

## **Attachment B**

### **REPORT OF PLANNING HEARING OFFICER ACTION**

Adam Stranieri, Planner III, Hearing Officer

Julianna Pierre, Planner I, Assisting

October 21, 2020

ITEM NO: 2

DISTRICT 4

SUBJECT:

Application #: PHO-1-20--Z-70-18-4  
Zoning: R-4  
Location: Approximately 170 feet south of the southwest corner of 17th Street and Glenrosa Avenue  
Acreage: 0.95  
Request: 1) Modification of Stipulation 4 regarding detached sidewalks and landscaping standards along 17th Street.  
2) Deletion of Stipulation 5 regarding 3-inch caliper trees along side yards adjacent to residential zoning.  
Applicant: Ascend Properties, LLC  
Owner: Ascend Properties, LLC  
Representative: Ashley Marsh, Tiffany & Bosco, PA

### **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 opted not to hear this request.

### **DISCUSSION**

Ashley Marsh, representative with Tiffany & Bosco P.A., provided information about the history, existing conditions, and intended development at the site. She stated that the property was rezoned from R-3 to R-4 to increase the density and provide additional units on the property. She stated that the developer intended to provide new one-story units with mixed materials and a midcentury architectural style. She stated that they were asking for modification of Stipulation 4, regarding detached sidewalks and landscaping standards along 17th Street, and deletion of Stipulation 5, regarding 3-inch caliper trees along side yards adjacent to residential zoning, to accommodate numerous utility conflicts. She noted that these conflicts included new APS transformers, sewer lines, water lines, and underground retention tanks. She added that a new landscape plan was proposed with 2-inch caliper trees along the north and south sides of the property and ground cover vegetation along the south and east

sides. She clarified that despite not providing 2-inch caliper trees along 17th Street, they still intended to provide the detached sidewalk and landscape strip required by Stipulation 4.

Adam Stranieri stated that the Zoning Ordinance has minimum planting standards for multifamily residential which will have to be met regardless of the stipulation modifications. He asked if they intended to apply for zoning adjustments regarding the minimum Zoning Ordinance requirements. Ms. Marsh stated that they intended to apply for necessary variances.

Mr. Stranieri noted that while the Zoning Ordinance does outline standards for landscape setbacks, there are no comparable standards for landscape strips along the right-of-way separating a detached sidewalk. Therefore, he recommended that the applicant's request for Stipulation 4 be modified to retain a requirement for groundcover and shrubs as approved by staff to ensure that the stipulated strip would be landscaped as possible, despite the utility conflicts.

Mr. Stranieri stated that letters of support were received from adjacent neighbors but asked if the applicant had discussions with the neighbor to the northeast of the site. Ms. Marsh explained that they have had conversations with the neighbor since the original rezoning case and have received positive feedback regarding the proposed development. Mr. Stranieri stated that he has no issue recommending deletion of Stipulation 5 considering the infrastructure that needs to be accommodated on the site.

## **FINDINGS**

- 1) Since the approval of the original rezoning case, the applicant noted that APS has provided updated infrastructure plans that impact the ability to provide stipulated landscaping. This includes the addition of two new electrical transformers and transmission lines near the east and south perimeter property lines. Additionally, during plan review City staff identified that existing storm water tanks are inadequate to support the proposed development and must be expanded. Sewer line improvement plans have also been modified since the approval of the original rezoning case to utilize existing lines which conflict with stipulated plantings. Parking locations were also modified to allow spaces along the north property line to be moved further from adjacent neighbors. Finally, other water lines (irrigation and fire) and three manholes have further complicated the ability to provide stipulated trees along the east property line.
- 2) The applicant's requests are recommended for approval with a modification. The modification is recommended to clarify that the stipulated landscaped strip along 17th Street will include some plantings

as approved by staff. The applicant's requested language leaves no planting requirement for the landscape strip, which is also not addressed in the Zoning Ordinance. While the infrastructure concerns may not allow viable tree plantings, groundcover and shrubs as depicted on the conceptual landscape plan (not stipulated) would be viable as approved by staff. It should also be noted that approval of this request does not eliminate existing Ordinance landscape standards and zoning adjustments may be required.

**DECISION:** The Planning Hearing Officer recommended approval with a modification.

### **STIPULATIONS**

1.	The architecture, design, color, and building materials shall be compatible for all of the buildings within the development, as approved by the Planning and Development Department.
2.	Each new unit shall provide a covered entryway, as approved by the Planning and Development Department.
3.	Pedestrian connections shall be provided to the street and from the existing building to the new buildings. All pedestrian walkways shall consist of a contrasting material such as decorative pavers, stamped or colored concrete, or another contrasting material, other than those used to pave the parking surfaces and drive aisles, as approved by the Planning and Development Department.
4.	There shall be a minimum 5-foot-wide detached sidewalk along 17th Street with a minimum 5-foot-wide landscaped strip located between the sidewalk and back of curb PLANTED WITH GROUNDCOVER OR SHRUBS AT A MINIMUM and shall include a minimum 2-inch caliper shade trees planted a minimum of 20 feet on center or equivalent groupings along both sides of the sidewalk, as approved OR MODIFIED by the Planning and Development Department.
<del>5.</del>	<del>Minimum 3-inch caliper trees, planted 20 feet on center, or in equivalent groupings, shall be planted along the side yards adjacent to residential zoning to provide screening for adjacent residences, as approved by the Planning and Development Department.</del>
5. <del>6.</del>	The developer shall install secured bicycle parking at 0.25 spaces for each residential unit and a minimum of four inverted U-bicycle racks for

	guests located near entrances to the building, installed per the requirements of Section 1307.H. of the Zoning Ordinance, as approved by the Planning and Development Department.
6. <del>7.</del>	The surface parking lot area shall be landscaped with a minimum 2-inch caliper shade trees. Landscaping must be dispersed throughout the parking area, as approved by Planning and Development Department.
7. <del>8.</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.
8. <del>9.</del>	The property owner shall record documents that disclose the existence and operational characteristics of Phoenix Sky Harbor International Airport (PHX) to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided.
9. <del>10.</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.
10. <del>11.</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.
11. <del>12.</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.
12. <del>13.</del>	The development shall be limited to two stories and 30 feet.
13. <del>14.</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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