

Attachment C

REPORT OF PLANNING HEARING OFFICER ACTION

Byron Easton, Planner III, Hearing Officer

Teresa Garcia, Planner I, Assisting

September 20, 2023

ITEM NO: 1	
	DISTRICT NO. 1
SUBJECT:	
Application #:	PHO-8-23--Z-195-81-1
Location:	Approximately 730 feet south of the southwest corner of 23rd Avenue and Parkside Lane
Zoning:	A-1 DVAO
Acreage:	14.01
Request:	1) Request to modify Stipulation 1 regarding general conformance with the site plan dated August 3, 1999. 2) Request to modify Stipulation 3 regarding a landscape theme and a landscape setback along 21st and 23rd Avenues. 3) Technical corrections to Stipulations 2 and 4
Applicant:	Bill Lally, Tiffany & Bosco P.A.
Owner:	RMLM LLC
Representative:	Bill Lally, Tiffany & Bosco P.A.

ACTIONS:

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

Village Planning Committee (VPC) Recommendation: The Deer Valley Village Planning Committee reviewed the request on September 14, 2023. The VPC recommended approval with a modification by a vote of 9-0.

DISCUSSION:

Bill Lally, representative of Tiffany & Bosco, gave an overview of the location and its current land uses. He stated that 21st Avenue has been an historical access point to the site and will continue to use the accessway for the proposed development. He gave an overview of the conceptual site plan and the existing landscaping on the site. He stated the original stipulations did not provide too many details. He gave an overview of the stipulation requests and each respective rationale.

Byron Easton, Planning Hearing Officer, stated there were no registered speakers to speak on this case.

Mr. Lally confirmed there were also no formal speakers at the Village Planning Commission (VPC) meeting.

Mr. Easton stated the VPC recommended approval with a vote of 9-0 on September 14, 2023. He recommended approval with modification to Stipulation 1, stipulating general conformance with the site plan dated stamped July 27, 2023 as approved or modified by the Planning and Development Department. He recommended approval with modification for Stipulation 3, stipulating a 5' attached sidewalk and landscaping shall be provided along 21st Avenue, with a minimum 10' landscape setback from property line. The setback area shall be dustproofed in an appropriate manner, as approved by the Planning and Development Department. He stated that there were additional stipulations to be added. He stated the stipulations were provided by Streets Department, stipulating the applicant will dedicate a minimum of 50' of right-of-way for the east side of 23rd Avenue, adjacent to the development.

He stated the improvements to 23rd Avenue shall be consistent with the major collector D cross-section and shall include a minimum of 5' wide detached sidewalk separated by a minimum 13' wide landscape strip, located between the back-of-curb and sidewalk adjacent to the development. He stated that a minimum of 25' of paving from the monument line to the face-of-curb, adjacent to APN 209-03-294, connecting the existing paving on 23rd Avenue to the required right-of-way improvements adjacent to the subject site, as approved by the Street Transportation Department. He stated the applicant will need to dedicate a temporary 50' radius turnaround easement at the southern terminus of 23rd Avenue, including all incidental improvements, as approved by the Street Transportation Department.

He stated the additional stipulation and sub-stipulations further clarify the extent of necessary improvements, specifically at 23rd Avenue right-of-way. He stated Stipulation 5 and 5a referred to 23rd Avenue and its classification as a major collector D section on the City Council approved street classification map. He stated that the D cross-section requires 50' half-street and 18' wide streetscape zone. He stated compliance with the cross section would include a 5' wide detached sidewalk and a 13' wide landscape island, located between the back -of-curb and sidewalk. He stated that Stipulations 5b and 5c stipulated connecting to existing paving north of the adjacent parcel because. He stated 23rd Avenue currently stops at the northern boundary of the adjacent property, north of the subject site on 23rd Avenue, therefore construction of the required right-of-way improvements only adjacent to the subject site would create a dead-end street.

Mr. Lally stated that this was his initial opportunity to view the new stipulations and would need to contact the client to review them. He stated the additional stipulations were straightforward and had no questions.

FINDINGS:

- 1) The request for review and approval of conceptual site plan per Stipulation 1 has been complied with. The recommendation is therefore to approve the plans and modify the existing Stipulation 1 to replace the existing language with a standard language general conformance stipulation to the site plan. The conceptual plan meets the intent of Stipulation 1 as follows:
 - a) The conceptual site plan depicts an industrial use, specifically two warehouse/office buildings that cover roughly 38% of the site area. The total footprint is approximately 220,000 sf and the site shows conformity to the A-1 development standards.
 - b) The stipulated site plan shows an industrial use, consisting of three buildings; a maintenance shop, an office and a mezzanine. These buildings are considerably smaller, with an overall footprint of approx. 22,000 sf.
- 2) The request to modify Stipulation 3 is approved with a modification. The modification is to add the language referring to the addition of a 5-foot attached sidewalk. A 5-foot attached sidewalk is required per the Street Planning and Design Guideline Manual and the City of Phoenix Subdivision Ordinance. Stipulation 3 was also modified to delete the redundant “(allows for driveway access as shown on the site plan)”.
- 3) Although Stipulation #2 of the approved ordinance requires right-of-way to be dedicated and adjacent roadways to be improved, the added stipulation further clarifies the extent of the necessary improvements specifically to the 23rd Avenue right-of-way.
 - Stipulation #5 & 5a: 23rd Avenue is classified as a Major Collector D-Section on the City Council approved Street Classification Map. The D-cross-section requires a 50-foot half street with an 18-foot-wide streetscape zone. Compliance with the cross-section would include a 5-foot-wide detached sidewalk and 13-foot-wide landscape island located between the back of curb and sidewalk.
 - Stipulation #5b and 5c: 23rd Avenue currently stops at the northern boundary of the adjacent property north of the subject site on 23rd Avenue. Therefore, construction of the required right-of-way improvements only adjacent to the subject site would create a dead-end street and it is required to connect to the existing paving north of the adjacent parcel.

Chapter 2, Section 2.9.2 Of the Street Planning and Design Guidelines Manual prohibits dead end streets and requires a temporary turning circle with a 50-foot radius.

STIPULATIONS:

1.	That THE new development SHALL be in general conformance with the site plan dated STAMPED JULY 27, 2023 8/3/99 , AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT.	
2.	That right-of-way be dedicated, and adjacent roadways improved in a manner consistent with adopted plans at the time of subdivision/site plan approval, as approved by the PLANNING AND Development Services Department.	
3.	That a landscaping theme creating a strong visual identity be developed for the entryway along 23rd Avenue (upon redevelopment of Parcel 7) consistent with Commerce Park standards. A FIVE (5) FOOT ATTACHED SIDEWALK AND landscaping shall be provided, within the right-of-way along the east side of 21st Avenue, with a minimum 10' landscape setback FROM THE PROPERTY LINE. (which shall include minimum 15-gallon size drought resistant shade trees spaced a maximum 20' on center, or provided in equivalent groupings). Along the west side of 21st Avenue, a 6' decorative masonry wall shall be provided, to be set back a minimum 25' from the right-of-way. The setback area shall be dustproofed in an appropriate manner, as approved by THE PLANNING AND Development Services Department.	
4.	DEDICATE MINIMUM 50-FEET OF RIGHT-OF-WAY FOR THE EAST SIDE OF 23RD AVENUE, ADJACENT TO THE DEVELOPMENT. THE IMPROVEMENTS TO 23RD AVENUE SHALL BE CONSISTENT WITH THE MAJOR COLLECTOR D CROSS SECTION AND SHALL INCLUDE:	
a.	A MINIMUM 5' WIDE DETACHED SIDEWALK SEPARATED BY A MINIMUM 13' WIDE LANDSCAPE STRIP LOCATED BETWEEN THE BACK OF CURB AND SIDEWALK ADJACENT TO THE DEVELOPMENT.	
b.	A MINIMUM 25 FEET OF PAVING FROM THE MONUMENT LINE TO THE FACE OF CURB, ADJACENT TO APN 209-03-294, CONNECTING THE EXISTING PAVING ON 23RD AVENUE TO THE REQUIRED RIGHT-OF-WAY IMPROVEMENTS ADJACENT TO THE SUBJECT SITE, AS APPROVED BY THE STREET TRANSPORTATION DEPARTMENT.	
c.	DEDICATE A TEMPORARY 50-FOOT RADIUS TURNAROUND EASEMENT AT THE SOUTHERN TERMINUS OF 23RD AVENUE, INCLUDING ALL INCIDENTAL IMPROVEMENTS, AS APPROVED BY THE STREET TRANSPORTATION DEPARTMENT.	

5. 4.	That The site SHALL be maintained in a dust and litter free condition, as approved by the PLANNING AND Development- Services Department.
6. 5.	That Independent of the development <i>east</i> of 21st Avenue, Parcel 7 shall comply with A-1 development standards for the existing use, or seek appropriate variance relief.

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