

Attachment C

Planning Hearing Officer Summary of August 21, 2019
Application Z-51-01-2
Page 1

REPORT OF PLANNING HEARING OFFICER ACTION

Adam Stranieri, Planner III, Hearing Officer
Sofia Mastikhina, Planner I, Assisting

August 21, 2019

ITEM 1

DISTRICT 2

SUBJECT:

Application #: Z-51-01-2 (PHO-2-19)
Zoning: R-3
Location: 2.39
Acreage: Northeast corner of 31st Street and Aire Libre Lane
Request: 1) Modification of Stipulation No. 1 regarding specific conformance to the site plan dated March 26, 2001.
2) Modification of Stipulation No. 2 regarding signage.
3) Deletion of Stipulation No. 3 regarding maximum height of storage.
4) Deletion of Stipulation No. 6 regarding landscaping on the existing C-3 parcel to the east.
5) Modification of Stipulation No. 7 regarding a decorative masonry screen wall along the north property line.
6) Modification of Stipulation No. 8 regarding a decorative masonry screen wall along the south and west setback lines.
7) Deletion of Stipulation No. 9 regarding a painted line denoting the zoning district boundary.
8) Deletion of Stipulation No. 10 regarding a 20-foot radius at the northeast corner of 31st Street and Aire Libre Lane.
9) Deletion of Stipulation No. 14 regarding combining the lots.
10) Technical correction to Stipulation No. 12.
Applicant: Jack Crittenden
Owner: Del Quest LP
Representative: Jason P. Allen, Skyline Consultants LLC

ACTIONS

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended denial as filed and approval with modifications and an additional stipulation.

Village Planning Committee (VPC) Recommendation: At its August 5, 2019 meeting, the Paradise Valley Village Planning Committee recommended approval with modifications and two additional stipulations by a 15-0 vote.

DISCUSSION

Jason Allen, representative with Skyline Consultants LLC, provided an overview of his request, including the existing and proposed stipulation language and rationale for his request.

Adam Stranieri stated that he concurred with the Paradise Valley Village Planning Committee (VPC) recommendation regarding updating the reference to the date stamped site plan. He added that concerns regarding perimeter vehicle parking and outdoor storage, addressed in Stipulation No. 1, are no longer relevant, given the proposed use and design of the site.

Mr. Stranieri indicated that the original rezoning case was for an extension of the business at the northwest corner of 32nd Street and Aire Libre Lane. He added that the original intent of the stipulation was to prohibit additional signage on the combined site. He noted that the parcels are currently split and under separate ownership, thus the applicant's site will require its own signage. He stated that the street facing sides of the property are less than 300 feet and will only allow for one sign per frontage. He stated that there was no need to add language restricting the location of the sign as it would be located at the primary driveway. He asked if the intent of the applicant's request was to limit the site to having one sign overall. Mr. Allen explained that he was attempting to propose a sign that was neighborhood friendly by limiting the size. Mr. Stranieri explained that it was more typical to stipulate the height and area of a sign. He noted that the applicant's request was equivalent to requesting a maximum of 3 feet in height and 30 square feet in area.

Mr. Stranieri noted that the Paradise Valley VPC recommended an additional stipulation prohibiting illumination of the sign between 10:00 p.m. and 6:00 a.m. He noted that the stipulation was only slightly more restrictive than the Ordinance standard, which prohibits illumination between 11:00 p.m. and sunrise.

Mr. Stranieri noted the second stipulation recommended by the VPC regarding hours of operation. He stated that he was not inclined to adopt this stipulation because it is difficult for the Planning and Development Department to enforce. He noted that hours of operation cannot be regulated, enforced, or reviewed through the site plan review process.

Mr. Stranieri explained that with the proposed change of use to an indoor storage facility, Stipulation No. 3 could be clarified to apply to outdoor storage, rather than be deleted. He indicated that a limitation on the height of outdoor storage is appropriate because the site is adjacent to residentially zoned properties on three sides. Mr. Allen asked if it would be possible to have outdoor storage and maintain the intent of the stipulation. Mr. Stranieri explained that it would be possible and asked what height would be appropriate. Mr. Allen stated that 10 or 12 feet would be suitable. Mr. Stranieri suggested that the outdoor storage should be no higher than 10 feet and be screened from public right-of-way (ROW).

Mr. Stranieri indicated that he was inclined to recommend deletion of Stipulation No. 6 because the properties are no longer under single ownership and are not planned for a unified development.

Mr. Stranieri stated that he spoke with site development staff about Stipulation No. 7 and how the existing perimeter wall would affect the applicant's proposal. He elaborated that the applicant would be able to retain the existing wall, but recommended that if the wall were demolished and rebuilt, any new wall should be decorative since the site adjacent to residential zoning.

Mr. Stranieri asked if the applicant was proposing 7-foot, 6-inch walls along the south and west property lines. Mr. Allen stated that that was correct. Mr. Stranieri stated that he is not inclined to stipulate to this height along right-of-way and instructed the applicant to comply with Ordinance requirements or apply for any necessary zoning adjustments. He added that the enhanced architecture of the walls was important when adjacent to residential.

Mr. Stranieri indicated that he was inclined to recommend deletion of Stipulation No. 9 because it was unnecessary. He added that Site Planning staff would review and verify the location and area of the site's two zoning designations.

Mr. Stranieri stated that he recommends denying the applicant's request to delete Stipulation No. 10. He explained that the stipulation is not about required visibility triangles, but instead addresses necessary dedications of right-of-way that will curve the corner and allow development of accessible pedestrian ramps. He stated that the language of the stipulation could be modified to be consistent with what was dedicated on the existing corner south of the southwest corner.

Mr. Stranieri indicated that he recommended approval of the request to delete Stipulation No. 14 because the properties are under separate ownership and would host different uses.

FINDINGS

- 1) The original rezoning case proposed the expansion of the existing business located at the northwest corner of 32nd Street and Aire Libre Lane to allow an outdoor storage area. Many of the stipulations, including those regarding specific conformance to the site plan, restrictions on signage, landscaping on adjacent parcels (off-site to the request), and combining the lots, are no longer relevant given that the subject site is now a separate parcel under new ownership and proposed to develop with a separate business.
- 2) In the original rezoning case, the dimension of the P-1 portion of the rezoning area was modified throughout the public hearings. The City Council ultimately approved the rezoning request with P-1 zoning established in an area 63 feet wide along the west and south property lines and C-3 zoning on the remainder of the property. This dimension was also reiterated in the original Stipulation No. 1. The applicant's request to modify Stipulation No. 1 includes, but is not limited to,

deletion of this reference. This aspect of their request is approved because the stipulation does not establish the area of the P-1 zoning and is therefore unnecessary. The rezoning area was established through the City Council action in the zoning case itself. Further, this language would never be able to be modified, since a stipulation modification cannot change the location or dimension of zoning boundary lines.

- 3) Stipulation No. 3, which established a maximum height of 8 feet for storage, should be retained and clarified so that it applies solely to outdoor storage. In the original rezoning case, the proposed use was outdoor storage and this stipulation was clear. However, the new proposal includes indoor RV storage, which cannot comply with an 8-foot height limitation. The limitation on outdoor storage remains suitable for a property that is adjacent to residential zoning on three of four perimeter property lines. The applicant indicated that a 10-foot height restriction would be acceptable. This recommendation includes additional language to ensure that any outdoor storage would also be screened from view of public rights-of-way.
- 4) Modifications are recommended to the applicant's requests regarding perimeter walls to retain the requirement for decorative elements on the north, west, and south perimeters. These are the property lines adjacent to residential zoning and it is appropriate to provide enhanced design in these areas, as stipulated in the original rezoning case. The recommended language includes references to specific design elements that may be used.

DECISION: The Planning Hearing Officer recommended denial as filed and approval with modifications and an additional stipulation.

STIPULATIONS

General	
1.	That the development SHALL be in specific GENERAL conformance to the colored version of the site plan dated March 26, 2001, STAMPED JULY 5, 2019, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. reflecting perimeter vehicle parking and the outdoor storage of building materials with the P-1 being a minimum of 63 feet wide on the south and west sides.
2.	That there shall be no additional signage located on the site with the exception of internal directional signage. PRIMARY GROUND AND COMBINATION SIGNS SHALL BE LIMITED TO A MAXIMUM OF 3 FEET IN HEIGHT AND 30 SQUARE FEET IN AREA.

3.	ILLUMINATED SIGNS SHALL NOT BE USED FROM 10:00 P.M. UNTIL 6:00 A.M.
4. 3.	That any OUTDOOR storage shall be no higher than eight (8) feet. NOT EXCEED A MAXIMUM HEIGHT OF 10 FEET AND SHALL BE SCREENED FROM VIEW OF PUBLIC RIGHTS OF WAY, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
Landscape	
5. 4.	That a twenty (20) foot landscape setback including two (2) inch caliper size shade trees spaced a maximum twenty (20) feet on center or placed in equivalent groupings SHALL be provided along the south and west property lines.
6. 5.	That a ten (10) foot landscape buffer including two (2) inch caliper size shade trees spaced a maximum twenty (20) feet on center or placed in equivalent groupings SHALL be provided along the interior of the north wall.
6.	That in order to support the rezoning, landscape enhancements shall be provided on the existing C-3 parcel along 32nd Street and Aire Libre Lane with additional landscaping in the existing front three (3) foot planting area and the corner planting area. Also, except at the existing driveways, install a 6 foot landscape strip along 32nd Street and a 5 foot strip along Aire Libre with a masonry wall behind the landscaped strips, as approved by DSD.
Walls	
7.	That a six (6) foot decorative masonry screen wall be provided along the north property line. ANY NEW PERIMETER WALL ALONG THE NORTH PROPERTY LINE, CONSTRUCTED AFTER THE EFFECTIVE DATE OF APPROVAL OF THIS REQUEST, SHALL INCLUDE MATERIAL AND TEXTURAL DIFFERENCES, SUCH AS STUCCO AND/OR SPLIT FACE BLOCK WITH A DECORATIVE ELEMENT, SUCH AS TILE, GLASS INSETS, OR STAMPED DESIGNS, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
8.	That a six (6) foot decorative masonry screen wall be provided along the south and west setback line. PERIMETER WALLS ALONG THE SOUTH AND WEST PROPERTY LINES SHALL INCLUDE MATERIAL AND TEXTURAL DIFFERENCES, SUCH AS STUCCO AND/OR SPLIT FACE BLOCK WITH A DECORATIVE ELEMENT, SUCH AS TILE, GLASS INSETS, OR STAMPED DESIGNS, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

9.	That a line denoting the C-3 and P-1 zoning district boundary shall be painted and maintained by the applicant.
Circulation	
9. 10.	That a twenty (20) A 12-foot right-of-way radius shall be dedicated at the northeast corner of 31st Street and Aire Libre Lane.
10. 11.	That t The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalks except on Aire Libre, curb ramps, streetlights, landscaping and other incidentals as per plans approved by the City. All improvements shall comply with all ADA accessibility standards.
11. 12.	That CPTED principles shall be used in the design and layout of the site, as recommended by the PLANNING AND Development Services Department.
12. 13.	That u Upon approval by City Council, the Paradise Valley VPC will be notified of any modifications of stipulations.
Other	
14.	That the applicant shall combine the lots under single use and ownership prior to final site plan approval.
13. 15.	That t The property owner SHALL record a notice to prospective purchasers of proximity to airport in order to disclose the existence, and operational characteristics of Phoenix Deer Valley Airport to future owners or tenants of the property.

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