

ATTACHMENT E

REPORT OF PLANNING COMMISSION ACTION September 5, 2024

ITEM NO: 14	
	DISTRICT NO.: 2
SUBJECT:	
Application #:	Z-39-24-2 (Companion Case Z-SP-1-24-2) (Continued from August 1, 2024)
Location:	Northwest corner of 34th Street and Phelps Road
From:	C-2
To:	C-2 HGT/WVR
Acreage:	2.48
Proposal:	Commercial use with a height waiver
Applicant:	Michael S. Buschbacher, II AICP, Earl & Curley, PC
Owner:	Marni Retail Partners, LLC c/o Stewart Ferber
Representative:	Taylor C. Earl, Earl & Curley, PC

ACTIONS:

Staff Recommendation: Approval, subject to stipulations.

Village Planning Committee (VPC) Recommendation:

Paradise Valley 5/6/2024 Continued to July 1, 2024. Vote: 11-0.

Paradise Valley 7/1/2024 Cancelled.

Paradise Valley 8/5/2024 Approval, per the staff recommendation (Addendum A), with an additional stipulation. Vote 15-0.

Planning Commission Recommendation: Approval, per the Paradise Valley Village Planning Committee recommendation.

Motion Discussion: N/A

Motion details: Commissioner Hu made a MOTION to approve Z-39-24-2, per the Paradise Valley Village Planning Committee recommendation.

Maker: Hu
Second: Read
Vote: 8-0
Absent: Jaramillo
Opposition Present: Yes

Findings:

1. The proposal is consistent with the General Plan Land Use Map designation.
2. The proposal is compatible with adjacent land uses and zoning.
3. As stipulated, the proposal supports efforts from various plans, policies, and initiatives, including the North 32nd Street Policy Plan, the Tree and Shade Master Plan, the Comprehensive Bicycle Master Plan, the Transportation Electrification Action Plan, the Phoenix Climate Action Plan, and Conservation Measures for New Development.

Stipulations:

1. The development shall be in general conformance with the site plan date stamped ~~April 16~~ ~~March 29~~ AUGUST 2, 2024, as modified by the following stipulations, as approved by the Planning and Development Department.
2. The development shall be in general conformance with the elevations date stamped ~~March 29~~ AUGUST 2, 2024, as approved by the Planning and Development Department.
3. The maximum building height shall be three stories and 38 feet.
4. All uncovered surface parking lot areas shall be landscaped with minimum 2-inch caliper, large canopy, drought-tolerant, shade trees. Landscaping shall be dispersed throughout the parking area and achieve 25% shade, as approved by Planning and Development Department.
5. 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.
6. All bicycle parking spaces and pedestrian pathways on site shall be shaded by a structure, landscaping, or a combination of the two to provide a minimum of 75% shade, as approved by the Planning and Development Department.
7. A minimum of four bicycle parking spaces shall be provided. Bicycle parking shall be provided through Inverted U and/or artistic racks located near the entrance of the office, or in a secured location inside the building, and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.
8. A minimum of one of the required bicycle parking spaces shall include standard electrical receptacles for electric bicycle charging capabilities, as approved by the Planning and Development Department.
9. A minimum of 15% of the required parking spaces shall include Electric Vehicle (EV) Capable Infrastructure, as approved by the Planning and Development Department.
10. A minimum of two green infrastructure (GI) techniques for stormwater management shall be implemented per the Greater Phoenix Metro Green Infrastructure and Low Impact Development Details for Alternative Stormwater Management, as approved or modified by the Planning and Development Department.
11. Only landscape materials listed in the Phoenix Active Management Area Low-Water-Use/Drought-Tolerant Plant List shall be utilized, except for existing or salvaged mature trees to remain on site, as approved or modified by the Planning and Development Department.
12. Landscaping shall be maintained by permanent and automatic/water efficient WaterSense labeled irrigation controllers (or similar smart controller) to minimize maintenance and irrigation water consumption for all onsite and offsite landscape irrigation.

13. Natural turf shall only be utilized in required retention areas (bottom of basin, and only allowed on slopes if required for slope stabilization) and functional turf areas, as approved by the Planning and Development Department.
14. Pressure regulating sprinkler heads and drip lines shall be utilized in any turf areas to reduce water waste.
15. Provide a landscape irrigation plan that includes zones to establish the amount of irrigation to apply based on maturity and type of the landscaping. Irrigation should be applied efficiently based on the maturity and need for the vegetation.
16. Unused driveways shall be replaced with sidewalk, curb and gutter. Also, any broken or out-of-grade curb, gutter, sidewalk, and curb ramps on all streets shall be replaced and all off-site improvements shall be upgraded to be in compliance with current ADA guidelines.
17. All streets within and adjacent to the development shall be constructed with paving, curb, gutter, sidewalk, curb ramps, streetlights, 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.
18. 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.
19. Prior to final 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.
20. WINDOWS FOR THE SOUTH BUILDING ELEVATION SHALL BE LIMITED TO FAUX WINDOWS.

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