

# Attachment B



## City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

### Staff Report: Z-SP-9-19-4

November 19, 2019

<b>Alhambra Village Planning Committee Meeting Date</b>	November 26, 2019
<b>Planning Commission Hearing Date</b>	December 5, 2019
<b>Request From:</b>	R-3 SP HP (1.18 acres)
<b>Request To:</b>	R-3 SP HP (1.18 acres)
<b>Proposed Use</b>	Special Permit to allow the existing bed & breakfast and underlying R-3 uses
<b>Location</b>	Approximately 210 feet west of the southwest corner of Central Avenue and Pasadena Avenue
<b>Owner</b>	Maricopa Manor, Inc.
<b>Applicant / Representative</b>	Brian Greathouse, Burch & Cracchiolo, PA
<b>Staff Recommendation</b>	Approval, subject to stipulations

<u><a href="#">General Plan Conformity</a></u>			
<u><a href="#">General Plan Land Use Map Designation</a></u>		3.5 to 5 dwelling units per acre	
<u><a href="#">Street Map Classification</a></u>	Pasadena Avenue	Local	35-foot south half street
<p><b><i>CONNECT PEOPLE &amp; PLACES CORE VALUE; OPPROTUNITY SITES; LAND USE PRINCIPLE: Promote and encourage compatible development and redevelopment with a mix of housing types in neighborhoods close to employment centers, commercial areas, and where transit or transportation alternatives exist.</i></b></p> <p>The subject site currently has a Special Permit for a Bed and Breakfast, but it does not allow for underlying uses. The reestablishment of the Special Permit for the Bed and Breakfast use and all underlying R-3 uses will allow for additional uses that could benefit from the site's close proximity to the light rail.</p>			
<p><b><i>CELEBRATE OUR DIVERSE COMMUNITIES AND NEIGHBORHOODS CORE VALUE; HISTORIC DISTRICT; LAND USE PRINCIPLE: Promote land use that encourages continued use of historic resources through rehabilitation and adaptive reuse.</i></b></p> <p>Subject to the issuance of a use permit, the proposed use is to retrofit the property to accommodate a school to help individuals with physical and cognitive disabilities learn the skills needed to preform basic job duties. The school would function out of the existing buildings.</p>			

**CELEBRATE OUR DIVERSE COMMUNITIES AND NEIGHBORHOODS CORE VALUE; CERTAINTY & CHARACTER; LAND USE PRINCIPLE: Protect residential areas from concentrations of incompatible land uses that could change their character or destabilize land values.**

The requested entitlement would allow for the existing Bed and Breakfast that has been in existence since the 1990s to remain on the property, in addition to allowing underlying R-3 district uses.

#### Applicable Plans, Overlays, and Initiatives

[Transit Oriented Development Strategic Policy Framework](#) – see analysis No. 7 below.

[Uptown Transit Oriented Development Policy Plan](#) – see analysis No. 8 below.

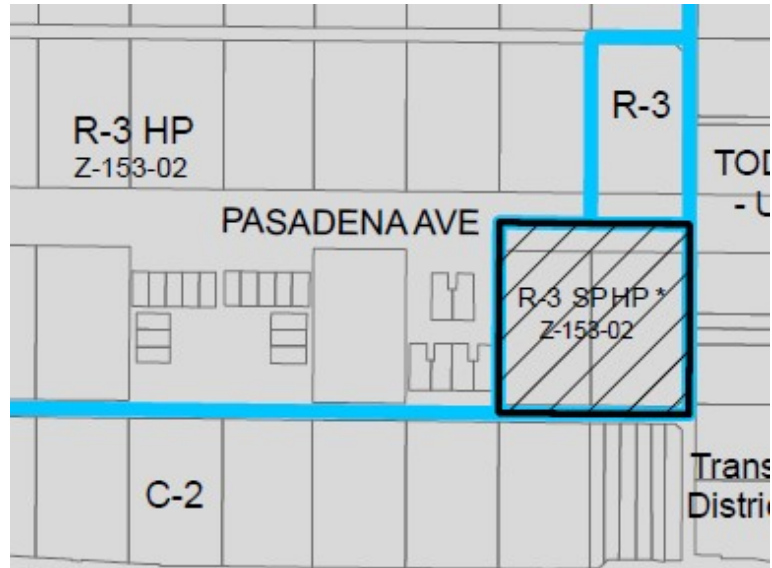
[Reimagine Phoenix Initiative](#) – see analysis No. 12 below.

#### Surrounding Land Uses/Zoning

	<u>Zoning</u>	<u>Land Use</u>
<b>On Site</b>	R-3 SP HP	Existing Bed and Breakfast
<b>North</b>	R-3 HP, R-3	Multifamily residences and parking lot
<b>South</b>	C-2 TOD-1	Retail, commercial series and office
<b>East</b>	C-2 TOD-1	Retail, commercial series, office and restaurant
<b>West</b>	R-3 HP	Multifamily residential development

**Background/Issues/Analysis**

1. This request is to rezone 1.18 acres located approximately 210 feet west of the southwest corner of Central Avenue and Pasadena Avenue from R-3 SP HP (Multifamily Residence District, Special Permit, Historic Preservation Overlay) to R-3 SP HP (Multifamily Residence District, Special Permit, Historic Preservation Overlay) to allow for the existing bed and breakfast and underlying R-3 uses.



Source: City of Phoenix Planning and Development Department

The current Special Permit only allowed the Bed and Breakfast use.

2. The General Plan Land Use Map designation for the subject site is Residential 3.5 to 5 dwelling units per acre. The underlying R-3 HP zoning designation is not consistent with the land use map designation; however, since the property is less than 10 acres a General Plan Amendment is not required.

The following General Plan Land Use Map designations are surrounding the site:



Source: City of Phoenix Planning and Development Department

**South and East:** Commercial

**North and West:** Residential 3.5 to 5 dwelling units per acre.

### SURROUNDING USES AND ZONING

3. **North:**

Directly to the north of the subject site is a multifamily development zoned R-3 HP (Multifamily Residence District, Historic Preservation Overlay) and a parking lot zoned R-3 (Multifamily Residence District).

**South:**

Directly to the south of the subject site is commercial retail, services and office uses zoned C-2 TOD-1.

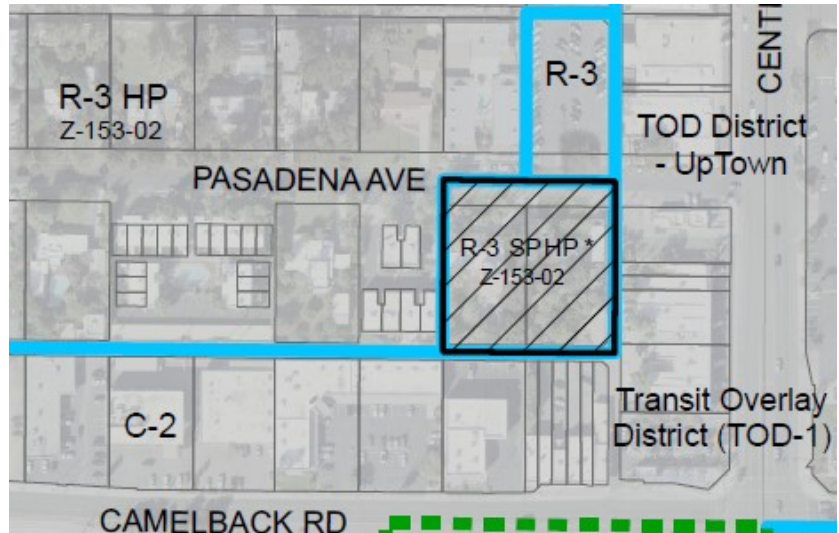
**East:**

Directly to the east of the subject site is commercial retail, services and restaurant uses zoned C-2 TOD-1.

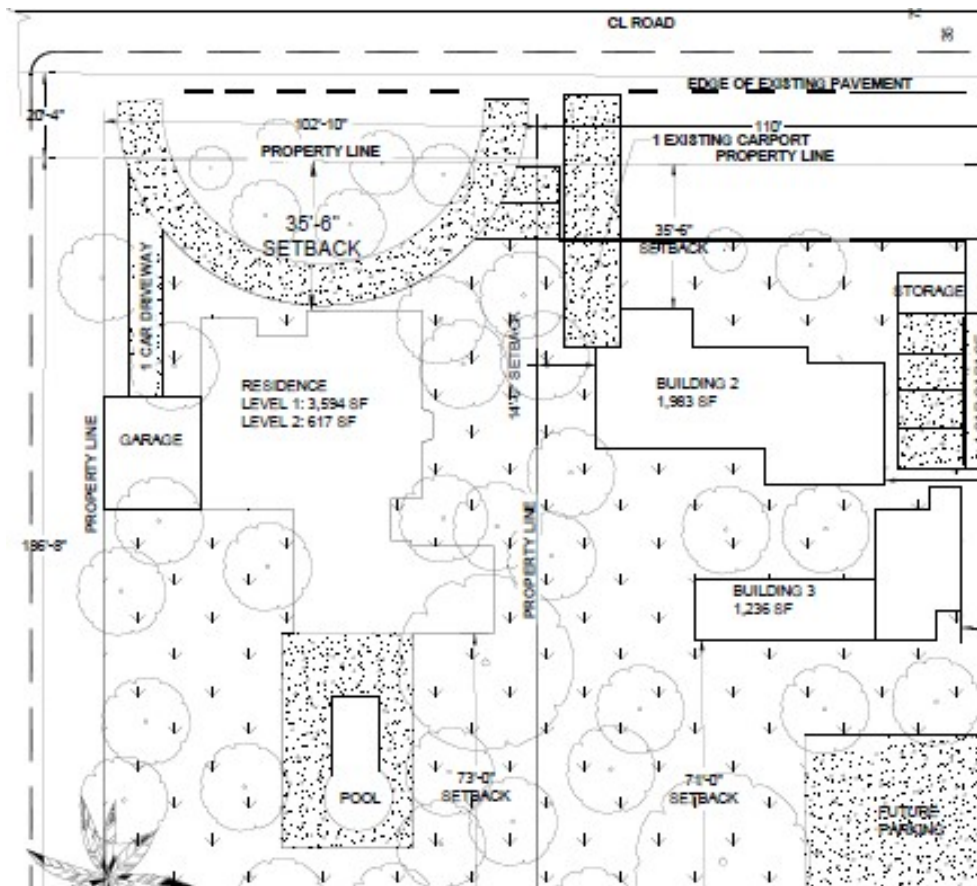
**West:**

Directly to the west of the subject site a residential condominium development use zoned R-3 HP.

4. The site plan provided depicts the existing bed and breakfast buildings on site with no proposed structural modifications. The proposed use is a school for the developmentally and cognitively disabled to teach them workforce skills.



Source: City of Phoenix Planning and Development Department



Source: Desert Sky Engineering

5. Rezoning Case No. Z-SP-2-95-4 established the Special Permit to allow a bed and breakfast use without allowing underlying R-3 uses. Rezoning Case No. Z-153-02 established the Historic Preservation Overlay for this property as well as other properties in the Medlock Place neighborhood.
6. A Special Permit authorizes a use not otherwise permitted in the underlying zoning district. In the current proposal, the underlying zoning district is R-3 SP HP and as such, the current request is to allow underlying R-3 uses while maintaining the Special Permit for a Bed and Breakfast and the Historic Preservation Overlay.
7. The Transit Oriented Development Strategic Policy Framework is part of the city's General Plan which identified planning typologies to describe urban environments. The identified environment for the Central Avenue and Camelback Road light rail station area, south of this site is Historic Neighborhood Center. Historic Neighborhood Center is a place type characterized by low intensity with building heights typically from two to four stories with incentive heights of up to five stories. Land uses may include balanced commercial and residential, retail destination, entertainment destination, and some employment. The request for the reestablishment of the Special Permit is consistent with the policy.

8. The site is located within the Uptown TOD (Transit Oriented Development) District, the boundaries for which are 15th Avenue and 7th Street, with Missouri Avenue as its northern boundary, and Indian School Road as its southern boundary. The policy plan adopted for the Uptown TOD District provides a blueprint for fully achieving the transformative potential of light rail in a sustainable manner. Changes advocated in the plan can lower transportation costs for residents, create new business opportunities, encourage active, healthy lifestyles, ensure Phoenix increases its competitive advantage in the global marketplace, and improve prosperity by growing the economy in locations with existing infrastructure and public services. This proposal is consistent with goals and policies of the plan due in part by allowing underlying R-3 uses. The proposed use with further the Land Use Character Element by maintaining the existing historic structures on site.



*Source: City of Phoenix Planning and Development Department  
Conceptual Master Plan for Uptown TOD Plan*

#### COMMUNITY INPUT SUMMARY

9. At the time this staff report was written, staff has received one letter from a representative of the current property owner.

#### INTERDEPARTMENTAL COMMENTS

10. The Floodplain Management Division of the Public Works Department indicated that the parcel is not in a Special Flood Hazard Area (SFHA), but is located in a Shaded Zone X, on panel 1740 L of the Flood Insurance Rate Maps (FIRM) dated October 16, 2013.
11. The City of Phoenix Water Services Department has noted the property has existing water and sewer mains that can potentially serve a proposed development. However, there is potential need to up size existing water and sewer infrastructure mains so that any remodels or new buildings will be able to meet domestic and fire code requirements.

## OTHER

12. As part of the Reimagine Phoenix initiative, the City of Phoenix is committed to increasing the waste diversion rate to 40 percent by 2020 and to better manage its solid waste resources. Section 716 of the Phoenix Zoning Ordinances establishes standards to encourage the provision of recycling containers for multifamily, commercial and mixed-use developments meeting certain criteria. The provision of recycling containers was not addressed in the applicant's submittals.
13. The site has not been identified as being archaeologically sensitive. However, in the event archaeological materials are encountered during construction, all ground disturbing activities must cease within 33-feet of the discovery and the City of Phoenix Archaeology Office must be notified immediately and allowed time to properly assess the materials. This is addressed in Stipulation No. 1.
14. Development and use of the site is subject to all applicable codes and ordinances. Zoning approval does not negate other ordinance requirements. Other formal actions such as, but not limited to, zoning adjustments and abandonments, may be required.

## **Findings**

1. The R-3 HP SP will allow for the current Bed and Breakfast to remain while allowing for underlying R-3 uses.
2. The request is consistent with the neighborhood place type in the Strategic Policy Framework.
3. The proposal is consistent with the Uptown Policy Plan by furthering the Land Use Element of Character.

## **Stipulations**

1. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.

## **Writer**

Kaelee Wilson  
November 19, 2019

## **Team Leader**

Samantha Keating

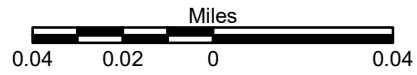
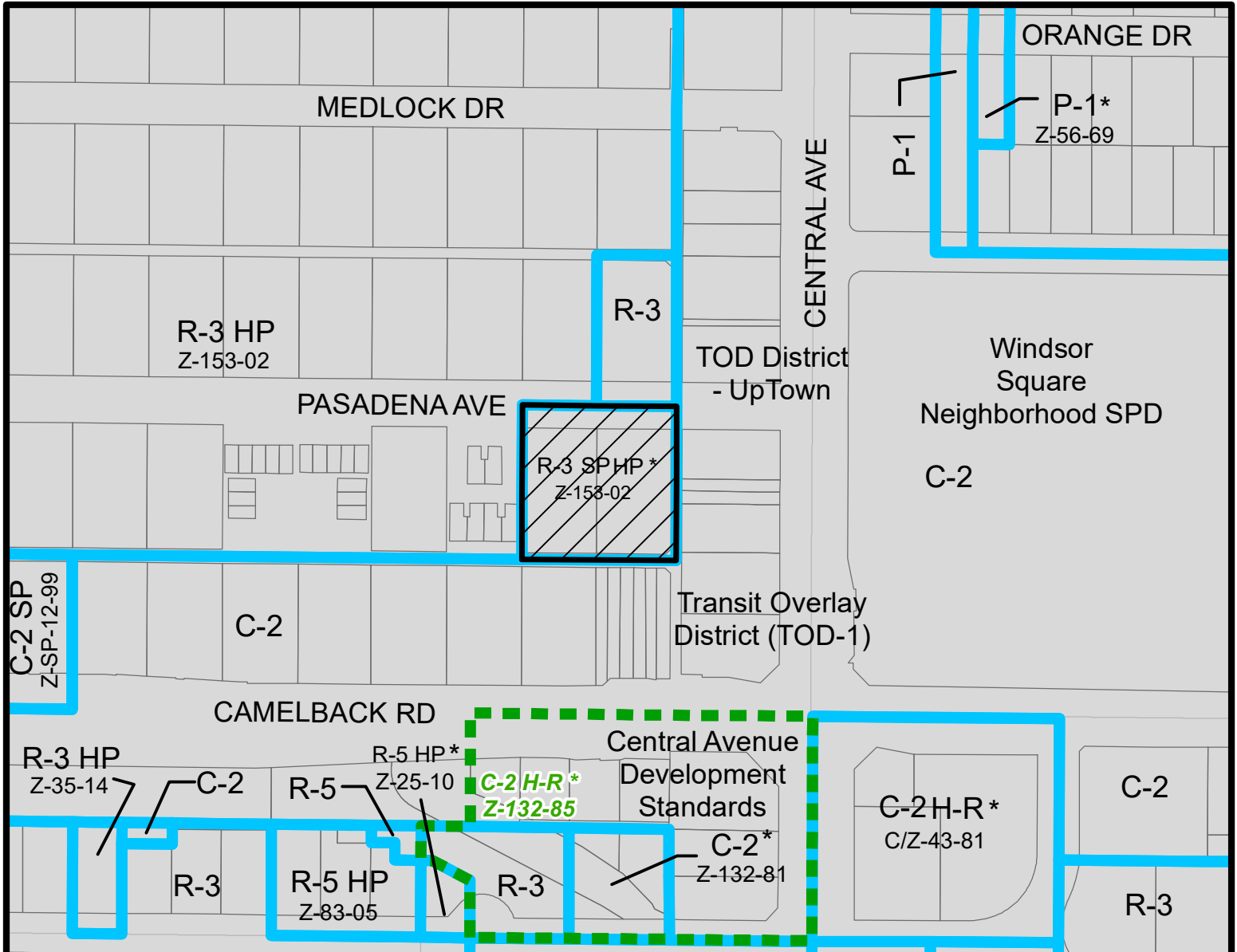
## **Exhibits**

Sketch Map  
Aerial

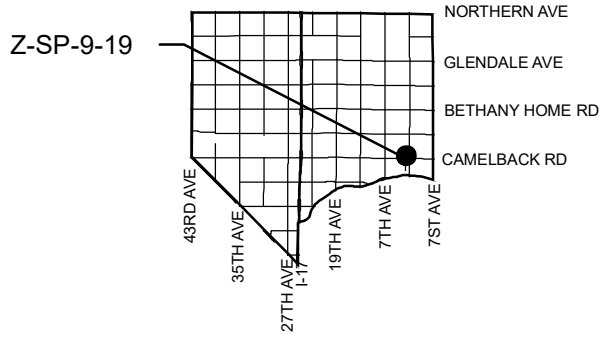
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Site Plan date stamped September 6,  
2019 Correspondence (3 pages)



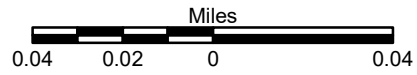
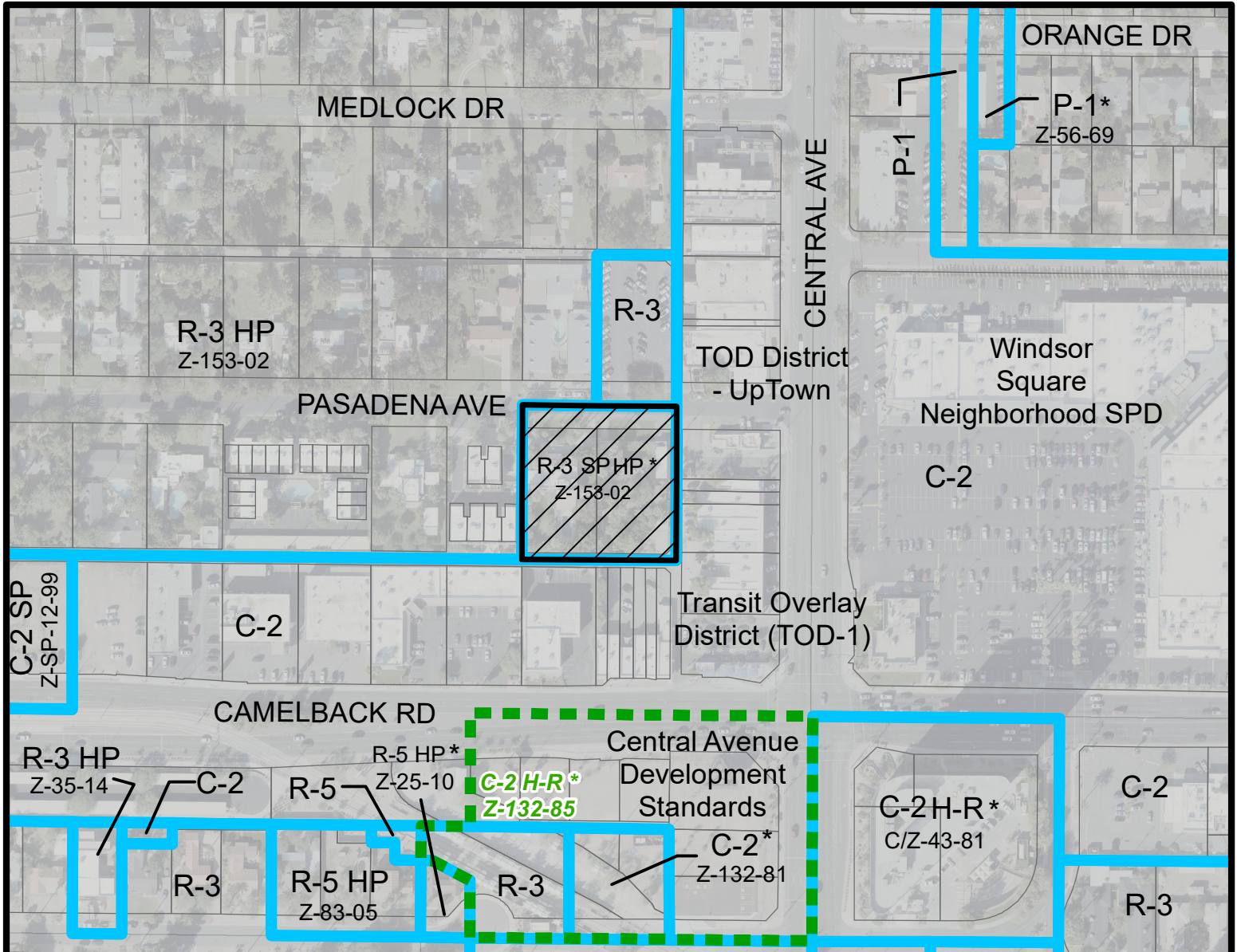


**ALHAMBRA VILLAGE**  
CITY COUNCIL DISTRICT: 4

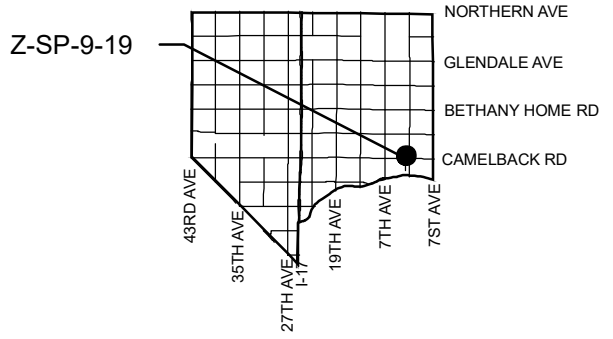


<b>APPLICANT'S NAME:</b> Brian Greathouse, Burch & Cracchiolo, PA		<b>REQUESTED CHANGE:</b>	
<b>APPLICATION NO.</b> Z-SP-9-19		<b>FROM:</b> R-3 SP HP ( 1.18 a.c.)	
<b>DATE:</b> 10/10/2019 <small>REVISION DATES:</small>		<b>TO:</b> R-3 SP HP ( 1.18 a.c.)	
<small>GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.</small> <b>1.18 Acres</b>			
<small>AERIAL PHOTO &amp; QUARTER SEC. NO.</small> <b>QS 19-27</b>		<small>ZONING MAP</small> <b>H-8</b>	
<b>MULTIPLES PERMITTED</b>		<b>* UNITS P.R.D. OPTION</b>	
R-3 SP HP		20	
R-3 SP HP		20	
<b>CONVENTIONAL OPTION</b>			
17			
17			

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



**ALHAMBRA VILLAGE**  
CITY COUNCIL DISTRICT: 4

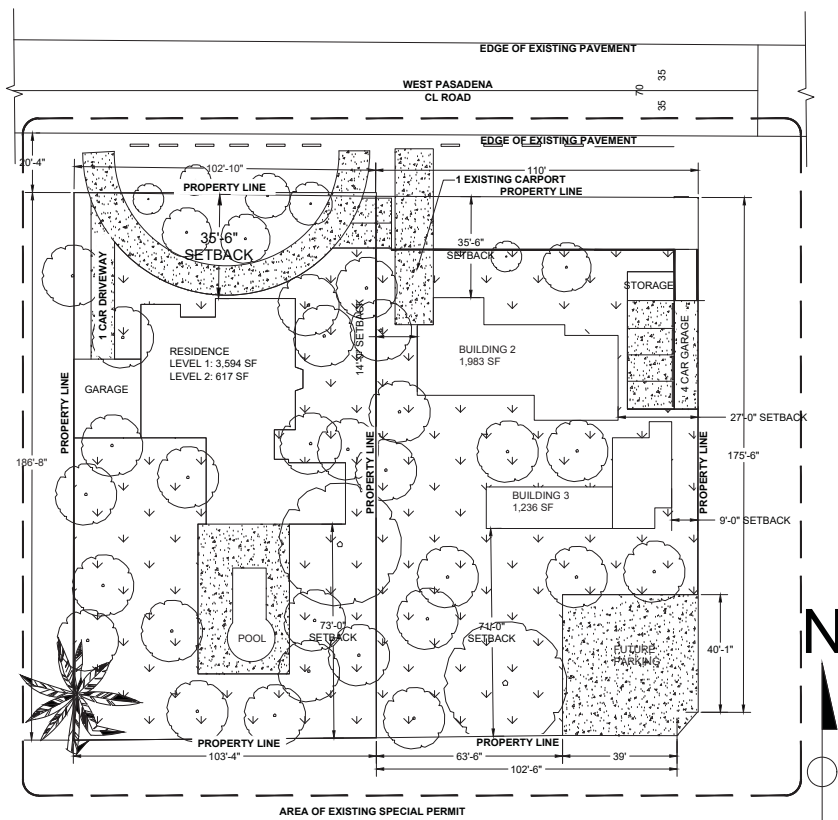


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17		20	
17		20	

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

**NOTES**

1. ALL LANDSCAPING IS EXISTING.



MARICOPA MANOR SITE PLAN  
1"=20'

**CITY OF PHOENIX**

SEP 06 2019

Planning & Development  
Department

No.	Description	Date
0	1ST SUBMITTAL	8/26/19

**DSE**  
DESERT SKY ENGINEERING  
E: 623-875-0692 • M: 623-297-4806 • SKYDINGER@CSX.NET  
8344 WEST RAJADA ROAD • PEORIA • ARIZONA 85383

**MARICOPA MANOR  
SITE PLAN**

Project Number	Project Number
Date: 8/5/19	Issue Date
Drawn By: MS	Author
Checked By: SKY	Checker

**S-1**

Scale: VARIES SHEET: 1 OF 1

# SacksTierney P.A.

ATTORNEYS

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Steven R. Beeghley	Bryan J. Gottfredson	Lauren M. Reynolds
Stephen Aron Benson	Gaye L. Gould	Michael R. Rooney
Brian E. Ditsch	Michael J. Harris	Clifford J. Roth
Paul F. Dowdell	Evan F. Hiller	Philip R. Rudd
Judith M. Dworkin	Janet E. Jackim	James S. Samuelson
Patty A. Ferguson	Joe Keene	Sharon B. Shively
Brian M. Flaherty	Robert G. Kimball	Allyson J. Teply
Candace D. French	Nancy M. Lashnits	David C. Tierney
Michael Galen	Jeffrey S. Leonard	Laura M. Trujillo
Roxann S. Gallagher	Phoebe Moffatt	Matthew F. Winter

*Seymour Sacks (1932 – 2011)*

*Marvin S. Cohen (1931 – 2009)*

Gary E. Pace, CLM, Executive Director

November 13, 2019



The Honorable Charles Jones, Chair  
Alhambra Village Planning Committee  
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Re: Application No.: Z-SP-9-19 // Maricopa Manor Inc. Application for Amendment to Special Use Permit, 11 and 15 West Pasadena, Phoenix

## **ALHAMBRA VILLAGE PLANNING COMMITTEE MEETING 11/2\_\_/2019**

Dear Ms. Keating and Mr. Jones:

**Introduction.** This firm represents Maricopa Manor Inc., an Arizona corporation (“MMI”), whose shareholders and officers are Joan and Scott Eveland (the “Evelands”). MMI owns and operates the Maricopa Manor Bed and Breakfast Inn located at 11 and 15 West Pasadena, Phoenix (the “Bed and Breakfast” or “Manor”).

**History.** The Bed and Breakfast has a long history in this City. The two-bedroom Manor house, located at 15 West Pasadena, was built in 1928 in the Alhambra Village by B.J. and Naomi Showers for their growing family. In 1970, Mary Ellen and Paul Kelley purchased the Manor house and an adjacent home at 11 West Pasadena for their extended family, visitors, foster children and exchange students and converted the property into the City’s sole licensed bed and breakfast inn. In 2000 the Kelleys retired and sold the Manor to a physician from Minnesota who was fascinated with the Manor’s history, location, charm and antiques. Hailing from Wisconsin, Joan and Scott Eveland purchased the property and business in 2010 to be near their grandchildren, and have enjoyed successes and overcome challenges in operating the Manor to date.

The Manor. The Manor has been expanded, remodeled and redecorated seven times, most recently in 2016-2017, and features resort-style luxuries for its guests. Built in the urban California Spanish style, the Manor showcases the main house and adjacent transitional ranch style casitas, all of which face into an enclosed acre of grassy lawns with palm, citrus and shade trees, a pool with waterfalls, a gazebo spa and patios with fountains and ramada. This cool and green setting has been a respite for the weary and a celebration forum for wedding participants. Zoning is R-3 (multifamily residential district) with a special use permit to operate the Bed and Breakfast (the “SUP”).

Today. Just as history has played a large part in the success of the Bed and Breakfast, so now will change again impact the Manor. In conjunction with the efforts of Development Enrichment Centers, a 501(c)(3) nonprofit corporation (“DEC”), the Evelands desire to create a legacy for a special group of new visitors to enjoy the Manor -- that legacy is the repurposing of the Manor from a bed and breakfast to a residence and training facility for disabled adults, to be called the “Olivete Place”.

DEC, located in Glendale, Arizona ([www.dec-az.org](http://www.dec-az.org)), provides comprehensive life skills training and personal care services to adults with developmental disabilities.<sup>1</sup> During its ten-year operation, DEC has built a computer lab, a full kitchen and a sensory room and delivered hundreds of thousands of service hours to this important segment of the community. Its classes offer health and wellness, household management, personal finances and other daily integrative experiences. DEC is licensed and contracts with and is paid by the Arizona Department of Economic Security’s Division of Developmental Disabilities to provide these services.

The Evelands’ legacy, as more particularly described herein, will provide a serene but impactful learning environment to disabled persons not currently offered in the Valley. Because their legacy would provide full-time supervised housing, training and care for their developmentally disabled daughter, Kim, and other disabled adults at the repurposed Manor, this legacy truly comes from the heart.

Application for Amendment to SUP. MMI’s Application to amend the Bed and Breakfast SUP would very simply permit all R-3 uses (other than bed and breakfast) for the Manor, including the remodeling of one to several existing efficiency apartments for occupation by high-level developmentally disabled adults. A later (January, 2020) application for SUP would permit DEC to open the proposed training facility for disabled adults in April or May, 2020. Additional interior staged remodeling would occur from 2020 to 2025, affording the Evelands’ daughter and her caretaker separate living facilities in the Manor house and casitas for the residence of other disabled adults.

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<sup>1</sup> The term “development disability” means a diverse group of chronic conditions due to mental or physical impairments that arise before adulthood. Persons with this disability encounter life-long difficulties in language, mobility, learning, self-help and independent living.

Neighborhood Impact. The Evelands and DEC have carefully considered the *possible* effects, both positive and negative, of their legacy upon the neighborhood if their plans are approved by the City. No noticeable exterior construction will be required, although some exterior repairs and maintenance activities will be scheduled to commence soon. Initially, a training facility will be created by modifying the interiors of several currently-existing casitas. This facility will be operated by four DEC staff members supervising up to twenty adult clients. Neighbors can expect only a minimal traffic increase because DEC clientele will be transported by van to the Manor from their offsite living arrangements. Parking accommodations will be unchanged. Hours of operation will be the typical business day. Impacts upon the neighborhood appear to be minimal.

Change. Change is constant; changes to the Manor are inevitable but will be subtle as described in the Application. The Manor will not be demolished for construction of an apartment building or condominium complex and will not be used as a day care center, group home or charter school — those are not the legacy the Evelands intend to leave to the community. Instead, the Manor's iconic exterior style and sheltered interior courtyard will continue to grace the neighborhood. And, rather than housing a family and tourists (as it does today), the Evelands intend to dedicate the Manor to serve a vulnerable *segment* of our community. Historically, the Manor has evolved from a single-family residence to the Bed and Breakfast, and now, with the granting of the SUP, the Manor will further change to serve the educational and residence needs of developmentally disabled adults.

Although the Evelands will end the Bed and Breakfast business effective December 31, 2019, its history and contributions to the community will live on as Olivete Place through the efforts of the Evelands and DEC. We encourage you to support the amendment to the existing SUP to permit the Evelands to use the Manor consistent with the R-3 designation for purposes other than a bed and breakfast. Please contact me if you have any questions or desire additional information. Thank you for your consideration.

Very truly yours,

SACKS TIERNEY P.A.

/s/ Janet E. Jackim, Esq.

JEJ: