING, EMPLOYMENT OPPORTUNITIES AND SERVICES AS A PRINCIPAL MEANS TO REDUCE VEHICLE TRIP LENGTH AND ASSOCIATED EMISSIONS.</p> <p>Approval of this request will allow for a new day care facility to be built at the site. The new day care facility will provide an additional service to those that live or work in the immediate area.</p>			
<p><b>NEIGHBORHOOD ELEMENT: GOAL 2:</b> COMPATIBLE NEIGHBORHOOD DEVELOPMENT: NEW DEVELOPMENT AND EXPANSION OF REDEVELOPMENT OF EXISTING DEVELOPMENT IN OR NEAR RESIDENTIAL AREAS SHOULD BE COMPATIBLE WITH EXISTING USES AND CONSISTENT WITH ADOPTED PLANS.</p> <p>The subject site is located near the intersection of Tatum and Shea Boulevards. This intersection contains several different commercial uses. The proposed day care use is consistent with the General Plan Land Use map designation of Commercial. The proposed buildings on the site plan show a significant setback (50 feet) from the adjacent single family residential homes to the south, thereby mitigating the impact on the residents of that area.</p>			
Area Plan			
N/A			

<b>Surrounding Land Uses/Zoning</b>		
	<b><u>Land Use</u></b>	<b><u>Zoning</u></b>
<b>On Site</b>	Church	C-O/G-O
<b>North</b>	Bank	C-1
<b>South</b>	Single Family Residential	R1-18/PAD-2
<b>East</b>	Supermarket	PSC
<b>West</b>	Parking lot	P-1

<b>C-1 District –Neighborhood Commercial</b>		
<b><u>Standards</u></b>	<b><u>Requirements</u></b>	<b><u>Provisions on the Proposed Site Plan</u></b>
Gross Acreage		3.52 gross acres
Off-Street Parking	263	284 (met)
Building Setbacks		
Front	25'	81' (met)
Side	10' (adj to PSC) 0' (adj to P-1)	East side – 27' (met) West side – 84' (met)
Rear	50'	South side– 50' (met)
Lot Coverage	50%	27.7% (met)
Building Height	2-stories / 30' allowed	30' (met)

**Background/Issues/Analysis**

1. This is a request to rezone a property from C-O/G-O (Commercial Office, General Office) to C-1 (Neighborhood Commercial) to allow for a new day care facility/nursery school.
2. The subject 3.52 acre property is located approximately 750 feet west of the southwest corner of Tatum Boulevard and Shea Boulevard. The request is for the property located approximately 150 feet south of Shea Boulevard. The properties along Shea Boulevard are not included. Access to the site is provided by three access points from Shea Boulevard. The current use of the property is the Men of God church. To the west of the property is a shared parking lot with the adjacent medical offices; to the north is a bank; to the east is a supermarket; and to the south are single-family residences.
3. The site plan depicts a new 20,000 square foot structure located in the southeast corner of the property. The proposed use of the structure is a daycare facility / nursery school and it has a proposed height of 30 feet (maximum permitted 2 stories or 30 feet). As required by the Zoning Ordinance, the proposed building will be set back from the southern property line 50 feet (50 feet required) and 27 feet (10 feet required) from the eastern property line. Playground equipment for the children is shown south of the church and west of the proposed structure. The proposed structure meets all of the setbacks required by the Zoning Ordinance.



4. The total number of parking spaces provided on site is 221 spaces. The subject property has a reciprocal parking agreement with the medical office to the west that allows the use of 63 spaces to be used during non-office hours. The total number parking spaces provided is 284, whereas the total required is 263.
5. The Zoning Ordinance requires a minimum eight (8) foot solid fence or freestanding wall along all common property lines shared with properties zoned for residential uses. The solid fence or freestanding wall may be extended up to twelve (12) feet in height on the non-residentially zoned property, subject to obtaining a use permit. The use permit process is a separate hearing process from the rezoning process. Currently at the site is a freestanding wall that varies in height from six (6) feet to eight (8). The Zoning Ordinance also requires a minimum ten (10) foot landscaped setback along perimeter property lines not adjacent to a street. A mixture of one (1) inch and two (2) inch caliper trees as well as a minimum of five (5) 5-gallon shrubs per tree are to be located within this landscape setback. The applicant will be required to meet these and all other requirements at the time of construction of the proposed structure. The requirements of the Zoning Ordinance adequately address and mitigate the potential impacts of this structure on the adjacent residential properties to the south in the form of building setbacks, common property line freestanding wall height and landscaping. Therefore no additional stipulations are proposed for this rezoning application.
6. The Water Services Department has stated that there are no water and/or sewer issues due to the existing infrastructure at the site.
7. It has been determined that this parcel is not in a Special Flood Hazard Area (SFHA), but is located in a Shaded Zone X, on panel 1680 H of the Flood Insurance Rate Maps (FIRM) dated September 30, 2005.
8. 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 consistent with the General Plan Land Use Map designation of Commercial.
2. The proposal day care facility will provide an additional service to those that work or live in the immediate area.

### **Stipulations**

1. The development shall be in general conformance to the site plan date stamped July 18, 2013, as approved by The Planning and Development Department.

Staff Report: Z-24-13-3

July 31, 2013

Page 4 of 4

**Writer**

Craig Mavis

7/23/13

**Team Leader**

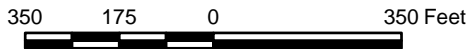
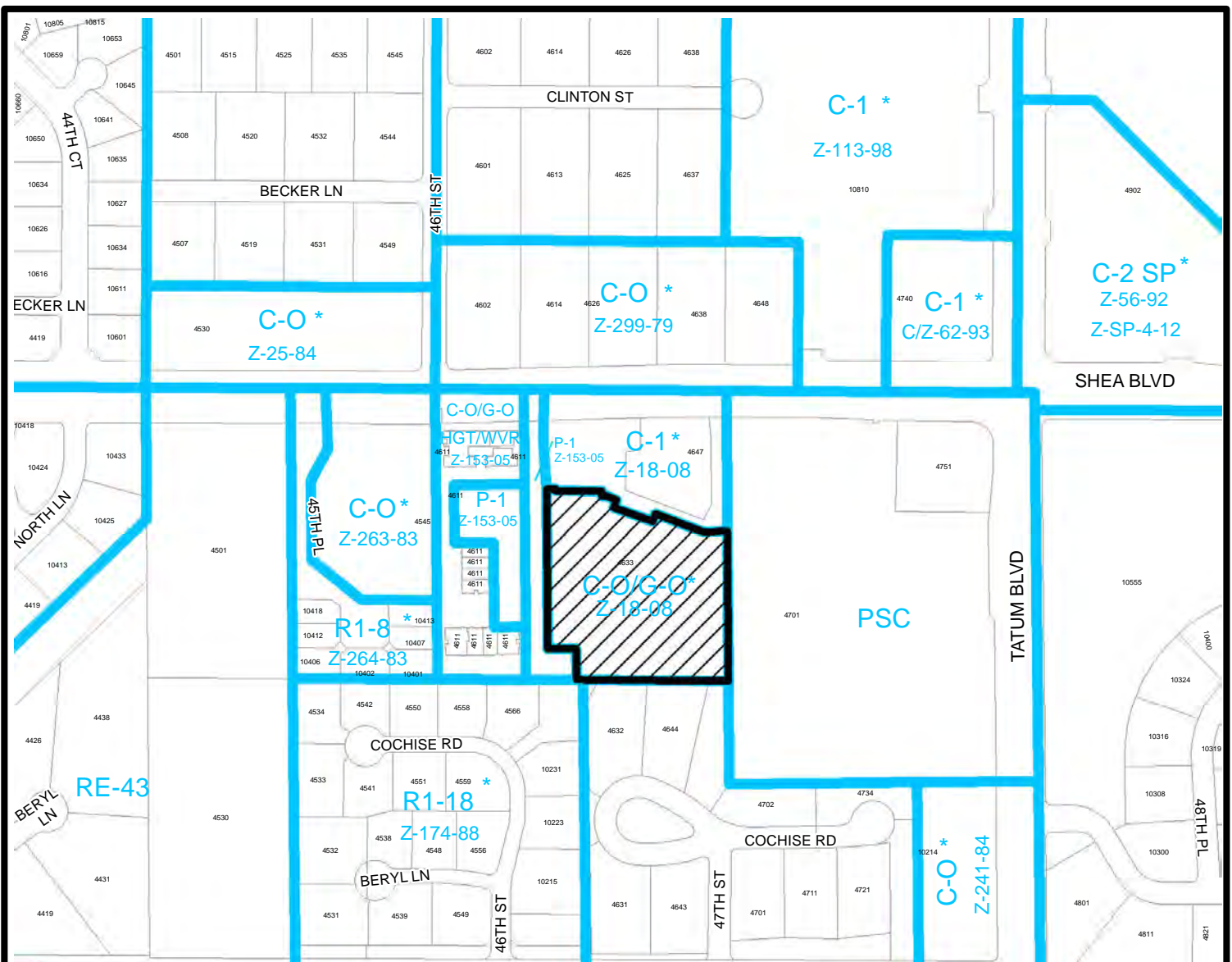
Joshua Bednarek

**Attachments**

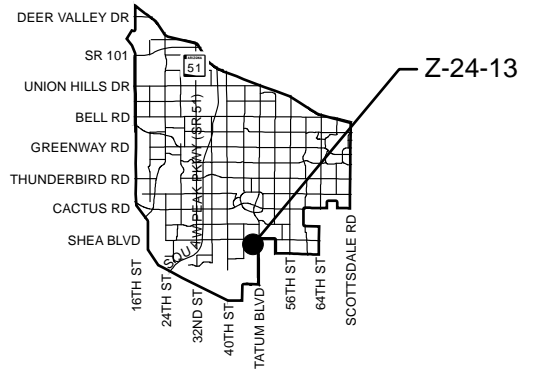
Sketch Map

Aerial

Site Plan date stamped July 18, 2013



CITY OF PHOENIX PLANNING DEPARTMENT  
**PARADISE VALLEY VILLAGE**  
 CITY COUNCIL DISTRICT: 3



<b>APPLICANT'S NAME:</b> Robert Brooks Ministries, Inc.		<b>REQUESTED CHANGE:</b>	
<b>APPLICATION NO.</b> Z-24-13		<b>FROM:</b> C-O/G-O, (3.52 a. c.)	
<small>GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.</small> 3.52 Acres		<b>TO:</b> C-1, (3.52 a. c.)	
<b>MULTIPLES PERMITTED</b> C-O/G-O C-1		<b>CONVENTIONAL OPTION</b> N/A 51	
<b>* UNITS P.R.D. OPTION</b> N/A 61			

\* Maximum Units Allowed with P.R.D. Bonus





**Village Planning Committee Meeting Summary**  
**Z- 24-13-3**

<b>Date of VPC Meeting</b>	September 9, 2013
<b>Request From</b>	C-O/G-O
<b>Request To</b>	C-1
<b>Proposed Use</b>	Day Care Facility
<b>Location</b>	Approximately 750 feet west of the southwest corner of Tatum Boulevard and Shea Boulevard
<b>VPC Recommendation</b>	Denial
<b>VPC Vote</b>	14-0

**VPC DISCUSSION & RECOMMENDED STIPULATIONS:**

**Craig Mavis** gave a presentation that outlined the proposed rezoning request.

The committee had the following questions and concerns for **Mr. Mavis** regarding the rezoning request:

- What happens to this site if it is zoned C-1?
- Is there any certainty that the day care facility will be constructed if the property is rezoned?
- Can church activities occur in the proposed day care facility?
- Various members expressed their concerns with the proposed higher entitlement.
- Does the C-O/G-O zoning designation remain if this rezoning application is denied?
- Would the neighborhood be okay with what could be developed by right in the existing zoning designation of C-O/G-O?

**Robert Brooks**, property owner and applicant, gave a detailed presentation that explained the following:

- How he came into ownership of the property.
- There is an existing self imposed deed restriction that limits the use of the church building only for a church. He noted that the deed restriction could be removed if the property is sold to another party.
- The church strives to be self sufficient and not rely on donations. Therefore income must be generated from outside sources, such as the Bank of America on the north side of the church and the proposed day care facility.

- He believed the additional services help both the church as well as the immediate area.
- The church is a maintenance nightmare due to the construction and age of the structure.
- He stated that the church is not selling parts of the property off but is leasing them instead.
- He wants to improve the area by making it more aesthetically pleasing.
- The church is not interested in commercial uses within the proposed day care facility.
- He noted he is willing to work with the community to address their concerns as long as the requests are within reason. He explained that some of the reasonable requests were increasing the wall height along the southern property line, replacing a wooden gate in the southern wall, shield the lighting on the property and installing a web camera security system. He indicated that the unreasonable requests were the height of the proposed building, limits on the height of playground equipment and roof mounted equipment and also restrictions on the hours of operation of the proposed day care facility.

**Lyle Scritsmier** stated that he was a property owner who lives in the single-family residential neighborhood directly to the south of the subject property. He commended **Mr. Brooks** for his efforts to work with his community, but noted that no common agreement had been reached. He explained that when the property to the west of the church was rezoned, certain concessions were made to mitigate the impact on the neighborhood. **Mr. Scritsmier** stated that the neighborhood was asking for similar concessions but that **Mr. Brooks** was unwilling to do so. He explained that for the past two months, there had been no definitive plans and that he heard **Mr. Brooks** was possibly pursuing residential uses for the site. He believed there was too much uncertainty with this request and that it was purely speculative. He said there was no concrete site plan or elevations associated with this request. He asked the committee to either deny the case or continue it to allow for additional time for the parties to work on concessions.

**Larry Rosenfeld** stated that he also lived in the neighborhood to the south of the site. He noted that he wasn't against development but wanted to find a fair balance of all interested parties. He stated that any development at this site would stare the properties to the south right in the face. He described the church as a good neighbor with no compatibility issues. He stated that he wanted the applicant to make an effort to work with his neighborhood to mitigate any potential impacts associated with development on the subject property. He believed the request was purely speculative as there were no elevations or identified users for the proposed daycare facility. He stated that the deed restrictions were meaningless if the property was ever sold. He concluded by stating the community would work with the applicant if the request was truly for a day care facility.

**Bob Hartman** indicated that he had lived and owned his property for the past twenty years to the south of the subject property. His concerns were privacy, security, safety and property values associated with this request. He believed the request was purely speculative and that this uncertainty creates a negative impact for his neighborhood to the south.

**Dave Steward** explained that he was a property owner to the south of the site and the president of his homeowners association. He echoed the concerns of the previous speakers. He concluded by stating he wanted definitive plans, not speculation that creates too much uncertainty.

**Alan Lerner**, a local property owner and resident, described how he was involved with the rezoning application to the west of the subject site. He explained how the applicant worked with the neighborhood to make concessions to mitigate the impact of the use. He wanted the proposed application to include a master plan to ensure an attractive development. He believed the request was purely speculative and was in opposition to the request.

**Judy Bickert**, local property owner and resident, questioned the ownership of the property. She believed that a 20,000 square foot, two story day care facility was unrealistic.

**Mr. Brooks** stated that he believed the concerns were not really about the C-1 zoning request being appropriate but he appreciated the community's concerns. He explained that he had viable users lined up to sign letters of intent if the proposal was approved. He concluded by stating he was willing to work with the neighborhood but only in reason.

**Roger Baele** and **Jim Mapstead** stated that they could not support the request without more certainty.

**Robert Goodhue** stated that there were big differences between the existing and proposed zoning districts, not only in permitted uses, but the permitting process. He believed more negotiations were needed and that the request was premature.

**MOTION:** **Jim Mapstead** made a motion to deny the request. **Richard Pennock** seconded the motion.

**DISCUSSION:** **Jim Mapstead** stated that the Paradise Valley Village Planning Committee takes neighborhood concerns very seriously. He also noted his concern with the uncertainty with the request and its potential impact on the neighborhood.

**Toby Gerst** stated that the deed restriction would go away if the property was sold and was concerned with the lack of a clear plan with the request. She believed a better site plan was needed and the concerns of the neighborhood needed to be addressed.

**Jennifer Hall** stated that she was unaware of any 20,000 square foot, two story day care facilities. She was concerned with the lack of agreement between the applicant and the neighborhood as well as the uncertainty of the request. She stated she was opposed to the request.

**Doug Banfelder** noted that the structure was unique and questioned if it was eligible for historic preservation.



**Angelina Happ** stated that the church was unique to Phoenix and it would be a shame if it couldn't be preserved or kept up on its maintenance. She believed more work with the neighborhood was needed

**VOTE:** Recommendation for Denial Approved, 14-0

**STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:**

None

Item #: 11  
Application #: Z-24-13-3  
From: CO/GO  
To: C-1  
Acreage: 3.52  
Location: Approximately 750 feet west of the southwest corner of Tatum Boulevard and Shea Boulevard  
Proposal: Day Care Facility  
Applicant: Robert Brooks Ministries, Inc.  
Owner: Robert Brooks Ministries, Inc.  
Representative: Robert Brooks Ministries, Inc.

Ms. Tricia Gomes presented Z-24-13-3; a request to rezone 3.52 acres located approximately 750 feet west of the southwest corner of Tatum Boulevard and Shea Boulevard from CO/GO to C-1 to allow a day care facility. The Paradise Valley Village Planning Committee recommended denial 14-0. The applicant had worked with the neighborhood since the Village Planning Committee meeting to resolve outstanding issues; however an agreement had not been reached. Staff recommended approval per the recommended staff stipulations in Addendum A date January 10, 2014.

Mr. Robert Brooks presented the rezoning application. He explained the C-1 was an appropriate zoning designation for the site as the property was surrounded by commercial and half the property was currently zoned C-1. Mr. Brooks outlined the various issues raised by the neighbors which included proximity to the neighbors, flow through traffic, and lack of security. He also outlined measures that had been taken to address the neighbors' concerns, such as additional landscape buffers, amended site plans, and reduced building height. Mr. Brooks explained how he had worked with the neighbors to make site plan changes on multiple occasions.

Mr. Lyle Scritsmier stated that he and the adjacent neighbors to the south and other area residents had supported the church in past regarding rezoning activities but the current rezoning request was speculative. He felt that the property was being developed in a piecemeal fashion. Mr. Scritsmier outlined how the neighbors were not opposed to redevelopment if it were done in a coherent fashion.

Mr. Dave Stewart, President of the Tatum Homeowners Association, reiterated that the Paradise Valley Village Planning Committee denied the request, and that he and his neighbors had worked diligently with Mr. Brooks to overcome the issues. He explained how he felt the neighbors had been reasonable but the development still felt piecemeal. Mr. Stewart expressed his wishes that the Commission deny the applicant's request.

Ms. Kim Hartman read a letter from the President of the Calle De Oro Homeowners Association, in which the author stated that the rezoning was speculative and should not be approved. The letter also stated that the neighbors deserved to know what the final development would look like. Ms. Hartman shared her own opinion stating she was not opposed to redevelopment as long as there were concessions agreed to among the neighbors and the church. She stated that she hoped the request would be denied.

Commissioner Awai asked why the neighbors considered this development speculative.

Mr. Stewart responded that allowing a day care would allow for all other uses for C-1 and subsequently expressed concern that the neighbors would not get the chance to oppose any other uses allowed by right in C-1 if the request was approved. Mr. Stewart outlined how none of the private stipulations were being agreed upon.

Commissioner Johnson asked the opposition to clarify what they meant by private stipulations.

Mr. Lawrence Rosenfeld explained it was speculative because there were no operators for the day care and no evidence of who would build the day care. He restated that he was not against development generally but was opposed to this specific application. Mr. Rosenfeld spoke about how he was concerned because the Paradise Valley Village Planning Committee denied the application.

Mr. Rosenfeld explained that the neighbors and the applicant were close to an agreement on deed restrictions that would limit the allowed C-1 uses on the site. He explained how the language was changed in their private agreement that could perhaps allow outdoor concerts on the property.

Chairwoman Katsenes asked staff to comment on the private agreement in question.

Ms. Tricia Gomes stated that any private agreements between the two parties were outside the purview of the City. She explained the City could only enforce what was allowed in the Zoning Ordinance.

Commissioner Johnson asked staff if C-1 allowed outdoor concerts.

Ms. Gomes explained that churches are allowed to hold outdoor events and activities.

Commissioner Heck asked staff where on the property the proposed C-1 zoning would be placed.

Ms. Gomes explained the C-1 designation would be on the south half of the property including the existing church site and the proposed child care facility.

Mr. James Mapstead spoke on behalf of the Paradise Valley Village Planning Committee. He explained how when the applicant came before the Village Planning Committee he was unable to provide any reassurances that this would actually be developed into a childcare facility which he stated, raised red flags. Furthermore, he stated that the application was questionable at best. Mr. Mapstead expressed concern that the neighbors would not be able to oppose any of the C-1 entitlements should the application be approved.

Mr. Brooks explained that two different day care companies had approached him to purchase the land for the day care. He explained that moving forward he would utilize ground leases rather than land sales. He provided a presentation that detailed how the

negotiations with the neighbors had broken down. He further explained that C-1 was an appropriate use for the subject property

Mr. Marny Resenfeld and Ms. Jill Stewart submitted cards in opposition but did not wish to speak.

Commissioner Heck made a MOTION to approve application Z-24-13-3 per the staff Addendum A dated January 10, 2014.

Commissioner Awai SECONDED.

There being no further discussion, Chairwoman Katsenes called for a vote and the MOTION PASSED 4-2 (Beletz, Johnson). (Davis, Whitaker and Montalvo absent)

\* \* \*

Stipulations:

1. The development shall be in general conformance with the site plan date stamped JANUARY 10, 2014 ~~July 18, 2013~~, as approved by the Planning and Development Department.
2. THE LANDSCAPE SETBACK ALONG THE SOUTHERN PROPERTY LINE SHALL BE PLANTED WITH A MINIMUM 50% 2-INCH CALIPER TREES AND MINIMUM 50% 3-INCH CALIPER TREES AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
3. NO DUMPSTER SHALL BE LOCATED WITHIN 100 FEET OF THE SOUTHERN PROPERTY LINE.

**June 14, 2014**

**Mr. Tom Awai  
Chairman  
Phoenix Planning Commission  
c/o City of Phoenix  
Planning and Development Dept.  
200 W. Washington Street  
Phoenix, AZ 85003**

**RE: Rezoning Case Z-24-13-3  
Approximately 750 ft. west of the SWC of Tatum and Shea**

**Dear Mr. Awai,**

**My name is Roger Baele and I am Chairman of the Paradise Valley Village Planning Committee. Unfortunately my schedule does not allow me to attend the hearing tonight. I am writing to adamantly request that the Planning Commission deny this rezoning case and require that a more comprehensive look at the entire site be performed by the applicant and submitted for approval. The Paradise Valley Village Planning Committee voted unanimously to deny this application.**

**In recent years, there have been two commercial pads created along the south side of Shea Boulevard on this property. Addition of this third new pad would bring the total to four uses on the site in four separate detached buildings.**

**Based on the recent history of the property the concern is that the property is essentially moving toward a commercial development and possibly subdivision without getting the scrutiny of review with that larger end in mind.**

**The applicant, Reverend Brooks, provided information during his presentation to the committee. Two things stick out in my mind from his responses. He indicated that there was a private agreement between the original owner of the land and Rev Brooks/Robert Brooks Ministries that did not run with the property, that the ownership of the property, including the church building, would revert back to the original owner in the event that the church building no longer was used as a church. The details were sketchy but I am concerned that if this rezoning were approved, the church could be demolished and/or any of the uses allowed under**

a C-1 zoning would be constructed without the further benefit or consideration of input from members of the adjacent neighborhood.

Furthering my concern that the church could be demolished or shuttered was his comment that the building required significant costs to maintain and cool and that it pressed the financial wherewithal of his Ministry to keep it up.

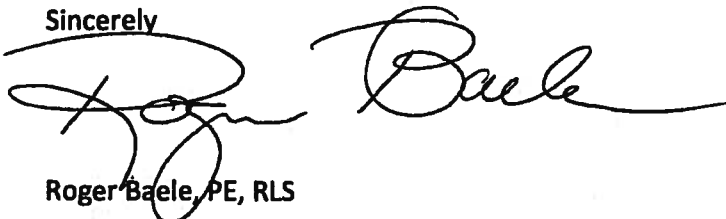
There are other planning and rezoning processes and tools in the City of Phoenix that I believe would be more appropriate in this case and provide for more transparency, due process, and input from adjacent residents and property owners. One of these is a Planned Unit Development for instance that would encompass the entire property including the Church building and land. This would show specific lot (or lease line) and other stipulations and treatments of the site addressing what could happen if and when the Church building were eliminated. This would provide for better depiction of the long term potential uses an layout and not restrict the ability for the Church to have a day care facility built and operated.

The PVVPC voted unanimously to deny this rezoning application and I request the Planning Commission do the same. The PVVPC area will see more and more of these types of reuse/ recycling of outdated uses of land and adaptive reuses of buildings as it becomes built out. I would believe that a commercial use of this property is reasonable given its location along the south side of Shea Boulevard. Also, it's in the community's interest to facilitate the continued beneficial use of properties like this. But we need to avoid eclectic and unsustainable piecemeal rezonings like the one requested and take a more holistic look at the entire property when that opportunity presents itself like here. We will regret it down the road if we do not.

For these reasons I ask you to deny this rezoning request as it stands.

Thank you.

Sincerely

A handwritten signature in black ink, appearing to read "Roger Baele", written in a cursive style.

Roger Baele, PE, RLS  
Chairman

Paradise Valley Village Planning Committee

CC: Tricia Gomes, COP Planning Dept.  
Craig Mavis, COP Planning Dept.

CITY OF PHOENIX  
PLANNING AND DEVELOPMENT DEPARTMENT

<b>FORM TO REQUEST PC to CC</b>			
<b>I HEREBY REQUEST THAT THE PC / CC HOLD A PUBLIC HEARING ON:</b>			
<b>APPLICATION NO./ LOCATION</b>	Z-24-13-3 Approximately 750 feet west of the southwest corner of Tatum Boulevard and Shea Boulevard	<i>(SIGNATURE ON ORIGINAL IN FILE)</i>	
		opposition	X
		applicant	
<b>APPEALED FROM:</b>	PC 1/14/14	Lawrence Rosenfeld 480-443-8323	
	<small>PC/CC DATE</small>	<small>NAME / PHONE</small>	
<b>TO PC/CC HEARING</b>	CC 2/5/14	4632 E. Cochise Drive	
	<small>DATE</small>	<small>STREET ADDRESS/CITY/STATE/ZIP</small>	
<b>REASON FOR REQUEST: Oppose speculative, unlimited C-1 rezoning of this parcel.</b>			
<b>RECEIVED BY:</b>	KC / dr	<b>RECEIVED ON:</b>	1/17/14

Larry Tom  
Diane Rogers  
Lilia Olivarez, PC Secretary  
PLN All



**City of Phoenix**  
PLANNING AND DEVELOPMENT DEPARTMENT

The **PLANNING COMMISSION** agenda for January 14, 2014 is attached.

The **CITY COUNCIL** may approve the recommendation of the Planning Commission without further hearing **unless**:

1. A **REQUEST FOR A HEARING** by the **CITY COUNCIL** is filed within seven (7) days.

There is a \$630.00 appeal fee for hearings requested by the applicant, due by 5:00 p.m. January 21, 2014

Any member of the public may, within seven (7) days after the Planning Commission's action, request a hearing by the City Council on any application. If you wish to request a hearing, fill out and sign the form below and return it to the Planning and Development Department by 5:00 p.m. January 21, 2014

2. A **WRITTEN PROTEST** is filed, no later than seven (7) days after the Planning Commission's action, which requires a three-fourths vote. A written protest will require a three-fourths vote of the City Council to approve a zoning change when the owners of at least 20 percent of the land included in the proposed change or of the land within 150 feet (not including the width of the street) of the front, back or any side of the property sought to be rezoned signed the petition. For condominium, townhouse and other types of ownership with common lands, authorized property owner signatures are required. Please see Planning and Development Department Staff for additional information prior to gathering signatures.

To require a three-fourths vote of the City Council for approval, a written protest for applications on this agenda must be filed with the Planning and Development Department by 5:00 p.m. January 21, 2014.

The Planning and Development Department will verify ownership by protestors to determine whether or not a three-fourths vote will be required.

3. A **CONTINUANCE** is granted at the **PLANNING COMMISSION**. In the event of a continuance, there is an \$830.00 fee due from the applicant within fourteen (14) days, by 5:00 p.m. January 28, 2014.

**FORM TO REQUEST CITY COUNCIL HEARING**

**I HEARBY REQUEST THAT THE CITY COUNCIL HOLD A PUBLIC HEARING:**

2-24-13-3

APPLICATION NO.

1/14/14

DATE APPEALED FROM

OPPOSITION  
 APPLICANT

Approx. 750 feet West of the SW corner of Saturn Blvd. & Shea Blvd.

LOCATION OF APPLICATION SITE

Katherine Coles

PLANNER  
(PLANNER TAKING THE APPEAL)

**BY MY SIGNATURE BELOW, I ACKNOWLEDGE CITY COUNCIL APPEAL:**

Lawrence J. Rosenfeld

PRINTED NAME OF PERSON APPEALING

4632 E. COCHISE DR.

STREET ADDRESS

PHOENIX, AZ 85028

CITY, STATE & ZIP CODE

[Signature]

SIGNATURE

1/17/14

DATE OF SIGNATURE

(480) 443-8323

TELEPHONE NO.

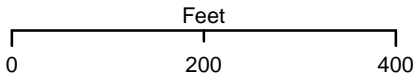
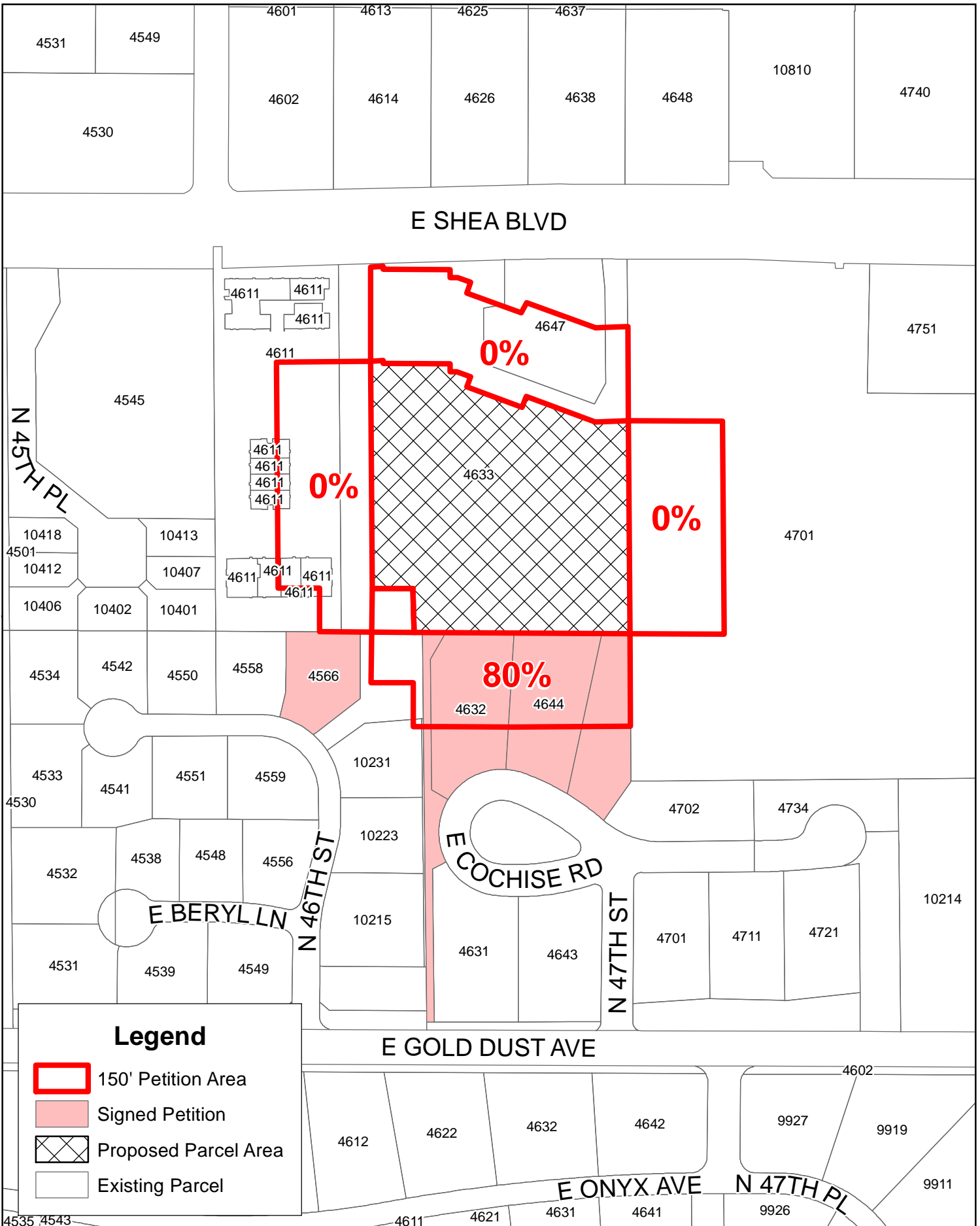
**CITY OF PHOENIX**

JAN 17 REC'D  
2014  
PLANNING DEPT.  
2nd FL. RECEPTION

REASON FOR REQUEST Oppose speculative, unlimited C-1 rezoning of this parcel.

**APPEALS MUST BE FILED IN PERSON AT 200 WEST WASHINGTON, 2ND FLOOR, ZONING COUNTER**





### Petition Map for Z-24-13

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## CITY COUNCIL REPORT

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### FORMAL AGENDA

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TO: Rick Naimark  
Deputy City Manager

AGENDA DATE: March 19, 2014

FROM: Alan Stephenson  
Acting Planning and Development  
Director

ITEM: 105 PAGE: 124

SUBJECT: Z-56-13-6 - LOCATED APPROXIMATELY 305 FEET NORTH OF THE  
NORTHEAST CORNER OF 7TH STREET AND OCOTILLO ROAD

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This report provides back-up information on Item 105 on the March 19, 2014 Formal Agenda.

#### THE ISSUE

A rezoning application has been submitted for approval to the City Council for a parcel located approximately 305 feet north of the northeast corner of 7th Street and Ocotillo Road. Application is being made by Jason Allen of Skyline consultants on behalf of Mr. Ken and Dr. Jen Gatt.

#### OTHER INFORMATION

Rezoning case Z-56-13-6 is a request to rezone 0.96 acres from R1-6 to R-O to allow a psychologist office.

The Camelback East Village Planning Committee reviewed the application on February 4, 2014, and recommended approval subject to staff stipulations on a 12-0 vote.

The application was heard by the Planning Commission on February 11, 2014, and recommended for approval per the memo from Tricia Gomes dated February 11, 2014, with one additional stipulation limiting the height of development to 15 feet and one story on a 7-0 vote.

The application was appealed by the opposition and a three-fourths vote of the City Council is required for approval.

Attachments:

A – Staff Report Z-56-13-6

## Attachment A



**City of Phoenix**  
PLANNING AND DEVELOPMENT DEPARTMENT

**To:** City of Phoenix Planning Commission **Date:** February 11, 2014

**From:** Tricia Gomes  
Planner III

**Subject:** BACK UP TO ITEM 7 (Z-56-13-6) – APPROXIMATELY 305 FEET NORTH OF THE NORTHEAST CORNER OF 7<sup>TH</sup> STREET AND OCOTILLO ROAD

This memo is to update the site plan to address communications between the applicant and adjacent property owners regarding an additional landscape buffer along the east and south property lines. Staff has not received a recorded Proposition 207 Waiver; therefore Stipulation 8 has been added.

Staff recommends approval per the revised and additional stipulations.

1. The development shall be in general conformance with the site plan date stamped ~~January 9, 2014~~ FEBRUARY 11, 2014, except as modified by the following stipulations and approved by the Planning and Development Department.
2. The property owner shall provide a minimum 20-foot landscape setback with a minimum 3-inch caliper trees to be placed 20-feet on center or in equivalent groupings along the east property line as approved by the Planning and Development Department, WITH SPECIFIC REGARD TO THE 11 TREES ALONG THE SOUTH AND EAST PROPERTY LINES AS DEPICTED ON THE SITE PLAN DATE STAMPED FEBRUARY 11, 2014.
3. The property owner shall provide a minimum 20-foot landscape setback with a minimum 3-inch caliper trees to be placed 20-feet on center or in equivalent groupings along the south property line as approved by the Planning and Development Department.
4. The property owner shall maintain a minimum of three trees in the front yard setback.
5. The maximum number of parking spaces allowed shall not exceed 125 percent of the City requirement.
6. The trash enclosure shall be located no closer to the street than the main building as approved by the Planning and Development Department.
7. The property owner shall dedicate a 10-foot wide sidewalk easement along the east side of 7th street as approved by the Planning and Development Department.
8. 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.

**Attachments**

Site plan date stamped February 11, 2014



**City of Phoenix**  
PLANNING AND DEVELOPMENT DEPARTMENT

**Staff Report: Z-56-13-6**  
January 22, 2014

<b>Camelback East Village Planning Committee Hearing Date</b>	February 4, 2014
<b>Planning Commission Hearing Date</b>	February 11, 2014
<b>Request From:</b>	R1-6 (0.96 acres)
<b>Request To:</b>	R-O (0.96 acres)
<b>Proposed Use</b>	Office
<b>Location</b>	Approximately 305 feet north of the northeast corner of 7th Street and Ocotillo Road
<b>Owner</b>	Mr. Ken and Dr. Jen Gatt
<b>Applicant's Representative</b>	Jason P. Allen – Skyline Consultants
<b>Staff Recommendation</b>	Approval, subject to stipulations

<b>General Plan Conformity</b>			
<b>General Plan Land Use Designation</b>		Residential 3.5 to 5 du / acre	
<b>Street Map Classification</b>	7th Street	Major Arterial	40-foot east half street
<p><b><i>LAND USE ELEMENT, GOAL 5: INTEGRATION OF LAND USE AND TRANSPORTATION SYSTEMS: AN INTEGRATED LAND USE AND TRANSPORTATION SYSTEM, WHICH FURTHERS THE URBAN VILLAGE MODEL AND MINIMIZES THE ADVERSE IMPACTS OF THE TRANSPORTATION SYSTEM ON HOUSING, BUSINESSES AND PUBLIC USES, SHOULD BE ENCOURAGED.</i></b></p> <p>The elimination of a single family residence along 7th Street will further minimize the adverse impacts of the major arterial on the surrounding single family neighborhood.</p>			
<p><b><i>NEIGHBORHOOD ELEMENT, GOAL 4: CHARACTER AND IDENTITY: NEIGHBORHOOD CHARACTER AND IDENTITY SHOULD BE ENCOURAGED AND REINFORCED.</i></b></p> <p>The proposed redevelopment would repurpose an underutilized and vulnerable property into a compatible use for a major arterial, preserving the neighborhood's residential character and identity.</p>			

<b>Surrounding Land Uses/Zoning</b>		
	<u>Land Use</u>	<u>Zoning</u>
<b>On Site</b>	Single-Family Residential	R1-6
<b>North</b>	Office	R-O
<b>South</b>	Single-Family Residential	R1-6
<b>East</b>	Single-Family Residential	R1-6
<b>West</b>	Single-Family Residential	R1-10

### **Background/Issues/Analysis**

1. This is a request to rezone 0.96 acres from R1-6 (Single-Family Residential) to R-O (Residential Office) to allow an office.
2. The site is currently developed with a vacant, ranch style, single-family home. Access to the existing home is provided through a long driveway that enters the property at the southwest corner of the site. The driveway curves toward the front of the home and then wraps around the north side of the property toward the back of the home.
3. The General Plan designation for the parcel is Residential 3.5 to 5 dwelling units per acre. While the proposal is not consistent with the General Plan designation, it is consistent with many General Plan policies and the land uses in the area.
4. There are single-family properties to the south and east which may be sensitive to the increase traffic and noise of an office development. The property owner has agreed to maintain large landscape setbacks along the southern and eastern property lines to buffer these uses. A stipulation has been added to address this requirement.
5. The property owner has agreed to take steps to keep the residential feel of the property. The property will be providing a large landscape setback in the front of the home to maintain the residential feel of the property, limiting the amount of parking on the site, and keeping the trash enclosure behind the front of the main building. Stipulations have been added to address these requirements.
6. The parking for the development will primarily be located along the northern property line, next to the existing office building to the north. Four parking spaces, including an accessible parking spot will be located in front of the building, near its north end. A general conformance stipulation has been added to address this requirement.
7. The City of Phoenix Floodplain Management division of the Street Transportation Department has determined that this parcel is not in a Special Flood Hazard Area (SFHA), but is located in a Shaded Zone X, on panel 1740 L of the Flood Insurance Rate Maps (FIRM) dated October 16, 2013.
8. Development and use of the site is subject to all applicable codes and ordinances. Zoning approval does not negate other ordinance requirements. Other formal actions such as, but not limited to, zoning adjustments and abandonment may be required.

### **Findings**

1. The proposal is consistent with the surrounding land uses.

2. The development would improve and adaptively reuse an underutilized property along a major arterial.
3. The proposal will maintain residential feel of the surrounding area, while providing a buffer from 7th street for the single-family residential to the east.

### **Stipulations**

1. The development shall be in general conformance with the site plan date stamped January 9, 2014, except as modified by the following stipulations and approved by the Planning and Development Department.
2. The property owner shall provide a minimum 20-foot landscape setback with a minimum 3-inch caliper trees to be placed 20-feet on center or in equivalent groupings along the east property line as approved by the Planning and Development Department.
3. The property owner shall provide a minimum 20-foot landscape setback with a minimum 3-inch caliper trees to be placed 20-feet on center or in equivalent groupings along the south property line as approved by the Planning and Development Department.
4. The property owner shall maintain a minimum of three trees in the front yard setback.
5. The maximum number of parking spaces allowed shall not exceed 125 percent of the City requirement.
6. The trash enclosure shall be located no closer to the street than the main building as approved by the Planning and Development Department.
7. The property owner shall dedicate a 10-foot wide sidewalk easement along the east side of 7th street as approved by the Planning and Development Department.

### **Writer**

Xandon Keating

01/16/14

### **Team Leader**

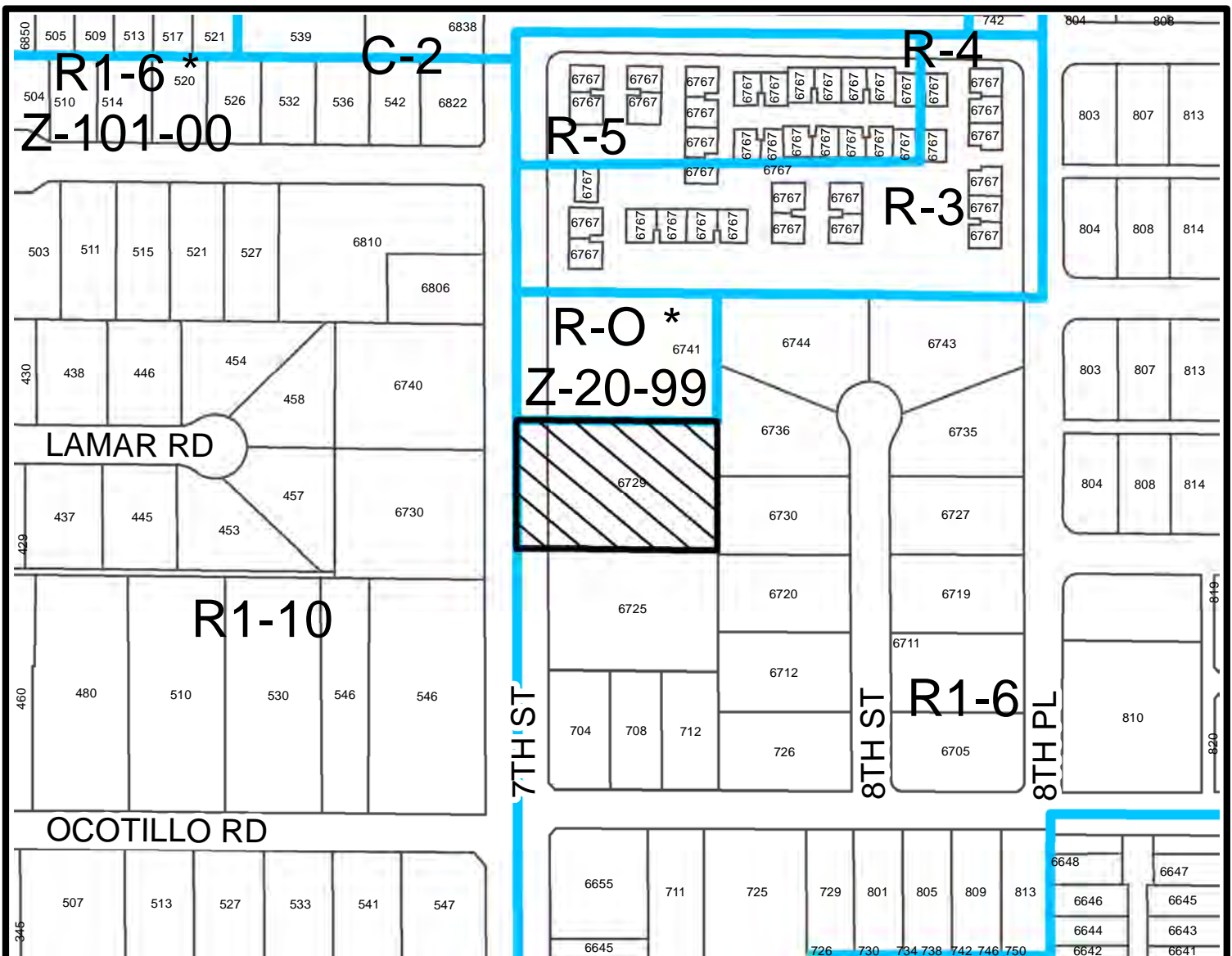
Joshua Bednarek

### **Attachments**

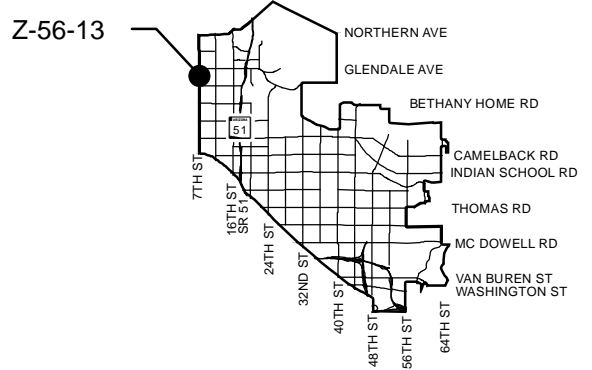
Sketch Map

Aerial

Site Plan (date stamped 1/9/14)



200 100 0 200 Feet

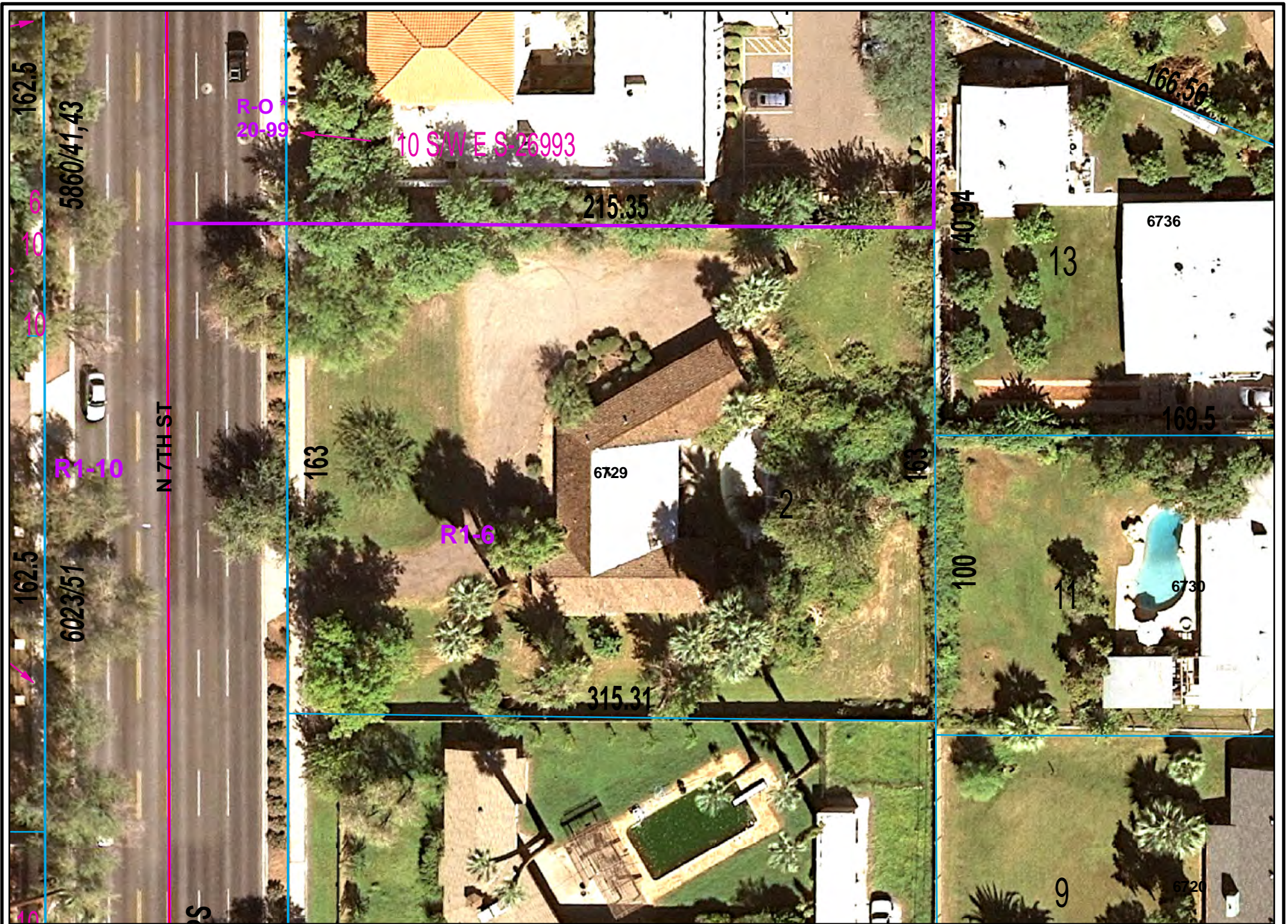


CITY OF PHOENIX PLANNING DEPARTMENT  
**CAMELBACK EAST VILLAGE**  
 CITY COUNCIL DISTRICT: 6

<b>APPLICANT'S NAME:</b> Mr. Ken & Dr. Jen Gatt		<b>REQUESTED CHANGE:</b> FROM: R1-6, (.96 a.c.) TO: R-O, (.96 a.c.)	
<b>APPLICATION NO.</b> Z-56-13	<b>DATE:</b> 12/13/13	<b>REVISION DATES:</b>	
<small>GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.</small> .96 Acres	<b>AERIAL PHOTO &amp; QUARTER SEC. NO.</b> QS 22-29	<b>ZONING MAP</b> I-8	
<b>MULTIPLES PERMITTED</b> R1-6 R-O	<b>CONVENTIONAL OPTION</b> 4 1	<b>* UNITS P.R.D. OPTION</b> 6 1	

\* Maximum Units Allowed with P.R.D. Bonus









## Village Planning Committee Meeting Summary Z-56-13-6

<b>Date of VPC Meeting</b>	February 4, 2014
<b>Request From</b>	R1-6
<b>Request To</b>	R-O
<b>Proposed Use</b>	Office
<b>Location</b>	Approximately 305 feet north of the northeast corner of 7 <sup>th</sup> Street and Ocotillo Road
<b>VPC Recommendation</b>	Approved per the staff recommendation.
<b>VPC Vote</b>	12-0

### **VPC DISCUSSION & RECOMMENDED STIPULATIONS:**

**Vice Chair Cole** noted this case had a number of residents in opposition, and made a motion to continue for 28 days to the next Camelback East Village Planning Committee meeting. **Mr. Rodney Jarvis** seconded the motion, noting he was seconding the motion so they could talk about the proposed continuance. Mr. Jarvis noted he liked the idea of the applicant working with the residents to resolve any issues.

**Ms. Karin Beckvar** asked if the neighborhood notification included the entire platted subdivision. Mr. Keating responded that it likely did, just looking at the plat it would appear everybody would likely be within the 600 feet, but without more research it is impossible to tell.

**Ms. Rhonda Beckerleg Thraen** asked if the continuance would affect the Planning Commission date. Mr. Keating responded the applicant would need to request a continuance at Planning Commission.

**Mr. Jarvis** asked if staff felt the applicant had adequately addressed issues with the community. Mr. Keating responded that this is really a judgment call for the Committee to make. However, Mr. Keating noted the applicant had addressed issues such as security and buffers and the applicant had attempted to reach out on the issue of CC&R's but has been unable to meet with the correct people.

**Chairman Swart** clarified that all members of the public who had put a card in would be given a chance to speak on the continuance. **Mr. Jarvis** withdrew his second because he felt it was better to hear the item and decide what to do then. **Vice Chair Cole** responded by withdrawing his motion.

Mr. Keating provided a brief overview of the request, noting the surrounding land uses, general plan designation and staff recommendation.

The applicant's representative, **Mr. Jason Allen** gave a presentation on the request. Mr. Allen discussed the history of property, noting it has been in the same family for many years, but has remained vacant for several years. He continued with a discussion of previous proposed developments at the site which mostly consisted of three to four homes. Mr. Allen emphasized the home would be preserved, much of the landscaping would remain, and the property would retain its residential feel. Mr. Allen finished by discussing the notification requirements and the CC&R's. Mr. Allen noted the CC&R's have been modified previously, once to allow a three lot split for three new single family homes, and once to allow a two story office building on the property to the north of the subject site.

**Chairman Swart** asked what type of Doctor's office would be operated on the subject site? Mr. Allen responded it would be a neuropsychological office with no more than 9 employees at a time. The only patients would be children who are there for testing, one at a time.

**Mr. Jarvis** asked if the site would be secured after hours. Mr. Allen responded the building would be, they will be building a six foot wall to secure the rear of the property and are working with a security company to install lighting and other security features.

**Ms. Beckvar** asked if drugs would be kept on site. The applicant, **Ms. Jennifer Gatt** responded there would not be any drugs on site. She continued that doctors practicing at this facility are all PHD's, not MD's and do not have the authority to prescribe medicine.

**Mr. Lee Miller** asked what the plan was if the CC&R's cannot be amended. Mr. Allen responded that the property owners now own the home, and did not have a backup plan.

**Ms. Kathryn Langmade** asked for a clarification on the number of people at the facility at one time. She was confused because the numbers seemed to conflict. Ms. Gatt responded that three doctors work at the facility at one time. They each test one child at a time, but do it separately. Because the testing is very intense, they also will have two graduate students each to assist them. The doctors typically test on separate days, and are not at the facility at the same time, but at most they could have a total of nine employees at the facility at one time.

**Mr. Wally Graham** asked what uses R-O allows. Mr. Keating responded that R-O primarily allows professional office uses such as a doctor's office, law firm, accountant, etc. He also explained that R-O would allow conversion back to single family if the property owner chose to do so. Mr. Wally Graham followed up by asking if the permitted R-O uses would be allowed regardless of the CC&R's. Mr. Keating responded that they would. CC&R's do not affect city zoning regulations.

Five cards were presented to the chair in **support** of this item, with one wishing to speak.

**Ms. Holly Courtin** spoke in support of the item. Ms. Courtin noted she is the daughter of the current owner. She continued with a history of the property, and how it got to be in its present condition. She noted it was important to the previous owners that the integrity of the property be kept intact. She noted there were other commercial uses along 7<sup>th</sup> Street and felt the use was appropriate.

The following individuals submitted cards in support but did not choose to speak:

- Jason J. Baker
- Jennifer Gatt
- Ken Gatt
- R. Courtin

Three cards were presented to the chair in opposition of this item, with two wishing to speak.

**Ms. Catherine Balzano** spoke in opposition of the item. She noted after many years of living in other parts of the City, she choose to return to Central Phoenix because of the quality of life that it offers. She mentioned she represented approximately 5 homeowners whose property backs up to the properties that front 7<sup>th</sup> Street. She noted former developers have been willing to work with the neighborhood, and did not feel this property owner had made a good faith effort to meet them. She also noted the CC&R's were very specific that mental health facilities were not allowed.

**Mr. Thomas Beard** spoke in opposition of the item. He mentioned that he likes the residential feel of the neighborhood, explain that when he purchased his home, he read the CC&R's and wanted a residential neighborhood. He does not want to live by commercial businesses and does not see a reason to amend the deed restrictions.

**Ms. Patricia Sallen** asked if the proposed development did not happen, what would he suggest instead. Mr. Beard responded he would like to see a single house on the property. He continued that the previous property owners did not allow the property to stay on the market long enough to attract someone interested in keep the property residential.

**Ms. Janice Ariola** also submitted a card in opposition, but choose not to speak.

**Mr. Jason Allen** gave a brief rebuttal clarifying the residential density of 5.5 units that would be allowed on the site. He noted it is a large lot and 7<sup>th</sup> Street is a major street which is very undesirable to live next to.

**Mr. Graham** noted he was hearing from the community that they are concerned about erosion of commercial uses into the neighborhood, but feels R-O meets the intent of a buffer and would work well for the neighborhood.

**Mr. Miller** asked if R-O could happen along 8<sup>th</sup> Street. Mr. Keating responded we cannot say it is not possible, the decision is ultimately up to City Council, but staff would not be supportive of an R-O request along 8<sup>th</sup> Street. He continued that R-O is intended as a buffer between sensitive single family residential uses, and more intense uses such as typical commercial zoning or an arterial. The office space along 7<sup>th</sup> Street is not intense enough to warrant R-O zoning along 8<sup>th</sup> Street.

**Mr. Craig Tribken** noted the sidewalk was set back on this property, and asked how that happened. Mr. Keating and Mr. Allen both noted reason for the sidewalk modification was not identified through their research, and they did not know. Mr. Tribken also asked why staff would state they were not requiring a landscape strip across the entire rear yard, so if at a future date the property could use a portion of the rear for parking if needed. Staff responded that previous iterations of the proposed site plan included much more parking in the front. Staff wanted to ensure there was very little parking in the front and felt the rear landscape buffer as proposed was sufficient.

**MOTION: Mr. Rodney Jarvis** made a motion to approve as presented noting the Committee does not have any authority to act on CC&R's. **Mr. Craig Tribken** seconded the motion.

**Mr. Graham** explained his support by saying felt this was a good solution, but he was concerned with R-O erosion into the neighborhood.

**Mr. Miller** explained his support, noting he would prefer the CC&R amendment was completed before the rezoning action.

**Chairman Swart** explained his support stating he has come across many vacant properties through his career in law enforcement. He felt this was a good solution and supported the item.

**VOTE:** 12-0 motion to approve passes.

#### **STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:**

Staff has no comments.

Item #: 7  
Application #: Z-56-13-6  
From: R1-6  
To: R-O  
Acreage: 0.96  
Location: Approximately 305 feet north of the northeast corner of 7th Street and Ocotillo Road  
Proposal: Psychologist Office  
Applicant: Mr. Ken & Dr. Jen Gatt  
Owner: Mr. Ken & Dr. Jen Gatt  
Representative: Jason P. Allen - Skyline Consultants

Ms. Tricia Gomes presented Z-56-13-6; a request to rezone 0.96 acres located approximately 305 feet north of the northeast corner of 7th Street and Ocotillo Road from R1-6 to R-O to allow a psychologist office. The Camelback East Village Planning Committee recommended approval 12-0 per staff stipulations. Staff recommended approval per the per the memo from Tricia Gomes dated February 11, 2014, which addressed additional landscaping along the south and east property lines and the Proposition 207 Waiver.

Commissioner Davis stated she did not have a conflict but wanted to state on the record that her children and the applicant's children attend the same school.

Mr. Jason Allen stated over 110 notification letters were sent out to the neighborhood in two separate mailings. They had not received any phone calls during that time; one letter was received which they did respond to. At one neighborhood meeting six individuals attended and were met with. The main issue was related to the deed restrictions. An individual was located regarding the deed restrictions but was currently located in California and they could not meet.

After the Village Planning Committee meeting Mr. Allen met with the neighbors and had agreed to amend the site plan by providing eleven additional trees that would address the concerns along the eastern boundary and the southeast corner. Mr. Allen believed the issues were resolved.

Mr. Thomas Beard stated he liked the residential feel of the neighborhood and did not want to live near a commercial business; Mr. Beard did not see a reason to amend the deed restrictions.

Mr. Warren Schneider requested a continuance for additional information on what the specific use would be. The residential neighborhood had active deed restrictions and he did not understand why this property would not have to abide by them.

Chairwomen Katsenes asked Mr. Schneider if he had received a notice from the applicant regarding the project.

Mr. Schneider stated he did on January 17 and another in December; he did not attend the meetings. He believed the Planning Commission was the meeting to attend and

express his concerns.

Ms. Nichelle Whitehead stated that the letters that were sent out to the hundreds of people were not affected by the covenant of restrictions. Ms. Whitehead purchased her home in 2010 understanding that the deed restrictions were in effect. The new owners of the property in question had to have known about the deed restrictions. Her concern was the allowable lot coverage and height which indicated the potential for a two story building which was not consistent to the buildings in the neighborhood.

Commissioner Awai asked staff to confirm the height.

Ms. Gomes stated the R-O designation allowed fifteen feet of building height at the rear and side yard setbacks. It could go up to a maximum of twenty-five feet. It potentially could be a two-story or a one story at twenty-five feet.

Ms. Whitehead stated the concern was that the application was vague in terms of the height and parking. She was asking for more clarification on the plans and also requested a continuance.

Ms. Gomes responded that the parking calculations were based off of the size of the building; that is how the number of parking spaces was determined. The applicant was requesting to move forward with the existing building and maintaining that structure.

Commissioner Johnson confirmed that the applicant would be stipulated to the site plan.

Ms. Gomes stated the project was stipulated to general conformance to the site plan, if there was a significant change to the site plan it would have to come back through the public hearing process.

Commissioner Johnson asked if the site plan specified one story.

Ms. Gomes stated the site plan did not specify the height therefore it would defer to the requirements in the Zoning Ordinance.

Chairwomen Katsenes confirmed that currently if the applicant wanted to change the site plan they would have to come back through a public hearing process.

Mr. Gomes stated yes, the ordinance allows a ten percent variation, however, a significant change beyond the ten percent would require a modification through the Planning Hearing Officer process.

Ms. Mary Ann Guerra stated when they purchased their home that had to modify their plans based on the CC&R's in the deed restrictions. The proposed property was behind their home and she was concerned that the CC&R's were being ignored. Ms. Guerra stated she was actively trying to get information from the applicant and presented a letter with the deed restrictions.

Commissioner Johnson stated that the Planning Commission cannot consider CC&R's



or deed restrictions nor could the city enforce them. Only the Homeowners Associations support those private agreements.

Mr. Damon Boyd asked for a continuance to further discuss with the applicant the plans for the site. He was concerned about the traffic and the number of staff that would be there at any given time.

Two additional cards were submitted in opposition but did not wish to speak.

Janice Ariola and Lee Evans.

Two cards were submitted in favor but did not wish to speak.

Ken Gatt and Jennifer Gatt.

Mr. Allen reiterated the neighborhood outreach in terms of trying to get in touch with the neighborhood. Letters were sent out on December 11 and January 17. The site was posted and there was also notification in the newspaper. The issues of the CC&R's were brought up at the meeting from the second letter notification.

The issues were deed restriction related and were amended for the property north of the proposed site which was zoned R-O and almost twice as large. In terms of the height, Mr. Allen stated that he would limit the height to fifteen feet and one story. The hours of operation would be 8 a.m. to 5 p.m. with no more than 12 clients per week at the site and no more than nine staff members at any one time. Mr. Allen stated he would be more than willing to continue meeting with the neighbors to work out details before the City Council hearing.

Commissioner Awai confirmed that the applicant would stipulate to one-story and fifteen feet.

Mr. Allen confirmed yes; one-story at fifteen feet.

Commissioner Montalvo asked what the main opposition was.

Mr. Allen responded it was the deed restrictions; the CC&R's.

Commissioner Davis clarified with staff that the notices were sent out on December 11, 2013 and January 17, 2014.

Ms. Gomes stated the requirements for notice were met.

Chairwoman Katsenes asked if other homes along 7th Street had R-O uses.

Mr. Allen stated there was one on the southwest corner of 7th Street and Missouri Avenue. The property to the north was a residential office, about 20 feet in height, which was also part of the subdivision. The property to the north was the R-O that was amended and significantly larger than the project Mr. Allen was proposing.

Commissioner Heck stated that the property to the north looked like a two-story building which was a concern of the neighbors of the proposed project.

Mr. Allen confirmed they were in agreement to the 15 foot height and one-story.

Commissioner Awai stated the property was along the 7th Street and would not be safe for a family with children. It was unfortunate for this to happen but he did not see another use for this property. The proposal maintains the residential character which was appropriate.

Commissioner Awai made a MOTION to approve Z-56-13-6 per the memo from Tricia Gomes dated February 11, 2014 with an additional stipulation regarding the building height.

Commissioner Davis SECONDED.

Commissioner Heck commented although she would have preferred residential; this seemed to be the best of both worlds in meeting with the integrity of the existing property which had not been lived in for a long time.

Chairwomen Katsenes agreed with Commissioner Heck in that the home would be kept in its original form as intended. The commercial use seemed to be low in traffic and she appreciated the additional stipulation in regards to the height.

There being no further discussion, Chairwoman Katsenes called for a vote and the MOTION PASSED 7-0 (Whitaker, Beletz absent)

\* \* \*

Stipulations:

1. The development shall be in general conformance with the site plan date stamped ~~January 9, 2014~~ FEBRUARY 11, 2014, except as modified by the following stipulations and approved by the Planning and Development Department.
2. The property owner shall provide a minimum 20-foot landscape setback with a minimum 3-inch caliper trees to be placed 20-feet on center or in equivalent groupings along the east property line as approved by the Planning and Development Department, WITH SPECIFIC REGARD TO THE 11 TREES ALONG THE SOUTH AND EAST PROPERTY LINES AS DEPICTED ON THE SITE PLAN DATE STAMPED FEBRUARY 11, 2014.
3. The property owner shall provide a minimum 20-foot landscape setback with a minimum 3-inch caliper trees to be placed 20-feet on center or in equivalent groupings along the south property line as approved by the Planning and Development Department.

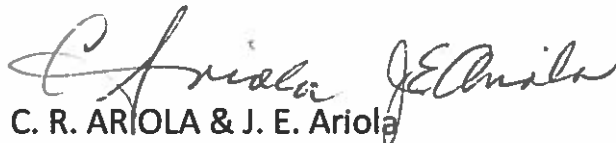
4. The property owner shall maintain a minimum of three trees in the front yard setback.
5. The maximum number of parking spaces allowed shall not exceed 125 percent of the City requirement.
6. The trash enclosure shall be located no closer to the street than the main building as approved by the Planning and Development Department.
7. The property owner shall dedicate a 10-foot wide sidewalk easement along the east side of 7th street as approved by the Planning and Development Department.
8. THAT PRIOR TO PRELIMINARY SITE PLAN APPROVAL, THE LANDOWNER SHALL EXECUTE A PROPOSTIION 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.
9. THE BUILDING HEIGHT SHALL BE LIMITED TO 1-STORY AND 15-FEET.

January 1, 2014

City of Phoenix Planning Department  
200 W. Washington Street  
Phoenix, Arizona 85003

Ref: Skyline Consultants LLC letter relating to a request for rezoning of a residential lot in Ocotillo Manor Case #Z—56-13 dtd December 11, 2013

1. The reference urged residents to submit comments and attend meetings relating to the subject rezoning.
2. My comments and recommendations are submitted in the 3 page attachment.



C. R. ARIOLA & J. E. Ariola  
Residents, Ocotillo Manor  
6736 N. 8<sup>th</sup> St.  
Phoenix, AZ 85014  
Phone: 602-361-1497

1/2/2014

Comments and Information to whom it May Concern (relating to Referenced (a))

Subject: Lot #2, Ocotillo Manor, 6729 N 7<sup>th</sup> Street, Phoenix, Arizona 85014

Reference (a) Letter from Skyline Consultants, LLC dated December 11, 2013, relating to a proposed rezoning of Lot #2, Ocotillo Manor, 6729 N 7<sup>th</sup> Street, Phoenix, Arizona 85014 (City case #Z-56-13)

1. The referenced letter does not include some significant facts, as follows:
  - a. Makes no mention of the fact that the lot is located in Ocotillo Manor and that it is subject to recorded, and active Covenants and Restrictions. Lot #2 is one of 18 Lots included in the Declaration of Restrictions for "Ocotillo Manor" as recorded on April 29, 1952 in the office of the County Recorder of Maricopa County, Arizona, in Book 52, Page 2(with amendments). These expressed Covenants, stipulations, and restrictions were established as running with the title, are current and have been maintained since they were recorded on April 29, 1952 (Docket: 917 Page 270), over 60 years ago. The Declaration of Restrictions for Ocotillo Manor specifically prohibits the use proposed by reference (a) (see below).
  - b. Modifications to these Covenants require a majority vote of the 18 voting owners of the eighteen (18) lots located in Ocotillo Manor. All past and recent changes effecting use of the Lots of Ocotillo Manor have been reviewed and voted on by the residents of Ocotillo Manor prior to requesting action by the city. Other than receipt of reference (a), the residents of Ocotillo Manor are only aware that someone purchased Lot #2, almost immediately brought in bulldozers to clean sweep much of the vegetation off the lot, level and destroy all irrigation berms, and fill the swimming pool with excess soil and debris (no permit to do so was ever known to have been posted in public view-(perhaps that is not required?).) Also the existing "health hazard", i.e., the seven palm trees that have not been pruned for many years, filled with rats, birds, scorpions, spiders and other vermin, a major fire hazard, remains untouched. The massive dust cloud created by this effort lasted for several days! It is noted that the

- new owner does not live in Ocotillo Manor and has apparently purchased this residential lot for the sole purpose of rezoning and commercial use.
- c. It is also noted that the referenced letter from Skyline was distributed to residential neighborhoods outside the boundaries of Ocotillo Manor, residences that have no connection to Ocotillo Manor. Perhaps the new owners, or their agent have not yet obtained a copy of the Covenants and Restrictions which clearly show the boundaries.
  - d. Paragraph 1 and paragraph 10, of the Ocotillo Manor Covenants and Restrictions does not allow the use stated in reference (a) , i.e.,  
Paragraph 1: "All of said lots in said OCOTILLO MANOR shall be known and described as residential lots". Paragraph 10: "No store, office or other place of business of any kind and no hospital, sanitarium, or other place for the care or treatment of the sick or disabled, physically or mentally, nor any theater, saloon or other place of entertainment shall ever be erected or permitted upon any of said lots, or any part thereof, and no business of any kind or character whatsoever shall be conducted in or from any residence on said lots". Note: Even if a rezoning of any specific lot were approved, these restrictions, in effect for sixty plus years, should be considered prior to any change in rezoning of the subject property.
  - e. Only one Lot in Ocotillo Manor has ever been approved for use other than residential. Several years ago a vacant lot, Lot #1, which is located next to a large residential apartment complex at 6741 N. 7<sup>th</sup> Street, was approved for use by a Non-profit, charitable organization, CTLPC Parenting Arizona, who provides community based support services for needy families. This change had a desirable, humanitarian purpose. The requested change in use of Lot #2 is simply for profit and considered not desirable by many.
2. Ocotillo Manor Covenants and Restrictions contain requirements and regulations that apply to and are designed to properly regulate a well maintained Phoenix community. The residents are proud of their homes as is evidenced by several recent major renovations and upgrades completed, underway and planned. It is likely that the improvements and increase in property values will far exceed any tax value the city could reasonably expect from rezoning Lot #2. Most residents are concerned that such disruptions as those described in reference (a), a commercial endeavor in the center of our community, will most likely cause a

decrease in property values, and especially those that adjoin the boundaries of Lot #2. It should also be noted that the Skyline Consultants letter provides a plan that is not likely the final plan in view of the statement in the last paragraph on page one. "Market conditions" are sure to change quickly and require a new plan? One might ask the question as to why a single Doctor operating from a "residence" needs nineteen parking spaces. With the clearing, leveling of the lot, elimination of the irrigation berms and flow valves, and the filling of the swimming pool, could we already be preparing for an addition? Keep in mind that we are talking about Zoning Ordinance 620 Residential Office R-O District-Restricted Commercial, the full description of the requested zoning, which is absent from the Skyline letter. Paragraph B.3.c. requires occupancy. At this time the property does not seem to meet that requirement. Once the word "Commercial" enters the rezoning definition of a parcel, it would seem we have made a giant leap toward a full Commercial zoning, something that the past and many of the present residents of Ocotillo Manor have fought since its establishment.

3. It is requested the Camelback East Village Planning Committee, the Phoenix City Planning Commission and The Phoenix City Council support those residents of Ocotillo Manor who are against rezoning Lot #2 from its current use, to 620 Residential Office District-Restricted Commercial.
4. Residents of Ocotillo Manor who might support or not support the rezoning request for Lot #2 Ocotillo Manor are encouraged to submit their own comments and/or attend any meetings on this matter.

January 23, 2014

Xandon Keating  
Village Planner  
Ahwatukee Foothills & Camelback East  
City of Phoenix Planning and Development Department  
200 West Washington Street, 3rd Floor  
Phoenix, AZ 85003-1611

Re: Z-56-13-6

Dear Mr. Keating:

I am the daughter of the late Virginia Erwin and beneficiary of the Erwin Trust that recently sold the property at 6729 N. 7<sup>th</sup> Street to Ken and Jennifer Gatt. They have recently submitted an application for new zoning on the property and have asked that I forward to City Staff some historical context for the property that may be helpful as you evaluate the merits of the application.

To start with, we were very glad that we found a buyer for the property who intends to keep the house and update it rather than leveling it and doing something kitchy (or obtrusively dense). There are a lot of memories here, and my mother, sister and I have long hoped that, when the time came, we would find someone who would honor the structural integrity of the property. As it transitions to the next generation, a conversion to professional office makes all the sense in the world.

Here is some history on the house: The house was built in the mid-1950's by the son of the original land owner. Since this was to be his family's personal residence, he wanted to build something custom that would, hopefully set the tenor for the area. As the developer of a resort hotel complex in Mexico, he imported the adobe blocks, floor tile, hand-made wall tile, and hand-crafted ceiling beams and planks.. The front door originally graced the front of a historical turn-of-the-century bank in Douglas. I met a dozen members of the family this last Summer, many of whom were raised there, who told stories of the house being a social gathering spot for North Central families for many years.

My parents bought the house from this family in the mid-1960's (making the Gatts only the third owner of this 60-year-old house). My sister and I were raised here. In the mid-90's, my mother started spending half the year in Washington State, the other half at the Phoenix house. Because of its visibility from 7<sup>th</sup> Street, and I'm sure because of the lack of activity 6-months out of the year, there were a series of burglaries. Eight or ten years ago, Mom confronted a burglar in the dark and in an adrenaline-fueled attack chased the



intruder out of the house. After this traumatic event, she never felt comfortable sleeping in the house again.

The house remained filled with her possessions and was routinely ransacked. Iron bars, heavy chains and padlocks went up on the doors and windows. A jerry-rigged set of high, chain-link fences closed off the back yard, intended to thwart intruders. Nonetheless, the neighbors and police found more than a couple of squatters in the bushes at the back of the lot. As her financial condition deteriorated, she continued to cut back on maintenance of the property, shutting off the gas and water, draining the pool, doing landscape maintenance sporadically, at best. The burglaries continued.

Mom died exactly a year ago. The trustee handling her estate hired a real estate broker and put the property on the market in May to pay off accumulated debts and property taxes. The broker soon realized that what should have been an attractive "fix-up" of a North Central custom home on an acre lot at a bargain price was thwarted by the up-hill battle of trying to sell a house on one of Phoenix' busiest arterial streets. I certainly can understand: Who would want to live day-to-day having to combat the noise and access-safety issues that come with over 30,000 cars a day going past your front door?

When the house was built, 7<sup>th</sup> Street was a 2-lane road in the suburbs. Over the ensuing years, the City widened the street several times, and with each upgrade, the traffic increased. At one point they installed a reversible center lane that essentially created three lanes of traffic for each of the two rush-hours per day.

As the streets widened, the physical character of the area changed. Several houses and "farm-ettes" to the south and farther to the north were developed for multifamily and commercial. Apartments went in a couple hundred feet to our north. A block north at Glendale Avenue, older commercial on three of the corners was redeveloped and expanded. Although the commercial development certainly improved the general quality of the neighborhood, traffic continued to increase.

Adjacent to us, an attorney bought the house to the south and ran his law firm out of it for years (without ever obtaining the appropriate zoning), taking advantage of the perceived "commercial" 7<sup>th</sup> Street address to drive his business. The owner of the lot adjacent to the north did the most logical thing, selling it for development of an office building. My mother continued to own the only real "single-family", original acre-lot house left of the four Ocotillo Manor lots along 7<sup>th</sup> Street. She was often approached by developers, and at one point (although she never went under contract) a synagogue that was proposed for hers and all of the other adjacent 7<sup>th</sup> Street lots. The neighborhood came unglued. The developer thought it was anti-Semitism. I think it was a bad plan that was insensitive to the neighborhood in terms of height, parking and other issues.

So it seemed fitting when the broker found that the only real, qualified buyers for the property that surfaced were developers. One wanted to do a sports bar in the house; the broker discouraged that use based on the potential impact on the surrounding neighborhood. An apartment developer wanted to build 3 and 4-story buildings on ours

and the adjoining lot to the south; that was also discouraged because of the probability of neighborhood opposition to the height. A single-family homebuilder went under contract to build 8 to 10 detached houses on the two combined lots and was shot down by the neighborhood. Three other homebuilders who wanted to build similar or even higher density never went to contract because of the stonewalling they were sure they'd encounter, one of them after meeting with one of the more vocal (and intransigent) neighbors on 8<sup>th</sup> Street. Although these developers were clearly able to demonstrate that there would be no vehicular or pedestrian traffic or noise or light pollution impact on their neighborhood, and several were willing to concede to single-story houses abutting their lots, it was clear that there was simply an aversion to change, under any practical, scenario, that made economic sense.

Since Mr. and Mrs. Gatt are not changing the height or general character of the house (other than possibly doing an addition some time down the road mimicking the same architecture, height, and materials of the existing house), and since Mrs. Gatt's practice is a pretty low-traffic, low-impact use for the house, I can't imagine that the neighborhood would not see this as the best possible solution for the property.

Thank you for giving my comments consideration. I am looking forward to seeing the property once it's fully restored. If you have any questions, you can reach me at (480) 390-8329.

Best regards,



Holly Erwin Courtin  
5601 E Montecito  
Phoenix, AZ 85018

cc: Ken & Jennifer Gatt  
Jason Allen

February 6, 2014

Planning Commission  
Phoenix City Council  
200 W. Jefferson Street  
Phoenix, AZ 85003

**CITY OF PHOENIX**

FEB 11 2014

**Planning & Development  
Department**

Subject: 6729 N. 7<sup>th</sup> Street: General Land-Use and planning discussions

Information from Agenda:

Application Number: Z-56-13-6

From: R1-6

To: R-0

0.96

Approximately 305 feet north of the northeast corner of 7th Street and Ocotillo Road

Psychologist Office  
Mr. Ken & Dr. Jen Gatt  
Jason P. Allen - Skyline Consultants

Dear Planning Commission and City Council,

We are taking the time to address both groups regarding the planned use of the property noted in above subject line. This property currently occupies a residential home where the new owners Jenifer and Ken Gatt have announced plans to have its zoning modified for use as a medical office. While information has been provided to the neighbors as to how the home will be renovated, it is a bit unclear from the recent Village Planning Committee meeting whether the true use of the space and planned architecture have been conveyed to the local residence that are concerned with the use of this property. This lot is covered by existing CC&R's that have been active for over 50 years. My husband Lee Evans and I are intimately aware of these deed restrictions, as we have purchased the property of 8th street that is DIRECTLY behind 6729 N. 7<sup>th</sup> street. We have invested over \$600,000.00 to create a beautiful home and to improve the residential landscape of this area. Our current home is at 402 East Lamar Rd, so we are VERY concerned that the neighborhood around us, and this additional property, be used for the highest residential good.

The property in question was previously under contract within the past 12 months and these potential buyers submitted a plan had been submitted to have multiple homes built on this property as well as another adjacent property. Both properties covered by the deed restrictions. The plans were submitted and discussed with the neighborhood HOA and attempts were made to develop a plan that could work for both the builder and the neighbors. The HOA was willing to modify the CC&Rs to accommodate reasonable plans that reflected the spirit of the CC&Rs. Unfortunately the property was re-sold (or is under contract...we are not sue) and now the proposed use is for a medical office with a focus on mental health. The CC&Rs specifically disallow the use of space for commercial use, psychiatric facilities and home office use, so the proposed plan is in direct violation of the basic tenants of these long standing residential operation agreements. The have been in effect since 1952 and are VERY clear in their intent! Specifically the Deed Restrictions state on page 2:

***"10. No store, office or other place of business of any kind and no hospital, sanitarium, or other place for the care or treatment of the sick or disabled, physically or mentally, nor any theater, salon or other place of entertainment shall ever be erected or permitted upon any of said lots, or any part thereof, and no business of any kind or character whatsoever shall be conducted in or from any residence on said lots."***

Having just bought a property, we too were subject to these standards, were required to MODIFY our building plans, lost about 600 sq. ft. of space to our proposed plans, lost time/money in doing this but DID comply with the CC & Rs and worked with the neighborhood to create a beautiful new property that will

add value to all. So our concerns are very personal, not to mention that the property in question is in our backyard!

Our concerns are as follows:

- Skyline has NOT worked with the neighbors to create an acceptable plan. While at the Village Planning Committee meeting Jason Allen stated he had personally contacted the neighborhood residents and none had replied, that statement was a bit inaccurate. Jason called my office (BioAccel) the same afternoon of the Village Planning Committee meeting, held on February 4. My assistant got the message and forwarded it to me. I got the message at 4:00 pm and returned the call immediately. He did not respond.
- My understanding from a few other residents is that they too only received a call that day. Not much time to discuss and negotiate a reasonable plan. We also had attended a Community/Neighborhood meeting with Skyline and the owners Jenifer and Ken Gatt that was held on Monday, January 27, gave them our contact information and conveyed our concerns. So they clearly had our contact information and knew our concerns.
- The proposed plan violates the deed restrictions that have been active for 62 years and applied to all other properties in the neighbor as recently as within the past 4 months.
- Because this is a beautiful historic home and lovely property in N. Central Phoenix, we would be willing to consider a purchase of the property to remain its integrity and residential status. In fact we did speak with the selling Real Estate Agent about the property at one time, and they were VERY clear about the deed restrictions. Therefore the Gatt's were knowledgeable about these limitations from the time of initial interests.

We realize that the legal status of the CC&Rs and City Planning responsibilities may be on two sides of the coin. But there is a serious problem when neighborhoods are encouraged to operate using HOAs, keep the neighborhoods beautiful to retain property values and to create safe places for our families/children and then a commercial entity can ignore these guidelines and force residence to engage in legal battle to protect the integrity of their neighborhood. I am sure as residents of the lovely City of Phoenix each of you might take exception to having a medical practice with a specialty in psychiatrics dropped into your neighborhood and told that is OK.

We thank you for your understanding and consideration of our concern. We would simply like the owners to work with the HOA, CC&Rs and neighbors to come up with a mutually acceptable plan that provide security for adjacent properties.

Sincerely,

MaryAnn Guerra and Lee Evans  
Business Owners  
Neighborhood Residents



Stephanie Saenz/PLN/PHX  
02/11/2014 10:51 AM

To Edward Keyser/PLN/PHX@PHXENT  
cc  
bcc  
Subject Fw: Contact Us Planning and Zoning - Form Submission

Please see email below..

Thanks,  
Stephanie Saenz  
City of Phoenix  
Planning & Development  
200 W. Washington St., 3rd floor  
Phoenix, Arizona 85003-1611  
stephanie.saenz@phoenix.gov  
602-495-2076 - Direct Line  
602-732-2587 - Fax Line

----- Forwarded by Stephanie Saenz/PLN/PHX on 02/11/2014 10:51 AM -----



no-reply@phoenix.gov  
02/10/2014 05:50 PM

To Zoning Mailbox PLN/PLN/PHX@PHXENT  
cc  
Subject Contact Us Planning and Zoning - Form Submission

Form Submission On : 2/10/2014 5:50:38 PM  
IP Address: 98.165.192.30:49511  
Referer: <http://phoenix.gov/contactus/index.html>

First and Last Name : MaryAnn Guerra  
Email : [mguerra@bioaccel.org](mailto:mguerra@bioaccel.org)  
Comments : We are owners in a neighborhood HOA that is impacted by this plan. They are ignoring existing HOA guidelines with their rezoning application.  
6729 N. 7th Street: General Land-Use and planning discussions

Information from Agenda:

Application Number: Z-56-13-6

From: R1-6

To: R-0

0,96

Approximately 305 feet north of the northeast corner of 7th Street and Ocotillo Road

Psychologist Office

Mr. Ken & Dr. Jen Gatt

Jason P. Allen - Skyline Consultants

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Sincerely,

MaryAnn Guerra and Lee Evans  
Business Owners  
Neighborhood Residents  
602 653 5375 (MaryAnn Cell)  
602 820 5223 (Lee Cell)

CITY OF PHOENIX  
PLANNING AND DEVELOPMENT DEPARTMENT

<b>FORM TO REQUEST PC to CC</b>			
<b>I HEREBY REQUEST THAT THE PC / CC HOLD A PUBLIC HEARING ON:</b>			
<b>APPLICATION NO./ LOCATION</b>	Z-56-13-6 Approximately 305 feet north of the northeast corner of 7th Street and Ocotillo Road	<b>(SIGNATURE ON ORIGINAL IN FILE)</b>	
		opposition	X
<b>APPEALED FROM:</b>	PC 2/11/14	Mary Ann Guerra 602-653-5375	
	<small>PC/CC DATE</small>	<small>NAME / PHONE</small>	
<b>TO PC/CC HEARING</b>	CC 3/19/14	6730 N 8th Street Phoenix AZ 85012	
	<small>DATE</small>	<small>STREET ADDRESS/CITY/STATE/ZIP</small>	
<b>REASON FOR REQUEST: attached letter</b>			
<b>RECEIVED BY:</b>	SK / LO	<b>RECEIVED ON:</b>	2/18/14

Larry Tom  
Diane Rogers  
Lilia Olivarez, PC Secretary  
Ken Black  
David Miller  
Courtney Gordon  
Ben Ernyei  
PLN All





**City of Phoenix**  
PLANNING AND DEVELOPMENT DEPARTMENT

PLANNING DEPT.  
2ND FL. RECEPTION

FEB 18 REC'D

CITY OF PHOENIX

The **PLANNING COMMISSION** agenda for February 11, 2014 is attached.

The **CITY COUNCIL** may approve the recommendation of the Planning Commission without further hearing **unless**:

1. A **REQUEST FOR A HEARING** by the **CITY COUNCIL** is filed within seven (7) days.

There is a \$630.00 appeal fee for hearings requested by the applicant, due by 5:00 p.m. February 18, 2014

Any member of the public may, within seven (7) days after the Planning Commission's action, request a hearing by the City Council on any application. If you wish to request a hearing, fill out and sign the form below and return it to the Planning and Development Department by 5:00 p.m. February 18, 2014

2. A **WRITTEN PROTEST** is filed, no later than seven (7) days after the Planning Commission's action, which requires a three-fourths vote. A written protest will require a three-fourths vote of the City Council to approve a zoning change when the owners of at least 20 percent of the land included in the proposed change or of the land within 150 feet (not including the width of the street) of the front, back or any side of the property sought to be rezoned signed the petition. For condominium, townhouse and other types of ownership with common lands, authorized property owner signatures are required. Please see Planning and Development Department Staff for additional information prior to gathering signatures.

To require a three-fourths vote of the City Council for approval, a written protest for applications on this agenda must be filed with the Planning and Development Department by 5:00 p.m. February 18, 2014.

The Planning and Development Department will verify ownership by protestors to determine whether or not a three-fourths vote will be required.

3. A **CONTINUANCE** is granted at the **PLANNING COMMISSION**. In the event of a continuance, there is an \$830.00 fee due from the applicant within fourteen (14) days, by 5:00 p.m. February 25, 2014.

**FORM TO REQUEST CITY COUNCIL HEARING**

**I HEARBY REQUEST THAT THE CITY COUNCIL HOLD A PUBLIC HEARING:**

Z 56-13-6  
APPLICATION NO.

7th Street between Ocotillo/Glenbrook  
LOCATION OF APPLICATION SITE

2/18/14  
DATE APPEALED FROM

OPPOSITION  
 APPLICANT

[Signature]  
PLANNER  
(PLANNER TAKING THE APPEAL)

**BY MY SIGNATURE BELOW, I ACKNOWLEDGE CITY COUNCIL APPEAL:**

Mary Ann Guerra  
PRINTED NAME OF PERSON APPEALING

[Signature]  
SIGNATURE

67  
STREET ADDRESS

DATE OF SIGNATURE

Phoenix, AZ 85012  
CITY, STATE, & ZIP CODE

602-653-5375  
TELEPHONE NO.

REASON FOR REQUEST Attached Letter

**APPEALS MUST BE FILED IN PERSON AT 200 WEST WASHINGTON, 2ND FLOOR, ZONING COUNTER**

February 17, 2014

Phoenix City Council  
200 W. Jefferson Street  
Phoenix, AZ 85003

Subject: Protest filed for Application Number: Z-56-13-6  
February 24, 2014 Public Hearing for Z-TA-14-13  
6729 N. 7<sup>th</sup> Street: General Land-Use and rezoning request  
From: R1-6  
To: R-O  
Acreage: 0.96  
Location: Approximately 305 feet north of the northeast corner of 7<sup>th</sup> Street and  
Ocotillo Road

Proposal: Psychologist Office  
Owner: Mr. Ken & Dr. Jen Gatt  
Representative: Jason P. Allen - Skyline Consultants

Dear City Council,

We are respectively, officially protesting, the rezoning of 6729 N. 7<sup>th</sup> Street from its current classification of R1-6 to R-O. As local residents of the neighborhood and owners of property that is directly adjacent to the property under rezoning reconsideration, we have grave concerns about the recent actions taken by the Village Planning Committee and City of Phoenix Planning Commission. We feel a public hearing and three-fourths vote of the City Council is appropriate in this instance.

This property currently occupies an historic residential home where the new owners Jenifer and Ken Gatt have announced plans to have its zoning modified for use as a psychiatric medical office. While notice and some information has been provided to the neighbors as to the proposed development, its rezoning to any type of commercial use is not only problematic to the general neighborhood but also specifically to us as our backyard abuts to this property. While we are great supporters of local economic development, we are equally concerned with retention of quality neighborhoods. In this instance, Dr. Gatt is relocating her office from a commercial space south on 7<sup>th</sup> to the proposed location. As the CEO of BioAccel a local non-profit dedicated to growing new biotech companies in Arizona, I am very supportive of strong economic development efforts. However in this case, the proposed change negatively impacts our local neighborhood by expanding the commercial footprint in the neighborhood **without** having any positive or expanded increase in local economic impact.

**Background information:**

This lot is covered by existing CC&R's that have been active for over 50 years. My husband Lee Evans and I are intimately aware of these deed restrictions, our property on 8<sup>th</sup> street that is DIRECTLY behind 6729 N. 7<sup>th</sup> street. We purchased this property within the last year and have invested over \$600,000.00 creating a beautiful home that we had planned to move into and improved the residential landscape of this area. When

we purchased this property we were made aware of the deed restriction upon purchase and have conformed to these legal agreements between neighbors. Additionally we were happy to have these as we had a concern that our property backed up to a home on 7<sup>th</sup>, but were assured that this property was also bound by the same existing CC&Rs. Our current home is at 402 East Lamar Rd, so we are VERY concerned that the neighborhood, and this additional property, be used for the highest residential good.

The property in question was previously under contract within the past 12 months and these potential buyers submitted a plan to have multiple homes built on this property as well as another adjacent property. Both properties are covered by the deed restrictions. The plans were submitted and discussed with the neighborhood HOA and attempts were made to develop a plan that could work for both the builder and the neighbors. The HOA was willing to modify the CC&Rs to accommodate reasonable plans that reflected the spirit of the CC&Rs and **maintained it as residential**. Unfortunately the property was re-sold and now the proposed use is for a medical office with a focus on mental health. The CC&Rs specifically disallow the use of space for commercial use, psychiatric facilities and home office use, so the proposed plan is in direct violation of the basic items of these long standing residential operating agreements. These deed restrictions have been in effect since 1952 and are very clear in their intent! Specifically the Deed Restrictions state on page 2:

***“10. No store, office or other place of business of any kind and no hospital, sanitarium, or other place for the care or treatment of the sick or disabled, physically or mentally, nor any theater, salon or other place of entertainment shall ever be erected or permitted upon any of said lots, or any part thereof, and no business of any kind or character whatsoever shall be conducted in or from any residence on said lots.”***

Having just bought our property on 8<sup>th</sup> street, we too were subject to these standards, were required to MODIFY our building plans, lost about 600 sq. ft. of space to our proposed expansion plans, lost time/money in doing this but **DID** comply with the CC & Rs and worked with the neighborhood to create a beautiful new property that will add value to all. So our concerns are very personal, not to mention that the property in question is in our back yard!

While we have read the beautiful and gut wrenching letter prepared by the previous owner's daughter Holly Erwin, we were also made aware that *her husband is the commercial real estate agent for the property in question* and therefore is somewhat conflicted in their support to “rezone” 7<sup>th</sup> street.

Our concerns are as follows:

- Two hearings have been held on this property. The “neighbors” received 2 minutes to speak at the Village Planning Committee and 10 minutes to speak at the City Planning Commission meeting. The 10 minutes at the Planning Committee meeting had to be divided among 5 members of the neighborhood, who also disagreed with the proposed rezoning. The opposition was allowed to speak for 5 minutes to present his case. and then received another 10 minutes to

rebut the neighbors. This seem quite unfair to us. Additionally the rebuttal by Jason Allen of Skyline consultants basically outlined how they had sent out letters to the neighbors and none of us responded in writing. However we did attend their meeting in person and we did attend the hearings. What Mr. Allen never addresses was why the City should approve rezoning over the opposition of the neighbors, and he never presented any merit to why the rezoning was of value to the City and/or the neighborhood. As noted above, we see no positive economic impact that would support this rezoning due to Dr. Gatt's current location down the street. Also, they argued that her business was small and she had no intention of growing it, so again the move would have no greater positive economic impact for Phoenix.

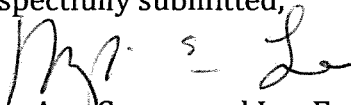
- In neither of these meetings was a case made for "why" the property should be rezoned. I was frankly shocked to have the Chairman of the City Planning Commission refer to 7<sup>th</sup> street as the 7<sup>th</sup> street freeway! And it will become be one if the City continues to kill of the residences for commercial use.
- While 7<sup>th</sup> Street and Glendale have commercial establishments, some of which have been creeping south, that does not justify that all residential properties should be rezoned. The property in question has residential dwellings to the North, South, East and West of it across the street from it. There appears to be no strong reason to support rezoning to commercial office use, especially based on the potential impact it will have to other residence. At least two of us have just purchased the adjacent properties (behind and south) as residences and therefore the impact to our home values is significant if this rezoning is approved. I purposefully modified by morning jog on Sunday to run on the "7<sup>th</sup> street freeway" rather than the Bridle Path and it confirmed my impression that the street has a substantive residential footprint.
- While we realize that the City does not adhere to the deed restrictions that have been active for 62 years and applied to all other properties in the neighborhood and the property in question as recently as within the past 4 months, we do feel that a good case should be made as to why they are being violated and the subsequent benefit to the City. The current owners WERE aware of these deed restrictions yet purchased the property with the intent of blatantly violating long standing legal contracts and have misled the village planning committee, the city planning commission and now the City of Phoenix into allowing them to conduct such a violation. It seems quite unfair that for 62 years this contract has been in place and adhered to by all, yet one party can come along and undue the legal document and take steps to accelerate a deterioration of the local neighborhood. Phoenix needs MORE high quality residential areas, not less.
- We are concerned that the City would be in support of ignoring a binding legal contract relating to the CC & R's without some strong justification to do so.
- Because this is a beautiful historic home and lovely property in N. Central Phoenix, we would be willing to consider a purchase of the property to restore it's integrity and residential status.

We realize that the legal status of the CC&Rs and City Planning responsibilities may be on two sides of the coin. But there is a serious problem when neighborhoods are encouraged to operate using HOAs, keep the neighborhoods beautiful to retain property values and to create safe places for our families/children, and then a commercial entity

can ignore these guidelines and force residents to engage in legal battle to protect the integrity of their neighborhood. I am sure as residents of the lovely City of Phoenix each of you might take exception to having a medical practice with a specialty in psychiatrics dropped into your neighborhood and told that is OK.

We thank you for your understanding and consideration of our concern. We also hope that you will understand the need to maintain our neighborhoods and the integrity of our properties, especially when there is no apparent benefit to the City of Phoenix. This one move will impact many, and frankly without any good reason or sound justification for doing so.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'MaryAnn Guerra and Lee Evans'. The signature is stylized and cursive.

MaryAnn Guerra and Lee Evans  
Business Owners  
Neighborhood Residents

CITY OF PHOENIX  
PLANNING AND DEVELOPMENT DEPARTMENT

<b>FORM TO REQUEST PC to CC</b>			
<b>I HEREBY REQUEST THAT THE PC / CC HOLD A PUBLIC HEARING ON:</b>			
<b>APPLICATION NO./ LOCATION</b>	Z-56-13-6 Approximately 305 feet north of the northeast corner of 7th Street and Ocotillo Road	<i>(SIGNATURE ON ORIGINAL IN FILE)</i>	
		opposition	X
<b>APPEALED FROM:</b>	PC 2/11/14	Kalliopi Schneider 602-234-8994	
	<small>PC/CC DATE</small>	<small>NAME / PHONE</small>	
<b>TO PC/CC HEARING</b>	CC 3/19/14	6743 N 8th Street Phoenix AZ 85014	
	<small>DATE</small>	<small>STREET ADDRESS/CITY/STATE/ZIP</small>	
<b>REASON FOR REQUEST: Continuance</b>			
<b>RECEIVED BY:</b>	DB / LO	<b>RECEIVED ON:</b>	2/18/14

Larry Tom  
Diane Rogers  
Lilia Olivarez, PC Secretary  
Ken Black  
David Miller  
Courtney Gordon  
Ben Ernyei  
PLN All



FEB 18 2014

The **PLANNING COMMISSION** agenda for February 11, 2014 is attached **Planning & Development Department**

The **CITY COUNCIL** may approve the recommendation of the Planning Commission without further hearing **unless**:

- 1. A **REQUEST FOR A HEARING** by the **CITY COUNCIL** is filed within seven (7) days.

There is a \$630.00 appeal fee for hearings requested by the applicant, due by 5:00 p.m. February 18, 2014

Any member of the public may, within seven (7) days after the Planning Commission's action, request a hearing by the City Council on any application. If you wish to request a hearing, fill out and sign the form below and return it to the Planning and Development Department by 5:00 p.m. February 18, 2014

- 2. A **WRITTEN PROTEST** is filed, no later than seven (7) days after the Planning Commission's action, which requires a three-fourths vote. A written protest will require a three-fourths vote of the City Council to approve a zoning change when the owners of at least 20 percent of the land included in the proposed change or of the land within 150 feet (not including the width of the street) of the front, back or any side of the property sought to be rezoned signed the petition. For condominium, townhouse and other types of ownership with common lands, authorized property owner signatures are required. Please see Planning and Development Department Staff for additional information prior to gathering signatures.

To require a three-fourths vote of the City Council for approval, a written protest for applications on this agenda must be filed with the Planning and Development Department by 5:00 p.m. February 18, 2014.

The Planning and Development Department will verify ownership by protestors to determine whether or not a three-fourths vote will be required.

- 3. A **CONTINUANCE** is granted at the **PLANNING COMMISSION**. In the event of a continuance, there is an \$830.00 fee due from the applicant within fourteen (14) days, by 5:00 p.m. February 25, 2014.

**FORM TO REQUEST CITY COUNCIL HEARING**

**I HEARBY REQUEST THAT THE CITY COUNCIL HOLD A PUBLIC HEARING:**

Z-56-13-6  
APPLICATION NO.

305 feet north of the NEC of 7<sup>th</sup> Street and Ocotillo Road  
LOCATION OF APPLICATION SITE

Feb 11, 2014  
DATE APPEALED FROM

OPPOSITION  
 APPLICANT

Drew Byck  
PLANNER  
(PLANNER TAKING THE APPEAL)

**BY MY SIGNATURE BELOW, I ACKNOWLEDGE CITY COUNCIL APPEAL:**

Kathleen P. Schneider  
PRINTED NAME OF PERSON APPEALING

[Signature]  
SIGNATURE

6743 N. 8<sup>th</sup> St  
STREET ADDRESS

2/18/2014  
DATE OF SIGNATURE

Phoenix, AZ 85014  
CITY, STATE & ZIP CODE

602-234-8994  
TELEPHONE NO.

REASON FOR REQUEST Continuance

**APPEALS MUST BE FILED IN PERSON AT 200 WEST WASHINGTON, 2ND FLOOR, ZONING COUNTER**

February 18, 2014

City Council  
City of Phoenix  
200 W. Washington St.  
Phoenix, AZ 85003

# CITY OF PHOENIX

FEB 18 2014

## Planning & Development Department

RE: Z-56-13-6/6729 N. 7<sup>th</sup> Street, Phoenix, AZ

Dear Phoenix City Council Members:

Our names our Damon and Danelle Boyd. We live in Ocotillo Manor at 6743 N. 8<sup>th</sup> St, Phoenix, AZ 85014, our names are Warren and Kalliopi Schneider and we have three children, John-17, Peter-15, and Theodore- 13. We have lived here since July 1997. I grew up on this street, right next door at 6744 and my mother still resides there. We moved into Ocotillo Manor because it is a beautiful, safe, residential neighborhood, with mature vegetation, large size lots, great public schools, and many distinctive older ranch style homes. The neighbors of Ocotillo Manor, several of whom have lived in Ocotillo Manor for more than 60 years, are friendly, supportive and community oriented. They make Ocotillo Manor a friendly and safe neighborhood that is a great place to not just begin and raise a family, but to retire to and enjoy all that North Central Phoenix has to offer. We chose this neighborhood to raise our family and assist my mother to enjoy her retirement.

We enjoy North Central Phoenix and Ocotillo Manor so much, we have recently re-modeled our home with an addition among other remodeling that we have done since we have bought our home in 1997. With all of our remodeling projects, we have adhered to the CC&R's that currently exist. With this investment in our home and neighborhood, we hope to spend the rest of our lives in Ocotillo Manor.

However, we are concerned about the present and future plans the Applicant has (and indeed successors to the Applicant may have) for re-zoning of the lot on 6729 N. 7<sup>th</sup> St. (Application No. Z-56-13-6) to Residential Owner status. In this regard, we have had some dialog with the Applicant's representative to understand some of the details of the site plans that are not apparent in the plans Applicant has thus far submitted, nor in the Camelback East Village Planning Committee Staff Report dated January 22, 2014. We have also had some discussions with the Applicant's representative about potential restrictions on the site to appease our concerns.

However, though we have had some positive steps in this direction, thus far we have no concrete restrictions that give us the assurance that present or future use of the lot at 6729 N. 7<sup>th</sup> St. will not be inconsistent with our neighborhood character. In particular, though we have some level of comfort with the plans the Applicant has provided to us for the immediate future use, we are concerned with what should happen should the Applicant change plans, or if they assign their interest in 6729 N. 7<sup>th</sup> St., what future owners may intend with the property. Frankly, at this point it is that potential future use that concerns us the most.

Because of these concerns, we need further dialog with the Applicant. With that intent, at the Planning Commission Hearing on February 11, 2014, we requested a continuance of 4 weeks. That request was denied, and the Planning Commission recommended approval of the plan.



Accordingly, first and foremost, we request the City Council to re-consider the denial of the continuance and grant those of us in Ocotillo Manor another 4 weeks to continue our dialog with the Applicant. In the event the City Council refuses to grant a continuance, we formally OBJECT to the recommendation of the Planning Commission and request a public hearing on the proposed re-zoning.

I understand that a number of residents of Ocotillo Manor likewise Appeal the decision of the Planning Commission and/or are filing Written Protests of the same. I understand that in connection with those actions, my neighbors are also submitting their thoughts and views and a number of circumstances that impact them personally. We understand and agree with those positions as well and thus, in the interest of brevity, we do not repeat those thoughts and views again in this letter.

Instead, we want to highlight our own position that we understand that as the City of Phoenix grows, some change is inevitable. Recognizing this, we, as a neighborhood, regularly work with individuals that have a desire to join our neighborhood to make sure our neighborhood does not lose its valuable safety and character, while at the same time understand changing circumstances. For example, when a developer sought to purchase and build multiple homes on the lot on the corner of 7<sup>th</sup> St. and Ocotillo Rd., we worked with the developer to amend the deed restrictions in such a way to allow the use conform to the restrictions, but preserve those restrictions which make our neighborhood safe and unique. All the while we recognized the need for the developer to have a financially feasible plan. It is unquestionable that the development was a success for Ocotillo Manor and the developer. Simply put, we are a reasonable neighborhood.

We believe it is important to work together, as allowing one party to come into the neighborhood without sufficient restrictions potentially creates a “slippery slope” where each time someone else comes in, restrictions get further and further from the original intent, **and we fear that in such a scenario, one day there will be little in the way of restriction.**

Accordingly, as noted above, **we request a continuance of 4 weeks** to dialog further with the Applicant and, as we have done in the past, hopefully come to an agreement that is beneficial to all parties involved. Should the City Council refuse a continuance, we hereby formally OBJECT to the recommendation of the Planning Commission and request a public hearing on the proposed re-zoning.

We are both happy to speak to City Council members at any time to discuss our thoughts and concerns and we remain optimistic that our City Council will, as they have in the past, represent the best interests of North Central Phoenix.

Sincerely,

Warren and Kalliopi Schneider

CITY OF PHOENIX  
PLANNING AND DEVELOPMENT DEPARTMENT

<b>FORM TO REQUEST PC to CC</b>			
<b>I HEREBY REQUEST THAT THE PC / CC HOLD A PUBLIC HEARING ON:</b>			
<b>APPLICATION NO./ LOCATION</b>	Z-56-13-6 Approximately 305 feet north of the northeast corner of 7th Street and Ocotillo Road	<i>(SIGNATURE ON ORIGINAL IN FILE)</i>	
		opposition	X
<b>APPEALED FROM:</b>	PC 2/11/14	Catherine Balzano 520-289-7306	
	<small>PC/CC DATE</small>	<small>NAME / PHONE</small>	
<b>TO PC/CC HEARING</b>	CC 3/19/14	6720 N 8th Street Phoenix AZ 85014	
	<small>DATE</small>	<small>STREET ADDRESS/CITY/STATE/ZIP</small>	
<b>REASON FOR REQUEST: neighbor opposition to upzoning</b>			
<b>RECEIVED BY:</b>	DB / LO	<b>RECEIVED ON:</b>	2/18/14

Larry Tom  
Diane Rogers  
Lilia Olivarez, PC Secretary  
Ken Black  
David Miller  
Courtney Gordon  
Ben Ernyei  
PLN All



# CITY OF PHOENIX

City of Phoenix  
PLANNING AND DEVELOPMENT DEPARTMENT

FEB 18 2014

## Planning & Development Department

The **PLANNING COMMISSION** agenda for February 11, 2014 is attached.

The **CITY COUNCIL** may approve the recommendation of the Planning Commission without further hearing **unless**:

1. A **REQUEST FOR A HEARING** by the **CITY COUNCIL** is filed within seven (7) days.

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### FORM TO REQUEST CITY COUNCIL HEARING

I HEARBY REQUEST THAT THE CITY COUNCIL HOLD A PUBLIC HEARING:

2-56-13-6  
APPLICATION NO.

2-11-2014  
DATE APPEALED FROM

OPPOSITION  
 APPLICANT

6729 N. 7TH STREET  
LOCATION OF APPLICATION SITE

XANDON KEATING  
PLANNER  
(PLANNER TAKING THE APPEAL) Drew Byck

BY MY SIGNATURE BELOW, I ACKNOWLEDGE CITY COUNCIL APPEAL:

Catherine Balzano  
PRINTED NAME OF PERSON APPEALING

6720 N. 8TH STREET  
STREET ADDRESS

PHOENIX AZ 85014-1016  
CITY, STATE & ZIP CODE

Catherine Balzano  
SIGNATURE

2-18-2014  
DATE OF SIGNATURE

520-289-7306  
TELEPHONE NO.

REASON FOR REQUEST NEIGHBOR OPPOSITION TO UPZONING

**APPEALS MUST BE FILED IN PERSON AT 200 WEST WASHINGTON, 2ND FLOOR, ZONING COUNTER**

# CITY OF PHOENIX

FEB 18 2014

Catherine Marie Balzano  
6720 North 8th Street  
Phoenix, Arizona 85014-1016

**Planning & Development  
Department**

February 18, 2014

Phoenix City Council  
200 West Washington, Second Floor  
Phoenix, Arizona

HAND-DELIVERED

RE: PROTEST of Rezoning Application **Z-56-13-6**  
**R1-6** (Single-Family Residential) to **R-O** (Residential Office-Restricted Commercial)  
6729 N. 7th Street, Approximately 305 feet north of 7th Street & Ocotillo Road  
AKA: LOT 2, OCOTILLO MANOR SUBDIVISION

Dear Honorable Mayor and City Council Members:

Thank you for the opportunity to participate in the City of Phoenix' public process. It is critical that the City protects its long-established north-central neighborhoods -- where families have peacefully enjoyed well-built homes and a convenient location for school, work and play. I own and live in a renovated 1956 block home built on Lot 9 of Ocotillo Manor, a 16-lot *single-family residential subdivision*, which was created in Maricopa County and IS PROTECTED by a Declaration of Restrictions, recorded 4/29/52.

You are considering a higher intensity of land use on Lot 2 in Ocotillo Manor. Please refer to the enclosed county plat. The use proposed by Z-56-13-6 was never intended and is, in fact, expressly prohibited by the covenants, stipulations and restrictions in the above-referenced document. Exact language is included in a neighbor's letter of protest.

Yes, It's true that many of the Ocotillo Manor homeowners are annoyed and disgusted by the previous owner's neglect of the property -- which ultimately became a crime-infested, public nuisance. That owner, now deceased, was represented by a teary-eyed daughter at the East Camelback Village Planning Committee meeting on February 4th. Her mother had repeatedly stated to at least one homeowner that her goal was to make a huge profit when the property (Lot 2) was rezoned for commercial use.

At that same meeting, I stated that many if not all of the Ocotillo Manor homeowners would fight Z-56-13-6 all the way to the City Council. The only persons supporting the application were ALL part of the application. Ignoring the homeowners, the Village Planning Committee explained that the deed restrictions were NOT considered in the rezoning process.

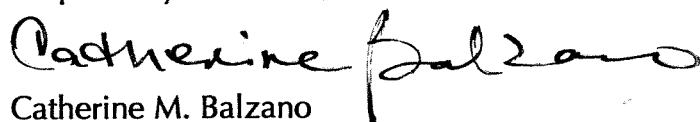
More homeowners voiced their concerns at the Planning Commission's meeting on February 11th. Although I was unable to attend, I heard about some of the Commissioners' comments -- especially the one referring to 7th Street as a *freeway*; and how could anyone live along 7th Street? I am am very aware of the traffic flow on the city's major arterials -- especially the central corridor. As a retired planning professional and long-time Phoenix resident, I am offended that an appointed official would make such a public comment. Unacceptable! The Commission voted to move the request to the Council for final consideration.

As you evaluate this up-zoning, I ask you to consider the following:

- Subject property is contiguous to low-density residential to the northeast, east, southeast and south, Lots 13, 11, 9 and 3 of Ocotillo Manor, respectively.
- Proposed land use change is NOT supported by the Deed Restrictions which have guided and maintained the integrity of our well-established North Central Phoenix residential neighborhood.
- Existing land use west of subject property and across 7th Street is lower-density, single-family residential and part of the North Central Phoenix Homeowners' Association. *What does the NCPHA think about additional commercial use (and traffic) south of intersection of 7th Street & Glendale Avenue?*
- The zoning of Lot 1, north of subject property and adjacent to multi-family residential, was regrettably changed to R-O to accommodate a non-profit organization. R-O/Restricted Commercial zoning of Lot 2 is NOT NEEDED.
- Proposed zoning change to R-O/Restricted Commercial opens the door for more intense commercial zoning in the future.
- Proposed zoning change to R-O/Restricted Commercial potentially harms our property values. Many Ocotillo Manor residents are currently investing or have already invested 100s of thousands of dollars in their homes. We are rightfully concerned how our home and property values are negatively impacted.

The proposed zoning change from R1-6 to R-O/Restricted Commercial is only desired by the previous landowner and the applicants themselves. Because this rezoning request is controversial, I submit this letter protesting the Planning Commission's action with a formal request for a Public Hearing and ultimately a 3/4 vote by the City Council.

Respectfully submitted,

  
Catherine M. Balzano

ENCLOSURE



CITY OF PHOENIX  
PLANNING AND DEVELOPMENT DEPARTMENT

<b>FORM TO REQUEST PC to CC</b>			
<b>I HEREBY REQUEST THAT THE PC / CC HOLD A PUBLIC HEARING ON:</b>			
<b>APPLICATION NO./ LOCATION</b>	Z-56-13-6 Approximately 305 feet north of the northeast corner of 7th Street and Ocotillo Road	<b>(SIGNATURE ON ORIGINAL IN FILE)</b>	
		<b>opposition</b>	<b>X</b>
<b>APPEALED FROM:</b>	PC 2/11/14	Damon & Danelle Boyd 602-741-4575	
	<small>PC/CC DATE</small>	<small>NAME / PHONE</small>	
<b>TO PC/CC HEARING</b>	CC 3/19/14	6727 N 8th Street Phoenix AZ 85014	
	<small>DATE</small>	<small>STREET ADDRESS/CITY/STATE/ZIP</small>	
<b>REASON FOR REQUEST: Protesting the decision of the Planning Commission</b>			
<b>RECEIVED BY:</b>	RP / LO	<b>RECEIVED ON:</b>	2/18/14

Larry Tom  
Diane Rogers  
Lilia Olivarez, PC Secretary  
Ken Black  
David Miller  
Courtney Gordon  
Ben Ernyei  
PLN All



FEB 18 REC'D

PLANNING DEPT.  
2nd fl. RECEPTION

The **PLANNING COMMISSION** agenda for February 11, 2014 is attached.

The **CITY COUNCIL** may approve the recommendation of the Planning Commission without further hearing **unless**:

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**FORM TO REQUEST CITY COUNCIL HEARING**

**I HEARBY REQUEST THAT THE CITY COUNCIL HOLD A PUBLIC HEARING:**

2-58-13-6  
APPLICATION NO.

6727 N 7th St, Phoenix, AZ 85014  
LOCATION OF APPLICATION SITE

February 11, 2014  
DATE APPEALED FROM

OPPOSITION  
 APPLICANT

Renee Peña  
PLANNER  
(PLANNER TAKING THE APPEAL)

**BY MY SIGNATURE BELOW, I ACKNOWLEDGE CITY COUNCIL APPEAL:**

Damon & Danelle Boyd  
PRINTED NAME OF PERSON APPEALING

[Signature]  
SIGNATURE

6727 N 8th St  
STREET ADDRESS

2/17/14  
DATE OF SIGNATURE

Phoenix AZ 85014  
CITY, STATE & ZIP CODE

(602) 741-4575  
TELEPHONE NO.

REASON FOR REQUEST Oppose re-zoning to Residential Office, request continuance to discuss potential stipulations with Applicant

**APPEALS MUST BE FILED IN PERSON AT 200 WEST WASHINGTON, 2ND FLOOR, ZONING COUNTER**



February 18, 2014

City Council  
City of Phoenix  
200 W. Washington St.  
Phoenix, AZ 85003

RE: Z-56-13-6/6729 N. 7<sup>th</sup> Street, Phoenix, AZ

Dear Phoenix City Council Members:

Our names are Damon and Danelle Boyd. We live in Ocotillo Manor at 6727 N. 8<sup>th</sup> St, Phoenix, AZ 85014, along with our three children, ages 5, 5 and 3. We have lived here since March of 2003. Ocotillo Manor is a beautiful, safe, residential neighborhood, with mature vegetation, great public schools, and many distinctive "Ralph Haver Homes." The neighbors of Ocotillo Manor, several of whom have lived in Ocotillo Manor for more than 60 years, are friendly, supportive and community oriented. They make Ocotillo Manor a friendly and safe neighborhood that is a great place to not just begin and raise a family, but to retire to and enjoy all that North Central Phoenix has to offer.

Importantly (to us), because we enjoy North Central Phoenix and Ocotillo Manor so much, we have recently undertaken a substantial re-model of our home, spending several hundred thousand dollars in so doing. With this investment in our home and neighborhood, we hope to spend many more years in Ocotillo Manor.

However, we are concerned about the present and future plans the Applicant has (and indeed successors to the Applicant may have) for re-zoning of the lot on 6729 N. 7<sup>th</sup> St. (Application No. Z-56-13-6) to Residential Owner status. In this regard, we have had some dialog with the Applicant's representative to understand some of the details of the site plans that are not apparent in the plans Applicant has thus far submitted, nor in the Camelback East Village Planning Committee Staff Report dated January 22, 2014. We have also had some discussions with the Applicant's representative about potential restrictions on the site to appease our concerns.

However, though we have had some positive steps in this direction, thus far we have no concrete restrictions that give us the assurance that present or future use of the lot at 6729 N. 7<sup>th</sup> St. will not be inconsistent with our neighborhood character. In particular, though we have some level of comfort with the plans the Applicant has provided to us for the immediate future use, we are concerned with what should happen should the Applicant change plans, or if they assign their interest in 6729 N. 7<sup>th</sup> St., what future owners may intend with the property. Examples of potential restrictions we have discussed so far relate to the size of the business, parking, the number of employees, the nature and limits on the number of people that can assemble on the premises, and security.

Frankly, at this point it is the uncertainty relating to potential future use that concerns us the most.

Because of these concerns, we need further dialog with the Applicant. With that intent, at the Planning Commission Hearing on February 11, 2014, we requested a continuance of 4 weeks. That request was denied, and the Planning Commission recommended approval of the plan.

Accordingly, first and foremost, we request the City Council to re-consider the denial of the continuance and grant those of us in Ocotillo Manor another 4 weeks to continue our dialog with the Applicant. In the event the City Council refuses to grant a continuance, we formally OBJECT to the recommendation of the Planning Commission and request a public hearing on the proposed re-zoning.

I understand that a number of residents of Ocotillo Manor likewise Appeal the decision of the Planning Commission and/or are filing Written Protests of the same. I understand that in connection with those actions, my neighbors are also submitting their thoughts and views and a number of circumstances that impact them personally. We understand and agree with those positions as well and thus, in the interest of brevity, we do not repeat those thoughts and views again in this letter.

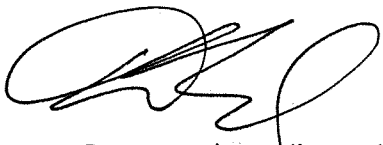
Instead, we want to highlight our own position that we understand that as the City of Phoenix grows, some change is inevitable. Recognizing this, we, as a neighborhood, regularly work with individuals that have a desire to join our neighborhood to make sure our neighborhood does not lose its valuable safety and character, while at the same time understand changing circumstances. For example, when a developer sought to purchase and build multiple homes on the lot on the corner of 7<sup>th</sup> St. and Ocotillo Rd., we worked with the developer to amend the deed restrictions in such a way to allow the use conform to the restrictions, but preserve those restrictions which make our neighborhood safe and unique. All the while we recognized the need for the developer to have a financially feasible plan. It is unquestionable that the development was a success for Ocotillo Manor and the developer. Simply put, we are a reasonable neighborhood.

We believe it is important to work together, as allowing one party to come into the neighborhood without sufficient restrictions potentially creates a "slippery slope" where each time someone else comes in, restrictions get further and further from the original intent, and we fear that in such a scenario, one day there will be little in the way of restriction.

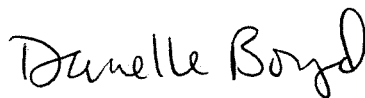
Accordingly, as noted above, we request a continuance of 4 weeks to dialog further with the Applicant and, as we have done in the past, hopefully come to an agreement that is beneficial to all parties involved. Should the City Council refuse a continuance, we hereby formally OBJECT to the recommendation of the Planning Commission and request a public hearing on the proposed re-zoning.

We are both happy to speak to City Council members at any time to discuss our thoughts and concerns and we remain optimistic that our City Council will, as they have in the past, represent the best interests of North Central Phoenix.

Sincerely,



Damon and Danelle Boyd



Cc: Jason Allen

CITY OF PHOENIX  
PLANNING AND DEVELOPMENT DEPARTMENT

<b>FORM TO REQUEST PC to CC</b>			
<b>I HEREBY REQUEST THAT THE PC / CC HOLD A PUBLIC HEARING ON:</b>			
<b>APPLICATION NO./ LOCATION</b>	Z-56-13-6 Approximately 305 feet north of the northeast corner of 7th Street and Ocotillo Road	<b>(SIGNATURE ON ORIGINAL IN FILE)</b>	
		<b>opposition</b>	<b>X</b>
<b>APPEALED FROM:</b>	PC 2/11/14	Janice Ariola 602-361-1497	
	<i>PC/CC DATE</i>	<i>NAME / PHONE</i>	
<b>TO PC/CC HEARING</b>	CC 3/19/14	6736 N 8th Street Phoenix AZ 85014	
	<i>DATE</i>	<i>STREET ADDRESS/CITY/STATE/ZIP</i>	
<b>REASON FOR REQUEST: Protesting the decision of the Planning Commission</b>			
<b>RECEIVED BY:</b>	RP / LO	<b>RECEIVED ON:</b>	2/18/14

3/4 Vote

Larry Tom  
Diane Rogers  
Lilia Olivarez, PC Secretary  
Ken Black  
David Miller  
Courtney Gordon  
Ben Ernyei  
PLN All

**FORM TO REQUEST CITY COUNCIL HEARING**

I HEARBY REQUEST THAT THE CITY COUNCIL HOLD A PUBLIC HEARING:

2-56-43-6  
APPLICATION NO.

305 ft North of the NE corner  
LOCATION OF APPLICATION SITE

2-11-2014  
DATE APPEALED FROM

of 7th St @ Acostilla Rd  
PLANNER  
(PLANNER TAKING THE APPEAL)

OPPOSITION  
 APPLICANT

BY MY SIGNATURE BELOW, I ACKNOWLEDGE CITY COUNCIL APPEAL:

Janice Ariola  
PRINTED NAME OF PERSON APPEALING

Janice Ariola  
SIGNATURE

6736 N. 8th St  
STREET ADDRESS

2-18-2014  
DATE OF SIGNATURE

Phoenix AZ 85014  
CITY, STATE & ZIP CODE

602-391-1497  
TELEPHONE NO.

REASON FOR REQUEST protesting the decision of the  
Planning Commission

APPEALS MUST BE FILED IN PERSON AT 200 WEST WASHINGTON, 2ND FLOOR, ZONING COUNTER

RECEIVED  
CITY OF PHOENIX  
PLANNING DEPT.

FEB 18 REC'D

PLANNING DEPT.  
2nd fl. RECEPTION

To: City Council  
City of Phoenix  
200 West Washington  
Phoenix, AZ 85003

FEB 18 REC'D

PLANNING DEPT.  
2nd fl. RECEPTION

From: Carl and Janice Ariola  
6736 North 8<sup>th</sup> Street  
Phoenix AZ 85014

Subject: REQUEST FOR A THREE-FOURTHS VOTE OF THE CITY OF PHOENIX CITY COUNCIL FOR  
APPLICATION # Z-56-~~53-6~~ - APPROXIMATELY 305 FEET NORTH OF THE NORTHEAST  
CORNER OF 7<sup>TH</sup> STREET AND OCOTILLO ROAD.

Dear Phoenix City Council Members:

This request is being filed to address difficulties that have transpired concerning the communications between the Applicant, the Homeowners of Ocotillo Manor, Camelback East Village Planning and the Planning Commission. The time limits imposed at the meetings on the residents of Ocotillo Manor prevented them from presenting valuable and important information. The time limits are unreasonably short in duration. Whereas, the Applicant was able to enjoy longer times and was able to give extra information. Because of this situation it has been difficult to determine the actual intent of the new owners asking for this rezoning from R1-6 to R-O. We fear that a commercial zoning request may be forthcoming in a short period of time or upon the future sale of this property at 6729 North 7<sup>th</sup> Street.

The Deed Restrictions for Ocotillo Manor are over 60 years old and have always served as guidelines to preserve the integrity of the neighborhood. However, it appears that the Camelback East Village and the Phoenix City Planning Commission have chosen to ignore these restrictions that clearly express that....."no hospital, sanitarium, or other place for the care or treatment of the sick or disabled, physically or mentally shall be erected on any said lots..." in Ocotillo Manor.

It is a curious fact that the commercial real estate person represented to previous buyers of this property that the subject property was "uninhabitable", and ready for "push-over" or scraping. The entire neighborhood can attest to the fact that the property had two floodings—one was by the City of Phoenix, multiple homeless coming and going, and has been left vacant to rot for years. These facts led to the decision of a prospective builder that the property would lend itself to the construction of three gated patio homes after the old home was **eliminated**. The residents of Ocotillo Manor cooperated fully with the seller and this builder and at their request changed the Deed Restrictions to allow for 3 single residences. And, now the question would be - "why has the question been avoided throughout this rezoning request process of why the sellers and new buyers did not consider the alternative plan that was already in place and allowed three single level residences to be built on the lot? Since the final

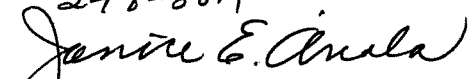
sales transaction of the first property was never completed, the old adobe ruin has now taken on a new façade as an “adorable older adobe home perfect for three doctors to use as a office? The unhealthy state that must exist in the old house must be horrendous and it would seem unrealistic that the Drs. would spend thousands of dollars to bring this house up to a livable state muchless try to develop a workable business sanitary enough to begin seeing patients. This all would lead a reasonable person to believe that there is some other agenda here---like the scraping and push-over of the old home and a new commercial building erected on the site-----after, of course the **next** round of re-zoning for commercial occurs.

The proposed property to be rezoned is directly behind our home. Our home is historic in nature and was built by Ralph Haver, a popular builder in the 1950s here in Phoneix We have lived in Ocotillo Manor for 12 years and my parents built the house and lived here for over 40 years. We have worked diligently to maintain the “Haver Home” look and have spent thousands of dollars in remodeling costs .We feel our property values will plummet due to this proposed rezoning and the activity that will follow along with it. This is a residential family oriented neighborhood and it needs to remain so.

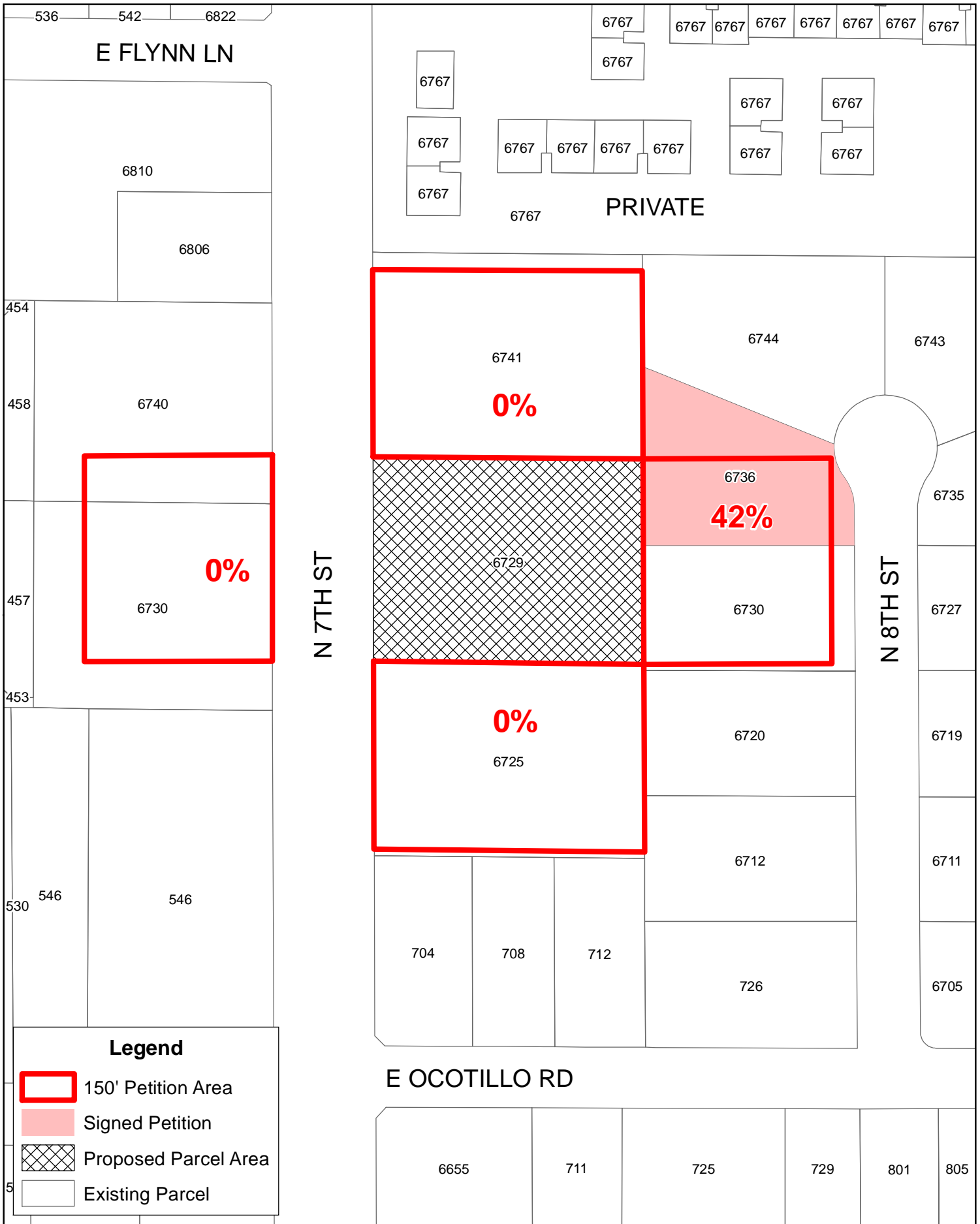
Therefore, because of the present uncertain intent of the Applicant, we request a three-fourths vote by the Phoenix City Council to rescind the favorable decision of the Planning Commssion that was sent forward to grant this re-zoning.



Carl R. Ariola  
2-18-2014



Janice E. Ariola  
2-18-2014



0 100 200 Feet

### Petition Map for Z-56-13