

Attachment B

REPORT OF PLANNING HEARING OFFICER ACTION

Adam Stranieri, Planner III, Hearing Officer
Julianna Pierre, Planner I, Assisting

November 18, 2020

ITEM NO: 2

DISTRICT 5

SUBJECT:

Application #: PHO-2-20--Z-110-08-7(5)
Zoning: C-2
Location: Approximately 300 feet north of the northeast corner of 99th Avenue and McDowell Road
Acreage: 1.39
Request: 1) Modification of Stipulation 1 regarding general conformance to the site plan date stamped March 11, 2016.
2) Modification of Stipulation 2 regarding general conformance to elevations date stamped March 2, 2016.
Applicant: Arvin Saloum, Ninety-Nine Holdings, LLC
Owner: Reza Amirrezvani, SSCW 99th Avenue Retail, LLC
Representative: Larry Lazarus, Lazarus & Silvyn, P.C.

ACTIONS

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended approval.

Village Planning Committee (VPC) Recommendation:
The Maryvale Village Planning Committee opted not to hear this request.

DISCUSSION

Larry Lazarus, representative with Lazarus and Silvyn. P.C., provided history regarding the site. He stated that a use permit was approved on January 23, 2020 to permit a medical marijuana dispensary on the site. He stated that the request is to modify Stipulations 1 and 2, regarding general conformance to the site plan and elevations, to accommodate a new proposed site plan and elevations for the medical marijuana dispensary.

Adam Stranieri stated that the difference between the stipulated plan and the proposed plan is how the parcel is split up. He stated that a larger portion of the site is intended for development while the vacant pad has decreased in size. He

asked about future plans for the vacant pad. Mr. Lazarus stated that he was unsure of who would be the tenant for the vacant portion.

Mr. Stranieri stated that the intensity and scale of the development is consistent with the land use pattern in the area. On the three surrounding corners there is intense, large-scale commercial retail development. He stated that the elevations depicted a combination of brick, painted CMU panels, and glass and are an improvement above the stipulated elevations. He added that the elevations also include canopies, glass guardrails, and pop outs which is important since the request is removing language requiring four-sided architecture. He noted that the intent of the original stipulation language was met with the proposed elevations.

Mr. Stranieri noted that the Street Transportation Department stated that the signal at the intersection is under either Maricopa County or Avondale control, and modifications will need their review and approval.

FINDINGS

- 1) The original stipulated site plan depicted two pads on the subject site. The northern portion consisted of approximately 25,015 square feet for a vacant future pad site. The southern portion consisted of approximately 34,992 square feet and was planned for a 3,000 square foot drive-through restaurant with two points of access along 99th Avenue. Stipulated elevations depicted an El Pollo Loco drive-through restaurant to be modified to include architectural detailing and embellishments on all facades to ensure that details depicted on the south and west elevations were continued on the other facades.

The proposed site plan adjusts the area of the two proposed pads and the location of proposed development, with an approximately 43,572 square foot pad containing a 10,800 square foot retail and office building to the north, and an approximately 16,497 square foot vacant pad for future development to the south. Access to the northern pad is similarly provided through two driveways on 99th Avenue. Proposed elevations depict a two-story retail and office building that utilizes a combination of brick, painted CMU, metal panels, and glass. Architectural detailing includes a walkway enclosed by glass guardrails, canopies, and pop-outs. The applicant proposes to remove the existing stipulation's requirement for four-sided architecture as detailing is depicted on all building facades.

- 2) The proposal is compatible with the scale and intensity of existing commercial development in the surrounding area, including major retail centers at all other corners at the intersection of 99th Avenue and McDowell Road, and for its location near the intersection of two arterial streets. The proposed plans are also consistent with those provided in

recent Zoning Adjustment Case No. ZA-632-19 which approved requests regarding a proposed medical marijuana dispensary on the site and relief from development standards related to the site's proximity to a canal. The applicant's request is recommended to be approved as requested.

DECISION: The Planning Hearing Officer recommended approval.

STIPULATIONS

1.	That THE development shall be in general conformance to WITH the site plan date stamped SEPTEMBER 11, 2020 March 11, 2016 , as approved or modified by the Planning and Development Department.
2.	That THE development shall be in general conformance to WITH the elevations date stamped SEPTEMBER 11, 2020 March 2, 2016 , with the addition of architectural embellishments and detailing on all sides of the buildings to include textural changes, pilasters, offsets, recesses, variation in window size and location, and/or other overhang canopies, as approved OR MODIFIED by the Planning and Development Department.
3.	That In the event the applicant obtains a landscape easement agreement from Roosevelt Irrigation District, view fencing shall be provided along the east property line along the Roosevelt Irrigation District Canal, as approved by the Planning and Development Department.
4.	That In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground disturbing activities within a 33-foot radius of that discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.
5.	That Right-of-way totaling 75 feet shall be dedicated for the east half of 99th Avenue, as approved by the Planning and Development Department.
6.	That The developer shall construct all streets adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, landscaping, and other incidentals, as approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
7.	That The applicant shall complete and submit the Developer Project Information Form for the MAG Transportation Improvement Program to

	the Street Transportation Department (602-262-6193). This form is a requirement of the EPA to meet clean air quality requirements.

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.