

REPORT OF PLANNING HEARING OFFICER ACTION

Adam Stranieri, Planner III, Hearing Officer

Bradley Wylam, Planner I, Assisting

June 15, 2022

ITEM NO: 6

DISTRICT 7

SUBJECT:

Application #: PHO-2-22--Z-39-12-7 (Continued from May 18, 2022)
Location: Approximately 660 feet north of the northeast corner of 51st Avenue and Baseline Road
Zoning: C-2
Acreage: 1.98
Request: 1) Deletion of Stipulation 3 regarding a 50-foot landscape setback along 51st Avenue and Baseline Road.
2) Deletion of Stipulation 4 regarding a multi-use trail along 51st Avenue and Baseline Road.
Applicant: M3 Design
Owner: Cafe Investments LLC
Representative: M3 Design

ACTIONS:

Planning Hearing Officer Recommendation: The Planning Hearing Officer took the case under advisement. On June 23, 2022, the Planning Hearing Officer took the case out from under advisement and recommended approval with additional stipulations.

Village Planning Committee (VPC) Recommendation: The Laveen Village Planning Committee heard this request on June 13, 2022 and recommended approval by a vote of 7-1.

DISCUSSION:

Jesse Macias, representative with M3 Design, provided an overview of the request language and noted that the Laveen Village Planning Committee recommended approval by a vote of 7-1. He stated that the proposed deletion of Stipulation 3 regarding a 50-foot landscape setback would allow for consistency with nearby developments, which provide approximately 30-foot landscape setbacks. He stated that the deletion of Stipulation 4 regarding a multi-use trail along 51st Avenue is proposed because a multi-use trail currently exists in the 51st Avenue right-of-way. He noted that a second multi-use trail would be redundant. He stated that he spoke with Jon Kimoto, a member of the local community, who recommended additional landscaping and a screen wall on the

north and south sides of the proposed development. Mr. Macias noted that much of this proposed landscaping was depicted on their conceptual landscape plan and he had no concerns adding two additional trees along the north property line consistent with Mr. Kimoto's recommendation. However, he noted that the site is constrained in area and a screen wall on the north property line may be difficult.

Adam Stranieri, Planning Hearing Officer, noted that he had received Mr. Kimoto's letter. He agreed that the screen wall may be developed but does not need to be stipulated given the adjacent property to the north, and additional properties further to the north, are all commercially zoned. He noted that additional landscaping would be appropriate for consistency with the surrounding area and asked Mr. Macias if he had concerns agreeing to general conformance to the landscape plan presented, given there is no existing, similar stipulation. Mr. Macias stated he had no concerns except that the plan would be modified to include the additional trees. Mr. Stranieri stated that would not create any conformance problem.

Regarding Stipulation 3, Mr. Stranieri noted that the existing multi-use trail, right-of-way landscaping, and proposed landscape setback on the conceptual plans provide a significant landscaped area consistent with the stipulation. Mr. Macias noted that an Abandonment Hearing heard on April 14, 2022, conditionally approved the abandonment of the Multi-Use Trail Easement along 51st Avenue on the subject site. Mr. Stranieri stated that the result of this Abandonment Hearing may have an impact on his recommendation for the proposed deletion of Stipulation 4 and stated he would like to speak with the Abandonment Coordinator prior to issuing a recommendation.

Mr. Stranieri took the case under advisement to confer with staff on the decision in the Abandonment Hearing. He noted that if the case was ultimately approved, he would also recommend additional stipulations regarding standard archaeological survey and reporting requirements and the submittal of a Proposition 207 Waiver.

FINDINGS:

- 1) The request to delete Stipulation 3 regarding 50-foot landscape setbacks along 51st Avenue and Baseline Road is recommended for approval. The existing public right-of-way along the east side of 51st Avenue consists of approximately 40-feet between the curb and property line of the subject site, and contains landscaping, a detached sidewalk, and an existing multi-use trail. In combination with the existing 30-foot multi-use trail easement on the property, there is the appearance of approximately 70-feet of landscape setback in this area. This meets the intent of the stipulation. Additionally, this recommendation will allow landscaping

consistent with other properties along 51st Avenue to the north and south of the subject site.

Note that Baseline Road is off-site to the subject property of this request. The stipulation remains in place along Baseline Road for other portions of the original rezoning case area.

- 2) The request to delete Stipulation 4 regarding the multi-use trail is recommended to be approved. The multi-use trail already exists within public right-of-way along the east side of 51st Avenue. The multi-use trail easement on the site was recently conditionally approved to be abandoned, subject to conditions. The stipulation is no longer necessary.

Note that Baseline Road is off-site to the subject property of this request. The stipulation remains in place along Baseline Road for other portions of the original rezoning case area.

- 3) An additional stipulation is recommended to require general conformance with the proposed conceptual landscape plan. This plan depicts additional landscaping along the north and south property lines. These property lines are interior property lines shared with commercially zoned properties where this landscaping would not be otherwise required. The applicant stated their intent to add additional trees along the north property line.
- 4) The site is identified as archaeologically sensitive and three additional stipulations are recommended to be included to address requirements for archaeological survey and testing.

STIPULATIONS:

1.	The development shall be in general conformance with the site plan date stamped September 26, 2012, as approved by the Planning and Development Department.
2.	THE DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE LANDSCAPE PLAN DATE STAMPED JUNE 15, 2022, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
3. 2.	That all elevations of the building shall contain architectural embellishments and detailing such as textural changes, pilasters, offsets, recesses, variation in window size and location, and/or other overhang canopies, as approved by the Planning and Development Department.

3.	A 50 foot landscape setback shall be provided along Baseline Road and 51st Avenue, as approved by the Planning and Development Department.
4.	A 10 foot public multi-use trail shall be constructed within a 30-foot easement in accordance with City of Phoenix MAG Supplemental detail Section 429 of the Supplemental Specifications along 51st Avenue and Baseline Road, as approved by the Parks and Recreation Department and Planning and Development Department.
4. 5.	Detached sidewalks shall be provided along 51st Avenue and Baseline Road, as approved by the Planning and Development Department.
5. 6.	Drive-through facilities shall be located a minimum 100 feet from the north and east property lines, as approved by the Planning and Development Department.
6. 7.	The applicant shall pursue a recorded cross access agreement for the subject parcel and the parcel located at the northeast corner of 51st Avenue and Baseline Road to allow the proposed uses to function as a commercial center. The agreement is to be reviewed and approved by the Planning and Development Department prior to recordation with Maricopa County.
7. 8.	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 Sky Harbor International Airport to future owners or tenants of the property.
8. 9.	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. 10.	That the applicant shall present for review and comment a detailed site plan, landscape plan, elevations, sign plan and trails plan to the Laveen Village Planning Committee prior to preliminary site plan approval.
10.	IF DETERMINED NECESSARY BY THE PHOENIX ARCHAEOLOGY OFFICE, THE APPLICANT SHALL CONDUCT PHASE I DATA TESTING AND SUBMIT AN ARCHAEOLOGICAL SURVEY REPORT OF THE DEVELOPMENT AREA FOR REVIEW AND APPROVAL BY THE CITY ARCHAEOLOGIST PRIOR TO CLEARING AND GRUBBING, LANDSCAPE SALVAGE, AND/OR GRADING APPROVAL.

11.	IF PHASE I DATA TESTING IS REQUIRED, AND IF, UPON REVIEW OF THE RESULTS FROM THE PHASE I DATA TESTING, THE CITY ARCHAEOLOGIST, IN CONSULTATION WITH A QUALIFIED ARCHAEOLOGIST, DETERMINES SUCH DATA RECOVERY EXCAVATIONS ARE NECESSARY, THE APPLICANT SHALL CONDUCT PHASE II ARCHAEOLOGICAL DATA RECOVERY EXCAVATIONS.	
12.	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.	
13. 14.	The applicant shall notify the following individuals by mail 15 days prior to any Planning Hearing Officer hearings. The notice shall include the date, time, and location of the hearings.	
a.	Claudine Reifschneider – 4611 West Summerside Road, Laveen, AZ 85339	
b.	Phil Hertel – 2300 West Broadway Road, Phoenix, AZ 85041	
c.	Steven Kline – 6820 South 66th Avenue, Laveen, AZ 85339	
d.	Wendy Ensminger – 6806 South 55th Lane, Laveen, AZ 85339	
e.	Jon Kimoto – 3216 West Ansell Road, Laveen, AZ 85339	
f.	Randy Schiller – 8618 South 54th Lane, Laveen, AZ 85339	
g.	Bryan Baker – 7225 West Ellis Street, Laveen, AZ 85339	
h.	Erika Lopez – 4845 West Donner Drive, Laveen, AZ 85339	
14.	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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