

# ATTACHMENT D

## REPORT OF PLANNING COMMISSION ACTION October 10, 2024

ITEM NO: 4	
	DISTRICT NO.: 3
SUBJECT:	
Application #:	PHO-2-24--Z-181-99-3 (Continued from September 5, 2024)
Location:	Approximately 350 feet south of the southeast corner of 26th Street and Vogel Avenue
Existing Zoning:	R1-6
Acreage:	2.0
Request:	<ol style="list-style-type: none"><li>1) Request to modify Stipulation 1 regarding general conformance to the site plan and elevations date stamped March 2, 2017.</li><li>2) Request to modify Stipulation 2 regarding maximum dwelling units and maximum density.</li><li>3) Request to modify Stipulation 3 regarding maximum building height.</li><li>4) Request to delete Stipulation 6 regarding sewer odor mitigation.</li><li>5) Request to modify Stipulation 8 regarding property owner addresses.</li></ol>
Applicant:	Hannah Bleam, Withey Morris Baugh, PLC
Owner:	Tim Hammer, H&H Developers, Inc.
Representative:	William F. Allison, Withey Morris Baugh, PLC

### **ACTIONS:**

#### Village Planning Committee (VPC) Recommendation:

**Paradise Valley** No recommendation.

Planning Hearing Officer (PHO) Recommendation: The Planning Hearing Officer heard the request on April 17, 2024 and recommended denial as filed with an additional stipulation.

Staff Recommendation: Denial as filed with an additional stipulation, per the PHO recommendation.

Planning Commission Recommendation: Approval, per the staff memo dated October 7, 2024.

Motion Discussion: N/A

Motion details: Commissioner Gorraiz made a MOTION to approve PHO-2-24—Z-181-99-3, per the staff memo dated October 7, 2024.

Maker: Gorraiz  
Second: Read  
Vote: 7-0  
Absent: Busching, James  
Opposition Present: Yes

### Findings:

1. The request for modification of Stipulation 1 is recommended to be approved, per the staff memo. There were modifications made to the site plan to address community concerns.
2. Request to modify Stipulation 2 regarding maximum dwelling units and maximum density is recommended to be modified to be consistent with the site plan.
3. Request to modify Stipulation 3 regarding maximum building height is recommended to be denied. There is substantial evidence that a single-story maximum height is in the best interest of the community, including the fact that it was originally stipulated in the 1999 zoning case and subsequently approved in April 2017. The approved plan shows five, detached, single-family, one-story homes. The applicant would have to demonstrate substantial community support to change this height limit and that has not been demonstrated.
4. Request to delete Stipulation 6 regarding sewer odor mitigation is recommended to be denied. The intent and enforcement of this stipulation will be communicated to the applicant during the site development process. There is no need to delete this stipulation because the intent is not clear to the applicant.
5. Request to modify Stipulation 8, regarding property owner addresses is recommended to be modified to update and add to the list of interested parties that must be notified in the event future stipulation modifications are requested.
6. The site is identified as archaeologically sensitive and three additional stipulations are recommended to be included to address requirements for archaeological survey and testing (Stipulations 8 through 10).

### Stipulations:

1. The development shall be in general conformance to the site plan and elevations date stamped ~~March 2, 2017~~ SEPTEMBER 24, 2024, as approved by the Planning and Development Department.
2. ~~That~~ There SHALL be no more than 9 7 dwelling units with a maximum density of 4.7 ~~3.68~~.
3. ~~That~~ The building height shall not exceed one story and a maximum of 20 feet in height.
4. ~~That~~ Right-of-way dedications and street alignments for local streets within the subdivision will be determined by the Planning and Development Department at the time of Preliminary Subdivision Plan Review.
5. ~~That~~ 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 City. All improvements shall comply with all ADA accessibility standards.
6. ~~That~~ The applicant SHALL install some means of mitigation treatment to eliminate potential sewer odor.

7. ~~That~~ The development SHALL be subject to Design Review guideline standards, as per THE Planning and Development Department.
8. 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.
9. 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.
10. 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.
11. THE DEVELOPER SHALL INITIATE AND PARTICIPATE IN EFFORTS TO RESTRICT PARKING ON 26TH STREET ADJACENT TO THE DEVELOPMENT SITE.
12. ONLY LOW PROFILE, SHIELDED NEIGHBORHOOD LIGHTING THAT DOES NOT EXCEED 2,700 K AND EMITS NO MORE THAN ONE-FOOT CANDLE DETECTABLE AT THE PROPERTY LINE SHALL BE UTILIZED WITHIN THE DEVELOPMENT, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
13. IF ACCESS TO THE DEVELOPMENT IS GATED, THE SOUTHERN ACCESS POINT SHALL BE EXIT ONLY AND THE NORTHERN ACCESS SHALL BE FULL ACCESS, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
14. CONSTRUCTION FENCING SHALL BE INSTALLED ALONG THE NORTH PROPERTY LINE PRIOR TO ISSUANCE OF A GRADING AND DRAINAGE PERMIT.
- ~~8.~~ ~~14.~~ ~~15.~~ ~~That~~ The City APPLICANT SHALL mail written notice of any request to modify the above-referenced stipulations to the following:

ESTATES AT Dreamy Draw ~~Estates~~ Homeowner's Association, ~~2510 East Carol Avenue~~ PO BOX 62073, Phoenix, AZ ~~85028~~ 85082.

Phoenix Hillside Estates Property Owners Association, C/O THOMAS CONNELLY, ~~9247 North 24th Way~~ 2321 EAST HATCHER ROAD, Phoenix, AZ 85028.

Francesca & Joseph CERVELLI Browner, 2616 East Vogel Avenue, Phoenix, AZ 85028.

~~Judith F. Gunn, 9609 North 26th Place, Phoenix, AZ 85028.~~

Dr. Kevin Grisham, 9845 North 22nd Place, Phoenix, AZ 85028.

Sharon Oscar, 2527 East Carol Avenue, Phoenix, AZ 85028.

Gini Linam, 2536 East Vogel Avenue, Phoenix, AZ 85028.

~~Mark Shiya, 9247 North 24th Way, Phoenix, AZ 85028.~~

~~Sandy Price~~ JASON ISAAK, 2626 East Vogel Avenue, Phoenix, AZ 85028.

JOSH AND ERIN ALQUIST, 9609 NORTH 26TH PLACE, PHOENIX, AZ 85028.

SHAUNA CONNELLY, 2321 EAST HATCHER ROAD, PHOENIX, AZ 85028.

MOUNTAIN VIEW VILLAS, C/O APOSTOLIC CHRISTIAN CHURCH, INC., 9230 NORTH 26TH STREET, PHOENIX, AZ 85028.

W. BLAIR GRAFE, 9616 NORTH 26TH PLACE, PHOENIX, AZ 85028.

GREGROY AND MELISSA WILLE, 9601 NORTH 26TH STREET, PHOENIX, AZ 85028.

NEHEMIAH HOLDING, LLC/HOPE BIBLE CHURCH, 2355 EAST CAMELBACK ROAD, STE. 425, PHOENIX, AZ 85016.

NICHOLAS AND MIRIAM AQUAFREDDA, 9636 NORTH 26TH STREET, PHOENIX, AZ 85028.

HOWARD ROTHENBERG, 2505 EAST CAROL AVENUE, PHOENIX, AZ 85028.

PAUL AND EMILY HAMRA, 9617 NORTH 26TH STREET, PHOENIX, AZ 85028.

JOHN LARGAY, WESPAC CONSTRUCTION, 9440 NORTH 26TH ST, PHOENIX, AZ 85028.

PETER AND ALISON TYMKIW, 9628 NORTH 26TH STREET, PHOENIX, AZ 85028.

STEVE AND EMILY JACKSON, 9615 NORTH 26TH PLACE, PHOENIX, AZ 85028.

MARY ANN MAHER, 9609 NORTH 27TH STREET, PHOENIX, AZ 85028.

9. ~~That~~ The City SHALL notify the above-noted residents of meetings with THE Planning  
12. and Development Department.  
16.

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