

Attachment B

Planning Hearing Officer Summary of January 16, 2019
Application Z-96-06-7
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REPORT OF PLANNING HEARING OFFICER ACTION

Adam Stranieri, Planner III, Hearing Officer
Jazmine Braswell, Planner II, Assisting

January 16, 2019

ITEM 5

DISTRICT 7

SUBJECT:

Application #: Z-96-06-7 (PHO-1-18) (Continued from 12/19/18 hearing)
Zoning: S-1 (Approved R-3A, C-2)
Location: Southwest corner 59th Avenue and Southern Avenue
Acreage: 82.34
Request:

- 1) Modification of Stipulation No. 1 regarding general conformance to the site plan date stamped August 15, 2006.
- 2) Deletion of Stipulation No. 2 regarding submission of elevations for PHO review.
- 3) Deletion of Stipulation No. 3 regarding a 50-foot landscape setback along the eastern property line.
- 4) Modification of Stipulation No. 9 regarding location of transit pad.
- 5) Deletion of Stipulation 10 No. regarding transit pad, 2 bus bay and dedication of right-of-way.
- 6) Deletion of Stipulation No. 11 regarding transit pad, 2 bus bay and dedication of right-of-way.
- 7) Modification of Stipulation No. 13 regarding size of right-of way.
- 8) Modification of Stipulation No. 18 regarding maximum dwelling units per acre.
- 9) Modification of Stipulation No. 19 regarding open space on specific parcels.
- 10) Deletion of Stipulation No. 20 regarding conceptual lighting, signage and landscaping plan for PHO review.
- 11) Technical corrections to Stipulations Nos. 8, 12, 14, and 15.

Applicant: Terry Klinger - Rexco LLC
Owner: Terry Klinger - Rexco LLC
Representative: Alan Beaudoin - Norris Design

ACTIONS:

Planning Hearing Officer Recommendation: The Planning Hearing Officer took this case under advisement. On February 8, 2019 the Planning Hearing Officer took this case out from under advisement and recommended denial as filed and approval with modifications and additional stipulations.

Village Planning Committee (VPC) Recommendation: At its December 10, 2018 meeting, the Laveen Village Planning Committee recommended a continuance by a 12-0 vote.

At its January 14, 2019 meeting, the Laveen Village Planning Committee recommended approval with a modification and an additional stipulation by an 8-1 vote.

DISCUSSION

Alan Beaudoin with Norris Design, representing the property owner, stated that he presented these requests to the Laveen Citizens for Responsible Development (LCRD) and the Laveen Village Planning Committee (VPC). The proposed stipulation language before the hearing officer has been modified from the initial application to accommodate the recommendations of the LCRD and Laveen VPC. He stated that the applicant worked closely with the LCRD and Laveen VPC to formulate stipulation language that all parties agree upon.

Sandy Hamilton, president of the LCRD, stated the LCRD is in support of the stipulations brought forth by the Laveen VPC, with 2 exceptions. The LCRD supports a maximum density of 18 dwelling units per gross acre rather than the 17 dwelling units per gross acre recommended by the Laveen VPC. Secondly, the LCRD supports a two story height limit on buildings along the perimeter of the site and a three story height limit on the remainder of the site. The Laveen VPC recommended a two story limitation on the entire subject site. Adam Stranieri asked Mr. Hamilton if he was referring to the entire perimeter of the site or the perimeter property lines adjacent to public streets. Mr. Hamilton clarified he would support the height limit along property lines adjacent to public streets.

Phil Hertel, a member of the LCRD speaking in support of the request, stated that the LCRD supports the Laveen VPC recommendation overall, but agreed with the exceptions raised by Mr. Hamilton.

Gary Ensminger, a community resident speaking in opposition, stated he has concerns regarding the increase in density. In addition, he has concerns about the increase in traffic on Southern Road. He does not support the request to delete the stipulation requiring a 50-foot setback along the east property line, 59th Avenue from the golf course property.

Robert Branscomb, chair of the Laveen VPC, stated they are concerned with the proposed density. The Laveen VPC recommendation to limit the maximum building height to two-stories was intended to reduce the overall density of the project.

Mr. Stranieri stated that the property is adjacent to the 202 Freeway corridor to the west, intense commercial or industrial uses on County land to the north, a golf course to the east, and a Maricopa County Community Colleges owned property to the south. He noted that staff had received a letter from the President of South Mountain Community College indicating their support for the proposal and interest in developing their

property. He stated that the site is suitable for a targeted increase in density, however the limitation of building height along the adjacent streets and other proposed stipulations would mitigate potential impacts of the proposal.

Jon Kimoto, member of the LCRD speaking in support, stated that the LCRD would like to see a stipulation for a maximum of 18 du/acre combined.

Mr. Beaudoin stated they were originally proposing a total of 793 units. After discussion with the Laveen VPC, they reduced the total number of units to 716. The VPC recommended a combined density of 17 du/acre for development parcels E and F. The LCRD had recommended a combined density of 18 du/acre as well as a density transfer provision. He stated his support for a unit cap of 716. The applicant is supportive of the LCRD's proposal. In addition, they are no longer requesting to delete Stipulation No. 2 regarding building elevations. He stated that he does not support the Laveen VPC's recommendation of a height limitation of two stories for the entire development. However, he would support a height limitation for buildings adjacent to public streets. Additionally, he stated he would like to see stipulation language added to allow a density transfer for 40 units between development parcels E and F. Some members of the VPC and LCRD in attendance indicated they support the density transfer concept.

Mr. Stranieri expressed concern regarding whether it would be possible to implement all the various stipulations regarding density that had been proposed. He stated that it may be confusing or impossible to concurrently require restrictions on overall density, combined density, and density transfer, particularly since the development parcels do not correlate to zoning lines and are not existing parcels. He stated that density transfers are more typical in large planned community districts.

Phil Hertel expressed concern with the proposed ingress and egress locations for the project and stated that he would prefer all full-movement driveways.

Mr. Beaudoin stated that the Laveen VPC recommended a stipulation to require the development to be gated. Mr. Hamilton stated the LCRD would like to see the community gated and also suggested the addition of pedestrian gates at all vehicular driveway locations.

Mr. Stranieri asked the members of the LCRD that were in attendance, to clarify their intent regarding their recommendation for view fencing. Mr. Hamilton stated that the intention was to require that all street-adjacent fencing be view fencing and that 60% of the total area of the wall should be open.

Mr. Stranieri expressed concern with the proposal for additional stipulations regarding parking lot landscaping and building-adjacent planters. He noted that the proposed standards may be difficult to implement as they are intended for commercial properties. He noted that the proposed site plan had covered parking which may interfere with planting requirements. He also noted that typical multifamily buildings have many

private pathways, doorways, patios, stairwells, and other architectural features that may make it difficult to implement building-adjacent planters.

Mr. Stranieri stated that the Public Transit Department does not support the request to delete certain stipulations regarding transit improvements. The Public Transit Department indicated to staff that they intend to continue and enhance bus service along both 59th Avenue and Southern Avenue. Mr. Beaudoin stated his intent for requesting the deletion of Stipulation No. 9 was to remove language referencing a loop road. Because of the new 202 Freeway being constructed west of the subject site, the proposed site plan does not depict a loop road. Mr. Stranieri indicated that revised language may be required to update the transit improvements per the Public Transit Department recommendation.

The Planning Hearing Officer took this case under advisement.

FINDINGS

- 1) The proposed multifamily residential development is compatible with the land use pattern in the surrounding area. The property is bordered by the Loop 202 Freeway alignment to the west, the Salt River bank to the north, a golf course to the east, and a property owned by Maricopa County Community Colleges (MCCC) to the South. The subject site is suitable for a targeted increase in density.
- 2) There were numerous stipulations relating to residential density proposed by the Laveen Village Planning Committee (VPC), Laveen Citizens for Responsible Development (LCRD), and raised at the Planning Hearing Officer meeting including overall density, a combined density cap, a unit cap, and a density transfer provision. If implemented concurrently, the stipulations conflict and would create uncertainty for future development. Further, the development parcels depicted on the conceptual site plan do not correlate to real property parcels and it is unknown at this time how the property may be subdivided. Community members at the Planning Hearing Officer meeting indicated a willingness to compromise at a combined residential density of 18 dwelling units per gross acre if the approximate balance of the units on Parcels E & F as shown on the conceptual site plan is maintained. They indicated that this balance was the intent of the proposed density transfer provision. Therefore, a maximum density of 20.8 dwelling units per gross acre for the R-3A portion of the site, correlating with the density shown on the conceptual site plan for Parcel F, and a combined residential density of 18 dwelling units per gross acre is recommended.
- 3) Community members also recommended the inclusion of two full-movement driveways along both 59th Avenue and Southern Avenue. The approval of these configurations is dependent on multiple technical requirements by City staff typically evaluated during plan review. Limitations to this proposal include planned medians called for in the cross sections for both streets and limitations

created by the spacing requirements between full movement driveways, given the dimensions of the subject property. Therefore, a requirement that all driveways be full movement as approved by the Street Transportation Department is recommended.

- 4) The Public Transit Department indicated that per the Phoenix Transportation 2050 Plan bus transit lines are proposed along both 59th Avenue and Southern Avenue. They recommended revised stipulation language that addresses the need for infrastructure to support the planned transit service along these streets.
- 5) The Parks and Recreation Department indicated that the south side of Southern Avenue is planned for a multi-use trail that will provide connectivity to the larger trail network in the surrounding area and recommended stipulation language regarding the construction of this trail. The construction of the Loop 202 Freeway may impact the planning of this trail network as it currently bisects the planned trail adjacent to the subject property to the existing portions of the trail west of the subject property. Therefore, additional language is recommended allowing staff flexibility in the approval or modification of the trail design when the property is developed.
- 6) Additional stipulations proposed by the Laveen VPC, LCRD, and community members at the Planning Hearing Officer meeting included building height limitations along street-adjacent property lines, enhanced open space, gates, building elevation review and architectural features, detached sidewalks, perimeter fencing, pedestrian access gates, and enhanced notification requirements. These stipulations will mitigate the impacts of the proposal and are consistent with development in the surrounding area. These stipulations are recommended with some modifications for clarity and technical issues.

DECISION: The Planning Hearing Officer took this case under advisement. On February 8, 2019 the Planning Hearing Officer took this case out from under advisement and recommended denial as filed and approval with modifications and additional stipulations.

STIPULATIONS

General		
1.	That THE development shall be in general conformance with the site plan date stamped August 15, 2006 JANUARY 15, 2019 as modified by the following stipulations and as approved by the PLANNING AND Development Services 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.	<p>That the CONCEPTUAL Elevations shall be REVIEWED AND APPROVED BY submitted to the Planning Department for Planning Hearing Officer review and approval through the public hearing process FOR STIPULATION MODIFICATION prior to Development Services Department preliminary FINAL site plan approval. THIS IS A LEGISLATIVE REVIEW FOR CONCEPTUAL PURPOSES ONLY. SPECIFIC DEVELOPMENT STANDARDS AND REQUIREMENTS WILL BE DETERMINED BY THE PLANNING HEARING OFFICER AND THE PLANNING AND DEVELOPMENT DEPARTMENT.</p>	
	A.	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.
	B.	ALL ELEVATIONS OF THE BUILDING SHALL INCLUDE A MINIMUM OF THREE FINISHING MATERIALS.
	C.	BUILDINGS SHALL INCLUDE PITCHED, HIPPED, GABLE, OR SIMILAR ROOF ELEMENTS OR FACADES.
3.	<p>That a 50- A MINIMUM 30-foot landscaped setback shall be provided ALONG adjacent to the site's eastern property line, as approved by the PLANNING AND Development Services Department.</p>	
4.	<p>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</p>	

	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. 4.	That p 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 characteristic 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. 5.	That t 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. 6.	That t 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. 7.	That a 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. 8.	That t 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 Services 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. 9.	That the developer shall construct P1262 transit pad and dedicate related right-of-way for eastbound Southern Avenue located on the far side of the proposed collector loop, as approved by the Public Transit Department. 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. 10.	That the developer shall construct P1261 transit pad and P1256-2 bus bay and dedicate related right-of-way for southbound 59th Avenue on the far side of Southern Avenue, as approved by the Public Transit Department. 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.	That the developer shall construct P1261 transit pad and P1256-2 bus bay and

41.	dedicate related right-of-way for southbound 59th Avenue on the far side of the proposed collector loop, as approved by the Public Transit Department. 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. 42.	That r 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 Services Department.
17. 43.	That r 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 Services Department.
18. 44.	That a 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 Services Department.
19. 45.	That t 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 Services Department. All improvements shall comply with all Americans with Disabilities Act accessibility standards.
20. 46.	That t 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. 47.	That t 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.
48.	That development of the site shall not exceed 10.74 dwelling units per acre, as approved by the PLANNING AND Development Services Department.

19.	That a minimum of 15 percent of Parcel D shall be open space, as approved by the PLANNING AND Development Services Department.	
20.	That for each phase of development, a conceptual lighting plan, conceptual signage plan, and conceptual landscaping plan shall be submitted to the Planning Department for Planning Hearing Officer review and approval through the public hearing process prior to Development Services Department preliminary site plan approval.	
22. 20.	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. 20.	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
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