



Village Planning Committee Meeting Summary

Z-58-25-6

Date of VPC Meeting	July 16, 2025
Request From	R1-6
Request To	R-O
Proposal	Professional Office
Location	Southeast corner of 17th Street and Griswold Road
VPC Recommendation	Approval, per the staff recommendation, with an additional stipulation and direction
VPC Vote	10-3-1

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

11 members of the public registered to speak on this item, with one member of the public expressing support and six members of the public expressing opposition.

STAFF PRESENTATION

Robert Kuhfuss, staff, presented the proposal, directing the audience to the city's website for the staff report, providing land use and zoning information on the site and surrounding area, and highlighting the major features of the site plan and elevations. Mr. Kuhfuss summarized the community input received to-date and provided an overview of staff's findings and recommended stipulations.

APPLICANT PRESENTATION

Bill Allison, representing the applicant with Withey, Morris, Baugh, PLC, stated that much of his presentation would include the same information as previously presented by Mr. Kuhfuss. Mr. Allison stated that he has been in continuing discussions with some members of the neighborhood. Mr. Allison stated that the property was located at the southeast corner of 17th Street and Griswold Road, and noted that only a portion of the property was part of the rezone request. Mr. Allison gave an overview of the uses surrounding the site including the office complex to the east of the northeast corner of 17th Street and Northern Avenue, and stated that the applicant currently keeps an office in the western portion of the westernmost building of that complex. Mr. Allison stated that the applicant acquired property in November of 2024, with the idea of relocating his business to the site. Mr. Allison stated that the business currently has

15 employees, with generally no more than five people in the office at any given time. Mr. Allison stated that the applicant would like to expand the business in the next five years with eight people coming into the office at a time. Mr. Allison referenced the portion of the parcel that is not included in the rezone request, stating that area was under contract for sale to the property owner to the south and would be used for shared access to both sites thereby limiting the number of access points onto 17th Street. Mr. Allison gave an overview of the surrounding zoning. Mr. Allison gave an overview of the proposed site plan stating that during the neighborhood outreach meeting five weeks prior, one of the concerns raised was access onto Griswold Road. Mr. Allison stated that he contacted Mr. Kuhfuss with the idea of eliminating access onto Griswold Road and that Mr. Kuhfuss had advised him that the Fire Department had requested that the Griswold Road access remain as an emergency only access. Mr. Allison stated that they had revised the site plan to show gated emergency access at that location. Mr. Allison presented a landscape plan reiterating the emergency only access onto Griswold Road. Mr. Allison stated there had been discussions between he, staff, and some of the neighbors as to what the landscape palette should include. Mr. Allison stated that the landscape plan indicated a variety of drought-tolerant materials, but they were in agreement with the revising the plant palette to include only species that are native to the Upper Sonoran Desert. Mr. Allison stated that the site has a significant amount of mature landscaping present and that the site would be subject to the city's native plant inventory salvage requirements and that they believed that most of the existing vegetation could be relocated on the site, with any additional plant materials needed to fulfil the landscaping requirements being native to the area. Mr. Allison stated there had been discussions regarding the type of sidewalk to be used adjacent to site, stating that the Street Transportation Department requires a sidewalk to be installed. Mr. Allison further stated that they had discussed the idea of using decomposed granite in lieu of concrete but determined that it would be difficult to maintain an ADA-compliant walkway using decomposed granite, and that the Street Transportation Department would be unlikely to support a technical waiver to allow decomposed granite instead of concrete. Mr. Allison stated that they would like to propose a detached sidewalk as opposed to an attached sidewalk as that would allow vegetation to occur between the curb and sidewalk thereby softening the edge. Mr. Allison stated there had been concerns voiced regarding the line-of-sight at the intersection of 17th Street and Griswold Road, stating that the existing vegetation is large and currently obstructs the view. Mr. Allison presented the landscape plan noting the location of the required sight visibility triangles at the intersection and at both access points. Mr. Allison stated that they would need to work to meet the 75% shade calculations as outlined in the staff-recommended stipulations, but they would have no problems reaching 51% cover. Mr. Allison presented the building elevations and renderings noting that palm trees and other materials not native to the Upper Sonoran Desert would not be utilized. Mr. Allison stated that the maximum height of the building would not exceed 15 feet as required by the Residence Office – Restricted Commercial (R-O) zoning district. Mr. Allison stated that intent of the R-O zoning district is intended to provide a buffer between residential and commercial uses, and that the proposed development would provide a buffer between the neighborhood and the Southwest Gas facility to the west of the site, as well as the future development to occur at the northeast corner of 17th Street and Northern

Avenue. Mr. Allison stated that the property was historically a banquet facility that is unlikely to become residential given the proximity to Southwest Gas. Mr. Allison stated that they would be revising the building elevations and would be able to stipulate to the design of the building during the zoning adjustment. Mr. Allison stated that one of the issues raised during the outreach meeting was regarding traffic. Mr. Allison presented a slide depicting trip generation and stated there would be an increase in traffic relative to single-family development, but the peak-time traffic is not significant. Mr. Allison summarized by stating that the site was currently vacant and underutilized, would not likely develop as single-family detached homes, that the proposed development is a good fit for the neighborhood as well as the applicant, who wishes to remain in the area. Mr. Allison reiterated there would be street improvements including sidewalks and that they were willing to go with detached sidewalks. Mr. Allison stated the development would be of high quality, with minimal height and meets the intent of the R-O zoning district. Mr. Allison reiterated that the development would be a low traffic generator, with public access to occur only from 17th Street. Mr. Allison stated there were a couple of neighbors who are in support. Mr. Allison stated they were in agreement with the staff-recommended stipulations and would be willing to look at changes to those stipulations as they relate to sidewalks and native landscaping.

QUESTIONS FROM THE COMMITTEE

Vice Chair Joshua Matthews referenced the site plan and asked for confirmation that the portion of the property that will contain the shared-access driveway will be under separate ownership and included in the rezoning of the site to the south. **Mr. Allison** stated that was the case. Vice Chair Matthews then asked for confirmation that if the subject site were rezoned, they would still need a variance to take access from a shared access drive and not from 17th Street. Mr. Allison clarified that the variance would be to allow the site to take access from 17th Street. **Committee Member Heather Garbarino** asked if the variance to allow access from 17th Street were to not be approved, how would that affect their site plan. Mr. Allison stated that if the variance to allow access to a local street were to be denied, that would be the end of the project. Committee Member Garbarino asked if they would not seek to take access from Griswold Road. Mr. Allison stated that Griswold Road was also a local street and they would not seek to take access at that location, reiterating that the R-O zoning district requires access from streets other than a local street. **Committee Member Elizabeth Pérez-Pawloski** asked if the zoning were to be approved but not the variance, would they have a site that is zoned but not buildable. Mr. Allison stated that would be the worse-case scenario. Committee Member Pérez-Pawloski asked how that would be remedied. Mr. Allison stated that the zoning would need to be reverted back to its prior zoning. Vice Chair Matthews stated that a variance requires a demonstration of a hardship and that the hardship cannot be self-imposed. Vice Chair Matthews asked how the requesting of the zoning is not a self-imposed hardship. Mr. Allison stated that was a very black and white interpretation and that it is not unprecedented to go through a zoning case that still needs zoning adjustment once the zoning case is approved. Mr. Allison stated that the view is that once the City Council has made a policy decision through a legislative action that the zoning is

appropriate, that it then makes sense for the zoning adjustment hearing officer to agree that relief is necessary.

Committee Member Garbarino asked how long the site has been vacant. **Mr. Allison** stated the site has been vacant for the last couple years.

Committee Member Massimo Sommacampagna asked about the 75% shade requirement. **Mr. Allison** stated that it is a good standard but difficult to satisfy by using trees. Mr. Allison stated that shade structures would also satisfy that requirement but are difficult to implement over a public sidewalk.

Committee Member Pérez-Pawloski asked about the timing of the rezoning of the site to the south. **Mr. Allison** stated that the party that is under contract for the property that fronts Northern Avenue asked the applicant if he would be willing to sell the southernmost area of the subject site in order to square-off the property. Mr. Allison stated that the applicant was willing but needed to come to an understanding as to what the access would look like for both properties and that access to the southern property would not likely occur from Northern Avenue, and that it would be better to reduce the number of curb cuts as opposed to having two curb cuts along 17th Street. Committee Member Pérez-Pawloski asked when the area including the shared access would be rezoned. Mr. Allison stated that would be rezoned with the property to the south. Committee Member Pérez-Pawloski asked what that zoning would be. Mr. Allison stated it would be rezoned to C-2, that the request would be coming before the committee next month, and that the two projects are not intertwined other than the shared access.

PUBLIC COMMENT

James Russell stated that the project is more complicated due to the shared access with the property to the south. Mr. Russell stated that he lives on Griswold Road and was concerned that Griswold Road is only paved with about one inch of asphalt and that it will not hold up to the combined traffic generated by the proposed development and the one proposed to the south of the subject site. Mr. Russell stated that he appreciated that the applicant would only have five employees, but expressed concerns that additional traffic would be generated as a result of future tenant leases. Mr. Russell stated that traffic would come into the area from 18th Street. Mr. Russell stated that the Committee would be hearing a request for a 30,000 square foot storage facility with 3,000 storage units that will generate its own traffic that will use Griswold Road since it will not be safe to use Northern Avenue. Mr. Russell stated that the building looked nice.

Glenn Osborne stated that he lives on the property that borders the site to the east and that he was in favor of the request. Mr. Osborne stated that there are ways to keep traffic off of Griswold Road such as a “no right turn sign”. Mr. Osborne stated that he heard there were discussions regarding a deceleration lane on Northern Avenue adjacent to the property to the south of the subject site, which would encourage access from 17th Street rather than 18th Street. Mr. Osborne stated that

he liked the idea of utilizing Upper Sonoran Desert vegetation. Mr. Osborne stated that the prior owner intended to build three or four homes on the site but decided that plan was not viable. Mr. Osborne stated that the site could develop with as many as seven apartments and that he would prefer that it develop as R-O zoning since it would be quiet in the evening.

Joanne Itow stated that she lives on Griswold Road and that she applauded the committee for recognizing that the proposed development is tied to the outcome of the request involving the property to the south and asked that the committee postpone the decision so that both proposals could be evaluated at the same time. Ms. Itow stated that she loves the building and thinks it is a great and appropriate use but both projects should come before the committee at the same time. Ms. Itow stated that the two entities don't know each other but in fact they do and she wanted to see a cohesive plan for both sites.

Gretchen Krehbiel stated that she owns the property across the street from the subject site and that her property is elevated relative to the subject site. Ms. Krehbiel expressed concerns that she would most likely look down from her living room window towards the roof top and air conditioning units of the proposed building. Ms. Krehbiel stated that she was opposed for a number of different reasons including traffic and stated that she was in agreement with a prior speaker regarding the topic that the office space would be rented out thereby increasing the amount of traffic. Ms. Krehbiel stated that her biggest opposition to the request is that R-O zoning will allow a number of uses that are not being considered at this time and that if this specific project does not go through because they are not successful in getting their variance, or something falls through with the other property, they would sell the site as being zoned R-O, which would lead to uncertainty with respect to the future use. Ms. Krehbiel stated that she would prefer that the request be denied and that the site remain residential. Ms. Krehbiel stated that we need more homes but do not need more offices. Ms. Krehbiel stated that there was over 80,000 square feet of office space available near 16th Street and Northern Avenue. Ms. Krehbiel stated that she wished to retain the rural feel of the area.

Allysa Krehbiel stated that she lives across the street from the site and that she is opposed to the request. Ms. Krehbiel states that she is concerned about quality of life. Ms. Krehbiel stated that she can currently hear the air conditioning units at the nearby Southwest Gas building and is concerned over the additional noise created by the air conditioning units associated with the proposed building. Ms. Krehbiel expressed concerns over the impact the proposed development would have on the wildlife that lives in the area as well as the increase in the number of scorpions on her property because of the construction occurring across the street. Ms. Krehbiel stated that the proposed development is contingent on a secondary case, which are so intertwined that she believes that both properties were acquired by the same developer. Ms. Krehbiel expressed concerns over traffic on Northern Avenue and how difficult it is to turn from Northern Avenue onto 17th Street. Ms. Krehbiel stated that without some sort of traffic mitigation such as a deceleration lane on Northern Avenue, accidents at that intersection will increase and noted that a deceleration lane would be associated

with the adjacent property, not the subject property. Ms. Krehbiel stated that she had canvassed the neighborhood and had collected a number of signatures associated with what she stated was an “Order of Delay and Deny”, which she read into the record as follows: “We, the neighbors of Griswold Road, petition that the zoning for property 1705 East Griswold Road, case Z-58-25-6, referred to as now ‘The Property’, be delayed until the approval of the property rezoning of the adjoining lot, Parcels 165-21-006A with a portion of the other opposing lot, now referred to as ‘Northern and 17th’. This is due to concerns and dependencies and the current plans for parking, street access, and the overall structures of The Property being dependent on the approval and consistency of that plan.” Ms. Krehbiel stated that had to do with both the variance and the zoning approval of the other site. Ms. Krehbiel stated that they did not want to be strong-armed into accepting storage units in the neighborhood simply to provide safe access into the subject site. Ms. Krehbiel stated that she was not entirely against the proposal but would like to see additional stipulations to ensure safety and reiterated the difficulty with access onto her property. Ms. Krehbiel stated that she had collected eight signatures and invited others to sign.

Doug Banfelder stated that he lived on the west side of Southwest Gas. Mr. Banfelder stated that the newly formed Stoney Mountain Neighborhood Association supports the neighbors position, stating that their mission is in large part to protect the character of the neighborhood. Mr. Banfelder handed out some photographs depicting the neighborhood and stated that the neighborhood is a special place due to the natural habitat. Mr. Banfelder stated that he appreciated the fact that the applicant wished to relocate his business to the site, stating that he believed the project to be of high quality and that he appreciated the applicant’s willingness to address some of the neighborhood’s concerns. Mr. Banfelder stated that the association does not officially have a position regarding the request. Mr. Banfelder stated that he would like to see the sequence of the two requests reversed and felt that they had been gamed a little. Mr. Banfelder stated that with the current sequencing, they are not likely to get the best possible outcome. Mr. Banfelder stated that he appreciates their willingness to use native plants on the site. Mr. Banfelder asked if anyone had done a deep dive on the deed restrictions, stating that the prior owner had a tendency to add new deed restrictions on the property. Mr. Banfelder stated that they support the project but are concerned with the subsequent project to be heard next month as it does not seem to fit the character of the neighborhood and they were concerned with the business model considering the number of storage units in the area already. Mr. Banfelder reiterated his desire that the sequence of the two cases be reversed.

Frank Del Monte stated that he is a twenty-year resident of the neighborhood and has lived in the Sunnyslope community since 1978. Mr. Del Monte stated that he often receives comments on how cute the neighborhood is due to the eclectic mix of houses, including everything from small houses to ‘McMansions’, and that he is very much in favor of keeping the neighborhood residential. Mr. Del Monte stated that people are starting to look at properties in the neighborhood as revenue generators, including rentals and group homes, which causes him some concern. Mr. Del Monte stated that rezoning to commercial was concerning to him due to a 23% vacancy rate

in the area and that his preference would be for the site to develop as residential and would rather see a hookah lounge rather than a storage facility.

Ken Krehbiel stated that he is opposed since it is injecting commercial property into the neighborhood and there are existing residences on three sides of the site. Mr. Krehbiel stated that he owns the property to the north and would be looking directly at rooftop air conditioning systems humming all night. Mr. Krehbiel stated that more homes are needed in Phoenix, not more offices. Mr. Krehbiel stated that he felt that the applicant was taking advantage of the situation at the expense of the neighbors.

Eileen Day stated that she lives at 16th Street and Griswold Road and that she is opposed since it will forever change their lives due to the placement of commercial into a residential area that everyone says is "so cute". Ms. Day stated people walk the neighborhood a lot and that there are no sidewalks, which is part of the character of the neighborhood being in the foothills of the preserve. Ms. Day stated that if the zoning is approved, but the project falls through, they will be stuck with a commercially zoned property in the neighborhood until such time as someone zones it back, which is not going to happen. Ms. Day stated the rather than approving the request now, it would be better to see if the zoning of the neighboring property, as well as the variance, is approved before approving the subject request.

APPLICANT RESPONSE

Mr. Allison stated that there were comments made during this meeting as well as discussions occurring outside of the meeting suggesting there was something nefarious going on between the subject property and the property on the corner to the south. Mr. Allison stated there was no relationship between the two properties other than the shared access onto 17th Street. Mr. Allison stated that if rezoning of the property to the south were to not be approved, that would have no effect on whether the applicant develops the subject site. Mr. Allison stated that the two properties are under separate ownership and are not dependent upon one another. Mr. Allison reiterated that the variance has nothing to do with shared access and that its sole purpose would be to allow access onto 17th Street. Mr. Allison clarified that the variance cannot precede the zoning since there is nothing to vary under the existing zoning, adding that they cannot apply for access to a local street under R-O zoning unless R-O zoning is in place. Mr. Allison briefly addressed the matter of the deed restrictions stating that they had completed a title report and had shared the results of the report with the neighborhood, noting that there were no restrictions recorded against the property since 1925. Mr. Allison clarified that the matter is beyond the purview of the committee but wanted to address the issue anyway. Mr. Allison stated that he is willing to amend the stipulations such to require that the vegetation used in the landscaping be consistent with the neighborhood using only Upper Sonoran Desert plant materials, and to utilize detached sidewalks to soften the edge. Mr. Allison stated that any redevelopment that occurs on the site, including residential, would trigger a requirement that sidewalks be installed. Mr. Allison stated that the proposed use is consistent with the neighborhood considering that directly across the street to the west of the site is an existing office building and parking lot, and that the

proposed development provides a buffer between Northern Avenue and the neighborhood using a low-scale, low-impact, well-designed use.

QUESTIONS FROM THE COMMITTEE

Committee Member Pérez-Pawloski asked for clarification regarding the variance stating that if the variance were not approved, they would not construct the building. **Mr. Allison** stated that was correct and that the development was dependent on the neighboring site for access to 17th Street but is not otherwise related to the site to the south. Mr. Allison further clarified that even if nothing happened with the site to the south, they would still need a variance to take access from 17th Street. Committee Member Pérez-Pawloski asked if the applicant could wait for the outcome of the project to the south then come back to the Committee. Mr. Allison stated that their fate was not tied to what happens to the property to the south. Committee Member Pérez-Pawloski stated that it was tied to the variance. Mr. Allison reiterated that it has nothing to do with the site to the south and that it is a requirement of the R-O zoning district. Mr. Allison stated that the R-O zoning district requires access to either an arterial or collector street and that 17th Street is a local street. Mr. Allison stated that they would need a variance to take access from 17th Street regardless of what happens to the site to the south. Committee Member Pérez-Pawloski expressed concerns over the disposition of the property to the south and again asked if the applicant would be willing to wait to see what happens to the property to the south before moving forward. Mr. Allison stated that he did not see the logic of waiting to see what happens on the property to the south, then explained that the zoning of the property to the south was R-5 and that R-5 is a mixed-use district that will allow both commercial and residential uses. Mr. Allison again stated that the fate of the subject site was in no way tied to the fate of the property to the south and that he did not see the value in waiting. Committee Member Pérez-Pawloski stated that would alleviate heartburn with the neighbors. Mr. Allison stated that he did not understand where the heartburn is coming from.

James Russell, neighborhood resident, stated that his property is located at a higher elevation than the subject site. Mr. Russell stated that he was not adamantly opposed to the project, but that he and his neighbors want downward facing lights, desert landscaping, and would prefer the building to be an adobe buff color as opposed to a red-ish color.

Committee Member Garbarino asked for clarification as to what happens to the zoning of the site if the variance is not approved, stating that if the variance is not approved, then no one will gain access onto 17th Street and the site cannot develop in any way. Committee Member Garbarino clarified that the proposed zoning is residential-office, not commercial. Committee Member Garbarino asked if the applicant would need to re-apply to have the zoning reverted back to residential. **Mr. Allison** stated that the zoning would need to be reverted. Committee Member Garbarino stated that no one is going to get stuck with office in their neighborhood if this project does not go through. Mr. Allison stated that if the zoning is approved but the variance is denied, there would be no office development on the property. Mr.

Allison further stated that Residential-Office zoning is very limited in terms of what is allowed and was set up to provide a buffer between commercial and residential development. Committee Member Garbarino confirmed that it would not be a massage parlor, vape shop, or dispensary. **Vice Chair Joshua Matthews** stated that the proposed zoning does not include a specific site plan and provided a hypothetical scenario where the property is rezoned to Residential-Office, the variance gets denied because they created their own hardship, the property owner decides to not develop the site but to sell it, and a potential buyer comes along but decides not to purchase the site because they realize they cannot do anything with the property since the denial of the variance is already on the record. Vice Chair Matthews further stated that in that scenario they would have created a property that is not buildable without it being rezoned and could stay vacant for a long time. Vice Chair Matthews reiterated that there is no automatic reversion of zoning in Phoenix. Mr. Allison stated that in Arizona, there is no automatic reversion of zoning and that they would need to go through a process. Mr. Allison stated that in that scenario, the owner would sell the property with a zoning contingency to allow the buyer time to get the property back to residential zoning, then close escrow on the property, adding that it is a normal pattern of business.

Bramley Paulin, neighborhood resident, asked if the applicant would consider abandoning 17th Street to Griswold Road, while the developer builds a cul-de-sac and preserves the northernmost ten to fifteen feet of the site as natural desert. Mr. Paulin stated that Griswold Road would then be exclusively residential with no chance of commercial traffic. Mr. Paulin stated that the site would no longer need a variance since 17th Street would become a shared driveway between Southwest Gas, the subject site, and the site located on Northern Avenue, with no need for a sidewalk or curb. Mr. Paulin stated that he believed that everyone would be happy and that if there was a concern over the Fire Department having access, there could be a gate at the top of the cul-de-sac. Mr. Paulin stated it would be a win-win and would require another step in the process but would be less expensive. Mr. Paulin suggested that the committee include a stipulation requiring the air conditioning units be located on the south side of the building.

Committee Member Steve Pamperin stated that he lives in a very similar area and had learned that the applicant paid \$775,000 for the property, which is an extremely large amount of money for a residential property in this area. Committee Member Pamperin stated that it was not likely that the owner would be able to sell the site as residential without suffering a substantial loss. **Mr. Allison** stated that he is not a real estate transactional attorney and does not deal with property values and could not respond.

Vice Chair Matthews stated that he was confused as to where the committee was in the hearing process and wanted to get to a point where the committee could discuss the request. **Chair Stephanie Fogelson** stated that there were still questions that needed to be asked and answered.

Committee Member Massimo Sommacampagna asked about access. **Mr. Allison** stated that the initial concept was for a single access point to serve the office building and that the property owner to the south had approached them about shared access and about acquiring the southernmost portion of the parcel.

Committee Member Jennifer Harris stated that she keeps hearing that we need more housing in Phoenix and that her understanding from the applicant's presentation was that the site was not viable for residential. Committee Member Harris asked for clarification. **Mr. Allison** stated that the reason why the site was not viable as single-family residential was because of its proximity to the office building and parking lot located across the street. Mr. Allison stated that the proposed use balances out the offices across the street.

COMMITTEE DISCUSSION

Vice Chair Matthews stated that he could not get behind the request since it does not make sense from the community's perspective. Vice Chair Matthews stated that one of his criteria for a rezoning request is that it makes sense and that after seeing what the community is like, even taking into consideration the office building to the west that has been there for a very long time and is part of the community, the request does not make sense. Vice Chair Matthews stated that Residential-Office makes sense along Northern Avenue with residential behind it and that he will be interested in hearing the case involving the neighboring property next month. Vice Chair Matthews stated that he was concerned over the reliance on a future variance and that in his view a variance should be tied to a physical condition that makes the property difficult to develop as opposed to trying to get around the city's rules regarding street classification.

Committee Member Pamperin stated that he agreed with Vice Chair Matthews, further citing the unique character of the neighborhood and the impact that the proposed development would have on that character. Committee Member Pamperin stated that he was inclined to support the neighbors, who have in large part opposed the request.

Committee Member Joshua Carmona stated that he could see both sides, citing the neighborhood's desire to maintain the character of the street, native landscaping, and potentially moving the building to a different location on the site. Committee Member Carmona stated that Residential-Office allows for a typical transition from commercial to residential, which would make sense. Committee Member Carmona suggested that stipulations could be added to help the neighborhood feel more confident that the character of the neighborhood would remain intact. Committee Member Carmona stated that he wanted to hear from the other committee members.

Committee Member Pérez-Pawlowski expressed her gratitude to those who spoke regarding the case and stated that is why these meetings exist. Committee Member Pérez-Pawlowski stated that while the zoning of the two sites are not dependent upon one another, the actual construction of the building on the site depends on the

outcome of a future variance, which is cause for concern in that if the zoning of the adjacent site is approved, but variance for the subject site is not approved, the subject site could not be developed and there would be no incentive to keep the Residential-Office zoning in place, which could lead to the expansion of the commercial zoning. Committee Member Pérez-Pawłowski stated that her intent in asking about delaying the decision regarding the subject request was to determine the outcome before moving forward but felt that the applicant had expressed an unwillingness to do so, which suggested that their intent was to move forward no matter what. Committee Member Pérez-Pawłowski stated that she was concerned over the cumulative effect of both cases and wanted to have more discussion on how those effects could potentially be mitigated, including the possibility of abandoning 17th Street in favor of a shared driveway.

Committee Member Arick O'Hara stated that he has seen a number of zoning requests go through that were dependent upon a future variance and he has never seen a zoning request come back as a result of a variance being denied. Committee Member O'Hara stated that variances of this type are typically granted. Committee Member O'Hara stated that he was respectful of what the neighbors had to say but also agreed that it is not likely that a home will ever be constructed in the site due to its proximity to the Southwest Gas office building across the street. Committee Member O'Hara stated he visited the site and that he could hear the air conditioning units of the office building loud and clear. Committee Member O'Hara stated that if the intent was to leave the site vacant it will remain vacant, but he sees the project as a nice transition and that it would not include high traffic generators such as doctor offices. Committee Member O'Hara stated that a Traffic Impact Analysis was not required, presumably because it is not a high traffic generator. Committee Member O'Hara stated that the applicant was willing to work with the neighborhood regarding the color of the building and other stipulations and sees this as a great project because it was taking a vacant lot and building something that, while not community-focused, will provide a transition. Committee Member O'Hara stated that the trees will provide a noise buffer. Committee Member O'Hara stated that he, as a fire captain, would not utilize the emergency access gate due to the radiant heat that will damage the fire apparatus. Committee Member O'Hara stated that he would vote yes, that the project will provide a few jobs, and the applicant wishes to be part of the community, not against it.

Chair Fogelson stated that the community is beautiful and quaint and that there are plenty of commercial buildings to the west, but the applicant is currently looking to relocate his business that is currently a rock's throw away from the site, which gives the neighborhood some level of familiarity with the business.

Committee Member Harris stated that she agreed with Committee Member O'Hara in that the applicant is willing to work with the community.

Committee Member Nadine Alauria stated that she was torn in that as a business owner, she understands the applicant's desire to own rather than rent but understands the neighborhood's concerns.

Committee Member Sommacampagna stated that he agreed with Committee Member Alauria. Committee Member Sommacampagna stated that Residential-Office is not an intense zoning district but has concerns with the future variance although those concerns are reduced due to the applicant having retained a qualified attorney who understands the process. Committee Member Sommacampagna stated that he was supportive of the request.

Committee Member Pamperin stated that he was in favor of small businesses but asked the committee members to ask themselves if they would be willing to live across the street from the proposed development. Committee Member Pamperin stated that it is a residential area and that he is not supportive of the request. Committee Member Pamperin referenced the house that had been previously located on the site and suggested that it was possible that another house could be located on the site. **Committee Member O'Hara** stated that the house that was previously located on the property had been demolished by the city because it was an eyesore. Committee Member Pamperin stated that people tend to hold onto their properties and that it would be an assumption to try to guess at why the site had not redeveloped.

Vice Chair Matthews stated that Residential-Office zoning includes a lot of different uses including adult daycare homes, community resident homes, professional medical and dental office, and administrative uses and that zoning lives with the property until such time as it is changed. Vice Chair Matthews stated that while he did not want to restrict small business, and the subject proposal involves a use that will generate five to eight people coming to the site, the other uses that are allowed in the Residential-Office district could generate more traffic. Vice Chair Matthews stated that he was not opposed to the specific use or the specific design and that the applicant was willing to work with the neighbors on certain items, but the range of uses allowed under the proposed zoning district is not appropriate for the neighborhood. Vice Chair Matthews stated that he was also concerned over the need for a future variance and that in his experience variances are granted based on hardship not street classification. Vice Chair Matthews stated that if the city wanted to reclassify or abandon the street, that was their prerogative and not that of the adjacent property owners.

Committee Member Carmona asked if the design of the building was more residential in appearance, or the parking lot was more effectively screened, would that make a difference. **Vice Chair Matthews** asked if it was a dental office generating traffic from 7:00 a.m. to 5:00 p.m. Monday through Friday and with 35 parking spaces being filled, would that make a difference, and reiterated that the zoning district allows a range of uses, many of which generate more traffic than five people coming to work each day.

MOTION 1:

Vice Chair Joshua Matthews motioned to recommend denial Z-58-25-6. **Committee Member Elizabeth Pérez-Pawloski** seconded the motion.

DISCUSSION:

Chair Stephanie Fogelson asked staff to explain the impact of a yes vote. **Mr. Kuhfuss** stated that a yes vote would have the effect of recommending denial of the request.

VOTE 1:

3-10-1, motion to recommend denial of Z-58-25-6 fails with Committee Members Pamperin, Pérez-Pawloski, and Matthews in favor and Committee Members Carmona, Edwards, Garbarino, Harris, Hepperle, Knapp, Larson, O'Hara, Sommacampagna, and Fogelson opposed and Alauria in abstention.

MOTION 2:

Committee Member Arick O'Hara motioned to recommend approval of Z-58-25-6 per the staff recommendation. **Chair Stephanie Fogelson** seconded the motion.

Committee Member Joshua Carmona asked if Committee Member O'Hara would be amenable to a friendly amendment to add an additional stipulation regarding the use of native vegetation and direction for the applicant to work with the neighborhood on building aesthetics. **Mr. Kuhfuss** stated that he had stipulation language prepared and read the following stipulation language into the record as new Stipulation No. 22: "All vegetation planted in association with this site shall consist entirely of plant species indigenous to the Upper Sonoran Desert, as approved by the Planning and Development Department". Committee Member O'Hara agreed to the friendly amendment to add a new stipulation as read into the record by Mr. Kuhfuss and to add direction for the applicant to work with the neighbors regarding building aesthetics. **Chair Stephanie Fogelson** seconded the amended motion. **Committee Member Pamperin** asked if the motion could be amended to include 17th Street being converted to a cul-de-sac. Committee Member O'Hara stated that was outside of the committee's purview. Mr. Kuhfuss restated the motion. **Mr. Allison** acknowledged that he would be amenable to the amended motion.

VOTE 2:

10-3-1, motion to recommend approval of Z-58-25-6 per the staff recommendation, with an additional stipulation regarding the use of native vegetation and direction for the applicant to work with the neighborhood on building aesthetics passes with Committee Members Carmona, Edwards, Garbarino, Harris, Hepperle, Knapp, Larson, O'Hara, Sommacampagna, and Fogelson in favor and Committee Members Pamperin, Pérez-Pawloski, and Matthews opposed and Alauria in abstention.

VPC RECOMMENDED STIPULATIONS

1. All building elevations shall contain architectural embellishments and detailing such as textural changes, pilasters, offsets, recesses, variation in window size and location, and/or overhang canopies, as approved by the Planning and Development Department.

2. A minimum 20-foot-wide landscape setback shall be provided along the property line adjacent to Griswold Road.
3. A minimum 10-foot-wide landscape setback shall be provided along the property line adjacent to 17th Street.
4. A minimum 10-foot-wide landscape setback shall be provided along the east property line.
5. Landscape setbacks shall be planted to the following standards, as approved by the Planning and Development Department.
 - a. Minimum 2-inch caliper, large canopy, drought-tolerant, shade trees, planted 30 feet on center, or in equivalent groupings.
 - b. A minimum of five, 5-gallon drought-tolerant shrubs per tree.
 - c. A mixture of drought-tolerant shrubs, accents, and vegetative groundcovers, evenly distributed throughout the landscape areas to achieve a minimum of 50% live coverage.
6. Where pedestrian walkways cross a vehicular path, the pathway shall be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrast parking and drive aisle surfaces, as approved by the Planning and Development Department.
7. No vehicular access, except for fire access, may be permitted along Griswold Road. All fire access shall be mountable curb with reinforced concrete per MAG detail, as approved by the Planning and Development Department.
8. Right-of-way shall be dedicated at the southeast corner of 17th Street and Griswold Road to encompass all public infrastructure, as approved by the Planning and Development Department.
9. Should the applicant be successful in obtaining a variance to allow access from other than a collector or arterial street, a shared driveway and access easement shall be identified on the plat along 17th Street, between the subject site and the property to the south (APN No. 165-21-006A).
10. All streets within and adjacent to the development shall be constructed with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
11. A minimum of 5% of the required parking spaces shall include EV Installed infrastructure.

12. A minimum of four bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near building entrances and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.
13. All bicycle parking spaces and pedestrian pathways, including sidewalks, shall be shaded by a structure, landscaping, or a combination of the two to provide a minimum of 75% shade, as approved by the Planning and Development Department.
14. Natural turf shall only be utilized for required retention areas (bottom of basin, and only allowed on slopes if required for slope stabilization), as approved by the Planning and Development Department.
15. A minimum of 25% of the surface parking areas shall be shaded, as approved by the Planning and Development Department. Shade may be achieved by structures or by minimum 2-inch caliper, drought tolerant, shade trees, or a combination thereof.
16. Prior to final site plan approval, documentation shall be provided that demonstrates a commitment to participate in the Phoenix Water Efficiency Checkup program for a minimum of 10 years, or as approved by the Planning and Development Department.
17. A minimum of two green stormwater infrastructure (GSI) elements for stormwater management shall be implemented, as approved or modified by the Planning and Development and/or Street Transportation departments. This includes but is not limited to stormwater harvesting basins, bioswales, permeable pavement, etc., per the Greater Phoenix Metro Green Infrastructure and Low Impact Development Details for Alternative Stormwater Management.
18. If determined necessary by the Phoenix Archaeology Office, the applicant shall conduct Phase I data testing and submit an archaeological survey report of the development area for review and approval by the City Archaeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.
19. If Phase I data testing is required, and if, upon review of the results from the Phase I data testing, the City Archaeologist, in consultation with a qualified archaeologist, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archaeological data recovery excavations.
20. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-

foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.

21. Prior to final site plan approval, the landowner shall execute a Proposition 207 waiver of claims form. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record.
22. **ALL VEGETATION PLANTED IN ASSOCIATION WITH THIS SITE SHALL CONSIST ENTIRELY OF PLANT SPECIES INDIGENOUS TO THE UPPER SONORAN DESERT, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.**

STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:

None.