



**City of Phoenix**  
PLANNING & DEVELOPMENT DEPARTMENT

**Staff Report: PHO-1-16 – Z-181-99-3**  
**February 2, 2017**

**APPLICATION:** Z-181-99-3 (PHO-1-16)

**OWNER:** Apostolic Christian Church of America

**APPLICANT:** JL Ventures LLC

**REPRESENTATIVE:** Bruce Tully, Trapezium Consulting Group LLC

**LOCATION:** East side of 26th Street, 350 feet south of Vogel Avenue

**REQUEST:**

- 1) Request to delete Stipulation 1 that the development be in general conformance with the site plan dated February 23, 2000, and building elevations dated August 2, 1999.
- 2) Technical Corrections to Stipulations 4, 7, and 9.

**STAFF RECOMMENDATION:**

It is recommended that this request be denied as recommended by the Planning Hearing Officer.

**PLANNING HEARING OFFICER RECOMMENDATION:**

At the October 19, 2016, Planning Hearing Officer (PHO) hearing the hearing officer took this case under advisement. On November 10, 2016, the hearing officer took this case out from under advisement and recommended denial of the request.

**BACKGROUND/ANALYSIS**

The proposed development would consist of six single-family lots conforming to the R1-6 zoning district and Planned Residential Development (PRD) standards. All six homes will face out onto 26<sup>th</sup> Street. Additional parking, common open space, pool, and ramada amenities will be available.

The applicant went through the Planning Hearing Officer process to request modifications/deletions to Stipulation 1 regarding conformance to the site plan and elevations, as well as technical corrections to Stipulations 4, 7, and 9 regarding updating City department names.

The R1-6 zoning allows for single-family development and allows for a density of 5.5 du/ acre. The applicant is proposing a site plan with lower density than the originally approved site plan.

## **1. Previous History**

- Rezoning Case No. Z-181-99-3 approved R1-6 zoning on the subject site.
- In 1999, the applicant proposed to develop nine single-family patio homes in a gated community. The homes were to be used by retired members of the Apostolic Church who wanted to live nearby.
- The current applicant is requesting to delete Stipulation 1 regarding the site plan and elevations.
- The applicant is proposing to develop a six-lot single-family subdivision that will conform to the R1-6 PRD development option.
- The applicant's case was heard at the Paradise Valley Village Planning Committee (VPC). The VPC did not make a recommendation as the motion to deny had a 6-6 vote.
- At the October 19, 2016, PHO hearing, the hearing officer took the case under advisement. On November 10, 2016, the hearing officer took the case out from under advisement and recommended denial of the request.

## **2. Neighborhood Concerns**

- Residents had concerns regarding traffic safety as a result of the six proposed driveways fronting 26<sup>th</sup> Street. Because of the blind curve on 26<sup>th</sup> Street, the residents felt adding more driveways would increase traffic on an already dangerous street.
- Residents feared the current sewer lines could not support the high volume of people using them. More homes would only add to this ongoing issue.
- Residents felt the proposed development does not fit in with the surrounding community. In addition, residents believed lower-priced homes were not compatible in their community.
- Residents wanted to see more neighborhood outreach.
- Residents stated a better design could be created to integrate the proposal into the community.

## **Planning Hearing Officer's Decision**

The Planning Hearing Officer recommendation was based on the following findings:

- The request to delete the site plan conformance stipulation is broad. It appears that great lengths were taken in the original zoning request to look at the traffic concerns with the specific site. The curved roadway, proximity to a highway on-ramp, and the grade change make this property unusual for the addition of 7 driveways. More time and potentially revised site plan seem to be a better approach to the rezoning stipulation.

- Based on testimony, there is a potential change to the adjacent church site. Although the rezoning stipulation does not directly impact the church property, some consideration to that association was made in the original zoning case. Further conversations with the church regarding access for this new subdivision may be warranted.

### **VILLAGE PLANNING COMMITTEE (VPC) RECOMMENDATION:**

The Paradise Valley Village Planning Committee did not make a recommendation as the motion to deny had a 6-6 vote.

### **DEPARTMENT REVIEW COMMENTS:**

#### **Archaeology:**

##### Comments:

No known archaeological sites are located within this project area.

##### Recommendations:

No archaeological work is necessary for this project. However, if any archaeological materials are encountered during construction, all ground-disturbing activities must cease within 10 meters of the discovery and the City of Phoenix Archaeology Office must be notified immediately and allowed time to properly assess the materials.

#### **Floodplain Management:**

We have determined that the project is not located in a Special Flood Hazard Area (SFHA) but is located in a Shaded Zone X, on panel 1735 L of the Flood Insurance Rate Maps (FIRM) dated October 16, 2013. Based on the project information provided, there are no Floodplain Management requirements to fulfill.

#### **Water Services:**

The proposed PHO has existing water and sewer mains nearby that can potentially serve the development. The comments below are from a pre-app from May of this year.

##### Standard Note Applies:

Please be advised that 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.

A new public main extension is required within N. 26th Street from the existing 6-inch ACP, south along the frontage of the proposed project and tied into the existing 12-inch ACP within Northern Avenue (approximately 650 L.F.).

A new public sewer main extension is required within N. 26th Street from the existing manhole #308, south to the point of need (approximately 500 L.F.).

#### **WATER**

Water mains: 6-inch ACP within N. 26th Street; 48-inch PCCP within N. 26th Street (transmission main, not for use); 12- inch Dip within N. 26th Street just north of the proposed project (different pressure zone, not available for use).

Per City Code Chapter 37-33, a water main extension and pipe appurtenances shall be required in the right-of-way and/or a private accessway. For water quality purposes, a looped connection is preferred by the Water Services Department (WSD). The design of the new water main shall

comply with the P&D's Checklists and the WSD Design Standards Manual for Water & Wastewater Systems (DSM).

Services: City map shows no existing water services.

#### SEWER

Sewer mains: 8-inch VCP within N. 26th Street approximately 140 L.F. north of the proposed project. Per City Code Chapter 28-22 & 28-29, a sewer main extension shall be required in the right-of-way and/or in a private accessway. Extend the sewer only to the point of need. The design of the new sewer main shall comply with the P&D's Checklists and the WSD Design Standards Manual for Water & Wastewater Systems (DSM).

Services: City map shows no existing sewer services

REPAYMENT: N/A

#### **Fire Prevention:**

Fire prevention does not anticipate any problems with this case.

But the site or/and building(s) shall comply with the Phoenix Fire Code

Also we do not know what the water supply (gpm and psi) is at this site. Additional water supply may be required to meet the required fire flow per the Phoenix Fire Code.

#### **Street Transportation:**

None

#### **Public Transit:**

Public Transit does not have comments on case Z-181-99-3.

#### **Light Rail:**

No concerns related to light rail.

#### **Aviation:**

N/A

**GENERAL PLAN DESIGNATION:**

Residential 3.5 to 5 du/ acre

**CHARACTER OF SURROUNDING LAND USE:**

	<u>Zoning</u>	<u>Land Use</u>
On-site:	R1-6	Vacant
North:	R1-10	Single-Family
South:	R-O	Residential Office
East:	R1-10	Paradise Hills Church
West:	PAD-6	Single-Family

**RECOMMENDATION:**

It is recommended that this request be denied as recommended by the Planning Hearing Officer.

**EXISTING STIPULATIONS**

1. That the development shall be in general conformance to the site plan and floor plan dated February 23, 2000, and building elevations dated August 2, 1999.
2. That there be no more than 9 dwelling units with a maximum density of 4.7.
3. That the building height shall not exceed one story and a maximum of 20 feet in height.
4. That right-of-way dedications and street alignments for local streets within the subdivision will be determined by the Development Services Department at the time of Preliminary Subdivision Plan Review.
5. That the developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping, and other incidentals as per plans approved by the City. All improvements shall comply with all ADA accessibility standards.
6. That the applicant install some means of mitigation treatment to eliminate potential sewer odor.
7. That the development be subject to Design Review guideline standards, as per Development Services Department.
8. That the City mail written notice of any request to modify the above-referenced stipulations to the following:

Dreamy Draw Estates Homeowner's Association, 2510 East Carol Avenue, Phoenix, AZ 85028

Phoenix Hillside Estates Property Owners Association, 9247 North 24<sup>th</sup> Way, Phoenix, AZ 85028

Francesca & Joseph Browner, 2616 East Vogel Avenue, Phoenix, AZ 85028

Judith F. Gunn, 9609 North 26<sup>th</sup> Place, Phoenix, AZ 85028

Dr. Kevin Crisham, 9845 North 22<sup>nd</sup> Place, Phoenix, AZ 85028

Sharon Oscar, 2527 East Carol Avenue, Phoenix, AZ 85028

Gini Linam, 2536 East Vogel Avenue, Phoenix, AZ 85028

Mark Shiya, 9247 North 24<sup>th</sup> Way, Phoenix, AZ 85028

Sandy Price, 2626 East Vogel Avenue, Phoenix, AZ 85028

9. That the City notify the above-noted residents of meetings with Development Services Department.

**ATTACHMENTS:**

Applicant's Narrative

Approval Letter from Rezoning Case No. Z-181-99-3

Zoning Map

Aerial Map

Original Sketch Map

Proposed Site Plan date stamped August 26, 2016

Original Site Plan date stamped February 23, 2000

Original Elevations date stamped August 2, 1999

Paradise Valley Village Planning Committee Recommendation of October 10, 2016

PHO Summary of October 19, 2016

Correspondence regarding PHO-1-16 – Z-181-99-3