

Attachment B

Planning Hearing Officer Summary of October 16, 2019
Application Z-124-03-7(4)
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REPORT OF PLANNING HEARING OFFICER ACTION

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

October 16, 2019

ITEM 2

DISTRICT 4

SUBJECT:

Application #: Z-124-03-7(4) (PHO-2-19)
Zoning: C-2
Location: Approximately 175 feet east of the southeast corner of 59th Avenue and McDowell Road
Acreage: 8.79
Request:

- 1) Modification of Stipulation No. 1 regarding site plan date stamped January 22, 2004 and elevations date stamped January 13, 2004.
- 2) Deletion of Stipulation No. 2 regarding comprehensive design theme to be approved prior to preliminary site plan approval.
- 3) Deletion of Stipulation No. 3 regarding parking between right-of-way and buildings.
- 4) Deletion of Stipulation No. 4 regarding a maximum of two driveways along each street.
- 5) Deletion of Stipulation No. 5 regarding dedication of right-of-way for the south half of McDowell Road.

Applicant: Paul E. Gilbert, Beus Gilbert PLLC
Owner: 59th Avenue & McDowell LLC
Representative: Andy Jochums, Beus Gilbert PLLC

ACTIONS

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

Village Planning Committee (VPC) Recommendation: The Maryvale Village Planning Committee chose not to hear this case.

DISCUSSION

Andy Jochums, representative with Beus Gilbert PLLC, stated that the site was originally intended for the development of a commercial shopping center. He stated that the owner plans to develop multifamily residential on the site, which is why Stipulation 1, regarding conformance to a site plan and elevations, should be modified. He stated that Stipulation 2, regarding comprehensive design theme, should be deleted because there is only one project with one builder. He stated that Stipulation 3, regarding parking

between right-of-way and buildings, should be deleted because this was specific to the original commercial site plan which depicted two pads in these locations. He stated that Stipulation 4, regarding a maximum of two driveways along each street, should be deleted because, as reflected in the site plan, the proposed site plan complied. He stated that Stipulation 5 should be deleted because Street Transportation Department staff had accepted a 10-foot sidewalk easement in lieu of the 50-foot right-of-way.

Adam Stranieri stated that the type of multifamily development proposed by the applicant is becoming more popular, especially because the style is consistent with single story R1-6 (Single Family Residence District) residential subdivisions common in the City. He stated that his recommendation regarding Stipulation 1 is approval with modifications to clarify the language regarding the plans referenced in the stipulation. He asked if the site plan from September 10, 2019 was the revision that included the calculations for open space. Mr. Jochums stated that was correct.

Mr. Stranieri stated that Stipulation 2 was a common stipulation utilized when multiple users would develop pads at different times within the same development site. He stated that the general conformance to the elevations would address the design concept and aesthetic of the buildings. He stated that he was inclined to recommend approval.

Mr. Stranieri stated that Stipulation 3 is addressed by the proposed design for the residential development. He stated that the units are backing towards the right-of-way and the development is subject to landscape setbacks along street adjacent property lines.

Mr. Stranieri stated that the site plan complies with the conditions of Stipulation 4. He stated that the stipulation should remain because it does not restrict the applicant from developing the project. However, he stated that the original intent of the stipulation was to limit traffic conflicts on 59th Avenue and McDowell Road and harmonize traffic flow within the site, which are still valid concerns, despite the change of use. He noted that a future proposal for the site that did not comply with the stipulation should apply for the deletion at that time. He stated that he recommended denial of the request. He asked the representative if he had any concerns regarding the deletion. Mr. Jochums stated that during the Pre-Application process, staff indicated that they did not recommend secondary access along McDowell Road. He stated that the developer would be able to comply with the stipulation.

Mr. Stranieri noted that Street Transportation Department staff had conversations with the representative regarding Stipulation 5. He stated staff indicated that they wanted the 10-foot sidewalk easement noted in the stipulation language.

Mr. Stranieri stated that the site is archaeologically sensitive. He stated that additional standard stipulations would be added, requiring the applicant to work with the Archaeology Department regarding testing and survey requirements.

Mr. Stranieri noted that the architectural detailing of the site, specifically pitched roof elements, brick veneer, variation in window styles, and gable ornamentation, is consistent with residential in the surrounding area.

FINDINGS

- 1) The original stipulated site plan and elevations consisted of an approximately 71,000 square foot, two-story building containing retail and office uses wrapped along the east and south perimeters of the subject site in addition to two retail pads in the northwest portion of the site. The proposed site plan depicts a multifamily residential development with 101 units at a density of 11.40 units per gross acre. The proposal includes duplexes with one-bedroom units and detached two-bedroom units. The proposed maximum building height is one-story and 15 feet 6 inches. The reduced height will help mitigate impacts of the building massing on adjacent properties. The proposal is compatible in scale and character with development in the surrounding area.
- 2) The conceptual elevations depict single-story bungalows with single and duplex units. The elevations include pitched roof elements, brick veneers, variation in window styles, gable ornamentation, window sills, and other architectural features that create visual interest in massing and texture. The elevations are consistent with the scale and character of existing residential development in the surrounding area, including north of McDowell Road.
- 3) The applicant's request for deletion of Stipulation 4 regarding a maximum of two driveways along each street is recommended for denial because the proposed site plan is compliant with this stipulation with only one proposed driveway along McDowell Road. The stipulation was recommended by staff in the original rezoning case to reduce situations of conflicting traffic patterns and to better integrate the site. The stipulation is still valid and should remain in place in the event the property redevelops with another use.
- 4) The Street Transportation Department recommended that the applicant's request for deletion of Stipulation 5 regarding right-of-way dedications for the south half of McDowell Road be modified to require the developer to dedicate a 10-foot sidewalk easement along McDowell Road in lieu of the originally stipulated right-of-way dedication.

DECISION: The Planning Hearing Officer recommended denial as filed and approval with modifications and additional stipulations.

STIPULATIONS

Site	
1.	That THE development shall be in general conformance with the site plan date stamped SEPTEMBER 10, 2019 January 22, 2004 and THE elevations date stamped AUGUST 21, 2019, January 13, 2004 as approved or modified by the PLANNING AND Development Services Department.
2.	That a comprehensive design theme shall be approved for the entire site by the Development Services Department prior to preliminary site plan approval for the

	first building.
3.	That no more than one single row of parking shall be permitted between the right-of-way and buildings on pads A and B.
2. 4.	That a maximum of two driveways shall be permitted along each street as approved or modified by the PLANNING AND Development Services Department.
Streets and Right-of-Way	
3. 5.	That a minimum 50-foot right-of-way shall be dedicated for the south half of McDowell Road as approved by the Development Services Department. THE DEVELOPER SHALL DEDICATE A 10 FOOT SIDEWALK EASEMENT ALONG THE SOUTH SIDE OF MCDOWELL ROAD, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
ARCHAEOLOGY	
4.	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.
5.	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 CONDUCT PHASE II ARCHAEOLOGICAL DATA RECOVERY EXCAVATIONS.
6.	IN THE EVENT ARCHAEOLOGICAL MATERIALS ARE ENCOUNTERED DURING CONSTRUCTION, THE DEVELOPER SHALL IMMEDIATELY CEASE ALL GROUND-DISTURBING ACTIVITIES WITHIN A 33- FOOT RADIUS OF THE DISCOVERY, NOTIFY THE CITY ARCHAEOLOGIST, AND ALLOW TIME FOR THE ARCHAEOLOGY OFFICE TO PROPERLY ASSESS THE MATERIALS.

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