

ATTACHMENT D

PLEASE RESPOND ELECTRONICALLY TO TERESA GARCIA 2ND FLOOR, 602-262-7399



City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

To: Departments Concerned

Date: May 10, 2024

From: Joshua Bednarek

Planning & Development Department Director

Subject: P.H.O. APPLICATION NO. PHO-2-24--Z-69-08-8 – Notice of Pending Actions by the **Planning Hearing Officer**

1. Your attention is called to the fact that the **Planning Hearing Officer** will consider the following case at a public hearing on **June 12, 2024**.
2. Information about this case is available for review at the Zoning Counter in the Planning and Development Department on the 2nd Floor of Phoenix City Hall, telephone 602-262-7131, Option 6.
3. Staff, please indicate your comments and respond electronically to pdd.pho@phoenix.gov or you may provide hard copies at the Zoning Counter in the Planning and Development Department on the second floor of Phoenix City Hall by **May 17, 2024**.

DISTRIBUTION

Mayor's Office (Tony Montola), 11th Floor
City Council (Stephanie Bracken), 11th Floor
Aviation (Jordan D. Feld)
CED (Michelle Pierson), 20th Floor
Fire Prevention (Joel Asirsan), 2nd Floor
Neighborhood Services (Gregory Gonzales, Lisa Huggins), 4th Floor
Parks & Recreation (Todd Shackelford), 16th Floor
Public Transit (Michael Pierce)
Street Transportation Department (Maja Brkovic, Josh Rogers, Alan Hilty, Chris Kowalsky), 5th Floor
Street Transportation - Ped. Safety Coordinator (Kurt Miyamoto), 5th Floor
Street Transportation - Floodplain Management (Tina Jensen, Priscilla Motola, Rudy Rangel), 5th Floor
Water Services (Don Reynolds, Victor Romo), 8th Floor
Planning and Development (Joshua Bednarek, Tricia Gomes), 3rd Floor
Planning and Development/Information Services (Ben Ernyei, Andrew Wickhorst), 4th Floor
Planning and Development/Historic Preservation Office (Kevin Weight), 3rd Floor
Planning Hearing Officer (Byron Easton, Teresa Garcia), 2nd Floor
Village Planner (Samuel Rogers, South Mountain Village)
Village Planning Committee Chair (Trent Marchuk, South Mountain Village)



City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION FOR PLANNING HEARING OFFICER ACTION

APPLICATION NO: PHO-2-24--Z-69-08-8

Council District: 8

Request For: Stipulation Modification

Reason for Request: Request to modify Stipulation 1 regarding general conformance with the site plan date stamped October 18, 2021.; Request to modify Stipulation 4 regarding the number of bicycle parking spaces.

Contact Information

Name	Relationship Type	Address	Phone	Fax	Email
Taylor Earl	Applicant	United States	6022650094		tearl@earlcurley.com
Taylor Earl	Representative	United States	6022650094		tearl@earlcurley.com
Ryan Hartman - 36th St & Southern NWC, LLC	Owner	7377 East Doubletree Ranch Road, Suite 270, Scottsdale AZ 85258			

Property Location: Northwest corner of 36th Street and Southern Avenue

Acreage: 5.04

Geographic Information

Zoning Map	APN 122-70-102	Quarter Section
Village: South Mountain		

An applicant may receive a clarification from the city of its interpretation or application of a statute, ordinance, code or authorized substantive policy statement. To request clarification or to obtain further information on the application process and applicable review time frames, please call 602-262-7131 (option 6), email zoning@phoenix.gov or visit our website at <https://www.phoenix.gov/pdd/licensing-time-frames>

A Filing Fee had been paid to the City Treasurer to cover the cost of processing this application. The fee will be retained to cover the cost whether or not the request is granted

I declare that all information submitted is true and correct to the best of my knowledge and belief. I acknowledge that any error in my application may be cause for changing its normal scheduling.

Signature: _____ DATE: _____

Fee Information

Fee	Fee Waived	Fee Date	Purpose
\$1,080.00	\$0.00	04/25/24	PHO (1-2 stipulations)

**PHO Project Narrative - 36th & Southern
Proposed Single-Family Subdivision
(PHO-2-24—Z-69-08)**



**NWC of 36th Street & Southern Avenue
Phoenix, Arizona**

PREPARED BY



For
KHOVNANIAN HOMES
Submitted: April 25, 2024

Introduction

This PHO request is for a remnant infill parcel on the northwest corner of 36th St. and Southern Avenue. The original C-1 rezoning for this site was for an office development, but that never went forward. Years later a PHO was processed to change the zoning to accommodate a multifamily development, but that too never went forward.



Now, a respected homebuilder, K. Hovnanian Homes ("KHOV"), is proposing a single-family townhome development with opportunities for home ownership. The new community would include the subject parcel shown above in gold (Parcel A) and the larger parcel to the north, outlined in Green (Parcel B).

Parcel A and Parcel B were the subjects of two separate zoning cases, and thus separate PHO applications and narratives are being filed for each.

Home Ownership

As home prices and interest rates have increased, a growing number of Arizonans are being priced out of the opportunity to buy a home. This has been one of the contributing factors to the increase of multifamily development over the past five years. But KHOV's proposal for this parcel would provide home-ownership opportunities to many families. KHOV has been developing the same type of townhome-style community being proposed here in other areas

of Phoenix and those communities have been well received. KHOV is proposing 40 townhomes for parcel A, with a gross density of 8.0 dwelling units per acre. Another 192 townhomes are proposed for Parcel B. KHOV would integrate the two parcels together to form a single residential community that fits seamlessly into the surrounding community. Combining the two parcels into one community is a superior option to leaving the two parcels to develop separately.

Development Information

As noted in the map above, the subject site's zoning designation is C-1, which allows for the type of product being proposed. The maximum building height proposed is 30 feet and two stories. The project would provide 4.86 acres of open space, which equates to approximately 26 percent of the site (gross). The landscape pallet will incorporate the use of drought tolerant trees and groundcovers that will provide a sense of identity and be compatible with the neighborhood and environmental conditions of the region.

Stipulation Modification Requests

Stipulation 1 – New Site Plan

Below is our proposed revision to stipulation 1:

The development shall be in general conformance with the site plan date stamped **April _____, 2024** ~~October 18, 2021~~, as modified by the following stipulations and approved by the Planning and Development Department.

The phrasing of the original stipulation makes sense for *multifamily* development. In multi-level apartments, it's important to have bike parking in common areas. Otherwise, people are forced to haul their bikes up and down the stairs every day or to fit them into an apartment that may more limited space. Here, the residents of this townhome community will all have garages, backyards and first-floor living space. They will have no reason to park bicycles in a common area. That is why this type of stipulation is not appropriate for single-family communities.

KHOV is, however, willing to install four bicycles parking spaces. This will accommodate anyone cycling to the open space and wishing to lock their bike while they play—even though this too is not terribly likely.

Stipulation 5 and 6 – Standard Archaeological Stipulations

Stipulations 5 and 6 are the standard archaeological stipulations. Both of these have been satisfied and thus it makes sense to simply remove them.

Conclusion

The modifications requested in this PHO are reasonable and will help to provide for the missing middle housing options. The requested modifications in this application and the companion application will align the stipulations of the two sites to allow for a new for-sale housing product type that is in short supply and very much needed to help provide solutions for home ownership.

The core of our request is the modification of several stipulations that were either geared toward a rental multifamily community or have already been completed and are no longer required. The requested stipulations are reasonable under the context. The site plan is changed and should be updated. The bicycle parking requirement needs to be updated to reflect a single-family environment where homeowners have garages and places to store their personal belongings, and satisfied stipulations can be removed.

The City has succeeded in increasing the supply of apartments and other for-rent housing products. But there has been a shortage of entry-level housing products that allows young families to enter into the housing market. We feel the proposed subdivision meets the needs of the community and provides this missing middle. We urge the city to grant the requested modifications.

ORDINANCE G-6918

AN ORDINANCE AMENDING THE STIPULATIONS APPLICABLE
TO REZONING APPLICATION Z-69-08-8 PREVIOUSLY
APPROVED BY ORDINANCE G-5266.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX, as
follows:

SECTION 1. The zoning stipulations applicable located at the northwest
corner of 36th Street and Southern Avenue in a portion of Section 25, Township 1
North, Range 3 East, as described more specifically in Attachment "A," are hereby
modified to read as set forth below.

STIPULATIONS:

- Mod
1. ~~That~~ The development shall be in general conformance ~~to~~ WITH the site plan
~~and elevations date stamped July 3, 2008~~ OCTOBER 18, 2021, AS MODIFIED
BY THE FOLLOWING STIPULATIONS ~~with specific regard to the amount and
location of the common open space, however, the development shall follow the
Mixed Use Agriculture (MUA) zoning district standards pertaining to quantity and
type of landscape materials, and the parking lot landscaping standards, as~~ AND
approved by the PLANNING AND Development Services Department.
 2. THE DEVELOPMENT SHALL COMPLY WITH MIXED-USE AGRICULTURAL
(MUA) ZONING DISTRICT STANDARDS PERTAINING TO QUANTITY AND
TYPE OF LANDSCAPE MATERIALS AND PARKING LOT LANDSCAPING
STANDARDS, AS APPROVED OR MODIFIED BY THE PLANNING AND
DEVELOPMENT DEPARTMENT.

3. BUILDING ELEVATIONS SHALL BE DEVELOPED TO THE FOLLOWING STANDARDS, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
 - A. BUILDING ELEVATIONS SHALL CONTAIN MULTIPLE COLORS, EXTERIOR ACCENT MATERIALS AND TEXTURAL CHANGES THAT EXHIBIT QUALITY AND DURABILITY SUCH AS BRICK, STONE, COLORED TEXTURED CONCRETE OR STUCCO, TO PROVIDE A DECORATIVE AND AESTHETIC TREATMENT.
 - B. ALL BUILDING ELEVATIONS SHALL CONTAIN ARCHITECTURAL EMBELLISHMENTS AND DETAILING SUCH AS TEXTURAL CHANGES, PILASTERS, OFFSETS, RECESSES, VARIATION IN WINDOW SIZE AND LOCATION, AND/OR OVERHANG CANOPIES.

Mod

- ④. THE DEVELOPER SHALL PROVIDE SECURED BICYCLE PARKING FOR RESIDENTS AT A MINIMUM RATE REQUIRED BY CHAPTER 13, SECTION 1307.H FOR MULTI-FAMILY DEVELOPMENT, 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. ~~That~~ If any archaeological materials are encountered during construction, the contractor shall cease all ground disturbing activities within 33 feet of the discovery and notify the City of Phoenix Archaeology Office immediately to allow time to properly assess the materials.
8. ~~That~~ The property owner shall record documents that disclose the existence and operational characteristics of Phoenix Sky Harbor International 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 that have been reviewed and approved by the City Attorney.

9. ~~That~~ The following street transportation improvements shall be provided and
4. approved by the PLANNING AND Development ~~Services~~ Department:
- a. Right-of-way totaling 60 feet shall be dedicated for the north half of Southern Avenue.
 - b. Right-of-way totaling 30 feet shall be dedicated for the west half of 36th Street.
 - c. A 25 foot by 25 foot right-of-way triangle shall be dedicated at the northwest corner of 36th Street and Southern Avenue.
10. The developer shall construct all streets within and adjacent to the development
5. with paving, curb, gutter, sidewalk, curb ramps, streetlights, landscaping, and other incidentals as per plans approved by the PLANNING AND Development ~~Services~~ Department. All improvements shall comply with all ADA accessibility standards.
11. 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.

SECTION 2. Due to the site's specific physical conditions and the use district granted pursuant to Ordinance G-5266, this portion of the rezoning is now subject to the stipulations approved pursuant to Ordinance G-5266 and as modified in Section 1 of this Ordinance. Any violation of the stipulation is a violation of the City of Phoenix Zoning Ordinance. Building permits shall not be issued for the subject site until all the stipulations have been met.

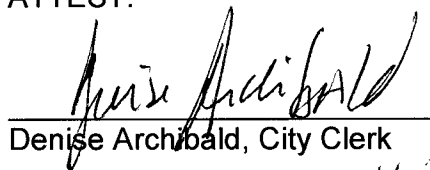
SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 17th day of November,
2021.



MAYOR

ATTEST:


Denise Archibald, City Clerk

11-24-2021



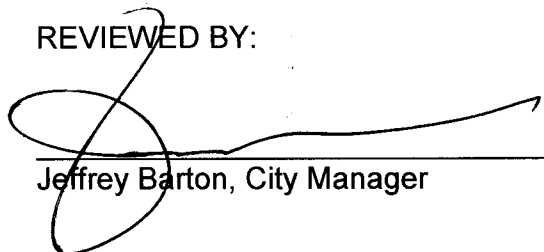
APPROVED AS TO FORM:
Cris Meyer, City Attorney

By:


Acting Chief Counsel

Pml

REVIEWED BY:


Jeffrey Barton, City Manager

Exhibits:

- A - Legal Description (1 Page)
- B - Ordinance Location Map (1 Page)

PL:tml:LF21-2779:11-17-2021:2287817v1

EXHIBIT A

LEGAL DESCRIPTION FOR PHO-1-21--Z-69-08-8

PARCEL NO. 1:

TRACT B, A SUBDIVISION OF LOTS 48-60-61, BARTLETT-HEARD LANDS, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, RECORDED IN BOOK 14 OF MAPS, PAGE 34;

EXCEPT THE WEST 132 FEET THEREOF; AND

EXCEPT THAT PORTION THEREOF LYING WITHIN THE SOUTH 47 FEET OF THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 1 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA; AND

EXCEPT THAT PORTION OF SAID LOT B LYING WITHIN THE WEST 31 FEET OF THE EAST 150 FEET OF THE NORTH 5 FEET OF THE SOUTH 52 OF SAID SOUTHWEST QUARTER; AND

EXCEPT BEGINNING AT THE INTERSECTION OF THE EAST LINE OF SAID SOUTHWEST QUARTER AND THE NORTH LINE OF SAID SOUTH 47 FEET;

THENCE WESTERLY ALONG SAID NORTH LINE TO ITS INTERSECTION WITH THE WEST LINE OF THE EAST 25 FEET OF SAID SOUTHWEST QUARTER;

THENCE CONTINUING WESTERLY ALONG SAID NORTH A DISTANCE OF 20 FEET;

THENCE NORTHWESTERLY TO A POINT ON SAID WEST LINE THAT IS 30 FEET NORTHERLY OF LAST SAID INTERSECTION;

THENCE EASTERLY PARALLEL WITH SAID NORTHLINE TO THE EAST LINE OF SAID SOUTHWEST QUARTER; THENCE SOUTHERLY ALONG SAID EAST LINE TO THE POINT OF BEGINNING, AS CONVEYED BY INSTRUMENT RECORDED IN DOCUMENT NO. 91-013235, RECORDS OF MARICOPA COUNTY, ARIZONA.

PARCEL NO. 2:

THE WEST 132 FEET OF TRACT B, A SUBDIVISION OF LOTS 48-60-61, BARTLETT-HEARD LANDS, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, RECORDED IN BOOK 14 OF MAPS, PAGE 34;

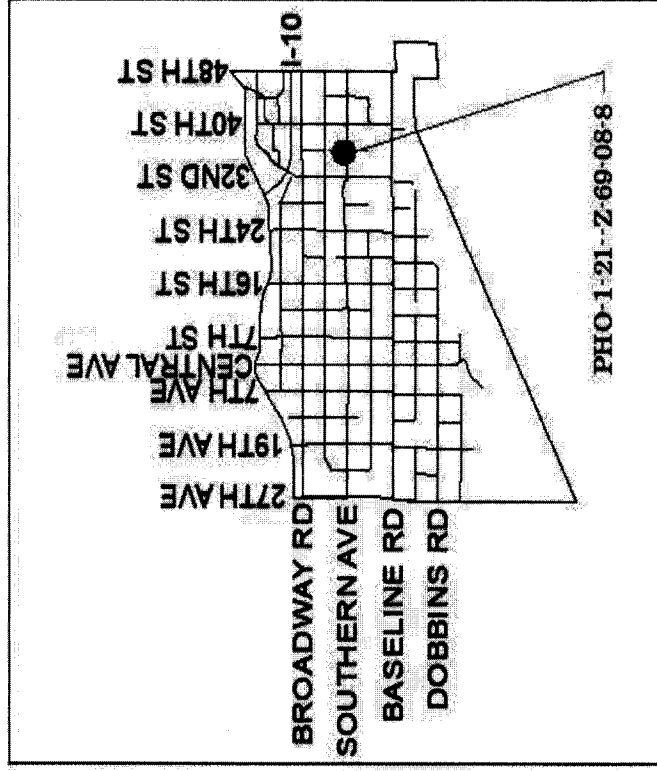
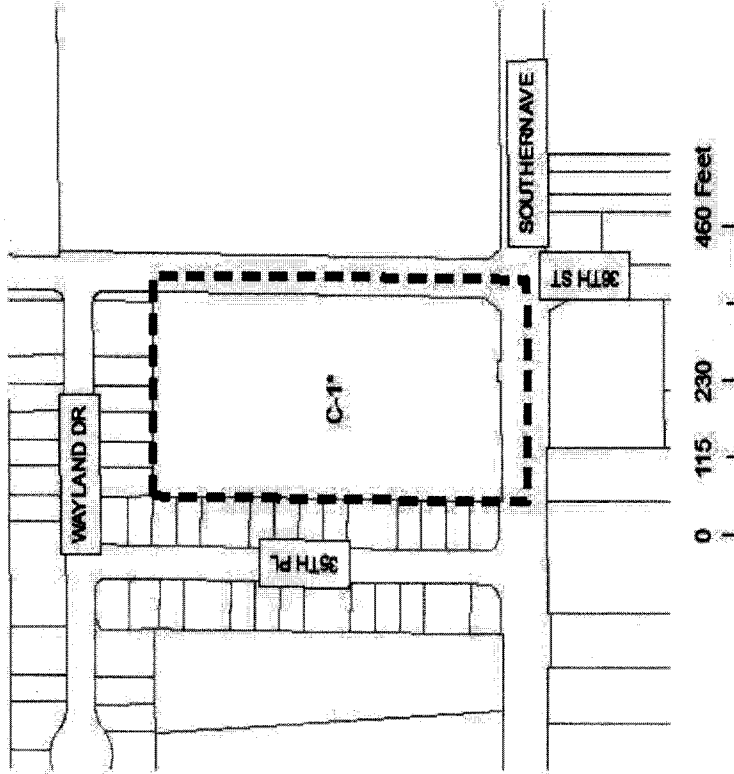
EXCEPT THE SOUTH 7 FEET THEREOF, AS CONVEYED BY INSTRUMENT
RECORDED IN DOCKET 8546, PAGE 709, RECORDS OF MARICOPA COUNTY,
ARIZONA.

ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA: - - - - -

Zoning Case Number: PHO-1-21-Z-69-08-8
Zoning Overlay: N/A
Planning Village: South Mountain

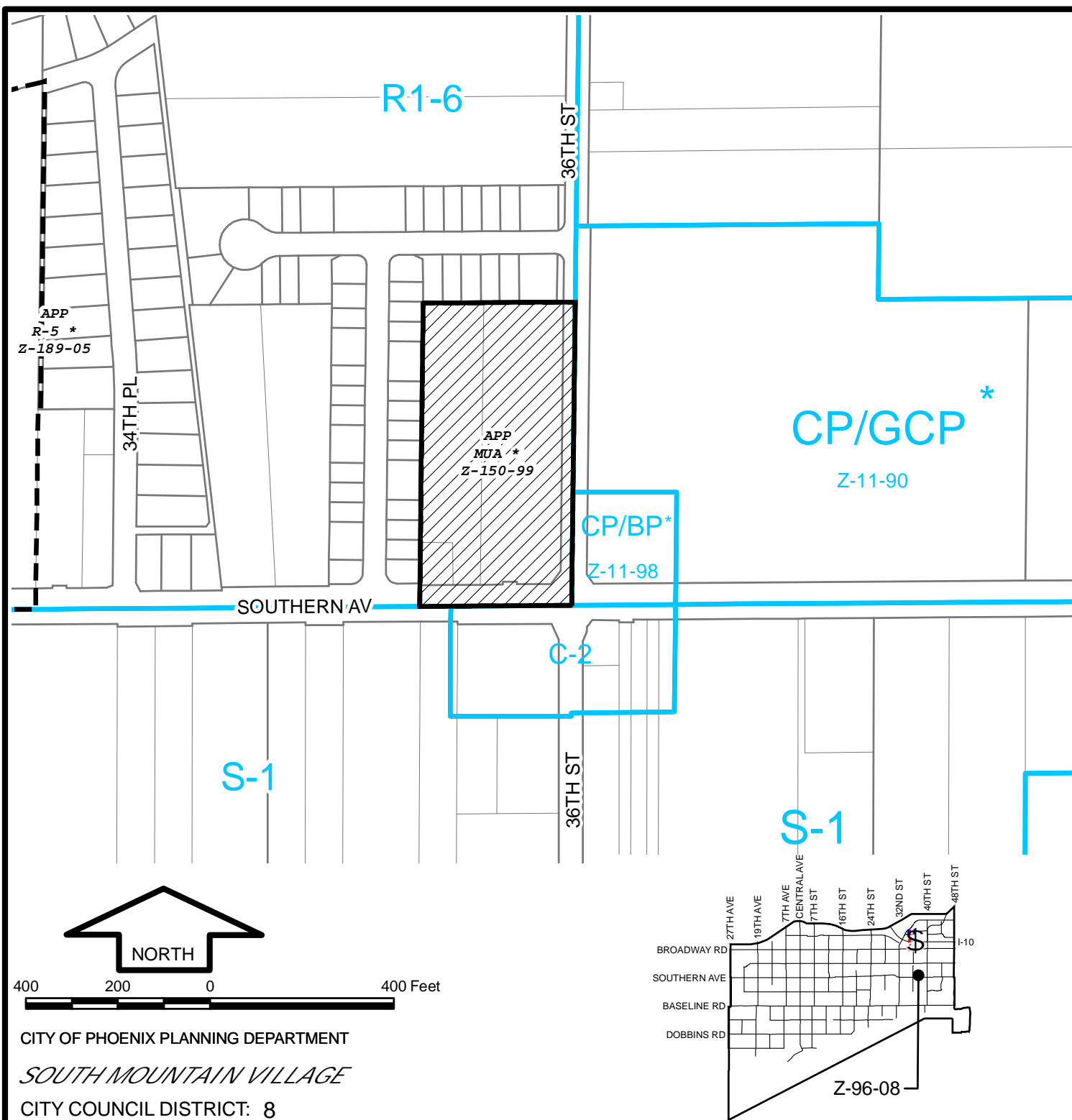


NOT TO SCALE



Drawn Date: 10/25/2021

\\onsip\dd\Shared\Department Shared Information Systems\PL GIS\IS_Team\Core_Functional\Zoning_Suppl\app_OrdMap\2021 Ord\11-17-21\PHO-1-21-Z-69-08-8.mxd



APPLICANT'S NAME:

David Kenyon

REQUESTED CHANGE:

FROM: R1-6 BAPOD (Approved MUA), (5.00 a.c.)

APPLICATION NO.

Z-69-08

DATE:

07-08-2008

REVISION DATES:

GROSS AREA INCLUDING 1/2 STREET
AND ALLEY DEDICATION IS APPROX.

5.00 Acres

AERIAL PHOTO &
QUARTER SEC. NO.

Q3-35

ZONING MAP

D10

TO: C-1 BAPOD, (5.00 a.c.)

MULTIPLES PERMITTED

R1-6

C-1

CONVENTIONAL OPTION

25

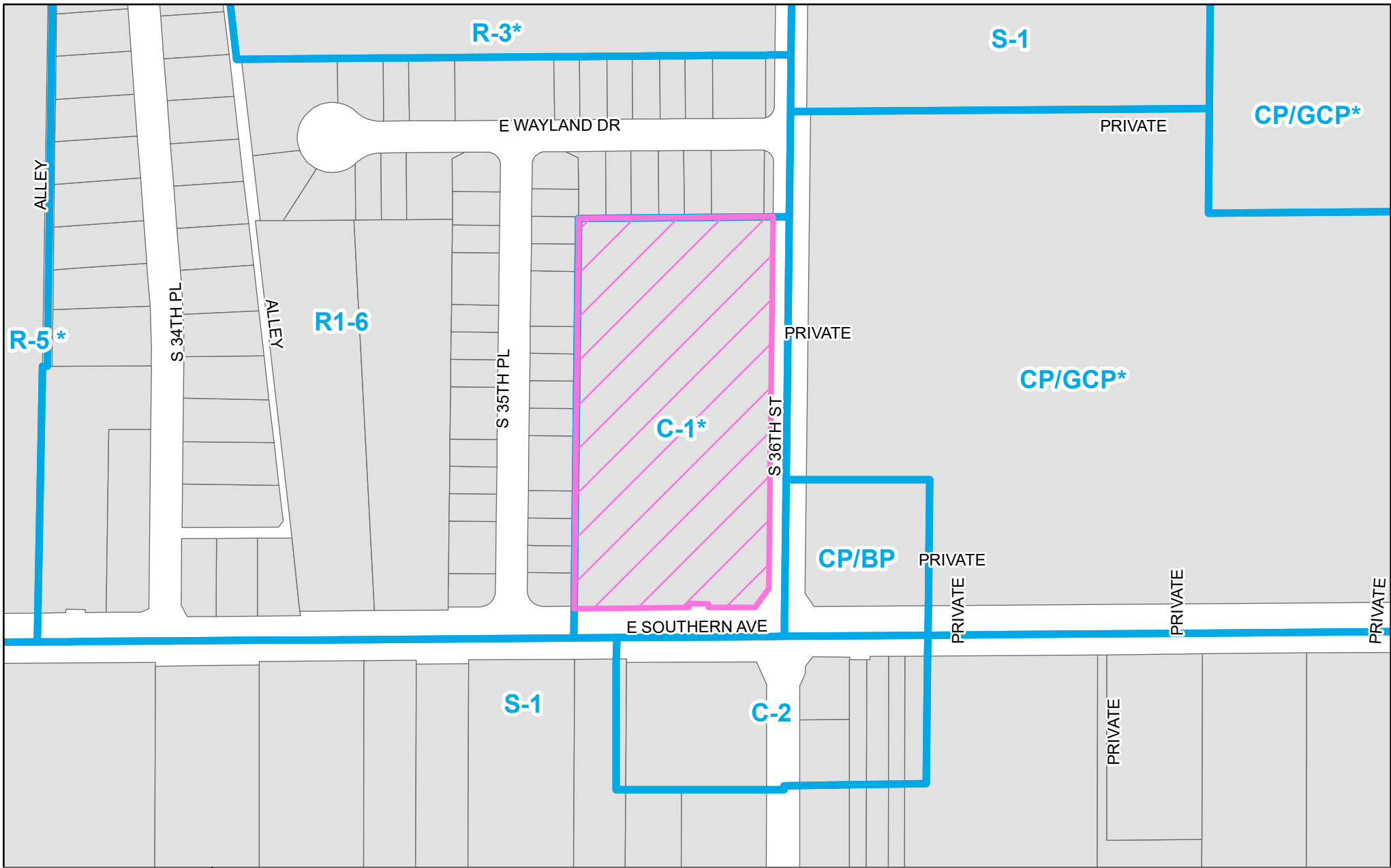
72

* UNITS P.R.D. OPTION

31

88

* Maximum Units Allowed with P.R.D. Bonus



PHO-2-24--Z-69-08-8

Property Location: Northwest corner of 36th Street and Southern Avenue

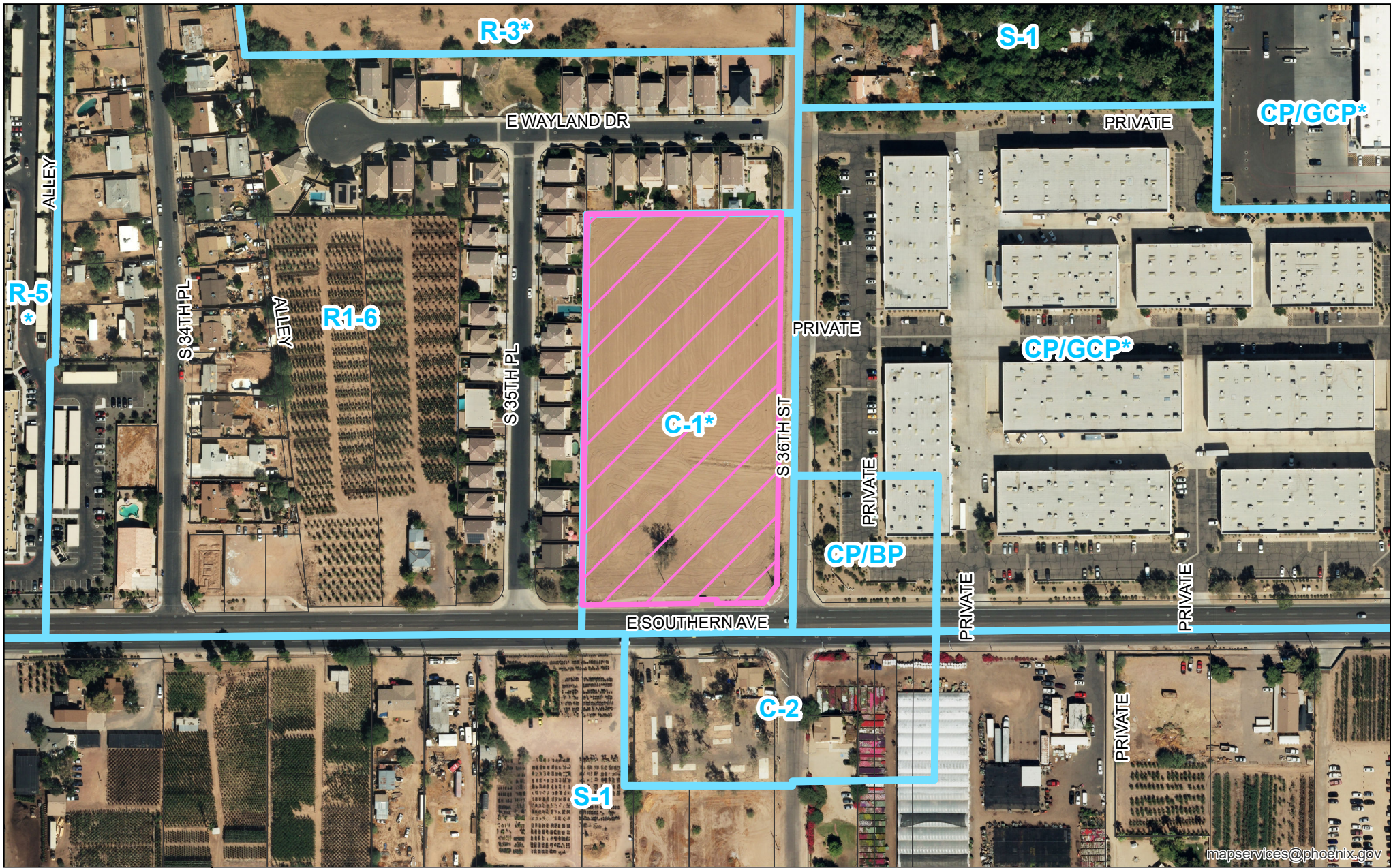


City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

Planning & Development Department

0 95 190 380 Feet





PHO-2-24--Z-69-08-8

Property Location: Northwest corner of 36th Street and Southern Avenue



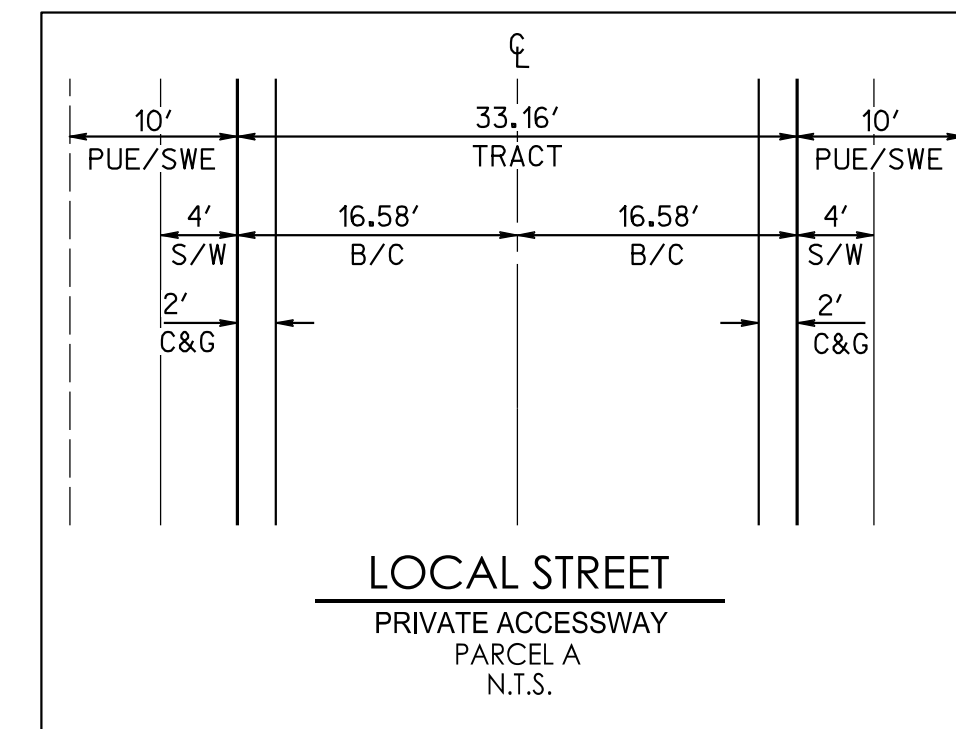
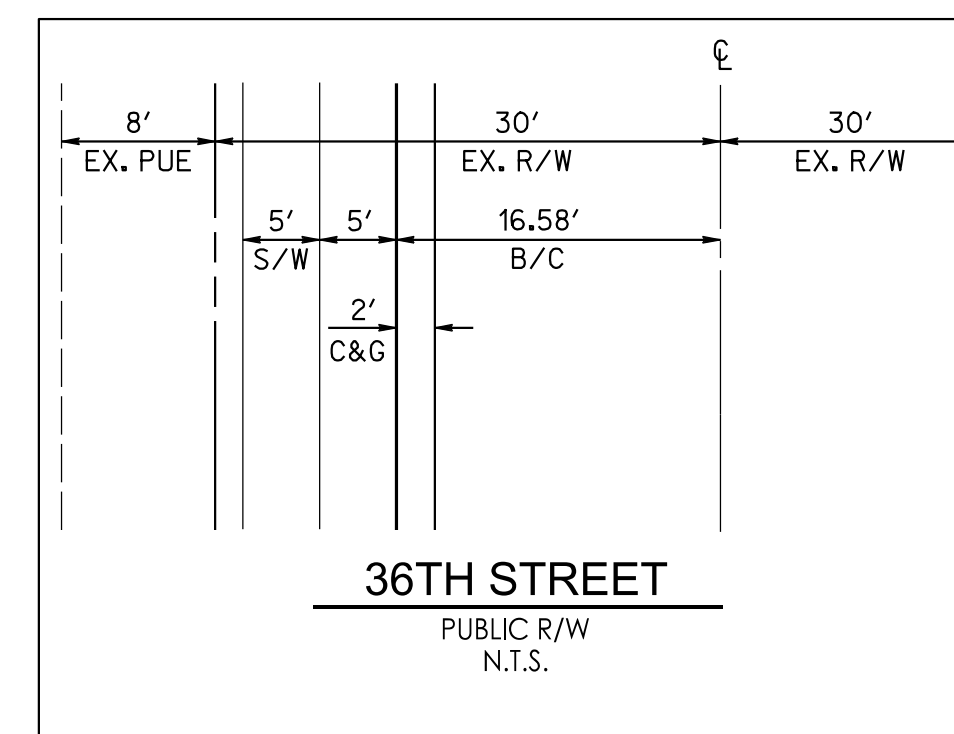
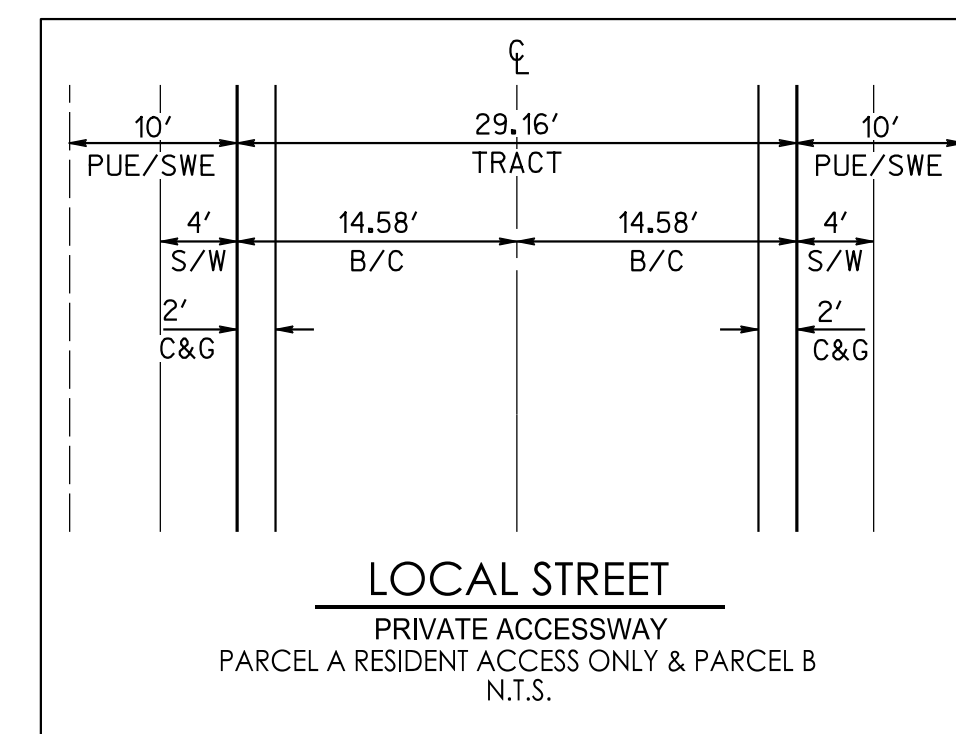
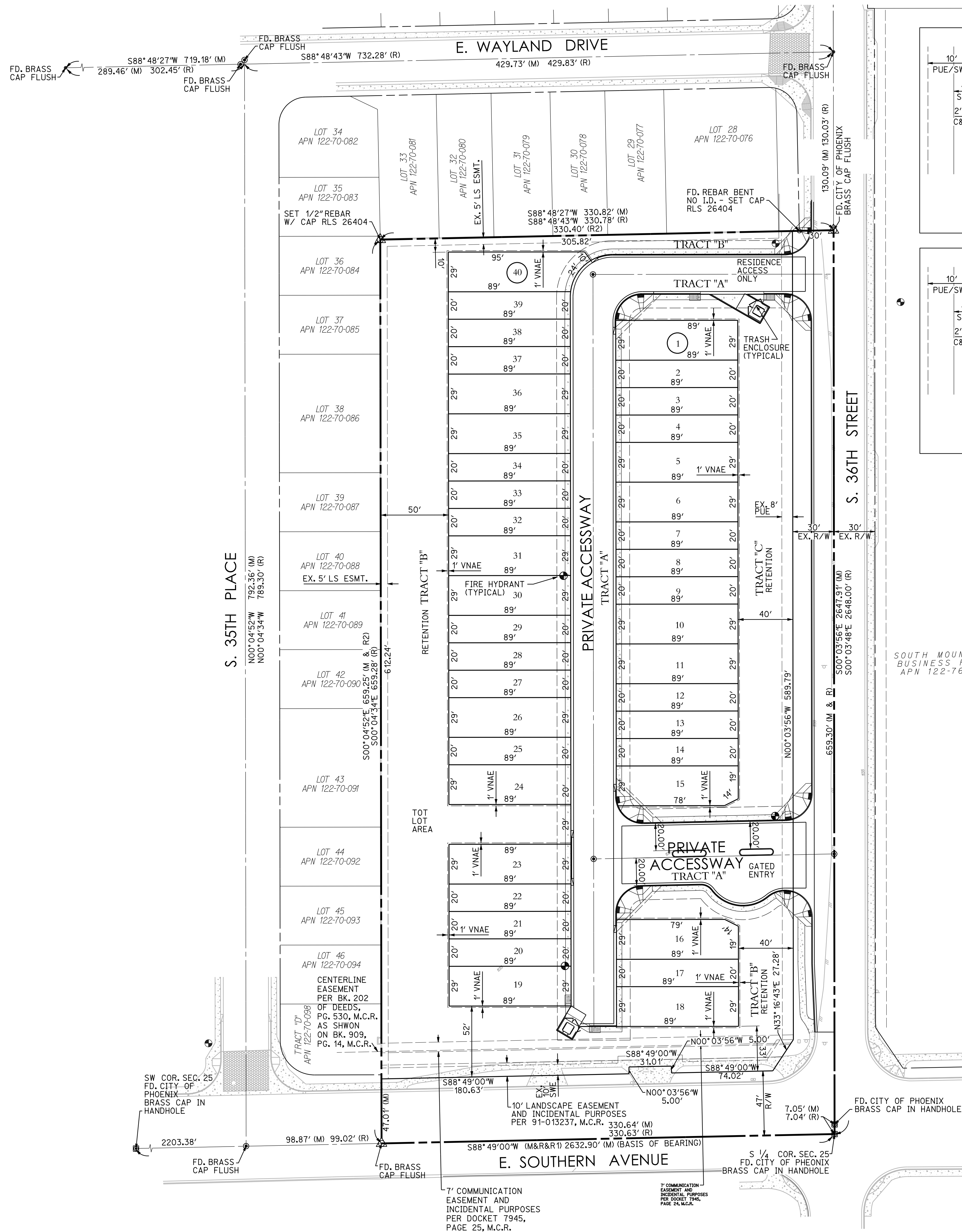
City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

Planning & Development Department

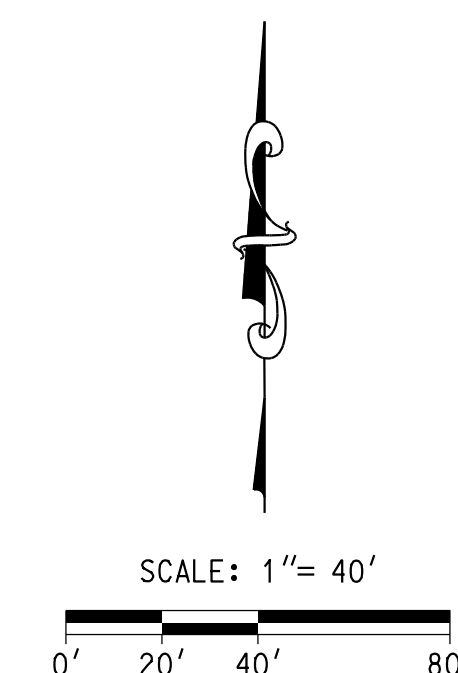
0 100 200 400 Feet



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SOUTH MOUNTAIN
BUSINESS PARK
APN 122-76-112



APPROVALS

APPROVALS

Contact Arizona 811 at least two full working days before you begin excavation.
Call 811 or click Arizona811.com



EXPIRES: 12/31/2024

300engineering
civil engineering
planning
surveying

3 ENGINEERING, LLC
6370 E. THOMAS ROAD
SUITE # 200
SCOTTSDALE, ARIZONA 85251
PHONE: (602) 334-4387
FAX: (602) 490-3230
WWW.3ENGINEERING.COM

DATE: 2/23/24

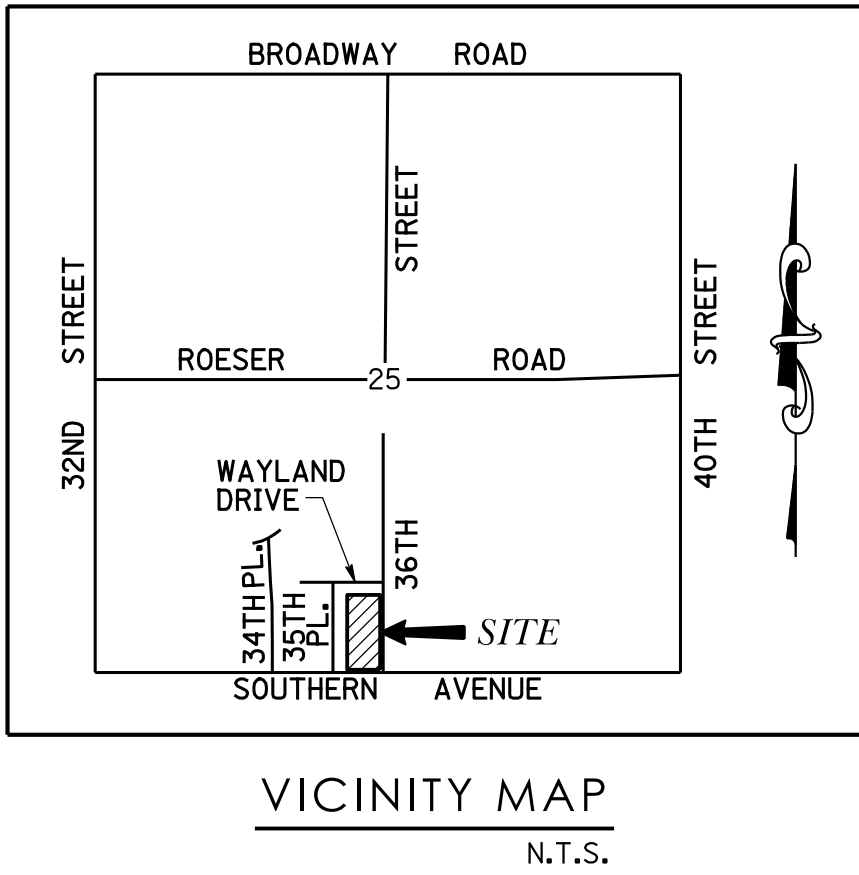
PROJECT NO.
5319

SHEET NO.
CSP02
2 of 4

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PRELIMINARY SITE PLAN
FOR
NWC 36TH STREET & SOUTHERN
MULTI-FAMILY
NORTH OF 36TH ST. & SOUTHERN AVE., PHOENIX, ARIZONA 85040
LOCATED IN A PORTION OF THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 1 NORTH, RANGE 3 EAST
OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA

INDEX OF SHEETS	
SHEET NO.	DESCRIPTION
PSP01	PRELIMINARY SITE PLAN - COVER
PSP02	PRELIMINARY SITE PLAN



LEGAL DESCRIPTION:

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PARCEL NO. 2:

THE WEST 132 FEET OF TRACT B, A SUBDIVISION OF LOTS 48-60-61, BARTLETT-HEARD LANDS, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, RECORDED IN BOOK 14 OF MAPS, PAGE 34;

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UNIT DATA					
UNIT NAME	UNIT TYPE	NET AREA (SF)	HEIGHT	UNIT COUNT	PERCENTAGE
* PLAN 1	3BR/2.5BA	1,430	27'-11 1/8"	46	100%
TOTALS				46	100%
UNIT AVERAGE NET SF: 1,430					

* 2-STORY BUILDINGS, ALL BUILDINGS TYPE V-B

PROJECT DATA	
EXISTING/PROPOSED ZONING.....	C-1 - R-3 USE
GROSS AREA	5.005 ACRES 218,002 SF
NET AREA	4.218 ACRES 183,769 SF
OPEN SPACE	5% OF GROSS 10,900 SF REQ./ 11,579 SF PROV.
PROPOSED DENSITY.....	9.19 UNITS/ACRE
ALLOWED DENSITY.....	14.5 UNITS/ACRE
LOT COVERAGE	26.58% OF NET AREA 48,884 SF/183,769 SF
	37,814 SF BUILDINGS
	11,070 SF COV'D PARKING
PARKING CALCULATIONS	
REQUIRED.....	46 X 2 = 92 3 BEDROOM UNIT
	10 X 1 = 10 1 GUEST/3 BR UNIT
TOTAL REQUIRED.....	102 SPACES
PROVIDED	51 UNCOVERED NON-ADA
	66 COVERED NON-ADA (10,098 SF)
	10 GARAGE SPACES (2,515 SF)
	1 UNCOVERED ADA
	4 COVERED ADA (972 SF)
TOTAL PROVIDED.....	132 SPACES (INCLUDING 4 ADA)
NON-ADA RATIO.....	1.29 COVERED TO UNCOVERED
ADA RATIO.....	4.00 COVERED TO UNCOVERED
LOADING SPACES	1 SPACE

SITE PLAN NOTES: (CITY OF PHOENIX)

1. DEVELOPMENT AND USE OF THIS SITE WILL CONFORM WITH ALL APPLICABLE CODES AND ORDINANCES
2. ALL NEW OR RELOCATED UTILITIES WILL BE PLACED UNDERGROUND
3. STRUCTURES AND LANDSCAPING WITHIN A TRIANGLE MEASURED BACK 10' FROM THE PROPERTY LINE AND 20' ALONG THE PROPERTY LINE ON EACH SIDE OF THE DRIVEWAY ENTRANCES WILL BE MAINTAINED AT A MAXIMUM HEIGHT OF 3'
4. ANY LIGHTING WILL BE PLACED SO AS TO DIRECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL DISTRICTS AND WILL NOT EXCEED ONE FOOT CANDLE AT THE PROPERTY LINE. NO NOISE, ODOR OR VIBRATION WILL BE EMITTED AT ANY LEVEL EXCEEDING THE GENERAL NOISE, ODOR OR VIBRATION EMITTED BY USES IN THE AREA OUTSIDE THE SITE
5. OWNERS OF PROPERTY ADJACENT TO PUBLIC RIGHT-OF-WAY WILL HAVE RESPONSIBILITY FOR MAINTAIN ALL LANDSCAPING LOCATED WITHIN THE RIGHTS-OF-WAY, IN ACCORDANCE WITH APPROVED PLANS
6. AFTER FINAL APPROVAL THE PROJECT WILL BE INSPECTED FOR ZONING COMPLIANCE DURING CONSTRUCTION AND PRIOR TO OCCUPANCY, THE APPLICANT IS TO NOTIFY D.S.D. PRIOR TO OCCUPANCY TO ARRANGE FOR INSPECTIONS. CALL 602-262-6981 AND REQUEST A DESIGN REVIEW INSPECTION
7. ALL ROOFTOP EQUIPMENT AND SATELLITE DISHES SHALL BE SCREENED TO THE HEIGHT OF THE TALLEST EQUIPMENT
8. ALL SERVICE AREAS SHALL BE SCREENED TO CONCEAL TRASH CONTAINERS, LOADING DOCKS, TRANSFORMERS, BACK-FLOW PREVENTERS AND OTHER MECHANICAL OR ELECTRICAL EQUIPMENT FROM EYE LEVEL ADJACENT TO ALL PUBLIC STREETS
9. BARED, RAZOR OR CONCERTINA WIRE (OR SIMILAR) OR CHAIN LINK SHALL NOT BE USED ON THIS SITE WHERE VISIBLE FROM PUBLIC STREETS OR ADJACENT RESIDENTIAL AREAS
10. SMOKE, GAS, AND ODOR EMISSIONS SHALL COMPLY WITH REGULATION III OF THE MARICOPA COUNTY AIR POLLUTION RULES AND REGULATIONS.
11. THE DISPOSAL OF ALL WASTE MATERIALS SHALL COMPLY WITH TITLE 9, CHAPTER 9, ARTICLES 18 AND 4 OF THE HAZARDOUS WASTE REGULATIONS AS ADOPTED BY THE ARIZONA HEALTH DEPARTMENT
12. ALL SIGNAGE REQUIRES SEPARATE APPROVALS AND PERMITS I CONSENT TO THE REPRODUCTION OF THIS SITE PLAN PROVIDED THAT IF MODIFICATIONS ARE MADE, THE ARCHITECTS WHO MAKE SUCH CHANGES ASSUME FULL RESPONSIBILITY AND LIABILITY FOR THE MODIFIED PORTION OF THE PLAN.


SIGNATURE OF COPYRIGHT OWNER
DANIEL G. MANN
8-6-21
DATE
PRINTED NAME OF COPYRIGHT OWNER

APN NUMBERS:

APN 122-70-006E

ADDRESS:

3530 E. SOUTHERN AVENUE
PHOENIX, ARIZONA 85040

APPLICANT:

AVENUE NORTH, LLC
7377 E. DOUBLETREE RANCH ROAD, STE. 270
SCOTTSDALE, ARIZONA 85258

CONTACT: RYAN HARTMAN
PHONE: (480) 907-4010

CLIENT:

AVENUE NORTH, LLC
7377 E. DOUBLETREE RANCH ROAD, STE. 270
SCOTTSDALE, ARIZONA 85258

CONTACT: RYAN HARTMAN
PHONE: (480) 907-4010

ENGINEER:

3 ENGINEERING
6370 E. THOMAS ROAD, SUITE # 200
SCOTTSDALE, ARIZONA 85251

CONTACT: DANIEL G. MANN, P.E.
PHONE: (602) 334-4387
EMAIL: DAN@3ENGINEERING.COM

NOTE:

BUILDINGS SHALL BE SPRINKLERED
WITH NFPA 13R OR NFPA 13
SPRINKLER SYSTEM

APPROVALS

KIVA #: 21-671
SDEV #: 2100088
PAPP #: 2101050
QS# : 3-35

Contact Arizona 911 at least two full
working days before you begin excavation

Call 911 or click Arizona911.com

NWC 36TH STREET & SOUTHERN
3530 E. SOUTHERN AVENUE, PHOENIX, ARIZONA 85040

PRELIMINARY SITE PLAN



3engineering
civil engineering
planning
surveying

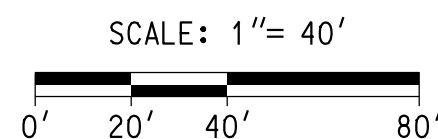
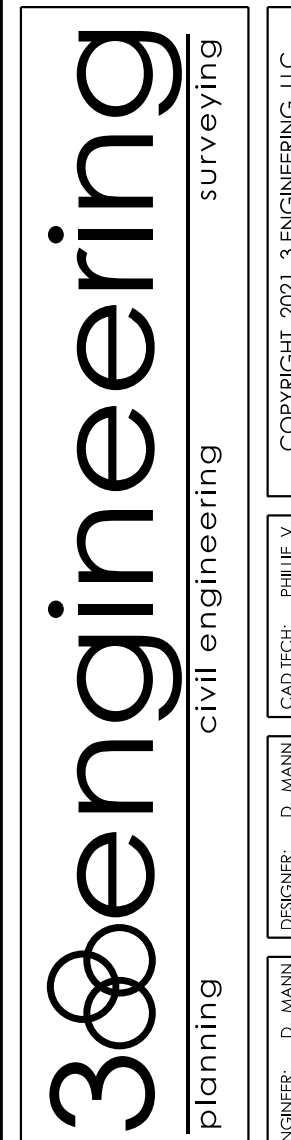
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DESIGNER: D. MANN
ENGINEER: D. MANN

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PHONE: (602) 334-4387
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WWW.3ENGINEERING.COM

DATE: 10/14/21

PROJECT NO.
1993

SHEET NO.
PSP01
1 of 2



REPORT OF PLANNING HEARING OFFICER ACTION
Mr. Adam Stranieri, Planner III, Hearing Officer
Bradley Wylam, Planner I, Assisting

October 20, 2021

ITEM NO: 5	
	DISTRICT 8
SUBJECT:	
Application #:	PHO-1-21--Z-69-08-8
Location:	Northwest corner of 36th Street and Southern Avenue
Existing Zoning:	C-1
Acreage:	5.0
Request:	1) Modification of Stipulation 1 regarding general conformance with the site plan and elevations date stamped July 3, 2008. 2) Technical corrections to Stipulations 4 and 5.
Applicant:	Avenue North
Owner:	Hermes, Inc.
Representative:	Benjamin Tate, Withey Morris PLC

ACTIONS

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended approval with a modification and additional stipulations.

Village Planning Committee (VPC) Recommendation: The South Mountain Village Planning Committee heard this case on October 12, 2021 and recommended denial as filed and approval with a modification and an additional stipulation by a vote of 9-0-1.

DISCUSSION

Benjamin Tate, representative with Withey Morris, provided an overview of the original rezoning case and the PHO request. He stated the request to modify Stipulation 1 regarding general conformance with the site plan and elevations will retain the MUA landscaping standards as desired by the South Mountain Village Planning Committee (VPC). He noted that the VPC recommended additional stipulations regarding the elevations to include enhanced architectural standards. He stated that the stipulation was intended to address the street-facing sides of each building.

Adam Stranieri, Planning Hearing Officer, stated there were no concerns regarding the intensity, use, or layout provided on the proposed site plan. He reviewed the language recommended by the VPC regarding elevations and

design guidelines. Ryan Hartman, representative with Avenue North, stated they are comfortable with the language as recommended by the VPC. Mr. Stranieri asked for clarification regarding the proposed language of Stipulation 1 regarding MUA standards. Mr. Tate stated the intent of the proposal is to follow the landscaping standards per the MUA zoning district, but not the common open space standards which require 25% open space. Mr. Stranieri noted that he proposes that the content regarding MUA landscaping standards be separated from the other language in Stipulation 1 regarding conformance with the site plan. He stated that the Archaeology Department recommends additional stipulations regarding archaeologically sensitive areas. He stated that the Street Transportation Department recommends an additional stipulation regarding bicycle parking.

FINDINGS

- 1) The stipulated site plan depicts a large-scale, mixed-use development consisting of two approximately 20,000 square foot buildings providing ground-floor retail space and second-floor office uses. Proposed buildings were two stories and 30 feet in height. The project did not develop, and the property remains vacant. The proposed site plan depicts a multifamily residential development consisting of 47 units at a density of 9.39 dwelling units per gross acre. The buildings are two stories and approximately 28 feet in height. Proposed open space is approximately 5.3%. The proposal is compatible with the diverse land uses in the surrounding area. Immediately to the east is a large amount of employment-generating Commerce Park type uses. To the north are existing single-family residences and a planned multifamily development. To the south are extensive agricultural uses. To the west is a mixture of single-family, multifamily, and agricultural uses.
- 2) The applicant's request for modification of Stipulation 1 regarding general conformance and additional standards is recommended for approval with a modification and additional stipulations.

The first modification is to remove the general conformance requirement for conceptual elevations. See Finding #3 for detailed discussion regarding elevations.

The second modification is to remove the requirement for specific regard to the quantity and location of open space. In the original rezoning case, this stipulation was established to require that the developer provide common open space consistent with the MUA district, which requires a minimum 25% of the net site area of a mixed-use development to be set aside as open space accessible to the public. There is no comparable standard in the C-1 zoning district. Additionally, this standard would not apply to a multifamily development in the MUA district. The applicant's

request is consistent with the R-3 zoning district, which requires a minimum 5% of the gross area be provided as common area. The applicant is proposing 5.3%. Therefore, this existing language is no longer relevant to the current proposal.

The third modification is to relocate existing stipulation language, regarding compliance with MUA landscaping standards for quantity and type of landscape materials and parking lot landscaping standards, to a new stand-alone stipulation. These requirements are unrelated to the site plan and should be separated from the content of Stipulation 1.

- 3) The South Mountain Village Planning Committee recommended two additional stipulations regarding elevations that are recommended for adoption. The Committee expressed concerns regarding design continuity on all building sides and a lack of architectural detailing and features. Specifically, these concerns were centered around rear elevations, given that the proposed conceptual site plan depicts many units backing to the public right-of-way along 36th Street and Southern Avenue. These stipulations establish enhanced requirements regarding exterior finishes and four-sided architecture. They address the Committee's concerns regarding these issues and the additional stipulations will allow the applicant and staff flexibility to modify the conceptual elevations to incorporate additional enhancements, particularly on the rear of the buildings.
- 4) The Street Transportation Department recommends an additional stipulation regarding required bicycle parking. This stipulation is recommended for inclusion. The subject site is in proximity to identified multi-use trails along the east side of 36th Street, west side of 32nd Street, and Vineyard Road. The development site is abutting bike lanes along Southern Avenue and along other nearby streets (i.e., 32nd Street, 40th Street, Roeser Road). In addition, the subject site is less than a mile from the Western Canal which offers regional multi-modal connections. Bicycle infrastructure supports the established and future planned multi-modal network and promotes the goals of the City Council approved Complete Streets Policy.
- 5) The site is identified as archaeologically sensitive and two additional stipulations are recommended to be included to address requirements for archaeological survey and testing.

STIPULATIONS

1.	That The development shall be in general conformance to WITH the site plan and elevations date stamped July 3, 2008 OCTOBER 18, 2021, AS MODIFIED BY THE FOLLOWING STIPULATIONS with specific regard to
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	the amount and location of the common open space, however, the development shall follow the Mixed Use Agriculture (MUA) zoning district standards pertaining to quantity and type of landscape materials, and the parking lot landscaping standards, as AND approved by the PLANNING AND Development Services Department.	
2.	THE DEVELOPMENT SHALL COMPLY WITH MIXED-USE AGRICULTURAL (MUA) ZONING DISTRICT STANDARDS PERTAINING TO QUANTITY AND TYPE OF LANDSCAPE MATERIALS AND PARKING LOT LANDSCAPING STANDARDS, AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.	
3.	BUILDING ELEVATIONS SHALL BE DEVELOPED TO THE FOLLOWING STANDARDS, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.	
	A.	BUILDING ELEVATIONS SHALL CONTAIN MULTIPLE COLORS, EXTERIOR ACCENT MATERIALS AND TEXTURAL CHANGES THAT EXHIBIT QUALITY AND DURABILITY SUCH AS BRICK, STONE, COLORED TEXTURED CONCRETE OR STUCCO, TO PROVIDE A DECORATIVE AND AESTHETIC TREATMENT.
	B.	ALL BUILDING ELEVATIONS SHALL CONTAIN ARCHITECTURAL EMBELLISHMENTS AND DETAILING SUCH AS TEXTURAL CHANGES, PILASTERS, OFFSETS, RECESSES, VARIATION IN WINDOW SIZE AND LOCATION, AND/OR OVERHANG CANOPIES.
4.	THE DEVELOPER SHALL PROVIDE SECURED BICYCLE PARKING FOR RESIDENTS AT A MINIMUM RATE REQUIRED BY CHAPTER 13, SECTION 1307.H FOR MULTI-FAMILY DEVELOPMENT, 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. 2.	That If any archaeological materials are encountered during construction, the contractor shall cease all ground disturbing activities within 33 feet of the discovery and notify the City of Phoenix Archaeology Office immediately to allow time to properly assess the materials.	
8. 3.	That The property owner shall record documents that disclose the existence and operational characteristics of Phoenix Sky Harbor International 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 that have been reviewed and approved by the City Attorney.	
9. 4.	That The following street transportation improvements shall be provided and approved by the PLANNING AND Development Services Department:	
	a.	Right-of-way totaling 60 feet shall be dedicated for the north half of Southern Avenue.
	b.	Right-of-way totaling 30 feet shall be dedicated for the west half of 36th Street.
	c.	A 25 foot by 25 foot right-of-way triangle shall be dedicated at the northwest corner of 36th Street and Southern Avenue
10. 5.	The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, landscaping, and other incidentals as per plans approved by the PLANNING AND Development Services Department. All improvements shall comply with all ADA accessibility standards.	
11.	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. Please contact the Planning and Development Department, Angie Holdsworth, at voice number 602-495-5622 or TTY use 7-1-1.

Chairwoman Daniels asked for an applicant response, further discussion, or a motion.

MOTION:

Mr. Brownell motioned to approve case PHO-1-21—Z-142-03-7(8) as filed. **Mr. Brooks** seconded the motion to approve.

VOTE:

10-0, motion passed; Members Aldama, Brooks, Brownell, Busching, Marchuk, Muhammad, Shepard, Smith, Viera and Daniels in favor. None in dissent.

- 7) **PHO-1-21--Z-69-08-8**: Presentation, discussion, and possible recommendation regarding a request to modify stipulations of entitlement for the property located at the northwest corner of 36th Street and Southern Avenue. Request to modify Stipulation No. 1 regarding general conformance to the site plan and elevations date stamped July 3, 2008. Technical corrections to Stipulation Nos. 4 and 5.

No members of the public registered to speak on this item.

Enrique Bojórquez, staff, introduced himself and provided a presentation on this case noting the location of the site, existing zoning, and proposed use. The requested modification to the case stipulation for Z-69-08-8 were presented and the new proposed site plan plus building elevations were shown. He then invited the applicant to provide a brief presentation to the committee.

Benjamin Tate, with Whitey Morris PLC, introduced himself as the applicant and discussed the location of the site, surrounding uses, and existing site conditions. A history of the site was provided, followed by the new proposed site plan and elements within that plan which were modified slightly from the site plan provided to the committee. Renderings of the proposed site were shown, and the requested stipulation modification was presented. Elements from the General Plan were discussed, and the presentation was concluded.

Greg Brownell stated that the building elevations look very plain and cheap with the materials depicted. The partnership with Tiger Mountain Foundation is good, but he does not know how the relationship will continue. He discussed the landscaping and adding a new stipulation to allow flexibly with the spacing of trees. **Mr. Tate** responded that he would be concerned with adding a stipulation that might have unintended consequences regarding the landscaping but appreciates the suggestion.

Mr. Brownell stated that the stipulation can remain, but the applicant should work with a certified arborist to determine the spacing of the trees. **Mr. Tate**

responded that he prefers to not over-regulate the standards, as it makes sense from a practical perspective. He discussed the repositioning of retail uses and critical mass in the area.

Emma Viera asked if drought-tolerant trees could be used. **Mr. Tate** responded that tree species from the Mixed-Use Agricultural (MUA) zoning district were required per the previous stipulation on the case.

Dr. Viera asked staff if drought-tolerant tree species were required, as some of the tree species proposed are not appropriate due to high-water usage. **Mr. Bojórquez**, responded that drought-tolerant plant species are typically required along perimeter landscaping, but in this case, the previous stipulation requires landscaping to adhere to the MUA zoning district plant list. The committee could vote to change this stipulation.

Emma Viera asked if cool pavement could be used in this project. **Ryan Hartman**, with Avenue North, responded that this had not been considered but he can look into this.

Fatima Muhammad Roque asked if there were other community gathering areas besides the pool. **Mr. Tate** responded that the focus was to create open space areas where someone can recreate. He discussed the sidewalk along 36th Street that will connect residents to Esteban Park, north of the site.

Ms. Muhammad asked if there will be a clubhouse for residents to use and how far is Esteban Park from this site. **Mr. Tate** responded that a barbecue area, ramada and pool were some of the amenities provided. This for-rent community is planned to feel like a townhome community.

Ms. Muhammad asked the following questions to the applicant:

- Why was a clubhouse not provided?
- How many parking spaces will there be on the site?
- Are any balconies proposed?
- Where is your surface water retention area located?

Mr. Tate responded that the project is intended to feel like a townhome community where it is convenient for residents to walk back to their home. The site plan proposed exceeds the required number of parking stalls and no balconies are proposed since adjacent to the existing residential community.

Mr. Hartman discussed the required parking and stated that water retention will be along open space areas.

Ms. Muhammad asked if a traffic signal light will be required. **Mr. Tate** responded that a traffic signal warrant analysis was done for the project to the north, but not traffic light was warranted.

Ms. Muhammad asked for an update regarding public outreach. **Mr. Tate** stated that a series of conversations with the adjacent HOA had taken place, and a letter of support was issued for this project by the HOA.

Ms. Muhammad asked for clarification on the location of electric charging stations. **Mr. Tate** responded that these will be inside the garages.

Mr. Hartman added that they may install electrical wiring in other parking areas in case electric charging stations are placed there in the future.

Ms. Muhammad asked what the market-rate for these units and planned project completion date is. **Mr. Hartman** responded that 85 units took about 24 months to build nearby, thus expects this project to take 15 to 18 months or early 2022 to break ground.

Ms. Muhammad asked the following questions:

- Has a community benefit agreement been considered?
- What will be your application process and fees?
- Have you considered setting aside several units to help members in the community?

Mr. Tate responded that the operator must be careful with Fair Housing Laws. **Mr. Hartman** added that at their 18th Street and Baseline Road project, they refund fees to people who have previous convictions. Application fees usually cover the cost associated with processing the application.

Ms. Muhammad asked how rent deposits were handled. **Mr. Hartman** responded that usually one-months rent is required, but there are great programs that renters can use to get further assistance.

Ms. Muhammad asked if these rental assistance programs were part of the application process. **Mr. Hartman** discussed the management of the property and providing housing for people.

Ms. Muhammad asked for clarification on the square footage of the buildings. **Mr. Hartman** discussed the square footage and floor plans. These will be three-bedroom units proposed on this site.

Vice Chair Marchuk thanked the applicant for their work. He asked if elevation enhancements were considered. He asked staff to display stipulation language on the screen regarding building elevation enhancements.

Mr. Hartman is happy to incorporate the stipulation language, but also must consider the cost associated with it. He will work with his team to update the building elevations.

Vice Chair Marchuk stated that he wants the building elevations to look appealing. **Mr. Tate** accepted the stipulation proposed.

Mr. Hartman would like to keep a solid wall along Southern Avenue but can incorporate some view fencing along the 36th Street frontage. **Vice Chair Marchuk** agrees with this proposal.

Mr. Hartman discussed fencing changes.

Vice Chair Marchuk discussed the community and changes to the site plan.

Ms. Muhammad is concerned with impacts to elderly or disabled persons due to the two-story design of the community. **Mr. Hartman** responded that his company owns other communities in the area with one-story floor plans that could be offered.

Chairwoman Daniels stated that the building elevations could be improved. But that the new stipulation will help improve these elevations. She discussed the community.

MOTION:

Ms. Busching motioned to approve case PHO-1-21—Z-69-08-8 as filed with a modification to Stipulation No.1 and an additional stipulation. **Ms. Shepard** seconded the motion to approve.

Modification to Stipulation No. 1:

1. That the development shall be in general conformance to the site plan ~~and elevations~~ date stamped August 12, 2021, with specific regard to the amount and location of the common open space, however, the development shall follow the Mixed Use Agriculture (MUA) zoning district standards pertaining to quantity and type of landscape materials, and the parking lot landscaping standards, as approved by the Planning and Development Department.

Additional Stipulation No. 2:

2. New building elevations shall be developed to the following standards, as approved by the Planning and Development Department:

- a. Building elevations shall contain multiple colors, exterior accent materials and textural changes that exhibit quality and durability such as brick, stone, colored textured concrete or stucco, to provide a decorative and aesthetic treatment, as approved by the Planning and Development Department.
- b. All building elevations shall contain architectural embellishments and detailing such as textural changes, pilasters, offsets, recesses, variation in window size and location, and/or overhang canopies, as approved by the Planning and Development Department.

VOTE:

9-0-1, motion passed; Members Brooks, Brownell, Busching, Marchuk, Muhammad, Shepard, Smith, Viera and Daniels in favor; None in dissent; Member Aldama abstained.

- 8) **Z-TA-3-19:** Presentation, discussion, and possible recommendation regarding a request to amend Chapters 3, 5 and 13 of the Phoenix Zoning Ordinance to expand the Walkable Urban (WU) Code boundaries citywide and amend Appendix A - Zoning Fee Schedule to include fees for WU Code Transect Districts and administrative temporary use permits.

Two members of the public registered to speak on this item.

Enrique Bojórquez, staff, introduced himself and provided a presentation on this citywide text amendment case Z-TA-3-19. He provided a summary of the request involving the expansion of the Walkable Urban (WU) code applicability area, noting the existing boundaries where WU code is available today. He discussed the need for this text amendment given the expansion of mass-transit to other parts of the city. The various WU Code Transects were explained, providing examples of low, medium and high-intensity transects. This proposal would allow property owners to rezone to WU Code citywide and update standards regarding single-family attached standards outside of TOD areas. This proposal does not rezone any property, does not modify the current rezoning process, does not modify the applicability or standards of adopted City policy plans including TOD District plans. Addendum A of the staff report revises applicability of regulatory overlay districts and plans, plus adds Administrative Temporary Use Permit fees. An overview of existing zoning tools, rezoning evaluation process and impacts was provided. Staff recommends