



City of Phoenix

Staff Report: PHO-1-26—Z-39-21-6

APPLICATION #: PHO-1-26—Z-39-21-6

LOCATION: Approximately 830 feet north of the northeast corner of 44th Street and Osborn Road

EXISTING ZONING: R-O

ACREAGE: 0.48

REQUEST: Modification of Stipulation 6 regarding illuminated signs.

APPLICANT: Edwin Bull, Burch & Cracchiolo, P.A.

OWNER: High Place Properties, LLC c/o Brent Nardecchia

REPRESENTATIVE: Edwin Bull, Burch & Cracchiolo, P.A.

STAFF RECOMMENDATION

Denial, per the Planning Hearing Officer recommendation.

PLANNING HEARING OFFICER RECOMMENDATION

On May 20, 2026, the Planning Hearing Officer (PHO) recommended denial.

VILLAGE PLANNING COMMITTEE RECOMMENDATION

The Camelback East Village Planning Committee (VPC) heard this request on May 5, 2026 and recommended approval with a modification, by a vote of 13-3.

The modification included “11:00 PM” be replaced with “10:00 PM” and that a sentence is added stating “Signs shall be in general conformance with the application dated March 11, 2026 to include brightness and number of signs”.

BACKGROUND/ANALYSIS

The subject site consists of 0.48-gross acres located approximately 830 feet north of the northeast corner of 44th Street and Osborn Road and is zoned R-O (Residential Office). The applicant requested a modification of Stipulation 6 regarding illuminated signs.

The applicant/representative/appellant presented the wall sign plan (Exhibit H) and monument sign plan (Exhibit I) at the May 20, 2026, Planning Hearing Officer (PHO) hearing to support their request to modify Stipulation 6. The appellant argues both signs have been permitted through sign permits by the Planning and Development Department. The wall sign approved with internal illumination and the monument sign approved with no illumination.

On July 23, 2026, the applicant/representative/appellant submitted additional materials to support their request (Exhibit O).

PREVIOUS HISTORY

On November 3, 2021, the Phoenix City Council approved Rezoning Case No. Z-39-21, a request to rezone approximately 0.48-acres located approximately 180 feet south of the southeast corner of 44th Street and Clarendon Avenue (approximately 830 feet north of the northeast corner of 44th Street and Osborn Road) from R1-10 (Single-Family Residence District) to R-O (Residential Office) (Exhibit E). The proposed development was intended for a 4,000-square-foot office. The property had a single-family residence on site.

The original stipulation regarding signs on site prohibited internally lit signs and noted signs shall be approved by the Planning and Development Department. On November 20, 2023, a sign permit was issued for the wall sign to include a 4-inch deep, halo illuminated reverse pan channel "H" logo per SGNP-209756 (Exhibit L). On December 29, 2023, a sign permit was issued for one non-illuminated monument sign per SGNP 210052 (Exhibit M).

NEIGHBORHOOD CONCERNS

Public Correspondence

Prior to the May 20, 2026, PHO Hearing there were three letters of opposition received from neighbors (Exhibit N). Barbara Deering submitted strong opposition via email on April 23, 2026 highlighting concerns that the business is only open during daylight hours, that there is no need for an illuminated sign, and urged the applicants to utilize more reasonable alternatives for the surrounding residences.

Crystal DeVelis submitted two letters in opposition to the proposed requests. The first received on May 1, 2026, highlights concern with the entitlement which poses potential consequences for the surrounding residences should the property be sold. She also included images of the property immediately south of the subject site showing bright colored lights along the building façade emphasizing lighting concerns with the surrounding office properties. The second letter was received on May 17, 2026, stating the owner did not follow the process of implementing the signs correctly and are looking to change the zoning stipulation to fit their own desires rather than the neighborhoods.

During the May 20, 2026, PHO Hearing two interested parties spoke in opposition. First, Neal Haddad, a member in opposition with the Arcadia Osborn Neighborhood Association, posed concerns regarding the mass of the building not fitting residential character. He added during the original rezoning case, in exchange for the building mass, the village implemented the subject stipulation to protect the surrounding residences. He expressed further concern with reasoning for the stipulation deletion as there have been no changes to the site other than the implemented signs, which he argues does not constitute stipulation modification. Ultimately, urging the PHO to recommend denial of the request.

Secondly, Crystal DeVelis spoke in opposition regarding history of the owner implementing lights on site without proper permitting. She pulled the sign permits and noticed there is no zoning designation listed on the approved sign permits. She cited Zoning Ordinance Section 705.C.6.d calling for a required Use Permit since the sign is located within 60 feet of a single-family use. She highlighted her opposition to the future of the property; stating if the stipulation is modified and the property is sold, the neighborhood has no assurance there will be protection against illuminated signs.

GENERAL PLAN LAND USE MAP DESIGNATION

Residential 3.5 to 5 Dwelling Units/Acre

CHARACTER OF SURROUNDING LAND USE

	Zoning	Land Use
On-site:	R-O	Office
North:	R1-10 (Proposed R-O)	Single-Family Residence
South:	R-O	Office
East:	R1-10	Single-Family Residences
West: (Across 44th Street)	C-O	Office

PLANNING HEARING OFFICER FINDINGS

The request to modify Stipulation 6 to limit illumination from 11:00 p.m. to sunrise is recommended to be denied. This recommendation is intended to retain the stipulation but also to provide a path forward for the applicant to pursue the appropriate approvals required to construct a sign per Section 705.C.6.d that states that a Use Permit would be required for any illuminated sign within 60 feet of a residential zoning district whether the sign is directly illuminated or indirectly illuminated. By retaining the stipulation as written, the applicant would only be prohibited from placing an internally illuminated sign on site.

Since the approval of the original rezoning case in 2021, the land use pattern along the 44th Street Corridor has continued to develop with commercial uses that largely coexist with residential uses and illuminated signs are utilized. However, based on the desire of surrounding property owners, a specific stipulation prohibiting internally illuminated signs was approved by the Phoenix City Council during the original rezoning of this site. Several members of the public voiced their opposition during the PHO process and spoke at the VPC and PHO hearings. Their main concern is that if Stipulation 6 is modified or removed, future developers will have the ability to install internally illuminated signs on the site. I believe as previously detailed; the applicant has a path to directly or indirectly illuminate their signs but shall be prohibited from internally illuminated signs as stated in the original zoning stipulation.

PLANNING HEARING OFFICER RECOMMENDED STIPULATIONS

1.	The development shall be in general conformance with the elevations date stamped June 14, 2021, as modified by the following stipulations and approved by the Planning and Development Department.	
2.	The public sidewalk along 44th Street shall be detached with a landscape strip located between the sidewalk and back of curb following the most recent Cross Section of the Street Classification Map and planted to the following standards, as approved by the Planning and Development Department.	
	a.	Minimum 2-inch caliper shade trees that provide a minimum 75 percent shade at maturity.
	b.	Drought tolerant vegetation maintained at a maximum mature height of 24 inches and achieve minimum 75 percent live coverage.
3.	A minimum 20-foot landscape setback shall be required adjacent to 44th Street and shall include large canopy shade trees 20 feet on center or in equivalent groupings between the sidewalk and proposed site development, as approved by the Planning and Development Department. Twenty-five percent of the trees shall be minimum four-inch caliper and 75 percent of the trees shall be minimum three-inch caliper. Five, five-gallon shrubs per tree, and additional shrubs or live groundcover, shall provide minimum 75 percent live cover at mature size, as approved by the Planning and Development Department.	
4.	A minimum 4-foot landscape setback shall be required along the eastern property line. This setback shall be planted with minimum 8-foot-tall shrubs or plants to provide a tall vegetative buffer from adjacent single-family residences to the east, as approved by the Planning and Development Department.	
5.	All uncovered surface parking lot areas shall be landscaped with minimum 2-inch caliper drought-tolerant shade trees. Landscaping shall be dispersed throughout the parking area and achieve 25 percent shade at maturity, as approved by Planning and Development Department. Shade may be provided with a combination of trees and structural shade.	
6.	There shall be no internally lit signs on the site. Signage shall be approved by the Planning and Development Department.	
7.	A minimum of four bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near building entrances and	

	installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.
8.	Clearly defined, accessible pedestrian pathways shall be provided to connect building entrances and public sidewalks, using the most direct route for pedestrians, as approved by the Planning and Development Department.
9.	Where pedestrian pathways cross drive aisles, they shall be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrast with the adjacent parking and drive aisle surfaces, as approved by the Planning and Development Department.
10.	Trees shall be placed to provide 75 percent shade coverage on all pedestrian paths and sidewalks at full maturity, as approved by the Planning and Development Department. Shade structures may be used to meet the shade requirement in places where trees are unable to be located.
11.	The developer shall record a cross-access agreement for any shared access drives along 44th Street.
12.	The developer shall dedicate a 10-foot sidewalk easement and construct a minimum 5-foot-wide sidewalk and landscape strip along 44th Street, as approved by the Planning and Development Department.
13.	The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with the current ADA Guidelines.
14.	In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.
15.	Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 Waiver of Claims form. The Waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for the record.

Exhibits:

- A- Appeal Documents (3 pages)
- B- Applicant's Narrative for PHO-1-26—Z-39-21-6 (3 pages)
- C- Aerial Map
- D- Zoning Map
- E- Approval Letter and Ordinance G-6908 for Z-39-21-6 (7 pages)
- F- PHO Summary for PHO-1-26—Z-39-21-6 from May 20, 2026 (7 pages)
- G- VPC Summary for PHO-1-26—Z-39-21-6 from May 5, 2026 (6 pages)
- H- Wall Sign Plan, date stamped April 2, 2026
- I- Monument Sign Plan, date stamped April 2, 2026
- J- Proposed Conceptual Site Plan, date stamped April 2, 2026
- K- Proposed Conceptual Elevations, date stamped April 2, 2026
- L- SGNP-209756
- M- SGNP-210052
- N- Letters of Opposition (3 pages)
- O- Additional submittal items date stamped July 23, 2026 (53 pages)

EXHIBIT A



City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

CITY OF PHOENIX

MAY 22 2026

Planning & Development
Department

The **PLANNING HEARING OFFICER** agenda for May 20, 2026 is attached.

The City Council May Ratify the Recommendation of the Planning Hearing Officer on July 1, 2026 Without Further Hearing Unless:

- **A REQUEST FOR A HEARING BY THE PLANNING COMMISSION** is filed by 5:00 p.m. on May 27, 2026. (There is a \$630.00 fee for hearings requested by the applicant.)

Any member of the public may, within seven (7) days after the Planning Hearing Officer's action, request a hearing by the Planning Commission 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. May 27, 2026.

APPEAL FORM

I HEREBY REQUEST THAT THE PLANNING COMMISSION HOLD A PUBLIC HEARING ON:

PHO-1-26--Z-39-21-6

APPLICATION NO

Approximately 830 ft north of the northeast corner of 44th St & Osborn Rd

LOCATION OF APPLICATION PROPERTY

Ed Bull, Burch & Cracchiolo, P.A.

☐ OPPOSITION

☒ APPLICANT

NAME (PLEASE PRINT)

1850 N. Central Avenue, Suite 1700

ebull@bcattorneys.com

STREET ADDRESS:

EMAIL:

Phoenix, AZ 85004

(602) 234-9913

CITY, STATE AND ZIP CODE

TELEPHONE NO

BY MY SIGNATURE BELOW, I ACKNOWLEDGE THE SCHEDULED HEARING DATE AS FOLLOWS:

APPEALED FROM May 20, 2026 PHO HEARING TO August 10, 2026 PC HEARING
DATE DATE

SIGNATURE:

Ed Bull

DATE: May 22, 2026

REASON FOR APPEAL: The signs in question are permitted and allowed to be illuminated. We are seeking ~~a variance~~ ^{to modify stipulation b} only to allow internal illumination, as opposed to external illumination that creates more glare. The Camelback East VPC recommended approval by a 13-3 vote and is in agreement that the requested internal illumination is subtle and tasteful as designed for the Site. Internal illumination would be more compatible than other light sources with surrounding uses.

APPEALS MUST BE FILED IN PERSON AT THE 2ND FLOOR ZONING COUNTER, 200 W. WASHINGTON STREET, 602-262-7131, Option 6

PLANNER TAKING APPEAL: *[Signature]*

Copies to:

Case File

PHO Planner – Logan Zappolo

PHO Secretary – Ruth Somoza



City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION FOR PLANNING HEARING OFFICER ACTION

APPLICATION NO: PHO-1-26--Z-39-21-6

Council District: 6

Request For: Stipulation Modification

Reason for Request: 1) Modification of Stipulation 6 regarding illuminated signs.

HEARING INFORMATION

Hearing Type	Hearing Date	Hearing Time	Hearing Location
Planning Hearing Officer	05-20-2026	10:00 AM	Meetings to be held virtually

Reason for Request: 1) Modification of Stipulation 6 regarding illuminated signs.

HEARING INFORMATION

Hearing Type	Hearing Date	Hearing Time	Hearing Location
Village Planning Committee	05-05-2026	6:00 PM	Devonshire Community Center, Auditorium, 2802 E. Devonshire Avenue

Reason for Request: 1) Modification of Stipulation 6 regarding illuminated signs.

HEARING INFORMATION

Hearing Type	Hearing Date	Hearing Time	Hearing Location
Planning Commission Hearing	08-06-2026	6:00 PM	Phoenix City Council Chambers, 200 West Jefferson Street, Phoenix, Arizona 85003

Contact Information

Name	Relationship Type	Address	Phone	Fax	Email
Edwin Bull, Burch & Cracchiolo, P.A.	Applicant	1850 North Central Avenue, Suite 1700 Phoenix AZ 85004	6022349913		ebull@bcattorneys.com
Edwin Bull, Burch & Cracchiolo, P.A.	Representative	1850 North Central Avenue, Suite 1700 Phoenix AZ 85004	6022349913		ebull@bcattorneys.com
High Place Properties, LLC c/o Brent Nardecchia, Manager	Owner	3609 N 44th St, Phoenix, AZ 85018	(602) 463-3780		brent@highplacemortgage.com
Edwin C. Bull	Appellant	1850 North Central Avenue, Suite 1700 Phoenix AZ 85004	6022349913		ebull@bcattorneys.com

Property Location: Approximately 830 feet north of the northeast corner of 44th Street and Osborn Road

Acreage: 0.48

Geographic Information

Zoning Map
H11

APN
127-08-115

Quarter Section
Q16-38

Village:
Camelback East

An applicant may receive a clarification from the city of its interpretation or application of a statute, ordinance, code or authorized substantive policy statement. To request clarification or to obtain further information on the application process and applicable review time frames, please call 602-262-7131 (option 6), email zoning@phoenix.gov or visit our website at <https://www.phoenix.gov/pdd/licensing-time-frames>

A Filing Fee had been paid to the City Treasurer to cover the cost of processing this application. The fee will be retained to cover the cost whether or not the request is granted

I declare that all information submitted is true and correct to the best of my knowledge and belief. I acknowledge that any error in my application may be cause for changing its normal scheduling.

Signature: Ed Bull DATE: 5/22/2020

Fee Information			
Fee	Fee Waived	Fee Date	Purpose
\$1,080.00	\$0.00	03/20/26	PHO (1-2 stipulations)
\$630.00	\$0.00	05/22/26	Planning and Zoning Appeal Fee APZ-25-26

EXHIBIT B



BURCH & CRACCHIOLO

BCATTORNEYS.COM

ED BULL

DIRECT LINE: 602.234.9913

E-MAIL: EBULL@BCATTORNEYS.COM

MADISON LEAKE

DIRECT LINE: 602.234.8791

E-MAIL: MLEAKE@BCATTORNEYS.COM

May 19, 2026

Mr. Byron Easton
Planning Hearing Officer
City of Phoenix
Planning and Development Department
200 W. Washington St., 2nd Floor
Phoenix, Arizona 85003

**RE: PHO-1-26--Z-39-21-6—PHO Stipulation Modification
SEC of 44th Street and Clarendon Avenue**

Dear Mr. Easton,

On behalf of High Place Mortgage (“High Place”), the owner of the property located approximately 180 feet south of the southeast corner of 44th Street and Clarendon Avenue with the street address 3609 N. 44th Street (the “Site”), we request the PHO’s approval to modify a zoning stipulation to allow the Site to feature internally illuminated signage. An Aerial Map showing the approximately 0.48-acre Site on the east side of 44th Street is attached as **Exhibit 1**.

On November 3, 2021, approval was received for rezoning case Z-39-21-6, which changed the Site’s zoning from R1-10 (Single-Family Residence District) to R-O (Residential Office–Restricted Commercial District). *See* Ordinance G-6908 attached as **Exhibit 2**. Ordinance G-6908 contains fifteen stipulations. Of these fifteen stipulations, we request only Stipulation 6 to be modified. Stipulation 6 pertains to internally illuminated signs and reads as follows: “There shall be no internally lit signs on the site. Signage shall be approved by the Planning and Development Department.” Importantly, this stipulation does not prohibit sign illumination on the Site. Rather, it only prohibits *internal* sign illumination.

At the time of the rezoning case, City of Phoenix (the “City”) Staff recommended the inclusion of Stipulation 6 to maintain consistency with the 44th Street Corridor Residential Office Study (created in 1997). *See* **Exhibit 3**, August 30, 2021, Staff Report at 6-8, 10-11. Crucially, the 44th Street Corridor Residential Office Study is a **non-regulatory document and was not adopted by City Council**. Its guidelines are not legally enforceable and simply provide policy guidance to City Staff who may reference the document’s provisions at their discretion when making decisions.

Because the 44th Street Corridor Residential Office Study is non-regulatory, Stipulation 6 can be modified without running afoul of the City's zoning ordinance. The stipulation very narrowly prohibits one type of illumination and removal of the stipulation would simply allow signs on the Site to feature internal illumination. This would be consistent with the design standards of the R-O zoning district, as well as the 44th Street Corridor Specific Plan, which do not feature any similar limitations on internal illumination. Further, sign illumination is allowed on the Site regardless, even if Stipulation 6 were not removed, emphasizing how minute an impact approving the modification would have.

Modification of Stipulation 6 to allow for internally illuminated signs would also be consistent with the recommendation of the Camelback East VPC, which recommended approval of the modification. The Camelback East VPC based its decision upon the fact that the signs are not noticeable and feature lighting that is not distracting. The Vice Chair of the Camelback East VPC noted that, compared to other similar signs in the area, these are "modest and in good taste." See **Exhibit 4** (VPC Meeting Summary). The VPC's recommendation reflects the current character of the 44th Street Corridor. In the thirty years since the 44th Street Corridor Residential Office Study's completion, the 44th Street corridor has become commercialized, rendering obsolete the provisions in the 44th Street Corridor Residential Office Study prohibiting internally illuminated signs. See **Exhibit 5** (Neighboring Signage for Commercial Uses) and **Exhibit 6** (Commercial Zoning Along the 44th Street Corridor).

To clarify the Site's zoning stipulations such that High Place can feature internal illumination in its signs depicted in **Exhibit 7**, in accordance with the Camelback East VPC's recommendation, we request that Stipulation 6 be modified as follows:

Z-39-21-6

6. ~~There shall be no internally lit signs on the site.~~ **SIGN ILLUMINATION SHALL NOT BE ALLOWED FROM 10:00 P.M. UNTIL SUNRISE. SIGNS SHALL BE IN GENERAL CONFORMANCE WITH THE APPLICATION DATED MARCH 11, 2026 TO INCLUDE BRIGHTNESS AND NUMBER OF SIGNS.** Signage shall be approved by the Planning and Development Department.

Approval of this modification would be of little to no impact to neighboring properties. The signs are already installed, already feature other types of illumination as permitted pursuant to the R-O zoning district and 44th Street Corridor Specific Plan, and are located on the side of the Site facing an arterial street rather than residential uses.

Please contact me (602-234-9913, ebull@bcattorneys.com) or Madison Leake (602-234-8791, mleake@bcattorneys.com) with any questions. Thank you for your help and consideration.

Very truly yours,

BURCH & CRACCHIOLO, P.A.

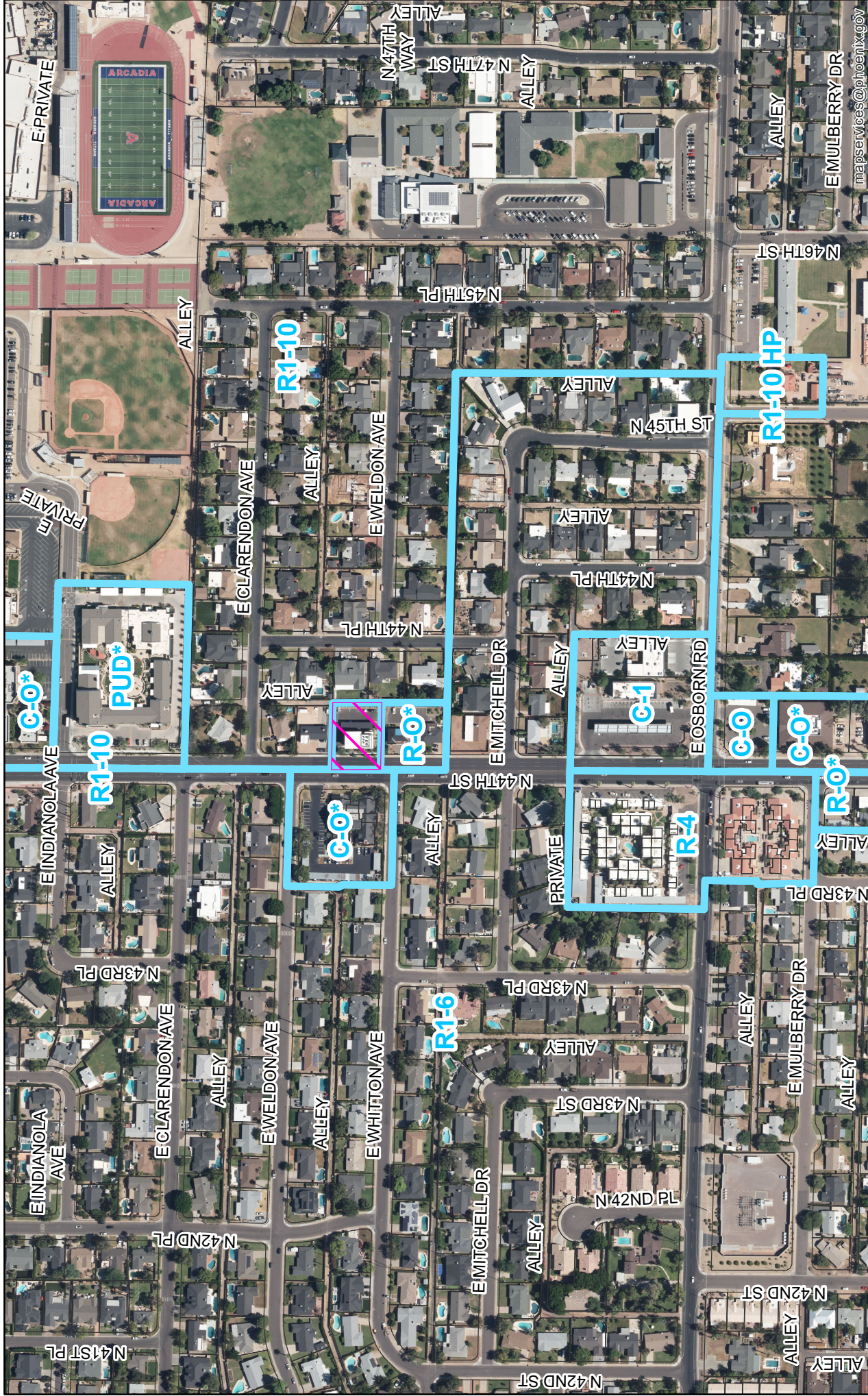
A handwritten signature in blue ink, appearing to read "Ed Bull", with a stylized flourish at the end.

Ed Bull

Madison Leake

For the Firm

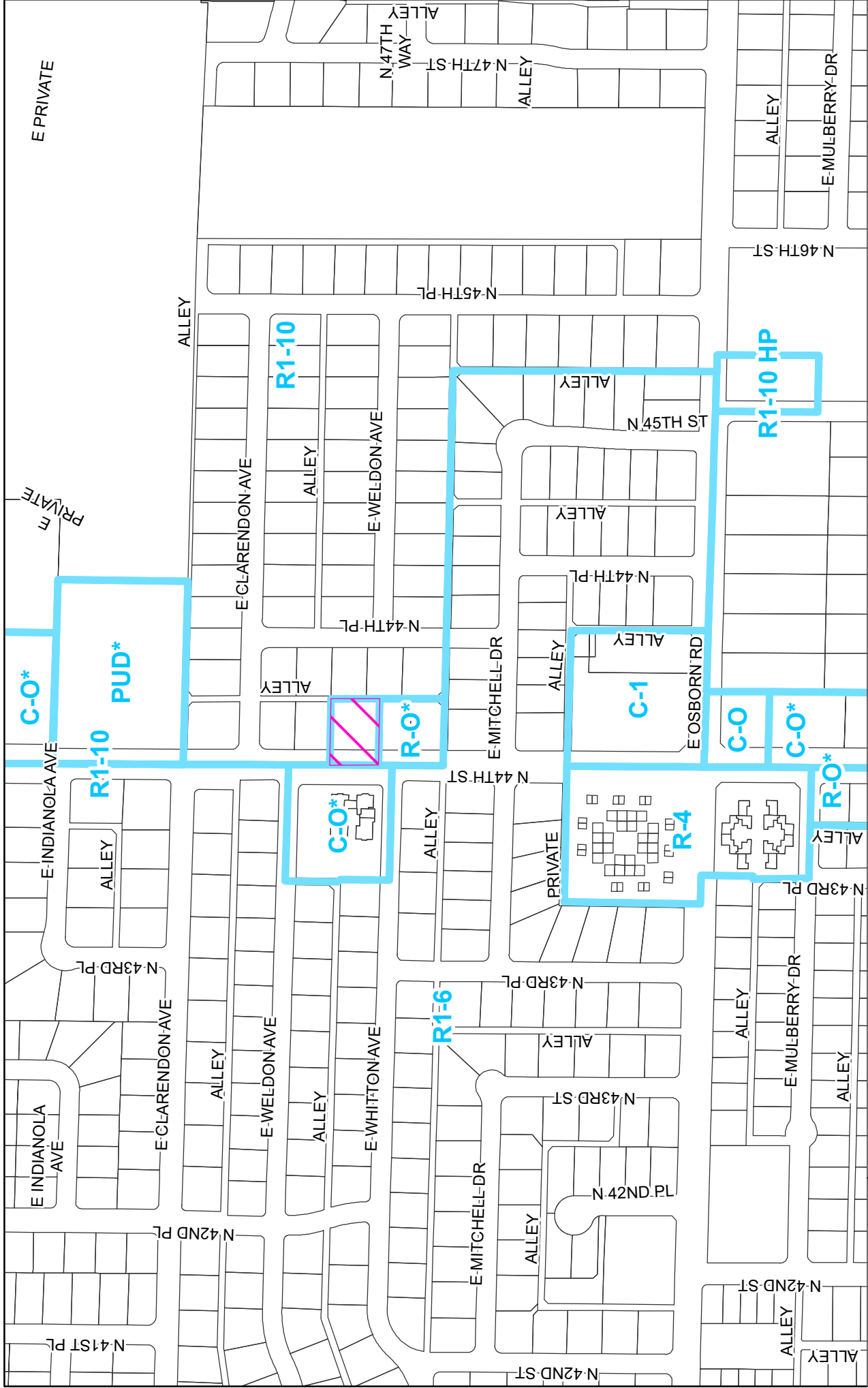
EXHIBIT C



PHO-1-26-Z-39-21-6

Property Location: Approximately 830 feet north of the northeast corner of 44th Street and Osborne Road

EXHIBIT D



Property Location: Approximately 830 feet north of the northeast corner of 44th Street and Osborne Road

PHO-1-26--Z-39-21-6

EXHIBIT E



City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

December 10, 2021

Rod Jarvis
Earl & Curley, P.C.
3101 North Central Avenue, Suite 100
Phoenix, Arizona 85012

Dear Applicant:

RE: Z-39-21-6 – Approximately 180 feet south of the southeast corner of 44th Street and Clarendon Avenue

Please be advised that the Phoenix City Council, in accordance with the provisions of Section 601 of the Zoning Ordinance, as amended, has on November 3, 2021, approved Zoning Ordinance # G-6908.

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

Sincerely,

Joshua Bednarek, LEED AP ND
Planning and Development Deputy Director

Attachment: Signed Ordinance

c: High Place Investments, LLC, 4322 N. 68th Pl., Scottsdale, AZ 85251
File
Tricia Gomes, PDD–Planning–Special Projects Administrator (Electronically)
Racelle Escolar, PDD–Planning–Planner III (Electronically)
Sofia Mastikhina, PDD–Planning–Village Planner (Electronically)
Ben Kim, PDD–GIS (Electronically)
Craig Mavis, PDD–Development (Electronically)

ORDINANCE G-6908

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-39-21-6) FROM R1-10 (SINGLE-FAMILY RESIDENCE DISTRICT) TO R-O (RESIDENTIAL OFFICE – RESTRICTED COMMERCIAL DISTRICT).

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX, as follows:

SECTION 1. The zoning of a 0.48 acre site located approximately 180 feet south of the southeast corner of 44th Street and Clarendon Avenue in a portion of Section 30, Township 2 North, Range 4 East, as described more specifically in Exhibit “A”, is hereby changed from “R1-10” (Single-Family Residence District) to “R-O” (Residential Office – Restricted Commercial District).

SECTION 2. The Planning and Development Director is instructed to modify the Zoning Map of the City of Phoenix to reflect this use district classification change as shown in Exhibit “B”.

SECTION 3. Due to the site’s specific physical conditions and the use district applied for by the applicant, this rezoning is subject to the following stipulations,

violation of which shall be treated in the same manner as a violation of the City of

Phoenix Zoning Ordinance:

1. The development shall be in general conformance with the elevations date stamped June 14, 2021, as modified by the following stipulations and approved by the Planning and Development Department.
2. The public sidewalk along 44th Street shall be detached with a landscape strip located between the sidewalk and back of curb following the most recent Cross Section of the Street Classification Map and planted to the following standards, as approved by the Planning and Development Department.
 - a. Minimum 2-inch caliper shade trees that provide a minimum 75 percent shade at maturity.
 - b. Drought tolerant vegetation maintained at a maximum mature height of 24 inches and achieve minimum 75 percent live coverage.
3. A minimum 20-foot landscape setback shall be required adjacent to 44th Street and shall include large canopy shade trees 20 feet on center or in equivalent groupings between the sidewalk and proposed site development, as approved by the Planning and Development Department. Twenty-five percent of the trees shall be minimum four-inch caliper and 75 percent of the trees shall be minimum three-inch caliper. Five, five-gallon shrubs per tree, and additional shrubs or live groundcover, shall provide minimum 75 percent live cover at mature size, as approved by the Planning and Development Department.
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6. There shall be no internally lit signs on the site. Signage shall be approved by the Planning and Development Department.
7. A minimum of four bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near building entrances and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.
8. Clearly defined, accessible pedestrian pathways shall be provided to connect building entrances and public sidewalks, using the most direct route for pedestrians, as approved by the Planning and Development Department.
9. Where pedestrian pathways cross drive aisles, they shall be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrast with the adjacent parking and drive aisle surfaces, as approved by the Planning and Development Department.
10. Trees shall be placed to provide 75 percent shade coverage on all pedestrian paths and sidewalks at full maturity, as approved by the Planning and Development Department. Shade structures may be used to meet the shade requirement in places where trees are unable to be located.
11. The developer shall record a cross-access agreement for any shared access drives along 44th Street.
12. The developer shall dedicate a 10-foot sidewalk easement and construct a minimum 5-foot-wide sidewalk and landscape strip along 44th Street, as approved by the Planning and Development Department.
13. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with the current ADA Guidelines.
14. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.

15. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 Waiver of Claims form. The Waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for the record.

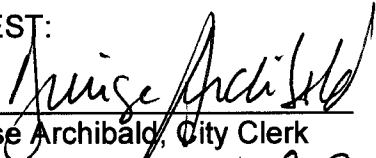
SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 3rd day of November, 2021.



MAYOR

ATTEST:


Denise Archibald, City Clerk
11.18.2021

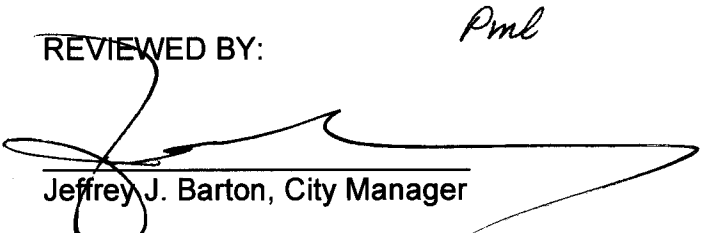
APPROVED AS TO FORM:
Cris Meyer, City Attorney



By:


Acting Chief Counsel

REVIEWED BY:


Jeffrey J. Barton, City Manager

Exhibits:

- A – Legal Description (1 Page)
- B – Ordinance Location Map (1 Page)

PL:tml:LF21-2599:3-2021:2286503v1

EXHIBIT A

LEGAL DESCRIPTION FOR Z-39-21-6

TRACT 'A' OF RANCHO VENTURA PER MCR 60-37
3609 N. 44TH STREET, PHOENIX, AZ 85018

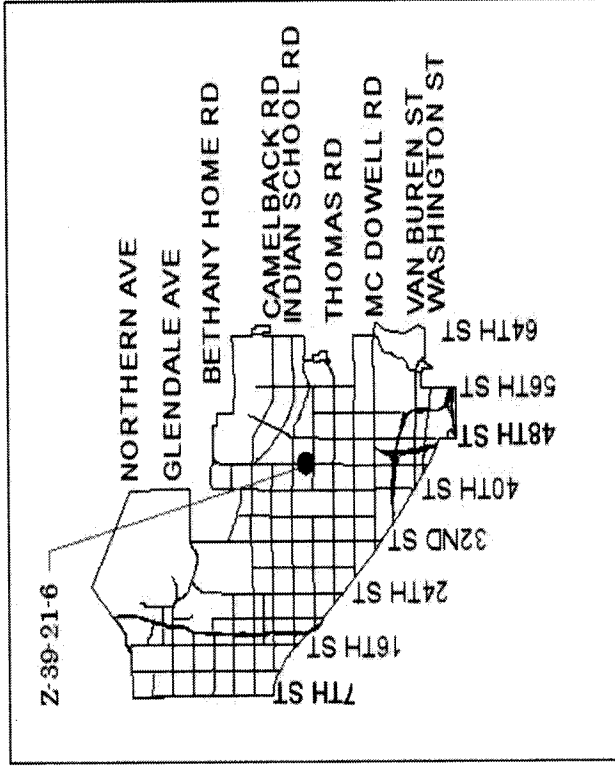
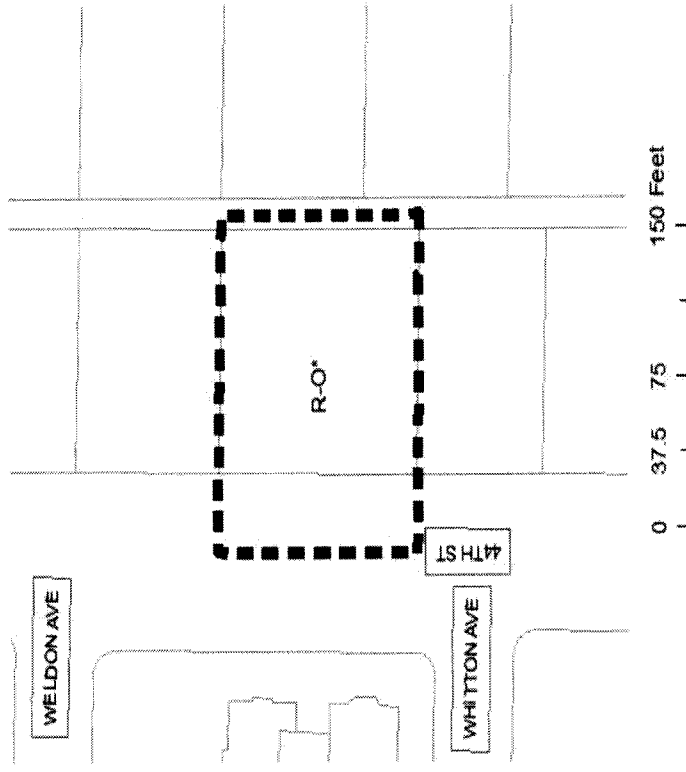
SITUATED IN SECTION 30, T.2N., R.4E., OF THE G&S.R.B.&M.,
CITY OF PHOENIX, MARICOPA COUNTY, ARIZONA

ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA: - - - - -

Zoning Case Number: Z-39-21-6
Zoning Overlay: N/A
Planning Village: Camelback East



NOT TO SCALE



Drawn Date: 9/30/2021

\\onapd\dd\Shared\Department Share Information Systems\PL GIS\IS_Team\Core_Functional\Zoning\SuppMaps_Ord\Map2021\Ord511-3-21\Z39-21-6.mxd

EXHIBIT F

REPORT OF PLANNING HEARING OFFICER ACTION
Byron Easton, Planner III, Hearing Officer
Logan Zappolo, Planner I, Assisting

May 20, 2026

ITEM NO: 2	
	DISTRICT NO. 6
SUBJECT:	
Application #:	PHO-1-26--Z-39-21-6
Location:	Approximately 830 feet north of the northeast corner of 44th Street and Osborne Road
Zoning:	R-O
Acreage:	0.48
Request:	1) Modification of Stipulation 6 regarding illuminated signs.
Applicant:	Edwin Bull, Burch & Cracchiolo, P.A.
Owner:	Brent Nardechchia, High Place Properties, LLC.
Representative:	Edwin Bull, Burch & Cracchiolo, P.A.

ACTIONS:

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended denial.

Village Planning Committee (VPC) Recommendation: The Camelback East Village Planning Committee heard this request on May 5, 2026 and recommended approval with a modification by a vote of 13-3.

DISCUSSION:

Ed Bull, representative of Burch & Cracchiolo P.A, presented on behalf of High Place Mortgage, the owner and operator of the subject site. Mr. Bull overviewed his request to modify Stipulation 6 regarding internally lit signs. He explained the stipulation specifically addresses internally lit signs, which does not prohibit signs or illuminated signs on site. Mr. Bull stated both the wall sign and monument signs are approved through sign permits. He added the wall sign has been approved with halo illumination and is positioned behind the landscaping along 44th Street which mitigates the impact. Mr. Bull presented the monument sign and stated the sign was approved with no illumination. He added he does not know why the wall sign was permitted with illumination and the monument sign was approved without illumination. Mr. Bull highlighted the differences between internally lit, indirectly lit, and illuminated signs as defined in the Zoning Ordinance. He explained there are no prohibitions against signs or illuminated signs in either the 44th Street Corridor Specific Plan or the R-O zoning district.

He added the office study includes a suggestion against illuminated signs; however, the office study was never adopted by City Council. Mr. Bull explained during the Camelback East Village Planning Committee, members were in favor of the sign design and added the general guideline in the office study was intended for larger plastic façade signs rather than halo illumination. He added his client has shut off the signs while they process the stipulation modification through PHO. Mr. Bull explained the recommended stipulation implemented by the Camelback East Village Planning Committee, adding a time limitation and general conformance stipulation to the documents presented during the hearing. Mr. Bull requested approval of the request and stated he agrees with the stipulation recommended by the Village Planning Committee.

Byron Easton, Planning Hearing Officer, called on Neal Haddad, a member in opposition to speak on the case.

Neal Haddad, a member in opposition with the Arcadia Osborn Neighborhood Association, began by explaining the original rezoning case to rezone a Single-Family Residential parcel to Residential Office. He added the portion of 44th Street in question has residential properties on both sides of 44th Street. Mr. Haddad explained the building itself is quite large and there is not a residential property that looks like this building. He added in exchange for the building mass, the neighborhood and applicant at the time agreed to the stipulation in question to protect the surrounding residential character. Mr. Haddad added the current stipulation does not allow them to turn off the sign at a certain time or dim the light past a certain time; it strictly prohibits internally lit signs. He expressed concern that typically with stipulation modifications or deletions through PHO there needs to be some kind of change to the site that requires the stipulation to be modified. He added on the subject site there have been no changes to the site that would constitute stipulation modification. Mr. Haddad added the Office Study was the work done by the Village to create general guidelines alongside decisions the city should make, including prohibiting internally lit signage. He concluded his opposition with a request to deny the modification since the village previously implemented guidelines and stipulations to prohibit the proposed type of signage.

Mr. Easton called on Mr. Bull to respond.

Mr. Bull stated a rezoning approval and resulting stipulation is not a contract, but rather a public hearing process. He added the PHO process is the proper channel to modify this stipulation of the existing rezoning case. Mr. Bull stated the impact of the sign on the surrounding neighbors is mitigated by the landscaping. He added the design is tasteful, non-glaring, and does not impede into surrounding residential properties. Mr. Bull stated there has been significant change within the 44th Street Corridor in the past 5 years. He highlighted the property to the south of the subject site has permitted signs with illumination. Mr. Bull added the Village has modified the stipulation further to protect the

surrounding neighbors and explained the internal lit signage is less impactful than the externally lit signage that would be allowed on site.

Mr. Easton called on Crystal DeVelis, a member in opposition.

Ms. DeVelis stated she is the neighbor located to the southwest of the subject site and added she has had numerous conversations with the owner and representative for this case. She added that her observation of the site began when stadium lighting was installed on the balcony of the building. At that time, she contacted the owner and the lights were turned off. Ms. DeVelis stated she then noticed the illuminated wall and monument signs to which she pulled the permits for and stated both signs were approved; however, no zoning designation was included in the sign permits. She agreed the signs were designed well and not intrusive to the surrounding neighbors and added she is less concerned about the current signage rather than future signage on the site if the stipulation was modified. Ms. DeVelis added that during conversations with Mr. Bull's office, she asked why they don't go through a use permit process for approval. She added that at the Village Planning Committee meeting, Mr. Bull stated the Use Permit was not an option. She added the subject signs are located within 60 feet of a single-family residential use and therefore would require a Use Permit for approval per Zoning Ordinance Section 705.C.6.d.

Mr. Easton asked Ms. DeVelis where her property is in relation to the subject site.

Ms. DeVelis stated she is located southwest of the subject site on the opposite side of 44th Street. She added she is concerned about the future of the property, as the next owner may not be easy to work with and could diminish the value of the surrounding properties.

Mr. Easton called on Mr. Bull to respond.

Mr. Bull confirmed that Ms. DeVelis and his team had conversations regarding a possible Use Permit to allow the sign rather than modifying the rezoning stipulation. He stated he met with the Zoning Administrator who explained there are no Temporary Use Permits for a sign like this. He added it was confirmed the PHO was the proper avenue to modify the stipulation to allow for the internally lit sign. Mr. Bull presented the stipulation recommended by the Village Planning Committee and highlighted the general conformance stipulation. He stated that through the general conformance language, any new signs that are not within general conformance to the documents presented during this hearing would need to go through the PHO process to modify the signage on site.

Mr. Easton cited Section 705.C.6.d as referenced by Ms. DeVelis and asked for clarification of Mr. Bull's statement that a Use Permit cannot be pursued for an illuminated sign.

Mr. Bull stated the request from Ms. DeVelis regarding the Use Permit was intended to understand the process, if a new owner came through how could these internally illuminated signs be unique to High Place Mortgage? He added during conversations with the Zoning Administrator there was no process for this.

Mr. Easton stated that Section 705.C.6.d states that a Use Permit would be required for any illuminated sign within 60 feet of a residential zoning district whether the sign is internally illuminated, directly illuminated, or indirectly illuminated. Based on the current location of the sign, which looks to be within 60 feet of residential zoning/use to the north, the sign would require a Use Permit to be illuminated. He added through the use permit process, the stipulation modifications presented from the Village, such as the time constraint could possibly be addressed. Mr. Easton stated through the PHO process a time stipulation would not be applicable as a rezoning stipulation as it is contradictory to the Zoning Ordinance. Mr. Easton added Mr. Bull was correct in saying he can illuminate the sign, the stipulation just prohibits internal illumination. He added that indirect or direct illumination would be permitted, as long as the sign was more than 60 feet from a residentially zoned property. He added, in addition to Ms. DeVelis and Mr. Haddad, he received an email in strong opposition to the sign, highlighting the business is a daytime business, and would not need to be illuminated at night. Mr. Easton recommended denial of the request and added the mortgage company may have a tasteful sign, however, if the stipulation is deleted the next tenant would be allowed to install an internally lit sign, if it is placed more than 60 feet from a residentially zoned parcel. He noted that a Use Permit would be required if placing the sign within 60 feet of said property. He added the Camelback East Village Planning Committee heard the request on May 5, 2026, and recommended approval of the modification by vote of 13-3.

FINDINGS:

- 1) The request to modify Stipulation 6 to limit illumination from 11:00 p.m. to sunrise is recommended to be denied. This recommendation is intended to retain the stipulation but also to provide a path forward for the applicant to pursue the appropriate approvals required to construct a sign per Section 705.C.6.d that states that a Use Permit would be required for any illuminated sign within 60 feet of a residential zoning district whether the sign is directly illuminated or indirectly illuminated. By retaining the stipulation as written, the applicant would only be prohibited from placing an internally illuminated sign on site.

Since the approval of the original rezoning case in 2021, the land use pattern along the 44th Street Corridor has continued to develop with commercial uses that largely coexist with residential uses and illuminated signs are utilized. However, based on the desire of surrounding property owners, a specific stipulation prohibiting internally illuminated signs was approved by the Phoenix City Council during the original rezoning of this

site. Several members of the public voiced their opposition during the PHO process and spoke at the VPC and PHO hearings. Their main concern is that if Stipulation 6 is modified or removed, future developers will have the ability to install internally illuminated signs on the site. I believe as previously detailed; the applicant has a path to directly or indirectly illuminate their signs but shall be prohibited from internally illuminated signs as stated in the original zoning stipulation.

STIPULATIONS:

1.	The development shall be in general conformance with the elevations date stamped June 14, 2021, as modified by the following stipulations and approved by the Planning and Development Department.	
2.	The public sidewalk along 44th Street shall be detached with a landscape strip located between the sidewalk and back of curb following the most recent Cross Section of the Street Classification Map and planted to the following standards, as approved by the Planning and Development Department.	
	a.	Minimum 2-inch caliper shade trees that provide a minimum 75 percent shade at maturity.
	b.	Drought tolerant vegetation maintained at a maximum mature height of 24 inches and achieve minimum 75 percent live coverage.
3.	A minimum 20-foot landscape setback shall be required adjacent to 44th Street and shall include large canopy shade trees 20 feet on center or in equivalent groupings between the sidewalk and proposed site development, as approved by the Planning and Development Department. Twenty-five percent of the trees shall be minimum four-inch caliper and 75 percent of the trees shall be minimum three-inch caliper. Five, five-gallon shrubs per tree, and additional shrubs or live groundcover, shall provide minimum 75 percent live cover at mature size, as approved by the Planning and Development Department.	
4.	A minimum 4-foot landscape setback shall be required along the eastern property line. This setback shall be planted with minimum 8-foot-tall shrubs or plants to provide a tall vegetative buffer from adjacent single-family residences to the east, as approved by the Planning and Development Department.	
5.	All uncovered surface parking lot areas shall be landscaped with minimum 2-inch caliper drought-tolerant shade trees. Landscaping shall be dispersed throughout the parking area and achieve 25 percent shade	

	at maturity, as approved by Planning and Development Department. Shade may be provided with a combination of trees and structural shade.
6.	There shall be no internally lit signs on the site. Signage shall be approved by the Planning and Development Department.
7.	A minimum of four bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near building entrances and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.
8.	Clearly defined, accessible pedestrian pathways shall be provided to connect building entrances and public sidewalks, using the most direct route for pedestrians, as approved by the Planning and Development Department.
9.	Where pedestrian pathways cross drive aisles, they shall be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrast with the adjacent parking and drive aisle surfaces, as approved by the Planning and Development Department.
10.	Trees shall be placed to provide 75 percent shade coverage on all pedestrian paths and sidewalks at full maturity, as approved by the Planning and Development Department. Shade structures may be used to meet the shade requirement in places where trees are unable to be located.
11.	The developer shall record a cross-access agreement for any shared access drives along 44th Street.
12.	The developer shall dedicate a 10-foot sidewalk easement and construct a minimum 5-foot-wide sidewalk and landscape strip along 44th Street, as approved by the Planning and Development Department.
13.	The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with the current ADA Guidelines.
14.	In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City

	Archaeologist, and allow time for the Archaeology Office to properly assess the materials.
15.	Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 Waiver of Claims form. The Waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for the record.

Upon request, this publication will be made available within a reasonable length of time through appropriate auxiliary aids or services to accommodate an individual with a disability. This publication may be made available through the following auxiliary aids or services: large print, Braille, audiotape or computer diskette. To request a reasonable accommodation, please contact Saneeya Mir

EXHIBIT G

Village Planning Committee Meeting Summary PHO-1-26--Z-39-21-6

Date of VPC Meeting	May 5, 2026
Date of Planning Hearing Officer Hearing	May 20, 2026
Proposal	Request to modify stipulation number 6 regarding illuminated signs.
Location	Approximately 830 feet north of the northeast corner of 44th Street and Osborn Road
VPC Recommendation	Approval, with modifications
VPC Vote	13-3

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

Committee Members Guevar and Jurayeva joined the meeting during this item, bringing quorum to 17 members. Committee Member Jurayeva left the meeting during this item, bringing quorum to 16 members.

Two members of the public registered to speak on this item, in opposition.

STAFF BACKGROUND PRESENTATION

Anthony Grande, staff, provided a presentation summarizing the surrounding context, the proposed signage, and the proposed stipulation modifications.

APPLICANT PRESENTATION

Ed Bull, representing the applicant with Burch & Cracchiolo, P.A., provided a presentation summarizing the site and surrounding context, the proposed stipulation modification, and the proposed sign illumination, noting the differences between internal, direct, and indirect illumination.

QUESTIONS FROM COMMITTEE

Committee Member Siegel asked about the color of the light, noting that it looked blue in the photo. **Mr. Bull** replied that it is white light.

Committee Member Sharaby stated that the signs are not very noticeable, noting that a requirement to turn off the signs at 10:00 p.m., rather than 11:00 p.m., would be preferred. **Mr. Bull** replied that the applicant has no concerns with the 10:00 time.

Committee Member Whitesell asked whether the 44th Street Corridor Specific Plan is a Council-adopted plan. **Mr. Bull** replied that it is. **Mr. Whitesell** asked why select pages from the plan were included in the packet. **Mr. Bull** stated that the packet included background information about the purpose of the plan. **Mr. Whitesell** asked if any of the example photos given in the packet were of signs in R-O districts. **Mr. Bull** replied that the photos may include some R-O districts, but the purpose of the photos is to demonstrate there are a variety of commercial signs along the corridor, noting that the R-O zoning district does not prohibit illuminated signs.

Committee Member Guevar asked for clarification on the color temperature and the lumens. **Mr. Bull** stated he did not have that information available, and that it is not referenced in the study. **Mr. Grande** clarified that color temperature is not referenced in the 44th Street Corridor Residential Office Study.

Committee Member Todd stated that the signage is one of the more sensitive designs in the area, and he didn't find the lighting to be distracting.

Committee Member McClelland asked about the difference between regulatory and non-regulatory plans. **Mr. Grande** replied that regulatory Specific Plans provide enforceable rules, similar to a zoning overlay, while non-regulatory plans simply provide policy guidance for rezoning cases.

PUBLIC COMMENTS

Crystal DeVelis introduced herself and spoke in opposition to the request, stating that the monument sign in question is visible from her window and that the community was assured during the rezoning process about the R-O zoning and the enhancements agreed to by the developer, highlighting the illuminated sign restriction in the 44th Street Corridor Residential Office Study that the neighbors felt provided protection for them.

Neal Haddad introduced himself as a member of the Arcadia Osborn Neighborhood Association and spoke in opposition to the request, stating that the stipulations in the rezoning were agreed to in exchange for allowing commercial activity on what had been a residential lot and that the developer is walking back on a commitment made to the neighborhood, adding that the question should be whether anything has changed since 2021 to justify this change in the stipulation.

Chair Fischbach asked if Mr. Haddad agreed that the applicant is doing this the right way by going through a PHO process. **Mr. Haddad** stated that this was an agreement made with the community, and the question is whether we can chip away at that agreement over time.

APPLICANT RESPONSE

Mr. Bull stated that the PHO is the correct process for this after speaking with City staff, that the applicant is proposing a tasteful, non-invasive sign package, that enhanced landscaping is in place due to the rezoning, that external illumination is not precluded by

the stipulation, and that the lights are not shining into any neighboring property, suggesting that the Committee may consider requiring general conformance to the signs presented in the application.

Committee Member Williams asked about the purpose of the stipulation in question. **Mr. Bull** speculated that there was a certain type of sign that was considered objectionable at that time.

Committee Member Siegel asked if there would be additional tenants that would be added to the sign. **Mr. Bull** replied that the applicant's business uses the entire building, and there would be no additional tenants.

Committee Member Guevar asked if we can stipulate brightness or color temperature, suggesting limiting the temperature to 3,000K to 4,000K to avoid blue light. **Committee Member Siegel** provided additional clarity about how color temperature makes the light more intense such as in the Committee room or an operating room.

Committee Member Sharaby stated he is not as concerned with brightness, but would rather see a stipulation limiting the signs to what's there today.

Committee Member Swart stated that a stipulation could be added to prohibit any additional names to be added to the sign. **Mr. Bull** stated the applicant has no concerns with that. **Chair Fischbach** noted that would be accomplished with the general conformance stipulation.

Committee Member Whitesell asked if there were other lights projecting onto the building. **Mr. Bull** stated that the only additional lighting is landscape accent lighting.

Chair Fischbach stated that the Committee should focus on the lighting for the signage relevant to the stipulation in question, adding that lumen counts and other measures are somewhat relative and not typically used; therefore, the Committee should focus on stipulation language that is practical.

MOTION:

Committee Member Jurayeva made a motion to recommend approval of PHO-1-26--Z-39-21-6 with the modifications that "11:00" be replaced with "10:00" and that a sentence is added stating "Signs shall be in general conformance with the application dated March 11, 2026 to include brightness and number of signs." **Committee Member Baumer** seconded the motion.

DISCUSSION:

Committee Member Whitesell asked if the signs are conforming to Section 705 of the Zoning Ordinance. **Mr. Grande** replied that one of the signs was permitted with internal illumination, which should not be permitted due to the stipulation, but there is no reason to believe the signs are otherwise in violation of the zoning.

Committee Member Whitesell stated a concern that this is becoming more of a commercial property than an R-O property, noting that the R-O district comes with limitations in the zoning, and stated a concern about the impacted neighbor, adding that it erodes trust in the City and this Committee when agreements and stipulations are not honored.

Vice Chair Paceley provided additional background, adding that businesses want people to see their signs and that by comparison this sign is modest and in good taste.

VOTE:

13-3; motion to recommend approval of PHO-1-26--Z-39-21-6 with modifications passed; with Committee Members Augusta, Baumer, Cantelme, Eichelkraut, Garcia, Guevar, Langmade, McClelland, Sharaby, Swart, Todd, Paceley, and Fischbach in favor; Committee Members Siegel, Whitesell, and Williams opposed.

Recommended Stipulations:

1. The development shall be in general conformance with the elevations date stamped June 14, 2021, as modified by the following stipulations and approved by the Planning and Development Department.
2. The public sidewalk along 44th Street shall be detached with a landscape strip located between the sidewalk and back of curb following the most recent Cross Section of the Street Classification Map and planted to the following standards, as approved by the Planning and Development Department.
 - a. Minimum 2-inch caliper shade trees that provide a minimum 75 percent shade at maturity.
 - b. Drought tolerant vegetation maintained at a maximum mature height of 24 inches and achieve minimum 75 percent live coverage.
3. A minimum 20-foot landscape setback shall be required adjacent to 44th Street and shall include large canopy shade trees 20 feet on center or in equivalent groupings between the sidewalk and proposed site development, as approved by the Planning and Development Department. Twenty-five percent of the trees shall be minimum four-inch caliper and 75 percent of the trees shall be minimum three-inch caliper. Five, five-gallon shrubs per tree, and additional shrubs or live groundcover, shall provide minimum 75 percent live cover at mature size, as approved by the Planning and Development Department.
4. A minimum 4-foot landscape setback shall be required along the eastern property line. This setback shall be planted with minimum 8-foot-tall shrubs or plants to provide a tall vegetative buffer from adjacent single-family residences to the east, as approved by the Planning and Development Department.

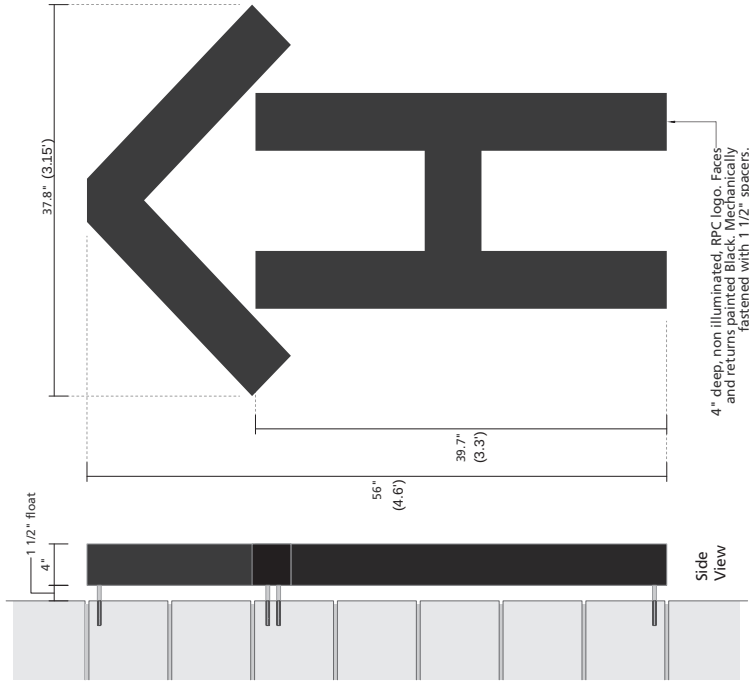
5. All uncovered surface parking lot areas shall be landscaped with minimum 2-inch caliper drought-tolerant shade trees. Landscaping shall be dispersed throughout the parking area and achieve 25 percent shade at maturity, as approved by Planning and Development Department. Shade may be provided with a combination of trees and structural shade.
6. ~~There shall be no internally lit signs on the site.~~ SIGN ILLUMINATION SHALL NOT BE ALLOWED FROM 11:00 **10:00** P.M. UNTIL SUNRISE. **SIGNS SHALL BE IN GENERAL CONFORMANCE WITH THE APPLICATION DATED MARCH 11, 2026 TO INCLUDE BRIGHTNESS AND NUMBER OF SIGNS.** Signage shall be approved by the Planning and Development Department.
7. A minimum of four bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near building entrances and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.
8. Clearly defined, accessible pedestrian pathways shall be provided to connect building entrances and public sidewalks, using the most direct route for pedestrians, as approved by the Planning and Development Department.
9. Where pedestrian pathways cross drive aisles, they shall be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrast with the adjacent parking and drive aisle surfaces, as approved by the Planning and Development Department.
10. Trees shall be placed to provide 75 percent shade coverage on all pedestrian paths and sidewalks at full maturity, as approved by the Planning and Development Department. Shade structures may be used to meet the shade requirement in places where trees are unable to be located.
11. The developer shall record a cross-access agreement for any shared access drives along 44th Street.
12. The developer shall dedicate a 10-foot sidewalk easement and construct a minimum 5-foot-wide sidewalk and landscape strip along 44th Street, as approved by the Planning and Development Department.
13. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with the current ADA Guidelines.
14. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.

15. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 waiver of claims form. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for the record.

STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:

Staff has no comments.

EXHIBIT H



Building Mounted Sign
scale: 1" = 1'-0"

14.7 SF

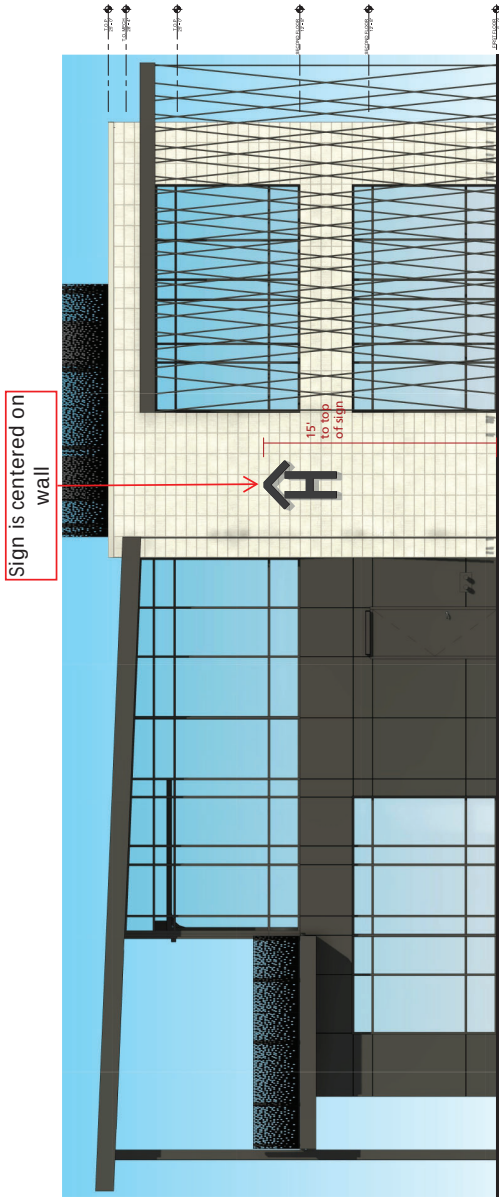


EXHIBIT I

CITY OF PHOENIX

APR 02 2026

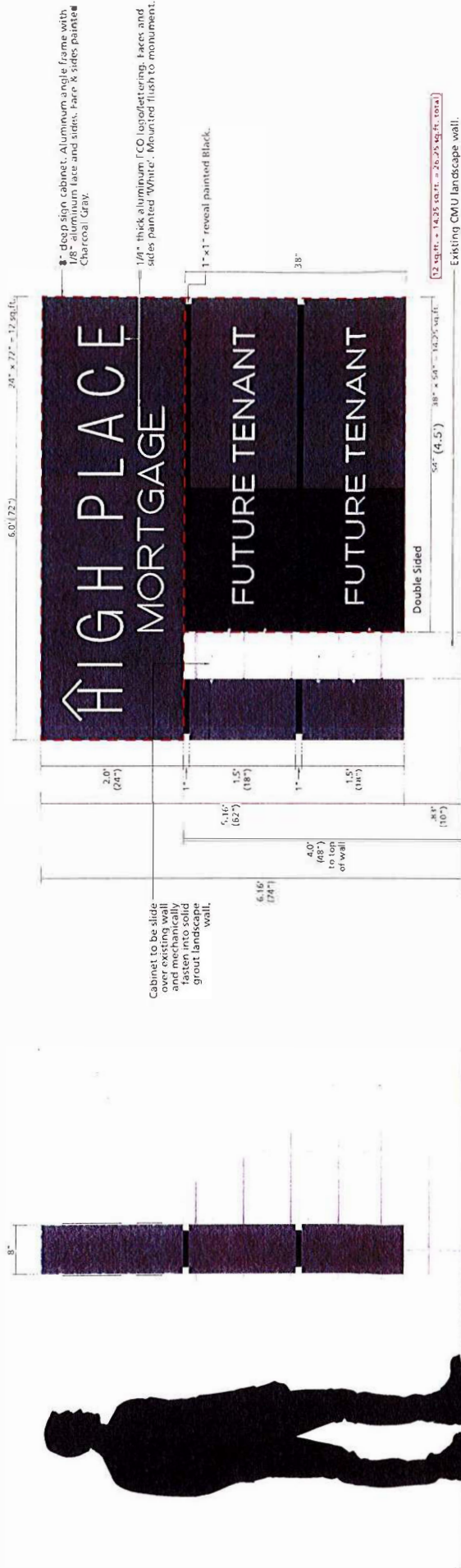
Planning & Development
Department

APPROVED DESIGN
REVIEW

City of Phoenix Development Services Department
#231623

USO Tracking Number

[Signature]
12/23/23



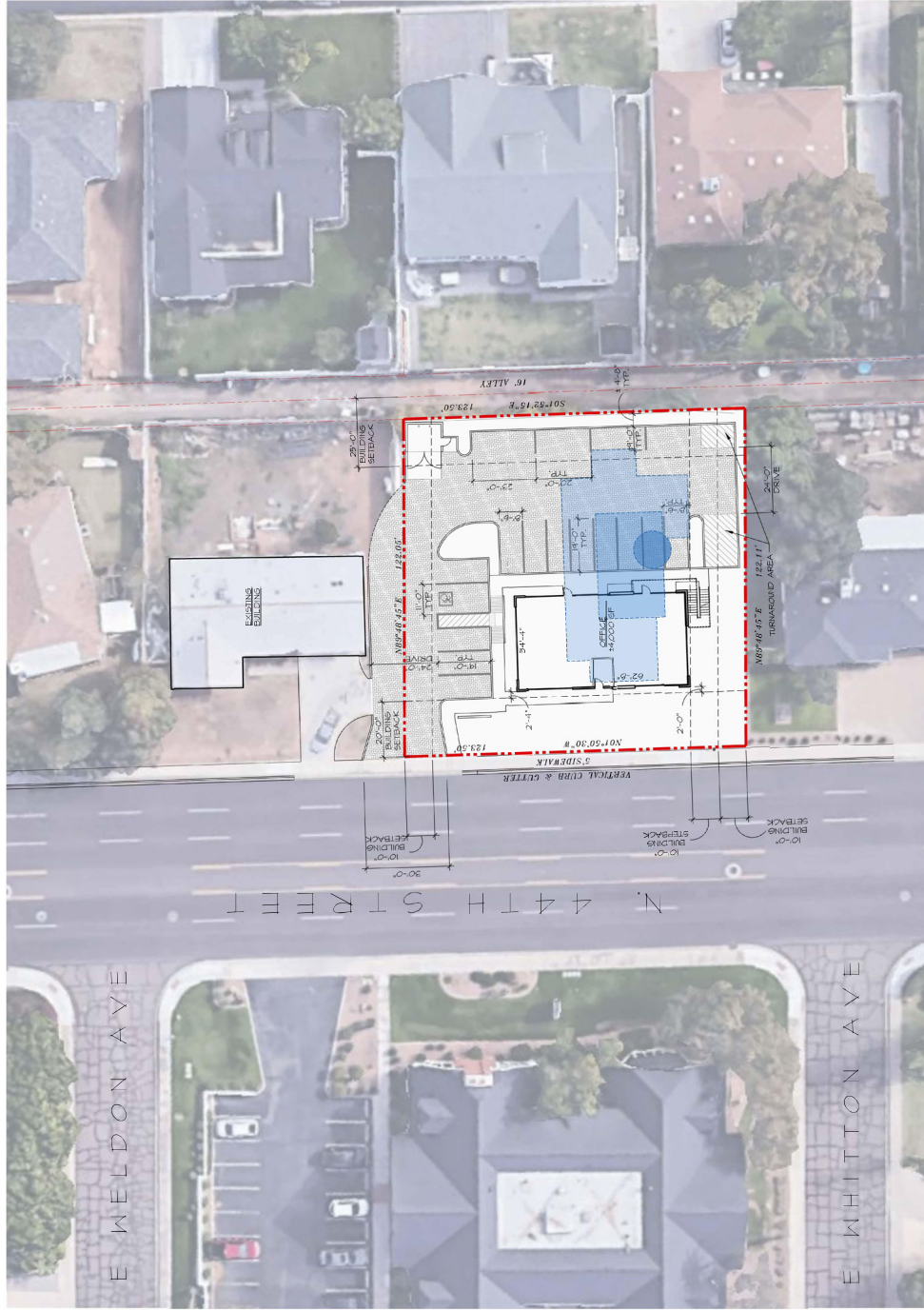
Tenant Monument Sign
Scale: 3/8" = 1'-0"

 Cari Lynn Williams, Manager / Engineer 4800 N. 44th St., Suite 100 Phoenix, AZ 85018 480.968.8097 / 480.968.8045 (F) cwilliams@phoenix.gov	3609 N 44th St. Phoenix, AZ	NOTES: Approved By: _____ Date: _____	TRC RW	High Place Mortgage Monument Sign	11.20.23
					PAGE 1

EXHIBIT J



CONCRETE PAVES



CONCEPTUAL SITE PLAN
SCALE: 1/8" = 1'-0"



1648 N. 44th St. #200 Phoenix, AZ 85008
480.932.8585
www.pinnacle.com

3609 NORTH 44TH ST
PHOENIX, ARIZONA 85018

CONCEPTUAL SITE PLAN

PROJECT	DATA
SITE AREA	1.35 AC
BUILDING SF	4,400 SF
COVERED PARKING	11 SPACES
PARKING PROVIDED	16 (1750 SF)
PROJECT #	21-028-0
DATE	5/20/21

~~CITY OF PHOENIX~~

~~JUN 14 2021~~

~~Planning & Development
Department~~

CITY OF PHOENIX

APR 02 2026

Planning & Development
Department

PHO-1-26--Z-39-21-6

Proposed Conceptual Site Plan

Hearing Date: May 20, 2026

EXHIBIT K



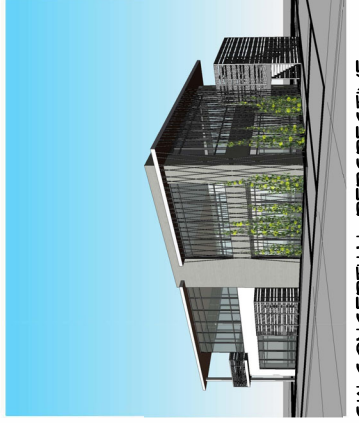
NW CONCEPTUAL PERSPECTIVE



NE CONCEPTUAL PERSPECTIVE



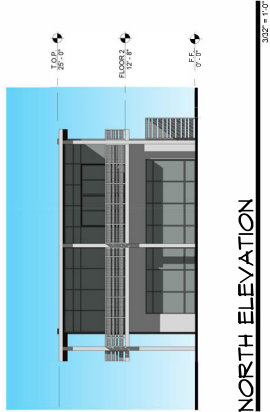
SE CONCEPTUAL PERSPECTIVE



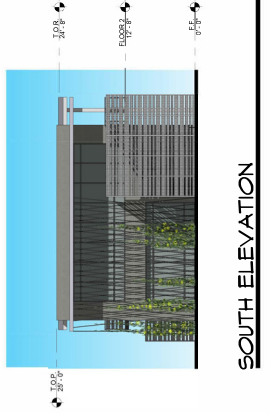
SW CONCEPTUAL PERSPECTIVE



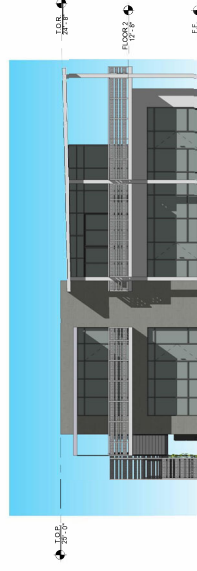
WEST ELEVATION



NORTH ELEVATION



SOUTH ELEVATION



EAST ELEVATION

EXHIBIT L



City of Phoenix
Planning And Development Department

SIGN PERMIT

COMPLETED

To find out about Phoenix construction code adoption news and to research your permits or projects, please visit <http://www.phoenix.gov/PDD>

Permitted Building Construction hours are (non-Holiday weekdays):
6:00 a.m. and 7:00 p.m. from May 1 to September 30
7:00 a.m. and 7:00 p.m. from October 1 to April 30

200 West Washington Street

Phoenix, Arizona 85003

General Information 602-262-7811 Before you start to dig, call Blue Stake 602-263-1100

STATUS: DONE

POST THIS PERMIT ON JOB SITE

Permit # **SGNP 209756**

Issued 20-NOV-2023

Expires 18-MAY-2024

Permit Description HIGH PLACE MORTGAGE

Project 23-1869

Address 3609 N 44TH ST PHOENIX AZ 85018-6023

Zoning

L * B * RANCHO VENTURA TRACT NO 22

Q S Q16-38

APN 127-08-115

Suite

Dist 06

Description/Scope of Work:

COMMERCIAL SIGN APPLICATION REVIEW

DESCRIPTION OF WORK: COMMERCIAL STD SIGN REVIEW. SIGN IS DESCRIBED AS FOLLOWS:

QTN SIZE TOP T SQRF C I AMPS ECOMP USE Sign copy or desc

A 1 4.5x3.16 15 W 14.7 M ****N/A***** B LOGO H (W)

Construction

Cassion Support Columns

A NON ILL-PCL

SPECIAL STIPULATIONS:

1. No sign shall occupy or project into public property/easements.
2. The sign permit decal issued with this permit must be affixed to the sign included on the permit application at the time of completion.
3. A final inspection, including electrical where applicable, is required.
4. Illumination for all directly illuminated on premise signs and outdoor advertising signs exceeding 301 square feet must conform to City Code 23-100 and Phoenix Zoning/Sign ordinance.
5. This sign permit does not authorize occupancy. Any use of premises shall be subject to a valid Certificate of Occupancy.

All sign permits require a sign final inspection! Call 602-495-0800 or go online to www.phoenix.gov/BUSINESS to schedule an inspection. Click "Request or cancel a building inspection." Use request code 814 for sign final inspections. Use request code 815 for footing inspections. Illuminated signs require an electrical inspection. Use inspection code 380 for sign electrical inspections. Note the confirmation number for each inspection requested.

Scope Text = Install (1) wall sign - 4" deep, halo illuminated reverse pan channel "H" logo, 4.6' x 3.15', 14.7 SF, internally illuminated with RGBW LED's, mechanically fastened to wall with 1.5" float.

Valuation: \$0

Owner Information

Email

Name HIGH PLACE PROPERTIES LLC

Fax

Address 10601 N HAYDEN RD STE I-100 SCOTTSDALE AZ 85260 Phone

Certificate of
Occupancy Type: **COFC**

Contractor Information

Type GEN

Contact Phone 966-6565

Name AIRPARK SIGNS % GRAPHICS

Ins

Exp

Address 102 S RIVER DR. #101

City/St/Zip TEMPE AZ 85281

Phone FAX 966-5668

Instructions and Comments

Web Insp Key 3236342

Permit Issued By ADU1

Entered By ADA2

Permit Categories:

Inspections Required: SIGN

Call 602-495-0800 or go online to www.phoenix.gov/BUSINESS before 8PM to request for a next day inspection

NOTICE - This permit authorizes the above described work to be done in accordance with the approved plans and all applicable City codes and ordinances. Plan approval and permit issuance does not authorize violation of any city code or ordinance. The contractor(s) doing the work and the property owner or tenant/occupant authorizing the work are all legally responsible for complying with all codes and ordinances. By applying for this permit, I am requesting and hereby consent to periodic inspections of the above referenced project in accordance with Arizona Revised Statutes, Title 9, Chapter 7, Article 4. This permit shall expire on the expiration date printed above. Work after this time or beyond the scope of this permit requires a new supplemental permit. This permit can be suspended or revoked for failing to follow the approved plans or for violation of any City code or ordinance. Work within the public right-of-way shall comply with all City standard details and specifications. The contractor is responsible for maintaining streets and sidewalks safe and usable at all times. All barricades shall be approved in advance and shall comply with the City Traffic Barricade Manual.

EXHIBIT M



City of Phoenix
Planning And Development Department

SIGN PERMIT

COMPLETED

To find out about Phoenix construction code adoption news and
to research your permits or projects, please visit
<http://www.phoenix.gov/PDD>

Permitted Building Construction hours are (non-Holiday weekdays):
6:00 a.m. and 7:00 p.m. from May 1 to September 30
7:00 a.m. and 7:00 p.m. from October 1 to April 30

200 West Washington Street

Phoenix, Arizona 85003

General Information 602-262-7811

STATUS: DONE

POST THIS PERMIT ON JOB SITE

Before you start to dig, call Blue Stake 602-263-1100

Permit # **SGNP 210052**

Issued 29-DEC-2023

Expires 26-JUN-2024

Permit Description HIGH PLACE MORTGAGE GND(EPR)

Project 23-1869

Address 3609 N 44TH ST PHOENIX AZ 85018-6023

Zoning

L * B * RANCHO VENTURA TRACT NO 22

Q S Q16-38

APN 127-08-115

Suite

Dist 06

Description/Scope of Work:

COMMERCIAL SIGN APPLICATION REVIEW

DESCRIPTION OF WORK: COMMERCIAL STD SIGN REVIEW. SIGN IS DESCRIBED AS FOLLOWS:

QTN SIZE TOP T SQRF C I AMPS ECOMP USE Sign copy or desc

A 1 5.16X6 6.16 G 26.25 M N/A----- B HIGH PLACE MORTGAGE

Construction

Cassion Support Columns

A 10 'X2.3' #5 REBAR

SPECIAL STIPULATIONS:

1. No sign shall occupy or project into public property/easements.
2. The sign permit decal issued with this permit must be affixed to the sign included on the permit application at the time of completion.
3. A final inspection, including electrical where applicable, is required.
4. Illumination for all directly illuminated on premise signs and outdoor advertising signs exceeding 301 square feet must conform to City Code 23-100 and Phoenix Zoning/Sign ordinance.
5. This sign permit does not authorize occupancy. Any use of premises shall be subject to a valid Certificate of Occupancy.

All sign permits require a sign final inspection! Call 602-495-0800 or go online to www.phoenix.gov/BUSINESS to schedule an inspection. Click "Request or cancel a building inspection." Use request code 814 for sign final inspections. Use request code 815 for footing inspections. Illuminated signs require an electrical inspection. Use inspection code 380 for sign electrical inspections. Note the confirmation number for each inspection requested.

Scope Text = Install (1) non illuminated double sided 8" deep sign cabinet with Center ID and two tenant panels, mounted to existing 4' tall CMU screen wall, wall permitted & built by others. Sign dimensions are 5.16' x 76, overall height of 6.16' from grade, 26.25 SF in sign area. Design review required due to sign height and area.

Valuation: \$0

Owner Information

Email

Name HIGH PLACE PROPERTIES LLC

Fax

Address 10601 N HAYDEN RD STE I-100 SCOTTSDALE AZ 85260 Phone

Certificate of
Occupancy Type:

COFC

Contractor Information

Type GEN

Contact Phone 966-6565

Name AIRPARK SIGNS % GRAPHICS

Ins

Exp

Address 102 S RIVER DR. #101

City/St/Zip TEMPE AZ 85281

Phone FAX 966-5668

Instructions and Comments

Web Insp Key 3248286

Permit Issued By AGU2

Entered By OHA

Permit Categories:

Inspections Required: SIGN

Call 602-495-0800 or go online to www.phoenix.gov/BUSINESS before 8PM to request for a next day inspection

NOTICE - This permit authorizes the above described work to be done in accordance with the approved plans and all applicable City codes and ordinances. Plan approval and permit issuance does not authorize violation of any city code or ordinance. The contractor(s) doing the work and the property owner or tenant/occupant authorizing the work are all legally responsible for complying with all codes and ordinances. By applying for this permit, I am requesting and hereby consent to periodic inspections of the above referenced project in accordance with Arizona Revised Statutes, Title 9, Chapter 7, Article 4. This permit shall expire on the expiration date printed above. Work after this time or beyond the scope of this permit requires a new supplemental permit. This permit can be suspended or revoked for failing to follow the approved plans or for violation of any City code or ordinance. Work within the public right-of-way shall comply with all City standard details and specifications. The contractor is responsible for maintaining streets and sidewalks safe and usable at all times. All barricades shall be approved in advance and shall comply with the City Traffic Barricade Manual.

EXHIBIT N

Logan Zappolo

From: BARBARA DEERING <barbara9705@msn.com>
Sent: Thursday, April 23, 2026 11:11 AM
To: PDD PHO
Subject: Case Number PHO-1-2--Z-39-21-6

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated outside of the City of Phoenix.

Do not click links or open attachments unless you know the sender and were expecting this email.

[Report Suspicious](#)

We are writing to express our strong opposition to the installation of illuminated signage at the business of High Place Mortgage located at 3609 N 44th Street. (Case Number PHO-1-2--Z-39-21-6)

While we understand the importance of visibility and marketing for local businesses, illuminated signs disrupt the character of a residential area. Being a business that is only open during daylight hours should also factor in the decision, making illuminated signage un-necessary in this case.

There are reasonable alternatives available that allow businesses to identify themselves without compromising the neighborhood. Non-illuminated signs strike a better balance between business needs and community well-being.

We urge you to carefully consider the long-term impact of approving illuminated signage in this area and to prioritize the interests of the residents who call this neighborhood home.

Thank you for your attention to the matter.

Sincerely,
Barbara and W. Darwin Deering
4425 E Clarendon Ave.

Logan Zappolo

From: Crystal DeVelis <xtalphx@msn.com>
Sent: Friday, May 1, 2026 7:12 AM
To: PDD PHO
Cc: Arcadia Osborn Neighborhood Association; Neal Haddad; Nathan Nelson
Subject: PHO-1-26--Z-39-21-6, Approximately 830 feet north of the northeast corner of 44th Street and Osborne Road

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated outside of the City of Phoenix.

Do not click links or open attachments unless you know the sender and were expecting this email.

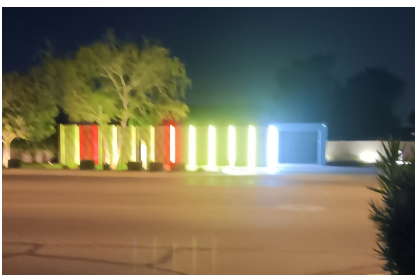
[Report Suspicious](#)

Dear Reader.

Please note my objection to the proposed modification for the stipulation on the above case regarding lighting. This building is the view from my home and High Place has always been a good neighbor. My objection is to adding the entitlement to the property and the potential consequences should that property be sold. This property is zoned residential office and as such should act as a buffer between residential and commercial properties. This was known to the owners when the building was constructed. If there is a way to do a non-transferable use permit to allow the proposed lighting as described, I would not object. But to permanently add this entitlement to the property is contrary to the zoning plan and puts the neighborhood in peril of having to fight intrusive lighting such as we have experienced from the adjacent building (see below). Please deny this modification.

-- Crystal DeVelis
4351 E. Whitton Ave.
Phoenix, AZ 85018

Below are photos from 3605 North 44th Street, the abutter immediately to the south of the above property



Logan Zappolo

From: Crystal DeVelis <xtalphx@msn.com>
Sent: Sunday, May 17, 2026 7:12 AM
To: PDD PHO
Subject: Oppose PHO-1-26--Z-39-21-6 Location: Approximately 830 feet north of the northeast corner of 44th Street and Osborne Road

CAUTION: This email originated outside of the City of Phoenix.

Do not click links or open attachments unless you know the sender and were expecting this email.

[Report Suspicious](#)

Dear Reader,

Please register my opposition to the above hearing item to remove the stipulation regarding internally lit signs. The owner did NOT follow the process, ordered the signs knowing full well they were in violation of the stipulation, and are now seeking to change the zoning regulations to fit his own desires. This zoning variance was approved with this specific stipulation and to negate it is to renege on the agreement with the neighborhood. Thank you.

— Crystal DeVelis
4351 E. Whitton Ave.
Phoenix, AZ 85018

EXHIBIT O



BURCH & CRACCHIOLO

BCATTORNEYS.COM

ED BULL
DIRECT LINE: 602.234.9913
E-MAIL: EBULL@BCATTORNEYS.COM

MADISON LEAKE
DIRECT LINE: 602.234.8791
E-MAIL: MLEAKE@BCATTORNEYS.COM

July 23, 2026

CITY OF PHOENIX

JUL 23 2026

**Planning & Development
Department**

Planning Commission
City of Phoenix Planning and Development Department
200 W. Washington Street, 2nd Floor
Phoenix, Arizona 85003

**RE: PHO-1-26—Z-39-21-6: High Place Mortgage Stipulation Modification
SEC of 44th Street and Clarendon Avenue**

Dear Planning Commissioners,

On behalf of High Place Mortgage (“High Place”), the owner of the property located approximately 180 feet south of the southeast corner of 44th Street and Clarendon Avenue with the street address 3609 N. 44th Street (the “Site”), we request reversal of the PHO’s decision to deny High Place’s request to modify Stipulation 6 from Z-39-21-6. An Aerial Map showing the approximately 0.48-acre Site on the east side of 44th Street is attached as **Exhibit 1**.

As is explained in further detail below, we believe that a misunderstanding regarding internal illumination and the availability of a Use Permit to seek relief justifies reversing the PHO’s decision. Importantly, Stipulation 6 from Z-39-21-6 does not prohibit sign illumination on the Site. Rather, it only prohibits *internal* sign illumination. External illumination, which outputs considerably more brightness than the type of sign High Place proposes, is allowed on the Site. See **Exhibit 2**, Sign Expert Letter. Accordingly, to clarify the Site’s zoning stipulations such that High Place can feature internal illumination in its signs depicted in **Exhibit 3**, in accordance with the Camelback East VPC’s recommendation, we request that Stipulation 6 be modified as follows:

Z-39-21-6

6. There shall be no internally-lit signs **CABINET SIGNS WITH INTERNAL ILLUMINATION OF THE ENTIRE SIGN FACE** on the site. **OTHER TYPES OF INTERNALLY ILLUMINATED SIGNS, SUCH AS INTERNALLY ILLUMINATED ROUTED FACE SIGNS WITH TEXT-ONLY ILLUMINATION, ARE PERMITTED. SIGN ILLUMINATION SHALL NOT BE ALLOWED FROM 10:00 P.M. UNTIL SUNRISE. SIGNS SHALL BE IN GENERAL CONFORMANCE WITH THE APPLICATION DATED MARCH 11, 2026 TO INCLUDE BRIGHTNESS AND**

NUMBER OF SIGNS. Signage shall be approved by the Planning and Development Department.

I. THE 44TH STREET CORRIDOR RESIDENTIAL OFFICE STUDY

At the time of the rezoning case, City of Phoenix (the “City”) Staff recommended the inclusion of Stipulation 6 to maintain consistency with the 44th Street Corridor Residential Office Study (created in 1997). *See Exhibit 4*, August 30, 2021, Staff Report at 6-8, 10-11. Crucially, the 44th Street Corridor Residential Office Study is a **non-regulatory document and was not adopted by City Council**. Its guidelines are not legally enforceable and simply provide policy guidance to City Staff who may reference the document’s provisions at their discretion when making decisions.

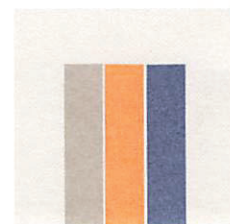
Because the 44th Street Corridor Residential Office Study is non-regulatory, Stipulation 6 can be modified without running afoul of the City’s Zoning Ordinance. The stipulation very narrowly prohibits one type of illumination and removal of the stipulation would simply allow signs on the Site to feature internal illumination. This would be consistent with the design standards of the R-O zoning district, as well as the 44th Street Corridor Specific Plan, which do not feature any similar limitations on internal illumination. Further, sign illumination is allowed on the Site regardless, even if Stipulation 6 were not removed, emphasizing how minute an impact approving the modification would have.

II. VPC RECOMMENDS APPROVAL

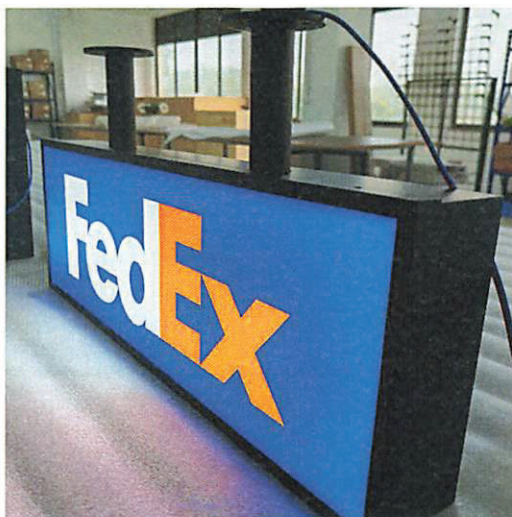
Modification of Stipulation 6 to allow for internally illuminated signs is consistent with the recommendation of the Camelback East VPC, which recommended approval of the modification. The Camelback East VPC based its decision upon the fact that the signs are not noticeable and feature lighting that is not distracting. The Vice Chair of the Camelback East VPC noted that, compared to other similar signs in the area, these are “modest and in good taste.” *See Exhibit 5* (VPC Meeting Summary). The VPC’s recommendation reflects the current character of the 44th Street Corridor. In the thirty years since the 44th Street Corridor Residential Office Study’s completion, the 44th Street corridor has become commercialized, rendering obsolete the provisions in the 44th Street Corridor Residential Office Study prohibiting internally illuminated signs. *See Exhibit 6* (Neighboring Signage for Commercial Uses) and *Exhibit 7* (Commercial Zoning Along the 44th Street Corridor).

III. HIGH PLACE’S SIGN COMPARED TO OTHER ALTERNATIVES

Approval of this modification would be of little to no impact to neighboring properties. The signs are already installed, already feature other types of illumination as permitted pursuant to the R-O zoning district and 44th Street Corridor Specific Plan, and are located on the side of the Site facing an arterial street rather than residential uses.



In fact, approval of the updated Stipulation described above would allow High Place to install a sign that is less bright and more compatible with neighboring uses than other types of signs. As is described in the Sign Expert Letter attached as **Exhibit 2**, High Place's sign features "an internally illuminated routed face with text-only illumination." This type of internally illuminated sign omits less brightness than conventional internally lit signs, which typically are "internally face-illuminated cabinet signs" similar to the one depicted below:



High Place's style of sign also omits approximately four times less brightness than externally illuminated signs, which are allowed for this Site under the 44th Street Corridor Residential Office Study, the 44th Street Corridor Specific Plan, and the Zoning Ordinance.

The distinction described above between High Place's sign and the conventional internally illuminated "FedEx" style sign is key to understanding why modifying Stipulation 6 is justified. The design style featured in High Place's sign is now commonplace but, 30 years ago at the time of the 1997 44th Street Corridor Residential Office Study, this type of sign was unused in the Phoenix area. Accordingly, it is almost certain that the 44th Street Corridor Residential Office Study's prohibition of illuminated signs was intended to address the "FedEx" style sign that omits significant brightness, not signs like High Place's which use internal illumination only to accentuate lettering.

Given that Stipulation 6 is likely informed by an antiquated understanding of internal sign illumination, and given that the Zoning Ordinance does not prohibit internal illumination on the Site, modification of Stipulation 6 is entirely appropriate. As is noted above, the 44th Street Corridor Residential Office Study was never adopted by City Council and no longer accurately reflects the character of the area, which has become far more commercialized in the 30 years since the Study's creation. Continuing to enforce Stipulation language based on the Study's findings alone is no longer reasonable, especially when doing so forces the use of brighter sign illumination technology when modern forms of internal illumination, like those utilized by High Place, are better suited to limit light pollution in the area.

IV. INAPPLICABILITY OF A USE PERMIT

In addition to the reasoning described above, reversing the PHO's decision to deny High Place's request to modify Stipulation 6 is further justified given that a Use Permit would not grant relief. Prior to the PHO hearing, High Place's counsel contacted Adam Stranieri, Principal Planner with the City's Planning and Development Department, to confirm that obtaining a Use Permit was not a possible solution to allow for the internal illumination of High Place's signs. Mr. Stranieri confirmed that this was accurate because obtaining a Use Permit would not resolve Stipulation 6's prohibition of internal illumination.

During the PHO hearing, a misunderstanding regarding this case led the PHO to deny High Place's request because he believed a Use Permit was the required route forward. The PHO based this opinion on the fact that High Place's sign was within 60' of a residential use. The only "residential" use within 60' of High Place's sign is the property to the north, which does not face the sign. Further, the property to the north is not used as a residential property and is currently in the process of rezoning to R-O to allow for an office use. This neighboring rezoning case was recommended for approval by the Camelback East Village Planning Committee on July 7, 2026.

High Place maintains that obtaining a Use Permit is not the appropriate solution because the neighboring property to the north does not face the sign and will soon be rezoned to R-O, rendering the Use Permit requirement moot. Further, as Mr. Stranieri previously agreed, obtaining a Use Permit for internal illumination would not be possible without modifying Stipulation 6. This is because regardless of the outcome of the neighboring property's rezoning, any permit requesting internal illumination would be denied during the permit review process given that Stipulation 6 is still applicable for the property and prevents internal illumination on the Site. A technical issue during the PHO hearing prevented counsel for High Place from clarifying this issue to the PHO at the time. Accordingly, reversal of the PHO's decision and approval of High Place's request to modify Stipulation 6 is entirely justified.

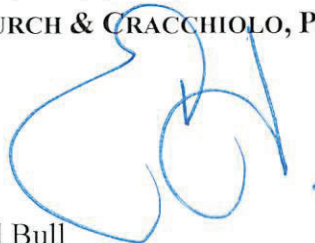
V. CONCLUSION

As described above, reversal of the PHO's decision and approval of High Place's request to modify Stipulation 6 is entirely appropriate. The Stipulation, which is informed by the antiquated and unadopted 44th Street Corridor Residential Office Study, is no longer consistent with the area. Further, the prohibition on internally illuminated signs enforced by the Stipulation is ineffective for limiting brightness in the area considering High Place's signs are less bright than other alternatives allowed by the Stipulation. Accordingly, because modification of Stipulation 6 would be consistent with the Zoning Ordinance and 44th Street Corridor Specific Plan, we request reversal of the PHO's decision and approval of the proposed modification to Stipulation 6.

Please contact me (602-234-9913, ebull@bcattorneys.com) or Madison Leake (602-234-8791, mleake@bcattorneys.com) with any questions. Thank you for your help and consideration.

Very truly yours,

BURCH & CRACCHIOLO, P.A.



Ed Bull
Madison Leake
For the Firm



EXHIBIT 1



N 44TH ST



SITE



N 44TH PL



EXHIBIT 2

July 22, 2026

Planning Commission
City of Phoenix Planning and Development Department
200 W. Washington Street, 2nd Floor
Phoenix, Arizona 85003

**RE: PHO-1-26—Z-39-21-6: High Place Mortgage Stipulation Modification
Signage Statement on Internally Illuminated Signs**

Dear Planning Commissioners,

In regard to the above referenced matter, I am writing to provide a description of the signage proposed for High Place Mortgage's ("High Place") property. Having spent 35 years working in the commercial signage industry as a Fabricator, I have the technical experience necessary to understand sign design, brightness, and usage. As explained in further detail below, High Place's internally illuminated sign omits less brightness than would an externally illuminated alternative. Further, the type of internally illuminated sign requested by High Place was not used in the greater Phoenix area 30 years ago and thus was not contemplated by the 44th Street Residential Office Study.

High Place proposes a monument sign that features an internally illuminated routed face with text-only illumination. Internally illuminated signs like High Place's emit less brightness than other types of internally illuminated signs, as well as signs with external illumination.

As designed, the signs "cabinet" (the metal housing of the sign) features LED modules that would use 19.2 watts per side and produce 2304 lumens per side. That light is also filtered through a white acrylic backing which reduces some of the intensity. The LEDs used are Principal Patriot medium type with a 5000k brightness.

If we lit this same cabinet using external illumination, a standard 30-watt LED spotlight would be used. It would take 2 or 3 of these spotlights per side to sufficiently illuminate the sign, each of which would produce 4050 lumens independently. In total, this externally illuminated design would produce at least 8100 lumens per side. The spotlights that would be used as standard are SuperBright 30-watt spotlight-type LEDs suitable for outdoor, damp, or wet locations with a 5000k brightness, or similar.

Comparing the two methods of illumination described above, it is clear that external illumination tends to produce approximately four times as much brightness (in lumens) per side than an internally illuminated sign like High Place's. Further, compared to other internally illuminated signs, High Place's sign also omits less brightness. As noted above, the High Place

sign is a routed face sign with text-only illumination. This type of sign is fundamentally different than an internally face-illuminated cabinet sign like the below:



The key difference is that, whereas the above "FedEx" sign features high-brightness illumination across the entire face of the sign, High Place's sign features a subtle LED illumination of only the lettering that does not omit brightness but rather accentuates the letters for better readability. Accordingly, High Place's sign is far less bright than a conventional internally illuminated sign.

The distinction between High Place's sign and a conventional internally illuminated "FedEx" sign is important because, at the time the 44th Street Corridor Residential Office Study was created (nearly 30 years ago in 1997), the type of routed face sign with text-only illumination High Place proposes was not used in Phoenix. By comparison, the "FedEx" style sign was commonplace. Accordingly, the "FedEx" variety of internally illuminated signs is likely the type of sign the Office Study's language was intended to prohibit, not the type of sign High Place proposes.

Please contact Gretchen or Dale with Airpark Signs (480-966-6565), or Ed Bull with Burch & Cracchiolo, P.A. (602-234-9913 or ebull@bcattorneys.com) with any questions.

Very truly yours,

AIRPARK SIGNS & GRAPHICS



EXHIBIT 3











EXHIBIT 4



City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

Staff Report: Z-39-21-6

August 30, 2021

[Camelback East Village Planning Committee Meeting Date](#) September 7, 2021
[Planning Commission Hearing Date](#) October 7, 2021
Request From: [R1-10](#) (0.48 acres)
Request To: [R-O](#) (0.48 acres)
Proposed Use Office
Location Approximately 180 feet south of the southeast corner of 44th Street and Clarendon Avenue
Owner/Applicant High Place Investments, LLC
Representative/Applicant Rod Jarvis, Earl & Curley P.C.
Staff Recommendation Approval, subject to stipulations

General Plan Conformity			
General Plan Land Use Map Designation		Residential 3.5 to 5 dwelling units per acre	
Street Map Classification	44th Street	Major Arterial	40-foot east half street
CONNECT PEOPLE AND PLACES CORE VALUE; OPPORTUNITY SITES; LAND USE PRINCIPLE: Support reasonable levels of increased intensity, respectful of local conditions and surrounding neighborhoods. The proposed development will allow for introduction of an office use while remaining consistent with the residential scale and character of the surrounding neighborhood. Landscape setbacks and buffering vegetation will further help minimize the impact of the new structure on adjacent single-family homes to the east.			

STRENGTHEN OUR LOCAL ECONOMY CORE VALUE; LOCAL & SMALL BUSINESS, LAND USE PRINCIPLE: *Facilitate adaptive reuse of older, underutilized properties to create mechanisms for new local and small businesses to operate, thrive and grow.*

The conversion of the property to an office use encourages the growth of a local business that is appropriately located along a major arterial street.

BUILD THE SUSTAINABLE DESERT CITY CORE VALUE; TREES AND SHADE; DESIGN PRINCIPLE: *Integrate trees and shade into the design of new development and redevelopment projects throughout Phoenix.*

As stipulated, the development will provide mature shade trees along its 44th Street frontage, as well as throughout its surface parking lot.

Applicable Plan, Overlays, and Initiatives

[44th Street Corridor Specific Plan](#) – See Background Item No. 7.

[44th Street Corridor Residential Office Study](#) – See Background Item No. 8.

[Tree and Shade Master Plan](#) – See Background Item No. 9.

[Complete Streets Guiding Principles](#) – See Background Item No. 10.

[Zero Waste PHX](#) – See Background Item No. 11.

Surrounding Land Uses/Zoning

	<u>Land Use</u>	<u>Zoning</u>
On Site	Single-family residence	R1-10
North	Single-family residence	R1-10
South	Administrative and medical offices	R-O
East	Single-family residences	R1-10
West (Across 44th Street)	Real estate offices	C-O

R-O (Residential Office)		<i>*if modifications or variance required</i>
<u>Standards</u>	<u>Requirements</u>	<u>Provisions on the Proposed site Plan</u>
<i>Building Setbacks</i>		
Front	20 feet	20 feet – Met
Side	10 feet	20 feet (south) – Met 20 feet (north) – Met
Rear	25 feet	63 feet – Met
<i>Landscaping</i>	Minimum 3 feet wide landscape strip around principal structure	Met
Lot Coverage	30%	17.4% - Met
Building Height	15 feet, plus 1 foot in height per 1 foot additional setback to a maximum height of 25 feet	25 feet, with step-back requirements met – Met
Parking	1 per 250 square feet net floor area (16 spaces)	17 spaces – Met

Background/Issues/Analysis

SUBJECT SITE

1. This request is to rezone a 0.48 acre site located approximately 180 feet south of the southeast corner of 44th Street and Clarendon Avenue from R1-10 (Single-Family Residence District) to R-O (Residential Office – Restricted Commercial District) to allow an office use.

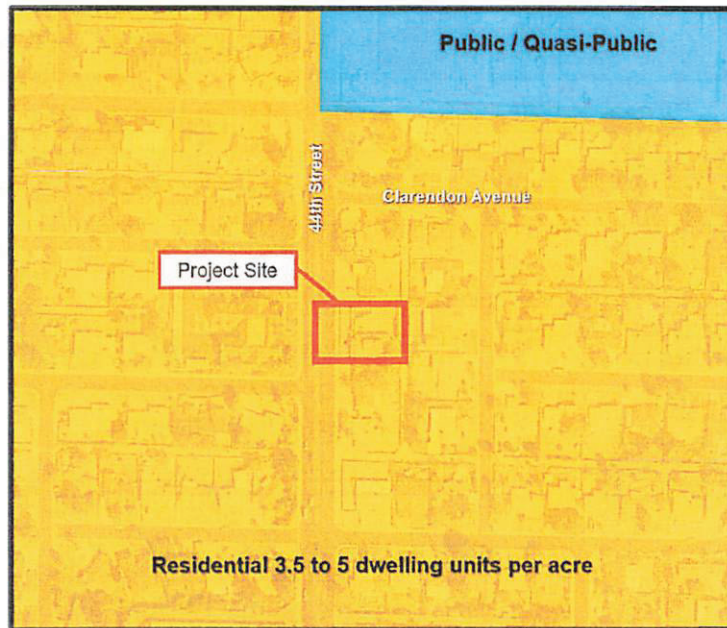


Aerial Map

Source: City of Phoenix Planning and Development Department

2. The site has a General Plan Land Use Map designation of Residential 3.5 to 5 dwelling units per acre. The same designation exists on all sides of the site and extends to all four directions. Further north of the subject site, north of Clarendon Avenue, Public / Quasi Public General Plan Land Use Map designation exists on a school site.

The proposal is not consistent with the Residential 3.5 to 5 dwelling units per acre designation. However, as the site is under 10 acres, therefore, a General Plan Amendment is not required.

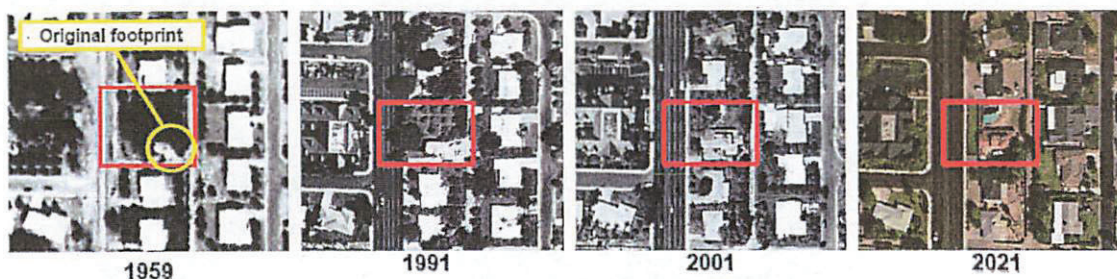


General Plan Land Use Map

Source: City of Phoenix Planning and Development Department

EXISTING CONDITIONS & SURROUNDING ZONING

3. The site is currently a single-family residence, which was built in the late 1950s, according to historical aerial photos of the area. The original home had a significantly smaller footprint, occupying the southeastern portion of the site. The site underwent an addition in the late 1990s, and has remained unchanged since.



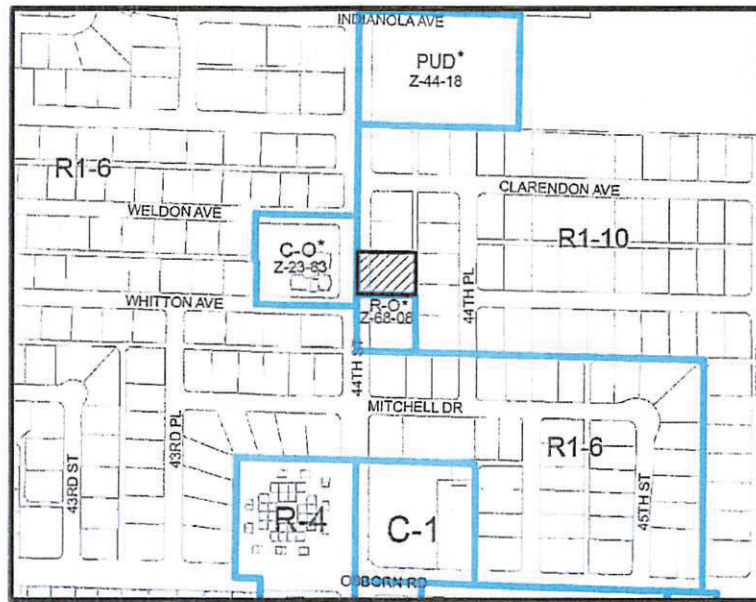
Historical Aerial Maps

Source: City of Phoenix Planning and Development Department

The surrounding neighborhood was developed similarly as single-family residential. The character of this neighborhood has remained largely the same over the years, with the exception of gradual transitions from single-family homes to residential offices along 44th Street.

4. The current zoning of the subject site is R1-10 (Single-Family Residence District). The properties to the north and east of the site share the same zoning designation.

The two properties directly to the south of the subject site are zoned R-O (Residential Office – Restricted Commercial District), and the property to the west, across 44th Street, is zoned C-O (Commercial Office – Restricted Commercial District).



Zoning Map

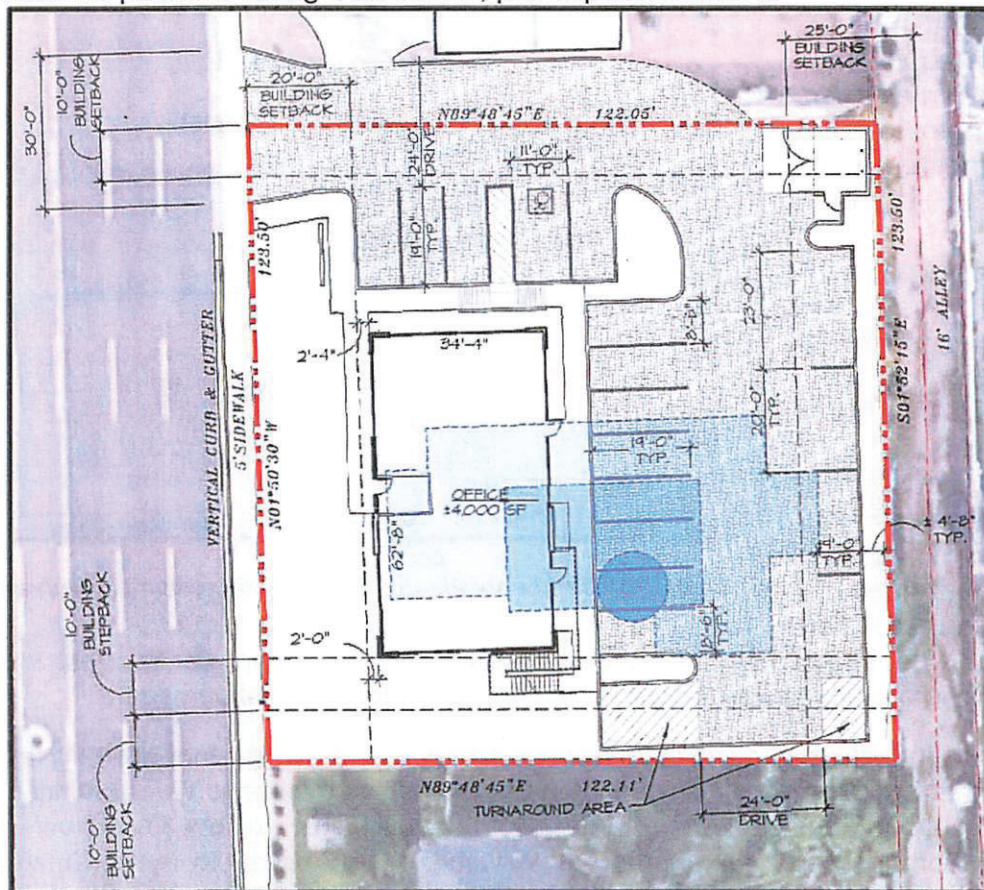
Source: City of Phoenix Planning and Development Department

(Commercial Office – Restricted Commercial District). The proposal is consistent with the gradual transition of land uses along 44th Street to low intensity office uses.

5. The proposed site plan depicts an approximately 4,000-square-foot building fronting 44th Street, with a surface parking lot in the rear of the property. The existing driveway on the southwestern portion of the site will be removed and new vehicular access is proposed via a shared driveway with the property to the north, which will connect to visitor parking spaces on the northern portion of the property and with the surface parking lot in the rear. The shared driveway configuration is desirable as it reduces the overall number of driveways along 44th Street and is consistent with the recommendations of the 44th Street Corridor Residential Office Study. However, the property to the north has R1-10 (Single-Family Residence District) zoning, which is a more restrictive district. Per Section 600 of the Phoenix Zoning ordinance, the proposed driveway will require a variance to allow vehicular access from and to a more restrictive district to a less restrictive district. As a variance is needed, staff is not recommending general conformance to the conceptual site plan.

The subject site abuts single-family residences along its rear property line, to the east of the proposed surface parking area. Given the parking requirements for the site and limited space to allow for a large landscape setback that could accommodate large buffer trees, staff is recommending that the landscape setback depicted on the site plan (minimum four feet) be planted with minimum 8-foot-tall shrubs or plants to provide a tall vegetative buffer from those residences. This is

addressed in Stipulation No. 4. Staff is further recommending that detached sidewalks be provided along 44th Street, per Stipulation No. 2.

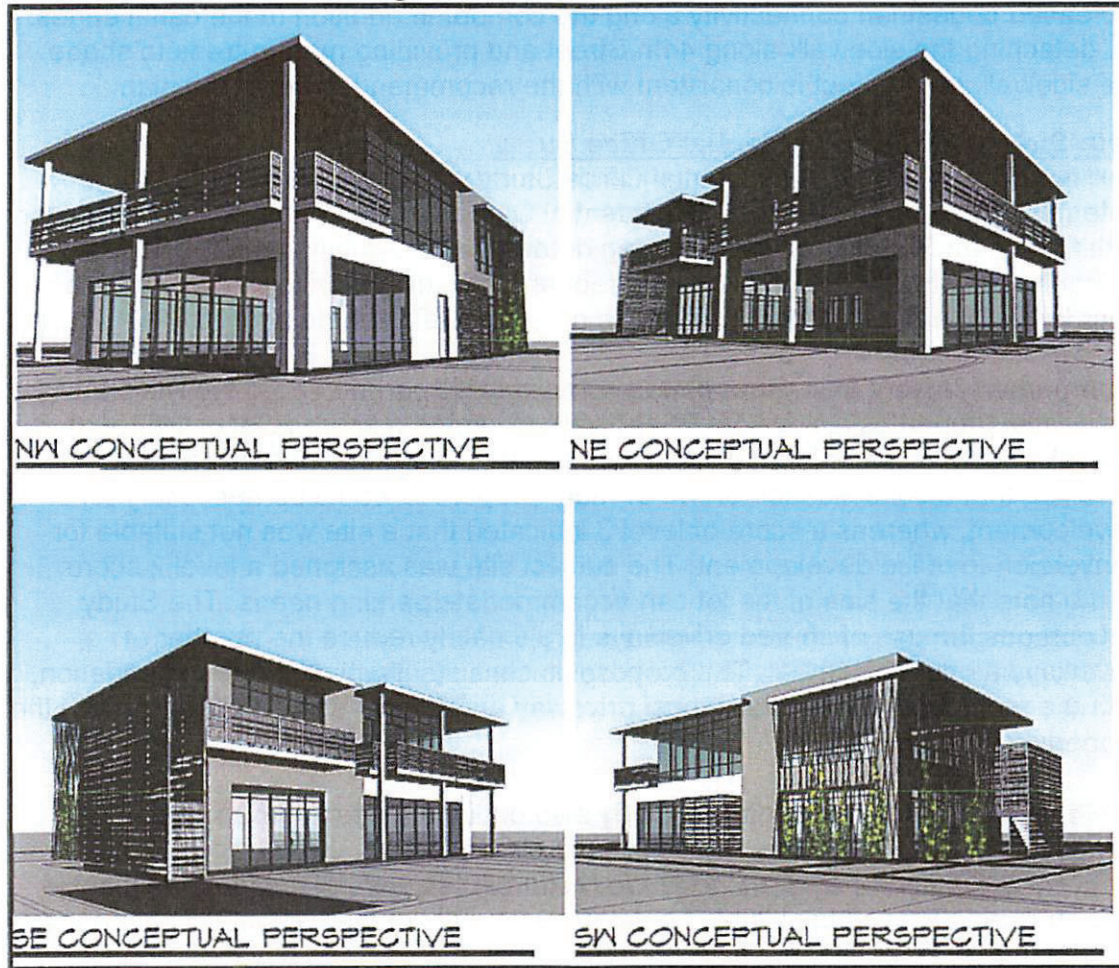


Conceptual Site Plan
Source: Pinnacle Design Inc.

Although no signage is currently proposed, a stipulation prohibiting internally lit signs is recommended to help maintain the residential character of the area. This is addressed in Stipulation No. 6. Non-internally illuminated signage is also a recommended design feature of the 44th Street Corridor Residential Office Study, which is further discussed in Item No. 8. More information on the 44th Street Corridor Residential Office Study can be found in Background Item No. 7.

6. The proposed conceptual building elevations depict a two-story building with a maximum height of 25 feet. The elevations include several architectural design elements that break up the building mass, such as expansive glass windows, vegetative trellis that extends to the second story, balconies, variation in roof height, and columns. The proposed building design is in keeping with the contemporary architectural style that is becoming increasingly more widespread in the Camelback East Village and the proposed building height is in keeping with the permitted height of a single-family residential zoning district. As such, staff is recommending general

conformance to these building elevations, which is addressed in Stipulation No. 1.



*Conceptual Elevations
Source: Pinnacle Design Inc.*

AREA PLANS, OVERLAY DISTRICTS, AND INITIATIVES

7. [44th Street Corridor Specific Plan](#)

Completed in 1991, the 44th Street Corridor Specific Plan established a framework to provide compatibility of new development along 44th Street from McDonald Drive to Sky Harbor International Airport. The plan acknowledges that existing conditions are not favorable for single-family residential land use along 44th Street due to increasing traffic. Similarly, these properties are candidates for change of use in order to create a physical buffer between the established residential neighborhood and the street.

Design guidelines contained in the plan recommend providing a 10-foot minimum landscape setback along 44th Street between Camelback and Osborn Roads. The proposed development exceeds this recommendation, providing a minimum 20-foot

landscape setback. In addition, implementation strategies encourage providing increased pedestrian connectivity along the corridor in addition to the canal edges. By detaching the sidewalk along 44th Street and providing mature trees to shade the sidewalk, the project is consistent with the recommendations of the plan.

8. 44th Street Corridor Residential Office Study

The 44th Street Corridor Residential Office Study was completed in 1997 to determine the applicability of the Residential Office Zoning District for properties within the 44th Street Corridor. The plan details that a combination of high traffic volumes, closeness of houses to the street and difficulty of driveway access are poor livability factors for the continuation of residential uses adjacent to 44th Street.

A property inventory and analysis was completed as part of the study. The 111 residential properties along 44th Street were assigned a score level of 1 through 3. A level 1 score indicated that the site was suitable for standalone office. Level 2 specified that a consolidation of two or more properties would be necessary for R-O development, whereas a score of level 3 indicated that a site was not suitable for conversion to office development. The subject site was assigned a level 2 score, with a note that the size of the lot can accommodate parking needs. The Study encourages the use of shared driveways to ultimately reduce the number of driveways along 44th Street. The proposal is consistent with this recommendation, with the removal of the southernmost driveway and a new, shared driveway with the property to the north.

The 44th Street Residential Office Study also outlines recommended design guidelines for R-O properties, which include enhancing the appearance of the property while still conforming to the character and size of adjacent residential properties and limiting the visible commercial aspects of the R-O site. The proposed development will replace the existing structure on the site with a two-story building that will have a maximum height of 25 feet. Single-family residence districts permit a maximum height of two stories and 30 feet. The building will be of a contemporary architectural style while maintaining a residential character. Further, as stipulated, the development will not have any internally lit signage, which will minimize the commercial aspect of the site.

9. Tree and Shade Master Plan

The Tree and Shade Master Plan has a goal of treating the urban forest as infrastructure to ensure that trees are an integral part of the city's planning and development process. By investing in trees and the urban forest, the city can reduce its carbon footprint, decrease energy costs, reduce storm water runoff, increase biodiversity, address the urban heat island effect, clean the air, and increase property values. In addition, trees can help to create walkable streets and vibrant pedestrian places. Staff is recommending that robust landscaping be planted along 44th Street, along with vegetative groundcovers to provide a minimum of 75 percent ground coverage. Staff is also recommending that the

surface parking lot area be planted with trees to provide minimum 25 percent shade at maturity, with the flexibility to utilize structural shade where trees can't be planted. Finally, staff is recommending that all pedestrian pathways be shaded at 75 percent at maturity to ensure shade and thermal comfort for pedestrians. These recommendations are addressed in Stipulation Nos. 3, 5, and 10.

10. Complete Streets Guiding Principles

In 2014, the City of Phoenix City Council adopted the Complete Streets Guiding Principles. The principles are intended to promote improvements that provide an accessible, safe, connected transportation system to include all modes, such as bicycles, pedestrians, transit, and vehicles. To provide a safe pedestrian streetscape along 44th Street, staff is recommending detached sidewalks shaded with trees on both sides, as well as bicycle parking located near the building entrance. These are addressed in Stipulation Nos. 2 and 7.

11. Zero Waste PHX

The City of Phoenix is committed to its waste diversion efforts and has set a goal to become a zero waste city, as part of the city's overall 2050 Environmental Sustainability Goals. One of the ways Phoenix can achieve this is to improve and Section 716 of the Phoenix Zoning Ordinance expand its recycling and other waste diversion programs. Section 716 of the Phoenix Zoning Ordinance establishes standards to encourage the provision of recycling containers for multifamily, commercial and mixed-use developments meeting certain criteria. The proposal will utilize regular trash and recycling bins.

COMMUNITY INPUT SUMMARY

12. At the time this staff report was written, staff received two letters in opposition and one letter in support of the project. Those opposed cited concerns with traffic generation and two-story building height. The letter of support came from representatives of the Arcadia Osborn Neighborhood Association.

INTERDEPARTMENTAL COMMENTS

13. The Phoenix Fire Department has noted that they do not anticipate any problems with this case and that the site and/or buildings shall comply with the Phoenix Fire Code.
14. The Public Transit Department has requested that the developer provide clearly defined, accessible pathways that connect all building entrances and exits, and public sidewalks, and, where pedestrian paths cross drive aisles, that they be constructed of materials that visually contrast with parking and drive aisle surfaces. These are addressed in Stipulation Nos. 8 and 9. This department has further requested that all pedestrian paths and sidewalks be shaded at 75 percent at maturity. This is addressed in Stipulation No. 10.
15. The Street Transportation Department has required that the developer provide a 10-foot sidewalk easement along the east side of 44th Street, that a minimum 5-

foot-wide detached sidewalk be provided along the east side of 44th Street, that a shared access agreement be recorded for the shared drives, and that all streets be constructed with all required improvements and comply with current ADA standards. These are addressed in Stipulation Nos. 2, 11, 12, and 13.

OTHER

16. The site has not been identified as being archaeologically sensitive. However, in the event archaeological materials are encountered during construction, all ground disturbing activities must cease within 33 feet of the discovery and the City of Phoenix Archaeology Office must be notified immediately and allowed time to properly assess the materials. This is addressed in Stipulation No. 14.
17. 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 recommendations of the 44th Street Corridor Specific Plan and the 44th Street Corridor Residential Office Study.
2. The proposal will provide an opportunity for a new small business to locate in the Camelback East area and serve the surrounding neighborhood.
3. The proposed rezoning will allow for conversion of a residential property adjacent to a major arterial to a viable office use.

Stipulations

1. The development shall be in general conformance with the elevations date stamped June 14, 2021, as modified by the following stipulations and approved by the Planning and Development Department.
2. The public sidewalk along 44th Street shall be detached with a landscape strip located between the sidewalk and back of curb following the most recent Cross Section of the Street Classification Map and planted to the following standards, as approved by the Planning and Development Department.
 - a. Minimum 2-inch caliper shade trees that provide a minimum 75 percent shade at maturity.
 - b. Drought tolerant vegetation maintained at a maximum mature height of 24 inches and achieve minimum 75 percent live coverage.

3. A minimum 20-foot landscape setback shall be required adjacent to 44th Street and shall include large canopy shade trees 20 feet on center or in equivalent groupings between the sidewalk and proposed site development, as approved by the Planning and Development Department. Twenty-five percent of the trees shall be minimum four-inch caliper and 75 percent of the trees shall be minimum three-inch caliper. Five, five-gallon shrubs per tree, and additional shrubs or live groundcover, shall provide minimum 75 percent live cover at mature size, as approved by the Planning and Development Department.
4. A minimum 4-foot landscape setback shall be required along the eastern property line. This setback shall be planted with minimum 8-foot-tall shrubs or plants to provide a tall vegetative buffer from adjacent single-family residences to the east, as approved by the Planning and Development Department.
5. All uncovered surface parking lot areas shall be landscaped with minimum 2-inch caliper drought-tolerant shade trees. Landscaping shall be dispersed throughout the parking area and achieve 25 percent shade at maturity, as approved by Planning and Development Department. Shade may be provided with a combination of trees and structural shade.
6. There shall be no internally lit signs on the site. Signage shall be approved by the Planning and Development Department.
7. A minimum of four bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near building entrances and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.
8. Clearly defined, accessible pedestrian pathways shall be provided to connect building entrances and public sidewalks, using the most direct route for pedestrians, as approved by the Planning and Development Department.
9. Where pedestrian pathways cross drive aisles, they shall be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrast with the adjacent parking and drive aisle surfaces, as approved by the Planning and Development Department.
10. Trees shall be placed to provide 75 percent shade coverage on all pedestrian paths and sidewalks at full maturity, as approved by the Planning and Development Department. Shade structures may be used to meet the shade requirement in places where trees are unable to be located.
11. The developer shall record a cross-access agreement for any shared access drives along 44th Street.

12. The developer shall dedicate a 10-foot sidewalk easement and construct a minimum 5-foot-wide sidewalk and landscape strip along 44th Street, as approved by the Planning and Development Department.
13. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with the current ADA Guidelines.
14. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.

Writer

Sofia Mastikhina
August 23, 2021

Team Leader

Samantha Keating

Exhibits

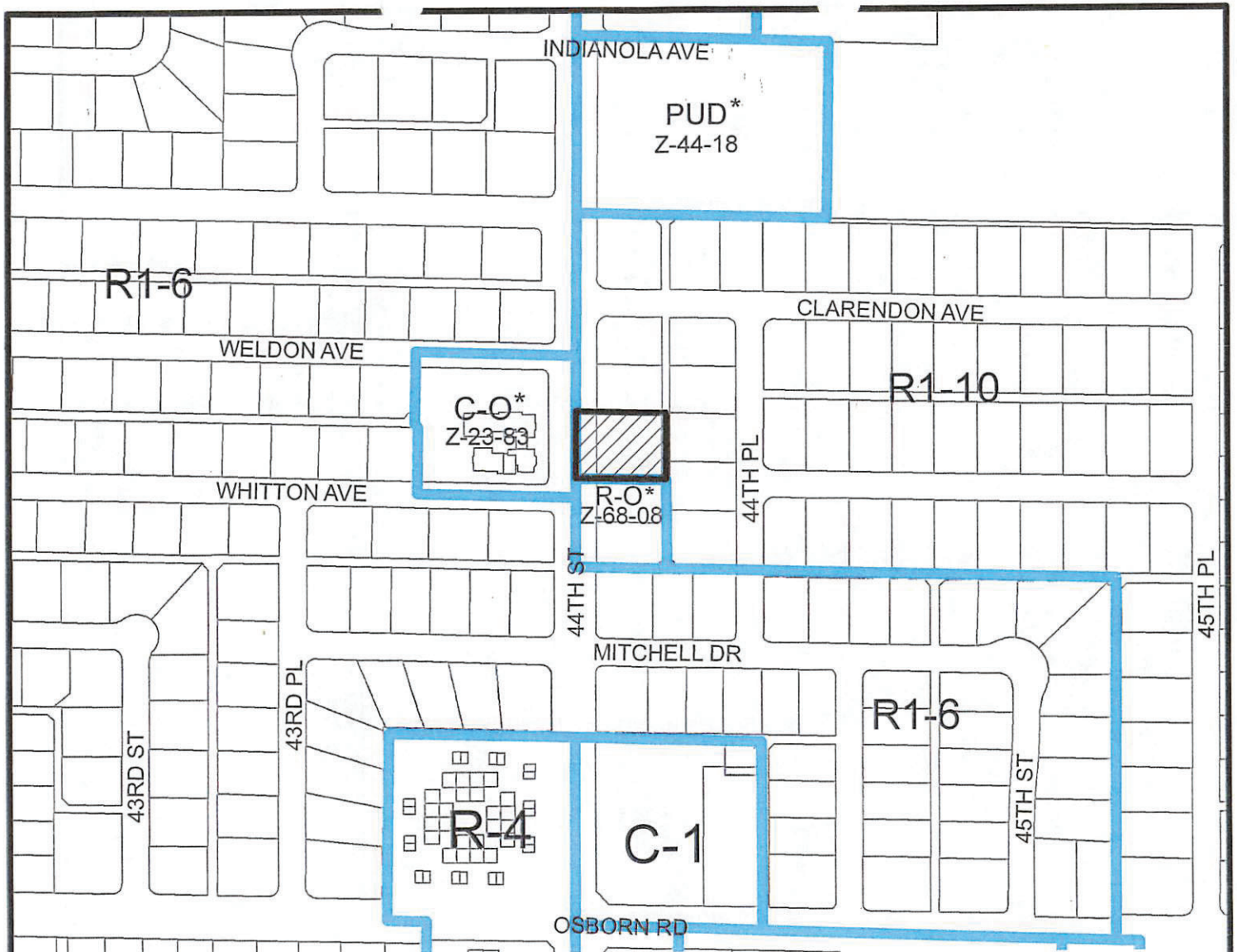
Sketch Map

Aerial

Site plan date stamped June 14, 2021

Elevations date stamped June 14, 2021

Community correspondence (6 pages)



Miles

0.05 0.025 0 0.05

CAMELBACK EAST VILLAGE

CITY COUNCIL DISTRICT: 6



City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

Z-39-21



APPLICANT'S NAME:

High Place Investment- Brent Nardecchia

REQUESTED CHANGE:

FROM: R1-10 (0.48 a.c.)

APPLICATION NO.

Z-39-21

DATE:

7/2/2021

REVISION DATES:

GROSS AREA INCLUDING 1/2 STREET
AND ALLEY DEDICATION IS APPROX.

0.48 Acres

AERIAL PHOTO &
QUARTER SEC. NO.

QS 16-38

ZONING MAP

H-11

TO: R-O (0.48 a.c.)

MULTIPLES PERMITTED

R1-10

R-O

CONVENTIONAL OPTION

1

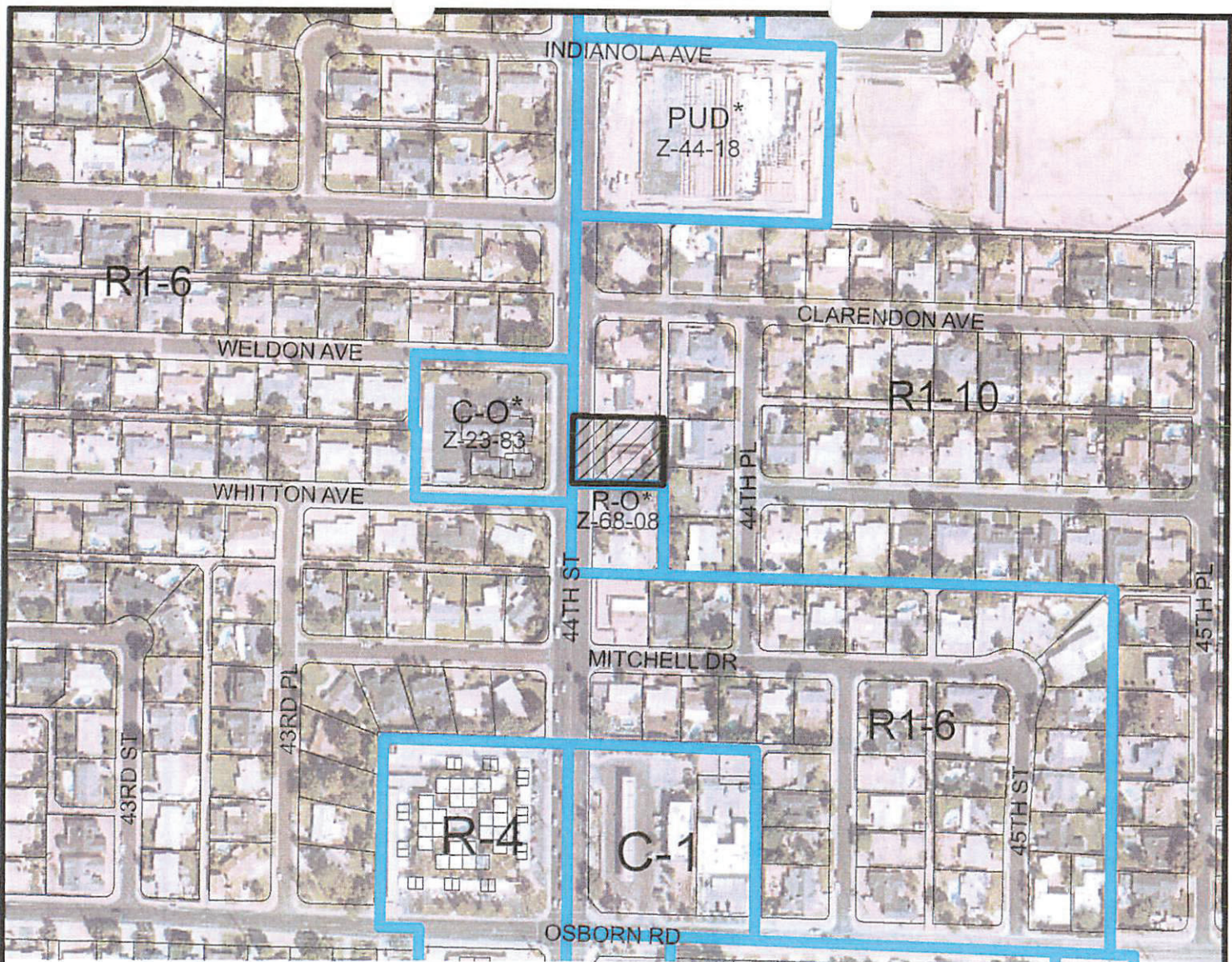
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* UNITS P.R.D. OPTION

2

N/A

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



Miles

0.05 0.025 0 0.05

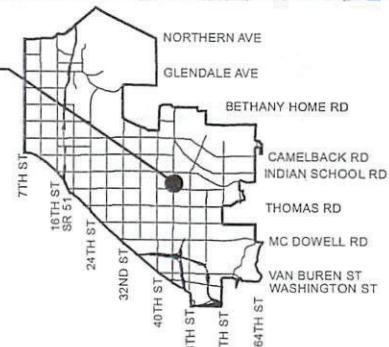
CAMELBACK EAST VILLAGE

CITY COUNCIL DISTRICT: 6



City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

Z-39-21



APPLICANT'S NAME: High Place Investment- Brent Nardecchia

REQUESTED CHANGE:

APPLICATION NO. Z-39-21

DATE: 7/2/2021
REVISION DATES:

GROSS AREA INCLUDING 1/2 STREET
AND ALLEY DEDICATION IS APPROX.

0.48 Acres

AERIAL PHOTO &
QUARTER SEC. NO.
QS 16-38

ZONING MAP
H-11

FROM: R1-10 (0.48 a.c.)

TO: R-O (0.48 a.c.)

MULTIPLES PERMITTED

R1-10

R-O

CONVENTIONAL OPTION

1

1

*** UNITS P.R.D. OPTION**

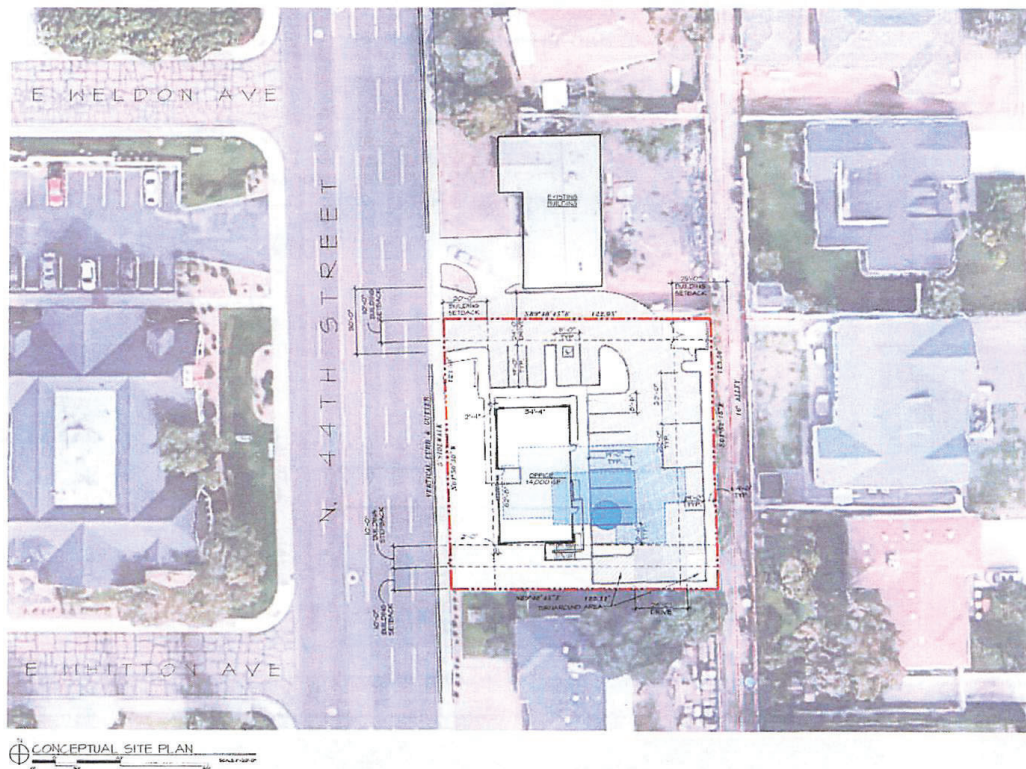
2

N/A

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

CITY OF PHOENIX

JUN 14 2021
Planning & Development
Department

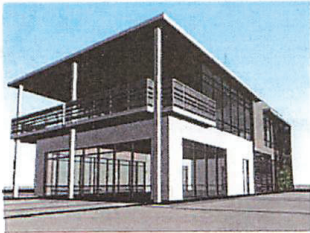


3600 NORTH 44TH ST
PHOENIX, ARIZONA 85018
CONCEPTUAL SITE PLAN

PROJECT	DATE
1. N. 44TH ST	1. 20.20
BUILDING SP.	1. 4,000 SF
COVERAGES	1. 11.4%
PARKING SP.	1. 18.0000 SF
PARKING PROVIDED	1. 11

Pinnacle
DESIGN INC

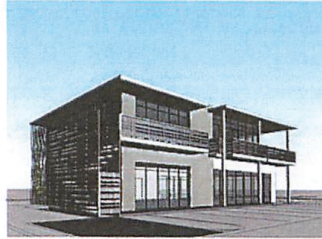
1041 N. 44th St. #200 Phoenix, AZ 85008
602.952.8585 www.pdi.az.com



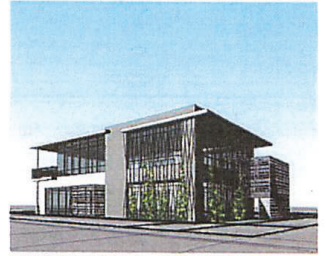
NW CONCEPTUAL PERSPECTIVE



NE CONCEPTUAL PERSPECTIVE



SE CONCEPTUAL PERSPECTIVE

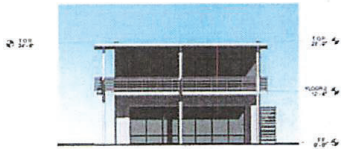


SW CONCEPTUAL PERSPECTIVE



WEST ELEVATION

302' x 110'



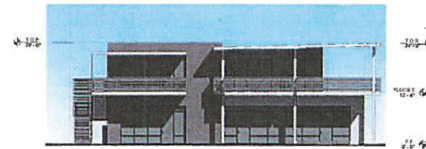
NORTH ELEVATION

302' x 110'



SOUTH ELEVATION

302' x 110'



EAST ELEVATION

302' x 110'

CITY OF PHOENIX

JUN 14 2021

Planning & Development
Department

PINNACLE
DESIGN
INC.

3609 N. 44th St. Phoenix, AZ 85018
31-009.00
6.8.21

3609 N 44th STREET
PHOENIX, AZ 85018
CONCEPTUAL ELEVATIONS - CRISS CROSS CABLES

EL-4

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EXHIBIT 5

Village Planning Committee Meeting Summary PHO-1-26--Z-39-21-6

Date of VPC Meeting	May 5, 2026
Date of Planning Hearing Officer Hearing	May 20, 2026
Proposal	Request to modify stipulation number 6 regarding illuminated signs.
Location	Approximately 830 feet north of the northeast corner of 44th Street and Osborn Road
VPC Recommendation	Approval, with modifications
VPC Vote	13-3

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

Committee Members Guevar and Jurayeva joined the meeting during this item, bringing quorum to 17 members. Committee Member Jurayeva left the meeting during this item, bringing quorum to 16 members.

Two members of the public registered to speak on this item, in opposition.

STAFF BACKGROUND PRESENTATION

Anthony Grande, staff, provided a presentation summarizing the surrounding context, the proposed signage, and the proposed stipulation modifications.

APPLICANT PRESENTATION

Ed Bull, representing the applicant with Burch & Cracchiolo, P.A., provided a presentation summarizing the site and surrounding context, the proposed stipulation modification, and the proposed sign illumination, noting the differences between internal, direct, and indirect illumination.

QUESTIONS FROM COMMITTEE

Committee Member Siegel asked about the color of the light, noting that it looked blue in the photo. **Mr. Bull** replied that it is white light.

Committee Member Sharaby stated that the signs are not very noticeable, noting that a requirement to turn off the signs at 10:00 p.m., rather than 11:00 p.m., would be preferred. **Mr. Bull** replied that the applicant has no concerns with the 10:00 time.

Committee Member Whitesell asked whether the 44th Street Corridor Specific Plan is a Council-adopted plan. **Mr. Bull** replied that it is. **Mr. Whitesell** asked why select pages from the plan were included in the packet. **Mr. Bull** stated that the packet included background information about the purpose of the plan. **Mr. Whitesell** asked if any of the example photos given in the packet were of signs in R-O districts. **Mr. Bull** replied that the photos may include some R-O districts, but the purpose of the photos is to demonstrate there are a variety of commercial signs along the corridor, noting that the R-O zoning district does not prohibit illuminated signs.

Committee Member Guevar asked for clarification on the color temperature and the lumens. **Mr. Bull** stated he did not have that information available, and that it is not referenced in the study. **Mr. Grande** clarified that color temperature is not referenced in the 44th Street Corridor Residential Office Study.

Committee Member Todd stated that the signage is one of the more sensitive designs in the area, and he didn't find the lighting to be distracting.

Committee Member McClelland asked about the difference between regulatory and non-regulatory plans. **Mr. Grande** replied that regulatory Specific Plans provide enforceable rules, similar to a zoning overlay, while non-regulatory plans simply provide policy guidance for rezoning cases.

PUBLIC COMMENTS

Crystal DeVelis introduced herself and spoke in opposition to the request, stating that the monument sign in question is visible from her window and that the community was assured during the rezoning process about the R-O zoning and the enhancements agreed to by the developer, highlighting the illuminated sign restriction in the 44th Street Corridor Residential Office Study that the neighbors felt provided protection for them.

Neal Haddad introduced himself as a member of the Arcadia Osborn Neighborhood Association and spoke in opposition to the request, stating that the stipulations in the rezoning were agreed to in exchange for allowing commercial activity on what had been a residential lot and that the developer is walking back on a commitment made to the neighborhood, adding that the question should be whether anything has changed since 2021 to justify this change in the stipulation.

Chair Fischbach asked if Mr. Haddad agreed that the applicant is doing this the right way by going through a PHO process. **Mr. Haddad** stated that this was an agreement made with the community, and the question is whether we can chip away at that agreement over time.

APPLICANT RESPONSE

Mr. Bull stated that the PHO is the correct process for this after speaking with City staff, that the applicant is proposing a tasteful, non-invasive sign package, that enhanced landscaping is in place due to the rezoning, that external illumination is not precluded by

the stipulation, and that the lights are not shining into any neighboring property, suggesting that the Committee may consider requiring general conformance to the signs presented in the application.

Committee Member Williams asked about the purpose of the stipulation in question. **Mr. Bull** speculated that there was a certain type of sign that was considered objectionable at that time.

Committee Member Siegel asked if there would be additional tenants that would be added to the sign. **Mr. Bull** replied that the applicant's business uses the entire building, and there would be no additional tenants.

Committee Member Guevar asked if we can stipulate brightness or color temperature, suggesting limiting the temperature to 3,000K to 4,000K to avoid blue light. **Committee Member Siegel** provided additional clarity about how color temperature makes the light more intense such as in the Committee room or an operating room.

Committee Member Sharaby stated he is not as concerned with brightness, but would rather see a stipulation limiting the signs to what's there today.

Committee Member Swart stated that a stipulation could be added to prohibit any additional names to be added to the sign. **Mr. Bull** stated the applicant has no concerns with that. **Chair Fischbach** noted that would be accomplished with the general conformance stipulation.

Committee Member Whitesell asked if there were other lights projecting onto the building. **Mr. Bull** stated that the only additional lighting is landscape accent lighting.

Chair Fischbach stated that the Committee should focus on the lighting for the signage relevant to the stipulation in question, adding that lumen counts and other measures are somewhat relative and not typically used; therefore, the Committee should focus on stipulation language that is practical.

MOTION:

Committee Member Jurayeva made a motion to recommend approval of PHO-1-26--Z-39-21-6 with the modifications that "11:00" be replaced with "10:00" and that a sentence is added stating "Signs shall be in general conformance with the application dated March 11, 2026 to include brightness and number of signs." **Committee Member Baumer** seconded the motion.

DISCUSSION:

Committee Member Whitesell asked if the signs are conforming to Section 705 of the Zoning Ordinance. **Mr. Grande** replied that one of the signs was permitted with internal illumination, which should not be permitted due to the stipulation, but there is no reason to believe the signs are otherwise in violation of the zoning.

Committee Member Whitesell stated a concern that this is becoming more of a commercial property than an R-O property, noting that the R-O district comes with limitations in the zoning, and stated a concern about the impacted neighbor, adding that it erodes trust in the City and this Committee when agreements and stipulations are not honored.

Vice Chair Paceley provided additional background, adding that businesses want people to see their signs and that by comparison this sign is modest and in good taste.

VOTE:

13-3; motion to recommend approval of PHO-1-26--Z-39-21-6 with modifications passed; with Committee Members Augusta, Baumer, Cantelme, Eichelkraut, Garcia, Guevar, Langmade, McClelland, Sharaby, Swart, Todd, Paceley, and Fischbach in favor; Committee Members Siegel, Whitesell, and Williams opposed.

Recommended Stipulations:

1. The development shall be in general conformance with the elevations date stamped June 14, 2021, as modified by the following stipulations and approved by the Planning and Development Department.
2. The public sidewalk along 44th Street shall be detached with a landscape strip located between the sidewalk and back of curb following the most recent Cross Section of the Street Classification Map and planted to the following standards, as approved by the Planning and Development Department.
 - a. Minimum 2-inch caliper shade trees that provide a minimum 75 percent shade at maturity.
 - b. Drought tolerant vegetation maintained at a maximum mature height of 24 inches and achieve minimum 75 percent live coverage.
3. A minimum 20-foot landscape setback shall be required adjacent to 44th Street and shall include large canopy shade trees 20 feet on center or in equivalent groupings between the sidewalk and proposed site development, as approved by the Planning and Development Department. Twenty-five percent of the trees shall be minimum four-inch caliper and 75 percent of the trees shall be minimum three-inch caliper. Five, five-gallon shrubs per tree, and additional shrubs or live groundcover, shall provide minimum 75 percent live cover at mature size, as approved by the Planning and Development Department.
4. A minimum 4-foot landscape setback shall be required along the eastern property line. This setback shall be planted with minimum 8-foot-tall shrubs or plants to provide a tall vegetative buffer from adjacent single-family residences to the east, as approved by the Planning and Development Department.

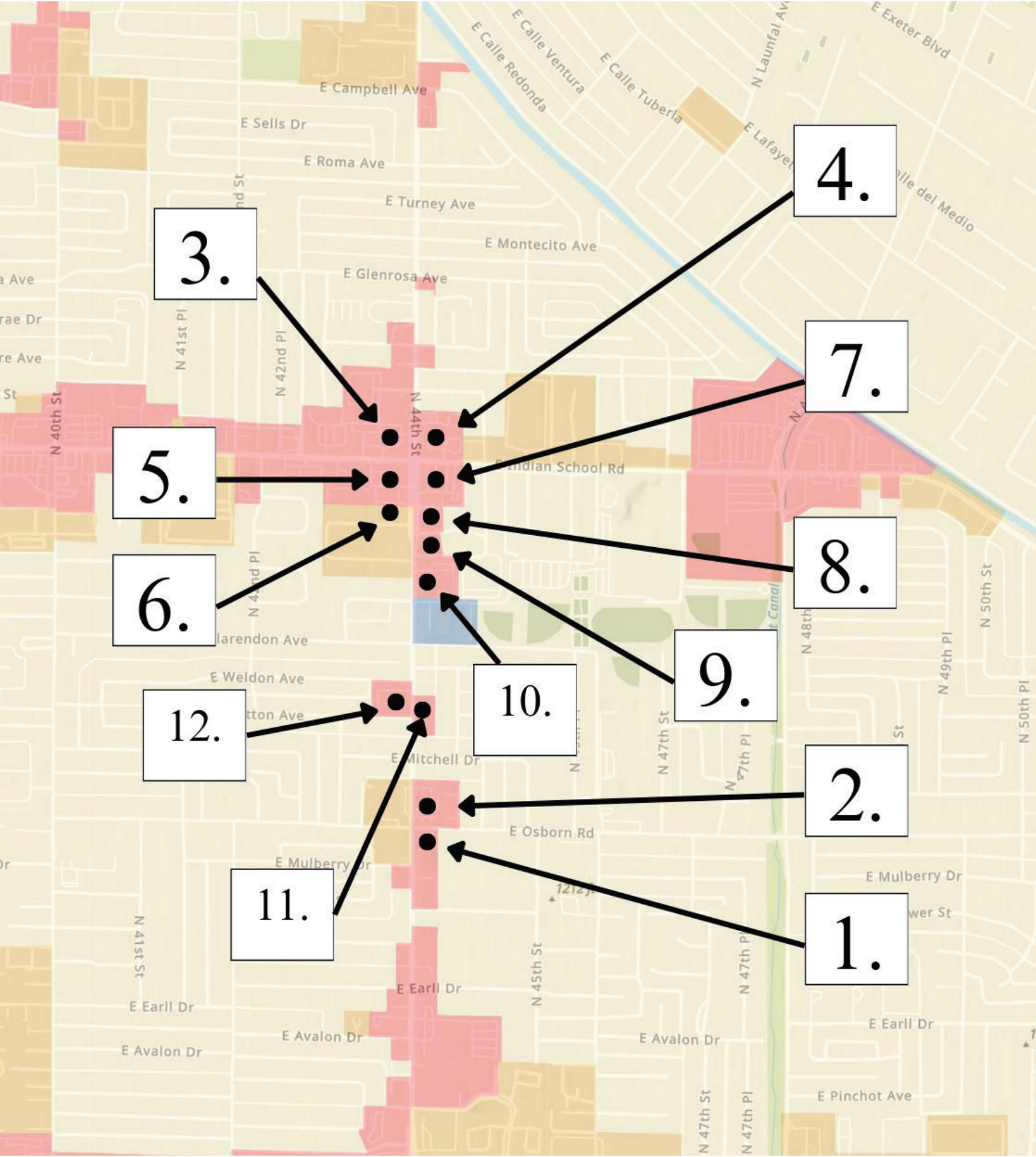
5. All uncovered surface parking lot areas shall be landscaped with minimum 2-inch caliper drought-tolerant shade trees. Landscaping shall be dispersed throughout the parking area and achieve 25 percent shade at maturity, as approved by Planning and Development Department. Shade may be provided with a combination of trees and structural shade.
6. ~~There shall be no internally lit signs on the site.~~ SIGN ILLUMINATION SHALL NOT BE ALLOWED FROM 11:00 **10:00** P.M. UNTIL SUNRISE. **SIGNS SHALL BE IN GENERAL CONFORMANCE WITH THE APPLICATION DATED MARCH 11, 2026 TO INCLUDE BRIGHTNESS AND NUMBER OF SIGNS.** Signage shall be approved by the Planning and Development Department.
7. A minimum of four bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near building entrances and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.
8. Clearly defined, accessible pedestrian pathways shall be provided to connect building entrances and public sidewalks, using the most direct route for pedestrians, as approved by the Planning and Development Department.
9. Where pedestrian pathways cross drive aisles, they shall be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrast with the adjacent parking and drive aisle surfaces, as approved by the Planning and Development Department.
10. Trees shall be placed to provide 75 percent shade coverage on all pedestrian paths and sidewalks at full maturity, as approved by the Planning and Development Department. Shade structures may be used to meet the shade requirement in places where trees are unable to be located.
11. The developer shall record a cross-access agreement for any shared access drives along 44th Street.
12. The developer shall dedicate a 10-foot sidewalk easement and construct a minimum 5-foot-wide sidewalk and landscape strip along 44th Street, as approved by the Planning and Development Department.
13. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with the current ADA Guidelines.
14. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.

15. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 waiver of claims form. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for the record.

STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:

Staff has no comments.

EXHIBIT 6



1.



2.



3.



4.



5.



6.



7.



8.



9.



10.



11.



12.



EXHIBIT 7

