

## Attachment B

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

April 17, 2024

ITEM NO: 2	
	DISTRICT NO. 3
SUBJECT:	
Application #:	PHO-1-24--Z-44-86-1(3)
Location:	Approximately 300 feet west of the northwest corner of 15th Avenue and Peoria Avenue
Zoning:	R-3A
Acreage:	1.52
Request:	1) Request to delete Stipulation 1 regarding turnaround for 15th Lane. 2) Request to delete Stipulation 4 regarding the termination of 15th Lane.
Applicant:	Han Choi, Kontexture, LLC
Owner:	Benjamin/Corina Covaciu
Representative:	Han Choi, Kontexture, LLC

#### **ACTIONS:**

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended denial as filed, approval with a modification.

Village Planning Committee (VPC) Recommendation: The North Mountain Village Planning Committee chose not to review the case.

#### **DISCUSSION:**

Han Choi, representative of Kontexture, LLC, gave an overview of the modification requests. He stated the owners are proposing a 10-unit, multifamily residential development and retaining Stipulations 1 and 4 would make the site unfit to accommodate 10 units and is well below the allowed maximum density. He stated the cul-de-sac would negatively affect the ability to provide the intended amenities, common space and landscaping. He stated the proposed development does not intend on utilizing or providing access from 15th Lane. He stated the two properties at the end of 15th Lane have sufficient turnaround space from their driveways and seem to have been utilizing the street for several years. He stated although the turnaround lane would be nice, he finds it unnecessary and will limit the proposed development.

Byron Easton, Planning Hearing Officer, recommended denial as filed for Item 1. He stated the Streets Department opposed the applicant's request, but suggested a revision to the wording of the request to align with current standards. He stated the Streets Department proposed merging Stipulations 1 and 4 into one stipulation. He stated the reason for denial comes from Section 32-27.A.3.b of the Phoenix City Code, which prohibits the creation of a dead-end streets, except for locations designated by the department as necessary for future extension and development of adjacent land. He stated the Stipulation aligns with the present minimum standards and should be upheld. He recommended approval of Item 2, but the combination of the stipulation language with Stipulation 1. He recommended denial as filed, approval with a modification.

Daniel Istrate, representative of Kontexture, LLC, stated the remaining 50 feet of the street has not been improved and the city has never provided full access to the property line. He stated the existing homes has been there for 40 years without a turning radius and if the owner decided not to develop, the entire street would have a dead-end street without a turnaround. He stated he is confused by the denial because the street has remained that way for approximately 40 years with no intention for improvements. He stated it seems that the city is putting the entire burden on the developer when the existing property owners can use the road freely without having to worry about improvements.

Mr. Easton stated the applicant can file an appeal for the recommendation and talk to the Streets Department directly, but he can not go against a direct comment from one of the City Departments.

### **FINDINGS:**

- 1) The request to delete Stipulation 1 regarding turnaround for 15<sup>th</sup> Lane is denied as filed. The Street Transportation Department opposes the applicant's request to eliminate the requirement outlined in the stipulation. However, it suggests that the Planning Hearing Officer revise the wording to align with present standards. The Street Transportation Department proposes merging the conditions stated in Stipulation #1 and Stipulation #4 into a single updated stipulation.

Section 32-27.A.3.b., Street Design, of the Phoenix City Code prohibits the creation of dead end streets;

“Dead-end streets will not be approved except in locations designated by the Department as necessary for future extension in development of adjacent lands. In any case, a dead-end street serving more than four lots shall provide by easement a temporary turning circle with a 50-foot radius or other acceptable design to accomplish adequate access with an improved surface.”

The applicant's desire to remove the requirement for a suitable turn-around on 15th Lane contradicts the existing code's prohibition on dead-end roads. Although the development code may not have mandated a turn-around previously, both City Staff and the Planning Commission acknowledged the necessity of formalizing this requirement in the site's ordinance at that time. The stipulation aligns with present minimum standards and should be upheld.

- 2) The request to delete Stipulation 4 regarding the termination of 15<sup>th</sup> Lane is approved. The language however has been retained as part of new, revised Stipulation #1.

**STIPULATIONS:**

1.	<del>That the property be developed so as to provide a satisfactory turnaround for 15th Lane and be subject to Development Coordination approval pursuant to Section 511 of the Zoning Ordinance</del> RIGHT-OF-WAY SHALL BE DEDICATED AND CONSTRUCTED FOR THE TERMINATION OF 15 <sup>TH</sup> LANE, AS APPROVED BY THE STREET TRANSPORTATION DEPARTMENT.
2.	That perimeter landscaping shall require 24-inch box size shade trees placed in groupings approved by the Development Coordination Office. A minimum four-foot block or masonry wall shall be required on the north, east, and west property lines
3.	That all landscape materials shall be of a drought-resistant nature.
4.	<del>That a termination for 15th Lane acceptable to the Department of Streets and Traffic be provided.</del>

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