

ATTACHMENT B

REPORT OF PLANNING HEARING OFFICER ACTION

Byron Easton, Planner III, Hearing Officer

Teresa Garcia, Planner I, Assisting

October 18, 2023

ITEM NO: 3	
	DISTRICT NO. 6
SUBJECT:	
Application #:	PHO-1-23--Z-60-21-6
Location:	Approximately 65 feet west of the southwest corner of 40th Street and Monterosa Street
Zoning:	R-3
Acreage:	0.63
Request:	<ol style="list-style-type: none">1) Request to modify Stipulation 1 regarding general conformance with elevations date stamped September 2, 2021.2) Request to modify Stipulation 3 regarding the incorporation of patio or seating court area.3) Request to modify Stipulation 5 regarding a required minimum 10-foot landscape setback along the property lines.4) Request to delete Stipulation 6 regarding parking lot area landscaping.5) Request to delete Stipulation 7 regarding the required number of bicycle parking spaces.6) Request to delete Stipulation 9 regarding decorative pavers crossing drive aisles.7) Request to delete Stipulation 10 regarding required local street improvements.
Applicant:	Berry Riddell, LLC c/o Wendy Riddell
Owner:	Chapter 2, LLC
Representative:	Berry Riddell., LLC c/o Wendy Riddell

ACTIONS:

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended denial as filed, approved with modifications and additional stipulations.

Village Planning Committee (VPC) Recommendation: The Camelback East Village Planning Committee opted to not hear this case at their October 3rd meeting.

DISCUSSION:

Wendy Riddell, Berry Riddell LLC, gave an overview of the site and the surrounding areas. She stated the developer at the time was proposing 8 two-story townhomes. She stated that they were reducing the density from 8 to 6 townhomes. She gave an overview of the modifications they are requesting for the development. She stated they had been doing public outreach regarding preserving an existing tree on the western property line site. She stated that an arborist went out to the site to examine and determined the tree can be preserved with careful pruning. She stated that they would like to add an additional stipulation stating that in the event that the tree cannot be preserved, the developer will provide vegetative hedge along the western and southern property lines.

Mr. Easton stated there were no registered speakers for this case. He stated that the proposed plan is a better-looking product and sees no issues with it. He stated there was one public correspondence letter in opposition of modifying and deleting stipulations, without full review of public comment. He stated the PHO and VPC process provided public correspondence and does not agree with this correspondence letter. He stated that the Camelback VPC chose not to hear this case at their October 3, 2023 meeting. He recommended approval with a modification by the PHO for Stipulation 1 regarding general conformance with elevations date stamped September 2, 2021. He stated the design of the proposed development meets the original stipulation. He stated that development shall be in general conformance with the elevations date stamped September 12, 2023, as modified by the following stipulations, and as approved by the Planning and Development Department. He recommended approval to Stipulation 3 regarding the incorporation of patio or seating court area. He stated the new product type has more of a traditional design and front-facing to the street as the rest of the buildings, therefore no front patio area is needed. He recommended approval Stipulation 5 regarding a required minimum 10-foot landscape setback along the property lines. He stated that the project is still proposing the 10 foot setback and is offering landscaping. He stated that this meets the R-3 development standards for each individual lots.

Ms. Riddell stated that the elevations were date stamped May 14, 2023 and wanted to ensure they have the correct date.

Mr. Easton stated that the date stamp indicates the date of submittal.

Ms. Riddell stated they submitted in August, but the original stipulated plans and elevations are from May.

Ms. Garcia stated that the initial site plan and elevation submittal was August 2, 2023. She stated that she asked the applicant for a revised site plan and

received it on September 12, 2023. She stated that she only asked for a revised site plan, not elevations.

Mr. Easton stated that the site plan was revised and submitted in September, but since the stipulation was only regarding the elevations, the August 2, 2023 date remains. He recommended approval to Stipulation 5 regarding a required minimum 10-foot landscape setback along the property lines. He stated a minimum 10-foot landscape setback shall be required along the west property line and be planted with minimum 2-inch caliper trees 20 feet apart or similar grouping, as approved by the Planning and Development Department. He asked Ms. Riddell if the new stipulation be combined with the existing stipulation.

Ms. Riddell stated that it would be better to keep the stipulations separate because it is not technically a landscape setback.

Mr. Easton stated that the modified stipulation will remain as read. He recommended approval to delete Stipulation 6 regarding parking lot area landscaping. He stated that the new design will include its own garage or carport, so the stipulation is not necessary. He recommended approval to delete Stipulation 7 regarding the required number of bicycle parking spaces. He stated that there is plenty of room in the individual lots to store bicycles. He recommended approval to delete Stipulation 9 regarding decorative pavers crossing drive aisles. He stated there are no pavers crossing drive aisles or pedestrian circulation on site and agreed with the deletion. He recommended denial with modification to delete Stipulation 10 regarding required local street improvements. He stated if vehicular access is provided to the alley, the developer shall provide 20 feet of paving per local street requirements for the alley from the western boundary of the property to 40th Street. He stated the rationale would allow the applicant to move forward without paving the alley with the current design but would require the alley to be paved if the design changes to include a vehicular connection.

He agreed with the applicant and recommended a new stipulation regarding preserving the existing tree on the western portion of the property. He stated in the event if the tree cannot be preserved, a vegetative hedge will be added on the western portion of the site, in addition vegetation that will mature into a hedge shall be planted along the southern perimeter of the site, as approved by the Planning and Development Department. He stated that staff did not receive a Proposition 207 waiver and an additional stipulation would be included requiring a waiver to be submitted prior to final site plan approval.

FINDINGS:

- 1) The request to modify Stipulation 1 is approved with modification by the PHO. The purpose of the original rezoning was to allow the development

of eight (8) multifamily townhomes on the Site. The proposal is offering a reduction in units to six (6) duplexes, which is a different product type than what was envisioned during the original rezoning case and thus, general conformance with the September 2, 2021, elevations is not achievable. The proposed duplexes will each be two stories and have a maximum height of 29 feet. As shown in the remainder of the stip, each duplex unit will have its own private entry way that will be clearly visible and identifiable from Monterosa Street.

- 2) The request for modification of Stipulation 3 is approved. The new product type will allow a more traditional living experience, with access to the unit from the front of development and livable outdoor space at the back of each unit, similar to a traditional backyard. Therefore, given the relocation of livable outdoor space to the rear of the proposed duplexes, there is no longer a need for a patio or seating courts at the front of each unit.
- 3) The request for modification of Stipulation 5 is approved. The Project is now three detached duplexes on three individual lots instead of one attached building on one large lot. As a result, a 10' setback is proposed on the western boundary, where the proposed development abuts single-family homes, and in between each duplex. The development is proposing a 3' setback where adjacent to a commercial use, on the eastern boundary of the Site. This meets the R-3 standards for each individual lot.
- 4) The request to delete Stipulation 6 is approved. Due to the change in product type of the proposed development from townhomes to duplexes, a surface parking lot is no longer provided. Instead, each duplex unit will be provided with an individual, covered two car carports.
- 5) The request to delete Stipulation 7 is approved. As previously stated, due to the change in product type of the proposed development, bicycle parking spaces are no longer provided in the proposed design. Each proposed duplex unit and associated carport will have ample space to store bicycles.
- 6) Neither the site plan approved as part of the original rezoning, nor the proposed site plan, have pedestrian pathways crossing drive aisles, so the request to delete Stipulation 9 is approved.
- 7) The request to delete Stipulation 10 is denied. It will in turn be modified to meet the current requirements set forth by the Streets and Transportation Department.
- 8) A new stipulation was proposed by the applicant during the PHO hearing. The new stipulation is a result of a promise that was made by the

applicant to a surrounding property owner. The PHO agreed to add this stipulation as new Stipulation 5.

STIPULATIONS:

1.	The development shall be in general conformance with the elevations date stamped AUGUST 12, 2023 September 2, 2024 , AS MODIFIED BY THE FOLLOWING STIPULATIONS with specific regard to the following and as approved by the Planning and Development Department.
a.	There shall be a maximum building height of 2 stories and 30 feet.
b.	Individual entryways on front (Monterosa) elevation shall be clearly identifiable as the primary pedestrian access for residential units.
2.	The developer shall construct a minimum 5-foot-wide public sidewalk along the south side of Monterosa Street, as approved by the Planning and Development Department.
3.	The primary entryways into residential units shall face Monterosa Street. These entryways shall incorporate a patio or seating court area, as approved by the Planning and Development Department.
4.	The required landscape setback along Monterosa Street shall include minimum 3-inch caliper single-trunk large canopy shade trees planted 20 feet on center or in equivalent groupings, as approved by the Planning and Development Department. Five, five-gallon shrubs per tree, and additional shrubs or live groundcover shall provide minimum 75 percent live cover at maturity, as approved by the Planning and Development Department.
5.	THE APPLICANT SHALL WORK TO PRESERVE THE EXISTING TREE ON THE WESTERN PORTION OF THE PROPERTY. IN THE EVENT THE TREE CANNOT BE PRESERVED, A VEGETATIVE HEDGE WILL BE ADDED ON THE WESTERN PERIMETER OF THE SITE. IN ADDITION, VEGETATION THAT WILL MATURE INTO A HEDGE SHALL BE PLANTED ALONG THE SOUTHERN PERIMETER OF THE SITE, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
6. 5.	A minimum 10-foot landscape setback shall be required along the west and east property lines. THIS These areas shall be planted with minimum 2-inch caliper shade trees placed 20 feet on center or in equivalent groupings, as approved by the Planning and Development Department.

6.	All uncovered surface parking lot areas shall be landscaped with minimum 2-inch caliper drought tolerant shade trees. Landscaping shall be dispersed throughout the parking area and achieve 25 percent shade at maturity, as approved by Planning and Development Department. Shade may be provided with a combination of trees and structural shade.
7.	A minimum of eight bicycle parking spaces shall be provided through Inverted U and/or artistic racks located on the southwest portion of the site, to the north of the pedestrian entry gate depicted on the site plan date stamped September 2, 2021. These parking spaces shall be installed per the requirements of Section 1307.H. of the Phoenix 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. 8.	Clearly defined, accessible pedestrian pathways shall be provided to connect building entrances and public sidewalks, using the most direct route for pedestrians, as approved by the Planning and Development Department.
9.	Where pedestrian pathways cross drive aisles, they shall be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrast with the adjacent parking and drive aisle surfaces, as approved by the Planning and Development Department.
8. 10.	IF VEHICULAR ACCESS IS PROVIDED TO THE ALLEY, the developer shall provide 20 feet of paving per the local street requirements for the alley from the western boundary of the property to 40th Street, as approved by the Planning and Development Department.
9. 11.	The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with the current ADA Guidelines.
10. 12.	The developer shall grant and record an avigation 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.
11. 13.	The developer shall provide a No Hazard Determination for the proposed development from the FAA pursuant to the FAA's Form-7460 obstruction analysis review process, prior to construction permit approval, as per plans approved by the Planning and Development Department.

12. 14.	The property owner shall record documents that disclose the existence, and operational characteristics of Phoenix Sky Harbor 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.
13. 15.	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.
14. 16.	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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