

Attachment C

REPORT OF PLANNING HEARING OFFICER ACTION

Adam Stranieri, Planner III, Hearing Officer

Julianna Pierre, Planner I, Assisting

January 20, 2021

ITEM NO: 1

DISTRICT 7

SUBJECT:

Application #: PHO-4-20--Z-273-79-5(7)
Zoning: C-2
Location: Approximately 670 feet south of the southeast corner of 83rd Avenue and Thomas Road
Acreage: 13.33
Request:

- 1) Deletion of Stipulation 1 regarding an overall development plan.
- 2) Deletion of Stipulation 2 requiring site plan approval.
- 3) Deletion of Stipulation 3 regarding a landscaping and open space plan, schedule of intensity, and development schedule.
- 4) Deletion of Stipulation 4 regarding access to major and collector streets.
- 5) Deletion of Stipulation 5 regarding a master drainage plan.
- 6) Deletion of Stipulation 6 regarding improvement costs for Encanto Boulevard.
- 7) Deletion of Stipulation 1 (ROW) regarding a 55-foot half street for 83rd Avenue.
- 8) Deletion of Stipulation 2 (ROW) regarding right-of-way for Thomas Road.
- 9) Deletion of Stipulation 3 (ROW) regarding a 33-foot half street for Encanto Boulevard and 79th Avenue.
- 10) Deletion of Stipulation 4 (ROW) regarding triangles at intersections.
- 11) Deletion of Stipulation 5 (ROW) regarding additional right-of-way and a traffic study

Applicant: Adam Baugh, Withey Morris PLC
Owner: Columbia Group LTD
Representative: Adam Baugh, Withey Morris PLC

ACTIONS

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

Village Planning Committee (VPC) Recommendation: The Maryvale Village Planning Committee heard this case on January 13, 2021 and recommended approval with additional stipulations by an 8-1-1 vote.

DISCUSSION

Adam Baugh, applicant and representative with Withey Morris, PLC, provided information about the surrounding area, noting that there is an abundance of commercial zoning and the proposed development provides transition from commercial to residential. He stated that the Maryvale Core Plan categorizes the development site as part of the urban neighborhood place type which calls for higher density uses. He added that the proposed development of 191, 2-story units will provide attainable housing for people who live and work in the Maryvale Village. He stated that they are requesting deletion of all 11 stipulations from the 1979 rezoning case because the Master Plan style stipulations are inappropriate when considering the size of their site and are no longer relevant to the proposed development.

Adam Stranieri stated that the majority of the properties from the original rezoning case have removed the Master Plan style stipulations through the Planning Hearing Officer or rezoning process. He added that in lieu of deleting the Master Plan style stipulations for the site, there would be an additional stipulation for general conformance to the proposed site plan.

Mr. Stranieri stated that the Street Transportation Department requested seven additional stipulations. Mr. Baugh stated that he discussed and revised the stipulations with the Street Transportation Department. He added that most of the discussion was regarding a shaded pedestrian connection from the northern boundary of the site to Virginia Avenue. He stated that there were concerns about the location of the pedestrian connection creating the appearance of an alleyway adjacent to the property. He stated that the stipulation was modified to allow the pedestrian connection through the middle of the development. He added that he had no concerns with the most recent version of the Street Transportation Department's additional stipulations.

Mr. Stranieri stated that the site is archaeologically sensitive and additional stipulations are warranted to address City requirements for archaeological data testing and surveying. Mr. Baugh stated that he had no concerns with the additional stipulations.

FINDINGS

- 1) The proposed conceptual site plan depicts a 191-unit townhome development on 13.33 acres at approximately 14.32 dwelling units per acre. The development features a large primary open space along the

- south property line on Virginia Street. Vehicular access is provided from two driveways, one each on 83rd Avenue and Virginia Street. The proposal is compatible with existing development in the surrounding area, including multifamily developments to the west and south. The proposal is also consistent with the Maryvale Village Core Plan which identified the property as a transition area and proposed efforts to 'retrofit' and/or 'change' the existing land use on the property. The Plan also specified this property's desired place type as an Urban Neighborhood intended to support higher density, higher activity levels, and multi-story apartments and townhome development. An additional stipulation requiring general conformance to the proposed conceptual site plan is recommended.
- 2) The applicant's request for deletion of existing Stipulation Nos. 1-6 is recommended for approval. These stipulations reflect outdated master planning requirements for a planned development on the approximately 80 acres of the original rezoning case area that did not develop. For the vast majority of these 80 acres, these requirements have already been modified or deleted in prior Planning Hearing Officer actions or were not included in subsequent rezoning actions. This recommendation contains 11 additional stipulations intended to update and modernize the stipulations of approval for the subject property.
 - 3) The applicant's request for deletion of existing Stipulation Nos. 1-5 (ROW) is recommended for approval. However, the Street Transportation Department recommended seven additional stipulations to update and replace the outdated stipulations of the original 1979 approval. Six of these stipulations include requirements for a detached sidewalk along Virginia Avenue, replenishment of median island landscaping, a sidewalk easement along 83rd Avenue, a traffic signal warrant analysis, and standards for irrigation and street infrastructure. These stipulations reflect current City standards, requirements, and planning efforts. The final stipulation includes a requirement to provide a shaded pedestrian connection between the north and south perimeters of the site and details regarding gates at either end. This requirement would improve pedestrian safety and ensure a direct connection for community residents to adjacent streets and nearby public, cultural, and transit amenities and facilities within the Village Core and surrounding area.
 - 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 requirements.

DECISION: The Planning Hearing Officer recommended approval with additional stipulations.

STIPULATIONS

**1.	That an overall development plan shall be approved by the City Council showing:
a.	The proposed zoning and land use of each parcel;
b.	The approximate locations of major and collector streets; and
c.	The approximate locations of any public uses such as schools, drainageways, parks, trails, and other recreational facilities.
2.	That all development require site plan approval.
3.	That the items listed below be approved in accord with the overall development plan by the Planning Director at such time as the first major development occurs on the property:
a.	A landscaping and open space plan showing landscaping and screening, and if provided, other open space such as pathways, parks and trails.
b.	A schedule of intensity of use for each parcel of land showing proposed land uses, maximum and minimum number of dwellings, the gross leaseable area, and height limits; and
c.	A development schedule showing the expected beginning and completion of construction for each parcel or use.
4.	That access to major and collector streets to be as approved by the City Traffic Engineer.
5.	That a master drainage plan be approved by the City Engineer.
6.	That the applicant submit acceptable assurances for the assumption of responsibility for 50 percent of the cost of an improved Encanto Boulevard between 79th and 83rd Avenue.
a.	Construction of Encanto Boulevard shall be the responsibility of the applicant.
b.	Construction of the applicant's or adjacent property owner's (29-80) portion of Encanto Boulevard shall be concurrent with the first major

	development of any parcel abutting Encanto between 79th and 83rd Avenue, but no later than January 1, 1985.
	<u>Right of Way Needed</u>
	Further, sufficient right-of-way to be dedicated by the property owner by July, 1982 to provide for the following:
**1.	A 55' half street for 83rd Avenue.
**2.	Right-of-way for Thomas Road as shown on Traffic Engineering Department Drawing No. 2519.
**3.	A 33' half street for Encanto Boulevard and 79th Avenue.
**4.	Triangles (18' x 18') at 83rd and Thomas Road, 83rd Avenue and Encanto Boulevard, and 79th Avenue and Encanto Boulevard.
5.	Additional right-of-way may be required at the time plans for the use of this site are submitted and after the review of a traffic study that will be required of the developer.
	**To be complied with prior to vesting of zoning.
1.	THE DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE SITE PLAN DATE STAMPED DECEMBER 18, 2020 AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
2.	THE DEVELOPER SHALL PROVIDE A SHADED PEDESTRIAN CONNECTION CONSTRUCTED OF STAMPED OR COLORED CONCRETE, OR ANOTHER MATERIAL OTHER THAN THOSE USED TO PAVE THE PARKING SURFACES AND DRIVE AISLES, AS APPROVED BY THE PLANNING AND DEVELOPMENT. THE PEDESTRIAN CONNECTION SHALL BE FROM THE NORTHERN BOUNDARY OF THE SITE TO VIRGINIA AVENUE AND INCLUDE PEDESTRIAN GATES AT BOTH ENDS WITH THE SOUTHERN GATE LOCATED EAST OF THE DRIVEWAY, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
3.	THE PUBLIC SIDEWALK ALONG VIRGINIA AVENUE SHALL BE DETACHED WITH A MINIMUM 5-FOOT WIDE LANDSCAPE AREA LOCATED BETWEEN THE SIDEWALK AND BACK OF CURB AND PLANTED WITH MINIMUM 2-INCH CALIPER LARGE CANOPY,

	SINGLE TRUNK, SHADE TREES PLACED A MINIMUM OF 20-FEET ON CENTER OR IN EQUIVALENT GROUPINGS, AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. AT TREE MATURITY, THE TREES SHALL SHADE THE SIDEWALK TO A MINIMUM OF 75 PERCENT.
4.	THE DEVELOPER SHALL REPLENISH THE MEDIAN ISLANDS WITH MINIMUM 2-INCH CALIPER TREES SPACED 20-FEET ON CENTER AND SHRUBS TO PROVIDE A MINIMUM OF 75 PERCENT LIVE COVERAGE AT MATURITY FOR THE LENGTH OF THE PROJECT, AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
5.	THE DEVELOPER SHALL DEDICATE A 10-FOOT SIDEWALK EASEMENT ALONG 83RD AVENUE, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
6.	THE DEVELOPER SHALL CONDUCT A TRAFFIC SIGNAL WARRANT ANALYSIS TO IDENTIFY THE POTENTIAL NEED FOR SIGNALIZATION OF 83RD AVENUE AND VIRGINIA AVENUE, AS APPROVED BY THE STREET TRANSPORTATION DEPARTMENT. IF A FUTURE SIGNAL IS IDENTIFIED, THE DEVELOPMENT WILL BE REQUIRED TO CONTRIBUTE 25% OF THE FUTURE ESTIMATED COST AND TO INSTALL CONDUIT AND JUNCTION BOXES WITH ANY ASSOCIATED OFF-SITE IMPROVEMENTS. A SIGNAL CONDUIT WOULD BE REQUIRED.
7.	EXISTING IRRIGATION FACILITIES ALONG VIRGINIA AVENUE ARE TO BE UNDERGROUNDED AND/OR RELOCATED OUTSIDE OF CITY RIGHT-OF-WAY. CONTACT SRP TO IDENTIFY EXISTING LAND RIGHTS AND ESTABLISH APPROPRIATE PROCESS TO RELOCATE FACILITY. RELOCATIONS THAT REQUIRE ADDITIONAL DEDICATIONS OR LAND TRANSFER REQUIRE COMPLETION PRIOR TO OBTAINING PLAT AND/OR CIVIL PLAN REVIEW APPROVAL.
8.	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.	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.
10.	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.
11.	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.

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