

REPORT OF PLANNING HEARING OFFICER ACTION

Adam Stranieri, Planner III, Hearing Officer

Bradley Wylam, Planner I, Assisting

July 20, 2022

ITEM NO: 4	
	DISTRICT 7
SUBJECT:	
Application #:	PHO-3-22--Z-96-06-7 (Continued from June 15, 2022)
Location:	Southwest corner of 59th Avenue and Southern Avenue
Zoning:	S-1 (Approved R-3A and C-2)
Acreage:	22.12
Request:	1) Review of conceptual elevations per Stipulation 2.
Applicant:	Ray Brown, Wentworth Properties
Owner:	John Vanderwey, REXCO S202 LLC
Representative:	Alan Beaudoin, Norris Design

ACTIONS:

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended approval with a modification and an additional stipulation.

Village Planning Committee (VPC) Recommendation: The Laveen Village Planning Committee heard this request on June 13, 2022 and recommended a continuance by a vote of 8-0. The Laveen Village Planning Committee heard this request on July 11, 2022 and recommended approval with modifications by a vote of 8-0.

DISCUSSION:

Alan Beaudoin, representative with Norris Design, provided an overview of Stipulation 2 regarding a review of conceptual elevations. He stated that the applicant attended the Laveen Village Planning Committee (VPC) meeting on June 13, 2022 and was asked to continue the case in order to consider recommendations regarding conceptual elevations. He stated the applicant agreed to continue both the VPC and PHO hearings. At the July 11, 2022 Laveen VPC meeting, they presented revised elevations and received a unanimous approval of the request with modifications. He stated that the changes made to the elevations between the two meetings included artist renderings of the elevations, new building colors, and architectural details and features. He stated that the VPC recommended 6 additional stipulations at their meeting. He reviewed the recommended language and noted that the applicant supports the recommendation.

Adam Stranieri, Planning Hearing Officer, stated that four letters of correspondence were received prior to the hearing and noted that each letter was submitted prior to the June PHO hearing and receipt of the revised elevations. He stated that the concerns addressed in those letters appear to have been addressed through the revised submittal. He stated that Stipulation 2 is recommended to be modified by deleting it in its entirety and replacing the text with a general conformance requirement, with specific regard to the six design elements as recommended by the Laveen VPC with minor modifications to wording and stipulation order. He stated that the original Stipulations 2.a, 2.b, and 2.c are appropriately addressed by the proposed elevations and noted that these sub-stipulations require four-sided architecture, a minimum of three building materials on all elevations, and alternative roof styles. He stated that the sub-stipulations are now recommended to be deleted. 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 applicant submitted conceptual elevations for review by the Planning Hearing Officer per the requirements of Stipulation 2. Stipulation 2 is recommended to be modified by deleting it in its entirety and replacing the text with a general conformance requirement, with specific regard to six design elements as recommended by the Laveen Village Planning Committee (VPC).

The conceptual elevations reflect the standards and guidelines identified in Stipulation 2 as follows:

- a) Stipulation 2.a requires four sided architecture. The elevations include multiple building materials, colors, variation in window size, shade canopies, overhangs, popouts, and variation in the façade. These features and details are included in whole or in part on all building elevations.
- b) Stipulation 2.b requires a minimum of three building materials on all elevations. Proposed building materials include various styles of composite siding, board and batten, vinyl windows, asphalt shingles, standing seam metal, and others. The Laveen VPC recommended a variation on this stipulation which is recommended to be included. This stipulation will be implemented during plan review.
- c) Stipulation 2.c requires alternative roof styles. All elevations contain pitched, gable, or similar roof elements and facades in a variety of designs and combinations.

- 2) The Laveen VPC recommended specific regard to six additional sub-stipulations for specific design elements. The applicant indicated agreement with these conditions. These six sub-stipulations are recommended for inclusion.
- 3) During the hearing, it was noted that the applicant did not submit a completed, notarized, and recorded Proposition 207 Waiver of Claims form and an additional stipulation was recommended to require this. Later, it was noted that this requirement already exists as Stipulation 22. Therefore, an additional stipulation is unnecessary, and the existing stipulation will remain. However, the applicant must still submit a completed, notarized, and recorded Proposition 207 Waiver of Claims form per this stipulation for this request.

STIPULATIONS:

General		
1.	The development shall be in general conformance with the site plan date stamped January 15, 2019 as modified by the following stipulations and approved by the Planning and Development Department, with specific regard to the following:	
	a.	The maximum residential building height shall be 2 stories and 30 feet adjacent to 59th Avenue and Southern Avenue.
	b.	The R-3A portion of the site shall not exceed 20.8 dwelling units per gross acre and the entire residential development shall not exceed 18 dwelling units per gross acre combined.
	c.	The entire residential development shall provide a minimum 28% common area combined, of which a minimum 10% shall be active open space.
	d.	All driveways shall be full movement where feasible and as approved by the Street Transportation Department.
	e.	The residential communities shall be gated.
2.	Conceptual Elevations shall be reviewed and approved by the Planning Hearing Officer through the public hearing process for stipulation modification prior to final site plan approval. This is a legislative review for conceptual purposes only. Specific development standards and	

	<p>requirements will be determined by the Planning Hearing Officer and the Planning and Development Department.</p> <p>THE DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE ELEVATIONS DATE STAMPED JULY 20, 2022, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT, WITH SPECIFIC REGARD TO THE FOLLOWING:</p>
a.	<p>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.</p> <p>INDIVIDUAL UNIT TYPES SHALL BE LOCATED ON THE SITE PLAN PER THE PROVIDED KEY PLANS.</p>
b.	<p>All elevations of the building shall include a minimum of three finishing materials.</p> <p>ALL ELEVATIONS SHALL UTILIZE A MINIMUM OF THREE DIFFERENT SIDING MATERIALS.</p>
c.	<p>Buildings shall include pitched, hipped, gable, or similar roof elements or facades.</p> <p>ROOF MATERIAL AT COVERED ENTRIES SHALL BE STANDING SEAM METAL.</p>
D.	EAVES SHALL EXTEND 18 INCHES FROM PRIMARY FACADES.
E.	DARK BROWN AND/OR BLACK WINDOW FRAMES SHALL BE USED ON STREET FACING ELEVATIONS FOR UNITS THAT ARE WHITE IN COLOR.
F.	UNITS SHALL UTILIZE FARMHOUSE STYLE GOOSENECK LAMPS AT ENTRIES.
3.	A minimum 30-foot landscaped setback shall be provided along the east property line, as approved by the Planning and Development Department.
4.	Sidewalks along 59th Avenue and Southern Avenue shall be detached with a minimum five foot wide landscaped strip located between the

	sidewalk and back of curb and shall include a minimum 50% two inch caliper and 50% three inch caliper shade trees planted a minimum of 20 feet on center or equivalent groupings along both sides of the sidewalk, as approved by the Planning and Development Department.
5.	Perimeter fencing along 59th Avenue and Southern Avenue shall consist of a minimum 60% open view fencing, as approved by the Planning and Development Department.
6.	Pedestrian access gates shall be installed to provide connectivity to the shared use path adjacent to the Loop 202 frontage and the Maricopa Community College property to the south and at all vehicular access points, as approved or modified by the Planning and Development Department.
Disclosures	
7.	Prior to final site plan approval, the property owner shall record documents that disclose to tenants of the site or purchasers of property within the site, the existence, proximity and operational characteristics of a regional freeway, active agricultural uses, non-domesticated animal keeping, a golf course, and industrial activities. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.
8.	The property owner shall record documents that disclose the existence and operational characteristics of Phoenix Sky Harbor International Airport to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.
Archaeology	
9.	The developer shall complete an archaeological survey of the site; the survey shall be submitted to, and approved by, the City Archaeologist prior to any construction related ground disturbance of the site.
10.	All construction related ground disturbance within AZ T: 12:90 (ASM) or within 250 feet of AZ T: 12:90 (ASM), AZ T: 12:205 (ASM), and AZ T: 12:221 (ASM) shall be tested and monitored for archaeological resources, as approved by the City Archaeologist.
Parks and Recreation	

11.	The developer shall dedicate a 30-foot public shared use path easement and construct a 10-foot concrete shared use path adjacent to the Loop 202 frontage, the easement shall be landscaped with a mix of 2 and 3-inch caliper trees and appropriate ground cover, as approved by the Planning and Development Department. However, the trail may be located on the west side of the Loop 202 frontage between Southern Avenue and Vineyard Road if a dedicated, publicly accessible route (e.g. underpass) acceptable to the City is provided between the west and east side of the Loop 202, this route must be located between Southern Avenue and Vineyard Road.
12.	The developer shall dedicate a 30-foot wide multi-use trail easement (MUTE) along the south side of Southern Avenue and construct a minimum 10-foot wide multi-use trail (MUT) within the easement, in accordance with the MAG supplemental detail as approved or modified by the Parks and Recreation and Planning and Development Departments.
Transit	
13.	The developer shall dedicate right-of-way and construct a bus stop pad along eastbound Southern Avenue east of the proposed driveway between Parcels B and C. The bus stop pad shall be constructed according to City of Phoenix standard detail P1260 with a depth of at least 10 feet. The bus stop pad shall be spaced from the intersection of Southern Avenue and any proposed driveway as per City of Phoenix standard detail P1258, as approved by the Public Transit Department.
14.	The developer shall dedicate right-of-way and construct a bus bay along southbound 59th Avenue, south of Southern Avenue. The bus bay shall be constructed according to City of Phoenix standard detail P1256. The attached bus stop pad shall be constructed according to City of Phoenix standard detail P1261 with a depth of at least 10 feet. The bus bay shall be spaced from the intersection of 59th Avenue and Southern Avenue as per City of Phoenix standard detail P1258, as approved by the Public Transit Department.
15.	The developer shall dedicate right-of-way and construct one bus stop pad along southbound 59th Avenue, south of the project driveway. The bus stop pad shall be constructed according to City of Phoenix standard detail P1260 with a depth of at least 10 feet. The bus stop pad shall be spaced from the intersection of 59th Avenue and the project driveway as per City of Phoenix standard detail P1258, as approved by the Public Transit Department.

Street Transportation	
16.	Right-of-way totaling 55 feet and a sidewalk easement totaling 10 feet shall be dedicated for the south half of Southern Avenue, as approved by the Planning and Development Department.
17.	Right-of-way totaling 50 feet and a sidewalk easement totaling 10 feet shall be dedicated for the west half of 59th Avenue, as approved by the Planning and Development Department.
18.	A 21-foot by 21-foot right-of-way triangle shall be dedicated at the southwest corner of 59th Avenue and Southern Avenue, as approved by the Planning and Development Department.
19.	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 Americans with Disabilities Act accessibility standards.
20.	The applicant shall complete and submit the Developer Project Information Form for the MAG Transportation Improvement Program to the Traffic Engineer II, (602) 262-6193, with the Street Transportation Department. This form is a requirement of the EPA to meet clean air quality requirements.
21.	The applicant shall submit a Red Border letter to ADOT for review. This form is a requirement of ADOT for all projects within 1/2 mile of any freeway, proposed or existing. Contact right-of-way Agent III (Louis J. Malloque), ADOT, 205 South 17th Avenue, Mail Drop 612E, Phoenix, AZ 85007, PH: (602) 712-8755, E-mail: lmalloque@azdot.gov for additional information.
22.	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 the Maricopa County Recorder's Office and delivered to the city to be included in the rezoning application file for record.
23.	The developer shall notify the following individuals at a minimum 15 calendar days prior to any Planning Hearing Officer request to modify or delete stipulations or rezoning action. The notice shall include the date, time, and location of the hearing.

	a.	Phil Hertel 2845 W. Broadway Rd. Phoenix, AZ 85041
	b.	Jon Kimoto 3216 W. Ansell Rd. Laveen, AZ 85339
	c.	Sandy Hamilton 5218 W. Magdalena Ln. Laveen, AZ 85339

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