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FOR CITY COUNCIL PACKET

APRIL 1, 2014

**The April 1, 2014 Policy Session is Cancelled.**

**BACK-UP INFORMATION FOR THE WEDNESDAY, APRIL 2, 2014 FORMAL AGENDA**

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## GENERAL INFORMATION

- [Liquor License Applications Received for the Period of March 17, 2014 through March 21, 2014](#)
- [2014 City Cultural Diversity Award Recognition](#)
- [Follow-up: March 25, 2014 Policy Session](#)

## RESPONSE TO CITIZEN REQUESTS

The following informational report responds to requests from citizens at the March 19, 2014 Formal City Council meeting:

### [Mr. McLaughlin](#)

Mr. McLaughlin stated he witnessed Phoenix police officers come to a momentary stop at a red traffic light, then turn on their emergency lights and proceed through the intersection when there was no traffic. Mr. McLaughlin remarked this practice was not fair, and noted other motorists receive tickets for the same behavior. Mr. McLaughlin expressed his belief that police officers are not above the law and asked that they obey the traffic laws.

### [Ms. Barker](#)

Ms. Barker requested the Police Department review policies and procedures associated with the pursuit of suspects into high-density areas such as downtown Phoenix.

Packet Date: March 27, 2014

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**CITY COUNCIL REPORT**

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**FORMAL AGENDA**

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TO: Mayor and Council Members AGENDA DATE: April 2, 2014

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

SUBJECT: BOARDS AND COMMISSIONS – CITY COUNCIL APPOINTEES

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**Camelback East Village Planning Committee**

Councilman Sal DiCiccio recommends the following for appointment:

Daniel Sharaby

Mr. Sharaby is the president of Tickets Unlimited and is a resident of District 6. He replaces Dominic Spagnuolo, who resigned, and will serve a term to expire November 19, 2014.

**Laveen Village Planning Committee**

Councilwoman Kate Gallego recommends the following for appointment:

Carlos Ortega

Mr. Ortega is a financial aid manager for the Arizona State University Downtown Campus. He has been a resident of the Laveen community for 12 years and will serve a term to expire November 19, 2014.

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**CITY COUNCIL REPORT**

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**FORMAL AGENDA**

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TO: Lisa Takata  
Deputy City Manager

AGENDA DATE: April 2, 2014

FROM: Cris Meyer  
City Clerk

ITEM: 15 PAGE: 28

SUBJECT: POLICE DEPARTMENT RECOMMENDATION FOR ONE LIQUOR  
LICENSE ITEM ON THE APRIL 2, 2014 FORMAL AGENDA

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The attached memorandum supplements the Request for Council Action report for one liquor license item on the April 2, 2014 Formal Council Agenda. This memorandum provides the Council with additional information regarding the Police Department disapproval recommendation for the following item:

**Old Business Item**

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

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

**Police Department Liquor License Disapproval Recommendation**

**Application Information**

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

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

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

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

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

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

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

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## CITY COUNCIL REPORT

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### FORMAL AGENDA

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TO: Rick Naimark  
Deputy City Manager

AGENDA DATE: April 2, 2014

FROM: Neil Mann, PE  
Public Works Director

ITEM: 25 PAGE: 41

SUBJECT: IFB 14-097 HYDRAULIC HOSE REPAIR AND REPLACEMENT  
REQUIREMENTS CONTRACT

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This report provides back-up information on Item 25 on the April 2, 2014 Formal Agenda referring to the Hydraulic Hose Repair and Replacement requirements contract (IFB 14-097).

#### THE ISSUE

On the March 19, 2014 City Council Formal meeting, a motion was approved by the City Council to continue Item 54, the hydraulic hose repair and replacement requirements contract, to the April 2, 2014 Formal Meeting in order to address questions and other public comments.

#### OTHER INFORMATION

Councilwoman Williams requested additional information regarding the awardee's quality of products, failure rate, and any indication of performance issues.

The contractor Mobile Hose of Arizona, Inc., also known as Pirtek Sky Harbor, is a Parker brand dealer and has been the successful bidder of this contract for the past five years. Public Works Fleet Services overall experience with the quality of the Parker brand hoses/fittings and workmanship has been acceptable. Over the past 12 months a total of 839 invoices were processed for work performed by the company. Twenty-one of the invoices were for warranty work (2.5% failure rate). Warranty work including repair or replacement is completed at no charge to the City. As part of this contract, the burden of parts storage and inventory falls on the contractor. If the City were to stock and maintain all needed hoses and fittings, it would require additional staff and further investment in equipment storage space, and tools compatible with the types of hoses and fittings used at each of the six major City fleet service centers.

The City has used a contract for repair and replacement of hydraulic hoses on medium duty, heavy duty, construction and solid waste equipment since December 2008. The contractor provides all transportation, materials, labor, tools and equipment necessary to repair or replace damaged hydraulic hoses, fittings, and protective wraps to protect City assets from premature deterioration, ensure peak performance and minimize downtime.

The Deputy City Manager and Public Works management staff met with Unit 2 labor representatives following the March 19, 2014 Council Formal meeting to discuss concerns regarding the intended use of this contract. The outcome of the meeting was an agreement to enhance efforts to hold the contractor accountable for work performed, as well as to mutually research further efficiency and cost saving opportunities by possibly in-sourcing this service while recommending moving forward with the approval of this contract since it is currently expiring.

### RECOMMENDATION

This report requests City Council approval of Item 25 on the April 2, 2014 Formal Agenda to authorize the City Manager, or his designee, to enter into an agreement with Mobile Hose of Arizona, Inc. for hydraulic hose repair and replacement on an as-needed basis for a one year period beginning on or about April 1, 2014, and ending March 31, 2015 with up to four (4) additional option years, in one-year increments. Authorization is also requested for the City Controller to disburse funds for the life of the contract, in an amount not to exceed \$750,000 with an estimated annual expenditure of \$150,000.

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## CITY COUNCIL REPORT

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### FORMAL AGENDA

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TO: Rick Naimark  
Deputy City Manager

AGENDA DATE: April 2, 2014

FROM: Neil Mann, PE  
Public Works Director

ITEM: 26 PAGE: 42

SUBJECT: RFA 14-045 CATERPILLAR MACHINE MAINTENANCE REQUIREMENTS  
CONTRACT

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This report provides back-up information on Item 26 on the April 2, 2014 Formal Agenda referring to the Caterpillar machine maintenance requirements contract (RFA 14-045).

#### THE ISSUE

On the March 19, 2014 City Council Formal meeting, a motion was approved by the City Council to continue Item 61, the Caterpillar machine maintenance requirements contract, to the April 2, 2014 City Council Formal meeting in order to address comments concerning the outsourcing of equipment maintenance at the State Route 85 Landfill (SR85).

#### OTHER INFORMATION

In 2006, the Skunk Creek Landfill was closed by the City of Phoenix and operations were relocated to the SR85 Landfill in the southwest valley, 50 miles from downtown Phoenix. Prior to 2006, the Public Works Department Fleet Services Division provided on-site maintenance of the heavy duty landfill equipment. However, in preparation for the relocation of the specialized and heavy off-road equipment, Fleet Services conducted an internal survey to determine whether qualified fleet technicians would be willing to shift their work location to the new landfill site. There were no qualified employees willing to change to this work location. As a result, the fleet technician staff located at the Skunk Creek Landfill moved to the new North Gateway Transfer Station to provide equipment maintenance support.

At that time, Fleet Services contracted with Empire Southwest, the only Caterpillar certified dealer in Arizona, to assess the condition of the landfill equipment. Empire Southwest's assessment concluded the equipment was in poor condition and in need of numerous repairs. The majority of heavy equipment operated at the SR85 landfill is manufactured by Caterpillar. Most of this equipment is still under warranty and covered with a buy-back guarantee. Due to the specialized equipment required for a landfill operation, it is critical to have on-site certified staff available at all times with the proper tools and equipment to perform all repairs, warranty and maintenance services.



The equipment to operate a landfill is similar to open-pit mining operations and is very large and expensive to own and operate. The landfill needs to have continuous uninterrupted operations with minimum downtime and the least amount of expensive back-up equipment. It has been the landfill staff's experience that the maintenance and repair services are best provided at this time through outsourcing to Empire Southwest which was implemented in 2006, their services include:

- 1) Continuous support from Caterpillar certified and trained technicians through Empire Southwest, the only authorized Arizona Caterpillar dealership. Caterpillar training is proprietary.
- 2) Using Caterpillar certified technicians ensures any repairs done by Empire are backed by Caterpillar and the equipment remains covered by manufacturer warranty, which increases the equipment trade-in value at the time of replacement and ultimately reduces the City's equipment's life cycle costs.
- 3) Ownership and maintenance of all specialized tools and equipment required to perform all work on these large pieces of equipment.
- 4) Capacity to perform the majority of all repairs on site so that down time and transportation costs for the heavy duty equipment is minimized.
- 5) Ability to acquire original Caterpillar replacement parts, stock all wear items on site and have all other necessary parts delivered daily which saves the City time and cost to get the necessary parts.
- 6) Staff the landfill with service technicians at all times during operations which is 104 hours per week.
- 7) Perform preventative maintenance daily to ensure the fleet operates at its maximum efficiency and prevent catastrophic failures.

The contract requires the contractor supply all labor, materials, and equipment necessary to provide Caterpillar machinery maintenance and repair services on an as-needed basis. The contract service requirements are broken down into three groups: Group I - Onsite Service Requirements at the SR85 Landfill, Group II – As-Needed Repair and Maintenance Service Requirements at the two Transfer Stations, and Group III - Rebuild Services.

The bi-monthly labor cost of \$21,711.59 covers the expense to have the necessary number of Caterpillar certified technician(s) and all necessary support equipment on site during landfill operations with no additional charges for additional labor or overtime. This equates to \$107.59 an hour. The advantage of having the contract with Empire Southwest, beyond warranty, is that if the assigned technician(s) are not available, the contractor will provide another certified technician or additional technicians if needed at no additional labor cost.

Overall, the maintenance contract has provided excellent service and equipment up time for landfill operations that has allowed the landfill to reduce staff and equipment and improve operational efficiencies. Up time for critical equipment has been exceptional, allowing Solid Waste Disposal to improve and maintain excellent waste to soil management, maximizing landfill airspace utilization, and increasing the potential for solid waste revenue.

Following the Council meeting, the Deputy City Manager and Public Works management staff met with Unit 2 labor representatives to discuss their concerns regarding the outsourcing of equipment maintenance at the SR85 landfill, agreeing to mutually research further efficiency and cost saving opportunities while moving forward with the approval of this contract since it is expiring. Unit 2 also expressed a concern about this contract being used to replace fleet maintenance staff at the two transfer stations. Public Works affirmed this contract would only be used when qualified City staff are not available or are unable to perform necessary heavy duty fleet services at those locations and there is no intent to outsource that function at this time.

#### RECOMMENDATION

This report requests City Council approval of Item 26 on the April 2, 2014 Formal Agenda to authorize the City Manager, or his designee, to enter into an agreement with Empire Machinery for the purchase of repair and maintenance service for Caterpillar equipment for the Public Works Department. The initial contract shall begin on or about April 1, 2014 and end on March 31, 2015, with up to four (4) additional option years, in one-year increments. Authorization is also requested for the City Controller to disburse funds for the life of the contract in an amount not to exceed \$5,500,000 with an estimated annual expenditure of \$1,100,000.

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## CITY COUNCIL REPORT

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### FORMAL AGENDA

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TO: Mayor and Council  
AGENDA DATE: April 2, 2014

FROM: Daniel L. Brown  
Acting City Attorney  
ITEM: 57 PAGE: 74

SUBJECT: CITY MANAGER'S EMPLOYMENT AGREEMENT

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For your information and review, please find attached the following: (1) a proposed agreement between the City Manager and the City ("Exhibit 1"); (2) a redline version that compares the terms and conditions of the proposed agreement with the agreement with the previous City Manager ("Exhibit 2"); and (3) a summary that compares the wages, salary, and benefits proposed in the new agreement with the agreement for the previous City Manager ("Exhibit 3"). The proposed agreement eliminates all forms of compensation from the City Manager's pension calculation except base salary. The proposed agreement represents a reduction of approximately 12.5% in wages, salary and other benefits from the previous City Manager agreement.

The proposed agreement follows City Charter language. The material terms and conditions of the City Manager's employment agreement include:

- The agreement with the City Manager shall commence effective February 19, 2014, when the Council approved his hiring and shall continue for an indefinite term as provided in the City Charter.
- The City Manager shall receive an annual salary of \$315,000 paid bi-weekly.
- The City Manager shall receive the same benefit package as executives and middle managers; provided however, the City Manager shall waive any right to reimbursement for his retirement contribution. This is a significant change from the previous contracts, where the benefit package was different from any other single group's benefits.
- Compensation, for purposes of the City Manager's pension, shall solely include the City Manager's salary as may be amended by Council. The City Manager expressly waives the right to include other sources of compensation as part of his pension calculation. This is a significant change from the previous contracts.
- In consideration of the City Manager's waiver of rights related to his pension, and in addition to any severance permitted by the Charter, the City Manager may sell back up to 20% of his accrued sick leave upon separation; provided however, this amount **shall not** be included in the City Manager's pension calculation.

# EXHIBIT 1

**AGREEMENT NO. \_\_\_\_\_**

THIS AGREEMENT is made this \_\_\_ day of \_\_\_\_\_, 2014, by and between the CITY OF PHOENIX (the “City”), a municipal corporation of the State of Arizona, acting by and through its Mayor and City Council; and ED ZUERCHER (the “Manager”), City Manager of the City of Phoenix.

**WITNESSETH:**

1. Scope.

The purpose of this Agreement is to set forth the basic terms and conditions under which Ed Zuercher shall perform his duties as Manager for and on behalf of the City, including the compensation, reimbursement, and fringe benefit provisions relating to said position.

2. Term.

This Agreement shall commence on February 19, 2014 and shall be a continuing agreement between the Manager and the City unless subsequently amended. The specific provisions relating to payment of salary and fringe benefits as set forth in Paragraph 6 below shall continue until such time as they may be changed by further amendments to this Agreement. It is the intention of the parties that the provisions of Paragraph 6 of this Agreement be adjusted once a year and that said adjustment be reflected in an ordinance adopted by the City Council pursuant to the provisions of the City Charter, Chapter III, and Section 2. In order to provide uniformity in salary components applicable to all City Executive Class employees, it is the understanding of the parties that amendments to the salary and fringe benefits set forth in Paragraph 6 and the retirement benefits provisions of Paragraph 10.1 shall be retroactive to the beginning of the fiscal year as provided for in the annual City Pay Ordinance for other individuals in the Executive Class of City employees. The adoption of any amendments to this Agreement shall not be deemed to affect any other term or condition of this Agreement unless specifically modified by such amendment and agreed to by the parties.

3. Termination or Resignation of Manager.

3.1 Charter Requirements. The parties recognize the applicability of the provision of Chapter III, Section 2 of the Charter of the City relative to removal of the Manager without cause and removal of the Manager for cause.

- 3.2 Notice of Resignation. The Manager further agrees that in the event that he voluntarily resigns from his position with the City, he will provide the City Council with a minimum of sixty (60) days' advance notice.
- 3.3 Termination for Cause. The Manager further agrees to fully comply with the City of Phoenix's Ethics Policy, as may be amended from time to time. In the event the Manager violates the Ethics Policy, the parties agree that a violation constitutes cause for termination under Chapter III, Section 2 of the City Charter.

4. Duties.

The duties of the Manager shall be as set forth in the City Charter, City Code, Ordinances, and formal actions taken by the City Council.

- 4.1 Hours. The parties recognize that no specific hours limit the performance of the duties of the Manager. The Manager is expected to devote as many hours to the job as may be necessary to satisfactorily perform the duties of his office.
- 4.2 Full Time Performance. The parties agree that the Manager shall devote his full time to the performance of his duties as Manager. The provisions of this subparagraph shall not prohibit the Manager from engaging in outside employment, such as teaching, writing or speaking activities before or on behalf of any educational, professional or civic groups or association on his own time and not at City expense. The City Manager may accept compensation, honorarium, or expense reimbursement for such activities; provided however, in no event shall such compensation, honorarium, or expense reimbursement exceed FIVE THOUSAND DOLLARS (\$5,000.00) in a calendar year. Any such outside activity shall be conducted only in such manner as to cause no interference or conflict of interest with the normal course of business activities and duties of the Manager.

5. Performance Evaluation.

The City Council and the Manager will, as part of the Manager's performance evaluation, mutually establish the Manager's annual work objectives and review such objectives twice a year. These objectives will be based on an appraisal of

the Manager's performance related to the current status of conditions in the City, major work program goals necessary to achieve the City goals, and the resource capabilities of the City organization.

The Mayor and the City Council will annually, prior to the end of December, as part of said twice-a-year review, evaluate the Manager's progress and performance for results achieved in relation to the past objectives, based on the goals established for the prior year (or years) for the specific purpose of the possible adjustment of the Manager's salary and fringe benefits. The parties agree that they will bring perceived problems or inadequacies to the attention of the other, and that they will exercise good-faith efforts to mutually resolve such perceived problems or inadequacies and differences of opinion.

6. Salary and Fringe Benefits.

The salary and fringe benefits of the Manager shall consist of the following:

- 6.1 Salary. Biweekly payroll remuneration to be computed on an annual basis as set for the herein in the annual sum of THREE HUNDRED FIFTEEN THOUSAND DOLLARS (\$315,000.00).
- 6.2 Deferred Compensation (401(a) Plan/457 Plan). Payment by the City into the 401(a) Plan shall be computed on the same percentage basis as that provided for other members of the Executive Class of City employees. To the extent permitted by federal law and consistent with the City's 401(a) Plan, the City Manager may also include any form of payment due at retirement into the 401(a) Plan. Such payment may include, but not be limited to, sick leave or vacation leave payments, performance payments, and any other similar pay. To the extent permitted by federal law and the City's 457 Plan, the City Manager may also participate in the City's 457 deferred compensation plan under the same terms and conditions provided to the City of Phoenix Executive Class of employees. The entire amount of such Deferred Compensation, 401(a) or 457 Plan(s), benefits paid under this paragraph ***shall not*** be deemed compensation for Retirement Plan purposes.
- 6.3 Retroactivity. The payments set forth in Paragraphs 6.1 and 6.2 shall be retroactive to conform to the retroactivity provisions applicable to payments paid to other City members in the executive pay range contained in the Annual City Pay Ordinance.

6.4 Other Payments Consistent with Executive Class. The payment by the City of direct insurance premiums and other direct payments as made applicable by this Agreement or generally applicable to the Executive Class of City employees as set forth in the Annual City Pay Ordinance adopted by the City Council.

7. Reimbursed Expenses.

The parties recognize that it is of value to the City to provide the Manager with access to professional and civic organizations and institutions in the performance of his duties. The City Controller is, therefore, directed to reimburse from City funds ordinary and usual educational and membership expenses incurred by the Manager at his discretion in the performance of his duties in an amount not to exceed TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00). These amounts may include the following:

7.1 Professional Membership. Professional membership dues and subscriptions to professional organizations and journals.

7.2 Civic Organizations. Initiation and annual dues to not more than two civic organizations.

8. Automobile and Communication Allowances.

The parties agree the Manager shall receive the same automobile and communication allowances as generally applicable to the Executive Class of City employees as set forth in the Annual City Pay Ordinance adopted by the City Council. These payments ***shall not*** be deemed compensation for Retirement Plan purposes.

9. Other Fringe Benefits.

The Manager shall be entitled to the same other fringe benefits, such as insurance benefits, vacation, sick leave, vacation buy-back, and other miscellaneous benefits as are available to all members of the Executive Class pursuant to the City Pay Plan and Administration Regulations. Further, in addition to any other severance and in lieu of severance pay authorized for other members of the Executive Class under A.R. 2.15 as revised March 18, 1992, the Manager may, at his election upon the event of his separation, be paid for not more than twenty percent (20%) of his accumulated sick leave as well as for all unused accumulated vacation leave. These other fringe benefits ***shall not*** be deemed compensation for Retirement Plan purposes.



10. Retirement Benefits.

The retirement components of the Manager shall consist of the following:

10.1 COPERS. The Manager, as a City employee, is entitled to full benefits of the City Retirement System as set forth in the City Charter, Chapter 24. **Provided, however;** to the extent permitted by law it is the specific intent of the parties that the Manager's compensation for Retirement Plan purposes shall be calculated solely on his salary as set forth in Paragraph 6.1, as his salary may be amended from time to time. For the consideration granted in this Agreement, the receipt and adequacy of which the Manager acknowledges, the Manager hereby expressly and knowingly waives all rights, interests, and privileges to include any additional benefit or payment, other than the salary stated in Paragraph 6.1 as amended, as part of his compensation for purposes of calculating his retirement benefits under the Retirement Plan. Other than solely using his salary to calculate his compensation for Retirement Plan purposes, the Manager expressly preserves all other rights, interests, and privileges to benefits under the City Retirement System as made available to all members of the Executive Class of employees to the extent permitted by law.

10.2 Retirement Contribution. For the consideration granted in this Agreement, the receipt and adequacy of which the Manager acknowledges, the Manager hereby waives any right to reimbursement for the employee contribution to the Retirement System.

11. Indemnification.

The City shall defend, save harmless, and indemnify the Manager against any claim or demand for damages, including legal actions, whether groundless or not, arising out of or in connection with any alleged act or omission occurring within the course and scope of performance by the Manager of the City Manager duties as such. In the event of a compromise or settlement of such a claim, the City shall pay such compromise settlement or claim. The City's obligations and duties in this Paragraph to defend, save harmless, and indemnify the Manager shall survive the expiration and/or termination of this Agreement.

12. Furlough Provisions.

At his discretion, the City Manager, in addition to any vacation or personal leave days provided in the normal Pay Plan of the City of Phoenix, shall be allowed to take furlough days, without compensation.

13. General Provisions.

This Agreement and the referenced provision of the City Pay Ordinance shall constitute the entire agreement between the parties. To the extent applicable, this Agreement shall be binding on and inure to the benefit of the heirs at law of the Manager.

If any provision or any portion hereof, is held to be unconstitutional, invalid or unenforceable, the remainder of this Agreement or a portion thereof, shall be deemed severable, and shall not be affected and shall remain in full force and effect.

14. Adoption of Ordinance.

The City of Phoenix authorized the Mayor to execute and sign this Agreement on its behalf the \_\_\_th day of \_\_\_\_\_, 2014 by adoption of Ordinance No. S-\_\_\_\_\_.

Remainder of page left blank intentionally

IN WITNESS WHEREOF, the City has caused this Agreement to be signed and executed on its behalf by its Mayor and City Council on this \_\_\_h day of \_\_\_\_\_, 2014.

CITY OF PHOENIX, a municipal corporation

\_\_\_\_\_  
GREG STANTON, MAYOR

CITY MANAGER

\_\_\_\_\_  
ED ZUERCHER

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

DLB/dh: 1114011v3

# EXHIBIT 2

**AGREEMENT NO. \_\_\_\_\_**

THIS AGREEMENT is made this ~~6th~~ day of ~~November,~~ 2009,, 2014, by and between the CITY OF PHOENIX (the “City”), a municipal corporation of the State of Arizona, acting by and through its Mayor and City Council; and ~~DAVID CAVAZOS~~ ED ZUERCHER (the “Manager”), City Manager of the City of Phoenix.

**WITNESSETH:**

1. Scope.

The purpose of this Agreement is to set forth the basic terms and conditions under which ~~David Cavazos~~ Ed Zuercher shall perform his duties as Manager for and on behalf of the City, including the compensation, reimbursement, and fringe benefit provisions relating to said position.

2. Term.

This Agreement shall commence on ~~November 6, 2009~~ February 19, 2014 and shall be a continuing agreement between the Manager and the City unless subsequently amended. The specific provisions relating to payment of ~~the salary components~~ and fringe benefits as set forth in Paragraph 6 below shall continue until such time as they may be changed by further amendments to this Agreement. It is the intention of the parties that the provisions of Paragraph 6 of this Agreement be adjusted once a year and that said adjustment be reflected in an ordinance adopted by the City Council pursuant to the provisions of the City Charter, Chapter III, and Section 2. In order to provide uniformity in salary components applicable to all City Executive Class employees, it is the understanding of the parties that amendments to the salary ~~components of Section~~ and fringe benefits set forth in Paragraph 6 and the ~~Retirement Contribution~~ retirement benefits provisions of ~~Section~~ Paragraph 10.1 shall be retroactive to the beginning of the fiscal year as provided for in the annual City Pay Ordinance for other individuals in the Executive Class of City employees. The adoption of any amendments to this Agreement shall not be deemed to affect any other term or condition of this Agreement unless specifically modified by such amendment and agreed to by the parties.

3. Termination or Resignation of Manager.
  - 3.1 Charter Requirements. The parties recognize the applicability of the provision of Chapter III, Section 2 of the Charter of the City relative to removal of the Manager without cause and removal of the Manager for cause.
  - 3.2 Notice of Resignation. The Manager further agrees that in the event that he voluntarily resigns from his position with the City, he will provide the City Council with a minimum of sixty (60) days' advance notice.
  - 3.3 Termination for Cause. The Manager further agrees to fully comply with the City of Phoenix's Ethics Policy, as may be amended from time to time. In the event the Manager violates the Ethics Policy, the parties agree that a violation constitutes cause for termination under Chapter III, Section 2 of the City Charter.

4. Duties.

The duties of the Manager shall be as set forth in the City Charter, City Code, Ordinances, and formal actions taken by the City Council.

Hours. The parties recognize that no specific hours limit the performance of the duties of the Manager. The Manager is expected to devote as many hours to the job as may be necessary to satisfactorily perform the duties of his office.

Full Time Performance. The parties agree that the Manager shall devote his full time to the performance of his duties as Manager. The provisions of this subparagraph shall not prohibit the Manager from engaging in outside employment, such as teaching, writing or speaking activities before or on behalf of any educational, professional or civic groups or association on his own time and not at City expense. The City Manager may accept compensation, honorarium, or expense reimbursement for such activities; provided however, in no event shall such compensation, honorarium, or expense reimbursement exceed FIVE THOUSAND DOLLARS (\$5,000.00) in a calendar year. Any such outside activity shall be conducted only in such manner as to cause no

interference or conflict of interest with the normal course of business activities and duties of the Manager.

5. Performance Evaluation.

The City Council and the Manager will, as part of the Manager's performance evaluation, mutually establish the Manager's annual work objectives and review such objectives twice a year. These objectives will be based on an appraisal of the Manager ~~of the Manager~~'s performance related to the current status of conditions in the City, major work program goals necessary to achieve the City goals, and the resource capabilities of the City organization.

The Mayor and the City Council will annually, prior to the end of December, as part of said twice-a-year review, evaluate the Manager's progress and performance for results achieved in relation to the past objectives, based on the goals established for the prior year (or years) for the specific purpose of the possible adjustment of the Manager's salary and fringe benefits component adjustment. The parties agree that they will bring perceived problems or inadequacies to the attention of the other, and that they will exercise good-faith efforts to mutually resolve such perceived problems or inadequacies and differences of opinion.

6. Salary and Fringe Benefits.

The salary ~~component~~ and fringe benefits of the Manager shall consist of the following:

Salary. Biweekly payroll remuneration to be computed on an annual basis as set for the herein in the annual sum of ~~TWOTHREE HUNDRED THIRTY-SIX FIFTEEN THOUSAND NINE HUNDRED NINETY SEVEN DOLLARS AND 85/100 (\$236,997.85)~~ (\$315,000.00). [NOTE: The previous City Manager contract was amended to increase salary to \$315,000.00]

Deferred Compensation (401(a) Plan/457 Plan). Payment by the City into the 401(a) Plan shall be ~~11% of the Manager's annual salary paid through biweekly payroll remuneration computed pro-rata on an annual basis or computed~~ on the same percentage basis as that provided for other members of the Executive Class of City employees, ~~whichever is higher~~. To the extent permitted by federal law and consistent with the City's 401(a) Plan, the City Manager ~~shall~~ may also include

any form of ~~compensation~~payment due at retirement into the 401(a) Plan. Such ~~compensation~~payment may include, but not be limited to, ~~annual longevity payments~~, sick leave or vacation leave payments, performance payments, and any other similar pay. To the extent permitted by federal law and the City's 457 Plan, the City Manager may also participate in the City's 457 deferred compensation plan under the same terms and conditions provided to the City of Phoenix ~~executive class~~Executive Class of employees. The entire amount of such Deferred Compensation, 401(a) or 457 Plan(s), benefits paid under this paragraph shall not be deemed ~~salary~~compensation for Retirement ~~Program~~Plan purposes.

Retroactivity. The ~~salary components~~payments set forth ~~above in~~Paragraphs 6.1 and 6.2 shall be retroactive to conform to the retroactivity provisions applicable to ~~compensation~~payments paid to other City members in the executive pay range contained in the Annual City Pay Ordinance.

~~Sick Leave. When the Manager has accrued 2080 hours or more of unused sick leave he may elect to have additional sick leave that he earns paid to him as salary on a monthly basis. The sick leave will be computed based upon the number of hours of sick leave converted times the Manager's base hourly salary.~~Other Payments Consistent with Executive Class. The payment by the City of direct insurance premiums and other direct payments as made applicable by this Agreement or generally applicable to the Executive Class of City employees as set forth in the Annual City Pay Ordinance adopted by the City Council.

~~6.5 Longevity Pay. The City Manager shall receive longevity performance pay in the same amount as authorized for Police Officers and Firefighters. The payment shall be made in a single payment at the beginning of each fiscal year for the entire year and this payment shall have no effect upon or be related to the City's step range of pay in the City's Pay Plan for the office of City Manager.~~



~~6.6 Health Care Contribution. Commencing upon retirement, add to the monthly payment the City of Phoenix makes to the cost of health insurance (MERP) an amount equal to that made by the Arizona Public Safety Retirement System to Fire and Police retirees for the purpose of paying for health insurance coverage.~~

7. Reimbursed Expenses.

The parties recognize that it is of value to the City to provide the Manager with access to professional and civic organizations and institutions in the performance of his duties. The City Controller is, therefore, directed to reimburse from City funds ordinary and usual educational and membership expenses incurred by the Manager at his discretion in the performance of his duties in an amount not to exceed TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00). These amounts may include the following:

7.1 Professional Membership. ~~The City agrees to pay for Manager's ICMA Dues~~Professional membership dues and subscriptions to professional organizations and journals.

7.2 Civic Organizations. Initiation and annual dues to not more than two civic organizations.

8. Automobile and ~~Computer Provisions~~ Communication Allowances.

The parties ~~recognize that it is essential that the Manager have available automobile transportation on a 24 hours, 7 day a week, and 52 week a year basis. Therefore, in lieu of the normal City Executive Pay Plan automobile allowance, the Manager shall receive an automobile allowance of SIX HUNDRED DOLLARS (\$600.00) per month.~~agree the Manager shall receive the same automobile and communication allowances as generally applicable to the Executive Class of City employees as set forth in the Annual City Pay Ordinance adopted by the City Council. These payments *shall not* be deemed compensation for Retirement Plan purposes.

Other Fringe Benefits.

The Manager shall be entitled to the same other fringe benefits, such as insurance benefits, vacation, sick leave, vacation buy-back, and other miscellaneous benefits as are available to all members of the Executive Class pursuant to the City Pay Plan and Administration Regulations ~~except that: (a) the~~

~~term life insurance provided to the Manger shall be in a sum equal to two times the salary component set forth in Paragraph 6.1 above; and (b). Further, in addition to any other severance and~~ in lieu of severance pay authorized for other members of the Executive Class under A.R. 2.15 as revised March 18, 1992, the Manager may, at his election upon the event of his separation, be ~~compensated~~paid for not more than ~~sixty~~twenty percent (~~60~~20%) of his accumulated sick leave as well as for all unused accumulated vacation leave; ~~and (c) the Manager shall be allowed to sell back to the City an additional ten (10) unused vacation days a year over and above the current amount of vacation days allowed to be sold back by members of the Executive Class of City employees; and (d) effective July 1, 2010, the Manager will be credited with two (2) additional personal leave days a year over and above the number of personal leave days allowed to members of the Executive Class of City employees.~~ These other fringe benefits shall not be deemed compensation for Retirement Plan purposes.

10. Retirement Benefits.

The retirement components of the Manager shall consist of the following:

- 10.1 COPERS. The Manager, as a City employee, is entitled to full benefits of the City Retirement System as set forth in the City Charter, Chapter 24. ~~However,~~Provided, however; to the extent permitted by law it is the specific intent of the parties agree that the Manager may waive that provision of the City Charter, Section 19.1, which would allow him, as a City employee to add unused sick leave time to his credited service for Retirement computation purposes. Such waiver, if exercised may only apply to not more than SIXTY PERCENT (60%) of such unused sick leave service. The parties further agree that in the event the Manager exercises such waiver option, he shall, at separation or retirement, be compensated for the remaining balance of the unused sick leave service which he chooses not to apply to credited services for retirement (up to SIXTY PERCENT [60%] of such unused leave). The compensation shall be part of this annual salary for the year immediately preceding retirement, and shall be computed at his then current annual rate based on the biweekly payroll amount paid under Subparagraph 6.1. (However, this amount shall be excluded in computing the average wage for reimbursement payment for unused sick leave and unused annual leave.) that the Manager's compensation for Retirement Plan purposes shall be

calculated solely on his salary as set forth in Paragraph 6.1, as his salary may be amended from time to time. For the consideration granted in this Agreement, the receipt and adequacy of which the Manager acknowledges, the Manager hereby expressly and knowingly waives all rights, interests, and privileges to include any additional benefit or payment, other than the salary stated in Paragraph 6.1 as amended, as part of his compensation for purposes of calculating his retirement benefits under the Retirement Plan. Other than solely using his salary to calculate his compensation for Retirement Plan purposes, the Manager expressly preserves all other rights, interests, and privileges to benefits under the City Retirement System as made available to all members of the Executive Class of employees to the extent permitted by law.

- 10.2 Retirement Contribution. ~~The City shall reimburse the Manager~~For the consideration granted in this Agreement, the receipt and adequacy of which the Manager acknowledges, the Manager hereby waives any right to reimbursement for the first 3.0% of the Manager's 5% employee contribution to the Retirement System. Such reimbursement shall not be considered part of the base annual salary of the Manager for retirement purposes or for purposes of calculation of average hourly wage for computation of unused annual leave or unused sick leave reimbursement upon retirement.

11. Indemnification.

The City shall defend, save harmless, and indemnify the Manager against any claim or demand for damages, including legal actions, whether groundless or not, arising out of or in connection with any alleged act or omission occurring ~~in~~within the course and scope of performance by the Manager of the City Manager duties as such. In the event of a compromise or settlement of such a claim, the City shall pay such compromise settlement or claim. The City's obligations and duties in this Paragraph to defend, save harmless, and indemnify the Manager shall survive the expiration and/or termination of this Agreement.

12. Furlough Provisions.

At his discretion, the City Manager, in addition to any vacation or personal leave days provided in the normal Pay Plan of the City of Phoenix, shall be allowed to take furlough days, without compensation.

13. General Provisions.

This Agreement and the referenced provision of the City Pay Ordinance shall constitute the entire agreement between the parties. To the extent applicable, this Agreement shall be binding on and inure to the benefit of the heirs at law of the Manager.

If any provision, or any portion hereof, is held to be unconstitutional, invalid or unenforceable, the remainder of this Agreement, or a portion thereof, shall be deemed severable, and shall not be affected and shall remain in full force and effect.

14. Adoption of Ordinance.

The City of Phoenix authorized the Mayor to execute and sign this Agreement on its behalf the ~~6~~ 6th day of ~~November, 2009~~ November, 2014 by adoption of Ordinance No. S-~~36685~~ \_\_\_\_\_.

[Remainder of page left blank intentionally](#)

IN WITNESS WHEREOF, the City has caused this Agreement to be signed and executed on its behalf by its Mayor and City Council on this ~~6th~~ 6th day of ~~November, 2009~~ November, 2014.

CITY OF PHOENIX, a municipal  
~~Corporation~~ corporation

PHIL GORDON GREG STANTON,

MAYOR

CITY MANAGER

~~DAVID CAVAZO~~ED ZUERCHER

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

~~GV/ms:831719~~  
DLB/dh: 1117270v1

Document comparison by Workshare Compare on Wednesday, March 26, 2014 5:48:19 PM

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# EXHIBIT 3

# City Manager's Contract

Current Proposed*			Previous*	
	\$315,000**	<b>Salary</b>		\$315,000**
	\$0	<b>“Longevity”</b>		\$4,000**
(9.6%)	\$30,240	<b>Deferred Comp</b>	(11%)	\$34,650**
(0%)	\$0	<b>Retirement Reimbursement</b>	(3%)	\$9,450**
(\$435/month)	\$5,220	<b>Transportation</b>	(\$600/month)	\$7,200**
(\$100/month)	\$1,200	<b>Phone</b>	(\$100/month)	\$1,200**
+0	\$0	<b>Vacation Sell Back</b>	+10 Days	\$12,115**
	\$0	<b>Sick Leave Sell Back</b>		\$18,173**
1.75 x Salary		<b>Life Insurance</b>	2 x Salary	
+0		<b>Additional Leave</b>	+2 Days	
Executive		<b>Retiree Health</b>	Public Safety	
(20%)		<b>Sick Leave Payout</b>	(60%)**	
ICMA / ACMA (≤\$2,500)		<b>Professional Memberships</b>	ICMA	
	\$351,660	<b>(difference \$50,128 or -12.5%)</b>		\$401,788

\*Calculations based on hourly rate of \$151.44 (\$315,000 / 2080 hrs)

\*\*Pensionable



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## CITY COUNCIL REPORT

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### FORMAL AGENDA

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TO: Rick Naimark  
Deputy City Manager

AGENDA DATE: April 2, 2014

Paul Blue  
Deputy City Manager

FROM: Alan Stephenson  
Acting Planning and Development  
Director

ITEM: 80 PAGE: 94

Hank Marshall  
Acting Community and Economic  
Development Director

SUBJECT: PUBLIC HEARING AND RESOLUTION ADOPTING LEGAL FINDING FOR  
THE RIO SALADO REDEVELOPMENT AREA

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This report provides backup information on Item 80 on the April 2, 2014 Formal agenda, a request for City Council approval of the Rio Salado Redevelopment Study Area as a redevelopment area. The study area was found to meet blight criteria pursuant to A.R.S. 36-1471 and is eligible to be designated a redevelopment area. The study area is generally bounded by I-17 to the north; Broadway Road to the south; 19th Avenue to the west; 16th Street to the east. A detailed map of the study area is attached. The Downtown, Aviation and Redevelopment (DAR) Subcommittee recommended approval of this item on March 5, 2014.

#### THE ISSUE

At the June 11, 2013, City Council Policy Session, City Council directed staff to begin the process for studying the proposed Rio Salado Redevelopment Area. The City Council, on November 20, 2013, authorized an amendment to an existing contract with Discovery Triangle Development Corporation to study the subject area to determine eligibility for the formation of a redevelopment area. Significant studies of the area, along with several revitalization efforts, have already been done over the last decade. These past planning efforts provide foundation for the redevelopment study area designation and the goals of those plans will be further implemented by adoption as a redevelopment area. This designation will not change any of those land use goals or any existing development rights of property owners.

## OTHER INFORMATION

Creation of the Rio Salado Redevelopment Area will assist the City's efforts to revitalize the study area. While redevelopment areas in Phoenix have historically focused on neighborhood revitalization, the Rio Salado Redevelopment Area is focused on economic development – namely, stimulating capital investment and fostering the growth of employment-generating uses. Through this strategy, the City hopes to create jobs and business opportunities for the benefit of Phoenix residents, Phoenix employers and the region's economy.

Based on this strategy, the recommended boundary includes specific areas and parcels that are well positioned for investment. These include large parcels, groups of contiguous parcels with common ownership, City-owned parcels, areas suitable for commercial or industrial development, and vacant or underutilized parcels that could accommodate employment-generating uses. In order to protect existing neighborhoods, the recommended boundary also avoids large areas of residential properties. The resulting boundary is representative of the area with the greatest potential for job creation, capital investment and business opportunities.

Designation as a redevelopment area allows for the City to continue working with property owners to facilitate a variety of revitalization measures that include blight elimination, special development funding mechanisms, and work on individual property redevelopment plans/studies to guide revitalization efforts for the area.

In order to assess current conditions in the area, Discovery Triangle Development Corporation collected data on the proposed redevelopment area's current land use, as well as building and area conditions. After analysis of the available information, the Planning and Development Department, Community and Economic Development Department and Discovery Triangle have determined that:

1. There is deterioration of the area and its improvements;
2. There are unsafe and unsanitary conditions that relate to the condition of the property; and
3. There is faulty lot layout in relation to size, shape and configurations.

These factors retard the provision of economic development; constitute a social liability, and detract from the provision of public health, safety, morals, or welfare in their present state and use. Individually or in combination, these conditions substantially impair or arrest the sound growth of the City of Phoenix.

Existing land use, as well as building and area conditions demonstrate that current conditions satisfy statutory requirements for declaring the area a redevelopment area. Its deterioration, unsafe conditions and faulty lot layout do not contribute to the stability and vitality of the surrounding area. The redevelopment process offers an opportunity to help remove these conditions; to facilitate revitalization of new and existing land uses; and to support private improvements in the area.

On March 5, 2014, the Downtown, Aviation and Redevelopment Subcommittee recommended City Council approval of the proposed Rio Salado Redevelopment Area and declared the area eligible to be a redevelopment area as this area meets the blight criteria established by A.R.S. 36-1471. Establishment of this area as a redevelopment area will further the implementation of the General Plan and existing City Council adopted plans.

The Neighborhood Services Department requested to modify the proposed redevelopment boundaries so as not to overlap with the existing Target Area B. This request is reflected in the updated redevelopment map with a minor change as shown in Attachment A. This revised area meets the statutory requirements for a redevelopment designation. Designation as a redevelopment area allows for the City to continue working with property owners to facilitate a variety of revitalization measures that include blight elimination, special development funding mechanisms, and work on individual property redevelopment plans to guide revitalization efforts for the area.

### RECOMMENDATION

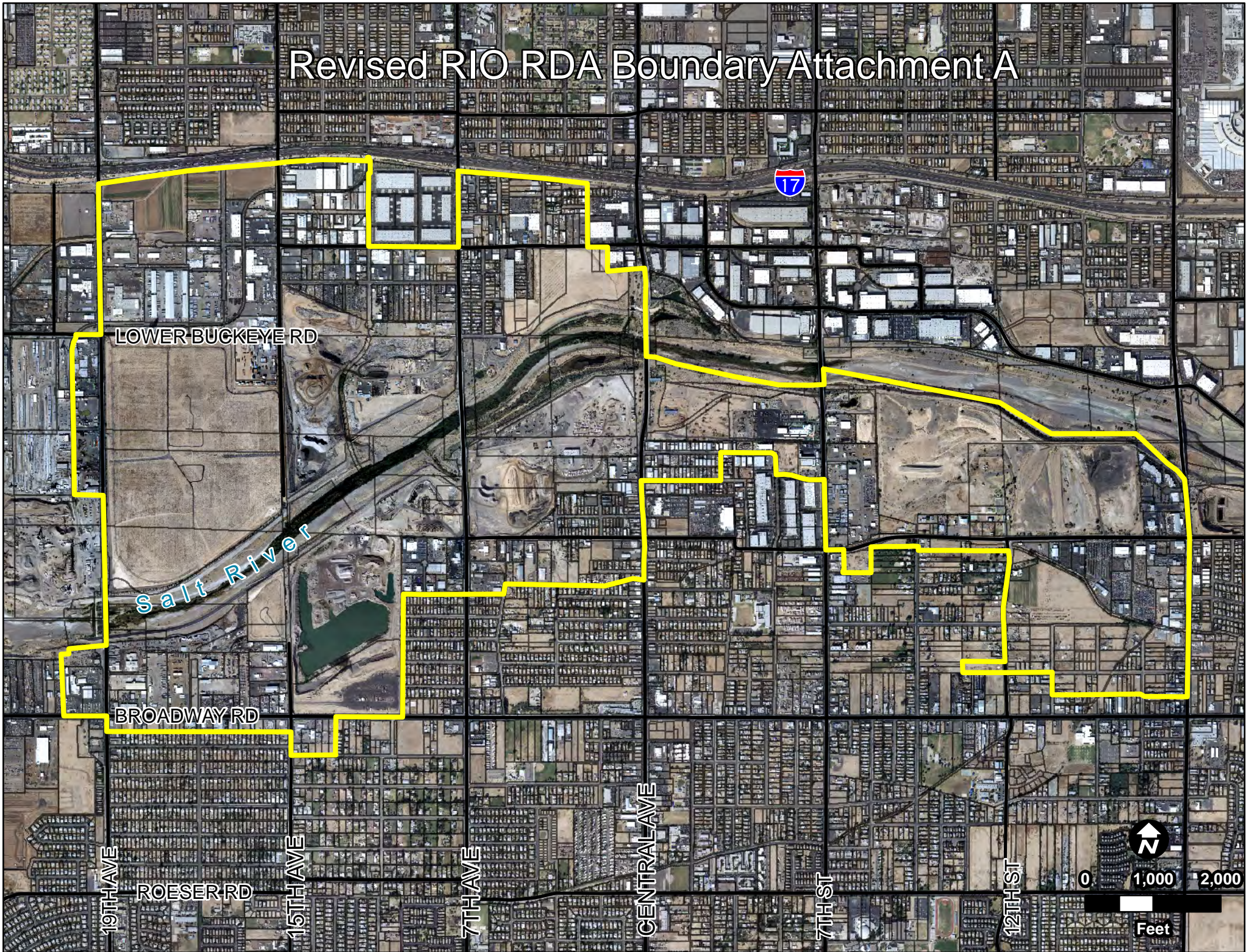
Staff requests City Council approval of the proposed Rio Salado Redevelopment Area and make a finding that this area meets the blight criteria established by A.R.S. 36-1471 as recommended by the Downtown, Aviation and Redevelopment Subcommittee with the minor change to the boundaries as shown in Attachment A.

As specific redevelopment projects come forward staff will develop a specific site/action plan pursuant to the requirements of A.R.S. 35-1479. This plan will also address conformance to the existing General Plan and appropriate area plan(s). The plan will then be brought back to the Subcommittee and full City Council for review and approval.

Attachment A – Revised Boundary Map

Attachment B – Rio Salado Redevelopment Area Study

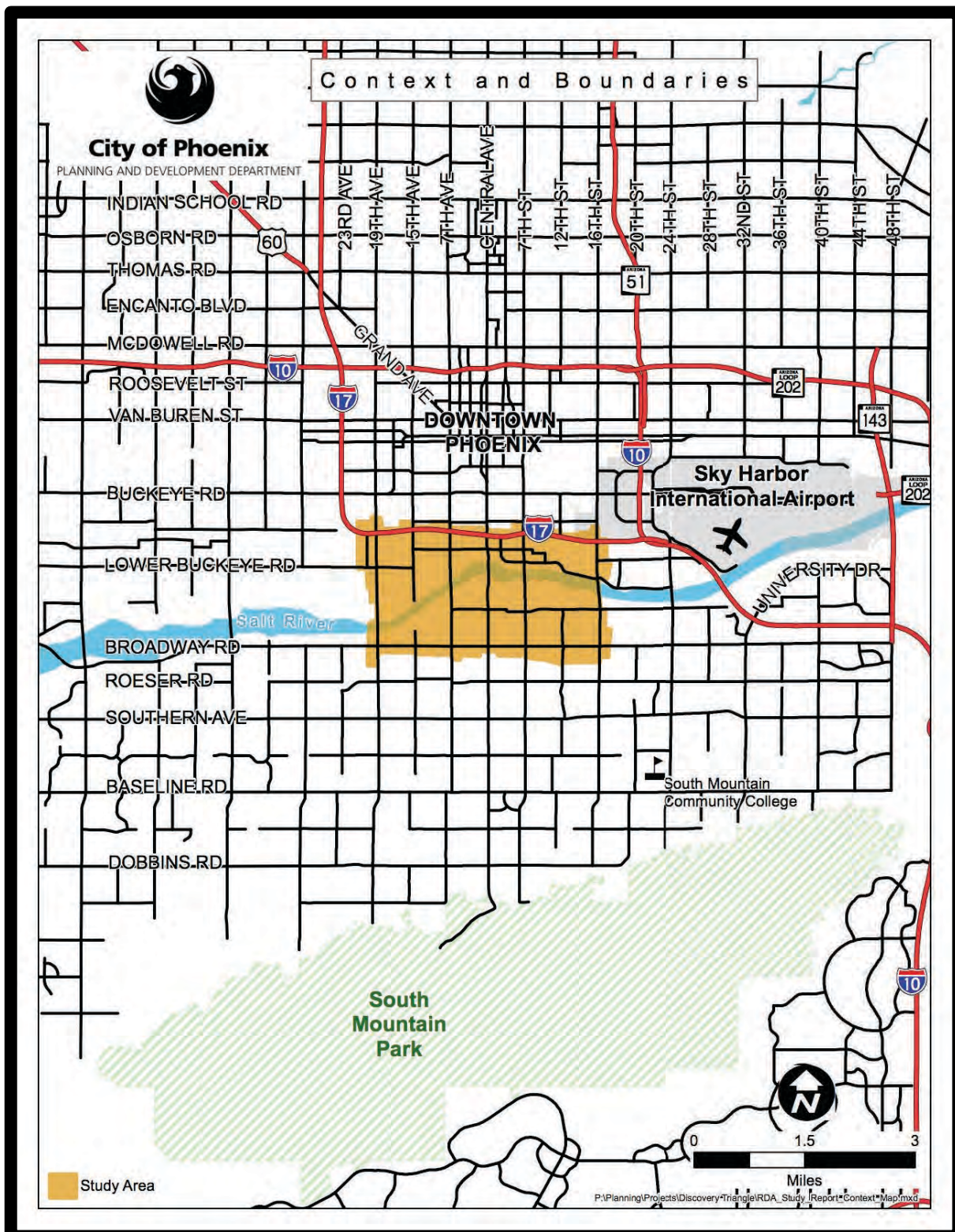
# Revised RIO RDA Boundary Attachment A



# Attachment B

January 2014

## Report: Rio Salado Redevelopment Study Area



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## Executive Summary

The Mayor and City Council initiated this report to analyze and document the current building, land use and area conditions in the area referred to as the Rio Salado Redevelopment Area (RSRDA). The Study Area is generally bounded by I-17 to the north, Broadway Road to the south, 19<sup>th</sup> Avenue to the west and 16<sup>th</sup> Street to the east.

The primary purpose for the analysis is to evaluate conditions of the Study Area and to determine if it qualifies under Arizona State Statute as a Redevelopment Area.

The primary statutory requirement for a formal designation of an area as a Redevelopment Area is a finding that a predominance of the property is blighted.

This Report describes and documents the statutorily defined blighted conditions that, when aggregated, constitute a finding of a predominance of blight, allowing the Mayor and Council to designate the area as a Redevelopment Area.

ARS § 36-1471 provides the following list of factors that, through the presence of one or more, may allow an area to be declared as predominately blighted. Blighted properties within the Study Area were found to meet one or more of 4 of the 9 statutory requirement options, specifically:

- A dominance of defective or inadequate street layout.
- Faulty lot layout in relation to size, adequacy, accessibility or usefulness.
- Unsanitary or unsafe conditions.
- Deterioration of site or other improvements.

A formal declaration by the Phoenix City Council will assist in focusing City efforts to revitalize the economy in the Area, with a specific focus on economic development and quality job creation.

This Report is divided into six sections which describe the history and boundaries of the Study Area, past and ongoing planning and revitalization efforts, demographic, land use and zoning background in addition to a physical survey of the existing conditions. It also describes the legal framework which authorizes the City of Phoenix to conduct this analysis and to consider formal designation of the Study Area as a Redevelopment Area.



## Redevelopment Area Overview

A Redevelopment Area is designated by City Council through a formal finding of blighted conditions within the Study Area boundaries by City Council vote. At a City Council public hearing, approval of a Redevelopment Area requires adoption of a Council resolution that resolves/finds that both that:

1. One or more slum or blighted areas exist in the municipality.
2. The redevelopment of that area or areas is necessary in the interest of the public health, safety, morals or welfare of the residents of the municipality.

The existence of blighted conditions has both a short and long term negative affect on the City's ability to improve economic development prospects and attract investment which enables quality job creation. Alternatively, areas that are well maintained and offer few obstacles to responsible development become prime locations for existing business expansion, new businesses establishment and a thriving local economy. These attractive areas generate more positive tax revenue to support critical City services.



While the majority of the City of Phoenix's 19 Redevelopment Area *Plans* are aimed at catalyzing neighborhood revitalization, this Report is focused on commercial and industrial areas that have potential for redevelopment or reinvestment.

## Redevelopment Area Requirements

ARS § 36-1471 defines a Blighted area to be an area, other than a slum area, where sound municipal growth and the provision of housing accommodations is substantially retarded or arrested in a predominance of the properties by any of the following:

- A. A dominance of defective or inadequate street layout.
- B. Faulty lot layout in relation to size, adequacy, accessibility or usefulness.
- C. Unsanitary or unsafe conditions.
- D. Deterioration of site or other improvements.
- E. Diversity of ownership.
- F. Tax or special assessment delinquency exceeding the fair value of the land.
- G. Defective or unusual conditions of title.
- H. Improper or obsolete subdivision platting.
- I. The existence of conditions that endanger life or property by fire and other causes.





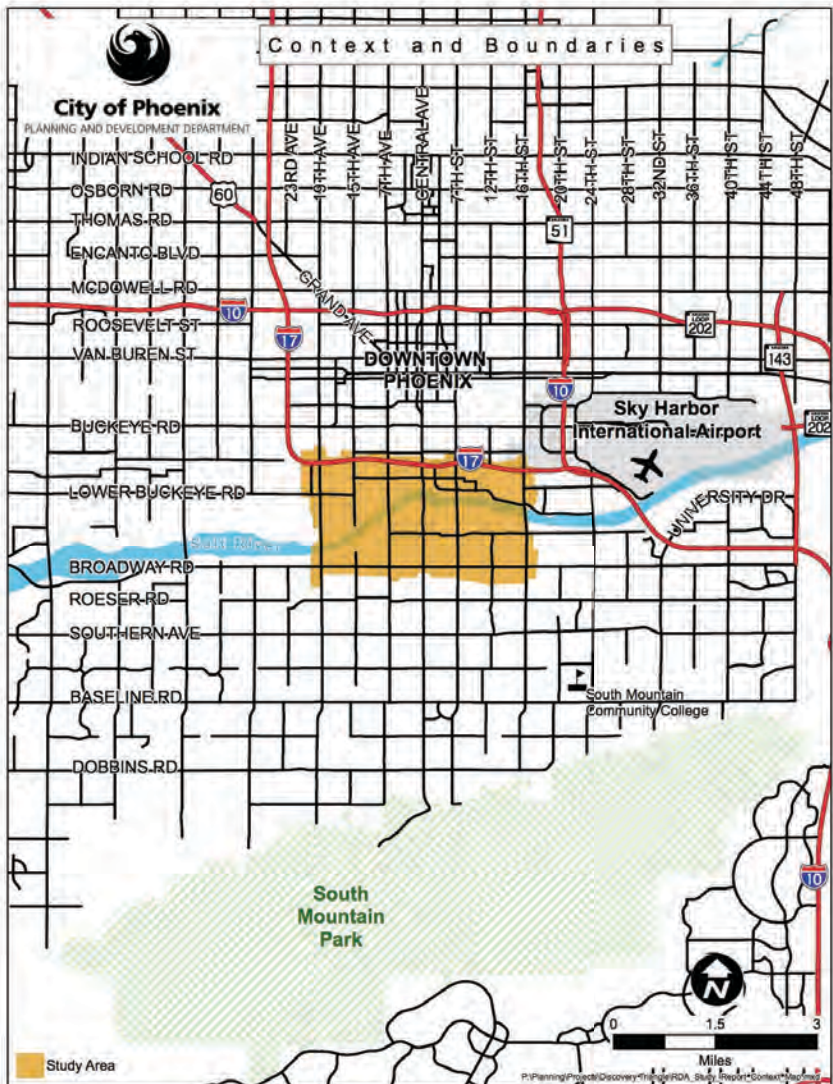
## Rio Salado Redevelopment Study Area

### Boundaries and Context

The Rio Salado Redevelopment Study Area is bound by 19<sup>th</sup> Avenue on the west; 16<sup>th</sup> Street on the east; Broadway Road on the south; and Interstate 17 on the north. The area is located just south of Downtown Phoenix (1 mile) and just west of Sky Harbor International Airport (1-1/2 miles to the east); and is bisected by the Salt River.

The Study Area lies within two urban villages. The area north of the Salt River is the Central City Village and the area south of the Salt River is the South Mountain Village.

The area is a gateway to Downtown Phoenix, sports and cultural amenities, the emerging bio science campus and universities located downtown, Sky Harbor International Airport, the Salt River and the Nina Mason Pulliam Audubon Center, South Mountain Community College and South Mountain Park.



## History

The Study Area has a rich history of residential and mining operations that dates back several generations. The first known settlement of the area was created by the Hohokam peoples. This ancient agricultural society farmed along the Rio Salado and masterfully created waterways/canals. Several pioneers later settled the area in the late 1800's and at the turn of the twentieth century began acquiring thousands of acres along the Rio Salado for farming purposes.

In the early 1900's, the Central Avenue Bridge (formerly Central Street Bridge) was constructed and many more homes were built in the area. One of the subdivisions built at that time is Southgate Park Subdivision constructed in 1928, and is located at Central and Jones avenues. Other subdivisions include Central Gardens located at Central Avenue and Riverside Street and Frances Margaret located at 7<sup>th</sup> Avenue and Illini Street both built in the 1940's.

The area started to change to more commercial and industrial land uses in the 1940's and 1950's. The area saw a rise in the mining of sand and gravel as Phoenix boomed during the post World War II era of the 1950's.

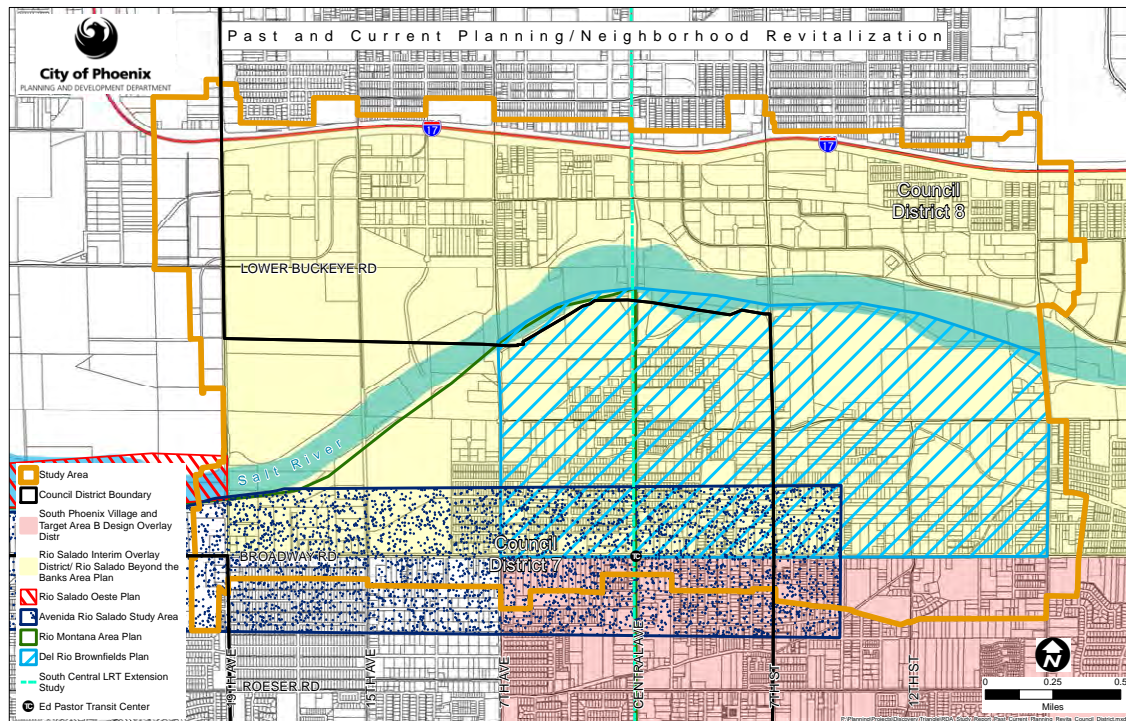
The area today still has many of the original residential subdivisions, as well as the addition of commercial and industrial land uses. Seventh Avenue and Seventh Street continue to provide access to downtown and South Phoenix amenities for area residents.



## RSRDA Past and Current Planning / Revitalization Efforts

The Rio Salado Redevelopment Study Area has been the focus of past and current planning related projects and revitalization efforts. The following list captures these efforts:

1. South Mountain Target Area B Redevelopment Plan
2. Rio Salado Oeste Plan
3. Rio Salado Habitat Restoration Project
4. Rio Montana Area Plan
5. Rio Salado Interim Overlay
6. Rio Salado Beyond the Banks Area Plan
7. Del Rio Brownfields Plan
8. Avenida Rio Salado Study Area
9. South Central Phoenix Corridor Alternatives Analysis



The **South Mountain Target Area B Redevelopment Plan** was adopted by the Phoenix City Council in 1980 and is bound by variable parcels north of Broadway Road to Elwood Street, Southern Avenue to the south, 7<sup>th</sup> Avenue to the west and 24<sup>th</sup> Street to the east. The redevelopment plan provides a framework for the stabilization, development and redevelopment of the area and to meet the Arizona Revised Statutes 36-1417.

The **Rio Salado Oeste Plan** is a combined effort between the City of Phoenix and the Federal Government to restore approximately 1,500 acres of riverine habitat throughout

a 8-mile study area by returning the river channel to a more natural state by grading and terracing the channel from 19th to 83rd Avenues.

The **Rio Salado Habitat Restoration Project** is a federally funded plan/project that developed a master plan to restore nearly five miles of native wetland and riparian habitat along the banks of the river. The plan developed strategies to restore the blighted river corridor with the first segment of the project opening on November 5, 2005.

The **Rio Montana Area Plan** was adopted by the Phoenix City Council in 2000 and is bound by the Rio Salado to the north, South Mountain Park to the south, South Central Avenue to the east and 27<sup>th</sup> Avenue to the west. This plan focuses on preserving the rural character of the area, the natural desert and open space, encouraging pedestrian and equestrian activities, sense of community and economic development.

The **Rio Salado Interim Overlay District** was adopted by the Phoenix City Council in 2002 and is bound by the centerlines of Interstate 17/Interstate 10 on the north, 19th Avenue on the west, 32nd Street on the east and Broadway Road on the south. The overlay district is designed to control open, outdoor land uses and other uses in order to have a positive impact on the Rio Salado Habitat Restoration Project and add to the long-term value of adjacent land.

The **Rio Salado Beyond the Banks Area Plan** was adopted by the Phoenix City Council in 2003 and is bound by Interstate 17 (I-17/Maricopa Freeway) and Interstate 10 (I-10) to the north, Broadway Road to the south, 32nd Street to the east and 19th Avenue to the west. The plan identifies goals and policies to guide development decisions for an area beyond the banks of the Rio Salado, and to complement the Phoenix Rio Salado Habitat Restoration Project.

The **Del Rio Brownfields Plan** was adopted by the Phoenix City Council in 2012 and is bound by 7th Avenue to the west, 16th Street to the east, Salt River (Rio Salado) to the north, and Broadway Road to the south. The primary objective of this plan focuses on the environmental remediation and redevelopment of three brownfield sites.

The **Avenida Rio Salado Study Area Plan** is a partnership between the City of Phoenix, Arizona Department of Transportation and the Federal Highway Administration. The plan focuses on the study and design of increasing vehicular traffic along Broadway Road from 7<sup>th</sup> Street to the future 202 South Mountain Freeway/67<sup>th</sup> Avenue. Construction will begin in segments during 2014.

The **Valley Metro South Central Phoenix Corridor Alternatives Analysis** is a 24-month study that evaluates several high-capacity transit options. The study area is bound by 7th Avenue on the west, 7th Street on the east, Washington Street on the north, and Baseline Road on the south. Options for the corridor include light rail, bus rapid transit and modern streetcar, to determine which transit mode and route serves the community best. The study is scheduled to be finalized in 2014.

## RSRDA Overview

(Note that the information in this section relates to the entire Study Area.)

### Demographics

According to the 2010 Census Summary File 1, there are 6,224 people residing in the Study Area and 2,037 housing units. Of the 6,224 residents, 82.6% identify their race as Hispanic or Latino.

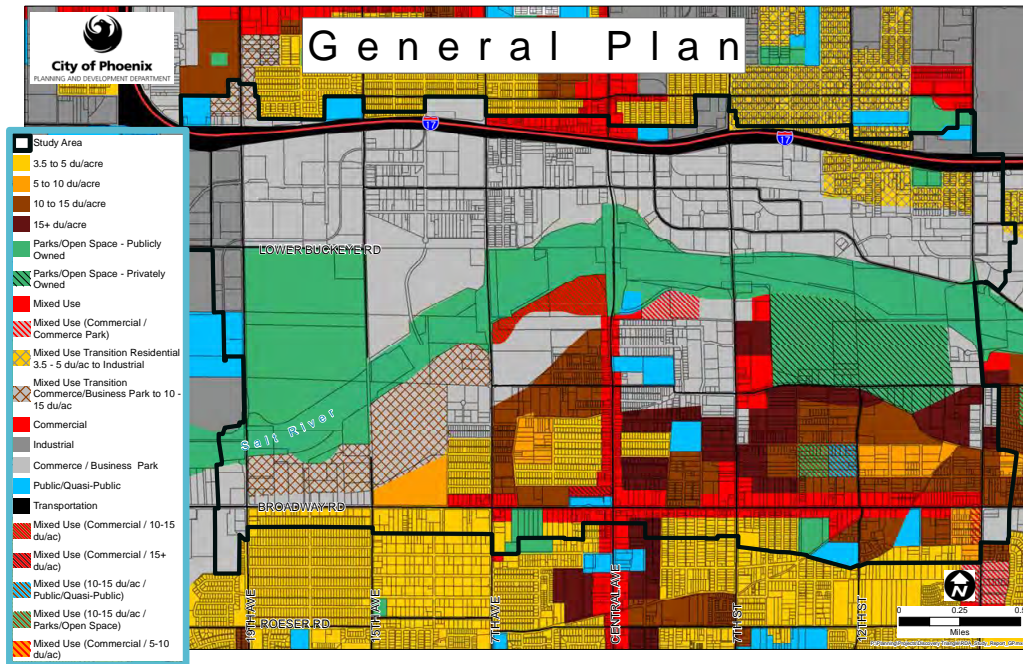
Population, Ethnicity, Housing Units Rio Salado RDA 2010 Census Summary File 1		
Custom Report selected from "Block" or "Block Group" Scale Geography in GIS		
Subject	Total	
	Number	Percent
<b>POPULATION (April 1, 2010)</b>		
Total Population (April 1, 2010)	6,224	100.0%
<b>ETHNICITY</b>		
Hispanic or Latino (of any race)	5,139	82.6%
Not Hispanic or Latino (of any race)	1,085	17.4%
- Not Hispanic or Latino (White Race)	594	9.5%
<b>HOUSING UNITS</b>		
Total Housing Units	2,037	100.0%
Occupied Housing Units	1,681	82.5%
Vacant Housing Units	356	17.5%
Source: City of Phoenix Planning & Development, Maricopa Assoc. of Governments (MAG) & U.S. Census Bureau et al. "Census Summary File 1 Redistricting Data from "Block" Scale Geography." Washington, D.C. April 1, 2010. Date Created: December 18, 2013		

According to the 2007-2011 American Community Survey, the median household income for the Study Area is \$23,056. The median housing unit value is \$111,300 and the median housing rental cost is \$713.00 per month.

Household Income, Housing Value and Rent Rio Salado RDA 2007-2011 Census American Community Survey 5-Year Report		
Custom Report selected from "Block Group" Scale Geography in GIS		
Subject	Total	
	Number	Percent
<b>HOUSEHOLD INCOME</b>		
Households	2,781	100.00%
Median Household Income	\$23,056	
- < Less than \$25,000	1,277	45.92%
- \$25,000 to \$49,999	836	30.06%
- \$50,000 to \$99,999	610	21.93%
- \$100,000 to \$199,999	45	1.62%
- > Greater than \$200,000	13	0.47%
<b>HOUSING</b>		
Median Housing Unit Value	\$111,300	
Median Rent	\$713	
Total Housing Units	3,201	100.00%
Total Occupied Housing Units	2,781	86.88%
Total Vacant Housing Units	420	13.12%
- Owner Occupied Housing Units	1,419	51.02%
- Renter Occupied Housing Units	1,362	48.98%
Source: City of Phoenix Planning & Development Research Team, Maricopa Assoc. of Governments (MAG) & U.S. Census Bureau et al. Census American Community Survey (ACS) 2007-2011 (5-Year) Report from Block Group Scale Geography. Washington, D.C. July, 2013. Date Created: December 18, 2013		

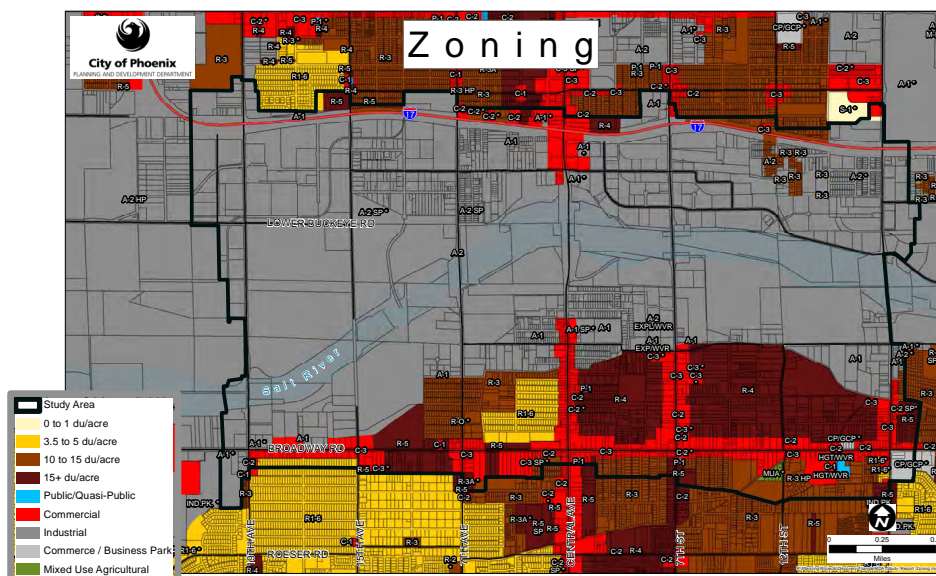
## Land Use

The General Plan land use map below shows a mix of residential, commercial, and industrial land uses within the Study Area. The map also shows parks/open space, public/quasi public and transportation designations in the Area. Interstate-17 is located along the northern boundary of the Study Area and the Ed Pastor Transit Center is located at the northwest corner of Central Avenue and Broadway Road. Both serve as transit corridors for the area.



## Zoning

The zoning within the study area varies from single-family and multi-family residential to commercial, commerce park, and industrial zoning districts. There is a predominance of industrial zoning in the area with over 2,500 acres of land zoned A-1 (Light Industrial) or A-2 (Heavy Industrial). This translates to uses consisting of warehousing, manufacturing, storage, mining and sand and gravel pit operations.



## Area Conditions

### Property Conditions Summary

Qualifying factors of blight were determined through an in-person, visual analysis of the exterior of properties in the Study Area. The following describes a number of conditions found on a preponderance of the properties in the Study Area that qualify as blighted conditions.

Fences in disrepair: Fences and screening walls must be structurally sound. Fence and wall materials must be constructed from consistent materials and must be maintained so that they are free from deterioration.

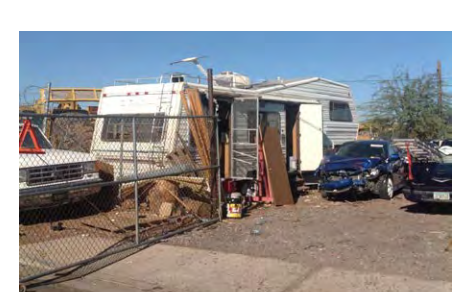
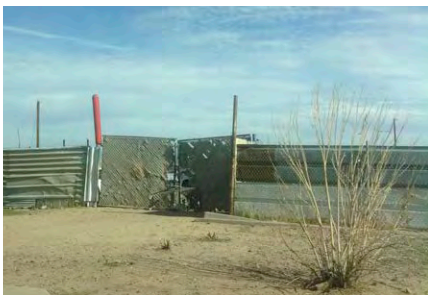
Trash/debris: Property owners are responsible for keeping their property free of junk, litter, and debris.

Outside storage: Outside storage of personal property at residentially zoned properties is limited to the rear yard behind the primary structure only. Any building or landscape materials for use on the property, machinery, appliances or parts/auto parts may not be visible from beyond the boundaries of a residentially zoned property.

Un-paved commercial parking: Vehicle parking surfaces on non-residential lots must be finished and maintained according to City Code specifications. Unfinished and dirt parking surfaces are not permitted.

Unmaintained vegetation: Property owners are responsible for keeping their properties free of weeds, tall grass, tumbleweeds, shrubs, trees, palm fronds, and other dead or dried vegetation.

Inoperable vehicles: Vehicles that do not operate legally and safely cannot be placed on a property in a way that allows them to be seen from beyond the property boundaries.



This examination was limited to an on-site visual inspection of the property's exterior condition and is not a detailed engineering or architectural analysis, nor does it include a building's interior condition. The intent is to document obvious indications of blighted conditions within the Study Area.

### A.R.S. Conditions Survey

The following conditions were found to be present in this Study Area and meet the Arizona Revised Statutes requirements of Blighted conditions in a Redevelopment Area:

#### Faulty lot layout in relation to size, adequacy, accessibility or usefulness

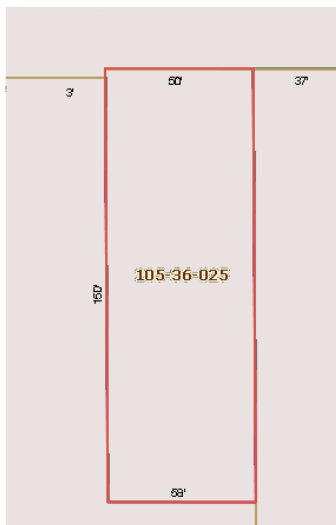
Several properties in the Study Area were observed to have faulty lot layout. Faulty lot layout can be observed on properties that are long, narrow, or irregularly shaped, lots that are inadequate in size, and lots with configurations that are impractical or results in misused or unused land.



**Irregularly Shaped Lot**



**Narrow Lot**



**Narrow Lot**



**Irregularly Shaped Lots**



### Unsanitary or unsafe conditions

Unsanitary or unsafe conditions arise when a property falls into disrepair. These conditions include severely cracked or uneven surfaces for pedestrians, trash/debris, vandalism/graffiti, and the existence of hazardous conditions or materials. These conditions were observed within the Study Area, including several former landfill sites and a rock and gravel quarry.



**Vandalism/Graffiti**



**Trash/Debris**



**Landfill**



**Quarry**

### Deterioration of site or other improvements

A majority of blighted properties within the Study Area demonstrate conditions of site deterioration. These conditions include evidence of lack of general site maintenance, unpaved commercial parking lots, deteriorated roofs, walls, fencing, lighting, fences, gates, and deteriorated parking surfaces/curbs/partial foundation concrete.



**Deterioration of Site**



**Partial Concrete Foundation**

## **Analysis and Conclusion**

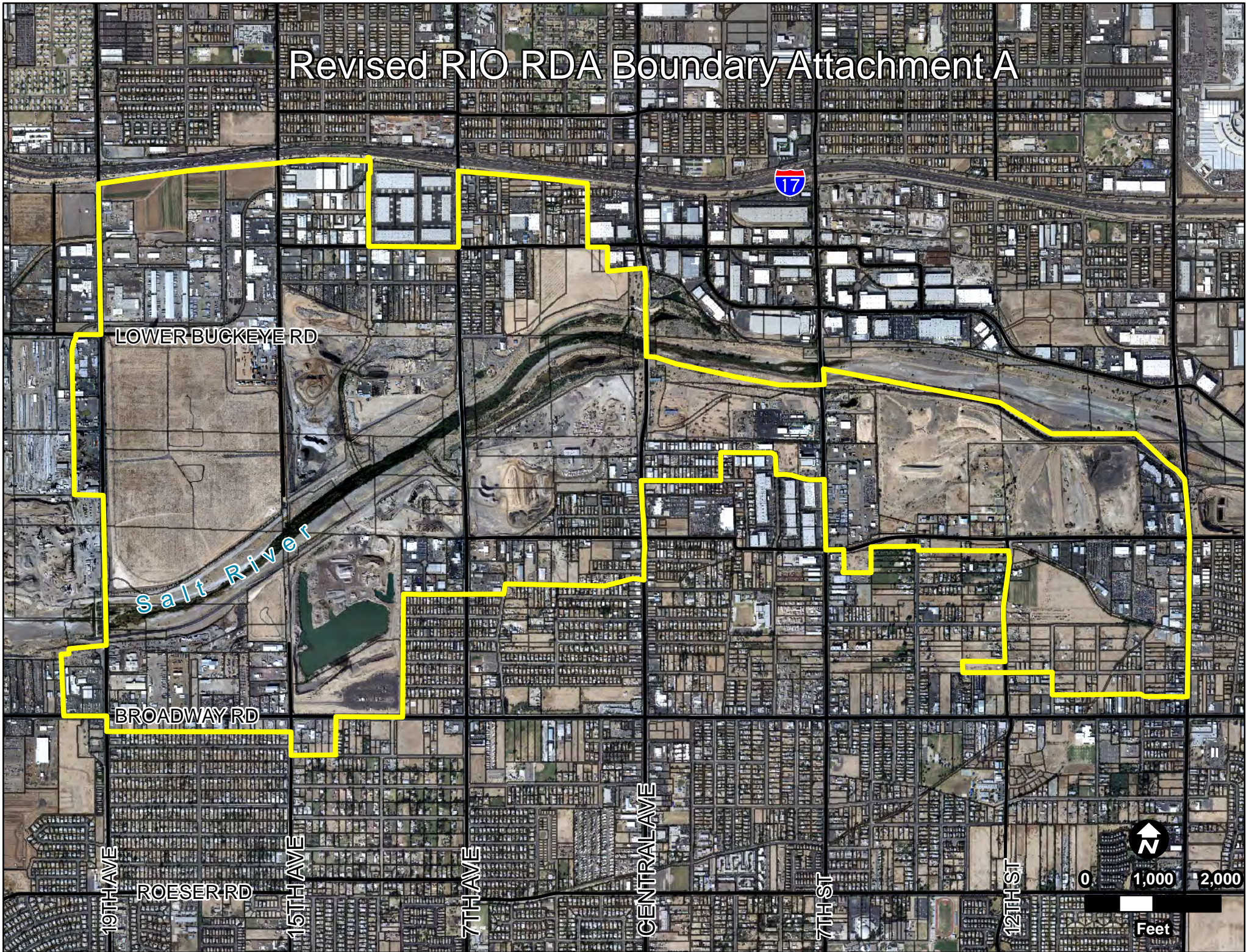
### **Analysis**

While redevelopment areas in Phoenix have historically focused on neighborhood revitalization, the Rio Salado Redevelopment Area is focused on economic development – namely, stimulating capital investment and fostering the growth of employment-generating uses. Through this strategy, the City hopes to create jobs and business opportunities for the benefit of Phoenix residents, Phoenix employers and the region's economy. Based on this strategy, the DTDC focused on including specific areas and parcels that are positioned for investment while also meeting the requirements of the RDA statute. These include large parcels, groups of contiguous parcels with common ownership, City-owned parcels, areas suitable for commercial or industrial development, and vacant or underutilized parcels that could accommodate employment-generating uses. In order to protect existing neighborhoods, the DTDC also attempted to avoid including large areas of residential properties. The resulting boundary recommended by the DTDC is depicted in Attachment A, and represents an area with potential for job creation, capital investment and business opportunity.

### **Findings**

Upon DTDC's property analysis, a predominance of the properties within the proposed Rio Salado Redevelopment Area (Attachment A) are affected by one or more of the blight conditions criteria as defined by ARS §36-1471. Based on the analysis described in this Report, the City Council can find that a) one or more slum or blighted areas exist in the municipality, and that b) the redevelopment of the area is necessary in the interest of the public health, safety, morals and welfare of the residents of the municipality. These findings enable the City Council to designate the Area as a Redevelopment Area.

# Revised RIO RDA Boundary Attachment A



LOWER BUCKEYE RD

BROADWAY RD

ROESER RD

Salt River



0 1,000 2,000

Feet

19TH AVE

15TH AVE

7TH AVE

CENTRAL AVE

7TH ST

12TH ST

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## CITY COUNCIL REPORT

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### FORMAL AGENDA

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TO: Rick Naimark  
Deputy City Manager

AGENDA DATE: April 2, 2014

FROM: Alan Stephenson  
Acting Planning and Development  
Director

ITEM: 85 PAGE: 100

SUBJECT: ISSUE RFP AND EVALUATION CRITERIA FOR REINVENT PHOENIX  
GRANT

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This report provides backup information on Item 85 on the April 2, 2014 Formal agenda, a request for City Council approval to issue a RFP, inclusive of the selection criteria, for predevelopment/design-phase assistance funds that are a part of the Reinvent PHX federal grant. The Neighborhoods, Housing and Development (NHD) Subcommittee recommended approval on March 18, 2014. This item was presented to the Downtown, Aviation, and Redevelopment (DAR) Subcommittee for informational purposes on April 2, 2014.

#### THE ISSUE

The City of Phoenix was awarded a \$2.9 million grant from the U.S. Department of Housing and Development Office of Sustainable Housing and Communities to support the Reinvent PHX initiative. The initiative aims to create a new transit-oriented model for urban planning and development along the City's light rail system. A total of \$500,000 of the grant has been reserved to provide competitive, matching predevelopment grants for transit-oriented development (TOD) projects that provide community benefits and serve as pilot projects that demonstrate best practices in design, building use, and financing.

Proposed predevelopment assistance costs may be incurred for the development of: multifamily/residential, commercial/retail, non-profit uses, mixed-use and other TOD uses permitted by the Zoning Ordinance. Proposed development must be transit-oriented and must be aesthetically and functionally compatible with development in the area, and the City's policies for the respective areas as identified in the Transit-Oriented Development Strategic Policy Framework.

The terms and conditions of the grant require the Office of Sustainable Housing and Communities to review and approve the scope and evaluation criteria, which has been done. The office will also review and approve the successful proposal(s).

Subject to City Council approval staff will issue a solicitation that encourages best practices of Transit-Oriented Development for Predevelopment assistance. The RFP evaluation will include the following:

<u>Criteria</u>	<u>Points</u>
Affordable Housing	300
Project Match (% of predevelopment costs absorbed by proposer)	200
Project Financial Viability	200
Walkability/Complete Streets	150
Historic Preservation/Adaptive Reuse	50
Mixed Use/Income Development	50
Design Principle Utilization-Green & Universal	50
Accessibility to Support Services	100
Total Points	<u>1100</u>

The RFP will be issued in April 2014 and will remain open for at least 60 days. Responsive proposals will be evaluated by a diverse panel of City staff and grant partners. Following HUD approval, the successful proposal(s) will be presented to City Council for approval prior to finalizing the contract.

#### OTHER INFORMATION

This solicitation is intended to work in concert with the planned solicitation for Redevelopment Specialists being conducted by the Community and Economic Development Department. While the redevelopment specialists will be involved at the very early stages of conceptual development, this solicitation will focus on providing partial reimbursement of costs incurred by developers/owners later in the development process, specifically for design-phase work prior to construction.

#### RECOMMENDATION

Staff requests City Council approval to issue a RFP, inclusive of the selection criteria, for predevelopment/design-phase assistance funds that are a part of the Reinvent PHX federal grant as recommended by the NHD Subcommittee.

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## CITY COUNCIL REPORT

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### FORMAL AGENDA

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TO: Rick Naimark  
Deputy City Manager

AGENDA DATE: April 2, 2014

FROM: Alan Stephenson  
Acting Planning & Development  
Director

ITEM: 89 PAGE: 103

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

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This report provides back-up information on Item 89 on the April 2, 2014, Formal Agenda.

#### THE ISSUE

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

#### OTHER INFORMATION

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

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

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

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

Attachments:

A – Staff Report Z-56-13-6

## Attachment A



**City of Phoenix**  
PLANNING AND DEVELOPMENT DEPARTMENT

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

**From:** Tricia Gomes  
Planner III

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

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

Staff recommends approval per the revised and additional stipulations.

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

SHALL EXECUTE A PROPOSITION 207 WAIVER OF CLAIMS IN A FORM APPROVED BY THE CITY ATTORNEY'S OFFICE. THE WAIVER SHALL BE RECORDED WITH THE MARICOPA COUNTY RECORDER'S OFFICE AND DELIVERED TO THE CITY TO BE INCLUDED IN THE REZONING APPLICATION FILE FOR RECORD.

**Attachments**

Site plan date stamped February 11, 2014





**City of Phoenix**  
PLANNING AND DEVELOPMENT DEPARTMENT

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

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

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

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

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

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

### **Findings**

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

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

### **Stipulations**

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

### **Writer**

Xandon Keating

01/16/14

### **Team Leader**

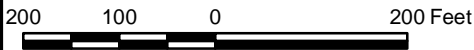
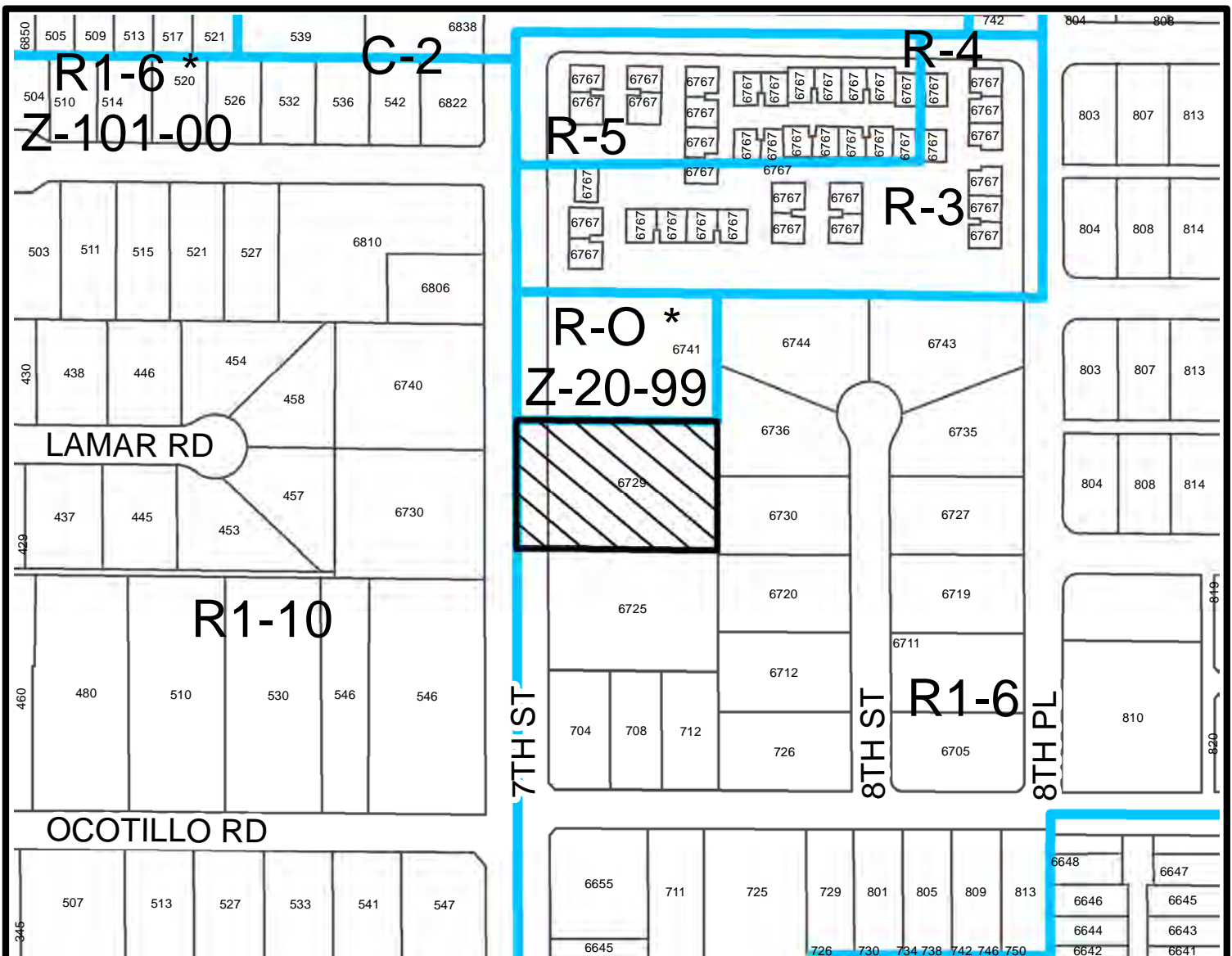
Joshua Bednarek

### **Attachments**

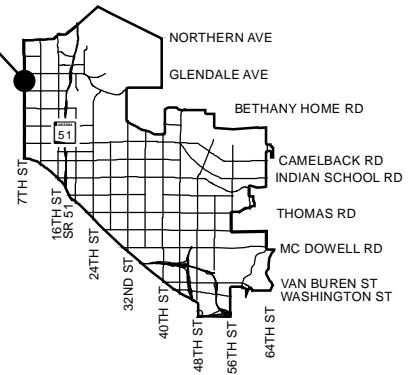
Sketch Map

Aerial

Site Plan (date stamped 1/9/14)



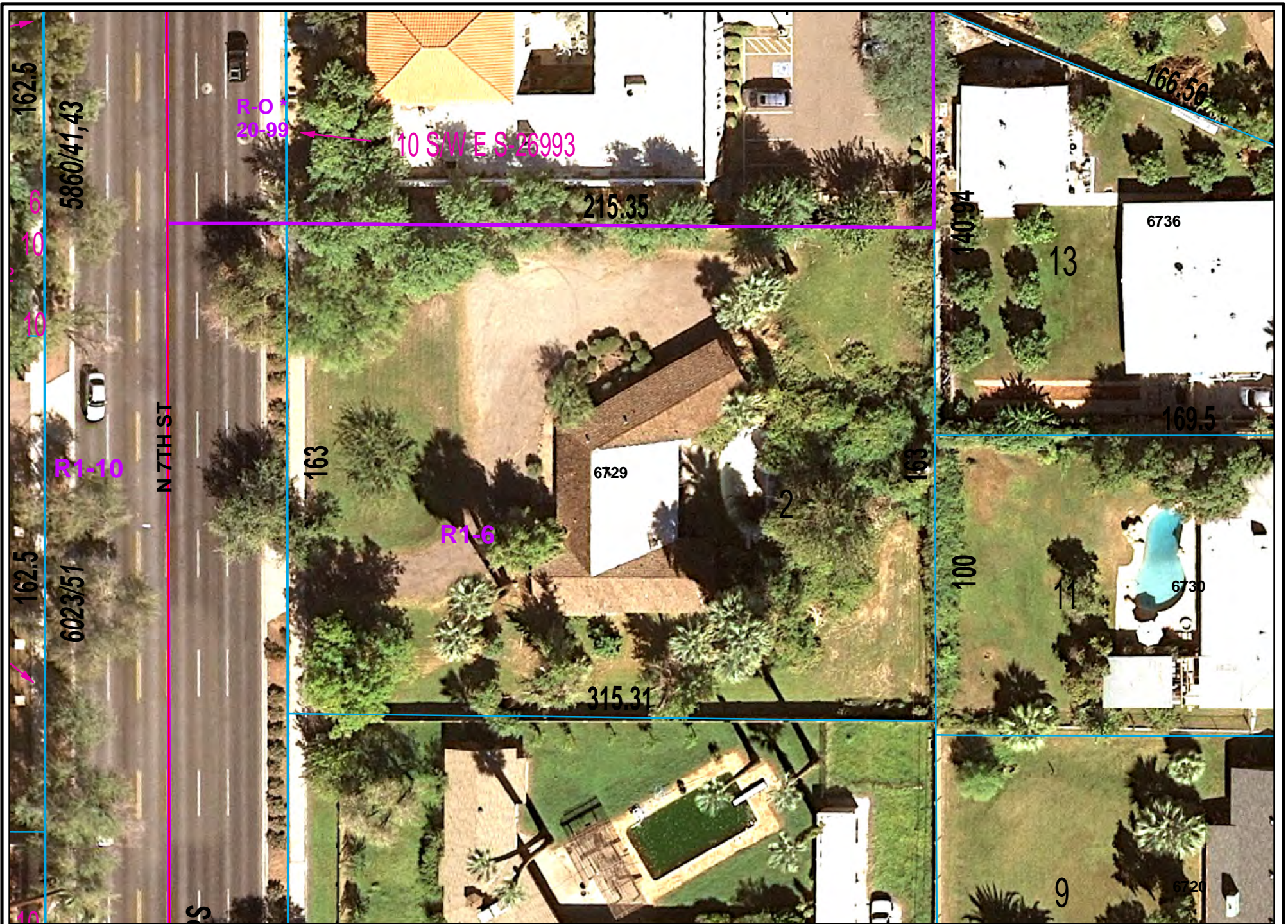
Z-56-13

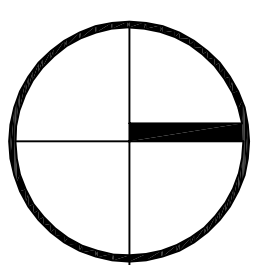
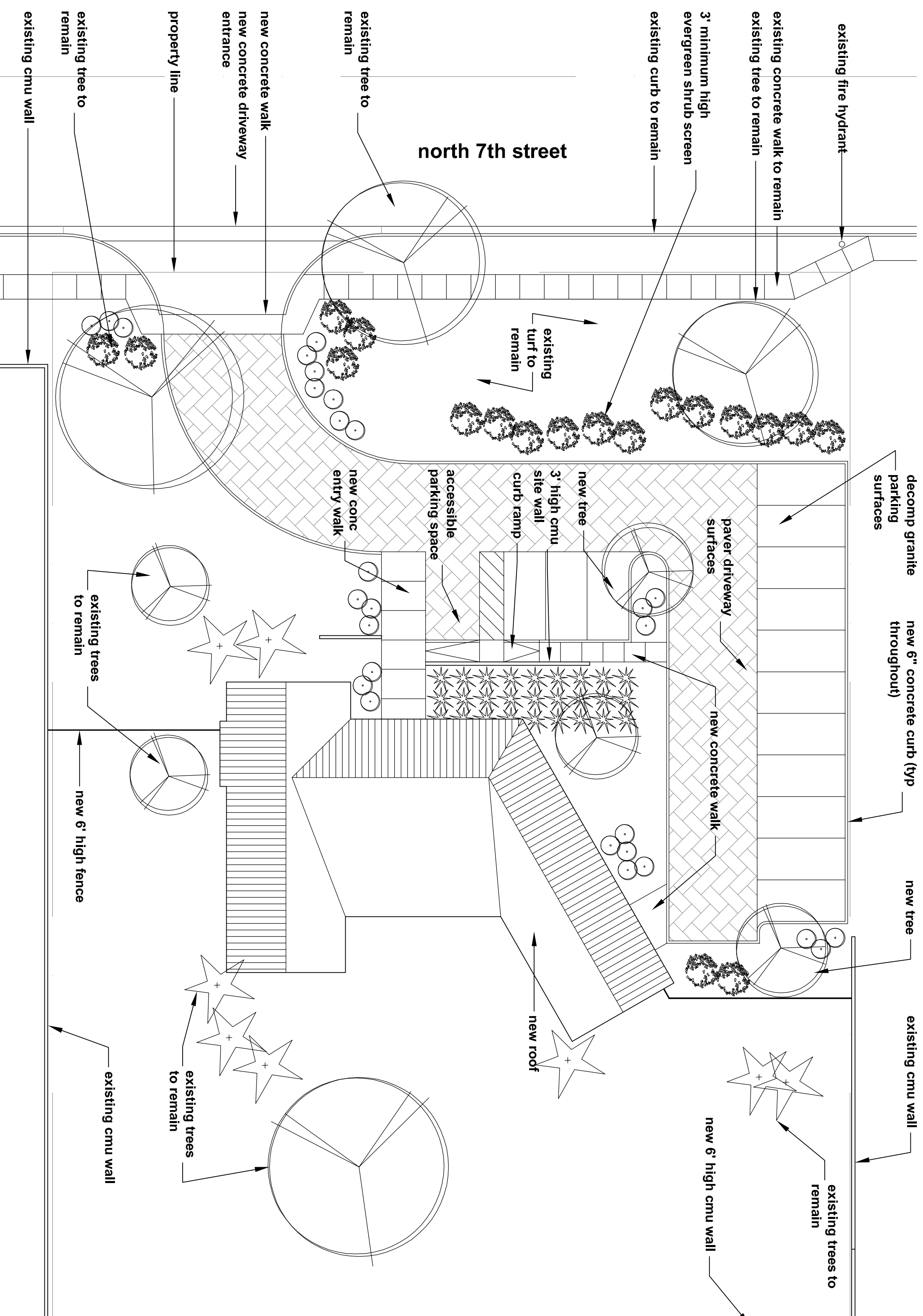


CITY OF PHOENIX PLANNING DEPARTMENT  
**CAMELBACK EAST VILLAGE**  
 CITY COUNCIL DISTRICT: 6

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

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





# site plan

1/16" = 1'-0"

**parking:**  
 3312 sf building @ 1 space per 300 sf = 11 spaces required  
 14 standard 8.5'x18' spaces provided  
 1 accessible 11'x18' space provided

# residential office conversion

6729 north 7th street  
 phoenix, arizona

CITY OF PHOENIX

JAN 09 REC'D  
 PLANNING DEPT.  
 2ND FL. RECEPTION



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Staff has no comments.

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

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

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

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

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

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

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

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

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

express his concerns.

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

Commissioner Awai asked staff to confirm the height.

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

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

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

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

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

Commissioner Johnson asked if the site plan specified one story.

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

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

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

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

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

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

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

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

Janice Ariola and Lee Evans.

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

Ken Gatt and Jennifer Gatt.

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

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

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

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

Commissioner Montalvo asked what the main opposition was.

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

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

Ms. Gomes stated the requirements for notice were met.

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

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

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

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

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

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

Commissioner Davis SECONDED.

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

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

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

\* \* \*

Stipulations:

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

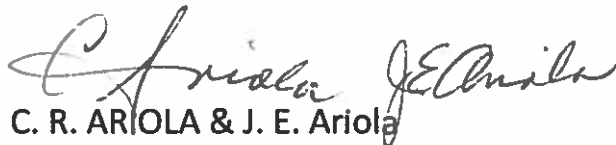
4. The property owner shall maintain a minimum of three trees in the front yard setback.
5. The maximum number of parking spaces allowed shall not exceed 125 percent of the City requirement.
6. The trash enclosure shall be located no closer to the street than the main building as approved by the Planning and Development Department.
7. The property owner shall dedicate a 10-foot wide sidewalk easement along the east side of 7th street as approved by the Planning and Development Department.
8. THAT PRIOR TO PRELIMINARY SITE PLAN APPROVAL, THE LANDOWNER SHALL EXECUTE A PROPOSTIION 207 WAIVER OF CLAIMS IN A FORM APPROVED BY THE CITY ATTORNEY'S OFFICE. THE WAIVER SHALL BE RECORDED WITH THE MARICOPA COUNTY RECORDER'S OFFICE AND DELIVERED TO THE CITY TO BE INCLUDED IN THE REZONING APPLICATION FILE FOR RECORD.
9. THE BUILDING HEIGHT SHALL BE LIMITED TO 1-STORY AND 15-FEET.

January 1, 2014

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

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

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



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



1/2/2014

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

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

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

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

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

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

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

January 23, 2014

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

Re: Z-56-13-6

Dear Mr. Keating:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Best regards,



Holly Erwin Courtin  
5601 E Montecito  
Phoenix, AZ 85018

cc: Ken & Jennifer Gatt  
Jason Allen

February 6, 2014

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

**CITY OF PHOENIX**

FEB 11 2014

**Planning & Development  
Department**

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

Information from Agenda:

Application Number: Z-56-13-6

From: R1-6

To: R-0

0.96

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

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

Dear Planning Commission and City Council,

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

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

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

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

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

Our concerns are as follows:

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

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

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

Sincerely,

MaryAnn Guerra and Lee Evans  
Business Owners  
Neighborhood Residents





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

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

Please see email below..

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

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



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

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

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

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

Information from Agenda:

Application Number: Z-56-13-6

From: R1-6

To: R-0

0,96

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

Psychologist Office

Mr. Ken & Dr. Jen Gatt

Jason P. Allen - Skyline Consultants

We are taking the time to address both groups regarding the planned use of the property noted in above subject line. This property currently occupies a residential home where the new owners Jenifer and Ken Gatt have announced plans to have its zoning modified for use as a medical office. While information has been provided to the neighbors as to how the home will be renovated, it is a bit unclear from the recent Village Planning Committee meeting whether the true use of the space and planned architecture have been conveyed to the local residence that are concerned with the use of this property. This lot is covered by existing CC&R's that have been active for

over 50 years. My husband Lee Evans and I are intimately aware of these deed restrictions, as we have purchased the property of 8th street that is DIRECTLY behind 6729 N. 7th street. We have invested over \$600,000.00 to create a beautiful home and to improve the residential landscape of this area. Our current home is at 402 East Lamar Rd, so we are VERY concerned that the neighborhood around us, and this additional property, be used for the highest residential good.

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

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

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

Our concerns are as follows:

- Skyline has NOT worked with the neighbors to create an acceptable plan. While at the Village Planning Committee meeting Jason Allen stated he had personally contacted the neighborhood residents and none had replied, that statement was a bit inaccurate. Jason called my office (BioAccel) the same afternoon of the Village Planning Committee meeting, held on February 4. My assistant got the message and forwarded it to me. I got the message at 4:00 pm and returned the call immediately. He did not respond.

- My understanding from a few other residents is that they too only received a call that day. Not much time to discuss and negotiate a reasonable plan. We also had attended a Community/Neighborhood meeting with Skyline and the owners Jenifer and Ken Gatt that was held on Monday, January 27, gave them our contact information and conveyed our concerns. So they clearly had our contact information and knew our concerns.

- The proposed plan violates the deed restrictions that have been active for 62 years and applied to all other properties in the neighbor as recently as within the past 4 months.

- Because this is a beautiful historic home and lovely property in N. Central Phoenix, we would be willing to consider a purchase of the property to remain its integrity and residential status. In fact we did speak with the selling Real Estate Agent about the property at one time, and they were VERY clear about the deed restrictions. Therefore the Gatt's were knowledgeable about these limitations from the time of initial interests.

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

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

Sincerely,

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

CITY OF PHOENIX  
PLANNING AND DEVELOPMENT DEPARTMENT

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

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



**City of Phoenix**  
PLANNING AND DEVELOPMENT DEPARTMENT

PLANNING DEPT.  
2ND FL. RECEPTION

FEB 18 REC'D

CITY OF PHOENIX

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

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

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

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

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

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

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

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

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

**FORM TO REQUEST CITY COUNCIL HEARING**

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

Z 56-13-6  
APPLICATION NO.

7th Street between Ocotillo/Glenbrook  
LOCATION OF APPLICATION SITE

2/18/14  
DATE APPEALED FROM

OPPOSITION  
 APPLICANT

[Signature]  
PLANNER  
(PLANNER TAKING THE APPEAL)

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

Mary Ann Guerra  
PRINTED NAME OF PERSON APPEALING

[Signature]  
SIGNATURE

67  
STREET ADDRESS

DATE OF SIGNATURE

Phoenix, AZ 85012  
CITY, STATE, & ZIP CODE

602-653-5375  
TELEPHONE NO.

REASON FOR REQUEST Attached Letter

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

February 17, 2014

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

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

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

Dear City Council,

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

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

**Background information:**

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

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

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

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

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

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

Our concerns are as follows:

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

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

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

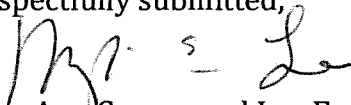
We realize that the legal status of the CC&Rs and City Planning responsibilities may be on two sides of the coin. But there is a serious problem when neighborhoods are encouraged to operate using HOAs, keep the neighborhoods beautiful to retain property values and to create safe places for our families/children,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



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

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'MaryAnn Guerra and Lee Evans', written in a cursive style.

MaryAnn Guerra and Lee Evans  
Business Owners  
Neighborhood Residents

CITY OF PHOENIX  
PLANNING AND DEVELOPMENT DEPARTMENT

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

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



FEB 18 2014

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

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

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

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

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

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

**FORM TO REQUEST CITY COUNCIL HEARING**

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

Z-56-13-6  
APPLICATION NO.

305 feet north of the NE corner of 7th Street and Ocotillo Road  
LOCATION OF APPLICATION SITE

Feb 11, 2014  
DATE APPEALED FROM

OPPOSITION  
 APPLICANT

Drew Byck  
PLANNER  
(PLANNER TAKING THE APPEAL)

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

Kathleen P. Schneider  
PRINTED NAME OF PERSON APPEALING

[Signature]  
SIGNATURE

6743 N. 8th St  
STREET ADDRESS

2/18/2014  
DATE OF SIGNATURE

Phoenix, AZ 85014  
CITY, STATE & ZIP CODE

602-234-8994  
TELEPHONE NO.

REASON FOR REQUEST Continuance

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

February 18, 2014

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

# CITY OF PHOENIX

FEB 18 2014

## Planning & Development Department

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

Dear Phoenix City Council Members:

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

Warren and Kalliopi Schneider

CITY OF PHOENIX  
PLANNING AND DEVELOPMENT DEPARTMENT

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		<b>opposition</b>	<b>X</b>
<b>APPEALED FROM:</b>	PC 2/11/14	Catherine Balzano 520-289-7306	
	<i>PC/CC DATE</i>	<i>NAME / PHONE</i>	
<b>TO PC/CC HEARING</b>	CC 3/19/14	6720 N 8th Street Phoenix AZ 85014	
	<i>DATE</i>	<i>STREET ADDRESS/CITY/STATE/ZIP</i>	
<b>REASON FOR REQUEST: neighbor opposition to upzoning</b>			
<b>RECEIVED BY:</b>	DB / LO	<b>RECEIVED ON:</b>	2/18/14

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



# CITY OF PHOENIX

City of Phoenix  
PLANNING AND DEVELOPMENT DEPARTMENT

FEB 18 2014

## Planning & Development Department

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### FORM TO REQUEST CITY COUNCIL HEARING

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

2-56-13-6  
APPLICATION NO.

6729 N. 7TH STREET  
LOCATION OF APPLICATION SITE

2-11-2014  
DATE APPEALED FROM

OPPOSITION  
 APPLICANT

XANDON KEATING  
PLANNER  
(PLANNER TAKING THE APPEAL) Drew Byck

BY MY SIGNATURE BELOW, I ACKNOWLEDGE CITY COUNCIL APPEAL:

Catherine Balzano  
PRINTED NAME OF PERSON APPEALING

Catherine Balzano  
SIGNATURE

6720 N. 8TH STREET  
STREET ADDRESS

2-18-2014  
DATE OF SIGNATURE

PHOENIX AZ 85014-1016  
CITY, STATE & ZIP CODE

520-289-7306  
TELEPHONE NO.

REASON FOR REQUEST NEIGHBOR OPPOSITION TO UPZONING

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

# CITY OF PHOENIX

FEB 18 2014

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

**Planning & Development  
Department**

February 18, 2014

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

HAND-DELIVERED

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

Dear Honorable Mayor and City Council Members:

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

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

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

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



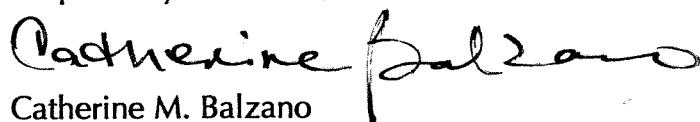
More homeowners voiced their concerns at the Planning Commission's meeting on February 11th. Although I was unable to attend, I heard about some of the Commissioners' comments -- especially the one referring to 7th Street as a *freeway*; and how could anyone live along 7th Street? I am am very aware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

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

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

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

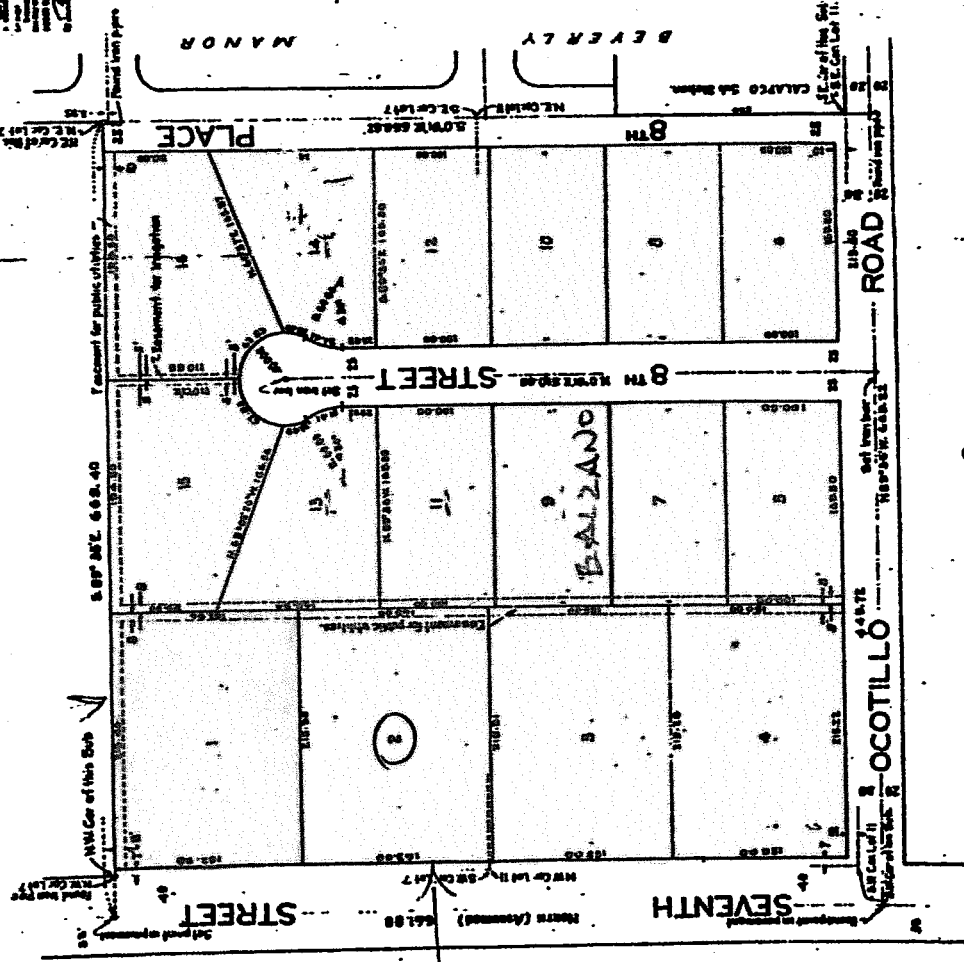
Respectfully submitted,

  
Catherine M. Balzano

ENCLOSURE

# OCOTILLO MANOR.

A Subdivision of  
Lots 7 and 11 East Orangewood  
As of record in the office of the County Recorder,  
Maricopa County Arizona



## DEDICATION

State of Arizona ss  
 I, Clerk of the Superior Court of Maricopa County, do hereby certify that the above described premises are dedicated to the use shown in the above described preliminary plat and that the same are included in the public record of Maricopa County, Arizona, under the name of OCOTILLO MANOR and that each lot and each street shown on said plat and the number of lots and the names of the owners of the lots shown on the plat are as follows: Lot 1, to the Phoenix Title and Trust Company as Trustee, but subject to the mortgage of the Phoenix Title and Trust Company, recorded in the office of the Recorder in Maricopa County, Arizona, under the name of Phoenix Title & Trust Company, Master; Lot 2, to the Phoenix Title and Trust Company as Trustee, but subject to the mortgage of the Phoenix Title and Trust Company, recorded in the office of the Recorder in Maricopa County, Arizona, under the name of Phoenix Title & Trust Company, Master; Lot 3, to the Phoenix Title and Trust Company as Trustee, but subject to the mortgage of the Phoenix Title and Trust Company, recorded in the office of the Recorder in Maricopa County, Arizona, under the name of Phoenix Title & Trust Company, Master; Lot 4, to the Phoenix Title and Trust Company as Trustee, but subject to the mortgage of the Phoenix Title and Trust Company, recorded in the office of the Recorder in Maricopa County, Arizona, under the name of Phoenix Title & Trust Company, Master; Lot 5, to the Phoenix Title and Trust Company as Trustee, but subject to the mortgage of the Phoenix Title and Trust Company, recorded in the office of the Recorder in Maricopa County, Arizona, under the name of Phoenix Title & Trust Company, Master; Lot 6, to the Phoenix Title and Trust Company as Trustee, but subject to the mortgage of the Phoenix Title and Trust Company, recorded in the office of the Recorder in Maricopa County, Arizona, under the name of Phoenix Title & Trust Company, Master; Lot 7, to the Phoenix Title and Trust Company as Trustee, but subject to the mortgage of the Phoenix Title and Trust Company, recorded in the office of the Recorder in Maricopa County, Arizona, under the name of Phoenix Title & Trust Company, Master; Lot 8, to the Phoenix Title and Trust Company as Trustee, but subject to the mortgage of the Phoenix Title and Trust Company, recorded in the office of the Recorder in Maricopa County, Arizona, under the name of Phoenix Title & Trust Company, Master; Lot 9, to the Phoenix Title and Trust Company as Trustee, but subject to the mortgage of the Phoenix Title and Trust Company, recorded in the office of the Recorder in Maricopa County, Arizona, under the name of Phoenix Title & Trust Company, Master; Lot 10, to the Phoenix Title and Trust Company as Trustee, but subject to the mortgage of the Phoenix Title and Trust Company, recorded in the office of the Recorder in Maricopa County, Arizona, under the name of Phoenix Title & Trust Company, Master; Lot 11, to the Phoenix Title and Trust Company as Trustee, but subject to the mortgage of the Phoenix Title and Trust Company, recorded in the office of the Recorder in Maricopa County, Arizona, under the name of Phoenix Title & Trust Company, Master; Lot 12, to the Phoenix Title and Trust Company as Trustee, but subject to the mortgage of the Phoenix Title and Trust Company, recorded in the office of the Recorder in Maricopa County, Arizona, under the name of Phoenix Title & Trust Company, Master; Lot 13, to the Phoenix Title and Trust Company as Trustee, but subject to the mortgage of the Phoenix Title and Trust Company, recorded in the office of the Recorder in Maricopa County, Arizona, under the name of Phoenix Title & Trust Company, Master; Lot 14, to the Phoenix Title and Trust Company as Trustee, but subject to the mortgage of the Phoenix Title and Trust Company, recorded in the office of the Recorder in Maricopa County, Arizona, under the name of Phoenix Title & Trust Company, Master; Lot 15, to the Phoenix Title and Trust Company as Trustee, but subject to the mortgage of the Phoenix Title and Trust Company, recorded in the office of the Recorder in Maricopa County, Arizona, under the name of Phoenix Title & Trust Company, Master.

Witness my hand and the seal of the Superior Court of Maricopa County, Arizona, this 1st day of August, 1921.  
 Phoenix Title & Trust Co.  
 Secretary

In witness whereof I have hereunto set my hand and official seal.  
 Phoenix Title & Trust Co.  
 Secretary

*Declaration of Restrictions*

*Subject*

*R1-6*

CITY OF PHOENIX  
PLANNING AND DEVELOPMENT DEPARTMENT

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

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



FEB 18 REC'D

PLANNING DEPT.  
2nd fl. RECEPTION

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

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

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

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

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

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

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

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

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

**FORM TO REQUEST CITY COUNCIL HEARING**

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

2-58-13-6  
APPLICATION NO.

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

February 11, 2014  
DATE APPEALED FROM

OPPOSITION  
 APPLICANT

Renee Peña  
PLANNER  
(PLANNER TAKING THE APPEAL)

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

Damon & Danelle Boyd  
PRINTED NAME OF PERSON APPEALING

[Signature]  
SIGNATURE

6727 N 8th St  
STREET ADDRESS

2/17/14  
DATE OF SIGNATURE

Phoenix AZ 85014  
CITY, STATE & ZIP CODE

(602) 741-4575  
TELEPHONE NO.

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

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

February 18, 2014

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

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

Dear Phoenix City Council Members:

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

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

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

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

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

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

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

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

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

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

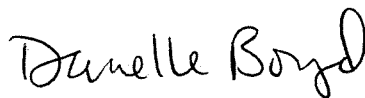
Accordingly, as noted above, we request a continuance of 4 weeks to dialog further with the Applicant and, as we have done in the past, hopefully come to an agreement that is beneficial to all parties involved. Should the City Council refuse a continuance, we hereby formally OBJECT to the recommendation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

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

Sincerely,



Damon and Danelle Boyd



Cc: Jason Allen

CITY OF PHOENIX  
PLANNING AND DEVELOPMENT DEPARTMENT

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

3/4 Vote

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

**FORM TO REQUEST CITY COUNCIL HEARING**

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

2-56-43-6  
APPLICATION NO.

305 ft North of the NE corner  
LOCATION OF APPLICATION SITE

2-11-2014  
DATE APPEALED FROM

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

OPPOSITION  
 APPLICANT

BY MY SIGNATURE BELOW, I ACKNOWLEDGE CITY COUNCIL APPEAL:

Janice Ariola  
PRINTED NAME OF PERSON APPEALING

Janice Ariola  
SIGNATURE

6736 N. 8th St  
STREET ADDRESS

2-18-2014  
DATE OF SIGNATURE

Phoenix AZ 85014  
CITY, STATE & ZIP CODE

602-391-1497  
TELEPHONE NO.

REASON FOR REQUEST protesting the decision of the  
Planning Commission

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

REC'D  
FEB 18 2014

PLANNING DEPT.  
2nd fl. RECEPTION



To: City Council

City of Phoenix

200 West Washington

Phoenix, AZ 85003

FEB 18 REC'D

PLANNING DEPT.  
2nd fl. RECEPTION

From: Carl and Janice Ariola

6736 North 8<sup>th</sup> Street

Phoenix AZ 85014

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

Dear Phoenix City Council Members:

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


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

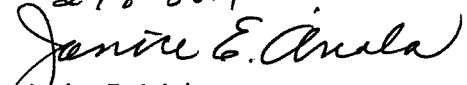
It is a curious fact that the commercial real estate person represented to previous buyers of this property that the subject property was "uninhabitable", and ready for "push-over" or scraping. The entire neighborhood can attest to the fact that the property had two floodings—one was by the City of Phoenix,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

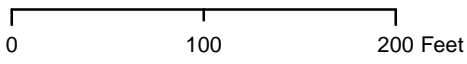
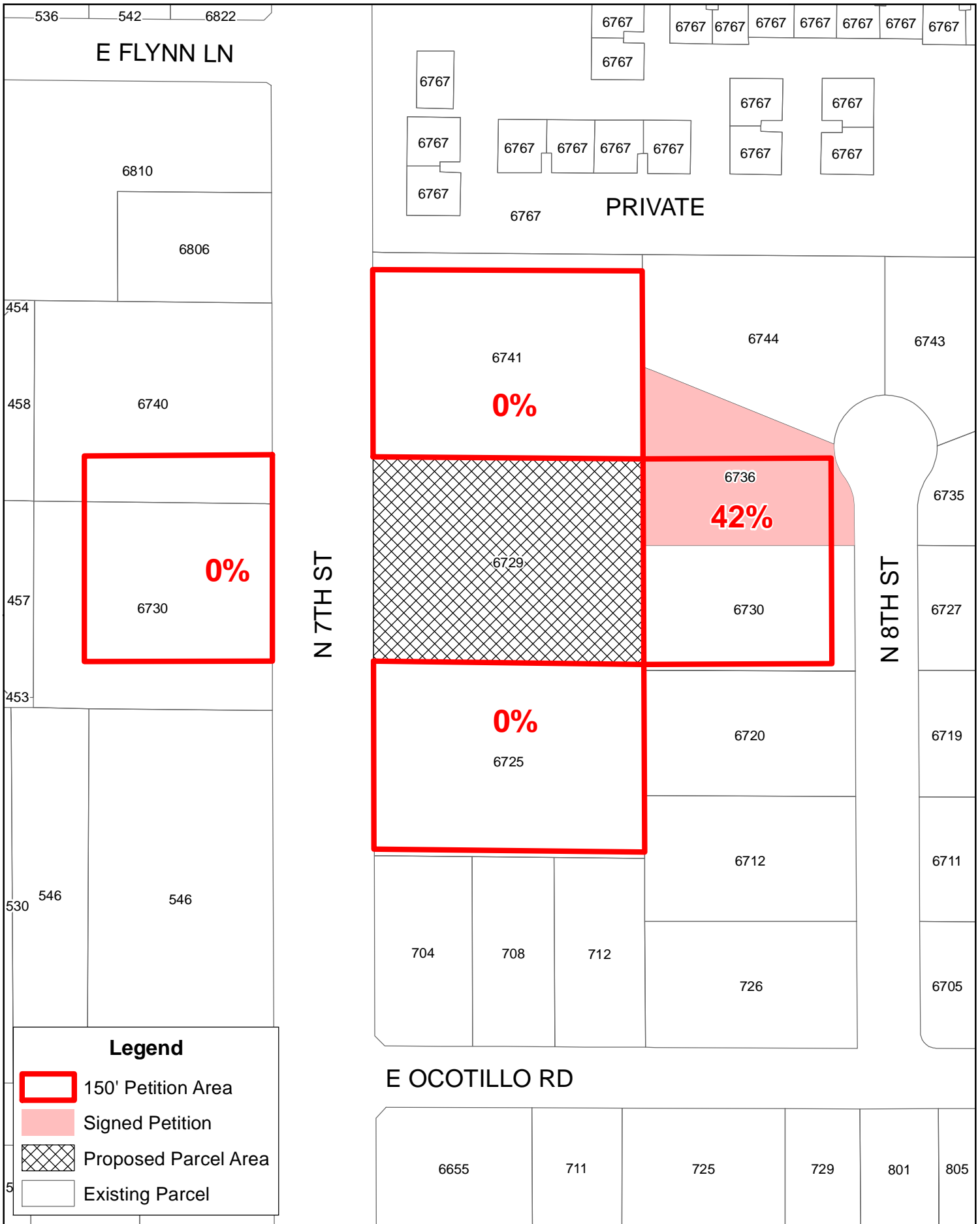
sales transaction of the first property was never completed, the old adobe ruin has now taken on a new façade as an “adorable older adobe home perfect for three doctors to use as a office? The unhealthy state that must exist in the old house must be horrendous and it would seem unrealistic that the Drs.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

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

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

  
Carl R. Ariola  
2-18-2014

  
Janice E. Ariola  
2-18-2014



### Petition Map for Z-56-13

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**CITY COUNCIL REPORT**

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**FORMAL AGENDA**

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TO: Rick Naimark  
Deputy City Manager

AGENDA DATE: April 2, 2014

FROM: Alan Stephenson  
Acting Planning & Development  
Director

ITEM: 90 PAGE: 104

SUBJECT: GPA-DSTV-1-14-2 – RANGER DRIVE ALIGNMENT BETWEEN TATUM  
BOULEVARD AND 44TH STREET

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This report provides back-up information on Item 90 on the April 2, 2014, Formal Agenda.

**THE ISSUE**

An amendment to the Street Classification Map has been submitted for approval to reclassify Ranger Drive alignment between Tatum Boulevard and 44th Street. Application is being made by Susan Demmitt of Withey Morris, PLC.

**OTHER INFORMATION**

General Plan Amendment case GPA-DSTV-1-14-2 is a request to amend the Street Classification Map to reclassify Ranger Road between Tatum Boulevard and 44th Street from a Minor Collector to a Local Street.

The Desert View Village Planning Committee reviewed the application on March 4, 2014, and recommended approval on a 10-1 vote.

The application was heard by the Planning Commission on March 11, 2014, and recommended for approval on an 8-0 vote.

Attachments:

A – Staff Report GPA-DSTV-1-14-2



**GENERAL PLAN AMENDMENT  
STAFF ANALYSIS**

Application: GPA-DSTV-1-14-2

Applicant: Susan Demmitt

Location: Ranger Drive alignment, between Tatum Boulevard and 44th Street

Acreage: N/A

Current Plan Designation: Minor Collector

Requested Plan Designation: Local Street

Reason for Requested Change: Amend the Street Classification Map to reclassify Ranger Drive from a Minor Collector to a Local Street

Village Planning Committee Date: Desert View Village – March 4, 2014

Staff Recommendation: Approval

Findings:

- 1) The proposed General Plan Amendment and Street Classification Map designation of Local Street is compatible with the local/residential streets and uses in the area.
- 2) The request will have minimal impact on overall street patterns and will help prevent future pass-through traffic.

**BACKGROUND**

This request would amend the existing General Plan Street Classification Map designation for Ranger Drive, between Tatum Boulevard and 44th Street from Minor Collector to Local Street to prevent future pass-through traffic. The Ranger Drive alignment bisects the undeveloped portion of Desert Ridge Development Parcel 7.L.1. The reclassification of the Ranger Drive to a local street would allow the roadway to be gated at both the Tatum Boulevard and 44th Street intersections. To the north is undeveloped State Land (Azara PCD), to the south, west, and east is single-family residential. The Desert Trails Elementary School is located approximately a quarter mile south and the applicant has indicated that the school does not have any concerns with the request.

The applicant will be responsible for the design and improvements associated with the reconfiguration of the 44th Street and Ranger Drive roundabout. In addition, the applicant will coordinate with the traffic operations division of the Street Transportation Department for partial reimbursement for the public improvements associated with the existing traffic signal at Tatum Boulevard and Ranger Drive.

## **RELATIONSHIP TO GENERAL PLAN GOALS AND POLICIES**

### **CIRCULATION**

- **GOAL 2C, POLICY 4: DESIGN RESIDENTIAL COLLECTOR STREETS TO FACILITATE EFFICIENT CIRCULATION WITHIN THE NEIGHBORHOOD WHILE DISCOURAGING CUT-THROUGH OR SPEEDING TRAFFIC - ESPECIALLY FROM ARTERIAL TO ARTERIAL.**

The proposed street classification will minimize the opportunity for cut through traffic into the neighborhood.

### **LAND USE ELEMENT**

- **GOAL 5, INTEGRATION OF LAND USE AND TRANSPORTATION SYSTEMS: AN INTEGRATED LAND USE AND TRANSPORTATION SYSTEM, WHICH FURTHERS THE URBAN VILLAGE MODEL AND MINIMIZES THE ADVERSE IMPACTS OF THE TRANSPORTATION SYSTEM ON HOUSING, BUSINESSES AND PUBLIC USES, SHOULD BE ENCOURAGED.**

Approval of this request will promote traffic management by allowing the implementation of traffic mitigation techniques and discourage future cut-through traffic through the future residential neighborhoods.

The proposed amendment has no significant effect on the following General Plan Elements:

### **COST OF DEVELOPMENT**

**BICYCLING**

**RECREATION**

**OPEN SPACE**

**GROWTH AREA**

**HOUSING ELEMENT**

**PUBLIC SERVICES AND FACILITIES**

**CONSERVATION, REHABILITATION AND REDEVELOPMENT**

**ENVIRONMENTAL PLANNING**

**NATURAL RESOURCES CONSERVATION**

**WATER RESOURCES**

**PUBLIC BUILDING**

**SAFETY**

## **CONCLUSION AND RECOMMENDATION**

Staff recommends that the request be approved.

Approval of this General Plan Amendment will further the goals of the General Plan. Approval is consistent with the residential development patterns in the area and will remove the opportunity for increased and cut through traffic within a neighborhood.

February 21, 2014

Attachments:  
Sketch Map  
Aerial

# GENERAL PLAN AMENDMENT

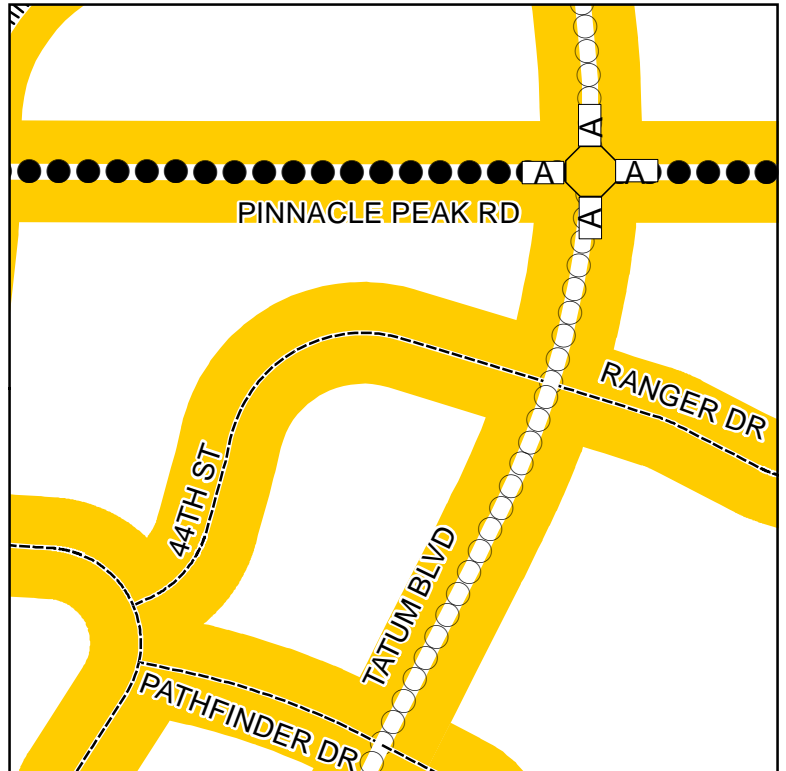
CITY OF PHOENIX ♦ PLANNING DEPARTMENT ♦ 200 W WASHINGTON ST ♦ PHOENIX, AZ ♦ 85003 ♦ (602) 262-6882

APPLICATION NO: GPA-DSTV-1-14-2	ACRES: N/A
VILLAGE: Desert View	COUNCIL DISTRICT: 2
APPLICANT: Susan Demmitt	

## EXISTING:

Ranger Dr. alignment between Tatum Blvd. and 44th St.

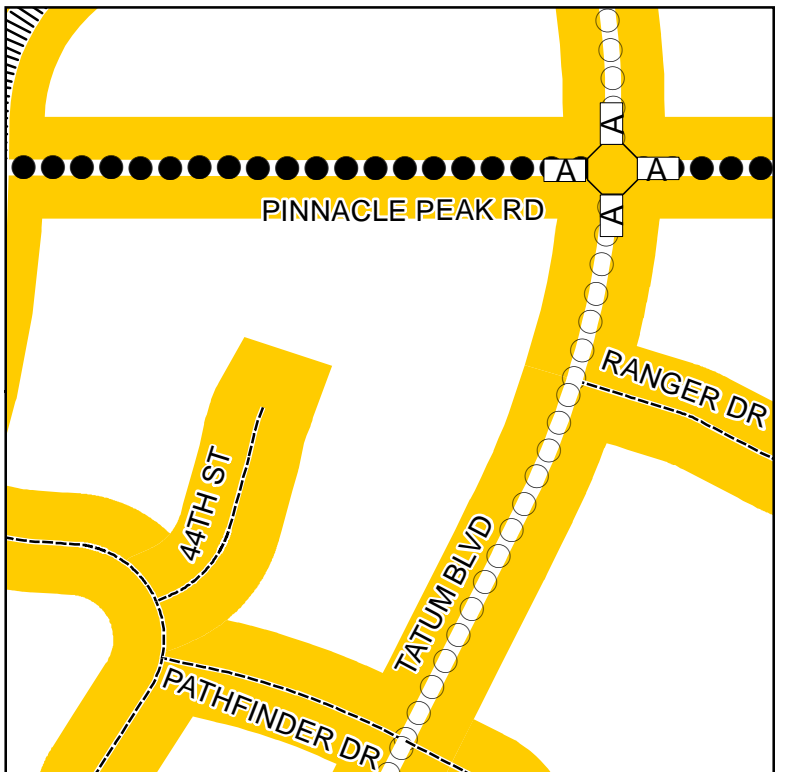
- ||||||| Arterial
- Minor Collector
- Major Arterial
- Major Arterial, Scenic
- Low Density Residential, Limited Access



## PROPOSED CHANGE:

Remove Ranger Dr. alignment between Tatum Blvd. and 44th St. as a minor collector.

- ||||||| Arterial
- Major Arterial
- Major Arterial, Scenic
- Minor Collector
- Low Density Residential, Limited Access





GPA-DSTV-1-14-2





## Village Planning Committee Meeting Summary GPA-DSTV-1-14-2

<b>Date of VPC Meeting</b>	March 4, 2014
<b>Request From</b>	Minor Collector
<b>Request To</b>	Local Street
<b>Location</b>	Ranger Road, between Tatum Boulevard and 44 <sup>th</sup> Street
<b>VPC Recommendation</b>	Approval
<b>VPC Vote</b>	10-1 (Bowser)

### **VPC DISCUSSION:**

Ms. Tricia Gomes presented the details of the case.

Ms. Susan Demmitt, Withey Morris, represented on behalf of Taylor Morrison. Ms. Demmitt stated that the request was to reclassify Ranger Road so that the road could be gated.

Ms. Demmitt explained that approximately 360 property owners were invited to a community open house and the Desert Ridge Community Association distributed the information to the community as well to ensure that the community was informed of the request. Property owners who attended the open house did not express concerns with the request. The Desert Trails Elementary School did not express any concerns with the request as well.

Chairwoman Lynn Pleskoff inquired if Ranger Road would be gated at both ends. Ms. Demmitt indicated that Ranger Road would be gated at both ends.

Mr. Doug Dickson stated that he supported the request and the proposed development would be a welcomed addition.

Mr. Louis Lagrave made a motion to approve GPA-DSTV-1-14-2 as presented. Mr. Doug Dickson seconded.

The committee voted 10-1 (Bowser) to approve the motion.

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

Staff has no comments.

**GENERAL PLAN AMENDMENTS AND COMPANION REZONING CASES**

Item #: 5  
Application #: GPA-DSTV-1-14-2  
Request: Street Classification - Map Amendment  
From: Minor Collector  
To: Local Street  
Location: Ranger Drive alignment between Tatum Boulevard and 44th Street  
Proposal: Amend the Street Classification Map to reclassify Ranger Road from a Minor Collector to a Local Street  
Applicant: Susan Demmitt  
Representative: Withey Morris PLC

Ms. Tricia Gomes presented GPA-DSTV-1-14-2; a general plan amendment to the Street Classification Map to modify the Ranger Drive alignment designation located between Tatum Boulevard and 44<sup>th</sup> Street from a minor collector to a local street. The Desert View Village Planning Committee recommended approval 10-1.

Commissioner Heck made a MOTION to approve GPA-DSTV-1-14-2 as recommended by the Desert View Village Planning Committee.

Commissioner Johnson SECONDED.

There being no further discussion, Chairwoman Katsenes called for a vote and the MOTION PASSED 8-0 (Davis absent)

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## CITY COUNCIL REPORT

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### FORMAL AGENDA

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TO: Rick Naimark  
Deputy City Manager

AGENDA DATE: April 2, 2014

FROM: Alan Stephenson  
Acting Planning & Development  
Director

ITEMS: 91 & 92 PAGE: 105

SUBJECT: GPA-DSTV-1-13-2 AND Z-64-13-2 LOCATED AT THE SOUTHEAST  
CORNER OF CAVE CREEK ROAD AND PEAK VIEW ROAD

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This report provides back-up information on Items 91 and 92 on the April 2, 2014, Formal Agenda.

#### THE ISSUE

A General Plan Amendment and companion rezoning application have been submitted for approval to the City Council for a parcel located at the southeast corner of Cave Creek Road and Peak View Road. Application is being made by Adam Baugh of Withey Morris PLC, representing CCRP, LLC.

#### OTHER INFORMATION

General Plan Amendment case GPA-DSTV-1-13-2 is a request to change the General Plan land use designation on 19.88 acres from Commercial (14.98 acres), Residential 0-2 (.24 acre), Residential 2-3.5 (4.55 acres), and Residential 2-5 (.11 acre) to Residential 2-5 to allow for single-family residential development.

Rezoning case Z-64-13-2 is a request to rezone 19.88 acres from C-O (6.42 acres), C-1 (8.91 acres), and R1-10 (4.55 acres) to R1-6 to allow single-family residential development.

The Desert View Village Planning Committee reviewed the applications on March 4, 2014. The General Plan Amendment was recommended for approval on an 11-0 vote, and the zoning case was recommended for approval subject to stipulations on an 11-0 vote.

The applications were heard by the Planning Commission on March 11, 2014, and recommended both cases for approval on an 8-0 vote.

#### Attachments:

- A – Staff Report GPA-DSTV-1-13-2
- B – Staff Report Z-64-13-2



**City of Phoenix**  
PLANNING & DEVELOPMENT DEPARTMENT

**GENERAL PLAN AMENDMENT  
STAFF ANALYSIS**

Application: GPA-DSTV-1-13-2

Applicant: Adam Baugh/Withey Morris PLC

Location: Southeast corner of Cave Creek Road and Peak View Road

Acres: 19.88 +/-

Current Plan Designation: Commercial  
Residential 0-2 du/acre  
Residential 2.5-3.5 du/acre  
Residential 2-5 du/acre

Requested Plan Designation: Residential 2-5 du/acre

Reason For Request: To provide single-family residential

Associated Zoning Case: Z-64-13-2

Village Planning Committee Action: Desert View – March 4, 2014

Staff Recommendation: Approval

Findings:

- 1) The proposed designation will complement the existing character in the area.
- 2) The companion zoning case, Z-64-13-2, will help the preservation of the natural desert character.

**BACKGROUND**

The proposed site is a 19.88-acre parcel on the southeast corner of Cave Creek Road and Peak View Road. The majority of the parcel is vacant except for the most eastern portion, which has a single-family home on it. The current General Plan land use designation is a mix of Commercial, Residential 0-2 du/ac, Residential 2-3.5 du/ac, and Residential 2-5 du/ac. The area to the north is designated Commerce/Business Park, to the west is designated Commercial, to the east and south is designated Residential 0 to 2 du/ac.

The subject site was rezoned in 2007 for Genesis Church which proposed a mixed-use church campus that included office, retail, residential homes, and loft-style residential units which have since been abandoned. To the north of the subject site is a daycare center and mini-storage that is zoned CP/BP (Commerce Park/Business Park). To the south is unincorporated Maricopa County with a mix of vacant land and large lot single-family residential. To the east is large lot single-family residential and zoned Rural-43. The lot at the southeast corner of Peak View Road and 42nd Street zoned S-1 was annexed into the City of Phoenix, while the remaining parcels zoned Rural-43 remain in the unincorporated Maricopa County. To the west of the subject site is Cave Creek Road and undeveloped State Land.

The North Land Use Plan designates this area as Residential 0-2 du/ac. The subject site is currently designated Commercial, Residential 0 to 2 du/ac, Residential 2 to 3.5 du/ac, Residential 2 to 5 du/ac. The pending General Plan Amendment request for Residential 2 to 5 du/ac would be more compatible with the surrounding area. The North Land Use Plan designates the area east of 44th Street Residential 2-5 du/ac.

## **RELATIONSHIP TO GENERAL PLAN GOALS AND POLICIES**

- **LAND USE**

**GOAL 1- URBAN FORM:** GROWTH SHOULD BE STRUCTURED INTO A SERIES OF URBAN VILLAGES CHARACTERIZED BY THE FIVE COMPONENTS OF THE URBAN VILLAGE MODEL: CORE, NEIGHBORHOODS, COMMUNITY SERVICE AREAS, REGIONAL SERVICE AREAS, AND OPEN SPACE.

The proposed amendment and companion rezoning case, Z-64-13-2, will help implement two neighborhood principles of the Urban Village Model: Include a mix of housing types and densities that support a broad range of lifestyles as well as protect and enhance the character of each neighborhood and its various housing lifestyles through new development that is compatible in scale, design, and appearance.

- **COST OF DEVELOPMENT**

**GOAL 2 - FINANCING METHODS:** ADDITIONAL PUBLIC SERVICES FOR NEW DEVELOPMENT SHOULD BE FUNDED AND FINANCED USING THE BEST METHODS AVAILABLE.

The proposed development will use Development Impact Fees to help fund costs of regional growth-related capital facilities such as streets and park facilities.

- **CIRCULATION**

**GOAL 2B - SCENIC CORRIDORS:** SCENIC CORRIDORS SHOULD BE IDENTIFIED AND MAINTAINED TO PRESERVE NATURAL AREAS, VIEWS AND AREAS OF UNIQUE CHARACTER ADJACENT TO ARTERIAL STREETS.

The proposed amendment incorporates the 205-foot setback from the Cave Creek Road centerline. The scenic corridor is a valuable amenity to the surrounding neighborhood as well as the entire Desert View Village.

- **HOUSING**

**GOAL 2 - HOUSING CHOICE:** A DIVERSE CHOICE OF HOUSING SHOULD BE PROVIDED IN ALL VILLAGES OF THE CITY TO MEET THE NEEDS OF ALL HOUSEHOLDS.

The proposed land use designation will provide additional housing opportunities within the Deer Valley Village.

- **NEIGHBORHOOD**

**GOAL 2:** NEW DEVELOPMENT AND EXPANSION OR REDEVELOPMENT OF EXISTING DEVELOPMENT IN OR NEAR RESIDENTIAL AREAS SHOULD BE COMPATIBLE WITH EXISTING USES AND CONSISTENT WITH ADOPTED PLANS

**Policy 3:** Create new development or redevelopment that is sensitive to the scale and character of the surrounding neighborhoods and incorporates adequate development standards to prevent negative impact(s) on the residential properties.

The proposed development, via accompanying rezoning case Z-64-13-2, will be sensitive in scale and character to the surrounding neighborhoods. The proposed single-family residential subdivision will mirror the development to the north both in terms of density and layout.

- **NATURAL RESOURCES AND CONSERVATION**

**GOAL 3 - VEGETATION PROTECTION:** VEGETATION SHOULD BE PROTECTED AND CONSERVED AS A MEANS OF PRESERVING THE DIVERSE CHARACTER OF LOCAL PLANT COMMUNITIES.

The companion rezoning case, Z-64-13-2, will promote the preservation or re-vegetation of native plant species through the Cave Creek Road Scenic Corridor.

- **OPEN SPACE**

**GOAL 1 - NATURAL OPEN SPACES:** UNIQUE OR SIGNIFICANT NATURAL OPEN SPACES SHOULD BE PRESERVED AND PROTECTED.

The scenic corridor along Cave Creek Road will be preserved to provide natural open spaces.

**The proposed amendment has no significant effect on the following General Plan Elements:**

**BICYCLING  
CONSERVATION, REHABILITATION & REDEVELOPMENT  
ENVIRONMENTAL PLANNING  
WATER RESOURCES  
PUBLIC BUILDINGS  
PUBLIC SERVICES AND FACILITIES  
SAFETY  
RECREATION**

**RECOMMENDATION**

Staff recommends that the request be approved.

**ATTACHMENT**

Aerial  
Sketch Map












# GENERAL PLAN AMENDMENT

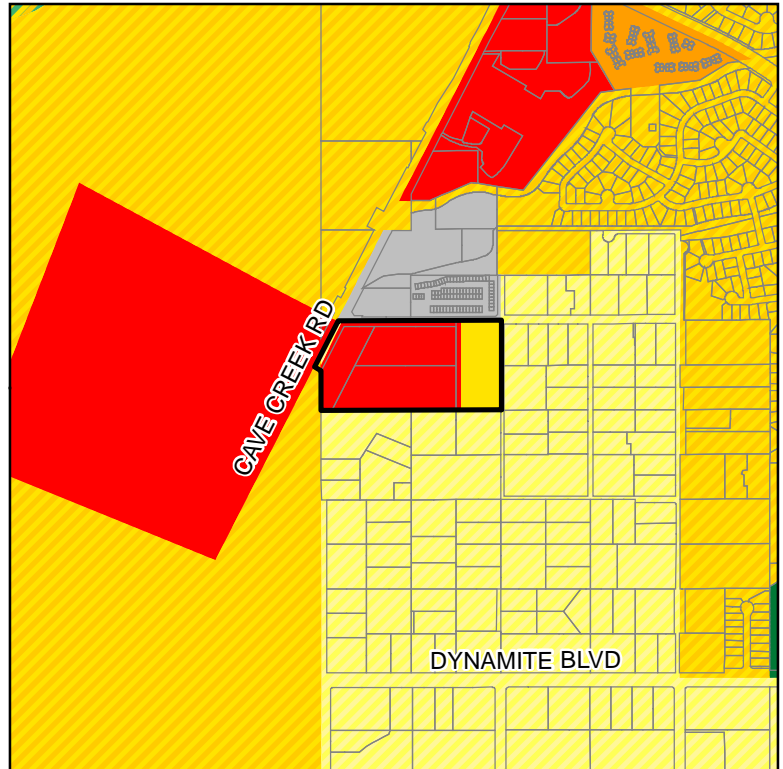
CITY OF PHOENIX ♦ PLANNING DEPARTMENT ♦ 200 W WASHINGTON ST ♦ PHOENIX, AZ ♦ 85003 ♦ (602) 262-6882

APPLICATION NO: GPA-DSTV-1-13-2	ACRES: 19.88 +/-
VILLAGE: Desert View	COUNCIL DISTRICT: 2
APPLICANT: G. Adam Baugh	



## EXISTING:

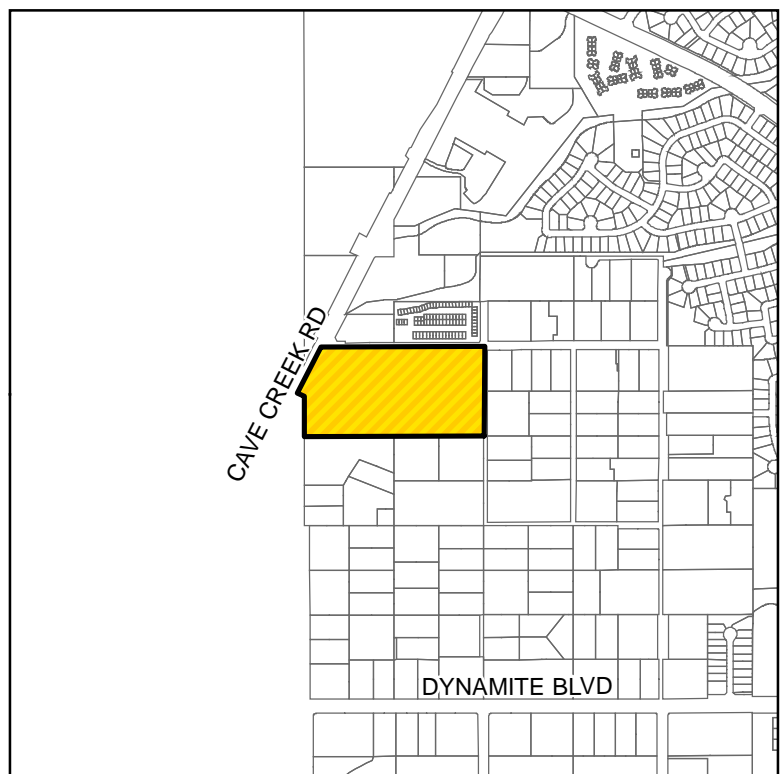
- Commerical (14.98 +/- Acres)
- Residential 2 to 3.5 du/acre (4.55 +/- Acres)
- Residential 0 to 2 du/acre (.24 +/- Acre)
- Residential 2 to 5 du/acre (.11 +/- Acre)

-  Proposed Change Area
-  Preserves / 2-3.5 or 3.5-5 du/acre
-  Parks/Open Space - Public
-  Commerce / Business Park
-  Commercial
-  Residential 5 to 10 du/acre
-  Residential 2 to 3.5 du/acre
-  Residential 2 to 5 du/acre
-  Residential 0 to 2 du/acre



## PROPOSED CHANGE:

- Residential 2 to 5 du/acre (19.88 +/- Acres)
-  Proposed Change Area
-  Residential 2 to 5 du/acre



GPA-DSTV-1-13-2



GPA-DSTV-1-13-2





## Village Planning Committee Meeting Summary GPA-DSTV-1-13-2

<b>Date of VPC Meeting</b>	March 4, 2014
<b>Request From</b>	Commercial Residential 0 to 2 du/ac Residential 2 to 3.5 du/ac Residential 2 to 5 du/ac
<b>Request To</b>	Residential 2 to 5 du/ac
<b>Proposed Use</b>	Single-Family Residential
<b>Location</b>	Southeast corner of Cave Creek Road and Peak View Road
<b>VPC Recommendation</b>	Approval
<b>VPC Vote</b>	11-0

### **VPC DISCUSSION:**

*Committee members Willie Collins and Steve Kruczek arrived at the meeting during this item.*

Ms. Tricia Gomes presented the details of the case.

Mr. Adam Baugh, Withey Morris, presented on behalf of the property owner. Mr. Baugh explained that the proposed development consisted of 104 residential lots and a significant amount of open space that exceeds the Zoning Ordinance requirements. Mr. Baugh summarized the neighborhood meeting, which 8-10 area residents attended and was generally well received.

Mr. Reginald Younger expressed concerns with only one ingress and egress point into the subdivision. Mr. Baugh indicated that the Development Division reviewed the subdivision and there was no issue with one ingress and egress point into the subdivision.

Mr. Deanna Chew inquired if the site had washes. Mr. Baugh indicated that there were no washes on the site, but the open spaces to follow the natural contours of the site.

Mr. Doug Dickson inquired about potential parking near the community pool. Mr. Baugh stated that further review of the site layout could be evaluated to determine if better access to the pool could be accommodated.

Vice Chairman Steven Bowser inquired if the proposed streets would be private. Mr. Baugh indicated that the streets would be private. In addition to the private streets internal to the site, improvements would be made to Peak View Road, 42<sup>nd</sup> Street, and Cave Creek Road.

Ms. Sheryl Doodeman, area resident, spoke in opposition of the request. Ms. Doodeman stated that she has lived in the unincorporated Maricopa County since 1977 and the proposed development of 5 units per acre did not fit with the area. She pointed out that she was opposed to the proposed church site in 2006 and opposed houses on 15 acres back in the 1980's. Ms. Doodeman stated that there were washes on the site and expressed concerns with drainage. Ms. Doodeman stated that she would not like to see 42<sup>nd</sup> Street improved and would prefer that it remain a dirt road.

Ms. Alice Blazer, area resident, spoke in opposition of the request. Ms. Blazer stated that she has lived in the unincorporated Maricopa County for 25 years and does not believe that the proposed development was in character with the area. Traffic in the area has increased with the preschool and Toy Barn at the northeast corner of Cave Creek Road and Peak View Road, the request for residential will contribute to the increased traffic. Ms. Blazer expressed concern and potential impacts to the horses and children in the area with the increase traffic on Peak View Road. Ms. Blazer stated that the proposed development was too dense and the lots were too small.

Mr. Baugh, while in rebuttal, stated that the proposed development was more compatible with the area than the existing commercial entitlement and would generate less traffic. The proposed development would provide a transition from large lot single-family to traditional lot single-family as development moved west towards Cave Creek Road. Traffic on Peak View Road would be limited since the road terminates east at the Tatum Ranch master planned community.

Mr. Louis Lagrave made a motion to approve GPA-DSTV-1-13-2 as presented. Vice Chairman Steven Bowser seconded.

Mr. Louis Lagrave agreed with Ms. Blazer that there would be more traffic on 44<sup>th</sup> Street; however the request would down zone from a commercial use to a residential use.

Vice Chairman Bowser listed some of the uses that could be allowed with the existing entitlements.

Mr. Steve Kruczek inquired if the request for a General Plan Land Use Map designation of Residential 2 to 5 du/ac was consistent with the density of 5.25 du/ac. Ms. Tricia Gomes explained that as long as the request was within the traditional lot residential product type the General Plan would allow it.

The committee voted 11-0 to approve the motion.

**STAFF COMMENTS REGARDING VPC RECOMMENDATION:**

Staff has no comments.

Item #: 3  
Application #: GPA-DSTV-1-13-2 (Companion case Z-64-13-2)  
Request: Map Amendment  
From: Commercial  
Residential 0-2  
Residential 2-3.5  
Residential 2 to 5  
To: Residential 2 to 5  
Acreage: 19.88  
Location: Southeast corner of Cave Creek Road and Peak View Road  
Proposal: To provide single-family residential  
Applicant: G. Adam Baugh  
Representative: Withey Morris PLC

Ms. Tricia Gomes presented items 3 and 4; which were heard together, but separate motions were required.

GPA-DSTV-1-13-2; a general plan amendment for 19.88 acres located at the southeast corner of Cave Creek Road and Peak View Road from Commercial, Residential 0-2, Residential 2-3.5, Residential 2-5 to Residential 2 to 5 du/ac for single-family residential. The Desert View Village Planning Committee recommended approval 11-0.

Z-64-13-2; a request to rezone 19.88 acres located at the southeast corner of Cave Creek Road and Peak View Road from C-O, C-1, R1-10 to R1-6 to allow single-family residential. The Desert View Village Planning Committee recommended approval 11-0 per staff stipulations.

Staff recommended approval of both requests per the recommendations of the Desert View Village Planning Committee with an additional stipulation for Z-64-13-2:

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

Mr. Baugh provided a brief presentation of the proposed area. To the north of the site was a storage condominium project; to the south was unincorporated Maricopa County with a mix of vacant land and large lot single-family residential. The subject site was rezoned just south of Peak View Road for Genesis Church which proposed a mixed-use church campus that included office, retail, residential homes, and loft-style residential units. The project did not move forward and the property was vacant for 5 or 6 years.

The current site plan depicts a total of 104 lots which met all of the zoning requirements with no need for variances or setback reductions. The project was compatible with the surrounding area, even though there were a few large lot County properties just south of the area. The Tatum Ranch development which had homes around the area had R1-6 zoning; which was the same request the applicant was asking for. Mr. Baugh stated it

would be a good transition between the County properties. The City of Phoenix had a General Plan designation for the property for Commercial with a blend of some residential categories.

Ms. Sheryl Doodeman stated her property was in the county island which abuts the proposed area. The smallest area was probably one home per acre, but the request was proposing five homes per acre. The density would not be compatible with the area. Ms. Doodeman also stated that Tatum Ranch did not surround the subject site. However, did have significant open space adjacent to the County properties therefore that development was hardly noticeable.

Ms. Doodeman felt paving 42<sup>nd</sup> street would create more traffic; she would prefer it remain as a dirt road. Peak View Road was a two lane road and when vehicles parked it was very congested. With the lots being so small two-story homes would have to be built and was not comfortable with people being able to peer over to her property. Ms. Doodeman stated she understood the concept of progress, but not five homes on one acre.

Commissioner Awai asked Mr. Baugh what was the average density of the Tatum Ranch development to the northeast.

Mr. Baugh stated it was designated Residential 2 to 5 on the General Plan. Over time development patterns had changed and the density had increased.

Ms. Gomes stated the subdivisions in the Tatum Ranch area were zoned R1-6; however the lot widths were a bit larger.

Mr. Baugh stated there was an obligation and duty upon the applicant to improve the half-street right-of-ways along Peak View Road and 42<sup>nd</sup> Street. The residential area may seem intensive but compared to the County island it was clearly a less impactful use than the current commercial zoning; especially given its proximity to Cave Creek Road, which was a major transportation corridor. The City of Phoenix Engineering Department reviewed the entrance and exit plans which were acceptable. It was a wider entrance to accommodate two vehicles traveling in and out of the area. Police and fire would be able to access the area from the dual gate even if one side of the gate was closed.

Commissioner Heck made a MOTION to approve GPA-DSTV-1-13-2 as recommended by the Desert View Village Planning Committee.

Commissioner Awai SECONDED.

There being no further discussion, Chairwoman Katsenes called for a vote and the MOTION PASSED 8-0 (Davis absent)

\* \* \*



**City of Phoenix**  
PLANNING & DEVELOPMENT DEPARTMENT

**Staff Report Z-64-13-2**  
**February 24, 2014**

<b>Desert View Village Planning Committee Meeting Date</b>	March 4, 2014
<b>Planning Commission Hearing Date</b>	March 11, 2014
<b>Request From</b>	C-O (6.42 Acres) C-1 (8.91 Acres) R1-10 (4.55 Acres)
<b>Request To</b>	R1-6 (19.88 Acres)
<b>Proposed Use</b>	Single-Family Residential
<b>Location</b>	Southeast corner of Cave Creek Road and Peak View Road
<b>Owner</b>	CCRP, LLC
<b>Applicant/Representative</b>	Withey Morris, PLC/Adam Baugh
<b>Staff Recommendation</b>	Approval, subject to stipulations

General Plan Conformity			
<b>General Plan Land Use Designation</b>		Existing: Commercial (14.98 acres) Residential 0 to 2 du/ac (0.24 acres) Residential 2 to 3.5 du/ac (4.55 acres) Residential 2 to 5 du/ac (0.11 acres)  <b>Pending:</b> <b>Residential 2 to 5 du/ac (19.88 acres)</b> <b>(GPA-DSTV-1-13-2)</b>	
<b>Street Map Classification</b>	Cave Creek Road	Major Arterial	65-foot east half street
	Peak View Road	Local	40-foot south half street
	42nd Street	Local	25-foot west half street
<p><b>LAND USE ELEMENT, GOAL 1, URBAN FORM, NEIGHBORHOOD POLICY 2: PROTECT AND ENHANCE THE CHARACTER OF EACH NEIGHBORHOOD AND ITS VARIOUS HOUSING LIFESTYLES THROUGH NEW DEVELOPMENT THAT IS COMPATIBLE IN SCALE, DESIGN, AND APPEARANCE.</b></p> <p><b>NEIGHBORHOOD ELEMENT, GOAL 2 COMPATIBLE NEIGHBORHOOD DEVELOPMENT, POLICY 3: CREATE NEW DEVELOPMENT OR REDEVELOPMENT THAT IS SENSITIVE TO THE SCALE AND CHARACTER OF THE SURROUNDING NEIGHBORHOODS AND INCORPORATES ADEQUATE DEVELOPMENT STANDARDS TO PREVENT NEGATIVE IMPACT(S) ON THE RESIDENTIAL PROPERTIES.</b></p>			



The proposed project is consistent with the scale and density of the surrounding area. The Tatum Ranch PCD is located to the north and east of the subject site. Three single-family residential subdivisions located less than a quarter of a mile from the subject site are zoned R1-6 and are compatible in scale, design and appearance.

**CIRCULATION ELEMENT, GOAL 2B - SCENIC CORRIDORS: SCENIC CORRIDORS SHOULD BE IDENTIFIED AND MAINTAINED TO PRESERVE NATURAL AREAS, VIEWS AND AREAS OF UNIQUE CHARACTER ADJACENT TO ARTERIAL STREETS.**

The proposed project will incorporate the 205-foot setback from the centerline of Cave Creek Road in its plan. The scenic corridor is a valuable amenity to the surrounding neighborhood as well as the entire Desert View Village.

**Area Plan**

**North Land Use Plan**

The North Land Use Plan designates this area as Residential 0-2 du/ac. The subject site is currently designated Commercial, Residential 0 to 2 du/ac, Residential 2 to 3.5 du/ac, Residential 2 to 5 du/ac. The pending General Plan Amendment request for Residential 2 to 5 du/ac would be more compatible with the surrounding area. The North Land Use Plan designates the area east of 44th Street Residential 2-5 du/ac.

**Surrounding Land Uses/Zoning**

	<u>Land Use</u>	<u>Zoning</u>
<b>On Site</b>	Vacant/Single-Family Residence	C-O, C-1, R1-10
<b>North</b>	Day Care/Mini Storage	CP/BP
<b>South</b>	Vacant/Large Lot Single-Family (Maricopa County)	Rural-43
<b>East</b>	Large Lot Single-Family (Maricopa County)	S-1/Rural-43
<b>West</b>	Cave Creek Road	N/A

**Single-Family**

<u>Standards</u>	<u>Requirements</u>	<u>Provisions on the Proposed site Plan</u>
Development Option		PRD
Gross Acreage	N/A	19.88
Total Number of Units	109	104
Density	5.50 du/ac	5.23 du/ac (MET)
Typical Lot Size		4,050 square feet (45-feet by 90-feet)
Subject to Single Family Design Review	10% or more of the lots are equal or less than 65 feet in width	Yes
Open Space	Minimum 5%	22% (MET)

## **BACKGROUND/ISSUES/ANALYSIS**

### **SUBJECT SITE**

1. This request is to rezone a 19.88-acre site located at the southeast corner of Cave Creek Road from C-O, C-1, and R1-10 to R1-6 for a single-family residential development. The majority of the site is vacant except for the most eastern portion, which currently has a single-family residence on it.
2. A companion General Plan Amendment request (GPA-DSTV-1-13-2) from Commercial, Residential 0 to 2 du/ac, Residential 2 to 3.5 du/ac, and Residential 2 to 5 du/ac to Residential 2 to 5 du/ac has been filed for this site. The area to the north is designated Commerce/Business Park, to the west is designated Commercial, to the east and south is designated Residential 0 to 2 du/ac. Staff is recommending approval of the Residential 2 to 5 du/ac. The rationale for this recommendation is to provide a mix of housing types and density that allows for various housing lifestyles while being compatible in character to the existing surrounding land uses.

### **SURROUNDING USES & ZONING**

3. The subject site was rezoned in 2007 for Genesis Church which proposed a mixed-use church campus that included office, retail, residential homes, and loft-style residential units which have since been abandoned. To the north of the subject site is a daycare center and mini-storage that is zoned CP/BP (Commerce Park/Business Park). To the south is unincorporated Maricopa County with a mix of vacant land and large lot single-family residential. To the east is large lot single-family residential zoned Rural-43. The lot at the southeast corner of Peak View Road and 42nd Street zoned S-1 was annexed into the City of Phoenix, while the remaining parcels zoned Rural-43 remain in the unincorporated Maricopa County. To the west of the subject site is Cave Creek Road and undeveloped State Land.

### **PROPOSAL**

4. The site plan depicts a total of 104 lots (5.23 du/acre) on the 19.88-acre site. The minimum lot size is 4,050 square feet with 22% open space. The site includes the 205-foot scenic corridor setback along Cave Creek Road.
5. Elevations were not submitted as part of this request; however, the development is subject to Single-Family Design Review, which will require a variety of subdivision, and housing designs to create visual interest, distinctive character and identity to the community.

### **STREETS**

6. The Street Transportation Department has indicated that there are right-of-way improvements needed for this site. Stipulations have been added to address these improvements.

#### OTHER

7. It has been determined that this parcel is not in a Special Flood Hazard Area (SFHA), but is located in Shaded Zone X, on panel 1305L of the Flood Insurance Rate Maps (FIRM) dated October 16, 2013.
8. Development and use of the site is subject to all applicable codes and ordinances. Zoning approval does not negate other ordinance requirements and other formal actions may be required.

#### **FINDINGS**

1. The request is consistent with the staff recommended Residential 2 to 5 du/ac on the companion General Plan Amendment.
2. The proposed zoning will compliment uses in the surrounding area.
3. The proposal will add to the diverse housing mix in the Desert View Village.
4. The scenic corridor will ensure preservation of the natural desert character, and enhancement of the Desert View character in this area.

#### **STIPULATIONS**

##### SITE PLAN

1. The development shall be in general conformance with the site plan date stamped December 20, 2013, as approved or modified by the Planning and Development Department with specific regard to the following:
  - a. The development shall not exceed 104 lots.
  - b. A 205-foot landscape setback from the street centerline consistent with the Cave Creek Road Scenic Corridor shall be provided along Cave Creek Road.

##### STREET IMPROVEMENTS

2. A right-of-way totaling 40 feet shall be dedicated and constructed for the south half of Peak View Road with paving, curb, gutter, sidewalk, curb ramps, streetlights, landscaping and other incidentals, as approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
3. A right-of-way totaling 25 feet shall be dedicated for the west half of 42nd Street, as approved by the Planning and Development Department. Provide curb, gutter, sidewalk, paving and incidentals with a minimum 25-foot pavement section for the length of the project.

4. A right-of-way totaling 65 feet shall be dedicated for the east half of Cave Creek Road, as approved by the Planning and Development Department.
5. A 25-foot by 25-foot right-of-way triangle shall be dedicated at the southeast corner of Cave Creek Road and Peak View Road, as approved by the Planning and Development Department.
6. The developer shall construct all streets within and adjacent to the development with curb, gutter, sidewalk, paving, appropriate drainage structures to facilitate dry crossings and incidentals on private accessways under City permit and with City inspection, including 5-foot wide attached sidewalks on both sides of all streets. The curb at every curb return and at every entrance into a new subdivision is to be imprinted with the words "Private Street- No City Maintenance" in 2-inch high letters.

**Writer**

2/24/14

TG

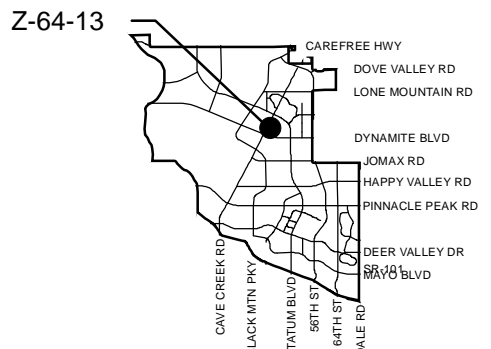
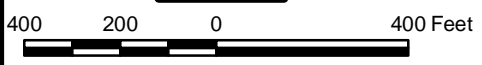
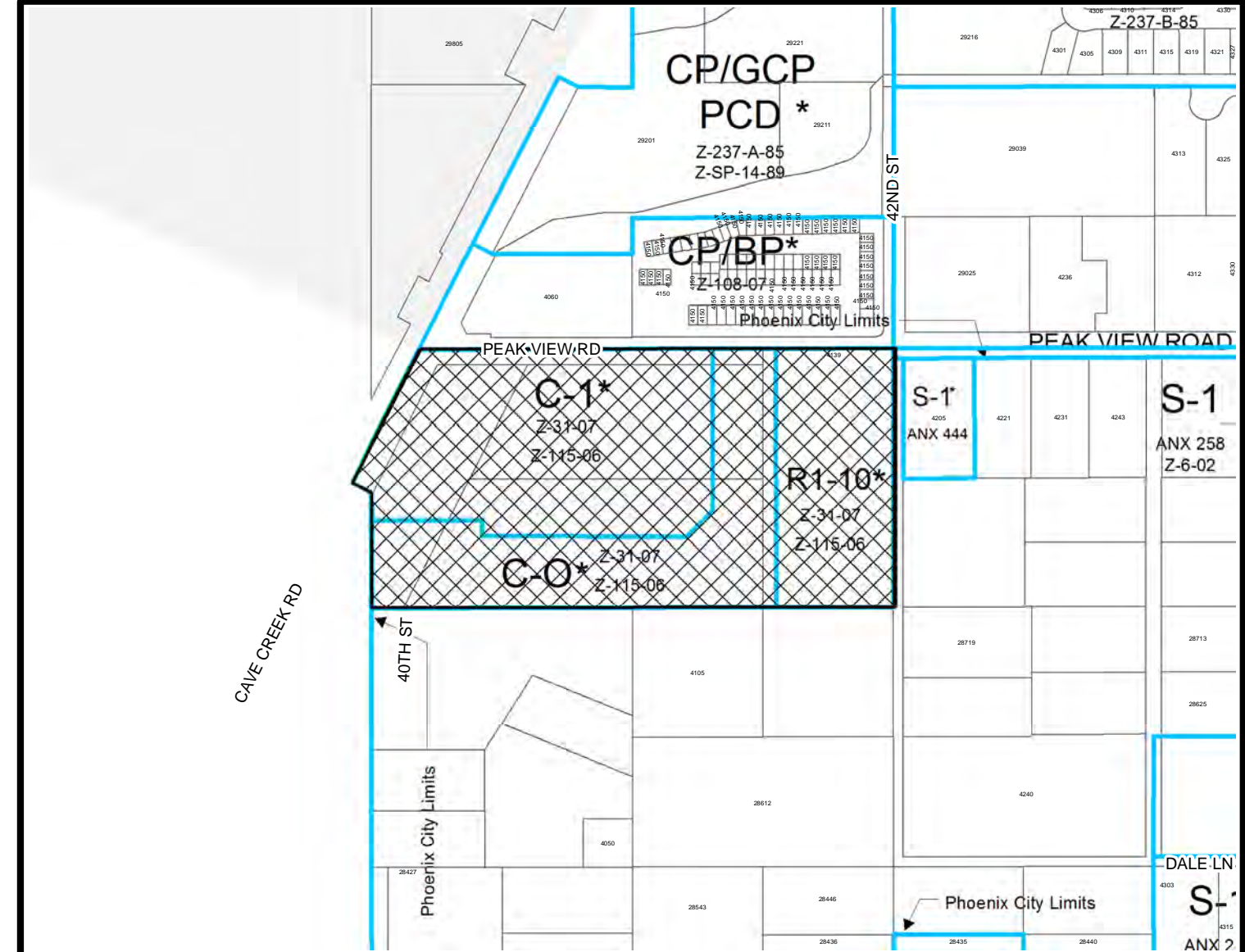
JB

**Attachments**

Zoning Sketch

Aerial

Site Plan date stamped December 20, 2013



CITY OF PHOENIX PLANNING DEPARTMENT  
**DESERT VIEW VILLAGE**  
 CITY COUNCIL DISTRICT: 2

<b>APPLICANT'S NAME:</b> Withey Morris, PLC		<b>REQUESTED CHANGE:</b> FROM: C-O, (6.42 a.c.) C-1, (8.91 a.c.) R1-10, (4.55 a.c.) TO: R1-6, (19.88 a.c)	
<b>APPLICATION NO.</b> Z-64-13	<b>DATE:</b> 1/2/14 <b>REVISION DATES:</b> 2/4/14	<b>AERIAL PHOTO &amp; QUARTER SEC. NO.</b> QS 51-37 <b>ZONING MAP</b> P-10	
GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX. 19.88 Acres			
<b>MULTIPLES PERMITTED</b> C-O, C-1, R1-10 R1-6		<b>CONVENTIONAL OPTION</b> 0,129,13 99	
		<b>* UNITS P.R.D. OPTION</b> 0,155,19 126	

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

Z-64-13-2

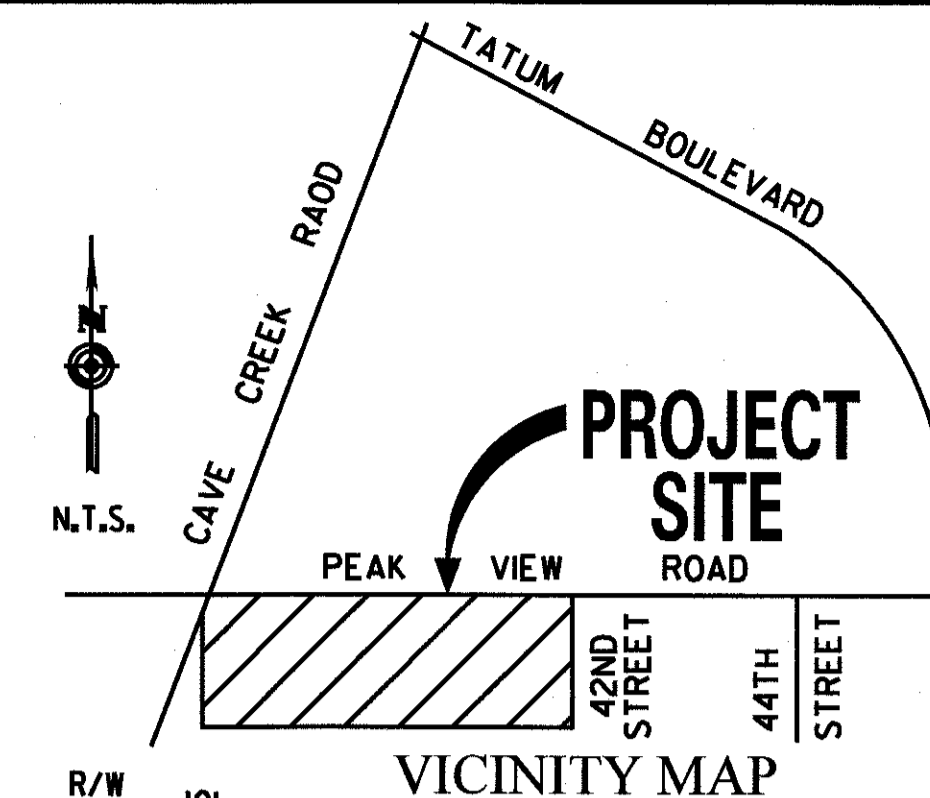


Z-64-13-2



# REZONING SITE PLAN FOR SEC. OF CAVE CREEK ROAD & PEAK VIEW ROAD

A PORTION OF SECTION 30, TOWNSHIP 5 NORTH, RANGE 4 EAST,  
OF THE GILA AND SALT RIVER MERIDIAN,  
MARICOPA COUNTY, ARIZONA.



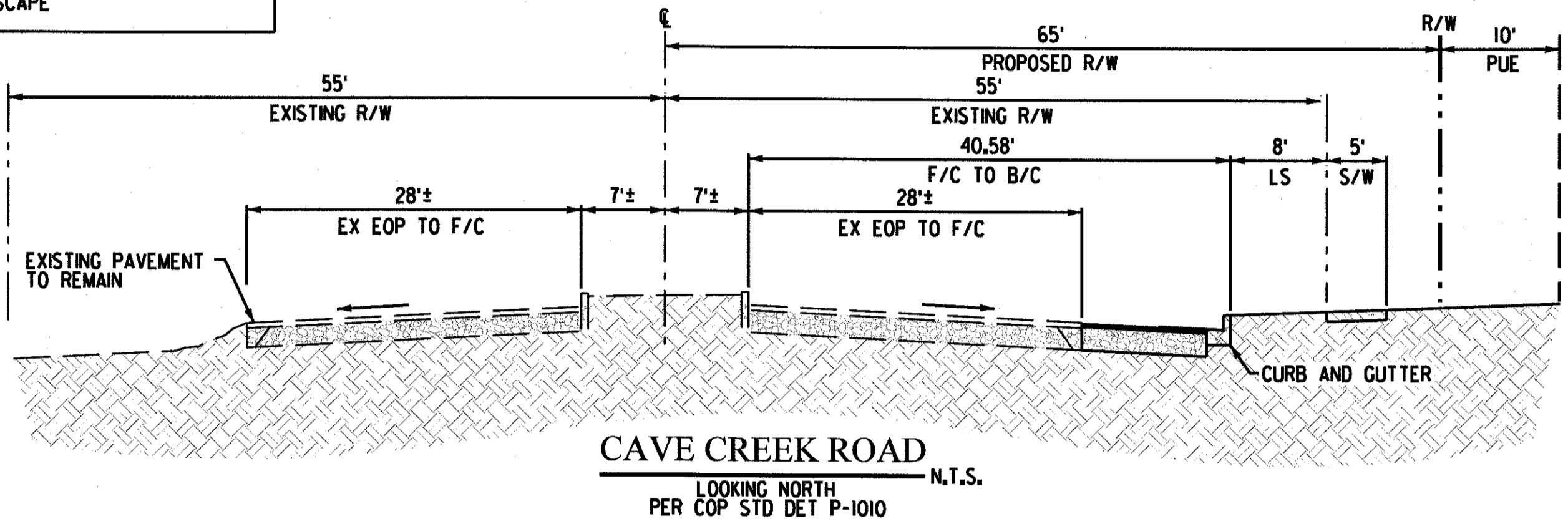
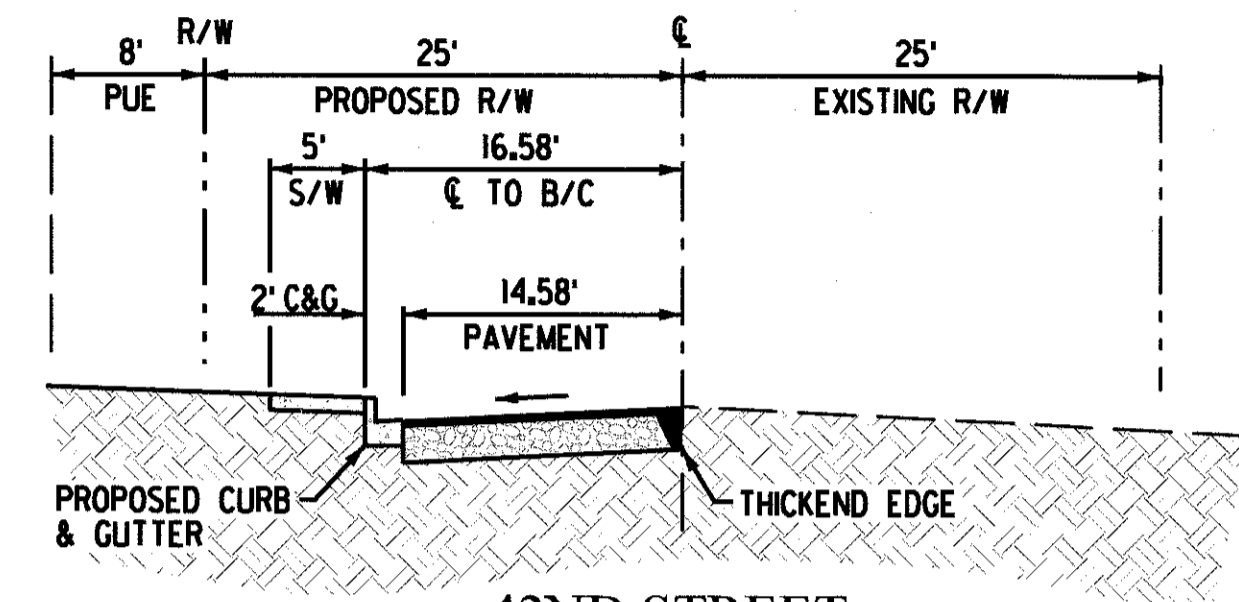
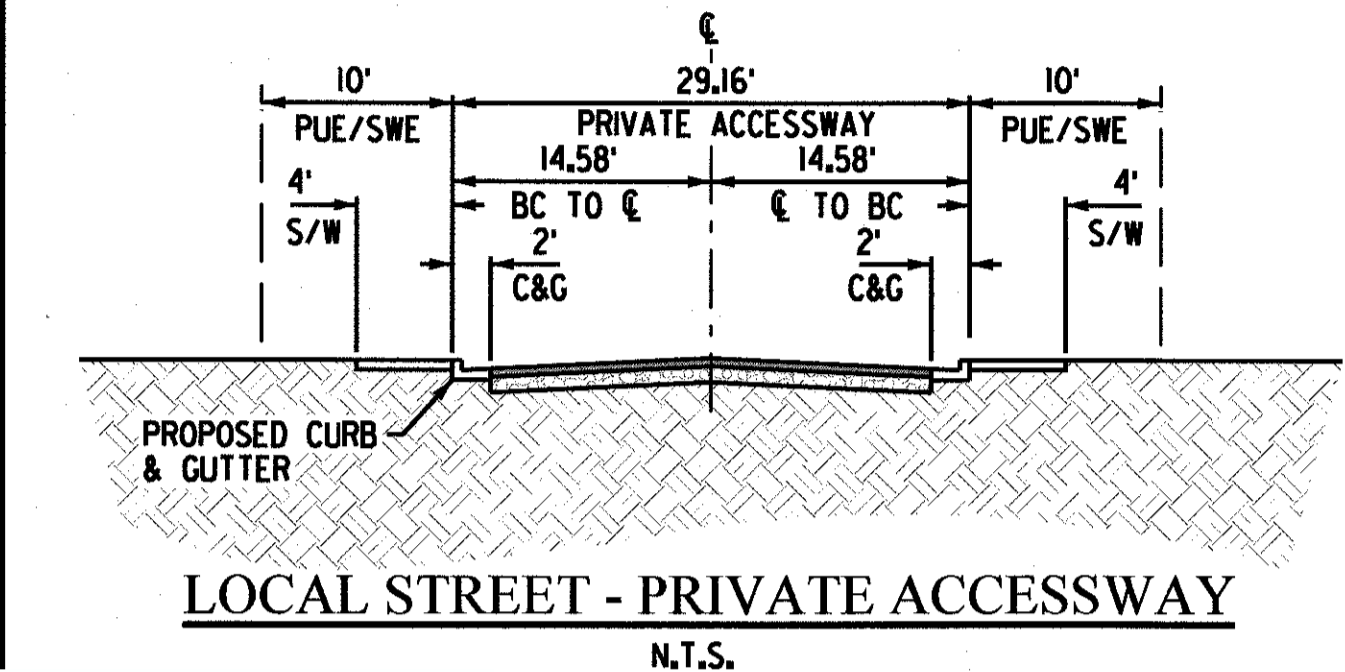
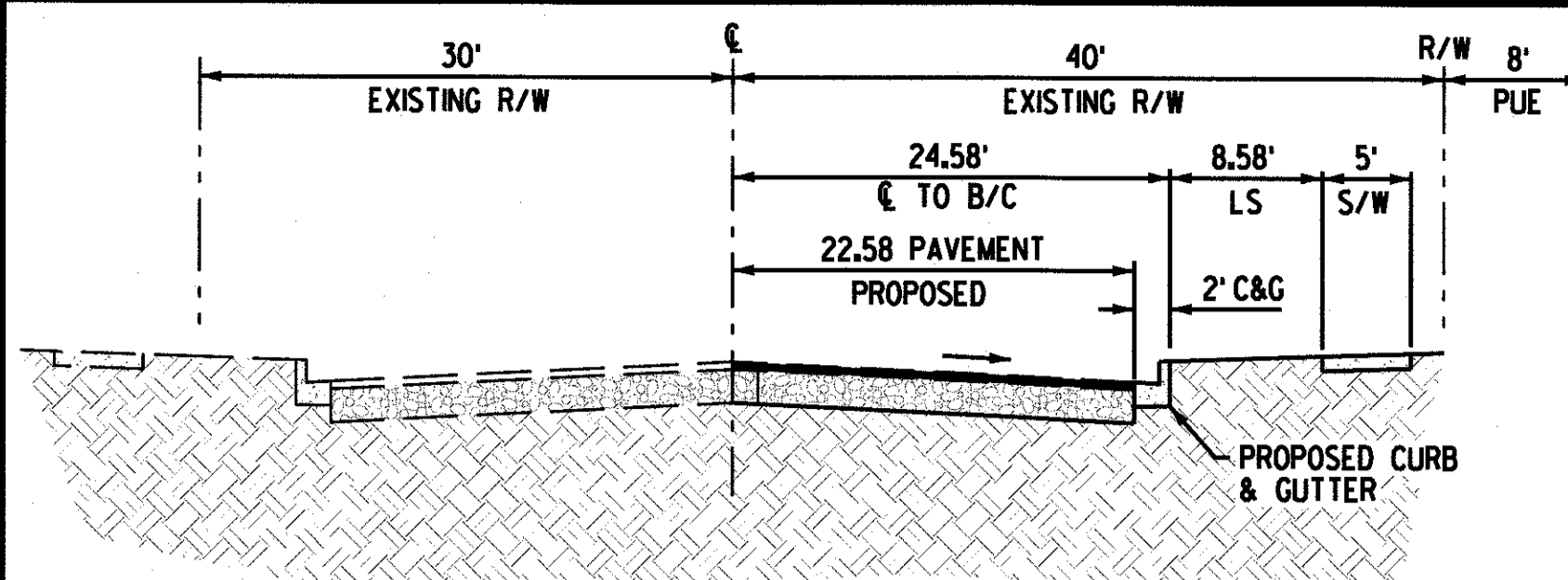
**OWNER**  
CCRP, LLC  
PO BOX 26768  
SCOTTSDALE, AZ 85255  
TEL (480) 419-0101  
CONTACT: JASON PHILLIPS

**ENGINEER**  
HOSKIN RYAN CONSULTANTS, INC.  
6245 N. 24TH PARKWAY, SUITE 100  
PHOENIX, AZ, 85016  
TEL (602) 252-8384  
FAX (602) 252-8385  
CONTACT: MATTHEW J. MANCINI, P.E.  
EMAIL: MATT@HOSKINRYAN.COM

**Hoskin • Ryan Consultants, Inc.**  
creative engineering solutions

6245 N. 24th Parkway Suite #100 Phoenix, AZ 85016  
Office (602) 252-8384 | Fax (602) 252-8385 | www.hoskinryan.com

LEGEND		
—	PARCEL BOUNDARY LINE (TYP)	TYPICAL
- - -	ADJACENT PARCEL LINE	R/W RIGHT-OF-WAY
- · - · -	CENTER LINE	SWE SIDEWALK EASEMENT
- · - · -	EASEMENT LINE	PUE PUBLIC UTILITY EASEMENT
- · - · -	PRIVATE ACCESS OR R/W LINE	BC BACK-OF-CURB
- · - · -	REZONE BOUNDARY LINE	S/W SIDEWALK
- · - · -	LOT LINE	VNAE VEHICULAR NON-ACCESS EASEMENT
- · - · -	CENTERLINE	ESMT EASEMENT
—	MINIMUM	C&G CURB & GUTTER
—	PL PROPERTY LINE	LS LANDSCAPE



**CITY OF PHOENIX**  
DEC 20 2013  
Planning & Development  
Department

APN 211-38-358  
TOY BARN ON CAVE CREEK  
ZONING - CP/BP

APN 211-38-358  
TOY BARN ON CAVE CREEK  
GARAGE CONDOMINIUM  
ZONING - CP/BP

INTERNAL TRACTS AND STREET  
NAMES TO BE DETERMINED AT  
TIME OF SITE PLAN APPLICATION

**PROJECT DESCRIPTION**  
THIS PROJECT IS PROPOSED AS A DETACHED SINGLE FAMILY RESIDENTIAL DEVELOPMENT WITH A GROSS DENSITY OF 5.23 DU/AC. STANDARD LOT SIZES VARY WITH A MINIMUM LOT WIDTH OF 45' AND A MINIMUM DEPTH OF 90'. THE PROJECT PROPOSES A TOTAL OF 104 LOTS. THE EXISTING ZONING IS CO, C1 & THE PROPOSED ZONING IS RI-6 PRD

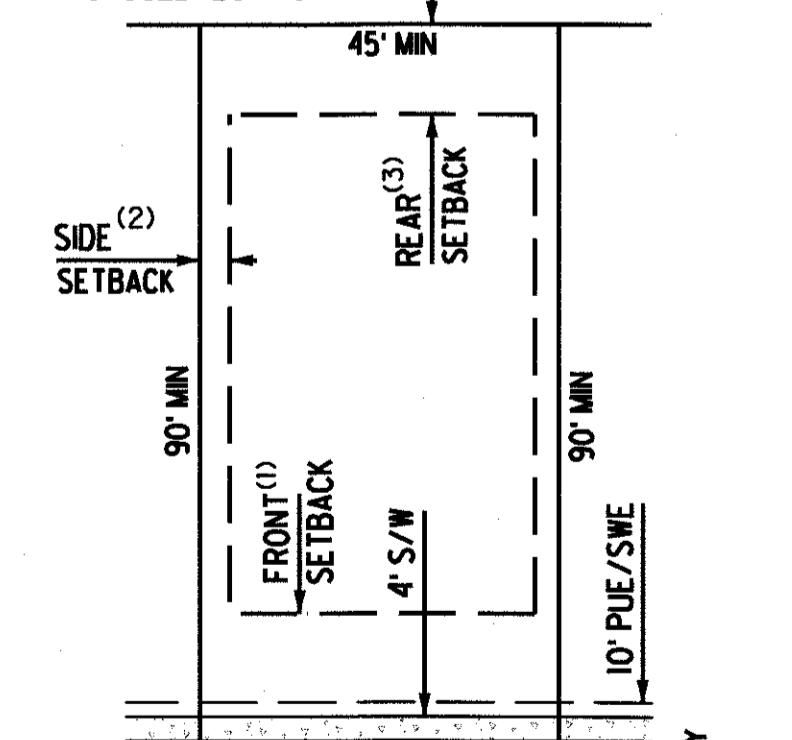
- UTILITIES**
- POLICE PROTECTION - CITY OF PHOENIX
  - FIRE PROTECTION - CITY OF PHOENIX
  - TELEPHONE - CENTURYLINK/COX
  - ELECTRIC - ARIZONA PUBLIC SERVICE
  - SEWER - CITY OF PHOENIX
  - WATER - CITY OF PHOENIX
  - GAS - SOUTHWEST GAS CORPORATION
  - CABLE TV - COX CABLE

**SITE DATA**

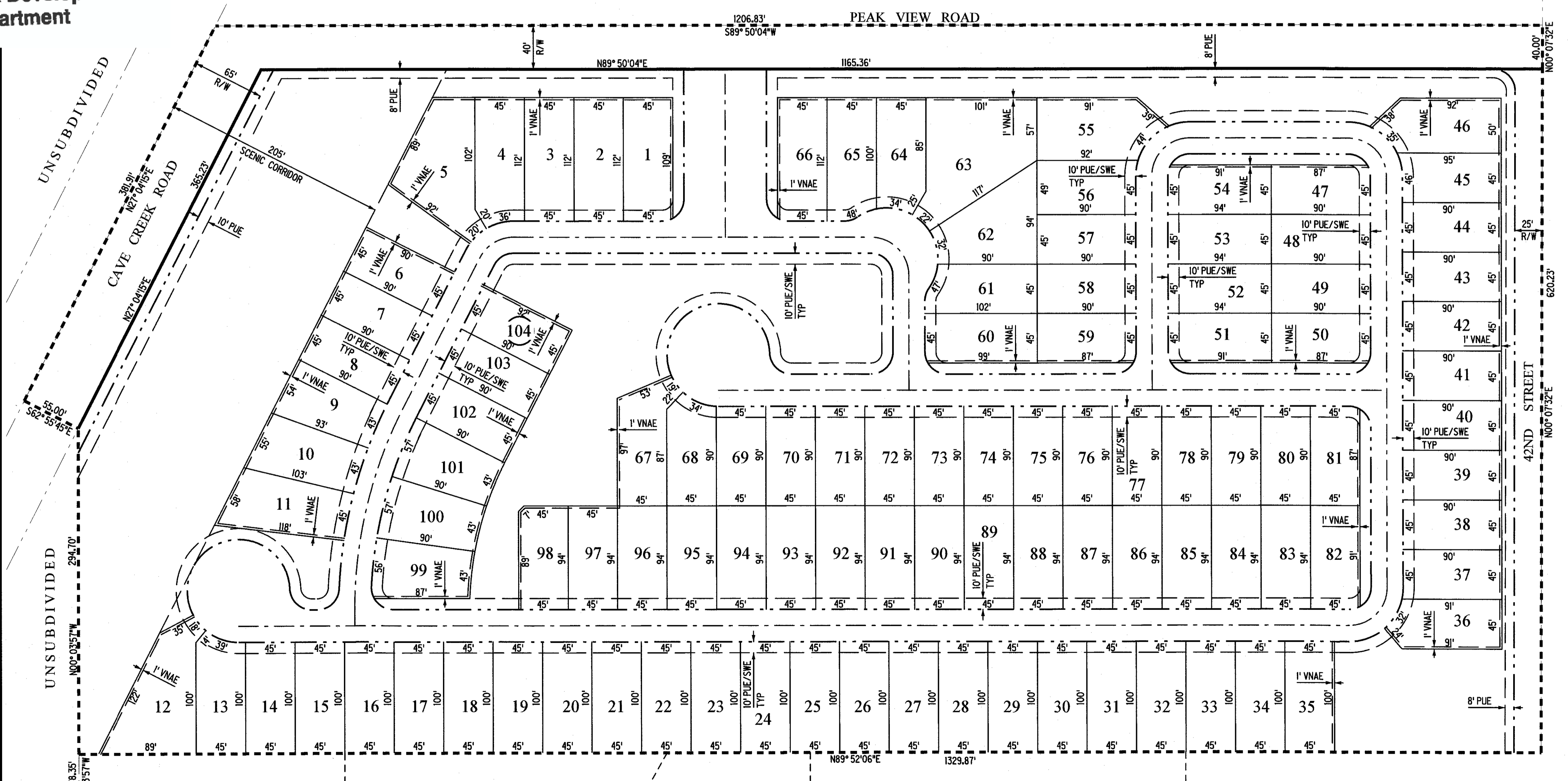
PARCEL \*S - 211-39-004E, 211-39-004F, 211-39-004G & 211-39-004H

TOTAL LOTS - 104  
GROSS AREA - 19.88 ACRES

GROSS DENSITY - 5.23 LOTS/ACRE  
MAX. BLDG. HEIGHT - 30-FEET (2 STORIES)  
SETBACKS - SEE TYPICAL LOT DETAIL  
AREA OF LOTS - 10.70 ACRES  
AREA OF OPEN SPACE - 4.38 ACRES  
AREA OF PRIVATE STREETS - 2.79 ACRES  
AREA OF R/W - 2.01 ACRES  
LOT SALES PROPOSED - YES  
EXISTING ZONING - CO, C1  
PROPOSED ZONING - RI-6 PRD



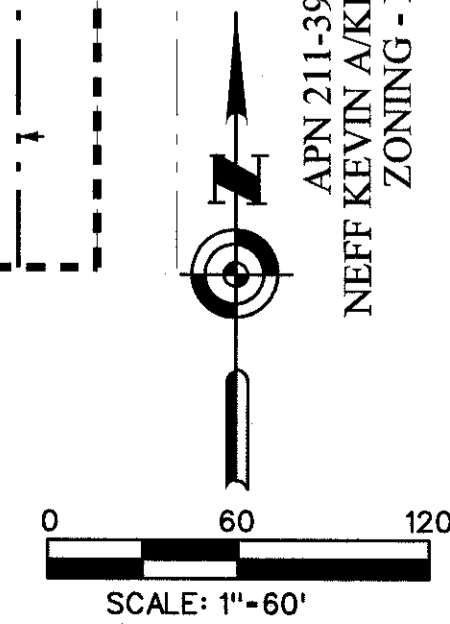
- TYPICAL LOT LAYOUT - 45' WIDE**
- 10' MIN FROM P/L, 18' MIN FROM BACK OF S/W TO FRONT LOAD GARAGE, 10' MIN FROM P/L TO SIDE LOAD GARAGE
  - SIDE SETBACK ESTABLISHED BY BUILDING CODE, STREET SIDE SETBACK IS 10' MIN, (FROM BC)
  - REAR SETBACK ESTABLISHED BY BUILDING CODE.



APN 211-39-001T GOODRICH FAMILY TRUST ZONING - RU-43  
APN 211-39-001U CAREY CURT A/PEGGY J ZONING - RU-43  
APN 211-39-001V ENTRUST ARIZONA FBO CRAIG CAREY IRA 12769 ZONING - RU-43  
APN 211-39-001S DOODEMAN SHERL LYNN ZONING - RU-43  
APN 211-39-001X MCMILLAN ROCK P/SUSAN L ZONING - RU-43

APN 211-39-003Z WHITE TERRY L ZONING - S-1  
APN 211-39-026B NEFF KEVIN A/KIMBERLEE A ZONING - RU-43  
APN 211-39-026A NEFF KEVIN A/KIMBERLEE A ZONING - RU-43

REVIEWED BY \_\_\_\_\_ DATE \_\_\_\_\_  
DRAFTED BY \_\_\_\_\_ DATE \_\_\_\_\_  
CHECKED BY \_\_\_\_\_ DATE \_\_\_\_\_



**SEC. OF CAVE CREEK & PEAK VIEW**  
**REZONING SITE PLAN**

REVISIONS

Land Planning • Hydrology • Land Development • Civil Infrastructure • Surveying

EXPIRES 12/31/15

DESIGNED: MM  
DRAWN: STAFF  
CHECKED: MM  
PLOT DATE: 12/2/2013

SHEET 1 OF 1  
PROJECT NO. 13-039-02

45652  
MATTHEW J. MANCINI  
Professional Engineer  
Arizona, U.S.A.





## Village Planning Committee Meeting Summary Z-64-13-2

<b>Date of VPC Meeting</b>	March 4, 2014
<b>Request From</b>	C-O, C-1, R1-10
<b>Request To</b>	R1-6
<b>Proposed Use</b>	Single-Family Residential
<b>Location</b>	Southeast corner of Cave Creek Road and Peak View Road
<b>VPC Recommendation</b>	Approval, subject to staff stipulations
<b>VPC Vote</b>	11-0

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

Ms. Tricia Gomes presented the details of the case.

Mr. Adam Baugh, Withey Morris, presented on behalf of the property owner. Mr. Baugh explained that the proposed development consisted of 104 residential lots and a significant amount of open space that exceeds the Zoning Ordinance requirements. Mr. Baugh summarized the neighborhood meeting, which 8-10 area residents attended and was generally well received.

Mr. Reginald Younger expressed concerns with only one ingress and egress point into the subdivision. Mr. Baugh indicated that the Development Division reviewed the subdivision and there was no issue with one ingress and egress point into the subdivision.

Mr. Deanna Chew inquired if the site had washes. Mr. Baugh indicated that there were no washes on the site, but the open spaces to follow the natural contours of the site.

Mr. Doug Dickson inquired about potential parking near the community pool. Mr. Baugh stated that further review of the site layout could be evaluated to determine if better access to the pool could be accommodated.

Vice Chairman Steven Bowser inquired if the proposed streets would be private. Mr. Baugh indicated that the streets would be private. In addition to the private streets internal to the site, improvements would be made to Peak View Road, 42<sup>nd</sup> Street, and Cave Creek Road.

Ms. Sheryl Doodeman, area resident, spoke in opposition of the request. Ms. Doodeman stated that she has lived in the unincorporated Maricopa County since 1977 and the proposed development of 5 units per acre did not fit with the area. She pointed out that she was opposed to the proposed church site in 2006 and opposed houses on 15 acres back in the 1980's. Ms. Doodeman stated that there were washes on the site and expressed concerns with drainage. Ms. Doodeman stated that she would not like to see 42<sup>nd</sup> Street improved and would prefer that it remain a dirt road.

Ms. Alice Blazer, area resident, spoke in opposition of the request. Ms. Blazer stated that she has lived in the unincorporated Maricopa County for 25 years and does not believe that the proposed development was in character with the area. Traffic in the area has increased with the preschool and Toy Barn at the northeast corner of Cave Creek Road and Peak View Road, the request for residential will contribute to the increased traffic. Ms. Blazer expressed concern and potential impacts to the horses and children in the area with the increase traffic on Peak View Road. Ms. Blazer stated that the proposed development was too dense and the lots were too small.

Mr. Baugh, while in rebuttal, stated that the proposed development was more compatible with the area than the existing commercial entitlement and would generate less traffic. The proposed development would provide a transition from large lot single-family to traditional lot single-family as development moved west towards Cave Creek Road. Traffic on Peak View Road would be limited since the road terminates east at the Tatum Ranch master planned community.

Vice Chairman Steven Bowser made a motion to approve Z-64-13-2 as presented. Mr. Louis Lagrave seconded.

Chairwoman Lynn Pleskoff inquired about what else could be on the site other than residential. Ms. Tricia Gomes explained that the residential zoning would allow a handicapped group home and attached single-family.

Mr. Steve Kruczek expressed concern with the proposed density and stated 3-5 du/ac may be more appropriate for the area. Mr. Lagrave noted that at 5 du/ac the site would be limited to 99 units.

Chairwoman Pleskoff noted that the Tatum Ranch community had wider lots; therefore may not be an even comparison.

In response to Mr. Reginald Younger's comment regarding a single access point, Mr. Lagrave stated his subdivision had 84 homes with only one access point. Mr. Matt Mancini, civil engineer for the project, provided clarification on the single access and noted that as long as there was dual access, a single access point was permitted.

The committee voted 11-0 to approve the motion.

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

Staff has no comments.

Item #: 4  
Application #: Z-64-13-2 (Companion case GPA-DSTV-1-13-2)  
From: C-O  
C-1  
R1-10  
To: R1-6  
Acreage: 19.88  
Location: Southeast corner of Cave Creek Road and Peak View Road  
Proposal: Single Family Residential  
Applicant: Withey Morris, PLC  
Owner: CCRP LLC  
Representative: Withey Morris, PLC

Ms. Tricia Gomes presented items 3 and 4; which were heard together, but separate motions were required.

GPA-DSTV-1-13-2; a general plan amendment for 19.88 acres located at the southeast corner of Cave Creek Road and Peak View Road from Commercial, Residential 0-2, Residential 2-3.5, Residential 2-5 to Residential 2 to 5 du/ac for single-family residential. The Desert View Village Planning Committee recommended approval 11-0.

Z-64-13-2; a request to rezone 19.88 acres located at the southeast corner of Cave Creek Road and Peak View Road from C-O, C-1, R1-10 to R1-6 to allow single-family residential. The Desert View Village Planning Committee recommended approval 11-0 per staff stipulations.

Staff recommended approval of both requests per the recommendations of the Desert View Village Planning Committee with an additional stipulation for Z-64-13-2:

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

Mr. Baugh provided a brief presentation of the proposed area. To the north of the site was a storage condominium project; to the south was unincorporated Maricopa County with a mix of vacant land and large lot single-family residential. The subject site was rezoned just south of Peak View Road for Genesis Church which proposed a mixed-use church campus that included office, retail, residential homes, and loft-style residential units. The project did not move forward and the property was vacant for 5 or 6 years.

The current site plan depicts a total of 104 lots which met all of the zoning requirements with no need for variances or setback reductions. The project was compatible with the surrounding area, even though there were a few large lot County properties just south of the area. The Tatum Ranch development which had homes around the area had R1-6 zoning; which was the same request the applicant was asking for. Mr. Baugh stated it would be a good transition between the County properties. The City of Phoenix had a

General Plan designation for the property for Commercial with a blend of some residential categories.

Ms. Sheryl Doodeman stated her property was in the county island which abuts the proposed area. The smallest area was probably one home per acre, but the request was proposing five homes per acre. The density would not be compatible with the area. Ms. Doodeman also stated that Tatum Ranch did not surround the subject site. However, did have significant open space adjacent to the County properties therefore that development was hardly noticeable.

Ms. Doodeman felt paving 42<sup>nd</sup> street would create more traffic; she would prefer it remain as a dirt road. Peak View Road was a two lane road and when vehicles parked it was very congested. With the lots being so small two-story homes would have to be built and was not comfortable with people being able to peer over to her property. Ms. Doodeman stated she understood the concept of progress, but not five homes on one acre.

Commissioner Awai asked Mr. Baugh what was the average density of the Tatum Ranch development to the northeast.

Mr. Baugh stated it was designated Residential 2 to 5 on the General Plan. Over time development patterns had changed and the density had increased.

Ms. Gomes stated the subdivisions in the Tatum Ranch area were zoned R1-6; however the lot widths were a bit larger.

Mr. Baugh stated there was an obligation and duty upon the applicant to improve the half-street right-of-ways along Peak View Road and 42<sup>nd</sup> Street. The residential area may seem intensive but compared to the County island it was clearly a less impactful use than the current commercial zoning; especially given its proximity to Cave Creek Road, which was a major transportation corridor. The City of Phoenix Engineering Department reviewed the entrance and exit plans which were acceptable. It was a wider entrance to accommodate two vehicles traveling in and out of the area. Police and fire would be able to access the area from the dual gate even if one side of the gate was closed.

Commissioner Heck made a MOTION to approve Z-64-13-2 as recommended by the Desert View Village Planning Committee.

Commissioner Awai SECONDED.

There being no further discussion, Chairwoman Katsenes called for a vote and the MOTION PASSED 8-0 (Davis absent)

\* \* \*

Stipulations:

SITE PLAN

1. The development shall be in general conformance with the site plan date stamped December 20, 2013, as approved or modified by the Planning and Development Department with specific regard to the following:
  - a. The development shall not exceed 104 lots.
  - b. A 205-foot landscape setback from the street centerline consistent with the Cave Creek Road Scenic Corridor shall be provided along Cave Creek Road.

STREET IMPROVEMENTS

2. A right-of-way totaling 40 feet shall be dedicated and constructed for the south half of Peak View Road with paving, curb, gutter, sidewalk, curb ramps, streetlights, landscaping and other incidentals, as approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
3. A right-of-way totaling 25 feet shall be dedicated for the west half of 42nd Street, as approved by the Planning and Development Department. Provide curb, gutter, sidewalk, paving and incidentals with a minimum 25-foot pavement section for the length of the project.
4. A right-of-way totaling 65 feet shall be dedicated for the east half of Cave Creek Road, as approved by the Planning and Development Department.
5. A 25-foot by 25-foot right-of-way triangle shall be dedicated at the southeast corner of Cave Creek Road and Peak View Road, as approved by the Planning and Development Department.
6. The developer shall construct all streets within and adjacent to the development with curb, gutter, sidewalk, paving, appropriate drainage structures to facilitate dry crossings and incidentals on private accessways under City permit and with City inspection, including 5-foot wide attached sidewalks on both sides of all streets. The curb at every curb return and at every entrance into a new subdivision is to be imprinted with the words "Private Street- No City Maintenance" in 2-inch high letters.
7. THAT PRIOR TO PRELIMINARY SITE PLAN APPROVAL, THE LANDOWNER SHALL EXECUTE A PROPOSTIION 207 WAIVER OF CLAIMS IN A FORM APPROVED BY THE CITY ATTORNEY'S OFFICE. THE WAIVER SHALL BE RECORDED WITH THE MARICOPA COUNTY RECORDER'S OFFICE AND DELIVERED TO THE CITY TO BE INCLUDED IN THE REZONING APPLICATION FILE FOR RECORD.

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## CITY COUNCIL REPORT

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### GENERAL INFORMATION

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TO: Lisa Takata  
Deputy City Manager

PACKET DATE: March 27, 2014

FROM: Cris Meyer  
City Clerk

SUBJECT: LIQUOR LICENSE APPLICATIONS RECEIVED FOR THE PERIOD OF  
MARCH 17, 2014 THROUGH MARCH 21, 2014.

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This report provides advance notice of liquor license applications that were received by the City Clerk during the period of Monday, March 17, 2014 through Friday, March 21, 2014.

#### INFORMATION

The liquor license application process includes the posting of a public notice of the application at the proposed location and online for twenty days, and the distribution of an application copy or a copy of this report to the following departments for their review: Finance, Planning and Development, Police, Fire, and Street Transportation.

Additional information on the items listed below is generally not available until the twenty-day posting/review period has expired.

#### LIQUOR LICENSE APPLICATIONS

<u>Application Type Legend</u>					
<u>O</u> - Ownership	<u>L</u> - Location	<u>N</u> - New	<u>OL</u> - Ownership & Location	<u>AOC</u> - Acquisition of Control	<u>SE</u> - Special Event
<u>Liquor License Series Definitions</u>					
1	In State Producer	*7	On sale-beer & wine	11	Hotel/Motel-all liquor on premises
3	Microbrewery	8	Conveyance license-sale of all liquor on board planes & trains	12	Restaurant-all liquor on premises
4	Wholesaler	9	Off sale-all liquor	14	Clubs-all liquor on premises
5	Government	9S	Sampling Privileges	15	Special Event
*6	On sale-all liquor	10	Off sale-beer & wine		
		10S	Sampling Privileges		

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\*On-sale retailer means any person operating an establishment where spirituous liquors are sold in the original container for consumption on or off the premises and in individual portions for consumption on the premises.

Dist	App. Type	Agent/Owner Name Business Name/Address Phone	Lic. Type	Approx. Protest End Date	Within 2,000 Feet of Light Rail	Proposed Agenda Date
1	N	Jerry Ubelhor, Agent Rec Room Sports Grill 3549 West Thunderbird Road 602-672-7213	12	4/15/14	No	5/7/14
1	O	Randy Nations, Agent Wet N Wild Phoenix 4243 West Pinnacle Peak Road 623-201-2000	7	4/15/14	No	5/7/14
1	OL	James Romesburg, Agent 007 Pub 4330 West Union Hills Drive #B-007 623-826-9137	6	4/15/14	No	5/7/14
4	OL	Vincent VanVleet, Agent Playhouse on the Park 1850 North Central Avenue 602-524-2616	7	4/15/14	Yes	5/7/14
4	N	Mahesh Babaria Yummy's Pizza & Ice Cream 2720 West Van Buren Street 480-719-9839	12	4/15/14	No	5/7/14
6	SE	Margaret MacCleary Most Holy Trinity Roman Catholic Parish Phoenix (5/3/14) 535 East Alice Avenue 602-943-9058	15	N/A	N/A	*5/3/14
7	O	David Lopez Carbajal, Agent La Tejanita Night Club 1605 West Broadway Road 602-628-2492	7	4/8/14	No	4/30/14
7	AOC	Camila Alarcon, Agent Johnson Brothers Liquor Company of Arizona 431 North 47th Avenue 602-415-5904	4	4/15/14	No	5/7/14

Dist	App. Type	Agent/Owner Name Business Name/Address Phone	Lic. Type	Approx. Protest End Date	Within 2,000 Feet of Light Rail	Proposed Agenda Date
8	N	David Jung, Agent DJ's Wings & Pizza 3275 East McDowell Rd 602-478-1146	12	4/15/14	No	5/7/14
8	SE	Anthony Hernandez Valley Hispanic Bomberos, Inc. (4/27/14) 1501 East Mohave Street 602-262-6413	15	N/A	N/A	*4/27/14
8	SE	Deborah Castaldo Arizona Diamondbacks Foundation, Inc. (3/27/14) 401 East Jefferson Street 602-462-6595	15	N/A	N/A	*3/27/14

\*Event Date – Application not received in time for Council review.

For further information regarding any of the above applications, please contact the City Clerk Department, License Services Section, at 602-262-6018.

**RECOMMENDATION**

This report is provided for information only. No Council action is required.



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## CITY COUNCIL REPORT

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### GENERAL INFORMATION

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TO: Lisa Takata  
Deputy City Manager

PACKET DATE: March 27, 2014

FROM: Lionel D. Lyons, Director  
Equal Opportunity Department

SUBJECT: 2014 CITY CULTURAL DIVERSITY AWARD RECOGNITION

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This report is to inform the Mayor and City Council of the selection of the City as second place winner of the 2014 National League of Cities (NLC) and National Black Caucus of Local Elected Officials (NBC-LEO) City Cultural Diversity Award. The City is the recipient of the second place award for its "Phoenix Against Domestic Violence - A Roadmap to Excellence" Program.

The "Roadmap to Excellence" is a five-year strategic plan to end domestic violence in the city. More than 50 community partners, including private and nonprofit organizations, collaborated to create a plan that includes a community and media campaign focusing on five strategies: community awareness, coordinated service delivery, systems reform, "Phoenix as a Model," and community partnerships.

#### THE ISSUE

The City Cultural Diversity Awards Program, established in 1995, recognizes municipal programs that encourage citizen involvement and honors cities that develop creative and effective programs designed to improve and promote cultural diversity through a collaborative process with City officials, community leaders and residents. The NLC is dedicated to helping City leaders build better communities and is a resource and advocate for 19,000 cities and towns representing more than 218 million Americans.

Winning cities are selected from a pool of applicants and grouped according to population. Phoenix won the award for cities with a population of more than 400,000 residents.

The 2014 Cultural Diversity Awards were presented on March 10, 2014, at the National League of Cities Congressional City Conference in Washington, D.C.

#### OTHER INFORMATION

The City has been recognized in past years by the NLC for a variety of City initiatives, including the "We're All On The Same Team" Cultural Diversity Program (2000); the Minority, Woman, and Small Business Enterprise Program (2002); the Citywide Diversity Task Force (2003); the International Women's Day Work Team (2005); the Citywide Diversity Performance Achievement Program (2006); the *Healing Racism* Community Dialogue Series (2008); and the Community and Engagement Task Force

(2012). This national recognition tells us that our diversity efforts are model programs that can be replicated by other cities. We anticipate building on these successes in the future.

Councilwoman Thelda Williams accepted this year's award on behalf of the City on March 10, 2014, at the annual Celebrate Diversity Breakfast at the National League of Cities Congressional City Conference in Washington, D.C. The event recognized the positive influence of diversity in local government leadership in our nation's cities and towns.

#### RECOMMENDATION

This report is for information only. No Council action is required.

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**CITY COUNCIL REPORT**

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**GENERAL INFORMATION**

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TO: Mayor and Council

PACKET DATE: March 27, 2014

FROM: Ed Zuercher  
City Manager

SUBJECT: FOLLOW-UP: MARCH 25, 2014 POLICY SESSION

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Attached are the March 25, 2014 Policy Session Minutes and Council Information and Follow-Up Requests.

**City Council Requests for Information and Announcements**  
**City Council Policy Session**  
**March 25, 2014**

**Councilwoman Williams**

Councilwoman Williams announced the District 1 Breakfast would be held on Friday, March 28, 2014. Councilwoman Williams reported she would co-host the Women's Networking Luncheon with Councilwoman Pastor on Wednesday, April 9, 2014. Councilwoman Williams stated Acting Fire Chief Kara Kalkbrenner would be the guest speaker, and asked anyone interested in attending the luncheon to contact her office at (602) 262-7444 for more details.

**Vice Mayor Waring**

Vice Mayor Waring thanked Congressman David Schweikert and all of the guests that attended the District 2 Monthly Meeting on Saturday, March 22, 2014.

**Councilwoman Pastor**

Councilwoman Pastor congratulated and recognized the members of her staff that had recently gotten married and celebrated birthdays. Councilwoman Pastor thanked everyone who participated in the Clinton Global Initiative, the Reinvent Phoenix kickoff, and the Neighborhood Action Summits in District 4.

**Councilwoman Gallego**

Councilwoman Gallego announced the deadline for signing up for the Affordable Care Act was March 31, 2014, and encouraged anyone who might benefit from the program to register immediately. Councilwoman Gallego thanked the Friends of Sky Harbor for joining the District 8 clean-up at Cesar Chavez Community School. Councilwoman Gallego noted the Center for Neighborhood Leadership event and the Community Crime Summit were scheduled for Wednesday, March 27, 2014. Councilwoman Gallego stated she would co-host the Relay for Life in Laveen with Councilman Nowakowski on Saturday, March 29, 2014, and that she would attend the Women's Infrastructure Forum on Monday, March 31, 2014.

**Councilman Valenzuela**

Councilman Valenzuela thanked everyone who attended the Interfaith Clergy Cabinet in District 5, and encouraged all residents to participate in Reinvent Phoenix and the budget hearings. Councilman Valenzuela asked everyone to visit the hive @ central to learn more about and support local entrepreneurial efforts.

**Councilman Nowakowski**

Councilman Nowakowski thanked everyone that attended the Cesar Chavez premier, and announced he would co-host the next Coffee-with-a-Cop with Councilwoman Gallego on Wednesday, March 26, 2014 at 6 p.m. at the Carpenter's Union Hall. Councilman Nowakowski invited everyone to the unveiling of the Hance Park Master Plan on Thursday, March 27, 2014 at 5:00 p.m., and the Take Back Your Neighborhood clean-up on Saturday, March 29, 2014 on 40th Avenue and Sherman. Councilman Nowakowski noted that on Saturday, April 5, 2014, District 8 will host a community bike safety event at Manuel Pena Elementary School, Hurley Ranch Elementary School, and Cesar Chavez Park.

**Mayor Stanton**

Mayor Stanton thanked everyone that planned and attended the State of the City Address, including the Greater Phoenix Chamber of Commerce, his staff, and the employees of the Convention Center. Mayor Stanton acknowledged that three firefighters from the City of Phoenix were called to Washington State to assist the victims of the recent mudslide.

**CITIZENS REQUESTS**

<b>REQUEST</b>	<b>REQUEST DATE AND NAME OF CITIZEN</b>	<b>DUE DATE</b>	<b>ASSIGNED TO</b>	<b>STATUS</b>
<p>Mr. McLaughlin stated he witnessed Phoenix police officers come to a momentary stop at a red traffic light, then turn on their emergency lights and proceed through the intersection when there is no traffic. Mr. McLaughlin remarked that this practice was not fair, and noted that other motorists received tickets for the same behavior. Mr. McLaughlin voiced his belief that police officers were not above the law, and asked them to obey the traffic laws.</p>	<p>March 19, 2014 Mr. McLaughlin</p>	<p>4/02/14</p>	<p>Murphy, Garcia</p>	<p>Complete</p>
<p>Mr. White stated that he was an employee in the Parks and Recreational Department in South Phoenix, and has met a number of former employees like Ruben Lara, that were suffering from various illnesses. Mr. White questioned if there was a connection between the presence of lead paint and asbestos in City facilities and building and the poor health of former employees. Mr. White asked if something could be done to shed light on this situation.</p>	<p>March 19, 2014 Mr. White</p>	<p>4/02/14</p>	<p>Takata Burke</p>	<p>New</p>
<p>Ms. Barker requested a review of the Police Department's policies and procedures regarding the pursuit of suspects into high density areas like downtown.</p>	<p>March 19, 2014 Ms. Barker</p>	<p>4/02/14</p>	<p>Murphy, Garcia</p>	<p>Complete</p>

**CITIZENS REQUESTS**

<b>REQUEST</b>	<b>REQUEST DATE AND NAME OF CITIZEN</b>	<b>DUE DATE</b>	<b>ASSIGNED TO</b>	<b>STATUS</b>
Mr. Paar reported bus operators were not following federal rules and regulations regarding safety. Mr. Paar noted he had witnessed a number of these violations first-hand, and that they represented a threat to public safety. Mr. Paar stated his belief that the City was responsible for the behavior of the people who operated its buses.	March 19, 2014 Mr. Paar	4/02/14	Murphy, Fisher, Naimark, Hyatt	New



**CITY OF PHOENIX  
CITY COUNCIL POLICY SESSION  
TUESDAY, MARCH 25, 2014 - 2:30 P.M.  
CITY COUNCIL CHAMBERS  
200 WEST JEFFERSON**

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Pursuant to A.R.S. § 38.431.02, notice is hereby given to the members of the City Council and to the general public that the City Council will hold a meeting open to the public on Tuesday, March 25, 2014, at 2:30 P.M. located in the City Council Chambers, 200 West Jefferson, Phoenix, Arizona.

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1:00 P.M. - AN EXECUTIVE SESSION WAS CALLED FOR THIS TIME AT THE POLICY SESSION OF FEBRUARY 25, 2014.

**THE TIMES LISTED FOR AGENDA ITEMS ARE ESTIMATED. ITEMS MAY BE DISCUSSED EARLIER OR IN A DIFFERENT SEQUENCE.**

Mayor Stanton called the meeting to order at 2:45 P.M. with Councilmembers Laura Pastor, Thelda Williams, Vice Mayor Jim Waring, Michael Nowakowski, Daniel Valenzuela, and Kate Gallego present. Councilmembers Sal DiCiccio and Bill Gates were not present.

ESTIMATED COUNCIL INFORMATION AND  
1. 2:30 P.M.- FOLLOW-UP REQUESTS.

This item is scheduled to give City Council members an opportunity to publicly request information or follow-up on issues of interest to the community. If the information is available, staff will immediately provide it to the City Council member. No decisions will be made or action taken.

**Action Taken:**

Councilmembers made general comments.

**CONSENT AGENDA.**

This item is scheduled to allow the City Council to act on the Mayor's recommendations on the Consent Agenda. The Consent Agenda has been publicly posted.



**THE TIMES LISTED FOR AGENDA ITEMS ARE ESTIMATED.  
ITEMS MAY BE DISCUSSED EARLIER OR IN A DIFFERENT  
SEQUENCE.**

**POLICY SESSION AGENDA**

**-2-**

**TUESDAY, MARCH 25, 2014**

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**Action Taken:**

Vice Mayor Waring moved to approve the Consent Agenda. Councilwoman Williams seconded the motion, which passed 7-0.

**CALL FOR AN EXECUTIVE SESSION.**

A vote to call an Executive Session may be held.

**Action Taken:**

Vice Mayor Waring moved that the City Council, pursuant to Arizona Revised Statutes Section 38-431.02.A, meet in Executive Session on Tuesday, April 8, 2014 at 1:00 p.m. in the East Conference Room, on the 12<sup>th</sup> Floor of Phoenix City Hall, 200 West Washington Street, Phoenix, Arizona. Councilwoman Williams seconded the motion, which passed 7-0.

**REPORTS AND BUDGET UPDATES BY THE CITY MANAGER.**

This item is scheduled to allow the City Manager to report on changes in the City Council Agenda and provide brief informational reports on urgent issues. The City Council may discuss these reports but no action will be taken.

**ESTIMATED**

2. 3:00 P.M. -

EMPLOYEE SERVICE  
RECOGNITION  
ANNOUNCEMENTS  
(NO REPORT)

Staff: Zuercher  
(Presentation 5 min.)

This item is for information only. No City Council action is required.

**Action Taken:**

Vice Mayor Waring recognized Judge Cynthia Anne Certa for 30 years of service to the City of Phoenix. Vice Mayor Waring stated Judge Certa began her career in 1984 in the City Prosecutor's Office, where she served as a trial attorney and the Assistant Chief of the Motions & Appeals, Training, Special Prosecutions, and Community Prosecutions Bureaus. Vice Mayor Waring noted Judge Certa was appointed to the Phoenix Municipal Court in 1999, and has served on the Judicial Policies & Procedures Committee. Vice Mayor Waring added Judge Certa was a member of several professional associations such as the Lorna Lockwood Inn of Court, and has volunteered as a lunchtime reader for elementary school children.

**THE TIMES LISTED FOR AGENDA ITEMS ARE ESTIMATED.  
ITEMS MAY BE DISCUSSED EARLIER OR IN A DIFFERENT  
SEQUENCE.**

**POLICY SESSION AGENDA**

**-3-**

**TUESDAY, MARCH 25, 2014**

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Councilwoman Williams recognized Alberto Bravo for 25 years of service to the City of Phoenix. Councilwoman Williams stated Mr. Bravo began his career in 1989 in the Municipal Court, where he served as a senior interpreter as well as a mentor and trainer for new employees and Spanish Court interpreters. Councilwoman Williams noted Mr. Bravo attended Arizona State University and the Agnese Haury Institute of Interpretation at the University of Arizona. Councilwoman Williams added Mr. Bravo was a member of various Latino organizations, and regularly volunteered at Brophy College Preparatory and Loyola Academy.

Ed Zuercher, City Manager, announced the League of Arizona Cities and Towns has recognized Cris Meyer as part of its "Arizona Cities at Work" program. Mr. Zuercher stated Cris has helped conduct more than 30 elections in his 30-year career with the City, and that he also launched the early voting program and led the implementation of Phoenix's voting center model. Mr. Zuercher noted that Cris will be featured on the League's website, and that he has won numerous awards over his career including 2013 Clerk of the Year from the Arizona Municipal Clerks Association.

Mr. Zuercher recognized the Fire Department's High-Rise Task Force, which recently won three awards for improving the safety of high rise buildings throughout Phoenix. Mr. Zuercher reported the awards were presented by the Building Owners and Managers Association of Greater Phoenix, the American Society for Industrial Security, and Trident Security.

Mr. Zuercher stated the "Phoenix Against Domestic Violence – A Roadmap to Excellence" program received a second place Cultural Diversity Award from the National League of Cities. Mr. Zuercher noted the Human Services Department coordinated the Roadmap to Excellence, which was a 5-year strategic plan to end domestic violence in the City.

Mr. Zuercher congratulated the City's employees for their dedication and hard work.

**ESTIMATED**

4. 3:25 P.M. -

**CITY MANAGER'S TRIAL  
BUDGET**

Staff: Zuercher, Paniagua  
(Presentation 30 min.)

This report presents the Fiscal Year 2014-15 City Manager's Trial Budget, which includes efficiencies, some deferred fleet capital equipment replacement, and reductions in services to the community to provide a balanced budget.

**THE TIMES LISTED FOR AGENDA ITEMS ARE ESTIMATED.  
ITEMS MAY BE DISCUSSED EARLIER OR IN A DIFFERENT  
SEQUENCE.**

**POLICY SESSION AGENDA**

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**TUESDAY, MARCH 25, 2014**

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This item is for information and discussion. No Council action is required.

Backup included in Council packet/City Clerk's Office.

**Action Taken: Item heard out of order**

Ed Zuercher, City Manager, introduced the item and Mario Paniagua, Budget and Research Director. Mr. Zuercher stated he would work diligently to ensure budget processes were transparent as possible in the future, and that the Council, City employees, and the public were fully aware of the state of the budget.

Mr. Zuercher remarked it was also his duty to present a balanced budget to Council that was based on realistic projections of revenues and expenses, and did not assume any changes to labor compensation contracts or new revenue sources. Mr. Zuercher noted the proposed budget solutions to resolve the \$37.7 million deficit consisted of efficiencies, maintenance deferrals, and service reductions.

Mr. Zuercher explained the City's revenue had to equal its expenses in order to balance the budget. Mr. Zuercher stated that City's revenue, which include taxes, fees, and transfers, was \$37.7 million less than its expenses, which include personnel, commodities, buildings, and heavy equipment. Mr. Zuercher commented that most of the money in the general fund was spent on public safety, parks and libraries respectively.

Mr. Paniagua reported general fund revenue, which include local taxes, state shared income and vehicles taxes, and user fees, was expected to rise in FY 2014-2015 by roughly \$10 million. Mr. Paniagua explained the City's expenses, however, were also expected to escalate in FY 2014-2015 by approximately \$47 million. Mr. Paniagua noted the \$47 million increase included the replacement of vehicles and heavy equipment, pension contributions, and technology upgrades.

Mr. Zuercher remarked the options that were available to balance the budget were to reduce expenses, minimum investment, and services.

Mr. Paniagua stated that approximately \$9 million in efficiency and investment reductions, from decreasing overtime and curtailing the replacement of heavy equipment and vehicles for example, could be implemented. Mr. Paniagua explained the remaining \$29 million dollars of the deficit consisted of service reductions, which included a combination of eliminating positions, facility closures, and decreased levels of program funding. Mr. Paniagua commented that some measures to save money could be enacted in April of the current fiscal year, such as the elimination of vacant positions and the ½% compensation to middle managers.

**THE TIMES LISTED FOR AGENDA ITEMS ARE ESTIMATED.  
ITEMS MAY BE DISCUSSED EARLIER OR IN A DIFFERENT  
SEQUENCE.**

**POLICY SESSION AGENDA**

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**TUESDAY, MARCH 25, 2014**

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Mr. Zuercher reiterated the trial budget is the first step in the process to approve a balanced budget, and encouraged the public to participate in the process by accessing information on the City's website and attend any of the 20 community budget hearings that were already scheduled throughout the City during the month of April. Mr. Zuercher added the Council budget decision would occur May 20<sup>th</sup>, and the legal budget would be adopted in June and July.

Vice Mayor Waring asked what was the projected cost of automatic salary increases for longevity and merit pay for employees for FY 2014-2015. Mr. Paniagua replied \$8 million.

Mayor Stanton exited the meeting at 3:31 p.m.

Vice Mayor Waring asked if every 1% decrease in staff pay across the board represented approximately \$10 million in the general fund. Mr. Zuercher replied yes.

Mayor Stanton returned to the meeting at 3:33 p.m.

Vice Mayor Waring asked if pay for sworn officers in the Police and Fire Departments remained the same, how much would the salaries of employees in all other departments have to be cut to offset the expected deficit. Mr. Zuercher replied 6%.

Councilwoman Gallego requested that staff present the Council information regarding revenue options such as the implementation of taxes or fees for plastic grocery bags, printed telephone directories, or 9-1-1 dispatch services. Councilwoman Gallego commented the Council needed to think about long-term sustainable solutions that allowed the City to remain a competitive and attractive employer.

Councilwoman Williams stated it was important to think outside of the box and to explore new creative sources of revenue. She commented the City should direct its lobbyists to mitigate the harmful effects of electronic commerce on the City's economy. Councilwoman Williams suggested the City investigate the beneficial impact alternative and unpopular revenue generators such as gambling could have on the general fund.

Councilwoman Pastor stated it was important to examine if the City was providing its services at a competitive rate. Councilwoman Pastor proposed offering a higher or more specialized level of service for customers of departments such as Planning and Development or the Office of Arts and Culture for a fee. Councilwoman Pastor commented that concession stands or kiosks at public parks should also be examined as revenue generators. Councilwoman Pastor emphasized the point that any discussion about reducing services was a discussion about reducing the number of City employees.

**THE TIMES LISTED FOR AGENDA ITEMS ARE ESTIMATED.  
ITEMS MAY BE DISCUSSED EARLIER OR IN A DIFFERENT  
SEQUENCE.**

**POLICY SESSION AGENDA**

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**TUESDAY, MARCH 25, 2014**

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Vice Mayor Waring stated that it was unfortunate that the trial budget focused on decreasing services and positions despite a 3% increase in revenue. Vice Mayor Waring noted the majority of cities throughout the Valley made more conservative revenue projections than Phoenix. Vice Mayor Waring remarked Councilmembers could do more to actively challenge staff recommendations.

Mr. Zuercher stated staff would work more diligently to communicate the differences between projected and actual revenue throughout the year in a more transparent manner to provide more balanced expectations of the budget to all members of the community.

Vice Mayor Waring stated the utilization of more conservative revenue projections, early warning systems, and processes to identify and fund priority services, like public safety, would help address and resolve fundamental budgetary issues.

Mayor Stanton explained the City's system of government relied on the public's faith in the integrity of the information that was provided by staff. Mayor Stanton noted Councilman Gates and he challenged staff to develop a comprehensive strategy to increase the transparency of the entire budget process in order to ensure that all stakeholders were aware of and understood the state of the City's budget.

Councilman Nowakowski remarked the Council should be briefed on a monthly, quarterly, or biannual basis to adjust projections, and discuss methods to ensure that departments would not exceed their budgets. Mr. Zuercher replied one of the challenges for Phoenix was the fact that the majority of the City's revenue was collected in the second half of the fiscal year between the Holiday Season and the Spring Training. Mr. Zuercher noted the Budget and Research Department conducts a number of periodic checks for departments via the 3+9 and 7+5 processes.

Councilman Nowakowski exited the meeting at 4:01 p.m.

Councilman Gates entered the meeting at 4:01 p.m.

Michael Espinoza explained if the civilian positions in Booking Central were eliminated, police officers would be responsible for processing suspects themselves. Mr. Espinoza emphasized the point that officers could not process suspects and respond to calls for service simultaneously. Mr. Espinoza commented the civilian employees in Booking Central contributed to public safety because they gave officers the freedom to focus on the job of policing.

**THE TIMES LISTED FOR AGENDA ITEMS ARE ESTIMATED.  
ITEMS MAY BE DISCUSSED EARLIER OR IN A DIFFERENT  
SEQUENCE.**

**POLICY SESSION AGENDA**

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**TUESDAY, MARCH 25, 2014**

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Barb Heller stated it was great that the trial budget did not recommend any reductions to police officers. Ms. Heller suggested, however, that the number of law enforcement employees was dangerously low and the City could not afford to continue to wait until 2016 to hire new officers.

Rudy Leyva stated park and library facilities and services should not be reduced or eliminated because they were important for children. Mr. Leyva proposed reducing the number of employees in management positions throughout the City.

Frank Piccioli stated the food tax should not have been reduced because it helped pay for services the City provided. Mr. Piccioli also noted the elimination of civilian positions that supported sworn officers in the Fire and Police Departments would negatively impact public safety. Mr. Piccioli remarked that employees had a history of making sacrifices to address budget problems, and that it was unfair for employees to bear the entire burden of the deficit alone. Mr. Piccioli proposed all stakeholders should work together to resolve the problem.

Louisa Pedraza stated the proposed cuts in the trial budget would make the City unattractive to potential employees, businesses, and residents. Ms. Pedraza commented suggestions such as a plastic bag tax, which were successfully implemented in numerous cities throughout the country, needed to be pursued to help generate revenue. Ms. Pedraza emphasized the need for the City to develop and implement new ideas.

Angie Hernandez asked who was going to stand up for employees. Ms. Hernandez encouraged Councilmembers to carefully consider what policies they approved and the affects they would have on the larger community.

Dianne Barker voiced her support for everyone that believed the City could solve its budget problems. Ms. Barker suggested that if the City was unwilling to invest in the maintenance of specific property, that property should be sold or leased to people or organizations that could use it for a fee.

Barbara Gonzales argued the proposed recreational center closings would result in an increase in the number of children hanging out in the streets. Ms. Gonzales asked why the Graffiti Busters program was eligible for cuts when it was a priority of the Council. Ms. Gonzales commented the reason most cities throughout the State instituted a food tax was its effectiveness at generating revenue. Ms. Gonzales remarked she preferred the food tax to the reductions that were included in the trial budget.

**THE TIMES LISTED FOR AGENDA ITEMS ARE ESTIMATED.  
ITEMS MAY BE DISCUSSED EARLIER OR IN A DIFFERENT  
SEQUENCE.**

**POLICY SESSION AGENDA**

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**TUESDAY, MARCH 25, 2014**

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Luis Schmidt stated the decision to reduce the food tax did not help the current budget situation. Mr. Schmidt remarked that if employee wages and benefits were continually reduced, how did the City plan to attract talented workers in a competitive market. Mr. Schmidt commented that the role of Council was to give direction to the staff regarding which ideas should be pursued to generate new sources of revenue. Mr. Schmidt voiced his opposition to the closing of the Roadrunner Pool in District 1 because it was the only pool in the City that was accessible to the disabled. Mr. Schmidt encouraged the Council to put its political differences aside and work together to serve the best interests of the City.

Frankie Diaz stated he was afraid he would lose his job. Mr. Diaz commented that it was not a good idea to pay contractors more money than City employees to the same job.

Doris Levy expressed her surprise that there was not a budget problem when the food tax was reduced, but there was a budget problem when labor negotiations began. Ms. Levy asked why anyone would support a budget that did not promote public safety.

Sandra Long stated she was a City employee that did her job well and did not have control over anything. Ms. Long commented that all of the City's employees should be subjected to the same expectations and demands of accountability and integrity.

Marshall Pimentel asked how reducing positions, wages, or benefits improved morale. Mr. Pimentel commented any City employee that supported the Fire or Police Department promoted public safety.

Steve Petrie stated any reduction in fire inspectors would expose businesses, schools, government and healthcare institutions, and the Fire Department at dangerous levels of risk.

Richard Rea stated employees were underpaid and were performing more work with fewer resources. Mr. Rea remarked that the City could not afford to cut any positions, wages, or services without risking significant and irreversible harm. Mr. Rea proposed changing the focus of the conversation of the trial budget from cuts and reductions to increasing sources of revenue and the implementation of new or higher taxes.

Robert Topolosek stated fire inspectors have the responsibility of protecting the public and public safety officers. Mr. Topolosek commented that the City would assume an unprecedented and unacceptable level of risk if the fire inspectors were eliminated.

Rae Kell stated that employees who might lose their jobs would still have to figure out a way to pay for groceries and their mortgages. Ms. Kell asked what would be necessary for the City to use the contingency fund to resolve the budget problem.

**THE TIMES LISTED FOR AGENDA ITEMS ARE ESTIMATED.  
ITEMS MAY BE DISCUSSED EARLIER OR IN A DIFFERENT  
SEQUENCE.**

Councilman Nowakowski inquired if the City employee was issued a notice that he would be fired on the basis of the trial budget. Mr. Zuercher responded that he would investigate the claim.

Councilman Gates thanked the Budget and Research staff for preparing the trial budget, and for everyone that spoke in favor of working in the spirit of cooperation to address and resolve the budget issue. Councilman Gates stated the City should seek to develop partnerships with private and non-profit organizations to share some of the expenses of providing a wide catalogue of services to residents. Councilman Gates remarked that he was looking forward to the budget hearings and the opportunity to dialogue with stakeholders throughout the City.

Councilman Nowakowski asked how much time would police officers spend processing suspects, and how much money would be saved, if the civilian positions in Central Booking were eliminated.

Councilman Valenzuela reiterated the fact that City employees were still under concessions from the last budget shortfall the City experienced. Councilman Valenzuela noted that this is the first step in approving a budget, and the only way to successfully resolve the City's budget issues was to work together.

Councilwoman Williams noted that whenever there was a budget crisis, some of the most severe cuts were proposed for the Parks and Recreation Department. Councilwoman Williams stated that employees should be asked if the proposed reductions in the City Manager's budget were reasonable.

**ESTIMATED**

3. 3:05 P.M. - STATE LEGISLATIVE UPDATE Staff: Takata, Remes  
(Presentation 10 min.)

This report seeks approval, guidance, and direction from the Mayor and Council on state legislation of interest to the City.

This item is for information, discussion, and possible action.

Backup included in Council packet/City Clerk's Office.

**Action Taken:**

Mayor Stanton acknowledged a number of Councilmembers had to attend to City business in their respective districts, and stated the Legislative Update would be heard during the next Council Policy Session.

4:30 P.M. – ADJOURNMENT



**THE TIMES LISTED FOR AGENDA ITEMS ARE ESTIMATED.  
ITEMS MAY BE DISCUSSED EARLIER OR IN A DIFFERENT  
SEQUENCE.**

**POLICY SESSION AGENDA**

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**TUESDAY, MARCH 25, 2014**

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Mayor Stanton adjourned the meeting at 5:11 p.m.

For further information, please call the Management Intern, City Manager's Office, at 602-262-4449.

For reasonable accommodations, call the Management Intern at Voice/602-262-4449 or TTY/602-534-5500 as early as possible to coordinate needed arrangements.

Si necesita traducción en español, por favor llame a la oficina del gerente de la Ciudad de Phoenix, 602-262-4449 tres días antes de la fecha de la junta.

**PHOENIX CITY COUNCIL MEMBERS**

Councilman DiCiccio  
Councilwoman Gallego  
Councilman Gates  
Councilman Nowakowski  
Councilwoman Pastor  
Councilman Valenzuela  
Vice Mayor Waring  
Councilwoman Williams  
Mayor Stanton



While there was not enough information to identify the officer or the specific circumstances involved in the incident witnessed by Mr. McLaughlin, the police officer's actions as he described conform with A.R.S. 28-624, as well as the Police Department's policy on emergency response driving.

#### RECOMMENDATION

This report is for information only.



The Police Department is committed to the safety of the Phoenix community. It is important to recognize, however, that in some situations a greater danger is posed to the public by allowing violent individuals to flee. In these situations, the Police Department's policies, procedures, review processes, and the officers' training help to ensure the safest possible police response to these threats.

#### RECOMMENDATION

This report is for information only.