

ATTACHMENT B

REPORT OF PLANNING HEARING OFFICER ACTION

Byron Easton, Planner III, Hearing Officer

Teresa Garcia, Planner I, Assisting

October 18, 2023

ITEM NO: 2	
	DISTRICT NO. 4
SUBJECT:	
Application #:	PHO-1-23--Z-168-05-4
Location:	Approximately 226 feet south of the southwest corner of 29th Avenue and Camelback Road
Zoning:	R1-6, Approved R-3
Acreage:	2.48
Request:	1) Request to modify Stipulation 1 regarding general conformance to the site plan and elevations date stamped November 7, 2005. 2) Request to delete Stipulation 2 regarding landscaping requirements. 3) Request to delete Stipulation 3 regarding architectural detail and landscaping
Applicant:	Zachary T. Kilgas, Hamilton Architecture
Owner:	Roman Catholic Diocese of Phoenix
Representative:	Zachary T. Kilgas, Hamilton Architecture

ACTIONS:

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended denial as filed, approved with modifications and additional stipulations.

Village Planning Committee (VPC) Recommendation:

The Alhambra Village Planning Committee reviewed the request on September 26, 2023. The VPC had no quorum.

DISCUSSION:

Zachary Kilgas, Hamilton Architecture 4643 North 12th Street, Suite 105, gave an overview of the site and the surrounding zoning. He gave an overview of the history of the site, stating the previous owner was intending to build multifamily units in 2006. He stated that the Roman Catholic Diocese of Phoenix purchased

the property and wanted to develop a Newman Center, which is why the modification requests were made.

Mr. Easton asked what the distance between the grouping of trees in the proposed landscaping plan were.

Mr. Kilgas stated they are closer than 20 feet. He stated the original stipulation was a little vague and was not clear on if it meant from street frontage.

Mr. Easton stated there was no public correspondence regarding this case. He stated that the Alhambra VPC had no quorum at their September 26, 2023 meeting. He recommended approval for Stipulation 1 regarding general conformance to the site plan and elevations date stamped November 7, 2005. He stated that the development will be in general conformance with site plan and elevations date stamped July 31, 2023.

Teresa Garcia, Planning Hearing Officer Assistant, stated the site plan and elevations submitted by the applicant was date stamped August 11, 2023.

Mr. Easton stated that the development will be in general conformance with site plan and elevations date stamped August 11, 2023. He recommended denial to delete Stipulation 2 regarding landscaping requirements. He stated the stipulation is standard to most developments. He agreed with the applicant that they will meet the stipulation and does not feel the need to remove it. He recommended approval to delete Stipulation 3 regarding architectural detail and landscaping. He stated that the development will not contain any garage doors or multifamily aspects, making it non-applicable. He stated there were additional stipulations added by the Streets Department. He stated the first new stipulation is a cross axis agreement shall be recorded between APNs 154-06-001 and 154-16-001B prior to preliminary site plan approval. He stated the second new stipulation is access control along Camelback Road shall be restricted to a singular right-in/right-out only driveway between APNs 154-06-001A and 154-16-001B, as approved by the Planning and Development Department. He stated the last new stipulation is vehicular access onto 29th Avenue shall be restricted to one access driveway and spacing shall meet Street Transportation Department Planning and Design Guidelines and located to provide minimal light and noise pollution to the single-family homes to the east, as approved by the Planning and Development Department.

Ms. Garcia confirmed the site was archaeologically sensitive.

Mr. Easton stated that the new archaeology stipulation states if determined necessary by the Phoenix Archeology Office, the applicant shall conduct Phase I data testing and submit an archeological survey report of the development area for review and approval by the City Archeologist, prior to clearing and grubbing,

landscape salvage, and/or grading approval. He stated the second new stipulation states if Phase I data testing is required and if upon review of the results from the Phase I data testing, the City Archeologist, in consultation with a qualified archeologist, determines such data recovery excavations are necessary. The applicant shall conduct Phase 2, archeological data recovery excavations. He stated the third new stipulation states in the event archeological materials are encountered during construction, the developer shall immediately cease all ground disturbing activities within a 33' radius of the discovery. Notify the City Archeologist and allow time for the Archeology Office to properly access the materials. He stated the applicant submitted a Proposition 207 waiver; therefore a stipulation is not needed.

Mr. Kilgas had no comments regarding the recommendations.

FINDINGS:

- 1) The request for modification of Stipulation 1 is approved. The request for review and approval of conceptual site plan and elevations per Stipulation 1 has been complied with. The recommendation is therefore to approve the plan and modify the existing Stipulation 1 to replace the existing language with a standard language general conformance stipulation to the site plan.
- 2) The request to delete the language in Stipulation 2 is denied. This stipulation is standard to most developments and if the Site Planning Division has updated their landscaping standards, it will be addressed during the Site Plan approval process.
- 3) The request to delete Stipulation 3 is recommended for approval. The proposal dated November 7, 2005 was for a multi-family development of 3-story townhomes. The project does not contain any garage doors and is not a residence; therefore, the stipulation is not applicable to the project.
- 4) The intersection of 29th Avenue and Camelback Road is identified for a future traffic signal location. The subject sites frontage does not meet spacing requirement from 29th Avenue OR Camelback frontage road to the west for a driveway location. In these circumstances, we don't allow driveways along that frontage OR permit restricted driveways (right-in/right-out only). The subject site's property frontage along Camelback Road does not have enough frontage (40 feet) to construct a restricted driveway (70-feet needed). This site was rezoned as one property, developed and access control will need to be considered for the entire site and shared access will be needed to permit access from Camelback Road to 29th Avenue.

- 5) The subject site is adjacent to front facing single-family homes. To reduce light and noise pollution from added activity, we are requesting the one-driveway be provided and that it be placed to reduce impacts onto single family homes to the east.

STIPULATIONS:

1.	That THE development shall be in general conformance WITH to the site plan and elevations date stamped AUGUST 11, 2023 November 7, 2005 AS APPROVED OR MODIFIED BY and the following stipulations AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
2.	That landscaping shall include minimum three inch caliper trees spaced 20 feet on center or in appropriate groupings, as approved or modified by the Development Services Department.
3.	That in the area between garage doors the building façade shall include faux stone veneering on the first level and a landscape planting including a minimum of one shrub.
3.	A CROSS ACCESS AGREEMENT SHALL BE RECORDED BETWEEN THE APN NOS. 154-06-001A AND 154-16-001B, PRIOR TO PRELIMINARY SITE PLAN APPROVAL.
4.	ACCESS CONTROL ALONG CAMELBACK ROAD SHALL BE RESTRICTED TO A SINGULAR RIGH-IN/RIGHT-OUT ONLY DRIVEWAY BETWEEN APN NOS. 154-06-001A AND 154-16-001B, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
5.	VEHICULAR ACCESS ONTO 29TH AVENUE SHALL BE RESTRICTED TO ONE ACCESS DRIVEWAY AND SPACING SHALL MEET STREET TRANSPORTATION DEPARTMENT PLANNING AND DESIGN GUIDELNES AND LOCATED TO PROVIDE MINIMAL LIGHT AND NOISE POLLUTION TO THE SINGLE-FAMILY HOMES TO THE EAST, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
6.	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.
7.	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.
8.	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.

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