

# ATTACHMENT C

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

March 19, 2025

ITEM NO: 3	
	DISTRICT NO. 2
SUBJECT:	
Application #:	PHO-1-25--Z-62-23-2
Location:	Northeast corner of 14th Street and Wahalla Lane
Zoning:	R-2
Acreage:	3.88
Request:	<ol style="list-style-type: none"><li>1) Request to modify Stipulation 1 regarding general conformance to the site plan date stamped September 13, 2023.</li><li>2) Request to modify Stipulation 7 regarding shade along pedestrian walkways and sidewalks.</li><li>3) Request to delete Stipulation 8 regarding the uncovered surface parking lot.</li><li>4) Request to delete Stipulation 9 regarding bicycle infrastructure.</li><li>5) Request to modify Stipulation 10 regarding EV Ready garages.</li></ol>
Applicant:	Chris Brown, Residential Pursuits Investments LLC
Owner:	HOH Land, LLC
Representative:	William Allison, Withey Morris Baugh, PLC

### **ACTIONS:**

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

Village Planning Committee (VPC) Recommendation: The Deer Valley Village Planning Committee heard this request on March 18, 2025 and recommended approval by a vote of 8-0.

### **DISCUSSION:**

William Allison, representative of Withey Morris Baugh PLC, 2525 East Arizona Circle Avenue, gave an overview of the site and the original rezoning case. He stated the applicant is requesting to build single family detached homes instead

of attached multi-family townhomes originally proposed in the rezoning case. He gave an overview of the proposed development and his modification requests. Byron Easton, Planning Hearing Officer, asked Mr. Allison if he received development comments regarding bike parking in the amenity areas during his pre-application meeting.

Mr. Allison said it was not addressed.

Mr. Easton recommended approval with a modification to the modification of Stipulation 1 regarding general conformance to the site plan, adding updated general conformance language. He recommended approval to the modification of Stipulation 7 regarding shade along pedestrian walkways and sidewalks as the shade study provided determined 65% of shade can be provided for the site. He recommended approval of the deletion of Stipulation 8 regarding the uncovered surface parking lot since there is no uncovered parking lot planned for site. He recommended approval of the deletion of Stipulation 9 regarding bicycle infrastructure as it is not a requirement for single-family development of this size. He recommended approval to the modification of Stipulation 10 regarding EV Ready garages as the applicant is providing garages with wiring for EV. He recommended approval with a modification.

### **FINDINGS:**

- 1) The request to modify Stipulation 1 regarding general conformance to the site plan is recommended to be approved with a modification to incorporate updated language and the date stamp of the latest submitted site plan. The new site plan necessitates an update to this stipulation. The new development is less intense in scale and intensity than the stipulated plan demonstrates.
- 2) The request to modify Stipulation 7 regarding shading along pedestrian walkways and sidewalks is recommended to be approved. A shade study provided by the applicant indicates a maximum of 65% shade can be provided.
- 3) The request to delete Stipulation 8 regarding the uncovered surface parking lot is recommended to be approved. There is no uncovered parking lot currently planned for the site.
- 4) The request to delete Stipulation 9 regarding bicycle infrastructure is recommended to be approved. Bicycle infrastructure is not a requirement for a Single-Family Residential development of this size.
- 5) The request to modify Stipulation 10 regarding EV Ready garages is recommended to be approved. The applicant is providing garages that are equipped with wiring to support EV charging.

**STIPULATIONS:**

1.	The development shall be in general conformance with the site plan date stamped JANUARY 30, 2025 <del>September 13, 2023</del> , as modified by the following stipulations and approved by the Planning and Development Department.	
2.	Maximum building height shall be 30 feet.	
3.	All required landscape setbacks shall be planted with minimum 2-inch caliper large canopy, drought tolerant shade trees, planted 20 feet on center or in equivalent groupings, as approved by the Planning and Development Department.	
4.	Landscape areas and retention areas shall be plated with minimum 2-inch caliper large canopy drought-tolerant shade trees planted 20 feet on center or inequivalent groupings, as approved by the Planning and Development Department.	
5.	The vehicular entrances to the development shall include the following elements, as approved by the Planning and Development Department:	
a.	Pedestrian pathways connecting the interior of the development to the public sidewalks along both sides of the vehicular driveway.	
b.	The entry driveway surface shall be constructed of decorative pavers, stamped or colored concrete, or another material, other than those used to pave the parking surfaces, as approved by the Planning and Development Department.	
6.	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 contrast parking and drive aisle surfaces, as approved by the Planning and Development Department.	
7.	All pedestrian walkways, including sidewalks, shall be shaded by a structure, landscaping at maturity, or a combination of the two to provide a minimum 6575% shade, as approved by the Planning and Development Department.	
8.	<del>All uncovered surface parking lot area shall be landscaped with minimum 2-inch caliper size large canopy drought tolerant shade trees. Landscaping</del>	

	<del>shall be dispersed throughout the parking area and achieve 25% shade at maturity, as approved by the Planning and Development Department.</del>
9.	<del>The development shall incorporate bicycle infrastructure as described below and approved by the Planning and Development Department.</del>
a.	<del>Bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near the amenity area 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.</del>
b.	<del>Guest bicycle parking shall be provided at a minimum rate of 0.05 spaces per unit, up to a maximum of 50 spaces, located near building entrances and within amenity areas.</del>
c.	<del>All bicycle infrastructure shall be shaded by a structure, landscaping at maturity, or a combination of the two to provide minimum 75% shade, as approved by the Planning and Development Department.</del>
d.	<del>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 standard repair tools affixed to the station, a tire gauge and pump affixed to the base of the station or the ground, and a bicycle repair stand which allows pedals and wheels to spin freely while making adjustments to the bike.</del>
e.	<del>A minimum of 10% of the required bicycle parking spaces shall include standard electrical receptacles for electric bicycle charging capabilities, as approved by the Planning and Development Department.</del>
8. 10.	<del>EACH GARAGE IN THE DEVELOPMENT SHALL BE EV READY. A minimum of 10% of the required parking spaces shall be EV Ready and a minimum of 20% shall be EV Capable.</del>
9. 11.	<del>The property owner shall record documents that disclose to prospective purchasers of property within the developments the existence of noise from the SR 101 Freeway. The form and content of such documents shall be reviewed and approved by the City prior to recordation.</del>
10.	<del>Prior to final site plan approval, the developer shall provide a qualified</del>

<del>12.</del>	engineer's report certifying the average annual interior noise exposure for any residential unit or enclosed public assembly area will not exceed 45 decibels, as approved by the Planning and Development Department.
<del>11.</del> <del>13.</del>	A noise wall shall be provided along or near the north property line, as approved by the Arizona Department of Transportation and the Planning and Development Department.
<del>12.</del> <del>14.</del>	A Red Border Letter shall be submitted to ADOT for this development prior to preliminary site plan approval.
<del>13.</del> <del>15.</del>	Complete dedications and construct knuckle design along at the terminus of 14th Street, as approved by the Street Transportation Department.
<del>14.</del> <del>16.</del>	The developer shall construct all streets within and adjacent to the development 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.
<del>15.</del> <del>17.</del>	The property owner shall record documents that disclose the existence, and operational characteristics of Deer Valley 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 which have been reviewed and approved by the City Attorney.
<del>16.</del> <del>18.</del>	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.
<del>17.</del> <del>19.</del>	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.
<del>18.</del> <del>20.</del>	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.
<del>19.</del> <del>21.</del>	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.
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