



City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

Staff Report Z-48-23-6
November 7, 2023

Camelback East [Village Planning Committee](#) Meeting Date: November 14, 2023
[Planning Commission](#) Hearing Date: December 7, 2023
Request From: [R1-6](#) (Single-Family Residence District) (0.42 acres)
Request To: [R-O](#) (Residential Office – Restricted Commercial District) (0.42 acres)
Proposal: Chiropractic Office
Location: Northwest corner of 44th Street and Earll Drive
Owner/Applicant/Representative: Keiko Finnegan and Sera Sheppard
Staff Recommendation: Approval, subject to stipulations

General Plan Conformity			
General Plan Land Use Map Designation		Residential 3.5 to 5 dwelling units per acre	
Street Map Classification	44th Street	Major Arterial	40-foot west half street
	Earll Drive	Local	25-foot north half street
<p><i>CONNECT PEOPLE AND PLACES CORE VALUE; OPPORTUNITY SITES; LAND USE PRINCIPLE: Support reasonable levels of increased intensity, respectful of local conditions and surrounding neighborhoods.</i></p> <p>The proposal seeks to convert an existing single-family residence into an office use. The proposed office use will have a minimal impact on the surrounding neighbors as no new construction is currently proposed, a driveway will be removed and there will be a screening wall to shield the office from adjacent single-family homes.</p>			

STRENGTHEN OUR LOCAL ECONOMY CORE VALUE; LOCAL & SMALL BUSINESS, LAND USE PRINCIPLE: Facilitate adaptive reuse of older, underutilized properties to create mechanisms for new local and small businesses to operate, thrive and grow.

The conversion of the existing single-family residential building to office use will encourage the growth of local businesses that is appropriately located along a major arterial street.

BUILD THE SUSTAINABLE DESERT CITY CORE VALUE; TREES AND SHADE; DESIGN PRINCIPLE: Integrate trees and shade into the design of new development and redevelopment projects throughout Phoenix.

The proposal will integrate trees and shade in both the public and private environment contributing to an attractive and comfortable public realm and reduction in the urban heat island effect.

Applicable Plans, Overlays, and Initiatives

[Tree and Shade Master Plan](#): Background Item No. 6.

[Complete Streets Guidelines](#): Background Item No. 7.

[Transportation Electrification Action Plan](#): Background Item No. 8.

[Comprehensive Bicycle Master Plan](#): Background Item No. 9.

[44th Street Corridor Residential Office Study](#): Background Item No. 10.

[44th Street Corridor Specific Plan](#): Background Item No. 11.

R-O (Residential Office)		
<u>Standards</u>	<u>Requirements</u>	<u>Provisions on the Proposed site Plan</u>
<i>Minimum Building Setbacks</i>		
Earll Drive Front (South)	20 feet	20 feet (Met)
44th Street Side (East)	10 feet or setbacks in conformance with existing structures	10 feet (Met)
Side (West)	10 feet or setbacks in conformance with existing structures	3 feet, existing (Met)
Rear (North)	25 feet (from center of alley)	Approximately 74 feet (Met)
<i>Landscaping</i>	Minimum 3 feet wide landscape strip around principal structure	Approximately 490 feet of landscape strip around principal structure (Met)
	Five feet required along east side	10 feet (Met)
	Two hundred square feet of additional landscaping and solid fence or wall around rear yard	200 square feet of additional landscaping and solid fence (Met)
<i>Lot Coverage</i>	30%	18% (Met)
<i>Maximum Building Height</i>	15 feet, plus 1 foot in height per 1-foot additional setback to a maximum height of 25 feet	15 feet (Met)
<i>Parking</i>	8 spaces	7 spaces* (Not Met)

*Variance or site plan modification required

Surrounding Land Uses and Zoning		
	<u>Land Use</u>	<u>Zoning</u>
On Site	Single-family residential	R1-6
North	Office (photography studio)	R-O
West	Single-family residential	R1-6
East (across 44th Street)	Office	R-O
South (across the Earll Drive)	Commercial office	C-O

Background/Issues/Analysis

SUBJECT SITE

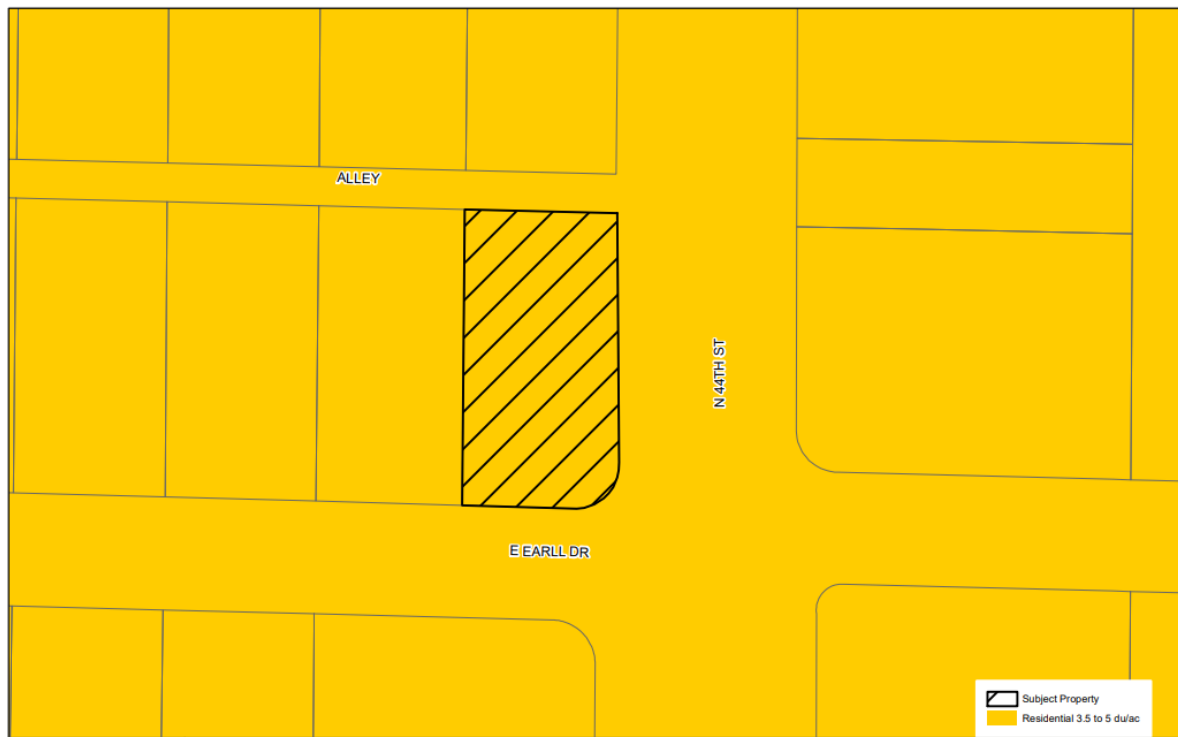
1. This request is to rezone 0.42 acres located at the northwest corner of 44th Street and Earll Drive from R1-6 (Single-Family Residence District) to R-O (Residential Office - Restricted Commercial District) for a chiropractic office.

SURROUNDING LAND USES AND ZONING

2. The subject site is zoned R1-6 and there are single-family residences to the west zoned R1-6. To the north and east are offices zoned R-O and to the south is an office building zoned C-O (Commercial Office – Restricted Commercial District).

GENERAL PLAN LAND USE MAP

3. The General Plan Land Use Map depicts the subject site with a designation of Residential 3.5 to 5 dwelling units per acre. The properties to the north, south, east and west have a General Plan Land Use Map designation of Residential 3.5 to 5 dwelling units per acre. Although the proposal is not consistent with this designation, an amendment is not required as the subject parcel is less than 10 acres.



General Plan Land Use Map; Source: Planning and Development Department

PROPOSAL

4. The conceptual site plan attached as an exhibit, proposes to retain the existing single-family residence to be used for a chiropractic office. The conceptual site plan shows the existing building that will be converted into an office and will include seven parking spaces with access from 44th Street. The Phoenix Zoning Ordinance requires eight parking spaces, therefore a variance is required to allow seven spaces. For that reason, staff does not recommend general conformance to the site plan. Bicycle parking will also be provided in the parking lot area. Primary access to the office will be on the east side of the building adjacent to the parking lot. The building frontage facing Earll Drive will maintain a residential appearance and include an attached sidewalk, and a front yard with new trees and landscaping. The driveway along Earll Drive will be removed and landscaping will be added. The east side of the property will include a six-foot detached sidewalk and a 10-foot landscape setback with new trees and shrubs. A screen wall be added to the site on the west side of the property as a buffer to the adjacent single-family residences. The subject site includes an active irrigation cylinder on the north side of the property which will remain.
5. The conceptual elevations attached as an exhibit maintain the character of the adjacent neighborhood and include improvements to retain a residential appearance.

AREA PLANS, OVERLAY DISTRICTS, AND INITIATIVES

6. **Tree and Shade Master Plan:**
The Tree and Shade Master Plan encourages treating the urban forest as infrastructure to ensure the trees are an integral part of the City's planning and development process. Sidewalks on the street frontages should be detached from the curbs to allow trees to be planted on both sides of the sidewalk to provide thermal comfort for pedestrians and to reduce the urban heat island effect. The proposal, as stipulated, will create a streetscape environment with a shaded and detached sidewalk and the parking lot landscaping will include shade trees. These are addressed in Stipulation Nos. 1, 5, 6, and 7.
7. **Complete Streets Guidelines:**
The City of Phoenix City Council adopted the Complete Streets Guiding Principles. The principles are intended to promote improvements that provide an accessible, safe, connected transportation system to include all modes, such as bicycles, pedestrians, transit, and vehicles. The proposed development, as stipulated, will support walking, and bicycling by including bicycle parking on the site and by constructing a shaded and detached sidewalk along 44th Street. An attached sidewalk will be included along Earll Drive. These are addressed in Stipulation Nos. 2, 6 and 7.

8. **Transportation Electrification Action Plan:**

In June 2022, the Phoenix City Council approved the Transportation Electrification Action Plan. The current market desire for the electrification of transportation is both a national and global phenomenon, fueled by a desire for better air quality, a reduction in carbon emissions, and a reduction in vehicle operating and maintenance costs. Businesses, governments and the public are signaling strong future demand for electric vehicles (EVs), and many automobile manufacturers have declared plans for a transition to fully electric offerings within the coming decade. This Plan contains policy initiatives to prepare the City for a future filled with more EVs, charging infrastructure and e-mobility equity, and outlines a roadmap for a five-step plan to prepare for the EV infrastructure needs of 280,000 EVs in Phoenix by 2030. One goal of the Plan to accelerate public adoption of electric vehicles through workplace, business, and multifamily charging infrastructure recommends a standard stipulation for rezoning cases to provide EV charging infrastructure. This is addressed in Stipulation No. 4 which requires a minimum 10 percent of the required parking spaces to be EV capable. Additionally, Stipulation No. 3. requires electrical receptacles for 10 percent of the required bicycle parking to encourage micromobility.

9. **Comprehensive Bicycle Master Plan:**

The City of Phoenix adopted the Comprehensive Bicycle Master Plan in 2014 to guide the development of its bikeway system and supportive infrastructure. The Comprehensive Bicycle Master Plan supports options for both short and long-term bicycle parking as a means of promoting bicyclist traffic to a variety of destinations. As stipulated, the development will provide bicycle parking spaces per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance. This is addressed in Stipulation No. 2.

10. **44th Street Corridor Residential Office Study:**

The 44th Street Corridor Residential Office Study was completed in 1997 to determine the applicability of the Residential Office Zoning District for properties within the 44th Street Corridor. The plan details that a combination of high traffic volumes, closeness of houses to the street and difficulty of driveway access are poor livability factors for the continuation of residential uses adjacent to 44th Street.

A property inventory and analysis was completed as part of the study. The 111 residential properties along 44th Street were assigned a score level of 1 through 3. A Level 1 score indicated that the site was suitable for standalone office. Level 2 specified that a consolidation of two or more properties would be necessary for R-O development, whereas a score of Level 3 indicated that a site was not suitable for conversion to office development. The subject property was assigned a Level 1

score, with a note that the site contains a small house and large lot area. The proposal is consistent with this recommendation, as a stand-alone site.

The 44th Street Residential Office Study also outlines recommended design guidelines for R-O properties, which include enhancing the appearance of the property while still conforming to the character and size of adjacent residential properties and limiting the visible commercial aspects of the R-O site. The project will adaptively reuse the single-story building on the site, maintaining the residential character and compatibility with the surrounding neighborhood.

11. **44th Street Corridor Specific Plan:**

Completed in 1991, the 44th Street Corridor Specific Plan established a framework to provide compatibility of new development along 44th Street from McDonald Drive to Sky Harbor International Airport. The plan acknowledges that existing conditions are not favorable for single-family residential land use along 44th Street due to increasing traffic. Similarly, these properties are candidates for change of use in order to create a physical buffer between the established residential neighborhood and the street.

Design guidelines contained in the plan recommend providing a 10-foot minimum landscape area between the back of curb and sidewalk along 44th Street. In addition, implementation strategies encourage providing increased pedestrian connectivity along the corridor in addition to the canal edges. By detaching the sidewalk along 44th Street and providing mature trees to shade the sidewalk, the project is consistent with the recommendations of the plan.

COMMUNITY CORRESPONDENCE

12. As of the writing of this report, no community correspondence has been received.

INTERDEPARTMENTAL COMMENTS

13. The Street Transportation Department requested a 10-foot-wide easement along 44th Street which would include a 6-foot-wide detached sidewalk and a 10-foot wide landscape strip. All streets adjacent to the development shall include all required elements and comply with all ADA accessibility standards. These are addressed in Stipulations Nos. 6 through 9.

OTHER

14. This site is not located in an area identified as being archaeologically sensitive. However, in the event archaeological materials are encountered during construction, ground-disturbing must cease to allow the Archaeology Office time to assess the development. This is addressed in Stipulation No. 10.

15. Staff has not received a completed form for the Waiver of Claims for Diminution in Value of Property under Proposition 207 (A.R.S. 12-1131 et seq.), as required by the rezoning application process. Therefore, a stipulation has been added to require the form be completed and submitted prior to preliminary site plan approval. This is addressed in Stipulation No. 11.
16. Development and use of the site are subject to all applicable codes and ordinances. Zoning approval does not negate other ordinance requirements. Other formal actions such as, but not limited to, zoning adjustments and abandonments may be required.

Findings:

1. The proposal is consistent with several General Plan land use design principles.
2. The proposal is consistent with recommendations of the 44th Street Corridor Specific Plan and the 44th Street Corridor Residential Office Study.
3. The proposal will provide an opportunity for a new small business to locate in the Camelback East Village and serve the surrounding neighborhood.

Stipulations:

1. The required building setbacks along Earll Drive and 44th Street shall be planted with minimum 2-inch caliper trees planted 20 feet on center or in equivalent groupings, with drought-tolerant shrubs, accents, and vegetative groundcovers, as approved by the Planning and Development Department.
2. A minimum of four bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near building entrances. These parking spaces shall be 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.
3. Two required bicycle parking spaces shall include standard electrical receptacles for electric bicycle charging capabilities, as approved by the Planning and Development Department.
4. A minimum of 10 percent of the required parking spaces shall include Electric Vehicle (EV) Capable infrastructure, as approved by the Planning and Development Department.

5. All pedestrian pathways, including sidewalks, shall be shaded by a structure, landscaping or a combination of the two to provide a minimum 75 percent shade, as approved by the Planning and Development Department.
6. A minimum 6-foot-wide detached sidewalk separated by a minimum 10-foot wide landscape strip located between the back of curb and sidewalk shall be provided on the west side of 44th Street, planted to the following standards and as approved by the Planning and Development Department.
 - a. Minimum 2-inch caliper single-trunk large canopy drought-tolerant shade trees planted 20 feet on center or in equivalent groupings.
 - b. Drought tolerant shrubs, accents and vegetative groundcovers to achieve a minimum of 75 percent live vegetative ground coverage at maturity.

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

7. A minimum 5-foot-wide attached sidewalk shall be provided along Earll Drive, as approved by the Planning and Development Department.
8. The developer shall dedicate a minimum 10-foot-wide sidewalk easement for the west side of 44th Street, adjacent to the development.
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. 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.
11. Prior to preliminary 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 Report: Z-48-23-6

November 7, 2023

Page 10 of 10

Writer

John Roanhorse

November 7, 2023

Team Leader

Racelle Escolar

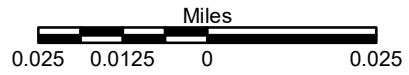
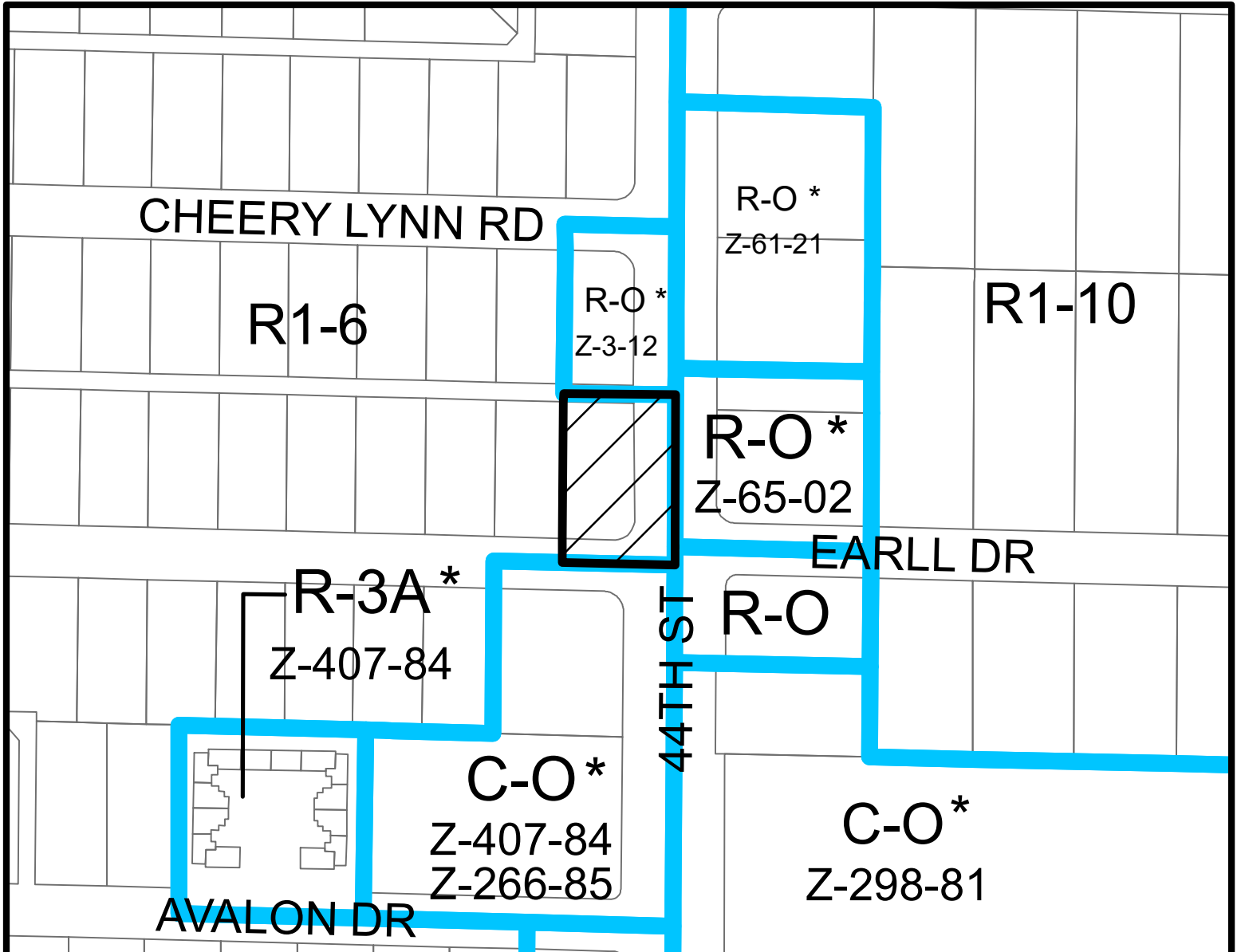
Exhibits

Zoning sketch map

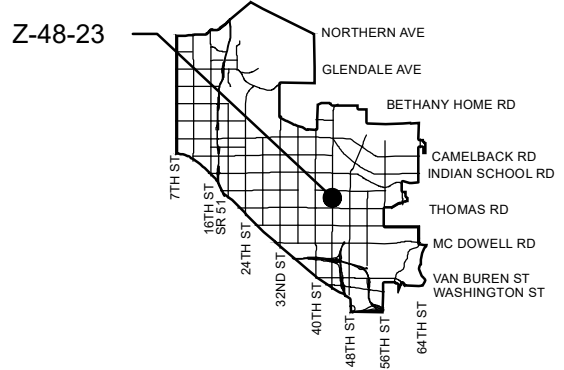
Aerial sketch map

Conceptual Site Plan date stamped October 13, 2023

Conceptual Building Elevations date stamped July 26, 2023

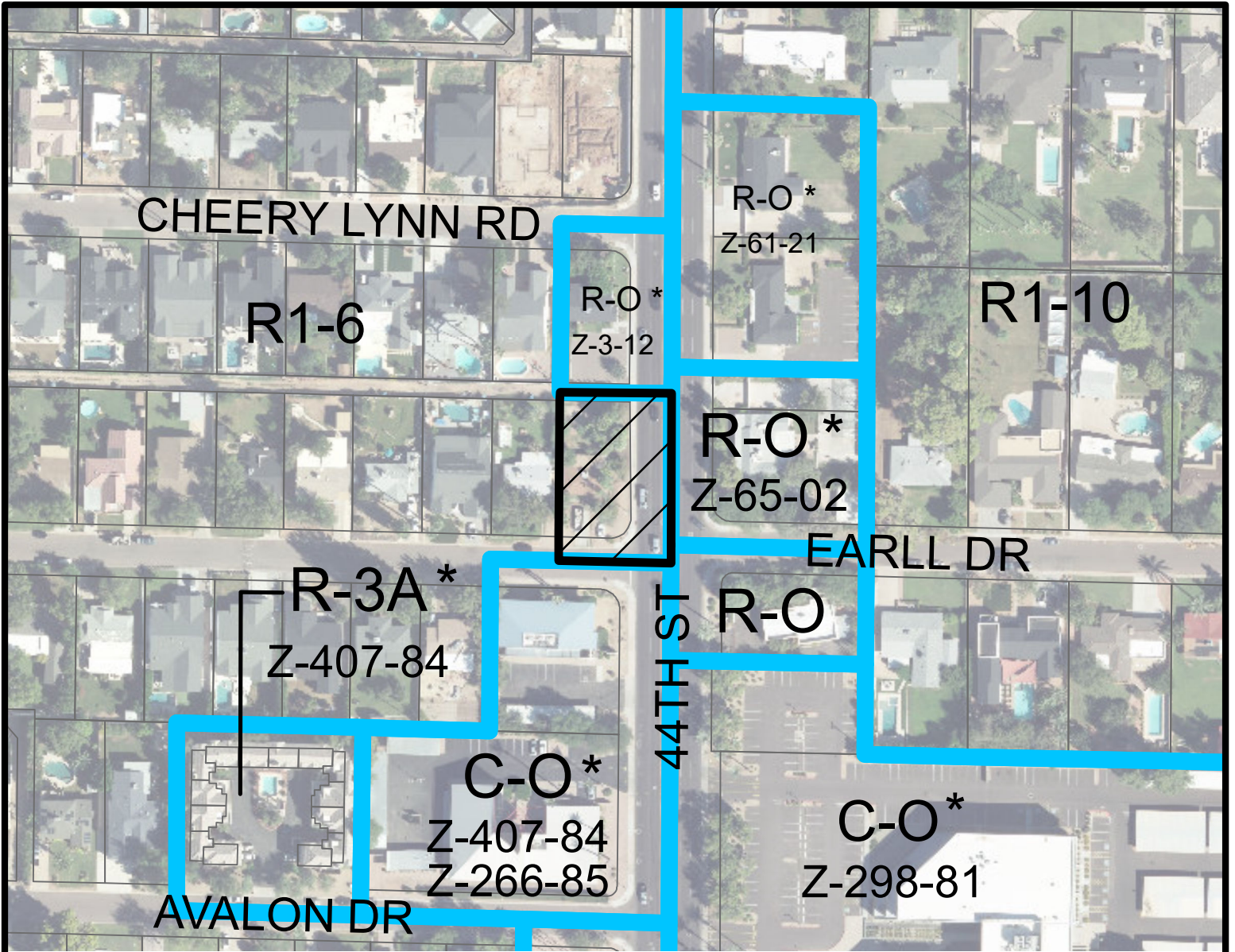


CAMELBACK EAST VILLAGE
CITY COUNCIL DISTRICT: 6

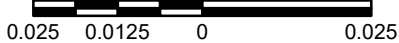


APPLICANT'S NAME: Keiko Finnegan and Sera Sheppard		REQUESTED CHANGE:	
APPLICATION NO. Z-48-23		FROM: R1-6 (0.42 a.c.)	
<small>GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.</small> 0.42 Acres		<small>DATE:</small> 8/01/2023 <small>REVISION DATES:</small>	
<small>AERIAL PHOTO & QUARTER SEC. NO.</small> QS 15-37		<small>ZONING MAP</small> G-10	
TO: R-O (0.42 a.c.)		* UNITS P.R.D. OPTION	
MULTIPLES PERMITTED R1-6 R-O		CONVENTIONAL OPTION 2 1	
		2 N/A	

* Maximum Units Allowed with P.R.D. Bonus

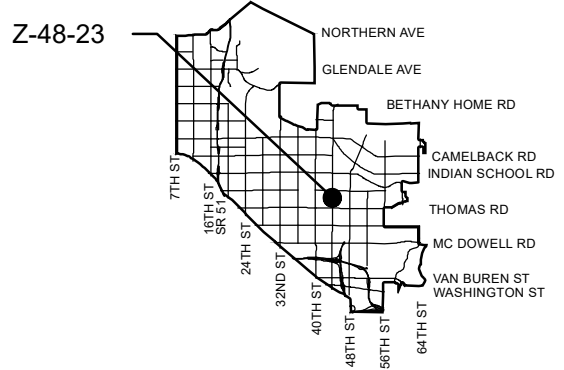


Miles



CAMELBACK EAST VILLAGE

CITY COUNCIL DISTRICT: 6



APPLICANT'S NAME: Keiko Finnegan and Sera Sheppard		REQUESTED CHANGE:	
APPLICATION NO. Z-48-23		FROM: R1-6 (0.42 a.c.)	
DATE: 8/01/2023 <small>REVISION DATES:</small>		TO: R-O (0.42 a.c.)	
<small>GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.</small> 0.42 Acres		<small>AERIAL PHOTO & QUARTER SEC. NO.</small> QS 15-37	<small>ZONING MAP</small> G-10
MULTIPLES PERMITTED R1-6 R-O		CONVENTIONAL OPTION 2 1	
		* UNITS P.R.D. OPTION 2 N/A	

* Maximum Units Allowed with P.R.D. Bonus



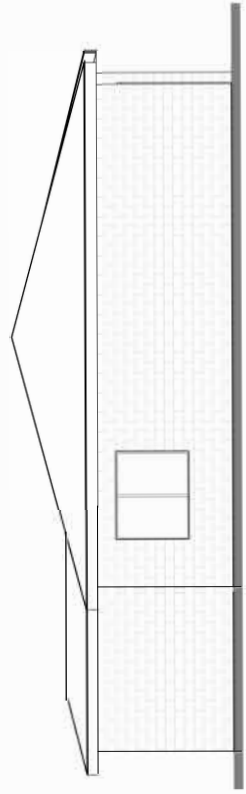
NO.	REVISION	DATE
1	ISSUE FOR PERMIT	07/26/2023
2	ISSUE FOR CONSTRUCTION	07/26/2023
3	ISSUE FOR CONSTRUCTION	07/26/2023
4	ISSUE FOR CONSTRUCTION	07/26/2023
5	ISSUE FOR CONSTRUCTION	07/26/2023
6	ISSUE FOR CONSTRUCTION	07/26/2023
7	ISSUE FOR CONSTRUCTION	07/26/2023
8	ISSUE FOR CONSTRUCTION	07/26/2023
9	ISSUE FOR CONSTRUCTION	07/26/2023
10	ISSUE FOR CONSTRUCTION	07/26/2023

Sheet Title
ELEVATIONS

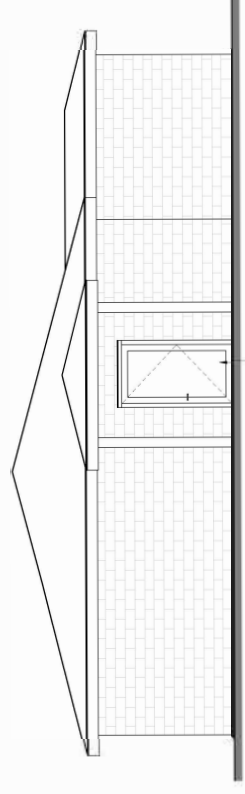
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A201

KINFOLK PROPOSED SITE PLAN FOR REZONE

Registration

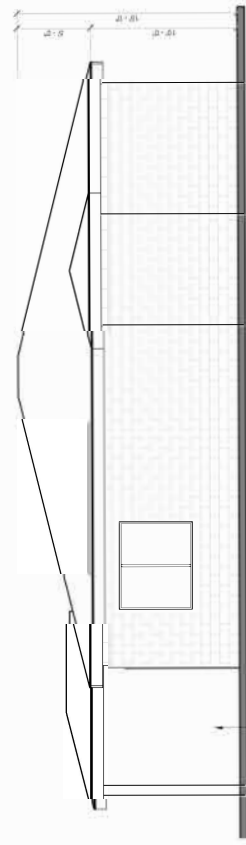


2 WEST ELEVATION
 scale 1/4" = 1'-0"

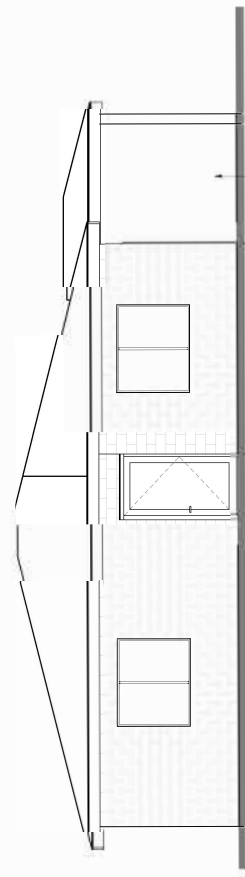


3 EAST ELEVATION PROPOSED FRONT
 scale 1/4" = 1'-0"

CITY OF PHOENIX
JUL 26 2023
Planning & Development
Department



1 NORTH ELEVATION
 scale 1/4" = 1'-0"



4 SOUTH ELEVATION
 scale 1/4" = 1'-0"