

Attachment C

REPORT OF PLANNING HEARING OFFICER ACTION

Adam Stranieri, Principal Planner, Hearing Officer
Chase Hales, Planner I, Assisting

January 18, 2023

ITEM NO: 1	
	DISTRICT 7
SUBJECT:	
Application #:	PHO-5-22--Z-122-03-7 (Continued from December 21, 2022)
Location:	Northwest corner of 51st Avenue and Southern Avenue
Zoning:	S-1 (Approved C-2)
Acreage:	2.74
Request:	<ol style="list-style-type: none">1) Modification of Stipulation 1 regarding general conformance with the site plan dated March 10, 2006.2) Deletion of Stipulation 6 regarding enhanced landscaping.3) Modification of Stipulation 13 regarding general conformance to the elevations dated March 10, 2006.4) Deletion of Stipulation 15 regarding gasoline canopy materials, color, and design.5) Deletion of Stipulation 18 regarding abandonment of Huntington Drive.6) Deletion of Stipulation 23 regarding general conformance to the signage designs dated April 28, 2004.7) Technical corrections to Stipulations 3, 4, 5, 10, 11, 12, and 16.
Applicant:	M3 Design
Owner:	Laveen 51 2019 LLC, et al.
Representative:	M3 Design

ACTIONS:

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

Village Planning Committee (VPC) Recommendation: The Laveen Village Planning Committee heard this request on December 12, 2022 and recommended a continuance to their January 9, 2022 meeting by a vote of 9-0. The Laveen Village Planning Committee heard this request on January 9, 2023 and recommended approval with additional stipulations by a vote of 8-0.

DISCUSSION:

Jesse Macias, representative with M3 Design, explained that the PHO case had been continued from the December 21, 2022 PHO hearing to make changes to the conceptual plans that considered the planned developments surrounding the property and to return to the Laveen Village Planning Committee (VPC). He stated that the case was heard by the Laveen Village Planning Committee before and after the changes and that he had also met with the Laveen Citizens for Responsible Development (LCRD). He provided an overview of the proposal, showing a conceptual site plan, building renderings, placement of signage, as well as elevations for the signage. He addressed each proposed modification and gave rationale for each.

Adam Stranieri, Planning Hearing Officer, noted that staff did not receive any correspondence prior to the hearing. He stated that he had no issue with the request for the modification of Stipulation 1 regarding general conformance with site plans, but recommended approval with modifications to create standard language for general conformance. He recommended approval of the deletion of Stipulation 6 regarding enhanced landscaping and explained that this requirement was specific to the original planned commercial center and was no longer relevant. He recommended denial as filed for the request to modify Stipulation 13 regarding general conformance to elevations and instead recommended to delete the stipulation in its entirety and add a new standard language stipulation. He recommended approval of the request to delete Stipulation 15 regarding the gasoline canopy design as there is no longer a planned gas station. He recommended approval of the request to delete Stipulation 18, explaining that the referenced street was off-site and had been addressed in prior PHO applications which are adjacent to this alignment. He recommended approval of the deletion of Stipulation 23 and explained that this issue would be addressed in response to the Laveen VPC recommendation.

Mr. Stranieri identified a planned multi-use trail easement along 51st Avenue and noted that existing Stipulation 8 already addressed this. He noted that the site is designated as archaeologically sensitive and recommended three additional standard stipulations. He stated that the Street Transportation Department recommended three stipulations, the first regarding a 14-foot-wide landscaped median. He noted that the Laveen VPC had recommended an additional stipulation requiring a flush median but stated that the Street Transportation Department did not support this recommendation due to conflicts with City standards regarding the spacing of median breaks and potential traffic movement conflicts. He recommended approval of the stipulation proposed by the Street Transportation Department.

Mr. Macias asked if the additional stipulation created any new burden on the developer. Mr. Stranieri responded that it did not, and the recommendation was consistent with the information provided by staff in the site plan pre-application

and was also consistent with City standards. He recommended approval of the additional two stipulations from the Street Transportation Department regarding a 5-foot detached sidewalk along Southern Avenue and responsibility for potential traffic signal costs.

Mr. Stranieri stated that in addition to the recommendation for an additional stipulation regarding a flush median, the Laveen VPC also recommended an additional stipulation for general conformance to sign plans with specific height restrictions. He recommended deletion of Stipulation 23 regarding sign plans to create a new stipulation regarding signs. He expressed concerns with the VPC's recommendation regarding signs because it limited the Sign Section's ability to review designs and request or implement changes. He stated that he would modify the recommendation to limit the general conformance to sheets 2 and 3 that were presented to the VPC and include the specified sign height limitations. He noted that these two plan sheets were those that depicted the unique materials, colors, and rural design characteristics desired by the Village, while the remaining sheets contained technical information that should be reviewed by Sign Section staff before any approval.

FINDINGS:

- 1) The request to modify Stipulation 1 regarding general conformance to a site plan is recommended to be approved with a modification to provide more standard conformance language. The request to modify Stipulation 13 regarding general conformance to building elevations is recommended to be denied as filed as approved with an additional stipulation, in order to delete the current stipulation in its entirety and create a new standard language conformance stipulation (New Stipulation 2).

The stipulated site plan depicted a large-scale commercial, retail, and office complex consisting of approximately 100,000 square feet of buildings. The plan included a major retail tenant, smaller shops, 24,000 square feet of offices, and four retail or drive-through restaurant pads. This project did not develop. Multiple PHO actions have since modified stipulations and approved new development plans throughout the original case area. The proposed site plan and elevations depict a drive-through car wash which is compatible in scale and intensity with existing and proposed development in the surrounding area.

- 2) The requests to delete Stipulation 6 (enhanced landscaping), Stipulation 15 (gas station canopy design), and Stipulation 18 (abandonment of Huntington Drive) are recommended to be approved. The enhanced landscaping was specific to the layout on the prior conceptual site plan and is no longer relevant to the proposed design. The gas station canopy is no longer proposed on the site. Huntington Drive is off-site to the

current request and has been addressed in prior PHO actions on the portion of the original rezoning case area adjacent to this street alignment.

- 3) The request to delete Stipulation 23 regarding general conformance to signage designs is recommended to be approved. This recommendation includes a new additional stipulation regarding general conformance to sign plans as adapted from the recommendation from the Laveen Village Planning Committee. See Finding #6 for detailed information.
- 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.
- 5) The Street Transportation Department recommends the addition of three new stipulations. These stipulations are recommended for inclusion. The first two stipulations require the developer to provide a landscaped median and detached sidewalk along Southern Avenue. Southern Avenue is a CM classified roadway on the City Council approved Street Classification Map. This roadway classification requires that a 14-foot-median be constructed, and an 18-foot-wide streetscape zone be provided which includes detached sidewalks. The third stipulation assigns responsibility to the developer for modifications to traffic signals at 51st Avenue and Southern Avenue. Redevelopment of the site may require underground signal utilities to be relocated and/or modified. Additionally, the final placement of sidewalk and push buttons associated with the signal may impact signal location and/or push-button location. The developer shall be responsible for all costs and relocation.
- 6) The Laveen Village Planning Committee recommended two additional stipulations regarding a flush median along Southern Avenue and general conformance to a sign plan.

The stipulation regarding the flush (not raised) median along Southern Avenue is not recommended to be included. The Street Transportation Department does not support this stipulation because of conflicts with adopted City standards regarding the spacing of median openings and potential traffic conflict. The required median design was previously communicated to the applicant as part of the site plan pre-application process. Additionally, the Street Transportation Department recommended an additional stipulation regarding this median as described in Finding #5.

The stipulation regarding general conformance to a sign plan is recommended to be added with modifications. The modifications specify that general conformance applies solely to sign plan sheet nos. 2 and 3 as these contain the renderings of the street-adjacent sign fixtures that reflect

the unique colors, materials, and rural character proposed by the applicant. Remaining sheets contain technical details, sign locations, and standard building mounted signage. This modification is intended to avoid conflicts with applying Ordinance standards during sign plan review. Additionally, the reference to the digital display along Southern Avenue is removed to ensure that the height restriction applies to any monument sign on this street, regardless of type.

STIPULATIONS:

1.	SITE PLAN 1. That The development shall be in general conformance with the site plan DATE STAMPED JANUARY 12, 2023, dated March 10, 2006 , as approved or modified by the FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND Development Services Department, with specific regard to size, location and number of pad buildings.	
2.	THE DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE ELEVATIONS DATE STAMPED JANUARY 12, 2023, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.	
3.	THE DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE SIGN PLAN DETAIL SHEETS NOS. 2 AND 3 DATE STAMPED JANUARY 12, 2023, IN REGARD TO COLOR, MATERIALS, AND CHARACTER, AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT, AND WITH SPECIFIC REGARD TO THE FOLLOWING:	
	A.	THE MAXIMUM HEIGHT FOR ANY MONUMENT SIGN ALONG 51ST AVENUE SHALL NOT EXCEED 12 FEET.
	B.	THE MAXIMUM HEIGHT FOR ANY MONUMENT SIGN ALONG SOUTHERN AVENUE SHALL NOT EXCEED 15 FEET.
4. 2.	That All accessory equipment, such as air, water, vacuums, and venting pipes shall be located no closer than fifty (50) feet to public street frontages and residential neighborhoods to minimize potential impacts.	
5. 3.	That The developer shall screen any drive-through queuing lanes from view of 51st and Southern Avenues and/or residential uses through the incorporation of a landscaped berm, screen wall, or combination of a berm and wall at least four (4) feet in height, as approved or modified by the PLANNING AND Development Services Department.	

6. 4.	That The developer shall provide a landscape feature incorporating turf and monumentation on the immediate northwest corner of the intersection of 51st and Southern Avenues, as approved or modified by the PLANNING AND Development Services Department.
7. 5.	That The developer shall provide primary pedestrian walkways from Southern Avenue and the multi-use trail along 51st Avenue to the commercial buildings, as approved or modified by the PLANNING AND Development Services Department.
6.	That the developer shall provide a total of four (4) landscaped fingers, one on each side of the two (2) driveway entrances from the shopping center to the Pad 1/Pad 2 gasoline canopy area, that are seven (7) feet wide, as approved by the Development Services Department. Each of these landscape areas shall contain one (1) tree in addition to other landscape materials.
8. 7.	That The developer shall treat all primary pedestrian crossings of vehicular circulation drives with a change of pavement materials (color and texture) to demarcate the pedestrian circulation plan.
9. 8.	That The developer shall provide a multi-use trail along the west side of 51st Avenue in a manner that complements that multi-use trail north of the subject property and in accordance with adopted City of Phoenix trail standards, as approved by the Parks and Recreation Department.
10. 9.	That All items for sale, excluding fuel dispensing machines and automatic teller machines, shall be located within buildings or screened from view of public streets.
11. 10.	That The developer shall provide the following equestrian amenities on site, as approved by the PLANNING AND Development Services Department: two (2) hitching rails, and two (2) horse troughs.
12. 11.	That The landscaped setbacks adjacent to residential development shall include staggered trees planted twenty (20) feet on center with fifty percent (50%) of such trees being a minimum four (4) inch caliper, as approved or modified by the PLANNING AND Development Services Department.
13. 12.	That Approved plants for the site shall emphasize the agricultural heritage and culture of Laveen and shall include the following, as approved or modified by the PLANNING AND Development Services Department: Trees: pecan, Arizona ash, evergreen elm, heritage live oak, sycamore, willow acacia or similar trees. Shrubs: myrtle (true, dwarf or

	twisted), pomegranate, or similar shrubs. Accents: deer grass, wild sunflowers, or similar accents. Vines: white Lady Banks rose or similar vines.
13.	<p>BUILDING DESIGN 13. That the major buildings on site shall be in general conformance to the conceptual elevations (Exhibits 4-6) dated March 10, 2006, including the following elements, all as approved or modified by the Development Services Department:</p> <p>Four-sided architecture, per the conceptual elevations. A variety of building materials, including a minimum of two (2) of the following materials: native stone, burnt adobe, textured brick, site made textured concrete, split face block, wood (when shaded), slump block, simulated wood siding, exposed aggregate, corrugated metal or rusted metal roofing.</p> <ul style="list-style-type: none"> • Natural and subdued color tones; • Exposed scuppers; • Pitched roof elements; <p>A minimum ten-foot covered walkway, which can create a staggered front facade. Patios, trellises, and recesses may also be used to provide shading and break up building mass.</p>
14.	That The developer shall paint all transformer and service entry equipment boxes to match buildings or shall screen the boxes, subject to utility company approval.
15.	That the gasoline station canopy shall incorporate materials and colors that complement the buildings on the site and the developer is strongly encouraged to use a pitched roof with a gable or hipped end on the canopy.
STREET IMPROVEMENTS	
15.	THE DEVELOPER SHALL CONSTRUCT A 14-FOOT-WIDE LANDSCAPED MEDIAN ALONG SOUTHERN AVENUE FROM 51ST AVENUE TO THE WESTERN EDGE OF THE DEVELOPMENT, AS APPROVED BY THE PLANNING AND DEVELOPMENT AND STREET TRANSPORTATION DEPARTMENTS.
16.	THE DEVELOPER SHALL CONSTRUCT A MINIMUM 5-FOOT-WIDE DETACHED SIDEWALK ALONG THE NORTH SIDE OF SOUTHERN AVENUE, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

17.	THE DEVELOPER SHALL BE RESPONSIBLE FOR ANY MODIFICATIONS TO THE EXISTING TRAFFIC SIGNAL AT 51ST AVENUE AND SOUTHERN AVENUE, AS REQUIRED BY THE STREET TRANSPORTATION DEPARTMENT.
18. 16.	That The developer shall construct all half-streets adjacent to the site with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping, and other incidentals per plans approved by the PLANNING AND Development Services Department. All improvements shall comply with all ADA accessibility standards.
19. 17.	That The developer shall provide right-of-way for, and shall construct, a transit pad (P1262) and a bus shelter (P1261) along Southern Avenue west of 51st Avenue.
18.	That the developer shall apply for the abandonment of Huntington Drive on the west side of the site.
20. 19.	That The developer shall complete and submit the Developer Project Information Form for the Maricopa Association of Governments Transportation Improvement Program to the Street Transportation Department. The U.S. Environmental Protection Agency requires this form to meet clean air quality requirements.
ARCHAEOLOGY	
21.	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.
22.	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.
23.	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.	
	GENERAL	
24. 20.	That The developer SHALL present a final landscape plan to the Laveen Village for review.	
25. 21.	That Light poles shall not exceed eighteen (18) feet in height.	
26. 22.	That Light from gasoline station canopies shall not exceed thirty (30) foot candles measured at the ground plane.	
23.	<p>That signage on the property shall be in general conformance to the conceptual designs (three sheets) dated April 28, 2004, including the following elements, as approved or modified by the Development Services Department.</p> <p>Ground/monument signs shall incorporate the materials and colors used for the major buildings on site.</p> <p>Size and height of ground/monument signs shall not exceed those indicated in the above referenced conceptual designs.</p> <p>In conformance to the Phoenix Sign Code, one additional ground sign is allowed on each street frontage to identify the user(s) of the pad building at the immediate corner of the intersection of 51st and Southern Avenues.</p> <p>Wall signs shall use individual, halo-illuminated letters and numbers.</p>	
27. 24.	That The developer shall notify prospective owners/occupants that the subject development is in proximity to Phoenix Sky Harbor International Airport. The developer shall disclose the following:	
	a.	The airport is considered a busy hub airport.
	b.	Forecasts predict that Airport operations will increase.
	c.	Extended flight tracks and traffic patterns may extend several miles beyond the Airport boundary.
	The notice shall be reviewed and approved by the City Attorney.	

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