

Attachment C- PHO Summary

Planning Hearing Officer Summary of September 19, 2018

Application Z-59-88-7(8)

Page 1

REPORT OF PLANNING HEARING OFFICER ACTION

Teresa Hillner, Planner III, Hearing Officer

Jazmine Braswell, Planner I, Assisting

September 19, 2018

ITEM 4

DISTRICT 8

SUBJECT:

Application #: Z-59-88-7(8) (PHO-5-18)
Zoning: C-1
Acreage: 3.66
Location: Approximately 148 feet east of the southeast corner of 27th Avenue and Southern Avenue
Proposal: 1) Modification of Stipulation No. 4a regarding height of structure not to exceed 20 feet.
2) Modification of Stipulation No. 4b regarding FAR to not exceed 0.2.
3) Modification of Stipulation No. 4c identify the location of landscaping.
4) Deletion of Stipulation No. 4d regarding a 6-foot decorative block wall.
5) Deletion of Stipulation No. 4f regarding the site to be developed with an architectural theme.
6) Modification of Stipulation No. 5 regarding substantial conformance with site plan dated April 4, 1988 and elevation dated July 15, 1987.
Applicant: GRRO Devco - Robert Orsi/Ginger Orsi
Owner: Delonna North Ridge LLC
Representative: Hamilton Architecture, PLLC

ACTIONS:

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

Village Planning Committee (VPC) Recommendation: At its September 11, 2018 meeting, the South Mountain Village Planning Committee recommended approval with a modification and an additional stipulation by a 10-5 vote.

DISCUSSION:

Mr. Rick Hamilton with Hamilton Architecture, stated they are proposing to develop the eastern portion of the property and the western portion to be developed at a later date. The request to modify the stipulations are to conform with today's current C-1 development standards.

Ms. Teresa Hillner asked if the applicant was in agreement with the stipulations recommended by the South Mountain Village Planning Committee, particularly Stipulation No. 4d regarding pedestrian access point in the wall that is currently on the site.

Mr. Hamilton stated it is not their wall.

Mr. Robert Orsi stated his interpretation of the village recommendation was that if they were to install a wall, the Village Planning Committee would like a pedestrian access point.

Ms. Hillner clarified that when the existing wall was constructed, it should have had a pedestrian access point as the 1988 stipulations reads.

Mr. Orsi asked if he needs to coordinate with the home owner's association and tell them they are going to put a gate in their wall. He stated he would not prefer to ask them to ask to do because he does not know if they are going to agree with it.

Ms. Hillner stated they agreed to the rezoning case in 1988 and they can ask them when the western portion of the commercial property is developed.

Ms. Ginger Orsi stated that gives them more time to have this conversation with the home owner's association.

Ms. Hillner stated there are other portions of wall along the south property line that the gate can be constructed when the west portion of the site is developed.

Mr. Orsi stated he agreed.

Ms. Hillner stated she is going to deny the request as filed and approved with modifications and additional stipulations.

FINDINGS:

1. This property was included in a larger rezoning case that had both residential and commercial zoning districts. The residential portion developed in 2003 while the commercial portion remained vacant. This applicant is proposing to construct a small commercial building on the east side of the parcel.
2. Some of the stipulations are only applicable to the residential portion. Those stipulations will remain in effect. The commercial site plan is being modified to allow the proposed pre-school building and associated accessory uses.

DECISION:

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

STIPULATIONS:

1.	That the development be limited to a maximum of 4.72 dwelling units per acre.	
2.	That the trail as shown on the site plan dated July 25, 1987 shall be an equestrian/pedestrian trail and that the easement shall be a maximum of 17.5' in width consisting of 4' of landscaping adjacent to the street, 10' for the equestrian/pedestrian trail 3.5' to the center of the wall. The trees in the 4' buffer shall be 24" box trees placed 30' on center or in equivalent groupings and shall be canopy-type trees.	
3.	That the following right-of-way be dedicated within one year of final City Council approval. Rationale, all the traffic stipulations below have been previously satisfied and are present near the site per Derek Falcon, City of Phoenix traffic.	
	a.	Type I flares at 27th Avenue and Southern Avenue.
	b.	Forty-foot half street of 27th Avenue and Southern Avenue.
	c.	21' x 21' triangle at 27th Avenue and Southern Avenue.
	d.	Additional right-of-way for right turn lanes as determined by the PLANNING AND DEVELOPMENT DEPARTMENT Development Coordination Office.
4.	That the following standards of development be applied to the commercial zoning:	
	a.	That the height of the structures SHALL not exceed 20 feet with the exception of parapets and bell towers as identified on the elevation. 2 STORIES AND 30 FEET.
	b.	That the FAR of the site not exceed 0.2. LOT COVERAGE SHALL NOT EXCEED 50%.
	c.	That a Along the property lines DEVELOPED PORTION OF THE PROPERTY LINE there shall be incorporated 2 ½ inch caliper resistant shade trees, planted an average of 20 feet on center or in equivalent groupings as approved by the Development Coordination Office PLANNING AND DEVELOPMENT DEPARTMENT.
	d.	That a six feet decorative block or stucco wall shall be required along the east and south property lines with provision for pedestrian access.

	e.	That parking and/or loading areas be screened and noise attenuation be provided to ensure compatibility with the residential area.
	f.	That the site be developed with a uniform architectural theme, including colors, exterior finish materials and roofing materials.
	Fg.	That the driveways be permitted within 200 feet of the northwest corner of the commercially zoned property on Southern Avenue and 173 feet on 27th Avenue.
	Gh.	That landscape strips along Southern Avenue and 27th Avenue average a minimum of 20 feet in width.
	Hi.	That design of the site/building be integrated with the residential subdivision street pattern to provide pedestrian integration with the site and pedestrian accesses be provided from the residential area to commercial.
5.		That COMMERCIAL development SHALL be in substantial GENERAL conformance with the site plan dated April 4, 1988, and elevations dated July 15, 1987. Revised site plan dated 8/01/2018. DATE STAMPED AUGUST 1, 2018 AND ELEVATIONS DATE STAMPED AUGUST 1, 2018.
6.		That development commence within 18 months of final City Council approval of the change in zone in accordance with Section 108-M of the Zoning Ordinance.
7.		That the need for and location of 25th Avenue as shown on the site plan dated April 4, 1988, be determined by DCO in light of plans for the development of the property to the east.
8.		That traditional convenience-type stores be excluded.
9.		THE PROPERTY OWNER SHALL RECORD DOCUMENTS THAT DISCLOSE THE EXISTENCE, AND OPERATIONAL CHARACTERISTICS OF PHOENIX SKY HARBOR INTERNATIONAL AIRPORT (PHX) TO FUTURE OWNERS OR TENANTS OF THE PROPERTY.
10.		THE DEVELOPER/OWNER SHALL DEDICATE A 30-FOOT WIDE MULTI-USE TRAIL EASEMENT (MUTE) ALONG THE EAST SIDE OF 27 TH AVENUE AND CONSTRUCT A 10-FOOT WIDE MULTI-USE TRAIL (MUT) WITHIN THE EASEMENT AS INDICATED IN SECTION 429 OF THE CITY OF PHOENIX MAG SUPPLEMENT
11.		PRIOR TO PRELIMINARY SITE PLAN APPROVAL, THE LANDOWNER SHALL EXECUTE A PROPOSITION 207 WAIVER OF CLAIMS IN A FORM APPROVED BY THE CITY ATTORNEY'S OFFICE. THE WAIVER SHALL BE RECORDED WITH MARICOPA COUNTY RECORDER'S OFFICE AND DELIVERED TO THE

	CITY TO BE INCLUDED IN THE REZONING APPLICATION FILE FOR RECORD.
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