

## ATTACHMENT C

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

June 12, 2024

ITEM NO: 6	
	DISTRICT NO. 8
SUBJECT:	
Application #:	<b>PHO-2-24--Z-69-08-8</b>
Location:	Northwest corner of 36th Street and Southern Avenue
Zoning:	C-1
Acreage:	5.00
Request:	1) Request to modify Stipulation 1 regarding general conformance with the site plan date stamped October 18, 2021. 2) Request to modify Stipulation 4 regarding the number of bicycle parking spaces.
Applicant:	Taylor C. Earl, Earl & Curley, PC
Owner:	Ryan Hartman, 36th St & Southern NWC, LLC
Representative:	Taylor C. Earl, Earl & Curley, PC

#### **ACTIONS:**

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

Village Planning Committee (VPC) Recommendation: The South Mountain Village Planning Committee heard the request on June 11, 2024 and recommended approval with modifications and additional stipulations by a vote of 13-0-1.

#### **DISCUSSION:**

Taylor Earl, representative of Earl & Curley PC 3101 North Central Avenue, gave an overview of the modification requests. He stated the village added language to stipulate the plan as it relates to the site plan and landscape plan layout. He stated there will not be any fundamental change to the community with the new plans. He stated the VPC added a stipulation regarding sidewalks that they agreed to.

Byron Easton, Planning Hearing Officer, asked Mr. Earl if he was aware that the there was general conformance to the landscape plan.

Mr. Earl stated it was discussed at the VPC meeting and they were ok with general conformance to the landscape plan.

Mt. Easton recommended approval with a modification to Request 1. He recommended approval with a modification to Request 2. He recommended an additional stipulation per the VPC regarding a minimum 5-foot landscape strip between the sidewalk and back of curb.

### **FINDINGS:**

- 1) The request to modify Stipulation 1 regarding general conformance to a site plan is recommended to be approved with a modification to incorporate the correct date stamp/submittal date.

As planned, there are two parcels that will be developed with a single-family townhome development with opportunities for home ownership. Parcel A and Parcel B were the subjects of two separate zoning cases and have two separate PHO applications. This case, PHO-2-24--Z-69-08-8, is for the southern Parcel A and will feature 40 townhomes, with a gross density of 8.0 dwelling units per acre. 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. This is consistent with the stipulated site plan that featured a multifamily rental product with a very similar layout, height and density.

- 2) The request to modify Stipulation 4 regarding required the number of required bicycle parking spaces is recommended to be approved with a modification. The phrasing of the original stipulation makes sense for a traditional multifamily development however, the residents of this townhome community will all have garages, backyards and first-floor living space to store their bicycles. The applicant is still proposing the installation of four bicycles parking spaces to accommodate anyone cycling to the open space area.
- 3) The South Mountain Village Planning Committee recommended additional stipulations regarding detached sidewalks along 36<sup>th</sup> Street and a requirement to review future building elevations prior to final site plan approval. These stipulations are intended to address concerns raised by the public and the VPC in regard to the future attractiveness of the development and proposed housing product.

### **STIPULATIONS:**

1.	The development shall be in general conformance with the site plan date stamped APRIL 25, 2024 AND THE LANDSCAPE PLAN DATE STAMPED JUNE 11, 2024 <del>October 18, 2024</del> , as modified by the following stipulations and approved by the Planning and Development 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 4 secured bicycle parking SPACES for residents <del>at a minimum rate required by Chapter 13, Section 1307.H for multi-family development</del> , 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 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.	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.	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.	The following street transportation improvements shall be provided and approved by the Planning and Development 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 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 Department. All improvements shall comply with all ADA accessibility standards.	
11.	THE PUBLIC SIDEWALK ALONG 36TH STREET SHALL BE DETACHED WITH A MINIMUM FIVE-FOOT WIDE LANDSCAPED STRIP LOCATED BETWEEN THE SIDEWALK AND BACK OF CURB AND PLANTED TO THE FOLLOWING STANDARDS, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT:	
	A.	MINIMUM 3-INCH CALIPER LARGE CANOPY, SINGLE-TRUNK, SHADE TREES PLANTED A MINIMUM OF 25 FEET ON CENTER OR IN EQUIVALENT GROUPINGS TO PROVIDE SHADE TO A MINIMUM 75 PERCENT OF THE SIDEWALK.
	B.	DROUGHT TOLERANT VEGETATION DESIGNED TO GROW TO A MAXIMUM MATURE HEIGHT OF 24 INCHES AND ACHIEVE 75 PERCENT LIVE COVERAGE.
	WHERE UTILITY CONFLICTS EXIST, THE DEVELOPER SHALL WORK WITH THE PLANNING AND DEVELOPMENT DEPARTMENT ON ALTERNATIVE DESIGN SOLUTIONS CONSISTENT WITH A PEDESTRIAN ENVIRONMENT.	

12.	BUILDING ELEVATIONS SHALL BE PRESENTED FOR REVIEW AND COMMENT TO THE SOUTH MOUNTAIN VILLAGE PLANNING COMMITTEE PRIOR TO FINAL SITE PLAN APPROVAL.
13. <del>14.</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.

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