

## ATTACHMENT C

### REPORT OF PLANNING HEARING OFFICER ACTION Byron Easton, Planner III, Hearing Officer Logan Zappolo, Planner I, Assisting

December 17, 2025

ITEM NO: 1	
	DISTRICT NO. 4
SUBJECT:	
Application #:	PHO 1-25--Z-25-25-4
Location:	Approximately 165 feet west of the northwest corner of 13th Place and Campbell Avenue
Zoning:	R-3
Acreage:	1.28
Request:	1) Deletion of Stipulation 1 regarding allowed density. 2) Deletion of Stipulation 12 regarding right-of-way dedication.
Applicant:	Chad Barber, Fenix CRE
Owner:	David Aller, Wayne Properties LLC.
Representative:	Chad Barber, Fenix CRE

#### **ACTIONS:**

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended denial as filed and approval.

Village Planning Committee (VPC) Recommendation: The Camelback East Village Planning Committee heard this case on December 2, 2025 and recommended approval by a vote of 17-0.

#### **DISCUSSION:**

Chad Barber, representative of Fenix CRE, provided an overview of the request to delete Stipulation 1 which limits the allowed density to 12 total units. He presented the proposed site plan depicting 16, three-bedroom townhome units. He expressed concern about the lack of 3-bedroom rental properties within the City of Phoenix and wishes to provide necessary housing options for families. Mr. Barber included that he received numerous letters of support during the original rezoning process. He also added that during the original rezoning process and the PHO submittal, they did not receive any opposition. He included he received the support of the Grand View Neighborhood Association. Mr. Barber stated the Camelback East Village Planning Committee heard the case at the December 2, 2025 VPC meeting and unanimously recommended approval by vote of 16-0. He explained increasing density typically has immediate impact on the surrounding neighborhood; however, the proposed site plan limits the impact

on the existing homes by providing a 15-foot buffer between the proposed buildings and the property line.

Mr. Barber presented an aerial view of the site and stated the existing homes on the western portion of the site are setback from the property line significantly. He added on the north portion of the site there is a 50-foot setback between the property line and the proposed buildings. Mr. Barber included his design does not include second-story balconies, which is intended to preserve privacy for the existing homes. He added the subject site will be landscaped to match the existing neighborhood with shade trees. He provided an overview of the request to delete Stipulation 12 regarding right-of-way dedications. He stated at this time, he would like to work with the Planning and Development Department during Preliminary Site Plan review to address the right-of-way dedication. He specified this would likely result in filing a technical appeal if necessary. He added the reason for this stipulation is to create 13th Street which does not exist at this time. Mr. Barber stated he is willing to work with the Planning and Development Department to address this dedication during Preliminary Site Plan review.

Byron Easton, Planning Hearing Officer, asked if there were any registered speakers for this case.

Logan Zappolo, Planning Hearing Officer Assistant, confirmed there are no registered speakers for this case.

Mr. Easton asked why the density stipulation was included during the original rezoning process.

Mr. Barber responded that the density stipulation was a staff recommendation. Mr. Easton asked why the density cap stipulation was included.

Mr. Barber stated this was intended to minimize the impact on the surrounding neighborhood.

Mr. Easton asked if they had proposed more than 12 units during the original rezoning process.

Mr. Barber added he was not involved in the original rezoning case.

Mr. Easton stated there is no general conformance stipulation to a previously approved site plan to compare this plan as being within 10% of the original approval. He added the proposed site plan is looking to build within the density allowance for the R-3 Zoning District.

Mr. Barber confirmed that was correct.

Mr. Easton asked if Mr. Barber knew the dwelling unit per acre calculation for this submittal.

Mr. Barber stated that he is offering 15 units per acre.

Mr. Easton stated he had a different calculation. He then asked if Mr. Barber was planning to develop within the Planned Residential Development option or one of the other development options.

Mr. Barber stated they intend to utilize the Planned Residential Development option.

Mr. Easton stated the density allowance would be 15.23 dwelling units per acre and asked for the gross acreage of the subject site.

Mr. Zappolo confirmed the site is 1.28 acres.

Mr. Easton calculated the density to be approximately 12.5 dwelling units per acre, which is within the provisions of the R-3 zoning district. He clarified if Stipulation 1 is deleted then Mr. Barber is recognizing he will have to build the development per the R-3 zoning district development standards.

Mr. Barber agreed.

Mr. Easton stated he spoke with the Planner assigned to the review and confirmed the neighbors are not opposed to this request and added the Camelback East Village Planning Committee recommended approval by a vote of 16-0 with no present opposition and asked Mr. Barber to confirm.

Mr. Barber confirmed there was no opposition at the Village Planning Committee Meeting however they did have one individual in favor of the request.

Mr. Easton asked Mr. Barber if he had any communication with the Street Transportation Department regarding their opinion on deleting Stipulation 12.

Mr. Barber added the Street Transportation Department does not support this stipulation removal.

Mr. Easton explained the Planning Hearing Officer does not delete zoning stipulations to later rectify through the Site Planning process. He added he cannot delete stipulations directly related to other department requirements and cited City Code Section 3191.A relating to required right of way dedications. Mr. Easton presented the diagram included in the Street Transportation Department comments identifying the northwest corner of the subject site as the subject area for the stipulated right of way dedication.

Mr. Easton recommended denial as filed and approval of the first request.

## **FINDINGS:**

- 1) The request for the deletion of Stipulation 1 regarding the maximum allowed density for the development is recommended to be approved. Stipulation 1 limits the total number of dwelling units to twelve (12). The applicant is requesting that the cap be removed and the project be held to the underlying R-3 zoning development standards.

The subject site is consistent with the General Plan Land Use designation and is compatible with the scale and character of the surrounding area when developed in accordance with standard R-3 regulations. Removing this stipulation would allow for the development of townhome-style units that provide much-needed “missing middle” housing in a family-oriented neighborhood located near Madison Park and Madison Highland Preparatory School. This type of housing is increasingly important given the rising cost of single-family housing.

There was no neighborhood opposition to the previous proposal, indicating general community support for well-designed development in the area. Additionally, of the eight (8) parcels adjacent to the site, only two (2) are owner-occupied residential, with the remaining parcels classified as non-primary, multifamily, or rental residential uses. The project will incorporate buffering and privacy measures, including landscaping, the avoidance of second-story patios or balconies, and thoughtful site planning—to minimize impacts to neighboring properties.

- 2) The request for the deletion of Stipulation 12 is recommended to be denied. According to City Code, Section 31-91(a), upon development of the parcel, dedication of the adjacent half-street is required. Minnezona Avenue has a total right-of-way width of 60 feet, consisting of a 30-foot half-street. 13<sup>th</sup> Street is offset and has a total right-of-way width of 50 feet, with a 30-foot and 20-foot half-street configuration. Because the subject site is located at the corner of 13th Street and Minnezona Avenue, the required dedication reflects the half-street widths of both streets.

City Code generally requires right-of-way dedication at the time of development. While acquiring the full widths necessary to complete a roadway may take considerable time, these dedications are essential to achieving the ultimate roadway design and ensuring compliance with City Code requirements.

**STIPULATIONS:**

<del>1.</del>	<del>The development shall have a maximum of 12 dwelling units.</del>
1. <del>2.</del>	All bicycle infrastructure and pedestrian pathways, including sidewalks, shall be shaded by a structure, landscaping, or a combination of the two to provide a minimum of 75% shade, as approved by the Planning and Development Department.
2. <del>3.</del>	Where pedestrian walkways cross a vehicular path, the pathway shall be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments, that visually contrasts parking and drive aisle surfaces, as approved by the Planning and Development Department.
3. <del>4.</del>	A minimum of 4 bicycle parking spaces shall be provided within the common open space and installed per the requirements of Section 1307.H of the Phoenix Zoning Ordinance.
4. <del>5.</del>	A bicycle repair station ("fix it station") shall be provided and maintained on site within an amenity area or near a primary site entrance. The bicycle repair station ("fix it station") shall be provided in an area of high visibility and separated from vehicular maneuvering areas, where applicable. The repair station shall include, but not be limited to: standard repair tools affixed to the station, a tire gauge and pump affixed to the base of the station or the ground, a bicycle repair stand which allows pedals and wheels to spin freely while making adjustments to the bike.
5. <del>6.</del>	A minimum of 10% of the required bicycle parking spaces shall include standard electrical receptacles for electric bicycle charging capabilities, as approved by the Planning and Development Department.
6. <del>7.</del>	A minimum of 10% of the required vehicle parking spaces shall include EV Capable infrastructure.
7. <del>8.</del>	Natural turf shall only be utilized for required retention areas (bottom of basin, and only allowed on slopes if required for slope stabilization) and functional turf areas located on properties for uses such as usable residential common areas, as approved by the Planning and Development Department.
8. <del>9.</del>	A minimum of 25% of the surface parking areas shall be shaded, as approved by the Planning and Development Department. Shade may be achieved by structures or by minimum 2-inch caliper, drought tolerant, shade trees, or a combination thereof.

9. 10.	A minimum of two green stormwater infrastructure (GSI) elements for stormwater management shall be implemented, as approved or modified by the Planning and Development and/or Street Transportation departments. This includes but is not limited to stormwater harvesting basins, bioswales, permeable pavement, etc., per the Greater Phoenix Metro Green Infrastructure and Low Impact Development Details for Alternative Stormwater Management.
10. 11.	Prior to final site plan approval, documentation shall be provided that demonstrates a commitment to participate in the City of Phoenix Water Efficiency Program for a minimum of 10 years, or as approved by the Planning and Development Department.
11. 12.	A minimum 30 feet of right-of-way shall be dedicated for the south side of Minnezona Avenue, for a depth of 20 feet as measured from the western property line.
12. 13.	Replace unused driveways with sidewalk, curb, and gutter. Also, replace any broken or out-of-grade curb, gutter, sidewalk, and curb ramps on all streets and upgrade all off-site improvements to be in compliance with current ADA guidelines.
13. 14.	All streets within and adjacent to the development shall be constructed with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
14. 15.	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. 16.	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. 17.	Prior to final site plan approval, the landowner shall execute a Proposition 207 waiver of claims form. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record.

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