

ATTACHMENT B

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

June 12, 2024

ITEM NO: 1	
	DISTRICT NO. 4
SUBJECT:	
Application #:	PHO-1-24--Z-22-23-4 (Continued from May 15, 2024)
Location:	Southwest corner of 8th Street and Minnezona Avenue
Zoning:	C-2, P-1
Acreage:	0.68
Request:	1) Request to modify Stipulation 16 regarding landscape area. 2) Request to delete Stipulation 18 regarding right-of-way dedication for 8th Street.
Applicant:	TJ Owens, Owens Design Consultants, Inc.
Owner:	Ryan Mckenzie, DHM Trading LLC
Representative:	TJ Owens, Owens Design Consultants, Inc.

ACTIONS:

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

Village Planning Committee (VPC) Recommendation: The Camelback East Village Planning Committee chose not to review the request.

DISCUSSION:

TJ Owens, representative of Owens Design Consultants, Inc, gave an overview of the site and modification requests. He stated they want to replace the word “setback” with “area” in Stipulation 16 as they are providing adequate landscaping throughout the site. He stated the second request was needed is it would impact both the site and lots 2 and 4 across 8th Street. He stated they were going to replat the site and combine lots 1,3 and 5. He stated the street improvements will affect the homes across the street and affect the site’s parking requirements. He stated another problem they faced is the landscaping on the adjacent SRP property.

Mike Rose, 1423 East Zion Way, Chandler, Arizona 85249, stated he is the project manager. He has been working with Jason Lindsey regarding the cul-de-sac and stated there have been some internal conversations between City of Phoenix staff.

Byron Easton, Planning Hearing Officer, stated he is aware of the conversations and had the comments in front of him. Mr. Easton asked Mr. Owens if they planned on expanding the existing building on the site. Mr. Owens stated they were not going to expand the existing building but add some storage containers that will act as a bar and kitchen. He stated the parking requirements was an accumulated parking analysis including the expansions, outdoor dining, and recreation area.

Mr. Easton stated the SRP landscaping requirement is an offsite landscape requirement and does not count towards their landscape requirement for the site. He asked Mr. Owens to clarify the total amount and location of all landscaping indicated on the site plan. Mr. Owens stated the P-1 zoned property does not have any landscaping requirements although there is conflict with the Zoning Ordinance, indicating it states no landscape requirement is required and other says a 15-foot minimum is required, causing confusion.

Mr. Easton asked if they are willing to provide the 10-foot landscaping from the property line on the south side of the site. Mr. Owens stated yes it can be provided.

Mr. Easton stated for the record the applicant will adhere to the site plan indicating the 10-foot landscape setback along the southeast corner of the site. He recommended approval to Request 1 as the applicant confirmed that 650 square foot perimeter landscape is shown on the site plan. He recommended approval to Request 2 as the Streets Department is amenable to removing Stipulation 18.

FINDINGS:

- 1) The request to modify Stipulation 16 regarding the landscape setback is approved with a modification to delete the stipulation in its entirety. The abundance of landscaping on the site due to adjacent SRP canal landscape requirements, the 22' landscape buffer from the paved canal path and the extensive perimeter landscape setbacks properly mitigates the impact of this proposed development as shown on the Site Plan date stamped March 18, 2024.

To avoid conflict with Stipulation 17, I am supporting the removal of this stipulation only if the applicant is providing the landscaping as shown on the Site Plan. The applicant has ensured that the landscaping will be provided both verbally, during the hearing and via the submitted Site Plan date stamped March 18, 2024.

- 2) The request to delete Stipulation is approved. The Street Transportation Department is amenable to remove Stipulation #18 and allow the

requirement established by city code Article III, Section 32-27(A)(3) pertaining to the termination of dead-end roads, to be enforced through the site planning process.

STIPULATIONS:

Overall Site		
1.	A minimum of 10% of the required parking spaces shall be EV ready.	
2.	Where pedestrian walkways cross a vehicular path, the pathway shall be constructed of decorative pavers, stamped, or colored concrete, or other pavement treatments that visually contrasts parking and drive aisle surfaces, as approved by the Planning and Development Department.	
3.	Pedestrian walkways shall be shaded by a structure, landscaping at maturity, or a combination of the two to achieve a minimum of 75% shade, measured at summer solstice at noon as shown on a shading study, as approved by the Planning and Development Department.	
4.	A minimum 5-foot-wide detached sidewalk separated by a minimum 6-foot-wide landscape strip located between the back of curb and sidewalk shall be constructed along the south side of Minnezona Avenue, planted to the following standards as approved by the Planning and Development Department.	
a.	Minimum 2-inch caliper single-trunk large canopy drought-tolerant shade trees planted 20 feet on center or in equivalent groupings.	
b.	Drought tolerant shrubs, accents, and vegetative groundcovers to achieve a minimum of 75% live vegetative ground coverage at maturity.	
5.	All streets within and adjacent to the development shall be constructed with paving, curb, gutter, sidewalk, curb ramps, streetlight, 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.	
6.	Landscape areas adjacent to the Grand Canal pathway shall be planted to the following standards and maintained with a watering system, as approved by the Planning and Development Department.	
a.	Minimum 2-inch caliper single-trunk large canopy drought-tolerant shade trees planted 20-feet on center or in equivalent groupings.	

	b.	Drought tolerant shrubs, accents, and vegetative groundcovers to achieve a minimum of 75% live vegetative ground coverage at maturity.
		Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.
7.		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.
8.		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.
9.		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.
10.		This parcel is in a Special Flood Hazard Area (SFHA) called Zone A, on panel 1740L of the Flood Insurance Rate Maps (FIRM) dated October 16, 2013. The following requirements shall apply, as approved by the Planning and Development Department.
	a.	The Architect/Engineer is required to show the floodplain boundary limits on the Grading and Drainage plan and ensure that impacts to the proposed facilities have been considered, following the National Flood Insurance Program (NFIP) Regulations (44 CFR Paragraph 60.3). This includes, but not limited to provisions in the latest versions of the Floodplain Ordinance of the Phoenix City Code.
	b.	A copy of the Grading and Drainage Plan shall be submitted to the Floodplain Management section of Public Works Department for review and approval of Floodplain requirements.
	c.	The developer shall provide a FEMA approved CLOMR-F or CLOMR prior to issuance of a Grading and Drainage permit or provide floodplain mitigation measures such as, but not limited to, floodproofing all structures (permanent or non-permanent) to an

		elevation of one foot above the base flood elevation and use flood resistant materials, as approved by the Floodplain Management section of the Office of the City Engineer.
11.	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.	
C-2 Zoned Area (General Commercial District)		
12.	An 8-foot-wide shaded pedestrian pathway shall be constructed of decorative material such as brick, pavers or alternative material with access to the Grand Canal Trail shall be provided, as approved by the Planning and Development Department.	
13.	Bicycle infrastructure shall be installed as described below and as approved by the Planning and Development Department.	
	a.	Secured bicycle parking shall be provided at a rate of four spaces and shall be installed as per the requirements of Section 1307.H of the Phoenix Zoning Ordinance as approved by the Planning and Development Department.
	b.	A bicycle repair station ("fix it station") shall be provided and maintained on site within an amenity area or near a primary site entrance. The bicycle repair station ("fix it station") shall be provided in an area of high visibility and separated from vehicular maneuvering areas, where applicable. The repair station shall include, but not be limited to:
	i.	Standard repair tools affixed to the station.
	ii.	A tire gauge and pump affixed to the base of the station or the ground.
	iii.	A bicycle repair stand which allows pedals and wheels to spin freely while making adjustments to the bike.
	c.	A minimum of 10% of the required bicycle parking spaces shall include 120-volt receptacles for electric bicycle charging capabilities.
P-1 Zone Area (Passenger Automobile Parking, Limited)		

14.	A minimum 5-foot-wide detached sidewalk, separated by a minimum 6-foot-wide landscape strip located between the back of curb and sidewalk, shall be provided along 8th Street connecting the existing sidewalk from Minnezona Avenue to the Grand Canal trail, planted to the following standards, as approved by the Planning and Development Department.	
	a.	Minimum 2-inch caliper single-trunk large canopy drought-tolerant shade trees planted 20-feet on center or in equivalent groupings.
15.	A minimum 10-foot-wide landscape setback shall be provided along the north and east property lines, planted to the following standards, as approved by the Planning and Development Department.	
	a.	Minimum 2-inch caliper single-trunk large canopy drought-tolerant shade trees planted 20-feet on center or in equivalent groupings.
	b.	Drought tolerant shrubs, accents, and vegetative groundcovers to achieve a minimum of 75% live vegetative ground coverage at maturity.
16.	A minimum 5, average 10 foot wide landscape setback shall be provided from the south property line.	
16. 17.	A minimum 10% of surface parking lot area, exclusive of perimeter landscape setbacks, shall be landscaped and planted with minimum 2-inch caliper, large canopy, drought-tolerant shade trees, dispersed throughout the parking area to achieve a minimum of 25% shade at maturity, measured at summer solstice at noon as shown on a shading study, as approved by the Planning and Development Department.	
18.	Right of way shall be dedicated for the west half of 8th Street for a half-radius 45-foot radius cul-de-sac dedication at its southern termination.	

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