

## Attachment D

### REPORT OF PLANNING COMMISSION ACTION May 6, 2021

ITEM NO: 11	
	DISTRICT NO.: 4
SUBJECT:	
Application #:	<b>Z-4-21-4</b>
Location:	Northeast corner of 3rd Street and Clarendon Avenue
From:	C-2
To:	WU Code T4:3 MT
Acreage:	0.73
Proposal:	Multifamily residential
Applicant:	Keith Helmuth, BHABK Holdings 1, LLC
Owner:	BHABK Holdings 1, LLC
Representative:	Amy Malloy

#### **ACTIONS:**

Staff Recommendation: Approval, subject to stipulations.

Village Planning Committee (VPC) Recommendation:

**Encanto** 4/5/2021 Approval, per the staff recommendation. Vote: 10-0.

Planning Commission Recommendation: Approval, per the Encanto Village Planning Committee recommendation, with an additional stipulation.

Motion Discussion: N/A

Motion details: Commissioner Howard made a MOTION to approve Z-4-21-4, per the Encanto Village Planning Committee recommendation, with the stipulation as read into the record.

Maker: Howard

Second: Gorraiz

Vote: 9-0

Absent: None

Opposition Present: One registration in opposition; however, they were not present at the meeting.

#### **Findings:**

1. The proposal will redevelop an underutilized property and provide a high quality multifamily residential development with which will help alleviate the housing shortage in Phoenix.
2. The proposal provides a new housing option to contribute to the mix of housing types in the area and is consistent with the Midtown TOD Policy Plan designation as a site suitable for redevelopment.

3. As stipulated, the proposal provides enhanced pedestrian and bicycle amenities consistent with the Midtown TOD Policy Plan, Comprehensive Bicycle Master Plan, Tree and Shade Master Plan and the Complete Streets Guiding Principles.

Stipulations:

1. All public sidewalks shall be detached with a minimum 5-foot-wide landscape area located between the sidewalk and back of curb along the north half of Clarendon Avenue and a minimum 6-foot-wide landscape area located between the sidewalk and back of curb along the east half of Third Street, as approved by the Planning and Development Department.
2. The developer shall provide and maintain the following bicycle infrastructure as described below and as approved by the Planning and Development Department.
  - a. Guest bicycle parking for multifamily residential use shall be provided at a minimum of 0.05 spaces per unit with a maximum of 50 spaces near entrances of buildings and installed per the requirements of Section 1306.H. of the Phoenix Zoning Ordinance.
  - b. A bicycle repair station ("fix it station") shall be provided on the site. The station shall include but not limited to: standard repair tools affixed to the station; a tire gauge and pump; and a bicycle repair stand which allows pedals and wheels to spin freely while making adjustments to the bike, as approved by the Planning and Development Department.
3. The developer shall dedicate a minimum 6-foot-wide sidewalk easement for the east side of 3rd Street, as approved by the Planning and Development Department.
4. The developer shall dedicate a minimum of 5 feet for the west side of the alley, as approved by the Planning and Development Department.
5. All vehicular site access shall be provided from the alley, consistent with the Walkable Urban Code standards and as approved by the Planning and Development Department.
6. All public sidewalks shall be located in a dedicated public sidewalk easement, as approved by the Planning and Development Department.
7. The developer shall construct all streets within and adjacent to the development 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.
8. Where pedestrian pathways cross drive aisles, the pathway shall be constructed of decorative pavers, stamped or colored concrete, or another

material, other than those used to pave parking surfaces and drive aisles, as approved by the Planning and Development Department.

9. Clearly defined, accessible pedestrian pathways shall be provided to connect building entrances, and public sidewalks, using the most direct route for pedestrians, as approved by the Planning and Development Department.
10. The developer shall provide a No Hazard Determination for the proposed development from the FAA pursuant to the FAA's Form-7460 obstruction analysis review process, prior to construction permit approval, as per plans approved by the Planning and Development Department.
11. The property owner shall record documents that disclose the existence, and operational characteristics of Phoenix Sky Harbor Airport to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.
12. The developer shall grant and record an avigation easement to the City of Phoenix for the site, per the content and form prescribed by the City Attorney prior to final site plan approval.
13. 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.
14. 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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