

Attachment F - Appeal and Petition

CITY OF PHOENIX PLANNING AND DEVELOPMENT DEPARTMENT

FORM TO REQUEST PC to CC I HEREBY REQUEST THAT THE PC / CC HOLD A PUBLIC HEARING ON:				
APPLICATION NO/ LOCATION	Z-51-17-6 – Approximately 125 feet north of the northwest corner of 52nd Street and Virginia Avenue	(SIGNATURE ON ORIGINAL IN FILE)		
		opposition	X	applicant
APPEALED FROM:	PC 12/06/18	Christina Sampson 602-321-1243		
	<i>PC/CC DATE</i>	<i>NAME / PHONE</i>		
TO PC/CC HEARING	CC 01/09/19	5116 East Virginia Avenue Phoenix, AZ 85008		
	<i>DATE</i>	<i>STREET ADDRESS/CITY/STATE/ZIP</i>		
REASON FOR REQUEST: letter attached.				
RECEIVED BY:	MP / AM	RECEIVED ON:	12/11/18	

Alan Stephenson
 Joshua Bednarek
 Tricia Gomes
 Christina Encinas
 Stephanie Vasquez
 Leah Swanton
 Amanda Murrietta
 Mark Newman
 Applicant



City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

The **PLANNING COMMISSION** agenda for **December 6, 2018** is attached.

The **CITY COUNCIL** may approve the recommendation of the Planning Commission without further hearing **unless**:

1. A **REQUEST FOR A HEARING** by the **CITY COUNCIL** is filed within seven (7) days.

There is a \$630.00 appeal fee for hearings requested by the applicant, due by 5:00 p.m. **December 13, 2018**.

Any member of the public may, within seven (7) days after the Planning Commission's action, request a hearing by the City Council on any application. If you wish to request a hearing, fill out and sign the form below and return it to the Planning and Development Department by 5:00 p.m., **December 13, 2018**.

2. A **WRITTEN PROTEST** is filed, no later than seven (7) days after the Planning Commission's action, which requires a three-fourths vote. A written protest will require a three-fourths vote of the City Council to approve a zoning change when the owners of at least 20 percent of the property by area and number of lots, tracts, and condominium units within the zoning petition area have signed the petition. The zoning petition area includes both the area of the proposed amendment, and the area within 150 feet of the proposed amendment, including all rights-of-way. For condominium, townhouse and other types of ownership with common lands, authorized property owner signatures are required. Please see Planning and Development Department Staff for additional information prior to gathering signatures.

To require a three-fourths vote of the City Council for approval, a written protest for applications on this agenda must be filed with the Planning and Development Department by 5:00 p.m. **December 13, 2018**.

The Planning and Development Department will verify ownership by protestors to determine whether or not a three-fourths vote will be required.

3. A **CONTINUANCE** is granted at the **PLANNING COMMISSION**. In the event of a continuance, there is an \$830.00 fee due from the applicant within fourteen (14) days, by 5:00 p.m. **December 20, 2018**.

FORM TO REQUEST CITY COUNCIL HEARING

I HEARBY REQUEST THAT THE CITY COUNCIL HOLD A PUBLIC HEARING:

Z-51-17-6
APPLICATION NO.

Approx. 125 feet north of the northwest corner of 52nd and Virginia Ave.
LOCATION OF APPLICATION SITE

December 6, 2018
DATE APPEALED FROM

☒ OPPOSITION
☐ APPLICANT

Michael Pierce
PLANNER
(PLANNER TAKING THE APPEAL)

BY MY SIGNATURE BELOW, I ACKNOWLEDGE CITY COUNCIL APPEAL:

Christina S. Sampson
PRINTED NAME OF PERSON APPEALING

Christina S. Sampson
SIGNATURE

5116 E. Virginia Ave.
STREET ADDRESS

Wednesday, Dec. 11, 2018
DATE OF SIGNATURE

Phoenix, AZ 85008
CITY, STATE & ZIP CODE

(602) 321-1243
TELEPHONE NO.

REASON FOR REQUEST

1) Commission made decision based on incomplete information re: traffic, drainage, rethack impact
APPEALS MUST BE FILED IN PERSON AT 200 WEST WASHINGTON, 2ND FLOOR ZONING COUNTER
See attached for full explanation of request.

CITY OF PHOENIX

DEC 11 2018

**Planning & Development
Department**

Request for hearing on application no. Z-51-17-6 by Christina Sampson

Christina Sampson
5116 E. Virginia Ave.
Phoenix, AZ 85008

December 11, 2018

PUD zoning request for two parcels located approximately 125 feet north of the northwest corner of 52nd St. and Virginia Ave.

We, property owners within 150 feet of the above-referenced application, **strongly oppose** the City of Phoenix Planning Commission's unanimous approval of this application and respectfully request the City Council hold a hearing on this matter.

Please understand this not merely a knee-jerk, NIMBY protest; we welcome the development of this lot provided any development maintain far less density than this project and does not invade our privacy with excessive height.

Although the developers maintain the three-story height requirement is necessary for them to maintain profitability, as they themselves have illustrated there are plenty of successful, two-story, multi-housing units on 52nd St. that actually did not require zoning to be changed, thus proving three-stories is hardly requisite for a successful multi-housing unit. In fact, the *one* other three-story development on 52nd St. is struggling to fill its residences.

Furthermore, our neighborhood should not have to suffer the consequences of the developers possibly over-paying for these parcels and mistakenly trusting the previous owners' false claims of neighborhood support. Their failure to do proper due diligence in assessing the receptiveness of the neighborhood is not our fault.

It is simply not this neighborhood's responsibility to ensure the bottom line of Valley Income Properties. It is indeed unfortunate the developers have invested two years and significant financial resources into this project, however, that does not obligate the residents of the surrounding area to suffer the consequences of those decisions. Development is a business. As in any business, sometimes poor decisions are made and losses result. Preventing those losses for Valley Income Properties is not proper justification to approve a development that will have a negative impact on a stable, established Phoenix neighborhood.

The additional technical reasons for this hearing request are as follows:

1.) Turning radius on conceptual site map for emergency vehicles does not meet the Phoenix Fire code's stated standards.

Although the city's staff report states "the site and/or buildings shall comply with the Phoenix Fire Code" (interdepartmental comment 18), in fact the turning radius for emergency does not meet the city's own code.

The code requires a 35-foot inside radius and a 55 foot outside radius with a 20-foot width. The conceptual site plan, however, has an inside radius of 25 feet and an outside radius of 50' on three out of four corners.

As an adjacent property with vegetation along this property we are extremely concerned about the lack of access of emergency vehicles due to the catastrophic impact this could have on our home should a structural or vehicle fire occur at the condominiums.

2.) Staff report fails to answer issues about drainage and runoff issues that have been previously raised, in writing, by adjacent property owners.

The staff report contains a letter from Judd Sampson to Adam Stranieri on October 25, 2017, that indicates "[t]here is no provision for runoff collection and drainage."

The Staff report of November 2, 2018, composed by Adam Stranieri mentions under "Community Input Summary" one letter expressed concern regarding "drainage issues." (Item 16).

In the Developer's Narrative of October 22, 2018, under section K.2, "Grading and Drainage," the only mention of drainage indicates that water retention will be provided "within common retention areas," and that these areas "will be determined during the formal processes and procedures required by the City of Phoenix *during its development review process.*" [emphasis added].

However, that same staff report is utterly silent in addressing the drainage issues.

As of December 10, 2018, two full business days *after* the Planning Commission hearing date, there are no public documents available that indicate how these drainage issues will be addressed or that these areas have been determined. The Staff report is silent on them, and in fact, has zero mention of grading at all.

The adjacent property owners' concerns about about runoff water pooling and impacting the structural integrity of their property wall have been left unaddressed.

Regarding grading, the grading addressed in the Developer's Narrative of October 22, 2018, speaks of grading techniques used to "preserve and use runoff water effectively," along 52nd Street for plant survival and growth, however, it does not address grading over the rest of the property.

3.) Traffic study completed by applicant fails to adequately address or portray actual traffic impacts on surrounding neighborhood.

Although the applicant's traffic study meets the technical requirements of the city it utterly fails in giving an accurate and realistic assessment of the actual impact this development will have on traffic in the neighborhood.

Based on our experience as residents of both Virginia Ave. and 51st St., the majority of the 15-19 vehicles exiting and entering this development will not only travel down 52nd St.

Rather, as with the residents of many other multi-housing units along 52nd St., these vehicles will turn right on to 52nd St. and use both Virginia Ave. and 51st St as a cut through road to Thomas Road.

Specifically, the Arcadia Montessori School located at 5115 E. Virginia Ave. has little parking. As such, during its peak drop-off and pick-up times parents park their vehicles along both sides of the street, effectively turning Virginia Ave. into a one-lane street. The lack of sidewalks on Virginia Ave., combined with morning and evening commuters speeding down the street despite speed humps, and the general congestion create an exceedingly dangerous environment for both motorists and pedestrians, particularly pre-school children walking with their parents to their parked vehicles.

So, although on its face 15-19 additional vehicles from this development sounds negligible, and indeed may be when referring to 52nd St., when added to the already-existing, very serious, daily traffic problem on a residential street those vehicles will exponentially increase the danger for pedestrians, bicyclists, and young children.

Any decision made about this property's zoning should be made with due consideration to the overall impact on the neighborhood's traffic. In this case, unfortunately, the requirements of the city fail to adequately achieve the level of due diligence we believe necessary to make an informed decision regarding this property.

It is impossible to achieve a full understanding of this development's impact on local traffic until/unless an independent traffic study is conducted on both Virginia Ave. and 51st St., during peak times when the Montessori School is opening and when children are being let out of school.

Technical compliance is meaningless if the overarching desired result is not achieved. In this case, the technical compliance of conducting a traffic study on 52nd St. does not achieve the ostensibly desired result of determining the impact of this proposed development on the surrounding roadways.

4.) Mischaracterization of neighborhood support by Beus Gilbert.

At the Planning Commission meeting the developers' attorney indicated they were shocked to find the neighborhood did not support their plan ostensibly because the first neighborhood meetings there was robust neighborhood support.

A cursory review of the sign-in sheet for the first neighborhood meeting and a quick survey of those present will reveal this is empirically untrue. Exactly two (2) neighbors were in support of this project at that meeting with six (6) opposed. The opposing neighbors are willing to submit written statements saying as much should the Council or Planning Commission desire it. A

second and third neighborhood meeting had no attendees in support; the developers' attorneys seem to have confused dejected resignation and frustration with "support".

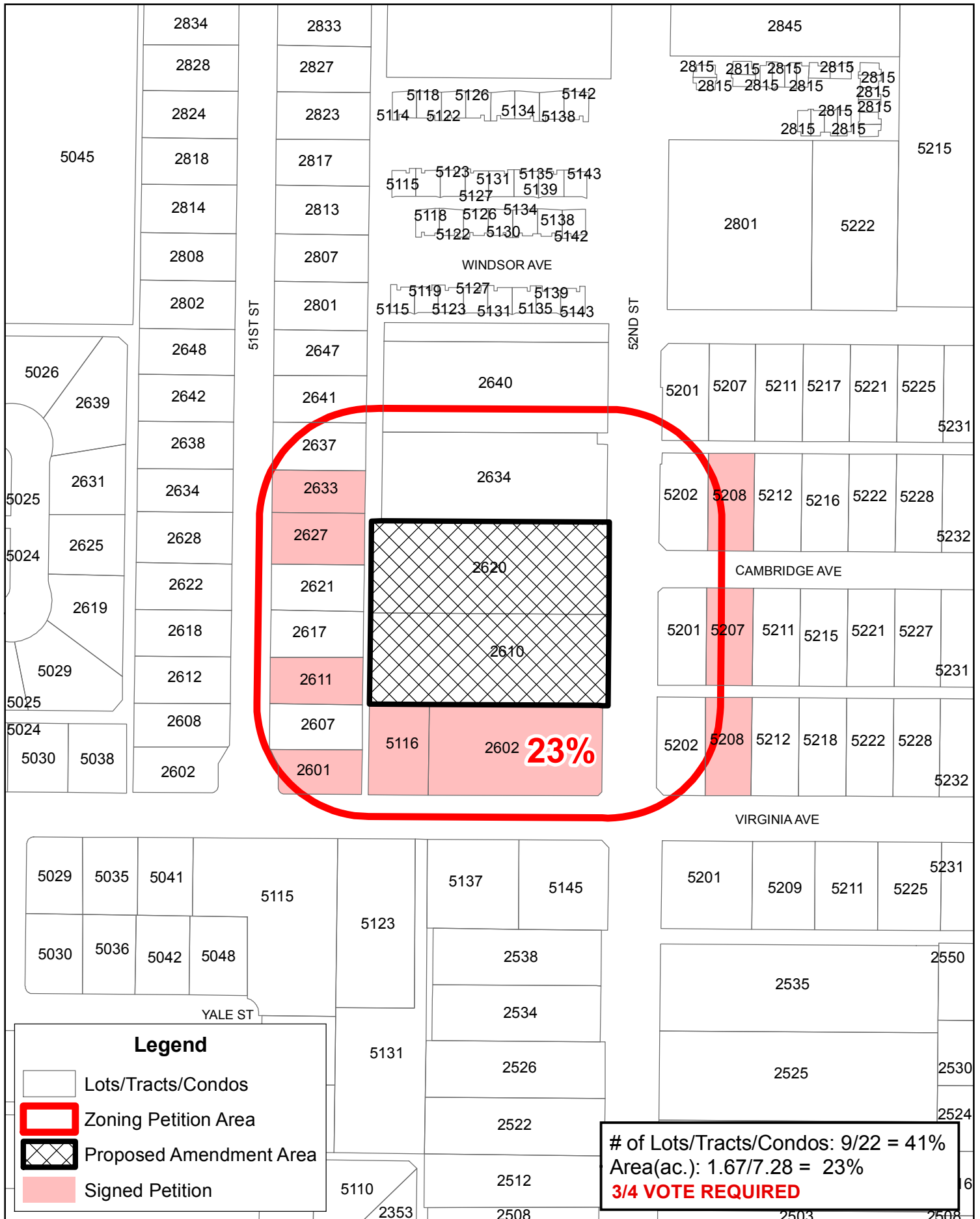
Indeed, prior to the property even being sold my husband was shown the plans for this property and we made our opposition to the three-story height known at that time.

5.) Negative impact of the developers' alleged setback "compromise".

The developers maintained to the Planning Commission that the increase in setback from 52nd St. was in some way an atonement for the height of the buildings. In fact, that setback was 1.) required by the city and 2.) decreases the setback of the units from all the properties on 51st St., making this development even less desirable.

The Planning Commission seemed to indicate a large part of their approval of this zoning change was based on the "compromise" the developers made in terms of setback. But there is no compromise. The setbacks are all merely meeting city requirements.

If the Planning Commission's decision is based partly on the developers' willingness to compromise, then we are nonplussed as to what exactly these compromises were. Compliance with standard codes and ordinances is not compromising, it's merely compliance. Thus at least part of the foundation the commission based its support on is literally nonexistent and the decision should be revisited.



0 100 200 Feet

Petition Verification Map for Z-51-17-6