

Attachment B

Planning Hearing Officer Summary of June 19, 2019
Application Z-102-84-5(4)
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REPORT OF PLANNING HEARING OFFICER ACTION

Adam Stranieri, Planner III, Hearing Officer
Sofia Mastikhina, Planner I, Assisting

June 19, 2019

ITEM 3

DISTRICT 4

SUBJECT:

Application #: Z-102-84-5(4) (PHO-2-19)
Zoning: R-4A
Location: Approximately 269 feet east of the northeast corner of 19th Avenue and Earll Drive
Acreage: 0.80
Request: 1) Modification of Stipulation No. 1 regarding general conformance to the site plan date stamped February 15, 2006.
2) Deletion of Stipulation No. 2 regarding preserving five existing trees on Earll Drive.
Applicant: Rich Baxter, Cryptomonde LLC
Owner: Rich Baxter, Cryptomonde LLC
Representative: Rich Baxter, Cryptomonde LLC

ACTIONS

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended denial as filed and approval with a modification and an additional stipulation.

Village Planning Committee (VPC) Recommendation: At its June 3, 2019 meeting, the Encanto Village Planning Committee recommended approval by a 9-1 vote.

DISCUSSION

Rich Baxter, owner and applicant with Cryptomonde LLC, presented his first request to update the site plan stipulated in the zoning case. He explained that the single-family attached development option did not exist in 2006, and that the new site plan was modified to accommodate this housing type. He stated that the proposal includes enhanced open space, a hammerhead driveway, and revised setbacks that conform to current zoning standards. He stated that the east setback has increased, and the number of units is still 18. He presented his second request to delete a stipulation requiring that five existing trees along Earll Drive be preserved, stating that two of these trees have already died and only three remain. He explained that he intends to try to preserve the remaining three trees, but due to their condition, he would like to delete the stipulation to allow flexibility to remove the trees entirely.

Adam Stranieri stated that the primary concerns voiced at the Encanto Village Planning Committee meeting were regarding parking on the site. He asked Mr. Baxter to discuss the parking scheme for the site. Mr. Baxter that the site will have five guest parking spaces and two spaces per lot which will be located in private garages. He explained that the Village Planning Committee members were concerned with traffic volumes on holidays such as the 4th of July, where five guest parking spaces would not be enough to accommodate guests and parking would overflow into the adjacent neighborhood. He stated that parking calculations were not based off holidays, but rather off regular daily uses on site and in other developments that he designed, five guest parking spaces proved to be more than sufficient for overflow parking. Mr. Stranieri stated that the neighborhood's proximity to Metro Tech High School has created traffic and parking problems in the area, so residents' concerns may originate from the already high flow of traffic on Earll Drive. He noted that the applicant had received variances for the perimeter landscape setback requirements and asked if Mr. Baxter has also requested a reduction in the required number of guest parking spaces on this site. Mr. Baxter that the perimeter landscape setback request was necessary due to the driveway configuration and that he the proposal meets the minimum Zoning Ordinance requirement for 4.25 spaces.

Mr. Stranieri then addressed the request to remove the existing trees, explaining that the site is in an established residential area adjacent to the North Encanto Historic District, where mature landscaping exists along Earll Drive. He noted that the proposed development has rather large building massing along Earll Drive, and that there will be no interaction with the street as the units are oriented towards the interior of the site, and not fronting on Earll Drive. He asked if Mr. Baxter knows which trees are salvageable. Mr. Baxter identified two trees that may be salvageable, and then pointed out a third tree that may prove difficult to retain. He said that he would be amenable to providing additional landscaping along this area to account for any removed trees. Mr. Stranieri stated that, in the narrative submitted, Mr. Baxter had indicated that he would comply with the city's Inventory and Salvage Plan process. He noted that an Inventory and Salvage Plan was conducted and approved for the site in 2006, which identified the trees along Earll Drive as 36-inch caliper trees with 24-foot canopies. He then explained that, if a tree is identified as salvageable, it is to be relocated in like size or kind, which would mean that each one of the existing trees on this site would need to be replaced with nine trees each, at a minimum 4-inch caliper size. He then explained that in the period between the original zoning case and when the AutoZone to the west was rezoned and developed, there was a significant loss of mature landscaping across the site. He stated that the intent of the stipulation was likely to retain as much of what was left of the mature landscaping as possible and, as such, that he would like to add standard language for landscaping to consist of a minimum of 4-inch caliper trees, 20-feet on center, which would result in approximately 6 trees along Earll Drive. He explained that this would be less restrictive than the Inventory and Salvage Plan may require, should they find that the existing trees are 36-inch caliper size. He then explained that he will add new language to allow for any salvageable trees to be counted towards the minimum number of trees required.

FINDINGS

- 1) Stipulation #2 was established by the City Council's approval of Case No. PHO-1-05—Z-102-84-5 on March 15, 2006 and required the developer to retain five existing trees along Earll Drive. The stipulation was intended to mitigate the loss of landscaping in the interim period since the approval of the rezoning case and the subsequent rezoning and development of a C-1 parcel adjacent to the west. Currently, three of those trees remain along Earll Drive on the subject property.
- 2) The property is located across from existing single-family residential homes in the North Encanto Historic District and multifamily homes along the south side of Earll Drive. These residential properties all feature mature landscaping, including mature, large-canopy shade trees. The provision of 4-inch caliper trees spaced 20-feet on center is consistent with the character of landscaping in the surrounding area. Additionally, the stipulation will help to implement the intent of the original stipulation by requiring larger trees at the point of development.
- 3) The applicant indicated that they intend to comply with the City's inventory and salvage process but did not know if the remaining mature trees can be salvaged. The 4-inch caliper size is the smallest size that can be utilized to replace larger trees through the inventory and salvage process and is therefore recommended as a minimum tree size for this landscape setback. Additional language is recommended to allow the existing trees to be counted towards the minimum required trees if they are determined to be salvageable.
- 4) The applicant's proposed elevations, while not stipulated, depict single-family attached units at two-stories and 28' 7" in height. The units side onto Earll Drive. This would be the only two-story development on Earll Drive between 15th and 19th Avenues. The enhanced landscaping recommended for Earll Drive will help to mitigate the impact of the building massing on nearby properties.

DECISION: The Planning Hearing Officer recommended denial as filed and approval with a modification and an additional stipulation.

STIPULATIONS

1.	That THE development SHALL be in general conformance with the site plan date stamped APRIL 25, 2019 February 15, 2006 , as approved or modified by the PLANNING AND Development Services Department.
2.	That the development shall preserve the five existing trees along Earll Drive as approved by the Development Services Department. THE DEVELOPER SHALL PROVIDE DROUGHT TOLERANT, MINIMUM 4-INCH CALIPER TREES SPACED 20 FEET ON CENTER OR IN EQUIVALENT

	GROUPINGS IN THE LANDSCAPE SETBACK AREA ALONG EARLL DRIVE. EXISTING MATURE TREES MAY REMAIN IN PLACE AND BE COUNTED TOWARDS THIS MINIMUM REQUIREMENT, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
3.	That prior to final site plan approval, the property owner shall record documents that disclose to purchasers of property within the development the existence and operational characteristics of Phoenix Sky Harbor International Airport. The form and content of such documents shall be reviewed and approved by the City of Phoenix Law Department.
4.	That the applicant shall contact the City Archaeology Office at 602-495-0901 if any archaeological materials are encountered during construction.
5.	PRIOR TO PRELIMINARY SITE PLAN APPROVAL, THE LANDOWNER SHALL EXECUTE A PROPOSITION 207 WAIVER OF CLAIMS IN A FORM APPROVED BY THE CITY ATTORNEY'S OFFICE. 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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