

## Attachment B

### REPORT OF PLANNING HEARING OFFICER ACTION Byron Easton, Planner III, Hearing Officer Teresa Garcia, Planner I, Assisting

February 21, 2024

ITEM NO: 2	
	DISTRICT NO. 4
SUBJECT:	
Application #:	PHO-2-24--Z-26-15-4
Location:	Northwest corner of Central Avenue and Pierson Street
Zoning:	PUD
Acreage:	2.95
Request:	1) Request to modify Stipulation 8 regarding development commencement.
Applicant:	Ed Bull, Burch & Cracchiolo P.A.
Owner:	Perry Schroeder, Omninet Capital, LLC
Representative:	Ed Bull, Burch & Cracchiolo P.A.

#### **ACTIONS:**

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended approval.

Village Planning Committee (VPC) Recommendation: The Alhambra Village Planning Committee opted not to hear the case.

#### **DISCUSSION:**

Ed Bull, representative with Burch & Cracchiolo P.A., gave an overview of the request. He stated they are not asking to reduce the ground floor non-residential space. He stated they are asking to change the commencement time frame from eight to ten years so that ample time is provided to be granted necessary permit approvals

Mr. Easton recommended approval.

#### **STIPULATIONS:**

1.	An updated Development Narrative for the Omninet - West PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with the Development Narrative date stamped October 14,
----	---

	2015
2.	The property owner shall provide a deposit in the amount of \$50,000 into a Street Transportation Department escrow account at the City of Phoenix to be utilized for traffic calming measures in the Pierson Place Historic District. These funds may be contributed toward the purchase and installation of such devices as roundabouts, speed humps/cushions, or raised crosswalks (speed tables), limited turning, traffic diverters, gates or other such traffic calming or management tools for the area bounded by Central Avenue, Camelback Road, 7th Avenue, and the Grand Canal. Distribution of funds shall be at the mutual agreement of the five member neighborhood traffic team, the residents on affected streets, and the City of Phoenix Streets Transportation Department Safety and Neighborhood Traffic section. Owner may apply for reimbursement of escrow funds from the Street Transportation Department if no special petition has been submitted within 5 years from the issuance of a certificate of occupancy.
3.	Developer shall install a monument proximate to the northwest corner of the site identifying the Pierson Place Historic District and facing toward the Light Rail station, as approved by the Planning and Development Department. The monument shall be similar to the existing Pierson Place Historic District Monument located proximate to the southwest corner of 3rd Avenue and Camelback Road, or as otherwise agreed upon by the developer and the Board of Directors of the Pierson Place Historic District.
4.	The developer shall construct a directional retail driveway to direct retail traffic away from the neighborhood as approved by the Planning and Development Department.
5.	If determined necessary by the Phoenix Archaeology Office, the applicant shall conduct Phase I data testing and submit an archaeological survey report of the development area for review and approval by the City Archaeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.
6.	If Phase I data testing is required, and if, upon review of the results from the Phase I data testing, the City Archaeologist, in consultation with a qualified archaeologist, determines such data recovery excavations are necessary, the applicant shall conduct phase ii archaeological data recovery excavations.
7.	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.
8.	The approval shall be conditioned upon development commencing within TEN (10) <del>eight (8)</del> years of the City Council approval of this change of zoning in accordance with Section 506.B.1 of the Phoenix Zoning Ordinance. (For purposes of this stipulation, development shall commence with the issuance of building permits and erection of building walls on site).
9.	Prior to occupancy, the developer must provide a qualified engineer's report certifying the average annual interior noise exposure for any residential unit or enclosed public assembly area will not exceed 45 decibels.
10.	The ground floor area of the development shall include a minimum 14,300 square feet of non-residential uses. Non-residential uses shall not include lobby, exercise, reception areas, or other similar uses intended for exclusive use by residents. All non-residential uses shall front perimeter rights-of-way.

Upon request, this publication will be made available within a reasonable length of time through appropriate auxiliary aids or services to accommodate an individual with a disability. This publication may be made available through the following auxiliary aids or services: large print, Braille, audiotape or computer diskette. To request a reasonable accommodation, please contact Teleia Galaviz at [teleia.galaviz@phoenix.gov](mailto:teleia.galaviz@phoenix.gov) or (602) 291-2559 or TTY: 7-1-1