

**REPORT OF PLANNING HEARING OFFICER ACTION**  
Adam Stranieri, Planner III, Hearing Officer  
Julianna Pierre, Planner I, Assisting

August 19, 2020

ITEM NO: 2

DISTRICT 6

SUBJECT:

Application #: PHO-2-20--Z-220-83-6  
Zoning: C-O  
Location: Southwest corner of 32nd Street and Campbell Avenue  
Acreage: 4.98  
Request: 1) Deletion of Stipulation 10 limiting ingress and egress to 32nd Street and requiring non-vehicular access easements on the north and west property lines.  
Applicant: Wendy Riddell, Berry Riddell LLC  
Owner: Levine Investments Limited Partnership  
Representative: Wendy Riddell, Berry Riddell LLC

**ACTIONS**

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

Village Planning Committee (VPC) Recommendation: The Camelback East Village Planning Committee heard this case on August 4, 2020 and recommended approval by an 18-0 vote.

**DISCUSSION**

*This case was heard concurrently with Item #1, PHO-1-20--Z-242-81-6.*

Wendy Riddell, applicant and representative with Berry Riddell LLC, provided history regarding the approximately 6.4-acre site. She stated that the applicant proposes exterior improvements to the existing buildings and to build an approximately 5,000 square foot, 26-foot-high office building and a 15-foot tall two-level podium parking garage. Updates to the façades of the existing buildings would incorporate modern style and high-quality materials.

Ms. Riddell stated that they were requesting to modify Stipulations 1 and 2 from Z-242-81, regarding site plan approval and limitation of height to one story. She was aware of neighborhood concerns regarding the height of the proposed development. In her presentation she provided images depicting the sight lines

from the second story of a property at the southwest corner of 32nd Street and Turney Avenue to illustrate that the new buildings would have limited impact on views. She stated that the maximum height allowed in the C-O zoning district is 56 feet and their proposal would create much less of an impact than a building at the permitted maximum height.

Ms. Riddell stated that they were also requesting to delete Stipulation 10 from Z-220-83-6, limiting ingress and egress to 32nd Street and requiring non-vehicular access easements on the north and west property lines. She stated that they are proposing a secondary driveway onto Campbell Avenue which would be safer for the community and allow ingress and egress close to the traffic signal at 32nd Street. She added that their site is the only site at the intersection of 32nd Street and Campbell Avenue that does not have a driveway on Campbell Avenue.

Ms. Riddell stated that Ethan Buszko, a neighbor who lives adjacent to the southern parcel to the west, raised concerns about the proposal. She stated that their request will replace a parking canopy and dumpster located approximately 2 feet from the west property line with a 15-foot landscape setback. She stated that the parking structure will be setback from the property line and she is willing to work with neighbors regarding landscaping.

Bobby Berland, a member of the public speaking in opposition to the request, stated that he lives adjacent to the site. He stated that the proposal negatively impacts views from his property and is also a quality of life issue. He stated that the original developer of the property in the 1980s intended to leave the south parcel as a buffer for the neighborhood. He stated that a two-level parking structure directly adjacent to residential homes will create safety and security issues. He added that at such close proximity people may be able to see into his home.

David Pagano, a member of the public expressing no position, stated that he had safety and visual impact concerns. He added that the development could create hiding places for people on the subject property and that security issues should be considered and addressed.

Mr. Buszko, a member of the public speaking in opposition to the request, stated that he lives adjacent to the site. He stated that he shared prior speakers' concerns about safety and privacy. He also expressed concern about the view down from the development into his yard. He stated that he was open to having discussions with the applicant about the dumpster, landscaping, and parking structure design. He added that the impact of the parking structure could be reduced by partially placing the structure underground or instead building the garage on the north parcel between the existing office buildings.

Jason Wolf, a member of the public speaking in opposition to the request, stated that he also had concerns about safety, security, and quality of life.

Jay Swart, Chair of the Camelback East Village Planning Committee (VPC) speaking in favor of the request, stated that while it was not required, the applicant requested that the case be heard by the VPC, and the Committee voted unanimously to recommend approval as filed. He added that he frequents the existing offices and it can be difficult to find a parking space at the site and it would be beneficial to have a driveway onto Campbell Avenue. He stated that other commercial property owners, specifically the Chop Shop and coffee shop at the northeast corner of Campbell Avenue and 32nd Street, were supportive of the development. He stated that Levine Investments Limited Partnership only recently acquired the subject property and he was pleased to see a developer building an innovative design at the location.

Noel Tan, a member of the public speaking in opposition to the request, stated that he lives adjacent to the site. He shared concerns regarding safety. He stated that he purchased his home in 2018 and was told that the location of the existing parking lot would remain undeveloped. He stated that he was surprised when he received the notice regarding the proposed development. He stated that he would be directly across from the proposed parking garage and was opposed to the development.

Rick LaManna, a member of the public speaking in opposition to the request, stated that he lives in the nearby neighborhood. He stated that the location of the parking garage is the principle problem and will negatively impact the neighborhood and lower property values. He stated that the City and developer should maintain a buffer between the residential homes and commercial uses.

Thomas Pandola, a member of the public speaking in opposition to the request, stated that he lives in the nearby neighborhood. He stated that he had concerns regarding security, privacy, and a reduction in property values.

William Fischbach, Vice-Chair of the Camelback East VPC speaking in favor of the request, stated that lives in the nearby neighborhood. He stated that the proposal is consistent with other commercial properties in the area and is less intensive than what could be allowed in the zoning district.

Ms. Riddell stated that the site has been zoned for commercial office use since the 1980s and the proposed development is less intense than what could be developed on the property. She added that the community is safer with the development because the property will have regular security patrols and will not have nighttime uses or parking. She stated that she wanted to work with the neighbors regarding the landscaping. She stated that there was no opposition at the Camelback East VPC. She added that Mr. Berland had proposed an agreement where if the applicant paid him \$200,000, he would not organize opposition against the case.

Mr. Berland clarified that Ms. Riddell's statement regarding his proposal was not true. Ms. Riddell stated that she would not have brought up Mr. Berland's proposal if it were not true.

Adam Stranieri asked Ms. Riddell if she was aware of any private agreements that were made with the neighborhood regarding the subject property of Z-242-81-6 as a buffer or open space area. Ms. Riddell said she did not know of any agreement and felt it was a misunderstanding of the original rezoning case. Mr. Stranieri stated that the applicant in the original rezoning case was a construction company who intended to build an office on the site. He noted that these offices were developed on the site as intended and were only later removed and replaced with parking canopies. He noted that the current case is the first request for modification of the stipulations and therefore there is no record in the City's files of any such agreement.

Mr. Stranieri stated that the applicant's request to include general conformance to the proposed site plan would establish a more restrictive condition than the current stipulation for site plan approval. He stated that what is proposed in the plan is an appropriate scale and intensity for a commercial office site along a major arterial and adjacent to residential uses. He noted that the general conformance requirement would also establish a trigger for a future public hearing process if major changes were proposed to the stipulated plans. He stated that he was inclined to approve the request for general conformance with the site plan.

Mr. Stranieri asked for clarification regarding the height of the proposed structures. Ms. Riddell stated that the applicant was not using the City's definition of height because it can be confusing to the neighbors, so she wanted to be clear they were talking about height to the maximum point of the structure, including parapets. Mr. Stranieri stated that he would want the language of the stipulation to be consistent with existing Ordinance language. Ms. Riddell stated that they intended to include the parapet in the definition of height. Mr. Stranieri noted that the applicant's requested language noted 28-feet in height while the conceptual site plan showed 26-feet in height. He stated that he did not have an issue approving as requested as long as the applicant understood that the stipulations regarding height and general conformance would be interpreted in the plan review process using the City's existing definition of height.

Mr. Stranieri stated that he did not hear as much concern regarding the request or subject property in companion case Z-220-83-6. He noted that the intersection is of an arterial street (32nd Street) and a minor collector (Campbell Avenue). He added that all other properties at the four corners have driveway access to Campbell Avenue. Considering the new square footage and building massing on the site it would make sense to increase the number of access points. He added that it is also desirable since the driveway would access a signalized intersection and an additional driveway on 32nd Street is not possible.

He also noted that the applicant was not modifying the existing prohibition on access to Turney Avenue. He asked for clarification regarding the existing, stipulated non-vehicular access easements (NVAE) on the property. Ms. Riddell stated that they had no intent to remove the NVAE along the west property line. Mr. Stranieri stated that he was inclined to retain the stipulation with modified language regarding the NVAE on the west property line. He stated that the intent was to prevent the easement from being abandoned without returning through a public PHO hearing process.

## **FINDINGS**

- 1) The subject property is developed with two 2-story medical office buildings and covered parking canopies. The adjacent property to the south is concurrently requesting stipulation modifications in Case No. PHO-1-20—Z-242-81-6 to allow development of a new 2-story office building for a real estate company and two-level parking garage. This property is stipulated with a prohibition on access to Turney Avenue. The subject property currently has access from two driveways along 32nd Street. The applicant requests deletion of Stipulation #10 which limits access to 32nd Street and requires non-vehicular access easements on the north and west property lines. The request is intended to permit installation of a new driveway on Campbell Avenue. The proposed driveway will permit improved circulation given the proposed new development within the office center and offer new access to a signalized intersection (32nd Street and Campbell Avenue).

However, the west property line is adjacent to existing single-family homes and there is no proposal to modify access in this location. The stipulated requirement for a non-vehicular access easement (NVAE) in this location should be retained. Therefore, the applicant's request is recommended for denial as filed and approval with modified stipulation language to retain and clarify the requirement for an NVAE along the west property line.

**DECISION:** The Planning Hearing Officer recommended denial as filed and approval with a modification.

## **STIPULATIONS**

1.	The development shall be in general conformance with the site plan dated March 16, 1984, as modified by the following stipulations and approved by the Planning and Development Department.
2.	A minimum building setback of 30 feet shall be required along the north property line adjacent to Campbell Avenue, as approved by the Planning and Development Department.

3.	Buildings shall be a maximum of two stories or thirty-two feet.
4.	There shall be no building constructed within 125 feet of the west property line as measured from 31st Place.
5.	A 6-foot block wall of masonry stucco shall be placed along the entire west property line.
6.	Landscaping shall be placed on the west side of the above-described six-foot wall along the front of Lots 16, 17, 57, 58, 59, and the former Roma Avenue.
7.	Landscaping will be provided on the east side of the above-described wall for its entire length.
8.	The wall will be constructed, stuccoed, painted, and landscaped prior to demolition, or commencement of construction on site.
9.	All parking by construction personnel will be on the property.
10.	<del>Ingress and egress will be limited to 32nd Street, and THE applicant SHALL DEDICATE will donate A nonvehicular access easements on</del> ALONG the north and west property lines., AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
11.	All utilities will be underground.
12.	All light standards will be a maximum of 15 feet and lights turned away from adjacent residential districts.
13.	All landscaping will be installed and maintained with appropriate water systems, as approved by the City of Phoenix Engineer and Landscape Architect.
14.	The site will be subject to site plan approval under C-O zoning, as required by the City of Phoenix.
<b>Right-of-Way</b>	
15.	Sufficient right-of-way to be dedicated by the property owner within one year of final City Council action to provide for a 15' x 15' triangle off Lot No. 17.

16.	The rezoning change will not become effective until the right-of-way dedications have been made, if necessary, and a Supplementary Zoning Map has been adopted.

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