

REPORT OF PLANNING HEARING OFFICER ACTION

Teresa Hillner, Planner III, Hearing Officer

Jazmine Braswell, Planner I, Assisting

June 20, 2018

ITEM 2

DISTRICT 6

SUBJECT:

Application #: Z-45-15-6  
Zoning: R-O  
Acreage: 0.54  
Location: Southeast corner of 49th Street and Indian School Road  
Proposal: 1) Modification of Stipulation No. 1 regarding landscaping along south property line.  
Applicant: Rod Jarvis - Earl Curley and Lagarde, PC  
Owner: Briggs B LLC  
Representative: Rod Jarvis - Earl Curley and Lagarde, PC

**ACTIONS:**

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

Village Planning Committee (VPC) Recommendation: The Camelback East Village Planning Committee chose not to hear this case.

**DISCUSSION:**

Mr. Rod Jarvis, representing the property owner, stated he represented the property owner at the time of the original rezoning case in 2015. At that time, he knocked on all the doors of the adjacent properties to inform them about the rezoning case and gather their support. There was one house he was not able to speak to someone and tried multiple times and sent several letters. The rest of the property owners he was able to speak to, stated they were in support of the rezoning case.

The subject property is currently being used as a custom home builder's office but was built to look like a residential home. Prior to the rezoning case being approved, he constructed the building under the residential development standards but did not occupy the building until the rezoning case was approved. Once the rezoning case was approved, the site plan was then reviewed under the R-O standards which resulted in insufficient landscaping.

The house was 18 inches too close to the southern property line hence, this request of the reducing of landscaping. Mr. Jarvis stated he has recently canvassed the area again talking to the neighborhoods about this stipulation modification request. There was one

neighbor who stated their opposition to the structure being on the site. However, the request of the stipulation modification is not going to change the fact that the structure is there. Today they are proposing to add additional trees in the parking area in place of the landscaped setback.

Ms. Teresa Hillner asked what is the dimension of the parking diamonds and are they going to be sized adequately enough so they have room to mature.

Mr. Jarvis said they are going to mirror the same size of parking diamonds that is currently on the site. He also stated the parking is done with pavers and that will assist with the growth of the trees. They are going to add additional parking diamonds by putting a parking diamond between every parking space.

Ms. Hillner stated the landscaping stipulation was included because residential office is a more intense use than the single-family residential to the south of the subject site. But to Mr. Jarvis's point, the user of the site is a custom home builder that has a limited number of employees and customers coming to the site.

Mr. Jarvis stated that was correct.

Ms. Hillner stated the need for a mitigating buffer is reduced given the use of this property.

Mr. Jarvis stated Mr. Hillner is correct. The user of the site does not generate a lot of traffic.

Ms. Hillner stated she appreciates the increase in quantity of landscaping and it will buffer from the residential use to the south. She stated she is going to approved this request as proposed.

### **FINDINGS:**

1. This site was developed under the residential zoning with the appropriate development standards. After the construction, the property owner changed the zoning on the property to Residential Office. With that rezoning case, stipulations were added including the five-foot landscape buffer along the south property line. After meeting all of the other requirement for drive aisle and parking space dimensions, there is not enough space to have a five-foot landscape setback.
2. The applicant is proposing to enhance the quantity of landscaping along the south property line, in landscape planters in the parking area. This addition will mitigate the noise and lights from the office development to the adjacent residence.

**DECISION:**

The Planning Hearing Officer recommended approval.

**STIPULATIONS:**

1.	Minimum landscape setbacks shall be provided as follows: <del>5 feet along the south property line</del> , 10 feet along the west property line, and 20 feet along the north property line, as approved by the Planning and Development Department. THE AREA ALONG THE SOUTH PROPERTY LINE SHALL BE LANDSCAPED IN ACCORDANCE WITH THE LANDSCAPE PLAN DATE STAMPED MARCH 27, 2018
2.	All landscape setbacks shall be planted with a minimum 50% 2-inch caliper trees and a minimum 50% 3-inch caliper trees planted 20-feet on center with a minimum of five (5) 5-gallon shrubs per tree, as approved by the Planning and Development Department.
3.	The developer shall dedicate a 10 feet sidewalk easement for the south half of Indian School Road, as approved by the Street Transportation Department.
4.	The developer shall construct all streets adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, landscaping and other incidentals as approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.

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