

## ATTACHMENT D

### REPORT OF PLANNING COMMISSION ACTION December 7, 2023

ITEM NO: 7	
	DISTRICT NO.: 6
SUBJECT:	
Application #:	Z-48-23-6
Location:	Northwest corner of 44th Street and Earll Drive
From:	R1-6
To:	R-O
Acreage:	0.42
Proposal:	Chiropractic office
Applicant:	Keiko Finnegan and Sera Sheppard
Owner:	Keiko Finnegan and Sera Sheppard
Representative:	Keiko Finnegan and Sera Sheppard

#### **ACTIONS:**

Staff Recommendation: Approval, subject to stipulations.

Village Planning Committee (VPC) Recommendation:

**Camelback East** 11/14/2023 Approval, per the staff recommendation. Vote: 14-0.

Planning Commission Recommendation: Approval, per the Camelback East Village Planning Committee recommendation.

Motion Discussion: N/A

Motion details: Acting Vice-Chairperson Mangum made a MOTION to approve Z-48-23-6, per the Camelback East Village Planning Committee recommendation.

Maker: Acting Vice-Chairperson Mangum

Second: Boyd

Vote: 5-0

Absent: Gaynor and Gorraiz

Opposition Present: No

#### **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.

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