

ATTACHMENT C

REPORT OF PLANNING HEARING OFFICER ACTION

Byron Easton, Planner III, Hearing Officer

Teresa Garcia, Planner I, Assisting

July 17, 2024

ITEM NO: 2	
	DISTRICT NO. 8
SUBJECT:	
Application #:	PHO-1-24--Z-19-22-7(8) (Continued from June 12, 2024)
Location:	Northeast corner of 39th Avenue and Vineyard Road
Zoning:	R-2
Acreage:	11.08
Request:	<ol style="list-style-type: none">1) Request to modify Stipulation 1 regarding general conformance to the site plan date stamped March 17, 2022 and elevations date stamped July 11, 2022.2) Request to modify Stipulation 3 regarding maximum building height.3) Request to modify Stipulation 5 regarding EV-ready garages and charging stations.4) Request to modify Stipulation 14 regarding the minimum number of bicycle parking spaces.
Applicant:	Rob Lane, Gammage & Burnham PLC
Owner:	Laveen Land LLC; Attn: Meritage Homes
Representative:	Ashley Z. Marsh, Gammage & Burnham PLC

ACTIONS:

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended approval with modifications.

Village Planning Committee (VPC) Recommendation: The Deer Valley Village Planning Committee reviewed the request on July 8, 2024 and recommended approval with a vote of 6-0.

DISCUSSION:

Ashley Marsh, representative of Gammage and Burnham PLC 40 North Central Avenue, gave an overview of the site and the modification requests. She stated revisions have been made to the application since the initial submittal in May such as garage door embellishments, number of single-story homes, minimum bicycle parking spaces, Ev ready garages. She stated they received a unanimous recommendation from the Laveen VPC regarding the modification requests.

Byron Easton, Planning Hearing Officer, recommended approval to Request 1. He asked Ms. Marsh if she was in objection to having the open space exhibit in the general conformance stipulation. Ms. Marsh stated she was not in objection and stated they were proposing the recreational lawn as open space. Mr. Easton recommended approval with a modification to Request 2, recommended approval to Request 3, and recommended approval with a modification to Request 4. He added a stipulation requiring a Proposition 207 waiver prior to preliminary site plan approval.

FINDINGS:

- 1) The request to modify Stipulation 1 regarding general conformance to the site plan and elevations is recommended to be approved. The site plan, date stamped June 17, 2024 shows a single family residential development consisting of 64 detached traditional “for-sale” homes with an overall density of 5.77 du/ac. The Stipulated plan date stamped March 17, 2022, shows a “for-rent”, multifamily product consisting of 110 units with a density of 9.9 du/ac. ‘

The request is consistent with the stipulated plan and is a good fit for the primarily residential area. The less intense use was supported by the VPC and the General Plan and reduced density a welcome change for the neighbors adjacent.

- 2) The request to modify Stipulation 3 is approved with a modification. The proposed modification to the stipulation pertaining to building height combined with the provision of open space and landscape buffers along the north property line, as well as the provision of a significant buffer (landscape area and new local street) between the homes and residences adjoining the Site to the east, will satisfy the original intent of the stipulation for providing a transition between the new development and adjoining residences.
- 3) The proposed modification to Stipulation 5 is recommended to be approved. The request is in response to the revised single-family product type including a private garage for each home, where electric vehicles may be charged at the request of purchaser. The garages must have the proper wiring to accommodate a request for EV charging.
- 4) The modification to Stipulation 14 is recommended to be approved. The developer is providing bicycle parking at the amenity area at a reduced rate due to the residences having private garages for bicycle parking.

STIPULATIONS:

1.	The development shall be in general conformance to the site plan, and open space exhibit AND ELEVATIONS date stamped JUNE 17, 2024 March 17, 2022, and elevations date stamped July 11, 2022, as modified by the following stipulations and approved by the Planning and Development Department.	
2.	All garage doors shall have decorative embellishments such as windows panels, added materials surrounding the door, and/or trellises, as approved by the Planning and Development Department.	
3.	The maximum building height shall be 30 feet, except LOTS 4, 9 10, 15, 16, 21, 24, 29, 30, 36, 42, 43, 48, 49, 54, 55, 58, 59, 60 AND 61, AS SHOWN ON THE SITE PLAN DATE STAMPED JUNE 17. 2024, units along the north and east sides of the site shall be limited to a maximum building height of 18 feet, as approved by the Planning and Development Department.	
4.	The common open space area shall provide a shaded playground element, as approved by the Planning and Development Department.	
5.	The developer shall provide the option for EV-Ready (wiring for electric vehicle charging) garages and a minimum of 10 EV charging stations.	
6.	Required landscape setbacks shall be planted with minimum 50-percent 2-inch caliper and 50-percent 3-inch caliper large canopy drought-tolerant trees, 20 feet on center or equivalent groupings, with 5-gallon shrubs per tree, as approved by the Planning and Development Department.	
7.	Sidewalks along 39th Avenue and Vineyard Road shall be detached with a minimum 5-foot-wide landscaped strip located between the sidewalk and back of curb and planted to the following standards, as approved by the Planning and Development Department.	
	a.	Minimum 3-inch caliper, large canopy, single-trunk, shade trees placed to provide a minimum of 75% shade on adjacent sidewalks.
	b.	Drought tolerant shrubs and vegetative groundcovers with a maximum mature height of 24 inches to provide a minimum of 75% live coverage at maturity.
	c.	Where utility conflicts arise, the developer shall work with the Planning and Development on an alternative design solution consistent with a pedestrian environment.
8.	The developer shall dedicate a minimum of 30-feet of right-of-way and	

	construct the east side of 39th Avenue, as approved by the Planning and Development Department.
9.	The developer shall dedicate a minimum of 30-feet of right-of-way and construct the north side of Vineyard Road, as approved by the Planning and Development Department.
10.	The developer shall underground all electrical utilities within the public right-of-way that are impacted by or need to be relocated as part of the project. The developer shall coordinate with affected utility company for their review and permitting.
11.	The developer shall underground and relocate any existing irrigation facilities outside of City right-of-way along 39th Avenue. The developer shall contact SRP to identify existing land rights and establish appropriate process to relocate facility. Relocations that require addition dedications or land transfer require completion prior to obtaining plat and/or civil plan review approval.
12.	The developer shall make reasonable efforts to work with the Street Transportation Department and neighbors in proximity to the site to identify improvements, including speed bumps, roundabout, and/or similar improvements, for mitigating vehicle speeding on Vineyard Road and 39th Avenue adjacent to the site agreed upon by neighbors, the Street Transportation Department and developer in accordance with the City's procedures for installing such improvements.
13.	The developer shall construct all streets withing and adjacent to the development with paving, cub, 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.
14.	A minimum of 6 28 bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near building entrances or amenity areas and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.
15.	If determined necessary by the Phoenix Archaeology Office, the applicant shall conduct Phase I date 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.
16.	If Phase I date testing is required, and if, upon review of the results from the Phase I date testing, the City Archaeologist, in consultation with a qualified archaeologist, determines such date recovery excavations are necessary, the applicant shall conduct Phase II archaeological date recovery excavations.
17.	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.
18.	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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