

Attachment C

PLEASE RESPOND ELECTRONICALLY TO TERESA GARCIA 2ND FLOOR, 602-262-7399



City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

To: Departments Concerned **Date:** September 13, 2023
From: Joshua Bednarek
Planning & Development Department Director
Subject: P.H.O. APPLICATION NO. PHO-1-23--Z-60-21-6 – 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 **October 18, 2023**.
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 **September 20, 2023**.

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, Chase Hales), 2nd Floor
Village Planner (John Roanhorse, Camelback East Village)
Village Planning Committee Chair (Jay Swart, Camelback East Village)



City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR PLANNING HEARING OFFICER ACTION

APPLICATION NO: PHO-1-23-Z-60-21

Council District: 6

Request For: Stipulation Modification

Reason for Request: Request to modify Stipulation #1 regarding general conformance with elevations date stamped September 2, 2021. Request to modify Stipulation #3 regarding the incorporation of patio or seating court area. Request to modify Stipulation #5 regarding a required minimum 10-foot landscape setback along the property lines. Request to delete Stipulation #6 regarding parking lot area landscaping. Request to delete Stipulation #7 regarding the required number of bicycle parking spaces. Request to delete Stipulation #9 regarding decorative pavers crossing drive aisles. Request to delete Stipulation #10 regarding required local street improvements.

Owner	Applicant	Representative
Chapter 2, LLC; 1265 Airport Rd Boulder City NV 89005 (480) 330-1515 tom.f.derryberry@gmail.com	Berry Riddell LLC c/o Wendy Riddell 6750 East Camelback Road, Suite 100 Scottsdale AZ 85281 (505) 328-6606 kmp@berryriddell.com	Berry Riddell LLC c/o Wendy Riddell 6750 East Camelback Road, Suite 100 Scottsdale AZ 85281 P: (505) 328-6606 F: (480) 385-2757 kmp@berryriddell.com

Property Location: Approximately 65 feet west of the southwest corner of 40th Street and Monterosa Street

Zoning Map: <u>H-10</u>	Quarter Section: <u>17-36</u>	APN: <u>170-32-090</u>	Acreage: <u>0.63</u>
Village: <u>Camelback East</u>			
Last Hearing: <u>CC HEARING</u>			
Previous Opposition:			
Date of Original City Council Action: <u>02/02/2022 220 PM</u>			
Previous PHO Actions:			
Zoning Vested: <u>R-3</u>			
Supplemental Map No.:			
Planning Staff: <u>081866</u>			

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.mailbox@phoenix.gov or visit our website at <http://phoenix.gov/pdd/licensetimes.html>.

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

Fee	Fee Waived	Fee Date	Receipt	Purpose
\$1,725.00	\$0.00	08/02/2023	23-0057069	Original Filing Fee

Signature of Applicant: _____ DATE: _____

Hearing Results

Planning Hearing Officer Date: <u>10/18/2023 1000 AM</u>	Planning Commission Date: _____	City Council Date: _____
Appealed?: _____	Appealed?: _____	Action: _____
Action: _____	Action: _____	Action: _____

PHO Application Narrative

MONTEROSA DUPLEXES

August 2, 2023

Prepared by (Applicant):

Berry Riddell LLC
Wendy Riddell, Esq.
Kaelee Palmer, Planner
6750 E Camelback Road, Suite 100
Scottsdale, Arizona 85251

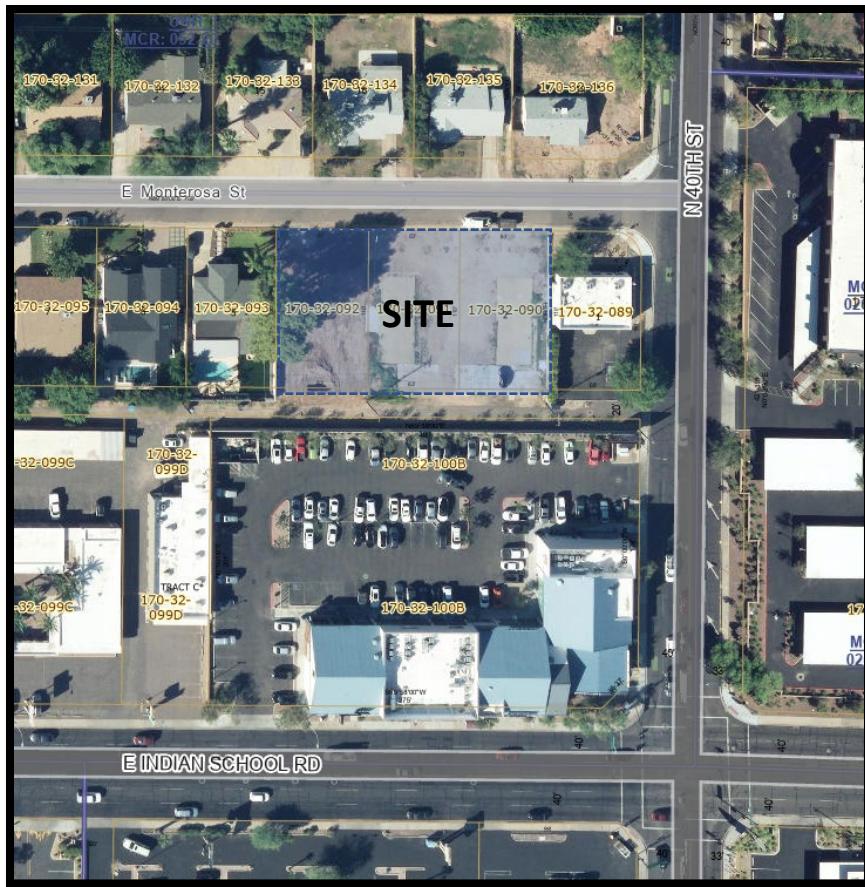
CITY OF PHOENIX

SEP 11 2023

**Planning & Development
Department**

REQUEST

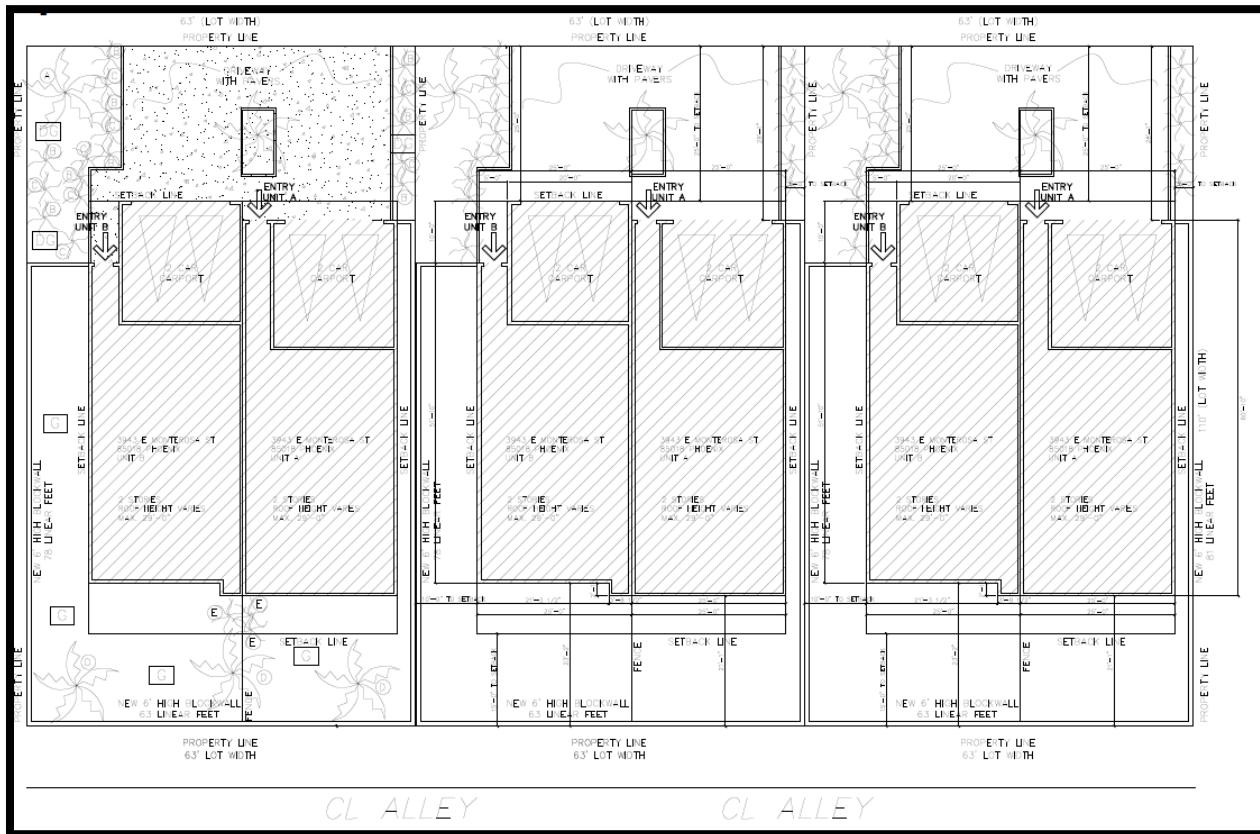
The purpose of this request is to seek Planning Hearing Officer (“PHO”) approval of several stipulation modification and deletions, pursuant to Z-60-21-6, for a Site located at 3933- 3943 E. Monterosa Street (the “Site”). The Site consists of three parcels, APNs 170-32-090, -091, and -092, and is currently vacant. The Site was rezoned in 2021 (Z-60-21-6) to R-3 to allow for the development of eight (8), two-story townhomes on the Site. This PHO request will reduce the units from eight (8) to six (6). In addition, the Site is designated as Residential 3.5 to 5 du/ac on the General Plan Land Use Map and is located in the Camelback East Village.



PROPOSED DEVELOPMENT

The proposed site plan features 3 duplex structures, with a duplex on each lot. The duplex design features a two-car carport on the Monterosa frontage with a private yard for each unit. The duplexes are proposed at two-stories and 29 feet in height. The proposed elevations feature a modern architectural style with second story balconies. The proposed development is consistent with the approved zoning and fulfills a need in the community.

Proposed Site Plan



STIPULATION MODIFICATION

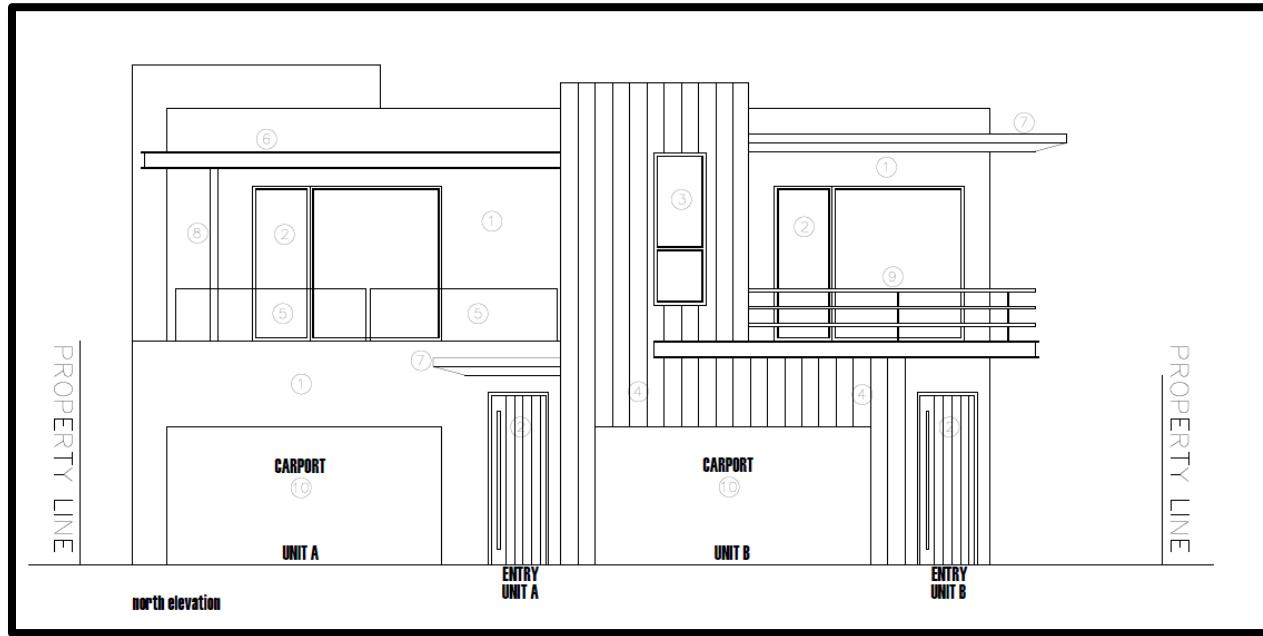
The purpose of this request is to modify three (3) stipulations from rezoning case Z-60-21-6. Each request is outlined in detail below.

Stipulation #1: "The development shall be in general conformance with the elevations date stamped ~~September 2, 2021~~, **MAY 14, 2023**, with specific regard to the following and as approved by the Planning and Development Department.

- There shall be a maximum building height of 2 stories and 30 feet.
- Individual entry ways on front (Monterosa) elevation shall be clearly identifiable as the primary pedestrian access for residential units."

Response: The purpose of the original rezoning was to allow the development of eight (8) multi-family townhomes on the Site. The proposal is offering a reduction in units to six (6) duplexes, which is a different product type than what was envisioned during the original rezoning case and thus, general conformance with the September 2, 2021, elevations is not achievable. The

proposed duplexes will each be two stories and have a maximum height of 29 feet. As shown below, each duplex unit will have its own private entry way that will be clearly visible and identifiable from Monterosa Street.



Stipulation #3: "The primary entryways into residential units shall face Monterosa Street. ~~These entryways shall incorporate a patio or seating court area, as approved by the Planning and Development Department.~~"

Response: As previously stated and demonstrated in the elevations above, each unit will have a private, primary entryway that faces, and is visible from, Monterosa Street. Under the original rezoning case, each townhome unit would have vehicular access on the southern boundary of the Site, from an alleyway. This created a need for livable outdoor space, which was designed at the front of each unit as a patio or courtyard feature. The present proposal envisages vehicular access from the front of each unit, off Monterosa Street. The new product type will allow a more traditional living experience, with access to the unit from the front of development and livable outdoor space at the back of each unit, similar to a traditional backyard. Therefore, given the relocation of livable outdoor space to the rear of the proposed duplexes, there is no longer a need for a patio or seating courts at the front of each unit.

Stipulation #5: "A minimum 10-foot landscape setback shall be required along the ~~west and east~~ property lines. ~~These~~ This areas shall be planted with minimum 2-inch caliper shade trees placed 20 feet on center or in equivalent groupings, as approved by the Planning and Development Department."

Response: The Site was originally platted prior to 1998 and therefore is considered a standard subdivision under Section 615 of the City of Phoenix Zoning Ordinance (the "Ordinance"). The original rezoning case treated the three separate parcel as one parcel, with multifamily

townhomes operating as one attached multifamily building. The proposal now encompasses three detached duplexes on three individual lots. As a result, a 10' setback is proposed on the western boundary, where the proposed development abuts single-family homes, and in between each duplex. The development is proposing a 3' setback where adjacent to a commercial use, on the eastern boundary of the Site.

STIPULATION DELETION

The purpose of this request is to delete four (4) stipulations from rezoning case Z-60-21-6. Each request is outlined in detail below.

***Stipulation #6:** "All uncovered surface parking lot areas shall be landscaped with minimum 2 inch caliper drought tolerant shade trees. Landscaping shall be dispersed throughout the parking area and achieve 25 percent shade at maturity, as approved by the Planning and Development Department. Shade may be provided with a combination of trees and structural shade."*

Response: Due to the change in product type of the proposed development from townhomes to duplexes, a surface parking lot is no longer provided. Instead, each duplex unit will be provided with an individual, covered two car carport.

***Stipulation #7:** "A minimum of eight bicycle parking spaces shall be provided through inverted U and/or artistic racks located the southwest portion of the site, to the north of the pedestrian entry gate depicted on the site plan date stamped September 2, 2021. These parking spaces shall be 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."*

Response: As previously stated, due to the change in product type of the proposed development, bicycle parking spaces are no longer provided in the proposed design. Each proposed duplex unit will have ample space within the unit to store bicycles.

***Stipulation #9:** "Where pedestrian pathways cross drive aisles, they shall be constructed of decorative pavers, stamped or colored concrete, and other pavement treatments that visually contrast with the adjacent parking and drive aisle surfaces, as approved by the Planning and Development Department."*

Response: Neither the site plan approved as part of the original rezoning, nor the proposed site plan, have pedestrian pathways crossing drive aisles.

***Stipulation #10:** "The developer shall provide 20 feet of paving per the local street requirements for the alley from the western boundary of the property to 40th Street, as approved by the Planning and Development Department."*

Response: Again, due to the change of product type from townhomes to duplexes, this stipulation is no longer needed. Units will no longer be accessed from the alley abutting the Site

to the south, as originally proposed. Instead, each duplex will now have a shared driveway and private two car carport on the northern boundary. Residents will access their units from Monterosa Street.

If you have any questions, please feel free to reach out to me directly. Your attention to this matter is greatly appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "WR".

Wendy Riddell

Teresa R Garcia

From: PDD Traffic Review
Sent: Tuesday, September 12, 2023 12:24 PM
To: Kaelee Palmer
Cc: Remigio Cordero; Tom Derryberry; Teresa R Garcia; Jacob R Pretzman
Subject: RE: MarkUps - 23-1133 FACT 2304084 Monterosa Duplexes WRITTEN ONLY

Hello,

That sounds correct based off of the information provided and will be verified when the site plan comes in for review.

Thank you

Denise Torres
PDD / Traffic Review
denise.torres@phoenix.gov
602-262-7823

From: Kaelee Palmer <kmp@berryriddell.com>
Sent: Tuesday, September 12, 2023 11:35 AM
To: PDD Traffic Review <pdd.trafficreview@phoenix.gov>
Cc: Remigio Cordero <Remigio.Cordero@phoenix.gov>; Tom Derryberry <tom.f.derryberry@gmail.com>; Teresa R Garcia <teresa.garcia@phoenix.gov>; Jacob R Pretzman <jacob.pretzman@phoenix.gov>
Subject: RE: MarkUps - 23-1133 FACT 2304084 Monterosa Duplexes WRITTEN ONLY

Denise,

Thank you for your response! These are duplexes with three bedrooms so as I am reading it, it will be 2 spaces per unit. Since we have two space carports, my assumption is that those carports will be sufficient. Is that correct?

Thanks,

Kaelee Palmer

Planner

BERRY RIDDELL LLC

6750 E. Camelback Road | Suite 100 | Scottsdale, AZ 85251

505-328-6606 | 480-385-2757 fax | kmp@berryriddell.com

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From: PDD Traffic Review <pdd.trafficreview@phoenix.gov>
Sent: Tuesday, September 12, 2023 9:26 AM
To: Kaelee Palmer <kmp@berryriddell.com>
Cc: Remigio Cordero <Remigio.Cordero@phoenix.gov>; Tom Derryberry <tom.f.derryberry@gmail.com>; Teresa R Garcia <teresa.garcia@phoenix.gov>; Jacob R Pretzman <jacob.pretzman@phoenix.gov>
Subject: RE: MarkUps - 23-1133 FACT 2304084 Monterosa Duplexes WRITTEN ONLY

Good Morning,

Depending on the proposed development use you would follow the table below. For Multi-family or Single Family "Attached", the parking requirements will be dependent on the number of bedrooms per dwelling unit. If the development is Single Family "Detached", then it's 2 spaces per dwelling unit.

Thank you

Denise Torres
PDD / Traffic Review
denise.torres@phoenix.gov
602-262-7823

From: Kaelee Palmer <kmp@berryriddell.com>
Sent: Monday, September 11, 2023 4:40 PM
To: PDD Traffic Review <pdd.trafficreview@phoenix.gov>
Cc: Remigio Cordero <Remigio.Cordero@phoenix.gov>; Tom Derryberry <tom.f.derryberry@gmail.com>; Teresa R Garcia <teresa.garcia@phoenix.gov>; Jacob R Pretzman <jacob.pretzman@phoenix.gov>
Subject: RE: MarkUps - 23-1133 FACT 2304084 Monterosa Duplexes WRITTEN ONLY

Hello,
I am hoping you can provide some assistance on what the required parking would be for a development of three parcels, with a duplex on each parcel. Please let me know as soon as possible as we are up against a PHO deadline.

Thanks,

Kaelee Palmer

Planner

BERRY RIDDELL LLC

6750 E. Camelback Road | Suite 100 | Scottsdale, AZ 85251

505-328-6606 | 480-385-2757 fax | kmp@berryriddell.com

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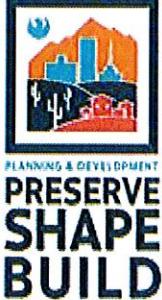
From: Jacob R Pretzman <jacob.pretzman@phoenix.gov>
Sent: Monday, September 11, 2023 4:24 PM

To: Kaelee Palmer <kmp@berryriddell.com>
Cc: Remigio Cordero <Remigio.Cordero@phoenix.gov>; Tom Derryberry <tom.f.derryberry@gmail.com>
Subject: RE: MarkUps - 23-1133 FACT 2304084 Monterosa Duplexes WRITTEN ONLY

Hi Kaelee,

Thank you for clarifying. Please reach out to our Traffic Team for assistance – pdd.trafficreview@phoenix.gov.

Regards,



Jacob Pretzman, Planner II
jacob.pretzman@phoenix.gov

Planning & Development Department
Site Planning Division
Office: 602-534-5326
200 West Washington Street, 2nd Floor
Phoenix, AZ 85003

From: Kaelee Palmer <kmp@berryriddell.com>
Sent: Monday, September 11, 2023 4:09 PM
To: Jacob R Pretzman <jacob.pretzman@phoenix.gov>
Cc: Remigio Cordero <Remigio.Cordero@phoenix.gov>; Tom Derryberry <tom.f.derryberry@gmail.com>
Subject: RE: MarkUps - 23-1133 FACT 2304084 Monterosa Duplexes WRITTEN ONLY

Hey Jacob,

Thanks for the quick response. I am referring to this table with the land uses:

Type of Land Use	Parking Requirements
Dormitories, Fraternity and Sorority Houses	1 space per 1 dwelling unit and 1 space for each 2 guest rooms
Dwelling Unit, Multi-family	<p>Total required parking</p> <p>1.3 spaces per efficiency unit and 1.5 spaces per 1 or 2 bedroom unit and 2 spaces per 3 or more bedroom unit, 1.0 space per unit of less than 600 square feet regardless of number of bedrooms</p> <p>When the required parking is reserved for residents, additional unreserved parking is required as follows: 0.3 spaces for each efficiency unit and 0.5 spaces per each 1 or 2 bedroom unit and 1.0 space per each 3 or more bedroom unit</p> <p>Exception for unreserved parking: where minimum 18-foot driveways are provided for individual units, .25 space per each unit</p> <p>Unreserved parking shall be distributed throughout the site.</p> <p>Note: Any unreserved parking spaces required by this section may be counted toward the total required parking count.</p>
Dwelling Unit, Single-Family Attached	1.3 spaces per efficiency unit and 1.5 spaces per 1 or 2 bedroom unit and 2 spaces per 3 or more bedroom unit, 1.0 space per unit of less than 600 square feet regardless of number of bedrooms
Dwelling Unit, Single-Family Detached	2 spaces per 1 dwelling unit
Field Sports i.e. Softball, Soccer, Football	15 spaces per field

Thanks,

Kaelee Palmer
Planner

BERRY RIDDELL LLC

6750 E. Camelback Road | Suite 100 | Scottsdale, AZ 85251

505-328-6606 | 480-385-2757 fax | kmp@berryriddell.com

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-----Original Message-----

From: Jacob R Pretzman <jacob.pretzman@phoenix.gov>

Sent: Monday, September 11, 2023 2:00 PM

To: Kaelee Palmer <kmp@berryriddell.com>

Cc: Remigio Cordero <Remigio.Cordero@phoenix.gov>; Tom Derryberry <tom.f.derryberry@gmail.com>

Subject: RE: MarkUps - 23-1133 FACT 2304084 Monterosa Duplexes WRITTEN ONLY

Hi Kaelee,

I am not seeing any stipulations from Z-60-21 that note anything specific about parking requirements. Therefore, yes - one covered parking spot per house is required if single family guidelines are to be followed. If multifamily development is to occur, it would be subject to Section 702 of our ordinance and our Traffic Team (pdd.trafficreview@phoenix.gov) could assist.

Can you please elaborate on what is meant by "land use category"? Thanks.

Regards,

Jacob Pretzman, Planner II

jacob.pretzman@phoenix.gov

Planning & Development Department

Site Planning Division

Office: 602-534-5326

200 West Washington Street, 2nd Floor

Phoenix, AZ 85003

-----Original Message-----

From: Kaelee Palmer <kmp@berryriddell.com>

Sent: Monday, September 11, 2023 1:55 PM

To: Jacob R Pretzman <jacob.pretzman@phoenix.gov>

Cc: Remigio Cordero <Remigio.Cordero@phoenix.gov>; Tom Derryberry <tom.f.derryberry@gmail.com>

Subject: RE: MarkUps - 23-1133 FACT 2304084 Monterosa Duplexes WRITTEN ONLY

Hey Jacob,

I hope you have been well! We have received a comment from PHO that we need to address required parking on our site plan. We are trying to establish what the required parking will be for the site. As you know, we have three parcels with a duplex proposed on each parcel. The Single-Family Design Review stated that one covered parking space is required. Which land use category do we follow for the required parking space number?

Thanks,

Kaelee Palmer
Planner
BERRY RIDDELL LLC
6750 E. Camelback Road | Suite 100 | Scottsdale, AZ 85251
505-328-6606 | 480-385-2757 fax | kmp@berryriddell.com This message and any of the attached documents contain information from Berry Riddell LLC that may be confidential and/or privileged. If you are not the intended recipient, you may not read, copy, distribute, or use this information, and no privilege has been waived by your inadvertent receipt. If you have received this transmission in error, please notify the sender by reply e-mail and then delete this message. Thank you.

-----Original Message-----

From: Jacob R Pretzman <jacob.pretzman@phoenix.gov>
Sent: Tuesday, July 18, 2023 3:16 PM
To: Kaelee Palmer <kmp@berryriddell.com>
Cc: Remigio Cordero <Remigio.Cordero@phoenix.gov>
Subject: RE: MarkUps - 23-1133 FACT 2304084 Monterosa Duplexes WRITTEN ONLY

Good afternoon Kaelee,

A PHO would only be triggered if the proposed development cannot meet all the underlying stipulation from the rezoning case, Z-60-21. A copy of that case should be included with the report, but I have also attached it here for reference.

Have a nice day.

Regards,

Jacob Pretzman, Planner II
jacob.pretzman@phoenix.gov

Planning & Development Department
Site Planning Division
Office: 602-534-5326
200 West Washington Street, 2nd Floor
Phoenix, AZ 85003

-----Original Message-----

From: Remigio Cordero <Remigio.Cordero@phoenix.gov>
Sent: Tuesday, July 18, 2023 3:01 PM
To: Jacob R Pretzman <jacob.pretzman@phoenix.gov>
Subject: FW: MarkUps - 23-1133 FACT 2304084 Monterosa Duplexes WRITTEN ONLY

Hi Jacob,

Please see Kaelee's questions below. If you could research and see if we can answer their question based on the information they provided within their Fact Finding submittal and let them know, I would appreciate it.

Thank you,

Remigio Cordero
Team Leader - Residential Subdivisions
City of Phoenix Planning and Development Department
200 W. Washington Street, Second Floor
602-495-7163 - Direct Line
remigio.cordero@phoenix.gov

-----Original Message-----

From: Kaelee Palmer <kmp@berryriddell.com>
Sent: Tuesday, July 18, 2023 2:42 PM
To: Remigio Cordero <Remigio.Cordero@phoenix.gov>
Subject: FW: MarkUps - 23-1133 FACT 2304084 Monterosa Duplexes WRITTEN ONLY

Hey Remigio!

I hope you're doing well! We have reviewed the comments and one big lingering question is whether the proposed development would trigger PHO. Our client really needs direction on that. Please let me know!

Thanks,

Kaelee Palmer
Planner
BERRY RIDDELL LLC
6750 E. Camelback Road | Suite 100 | Scottsdale, AZ 85251
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-----Original Message-----

From: Suzana O'Malley <planreview.notice@phoenix.gov>
Sent: Monday, July 17, 2023 3:25 PM
To: Kaelee Palmer <kmp@berryriddell.com>; remigio.cordero@phoenix.gov; jacob.pretzman@phoenix.gov; robert.g.martinez@phoenix.gov; jui.chiu@phoenix.gov; jovany.jaimes.hernandez@phoenix.gov; suzana.omalley@phoenix.gov
Subject: MarkUps - 23-1133 FACT 2304084 Monterosa Duplexes WRITTEN ONLY

You have received access to a City of Phoenix Planning & Development File Share from Suzana O'Malley. The link to transfer your file(s) will expire on Monday, August 14, 2023 12:00 AM.

<https://nam04.safelinks.protection.outlook.com/?url=https%3A%2F%2Fpdssftp.phoenix.gov%2F%3FShareToken%3DF8FCFAC561E74646783A82F8F3568B9FE6D8299D&data=05%7C01%7C%7C652db503ee2440e1a68c08dbb30a22ea%7C7ec9d32b4e3842a792f69d452f45c50e%7C0%7C0%7C638300628347396686%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTi6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=oV9%2BZoHgyC8Zb4JV%2FgK19zleU1BoM3EnRxLlgohUBDE%3D&reserved=0>

Hello,

Please find attached your Report and Markups from your 7/14/2023 meeting.

Feel free to forward this email with link to download to your development team and interested parties.

Note: This link to download will EXPIRE in 30 days.

If you have any questions regarding this project, please contact your Team Leader, Remigio Cordero, at (602)-495-7163 or via email at remigio.cordero@phoenix.gov.

Thanks!

Suzana O'Malley
Engineering Technician
Email: suzana.omalley@phoenix.gov

City of Phoenix
Planning and Development Department
Plan Review Division/Administration Section
200 W Washington Street, Phoenix, AZ 85003 2nd Floor

Need help? See some troubleshooting tips at

https://nam04.safelinks.protection.outlook.com/?url=https%3A%2F%2Furldefense.com%2Fv3%2F__http%3A%2F%2Fwww.serv-

https://nam04.safelinks.protection.outlook.com/?url=https%3B!!LkjWUF49MRd51_ry!aljQ1fx6L_NaNlf2Jf3EMeyOb49B0yC3cqCm9DLmPe9d8RFAmiUJhdOlx-

<https://nam04.safelinks.protection.outlook.com/?url=https%3A%2F%2Fpdssftp.phoenix.gov%2F%3FShareToken%3DF8FCFAC561E74646783A82F8F3568B9FE6D8299D&data=05%7C01%7C%7C652db503ee2440e1a68c08dbb30a22ea%7C7ec9d32b4e3842a792f69d452f45c50e%7C0%7C0%7C638300628347396686%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTi6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=DibVjnT59rLAF82gYuTA4qtvlhuyVQc8iOivRzUX3eY%3D&reserved=0>



March 2, 2022

Brian Greathouse
Burch & Cracchiolo, PA
1850 North Central Avenue, Suite 1700
Phoenix, Arizona 85004

Dear Applicant:

RE: Z-60-21-6 – Approximately 65 feet west of the southwest corner of 40th Street and Monterosa Street

Please be advised that the Phoenix City Council, in accordance with the provisions of Section 601 of the Zoning Ordinance, as amended, has on February 2, 2022, approved Zoning Ordinance # G-6960.

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

Sincerely,

A handwritten signature in blue ink that reads "Joshua Bednarek".

Joshua Bednarek, LEED AP ND
Planning and Development Deputy Director

Attachment: Signed Ordinance

c: Chapter 2, LLC; c/o Geoff Edlund, 1265 Airport Rd, Boulder City, NV 89005
File
Tricia Gomes, PDD–Planning–Special Projects Administrator (Electronically)
Racelle Escolar, PDD–Planning–Principal Planner (Electronically)
Sarah Stockman, PDD–Planning–Planner III (Electronically)
Ben Kim, PDD–GIS (Electronically)

ORDINANCE G-6960

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-60-21-6) FROM R1-6 (SINGLE-FAMILY RESIDENCE DISTRICT) AND R-3 (MULTIFAMILY RESIDENCE DISTRICT) TO R-3 (MULTIFAMILY RESIDENCE DISTRICT).

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

SECTION 1. The zoning of a 0.63 acre site located approximately 65 feet west of the southwest corner of 40th Street and Monterosa Street in a portion of Section 24, Township 2 North, Range 3 East, as described more specifically in Exhibit "A," is hereby changed from 0.21-acres of "R1-6" (Single-Family Residence District) and 0.42-acres of "R-3" (Multifamily Residence District) to "R-3" (Multifamily Residence District).

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

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

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

Phoenix Zoning Ordinance:

Mod

1. The development shall be in general conformance with the elevations date stamped September 2, 2021, with specific regard to the following and as approved by the Planning and Development Department.
 - a. There shall be a maximum building height of 2 stories and 30 feet.
 - b. Individual entryways on front (Monterosa) elevation shall be clearly identifiable as the primary pedestrian access for residential units.
2. The developer shall construct a minimum 5-foot-wide public sidewalk along the south side of Monterosa Street, as approved by the Planning and Development Department.

Mod

3. The primary entryways into residential units shall face Monterosa Street. These entryways shall incorporate a patio or seating court area, as approved by the Planning and Development Department.
4. The required landscape setback along Monterosa Street shall include minimum 3-inch caliper single-trunk large canopy shade trees planted 20 feet on center or in equivalent groupings, as approved by the Planning and Development Department. Five, five-gallon shrubs per tree, and additional shrubs or live groundcover shall provide minimum 75 percent live cover at maturity, as approved by the Planning and Development Department.

Mod

5. A minimum 10-foot landscape setback shall be required along the west and east property lines. These areas shall be planted with minimum 2-inch caliper shade trees placed 20 feet on center or in equivalent groupings, as approved by the Planning and Development Department.

Del

6. All uncovered surface parking lot areas shall be landscaped with minimum 2-inch caliper drought-tolerant shade trees. Landscaping shall be dispersed throughout the parking area and achieve 25 percent shade at maturity, as approved by Planning and Development Department. Shade may be provided with a combination of trees and structural shade.

Del

7. A minimum of eight bicycle parking spaces shall be provided through Inverted U and/or artistic racks located on the southwest portion of the site, to the north of the pedestrian entry gate depicted on the site plan date stamped September 2, 2021. These parking spaces shall be installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.

8. Clearly defined, accessible pedestrian pathways shall be provided to connect building entrances and public sidewalks, using the most direct route for pedestrians, as approved by the Planning and Development Department.
- Del** 9. Where pedestrian pathways cross drive aisles, they shall be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrast with the adjacent parking and drive aisle surfaces, as approved by the Planning and Development Department.
- Del** 10. The developer shall provide 20 feet of paving per the local street requirements for the alley from the western boundary of the property to 40th Street, as approved by the Planning and Development Department.
11. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with the current ADA Guidelines.
12. The developer shall grant and record an aviation easement to the City of Phoenix for the site, per the content and form prescribed by the City Attorney prior to final site plan approval.
13. The developer shall provide a No Hazard Determination for the proposed development from the FAA pursuant to the FAA's Form-7460 obstruction analysis review process, prior to construction permit approval, as per plans approved by the Planning and Development Department.
14. The property owner shall record documents that disclose the existence, and operational characteristics of Phoenix Sky Harbor Airport to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.
15. 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.
16. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 Waiver of Claims form. The Waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record.

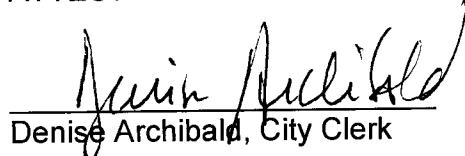
SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 2nd day of February, 2022.



MAYOR

ATTEST:



Denise Archibald, City Clerk

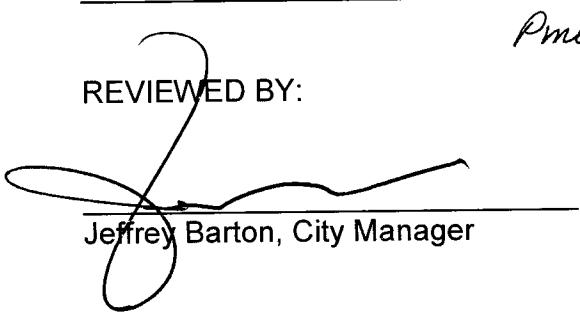
APPROVED AS TO FORM:
Cris Meyer, City Attorney

By: 

Acting Chief Counsel

Pml

REVIEWED BY:



Jeffrey Barton, City Manager

Exhibits:

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

PL:tml:LF21-3361:2-2-2022:2299313v1

EXHIBIT A

LEGAL DESCRIPTION FOR Z-60-21-6

LOTS 2, 3, AND 4, BLOCK 10, RANCHO DEL MONTE UNIT TWO, ACCORDING TO
BOOK 50 OF MAPS, PAGE 9, SECTION 24, TOWNSHIP 2 NORTH, RANGE 3 EAST,
RECORDS OF MARICOPA COUNTY, ARIZONA.

ORDINANCE LOCATION MAP

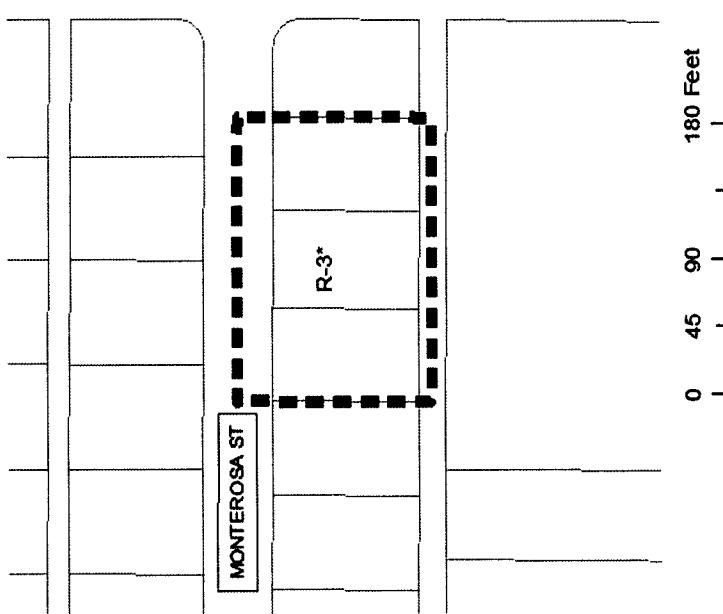
EXHIBIT B

**ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA: ■ ■ ■ ■ ■**

Zoning Case Number: Z-60-21-6
Zoning Overlay: NA
Planning Village: Camelback East

Zoning Case Number: Z-60-21-6
Zoning Overlay: NA
Planning Villare: Camelback East

Zoning Case Number: Z-60-21-6
Zoning Overlay: NA
Planning Villare: Camelback East



0 45 90 180 Feet

NOT TO SCALE



Drawn Date: 12/28/2021

S:1 Department Share in Information SystemsPL GISIS_TeamCore_Functions/Zonin GIS upM apps_Ori dal aps 2022 Ord 2-2-22 12-08-21-6.mod

R1-6

DEVONSHIRE AVE

39TH ST

MONTEROSA ST

R-3

C-O

40TH ST

C-2*
Z-SP-3-81

R-5

C-2

P-1
Z-59-94



Miles

0.03 0.015 0 0.03

CAMELBACK EAST VILLAGE

CITY COUNCIL DISTRICT: 6

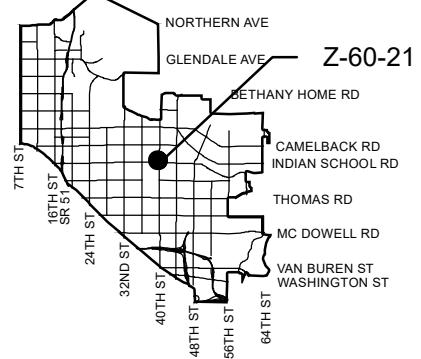


City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

INDIAN SCHOOL RD

R-5

R1-6



APPLICANT'S NAME: Brian Greathouse, Burch & Cracchiolo, PA

APPLICATION NO. Z-60-21

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

0.63 Acres

DATE: 9/23/2021

REVISION DATES:

AERIAL PHOTO &
QUARTER SEC. NO.

QS 17-36

ZONING MAP

H-10

REQUESTED CHANGE:

FROM:

R1-6 (0.21 a.c.)
R-3 (0.42 a.c.)

TO:

R-3 (0.63 a.c.)

MULTIPLES PERMITTED

R1-6, R-3

R-3

CONVENTIONAL OPTION

1, 6

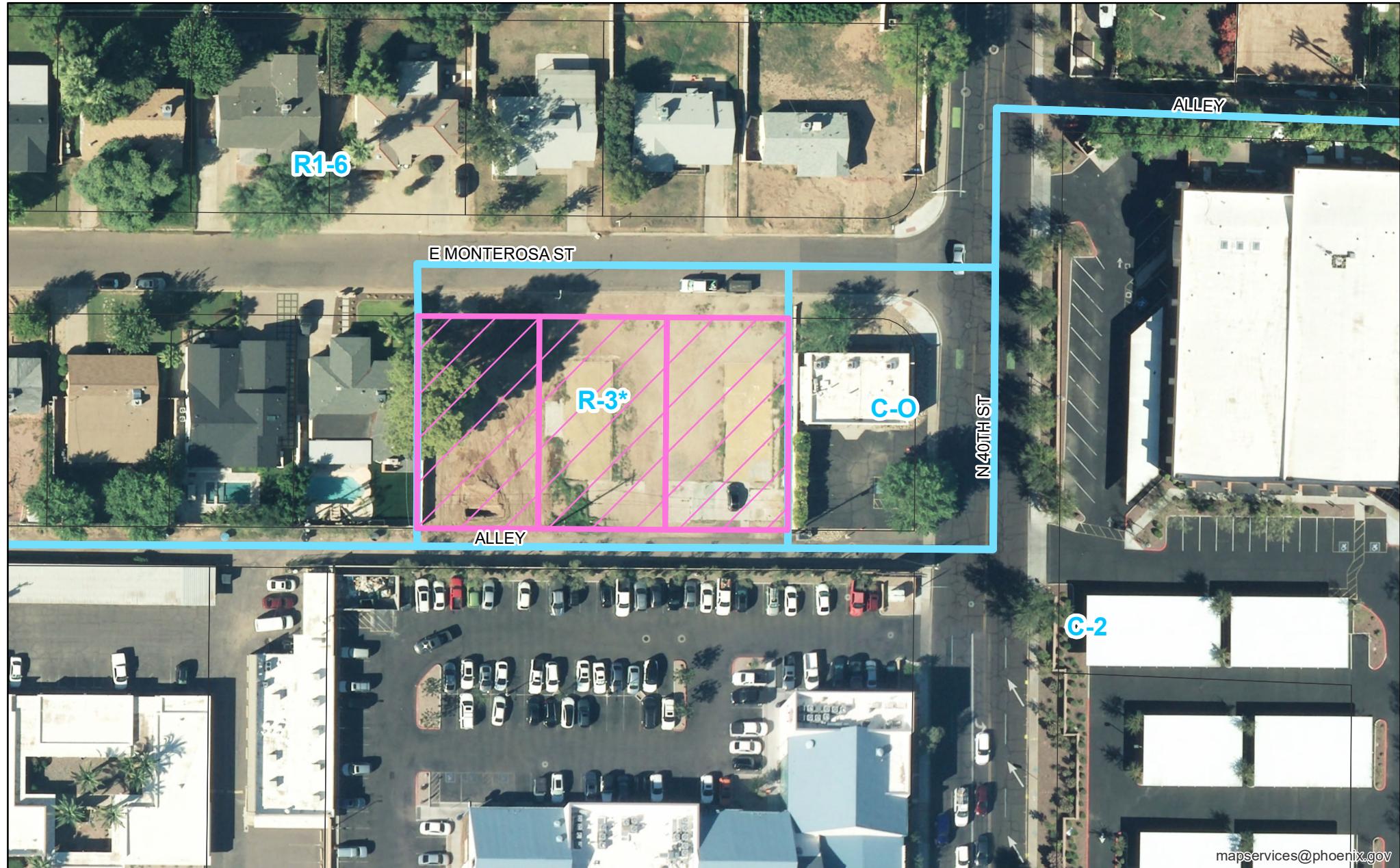
9

* UNITS P.R.D. OPTION

1, 7

11

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



PHO-1-23-Z-60-21-6

Property Location: Approximately 65 feet west of the southwest corner of 40th Street and Monterosa Street

R1-6

E MONTEROSA ST



C-O

N 40TH ST

ALLEY

C-2

PHO-1-23--Z-60-21-6

Property Location: Approximately 65 feet west of the southwest corner of 40th Street and Monterosa Street

project street address

3933 E MONTEROSA ST
PHOENIX, AZ 85018

apn

170-32-092

lot coverage calc's

NEW COVERAGE 3,026/6,930 SF = 43.66%
LOT COVERAGE OF 45% ALLOWED

total dwelling unit/ density

2 UNITS/0.159 ACRES = 12.57
TOTAL DENSITY ALLOWED: 14.5

project street address

3937 E MONTEROSA ST
PHOENIX, AZ 85018

apn

170-32-091

lot coverage calc's

NEW COVERAGE 3,026/6,930 SF = 43.66%
LOT COVERAGE OF 45% ALLOWED

total dwelling unit/ density

2 UNITS/0.159 ACRES = 12.57
TOTAL DENSITY ALLOWED: 14.5

project street address

3943 E MONTEROSA ST
PHOENIX, AZ 85018

apn

170-32-090

lot coverage calc's

NEW COVERAGE 3,026/6,930 SF = 43.66%
LOT COVERAGE OF 45% ALLOWED

total dwelling unit/ density

2 UNITS/0.159 ACRES = 12.57
TOTAL DENSITY ALLOWED: 14.5

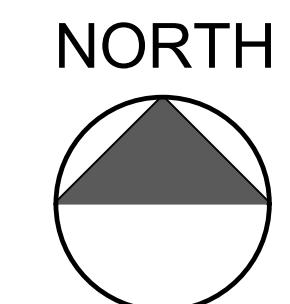
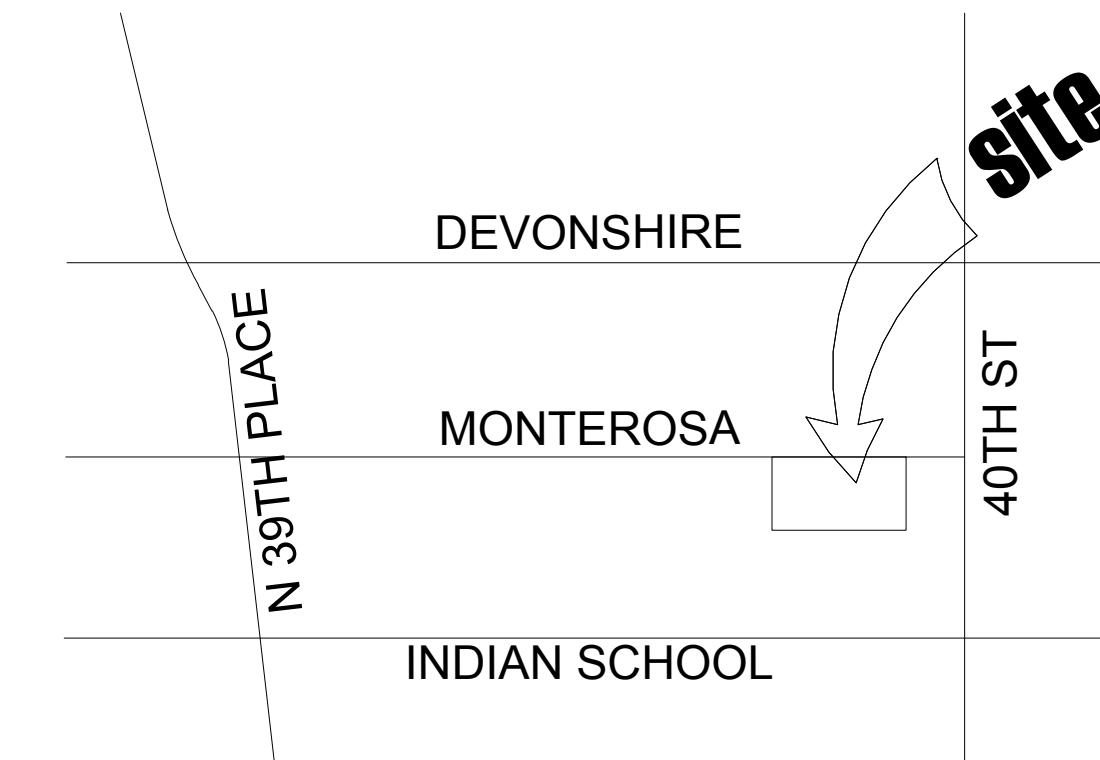
project description

NEW PROPOSED RESIDENTIAL DUPLEXES
ONE DUPLEX ON EACH OF THE 3 LOTS
TOTALING IN 6 RESIDENTIAL UNITS

revisions
1
2
3

zoning

R-3



location map

CITY OF PHOENIX

SEP 12 2023

Planning & Development
Department

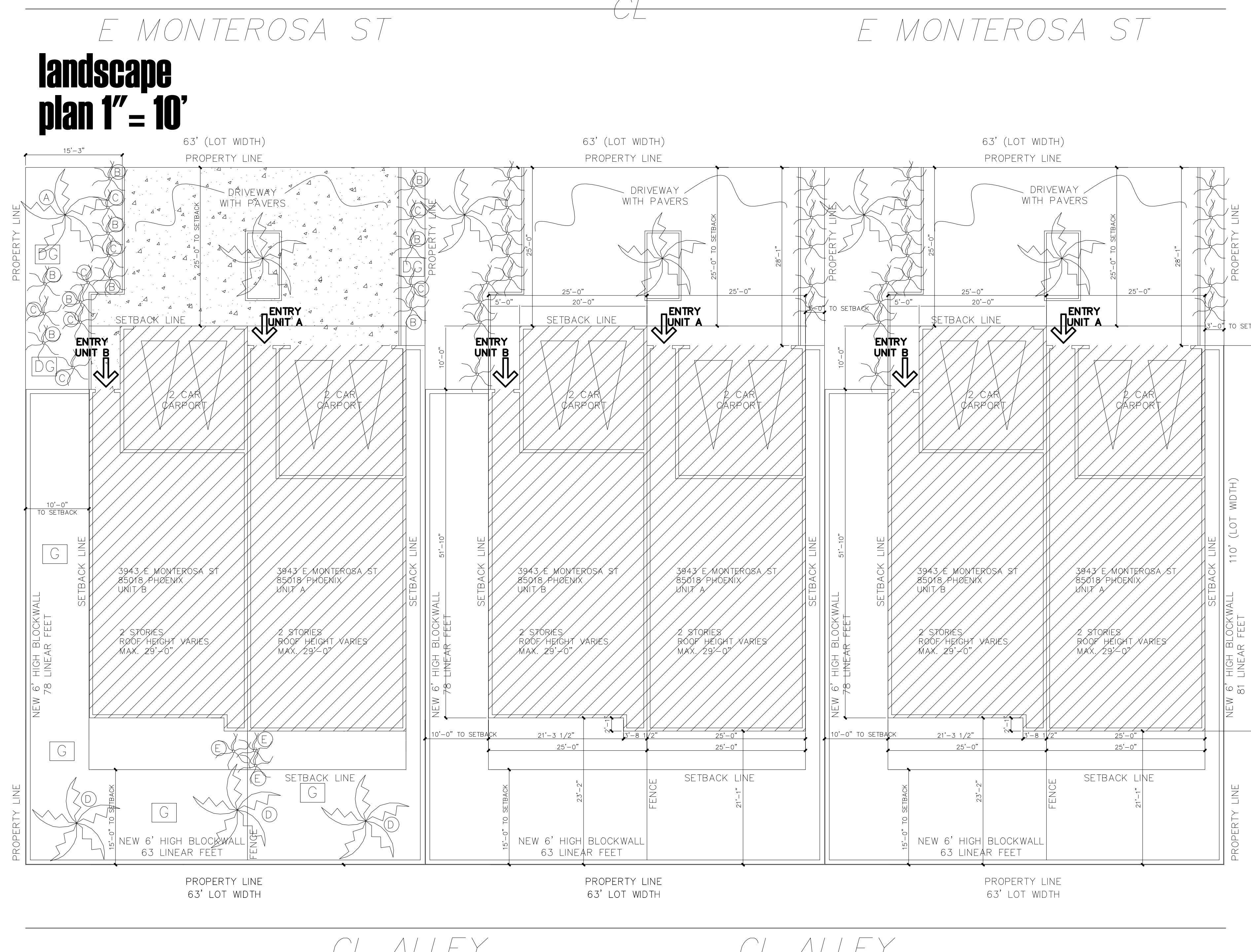
3 residential duplexes

proposed new

3933 e monterosa st
3937 e monterosa st
3943 e monterosa st

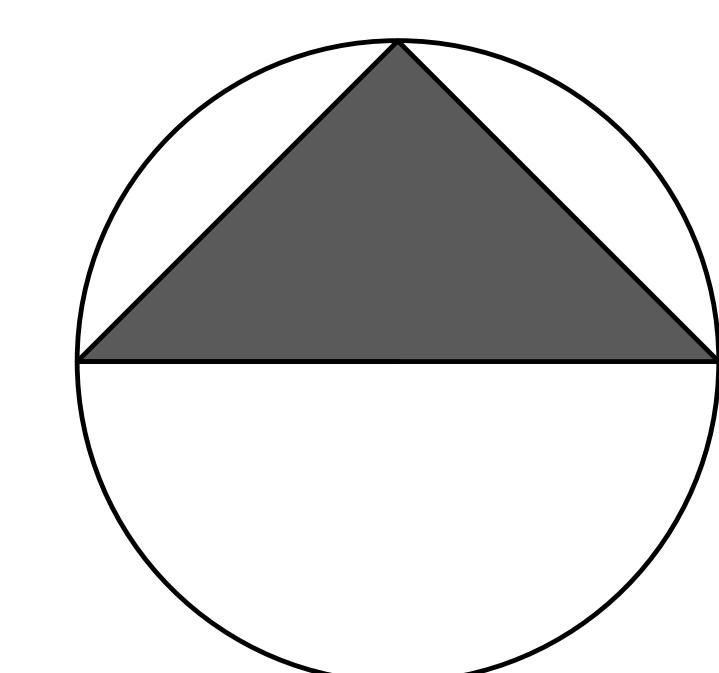
A0.0
site plan

09.12.2023



site plan 1" = 10'

NORTH



revisions

1
2
3

3 residential duplexes

proposed new

3/16" = 1'-0"

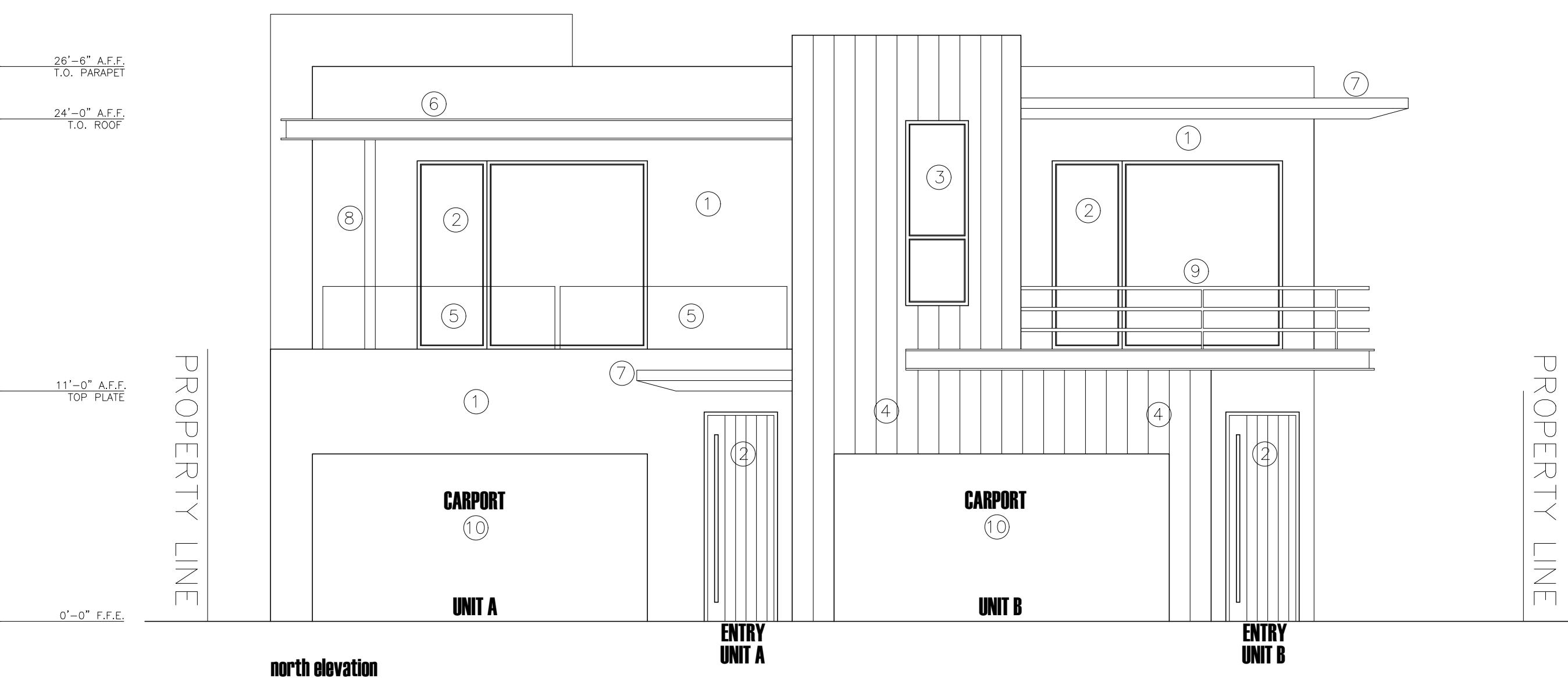
A1.0
elevations

05.14.2023

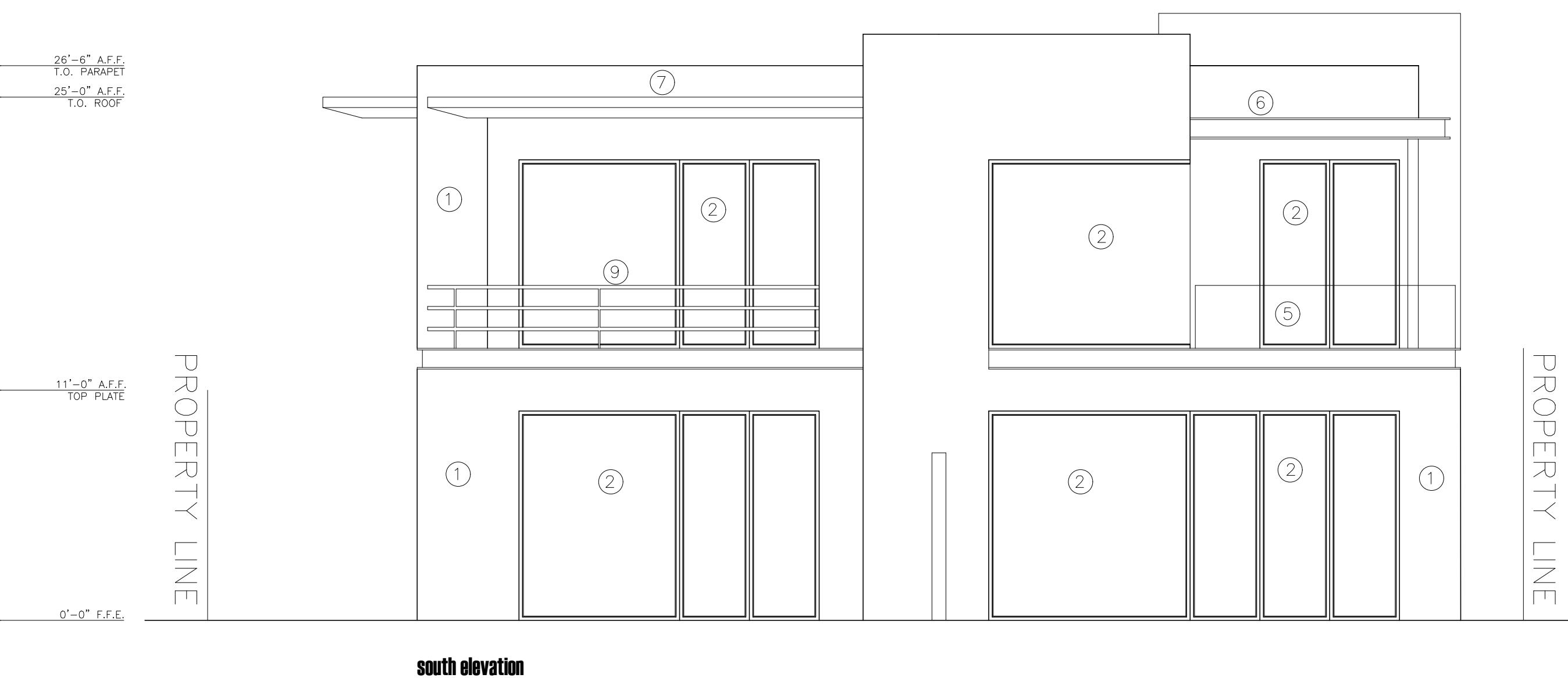
85018
85018
85018

monterosa st
monterosa st
monterosa st

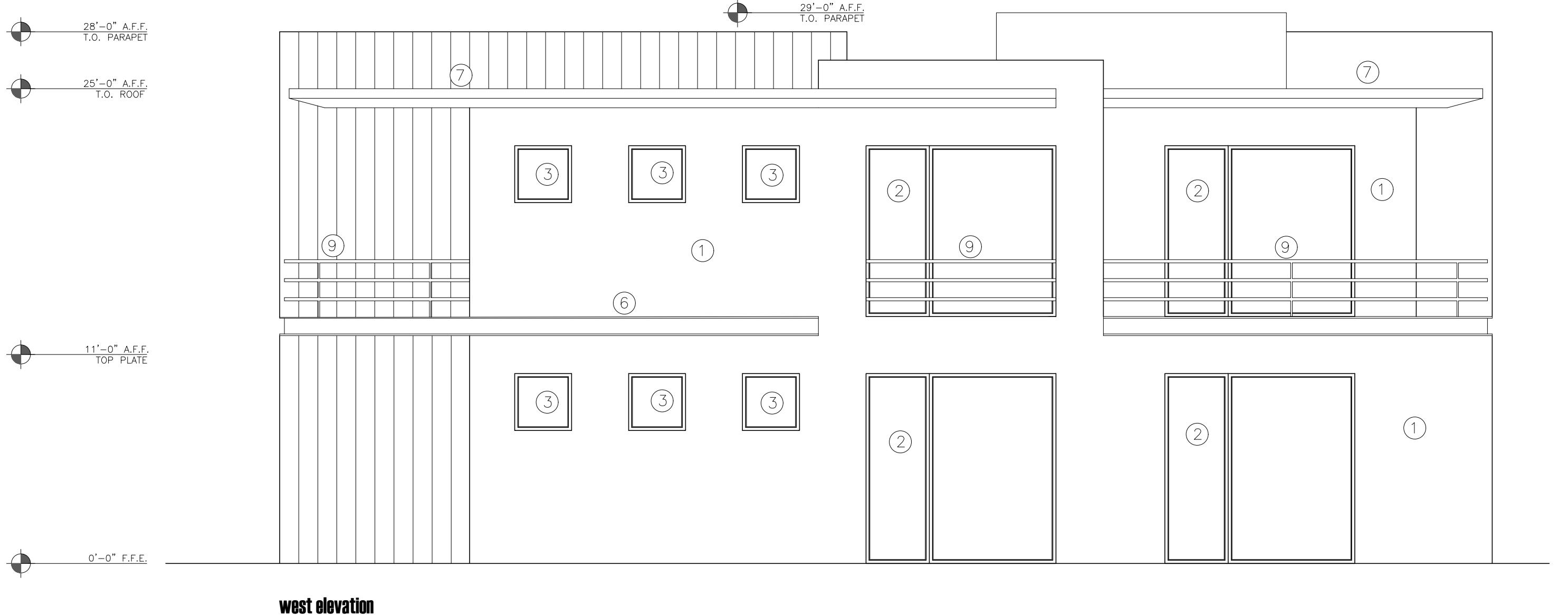
AZ
AZ
AZ



PROPERTY LINE



PROPERTY LINE



PROPERTY LINE



PROPERTY LINE

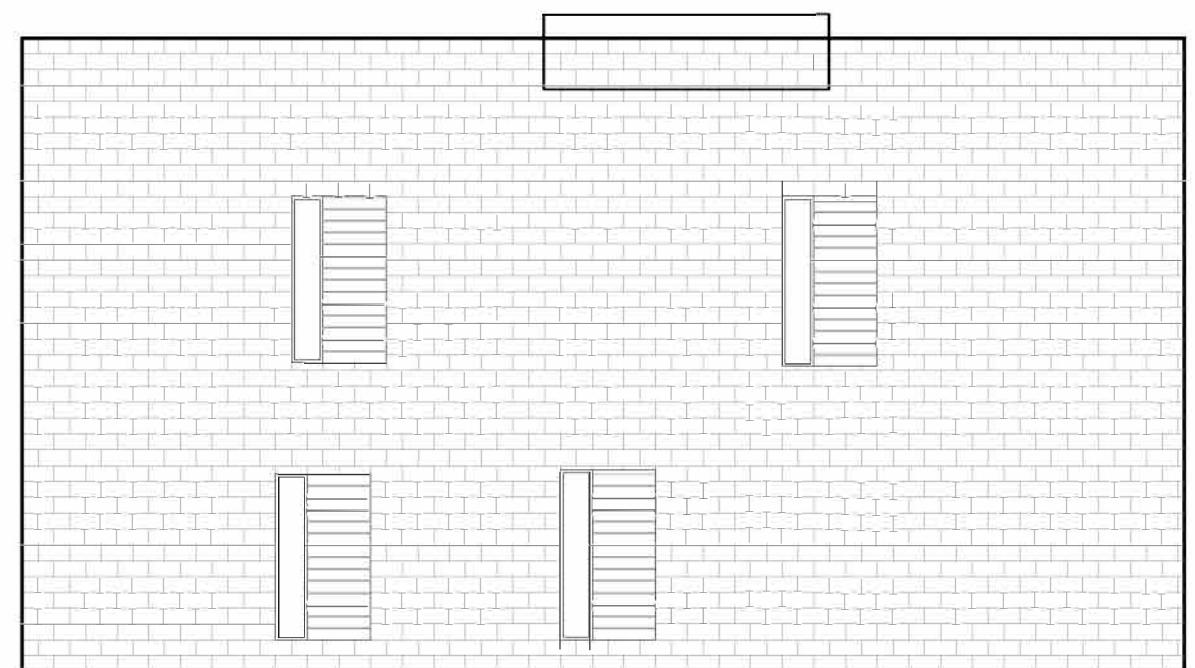
KEYNOTES

- ① STUCCO
- ② EXTERIOR DOOR OR DOOR SYSTEM
- ③ WINDOW
- ④ WOOD
- ⑤ GLASS RAILING
- ⑥ METAL ROOF
- ⑦ STANDING SEAM METAL ROOF
- ⑧ STEEL COLUMN
- ⑨ STEEL RAILING
- ⑩ CARPORT

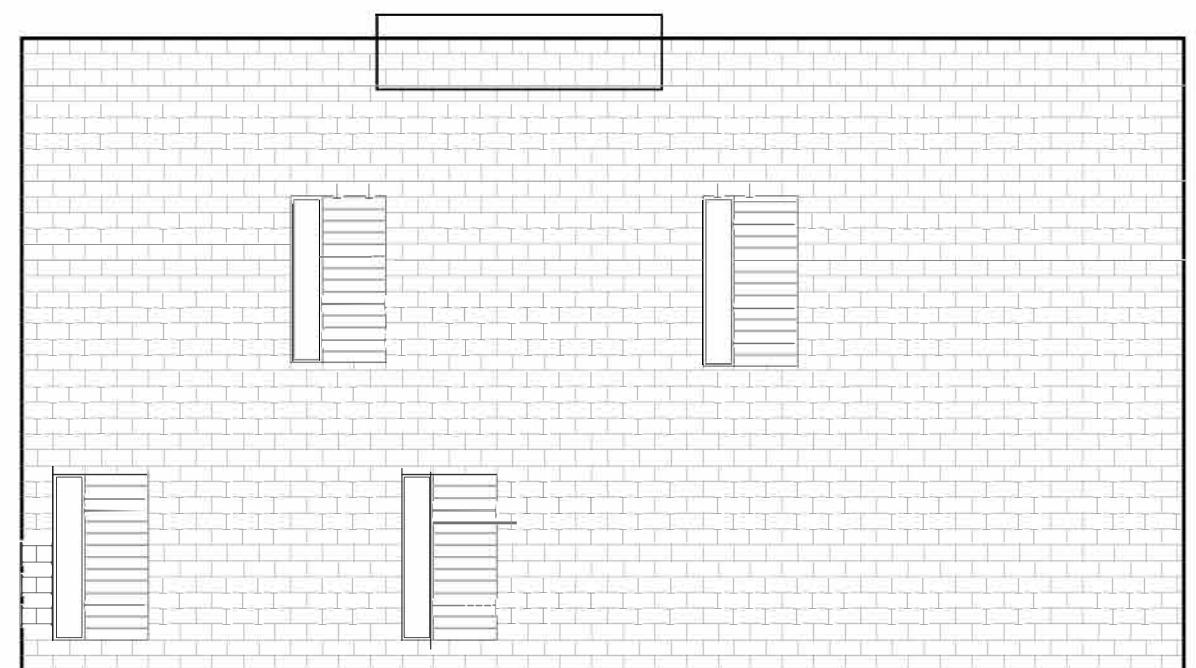
CITY OF PHOENIX

SEP 02 2021

Planning & Development
Department



4 WEST ELEVATION



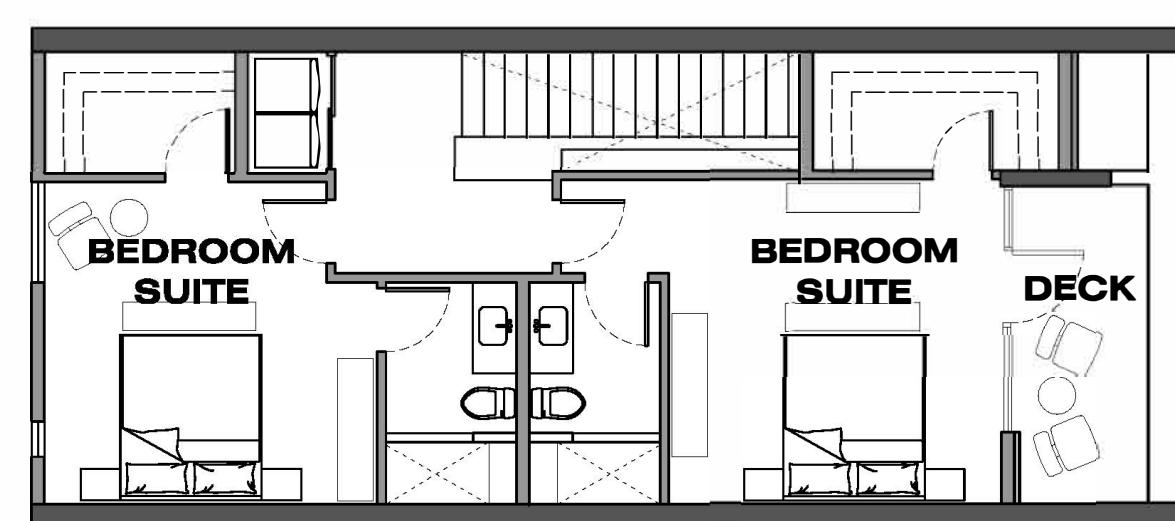
5 EAST ELEVATION



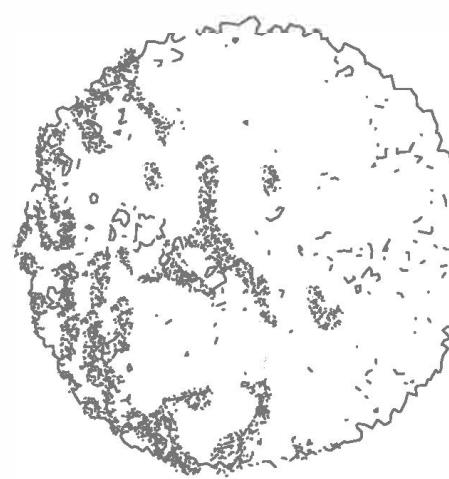
3 SOUTH (ALLEY) ELEVATION



2 FRONT (MONTEROSA) ELEVATION

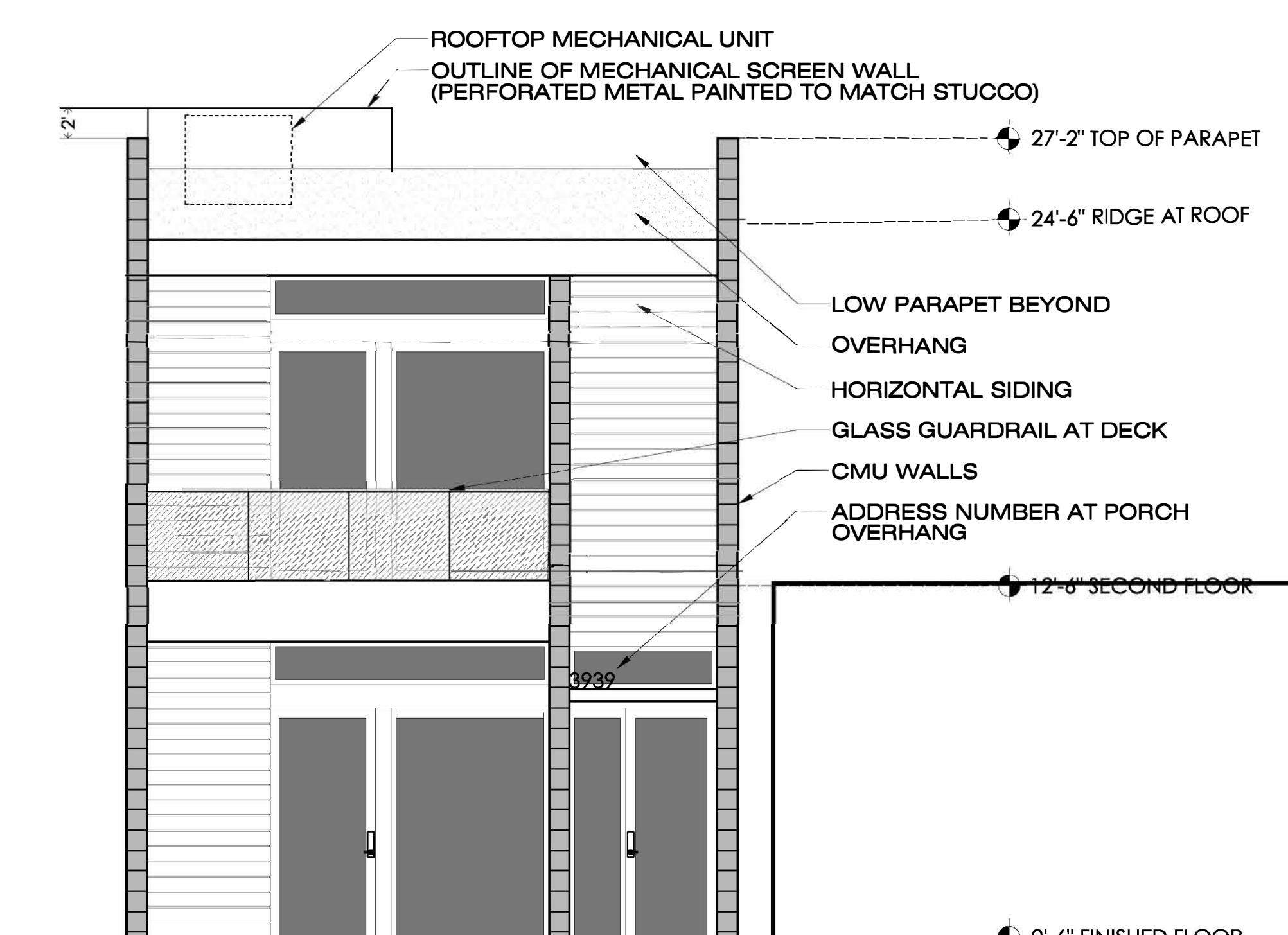


2 TYPICAL SECOND FLOOR PLAN



MONTEROSA TOWNHOMES

3933 / 3937 / 3943 EAST MONTEROSA STREET
PHOENIX, ARIZONA 85018



1 TYPICAL UNIT STREET ELEVATION

JASON COMER ARCHITECT
3104 EAST CAMELBACK ROAD #126
PHOENIX, ARIZONA 85018



ENTITLEMENTS PHASE
DRAWING ISSUED
MARCH 2, 2021
REVISION HISTORY

KIVA 20-4715
SDEV 2008054
QS 17-36
PAFP 2015697
PRLM
SCMJ

1/4" = 1'-0" SCALE

17. **Application #:** **Z-60-21-6**
From: R1-6 and R-3
To: R-3
Acreage: 0.63
Location: Approximately 65 feet west of the southwest corner of 40th Street and Monterosa Street
Proposal: Multifamily Residential
Applicant: Brian Greathouse, Burch & Cracchiolo, PA
Owner: Chapter 2, LLC; c/o Geoff Edlund
Representative: Brian Greathouse, Burch & Cracchiolo, PA

Ms. Racelle Escolar stated that Item No. 17 is Z-60-21-6, a request to rezone 0.63-acres located approximately 65 feet west of the southwest corner of 40th Street and Monterosa Street to R-3 (Multifamily Residence District) to allow a multifamily residential.

The Camelback East Village Planning Committee recommended approval, per the staff recommendation by a 15 to 0 vote.

Staff recommends approval, per the Camelback East Village Planning Committee recommendation, with the addition of the standard Proposition 207 waiver of claims stipulation as follows:

PRIOR TO PRELIMINARY SITE PLAN APPROVAL, THE LANDOWNER SHALL EXECUTE A PROPOSITION 207 WAIVER OF CLAIMS FORM. THE WAIVER SHALL BE RECORDED WITH THE MARICOPA COUNTY RECORDER'S OFFICE AND DELIVERED TO THE CITY TO BE INCLUDED IN THE REZONING APPLICATION FILE FOR RECORD.

Chairman Howard stated that there were a number of people wishing to speak. He gave Mr. Brian Greathouse, the representative for the applicant, 10 minutes for his presentation, per his request and 3 minutes for rebuttal, and two minutes to each support speaker which was a total of 17 minutes. He divided that same amount of time among the opposition speakers.

Mr. Brian Greathouse stated that Geoff Edlund, the applicant would cede this time to him. He stated that the subject of this case is the Monterosa Townhomes. The owner is Chapter 2, LLC. He started off by saying that they agree with all staff's findings, in particular, that the proposed development is compatible in scale and character with the surrounding neighborhood. The proposed development will provide a buffer and an appropriate transition from the commercial uses to the south and east of the site, and from the existing single-family neighborhood to the north. They appreciate staff's strong recommendation of approval. They also appreciate the Village's unanimous recommendation for

approval. They are okay with all staff and Village recommended stipulations. They agreed with an additional revision to Stipulation No. 7, coming out of the Village, where they were asked to increase the number of bike storage spaces from two to eight spaces.

Mr. Greathouse stated that the subject of this rezone case is three residential lots, located 65 feet west of the 40th Street and Monterosa Street intersection. To the south of the site is a commercial shopping center anchored by a Cold Beer and Cheeseburger's restaurant and other retail shops. To the east of the site there is a dental office, and to the west and north of the site are existing single-family homes.

Mr. Greathouse stated that two of these lots are already zoned R-3, which allows the townhomes that they are proposing. They were requesting a rezone on one lot from R1-6 to R-3, which would make all three lots R-3 zoning. The two R-3 lots already allow five multifamily units on them. The sixth lot would allow one home on it. They are talking about six households that are already allowed on the site. They are proposing eight new high-end townhomes. This comes down to two additional multifamily units, if they consider the six units that are already allowed on the site.

Mr. Greathouse displayed an exhibit of the foundations on the two eastern most lots that are zoned R-3 where there was a multifamily development. They were rather dilapidated. A fire had occurred in one of the units, and because they were so beat up and ready to be torn down, that is what this owner did, tear them down. On the western most lot, there is an existing single-family home, and while it looks okay on the outside, it is probably the worst house on the block. The inside is uninhabitable. It cannot be rented out. It requires a lot of repairs and needs to be torn down. The character of the area has changed significantly with the shopping center to the south, where it no longer really makes sense for a single-family home. There has been a lot of noise and traffic complaints from the shopping center to the south. It has spilled over into this area, and they have had to deal with.

Mr. Greathouse stated that his client intends to develop some really nicely-designed townhomes, with a nice streetscape and forward-facing architecture that fronts onto Monterosa Street. The parking will be in the rear alley, under carports. These units are all designed by the Architect Jason Comer, who does a really fine job in the neighborhood and around the area. The interiors are designed by Joel Contreras, who is a very well-known interior designer. He stated that these are going to be really nice townhomes, and they anticipate the value of these townhomes to be greater than 900,000 dollars.

Mr. Greathouse displayed images of the front of the building with the streetscape. Staff Stipulations 2 through 5 address streetscape, the porches and

the pedestrian-friendly aspects of these being a walkable friendly-type neighborhood addition. He stated that they will be planting three-inch caliper trees, planted at 20 feet on center, along the street frontage. There will be 75 percent ground cover along there, as well.

Mr. Greathouse displayed a two-dimensional elevation of the streetscape. The two units on the far right are where the R1-6 lot is located. There is a 15-foot setback on the far right-hand side, where there is only a 5-foot setback under R1-6 zoning. They are also keeping the same height as allowed in R1-6. They are less than two stories and less than 30 feet. They are providing an even greater buffer than there would be if there were a single-family home placed on the R1-6 lot. They are also planting trees at 20 feet on center for Stipulation No. 5, along their western boundary.

Mr. Greathouse stated that as mentioned earlier, parking will be in the alley. He displayed an exhibit. The townhomes are two-bedroom units. There is one parking space per bedroom, a total of two spaces per each unit and a total of 16 parking spaces. If they compared that to the 16 units that are already allowed on the site, they are really only talking about four additional cars.

Mr. Greathouse displayed an exhibit of the floor plans. The living space is on the ground floor. Two bedrooms are on the 2nd floor.

Mr. Greathouse took a moment to describe their neighborhood outreach. Tom Bilstein and his team knocked on over 60 different doors to talk to neighbors. That began last July. They met with the leader of the Arcadia Osborn Neighborhood Association, all before they filed a rezoning application. After they filed that application, they sent out 118 notices to neighbors and registered neighborhood groups. They created a website for information. They held a neighborhood meeting where nine neighbors attended, some of whom expressed concerns. However, coming out of that meeting, they did not know there was any opposition. They went to the Village Planning Committee meeting and had unanimous recommendations for approval. They had one speaker in support and one neighbor concerned about cars parking on this particular site, which was overflow parking from Cold Beer and Cheesburgers' business. They were not authorized to do that, so his client called them and told them to stop it. Today, they found out that there were seven speakers registered in opposition to speak. They know that there were also several emails submitted last night. Most of the speakers had not had the chance to talk with them yet; however, all the issues that they raised are the same that they discussed at the neighborhood meetings, during the door-to-door outreach, and at the Village meeting. They know that there was a flyer going around saying, 'Save Monterosa Street.' Whenever they have talked with a neighbor, they think they have satisfied their concerns.

Mr. Greathouse added that one neighbor rescinded their opposition after they learned more about the development. One concern raised was a loss of property value. His client has done nothing but improve this area by tearing down dilapidated, fire destructed buildings. He bought a home that he intends to tear down. It is probably the worst looking home on the block, and he wants to develop some townhomes that create a really nice land use transition here, and they are going to be high-end townhomes that will improve the area and improve property values. Another issue raised was a loss of character of the single-family home, neighborhood. They do not believe that to be the case. Two of these lots were already zoned R-3, and they are just combining one lot with those two lots to make a comprehensive townhome development, which they think is a nice land use transition.

Mr. Greathouse stated that another issue raised is dangerous traffic and parking on Monterosa Street. With respect to parking, they are only adding two units, maybe four cars, and they have accommodated all their car parking on the rear side of this development. Regarding 40th Street, there are existing traffic issues, so he has not caused any of those existing traffic issues. A lot of it was caused by the burger restaurant. There is a double yellow, striped line along 40th Street which prohibits left turns into any of the driveways on the west side of 40th Street. That is the Cold Beer and Cheeseburger's driveway, the alley and the dental office. The only way you can access these is right-in/right-out when heading south bound on 40th Street.

Chairman Howard stated that Mr. Greathouse had spoken for 11 minutes. He would give the opposition the same amount of time. He called on the Geoff Mathieux to speak in support.

Mr. Geoff Mathieux stated that he is a neighbor and supports the project. It is a minimal change. It only changes one of three zones. The two empty lots were dilapidated apartment buildings, so this is a huge improvement in the neighborhood in respect to what was there. The remaining house, the only one to be rezoned, is a really dilapidated house. They were all built in the 1950s. This is a clear improvement to the neighborhood. These are high-quality townhouses with trees in front, nice landscaping, very modern. They will provide a nice transition from the little strip mall and will block some of the sound. Right next to it is a dental office, so it is not out of character at all. Physically, it is a very minimal change here and a huge improvement in the quality of the homes. These high-quality townhomes will sell for high prices, probably as high as a single family home, therefore, driving up the value of all the single-family homes in the neighborhood, because they are typically more expensive than townhomes. Just by having that price point with these brand new, nice, remodeled townhouses, everything else is going to go up. It has been done very tastefully, as well. The architecture is good. You can see it on their website at Monterosahomes.com and see the quality of the project that they are developing.

Mr. Mathieu summarized that he thinks it is going to increase the value of the neighborhood, make it better, provide a sound barrier between the loud commercial entities there in the neighborhood. He reiterated that there is only one lot to be rezoned. The two other lots are already R-3. They have been that way since the 1950s. To him, there is not change. It will be a pure improvement, and he is in support of improvement. He feels good about this for their neighborhood. He is passionate about it. It would be pretty sad to keep it as is.

Chairman Howard stated that he gave 14 minutes to support speakers plus three minutes of rebuttal, therefore, he would split 17 minutes across eight opposition speakers, 2 minutes each.

Ms. Michele Putman stated that her opposition lies entirely in the traffic on 40th Street and Indian School Road. She recognizes that the builder did not create those problems, but 16 additional cars will exacerbate that problem. It is incredibly congested in that area. You cannot even get into most of the streets without taking a right going south. It is hard to take a left of any sort. Even if the 16 new cars are forced to go one way, it will just congest the other side, which is 38th Street. They cannot get around the danger and the congestion of 40th Street by itself, Indian School Road by itself, and then both of those together combined with the shopping center right there on the northwest corner. She agrees with her neighbor that it is attractive, but the traffic is only going to get worse, with an additional influx of 16 cars coming into a small space.

Chairman Howard thanked her for speaking. He called on the next opposition speaker.

Ms. Dana Zuidema was not present.

Ms. Natalie Grassi stated that she was in opposition for the reasons that Ms. Patty Mathes would share on her behalf.

Mr. Peter Eastburn was not present.

Mr. Paul Sanchez stated that he opposes the rezone for the following reasons:

- 1) Property values. This multifamily project will bring down property values of the neighborhood homes. There is plenty of supporting evidence on this matter, regarding multifamily, being next to neighborhoods. Everyone at this meeting would agree that they would not want a multifamily building built next to their single-family home. He stated that was a nonargument.
- 2) This development will decrease the character of the single-family homes in their neighborhood. This project will set precedents that will allow further

erosion of our neighborhood. If the developers have the potential to move up to Heatherbrae Street, he is sure they will start that, and people will go against it.

- 3) Dangerous traffic patterns coming out onto 40th Street. He has developed across the City of Phoenix and has never been able to put three driveways so close to each other coming out onto a street, and a main street, such as 40th Street including all of its conditions.
- 4) Creating excess parking on Monterosa Street. That issue has not been resolved, as was mentioned before. Everyone still uses the lots there. The valet service is parking up and down Monterosa Street, causing a lot of issues. That has not been resolved.

Mr. Sanchez stated that there has been a lot of confusion among neighbors regarding the rezoning billboard and where it is currently posted. It is currently posted on the two lots that are not going to be rezoned. He believes it should be posted at the actual single-family house that they are trying to rezone. He was not sure who to direct this to.

Ms. Michaela Statt stated that she would donate her time to Ms. Patty Mathes. She is opposed to the development.

Chairman Howard called on Ms. Patty Mathes who was speaking on behalf of others in opposition.

Ms. Patty Mathes reiterated the earlier comment that the sign for the rezoning was placed on an empty lot where it is already R-3, and there has never been a sign posted on the single-family home lot. Letters came to her house during the pandemic, and she has a child who is in school and the beginning of the school year was very busy, and these meetings were falling in line with holidays. She stated that it has taken her a while to talk to neighbors and get the feel for it. Every neighbor she spoke to on Monterosa Street stated that they really did not want this, but they did not know what to do.

Ms. Mathes stated that the house is a single-family home; it is not zoned for this. This entire street is single-family homes. She sees that the attorney for the owner who lives in Nevada is trying to tell the neighbors that there is commercial and business and that this is a great buffer. Their street is composed of 19 lots. There is one dentist office, and then there are the two or three lots, and then the rest are single-family homes. That is 16 single-family homes on this street. She can hear that they all are saying, "Oh, What is the big deal getting rid of one?" She responded that it is a big deal, because there are people that live next door to that house. There are so many rundown houses in the neighborhood and all neighborhoods from the 1950s Phoenix that are being purchased and rehabbed

and sold at really nice high numbers. To talk about how important it is to get 900,000 dollars per townhouse is a little silly to her, when you can get a lot of money with a single-family home there. It is going to change the aesthetic of this neighborhood.

Ms. Mathes stated that they applicant is saying that the new development will be pretty and modern. The schematics are pretty, but they do not show anything about the traffic issues, they do not show all the parked cars that there will be in front of this building. The applicant is saying it is not our problem, because it is from Eisenberg's property, on the corner of 40th Street and Indian School Road. However, they have 16 cars parked in the alley and then there will be visitors to those eight townhomes. She asked where they were going to park. She asked if they would double park in the alley, which would block their alley that all the homeowners use. The homeowners have kept their alley nice. There is nothing trashy about this neighborhood. They are trying to make it sound like their nice little street is trashy because of this empty lot. If the owner of this lot cared so much about their neighborhood, she asked why he did not develop it when he bought it seven years ago. She asked why he waited until he got this single-family home to add into it, so he could build one single structure instead of building a couple different structures. In addition, she stated that the applicant says they took care of that problem, that Eisenberg's customers were parking in that lot. If the owner from Nevada really cared about the neighborhood and did not want Eisenberg customers parking in that lot, he could have put a fence around it. He could have prevented anything from happening in that lot that has been happening in the past seven years.

Ms. Mathes stated that the applicant says the development looks really pretty and modern. She stated that it looks like row houses. She asked if they would like that next to their house. She asked, 'Does it meet the four criteria of a variance?' She also wanted to say that as far as their home values are concerned, single-family homes would bring in just as high of a purchase as they do elsewhere. They have homes that have sold on this area for a nice number. She thinks that their arguments about a 900,000-dollar townhome is a little silly. She stated that there were townhomes on 40th Street between Campbell Street and Camelback Road that were for sale. Within about six to nine months, they turned into rental property. You are seeing prettiness and money, but you are not seeing what could go wrong. The minute the single-family home is changed into R-3, they can never go back. That is what the neighborhood residents are opposed to. They are opposed to changing that single-family home into R-3. She thanked the Planning Commission for their time.

Chairman Howard thanked Ms. Mathes for coming out and speaking. He called on the applicant for rebuttal.

Mr. Greathouse stated that as they heard, one speaker mentioned the traffic on 40th Street is not the home builders fault. They also heard that there are going to be 16 cars parked in the alley. However, as he mentioned before, they are really talking about the addition of two dwelling units from the six units, or households that are allowed on it today. With respect to precedent-setting zoning, this Commission knows that zoning is not a precedent-setting vehicle, in fact, one neighbor who was in opposition, and withdrew his opposition, had some emails back and forth with staff asking if this would set a precedent. The Village Planner told him no. They evaluate zoning cases on a case by case basis, and they could not speak prospectively to any future zoning cases further in the neighborhood, but that it would likely not be supported if it was further in the neighborhood. He does not think they have a situation where the neighborhood is at risk of any future deeper zoning cases, where multifamily would be approved. This is a very unique property that, as they have heard, many times two of the lots are already zoned R-3 and the other R1-6 lot is in a situation now where it is adjacent to a high volume shopping center. For those reasons, they do not believe that it is a good, suitable property for a single-family home. If a single-family home was to be constructed on that one R1-6 lot, he imagines a valuation of one million and a half or one million point seven. When you are buying a property like that, you do not want it to back-up to, hear noise, and look out at a high-volume shopping center.

Mr. Greathouse stated that Mr. Geoff Edlund, the owner of this site, loves the neighborhood, which is why he bought here and believes he can build some really nice townhomes and provide a little bit of diversity and new housing options. He has been doing everything he can to eradicate homeless issues by removing a shed where homeless people were living, boarding up windows to the vacant house that had been broken, and that homeless people were living in. He has terminated all of the on-site parking where Cold Beer and Cheeseburger's valet were delivering cars up to his site. They cannot stop the valet service from parking on Monterosa Street. They also cannot stop the dental office customers from parking on Monterosa Street. Mr. Edlund is committed to help the neighborhood if they want him to, to support a parking permit program. As this Commission knows, that is out of his control, however, he wants to be part of the community. In fact, he wants to live in one of these townhome units so that he can spend a little time in Arizona. He was happy to answer any questions.

Chairman Howard asked if there were any questions or discussion.

Vice-chairwoman Mangum made a MOTION to approve Z-60-21-6, per the Camelback East Village Planning Committee recommendation, with the additional stipulation as read into the record.

Commissioner Johnson SECONDED.

There being no further discussion, Chairman Howard called for a vote and the MOTION Passed 8-0 (Shank absent).

Stipulations:

1. The development shall be in general conformance with the elevations date stamped September 2, 2021, with specific regard to the following and as approved by the Planning and Development Department.
 - a. There shall be a maximum building height of 2 stories and 30 feet.
 - b. Individual entryways on front (Monterosa) elevation shall be clearly identifiable as the primary pedestrian access for residential units.
2. The developer shall construct a minimum 5-foot-wide public sidewalk along the south side of Monterosa Street, as approved by the Planning and Development Department.
3. The primary entryways into residential units shall face Monterosa Street. These entryways shall incorporate a patio or seating court area, as approved by the Planning and Development Department.
4. The required landscape setback along Monterosa Street shall include minimum 3-inch caliper single-trunk large canopy shade trees planted 20 feet on center or in equivalent groupings, as approved by the Planning and Development Department. Five, five-gallon shrubs per tree, and additional shrubs or live groundcover shall provide minimum 75 percent live cover at maturity, as approved by the Planning and Development Department.
5. A minimum 10-foot landscape setback shall be required along the west and east property lines. These areas shall be planted with minimum 2-inch caliper shade trees placed 20 feet on center or in equivalent groupings, as approved by the Planning and Development Department.
6. All uncovered surface parking lot areas shall be landscaped with minimum 2-inch caliper drought-tolerant shade trees. Landscaping shall be dispersed throughout the parking area and achieve 25 percent shade at maturity, as approved by Planning and Development Department. Shade may be provided with a combination of trees and structural shade.

7. A minimum of **two** EIGHT bicycle parking spaces shall be provided through Inverted U and/or artistic racks located on the southwest portion of the site, to the north of the pedestrian entry gate depicted on the site plan date stamped September 2, 2021. These parking spaces shall be installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.
8. Clearly defined, accessible pedestrian pathways shall be provided to connect building entrances and public sidewalks, using the most direct route for pedestrians, as approved by the Planning and Development Department.
9. Where pedestrian pathways cross drive aisles, they shall be constructed of decorative pavers, stamped, or colored concrete, or other pavement treatments that visually contrast with the adjacent parking and drive aisle surfaces, as approved by the Planning and Development Department.
10. The developer shall provide 20 feet of paving per the local street requirements for the alley from the western boundary of the property to 40th Street, as approved by the Planning and Development Department.
11. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, landscaping, and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with the current ADA Guidelines.
12. The developer shall grant and record an aviation easement to the City of Phoenix for the site, per the content and form prescribed by the City Attorney prior to final site plan approval.
13. The developer shall provide a No Hazard Determination for the proposed development from the FAA pursuant to the FAA's Form-7460 obstruction analysis review process, prior to construction permit approval, as per plans approved by the Planning and Development Department.
14. The property owner shall record documents that disclose the existence, and operational characteristics of Phoenix Sky Harbor Airport to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.

15. 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.
16. **PRIOR TO PRELIMINARY SITE PLAN APPROVAL, THE LANDOWNER SHALL EXECUTE A PROPOSITION 207 WAIVER OF CLAIMS FORM. THE WAIVER SHALL BE RECORDED WITH THE MARICOPA COUNTY RECORDER'S OFFICE AND DELIVERED TO THE CITY TO BE INCLUDED IN THE REZONING APPLICATION FILE FOR RECORD.**

Committee members Abbott returned during this item, bringing the quorum to 15 members.

Nick Wood, representative with Snell & Wilmer, stated that Banyan is a national developer that this proposal is to address the alarming need for new residential units in the city. He provided an overview of the locational context of the site and surrounding land uses and stated that this site is appropriate for residential due to its proximity to light rail and the freeway that connects to the airport. He provided information regarding the proposed density, building massing, parking and unit mix. He then presented the proposed building elevations, noting the visual interest that the architecture achieves throughout the development.

Christina Eichelkraut stated that this site is indeed appropriate for residential, but noted its proximity to Ability 360, a local organization that assists people with disabilities, as well as to nearby law offices and government resources for these populations, as well as the light rail station down the street. She asked if this development will include subsidized or affordable units for people who do not drive. She also asked staff if there is a city process to facilitate the inclusion of affordable units.

Wood replied that this will be a market rate project. **Sofia Mastikhina**, staff, stated that the Housing Department likely has resources to help connect developers with state and federal grants and subsidies to facilitate affordable developments.

Vic Grace asked if the units will be ADA compliant. **Wood** replied that the development will be required to comply with all ADA requirements.

Blake McKee asked staff how much industrial land that is vacant is left in the village and expressed concern with converting these land uses to multifamily in general, however not specifically with this proposal. **Mastikhina** replied that this information can be pulled from the city's databases and that she will request that it be compiled by the city's GIS team.

- 5) **INFORMATION ONLY - Z-64-21-8 (Companion Case GPA-CE-2-21-8):**
Presentation and discussion regarding a request to rezone 17.82 acres located at the southwest corner of 48th Street and Washington Street **from A-2 (Industrial District) to PUD (Planned Unit Development)** for the Banyan Residential 48th & Washington PUD to allow multifamily residential

This item was heard concurrently with Item No. 4 (GPA-CE-2-21-8). Please see discussion above.

- 6) **Z-60-21-6:** Presentation, discussion, and possible recommendation regarding a request to rezone 0.63 acres located approximately 65 feet west of the southwest corner of 40th Street and Monterosa Street **from R1-6 (Single-Family Residence District) and R-3 (Multifamily Residence District) to R-3 (Multifamily Residence District)** to allow multifamily residential

Committee member O’Malley arrived during this item, bringing the quorum to 16 members.

Committee member Tribken left during this item, bringing the quorum to 15 members.

Sofia Mastikhina, staff, provided an overview of the request, including the location, current and surrounding zoning, and General Plan Land Use Map designation. She explained that the request covers three current residential lots, two of which are already zoned R-3 (Multifamily Residence District). The request is to rezone one lot that is zoned R1-6 (Single-Family Residence District) to the same R-3 zoning as the other two lots. At staff’s request, the applicant agreed to include all three lots to facilitate stipulating the entire site for improvements. She then presented the proposed site plan and elevations, noting the compatibility in scale and character with the surrounding neighborhood. She stated that the proposal will provide a transition from the commercial uses to the south to the residential neighborhood to the north. **Ms. Mastikhina** then presented the staff recommendation for approval, along with the recommended stipulations.

Brian Greathouse, representative with Burch & Crachiollo, provided an overview of the request, noting that they had agreed to include all three lots in the rezoning request to ensure transparency with the community as well as to allow staff to stipulate improvements such as landscaping and walkability throughout the entire site. He explained that the two lots zoned for multifamily are currently vacant and the previous buildings were demolished approximately five years ago. He then noted that the existing single-family residence on the third lot is uninhabitable and in no condition to sell or rent. He then explained that this site is in an interesting location, with a dentist office to the east and restaurants and a parking lot to the south, and that he believes the proposed townhomes are an appropriate transitional land use. He stated that the building elevations were designed by local architect Jason Comer, and that the interior will be designed by Joel Contreras, both of whom have designed high quality development projects throughout the city. He then presented conceptual renderings of the project, noting the unique architecture and walkability and pedestrian-friendliness. He addressed some community concerns that arose through the process. The first was regarding on-street parking, to which he replied that each unit will have two designated parking spaces in a carport in the rear of the site, so residents will not have a need to park on Monterosa Avenue. The second concern was that they were proposing to rezone all three lots to allow townhomes, to which he clarified that only one lot will effectively be rezoned, while the other two already have the multifamily designation. He then presented the proposed floor plans of the units and asked if the committee had any questions.

Dawn Augusta asked if there had been any consideration or traffic study of the current access conditions to the rear alley, noting that northbound turns would exacerbate already problematic traffic patterns. **Greathouse** replied that due to the small increase in permissible units, a traffic study was not conducted nor was it required by the city.

PUBLIC COMMENT

Geoff Mathieux, neighborhood resident, expressed his support for the proposal, stating that the high-quality design and pedestrian-friendliness will add value to the neighborhood and that it will provide a buffer from the parking areas to the south.

William Jay Lichtsinn stated that the vacant lots have been used for overflow parking for the adjacent businesses and expressed concern that this overflow parking will now take place along the street, inconveniencing the neighborhood. **Greathouse** replied that the property owner has worked with the Police Department to address the illegal parking and homeless encampments for months, and that there is already overflow parking on the street from the dentist and restaurants. He stated that the townhomes will not change this condition, as they cannot monitor public streets where there are no parking restrictions.

Chair Swart stated that there was a case on 40th Street and Indian School Road with the same concern, which is that the expansion of the business there would exacerbate on-street parking. However, those property owners did not have any control over public streets, much like in this case. He stated that this will force the city to address long-overdue issues with on-street parking issues.

MOTION:

Vic Grace made a motion to approve this case per the staff recommendation. **Chair Swart** requested an amendment to the motion to include a modification to increase the required number of bicycle parking space from two to eight. **Grace** accepted the amendment. **Ashley Nye** seconded the motion.

COMMITTEE DISCUSSION

Chair Swart offered to help the applicant with parking and safety enforcement in the area, as he is very involved with these matters.

Augusta expressed her support for the multifamily rezoning but reiterated her concern with northbound traffic on 40th Street attempting to turn left into the alley where the parking is located, as the turn area coincides with the left turn lane onto Indian School Road. She asked that the applicant look into a different parking arrangement, as this will create problems. **Chair Swart** asked staff if the Street Transportation Department had provided feedback on this case. **Mastikhina** stated that the only comment from that department was regarding paving of the alley.

Christina Eichelkraut asked that the applicant address a question brought up by resident Pam MacMillan in her letters to the city regarding if there will be individual back yards in the rear that residents can spend time in, instead of being on their street-facing balconies. The resident's concern was privacy intrusion into the single-family homes to the north of the project. She then stated that she has no problems with the proposal, but simply wanted to ensure that all community questions and concerns were addressed. **Greathouse** stated that the rear yard will be commonly held and will have seating and barbecue areas for resident use.

Nye seconded committee member Augusta's concern regarding the northbound turn into the alley and asked that the applicant work with the Street Transportation Department to address this concern and come up with an alternative access solution. She also mentioned that there is an avid biking community in this area and that residents will likely receive guests who bike to the property. She suggested that additional bicycle parking spaces be provided in the common area to accommodate this. **Greathouse** stated that his client is happy to add more bicycle parking spaces.

Grace stated that, based on Google aerials, it looks like the previous structures on the site had a carport along the alley, so parking in that area was present before.

VOTE:

15-0; Motion passes with committee members Swart, Fischbach, Abbott, Augusta, Bayless, Czerwinski, Eichelkraut, Grace, McKee, Miller, Nye, O'Malley, Paceley, Rush, and Sharaby in favor.

7) **INFORMATION ONLY:** Presentation and discussion regarding the 2021 Camelback East Village Annual Report.

Mastikhina provided information regarding the annual report items such as the Village To-Do List, the new cover photo, a project highlight, and a group photo. The committee discussed these items and took a group photo.

8) Public comments concerning items not on the agenda.

None.

9) Staff update on cases recently reviewed by the Committee.

Mastikhina provided the following updates:

- Z-36-21-6 (13th Pl & Colter St): Request from C-2 SP to R-3 to clean up zoning on landscape tracts for a multifamily development was approved by the City Council on November 3, 2021.
- Z-39-21-6 (44th Str & Clarendon Ave): Request from R1-10 to R-O for a residential office was approved by the City Council on November 3, 2021.
- Z-43-21-6 (Studio Ma, 40th Pl and Indian School): Request from R1-6 to R-O for residential office was approved by the City Council on December 1, 2021.
- Z-69-20-6 (Autem Row PUD): Request from R-O to PUD for multifamily residential was approved with an additional stipulation by the Planning Commission on December 2, 2021.
- Z-16-21-6 (Paisley PUD): Request from R1-6 to PUD for multifamily residential was continued to the January 6, 2022 Planning Commission hearing.

10) Committee member announcements, requests for information, follow up, or future agenda items.