

**Call to Order and Roll Call:** Meeting was called to order at 5:32pm

**Board Members in Attendance:** Craig Steblay, Sally Geyer, Hillary Gurley, Dr. Marvin Borsand, Brian Flader, Tristahn Schaub, Patti Dietz, Amanda McCauley, Marilyn Schmidlin, Joan Warne, Dr. Jim Carland, Jerry Eisen, Brian Flader

**Board Members Absent:** Karen Magnoni, Denis Frank, Craig DeMarco, Kali Dobry, Lisa Binsfeld, Tom Thomas, Jerry McKenna, Jody Moman

**Neighbors and Guests in Attendance:** Officer Jerad Sherman  
Also, about a dozen or so neighborhood residents from near the 46th St and Camelback group home project are in attendance.

**Block Watch, Safety, Security - Community Action Officer, Jared Sherman**

- a. Pool Safety/ Hydration
- b. Vacation Safety- do not post the dates you will be gone on social media!  
Leaving a TV/ radio on while you are gone is a good idea, but a talk radio show is better than music. Turn down the volume so cannot distinguish b/w real people or fake.  
Suggest getting RING or another monitoring system so you can monitor from cell phone/ remotely.
- c. Question from Marvin Borsand about bikes in canal- Officer said contact SRP. SRP is responsible for canal. Info about what to do about delinquent bikes will be in the next newsletter.
- d. Question from neighbor- speed monitoring on Camelback Rd during late night hours... Officer said they try to hit the area as often as possible, however the night squad is slim. Currently doing Camelback/ Arcadia Ln traffic study to monitor red light runners (east and west). Officer Sherman's phone number will be in next newsletter.

**Review and approve April meeting minutes -**

Move to accept: Dr. Borsand; 2nd: Schaub; vote: accepted unanimously

**Arcadia – Neighborhood Identity Street Signs – Craig Steblay**

We have the money and bids from Budget Signs and Speed Pro. Production and installation included.

Q- will the board decide where the new signs go? -yes

Q- are we going to sell the old signs? - undecided

Q- will some be put north of Camelback Rd? - there are some there now

**Phoenix Mountain Preserve - Camelback Mountain**

ACMNA representatives, Amanda McCauley, Jody Moman, Dr. Frank, are working on letter of support. Q- what are the negatives? \*they were discussed at the last meeting, see last minutes  
The PMPC is recommending to Parks and Recreation Board that Camelback Mountain become a preserve. Q- what is 3-P-I? Answer: deals with how the money is spent

## Events Committee – Brian Flader

- Report on Arcadia Auto-Rama – [April 21, 2018]
  - Made Money: \$700+ (brought in ~\$1,600)
  - Sold 20 shirts
  - Expenses: Trophies, port-a-potty, banners \$150, \$140, \$90
  - Learned: no otter pops next time; have a kid area; louder PA & Speaker; show up earlier to set up; no soda
  - Feedback from the car-show guys: have vendors and ACMNA gets percentage of the proceeds; be able to have coffee; have food; need to set up earlier; pre-mark the car spaces
  - Hope to do it again next year

### Future event calendar:

July 4th Parade

- Brian Q: what is ACMNA's part in this?
- Answer: we publicize and point people to Emily Whitwell and Barry Pacey

BBQ Picnic (GAIN) [October 13, 2018]

- Growing! Can incorporate some Halloween activities.
- Can use some BlockWatch \$ for items like ACMNA grocery bags or pens, etc.

Adopt-a-Street in fall [November 10, 2018]

Annual meeting 2019 [March 2, 2019]

2nd annual Auto-Rama?

## Preservation Committee – Tristahn Schaub

### 4455 E. Calle del Norte – hearing results. Schaub:

- Background: Years ago, a text amendment changed zoning... single story under 20' homes can have 30% lot coverage, however, several R1-18 properties were missed, and still had 25% coverage. The builder at 4455 E. Calle del Norte claimed he was unaware of the different zoning for the R1-18.
- The city ended up in a sticky situation for stamping the plans approved.
- 30% coverage approved, but then reduced by square footage of garage that is to be removed (approximately 28% coverage was approved)
- Detached garage to be removed
- The detached garage was highly opposed by the neighbors and the hearing officer agreed that b/c it is visible from the street, the neighbors have a valid complaint and it should be removed.
- Meeting with the builder, Mr. Krogh, tomorrow at Starbucks. Talking about how CMNA looks at variances.
- 

### 4602 E. Camelback Road, ZA-176-18 – another group home variance

- Passed project plans around (they are on the website too)
- No one representing the property/ building in attendance
- Front yard for that property is on 46th Pl (As determined by the city, the front is the shortest side of the corner lot);
- Camelback Rd is side yard.
- For RE35 zoning, the structure has to be 40 ft back from the property line... no structures w/in that space. Can build landscape features including fences up to 40" high.
- The entire house falls within the appropriate guidelines, the only variance they will get is for the 6-foot fence.
- They can still have a group home based on city ordinance.
- Q- can you run a commercial venture in a residential area?

Stebly- no, but that might be changing with a bill currently in the legislature. HB1087 hasn't gone to Senate floor yet.

- Q- CCR's restrict against a group home?

Schaub: as far as group homes in Phoenix, less than 10 residents in the home have distance restrictions: ¼ mile apart (about 3 blocks); this property is meeting the requirements per the city's request b/c it is 1.8 miles from the Tuberia group homes. The arguments against approving group homes include

1. concern about the emergency vehicles etc.
2. Increased traffic
3. Starts as assisted living facility and can turn into something else later

ACMNA only looks at whether the requirements for building are met (variance standards... 40" wall vs 6' wall)

- Q- aren't the deed restrictions of this property unable to be violated?

Schaub: thinks the ADA will be behind the builder and make the residents take the builder to court

Stebly: a majority of the original subdivision property owners might stand a chance

- Q- did the Calle Tuberia homeowners fight the two group homes at their cul-de-sac entrance?

Schaub- yes, but they came to an agreement w/ the builder/ assisted living owner b/c the City did not enforce their space requirement, the neighbors had a legitimate complaint, the city allowed the residents to abandon their street and build a wall/ gate (paid for by Vista Community- the same owner as the Camelback group home) to create a private community.

- Q- is there a requirement for certain amt parking?

Schaub- ACMNA did not address that for the 46th Pl property

Stebly noticed an error on the plans which state there will be a garage, but there isn't one on the plan

Stebly: please note, their plan has a 6' wall along Camelback (which is allowed)

Schaub- the leg your group has to fight on is: fighting for your current CCR's

- Q- can this owner change the assisted living home USE to be reapplied as sober living etc.?

Schaub- yes, they would have to meet the requirements for the new USE

- Q- if the set back is changed, then they can build anything in that space...?

Stebly- yes, once the setback is removed, anything can be built in that space.

Schaub- ACMNA doesn't like how the variance is written-- we do not want any structures built in the set back. Want the variance to stipulate that if the city approves the decreased set back, it's for the wall ONLY.

Schaub contests that there is no hardship on this project b/c it has been scraped.

- Neighbor stating that their best course of action is to get as many of the residents as possible to oppose the entire variance/ zoning allowance

Schaub- there are four reasons a variance might be granted:

- Is there a unique or special condition with the property that means there is a hardship (for this property, why need the 6' wall) to allow the 6' wall. Ie. historic tree, gully... something that's not in the neighbors' properties
  - That special circumstance must create a hardship (The hardship cannot be self-imposed)
  - It is necessary for the owner to enjoy substantial and reasonable property rights
  - If the variance is approved, it will not be detrimental to the neighbors/ general public
- Stebly- all four reasons should be addressed in the variance request
- As it stands, you are allowed to have a 40" wall on front of property. There is an overlay along Camelback Rd that allows for a 6' wall. This was put in place 20+ yrs. ago.
  - Q: is it helpful to have more people at the hearing?

Stebly- the more people at the hearing, the better. It goes to variance test #4.

Letters and emails helpful too! Be sure to request they place your objection in the file. Addresses are on the ACMNA website.

- Q Will you speak again commercial vs. residence.

Schaub- we deem these group homes to be commercial, but battle arose w/ ADA rules. Can't discriminate based on disabilities/ need care and grouped together. Law goes into effect soon:

- < ten residents;
- fire safety;
- enough staff on board;
- security;

Schaub- Bills in congress still being discussed. As it stands, commercial businesses where you have a bunch of people coming to/from your property is frowned upon. But can have accounting office in home... not a big deal.

Schaub- Three main classifications for group homes:

1. Assisted living for Elderly
2. Sober Living;
3. Severely Mentally ill

Patti- If have under five residents, there are no ordinances regarding distance separation. Don't have to have supervision etc.

#### 4450 E. Camelback Rd. – Potential re-zoning for a high-rise hotel. Steblay:

- Nine years ago, Scott Shermer tried to build something over 30'. ACMNA opposed. (tried in 2005 as well)
  - NW Corner was approved in 2009 for a one-million square feet at 56' tall.
  - Now want 120' building, a boutique hotel and fine restaurants. Wants 300-400 units of apartments.
  - The developer, Red Development, is using an attorney, Jason Morris. The developer is a big builder.
  - Potential new owner believes he has option to buy for \$54 Million- he hired Jason Morris. Currently owned by Dallas Police and Fire pension fund.
  - ACMNA has some negotiating power, Might get them to give up some of the elevation... DiCiccio thinks they might get 75'; Morris is meeting with many key players in the area, all separately, trying to feel the community decision-makers' out. Makes it so Morris is able to say he had 20 community outreach meetings. They will not file a zoning application until June (while people are on vacation). Steblay wants to make a resolution public so the community can find out what the developer wants to build.
  - Steblay wants the ACMNA board to pass the resolution
  - The neighbors to the west and north are not organized but need to get involved. These people are the ones who stopped the last variance,
  - Nothing to the east of 24th St on Camelback is above 54'
  - The neighbors on the south and west will lose view of mountain.
  - The neighbors on north and to west will be negatively impacted.
  - The owner, builder etc. will be invited to next ACMNA Board meeting.
  - Resolution...
- ACMNA wants the plans publicized.  
Phoenician did it right... got everyone involved.  
Resolution states that we will object any zoning changes unless the developer provides more information.
- Motion: Marvin Borsand to accept the Resolution as written.
  - 2nd: Jim Carland with changes: 3rd "WHEREAS, the ACMNA Board has been provided little meaningful (remove word "very")... and #2 NOW, THEREFORE, ... that absent publication or submission... (remove "further")
  - Vote with the changes: unanimous in favor
  - [ ***A copy of the approved Resolution is attached*** ]

### Royal Palms-

- For 40 years, they've had a shed on the northeast corner that shares a wall with the property wall
- Over time, the shed has grown to several connected sheds
- Neighbors have not been able to sell their property (over a yr on mkt), contacted City
- ACMNA's suggestion was to continue the case and work it out together, outside the variance process

### **Treasurers Reports – John Stofko**

- (Draft report distributed via separate email)
- Move to Accept: Jerry Eisen;
- 2nd- Marvin Borsand
- Vote- unanimously approved

### **Future agenda requests, announcements, and comments**

- June meeting agenda
  - Red Development at Camel Square NWC 44<sup>th</sup> & Camelback
  - Phoenix Mountain Preserve
  - 4th of July
  - Discuss REAL budget
- Take July and August off, but might need to have an emergency meeting; will need a quorum of 12 Board Members; To Be Determined
- Can change rules about a written consent to  $\frac{3}{4}$  of board vote by email. Called resolution by written consent. We are only governed by our Bylaws

### **New Business-**

#### **Saves and Connects 56th St design**

- In June, they will have a community outreach meeting at POP. ACMNA will need to engage residents / get people to attend. Act as ambassadors to educate people about what should happen w/ 56th St.
- Should publish one more newsletter before June. Get ideas of what should be in that newsletter to Hillary. For example: 56th St. community meeting, Camelback Preserve, maybe Resolutions.

### **7:05 – Adjourn Board Meeting**



**RESOLUTIONS  
OF  
ARCADIA/CAMELBACK MOUNTAIN NEIGHBORHOOD ASSOCIATION  
May 3, 2018**

The Board of the Arcadia/Camelback Mountain Neighborhood Association (“ACMNA”), duly adopted the following resolutions at a regularly scheduled meeting.

**PROPOSED DEVELOPMENT 44<sup>TH</sup> ST. & CAMELBACK ROAD, NORTHWEST CORNER**

WHEREAS, the ACMNA Board has been made aware of a planned mixed-use development (the “Planned Development”) of approximately 16 acres at the northwest corner of 44<sup>th</sup> St and Camelback Rd (the “Subject Area”);

WHEREAS, the Planned Development will require amendments to the existing zoning ordinances applicable to the Subject Area;

WHEREAS, the ACMNA Board has been provided little meaningful information regarding the Planned Development;

WHEREAS, considering potential significant changes to zoning ordinances that could adversely affect ACMNA’s members, the ACMNA Board has concerns and reservations related to the Planned Development;

WHEREAS, despite the ACMNA Board’s request for additional information, the owner, developer and their agents and representatives have continued employing processes and methods that lack transparency.

NOW, THEREFORE, BE IT RESOLVED, that absent publication or submission of information related to the Planned Development, the ACMNA Board objects to any and all proposed zoning changes or variances affecting the Subject Area.

**GENERAL**

RESOLVED FURTHER, that the officers and directors of ACMNA be, and each of them hereby is, authorized and empowered to take all such further action and to execute and deliver all such further agreements, documents, certificates and other instruments in the name and on behalf of the ACMNA, and to take all action as such officers or directors may deem necessary or advisable in order to fully carry out and perform any and all matters authorized in the foregoing resolutions, and such execution and delivery of such agreements, documents, certificates and other instruments and such other actions shall be deemed to be, and they hereby are, adopted and approved; and

RESOLVED FURTHER, that any and all actions of the officers and directors of ACMNA with respect to the matters set forth in these resolutions which occurred prior to the date hereof are hereby ratified, confirmed and approved.

The Secretary of ACMNA will file these resolutions with ACMNA’s corporate minute book.

Amanda McCauley  
Secretary (Acting)

May 3, 2018  
Date