

# Attachment C

## REPORT OF PLANNING HEARING OFFICER ACTION

Adam Stranieri, Planner III, Hearing Officer

Bradley Wylam, Planner I, Assisting

April 20, 2022

ITEM NO: 2	
	DISTRICT 7
SUBJECT:	
Application #:	PHO-1-22--Z-51-08-7
Location:	Approximately 1,500 feet south of the southwest corner of 35th Avenue and Southern Avenue
Zoning:	R-4, C-1
Acreage:	14.38
Request:	<ol style="list-style-type: none"> <li>1) Modification of Stipulation 1 regarding general conformance with the residential elevations date stamped May 20, 2008 and the site plan date stamped August 11, 2008.</li> <li>2) Deletion of Stipulation 1.a regarding the maximum size of the commercial building to the north.</li> <li>3) Deletion of Stipulation 1.b regarding the maximum size of the commercial building to the south.</li> <li>4) Deletion of Stipulation 2 regarding Planning Hearing Officer approval of elevations for the commercial pads.</li> <li>5) Modification of Stipulation 3 regarding general conformance with the conceptual landscaping plan date stamped July 25, 2008.</li> <li>6) Modification of Stipulation 4 regarding perimeter wall material and textural differences.</li> <li>7) Modification of Stipulation 5 regarding shading and connectivity of pedestrian walkways.</li> <li>8) Modification of Stipulation 12 regarding a maximum number of 276 residential units.</li> <li>9) Deletion of Stipulation 13 regarding fencing, landscaping, and parking standards for the western property area.</li> <li>10) Deletion of Stipulation 15 regarding a minimum 15-foot landscape setback along the southern perimeter of the property.</li> <li>11) Modification of Stipulation 16 regarding Laveen Village Planning Committee review and comment on final landscape plans, lighting plans, and sign packages.</li> <li>12) Deletion of Stipulation 17 regarding parking lot screen and landscape along 35th Avenue.</li> <li>13) Deletion of Stipulation 19 regarding commercial monument signs.</li> </ol>

	14) Technical corrections to Stipulations 8, 9, 10, and 14.
Applicant:	Laveen 12 LLC
Owner:	Laveen 12 LLC
Representative:	Benjamin Graff, Quarles & Brady LLP

### **ACTIONS:**

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

Village Planning Committee (VPC) Recommendation: The Laveen Village Planning Committee heard this case on April 11, 2022 and recommended approval by a vote of 8-0.

### **DISCUSSION:**

Benjamin Graff, representative with Quarles & Brady LLP, provided an overview of the subject site and summarized the original rezoning case and surrounding land uses. He noted that the proposed project would reduce the number of dwelling units from 276 to 173 single-family rental units. He noted that the applicant has attended meetings with the Laveen Citizens for Responsible Development (LCRD) as well as the Laveen Village Planning Committee (VPC) where they received unanimous approval with modifications and additional stipulations that the applicant is in support of. He provided an overview of the proposed conceptual site plan and noted that the plan depicts 173 units. He stated that the Laveen VPC recommended to add a stipulation to require that 89% of the units are one story or 18 feet, which is shown on the proposed conceptual site plan. He stated that amenities such as a dog park, bocce ball court, and open green space areas are provided to residents. He provided an overview of the proposed building elevations and noted that an additional stipulation was recommended by the Laveen VPC to provide at least 25% non-stucco materials on front elevations. He noted that the proposed elevations provide a variety of architectural details including multiple building materials, building types, and varied rooflines. He noted that each unit will have a private backyard area with a shaded patio area. He stated that a landscape plan, sign plan, and lighting plan were proposed to the Laveen VPC per Stipulation 16 and noted that the Laveen VPC recommended to delete the stipulation. He stated that the open space provided on the proposed site plan is 13.2%, which is above the minimum 5% open space, but he noted that 23.5% open space is provided if including the private backyard space in the calculation. He stated that the applicants have taken comments from the LCRD and Laveen VPC meetings and addressed those concerns on their site plan, elevations, and landscape plan. He

provided an overview of the proposed language for each stipulation modification request.

Mr. Graff noted that the Street Transportation Department recommended 3 additional stipulations regarding landscaping of the sidewalk along 35th Avenue, bicycle parking spaces, and a pedestrian accessway from the site to the existing bus stop along 35th Avenue. He noted that a pedestrian accessway is located along the entrance of the development but expressed concern regarding a separate accessway being provided closer to the northern property line. Adam Stranieri, Planning Hearing Officer, noted that the recommendation would propose that an additional pathway be provided as close to the bus stop as possible. He noted that there are multiple walkways depicted on the site plan that could be connected through to the east property line that could provide a place for that pedestrian accessway to be added. Mr. Graff stated that there are encampments nearby that could create a safety concern for community members if an additional accessway were added directly next to a residential unit in the community. Mr. Stranieri noted that the accessway could be gated, which may alleviate the safety concern.

Mr. Graff stated that an additional stipulation from the Street Transportation Department recommended that approximately 44 bicycle parking spaces be provided and noted that the private backyards provided to every unit, as well as 48 private garages, would allow space for adequate bicycle storage. He noted that the applicant is proposing that 10 bicycle parking spaces be provided. Mr. Stranieri stated that the proposed stipulation's intent was to create bicycle parking areas in common spaces and that it was not appropriate to relocate all bicycle parking into private backyard and garage spaces. He noted that a reduction could be considered due to the private garages and backyard space. He proposed that 20 required bicycle parking spaces may be appropriate for the development. Mr. Graff agreed that 20 bicycle parking spaces could be provided by the applicant.

Returning to the issue of the pedestrian accessway to the transit stop, Mr. Stranieri stated that there is approximately 350 feet between the existing bus stop and the entry to the development and that an additional accessway along the east property line is recommended. Mr. Graff noted that the applicant agrees that a pedestrian accessway should be added but that additional review would be needed to consider the best location for the walkway so that the total number of units is not impacted. Mr. Stranieri agreed that the accessway location could be determined later through consultation with staff.

Mr. Stranieri noted that no correspondence was received regarding the case and that the Laveen VPC recommended unanimous approval. He noted that

Stipulation 1 regarding general conformance with the site plan and elevations is recommended to be broken into two stipulations and that the sub-stipulation recommended by the Laveen VPC regarding a minimum of 25% non-stucco or accent materials be added as a point of specific regard to the elevations. He recommended that Stipulation 3 regarding general conformance with the conceptual landscaping plan be approved with a modification to create a sub-stipulation regarding the landscape islands. He stated that Stipulation 5 regarding shading and connectivity is recommended to be modified to provide flexibility in reviewing how the stipulation is being implemented. He stated that Stipulation 12 is recommended to be added to the general conformance stipulations regarding site plan and elevations. He stated that Stipulation 16 is recommended to be deleted as the Laveen VPC recommended. He stated that each of the remaining stipulations are recommended to be approved as requested.

### **FINDINGS:**

- 1) At the Laveen Village Planning Committee (VPC), the applicant presented a revised application containing an updated site plan (date stamped April 7, 2022), preliminary landscape plan (date stamped April 7, 2022), and proposed legislative edits to stipulation language (date stamped April 12, 2022). The elevations were not updated and remain those submitted with the initial application (date stamped March 4, 2022). The Laveen VPC recommendation was recorded as approval “as presented by the applicant” which included these revised submittals. This PHO recommendation is based on these revised documents and is consistent with the Laveen VPC recommendation, with subsequent modifications and revisions as noted below.
- 2) The request to modify Stipulation 1 and delete Stipulations 1.a and 1.b are recommended for approval with a modification and additional stipulation. The modification to Stipulation 1 and additional stipulation are to split the conformance requirements for the site plan and elevations into separate stipulations as the applicant proposed an item for specific regard to the elevations. This will make interpretations of the stipulation and future reviews easier. The deletion of Stipulations 1.a and 1.b are approved because the commercial building square foot limitations are no longer relevant with the change of the stipulated site plan.
- 3) The request to delete Stipulation 2 is recommended for approval. This requirement no longer relevant as there are no commercial pads depicted on the proposed conceptual site plans. In the future, if commercial development is proposed on the site, the recommendation in Stipulation 1 as described above will necessitate Planning Hearing Officer action to modify stipulations regardless.

- 4) The request to modify Stipulation 3 is recommended for approval with a modification. The modification is simply to provide more standard language for the conformance requirement and to identify the applicant's proposal for landscape islands as an item for specific regard. This proposal is consistent with the original stipulation but reworded to apply to the new site plan.
- 5) The request to modify Stipulation 4 is recommended for approval. The modification limits the enhanced materials to the perimeter property lines adjacent to public rights-of-way where it is most appropriate. It removes this requirement from the north, where the property is adjacent to the rear of a commercial shopping center, and the south, where the adjacent property is vacant.
- 6) The request to modify Stipulation 5 is recommended to be approved with a modification to allow staff greater flexibility in reviewing how the stipulation is being implemented. The proposed stipulation removes references to commercial development, which is no longer planned, and clarifies that pathway shading can be accomplished through landscaping or architectural features.
- 7) The request to modify Stipulation 12 is recommended to be approved with modifications. The proposal groups two unrelated issues, maximum unit count and building height restriction, into a single stipulation. Further, these two conditions are both directly related to the development standards on the proposed conceptual site plan. Therefore, the first modification is to instead add these conditions as new, individual points for specific regard to the site plan in Stipulation 1. The second modification is to adjust the maximum height of the 89% of units to read "one story and 18-feet in height" rather than "one story or 18-feet". The applicant confirmed that this met their intent.
- 8) The requests to delete Stipulations 13 and 15 are recommended for approval. The conditions in these stipulations were specific to the original proposed development. The conditions are either not relevant to the proposed conceptual site plan or are addressed through other stipulations in this recommendation.
- 9) At the April 11, 2022 Laveen VPC meeting, the applicant proposed to delete Stipulation 16, rather than modify it as originally requested. The applicant presented the plans specified in this stipulation during that meeting and the VPC subsequently recommended approving its deletion. This recommendation also recommends approving the deletion of Stipulation 16 as its intent has been met.

- 10) The requests to delete Stipulations 17 and 19 are recommended for approval. The conditions in these stipulations were specific to the original proposed development. The conditions are either not relevant to the proposed conceptual site plan or are addressed through other stipulations in this recommendation.
- 11) The Street Transportation Department recommends three additional stipulations, which are all recommended for approval.
  - a. The first stipulation requires the developer to replenish the detached landscape strips along 35th Avenue. The subject site is adjacent to a detached sidewalk with no landscaping within the existing streetscape area. The recommendation for shaded sidewalks is consistent with multiple City policies including the Complete Streets Policy and the General Plan. The developer will need to replenish the streetscape zone to meet the requirements of the Ordinance and support the Complete Streets Policy.
  - b. The second stipulation requires the developer to provide a minimum 20 bicycle parking spaces designed per the standards of Section 1307.H. Bicycle infrastructure supports the established and future planned multi-modal network and promotes the goals of the City Council approved Complete Streets Policy.

The Street Transportation Department is seeking bicycle infrastructure for this rental community as typical rental units don't provide enough/dedicated space for recreational equipment storage. The applicant noted that all units in this development provide private backyard spaces. However, some bike parking spaces should be provided as a common amenity, rather than solely by residents within their private yards. The applicant also noted that approximately 48 units also provide private garages. The 20 required spaces are recommended as a reduction from the 43.25 spaces that would otherwise be required of the 173 multifamily units per Section 1307.H, while acknowledging these additional private storage garages.

The subject site is near multiple multi-use trails to the south, east, and west, including the nearby LACC. The site is also within 0.5 miles of Baseline Road which is identified as a Scenic Drive in the Laveen Growth Study. Baseline Road is a major transportation corridor that provides bike lanes, detached sidewalks, multi-use trail and multiple bus stops to support all modes of transportation. In addition, the site is within 0.5 miles of Cesar Chavez Park which also provides access to multiple multi-use trails.

- c. The third stipulation requires an enhanced and shaded pedestrian pathway to the bus stop along 35th Avenue. The subject site is adjacent to an existing bus stop along 35th Avenue. The City Council adopted Complete Streets Policy promotes safe and direct access to transit opportunities. The location of the pathway should be provided in the closest possible location to the bus stop and is in addition to any required pedestrian pathways at the main entrance to the community. The stipulation is intended to allow the applicant flexibility to continue working with staff on the final location of the pathway that is as close as possible to the existing stop without negatively impacting planned rear yards or impacting unit count.

**STIPULATIONS:**

1.	<del>That The development shall be in general conformance with the residential elevations date stamped May 20, 2008 and the site plan date stamped APRIL 7, 2022 August 11, 2008, as modified by the following stipulations and approved by the PLANNING AND Development Services Department, with specific regard to the following:</del>	
	a.	<del>That the commercial building to the north be a maximum of 5300 square feet.</del>  THE PROJECT SHALL NOT EXCEED 173 DWELLING UNITS.
	b.	<del>That the commercial building to the south be a maximum of 6700 square feet.</del>  A MINIMUM OF 89% OF THE TOTAL NUMBER OF UNITS SHALL BE LIMITED TO ONE STORY AND 18 FEET IN HEIGHT.
2.	<del>That the elevations for the commercial pads shall be approved by the Planning Hearing Officer through the public hearing process prior to Development Services Department preliminary site plan approval. This review is for conceptual purposes only. Specific development standards and requirements will be determined by the Development Services Department.</del>  THE DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE RESIDENTIAL ELEVATIONS DATE STAMPED MARCH 4, 2022, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT, WITH SPECIFIC REGARD TO THE FOLLOWING:	

	A.	THE FRONT ELEVATIONS SHALL CONTAIN A MINIMUM OF 25% NON-STUCCO OR ACCENT MATERIALS.
3.	<del>That landscaping</del> THE DEVELOPMENT shall be in general conformance with the <del>conceptual Landscaping</del> LANDSCAPE plan date stamped APRIL 7, 2022, <del>July 25, 2008, with the addition of landscape diamonds provided approximately every 6 stalls in the commercial and guest residential parking areas,</del> as approved or modified by the FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND Development Services Department, WITH SPECIFIC REGARD TO THE FOLLOWING:	
	A.	UNCOVERED PARKING AREAS WITH MORE THAN SIX STALLS SHALL INCLUDE LANDSCAPE ISLANDS.
4.	<del>That</del> The EAST AND WEST perimeter wallS shall include material and textural differences, such as stucco and/or split face block with a decorative element, such as tile, glass insets, or stamped designs, as approved by the PLANNING AND Development Services Department.	
5.	<del>That</del> All pedestrian walkways shall be shaded USING LANDSCAPING AND/OR OTHER SITE FEATURES TO THE EXTENT PRACTICABLE and connect all residential buildings to project amenities, <del>commercial pads to the east and the commercial site to the north,</del> as approved OR MODIFIED by the PLANNING AND Development Services Department.	
6.	<del>That</del> 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.	
7.	<del>That</del> 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.	
8.	<del>That</del> Right-of-way totaling 55 feet shall be dedicated for the west half of 35th Avenue, as approved by the PLANNING AND Development Services Department.	



9.	<del>That</del> Right-of-way totaling 25 feet shall be dedicated for the east half of 37th Avenue, as approved by the PLANNING AND Development Services Department.
10.	<del>That</del> 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.
11.	<del>That</del> The applicant shall complete and submit the Developer Project Information Form for the MAG Transportation Improvement Program to the Street Transportation Department. This form is a requirement of the EPA to meet clean air quality requirements.
12.	<del>That the maximum number of residential units shall not exceed 276.</del>
13.	<del>That the western property area shall be designed in the following manner as approved or modified by the Development Services Department:</del>
a.	<del>That owner shall file for and pursue a variance to allow for a maximum 8-foot ornamental iron view fence on the western property line;</del>
b.	<del>Minimum 8-foot wide landscape setback between the block wall/view fence and the proposed parking structures along the western perimeter (additional landscaping shall occur outside the perimeter fence);</del>
c.	<del>Covered parking spaces adjacent to required view fencing, located on the west end of the property shall be screened from the residential properties to the west of the site. The screening method shall consist of either landscaping or a wall attached to the parking canopy;</del>
d.	<del>A mixture of 75% 4 to 6-inch caliper trees within the landscaped setback shall be planted to act as a visual buffer between the western most apartment buildings and the residential properties to the west.</del>
12. 14.	<del>That</del> Mature trees shall be salvaged and utilized within all the landscape setbacks with specific regard to placement of the larger specimens within the western landscape setback as approved by the PLANNING AND Development Services Department.

15.	<del>That the applicant shall provide a minimum 15-foot landscape setback along the southern perimeter of the property. The setback shall be landscaped with a staggered double row of a 75% mixture of 3 to 6-inch caliper trees planted approximately 25 feet on center as approved by the Development Services Department.</del>	
16.	<del>That the final landscape plan, lighting plan, and sign package for the commercial and residential project shall be submitted to the Laveen Village Planning Committee for review and comment prior to preliminary site plan approval by the Development Services Department. That all signs shall not exceed 6 feet in height as approved by the Development Services Department.</del>	
17.	<del>That the parking lot screen wall and landscape pallet within the 35th Avenue landscaped setback shall compliment the adjacent existing development to the north and be compatible in color, texture, form and materials as approved by the Development Services Department.</del>	
13. 48.	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 S. 66th Ave., Laveen, AZ 85339
	b.	Phil Hertel - 2300 W. Broadway Rd., Phoenix, AZ 85041
	c.	Jon Kimoto - 3216 W. Ansell Rd., Laveen, AZ 85339
	d.	Mark Williams - 7150 E. Camelback Rd. #285, Scottsdale, AZ 85251
	e.	Randy Raskin – 5110 N. 40th Street, Suite 100, Phoenix, AZ 85018
19.	<del>That the two commercial monument signs on 35th Avenue, and the lighted signs on the commercial building shall be limited to a maximum of one user each, as approved by the Development Services Department.</del>	
14.	THE DEVELOPER SHALL REPLENISH THE EXISTING LANDSCAPE AREA ALONG 35TH AVENUE, LOCATED BETWEEN BACK OF CURB AND SIDEWALK, TO ACHIEVE 50 PERCENT SHADE AT MATURITY. PLANTING TYPE, FREQUENCY, AND SIZE TO BE AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.	

15.	THE DEVELOPER SHALL PROVIDE A MINIMUM OF 20 SECURED BICYCLE PARKING SPACES, DESIGNED PER THE STANDARDS OF SECTION 1307.H FOR MULTI-FAMILY DEVELOPMENT, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
16.	THE DEVELOPER SHALL PROVIDE AN ENHANCED AND SHADED PEDESTRIAN ACCESSWAY FROM THE SITE TO THE EXISTING BUS STOP ALONG 35TH AVENUE, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

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