

## ATTACHMENT C

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

September 18, 2024

ITEM NO: 1	
	DISTRICT NO. 3
SUBJECT:	
Application #:	PHO-1-24--Z-56-16-3 (Continued from August 21, 2024)
Location:	Approximately 320 feet east of the southeast corner of 19th Avenue and Cactus Road
Zoning:	C-2
Acreage:	3.94
Request:	1) Request to delete Stipulation 1 regarding minimum landscape setback along the east property line.
Applicant:	Sean Hamill, United Engineering Group
Owner:	Mike Zipprich, PHNXLAND LLC
Representative:	Sean Hamill, United Engineering Group

#### **ACTIONS:**

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

Village Planning Committee (VPC) Recommendation: The North Mountain Village Planning Committee reviewed the request on August 21, 2024 and recommended approval with a vote of 12-0.

#### **DISCUSSION:**

Sean Hamill, representative of United Engineering Group, gave an overview of the site. He stated the owner submitted for a development pre-application meeting in 2023 for a mini-home development. He said as of this year, the site has undergone three site plan revisions to accommodate landscape setbacks, parking requirements, and hillside restrictions. He stated since the parcel has been split, their portion of the site has a “bottle neck” that makes it difficult to accommodate the 40-foot landscape setback. The site plan showed portions of a basketball court and two parking spaces encroaching the landscape setback, however, no buildings are encroaching the setback.

Byron Easton, Planning Hearing Officer, asked Mr. Hamill to clarify what type of buildings will be provided on the lots.

Mr. Hamill stated the original proposal was lots, but now they are mini-home units that are a hybrid mobile home/manufactured home placed on the lots throughout the development.

Mr. Easton asked Mr. Hamill if they were requesting the deletion because they cannot landscape the parking and basketball court encroaching the setback.

Mr. Hamill answered yes.

Mr. Easton stated he does not want to approve the deletion of the stipulation and potentially have a new site plan come back in with buildings within the setback.

Mr. Hamill stated the owner is set on their current site plan, and that the hillside and Zoning Ordinance regulations will ensure that the building setbacks will not be compromised.

Mr. Easton recommended approval to delete Stipulation 1. He stated the site plan is incorporating a large amount of undeveloped hillside, and the residential development meets the intent of the hillside requirements. He noted that the stipulation regarding a Recorded Proposition 207 waiver was part of the original rezoning case and the ensure it is submitted prior to preliminary site plan approval.

**FINDINGS:**

- 1) The request to delete Stipulation 1 regarding the minimum landscape setback along the east property line is recommended to be approved. Based on the proposed site plan, the applicant has incorporated a large area of undeveloped hillside into the planning area creating the same buffer and the stipulation intends. The original zoning case included multiple APN's, however this parcel has since been broken off and is being developed separately from the commercial development, thus putting undue burden on this site. The 40 foot landscape setback is actually mainly being retained with only a portion of a parking space and basketball court encroaching.

**STIPULATIONS:**

Phoenix Zoning Ordinance:	
1.	<del>A minimum 40-foot landscape setback shall be required along the east property line and shall mimic natural desert landscape, as approved by the Planning and Development Department.</del>
1.	The applicant shall submit an archaeology survey report of the

<del>2.</del>	development area for review and approval by the City Archaeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.
2. <del>3.</del>	Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 Waiver of Claims in a form approved by the City Attorney's Office. 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.

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.