

ATTACHMENT C

REPORT OF PLANNING COMMISSION ACTION

October 6, 2022

REVISED October 17, 2022

ITEM NO: 16	
	DISTRICT NO.: 4
SUBJECT:	
Application #:	PHO-1-22--Z-26-15-4
Location:	Northwest corner of Central Avenue and Pierson Street
Request:	<ul style="list-style-type: none">• Modification of Stipulation 5 regarding conditional approval upon development commencing within seven (7) years.• Technical correction for Stipulation 2.
Acreage:	2.95
Applicant:	Ed Bull, Burch & Cracchiolo, P.A.
Owner:	Kim Sperry, Omninet Central, LP
Representative:	Ed Bull, Burch & Cracchiolo, P.A.

ACTIONS:

Village Planning Committee (VPC) Recommendation:

Alhambra 7/26/2022 No quorum.

Planning Hearing Officer Recommendation: Approval with additional stipulations.

Staff Recommendation: Approval, per the Planning Hearing Officer recommendation

Planning Commission Recommendation: Approval, per the Planning Hearing Officer recommendation with an additional stipulation.

Motion Discussion: N/A

Motion details: Commissioner Busching made a MOTION to approve PHO-1-22--Z-26-15-4, per the Planning Hearing Officer recommendation with an additional stipulation to require that prior 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.

Maker: Busching

Second: Gaynor

Vote: 7-1-1 (Boyd) (Howard conflict)

Absent: None

Opposition Present: Yes

Findings:

1. The request to modify Stipulation 5 regarding conditional approval of development is recommended to be approved. The request will allow an additional year (an increase from 7 to 8 years total) to commence development. The applicant noted unexpected delays related to the ongoing pandemic and infrastructure issues.

2. The site is identified as archaeologically sensitive and three additional stipulations are recommended to be included to address requirements for archaeological survey and testing.

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 EIGHT (8) ~~seven (7)~~ 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).
- 5.
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.**

This publication can be made available in alternate format upon request. Please contact Les Scott at 602-261-8980, leslie.scott@phoenix.gov or TTY: Use 7-1-1.