



City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

To: Departments Concerned **Date:** March 15, 2024
From: Joshua Bednarek
Planning & Development Department Director

Subject: P.H.O. APPLICATION NO. PHO-2-24--Z-181-99-3 – Notice of Pending Actions by the Planning Hearing Officer

1. Your attention is called to the fact that the **Planning Hearing Officer** will consider the following case at a public hearing on **April 17, 2024**.
2. Information about this case is available for review at the Zoning Counter in the Planning and Development Department on the 2nd Floor of Phoenix City Hall, telephone 602-262-7131, Option 6.
3. Staff, please indicate your comments and respond electronically to pdd.pho@phoenix.gov or you may provide hard copies at the Zoning Counter in the Planning and Development Department on the second floor of Phoenix City Hall by **March 22, 2024**.

DISTRIBUTION

Mayor's Office (Tony Montola), 11th Floor
City Council (Stephanie Bracken), 11th Floor
Aviation (Jordan D. Feld)
CED (Michelle Pierson), 20th Floor
Fire Prevention (Joel Asirsan), 2nd Floor
Neighborhood Services (Gregory Gonzales, Lisa Huggins), 4th Floor
Parks & Recreation (Todd Shackelford), 16th Floor
Public Transit (Michael Pierce)
Street Transportation Department (Maja Brkovic, Josh Rogers, Alan Hilty, Chris Kowalsky), 5th Floor
Street Transportation - Ped. Safety Coordinator (Kurt Miyamoto), 5th Floor
Street Transportation - Floodplain Management (Tina Jensen, Priscilla Motola, Rudy Rangel), 5th Floor
Water Services (Don Reynolds, Victor Romo), 8th Floor
Planning and Development (Joshua Bednarek, Tricia Gomes), 3rd Floor
Planning and Development/Information Services (Ben Ernyei, Andrew Wickhorst), 4th Floor
Planning and Development/Historic Preservation Office (Kevin Weight), 3rd Floor
Planning Hearing Officer (Byron Easton, Teresa Garcia), 2nd Floor
Village Planner (Adrian Zambrano, Paradise Valley Village)
Village Planning Committee Chair (Alex Popovic, Paradise Valley Village)



City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION FOR PLANNING HEARING OFFICER ACTION

APPLICATION NO: PHO-2-24--Z-181-99-3

Council District: 3

Request For: Stipulation Modification

Reason for Request: 1. Request to modify Stipulation 1 regarding general conformance to the site plan and elevations date stamped March 2, 2017.;2. Request to modify Stipulation 2 regarding maximum dwelling units and maximum density.;3. Request to modify Stipulation 3 regarding maximum building height.;4. Request to delete Stipulation 6 regarding sewer odor mitigation.;5. Request to modify Stipulation 8, regarding property owner addresses.

Contact Information

| Name | Relationship Type | Address | Phone | Fax | Email |
|---|-------------------|---|------------|-----|-------------------------|
| Hannah Bleam | Applicant | 2525 East Arizona Biltmore Circle, Suite A-212, Phoenix AZ. 85016 | 6022300600 | | hannah@wmbattorneys.com |
| H&H Developers, Inc./Tim Hammer | Owner | 8425 West El Cortez Place, Peoria AZ, 85383 | | | |
| Withey Morris Baugh, PLC/William F. Allison | Representative | 2525 East Arizona Biltmore Circle, Suite A-212, Phoenix AZ. 85016 | | | |
| Hannah Bleam | Representative | 2525 East Arizona Biltmore Circle, Suite A-212, Phoenix AZ. 85016 | 6022300600 | | hannah@wmbattorneys.com |

Property Location: Approximately 350 feet south of the southeast corner of 26th Street and Vogel Avenue
Acreage: 2.0

Geographic Information

| | | |
|-----------------------------|-------------|-----------------|
| Zoning Map | APN | Quarter Section |
| J9 | 165-12-020F | Q27-33 |
| Village: Paradise Valley | | |

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

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

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

Signature: _____ DATE: _____

Fee Information

| Fee | Fee Waived | Fee Date | Purpose |
|------------|------------|----------|-----------------------|
| \$1,725.00 | \$0.00 | 03/01/24 | PHO (3+ stipulations) |



WITHEY
MORRIS
BAUGH

CITY OF PHOENIX

March 1, 2024

MAR 01 2024

Planning & Development
Department

VIA HAND DELIVERY

Byron Easton
Planning Hearing Officer
Phoenix Planning & Development Department
200 West Washington Street, 2nd Floor
Phoenix, Arizona 85003

Re: Modification of Stipulations - Case No. PHO-1-16-2--Z-181-99 – 9455 North 26th Street

Dear Mr. Easton:

This firm represents H&H Developers, Inc, (the "Owner") regarding the proposal to develop a seven (7) lot subdivision on R1-6 zoned property at 9455 North 26th Street, Phoenix, which is also known as Maricopa County APN 165-12-020F (the "Property"). Please see attached **Exhibit A** for an aerial view of the Property and surrounding area. As explained herein, the proposed development requires modification of five stipulations of approval, which the Phoenix City Council last modified on April 5, 2017 with case PHO-1-16-2—Z-181-99-3.

BACKGROUND

Development plans for the Property changed after the initial rezoning in 2000, as follows.

Initial Rezoning

The City Council approved rezoning of the Property from R1-10 to R1-6 PRD in June 2000 to allow development of nine, single story patio homes in a gated community with two access points to 26th Street. The homes were to front on an internal drive to limit traffic impacts on 26th Street. The approved site plan and elevations for the patio home project are attached at **Exhibit B**.

Failed 2016 Plan

A new owner of the Property filed a stipulation modification case in 2016. The new plan for the development proposed six single family homes fronting on 26th Street; each lot was planned to have its own driveway accessing 26th Street. Area residents protested the plan. The Paradise Village Planning Committee considered the plan in October 2016 but did not make a recommendation on it as a motion to deny the request failed with a tied vote. The Planning Hearing Officer denied the request to modify the stipulations of the original zoning case to allow the six lot plan in November 2016. The failed 2016 site plan is attached at **Exhibit C**.

2017 Approval

After the failed October 2016 vote at the Paradise Valley Village Planning Committee and the denial from the PHO, the then owner of the Property revised its plans for the Property, which received approval from the Planning Commission and City Council in March and April 2017, respectively. That approved plan shows five detached single story homes access from an internal drive. The 2017 approved site plan and elevations are attached at **Exhibit D**.

P: 602.230.0600
F: 602.212.1787

wmbattorneys.com
info@wmbattorneys.com

2525 E Arizona Biltmore Circle, Suite A-212
Phoenix, AZ 85016

OWNER'S EVOLVING PROPOSAL

The Owner purchased the Property in mid-2020 after Phoenix staff informed him the site had no zoning stipulations attached to its development. He learned post-closing the rezoning case has nine stipulations, some of which require modification for any plan that differs from the 2017 approval. The Owner held neighborhood meetings on March 1, 2023 and April 12, 2023 to review his plans for the development. He revised the plans after each meeting. The evolution of the site plan includes the following:

March 2023 Plan

At the March 2023 neighborhood meeting, the Owner presented a site plan for nine detached single family homes. The homes were a combination of four single story, 12-foot high plans and five two-story, 22-foot high homes. The development had four access points to 26th Street through a combination of shared driveways and a private accessway. The March 2023 site plan is attached at **Exhibit E**.

Meeting attendees expressed several concerns with the plan, particularly regarding traffic impacts from the access points to the street and view impacts from two-story homes. Another issue involved the amount of landscaping/screening of the homes from the street.

April 2023 Plan

The Owner adjusted his proposal for the Property following the March neighborhood meeting. He redesigned the site plan to include seven, rather than nine, lots and to have only two access points to 26th Street. The revised plan retained five two-story, 22-foot high homes and had two single-story, 12-foot high homes closest to the neighborhood west of the Property. Before seeing the new plan at the April 12 neighborhood meeting, a representative of the Squaw Peak Vista neighborhood reported to the Owner that they would accept a new plan only if it adhered to the 2017 stipulations of approval. The April 2023 site plan is attached at **Exhibit F**.

Meeting attendees expressed opposition to the April site plan. They indicated the proposed heights were not acceptable and did not support the access to 26th Street. The neighbors reinforced their position that any new development needs to conform to the 2017 approval.

2024 Plan

With this application, the Owner proposes further refinements to his plan for the Property. Although retaining the elevations very similar to those shared at the April 2023 neighborhood, attached at **Exhibit G**, the site plan is significantly updated. Key items in this 2024 site plan, a copy of which is attached at **Exhibit H**, include:

1. All lots front on an internal street, which has two access points to 26th Street. This orientation matches the 2017 approved site plan.
2. The plan contains seven lots at a density of 3.93 du/acre, both of which are lower than the maximum numbers permitted in the original and 2017 stipulations of approval.
3. Extensive landscaping is placed along 26th Street in common area, which will provide a living screen of the development similar to other developments in the immediate vicinity.
4. The two homes closest to the neighborhood north/west of the Property, lots 6 and 7, are limited to one-story, 12-feet in height. The height limit is lower than the 20 feet permitted in the 2017 stipulations of approval.
5. The other five homes, lots 1 through 5, will have a height limit of two-stories and 22 feet, which is only two feet higher than permitted in the 2017 stipulations of approval. This maximum height, which is lower than the R1-6 PRD maximum of 30 feet, will preserve views from the neighborhood north/west of the Property to the extent practical and reasonable for new development.

STIPULATION MODIFICATION

To allow the proposed redevelopment of the Property, the Owner requests the following modification of stipulations approved for PHO-1-16-2--Z-181-99-3:

1. The development shall be in general conformance to the site plan and elevations dated March 1, 2024 stamped March 2, 2017, as approved by the Planning and Development Department.

Rationale: The Owner is proposing a new site plan for development of the property. The site plan, which is included with this application, is dated January 25, 2023. This change necessitates an update of the 2017 stipulation.

2. That there be no more than 7-9 dwelling units with a maximum density of 3.934.7.

Rationale: The Owner is proposed two fewer lots/dwelling units than the 2017 approval. This change necessarily also reduces the residential density on the Property.

3. That the building height shall not exceed:

a. Two (2) stories and a maximum 22 feet in height for lots 1 through 5 as shown on the site plan dated March 1, 2024; and

a-b. one One story and a maximum of 12 20 feet in height for lots 6 and 7 as shown on the site plan dated March 1, 2024.

Rationale: The Owner proposes to reduce the height of the homes closest to the neighborhood to the west from 20 feet to 12 feet in height and raise the height of the remaining homes from 20 feet to 22 feet. The placement of the homes and the proposed pitched roofs will help preserve views of the Phoenix Mountain Preserve while allowing reasonable development of the Property.

4. That right-of-way dedications and street alignments for local streets within the subdivision will be determined by the Planning and Development Department at the time of Preliminary Subdivision Plan Review.

No change.

5. That the developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping, and other incidentals as per plans approved by the City. All improvements shall comply with all ADA accessibility standards .

No change.

- ~~6. That the applicant install some means of mitigation treatment to eliminate potential sewer odor.~~

Rationale: It is unclear what this stipulation requires, how it can be met, and how it is enforceable. For this reason, the Owner requests deletion of the stipulation.

- ~~7.6.~~ That the development be subject to Design Review guideline standards, as per Planning and Development Department.

No change.

- ~~8.7.~~ That the City mail written notice of any request to modify the above-referenced stipulations to the following:

Dreamy Draw Estates Homeowner's Association, 2510 East Carol Avenue, Phoenix, AZ 85028

Phoenix Hillside Estates Property Owners Association, 9247 North 24th Way, Phoenix, AZ 85028

Francesca & Joseph Browner, 2616 East Vogel Avenue, Phoenix, AZ 85028

~~Judith F. Gunn, 9609 North 26th Place, Phoenix, AZ 85028~~

~~Dr. Kevin Grisham, 9845 North 22nd Place, Phoenix, AZ 85028~~

Sharon Oscar, 2527 East Carol Avenue, Phoenix, AZ 85028

Gini Linam, 2536 East Vogel Avenue, Phoenix, AZ 85028

~~Mark Shiya, 9247 North 24th Way, Phoenix, AZ 85028~~

~~Sandy Price, 2626 East Vogel Avenue, Phoenix, AZ 85028~~

Rational: The Maricopa County Assessor's records indicate ownership has changed for four of the properties listed in this notice stipulation. For this reason, updating the list is appropriate.

9.8. That the City notify the above-noted residents of meetings with Planning and Development Department.

No change.

CONCLUSION

The Owner carefully reviewed and revised his plans for development of the Property in response to concerns from area property owners. The 2024 Plan requires the above-detailed modifications to stipulations from PHO-1-16-2—Z-181-99-3. We look forward to discussing the case with you.

Very truly yours,

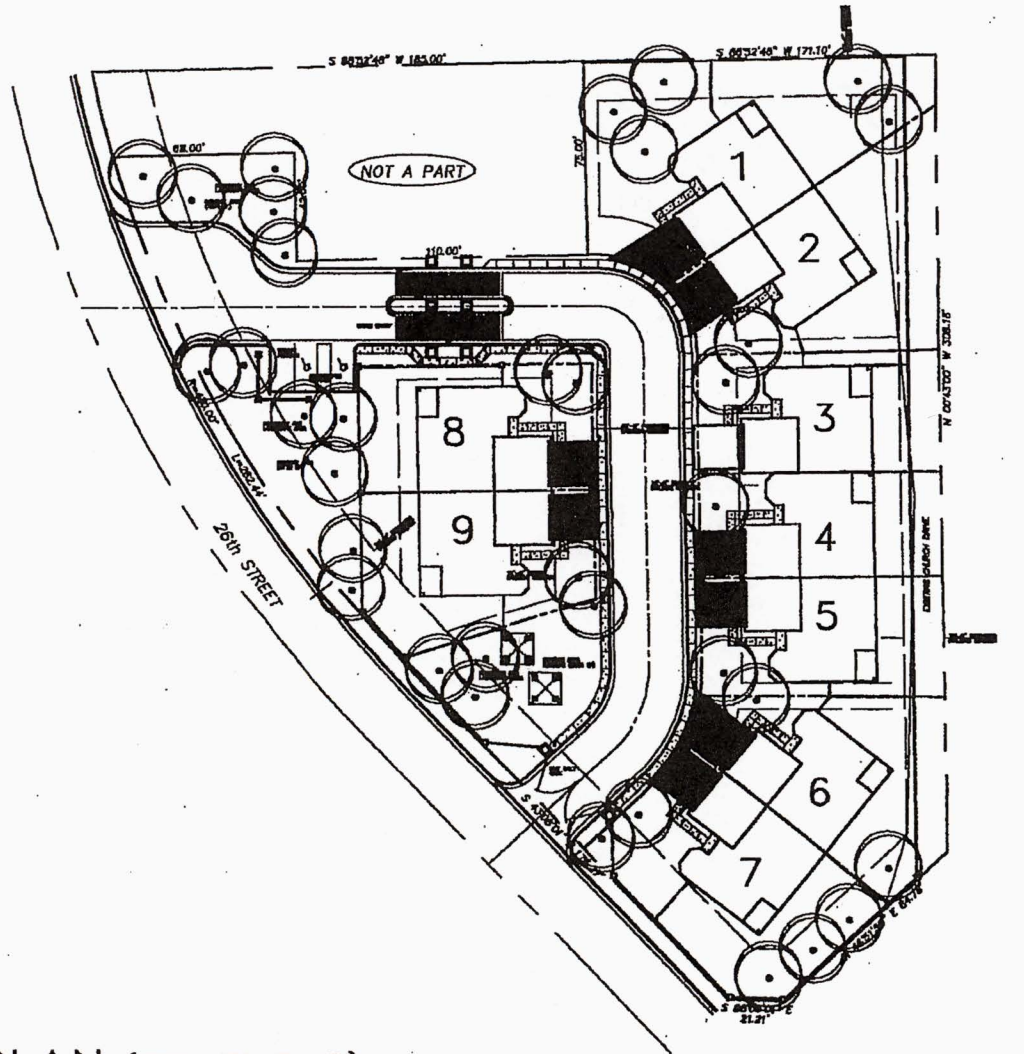
WITHEY MORRIS BAUGH P.L.C.

By 
William F. Allison

Attachments

EXHIBIT A

EXHIBIT B



PROJECT DATA

PROJECT ADDRESS: 9230 NORTH 26th STREET
PHOENIX, ARIZONA

EXISTING SITE AREA: 70,211.40 S.F. - NET
1.6118 ACRES
82,726.80 S.F. - GROSS
1.899 ACRES

BUILDING USE: RESIDENTIAL

EXISTING ZONING: R1-10

PROPOSED ZONING: R1-6 P.R.D.

DENSITY: 4.7 UNITS PER ACRE

LOT COVERAGE: = 23%

BRANT L. OLDS ARCHITECTS, INC.
1000 EAST WASHINGTON AVENUE, SUITE 200
PHOENIX, ARIZONA 85012-1000
PHONE: (602) 955-1000
FAX: (602) 955-1001
DATE: 23 FEBRUARY 2000 PROJECT NUMBER: #8507

SITE PLAN (SCHEME C)

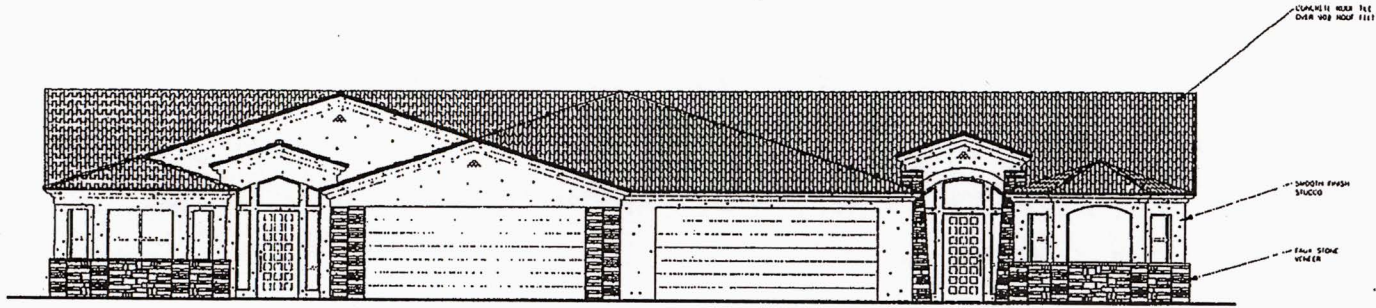
SCALE 1" = 40'

PRELIMINARY PLANS
NOT FOR CONSTRUCTION

PROPOSED SUBDIVISION FOR:
ADULT COMMUNITY

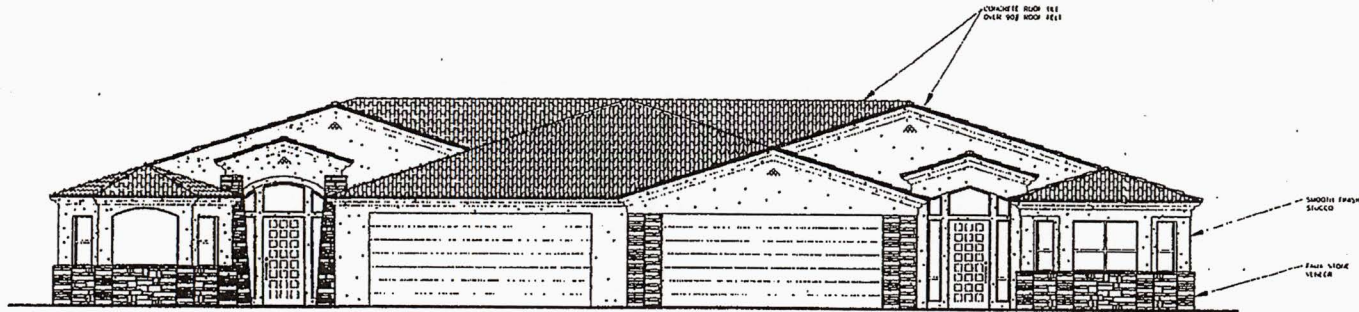
NORTH 26th STREET
PHOENIX, ARIZONA

A1



DUPLEX (ELEVATION STYLE A)

1/4" = 1'-0"



DUPLEX (ELEVATION STYLE B)

1/4" = 1'-0"

CREANT & OLDS ARCHITECTS...
 1100 E. BROADWAY, SUITE 200, PHOENIX, ARIZONA 85001
 PHONE (602) 251-5676
 FAX (602) 251-5677
 DATE: 11/19/99 PROJECT NUMBER: 89507



PRELIMINARY PLANS
 NOT FOR CONSTRUCTION

PROPOSED SUBDIVISION FOR:

ADULT COMMUNITY

NORTH 26th STREET
 PHOENIX, ARIZONA

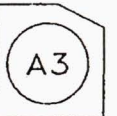
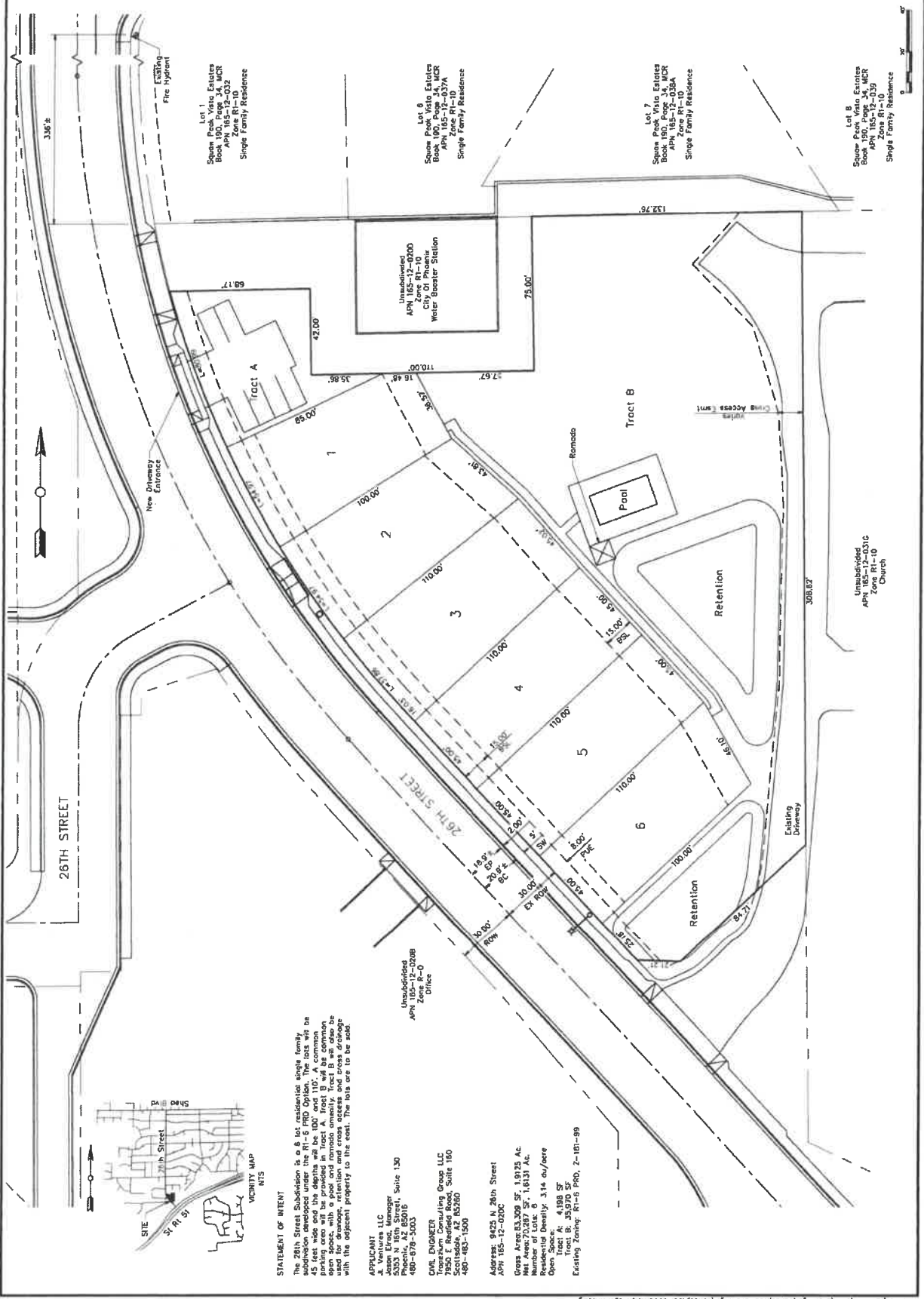


EXHIBIT C



STATEMENT OF INTENT
 The 26th Street Subdivision is a 6 lot residential single family. The lots are 100' deep and 110' wide. The lots will be 45 feet wide and the depth will be 100 feet. The common parking area will be provided in Tract A. Tract B will be common area with a retention pond and driveway from Tract B. The lots will be used for residential single family and are to be used in accordance with the adjacent property to the east. The lots are to be sold.

APPLICANT
 J. Ventures LLC
 5353 N 16th Street, Suite 130
 Phoenix, AZ 85016
 480-679-3005

CIVIL ENGINEER
 Trapezium Consulting Group LLC
 7100 North Central Expressway, Suite 100
 Scottsdale, AZ 85250
 480-483-1500

Address: 9425 N. 26th Street
 APN: 185-12-020C

Grass Area: 83,309 SF, 1.9125 Ac.
Net Area: 70,897 SF, 1.6131 Ac.
Residential Density: 3.14 du/acre
Open Space: 1,198 SF
Tract A: 33,970 SF
Tract B: 36,927 SF
Existing Zoning: R1=6 PRD, Z=1B1-89

Unsubdivided APN 185-12-031C
 Zone R1=10
 (Church)

Unsubdivided APN 185-12-020D
 Zone R1=10
 Water Booster Station

Lot 1
 Square Footage: 18,768 SF
 APN: 185-12-020C
 Zone R1=10
 Single Family Residence

Lot 2
 Square Footage: 11,000 SF
 APN: 185-12-020C
 Zone R1=10
 Single Family Residence

Lot 3
 Square Footage: 11,000 SF
 APN: 185-12-020C
 Zone R1=10
 Single Family Residence

Lot 4
 Square Footage: 11,000 SF
 APN: 185-12-020C
 Zone R1=10
 Single Family Residence

Lot 5
 Square Footage: 11,000 SF
 APN: 185-12-020C
 Zone R1=10
 Single Family Residence

Lot 6
 Square Footage: 11,000 SF
 APN: 185-12-020C
 Zone R1=10
 Single Family Residence

Lot 7
 Square Footage: 11,000 SF
 APN: 185-12-020C
 Zone R1=10
 Single Family Residence

Lot 8
 Square Footage: 11,000 SF
 APN: 185-12-020C
 Zone R1=10
 Single Family Residence

Scale: 1" = 40'

North Arrow

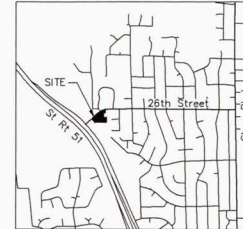
VICINITY MAP
 Shows the location of the site on a street grid with 26th Street and 94th Street labeled.

2016 proposed site plan
 - rejected during P10

EXHIBIT D

MAR 02 2017

CITY OF PHOENIX



PLANT LEGEND

| SYMBOL | BOTANICAL NAME | COMMON NAME | SIZE | QTY |
|--------------------------|-----------------------------|---------------------|---------------|---------------------------------|
| TREES | | | | |
| | ACACIA ANEURA | MULGA | 24" BOX | 19 |
| | ACACIA SALICINA | WILLOW ACACIA | 24" BOX | 11 |
| | DALBERGIA SISSOO | SISSOO TREE | 15 GAL. | 8 |
| | | | | TREE SUBTOTAL 38 |
| SHRUBS | | | | |
| | LEUCOPHYLLUM LAEVIGATUM | CHIHUAHUAN SAGE | 5 GAL. | 73 |
| | NERIUM OLEANDER | PETTE PINK OLEANDER | 5 GAL. | 48 |
| | RUJELLA BRITTONIANA | BRITISH RUELLA | 5 GAL. | 49 |
| | | | | SHRUB SUBTOTAL 170 |
| ACCENTS | | | | |
| | AGAVE DESMETTIANA | AGAVE | 5 GAL. | 12 |
| | | | | ACCENT SUBTOTAL 12 |
| GROUNDCOVER | | | | |
| | EUPHORBIA RIGIDA | GOPHER PLANT | 1 GAL. | 69 |
| | LANTANA 'NEW GOLD' | NEW GOLD LANTANA | 1 GAL. | 68 |
| | RUJELLA BRITTONIANA 'KATIE' | KATIE RUELLA | 1 GAL. | 58 |
| | SPHAGNETICOLA TRILOBATA | YELLOW DOT | 1 GAL. | 50 |
| | | | | GROUNDCOVER SUBTOTAL 245 |
| INERT GROUNDCOVER | | | | |
| | DECOMPOSED GRANITE | EXPRESS BROWN | 1/2" SCREENED | 15341 S.F. (123 TONS) |
| | TURF | BERMUDA | | 14169 S.F. |
| | 4" X 6" CONCRETE HEADER | PLAIN CONCRETE | | 346 L.F. |

PRELIMINARY LANDSCAPE NOTES

PLANTING
THE SITE WILL BE LANDSCAPED IN ACCORDANCE WITH THE CITY OF PHOENIX STANDARDS. ALL TREES AND SHRUBS ARE TO BE STAKED AND PLANTED IN ACCORDANCE WITH THE ARIZONA NURSERY ASSOCIATION PUBLISHED STANDARDS.

SIZES OF TREES AND SHRUBS WILL CORRESPOND WITH REQUIREMENTS SET BY THE CITY OF PHOENIX. ALL PLANTING AREAS WILL RECEIVE A 2" DEPTH DECOMPOSED GRANITE AND SHALL BE TREATED WITH PRE-EMERGENT HERBICIDE.

IRRIGATION
THE IRRIGATION SYSTEM WILL CONSIST OF DRIP EMITTERS AND PRESSURE REGULATORS CONNECTED TO AUTOMATIC VALVES AND WILL BE TIED TO AUTOMATIC CONTROLLERS AS REQUIRED. THE IRRIGATION SYSTEM SHALL PROVIDE 100% COVERAGE.

GRADING
ALL EARTHWORK WILL BE DONE SO THAT ALL MOISTURE DRAINS OFF AND AWAY FROM SIDEWALKS AND STRUCTURES. THE MAJORITY OF ONSITE DRAINAGE WILL DRAIN INTO THE RETENTION BASINS LOCATED ONSITE.

Call at least two full working days before you begin excavation.

ARIZONA 811
Arizona Blue Stake, Inc.

Dial 8-1-1 or 1-800-8-STAKE-TX (782-2348) in Maricopa County; (602) 253-1100

THE TRAPEZIUM CONSULTING GROUP, LLC
EXPERIENCE INTEGRITY PERFORMANCE
ENVIRONMENTAL PLANNING CIVIL DESIGN
7001 E. Indian Trail, Suite 101 | Scottsdale, AZ 85258 | P: (480) 481-1500 | www.trapeziumgroup.com

26th Street Subdivision
9425 N 26th Street, Phoenix
Landscape Plan

PRELIMINARY NOT FOR CONSTRUCTION OR RECORDING

PROJ. NO.:
PROJ. AREA:
PROJ. #:
SCALE:
DATE:

SHEET NO.:
01 OF 01

File: P:_M\PH\A\Civil\Drawings\Site Base 4.2_Landscape\LP1A.dwg

Color Elevations:



1780

1670

CITY OF PHOENIX

MAR 02 2017

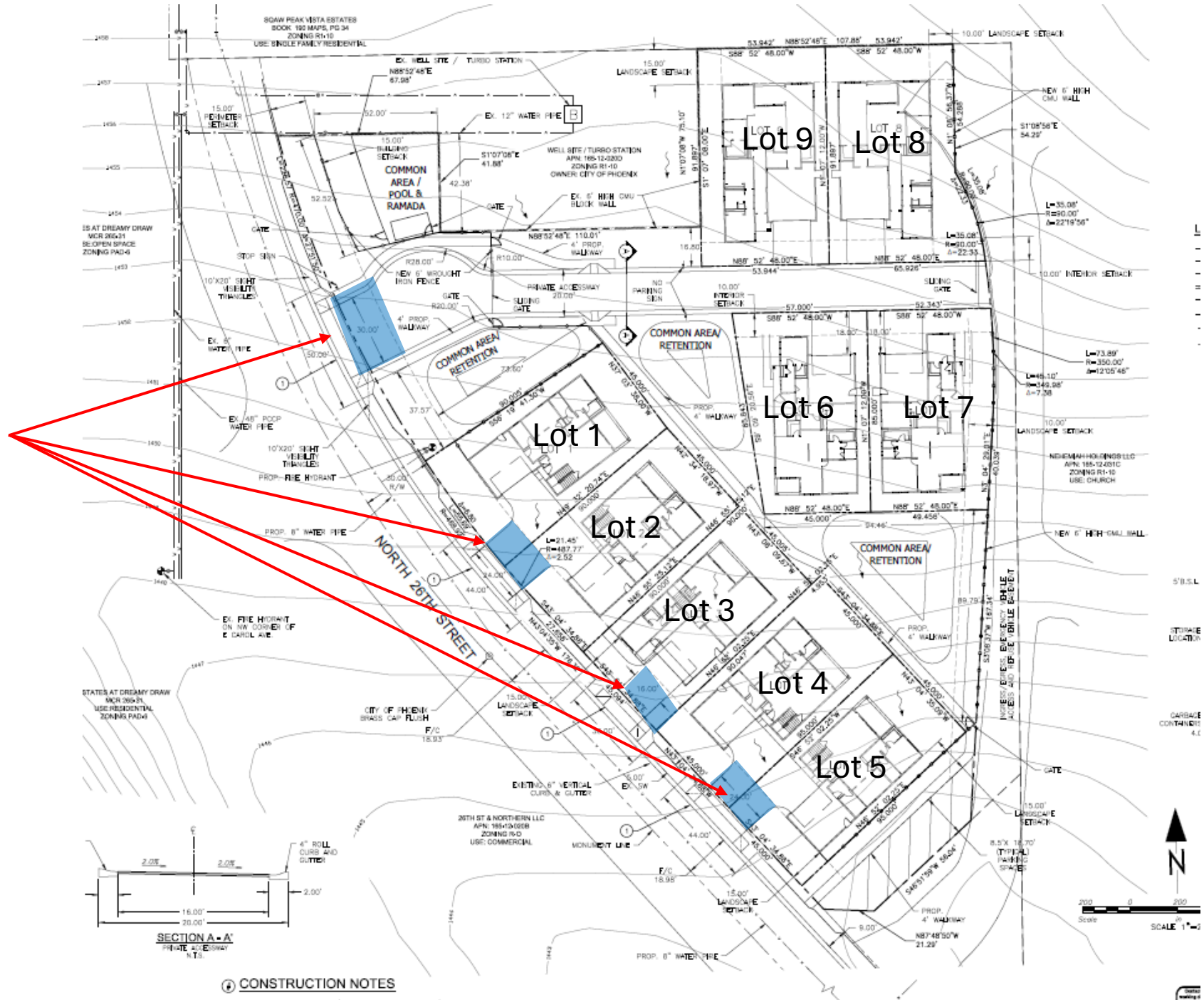
Planning & Development
Department

February 20, 2017

EXHIBIT E

March 2023 Site Plan

- 9 lots/homes
- 4 driveways, curb cuts along 26th Street
- Lots 1 -5 - two stories, 22 feet
- Lots 6-9 - one story, 12 feet



CONSTRUCTION NOTES



EXHIBIT F

April 2023 Site Plan

- 7 Lots/homes
- 2 driveways, curb cuts along 26th Street
- Lots 1 -5 - two stories, 22 feet
- Lots 6-7 - one story, 12 feet

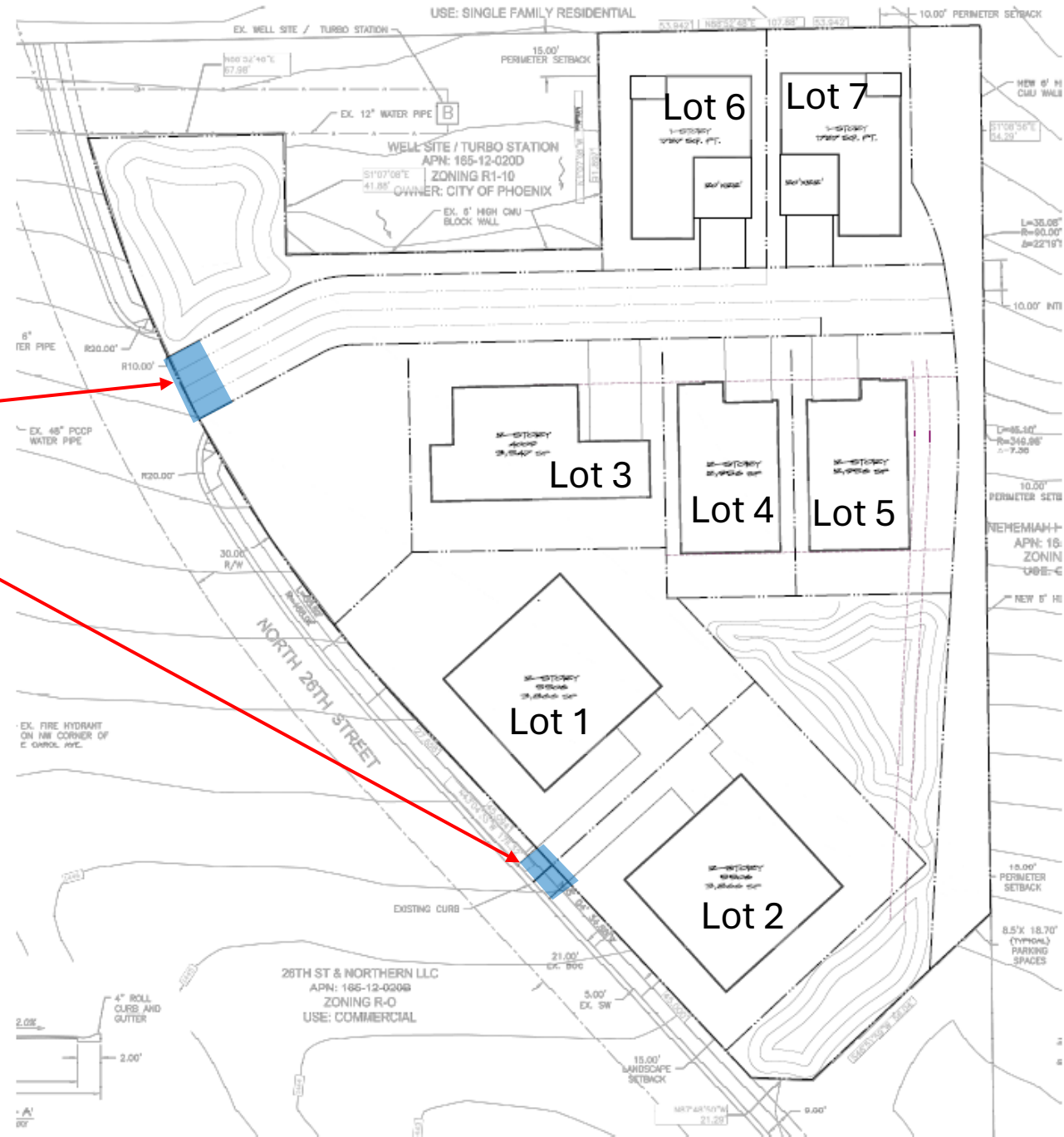
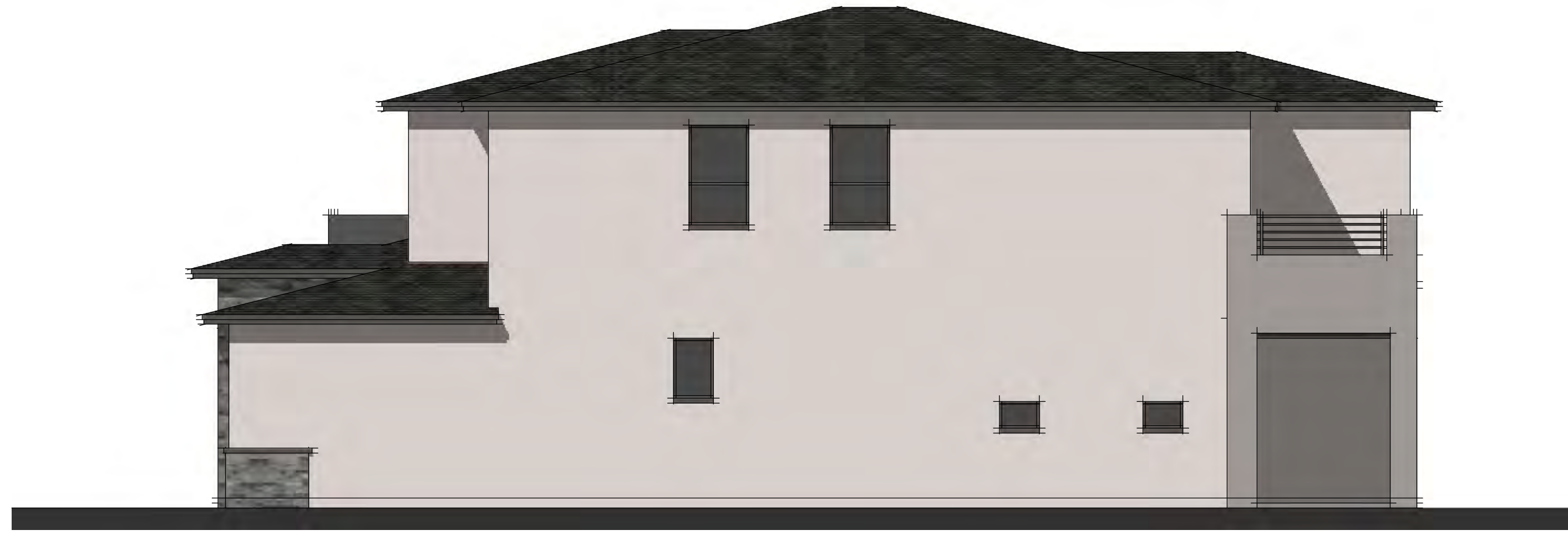


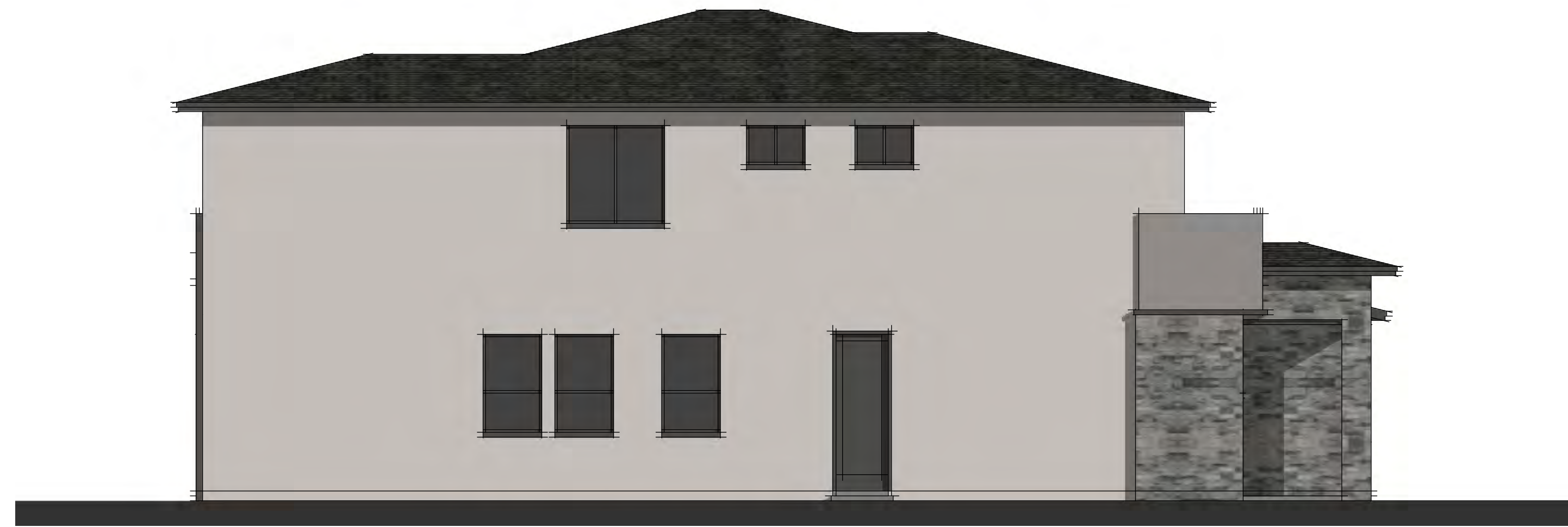
EXHIBIT G



RIGHT ELEVATION
SCALE: 3/16" = 1'-0"



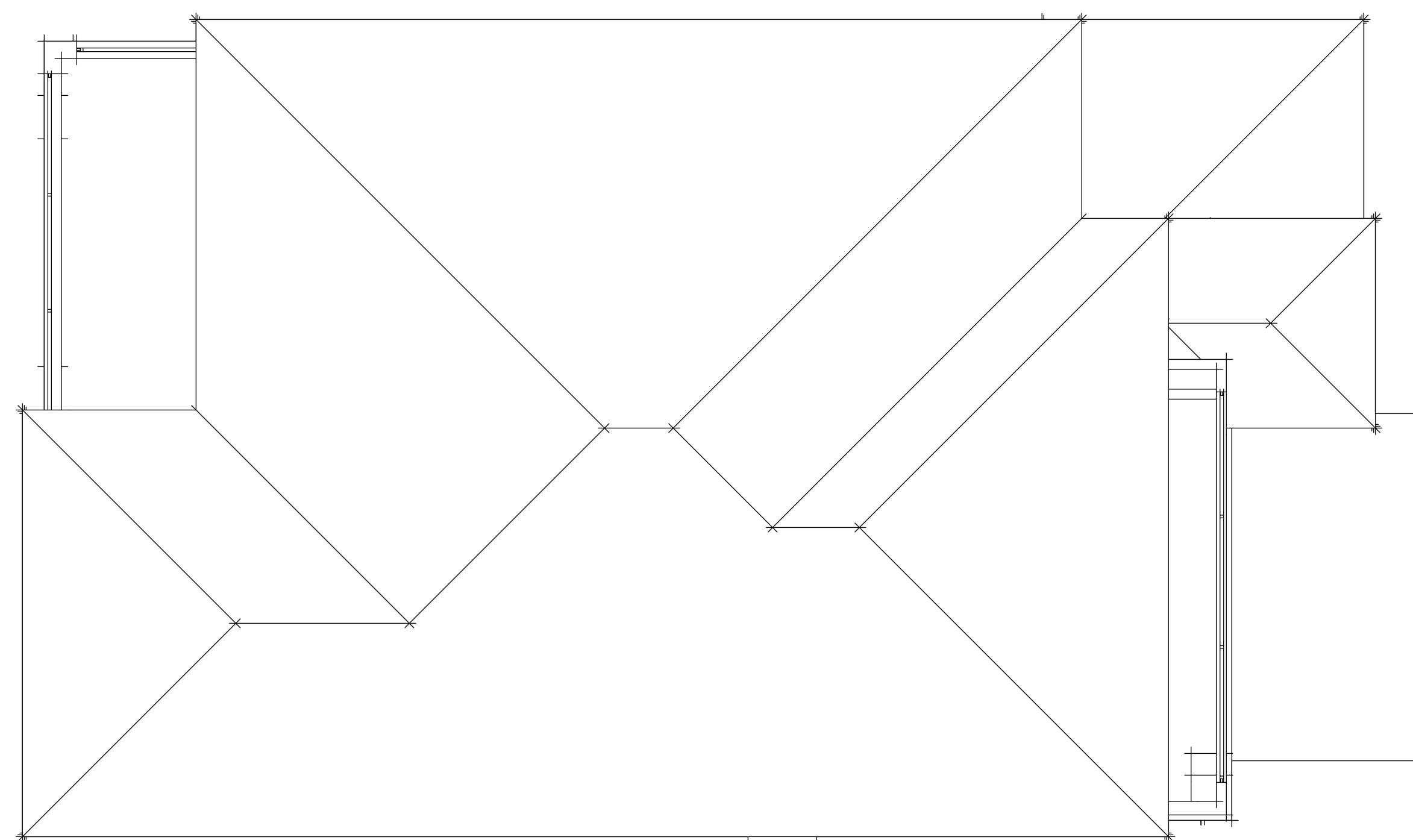
REAR ELEVATION
SCALE: 3/16" = 1'-0"



LEFT ELEVATION
SCALE: 3/16" = 1'-0"



FRONT ELEVATION
SCALE: 3/16" = 1'-0"



ROOF PLAN



LOTS 1 & 3



RIGHT ELEVATION
SCALE: 3/16" = 1'-0"



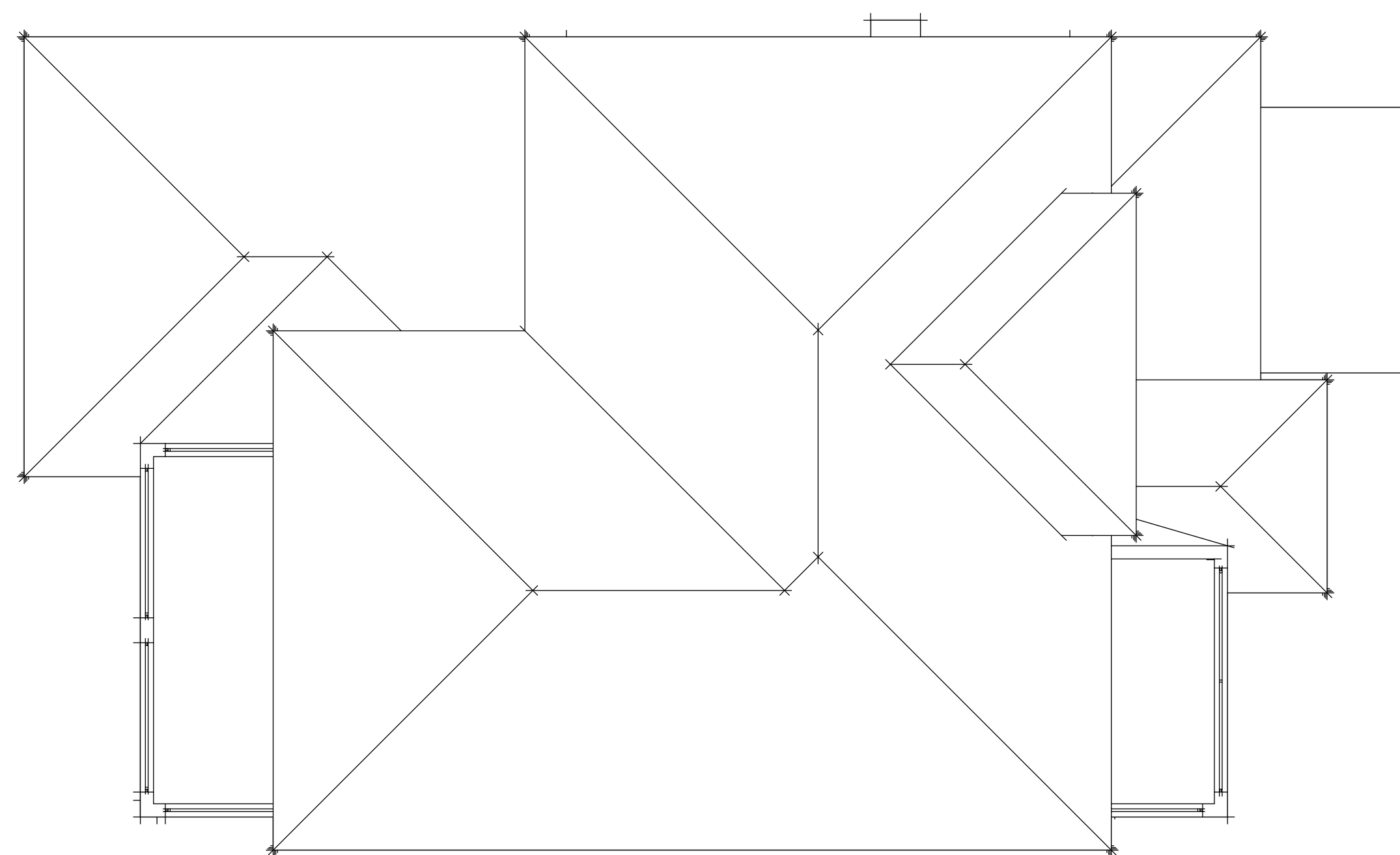
REAR ELEVATION
SCALE: 3/16" = 1'-0"



LEFT ELEVATION
SCALE: 3/16" = 1'-0"



FRONT ELEVATION
SCALE: 3/16" = 1'-0"



ROOF PLAN



LOTS 2, 4 & 5



LEFT ELEVATION
SCALE: 1/4" = 1'-0"



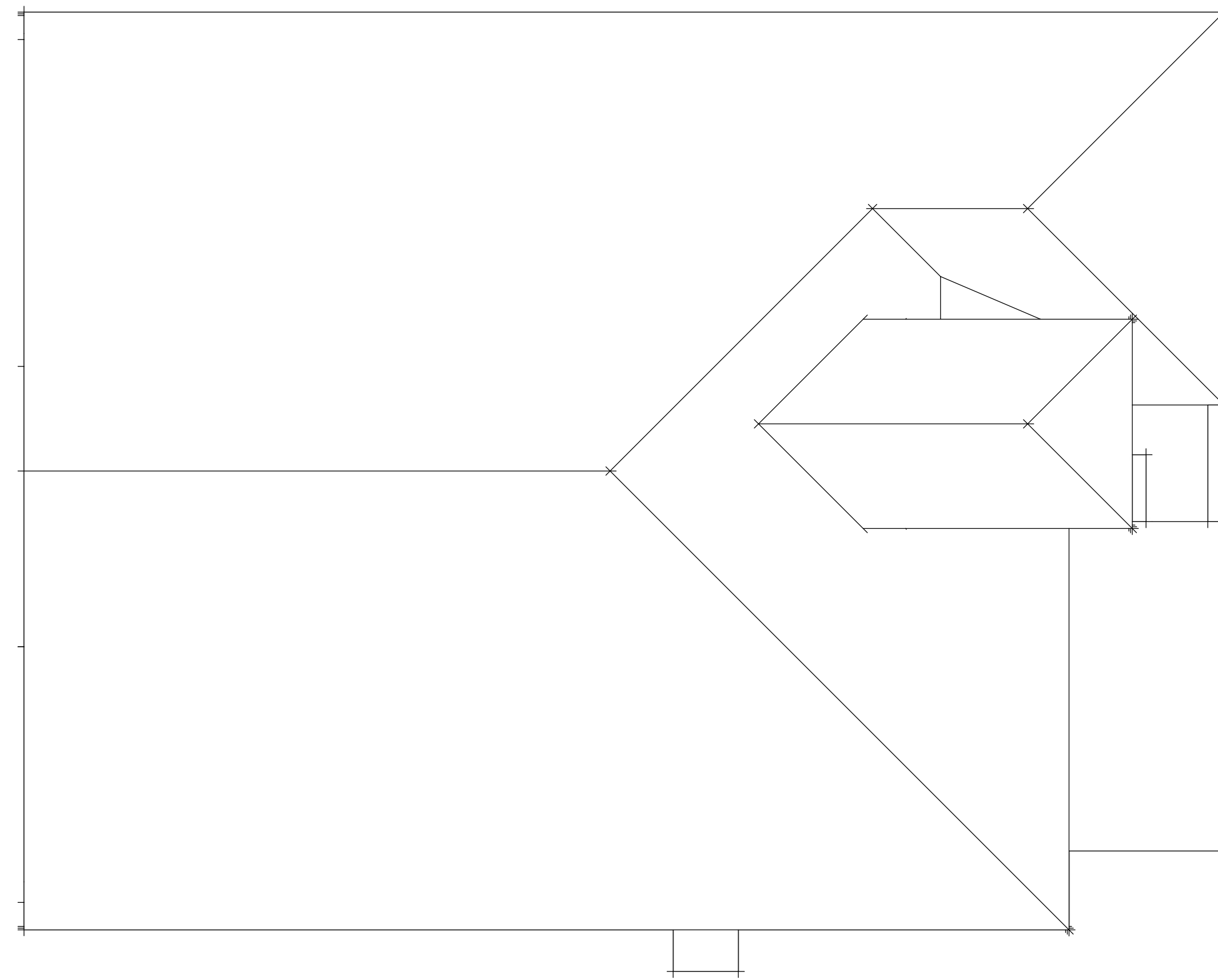
FRONT ELEVATION
SCALE: 1/4" = 1'-0"



RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



REAR ELEVATION
SCALE: 1/4" = 1'-0"

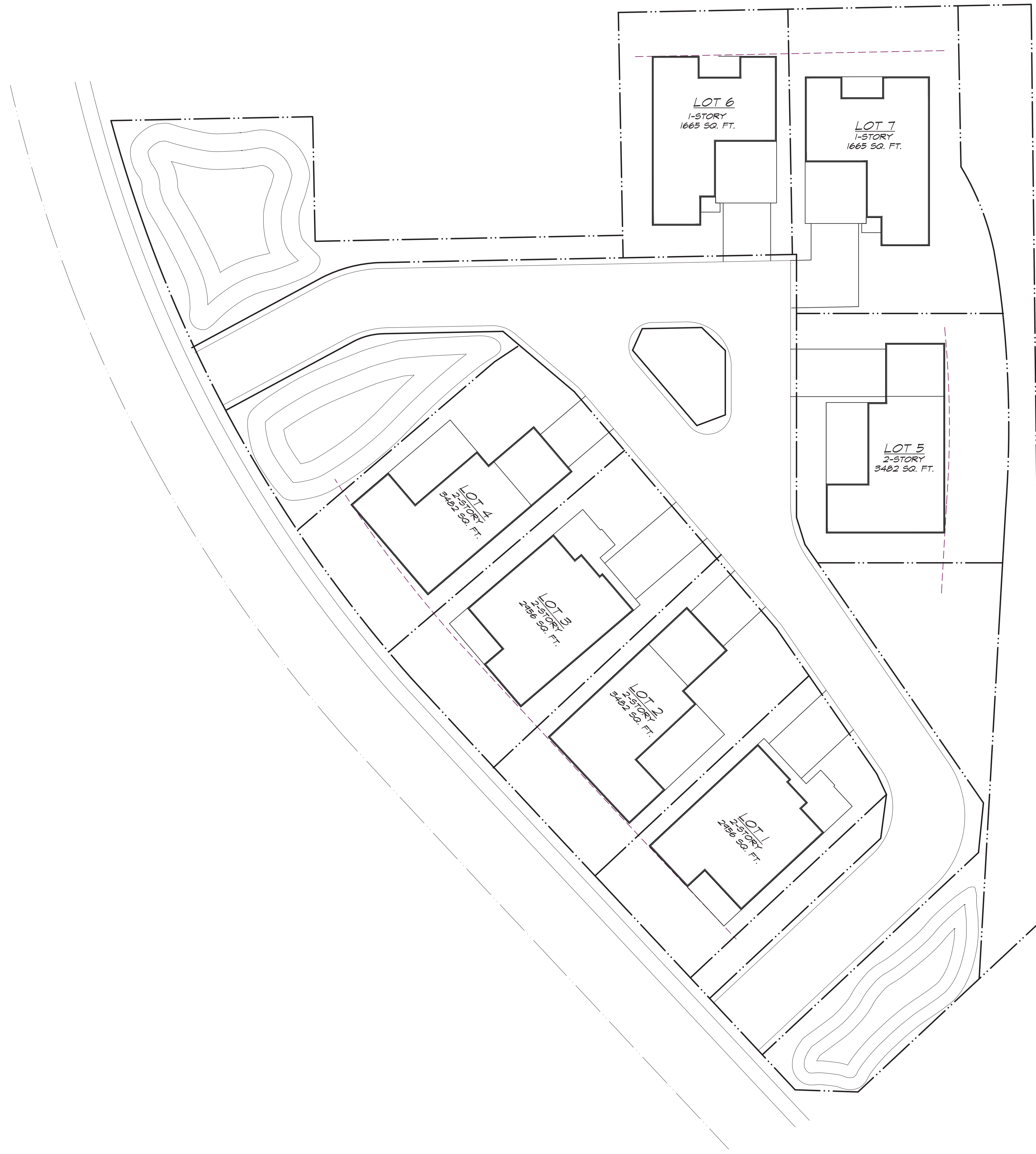


ROOF PLAN



LOTS 6 & 7

EXHIBIT H



SITE PLAN
SCALE: 1" = 20' - 0"



City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

October 5, 2017

JL Ventures LLC
5353 North 16th Street, Suite 130
Phoenix, AZ 85016

RE: Z-181-99-3 – East side of 26th Street, 350 feet south of Vogel Avenue.

Dear Applicant:

Please be advised that the Phoenix City Council, in accordance with the provisions of Section 506 of the Zoning Ordinance, has on April 5, 2017, considered a request for 1) Request to delete Stipulation 1 that the development be in general conformation with the site plan dated Feb. 23, 2000, and building elevations dated Aug. 2, 1999. 2) Technical Corrections to Stipulations 4, 7, and 9.

The City Council ratified application Z-181-99-3 as recommended by the Planning Commission to deny the Planning Hearing Officer recommendation, and approved PHO-1-16 - Z-181-99-4 with a modification of Stipulation 1 and technical corrections to Stipulation 4,7, and 9 by a 6-0 vote.

Stipulations:

- Mod ① The development shall be in general conformance to the site plan and elevations date stamped March 2, 2017, as approved by the Planning and Development Department.
- Mod ② That there be no more than 9 dwelling units with a maximum density of 4.7.
- Mod ③ That the building height shall not exceed one story and a maximum of 20 feet in height.
- 4. That right-of-way dedications and street alignments for local streets within the subdivision will be determined by the Planning and Development Department at the time of Preliminary Subdivision Plan Review.
- 5. That the developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping, and other incidentals as per plans approved by the City. All improvements shall comply with all ADA accessibility standards.
- Del ⑥ That the applicant install some means of mitigation treatment to eliminate potential sewer odor.
- 7. That the development be subject to Design Review guideline standards, as per Planning and Development Department.

- Mod 8. That the City mail written notice of any request to modify the above-referenced stipulations to the following:

Dreamy Draw Estates Homeowner's Association, 2510 East Carol Avenue, Phoenix, AZ 85028

Phoenix Hillside Estates Property Owners Association, 9247 North 24th Way, Phoenix, AZ 85028

Francesca & Joseph Browner, 2616 East Vogel Avenue, Phoenix, AZ 85028

Judith F. Gunn, 9609 North 26th Place, Phoenix, AZ 85028

Dr. Kevin Crisham, 9845 North 22nd Place, Phoenix, AZ 85028

Sharon Oscar, 2527 East Carol Avenue, Phoenix, AZ 85028

Gini Linam, 2536 East Vogel Avenue, Phoenix, AZ 85028

Mark Shiya, 9247 North 24th Way, Phoenix, AZ 85028

Sandy Price, 2626 East Vogel Avenue, Phoenix, AZ 85028

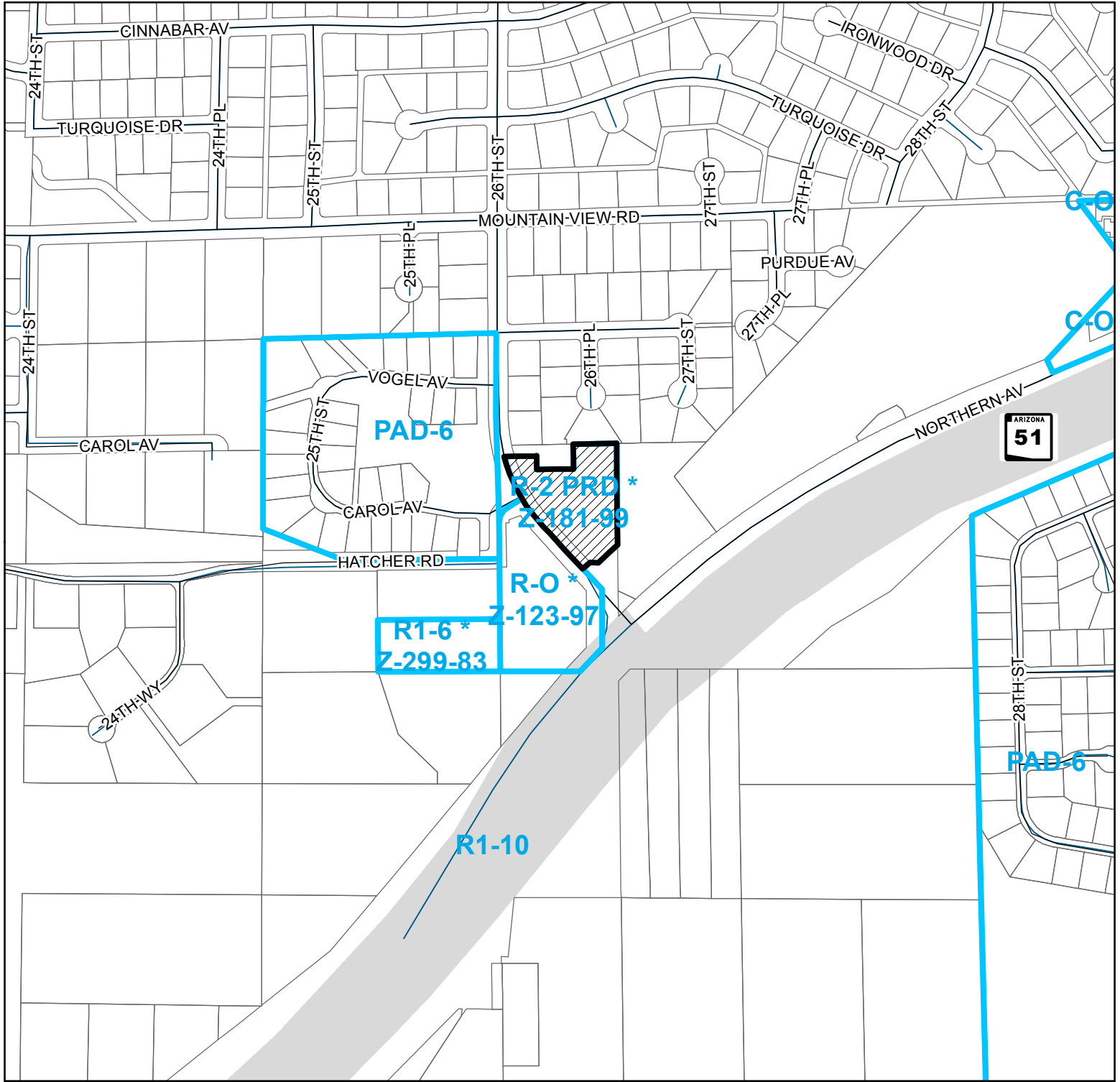
9. That the City notify the above-noted residents of meetings with Planning and Development Department.

Sincerely,

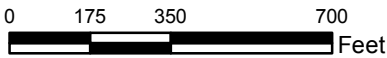


Teresa Hillner
Planner III

c: Trapezium Consulting Group LLC
11433 N. 27th Street
Phoenix, AZ 85028
Cerelia Torres, P&D–Planning (Electronically)
Sandra Hoffman, P&D–Development (Electronically)
Greg Gonzales, NSD (Electronically)
Penny Parrella, City Council (Electronically)
Book
Case File



NOT TO SCALE

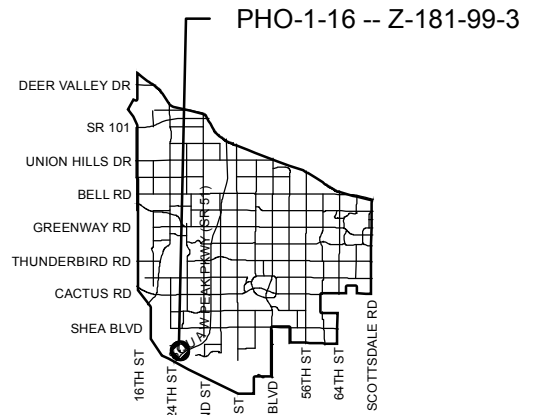


PHO-1-16 -- Z-181-99-3

Paradise Valley Village

CITY COUNCIL DISTRICT 3

PLANNING HEARING OFFICER - October 19, 2016





City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

April 8, 2016

Apostolic Christian Church of America In
4122 West Paradise Lane
Phoenix, Arizona 85053

RE: Zoning Error on the Property Located on the East Side of 26th Street, 350 Feet South of Vogel, 9425 North 26th Street (Parcel No. 165-12-020C), Z-181-99-3

Dear Representative of the Apostolic Christian Church of America In:

It has come to our attention that there are errors on the Zoning Map and Zoning Approval Letter related to Rezoning Case No. Z-181-99-3, which established the current zoning on the subject property. The Zoning Map depicts the zoning as R-2 PRD per Rezoning Case No. Z-181-99-3 and the Zoning Approval Letter dated August 16, 2000 also indicates that R-2 PRD Zoning has been approved, subject to nine (9) stipulations. However, after review of the application documents and the public hearing minutes, the action should have been to deny the request as filed and approve R1-6 zoning on the property. There were also errors found in the stipulations.

Staff has reviewed the zoning history on the property, specifically the details from Rezoning Case No. Z-181-99-3 for a nine (9)-lot single-family subdivision and related Rezoning Case Nos. Z-180-99-3 and Z-SP-4-00-3 for a personal care facility with church access at the southwest corner of 26th Street and Hatcher Road. The summary of actions from Rezoning Case No. Z-181-99-3 are as follows:

| Date | Source of Information | Request/Recommendation/Action |
|-------------|--|--|
| 12/17/1999 | Original Application | R-2 PRD |
| 4/18/2000 | Staff Report, Zoning Hearing Officer (ZHO) Version | Deny as filed, approve R1-6 per five (5) stipulations. |

Staff Recommended Stipulations:

1. That the development be in general conformance to the site plan and floor plan dated February 23, 2000, and building elevations dated August 2, 1999.
2. That there be no more than 9 dwelling units with a maximum density of 4.7.
3. That the building height shall not exceed one story and a maximum of 20 feet in height.
4. That right-of-way dedications and street alignments for local streets within the subdivision will be determined by the Development Services Department at the time of Preliminary Subdivision Plat Review.
5. That the developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands,

landscaping, and other incidentals as per plans approved by the City. All improvements shall comply with all ADA accessibility standards.

| Date | Source of Information | Request/Recommendation |
|----------|--|--|
| 4/3/2000 | Paradise Valley Village Planning Committee (VPC) Minutes | Approve R-3 Zoning, subject to staff stipulations and one (1) additional stipulation related to the sewer. |

Paradise Valley VPC Recommended Stipulations:

1. That the development be in general conformance to the site plan and floor plan dated February 23, 2000, and building elevations dated August 2, 1999.
2. That there be no more than 9 dwelling units with a maximum density of 4.7.
3. That the building height shall not exceed one story and a maximum of 20 feet in height.
4. That right-of-way dedications and street alignments for local streets within the subdivision will be determined by the Development Services Department at the time of Preliminary Subdivision Plat Review.
5. That the developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping, and other incidentals as per plans approved by the City. All improvements shall comply with all ADA accessibility standards.
6. THAT THE APPLICANT INSTALL SOME MEANS OF MITIGATION TREATMENT TO ELIMINATE POTENTIAL SEWER ODOR(S).

| Date | Source of Information | Request/Recommendation |
|-----------|--------------------------------------|---|
| 4/18/2000 | Report of ZHO Action | Request forwarded to the Planning Commission without recommendation. |
| 5/10/2000 | Report of Planning Commission Action | Approval per staff recommendation and added stipulations from the VPC, applicant, and Planning Commission |
| 5/10/2000 | Planning Commission Minutes | Deny as file and approve for R1-6, subject to staff, VPC, applicant, and Planning Commission stipulations regarding design review and elevations date stamped March 28, 2000. |

The stipulations from the Report of Planning Commission Action and Minutes do not match. Notes have been provided below to indicate the discrepancies.

Planning Commission Recommended Stipulations per the report and discussion in the minutes:

1. That the development be in general conformance to the site plan and floor plan dated February 23, 2000, and building elevations dated ~~August 2, 1999~~ March 28, 2000.

Note: There are no elevations with the March 28, 2000 date related to Rezoning Case No. Z-181-99-3 case file. However, there are March 28, 2000 site plans and elevations related to Rezoning Case Nos. Z-180-99-3 and Z-SP-4-00-3.

2. That there be no more than 9 dwelling units with a maximum density of 4.7.
3. That the building height shall not exceed one story and a maximum of 20 feet in height.
4. That right-of-way dedications and street alignments for local streets within the subdivision will be determined by the Development Services Department at the time of Preliminary Subdivision Plat Review.
5. That the developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping, and other incidentals as per plans approved by the City. All improvements shall comply with all ADA accessibility standards.
6. THAT THE APPLICANT INSTALL SOME MEANS OF MITIGATION TREATMENT TO ELIMINATE POTENTIAL SEWER ODOR.
7. THAT THE DEVELOPMENT BE SUBJECT TO DESIGN REVIEW GUIDELINE STANDARDS, AS PER DEVELOPMENT SERVICES DEPARTMENT.
8. THAT THE CITY MAIL WRITTEN NOTICE OF ANY REQUEST TO MODIFY THE ABOVE-REFERENCED STIPULATIONS TO THE FOLLOWING:

DREAMY DRAW ESTATES HOMEOWNER'S ASSOCIATION, 2510 EAST CAROL AVENUE, PHOENIX AZ 85028

PHOENIX HILLSIDE ESTATES PROPERTY OWNERS ASSOCIATION, 9247 NORTH 24TH WAY, PHOENIX AZ 85028

FRANCESCA & JOSEPH BROWNER, 2626 E. VOGEL AVE., PHOENIX 85028

JUDITH F. GUNN (9609 N. 26TH PLACE, PHOENIX 85028

DR. KERRN CRISHEW, 9825 N. 22ND PLACE, PHOENIX 85028

SHARON OSCAR, 2527 E. CAROL AVE., PHOENIX AZ 85028

GINI LINAM, 2536 E. VOGEL, PHOENIX AZ 85028

MARK SHIYA, 9247 N. 24TH WAY, PHOENIX AZ 85028.

Note: Based on the review of the minutes from the Paradise Valley Village Planning Committee there are several typographical errors and a near-by resident, Sandy Price, was inadvertently omitted.

9. THAT THE CITY NOTIFY THE ABOVE-NOTED RESIDENTS OF MEETINGS WITH DEVELOPMENT SERVICES DEPARTMENT.

Planning Commission Recommended Stipulations as listed in the minutes:

1. That approval be conditioned upon development of a personnel care home within 24 months of City Council approval of this change of zoning in accordance with section 506.B.1 of the City's Zoning Ordinance. Zoning shall vest with final site plan approval by the Development Services Department.
2. That the development shall be in general conformance with the site plan and building elevations dated March 28, 2000, as may be modified by the Development Services Department during the site plan review process.
3. That the facility shall be limited to a maximum of 24 units.
4. That the applicant provide a minimum 12-foot wide desert landscape strip along the west and north property line with mature native vegetation (minimum 24-inch box trees).
5. That the entire site be developed with a unified architectural theme. The theme should assure the building colors, elevations, exterior materials, landscaping, lighting and signage convey a sense of continuity throughout the project, as approved by the Development Services Department.
6. That mechanical equipment shall be screened and shall not be located on the rooftop.
7. That all exterior lighting including security and parking lot lighting will be directed down and inward toward the development and away from adjacent residences.
8. That CPTED (Crime Prevention Through Environmental Design) principles shall be used in the design and layout of this site, as recommended by the CPTED police officer at the time of site plan review and approved by the Development Services Department.
9. That the development be subject to Design Review guideline standards, as per Development Services Department.
10. That the City mail written notice of any request to modify the above-referenced stipulations to the following:

Dreamy Draw Estates Homeowner's Association, 2510 East Carol Avenue, Phoenix AZ 85028

Phoenix Hillside Estates Property Owners Association, 9247 North 24th Way, Phoenix AZ 85028

Francesca & Joseph Browner, 2626 E. Vogel Ave., Phoenix 85028

Judith F. Gunn (9609 N. 26th Place, Phoenix 85028

Dr. Kern Crishew, 9825 N. 22nd Place, Phoenix 85028

Sharon Oscar, 2527 E. Carol Ave., Phoenix AZ 85028

Gini Linam, 2536 E. Vogel, Phoenix AZ 85028

Mark Shiya, 9247 N. 24th Way, Phoenix AZ 85028.

11. That the City notify the above-noted residents of meetings with Development Services Department.
12. That the applicant install some means of mitigation treatment to eliminate potential sewer odors.

Note: The above stipulations are not related to the subject rezoning case, but appear to be associated with Rezoning Case Nos. Z-180-99-3 and Z-SP-4-00-3.

| Date | Source of Information | Request/Recommendation |
|-------------|------------------------------|--|
| 6/14/2000 | City Council Minutes | Granted as recommended by Planning Commission. |
| 8/16/2000 | Rezoning Approval Letter | Approval of R-2 PRD zoning, subject to 9 stipulations. |

Stipulations per the Approval Letter:

1. That the development be in general conformance to the site plan and floor plan dated February 23, 2000, and building elevations dated August 2, 1999.
2. That there be no more than 9 dwelling units with a maximum density of 4.7.
3. That the building height shall not exceed one story and a maximum of 20 feet in height.
4. That right-of-way dedications and street alignments for local streets within the subdivision will be determined by the Development Services Department at the time of Preliminary Subdivision Plat Review.
5. That the developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping, and other incidentals as per plans approved by the City. All improvements shall comply with all ADA accessibility standards.
6. That the applicant install some means of mitigation treatment to eliminate potential sewer odor.
7. That the development be subject to Design Review guideline standards, as per Development Services Department.
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Dr. Kern Crishev, 9825 N. 22nd Place, Phoenix 85028

Sharon Oscar, 2527 E. Carol Ave., Phoenix AZ 85028

Gini Linam, 2536 E. Vogel, Phoenix AZ 85028

Mark Shiya, 9247 N. 24th Way, Phoenix AZ 85028.

9. That the City notify the above-noted residents of meetings with Development Services Department.

After review of all of the relevant documents (enclosed), it appears that there was confusion between the subject property and rezoning case with the separate, but related property located west of 26th Street on Hatcher Road (see the enclosed Location Map). Based on the discussion from the public hearing minutes, it is clear that the action taken should have been to deny the zoning as filed, and approve as R1-6 subject to stipulations. A supplementary zoning map will be completed to correct the zoning to R1-6. Staff has also determined that the following rezoning stipulations shall apply to the subject property:

REVISED STIPUATIONS:

1. That the development be in general conformance to the site plan and floor plan dated February 23, 2000, and building elevations dated August 2, 1999.
2. That there be no more than 9 dwelling units with a maximum density of 4.7.
3. That the building height shall not exceed one story and a maximum of 20 feet in height.
4. That right-of-way dedications and street alignments for local streets within the subdivision will be determined by the Development Services Department at the time of Preliminary Subdivision Plat Review.
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Judith F. Gunn, 9609 North 26th Place, Phoenix, AZ 85028

Dr. Kevin Crisham, 9845 North 22nd Place, Phoenix, AZ 85028

Sharon Oscar, 2527 East Carol Avenue, Phoenix, AZ 85028

Gini Linam, 2536 East Vogel Avenue, Phoenix, AZ 85028

Mark Shiya, 9247 North 24th Way, Phoenix, AZ 85028

Sandy Price, 2626 East Vogel Avenue, Phoenix, AZ 85028

9. That the City notify the above-noted residents of meetings with Development Services Department.

Should you require further assistance, please feel free to contact me at (602) 262-6656 or alan.stephenson@phoenix.gov.

Sincerely,

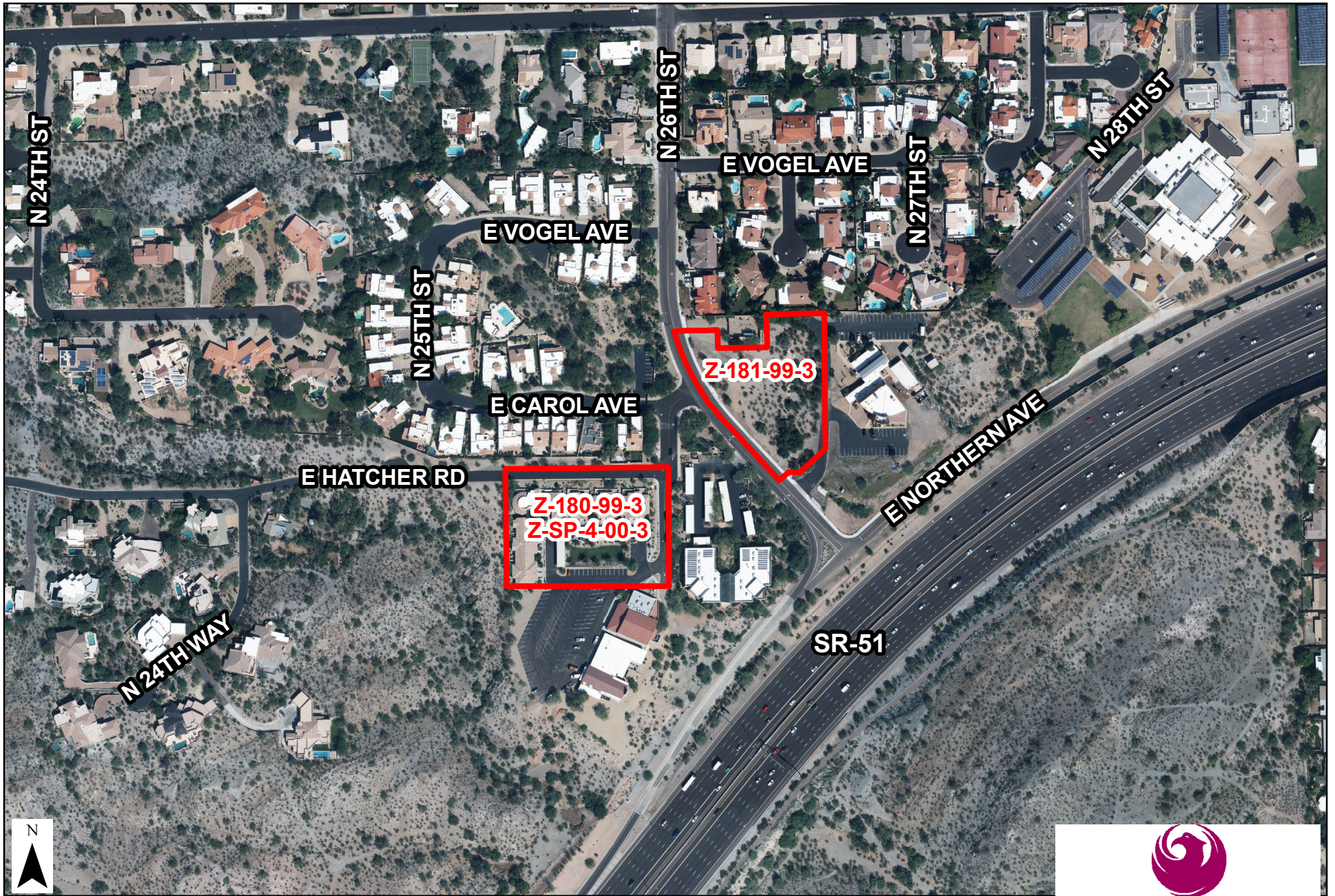

Alan Stephenson
Director

Enclosures:

- Location Map for Z-180-99-3, Z-181-99-3, and Z-SP-4-00-3
- Items from Rezoning Case No. Z-181-99-3:
 - ZHO Staff Report dated April 18, 2000
 - Paradise Valley VPC Minutes dated April 3, 2000
 - Report of ZHO Action, April 18, 2000
 - Planning Commission Staff Report dated May 10, 2000
 - Report of Planning Commission Action dated May 10, 2000
 - Planning Commission Minutes dated May 10, 2000
 - City Council Minutes dated June 14, 2000
 - Approval Letter with stipulations dated August 16, 2000
- Items from Rezoning Case Nos. Z-180-99-3 and Z-SP-4-00-3:
 - ZHO Staff Report dated April 18, 2000
 - Paradise Valley VPC Minutes dated April 3, 2000
 - Planning Commission Staff Report dated May 10, 2000
 - Planning Commission Minutes dated May 10, 2000
 - City Council Minutes dated June 14, 2000
 - Approval Letter with stipulations dated August 16, 2000

c: Case file Z-181-99-3
PlanWeb (electronic file)
PDD GIS staff
Racelle Escolar
Hannah Oliver

LOCATION MAP



RE 3/25/2016 Aerial Date: 2014



0 300 600 Feet



City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION: Z-181-99-3

APPLICANT: Steven Bauer

OWNER: Apostolic Christian Church of America

LOCATION: East side of 26th Street, 350 feet south of Vogel

REQUEST: Rezone from R1-10 to R-2 PRD (approximately 1.9 acres)

PROPOSED USE: Single Family Subdivision

STAFF RECOMMENDATION: Deny as filed, approve R1-6

VILLAGE PLANNING COMMITTEE RECOMMENDATION: The Paradise Valley Village Planning Committee will review this request on April 3, 2000.

GENERAL PLAN DESIGNATION: Residential 2-5 dwelling units per acre

CONSISTENCY WITH ADOPTED PLANS:

This request is consistent with the General Plan Land Use Map designation of Residential 2-5 dwelling units per acre. The proposed site shows a density of 4.7. The proposed use is also consistent with the State Route 51 Freeway Specific Plan for Residential or residential support uses.

EXISTING RIGHT-OF-WAY:

26th Street: 20-foot east 1/2 street, 50-foot full street

LAND USE TRENDS IN THE AREA:

The area consists primarily of established single family homes and two churches, one of which is the Apostolic Church. New homes have been constructed on the west side of 26th street, west of the subject site. On February 19, 1998, City Council approved a Residential Office facility at the northwest corner of 26th Street and Northern Avenue (southwest of the subject site). Despite initial neighborhood opposition to the project, the office complex appears to have assimilated into the neighborhood. South of the subject site is another church which is not connected to the Apostolic Church.

CHARACTER OF THE SURROUNDING LAND USE:

| | |
|------------|---|
| Onsite: | Vacant, R1-10 |
| North: | Single Family Residential, R1-10 |
| South: | Vacant, State Route 51, Mountain Preserve |
| Southwest: | Office complex, R-O |
| East: | Church, R1-10 |
| West: | Single Family Residential, PAD -6 |

SITE PLAN DATED 12/7/99:

| | |
|------------------------|-----------|
| Gross acres: | 1.9 acres |
| Net acreage: | 1.6 acres |
| Building Area of Lots: | 38,000 SF |
| Lot Coverage: | 23% |

BACKGROUND ISSUES:

Proposal: The property is currently vacant. The Apostolic Church proposes to construct a gated community consisting of ten patio homes for current members who are retired and have a desire to live close to the church. Only church members will be able to live in the proposed homes under a "life lease" contract.

Phasing: The applicant proposes construction of the homes on an as needed basis. However, due to economies-of-scale, it is possible that all development may occur in a single phase.

Traffic: ITE Traffic Generation of single family homes is 10 trips per day per dwelling unit. The proposed subdivision would generate approximately 90 vehicle trips per day. Proximity to SR51 provides good access to most parts of the city and reduces traffic throughout the neighborhood. In addition, residents would be retired and not be likely to contribute to a.m./p.m. traffic peaks. Access to the property is available from 26th Street which provides access to the State Route 51 to the south and to Shea Boulevard to the north.

The site plan shows 9 units on the 1.9 acre triangular shaped site. The project proposes two access points to 26th Street. One access drive will be an access point for resident ingress and egress while the second access point will be for exiting traffic only. **The site plan also indicates an existing church drive along the east boundary of the property.** There is some concern that this easement would reduce the minimum lot size for lots 2 through 7.

The site plan indicates a block wall along 26th Street surrounding lots 8, 9 and a landscaped retention area. A large portion of this wall is within the required 20-foot setback required for the

proposed PRD development option. This would need to be adjusted at the time of site plan review with the Development Services Department.

This rezoning request is for R-2 zoning with a Planned Residential Development option. The density proposed is 4.7 dwelling units per acre. R-2 zoning allows for 10-12 dwelling units per acre. The R1-6 zoning district allows for 5.3 to 6.34 dwelling units per acre and is more suitable for the proposed development. Staff recommends approval of the R1-6 zoning, with a maximum of 9 dwelling units. There is no minimum lot width under the Planned Residential Development (PRD) development. The lot width shown on the submitted site plan is approximately 40 feet.

ANALYSIS:

The proposed subdivision is consistent with the General Plan and the State Route 51 Freeway Specific Plan. It is compatible with the surrounding neighborhood. The patio home units would be for members of the Apostolic Church. The applicant proposes that only church members would be able to live in the homes under a "life lease" contract.

FINDINGS:

1. That the request is consistent with the Land Use element of the General Plan.
2. That the site is located within the parameters of State Route 51 Freeway Specific Plan and is consistent with the designation for residential, or support residential uses.
3. That the request would be compatible with the existing residential character of the area.
4. That the proposed traffic generated by the subdivision would not create congestion within the neighborhood street network.
5. That the proposed R-2 zoning allows more density than would be needed by the 9 unit project.
6. The R1-6 zoning district is compatible with existing zoning patterns in the area considering it is a residential infill property.
7. That this proposal would provide housing opportunities for the elderly to live independently but close to services and activities provided by the church.

RECOMMENDATION: Deny as filed, approve R1-6 subject to the following stipulations.

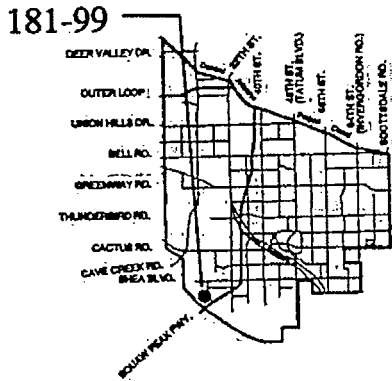
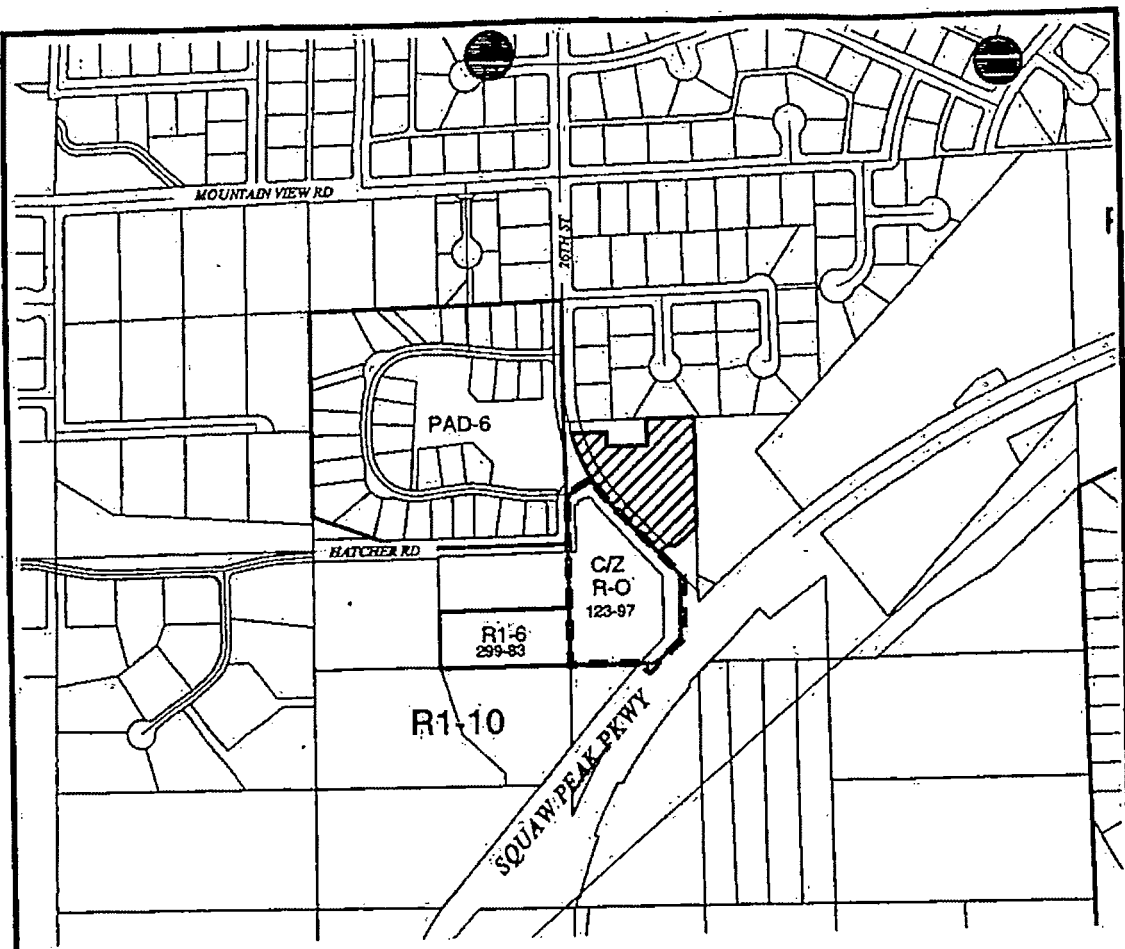
STIPULATIONS:

1. That the development be in general conformance to the site plan and floor plan dated February 23, 2000, and building elevations dated August 2, 1999.
2. That there be no more than 9 dwelling units with a maximum density of 4.7.
3. That the building height shall not exceed one story and a maximum of 20 feet in height.
4. That right-of-way dedications and street alignments for local streets within the subdivision will be determined by the Development Services Department at the time of Preliminary Subdivision Plat Review.
5. That the developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping, and other incidentals as per plans approved by the City. All improvements shall comply with all ADA accessibility standards.

FM Listening Systems or Qualified Sign Language Interpreters are available with 72 hours notice. Materials in alternate formats (large print, braille, audio cassette, or computer diskette) are available upon request. For further information call Theresa Damiani, at 602-262-6368 or City TDD Relay at 602-534-5500.

F:\hearings\zho\staff\181-99-3

JB



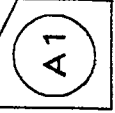
GRAPHIC SCALE IN FEET
 CITY OF PHOENIX PLANNING DEPARTMENT
PARADISE VALLEY VILLAGE
 CITY COUNCIL DISTRICT: 3

| | | | |
|---|---|------------------------------|----------------|
| APPLICANT'S NAME: STEVEN BAUER | | REQUESTED CHANGE: | |
| APPLICATION NO. 181-99 | DATE: 12-17-99 REVISION DATES: | FROM: R1-10 | |
| GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX. 1.9 ACRES | AERIAL PHOTO & QUARTER SEC. NO. 27-33 | ZONING MAP J-9 | TO: R-2 |
| MULTIPLES PERMITTED | UNITS STANDARD OPTION | * UNITS P.R.D. OPTION | |
| R1-10 | 6 | 8 | |
| R-2 PRD | 19 | 23 | |

181-99

GRANT & OLDS ARCHITECTS
 1405 EAST THUNDER BAY DRIVE, TOLPE, ARIZONA 85088 (602) 941-0479
 DATE: 23 FEBRUARY 2000 PROJECT NUMBER: 9807

PHOENIX, ARIZONA
 NORTH 26th STREET



ADULT COMMUNITY

PROPOSED SUBDIVISION FOR
 PRELIMINARY PLANS
 NOT FOR CONSTRUCTION

PROJECT DATA

PROJECT ADDRESS: 9230 NORTH 26th STREET
 PHOENIX, ARIZONA

EXISTING SITE AREA: 70,211.40 S.F. -- NET
 1.6118 ACRES

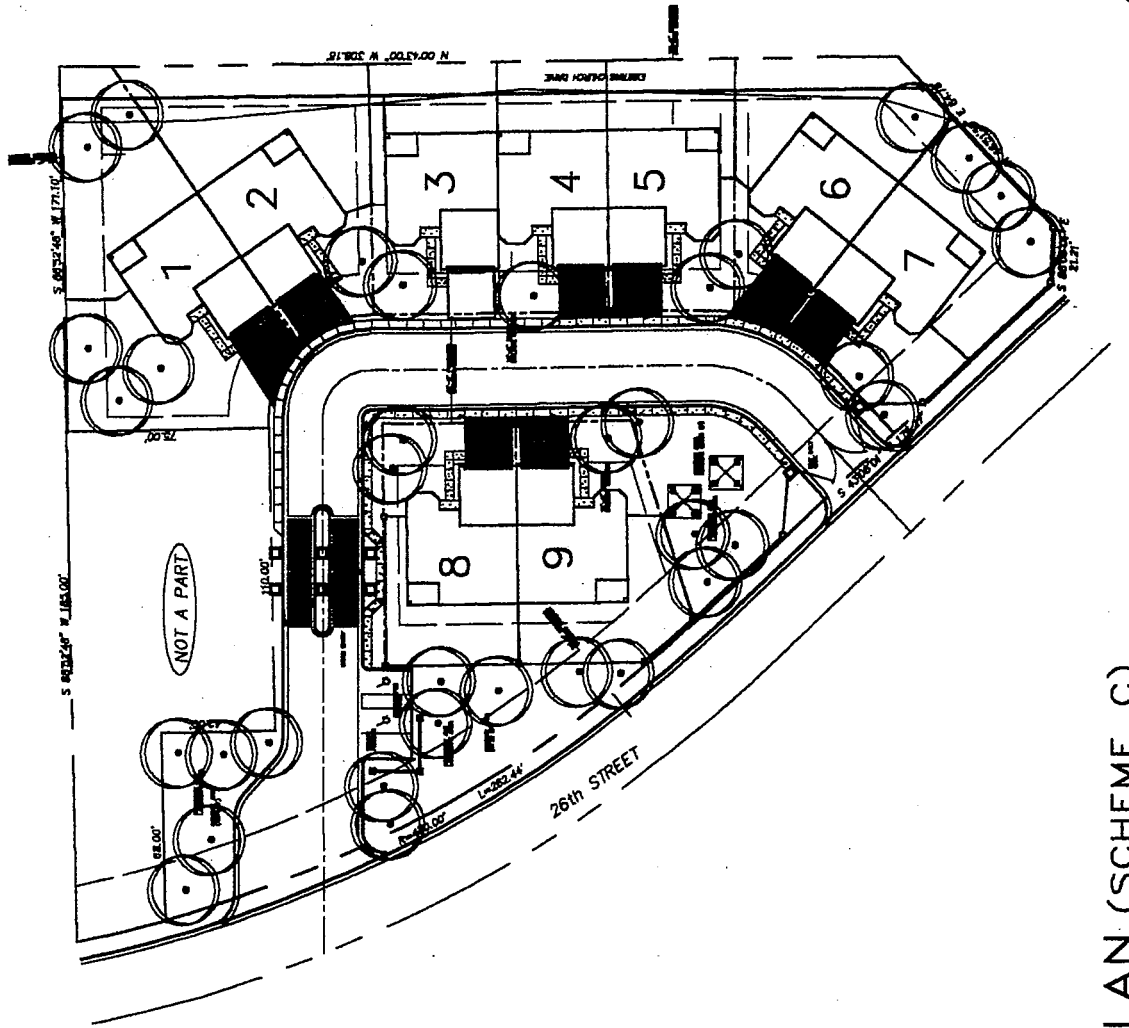
BUILDING USE: 82,726.80 S.F. -- GROSS
 1.899 ACRES

EXISTING ZONING: RESIDENTIAL

PROPOSED ZONING: R1-10

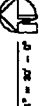
DENSITY: R1-6 P.R.D.

LOT COVERAGE: 4.7 UNITS PER ACRE
 = 23%



SITE PLAN (SCHEME C)

SCALE 1" = 40'



138949

PP

Paradise Valley Village Planning Committee
Minutes
Monday, April 3, 2000
Paradise Valley Community Center
Multipurpose Room
17402 North 40th Street
Phoenix, Arizona

200 APR 26 11 09 45

CITY CLERK DEPT

PRESENT

Jerry Aster
Nick Corridino
Jesse Garcia
Cindy Gibson
Jeffrey Gross
John Hallinan
Benjamin Marx
Wanda McFarland
Wes Patterson
Sally Spray
Victor Spurlock

EXCUSED

Andrew Luck
Deborah Shriver
Sandra Stein

STAFF

Jane Bixler
Sarah Kerr
Ron Maze

1. Call to order and introduction of new members.

Meeting was called to order at 7:00 p.m. by Jerry Aster. A quorum was present.
Jerry Aster introduced new board member, Jesse Garcia.

2. Review and approval of March 6, 2000 minutes.

Page 1, item 4 should read R1-8.

Page 2; paragraph 2, second sentence corrected to read "The applicant listened to the issues from both neighborhoods."

Page 3; paragraph 2, corrected to read "Nick Corridino commented that by looking at the map, Palos Verdes Homeowners Association could be impacted to a higher degree than Tatum Square by traffic.

Page 3, paragraph 8, add at the end of the paragraph "The chairperson did not vote."

Victor Spurlock made a motion to approve the minutes as corrected. John Hallinan seconded the motion. Approved, vote: 10-0

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3. Public comments concerning items not on the agenda. (Not for Committee Discussion)

No comments.

4. Presentation and discussion on Ethics/Conflict of Interest as it applies to the Village Planning Committee. Presentation by Larry Felix, City Attorney.

Larry Felix was asked by the David Richert, Planning Director to give a presentation to all of the Village Planning Committees on Ethics/Conflict of Interest. Conflict of interest applies to any appointed or elected official. If you or a relative has direct or indirect monetary interest in a matter you are required to declare a conflict of interest. You are not allowed to participate in any discussion or in voting. Conflict of interest should be declared even if there is a remote relationship or financial interest to avoid an appearance of conflict. If you have any questions please contact the City of Phoenix Law Department.

If during the meeting a quorum is lost, the committee cannot vote. Items can be discussed and it must be clearly stated that these are opinions of the members of the Village Planning Committee.

5. Review, discussion and possible action on application Z-180-99-3 and Z-SP-4-00-3 requests to rezone from R1-10 and R1-6 to R-3 with a Special Permit for a Personal Care Facility. The 2.3 acre property is located on the southeast corner of Hatcher Road and 26th Street. Presentation by Steve Bauer.

The Special Permit SP-4-00-3 and rezoning application Z-180-99-3 were reviewed as a single case. Steve Bauer representing the Apostolic Church gave a presentation describing the proposed location of the facility, its relationship to other neighborhoods, and the site plan. This application is for an assisted care living facility for the church. This is the only location for this church in the valley. The Special Permit application is a very restrictive document and is for a specific use and zoning. The Special Permit can only be removed by going through the hearing process. They have worked closely with the residents in the area and several meetings have been held. Access to the property will be on the north portion of the site on Hatcher Road. Z-181-99-3, a second access, was added at the request of neighborhood residents, this will be on the south end of the property and will be an exit gateway only.

The architect has worked at giving a residential feel along Hatcher Road. It will be a combination of red tile roof and parapet sections.

The applicant will be seeking a variance for lot coverage and access to the local street (Hatcher Road) at a later date.

Jane Bixler presented the staff report. It was noted that a number of neighbors were concerned about sewage odors. She introduced Ron Maze from the City of Phoenix Water Department who would speak about the sewer problems. Any change in the type of care given at this facility would require them to go back through the hearing process. The facility will be getting a license from the State Health Department and the City has requested a copy of the license for their files. There will be desert landscaping and screened mechanical equipment on the roof.

Ralph and Gloria Reid, 2527 E. Vogel Ave. is in favor of this application.

Francesca Browner, 2616 E. Vogel Ave. is opposed to this application.

Sharon Oscar, 2527 E. Carol Ave. spoke in favor of this application subject to conditions. Sharon commented that she has attended the meetings held by Steve Bauer and feels that he has worked very hard on the concerns of the residents. Her property will be looking directly at this project. Sharon does have concerns on deed restrictions on the property, can they be retained. Jane Bixler stated that CC& Rs can be stipulated but the City of Phoenix cannot enforce them.

Joseph Browner, 2616 E. Vogel Ave. spoke in opposition of this application. Residents in this area have several issues with smell from the sewer system. These issues have not been addressed.

Sandy Price, 2626 E. Vogel Ave. spoke in opposition of this application. The residents have been working with the City of Phoenix on this issue but the problem exists because of two privately owned lift stations in the area. The City of Phoenix has tried using some types of chemicals but they are very expensive. The City of Phoenix is not able to enforce anything against the private lift owners. Sandy Price also voiced her concerns on increase traffic from this project.

Dr. Kevin Crisham, 9845 N. 22nd Place asked what the definition of a care home is. How restrictive is it? How specific medically on what is allowed for this facility? Jane stated that if the facility changes the type of care they are giving they would be in violation of the special permit zoning.

Ron Maze, City of Phoenix Water Services Department, Wastewater Collection Division gave a brief history of the problems regarding the sewer smell. He told the committee that a 10 month, \$10,000 city research project had recently been completed in the neighborhood. The department received complaints about the smell. Changes in the temperature cause the smell. Sewage is pumped by the two lift stations that are privately owned and the City has no jurisdiction. In order to eliminate sewage odors, the city tested an expensive chemical and chlorine in holding tanks belonging to the homeowners associations, where the odors originate. Both the chlorine and the expensive chemical successfully eliminated the odor. He also noted that to his knowledge, none of the homeowners associations in the neighborhood tried either chemical or the chlorine, despite the fact that the city paid for a chlorine dispenser and chlorine tablets to be used in the holding tanks. He

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added that adding additional lift stations could make the problem worse unless the odor was treated with chlorine. The chlorine treatment is very inexpensive.

Victor Spurlock asked if the Village Planning Committee can stipulate that chlorine sewage treatment be done. Jane replied that it can be stipulated but the City of Phoenix cannot enforce it. Victor asked who owned the property. Ron Maze stated that Westpac and Hillside Estates owns the property.

Nick Corridino asked if there had been any discussion on replacing the pumps. Ron Maze stated that it couldn't be done because of the elevation.

Victor Spurlock asked if there is going to be a City of Phoenix lift station in this area. Ron Maze replied that the City of Phoenix is not planning one at this time.

Jeff Gross asked if a self-chlorinator could be installed. Ron Maze stated that it could be installed and is more cost effective.

Jesse Garcia commented that the license says two or more people. How many will be in one unit? Steve Bauer stated that there would be 16 units to start and two beds in each unit. This is intended to be a long-term facility. Jesse Garcia asked what growth is expected from the church. Steve Bauer replied that there would not be much growth.

Jesse Garcia asked what about the amount of traffic on service days. Page 3 on the staff report says that 288 traffic trips are possible. Steve Bauer said the 288 is based on City of Phoenix figures. Most of these residents may not drive.

Sandy Price, 2626 E. Vogel Ave. commented that there is a school in the neighborhood and a lot of the kids meet at the school. Have the applicants met with the school?

Nick Corridino asked if the Special Permit and the State license are two different things. Jane replied that they are two different things. The license is issued by the State Health Department and there is no hearing process.

Benjamin Marx asked what the church's position is on the sewer problems. Steve Bauer commented that both properties would be developed with something. The property is already zoned for a school. Anything regarding the sewer problems would have to be cost effective for the applicant and they do not want to aggravate the sewer problems.

Jesse Garcia asked if there are any other church's with assisted living facilities that could be used as a model. Steve Bauer stated that there is another one in the north west valley but he does not know the name.

Wes Patterson asked if the church would be using a lift system. Steve Bauer replied that they would have to.

Jesse Garcia asked if the south side exit and emergency entrance would be open during the day. Steve Bauer replied that it would not be open during the day.

Steve Bauer said he is discussing deed restriction with a zoning attorney. Depends on the controlling mechanism. This facility will not generate much traffic. The State Health Department will monitor the licensed facility to be sure they maintain strict standards.

Victor Spurlock made a motion to recommend approval of the request subject to an additional stipulation #10 and modifications to staff stipulation #2 to reflect the date of the newly submitted site plan and elevations. Stipulation #99 would be modified to include the names of effected neighbors. *Staff informed the committee that stipulation number 10 was not enforceable, however, the committee wanted to add the stipulation anyway to keep the sewer issue alive during the hearing process.*

Stipulations recommended by the committee are as follows:

2. That the development shall be in general conformance with the site plan and building elevations dated March 28, 2000, as may be modified by the Development Services Department during the site plan review process.
9. That the city mail written notice to the Dreamy Draw Estates Homeowners Association, 2510 East Carol Avenue, Phoenix, AZ 85028 and to: Francesca Browner & Joseph Browner, 2616 E. Vogel Ave., Phoenix, AZ 85028, Sandy Price, 2626 E. Vogel, Phoenix, AZ 85028, Judith F. Gunn, 9609 N. 26th Pl., Phoenix, AZ 85028, Dr. Kevin Crisham, 9845 N. 22nd Pl., Phoenix, AZ 85028.
10. That the applicant install some means of mitigation treatment to eliminate potential sewer odor(s).

Jeff Gross seconded the motion. Approved, vote: 9-1. Chairperson did not vote.

The Village Planning Committee member voting against the recommendation for approval stated that he believed stipulation #10 gave the neighborhood "false hope" that the sewer issue would be resolved.

6. Review, discussion and possible action on application Z-181-99-3 a request to rezone from R1-10 to R-2 PRD for a single family subdivision located on the east side of 26th Street, 350 feet south of Vogel. Presentation by Steve Bauer.

Steve Bauer presented the application. The Church will have ownership of the units. There will be two access points, the main gate on 26th Street and an exit only gate on the south. It is mandated by the PRD for 10% open space. There will be two walled pieces on 26th Street, which will be moved back, a minimum of 10 feet for landscaping. City of Phoenix staff recommends approval subject to stipulations. Steve Bauer noted that 10 trips per day were more trips than actually expected from this use since it would also be for retired individuals.

Jane Bixler presented the staff report.

Francesa Browner, 2616 E. Vogel Ave. is opposed to this application. Concerns about increase in traffic and visibility on the north side of the project.

Blair Grafe, 9616 N. 26th Place is opposed to this application. Neighbors feel they are being steam rolled on this project. They are not sure what the zoning is and there are issues regarding the smell from the sewers.

Ralph and Gloria Reid, 2527 E. Vogel Ave. are opposed to this project. This is high density on a small lot. Traffic on 26th Street is a speedway in the mornings.

Joseph Browner, 2616 E. Vogel Ave. is opposed to this application. Issues regarding the sewer problems have not been addressed. Feels that this application was not discussed with the residents in the area.

Sandy Price, 2626 E. Vogel Ave. is opposed to this application. On going problems with the odors from the sewer. The smell comes from where it connects with the City system.

Lee Esch, 2511 E. Cairo is opposed to this application.

Terry Hull, 2518 E. Vogel Ave. is opposed to this application.

Jeff Gross asked how many units are allowed in the R1-10? Jane Bixler stated six or seven units on the two-acre site.

Sally Spray asked if under the R1-10 zoning, the church sold the property what could be developed on this property. Jane Bixler replied that only six homes could be built.

Victor Spurlock asked if the exit is close to the intersection and does this project require a lift station for the sewer hook-up. Jane Bixler commented that it does not appear to be too close to the intersection and that most of the traffic is southbound to R51 and that the use would not generate much traffic. Steve Bauer stated the lift station is required for this project.

Nick Corridino asked about the comment from the residents that this application was not discussed. Steve Bauer stated that this item was discussed. Several meetings were held and resident's issues and concerns were addressed.

Jesse Garcia asked if the south exit only/emergency access would be open during the day. Steve Bauer replied that it would not be.

Benjamin Marx made a motion to approve subject to staff stipulations. Jeff Gross requested to amend the motion with the addition of the sewer stipulation stated below. Benjamin Marx agreed.

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Added stipulation:

6. That the applicant install some means of mitigation treatment to eliminate potential sewer odor(s).

Jeff Gross seconded the motion. Approved, vote: 7-3

7. Review, discussion and possible action to identify activities that would achieve VPC goals and objectives for the year 2000.

Continued to the May 1st meeting.

8. Update from subcommittees:

- General Plan Update Subcommittee (Includes Trails & Preserve Subcommittee. Sally Spray stated that they need all the subcommittee members to attend the meetings. They discussed identifying trails and which ones are viable. There will be aerial photographs for the next meeting to help get a better idea of where the trails are. They are trying to complete this project by fall for the next General Plan process.
- Tatum and Shea Land Use Subcommittee discussion and possible action regarding subcommittee recommendation to the Village Planning Committee. The subcommittee met on three separate occasions, January 6, 2000, February 22, 2000, March 21, 2000. At the meeting on January 6, the subcommittee decided the boundary of the study area and residents to be invited to attend the next meeting. On February 22, the subcommittee met with property owners and surrounding neighbors. The subcommittee listened to the residents and asked them questions regarding the problems they were experiencing and what land use they thought most appropriate for the properties under question. Approximately 30 residents attended the meeting. Chris Smith from Councilperson Bilsten's office was present. On March 21, 2000, the subcommittee discussed the previous meeting and wrote their recommendation as follows:

That the Residential Office (R-O) zoning district would be appropriate for future development.

That any future buildings be limited to one story above the ground elevation.

That any future rezoning approvals include a two year conditional time stipulation.

That any future development of this area eliminate the access between Tatum Boulevard and Desert Cove and Shangra-la.

That any future development present a residential character and appearance that would compliment and blend with the adjacent neighborhood.

The committee decided to define residential character at their next meeting and add their definition to the subcommittee recommendation. Benjamin Marx made

a motion to accept the subcommittee report as requested by Councilperson Peggy Bilsten. Sally Spray seconded the motion. Approved, vote: 10-0

9. Announcements and public comments. (Not for Committee Discussion)

None

10. Future agenda items for February 7, 2000 meeting date. (For Identification Only – Not for Committee Discussion)

None discussed.

11. John Hallinan made a motion to adjourn the meeting. Sally Spray seconded the motion. Approved, unanimous, vote: 10-0. The meeting was adjourned at 10:00 p.m.

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REPORT OF ZONING HEARING OFFICER ACTION
April 18, 2000

ITEM NO: 3

DISTRICT NO.: 3

SUBJECT:

Application #: Z-181-99-3
Location: East side of 26th Street, 350 feet south of Vogel
Request: Rezone from R1-100 to R-2 PRD, acreage: 1.9
Proposal: Single family subdivision (10 lots)
Applicant: Steven Bauer
Owner: Aposttolic Christian Church of America
Representative: Steven Bauer

ACTIONS:

Zoning Hearing Officer Recommendation: This request is forwarded to the Planning Commission Hearing of May 10, 2000, without recommendation.

Staff Recommendation: It is recommended this request be denied as filed, approved R1-6.

Village Planning Committee Recommendation: Paradise Valley Village Planning Committee reviewed this request on 4/3/00 and approved, with stipulations and additional stip #6 re: sewer by vote of 7-3

ZHO HEARING HIGHLIGHTS:

Staff – Mr. Baughman read for the record a letter from the applicant's representative requesting the application be referred to next available Planning Commission Hearing without recommendation.

ZHO – Ms. Standage-Beier stated that since it was the Planning Department policy to allow the applicant to request a referral to Planning Commission, she would refer this application to the Planning Commission of May 10, 2000 without recommendation.


Cynthia Standage-Beier
Zoning Hearing Officer

APRIL 21, 2000
Date

Zoning Hearing Officer Hearing of April 18, 2000

Z-181-99-3

Page 2

The Zoning Hearing Officer attests to the finding of facts, recommendations, and any stipulations resulting from the Zoning Hearing Officer hearing.

Upon request, this publication will be made available within a reasonable length of time through appropriate auxiliary aids or services to accommodate an individual with a disability. This publication may be made available through the following auxiliary aids or services: large print, Braille, audiotape or computer diskette. Contact Theresa Damiani regarding ADA, 602-262-6368/voice, 602-534-5500 TDD.

F:\hearings\zho\sum\Z-181-99-3

APPLICATION: Z-181-99-3

APPLICANT: Steven Bauer

OWNER: Apostolic Christian Church of America

LOCATION: East side of 26th Street, 350 feet south of Vogel

REQUEST: Rezone from R1-10 to R-2 PRD (approximately 1.9 acres)

PROPOSED USE: Single Family Subdivision

STAFF RECOMMENDATION: Deny as filed, approve R1-6

VILLAGE PLANNING COMMITTEE RECOMMENDATION: The Paradise Valley Village Planning Committee will reviewed this request on April 3, 2000, approved with stipulations and additional stipulation #6 re: sewer by vote of 7-3..

ZONING HEARING OFFICER RECOMMENDATION: Referred to Planning Commission without recommendation.

GENERAL PLAN DESIGNATION: Residential 2-5 dwelling units per acre

CONSISTENCY WITH ADOPTED PLANS:

This request is consistent with the General Plan Land Use Map designation of Residential 2-5 dwelling units per acre. The proposed site shows a density of 4.7. The proposed use is also consistent with the State Route 51 Freeway Specific Plan for Residential or residential support uses.

EXISTING RIGHT-OF-WAY:

26th Street: 20-foot east 1/2 street, 50-foot full street

LAND USE TRENDS IN THE AREA:

The area consists primarily of established single family homes and two churches, one of which is the Apostolic Church. New homes have been constructed on the west side of 26th street, west of the subject site. On February 19, 1998, City Council approved a Residential Office facility at the northwest corner of 26th Street and Northern Avenue (southwest of the subject site). Despite initial neighborhood opposition to the project, the office complex appears to have assimilated

into the neighborhood. South of the subject site is another church which is not connected to the Apostolic Church.

CHARACTER OF THE SURROUNDING LAND USE:

| | |
|------------|---|
| Onsite: | Vacant, R1-10 |
| North: | Single Family Residential, R1-10 |
| South: | Vacant, State Route 51, Mountain Preserve |
| Southwest: | Office complex, R-O |
| East: | Church, R1-10 |
| West: | Single Family Residential, PAD -6 |

SITE PLAN DATED 12/7/99:

| | |
|------------------------|-----------|
| Gross acres: | 1.9 acres |
| Net acreage: | 1.6 acres |
| Building Area of Lots: | 38,000 SF |
| Lot Coverage: | 23% |

BACKGROUND ISSUES:

Proposal: The property is currently vacant. The Apostolic Church proposes to construct a gated community consisting of ten patio homes for current members who are retired and have a desire to live close to the church. Only church members will be able to live in the proposed homes under a "life lease" contract.

Phasing: The applicant proposes construction of the homes on an as needed basis. However, due to economies-of-scale, it is possible that all development may occur in a single phase.

Traffic: ITE Traffic Generation of single family homes is 10 trips per day per dwelling unit. The proposed subdivision would generate approximately 90 vehicle trips per day. Proximity to SR51 provides good access to most parts of the city and reduces traffic throughout the neighborhood. In addition, residents would be retired and not be likely to contribute to a.m./p.m. traffic peaks. Access to the property is available from 26th Street which provides access to the State Route 51 to the south and to Shea Boulevard to the north.

The site plan shows 9 units on the 1.9 acre triangular shaped site. The project proposes two access points to 26th Street. One access drive will be an access point for resident ingress and egress while the second access point will be for exiting traffic only. **The site plan also indicates an existing church drive along the east boundary of the property.** There is some concern that this easement would reduce the minimum lot size for lots 2 through 7.

The site plan indicates a block wall along 26th Street surrounding lots 8, 9 and a landscaped retention area. A large portion of this wall is within the required 20-foot setback required for the proposed PRD development option. This would need to be adjusted at the time of site plan review with the Development Services Department.

This rezoning request is for R-2 zoning with a Planned Residential Development option. The density proposed is 4.7 dwelling units per acre. R-2 zoning allows for 10-12 dwelling units per acre. The R1-6 zoning district allows for 5.3 to 6.34 dwelling units per acre and is more suitable for the proposed development. Staff recommends approval of the R1-6 zoning, with a maximum of 9 dwelling units. There is no minimum lot width under the Planned Residential Development (PRD) development. The lot width shown on the submitted site plan is approximately 40 feet.

ANALYSIS:

The proposed subdivision is consistent with the General Plan and the State Route 51 Freeway Specific Plan. It is compatible with the surrounding neighborhood. The patio home units would be for members of the Apostolic Church. The applicant proposes that only church members would be able to live in the homes under a "life lease" contract.

FINDINGS:

1. That the request is consistent with the Land Use element of the General Plan.
2. That the site is located within the parameters of State Route 51 Freeway Specific Plan and is consistent with the designation for residential, or support residential uses.
3. That the request would be compatible with the existing residential character of the area.
4. That the proposed traffic generated by the subdivision would not create congestion within the neighborhood street network.
5. That the proposed R-2 zoning allows more density than would be needed by the 9 unit project.
6. The R1-6 zoning district is compatible with existing zoning patterns in the area considering it is a residential infill property.
7. That this proposal would provide housing opportunities for the elderly to live independently but close to services and activities provided by the church.

RECOMMENDATION: Deny as filed, approve R1-6 subject to the following stipulations.

STIPULATIONS:

1. That the development be in general conformance to the site plan and floor plan dated February 23, 2000, and building elevations dated August 2, 1999.
2. That there be no more than 9 dwelling units with a maximum density of 4.7.
3. That the building height shall not exceed one story and a maximum of 20 feet in height.
4. That right-of-way dedications and street alignments for local streets within the subdivision will be determined by the Development Services Department at the time of Preliminary Subdivision Plat Review.
5. That the developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping, and other incidentals as per plans approved by the City. All improvements shall comply with all ADA accessibility standards.

FM Listening Systems or Qualified Sign Language Interpreters are available with 72 hours notice. Materials in alternate formats (large print, braille, audio cassette, or computer diskette) are available upon request. For further information call Theresa Damiani, at 602-262-6368 or City TDD Relay at 602-534-5500.

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JB

REPORT OF PLANNING COMMISSION ACTION
May 10, 2000

ITEM NO: 13

DISTRICT NO.: 3

SUBJECT:

Application #: Z-181-99-3
Location: East side of 26th Street, 350 feet south of Vogel
Request: Rezone from R1-10 to R-2 PRD Acreage: 1.9
Owner: Apostolic Christian Church of Amercia
Applicant/Rep.: Steven Bauer

ACTIONS:

Planning Commission Recommendation: Approval, as per staff recommendation, and added stipulations from the VPC, applicant, and Planning Commission.

ZHO Recommendation: Referred to the Planning Commission without recommendation as per applicant's request.

Staff Recommendation: Denial as filed, and approval of R1-6 (PRD option).

Village Planning Committee Recommendation: The Paradise Valley Village Planning Committee reviewed this request on April 3, 2000, approved with stipulations and additional stipulation #6 re: sewer, by vote of 7-3.

STIPULATIONS:

(underlined) - PC modifications; *italicized* - VPC modifications

1. That the development be in general conformance to the site plan and floor plan dated February 23, 2000, and building elevations dated August 2, 1999.
2. That there be no more than 9 dwelling units with a maximum density of 4.7.
3. That the building height shall not exceed one story and a maximum of 20 feet in height.
4. That right-of-way dedications and street alignments for local streets within the subdivision will be determined by the Development Services Department at the time of Preliminary Subdivision Plat Review.
5. That the developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping, and other incidentals as per plans approved by the City. All improvements shall comply with all ADA accessibility standards.
6. *That the applicant install some means of mitigation treatment to eliminate potential sewer odor.*

7. That the development be subject to Design Review guideline standards, as per Development Services Department.

8. That the City mail written notice of any request to modify the above-referenced stipulations to the following:
Dreamy Draw Estates Homeowner's Association, 2510 East Carol Avenue, Phoenix AZ 85028
Phoenix Hillside Estates Property Owners Association, 9247 North 24th Way, Phoenix AZ 85028
Francesca & Joseph Browner, 2626 E. Vogel Ave., Phoenix 85028
Judith F. Gunn (9609 N. 26th Place, Phoenix 85028
Dr. Kerrn Crishev, 9825 N. 22nd Place, Phoenix 85028
Sharon Oscar, 2527 E. Carol Ave., Phoenix AZ 85028
Gini Linam, 2536 E. Vogel, Phoenix AZ 85028
Mark Shiya, 9247 N. 24th Way, Phoenix AZ 85028.

9. That the City notify the above-noted residents of meetings with Development Services Department.

PC HEARING HIGHLIGHTS:

Staff - Case No Z-181-99-3 is the companion application to Z-180-99-3 and SP-4-00-3. This is a request to rezone a parcel just under 2 acres from R1-10 to R-2 with the Planned Residential Development option located on the east side of 26th Street, just south of Vogel. The proposed project consists of the development of 9 single-family patio homes in a gated community. The homes are for retired members of the Apostolic Church who desire to live close to the church. A "life lease" contract will be provided to the residents of the patio homes.

Access to the community will be from two locations to 26th Street. One access is for resident ingress and egress while the second access is for exiting-only traffic. In addition the submitted site plan shows an existing church drive along the east boundary of the property. This drive would reduce the lot sizes for lots 2 through 7.

The original application was filed for R-2 and would enable a density of 10-12 du/ac. Staff worked with the applicant and suggested that the R1-6 with the PRD option and a cap of 9 units would be more suitable for this area.

Staff recommends denial of the application as filed and approval of the R1-6 with a cap of 9 units, subject to stipulations.

The Paradise Valley Village Planning Committee reviewed this request on April 3, 2000 and recommends approval subject to staff stipulations and one additional stipulation # 6. Neighborhood issues are traffic and sewer odors. Concerns at the Village Planning Committee meeting were raised over the location and poor visibility of the access to the site as well as the addition of another pump station.

- 6) That the applicant install some means of mitigation treatment to eliminate potential sewer odor (s).

The applicant also requested that the Zoning Hearing Officer forward this case to the Planning Commission without a recommendation.

Applicant - Representative Mr. Steve Bauer, 320 E. McDowell Road, Suite 220, 85004 stated the Apostolic Christian Church of America planned to develop a Personal Care Facility which will house retired church members. The counterpart development (Z-181-99-3) consisted of 9 single-family patio homes in a gated community. Residents of both projects would be under a "life lease" contract.

Regarding neighborhood concerns, Mr. Bauer stated that:

- (1) The Special Permit designation is the most restrictive use; any change of the assisted living facility would require City Council approval.
- (2) They were agreeable to installing a cost-effective chlorine injection system in order to ensure that existing odor problems in the area would not exacerbated
- (3) Would increase landscaping on the 26th Street side, as well as locate the perimeter wall at least 15' from the property line
- (4) traffic would not increase since housing would be occupied by retirees and assisted seniors;
- (5) access from the property will eventually exit onto 26th Street, a collector street, and not through the neighborhood
- (6) it is unlikely the use/type of occupants would change since the Church owns both properties that are free of liens, etc.
- (7) since the property is at a lower elevation than the surrounding area, privacy and view intrusion would be minimal, if any.
- (8) the garagescape orientation was internal to the project, therefore would not affect the adjacent neighbors.
- (9) the notification efforts exceeded that required by the City (1/4 mile vs. 600 feet)

Opposition -

Mark Shiya, 9247 N. 24th Way (602-788-1953)

Jeff Curren & Terry Ohr, 2636 E. Vogel Ave. (602-971-9115)

Nick Acquafredda, 9636 N. 26th Street (602-273-4202)

Joseph Browner, 2616 E. Vogel Ave. (602-787-1232)

Steve Jackson, 9615 N. 26th Place (602-971-4478)

W. Blair Grafe, 9616 N. 26th Place (602-971-2272)

The opposition stated:

- (1) since no sewer facility existed in area, the project would exacerbate an already impossible situation.
- (2) traffic would increase
- (3) existing property values (as much as \$1 million) would diminish as the proposal is incompatible with existing homes)
- (4) they were not notified of the proposal
- (5) they were concerned of potential future uses in the event the proposal, if developed, ceased to exist at some time in the future. They requested additional time to gather information.

Commissioners -

The Commissioners acknowledged that the odor problem was not created by the Church and that their willingness to install a lift station was acceptable. They also asked the applicant if they were willing to be stipulated to single-family design guidelines for both projects.

FINDINGS:

1. That the request is consistent with the Land Use element of the General Plan.
2. That the site is located within the parameters of State Route 51 Freeway Specific Plan and is consistent with the designation for residential, or support residential uses.
3. That the request would be compatible with the existing residential character of the area.
4. That the proposed traffic generated by the subdivision would not create congestion within the neighborhood street network.
5. That the proposed R-2 zoning allows more density than would be needed by the 9 unit project.
6. The R1-6 zoning district is compatible with existing zoning patterns in the area considering it is a residential infill property.
7. That this proposal would provide housing opportunities for the elderly to live independently but close to services and activities provided by the church.

Motion details --

| | | |
|---------------------|-----------|-----------|
| Maker: | Kelchner | |
| Second: | McComish | Vote: 6-0 |
| Absent: | Mr. Frank | |
| Opposition Present: | Yes | |

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May 10, 2000

Application: 181-99-3 (Referred to PC from 4/18/00 ZHO w/out recommendation)
From: R1-10 to R-2 Acreage: 1.9
Location: East side of 26th Street, 350 feet south of Vogel
Proposal: Single family subdivision (9 lots), PRD Change of Maximum Dwelling
Units Allowed: From 6 to 23
Applicant: Steven Bauer
Owner: Apostolic Christian Church of America
Representative: Steven Bauer

Ms. Zwick explained that Application 181-99-3 is the companion application to Application 180-99-3 and SP-4-00-3. This is a request to rezone a 1.9 acre parcel from R1-10 to R-2 with the Planned Residential Development option located on the east side of 26th Street, just south of Vogel. The proposed project consists of the development of nine single-family patio homes in a gated community. The homes are for retired members of the Apostolic Church who desire to live close to the church. A "life lease" contract will be provided to the residents of the patio homes.

Ms. Zwick noted access to the community will be from two locations to 26th Street. One access is for resident ingress and egress while the second access is for exiting-only traffic. In addition the submitted site plan shows an existing church drive along the east boundary of the property. This drive would reduce the lot sizes for lots 2 through 7. The original application was filed for R-2 and would enable a density of 10-12 du/ac. Staff worked with the applicant and suggested that the R1-6 with the PRD option and a cap of 9 units would be more suitable for this area. Therefore, staff recommends denial of the application as filed and approval of the R1-6 with a cap of 9 units, subject to stipulations.

The Paradise Valley Village Planning Committee reviewed this request on April 3, 2000, and recommends approval subject to staff stipulations and one additional stipulation to require that the applicant install some means of mitigation treatment to eliminate potential sewer odors.

Mr. Steve Bauer, 320 E. McDowell Road, Suite 220, 85004 stated the Apostolic Christian Church of America planned to develop a Personal Care Facility which will house retired church members. This counterpart development will consist of 9 single-family patio homes in a gated community. Residents of both projects would be under a "life lease" contract. This is an infill project. This parcel is the last vacant piece of property in the immediate area that is not already platted for a single-family residences. This project is more of a transitional living project. They are proposing a patio home type of development. They are also agreeing to pull their perimeter walls back at least 15 feet to provide additional landscaping on the 26th Street side. The residential character is very consistent with the area with some stone and stucco elements with red tile roofs. This plan has been submitted to staff and they are willing to stipulate to those elements and elevations. Due to the elevations, this project will need a lift station. They agree with all of the staff's stipulations.

Mr. Keuth asked if the units would be for sale units.

Mr. Bauer said no, the units would be under a "life lease" agreement.

Chairman Stein referenced a letter dated May 8, 2000, from Wespac indicating support. They requested that the Church encourage the new users to use Northern as access to their property and exit on the freeway or on Northern Avenue.

The following people spoke in opposition:

Mr. Nick Acquafredda, 9636 North 26th Street
Mr. Joseph Browner, 2612 East Vogel Avenue
Mr. Steve Jackson, 9615 North 26th Place
Mr. Blair Grafe, 9616 North 26th Place

The neighbors expressed the same concerns as they voiced on the other two cases. Concerns focused on traffic impacts, density concerns, an increase of sewer odors, and access for emergency vehicles. Neighbors believed that the site could be developed under the present zoning district.

Mr. Bauer said clearly if there ever was a project where traffic would not be an issue, this is it. They are talking about retirees and assisted care facility. The only less intensive category use he can think of is a self-storage facility. This is going to be a very low traffic generator. If they were to develop under R1-10, they would not be subject to stipulations.

Chairman Stein asked Mr. Jackson if he is concerned about the density on both parcels.

Mr. Jackson said he is more concerned about this parcel.

Mr. Bauer pointed out the perception of this project as designed will be individual residences and not a mass of townhouse projects. Any reduction would bring this parcel down to base zoning, therefore, there would be no reason to have rezoning for this piece of property.

Ms. Ferniza asked if the project would be subject to Design Review.

Ms. Zwick answered yes.

Dr. Kelchner voiced the belief that this is a good project.

Dr. Kelchner made the MOTION that Application 181-99-3 be forwarded to the City Council with a recommendation to deny as file and approve for R1-6, subject to staff's stipulations; village stipulations; applicant's stipulations; Commission's stipulation to require that this site be subject to Design Review standards; and that the elevation contained in the packet be substituted with the revised elevations submitted by the applicant dated March 28, 2000.

Mr. McComish SECONDED the motion.

Commissioner Stein and Ferniza said absent the revised elevations, they would have voted against the project. They believed that the density question would be addressed through the design review process.

There being no further discussion, Chairman Stein called for a vote and the MOTION PASSED six to zero.

* * *

Stipulations:

1. That approval be conditioned upon development of a personnel care home within 24 months of City Council approval of this change of zoning in accordance with section 506.B.1 of the City's Zoning Ordinance. Zoning shall vest with final site plan approval by the Development Services Department.
2. That the development shall be in general conformance with the site plan and building elevations dated March 28, 2000, as may be modified by the Development Services Department during the site plan review process.
3. That the facility shall be limited to a maximum of 24 units.
4. That the applicant provide a minimum 12-foot wide desert landscape strip along the west and north property line with mature native vegetation (minimum 24-inch box trees).
5. That the entire site be developed with a unified architectural theme. The theme should assure the building colors, elevations, exterior materials, landscaping, lighting and signage convey a sense of continuity throughout the project, as approved by the Development Services Department.
6. That mechanical equipment shall be screened and shall not be located on the rooftop.
7. That all exterior lighting including security and parking lot lighting will be directed down and inward toward the development and away from adjacent residences.
8. That CPTED (Crime Prevention Through Environmental Design) principles shall be used in the design and layout of this site, as recommended by the CPTED police officer at the time of site plan review and approved by the Development Services Department.
9. That the development be subject to Design Review guideline standards, as per Development Services Department.
10. That the City mail written notice of any request to modify the above-referenced stipulations to the following:
Dreamy Draw Estates Homeowner's Association, 2510 East Carol Avenue, Phoenix AZ 85028
Phoenix Hillside Estates Property Owners Association, 9247 North 24th Way, Phoenix AZ 85028
Francesca & Joseph Browner, 2626 E. Vogel Ave., Phoenix 85028
Judith F. Gunn (9609 N. 26th Place, Phoenix 85028
Dr. Kern Crishev, 9825 N. 22nd Place, Phoenix 85028
Sharon Oscar, 2527 E. Carol Ave., Phoenix AZ 85028
Gini Linam, 2536 E. Vogel, Phoenix AZ 85028
Mark Shiya, 9247 N. 24th Way, Phoenix AZ 85028.
11. That the City notify the above-noted residents of meetings with Development Services Department.
12. That the applicant install some means of mitigation treatment to eliminate potential sewer odors.

* * *

June 14, 2000

Ms. Erin Moore, 4955 East Indian School, representing some of the homeowners of Arcadia Terrace, said the original intent was to close the alley completely to eliminate traffic because of various crime problems, but they did not intend to do this to create a parking lot. In the spirit of compromise, she did not wish to see the alleyway closed completely and most of the residents were now in favor of a gate. Electronic gates might be cost prohibitive but there had to be some type of gate that would be easy for everyone to use and would not be too loud.

Mr. Stanton appreciated everyone's willingness to compromise on this issue. He would continue to insist for more speed enforcement on Indian School Road and that a better job be done dustproofing the alley. With regard to the gate, he supported the concept of the motorized gate, but thought it was an issue best left for the Development Services Department. He would continue to work with everyone involved in this matter to come to a fair resolution.

Mayor Rimsza asked staff to work with the homeowners on the cost issue. From his perspective, a motorized gate structure was the most effective as people would just leave a mechanical one open. Hopefully, staff could find a way to get the cost down.

MOTION CARRIED UNANIMOUSLY.

Mayor Rimsza left the Council Chambers at this time and Vice Mayor Lingner assumed the chair.

ITEM 41

DISTRICT 3

**ZONING CASES SCHEDULED
FOR RATIFICATION OF
PLANNING COMMISSION
ACTION**

Continued from May 31, 2000 - The Council heard request to approve recommendations made on the following matters which were heard by the Planning Commission of May 10, 2000.

June 14, 2000

DISTRICT 3
HATCHER ROAD AND 26TH
STREET
OWNER: APOSTOLIC
CHRISTIAN CHURCH OF
AMERICA
REPRESENTATIVE: CITY OF
PHOENIX PLANNING
DEPARTMENT

- C. Application: Z-180-99-3
Request: Rezone from R1-10/R1-6 to R-3
Location: Southwest corner of Hatcher Road and 26th Street
Proposal: Personal Care Facility and Church access

The Paradise Valley Village Planning Committee reviewed this request on April 3, 2000, and approved with amended Stipulations 2 and 9 and additional Stipulation 10 regarding sewer, by a vote of 9-0.

The Planning Commission recommended this request be approved, as per staff recommendation, and added stipulations as per Village Planning Committee, the applicant, and Planning Commission.

DISTRICT 3
HATCHER ROAD AND 26TH
STREET
OWNER: APOSTOLIC
CHRISTIAN CHURCH OF
AMERICA
REPRESENTATIVE: STEVEN
BAUER

- D. Application: Z-SP-4-00-3
Request: Rezone from R1-10/R1-6 to R-3
Location: Southwest corner of Hatcher Road and 26th Street
Proposal: Personal Care Facility and Church access

June 14, 2000

The Paradise Valley Village Planning Committee reviewed this request on April 3, 2000, and approved with amended Stipulations 2 and 9 and additional Stipulation 10 regarding sewer, by a vote of 9-0.

The Planning Commission recommended this request be Approved, as per staff recommendation, and added stipulations as per Village Planning Committee, the applicant, and Planning Commission.

DISTRICT 3
26TH STREET, SOUTH OF
VOGEL
OWNER: APOSTOLIC
CHRISTIAN CHURCH OF
AMERICA
REPRESENTATIVE: STEVEN
BAUER

E.

Application: Z-181-99-3
Request: Rezone from R1-10 to R-2 PRD
Location: East side of 26th Street, 350 feet south of Vogel

Proposal: Single Family Subdivision

The Paradise Valley Village Planning Committee reviewed this request on April 3, 2000, approved with stipulations and additional Stipulation 6 regarding sewer, by vote of 7-3.

The Planning Commission recommended this request be approved, as per staff recommendation, and added stipulations from the VPC, applicant, and Planning Commission.

MOTION was made by Mrs. Bilsten, **SECONDED** by Mr. Siebert, that Items 41C, D and E be granted as recommended. **MOTION CARRIED UNANIMOUSLY.**

ITEM 42

DISTRICT 4

**LIQUOR LICENSE
APPLICATION - ABELITOS
MEXICAN FOOD**

Continued from June 7, 2000 - The Council heard request for a Series 12, Restaurant-all liquor on premises liquor license in an area zoned C-2. Arizona State Application 12074513.



August 16, 2000

City of Phoenix
PLANNING DEPARTMENT

Apostolic Christian Church of America
11433 N. 27th Street
Phoenix, AZ 85028

Dear Applicant:

RE: Z-181-99-3

Please be advised that the Phoenix City Council, in accordance with the provisions of Section 506.B.4 of the Zoning Ordinance, as amended, has on June 14, 2000, concurred with the recommendation of the Planning Commission and has approved application Z-181-99-3 for R-2 PRD, located on the east side of 26th Street, 350 feet south of Vogel.

STIPULATIONS:

1. That the development be in general conformance to the site plan and floor plan dated February 23, 2000, and building elevations dated August 2, 1999.
2. That there be no more than 9 dwelling units with a maximum density of 4.7.
3. That the building height shall not exceed one story and a maximum of 20 feet in height.
4. That right-of-way dedications and street alignments for local streets within the subdivision will be determined by the Development Services Department at the time of Preliminary Subdivision Plat Review.
5. That the developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping, and other incidentals as per plans approved by the City. All improvements shall comply with all ADA accessibility standards.
6. That the applicant install some means of mitigation treatment to eliminate potential sewer odor.
7. That the development be subject to Design Review guideline standards, as per

Development Services Department.

8. That the City mail written notice of any request to modify the above-referenced stipulations to the following:
- Dreamy Draw Estates Homeowner's Association, 2510 East Carol Avenue, Phoenix, AZ 85028
 - Phoenix Hillside Estates Property Owners Association, 9247 North 24th Way, Phoenix AZ 85028
 - Francesca & Joseph Browner, 2626 E. Vogel Ave., Phoenix 85028
 - Judith F. Gunn (9609 N. 26th Place, Phoenix 85028
 - Dr. Kern Crisshaw, 9825 N. 22nd Place, Phoenix 85028
 - Sharon Oscar, 2527 E. Carol Ave., Phoenix AZ 85028
 - Gini Linam, 2536 E. Vogel, Phoenix AZ 85028
 - Mark Shiya, 9247 N. 24th Way, Phoenix AZ 85028.
9. That the City notify the above-noted residents of meetings with Development Services Department.

Sincerely,



Sandra E. Zwick
Planner III

c: City Clerk
Chris Magnusson (sent electronically)
E.J. Hyncik, Public Transit (sent elec)
Lynn West (sent electronically)
Book
Steven Bauer
320 E. McDowell Rd. Ste. 220
Phoenix, AZ 85004

Jay Neville (sent electronically)
Steve Cohee (sent electronic)
Dave Barrier, DSD (sent electronically)
Miguel Victor (sent electronically)

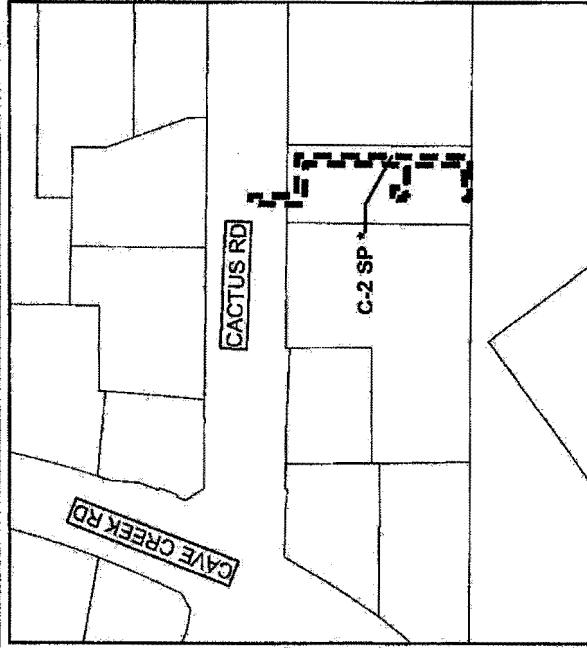
File

OFFICIAL SUPPLEMENTARY ZONING MAP NO. 1155 Sheet 4 of 9

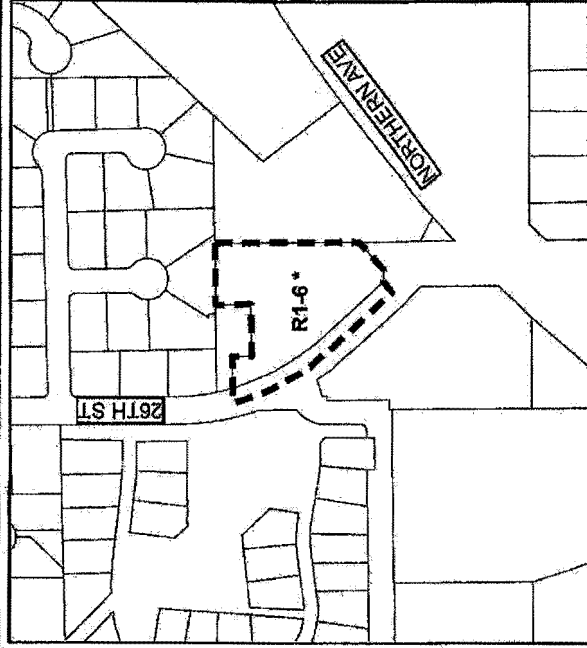
ORDINANCE **6224** AMENDING SECTION 601 OF THE CITY OF PHOENIX ZONING ORDINANCE

Passed by the Council of the City of Phoenix, Arizona this 19th day of October 2016.

District 3



Z-1-94-3
(Zoning Correction)

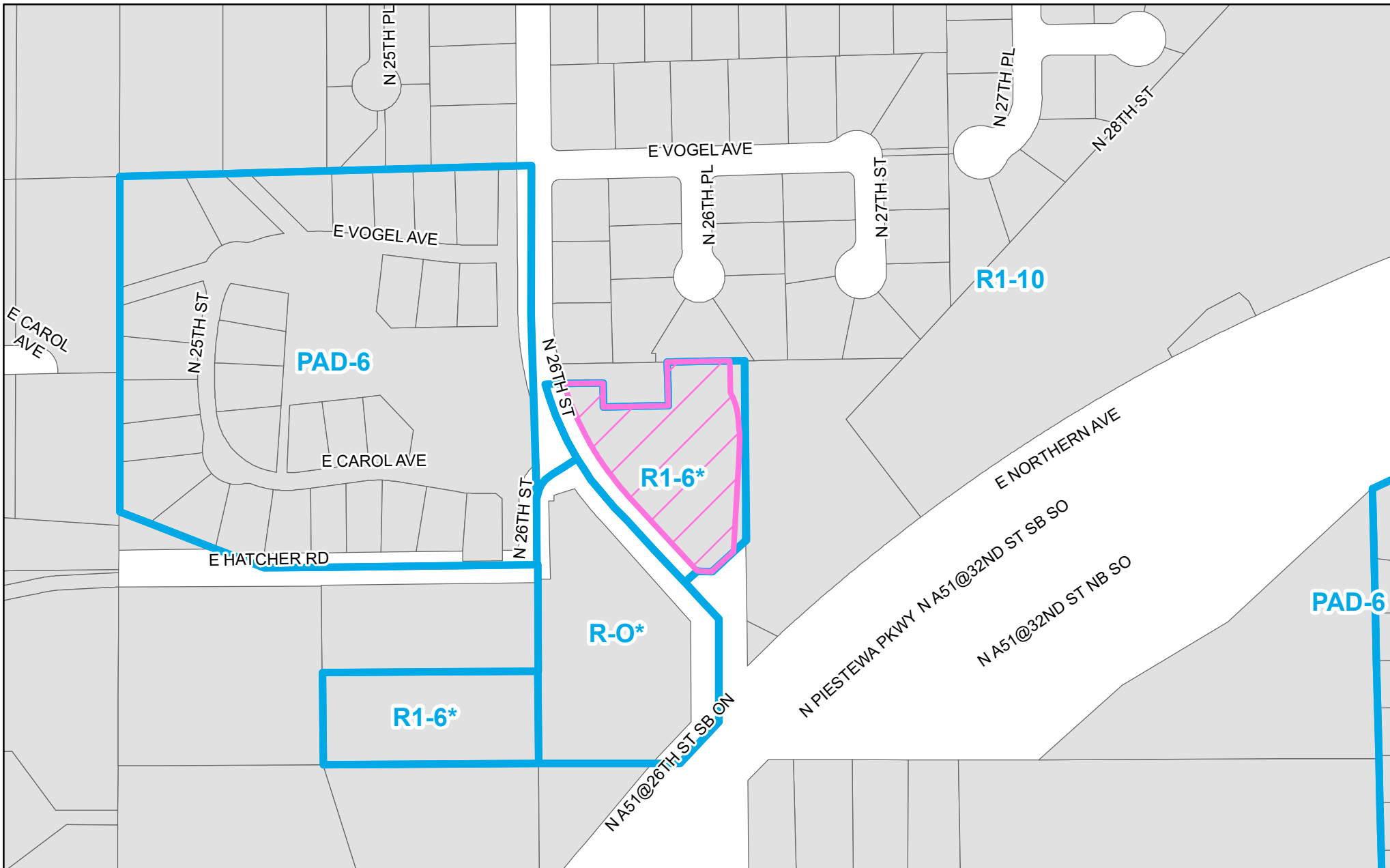


Z-181-99-3
(Zoning Correction)



ZONING SUBJECT TO STIPULATIONS: *
AREA INVOLVED BOUNDED THUS: ■■■■■

Drawn by: DJM



PHO-2-24--Z-181-99-3

Property Location: Approximately 350 feet south of the southeast corner of 26th Street and Vogel Avenue





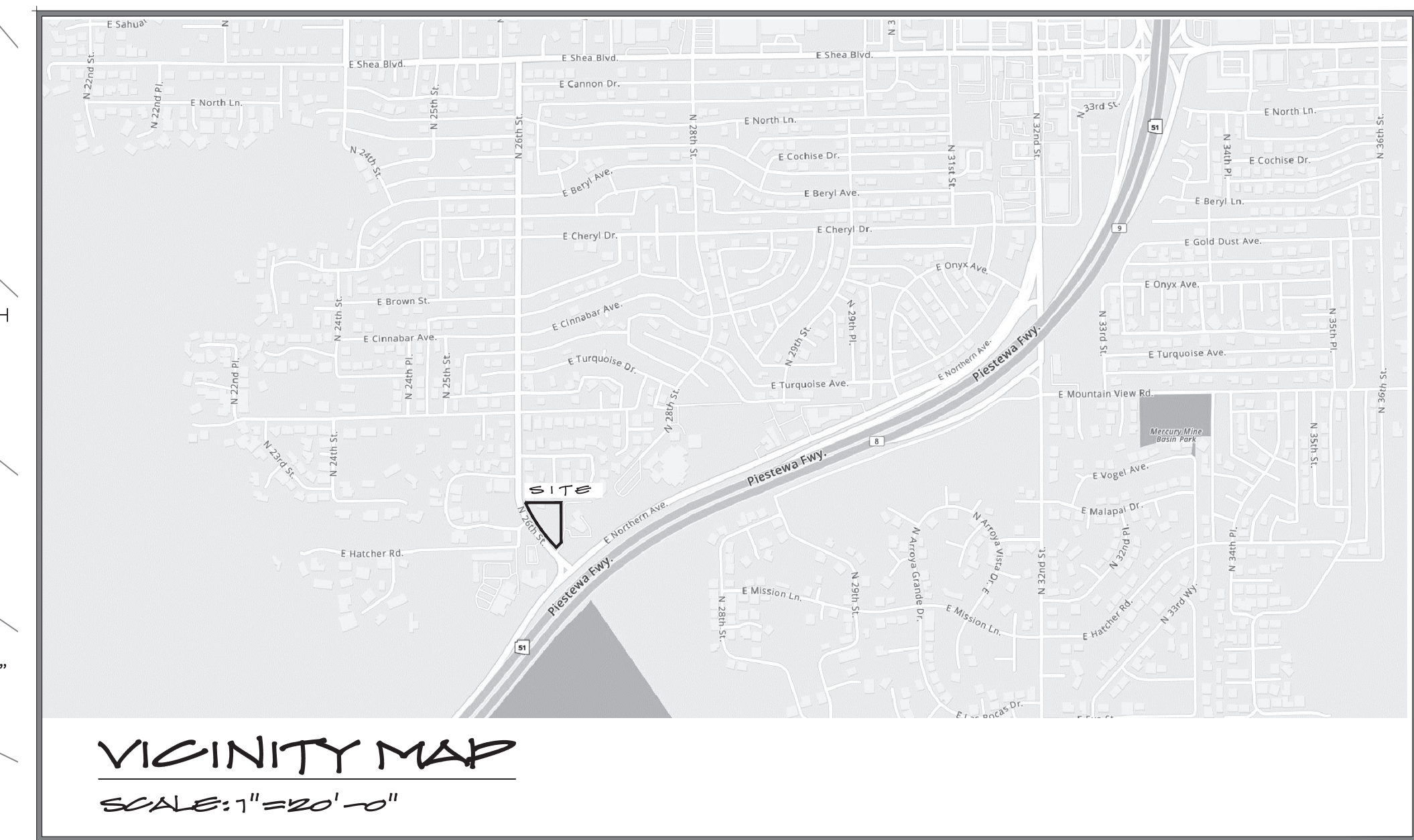
mapservices@phoenix.gov

PHO-2-24--Z-181-99-3

Property Location: Approximately 350 feet south of the southeast corner of 26th Street and Vogel Avenue



SQAW PEAK VISTA ESTATES
BOOK 190 MAPS, PG 34
ZONING R1-10
USE: SINGLE FAMILY RESIDENT

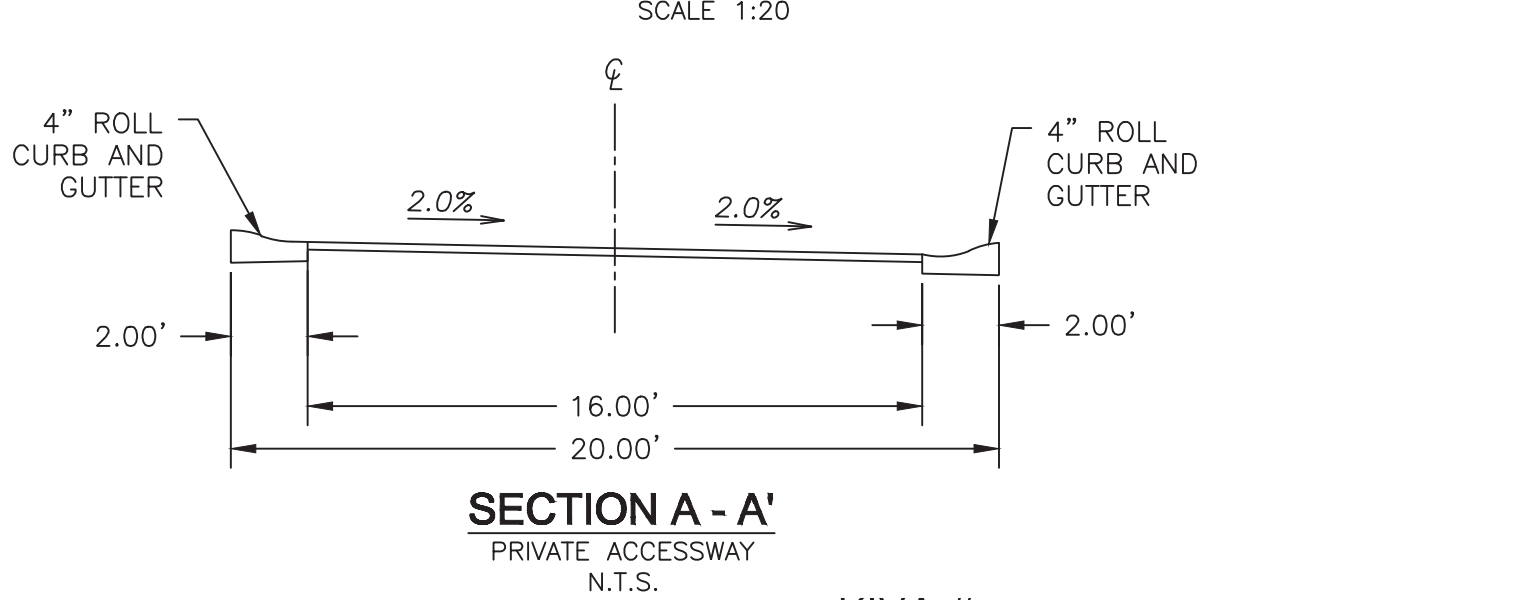
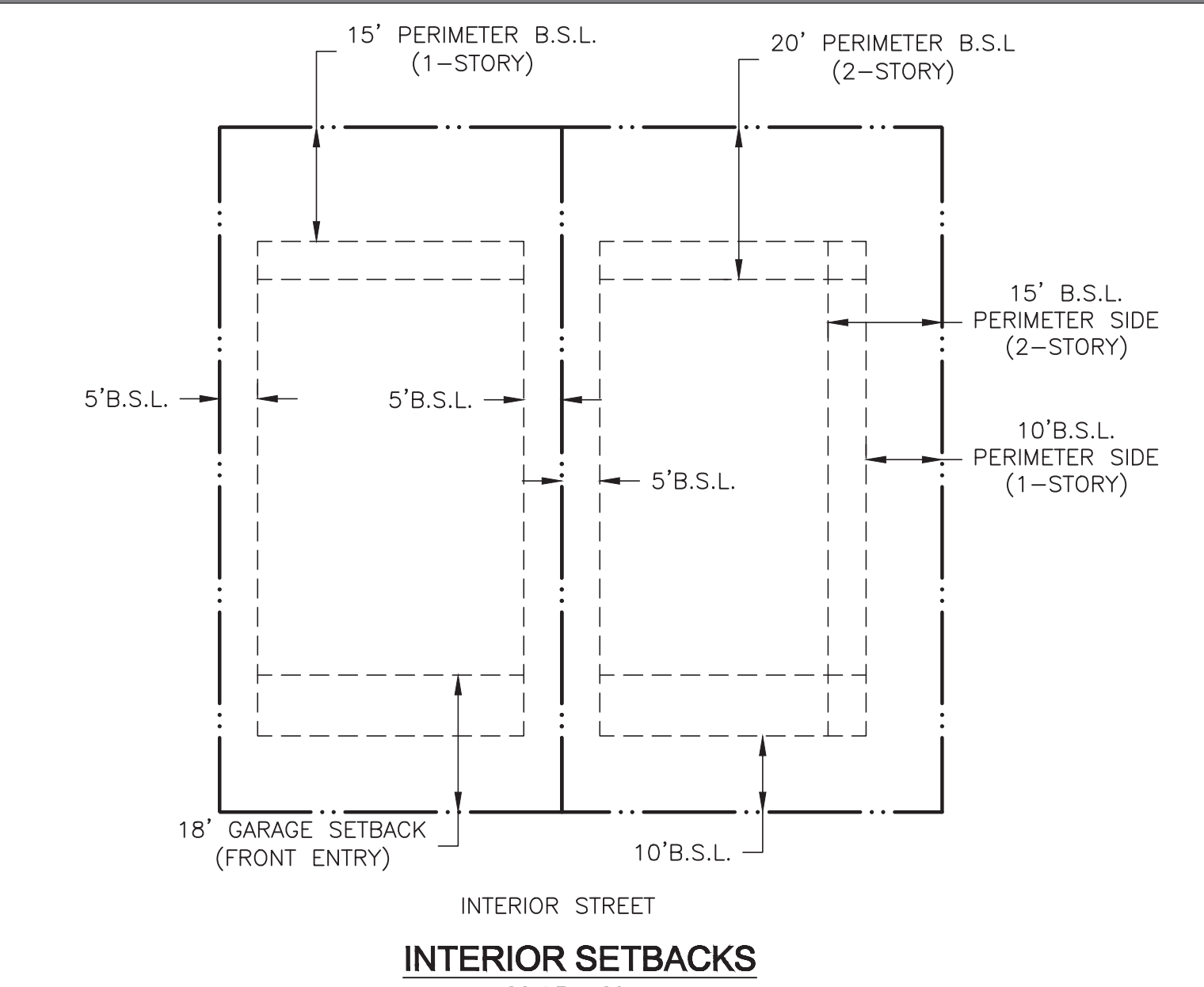
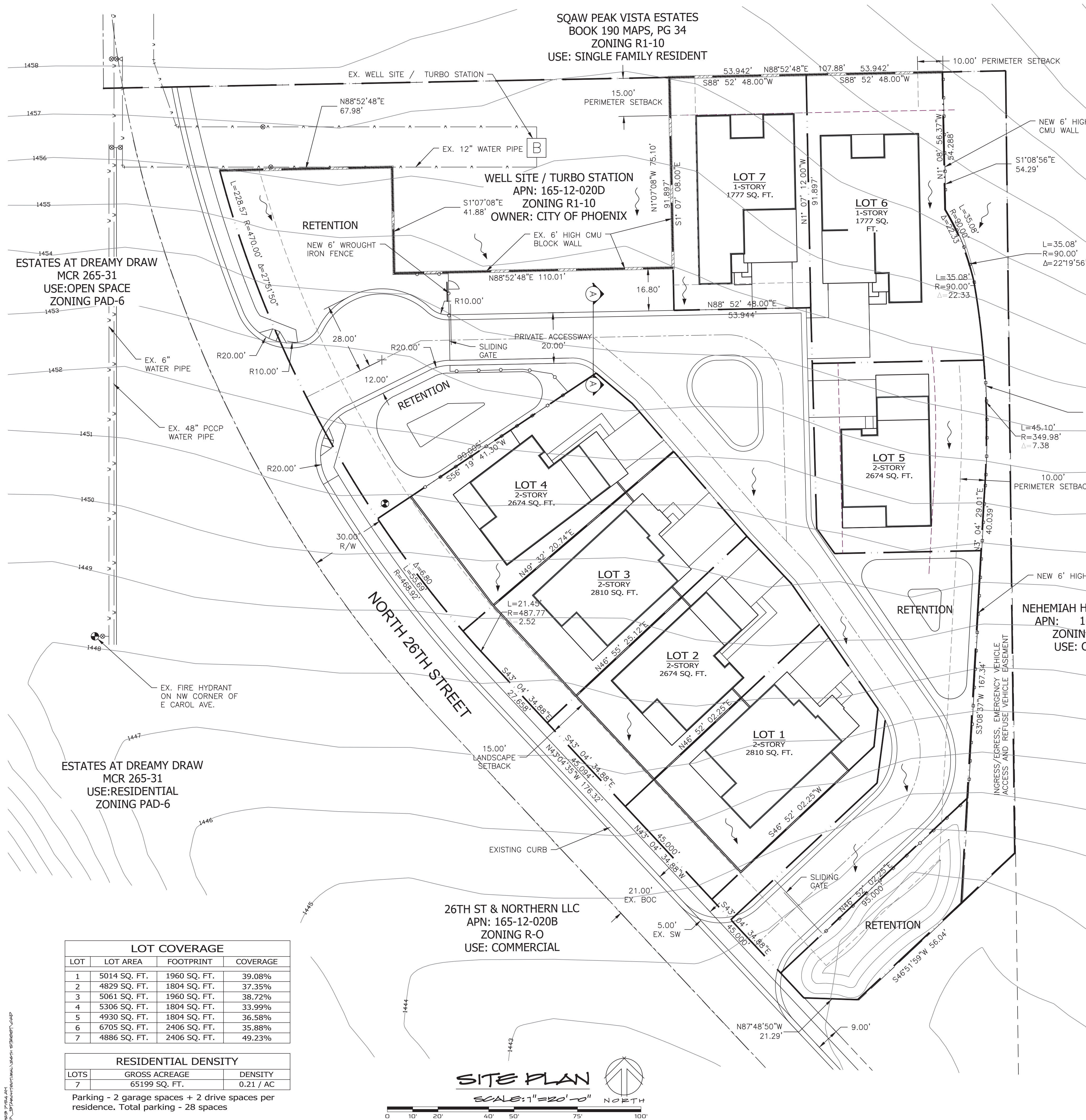


DATE
1/17/2023

REGISTERED ARCHITECT
BRET B. TAYLOR
OVERMYER
PHOENIX, ARIZONA, USA

EXPIRES 9/30/2024

bta
ARCHITECTURAL, LLC
8425 West El Cortez Place
Peoria, Arizona 85383
(480) 292-6350
Bret.BTA@GMAIL.COM



- LEGEND**
- INDICATES PROPERTY LINE
 - INDICATES ADJACENT PROPERTY LINE
 - INDICATES ROAD CENTERLINE
 - INDICATES EXISTING CMU BLOCK WALL
 - INDICATES NEW CMU BLOCK WALL
 - INDICATES NEW 6" WROUGHT IRON FENCE
 - w- INDICATES EX. WATER LINE
 - INDICATES EX. GROUND CONTOURS
 - R/W RIGHT OF WAY
 - SW SIDEWALK
 - BOC BACK OF CURB
 - EX EXISTING
 - INDICATES DRAINAGE FLOW PATTERN DIRECTION
 - FIRE HYDRANT

KIVA #
SDEV#
Q.S.# 27-33
CURRENT ZONING: R1-6
ZONING CASES : Z-181-99 /
PHO-1-16 - Z-181-99
PRE APP #

CITY OF PHOENIX STAMP

CITY OF PHOENIX

MAR 11 2024

Planning & Development
Department

LOT COVERAGE

| LOT | LOT AREA | FOOTPRINT | COVERAGE |
|-----|--------------|--------------|----------|
| 1 | 5014 SQ. FT. | 1960 SQ. FT. | 39.08% |
| 2 | 4829 SQ. FT. | 1804 SQ. FT. | 37.35% |
| 3 | 5061 SQ. FT. | 1960 SQ. FT. | 38.72% |
| 4 | 5306 SQ. FT. | 1804 SQ. FT. | 33.99% |
| 5 | 4930 SQ. FT. | 1804 SQ. FT. | 36.58% |
| 6 | 6705 SQ. FT. | 2406 SQ. FT. | 35.88% |
| 7 | 4886 SQ. FT. | 2406 SQ. FT. | 49.23% |

RESIDENTIAL DENSITY

| LOTS | GROSS ACREAGE | DENSITY |
|------|---------------|-----------|
| 7 | 65199 SQ. FT. | 0.21 / AC |

Parking - 2 garage spaces + 2 drive spaces per residence. Total parking - 28 spaces

26TH ST & NORTHERN LLC
APN: 165-12-020B
ZONING R-O
USE: COMMERCIAL

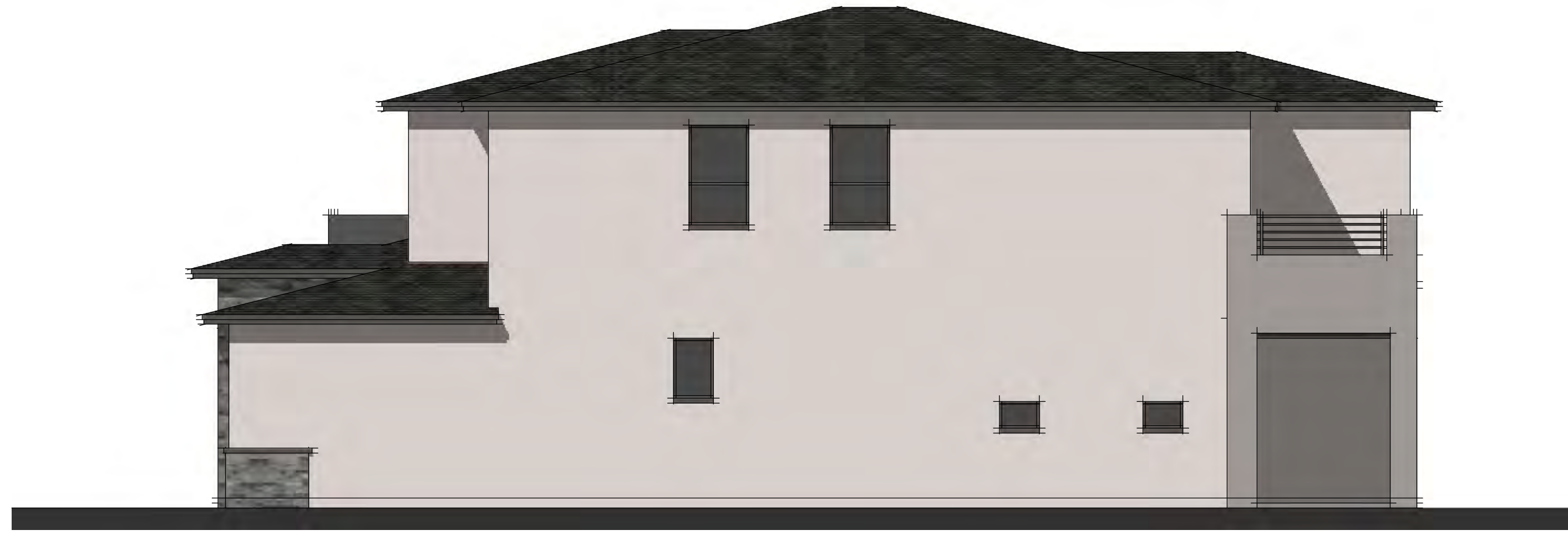


Hammer Estates
9455 North 26th Street
Phoenix, AZ 85028
Conceptual Site Plan

SITE PLAN

SHEET NO.
A1





RIGHT ELEVATION
SCALE: 3/16" = 1'-0"

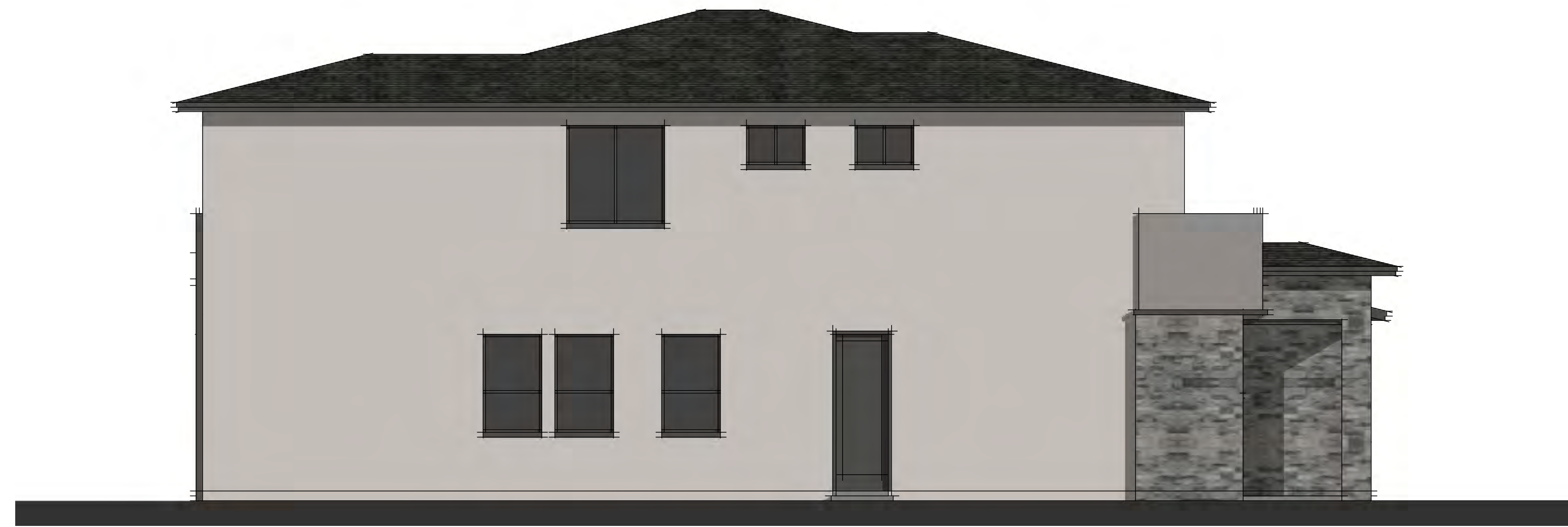
CITY OF PHOENIX

MAR 01 2024

**Planning & Development
Department**



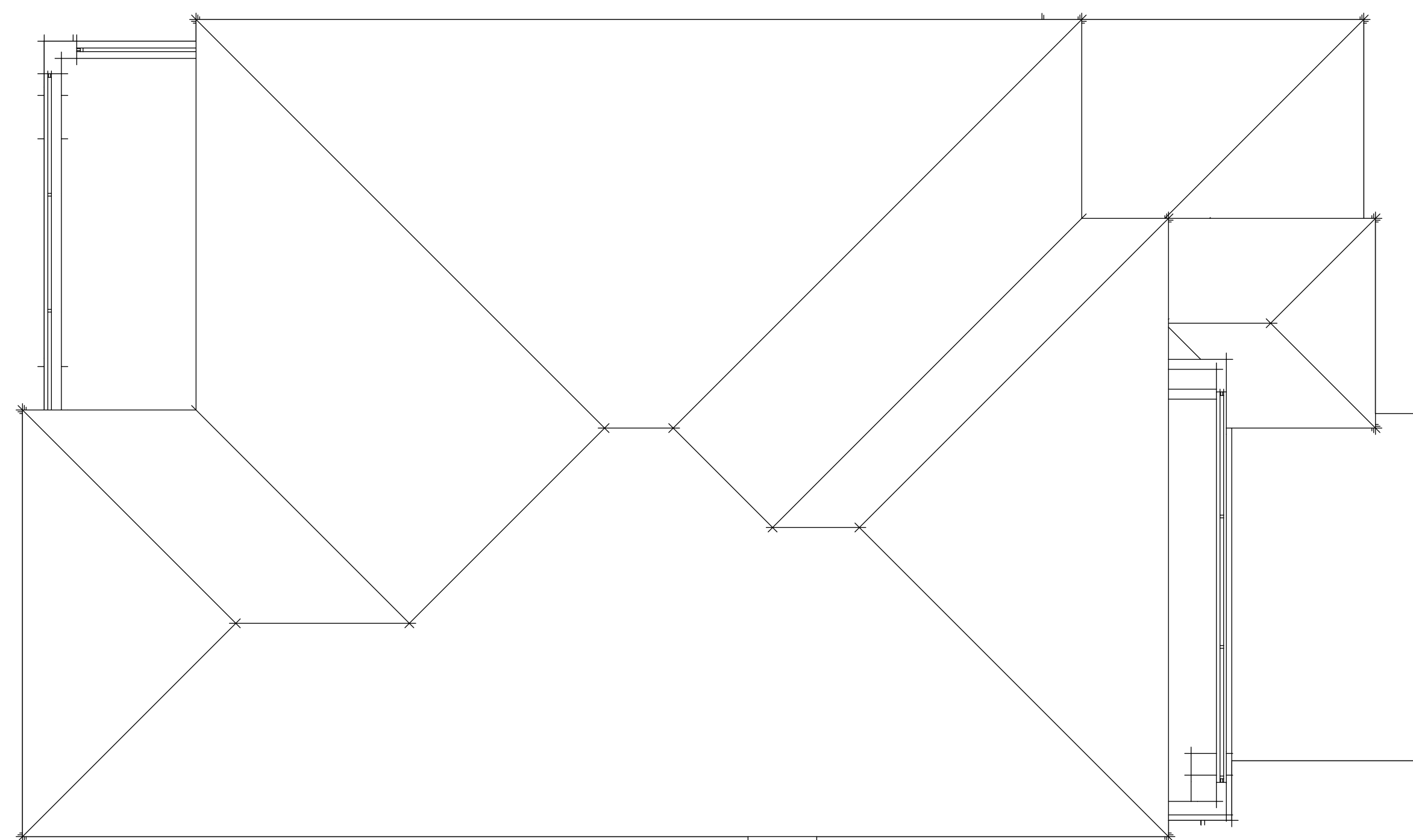
REAR ELEVATION
SCALE: 3/16" = 1'-0"



LEFT ELEVATION
SCALE: 3/16" = 1'-0"



FRONT ELEVATION
SCALE: 3/16" = 1'-0"



ROOF PLAN



LOTS 1 & 3



RIGHT ELEVATION
SCALE: 3/16" = 1'-0"



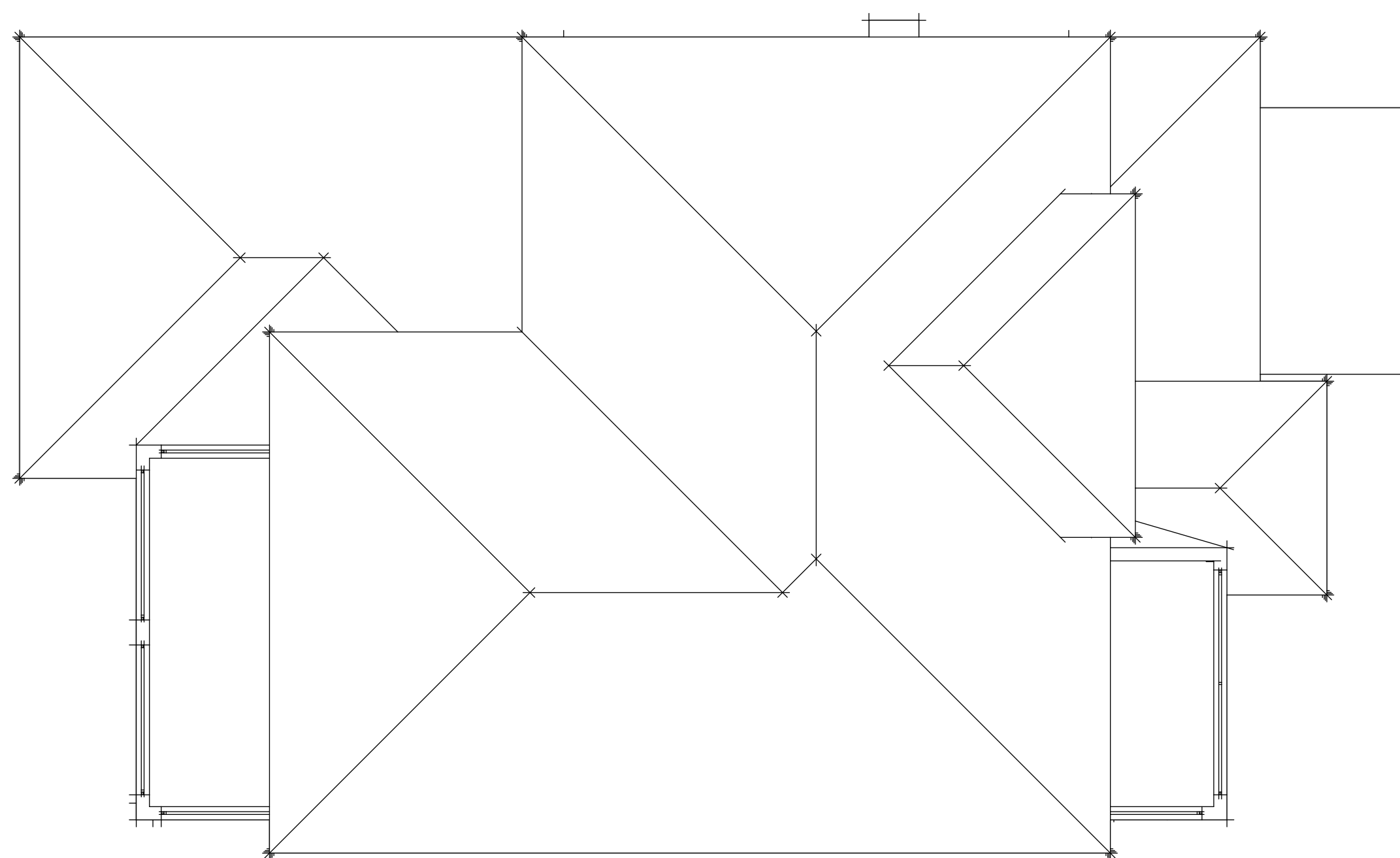
REAR ELEVATION
SCALE: 3/16" = 1'-0"



LEFT ELEVATION
SCALE: 3/16" = 1'-0"



FRONT ELEVATION
SCALE: 3/16" = 1'-0"



ROOF PLAN



LOTS 2, 4 & 5



LEFT ELEVATION
SCALE: 1/4" = 1'-0"



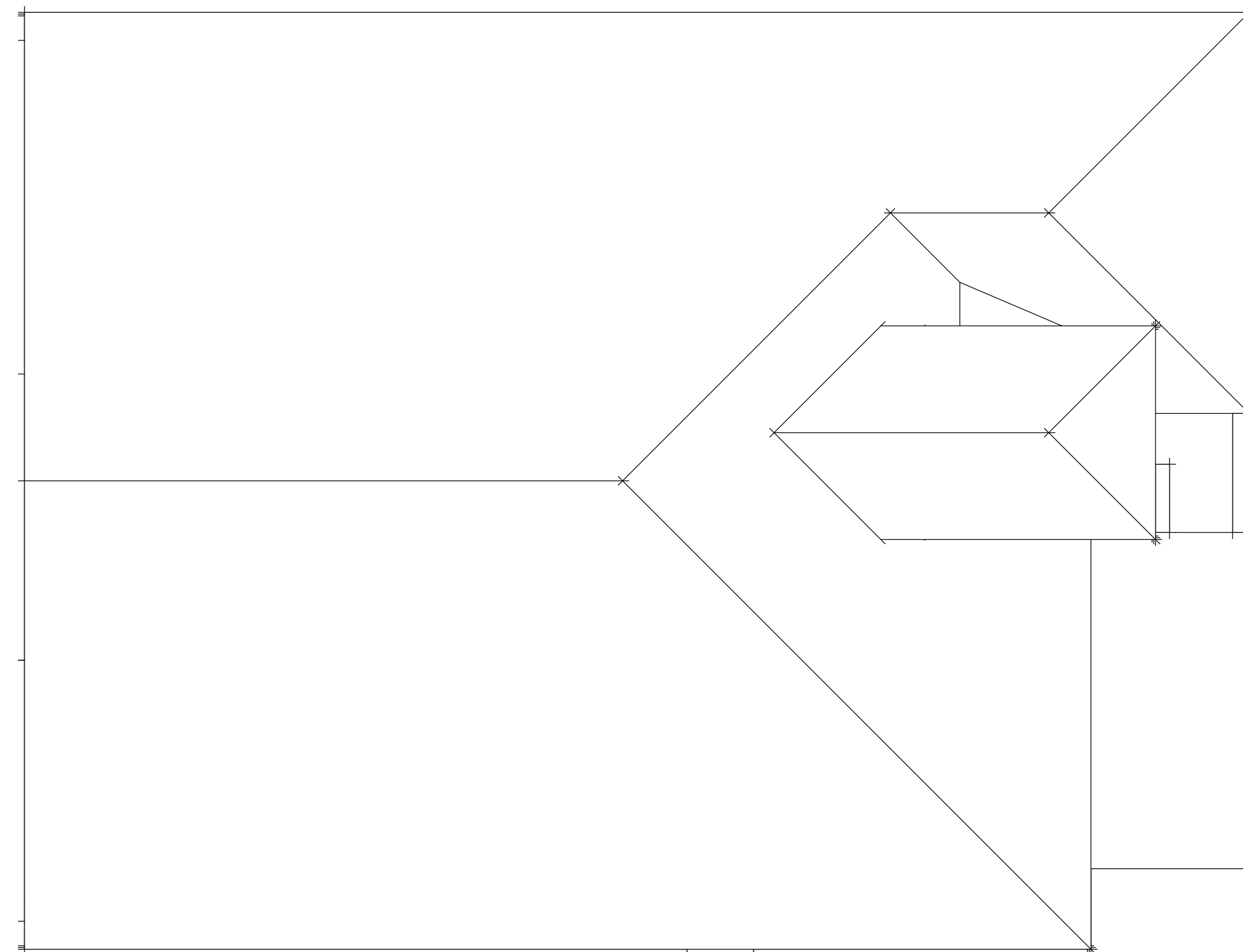
FRONT ELEVATION
SCALE: 1/4" = 1'-0"



RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



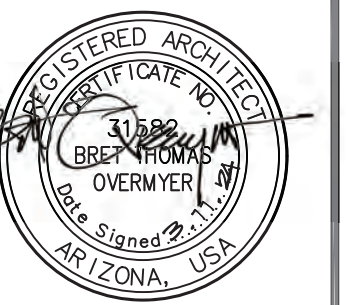
REAR ELEVATION
SCALE: 1/4" = 1'-0"



ROOF PLAN



LOTS 6 & 7

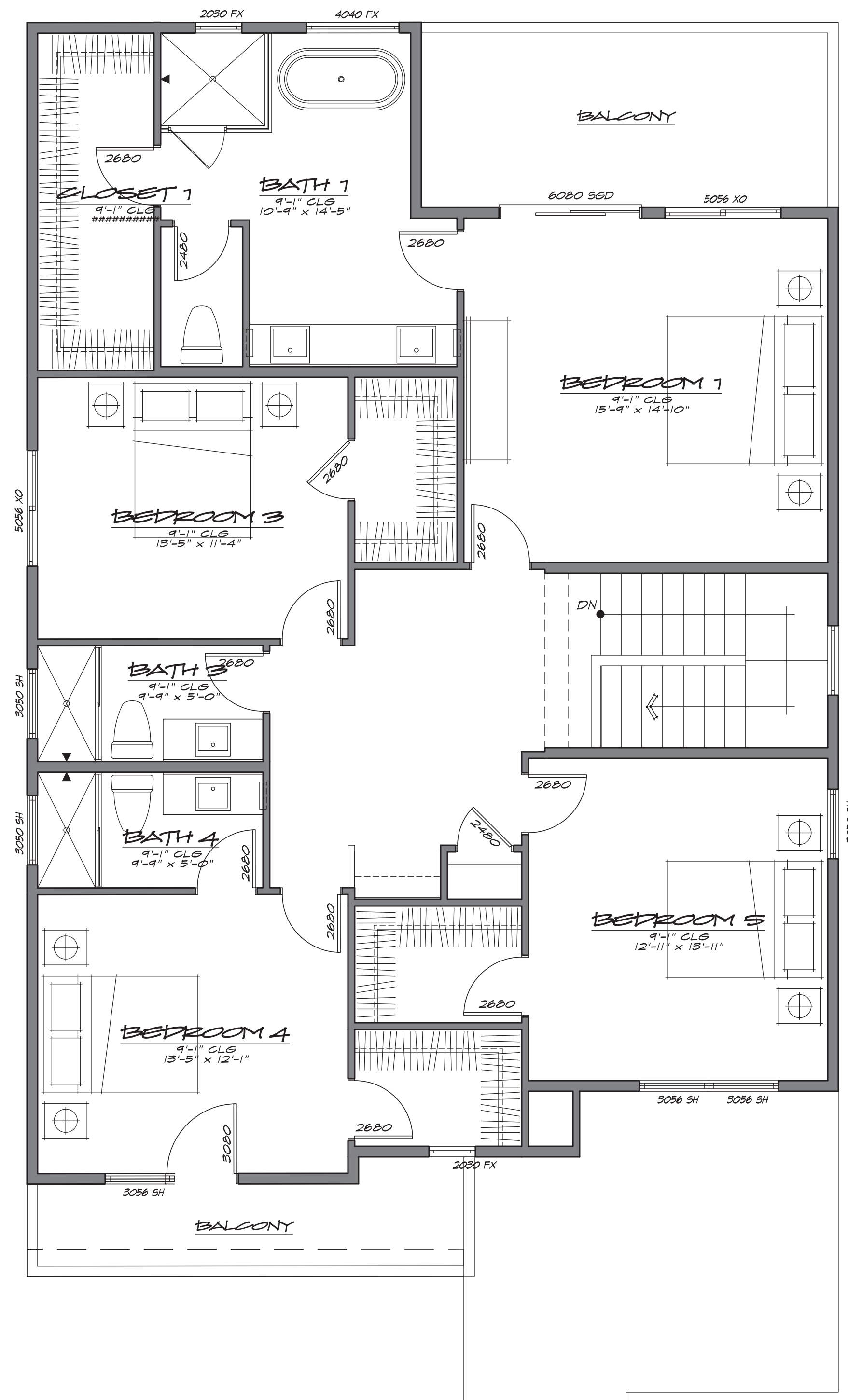
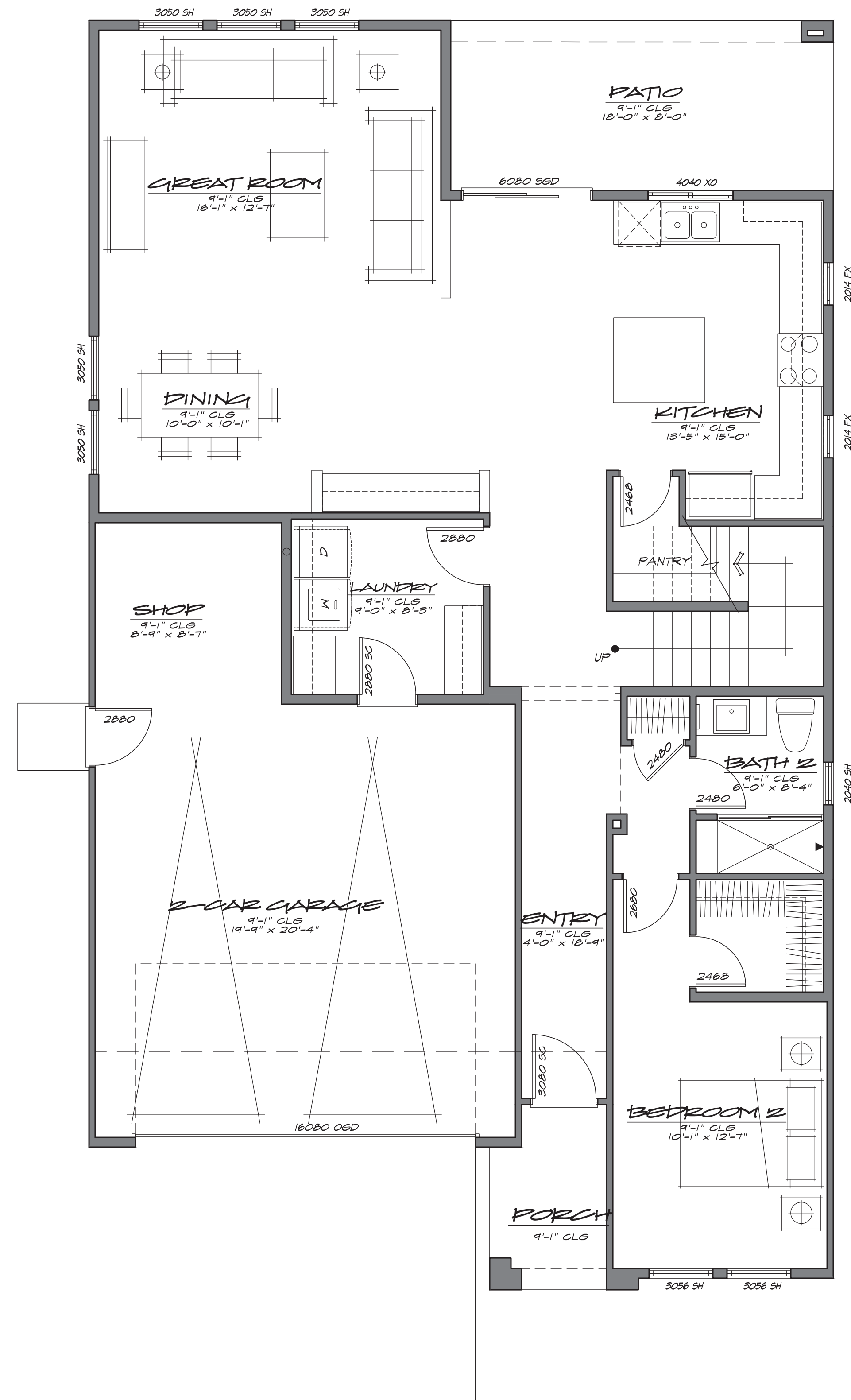


EXPIRES 9/30/2024

BTA
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BT ARCHITECTURAL, LLC
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Peoria, Arizona 85383
(480) 292-6350
Bret.BTA@GMAIL.COM

Hammer Estates
9455 North 26th Street
Phoenix, AZ 85028
Conceptual Site Plan

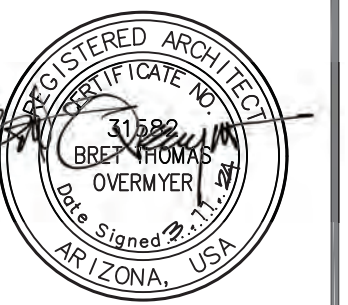
FLOOR PLAN 1
SHEET NO.
A3



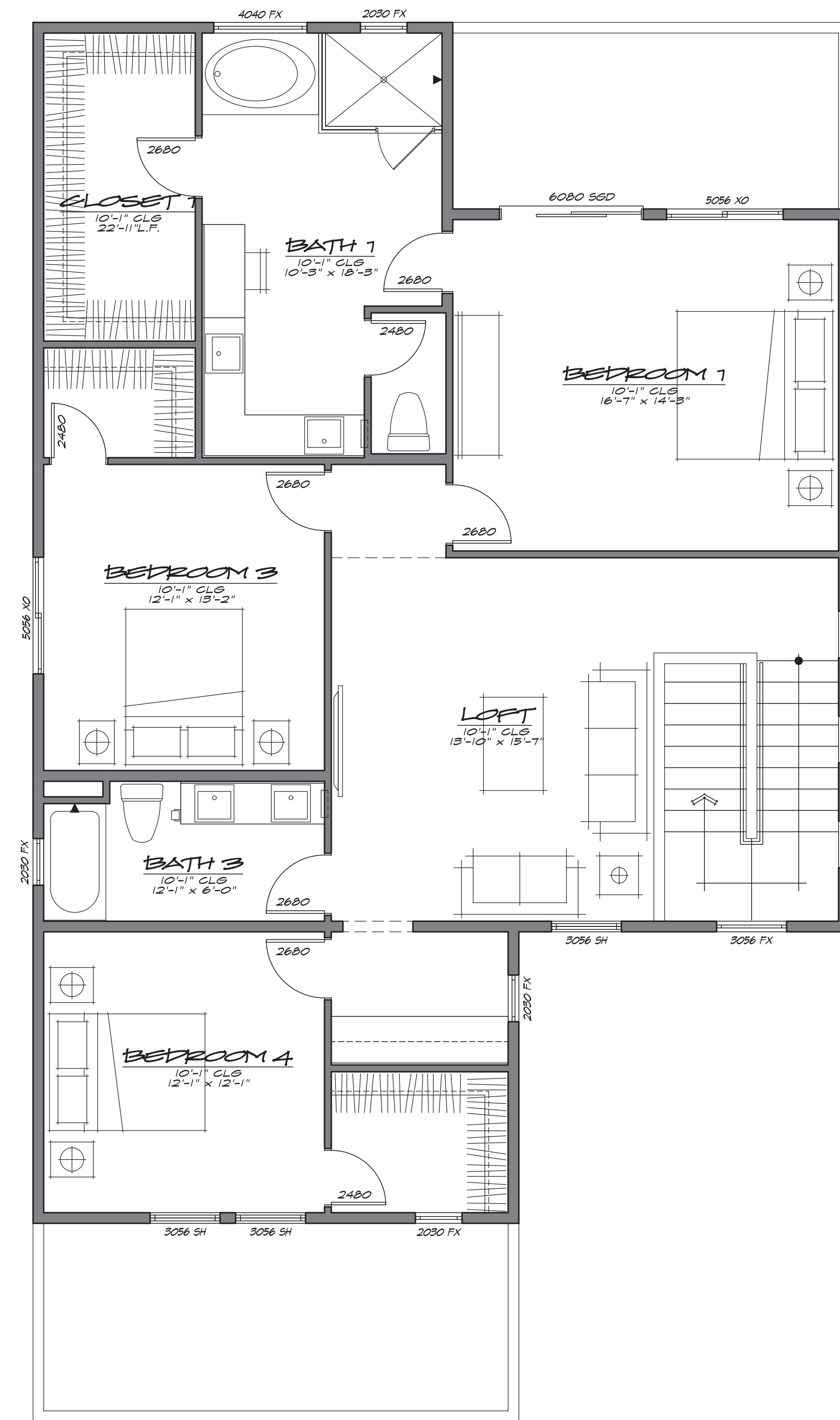
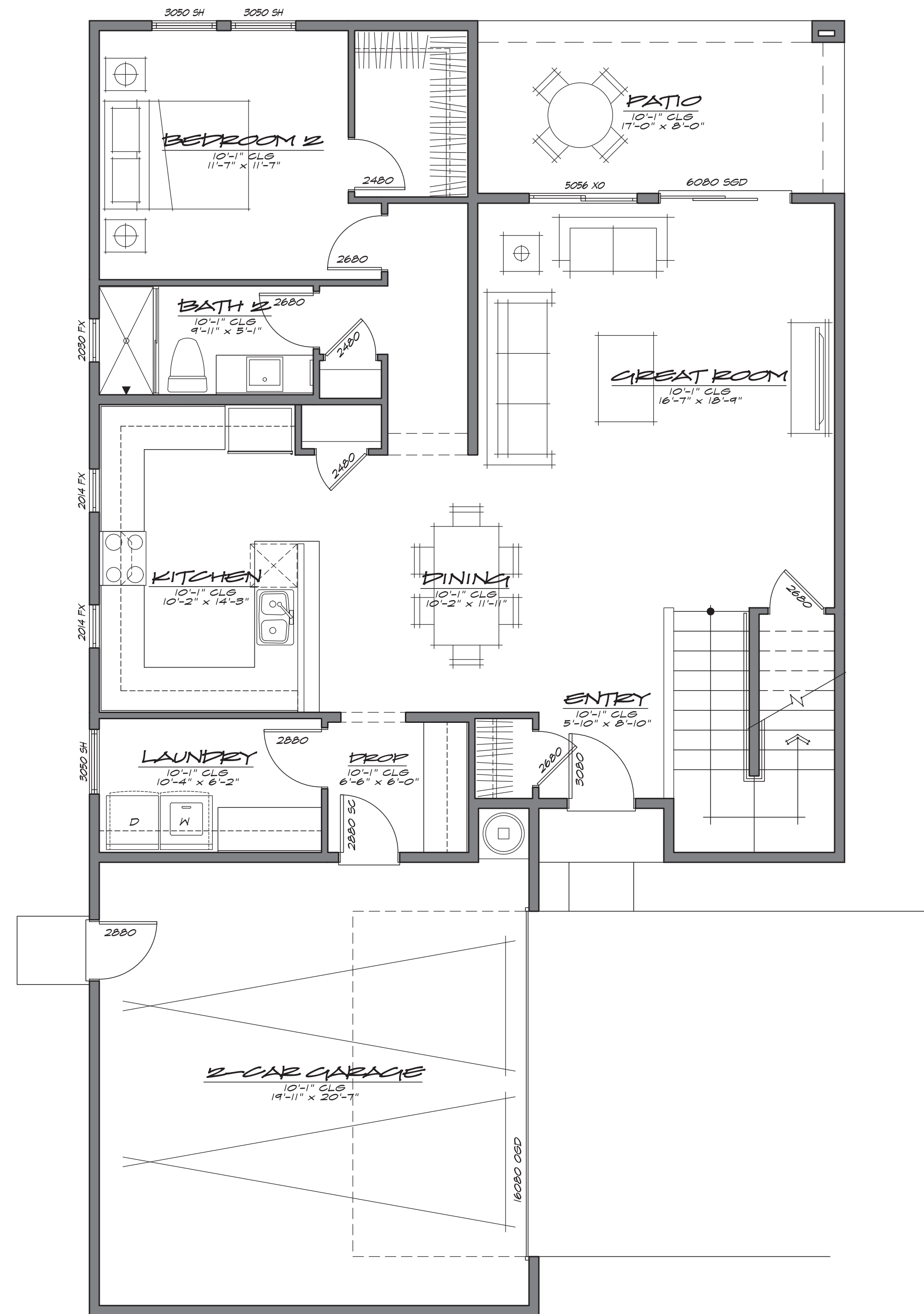
| AREA SCHEDULE | |
|---------------|--------------|
| MAIN FLOOR | 1283 SQ. FT. |
| UPPER FLOOR | 1557 SQ. FT. |
| LIVABLE | 2840 SQ. FT. |
| GARAGE | 416 SQ. FT. |
| PORCH | 44 SQ. FT. |
| PATIO | 144 SQ. FT. |
| TOTAL | 3446 SQ. FT. |

FLOOR PLAN LOTS 1 & 3
SCALE: 1/4" = 1'-0"

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EXPIRES 9/30/2024
bta
ARCHITECTURAL
BTA ARCHITECTURAL, LLC
8425 West El Cortez Place
Peoria, Arizona 85383
(480) 292-6350
Bret.BTA@GMAIL.COM



| AREA SCHEDULE | |
|---------------|--------------|
| MAIN FLOOR | 1183 SQ. FT. |
| UPPER FLOOR | 1424 SQ. FT. |
| LIVABLE | 2607 SQ. FT. |
| GARAGE | 444 SQ. FT. |
| PORCH | 14 SQ. FT. |
| PATIO | 156 SQ. FT. |
| TOTAL | 3264 SQ. FT. |

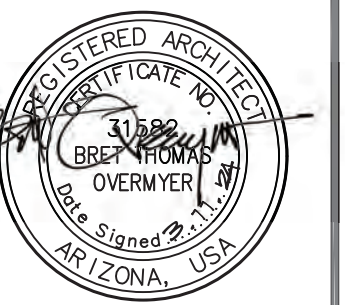
FLOOR PLAN LOTS 2, 4 & 5
SCALE: 1/4" = 1'-0"

Hammer Estates
9455 North 26th Street
Phoenix, AZ 85028
Conceptual Site Plan

GLOOR PLAN 2

SHEET NO.
A5

DATE
7/17/2023

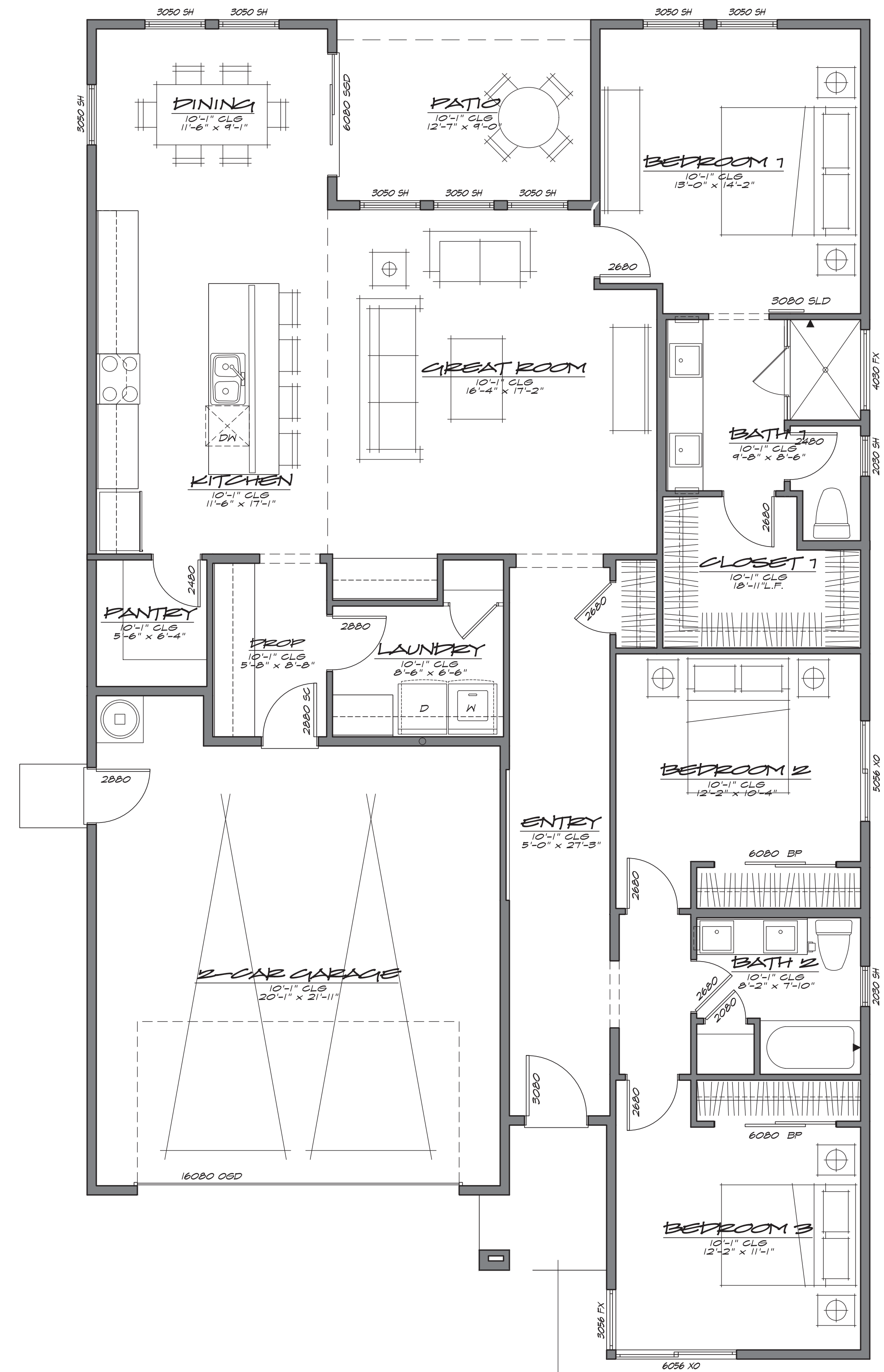


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Hammer Estates
9455 North 26th Street
Phoenix, AZ 85028
Conceptual Site Plan

FLOOR PLAN 3

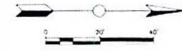
SHEET NO.
A7



FLOOR PLAN LOTS 6 & 7
SCALE: 1/4" = 1'-0"

| AREA SCHEDULE | |
|---------------|--------------|
| LIVABLE | 1777 SQ. FT. |
| GARAGE | 479 SQ. FT. |
| PORCH | 40 SQ. FT. |
| PATIO | 114 SQ. FT. |
| TOTAL | 2406 SQ. FT. |
| LOT AREA | 4224 SQ. FT. |
| COVERAGE | 56.84 % |

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VICINITY MAP
NTS

PLANT LEGEND

| SYMBOL | BOTANICAL NAME | COMMON NAME | SIZE | QTY |
|--------------------------|----------------------------|---------------------|--------------------|--------------------------|
| TREES | | | | |
| | ACACIA ANILOBA | MURGA | 24" BOX | 19 |
| | ACACIA SALICINA | WILLOWACACIA | 24" BOX | 11 |
| | DALBERGIA SISSOO | SISSOO TREE | 1 1/2 GAL | 8 |
| | | | | TREE SUBTOTAL 38 |
| SHRUBS | | | | |
| | LEUCOPHAEA | CHRISTMAS TREE | 1 GAL | 73 |
| | NERIUM OLEANDER | PETIT PINK OLEANDER | 1 GAL | 48 |
| | WEELEA BRITTONIANA | ENGLISH BUELLIA | 1 GAL | 89 |
| | | | | SHRUB SUBTOTAL 210 |
| ACCENTS | | | | |
| | AGAVE DESMETIANA | AGAVE | 1 GAL | 12 |
| | | | | ACCENT SUBTOTAL 12 |
| GROUNDCOVER | | | | |
| | EUPHORBIA RIGIDA | GOPIER PLANT | 1 GAL | 60 |
| | LANTANA 'NEW GOLD' | NEW GOLD LANTANA | 1 GAL | 68 |
| | WEELEA BRITTONIANA 'KATIE' | KATIE BUELLIA | 1 GAL | 58 |
| | SPHAGNUM TRILOBATA | YELLOW DOT | 1 GAL | 50 |
| | | | | GROUNDCOVER SUBTOTAL 236 |
| INERT GROUNDCOVER | | | | |
| | DECOMPOSED GRANITE | 1 1/2" x 3/8" BROWN | 1.77' x 1.341 S.F. | 123 TONS |
| | TURF | BERMUDA | 16169 S.F. | 361 P |
| | 4" x 6" CONCRETE HEADER | PLAIN CONCRETE | | |

PRELIMINARY LANDSCAPE NOTES

PLANTING:
THE SITE WILL BE LANDSCAPED IN ACCORDANCE WITH THE CITY OF PHOENIX STANDARDS. ALL TREES AND SHRUBS ARE TO BE STAKED AND PLANTED IN ACCORDANCE WITH THE ARIZONA NURSERY ASSOCIATION PUBLISHED STANDARDS.

SIZES OF TREES AND SHRUBS WILL CORRESPOND WITH REQUIREMENTS SET BY THE CITY OF PHOENIX. ALL PLANTING AREAS WILL RECEIVE A 3" DEPTH OF COMPOSED GRANITE AND SHALL BE IRRIGATED WITH PRE-AGRICULTURAL IRRIGATION.

IRRIGATION:
THE IRRIGATION SYSTEM WILL CONSIST OF Drip Emitters and Pressure Regulators. CONTROLLERS FOR AUTOMATIC VALVES AND WILL BE 10' D TO AUTOMATIC CONTROLLERS AS REQUIRED. THE IRRIGATION SYSTEM SHALL PROVIDE 100% COVERAGE.

GRADING:
ALL EARTHWORK WILL BE DONE SO THAT ALL WATER DRAINS OFF AND AWAY FROM SIDEWALKS AND STRUCTURES. THE ABILITY OF DRAINAGE DRAINAGE WILL BE IN TO THE REFERENCE BASINS LOCATED ON SITE.



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| DATE | DESCRIPTION |
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THE IRAPAZUM CONSULTING GROUP, LLC
EXPERIENCE. INTEGRITY. PERFORMANCE.
ENVIRONMENTAL
PLANNING
CONSULTING



26th Street Subdivision
9425 N 26th Street, Phoenix
Landscape Plan

PRELIMINARY
NOT FOR
CONSTRUCTION
OR RECORDING

| | |
|------|--|
| DATE | |
| | |
| | |
| | |

Color Elevations:



1780

1670

CITY OF PHOENIX

MAR 02 2017

Planning & Development
Department

February 20, 2017

purpose of the Exchange Platform is to develop a technological tool to facilitate market-based transactions that will advance water resource sustainability of the City and other Colorado River water users in Central Arizona. The Exchange Platform was a finalist in the 2016 Arizona Community Foundation "Water Innovation Challenge" contest for the most innovative market-based, technological, or entrepreneurial solution to advance sustainability for Arizona communities. The Water Services Department will build on this success with funding from the BOR WaterSMART Water Marketing Strategy Grant for Fiscal Year 2017 to participate in development of a prototype technological tool and local water user advisory board to test and provide tool input.

Financial Impact

The anticipated grant from BOR will provide funding up to \$200,000. No matching funds are required. Cost to the City would be in-kind resources only.

This item was adopted.

75 Modification of Stipulation Request for Ratification of Oct. 19, 2016 Planning Hearing Officer Action

Application: PHO-1-16 - Z-181-99-3

Existing Zoning: R1-6

Acreage: 1.91

Applicant: JL Ventures LLC

Owner: Apostolic Christian Church of America

Representative: Trapezium Consulting Group LLC

Proposal:

1. Request to delete Stipulation 1 that the development be in general conformation with the site plan dated Feb. 23, 2000, and building elevations dated Aug. 2, 1999.
2. Technical Corrections to Stipulations 4, 7, and 9.

Summary

Request to approve by formal action a recommendation made on the following Planning Hearing Officer zoning stipulation modification request which was heard by the Planning Commission on Thursday, March 2, 2017 without further public hearing by the City Council.

Location

East side of 26th Street, 350 feet south of Vogel Avenue
Council District: 3

Concurrence/Previous Council Action

Village Planning Committee (VPC) Recommendation: The Paradise Valley Village Planning Committee did not make a recommendation as the motion to deny by a 6-6 vote.

Planning Hearing Officer Recommendation: The Planning Hearing Officer took this case under advisement. On Nov. 10, 2016, the Planning Hearing Officer took this case out from under advisement and denied the request.

Planning Commission: Denied the Planning Hearing Officer recommendation, and approved PHO-1-16 - Z-181-99-4 with a modification of Stipulation 1 and technical corrections to Stipulation 4,7, and 9 by a 6-0 vote.

This item was approved.

76 Ratification of March 2, 2017 Planning Commission Action - Rezoning Application Z-36-16-2 - Northeast Corner of 30th Street and Union Hills Drive

Request to ratify Planning Commission's recommendation of denial for the Rezoning Application - Z-36-16-2 for multifamily residential development.

Summary

Application: Z-36-16-2

Current Zoning: R1-8

Proposed Zoning: PUD

Acreage: 1.99

Proposal: Multifamily Residential

Owner: D. Schirripa, L. German, and D. Rifley

Applicant: GCHI Landholdings, LLC

Representative: Jenifer Corey, Zoning Strategies, LLC

Staff Recommendation: Approval, subject to stipulations

VPC Action: The Paradise Valley Village Planning Committee heard the request on Feb. 6, 2017 and approved the request per staff's recommendation by a vote of 8-6.

Planning Commission Minutes for March 2, 2017

Item #: 13
Application #: PHO-1-16—Z-181-99-3
Existing Zoning: R1-6
Acreage: 1.91
Location: East side of 26th Street, 350 feet south of Vogel Avenue
Proposal: Request to delete Stipulation 1 that the development be in general conformance with the site plan dated February 23, 2000, and building elevations dated August 2, 1999
Technical Corrections to Stipulations 4, 7, and 9
Applicant: JL Ventures, LLC
Owner: Apostolic Christian Church of America
Representative: Trapezium Consulting Group, LLC

Ms. Tricia Gomes presented item 13, a request to delete Stipulation 1 and technical corrections to Stipulations 4, 7 and 9 of rezoning application Z-181-99-3 to develop single family residential lots located on the east side of 26th Street, 350 feet south of Vogel Avenue. These requests were only stipulation modification requests as the zoning has already been granted for these parcels. The requests were appealed from the Planning Hearing Officer (PHO) by the applicant. The Paradise Valley Village Planning Committee reviewed this request and a motion to deny resulted in a 6-6 vote so no recommendation was forwarded. The Planning Hearing Officer denied the request. The applicant has made subsequent changes to the site plan, reducing the number of access points onto 26th Street to address neighborhood concerns.

Mr. Bruce Tully stated he was the CEO of the Trapezium Consulting Group who were the planning and engineering consultants for the project known as the 26th Street Residential Development. The original purpose of the hearing was because of filing an appeal to reverse the PHO decision to deny the removal of a zoning stipulation. The existing zoning stipulation stated that the development was to be in general conformance to the site and floor plan dated February 23, 2000 and August 2, 1999. The plan was an interior private street with nine multi-family units. As of today, in accordance with the Planning and Development Department, that project could not be built under the current codes.

Mr. Tully referred to a memo from Mr. Randy Weaver from the Planning and Development Department dated February 16, 2017 that confirmed that the project could not be built if the stipulations remained the same. The site plan for lots 2, 4 and 6 did not meet the minimum standard width of 45 feet. The lot coverage of lots 3, 4 and 5 exceeded the maximum lot allowance of 40%. The landscape tract along 26th Street for lots 7 and 9 did not meet the perimeter setbacks. The external accessway violated the turning radius needed for equipment for the Fire Department. The single-family attached homes were not allowed in the current zoning of R1-6, which allowed for 11 units; and the elevations were for duplex units.

Mr. Tully continued that his client did not want duplex units but a single-family development. The original single-family development was for 6 units on 26th Street. Mr. Tully felt that would cause serious safety issues for egress and ingress; but that was what his client wanted to build. The neighborhood was opposed because of the fatalities in the 26th Street area. The client agreed and the request this evening was to either substitute or modify the previous stipulation with the following stipulation: That the development be in general conformance with the site plan and elevations dated February 20, 2017.

Mr. Tully presented the site plan as a gated residential community. The plan met all of the zoning requirements under R1-6. Mr. Tully received communication from the Planning and Development Department regarding that it was determined that the five lot plan with the looping internal road would be in general conformance to the original stipulated plan which was provided, although they still must meet the other stipulations as well. Mr. Tully concluded that the plan was in general conformance with the original stipulations. The elevations for the single-family homes were shown and would be priced to sell in the range of \$450,000. They also now had the support of the neighborhood.

Commissioner Glenn asked why nothing had been developed up to this point.

Mr. Tully stated he was not aware of why, the property was for sale and his client purchased it. This was a separate entity.

Chairman Johnson thanked Mr. Tully for working with the neighborhood which helps the development process run smoothly.

Mr. W. Blair Grafe stated he appreciated the work done by Mr. Tully and his group for the changes of the site plan; it was a pleasant surprise. He is in favor of the plan as seen provided it did stay in general conformance. He had attended the previous meeting when the stipulations were first made, one that was not was in regards to a time frame. Mr. Grafe had spoken with others in the neighborhood and all would be in favor of a time frame of 24 months, after that, it would revert to the beginning. The other concern was that the property could be flipped to another developer and they will try to change the stipulations again.

Chairman Johnson stated his only concern for a time frame stipulation would be that currently it was planned for 5 units, if the time frame was not met, it would go back to 10 units. Assuming that could be a stipulation.

Ms. Gomes stated time stipulations are generally not supported simply because they do not drive the development to move forward any faster. It is the condition of the market that the applicant moves forward for the timing for that development to happen. In this case, the zoning was decided in 1999. The time stipulation would not change that; for any case that was rezoned, even if there was a time stipulation, a property does not automatically revert back, it had to go through a public hearing process and would have

to do the same to be changed to something else. The time lapse would not return the property back to its original zoning; that gives a false sense that when something was not built within a certain amount of time that it would go back to what it was originally zoned.

Chairman Johnson stated to Mr. Grafe's second concern that the site plan would remain as is.

Mr. Nick Acquafredda stated he has lived in his neighborhood since 1977 and was familiar with the area and development. He stated the property had not been developed because the current owner, the Apostolic Church, bought the property after it was split. The plan presented was not just for community but for the retired community of their congregation. They built a similar project and was then bought from an investor and remained vacant. Mr. Acquafredda commended the applicant for the revised site plan, it was something the neighbors had been wanting to see.

Mr. Acquafredda stated he would like the stipulations not to be moved but to substitute the site plan, which he felt Mr. Tully was suggesting. If that could be done, he believed there would be unanimous support from the neighborhood, for this plan. The time stipulation was a concern because this plan not moving forward since 2000. If the plan could be substituted instead of removing the stipulation, he would be comfortable with that.

Ms. Phyllis Barreto stated her mother's property was directly behind the proposed site. She stated her mother's kitchen and living room windows would look out into 8 feet of roof and block all of her views of Piestewa Peak.

The following cards were submitted in opposition but did not wish to speak.

M. Acquafredda

Joe Arellano

Judith Gunn

Commissioner Glenn asked if the Commission was going to make a substitution of the site plan or remove the stipulation.

Chairman Johnson stated the motion would be for a substitution.

Ms. Gomes stated that was correct and made a clarification regarding the applicant making a note to the elevations and was not aware if that was to be included because staff did not have a copy of the elevations. Mr. Tully confirmed that the elevations presented this evening were included.

Mr. Tully stated the zoning which they were in compliance with allowed the top of the roof line to be at 20 feet, they were beneath that height limit. Also, Mr. Tully stated there were legal precedence regarding time stipulations that have gone to court and considered illegal.

Commissioner Shank commended Mr. Tully on the work that was done, most of the time opposition was in regards to density where this site plan was going to about half to what was originally approved for. Ms. Shank stated although she appreciated the comment of the speakers 96-year-old mother, views were not protected and there could be ten homes instead of the five being asked for, the situation would be better.

Commissioner Shank made a MOTION to approve PHO-1-1--Z-181-99-3 with a modification to Stipulation 1 to reflect the updated site plan date stamped March 2, 2017 and technical corrections to Stipulation 4, 7 and 9 to update the department name.

Commissioner Heck SECONDED.

Ms. Gomes made one modification to the motion to include "updated site plans and elevations date stamped March 2, 2017."

Commissioner Shank stated so noted

Ms. Gomes read the motion as how it would read for the record. "The development shall be in general conformance to the site plan and elevations date stamped March 2, 2017 as approved by the Planning and Development Department."

Commissioner Shank and Commissioner Heck confirmed the motion and second.

Chairman Johnson stated he appreciated the neighbors that attended which made them good neighbors to get involved and discuss their issues.

There being no further discussion, Chairman Johnson called for a vote and the MOTION PASSED 6-0 (Whitaker, Katsenes absent)

* * *

Stipulations:

1. ~~That~~ The development SHALL be in general conformance to the site plan and ~~floor plan~~ ELEVATIONS dated STAMPED ~~February 23, 2000, and building elevations dated August 2, 1999~~ MARCH 2, 2017, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
2. That there be no more than 9 dwelling units with a maximum density of 4.7.
3. That the building height shall not exceed one story and a maximum of 20 feet in height.
4. That right-of-way dedications and street alignments for local streets within the subdivision will be determined by the ~~Development Services~~ PLANNING AND

DEVELOPMENT Department at the time of Preliminary Subdivision Plan Review.

5. That the developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping, and other incidentals as per plans approved by the City. All improvements shall comply with all ADA accessibility standards.
6. That the applicant install some means of mitigation treatment to eliminate potential sewer odor.
7. That the development be subject to Design Review guideline standards, as per ~~Development Services~~ PLANNING AND DEVELOPMENT Department.
8. That the City mail written notice of any request to modify the above-referenced stipulations to the following:

Dreamy Draw Estates Homeowner's Association, 2510 East Carol Avenue,
Phoenix, AZ 85028

Phoenix Hillside Estates Property Owners Association, 9247 North 24th Way,
Phoenix, AZ 85028

Francesca & Joseph Browner, 2616 East Vogel Avenue, Phoenix, AZ 85028

Judith F. Gunn, 9609 North 26th Place, Phoenix, AZ 85028

Dr. Kevin Crisham, 9845 North 22nd Place, Phoenix, AZ 85028

Sharon Oscar, 2527 East Carol Avenue, Phoenix, AZ 85028

Gini Linam, 2536 East Vogel Avenue, Phoenix, AZ 85028

Mark Shiya, 9247 North 24th Way, Phoenix, AZ 85028

Sandy Price, 2626 East Vogel Avenue, Phoenix, AZ 85028

9. That the City notify the above-noted residents of meetings with ~~Development Services~~ PLANNING AND DEVELOPMENT Department.

REPORT OF PLANNING HEARING OFFICER ACTION
Teresa Hillner, Planner III, Hearing Officer
Elyse DiMartino, Planner I, Assisting

October 19, 2016

ITEM 2

DISTRICT 8

SUBJECT:

Application #: PHO-1-16 – Z-181-99-3
Zoning: R1-6
Location: 1.91
Acreage: East side of 26th Street, 350 feet south of Vogel Avenue
Request: 1) Request to delete Stipulation 1 that the development be in general conformance with the site plan dated February 23, 2000, and building elevations dated August 2, 1999.
2) Technical Corrections to Stipulations 4, 7, and 9.
Applicant: JL Ventures LLC
Owner: Apostolic Christian Church of America
Representative: Trapezium Consulting Group LLC

ACTIONS:

Planning Hearing Officer Recommendation: The Planning Hearing Officer took this case under advisement. On November 10, 2016, the Planning Hearing Officer took this case out from under advisement and denied the request.

Village Planning Committee (VPC) Recommendation: The Paradise Valley Village Planning Committee did not make a recommendation as the motion to deny had a 6-6 vote.

DISCUSSION:

Mr. Paul Rogers explained that in 1999, the Apostolic Church had proposed to build a retirement project of 9 townhomes in a gated community that would be leased to the retired church members. The church abandoned the project and the homes were never built. Today, the new property owner and applicant are proposing 6 single-family homes that front 26th Street with a common area and RV parking in the rear. The homes will have tile roofs and two different types of stucco.

Ms. Ashley Barnard spoke in opposition. She explained her concerns regarding traffic safety as a result of the six proposed driveways fronting 26th Street. There is a blind curve on 26th Street and adding 7 new driveways would add more traffic onto an already dangerous street. Ms. Barnard also had concerns regarding a sewage smell and whether adding more homes will make the smell worse or more frequent. Further, there were concerns regarding having RV parking and the location of the community pool in relation to the neighboring properties.

Mr. W. Blair Grafe spoke in opposition. He explained the Dreamy Draw Estates is a gated community that is well landscaped and has one-way into the community and one-way out. This community is very close to the proposed site. Ms. Hillner asked for clarification as to how many entrances there are into the community and if they are full movement. Mr. Grafe stated there are two entrances that allow for full movement. He went on to explain he would have liked to see more neighborhood outreach from the applicant. This project does not fit in with the neighborhood. The Phoenix Boys Choir has interest in purchasing the church's property adjacent to the site. Between events from the Phoenix Boys Choir and 7 new driveways, this would increase traffic heavily and would cause further safety issues.

Mr. Grafe provided Ms. Hillner with a design that he believed would better fit in with the neighborhood. Ms. Hillner asked if the design was meeting the zoning district development standards. Mr. Grafe stated he would let Mr. Nick Acquafredda speak on that.

Mr. Nick Acquafredda stated the neighbors do not want to see the property developed as it is proposed today. He noted that the plan he designed showed what could potentially be developed. Ms. Hillner asked if the design could be developed under the R1-6 standards. Mr. Acquafredda confirmed it could be. He explained the proposed development did not fit in with the surrounding community and should not be developed with the driveways in their current proposed locations. He was concerned the applicant would likely develop one of the lots and sell the remaining lots to other investors. Mr. Acquafredda stated he would like to see it developed as a community and requested that the stipulation not be deleted.

Ms. Cathy Stanley stated the sewage problem has been an ongoing issue with the City of Phoenix. According to City staff unless all the sewer lines are replaced, the current sewer lines could not support the high volume of people that are using them. Constructing more homes and people would only add to that issue. Higher volumes of people and lower priced homes do not fit with the neighborhood. Further, there have been issues with the church not complying with standards in the past. The neighbors are now concerned about the church's proposed development. Ms. Hillner clarified that the church is not proposing anything, they are selling the property.

Mr. John Stanley stated these will be inexpensive homes in an established neighborhood with large lots. The development does not fit the community and he would like to see the neighborhood continue to be a good neighborhood.

Dr. Bruce Tully explained over forty letters were sent out and many of those who were notified were not in opposition. Further, the Village Planning Committee came to a tie vote. He noted that the traffic issue was addressed with City staff and that there was no cause for further traffic studies. The design has met the R1-6 zoning standards and could have developed 10 homes but is only proposing 6. There were no objections from the City during the development process. He requested that the stipulation be deleted so the proposed site plan can be developed.

Ms. Hillner asked what is happening in Tract B and why the additional parking lot in R1-6. Mr. Rogers stated that Tract B is a common area/open space. Some will be used for

retention and the rest of the space will be natural desert landscape. The additional parking lot was thought to be a selling point for potential buyers. Ms. Hillner stated that it is considered off-site storage.

Mr. Stanley asked if the duplex and triplex elevations are what would be built on the site. Ms. Hillner clarified those were the previous elevations, the current proposal is six single-family detached homes.

Mr. Stanley asked if the values of the homes have been determined yet. Mr. Tully did not want to speculate what the value of the homes could be when they are finally built.

Mr. Acquafredda reiterated that the issue is the request to delete the stipulation regarding the site plan. The neighborhood worked with the church when the property was being rezoned to come up with a plan that all sides were happy with. He stated the stipulation should not be deleted and further outreach is needed.

Ms. Barnard stated that traffic is an important issue. It is difficult to pullout of her driveway and visitors cannot park on the street in front of her home. Ms. Hillner clarified that they are not prohibited from parking on the street but that it appears to be a safety issue.

Mr. Grafe noted there are half a million to a million dollar homes in the neighborhood. Smaller homes tend to use their garages for storage and that means that cars in the driveways and on 26th street will cause more safety issues.

Mr. Tully stated these homes will likely sell for no less than \$400,00 to \$500,000. He noted the plan that was designed by the neighbors was not workable. He further explained the stipulation needed to be removed in order for his client to develop the property.

Ms. Hillner stated she would take the case under advisement. She would like to speak with the City's Street Transportation Department to find out if this proposal will cause any difficulties.

FINDINGS:

1. The request to delete the site plan conformance stipulation is broad. It appears that great lengths were taken in the original zoning request to look at the traffic concerns with the specific site. The curved roadway, proximity to a highway on-ramp, and the grade change make this property unusual for the addition of 7 driveways. More time and potentially revised site plan seem to be a better approach to the rezoning stipulation.
2. Based on testimony, there is a potential change to the adjacent church site. Although the rezoning stipulation does not directly impact the church property, some consideration to that association was made in the original zoning case. Further conversations with the church regarding access for this new subdivision may be warranted.

DECISION:

The Planning Hearing Officer recommended took this case under advisement. On November 10, 2016, the Planning Hearing Officer took this case out from under advisement and denied the case.

STIPULATIONS:

| | |
|----|--|
| 1. | That the development shall be in general conformance to the site plan and floor plan dated February 23, 2000, and building elevations dated August 2, 1999.: |
| 2. | That there be no more than 9 dwelling units with a maximum density of 4.7. |
| 3. | That the building height shall not exceed one story and a maximum of 20 feet in height. |
| 4. | That right-of-way dedications and street alignments for local streets within the subdivision will be determined by the Development Services Department at the time of Preliminary Subdivision Plan Review. |
| 5. | That the developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping, and other incidentals as per plans approved by the City. All improvements shall comply with all ADA accessibility standards. |
| 6. | That the applicant install some means of mitigation treatment to eliminate potential sewer odor. |
| 7. | That the development be subject to Design Review guideline standards, as per Development Services Department. |
| 8. | That the City mail written notice of any request to modify the above-referenced stipulations to the following: |
| | Dreamy Draw Estates Homeowner's Association, 2510 East Carol Avenue, Phoenix, AZ 85028 |
| | Phoenix Hillside Estates Property Owners Association, 9247 North 24 th Way, Phoenix, AZ 85028 |
| | Francesca & Joseph Browner, 2616 East Vogel Avenue, Phoenix, AZ 85028 |
| | Judith F. Gunn, 9609 North 26 th Place, Phoenix, AZ 85028 |
| | Dr. Kevin Crisham, 9845 North 22 nd Place, Phoenix, AZ 85028 |

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| | Sharon Oscar, 2527 East Carol Avenue, Phoenix, AZ 85028 |
| | |
| | Gini Linam, 2536 East Vogel Avenue, Phoenix, AZ 85028 |
| | |
| | Mark Shiya, 9247 North 24 th Way, Phoenix, AZ 85028 |
| | |
| | Sandy Price, 2626 East Vogel Avenue, Phoenix, AZ 85028 |
| | |
| 9. | That the City notify the above-noted residents of meetings with Development Services Department. |

Upon request, this publication will be made available within a reasonable length of time through appropriate auxiliary aids or services to accommodate an individual with a disability. This publication may be made available through the following auxiliary aids or services: large print, Braille, audiotape or computer diskette. Please contact the Planning and Development Department, Elaine Noble at voice number 602-495-0256 or TTY use 7-1-1.

**PARADISE VALLEY VILLAGE PLANNING COMMITTEE
MINUTES**

Monday, October 10, 2016
Paradise Valley Community Center
Multipurpose Room
17402 North 40th Street

MEMBERS PRESENT

Robert Goodhue, Chair
Mathew Avrhami, Vice Chair
Kathryn Belous
Allison Buffum
Toby Gerst
Robert Gubser
Angelina Happ
Tim Knobbe
Jim Mapstead
Dennis Matrunola
James Otis
David Ulibarri

MEMBERS ABSENT

Jennifer Hall (excused)
Aaron Lloyd (excused)
Daniel Mazza (excused)
Alan Sparks (excused)
David West (excused)
Jon Westervelt (excused)
Roger Baele
Richard Pennock

STAFF PRESENT

Hannah Oliver

1. Call to Order.

Chairman Goodhue called the meeting to order at 6:02 p.m. with a quorum of eleven (11) members present (eleven required for a quorum).

2. Review and approval of the September 12, 2016 meeting minutes.

MOTION:

Ms. Allison Buffum made the motion to approve the minutes.

The motion was seconded by **Mr. Robert Gubser**.

VOTE:

The motion was approved, **11-0**.

3. PHO-1-16—Z-181-99-3: Presentation, discussion and possible recommendation on a request to modify stipulations of general conformance and elevations for a 1.91 acre parcel located on the east side of 26th Street, approximately 350 feet south of Vogel Avenue.

The applicant, **Mr. Paul Rogers** from Trapezium Consulting Group, provided an overview of the PHO request. The request is for the deletion of a stipulation regarding general conformance to the site plan and elevations from the original rezoning case (Z-181-99-3). He also presented the previous site plan and elevations and the proposed site plan and elevations.

Ms. Angelina Happ arrived at this time, bringing the quorum to twelve members.

Chairman Goodhue opened up VPC member questions.

Ms. Toby Gerst asked about the church adjacent to this property. She also discussed the concerns about drainage and flooding in that area.

Mr. Robert Gubser asked if the RV parking to the north of the site was necessary, as it does not fit with the streetscape and neighborhood.

Mr. Tim Knobbe asked about the garages to the proposed development that directly access 26th Street and if the RV parking was going to be secure and gated.

Ms. Allison Buffum requested that the applicant work with the community to develop that parking area into more of a neighborhood amenity. She noted the current design does not fit in with the community.

Chairman Goodhue opened up the discussion for public comments. There were 2 speaker cards in opposition submitted and one speaker card that did not specify in support or opposition.

The first speaker, who owns property directly to north of the site, discussed concerns about the following:

- The driveway access directly onto 26th Street is a potential traffic hazard, as there is a blind turn on 26th Street and traffic during peak hours.
- The small lot size not meshing with the other homes in the neighborhood and reducing home values.
- In addition, there was question about who would maintain the property if people did not want to join the HOA.

The second speaker, who owns property in the area and was the architect for Dreamy Draw Estates, discussed concerns about:

- The site plan design and he also shared a new conceptual site plan design. His new design proposed reversing the lots and creating a landscape “wall” onto the streetscape to blend in with the community.
- He also offered to work with the architect and developer with the design.

The final speaker, who owns property next to the site asked about where walls were proposed on the site plan.

Chairman Goodhue opened up the discussion to allow the applicant to respond.

The applicant discussed that the HOA would maintain the property and amenities.

Ms. Buffum asked that the applicant work with the community on the site plan design to get input from the neighbors on what they would want on the site. She noted that she liked the new conceptual site plan better than the one that is proposed in the application.

Chairman Goodhue closed public comments and opened up committee discussion.

There were questions to staff about the PHO process and site plan review process. **Ms. Oliver** explained that the Village is making a recommendation to the PHO on removing the stipulation on general conformance to the site plan and building elevations and the PHO will make the final approval and/or denial of the request. This would be the first step in the process and then the applicant would need to go through site plan review for things like drainage, traffic, waste, landscaping, etc.

Mr. Mapstead stated that while he does not particularly like the site plan submitted with the request. However, the task of the committee is not to vote for the site plan, but to make a recommendation on the request to delete a stipulation. He noted that he is comfortable with that change.

Chairman Goodhue agreed and noted that the applicant will still need to go through an extensive site plan review process.

Vice Chairman Avrhami explained that the applicant needs more conversations with neighbors and he would like to recommend a denial of the request to give more time for the developer to discuss the proposed site plan with neighbors.

Ms. Toby Gerst discussed how she can see both sides of the argument for approving or denying the request.

MOTION:

Vice Chairman Avrhami made a motion to recommend denial the PHO request. Mr. Dennis Matrunola seconded the request.

VOTE:

The motion was tied with a vote of 6-6.

No additional motions were proposed.

4. Z-58-16-3 (Life Storage – 32nd Street PUD): Presentation and discussion only regarding a request to rezone 2.8 acres located at the southeast corner of 32nd Street and Cheryl Drive from C-O/G-O HGT/WVR to PUD (information only, no committee action).

The applicant, **Mr. Bill Allison** from Withey Morris, provided an overview of the request and the surrounding land uses. In addition, Mr. Allison highlighted the elevations and discussed how this self-storage facility would look more like an office building than a self-storage facility.

Chairman Goodhue opened up committee questions and discussion. Committee members noted that they liked the great design and elevations and how it is very different than most self-storage facilities. In addition, members discussed the previous 2007 case that was very contentious and how this design would likely get the support of the neighbors.

5. Discussion and possible recommendation regarding the 2017 meeting schedule for the Paradise Valley Village Planning Committee.

Ms. Oliver presented the proposed dates for the 2017 meeting schedule. **Vice Chairman Avrhami** requested a date change from April 3 to April 10.

MOTION:

Mr. James Otis made the motion to approve the schedule with proposed modification.

The motion was seconded by **Vice Chairman Avrhami**.

VOTE:

The motion was approved, **12-0**.

6. Presentation, discussion and possible recommendation on the Paradise Valley Village Character Plan and Draft Place Type Map.

Ms. Oliver presented the changes that were made to the Village Character Plan from last meeting and that this is not the final version. There was discussion about further changing the goals of the Character Plan to align with Smart Growth principles. **Ms. Oliver** reminded the committee to attend the October 22 Northern Village Summit.

MOTION:

Ms. Allison Buffum made the motion to approve the presentation of the Village Character Plan and Placetype Map at the October 22 Summit.

The motion was seconded by **Mr. Tim Knobbe**.

VOTE:

The motion was approved, **12-0**.

7. Announcements and public comments concerning items not on the agenda (not for committee discussion or action).

No announcements were made.

8. Committee member requests for information, follow-up or future agenda items (not for committee discussion or action).

No requests were made.

9. Staff update on cases recently reviewed by the Committee (not for committee discussion or action).

Ms. Oliver provided an update on recently reviewed rezoning cases.

10. Adjournment.

The meeting was **adjourned** at 7:49 p.m.