

Attachment B

Planning Hearing Officer Summary of January 16, 2019

Application Z-142-06-7

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REPORT OF PLANNING HEARING OFFICER ACTION

Adam Stranieri, Planner III, Hearing Officer

Jazmine Braswell, Planner II, Assisting

January 16, 2019

ITEM 6

DISTRICT 7

SUBJECT:

Application #: Z-142-06-7 (PHO-1-18) (Continued from 12/19/18 hearing)
Zoning: S-1 (Approved C-2 HGT/WVR)
Location: Southwest corner of 59th Avenue and Southern Avenue
Acreage: 7.56
Request: 1) Modification of Stipulation 1 regarding general conformance to the site plan date stamped October 16, 2006.
2) Deletion of Stipulation 2 regarding general conformance to elevations dated October 16, 2006.
3) Deletion of Stipulation 3 regarding site plan approval concerning South Mountain Freeway interchange completion.
4) Deletion of Stipulation 4 regarding conceptual lighting, signage and landscape plans.
5) Deletion of Stipulation 5 regarding walls and fences.
6) Deletion of Stipulation 6 regarding minimum of 75% of roof surface materials be Energy Star compliant.
7) Deletion of Stipulation 7 regarding that all landscaped areas adjacent to office buildings contain large fast growing shade trees.
8) Technical correction to Stipulation 8.
Applicant: Terry Klinger - Rexco LLC
Owner: Terry Klinger - Rexco LLC
Representative: Alan Beaudoin - Norris Design

ACTIONS

Planning Hearing Officer Recommendation: The Planning Hearing Officer took this case under advisement. On February 8, 2019 the Planning Hearing Officer took this case out from under advisement and recommended denial as filed and approval with modifications and additional stipulations.

Village Planning Committee (VPC) Recommendation: At its December 10, 2018 meeting, the Laveen Village Planning Committee recommended a continuance by a 12-0 vote.

At its January 14, 2019 meeting, the Laveen Village Planning Committee recommended approval by a 9-0 vote.

DISCUSSION

Alan Beaudoin with Norris Design, representing the property owner, stated that he presented these requests to the Laveen Citizens for Responsible Development (LCRD) and the Laveen Village Planning Committee (VPC). The proposed stipulation language before the hearing officer has been modified from the initial application to accommodate the recommendations of the LCRD and Laveen VPC. He stated that the applicant worked closely with the LCRD and Laveen VPC to formulate stipulation language that all parties agree upon.

Sandy Hamilton, president of the LCRD, stated the LCRD is in support of the stipulations brought forth by the Laveen VPC, with 2 exceptions. The LCRD supports a maximum density of 18 dwelling units per gross acre rather than the 17 dwelling units per gross acre recommended by the Laveen VPC. Secondly, the LCRD supports a two story height limit on buildings along the perimeter of the site and a three story height limit on the remainder of the site. The Laveen VPC recommended a two story limitation on the entire subject site. Adam Stranieri asked Mr. Hamilton if he was referring to the entire perimeter of the site or the perimeter property lines adjacent to public streets. Mr. Hamilton clarified he would support the height limit along property lines adjacent to public streets.

Phil Hertel, a member of the LCRD speaking in support of the request, stated that the LCRD supports the Laveen VPC recommendation overall, but agreed with the exceptions raised by Mr. Hamilton.

Gary Ensminger, a community resident speaking in opposition, stated he has concerns regarding the increase in density. In addition, he has concerns about the increase in traffic on Southern Road. He does not support the request to delete the stipulation requiring a 50-foot setback along the east property line, 59th Avenue from the golf course property.

Robert Branscomb, chair of the Laveen VPC, stated they are concerned with the proposed density. The Laveen VPC recommendation to limit the maximum building height to two-stories was intended to reduce the overall density of the project.

Mr. Stranieri stated that the property is adjacent to the 202 Freeway corridor to the west, intense commercial or industrial uses on County land to the north, a golf course to the east, and a Maricopa County Community Colleges owned property to the south. He noted that staff had received a letter from the President of South Mountain Community College indicating their support for the proposal and interest in developing their property. He stated that the site is suitable for a targeted increase in density, however the limitation of building height along the adjacent streets and other proposed stipulations would mitigate potential impacts of the proposal.

Jon Kimoto, member of the LCRD speaking in support, stated that the LCRD would like to see a stipulation for a maximum of 18 du/acre combined.

Mr. Beaudoin stated they were originally proposing a total of 793 units. After discussion with the Laveen VPC, they reduced the total number of units to 716. The VPC recommended a combined density of 17 du/acre for development parcels E and F. The LCRD had recommended a combined density of 18 du/acre as well as a density transfer provision. He stated his support for a unit cap of 716. The applicant is supportive of the LCRD's proposal. In addition, they are no longer requesting to delete Stipulation No. 2 regarding building elevations. He stated that he does not support the Laveen VPC's recommendation of a height limitation of two stories for the entire development. However, he would support a height limitation for buildings adjacent to public streets. Additionally, he stated he would like to see stipulation language added to allow a density transfer for 40 units between development parcels E and F. Some members of the VPC and LCRD in attendance indicated they support the density transfer concept.

Mr. Stranieri expressed concern regarding whether it would be possible to implement all the various stipulations regarding density that had been proposed. He stated that it may be confusing or impossible to concurrently require restrictions on overall density, combined density, and density transfer, particularly since the development parcels do not correlate to zoning lines and are not existing parcels. He stated that density transfers are more typical in large planned community districts.

Phil Hertel expressed concern with the proposed ingress and egress locations for the project and stated that he would prefer all full-movement driveways.

Mr. Beaudoin stated that the Laveen VPC recommended a stipulation to require the development to be gated. Mr. Hamilton stated the LCRD would like to see the community gated and also suggested the addition of pedestrian gates at all vehicular driveway locations.

Mr. Stranieri asked the members of the LCRD that were in attendance, to clarify their intent regarding their recommendation for view fencing. Mr. Hamilton stated that the intention was to require that all street-adjacent fencing be view fencing and that 60% of the total area of the wall should be open.

Mr. Stranieri expressed concern with the proposal for additional stipulations regarding parking lot landscaping and building-adjacent planters. He noted that the proposed standards may be difficult to implement as they are intended for commercial properties. He noted that the proposed site plan had covered parking which may interfere with planting requirements. He also noted that typical multifamily buildings have many private pathways, doorways, patios, stairwells, and other architectural features that may make it difficult to implement building-adjacent planters.

Mr. Stranieri stated that the Public Transit Department does not support the request to delete certain stipulations regarding transit improvements. The Public Transit Department indicated to staff that they intend to continue and enhance bus service

along both 59th Avenue and Southern Avenue. Mr. Beaudoin stated his intent for requesting the deletion of Stipulation No. 9 was to remove language referencing a loop road. Because of the new 202 Freeway being constructed west of the subject site, the proposed site plan does not depict a loop road. Mr. Stranieri indicated that revised language may be required to update the transit improvements per the Public Transit Department recommendation.

The Planning Hearing Officer took this case under advisement.

FINDINGS

- 1) The proposed multifamily residential development is compatible with the land use pattern in the surrounding area. The property is bordered by the Loop 202 Freeway alignment to the west, the Salt River bank to the north, a golf course to the east, and a property owned by Maricopa County Community Colleges (MCCC) to the South. The subject site is suitable for a targeted increase in density.
- 2) There were numerous stipulations relating to residential density proposed by the Laveen Village Planning Committee (VPC), Laveen Citizens for Responsible Development (LCRD), and raised at the Planning Hearing Officer meeting including overall density, a combined density cap, a unit cap, and a density transfer provision. If implemented concurrently, the stipulations conflict and would create uncertainty for future development. Further, the development parcels depicted on the conceptual site plan do not correlate to real property parcels and it is unknown at this time how the property may be subdivided. Community members at the Planning Hearing Officer meeting indicated a willingness to compromise at a combined residential density of 18 dwelling units per gross acre if the approximate balance of the units on Parcels E & F as shown on the conceptual site plan is maintained. They indicated that this balance was the intent of the proposed density transfer provision. Therefore, a maximum density of 20.8 dwelling units per gross acre for the R-3A portion of the site, correlating with the density shown on the conceptual site plan for Parcel F, and a combined residential density of 18 dwelling units per gross acre is recommended.
- 3) Community members also recommended the inclusion of two full-movement driveways along both 59th Avenue and Southern Avenue. The approval of these configurations is dependent on multiple technical requirements by City staff typically evaluated during plan review. Limitations to this proposal include planned medians called for in the cross sections for both streets and limitations created by the spacing requirements between full movement driveways, given the dimensions of the subject property. Therefore, a requirement that all driveways be full movement as approved by the Street Transportation Department is recommended.

- 4) Additional stipulations proposed by the Laveen VPC, LCRD, and community members at the Planning Hearing Officer meeting included building height limitations along street-adjacent property lines, enhanced open space, gates, building elevation review and architectural features, detached sidewalks, perimeter fencing, pedestrian access gates, and enhanced notification requirements. These stipulations were applied to the subject property of companion case PHO-1-18--Z-96-06. These stipulations are not applicable in this case due to the limited area of the subject property and the fact that no primary residential or commercial structures are depicted in the subject area of this case on the conceptual site plan.

DECISION: The Planning Hearing Officer took this case under advisement. On February 8, 2019 the Planning Hearing Officer took this case out from under advisement and recommended approval with modifications and additional stipulations.

STIPULATIONS

GENERAL CONFORMANCE	
1.	That THE Development shall be in general conformance with the site plan date-stamped October 6, 2006 JANUARY 15, 2019 with specific regard to the amount and location of decorative paving and water fountains, as modified by the following stipulations and as approved by the PLANNING AND Development Services Department, WITH SPECIFIC REGARD TO THE FOLLOWING:
A.	THE MAXIMUM RESIDENTIAL BUILDING HEIGHT SHALL BE 2 STORIES AND 30 FEET ADJACENT TO 59TH AVENUE AND SOUTHERN AVENUE.
B.	THE R-3A PORTION OF THE SITE SHALL NOT EXCEED 20.8 DWELLING UNITS PER GROSS ACRE AND THE ENTIRE RESIDENTIAL DEVELOPMENT SHALL NOT EXCEED 18 DWELLING UNITS PER GROSS ACRE COMBINED.
C.	THE ENTIRE RESIDENTIAL DEVELOPMENT SHALL PROVIDE A MINIMUM 28% COMMON AREA COMBINED, OF WHICH A MINIMUM 10% SHALL BE ACTIVE OPEN SPACE.
D.	ALL DRIVEWAYS SHALL BE FULL MOVEMENT WHERE FEASIBLE AND AS APPROVED BY THE STREET TRANSPORTATION DEPARTMENT.
E.	THE RESIDENTIAL COMMUNITIES SHALL BE GATED.
-2.	That development shall be in general conformance with the elevations date-stamped October 6, 2006 as modified by the following stipulations and as

	approved by the Development Services Department.
-3.	That the preliminary site plan shall not be approved until the planned South Mountain Freeway interchange at Southern Avenue is completed, as approved by the Development Services Department.
PLANNING HEARING OFFICER REVIEW	
-4.	That conceptual lighting, signage, and landscaping plans shall be submitted to the Planning Department for Planning Hearing Officer review and approval through the public hearing process prior to Development Services Department preliminary site plan approval.
DESIGN	
-5.	That walls and fences, other than those required for screening (e.g. trash enclosures and mechanical equipment), shall not exceed a height of three feet, as approved by the Development Services Department.
-6.	That a minimum of 75% (per office building or parking structure) of roof surface materials shall be Energy Star compliant as approved by the Development Services Department.
-7.	That all landscaped areas as shown on the site plan immediately adjacent to office buildings shall contain 3" caliper, large, fast growing shade tree species (such as Evergreen Ash, Evergreen Elm, Chilean Mesquite, or Australian Bottle) planted 20 feet on center as approved by the Development Services Department.
PARKS AND RECREATION	
2. 8.	That tThe developer shall dedicate a 30-foot public shared use path easement and construct a 10-foot concrete shared use path adjacent to the east side of the Loop 202 frontage, the easement shall be landscaped with a mix of 2 and 3-inch caliper trees and appropriate ground cover as approved by the PLANNING AND Development Services Department. However, if a trail is established between Southern Avenue and Vineyard Road on the west side of the Loop 202 than the developer shall not be responsible for trail construction or dedication on the east side of the Loop 202.
ARCHAEOLOGY	
3. 9.	That tThe developer shall complete an archaeological survey of the site. The survey shall be submitted to, and approved by, the City Archaeologist prior to clearing and grubbing, landscape salvage, or grading.

4. 10.	That, The developer shall conduct archaeological monitoring or testing with AZ T:12:90 (ASM) or within 250 feet of AZ T:12:90 (ASM), AZ T:12:205 (ASM), and AZ T:12:221 (ASM) prior to clearing and grubbing, landscape salvage, or grading as approved by the City Archaeologist.
5. 11.	That, Prior to preliminary site plan approval, the landowner shall execute a waiver of claims under Proposition 207 in a form approved by the City Attorney's Office. Said waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the application file for the record.

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