

REPORT OF PLANNING HEARING OFFICER ACTION

Adam Stranieri, Planner III, Hearing Officer

Bradley Wylam, Planner I, Assisting

June 15, 2022

ITEM NO: 2

DISTRICT 1

SUBJECT:

Application #: PHO-1-22--Z-147-06-1
Location: Approximately 365 feet east of the southeast corner of 51st Avenue and Cactus Road
Zoning: R1-6 and C-1 (Approved C-1 and P-1)
Acreage: 3.75
Request: 1) Modification of Stipulation 1 regarding general conformance with site plan and elevations date stamped January 30, 2007.
2) Modification of Stipulation 2 regarding a 25-foot landscape setback along 49th Drive.
3) Modification of Stipulation 3 regarding landscape requirements for the P-1 parcel.
4) Modification of Stipulation 4 regarding walls along the south property line.
5) Deletion of Stipulation 5 regarding a drive-through on the western end of the site.
6) Deletion of Stipulation 6 regarding a drive-through for a retail coffee facility.
7) Deletion of Stipulation 7 regarding drive-through features.
8) Deletion of Stipulation 8 regarding the westernmost driveway.
9) Deletion of Stipulation 9 prohibiting pedestrian access to 49th Drive.
Applicant: Michael March, Moderna Architects
Owner: Parkwood Retail Investors LLC
Representative: Michael March, Moderna Architects

ACTIONS:

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended approval with modifications and additional stipulations.

Village Planning Committee (VPC) Recommendation: The North Mountain Village Planning Committee heard this request on May 18, 2022 and recommended approval by a vote of 11-3.

DISCUSSION:

Roberto Buenaver, representative with Unified CRE Partners, provided an overview of the subject site and surrounding uses. He stated that the proposed conceptual site plan depicts a multifamily residential development consisting of 32 units. He noted that the stipulated site plan depicts a commercial development that included a drive-through bank, drive-through restaurant, and a retail building. He stated that the North Mountain Village Planning Committee (VPC) recommended approval on May 18, 2022 by a vote of 11-3. He noted that the VPC recommended that the applicant send additional notification of the Planning Hearing Officer hearing to neighbors written in Spanish, which they completed. He stated that the proposed modification of Stipulation 2 would provide a 10-foot landscape setback on the east property line to allow a driveway to lead to the parking lot on the south portion of the site. He stated that the proposed modification of Stipulation 3 would allow the developer to utilize R-3 landscaping requirements for the P-1 portion, which is in line with the proposed development. He stated that the proposed modification of Stipulation 4 would allow a 6-foot-high wall or fence adjacent to the Arizona Canal Diversion Channel, which is in line with the residential use of the site. He stated that Stipulations 5, 6, 7, and 8 are specific to the commercial uses on the stipulated site plan and are proposed to be deleted. He stated that Stipulation 9 prohibiting pedestrian access to 49th Drive is proposed to be deleted because the main entrance for the residential development is proposed along 49th Drive. He stated that the proposed use is permitted by right in the C-1 district and would be a low traffic alternative compared to the project from the original rezoning case.

Benjamin Lerma, property owner adjacent to the subject site, stated that he had concerns regarding privacy and traffic on 49th Drive. He had concerns regarding second floor windows having visibility into his backyard. He stated that access onto 49th Drive will create additional traffic and safety issues for neighboring residents.

Mr. Buenaver stated that the use is allowed by right and that the proposed development would have significantly less traffic compared to the original stipulated project. He stated that the development would be further evaluated for traffic concerns as the development continues through City processes.

Michael March, representative with Moderna Architects, stated that traffic was discussed at the site plan pre-application meeting and did not come forward as a major concern. He stated that considerable open space is depicted on the southern portion of the site, which provides a buffer to neighboring property owners. He provided clarification of the proposed 10-foot landscape setback along 49th Drive and noted that this would allow 10 feet of landscaping on both sides of the drive aisle in the parking lot.

Adam Stranieri, Planning Hearing Officer, stated that no public correspondence was received prior to the hearing and stated that the North Mountain VPC recommended approval by a vote of 11-3. He provided an overview of the original rezoning case and noted that the P-1 area and multiple stipulations were established to mitigate the impact of commercial uses on nearby residences. He stated that the proposed conceptual site plan depicts 32 units at a density of approximately 9.73 dwelling units per acre, which is below the maximum that would otherwise be permitted. He stated that the height of the development is below the maximum height for the district. He stated that the layout is compatible with the surrounding area and noted the building setback from the south property line and Mr. Lerma's property would be approximately 60 feet or greater. He stated that the stipulated landscape setback along 49th Drive, per Stipulation 2, is 25 feet, which matches the streetscape landscape setback in the C-1 district. He noted that given the change of use, the multifamily residential standards would otherwise require a minimum 10-foot landscape setback. He noted that Mr. March stated there would be an additional 10-feet of landscaping on the west side of the drive aisle. He recommended that language be included to require the 10-foot landscape setback as well as 10 feet of additional landscaping west of the drive aisle as depicted on the conceptual plan. He stated that the modification of Stipulation 3 regarding landscape requirements for the P-1 portion is recommended to be approved as it will be consistent with the residential use of the site. He discussed Stipulation 4 regarding a wall or fence along the Arizona Canal Diversion Channel noting that it appears both the existing and proposed stipulations may conflict with Canal Bank Design Guidelines that address visual accessibility by avoiding solid walls that block views. He recommended that Stipulation 4 be deleted in its entirety to avoid conflicts. He stated that the proposed deletion of Stipulations 5, 6, and 7 regarding drive-through uses are recommended to be approved as they are not relevant to the proposed development. He stated that the proposed deletion of Stipulation 8 regarding a driveway along Cactus Road is recommended to be approved as the driveway is not part of the proposed development. He stated that Stipulation 9 is recommended to be deleted because pedestrian access will be required along 49th Drive if the site develops as residential. He stated that the Street Transportation Department recommended an additional stipulation regarding right-of-way and sidewalk easement dedications along Cactus Road. He stated that a Recorded Proposition 207 Waiver is still required prior to preliminary site plan approval and is recommended to be added as a stipulation.

FINDINGS:

- 1) The request to modify Stipulation 1 regarding general conformance to a site plan and elevations is recommended for approval with a modification to provide more standard conformance language. The stipulated site plan depicted a commercial project comprising an approximately 4,000 square foot drive-through bank, an approximately 2,000 square foot drive-through

restaurant, and an approximately 12,500 square foot retail and restaurant building. This project did not develop, and the property remains vacant.

The proposed conceptual site plan depicts a multifamily residential development containing 32 units at approximately 9.73 dwelling units per gross acre (note this density is calculated on the C-1 portion of the site only as the P-1 portion does not permit dwelling units). Conceptual elevations depict two story units with a maximum height of 27 feet, 10 inches (top of roof). Architectural features and detailing include brick veneers, metal awnings, mansard tile roofs, shade canopies, patios, pop outs, and varied rooflines. The proposal is compatible with the land use pattern in the surrounding area.

- 2) The request to modify Stipulation 2 regarding the landscape setback along 49th Drive is recommended for approval with a modification. The original stipulation required a 25-foot landscape setback consistent with commercial development standards for consistency with the proposed commercial uses to the west. With the change of use to residential, it should be noted that the applicant's proposal to reduce this stipulated setback to 10 feet is below the minimum 20 feet otherwise required by the R-3 PRD option where adjacent to a public street. However, the applicant noted that their intent is to provide a total of 20 feet of landscaping in two portions, along the right-of-way and along the units at the center of the P-1 portion of the site. This landscaping would total 20 feet and serve as an adequate buffer; however, the building adjacent landscaping would not be required by the applicant's proposed language. Therefore, a modification is recommended to require this as depicted on the proposed conceptual site plan.
- 3) The request to modify Stipulation 3 regarding the landscape standards on the P-1 portion of the site is recommended for approval. The change is consistent with the change of use to a multifamily residential project under the R-3 PRD development standards.
- 4) The request to modify Stipulation 4 regarding an eight-foot-high solid masonry screen wall or view fence with landscaping along the Arizona Canal Diversion Channel is recommended to be approved with a modification to delete the stipulation entirely. Both the existing and proposed stipulation appear to conflict with current Canal Bank Design Guidelines that address visual accessibility by avoiding solid walls that block views. Deleting the stipulation will allow the applicant to comply with existing Ordinance standards along their canal frontage and for staff to apply Canal Bank Design Guidelines appropriately.

- 5) The requests to delete Stipulations 5, 6, and 7 are recommended for approval. These stipulations all address drive-through uses on the original stipulated plan which are no longer proposed.
- 6) The request to delete Stipulation 8 is recommended for approval. This stipulation was specific to a driveway along Cactus Road on the original stipulated plan which is no longer proposed.
- 7) The request to delete Stipulation 9 is recommended for approval. This stipulation was recommended by the neighborhood in the original case to further strengthen the function of the P-1 portion of the site as a buffer from the commercial uses. With the current residential proposal, the applicant will be required to provide pedestrian access to 49th Drive and this stipulation is no longer relevant.
- 8) The Street Transportation Department recommends an additional stipulation regarding right-of-way and sidewalk easement dedications along Cactus Road. This stipulation is recommended to be added. The current right-of-way along the south side of Cactus Road, adjacent to the site, exists as a right-of-way easement. As part of this development, the developer will be required to improve (i.e., dedicate) this section of roadway from easement to fee title right-of-way in addition to dedicating a 10-foot-wide sidewalk easement. Cactus Road is identified as a D-Section arterial roadway on the City Council approved Street Classification Map which identifies these dedications.

STIPULATIONS:

1.	That THE development shall be in general conformance WITH to the site plan and elevations date stamped MARCH 9, 2022 January 30, 2007 , as approved or modified by the FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND Development Services Department.
2.	That there shall be a 25 foot landscape setback along the 49th Drive (eastern) side of the P-1 parcel, as approved by the Development Services Department. ON THE P-1 PORTION OF THE SITE, THERE SHALL BE A MINIMUM 10-FOOT LANDSCAPE SETBACK ALONG 49TH DRIVE AND A MINIMUM 10-FOOT-WIDE LANDSCAPE AREA ADAJCENT TO BUILDINGS ALONG THE WEST SIDE OF THE P-1 AREA, AS DEPICTED ON THE SITE PLAN DATE STAMPED MARCH 9, 2022, AND AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

3.	That Landscape requirements for the P-1 parcel shall meet or exceed the R-3 G-4 Zoning Ordinance standards, as approved by the PLANNING AND Development Services Department.
4.	That an eight foot high solid masonry screen wall or view fence with landscaping to provide appropriate screening shall be provided at the south property line adjacent to the Arizona Canal Diversion Channel, as approved by the Development Services Department.
5.	That a drive through, non food facility shall be permitted on the site, and it shall be located at the far western end of the site, as approved by the Development Services Department.
6.	That an additional drive through facility for a retail coffee business only shall be permitted on the site subject to obtaining a use permit and as approved by the Development Services Department.
7.	That the drive through canopies, lanes, speaker boxes, and service windows shall not be located on the eastern side of the drive through facilities, as approved by the Development Services Department.
8.	That the westernmost driveway access shall be configured to ensure emergency access, as approved by the Development Services Department.
9.	That there shall be no pedestrian access to 49th Drive.
4.	THE DEVELOPER SHALL DEDICATE 40-FEET OF RIGHT-OF-WAY AND A 10-FOOT-WIDE SIDEWALK EASEMENT FOR THE LENGTH OF THE PROJECT AREA ALONG THE SOUTH SIDE OF CACTUS ROAD, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
5.	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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