

Attachment C

Planning Hearing Officer Summary of June 17, 2020
Application Z-53-84-4
Page 1

REPORT OF PLANNING HEARING OFFICER ACTION Adam Stranieri, Planner III, Hearing Officer Julianna Pierre, Planner I, Assisting

June 17, 2020

ITEM NO: 1

DISTRICT 4

SUBJECT:

Application #: Z-53-84-4 (PHO-1-20)
Zoning: R-4
Location: Northwest corner of 57th Avenue and Thomas Road
Acreage: 4.1
Request: 1) Deletion of Stipulation 1 prohibiting vehicular access to 57th Avenue.
2) Deletion of Stipulation 4 regarding an emergency vehicle crash gate on 57th Avenue.
3) Technical correction to Stipulation 5.
Applicant: Brian Greathouse, Burch & Cracchiolo PA
Owner: Brock Danielson, West Thomas Apts LLC
Representative: Brian Greathouse, Burch & Cracchiolo PA

ACTIONS

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended denial as filed and approval with a modification.

Village Planning Committee (VPC) Recommendation: The Maryvale Village Planning Committee heard this case on June 10, 2020 and recommended approval with a modification by a 6-2 vote.

DISCUSSION

Brian Greathouse, applicant and representative with Burch & Cracchiolo PA, stated that they were requesting deletions to Stipulations 1 and 4, regarding vehicular access to and an emergency vehicle crash gate on 57th Avenue. He stated that the driveway in question is at the northeast corner of the site. He clarified that even though the original rezoning case stipulated provision of an emergency vehicle crash gate, the gate had been inoperable for twenty to thirty years and vehicles regularly use the driveway. He added that the only other driveway for the site is at the south property line and provides ingress and egress on Thomas Road.

Adam Stranieri asked what prompted the Planning Hearing Officer (PHO) process, considering the fact that the stipulation had not been complied with for two to three decades. Mr. Greathouse stated that when filing to abandon the vehicular nonaccess easement at the northeast driveway they were made aware of Rezoning Case No. Z-53-84-4 and the associated stipulations. He added that they are waiting to file for the abandonment once the PHO process is complete.

Mr. Stranieri asked if the gate at the northeast corner is currently operational. Mr. Greathouse stated that the gate has been repaired and functions as egress only. Mr. Stranieri asked for clarification regarding the history of the gate. Mr. Greathouse stated that when the gate was not functional, it remained open, allowing both ingress and egress. Mr. Stranieri noted that with a functional gate ingress would be prohibited and traffic on the site would be reduced compared to how it had functioned over the prior decades.

Mr. Stranieri asked for clarification regarding the Village Planning meeting. Mr. Greathouse stated that the case was presented to the Maryvale Village Planning Committee (VPC) at the June 10, 2020 meeting and the VPC recommended approval with one modification to Stipulation 1, prohibiting vehicular access to 57th Avenue. The VPC revised Stipulation 1 to prohibit ingress from 57th Avenue, except for emergency vehicle access. Mr. Stranieri asked if the applicant had any issues with the revisions recommended by the VPC. Mr. Greathouse stated that they had no concerns. Mr. Stranieri stated that he was inclined to recommend the language proposed by the VPC, and add "as approved by the Planning and Development Department".

Mr. Stranieri asked for clarification regarding opposition present at the VPC meeting. Mr. Greathouse stated that there was no public opposition present, but a committee member who lives close to the subject site opposed the request. He added that the committee member had concerns about the site's impact on traffic generated in the area.

Mr. Stranieri stated that the modification of Stipulation 1 precludes Stipulation 4 and he had no issue recommending deletion of Stipulation 4. He added that Stipulation 1 allowed flexibility for the applicant to discuss access to the site with the Fire Department during plan review.

Mr. Stranieri asked the applicant about pedestrian access to and from the site. Mr. Greathouse stated that the only place for possible pedestrian access would be at the northeast corner, near the exit only driveway. Mr. Stranieri stated that since there are numerous community amenities near the site, it would be beneficial to consider developing pedestrian paths as there are none currently along the east property line and the applicant is actively involved in improving the site.

FINDINGS

- 1) The request to delete Stipulation 1 prohibiting vehicular access to 57th Avenue is recommended to be denied as filed and approved with a modification. The modification is to specify that vehicular access to 57th Avenue is to be limited to egress only. This modification better reflects the applicant's request to retain the current function of this driveway and is consistent with the recommendation of the Maryvale Village Planning Committee.

Over many decades and under different ownership, this driveway has functioned with both ingress and egress to 57th Avenue due to a broken gate with no major negative impacts on the surrounding area. 57th Avenue is a local street intended to support residential traffic. It also offers direct access to Osborn Road, a minor collector. 57th Avenue also provides direct and convenient access to Marivue Park, Maryvale High School, and the Grand Canal to the north. Additionally, the site is in close proximity to Borman Elementary and the Maryvale Baseball Park to the northeast. The existing multifamily residential development on the site has approximately 630 feet of frontage on 57th Avenue and more units on the north half of the property than the south. The sole existing driveway is located on Thomas Road, an arterial street, which is significantly more congested than in 1984 due to the development pattern in the surrounding area over time. Permitting an egress only driveway will improve traffic circulation and access for residents to amenities in the surrounding area.

- 2) The request to delete Stipulation 4 requiring an emergency vehicle crash gate on 57th Avenue is recommended for approval given the recommended modification to Stipulation 1.

DECISION: The Planning Hearing Officer recommended denial as filed and approval with a modification.

STIPULATIONS

1.	That no vehicular INGRESS SHALL access be allowed PERMITTED FROM to 57th Avenue, EXCEPT FOR EMERGENCY VEHICLE ACCESS, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
2.	That no building SHALL be permitted within 50 feet of the north property line.

3.	That a A four-foot decorative wall SHALL be constructed, with a 10-foot landscaped strip on the outside of the wall, along 57th Avenue.
4.	That an emergency vehicle crash gate be provided on 57th Avenue.
4. 5.	That THE development SHALL be subject to site plan approval by the PLANNING AND Development DEPARTMENT Coordination Office.
5. 6.	That THE development SHALL be limited to a maximum of 96 dwelling units.
6. 7.	That THE development SHALL be limited to two stories in height.

Upon request, this publication will be made available within a reasonable length of time through appropriate auxiliary aids or services to accommodate an individual with a disability. This publication may be made available through the following auxiliary aids or services: large print, Braille, audiotape or computer diskette. Please contact the Planning and Development Department, Tamra Ingersoll at voice number 602-534-6648 or TTY use 7-1-1.