

## Attachment D

### REPORT OF PLANNING COMMISSION ACTION January 7, 2021

ITEM NO: 14	
	DISTRICT NO.: 6
SUBJECT:	
Application #:	Z-29-20-6
Location:	Southeast corner of 44th Street and Calle Allegre
From:	R1-10
To:	R-O
Acreage:	0.48
Proposal:	Wellness center
Applicant:	Michael and Monica Samuels
Owner:	Michael and Monica Samuels
Representative:	Michael Samuels

#### **ACTIONS:**

Staff Recommendation: Approval, subject to stipulations.

Village Planning Committee (VPC) Recommendation:

**Camelback East** 12/1/2020 Approval, per the staff recommendation. Vote: 15-0.

Planning Commission Recommendation: Approval, per the Camelback East Village Planning Committee recommendation, with an additional stipulation.

Motion Discussion: N/A

Motion details: Commissioner Johnson made a MOTION to approve Z-29-20-6, per the Camelback East Village Planning Committee recommendation, with an additional stipulation as read into the record.

Maker: Johnson  
Second: Howard  
Vote: 9-0  
Absent: None  
Opposition Present: No

#### **Findings:**

1. The proposed rezoning will allow for conversion of a residential property impacted by a major arterial to a viable office use.
2. The proposal will provide an opportunity for a new small business to locate in the Camelback East area and serve the surrounding neighborhood.
3. The proposal is consistent with recommendations of the Arcadia Camelback

Special Planning District, the 44th Street Corridor Specific Plan, and the 44th Street Corridor Residential Office Study.

Stipulations:

1. The development shall be in general conformance with the elevations date stamped June 11, 2020, with specific regard to use of brick veneer and horizontal siding, the locations and size of windows, and roof design, as approved by the Planning and Development Department.
2. The required landscape setback along 44th Street shall be 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 a minimum of 20 feet on center or in equivalent groupings to provide a minimum of 50 percent shade on adjacent sidewalks.
  - b. Drought tolerant shrubs and vegetative groundcovers to provide a minimum of 75 percent live coverage at maturity.
3. A minimum 10-foot landscape setback shall be provided along the northeastern property line, where the property abuts a single-family home. This landscape setback shall be planted with minimum 2-inch caliper trees planted 20 feet on center or in equivalent groupings, as approved by the Planning and Development Department.
4. A minimum of two inverted U-bicycle racks, artistic style racks (in adherence to the City of Phoenix Preferred Designs in Appendix K or the Comprehensive Bicycle Master Plan) or "Outdoor/Covered Facilities" for guests and employees shall be provided. These facilities shall be located near building entrances, installed per the requirements of Section 1307.H of the Zoning Ordinance, and approved by the Planning and Development Department.
5. There shall be no internally lit signs on the site. Signage shall be approved by the Planning and Development Department.
6. The developer shall provide a 10-foot sidewalk easement along the east side of 44th Street, as approved by the Planning and Development Department.
7. The developer shall construct a driveway along 44th Street that is located centrally along the frontage and constructed at a 90-degree angle with a skew no greater than 15 degrees, as approved by the Street Transportation Department.
8. 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.

9. This parcel is located in a Special Flood Hazard Area (SFHA) called Zone A, on panel 1765 L of the Flood Insurance Rate Maps (FIRM) revised July 31, 2015.
  - a. No encroachment is allowed in the floodway without hydrologic and hydraulic analysis showing no rise in water surface elevation and increase in the special flood hazard area boundaries.
  - b. The Architect/Engineer is required to show the special flood hazard area boundary limits on plans and ensure that impacts to the proposed facilities and surrounding properties have been considered, following the National Flood Insurance Program (NFIP) Regulations (44 CFR Paragraph 60.3). This includes, but not limited to provisions in the latest versions of the Floodplain Ordinance of the Phoenix City Code.
  - c. A copy of the Grading and Drainage Plan shall be submitted to the Floodplain Management section of Public Works Department for review and approval of Floodplain requirements prior to issuance of a Grading Permit.
  - d. The developer shall provide a FEMA approved CLOMR-F or CLOMR prior to issuance of a Grading and Drainage permit.
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 property owner shall record documents that disclose the existence, and operational characteristics of Sky Harbor International Airport 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.
12. The developer shall submit 7460 Forms to FAA and receive FAA no hazard determination or mitigations approved by FAA for both temporary and permanent development prior to final site plan approval.
13. 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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