

## Attachment C

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

May 21, 2025

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| ITEM NO: 4      |  |
|                 | DISTRICT NO. 2   |
| SUBJECT:        |  |
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| Application #:  | PHO-1-25--Z-89-22-2 (Continued from April 16, 2025)  |
| Location:       | Approximately 140 feet north of the northeast corner of 34th Street and Tierra Buena Lane  |
| Zoning:         | R1-6   |
| Acreage:        | 3.92   |
| Request:        | 1) Request to modify Stipulation 10 regarding a minimum 5-foot-wide detached sidewalk and a minimum 5-foot-wide landscape strip. |
| Applicant:      | Shelby Duplessis, Diversified Future   |
| Owner:          | Chuck Kennedy, Land N. 34th Street, LLC  |
| Representative: | Shelby Duplessis, Diversified Future   |

#### **ACTIONS:**

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended approval with a modification.

Village Planning Committee (VPC) Recommendation: The Paradise Valley Village Planning Committee reviewed the request on May 5, 2025 and recommended approval by a vote of 11-0.

#### **DISCUSSION:**

Shelby Duplessis, representative of Diversified Future, gave an overview of the site and modification request. She stated the final site plan includes one story homes with a detached sidewalk everywhere on the site, but they were having difficulties finding a builder who can produce a typical floor plan without going to two stories. She stated they are requesting a minimum 5-foot wide attached sidewalk and a detached sidewalk for every 16 feet, created a meandering sidewalk throughout the development and keeping the homes at one story. She stated the homes will maintain the 18-foot driveway and 15-foot rear building setback and received unanimous approval from the Paradise Valley Village Planning Committee (VPC).

Byron Easton, Planning Hearing Officer, stated the sidewalk design is often something desired in residential communities. He stated staff received the

standard plan as part of the application, but not the site plan displaying the meandering sidewalk. He asked Ms. Duplessis if she could provide the revised site plan immediately to be included in the file. She answered that she will submit the site plan immediately. Mr. Easton recommended approval with a modification.

**FINDINGS:**

- 1) The request to modify Stipulation 10 regarding a minimum 5-foot-wide detached sidewalk and a minimum 5-foot-wide landscape strip is recommended to be approved with a modification to provide language that is consistent with Streets and Transportation Department recommended stipulation language and clarifies the location and design of the detached sidewalk. Any detachment of sidewalks on a local roadway exceeds the minimum design standards set forth by the Street Transportation Department approved cross-sections. The updated site plan that the modified stipulation references, was submitted the day of the hearing.

**STIPULATIONS:**

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| 1. | The development shall be in general conformance with the site plan date stamped February 22, 2023, with specific regard to the open space provided, as modified by the following stipulations and as approved by the Planning and Development Department. |
| 2. | The maximum building height shall be 1-story and 16 feet, measured to the peak of the roof.   |
| 3. | Improved open space areas shall be shaded by a structure, landscaping at maturity, or a combination of the two to provide minimum 75% shade, as shown on a shading study, as approved by the Planning and Development Department.                         |
| 4. | Landscape areas within retention areas and open space areas shall be planted with shrubs, accents and vegetative groundcovers to provide a minimum of 75% live coverage at maturity, as approved by the Planning and Development Department.              |
| 5. | A minimum of two shaded active recreation amenities, such as a tot lot, picnic area, seating feature, garden amenity, or similar amenity, shall be provided within the open space area, as approved by the Planning and Development Department.           |
| 6. | A minimum of five bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near improved open space areas and installed per the requirements of Section 1307.H. of the Phoenix   |

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|     | 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.  |
| 7.  | The perimeter landscape setback adjacent to the public street shall be planted to the following standards, as approved by the Planning and Development Department.  |
| a.  | Minimum 50% 2-inch caliper and 50% 3-inch caliper, large canopy, drought-tolerant shade trees, planted 20 feet on center or in equivalent groupings.  |
| b.  | Shrubs, accents, and vegetative groundcovers to provide a minimum of 75% live coverage at maturity.   |
| 8.  | The Developer shall construct a minimum 5-foot-wide detached sidewalk and a minimum 5-foot-wide landscape strip between the back of curb and sidewalk along the east side of 34 <sup>th</sup> Street, planted to the following standards and as approved by the Planning and Development Department.  |
| a.  | Minimum 2-inch caliper drought-tolerant, large canopy, single-trunk shade trees planted 20 feet on center or in equivalent groupings.   |
| b.  | Drought-tolerant shrubs, accents and vegetative groundcovers to achieve a minimum of 75% live coverage at maturity.   |
|     | Where utility conflicts arise, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.  |
| 9.  | The developer shall dedicate a sidewalk easement for any streetscape area (detached sidewalk and landscape strip) that falls outside of dedicated right-of-way along the east side of 34th Street, as approved by the Planning and Development Department.  |
| 10. | The developer shall construct a minimum 5-foot-wide detached sidewalk and a minimum 5-foot-wide landscape strip between the back of curb and sidewalk for internal public and/or private sidewalks within the development, including along the perimeter of Tract B and Tract C, EXCEPT FRONTING LOTS 1-20, as depicted on the site plan stamped MAY 21, 2025 <del>December 20, 2022</del> , planted to the following standards and as approved by the Planning and Development Department. |

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|     | a. | Minimum 2-inch caliper drought-tolerant, large canopy, single-trunk shade trees planted 20 feet on center or in equivalent groupings.   |
|     | b. | Drought tolerant shrubs, accents, and vegetative groundcovers to achieve a minimum of 75% live coverage at maturity.  |
|     |    | Where utility conflicts arise, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.  |
| 11. |    | 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.             |
| 12. |    | A Red Border Letter shall be submitted to the Arizona Department of Transportation (ADOT) for this development.   |
| 13. |    | The property owner shall record documents that disclose the existence, and operational characteristics of the Deer Valley Airport (DVT) to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney. |
| 14. |    | In the even 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.   |
| 15. |    | Prior to preliminary site plan approval, the landowner shall execute 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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