

Attachment C

REPORT OF PLANNING HEARING OFFICER ACTION

Adam Stranieri, Planner III, Hearing Officer

Bradley Wylam, Planner I, Assisting

December 15, 2021

ITEM NO: 4	
	DISTRICT 7
SUBJECT:	
Application #:	PHO-1-21--Z-52-08-7 (Continued from November 17, 2021)
Location:	Northwest corner of 67th Avenue and Baseline Road
Zoning:	C-2
Acreage:	10.92
Request:	<ol style="list-style-type: none">1) Modification of Stipulation 1 regarding general conformance with the site plan date stamped October 23, 2008.2) Modification of Stipulation 2 regarding general conformance with the elevations date stamped October 23, 2008.3) Deletion of Stipulation 5 regarding a comprehensive sign plan.4) Modification of Stipulation 6 regarding general conformance with the conceptual landscaping plan date stamped October 23, 2008.5) Deletion of Stipulation 8 regarding a pedestrian walkway at the corner of Baseline Road and 67th Avenue.6) Deletion of Stipulation 15 regarding final elevations for PAD-1.7) Technical corrections to Stipulations 3, 4, 7, 9, 11, 12, and 13.
Applicant:	Adam Baugh, Withey Morris PLC
Owner:	Arrowhead Apts Property Investments LLC
Representative:	Adam Baugh, Withey Morris PLC

ACTIONS:

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

Village Planning Committee (VPC) Recommendation: The Laveen Village Planning Committee heard the request on August 9, 2021 and recommended a continuance by a vote of 9-2. The request was scheduled to be heard by the Laveen Village Planning Committee on November 8, 2021 and was continued.

The Laveen Village Planning Committee heard the request on December 13, 2021 and recommended approval with an additional stipulation by a vote of 8-0.

DISCUSSION:

William Allison, representative with Withey Morris, provided a summary of the public outreach completed and the most recent Laveen Village Planning Committee (VPC) recommendation. He provided an overview of the subject site and original rezoning case. He stated that development of commercial uses had not occurred on the site and that the applicant worked with the community prior to the hearing to incorporate their concerns into the proposal. He noted that the proposed development includes 136 units, approximately 12.43 dwelling units per gross acre, and various building heights. He stated that proposed open space is approximately 22.72% of the site area and an additional 34 parking spaces are proposed to satisfy concerns noted during community outreach. He stated that the Laveen VPC was happy with the proposed landscape plan and fencing around the development. He stated that the proposed conceptual elevations depict a variety of materials, colors, and façade relief. He noted that the Laveen VPC recommended an additional stipulation requiring open space corridors between homes which shall include minimum 5-foot-deep patios as well as minimum 16 feet of turf and landscaping between patios.

Adam Stranieri, Planning Hearing Officer, stated that 10 letters of correspondence were received regarding the case, and the majority were received between August 2 and August 10, 2021. He noted that most of the concerns raised in these letters were addressed in revised plans submitted since receipt of the letters. He noted these concerns include density, open space, and design character. He stated that an additional letter was submitted on December 15, 2021 expressing concern regarding multifamily developments in the Laveen area generally. He stated that the proposed site plan, elevations, and landscape plan are consistent with the development pattern in the area and are addressed by Stipulations 1, 2, and 6. He noted that the proposed density of 12.43 dwelling units per gross acre is below the maximum density allowed by the C-2 zoning district and that the proposed open space is over four times the Ordinance minimum requirement. He noted that the existing Stipulation 2 regarding elevations includes specific regard to consistent architectural features, such as stone on all four sides of the building, and he proposed to keep that portion of the stipulation. Mr. Allison stated that the proposed elevations comply with that stipulation and there is no concern about that being included. Mr. Stranieri recommended that the proposed modifications to Stipulation 6 regarding the landscaping plan be approved and noted that the existing requirement for specific regard to enhanced landscaping along 67th Avenue is unclear due to the lack of specificity in the original rezoning case. He stated that the additional stipulation recommended by the Laveen VPC should be included as a sub-stipulation of Stipulation 1. He stated that he had no concerns with the deletion of Stipulations 5, 5.a, 5.b, and 5.c regarding a comprehensive sign plan that was

intended to apply to the original proposed commercial development. He recommended that the proposed deletion of Stipulation 8 regarding a pedestrian walkway at the intersection of 67th Avenue and Baseline Road be denied as filed and approved with a modification. He stated that the proposed site plan does not provide connectivity near the public transit infrastructure at the intersection. Mr. Allison stated that a pedestrian connection could be implemented closer to the intersection. Mr. Stranieri proposed that the developer provide one pedestrian pathway within 200 feet of the intersection of 67th Avenue and Baseline Road.

FINDINGS:

- 1) The request to modify Stipulation 1 regarding general conformance to the proposed conceptual site plan is recommended to be approved with a modification. The requests to modify Stipulations 2 and 6 regarding general conformance to the proposed conceptual building elevations and landscape plan are recommended for approval.

The original rezoning case proposed a commercial shopping center consisting of four pad sites along 67th Avenue, four commercial shopping buildings along the interior property lines, and a major anchor at the northwest corner of the site. Total square footage was approximately 79,300 square feet of retail space. Conceptual elevations depicted two-story, 30-foot-tall buildings with architectural detailing and an agricultural theme consistent with development in the surrounding area.

The proposed conceptual site plan depicts a multifamily townhome development consisting of 136 units at a density of approximately 12.43 dwelling units per gross acre. Proposed open spaces include approximately 22.72% of the net site area. Open spaces include a major amenity area near the center of the property and multiple pedestrian pathways between the rear yards of individual units. Multi-use trails are depicted along both 67th Avenue and Baseline Road consistent with the Phoenix Trails Map.

The recommended modification to Stipulation 1 is to require specific regard to the provision of minimum 26-foot open space corridors where homes' rear-yards are facing each other, consisting of minimum 5-foot-deep patios and minimum 16 feet of landscaping. These details are to be as depicted on the conceptual site plan. This recommendation is consistent with the recommendation of the Laveen Village Planning Committee.

Conceptual elevations depict townhomes with a variety of building materials (stucco, hardie board and batten, stone accents, asphalt shingles, etc.), building colors, and façade relief (popouts, canopies, porch elements, varied window sizes).

The conceptual landscape plans depict a variety of trees and shrubs along the perimeters and along trail alignments. Further enhanced details include decorative fencing elements and view fencing along the street-facing perimeter property lines.

As recommended, the proposed conceptual plans are compatible in scale and character with development in the surrounding area and for a property located at the intersection of two arterial streets. Proposed open space far exceeds Ordinance standards and proposed density is less than the permitted maximum.

- 2) The request to delete Stipulation 5 is recommended to be approved. The requirement for a comprehensive sign plan and the related review criteria are specific to the original proposal for a commercial shopping center with multiple pad sites, shops, and a major anchor store to ensure compatibility with the potential variety of signage. The current proposal for a multifamily residential development will be subject to existing standards for that land use.
- 3) The request to delete Stipulation 8 is recommended to be denied as filed and approved with a modification. The modification would instead replace the existing text with a new stipulation requiring minimum one pedestrian pathway within 200 feet of the intersection of 67th Avenue and Baseline Road. The current text of the stipulation was specific to the commercial shopping center and the location of the proposed PAD-1. The recommended stipulation is needed because the conceptual site plan shows the closest pedestrian pathway along 67th Avenue at approximately 300 feet from the intersection and along Baseline Road at approximately 350 feet from the intersection. There are multiple opportunities to provide a pedestrian pathway closer to the intersection and planned transit infrastructure in both locations.

The proposed stipulation is intended to allow greater flexibility in the location of this pathway given the layout of the proposed multifamily buildings. Additionally, the applicant stated that during plan review they were informed that a bus bay and pad were required along Baseline Road. Per Stipulation 9 (not a part of the current request) this infrastructure was originally required along 67th Avenue. At the time of this hearing, it was unclear where the proposed bus bay and pad would ultimately be required. Therefore, the stipulation is written to allow it in either location to promote direct access to this public transit infrastructure.

- 4) The request to delete Stipulation 15 is recommended to be approved. This stipulation was specific to elevations for PAD-1 at the southeast corner of the parcel for the original proposed commercial shopping center.

The elevations for the proposed multifamily residential development are already addressed in this recommendation in Stipulation 2.

STIPULATIONS:

1.	That THE development shall be in general conformance with the site plan date stamped October 23, 2008 DECEMBER 14, 2021, as modified by the following stipulations, and approved by the PLANNING AND Development Services Department, AND WITH SPECIFIC REGARD TO THE FOLLOWING:	
	A.	THE DEVELOPER SHALL PROVIDE OPEN SPACE CORRIDORS BETWEEN HOMES WITH A MINIMUM WIDTH OF 26 FEET, CONSISTING OF MINIMUM 5-FOOT-DEEP PATIOS FOR EACH HOME AND MINIMUM 16 FEET OF TURF AND LANDSCAPING, AS DEPICTED ON THE SITE PLAN DATE STAMPED DECEMBER 14, 2021.
2.	That The development shall be in general conformance with the elevations date stamped October 23, 2008 DECEMBER 1, 2021, with specific regard to consistent architectural details, such as stone on all four sides of the buildings, as approved by the PLANNING AND Development Services Department.	
3.	That Enhanced paving material(s) such as brick, stone, exposed aggregate, stamped concrete or similar surface material (not asphalt) shall be used at entrances to the site, intersections internal to the site, and at pedestrian crossings as approved by the PLANNING AND Development Services Department.	
4.	That All pedestrian walkways shall be shaded and connect all commercial pads to each other and to the public right-of-way, as approved by the PLANNING AND Development Services Department.	
5.	That a comprehensive sign plan shall be approved for the entire development in accordance with Section 705 of the Zoning Ordinance in specific regard to the below items. The sign plan shall be presented and reviewed by the Laveen Village Planning Committee prior to the Zoning Adjustment hearing for consideration of their comments.	
	a.	Ground signs limited to monument style not to exceed 6 feet in height.
	b.	Design and lighting that will minimize impact on the single family parcels to the east of the subject site.

	e.	Signage shall utilize designs that are low glare and utilize rural design elements that are consistent with the submitted elevations dated October 23, 2008.
5. 6.		That The development shall be in general conformance with the conceptual landscaping plan date stamped October 23, 2008 DECEMBER 14, 2021, with specific regard to enhanced landscaping shown along 67th Avenue, as approved by the PLANNING AND Development Services Department.
6. 7.		That The western perimeter wall shall be a minimum 8-feet high and shall include material and textural differences with a decorative element, such as tile or painted block, as approved by the PLANNING AND Development Services Department.
7. 8.		<p>That a pedestrian walkway utilizing decorative paving materials shall be provided at the corner of Baseline Road and 67th Avenue. The walkway shall be at grade level with the sidewalk within the right of way and shall provide direct entry into the site at PAD 1. Landscape features shall be provided on either side of the pedestrian walkway outside of the visibility triangle, as approved by the Development Services Department.</p> <p>THE DEVELOPER SHALL PROVIDE MINIMUM ONE PEDESTRIAN PATHWAY WITHIN 200 FEET OF THE INTERSECTION OF 67TH AVENUE AND BASELINE ROAD THAT PROVIDES DIRECT CONNECTIVITY BETWEEN THE MULTIFAMILY DEVELOPMENT AND THE PUBLIC RIGHT-OF-WAY, AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.</p>
TRANSIT		
8. 9.		That Right-of-way shall be dedicated and a bus bay (detail P1256-1) and transit pad (Detail P1261) constructed along 67th Avenue, as approved by the PLANNING AND Development Services Department.
ARCHAEOLOGY		
9. 10.		That The developer shall conduct archaeological monitoring and/or testing by a qualified archaeologist within all areas of the development prior to clearing and grubbing, landscape salvage, and/or grading, as approved or modified by the City Archaeologist. Further data recovery may be necessary based on results of the testing.
STREETS		

10. 44.	That Right-of-way totaling 60 feet shall be dedicated for the north half of Baseline Road, as approved by the PLANNING AND Development Services Department.	
11. 42.	That 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 ADA accessibility standards.	
12. 43.	That Full-service access points to the development shall be limited to 660-foot spacing unless otherwise approved by the Street Transportation Department. Additional access points may be approved but will be restricted to right-in and right-out, as approved by the PLANNING AND Development Services Department.	
13. 44.	That Public multi-use trails shall be constructed within an easement(s) per the Standard Trail Detail (30-foot easement and 10-foot trail) in accordance with the MAG supplemental detail along 67th Avenue and Baseline Roads as approved by the Parks and Recreation Department. The applicant shall try to connect the trail across the well site north of the subject site along 67th Avenue. This connection will not be enforced if the well owner does not agree to the trail.	
15.	That the final elevations for PAD-1 (at the southeast corner of the parcel) including the drive thru canopy shall be presented to the Laveen Village Planning Committee for review and comment prior to preliminary site plan approval by the Development Services Department.	
14. 46.	That The applicant shall notify the following individuals 15 days prior to any of the following events: preliminary site plan review meeting, Zoning Adjustment hearing or Planning Hearing Officer hearing.	
	a.	Steven Klein 6820 South 66th Avenue Laveen, AZ 85339
	b.	Phil Hertel 2300 West Broadway Road Phoenix, AZ 85041
	c.	Jon Kimoto 3216 West Ansell Road Laveen, AZ 85339

	d.	Stephanie Scovel 7416 South 45th Avenue Laveen, AZ 85339
15. 17.	That Any request to modify or delete stipulations shall be reviewed and commented on by the Laveen Village Planning Committee prior to the Planning Hearing Officer Hearing.	

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