

## Attachment C

### REPORT OF PLANNING HEARING OFFICER ACTION Mr. Adam Stranieri, Planner III, Hearing Officer Bradley Wylam, Planner I, Assisting

October 20, 2021

ITEM NO: 5	
	DISTRICT 8
SUBJECT:	
Application #:	PHO-1-21--Z-69-08-8
Location:	Northwest corner of 36th Street and Southern Avenue
Existing Zoning:	C-1
Acreage:	5.0
Request:	1) Modification of Stipulation 1 regarding general conformance with the site plan and elevations date stamped July 3, 2008. 2) Technical corrections to Stipulations 4 and 5.
Applicant:	Avenue North
Owner:	Hermes, Inc.
Representative:	Benjamin Tate, Withey Morris PLC

### **ACTIONS**

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

Village Planning Committee (VPC) Recommendation: The South Mountain Village Planning Committee heard this case on October 12, 2021 and recommended denial as filed and approval with a modification and an additional stipulation by a vote of 9-0-1.

### **DISCUSSION**

Benjamin Tate, representative with Withey Morris, provided an overview of the original rezoning case and the PHO request. He stated the request to modify Stipulation 1 regarding general conformance with the site plan and elevations will retain the MUA landscaping standards as desired by the South Mountain Village Planning Committee (VPC). He noted that the VPC recommended additional stipulations regarding the elevations to include enhanced architectural standards. He stated that the stipulation was intended to address the street-facing sides of each building.

Adam Stranieri, Planning Hearing Officer, stated there were no concerns regarding the intensity, use, or layout provided on the proposed site plan. He reviewed the language recommended by the VPC regarding elevations and

design guidelines. Ryan Hartman, representative with Avenue North, stated they are comfortable with the language as recommended by the VPC. Mr. Stranieri asked for clarification regarding the proposed language of Stipulation 1 regarding MUA standards. Mr. Tate stated the intent of the proposal is to follow the landscaping standards per the MUA zoning district, but not the common open space standards which require 25% open space. Mr. Stranieri noted that he proposes that the content regarding MUA landscaping standards be separated from the other language in Stipulation 1 regarding conformance with the site plan. He stated that the Archaeology Department recommends additional stipulations regarding archaeologically sensitive areas. He stated that the Street Transportation Department recommends an additional stipulation regarding bicycle parking.

## **FINDINGS**

- 1) The stipulated site plan depicts a large-scale, mixed-use development consisting of two approximately 20,000 square foot buildings providing ground-floor retail space and second-floor office uses. Proposed buildings were two stories and 30 feet in height. The project did not develop, and the property remains vacant. The proposed site plan depicts a multifamily residential development consisting of 47 units at a density of 9.39 dwelling units per gross acre. The buildings are two stories and approximately 28 feet in height. Proposed open space is approximately 5.3%. The proposal is compatible with the diverse land uses in the surrounding area. Immediately to the east is a large amount of employment-generating Commerce Park type uses. To the north are existing single-family residences and a planned multifamily development. To the south are extensive agricultural uses. To the west is a mixture of single-family, multifamily, and agricultural uses.
- 2) The applicant's request for modification of Stipulation 1 regarding general conformance and additional standards is recommended for approval with a modification and additional stipulations.

The first modification is to remove the general conformance requirement for conceptual elevations. See Finding #3 for detailed discussion regarding elevations.

The second modification is to remove the requirement for specific regard to the quantity and location of open space. In the original rezoning case, this stipulation was established to require that the developer provide common open space consistent with the MUA district, which requires a minimum 25% of the net site area of a mixed-use development to be set aside as open space accessible to the public. There is no comparable standard in the C-1 zoning district. Additionally, this standard would not apply to a multifamily development in the MUA district. The applicant's

request is consistent with the R-3 zoning district, which requires a minimum 5% of the gross area be provided as common area. The applicant is proposing 5.3%. Therefore, this existing language is no longer relevant to the current proposal.

The third modification is to relocate existing stipulation language, regarding compliance with MUA landscaping standards for quantity and type of landscape materials and parking lot landscaping standards, to a new stand-alone stipulation. These requirements are unrelated to the site plan and should be separated from the content of Stipulation 1.

- 3) The South Mountain Village Planning Committee recommended two additional stipulations regarding elevations that are recommended for adoption. The Committee expressed concerns regarding design continuity on all building sides and a lack of architectural detailing and features. Specifically, these concerns were centered around rear elevations, given that the proposed conceptual site plan depicts many units backing to the public right-of-way along 36th Street and Southern Avenue. These stipulations establish enhanced requirements regarding exterior finishes and four-sided architecture. They address the Committee's concerns regarding these issues and the additional stipulations will allow the applicant and staff flexibility to modify the conceptual elevations to incorporate additional enhancements, particularly on the rear of the buildings.
- 4) The Street Transportation Department recommends an additional stipulation regarding required bicycle parking. This stipulation is recommended for inclusion. The subject site is in proximity to identified multi-use trails along the east side of 36th Street, west side of 32nd Street, and Vineyard Road. The development site is abutting bike lanes along Southern Avenue and along other nearby streets (i.e., 32nd Street, 40th Street, Roeser Road). In addition, the subject site is less than a mile from the Western Canal which offers regional multi-modal connections. Bicycle infrastructure supports the established and future planned multi-modal network and promotes the goals of the City Council approved Complete Streets Policy.
- 5) The site is identified as archaeologically sensitive and two additional stipulations are recommended to be included to address requirements for archaeological survey and testing.

## **STIPULATIONS**

1.	<del>That</del> The development shall be in general conformance to WITH the site plan and elevations date stamped July 3, 2008 OCTOBER 18, 2021, AS MODIFIED BY THE FOLLOWING STIPULATIONS with specific regard to
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	<p><del>the amount and location of the common open space, however, the development shall follow the Mixed Use Agriculture (MUA) zoning district standards pertaining to quantity and type of landscape materials, and the parking lot landscaping standards, as AND approved by the PLANNING AND Development Services Department.</del></p>
2.	<p>THE DEVELOPMENT SHALL COMPLY WITH MIXED-USE AGRICULTURAL (MUA) ZONING DISTRICT STANDARDS PERTAINING TO QUANTITY AND TYPE OF LANDSCAPE MATERIALS AND PARKING LOT LANDSCAPING STANDARDS, AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.</p>
3.	<p>BUILDING ELEVATIONS SHALL BE DEVELOPED TO THE FOLLOWING STANDARDS, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.</p>
A.	<p>BUILDING ELEVATIONS SHALL CONTAIN MULTIPLE COLORS, EXTERIOR ACCENT MATERIALS AND TEXTURAL CHANGES THAT EXHIBIT QUALITY AND DURABILITY SUCH AS BRICK, STONE, COLORED TEXTURED CONCRETE OR STUCCO, TO PROVIDE A DECORATIVE AND AESTHETIC TREATMENT.</p>
B.	<p>ALL BUILDING ELEVATIONS SHALL CONTAIN ARCHITECTURAL EMBELLISHMENTS AND DETAILING SUCH AS TEXTURAL CHANGES, PILASTERS, OFFSETS, RECESSES, VARIATION IN WINDOW SIZE AND LOCATION, AND/OR OVERHANG CANOPIES.</p>
4.	<p>THE DEVELOPER SHALL PROVIDE SECURED BICYCLE PARKING FOR RESIDENTS AT A MINIMUM RATE REQUIRED BY CHAPTER 13, SECTION 1307.H FOR MULTI-FAMILY DEVELOPMENT, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.</p>
5.	<p>IF DETERMINED NECESSARY BY THE PHOENIX ARCHAEOLOGY OFFICE, THE APPLICANT SHALL CONDUCT PHASE I DATA TESTING AND SUBMIT AN ARCHAEOLOGICAL SURVEY REPORT OF THE DEVELOPMENT AREA FOR REVIEW AND APPROVAL BY THE CITY ARCHAEOLOGIST PRIOR TO CLEARING AND GRUBBING, LANDSCAPE SALVAGE, AND/OR GRADING APPROVAL.</p>
6.	<p>IF PHASE I DATA TESTING IS REQUIRED, AND IF, UPON REVIEW OF THE RESULTS FROM THE PHASE I DATA TESTING, THE CITY ARCHAEOLOGIST, IN CONSULTATION WITH A QUALIFIED ARCHAEOLOGIST, DETERMINES SUCH DATA RECOVERY EXCAVATIONS ARE NECESSARY, THE APPLICANT SHALL</p>

	CONDUCT PHASE II ARCHAEOLOGICAL DATA RECOVERY EXCAVATIONS.	
7. <del>2.</del>	<del>That</del> If any archaeological materials are encountered during construction, the contractor shall cease all ground disturbing activities within 33 feet of the discovery and notify the City of Phoenix Archaeology Office immediately to allow time to properly assess the materials.	
8. <del>3.</del>	<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 that have been reviewed and approved by the City Attorney.	
9. <del>4.</del>	<del>That</del> The following street transportation improvements shall be provided and approved by the PLANNING AND Development <del>Services</del> Department:	
	a.	Right-of-way totaling 60 feet shall be dedicated for the north half of Southern Avenue.
	b.	Right-of-way totaling 30 feet shall be dedicated for the west half of 36th Street.
	c.	A 25 foot by 25 foot right-of-way triangle shall be dedicated at the northwest corner of 36th Street and Southern Avenue
10. <del>5.</del>	The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, landscaping, and other incidentals as per plans approved by the PLANNING AND Development <del>Services</del> Department. All improvements shall comply with all ADA accessibility standards.	
11.	PRIOR TO PRELIMINARY SITE PLAN APPROVAL, THE LANDOWNER SHALL EXECUTE A PROPOSITION 207 WAIVER OF CLAIMS IN A FORM APPROVED BY THE CITY ATTORNEY'S OFFICE. THE WAIVER SHALL BE RECORDED WITH THE MARICOPA COUNTY RECORDER'S OFFICE AND DELIVERED TO THE CITY TO BE INCLUDED IN THE REZONING APPLICATION FILE FOR RECORD.	

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