



**City of Phoenix**  
PLANNING AND DEVELOPMENT DEPARTMENT

**Staff Report: Z-82-16-4**  
**January 5, 2017**

<b>Encanto Village Planning Committee Meeting Date</b>	January 9, 2017
<b>Planning Commission Hearing Date</b>	February 2, 2017
<b>Request From:</b>	C-O HP (0.24 Acres)
<b>Request To:</b>	R1-6 HP (0.24 Acres)
<b>Proposed Use</b>	Single family residence
<b>Location</b>	Approximately 110 feet west of the northwest corner of 1st Avenue and Wilshire Drive
<b>Applicant/Representative</b>	Brian Fracasse/Taylor:Fracasse Architecture, Inc.
<b>Owner</b>	BBRE LLC
<b>Staff Recommendation</b>	Approval with stipulations

General Plan Conformity			
General Plan Land Use Designation		Residential 3.5 to 5 du /acre	
Street Map Classification	Wilshire Drive	Local	30-foot north half
<p><b>CONNECT PEOPLE &amp; PLACES CORE VALUE; INFILL; LAND USE PRINCIPLE:</b>  <i>Promote and encourage compatible infill development with a mix of housing types in neighborhoods close to employment centers, commercial areas, and where transit or transportation alternatives exist.</i></p> <p>The restoration of the zoning to R1-6 for single family residential will allow the existing historic home to remain a part of compatible development for the Willo neighborhood.</p>			
<p><b>CELEBRATE OUR DIVERSE COMMUNITY &amp; NEIGHBORHOODS CORE VALUE; CERTAINTY AND CHARACTER; LAND USE PRINCIPLE:</b>  <i>Protect residential areas from concentrations of incompatible land uses that could change their character or destabilize land values.</i></p> <p>Rezoning this parcel to R1-6 HP protects the residential area from commercial office uses which could change the character of the neighborhood.</p>			

Applicable Plans
Willo Neighborhood Conservation Plan – See Item 1.
Preserve HistoricPHX – See Items 4, 5, 6 and 9.

Surrounding Land Uses/Zoning		
	<u>Land Use</u>	<u>Zoning</u>
<b>On Site</b>	Single family residence	C-O HP
<b>North</b>	Single family residence	C-O HP
<b>South</b>	Single family residence	R1-6 HP
<b>East</b>	Single family residence	C-O HP
<b>West</b>	Single family residence	C-O HP

R1-6 (Refer to Section 613 for standards)		
<u>Standards</u>	<u>Requirements</u>	<u>Proposed</u>
<i>Building Setbacks</i>		
Front	20 feet	Met – Existing building
Rear	25 feet	Met – Existing building
Sides	10 feet / 3 feet	
Lot Coverage	Maximum 40%	Met – Existing building
Building Height	Maximum 30 feet	Met – Existing building

### **Background/Issues/Analysis**

- The property is currently developed with a single story residence. The owner is proposing an addition to the rear of the home. The site is zoned C-O for commercial office and residential uses are not allowed in this district. Therefore, the single family residential use established on the site decades ago is considered to be non-conforming and subject to the conditions of Chapter 9, Non-Conformities. The applicant desires to return the property to a zoning district appropriate for the current use of the property and that district is R1-6, Single Family Residence. Upon approval of the rezoning request, the use of the property for a residence will be a conforming use. It should be noted that plans for a single story addition to the property were approved by the Historic Preservation (HP) Office in August 2016. The site plan submitted with this rezoning request is not consistent with the approved plan and will therefore require review by the HP Office and a public hearing.

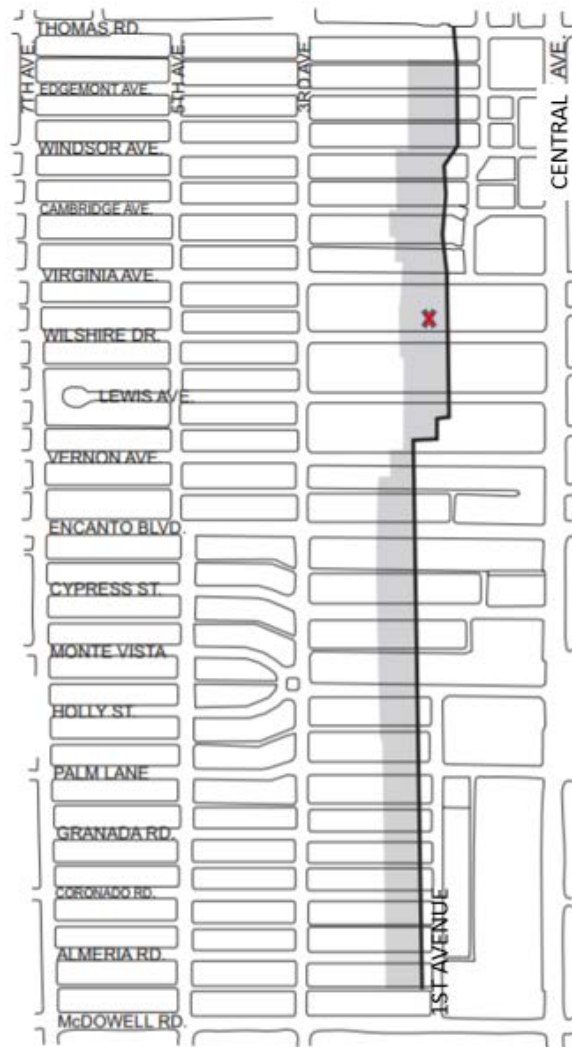


*Existing building.*

2. The Willo Special Conservation District (SCD) was established by the City Council on December 18, 1985 (Z-392-85) and the District and the Willo Neighborhood Conservation Plan were adopted as part of the Zoning Ordinance two months later on February 12, 1986. The eastern boundary of the SCD is the 1st Avenue alignment. The Plan conceptually identifies a “transition zone” in gray of up to 200 feet along the west side of the SCD boundary. This property is located within this transition zone.

The Conservation Plan outlines conditions under which properties in the transition zone could be developed for other than single family residences. The request to rezone this and other properties to C-O (see Item #2) was being processed in a timeframe similar to the Conservation Plan, however the zoning was approved after the Conservation Plan.

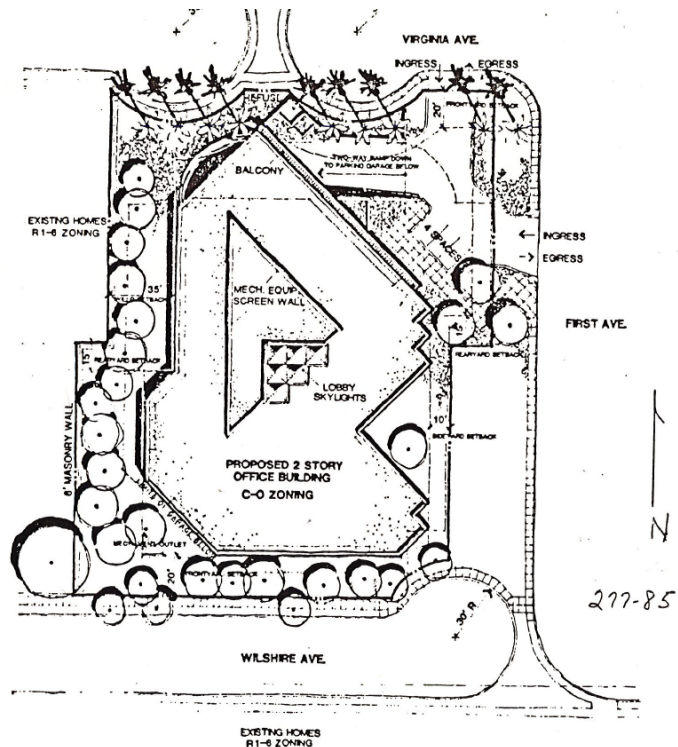
The Conservation Plan aims to “protect the integrity of the residential area, guarantee the quality of family living in the area, and preserve the unique character of the neighborhood”. Rezoning the property from C-O to its previous district of R1-6 is consistent with this goal.



WILLO NEIGHBORHOOD CONSERVATION PLAN  
TRANSITION ZONE

**X** Subject Site – 38 West Wilshire Drive

3. The subject site was part of an assemblage of properties rezoned to C-O (Z-277-85), subject to stipulations. The approval is conditioned upon development of the parcels in accordance with the site plan and elevations presented during the hearing process. The development proposed demolition of all the residences and construction of a two story office building with subgrade parking. The building height was limited to 30 feet with all parking provided at or below grade. A 35-foot setback is required to be maintained from the west property line, with no second story windows facing residential properties to the west.



*Z-277-85: site plan stipulated for general conformance.*

4. In 1992, an application was made to amend the stipulations of approval for the C-O zoning (PHO-1-92-Z-277-85) to allow one of the homes to be utilized for a professional office/golf course design firm. The applicant desired to use an existing home for an office and provide three additional parking spaces with access from 1st Avenue. Neighbors attending the hearing voiced concerns about this proposal compromising the originally envisioned office complex which included all of their lots. The Hearing Officer noted that if the remaining lots were to seek the same office use that there would be a need for private contractual agreements to provide cross access easements along the rear of the lots to access 1st Avenue, or, alternatively, the cul-de-sac would need to be reconstructed to ensure the access was only to 1st Avenue. It was also noted that the original proposal no longer seems feasible as the lots are in single ownership. After reviewing and discussing these concerns with the neighbors, the applicant withdrew his request to amend the original stipulations.
5. The historic preservation overlay (Z-10-90) for the Willo neighborhood, including the subject property, was adopted by the City Council on July 18, 1990. The neighborhood is considered significant because of its excellent representation of three important historic/architectural influences which shaped Phoenix' early development as a community. Specifically, it is important due to its well-rounded depiction of the popular architectural styles and construction technologies that characterized building in Phoenix during the first half of the Twentieth Century. Additionally, Willo is considered to be one of the best intact examples of the residential subdivision development that occurred within the City during the period from 1910-1942. The area is also significant for its association with the nation's first federal housing policy and the local and nationwide promotion and adoption of zoning regulations and comprehensive planning.

6. Preserve HistoricPHX is a comprehensive plan, adopted in 2015, intended to protect and promote the historic and archaeological resources of the city. Alteration or removal of historic-eligible buildings is not consistent with the stated goals of this plan. The proposal to rezone this property to a single family district and retain the historic home, rather than maintain the commercial office zoning and conditions which jeopardize the retention of the home, is supportive of the goals of Preserve HistoricPHX.
7. Chapter 8 of the Zoning Ordinance governs properties designated for Historic Preservation (HP). The issuing of building permits in areas with HP designation is deferred until after a Certificate of No Effect or a Certificate of Appropriateness is obtained from the Historic Preservation Officer or the Historic Preservation Commission.
8. A number of factors make it difficult for parcels included in the original approval for C-O to be utilized as offices:
  - The parcels are now individually owned.
  - Stipulations of approval would need to be amended if the original proposal is not built.
  - Current development standards required by the C-O district are designed to be accommodated by parcels one acre or larger.
  - Access to parking would need to be from 1st Avenue, likely requiring private cross-access agreements and possibly reconfiguration of existing cul-de-sacs to prevent commercial traffic from entering the adjacent neighborhood.
  - Any proposal involving the alteration or demolition of structures is subject to review by the Historic Preservation Office.
  - Although the C-O zoning allows an office use, there are Building Code requirements for a change of occupancy to move from a residential use to a commercial use. For example, an accessible bathroom is required, often requiring the movement of load bearing walls to widen hallways. This and other requirements may make the use of the individual parcels for an office cost prohibitive.
9. The City of Phoenix Archaeology Section has provided comment noting that a prehistoric canal is adjacent to this project area, and that the canal is unlikely to be affected by this zoning application. No archaeological work is necessary for this project, however, if any archaeological materials are encountered, all ground-disturbing activities must cease within 33 feet of the discovery and the City of Phoenix Archaeology Office is to be notified immediately and allowed time to properly assess the materials.
10. The Aviation Department has provided comments regarding this request. The property is in the Public Airport Disclosure area. This area may be subject to overflights of aircraft operating at the Airport. People are often irritated by repeated overflights regardless of the actual sound level at the overflight site. Therefore, it is required that a Notice to Prospective Purchasers, which follows policy regarding properties in the City of Phoenix underlying the flight patterns of Phoenix Sky Harbor International Airport, be recorded for the property.
11. The Water Services Department has commented that water and sewer capacity is a dynamic condition that can change over time due to a variety of factors. It is the City's intent to provide water and sewer service. However, the requirements and

assurances for water and sewer service are determined during the site plan application review. For any given property, water and sewer requirements may vary over time to be less or more restrictive depending on the status of the City's water and sewer infrastructure. There is a 6-inch DIP water main in Wilshire Drive. There is an 8-inch VCP sewer main in the alley easement on the north side of the property.

12. It has been determined that this parcel is not in a Special Flood Hazard Area (SFHA), but is located in a Shaded Zone X, on panel 2205 L of the Flood Insurance Rate Maps (FIRM) dated October 16, 2013.
13. Development and use of the site is subject to all applicable codes and ordinances. Zoning approval does not negate other ordinance requirements. Zoning adjustments, abandonments or other formal actions may also be required.

### **Findings**

1. The property contains a single family residence in the Willo historic district.
2. There are a number of constraints which may preclude the original single office proposal on multiple lots from being realized.
3. The proposal for rezoning the site is appropriate given the existing land use and zoning pattern for this single family historic neighborhood.

### **Stipulations**

1. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.
2. The property owner shall record documents that disclose the existence, and operational characteristics of Phoenix Sky Harbor International 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.

### **Writer**

Katherine Coles

1/3/2017

### **Team Leader**

Joshua Bednarek

### **Exhibits**

Zoning sketch

Aerial

Site plan date stamped November 4, 2016