

## ATTACHMENT D

### REPORT OF PLANNING COMMISSION ACTION September 1, 2022

ITEM NO: 18	
	DISTRICT NO.: 4
SUBJECT:	
Application #:	Z-29-22-4
Location:	Northwest corner of 4th Avenue and Osborn Road
From:	P-1, R-5, and C-2
To:	WU Code T5:6 MT
Acreage:	4.06
Proposal:	Multifamily residential
Applicant:	Subtext Living
Owner:	Masyno Osborn, LLC
Representative:	Nick Wood, Esquire, Snell & Willmer, LLP

#### **ACTIONS:**

Staff Recommendation: Approval, subject to stipulations.

Village Planning Committee (VPC) Recommendation:

**Encanto** 8/1/2022 Approval, per the staff recommendation with an additional stipulation.

Vote: 8-2.

Planning Commission Recommendation: Approval, per the Encanto Village Planning Committee recommendation.

Motion Discussion: N/A

Motion details: Commissioner Gaynor made a MOTION to approve Z-29-22-4, per the Encanto Village Planning Committee recommendation.

Maker: Gaynor  
Second: Vice Chair Mangum  
Vote: 7-0  
Absent: Busching and Simon  
Opposition Present: No

#### **Findings:**

1. The development is consistent with the General Plan Land Use Map designation of Residential 15+ dwelling units per acre.
2. The proposal, as stipulated, will create a strong pedestrian environment along Osborn Road and 4th Avenue with shaded and detached sidewalks to convey residents safely and comfortably to the Encanto Primary Core and the Osborn Road Light Rail Station.
3. The proposal will create additional housing options in line with the Housing Phoenix Plan's goal of preserving or creating 50,000 housing units by 2030.

Stipulations:

1. There shall be a minimum landscape area of 10 feet in width measured from the west property line (adjacent to alleyway) and beginning 215 feet north of the north right-of-way line of Osborn Road and extending to the northern edge of the subject site. The area shall be planted with minimum 3-inch caliper shade trees placed 20 feet on center or in equivalent groupings, except where utility conflicts and conflicts with building egress such as ramps exist. The conditions of this stipulation shall be approved by the Planning and Development Department.
2. The developer shall incorporate bicycle infrastructure as described below and as approved by the Planning and Development Department.
  - a. All required bicycle parking for multifamily use, per Section 1307.H.6.d of the Phoenix Zoning Ordinance, shall be secured parking.
  - b. Guest bicycle parking for multifamily residential use shall be provided at a minimum of 0.05 spaces per unit with a maximum of 50 required spaces near entrances of buildings and installed per the requirements of Section 1307.H of the Phoenix Zoning Ordinance.
  - c. One bicycle repair station shall be provided and maintained by the developer in areas of high visibility and near secure bicycle parking areas.
3. The developer shall construct a minimum 5-foot-wide detached sidewalk and minimum 10-foot-wide landscape strip located between the back of curb and sidewalk along the north side of Osborn Road, as approved by the Planning and Development Department.
4. The developer shall construct the west side of 4th Avenue for the length of the project, in general conformance with the 4th Avenue TOD Retrofit exhibit date stamped June 21, 2022, as approved, or modified by the Street Transportation Department. The developer shall dedicate necessary sidewalk easement to accommodate the on-street parking and detached sidewalk design. The development project shall be responsible for all landscape and irrigation maintenance located in the right-of-way and sidewalk easement area.
5. The developer shall pave the 20-foot-wide alley per the City of Phoenix "local street" standards, as approved by the Planning and Development Department.
6. The developer shall underground all existing electrical utilities within the public right-of-way that are impacted or require relocations as part of the project. Coordinate with the affected utility company for their review and approval prior to Final Site Plan approval.
7. 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.
8. 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.

9. Developer to record a Notice to Prospective Purchasers of Proximity to Airport, as required by the State, prior to final site plan approval.
10. The developer shall provide documentation to the City prior to final site plan approval that Form 7460-1 has been filed for the development and that the development received a "No Hazard Determination" from the FAA. If temporary equipment used during construction exceeds the height of the FAA and a "NO Hazard Determination" obtained prior to the construction start date.
11. The developer shall grant and record an aviation easement to the City of Phoenix for the site, per the content and form prescribed by the City Attorney prior to final site plan approval.
12. 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.
13. THE DEVELOPER SHALL INCORPORATE SOLAR PANELS WITH A KW RANGE OF NOT LESS THAN 100 KW.

This publication can be made available in alternate format upon request. Please contact Les Scott at 602-261-8980, [leslie.scott@phoenix.gov](mailto:leslie.scott@phoenix.gov) or TTY: Use 7-1-1.