



City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

To: Alan Stephenson
Deputy City Manager

Date: January 15, 2025

From: Joshua Bednarek *JB*
Planning and Development Director

Subject: ITEM 39 ON THE JANUARY 22, 2025, FORMAL AGENDA – PUBLIC HEARING AND ORDINANCE ADOPTION – REZONING APPLICATION Z-74-24-6 – NORTHEAST CORNER OF 21ST STREET AND TURNEY AVENUE (ORDINANCE G-7319)

Item 39, Rezoning Application Z-74-24-6, is a request to rezone 1.82-acres located at the northeast corner of 21st Street and Turney Avenue from R-3 (Multifamily Residence District) to R-5 (Multifamily Residence District) to allow multifamily residential.

The Camelback East Village Planning Committee heard the case on August 6, 2024, and a motion to recommend approval failed by a vote of 7-9. No recommendation was forwarded to the Planning Commission.

The Planning Commission heard this item on October 10, 2024, and recommended approval, per the Addendum A Staff Report, by a vote of 9-0.

This item was continued at the November 13, 2024, City Council Formal meeting to the January 22, 2025, City Council Formal meeting to provide the applicant additional time to engage with the community regarding their concerns and to present to the Camelback East Village Planning Committee at the January meeting for a recommendation.

The Camelback East Village Planning Committee heard the item on January 7, 2025, and recommended approval, per the staff recommendation, with a modification, by a vote of 13-7.

The revised stipulations are listed below with updates in **BOLD AND CAPITAL** letters.

Additional correspondence received after the Camelback East Village Planning Committee meeting is available online at <https://www.phoenix.gov/pdd/planning-zoning/pzservices/pzstaff-reports>.

Staff recommends approval, subject to the following stipulations:

1. The maximum number of dwelling units shall be 64.
2. The building height shall be limited to a maximum 3 stories and 39 feet within 37 feet of the Turney Avenue property line and within 45 feet of the 21st Street property line.

3. The landscape setback along 21st Street **AND ALONG THE NORTH AND EAST INTERIOR PROPERTY LINES** shall be planted with minimum 2-inch caliper, large canopy, drought-tolerant, shade trees, planted 20 feet on center, or in equivalent groupings, as approved by the Planning and Development Department.
- 4. A minimum 40-foot building setback shall be provided along the north property lines, as approved by the Planning and Development Department.
5. A minimum 5-foot sidewalk shall be constructed on the east side of 21st Street, adjacent to the development.
6. A minimum 5-foot-wide detached sidewalk, separated by a minimum 7-foot-wide landscape area, shall be constructed on the north side of Turney Avenue. The landscape area shall be planted with minimum 2-inch caliper, single-trunk, large canopy, drought-tolerant, shade trees planted 20 feet on center, or in equivalent groupings, as approved by the Planning and Development Department.

Where utility conflicts exist, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.

7. All existing electrical utilities within the public right-of-way on 21st Street shall be undergrounded, adjacent to the development. The developer shall coordinate with the affected utility companies for their review and permitting.
8. 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.
9. 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.
10. Bicycle parking shall be provided at a minimum rate of 0.25 spaces per unit, up to a maximum of 50 spaces, and 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.
11. A minimum of three of the required bicycle parking spaces shall include standard electrical receptacles for electric bicycle charging capabilities, as approved by the Planning and Development Department.
12. A bicycle repair station ("fix it station") shall be provided on the site. The station shall include, but not be limited to, standard repair tools affixed to the station; a tire gauge and pump; and a bicycle repair stand which allows pedals and wheels to spin freely while making adjustments to the bike, as approved by the Planning and Development Department.

13. A minimum of 5% of the required parking spaces shall include Electric Vehicle (EV) Installed Infrastructure, as approved by the Planning and Development Department.
14. Only landscape materials listed in the Phoenix Active Management Area Low-Water-Use/Drought-Tolerant Plant List shall be utilized, as approved or modified by the Planning and Development Department.
15. Landscaping shall be maintained by permanent and automatic/water efficient WaterSense labeled irrigation controllers (or similar smart controller) to minimize maintenance and irrigation water consumption for all on and offsite landscape irrigation.
16. Pressure regulating sprinkler heads and drip lines shall be utilized in any turf areas to reduce water waste.
17. 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.
18. 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.
19. The property owner shall record documents that disclose the existence, and operational characteristics of 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.
20. 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.
21. 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.

Approved:


Alan Stephenson, Deputy City Manager

Enclosure:

January 7, 2025, Camelback East VPC Summary for Z-74-24-6 (8 pages)



Village Planning Committee Meeting Summary

Z-74-24-6

Date of VPC Meeting	January 7, 2025
Request From	R-3
Request To	R-5
Proposal	Multifamily residential
Location	Northeast corner of 21st Street and Turney Avenue
VPC Recommendation	Approval, per the staff recommendation, with a modification
VPC Vote	13-7

VPC DISCUSSION:

Seven members of the public registered to speak on this item, four in opposition, two in support, one neutral.

Forty-five members of the public registered in support, not wishing to speak.

Fourteen members of the public registered in opposition, not wishing to speak.

STAFF PRESENTATION

Anthony Grande, staff, provided a presentation summarizing the surrounding context, the proposed zoning district, and the staff recommendation, including the recommended stipulations.

APPLICANT PRESENTATION

Ashley Marsh, representing the applicant with Gammage & Burnham, PLC, provided a presentation regarding the proposal, discussing the surrounding context, the requested zoning, the proposed development, including the revisions made in response to community concerns, and showing renderings of the new proposal.

Jamie Blakeman with Lokahi Group presented regarding the traffic impact analysis, highlighting the findings that there will be minimal traffic-related impacts to the surrounding street network.

QUESTIONS FROM COMMITTEE

Committee Member Sharaby asked about the impact to nearby schools. **Ms. Marsh** reviewed the nearby schools, and **Ms. Blakeman** reviewed the traffic data, noting there would be no traffic impact to the schools.

Committee Member Grace asked about the windows on the 4th floor. **Ms. Marsh** stated that all access points will be internal facing, noting there would be no amenities on the roof.

Committee Member Guevar asked if the north elevation will have windows on the 4th floor. **Ms. Marsh** stated there will be units with north facing windows on the 4th floor.

Committee Member Whitesell asked for a description of the neighborhood meetings. **Ms. Marsh** reviewed the meetings the applicant had with community leadership, highlighting revisions that were made in response. **Mr. Whitesell** asked about the compromises that were made. **Ms. Marsh** reviewed the revisions, including height and density reductions, bringing the parking into compliance, and engaging in a study of the traffic impact. **Mr. Whitesell** asked for clarification that reducing the unit count is what brought the parking into compliance. **Ms. Marsh** stated that was the case. **Mr. Whitesell** asked the reason for pursuing R-5 zoning. **Ms. Marsh** stated that the density and setbacks are needed for the proposal, noting that the only variances requested would be for patios within the setback. **Mr. Whitesell** asked if the Committee can approve a rezoning proposal that requires variances. **Mr. Grande** replied that the rezoning can be approved, but the applicant will need to apply for the variance separately after the rezoning approval. **Mr. Whitesell** stated a concern about approving a proposal that requires variances. **Mr. Whitesell** asked the reason not to pursue an R-4 zoning district, and then apply for a variance. **Ms. Marsh** replied that they cannot obtain a variance for height and density. **Mr. Whitesell** asked about the price range of the units. **Ms. Marsh** provided the estimated price ranges for the units, \$1,300 to \$2,100 rental opportunities, subject to market conditions, noting the proposal is intended for working class families but is not subsidized. **Mr. Whitesell** noted that the revision eliminated studio units, which brings up prices, but noted it is good that this proposal is targeting working class families because it is a missing segment in the Housing Phoenix Plan. **Mr. Whitesell** asked about the timeline. **Ms. Marsh** provided a general timeline for the remaining steps, including site plan review to follow the rezoning process. **Mr. Whitesell** stated a concern about the R-5 district allowing commercial use at this location.

Committee Member Eichelkraut asked if the developer would be amenable to the compromise stipulations proposed by the community opposition. **Ms. Marsh** stated that the applicant team has not been made aware of the proposed stipulations, noting they would be amenable to enhanced landscaping, but generally the changes the applicant has made is the extent of what they can feasibly do.

Committee Member Grace stated a concern about the windows on the 4th floor and stated a preference for enhanced landscaping on the north and east property lines.

Chair Fischbach stated such a stipulation would be possible. **Ms. Marsh** stated the applicant would be amenable to the stipulation.

PUBLIC COMMENTS

Steve Voita introduced himself and spoke as a neutral speaker, stating that the impact on property taxes should be considered, that traffic and sewage capacity are concerns, and that this proposal would not be allowed in other neighborhoods.

Roberta Candelaria introduced herself as the property owner directly adjacent to the subject site to the north and spoke in support of the proposal, noting that the development will improve the quality of life for the area and that these types of developments improve surrounding property values.

Chad Lafferty introduced himself as a nearby resident and spoke in support of the proposal, stating that this will improve the value of surrounding properties and improve the adjacent infrastructure, adding that potential commercial use is not likely because commercial developers are not interested in a parcel like this.

Lee Busenbark provided a presentation in opposition to the proposal, highlighting the size of the proposed building being out of scale for the area, reviewing adjacent R-5 developments which are limited in density, stating that the community does not want balconies on the 4th floor, and stating that the community has a list of stipulations that should be considered, but the applicant has not compromised to meet the concerns. **Committee Member Grace** asked if the proposed stipulations were provided to the applicant at their previous meeting. **Ms. Busenbark** replied that they were not.

Lisa Valer introduced herself and spoke in opposition to this proposal, stating that the streets cannot handle the traffic from this proposal and that it will cause a safety concern for the nearby schools, noting that they had not received letters from the applicant.

Robert Greenberg introduced himself and spoke in opposition to this proposal, stating that a smaller project would still be profitable and that this rezoning is simply for the developer's profit, highlighting the issues with having the accessory parking lots adjacent to existing homes.

Paul Sheldon introduced himself and spoke in opposition to the proposal, highlighting the issues with crime and noting the need for security at the development.

Committee Member Whitesell asked if commercial uses, as allowed by the R-5 district, would be appropriate. **Ms. Busenbark** replied they would not be appropriate because the streets are not designed to handle commercial traffic.

APPLICANT RESPONSE

Ms. Marsh stated that this proposal will address the housing shortage in Phoenix, that this is an infill development by definition, that the General Plan allows for higher density

development at this location, and that the revised proposal has heights consistent with the building height across the street, and reviewed the stipulations designed to limit the impact of the development and the changes made based on concerns from the community.

Committee Member Schmieder asked if the applicant would consider the additional stipulations provided by the community opposition. **Ms. Marsh** replied that the applicant team has not been provided the stipulations or had the opportunity to consider them, and the applicant has made revisions based on community feedback. **Ms. Schmieder** asked how the roof could be accessed. **Ms. Marsh** noted there were 12 units on the 4th floor and they would not have roof access along the perimeter. **Ms. Schmieder** asked if the applicant would consider removing the 4th floor. **Ms. Marsh** replied that those units are important to making sure the project gets built.

Committee Member Guevar stated that it didn't seem like much compromise was made by the applicant and that the community would prefer an R-4 district with removal of the 4th floor, noting that development would improve safety. **Ms. Marsh** replied that the applicant had already cut the density by 15% in response to community concerns, and it would not be feasible to cut it further. **Mr. Guevar** stated that the density reduction was necessary to avoid a variance for parking. **Ms. Marsh** replied that there was a variance process to allow the parking reduction the applicant had intended to pursue.

Committee Member Noel asked if there was something unique about this parcel that required it to be R-5, as opposed to R-4, which is more in line with what the neighbors want. **Ms. Marsh** stated that it would not be economically viable to develop under the R-4 district.

Chair Fischbach asked if the developer owns the property in fee. **Ms. Marsh** replied in the affirmative.

Committee Member Whitesell asked how long ago the developer acquired the property. **Ms. Marsh** stated it was six years ago. **Mr. Whitesell** asked about the possibility of rezoning to R-4 and using 10% flexibility for density, noting the rules that apply to PUDs, as a possible way to create a return on investment with the R-4 district. **Mr. Grande** stated that the PUD has different rules than conventional zoning and that R-4 would not have any flexibility in the maximum density.

Committee Member Grace stated the developer could find a way to make a development work under R-4.

Committee Member Williams asked if the applicant was willing to remove the 4th floor. **Ms. Marsh** stated the applicant needs the units on the 4th floor for this project.

MOTION:

Committee Member Baumer made a motion to recommend approval of Z-74-24-6, per the staff recommendation, with a modification to Stipulation No. 3 as follows: "The landscape setback along 21st Street and along the north and east interior property lines shall be planted with minimum 2-inch caliper, large canopy, drought-tolerant, shade trees, planted 20 feet on center, or in equivalent groupings, as approved by the Planning and Development Department." **Committee Member Jurayeva** seconded the motion.

DISCUSSION:

Committee Member Whitesell stated a concern that R-5 allows restricted commercial use and that R-5 is inappropriate at this location, noting that the applicant could have a return on investment with something less than R-5.

Committee Member Grace stated that the group attending this meeting has worked well together.

Committee Member Beckerleg Thraen stated that heavier commercial uses would be concerning, but the commercial uses allowed in R-5 would not be very heavy uses.

Committee Member Augusta stated she is voting yes based on the changes made by the applicant.

Committee Member Eichelkraut stated a concern that this doesn't address the housing crisis, an opportunity exists at this location for workforce housing, she would support an R-4 district, and that compromises were not made, and she is voting no.

Committee Member Grace stated a desire to see more work done on the proposal, and he is voting no.

Committee Member Guevar stated there could be more compromise made, and he is voting no.

Committee Member Jurayeva stated that she is voting yes and noted the compromises made by the applicant to reduce the density and the fact that privacy is not an issue with inward facing windows on the 4th floor.

Committee Member Schmieder stated that an R-4 district would be a better compromise, and she is voting no.

Committee Member Sharaby stated that when this case was first heard, he had concerns, but as a result of the changes, which were a form of compromise, he is voting yes.

Committee Member Siegel stated that from an aesthetic perspective, this project will lift the neighborhood up, and she is voting yes.

Chair Fischbach encouraged the applicant to treat the community with kindness, decency, and mindfulness, and stated he is voting yes.

VOTE:

13-7; motion to recommend approval of Z-74-24-6, per the staff recommendation, with a modification to Stipulation No. 3 passed; Committee Members Abbott, Augusta, Baumer, Beckerleg Thraen, Garcia, Jurayeva, Langmade, McClelland, Sharaby, Siegel, Swart, Paceley, and Fischbach in favor; Committee Members Eichelkraut, Grace, Guevar, Noel, Schmieder, Whitesell, and Williams opposed.

VPC RECOMMENDED STIPULATIONS:

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19. The property owner shall record documents that disclose the existence, and operational characteristics of 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.
20. 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.
21. 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.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

Staff has no concerns with the recommended stipulations.