

Attachment C

REPORT OF PLANNING HEARING OFFICER ACTION

Adam Stranieri, Planner III, Hearing Officer

Julianna Pierre, Planner I, Assisting

October 21, 2020

ITEM NO: 6

DISTRICT 7

SUBJECT:

Application #: PHO-3-20--Z-122-03-7 (Continued from September 16, 2020)
Zoning: S-1 (Approved C-2)
Location: Approximately 430 feet west of the northwest corner of 51st Avenue and Southern Avenue
Acreage: 8.95
Request: 1) Modification of Stipulation 1 regarding general conformance with the site plan dated March 10, 2006.
2) Deletion of Stipulation 6 regarding landscaped fingers.
3) Deletion of Stipulation 10 regarding equestrian amenities.
4) Modification to Stipulation 13 regarding general conformance to the elevations dated March 10, 2006 and specific design requirements.
5) Modification of Stipulation 20 regarding presentation of final landscape plan to Laveen Village for review.
6) Modification of Stipulation 23 regarding general conformance to sign designs dated April 28, 2004.
7) Technical corrections to Stipulations 3, 4, 5, 11, 12, and 16.
Applicant: Israel J Lozoya
Owner: Robert Ballard
Representative: Mike March

ACTIONS

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

Village Planning Committee (VPC) Recommendation: The Laveen Village Planning Committee heard this case on August 10, 2020 and recommended denial as filed and approval with modifications and additional stipulations by an 8-0 vote.

DISCUSSION

Benjamin Tate, representative with Withey Morris PLC, stated that since last month's continuance, elevations, a landscape plan, and a fence plan were discussed with the Laveen Village Planning Committee (VPC) and finalized.

Mr. Stranieri noted that there were multiple revised plans provided throughout the process of this case and asked for clarification about what the current plans are. Mr. Tate stated that he submitted a PDF of all the new plans. Mr. Stranieri stated that the new plans would be date stamped with the hearing date. He also asked for clarification regarding the correct site plan. Mr. Tate confirmed that the site plan date stamped September 15, 2020 was the correct site plan.

Robert Branscomb, Chairperson of the Laveen VPC speaking in favor of the request, stated that adjustments had been made since the continuance and he is pleased with the outcome. He stated that he appreciated the developer taking the character of the community into account with their revisions.

Linda Abegg, a member of the Laveen VPC speaking in favor of the request, stated that originally the plans lacked adequate detail, but appreciated the effort over the months to get the details worked out.

Mr. Stranieri stated that he had no concern recommending general conformance to the proposed site plan. He added that the plan is consistent with the land use pattern in the surrounding area and is a good transition between the proposed commercial to the east and the single-family residential to the west and northwest. He clarified that Huntington Drive and 51st Lane have to go through a separate hearing process for abandonment and approval of the plan is subject to the abandonment. He stated that there would be specific regard to a maximum of 80 units, minimum of 14% open space, driveway lengths being an average 22 feet with minimum length of 20 feet, and provision of connectivity to the commercial property to the east via a pathway and gate at the northeast corner of the site. He stated that the connection would be beneficial by providing direct access to the commercial uses to the east and a planned multi-use trail on 51st Avenue. Alexander de Faria, representative with Ballard de Faria Residential, stated that providing the path and gate should not interfere with the site plan or configuration of the units.

Mr. Stranieri stated that Stipulation 6, regarding landscaped fingers, and Stipulation 10, regarding equestrian amenities, were specific to the original proposal for the larger commercial center. He stated that this is a private gated community which would not provide adequate lot sizes to house horses and does not provide direct connectivity to other equestrian amenities. He stated that he had no concerns recommending deletion of Stipulations 6 and 10.

Mr. Stranieri stated that Stipulation 13, regarding general conformance to the elevations dated March 10, 2006 and specific design requirements, will be updated to reflect the new proposed elevations with revised sub-stipulations. Mr. Tate stated that he would have no issue, as long as the stipulation reflects what is shown in the elevations. Mr. Stranieri stated that the sub-stipulations would memorialize the materials and architectural details depicted in the elevations. Mr. Stranieri and the representatives discussed the architectural details for the interior side of the units. Mr. Tate stated that the VPC determined the elevations met the intent of the stipulation and asked if there could be general conformance without the additional sub-stipulations. Ms. Abegg clarified that the project did provide the VPC's desired variation and considering the modern design, she felt it meets the stipulation with different architectural elements. Mr. Stranieri asked if she would be comfortable stipulating general conformance without sub-stipulations given the revisions done over the previous months. Ms. Abegg stated that the applicant originally brought renderings to the VPC meeting, but since they could not stipulate to renderings, additional stipulations were added to capture what was depicted. However, now that the applicant has created elevations based on the renderings, she has no issue recommending general conformance without the additional sub-stipulations originally recommended by the VPC. Mr. Stranieri concluded that if the representatives from the VPC had no concerns he would recommend general conformance to the proposed elevations without the additional sub-stipulations recommended by the VPC.

Mr. Tate asked if the fence detail could be a sub-stipulation to Stipulation 13. Mr. Stranieri stated that he was inclined to modify the stipulation to reflect general conformance to both buildings and fences.

Mr. Stranieri stated that since the landscape plan was reviewed by the VPC, he would recommend modification of the stipulation to reflect general conformance to the proposed landscape plan. He asked if there were any concerns regarding stipulating to the landscape plan without the additional sub-stipulations recommended by the VPC. Ms. Abegg and Mr. Branscomb stated that the landscape plan originally brought to the VPC meeting lacked detail which is why additional stipulations were proposed. However, the revised plan reflects what was requested by the additional stipulations, and there was no issue stipulating general conformance to the revised landscape plan.

Mr. Stranieri stated that Stipulation 23, regarding general conformance to sign designs dated April 28, 2004, was specific to processes and designs for the original commercial center. He stated that only the requirement for consistent materials and colors should be retained.

Mr. Stranieri stated that the site is archaeologically sensitive and additional stipulations were warranted to address City requirements for archaeological data testing and surveying.

Mr. Stranieri stated that the Public Transit Department requested that the bus pad and shelter in Stipulation 17 be retained, but this location is on the commercial site to the east.

Mr. Stranieri stated that the Street Transportation Department provided comment regarding required abandonment of Huntington Drive and 51st Lane.

FINDINGS

- 1) The subject property of the request consists of 8.95 gross acres of the approximately 16.60 gross acres of the original rezoning case. The stipulated site plan depicted a large-scale commercial, retail, and office complex consisting of approximately 100,000 square feet of building footprint. The plan included a major retail tenant, smaller shops, 24,000 square feet of offices, and four retail or drive-through restaurant pads. This project did not develop. Two prior PHO actions in 2006 and 2020 have since modified stipulations and approved new development plans throughout other portions of the original case area.

The proposed conceptual site plan depicts a multifamily residential development consisting of 80 units at a density of approximately 8.94 dwelling units per gross acre and a maximum height of two stories and 30 feet in height. The design features a large open space and amenity area near the southeast corner of the site along Southern Avenue. Additionally, private outdoor spaces are provided for all units. Total open space is approximately 14%. The site plan includes one vehicular access point on Southern Avenue. There is no planned vehicular access to the single-family residential neighborhoods to the north and west and no cross-access to the commercial properties to the east. The proposal also requires the abandonment of two planned connections to Huntington Drive to the west and 51st Lane to the north. These abandonments are subject to approval through a separate hearing process. Note that if the PHO request is approved, stipulations may require further modification based on the outcome of the abandonment or other required public hearings.

The proposed development is compatible with land uses in the surrounding area and provides an appropriate transition between the commercially zoned property to the east and the single-family neighborhood to the north and west. General conformance to the conceptual site plan is recommended. Three additional sub-stipulations addressing density, open space, and driveway length are also recommended for inclusion. These stipulations represent agreements reached between the applicant, community members, and members of the Laveen VPC. A fourth sub-stipulation is recommended requiring the

developer to provide a pedestrian pathway and access-controlled gate at the northeast corner of the site providing connectivity to the adjacent commercial property to the east. The adjacent property is stipulated to a site plan that depicts a 5-foot pathway along the north property line between the shared property line and the stipulated multi-use trail along the west side of 51st Avenue. This stipulation will allow access to the pathway, direct connectivity to the multi-use trail, and access to the adjacent commercial businesses. Without this stipulation, the pathway does not provide its intended function and pedestrians would need to first exit the site onto Southern Avenue and then travel north on 51st Avenue to access these sites and amenities.

- 2) Stipulations 6 and 10 are recommended for deletion as requested by the applicant. Stipulation 6 regarding landscaped fingers in the parking lot was specific to the design of the commercial center on the original stipulated site plan. Stipulation 10 regarding equestrian amenities is no longer relevant as the multifamily development will be a private, gated community and does not offer connectivity to other parcels or other equestrian amenities.
- 3) The stipulated elevations depicted retail and office buildings for a large commercial center. The proposed conceptual elevations depict multifamily residential buildings at approximately 28 feet and 10 inches in height with a variety of building materials including painted horizontal siding, stucco, and asphalt roofs. The elevations also depict balconies, pop outs, pitched roof elements, varied rooflines, and decorative garage doors. The elevations are compatible in character and scale with existing residential uses in the surrounding area. General conformance to the elevations is recommended. Other language in Stipulation 13, such as requirements for exposed scuppers and shaded walkways on building facades, is no longer relevant as it referred to the commercial development and may be removed.

The applicant's elevations also include fence details including split-rail fencing along the perimeter adjacent to Southern Avenue. The split-rail fencing features intermittent posts that include stone veneers, wood fencing, and concrete details. This fence is compatible with the rural and agricultural character of the surrounding area. General conformance to these details specific fences is also recommended.

- 4) The applicant's landscape plan includes enhanced landscaping along the Southern Avenue frontage and within the open space amenity. Trees are depicted in the front area of all lots and along the central drive through the community. General conformance to the landscape plan is recommended.

- 5) The applicant's request for modification of Stipulation 23 regarding signage is recommended for approval with modifications. As requested, the stipulation would create an unnecessary statement requiring signage to be approved by the Planning and Development Department. Additionally, as requested the stipulation would retain language referencing conceptual designs that were specific to prior proposals for the commercial center. The only language necessary to retain in this stipulation is the requirement for signs to be compatible with materials and colors for buildings on site.
- 6) The site is classified as archaeologically sensitive. Three additional stipulations are recommended to address archaeological survey, data testing, and reporting requirements.

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

STIPULATIONS

1.	SITE PLAN 1. That The development shall be in general conformance with the site plan DATE STAMPED SEPTEMBER 15, 2020 dated March 10, 2006, as approved or modified by the FOLLOWING STIPULATIONS, WITH SPECIFIC REGARD TO THE FOLLOWING, AND AS APPROVED OR MODIFIED BY THE PLANNING AND Development Services Department, with specific regard to TH size, location and number of pad buildings.	
	A.	MAXIMUM OF 80 UNITS
	B.	MINIMUM OF 14 PERCENT OF THE GROSS PROJECT SHALL BE RETAINED AS OPEN SPACE
	C.	INDIVIDUAL UNIT DRIVEWAY LENGTHS SHALL BE AN AVERAGE OF 22 FEET WITH A MINIMUM LENGTH OF 20 FEET
	D.	THE DEVELOPER SHALL PROVIDE A PEDESTRIAN PATHWAY AND ACCESS-CONTROLLED GATE AT THE NORTHEAST CORNER OF THE SITE PROVIDING CONNECTIVITY TO THE ADJACENT COMMERCIAL PROPERTY TO THE EAST.
2.	That a All accessory equipment, such as air, water, vacuums, and venting pipes shall be located no closer than fifty (50) feet to public street frontages and residential neighborhoods to minimize potential impacts.	

3.	That t The developer shall screen any drive-through queuing lanes from view of 51st and Southern Avenues and/or residential uses through the incorporation of a landscaped berm, screen wall, or combination of a berm and wall at least four (4) feet in height, as approved or modified by the PLANNING AND Development Services Department.
4.	That t The developer shall provide a landscape feature incorporating turf and monummentation on the immediate northwest comer of the intersection of 51st AVENUE and Southern Avenues as approved or modified by the PLANNING AND Development Services Department.
5.	That t The developer shall provide primary pedestrian walkways from Southern Avenue and the multi-use trail along 51st Avenue to the commercial buildings as approved or modified by the PLANNING AND Development Services Department.
6.	That t The developer shall provide a total of four (4) landscaped fingers; one on each side of the two (2) driveway entrances from the shopping center to the Pad1/Pad 2 gasoline canopy area, that are seven (7) feet wide, as approved by the PLANNING AND Development Services Department. Each of these landscape areas shall contain one (1) tree in addition to other landscape materials.
6. 7.	That t The developer shall treat all primary pedestrian crossings of vehicular circulation drives with a change of pavement materials (color and texture) to demarcate the pedestrian circulation plan.
7. 8.	That t The developer shall provide a multi-use trail along the west side of 51st Avenue in a manner that complements that multi-use trail north of the subject property and in accordance with adopted City of Phoenix trail standards, as approved by the Parks and Recreation Department.
8. 9.	That a All items for sale, excluding fuel dispensing machines and automatic teller machines, shall be located within buildings or screened from view of public streets.
10.	That the developer shall provide the following equestrian amenities on site, as approved by the Development Services Department: two (2) hitching rails, and two (2) horse troughs.
9. 11.	That t The landscaped setbacks adjacent to residential development shall include staggered trees planted twenty (20) feet on center with fifty percent (50%) of such trees being a minimum four (4) inch caliper, as

	approved or modified by the PLANNING AND Development Services Department.
10. 12.	That a Approved plants for the site shall emphasize the agricultural heritage and culture of Laveen and shall include the following, as approved or modified by the PLANNING AND Development Services Department: Trees: pecan, Arizona ash, evergreen elm, heritage live oak, sycamore, willow acacia or similar trees. Shrubs: myrtle (true, dwarf or twisted), pomegranate, or similar shrubs. Accents: deer grass, wild sunflowers, or similar accents. Vines: white Lady Banks rose, or similar vines.
	BUILDING DESIGN
11. 13.	<p>Building Design 13. That the major buildings on site shall be in general conformance to the conceptual elevations (Exhibits 4-6) dated March 10, 2006, including the following elements, all as approved or modified by the Development Services Department:</p> <p>Four-sided architecture, per the conceptual elevations. A variety of building materials, including a minimum of two (2) of the following materials: native stone, burnt adobe, textured brick, site made textured concrete, split-face block, wood (when shaded), slump block, simulated wood siding, exposed aggregate, corrugated metal or rusted metal roofing.</p> <ul style="list-style-type: none"> • Natural and subdued color tones; • Exposed scuppers; • Pitched roof elements. <p>A minimum ten-foot covered walkway, which can create a staggered front facade. Patios, trellises, and recesses may also be used to provide shading and break up building mass.</p> <p>RESIDENTIAL BUILDINGS AND PERIMETER FENCES ALONG SOUTHERN AVENUE SHALL BE IN GENERAL CONFORMANCE WITH THE ELEVATIONS DATE STAMPED OCTOBER 21, 2020, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.</p>
12. 14.	That t The developer shall paint all transformer and service entry equipment boxes to match buildings or shall screen the boxes, subject to utility company approval.

13. 15.	That The gasoline station canopy shall incorporate materials and colors that complement the buildings on the site and the developer is strongly encouraged to use a pitched roof with a gable or hipped end on the canopy.
Street Improvements	
14. 16.	That The developer shall construct all half-streets adjacent to the site with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping, and other incidentals per plans approved by the PLANNING AND Development Services Department. All improvements shall comply with all ADA accessibility standards.
15. 17.	That The developer shall provide right-of-way for, and shall construct, a transit pad (P-1262) and a bus shelter (P-1261) along Southern Avenue west of 51st Avenue.
16. 18.	That The developer shall apply for the abandonment of Huntington Drive on the west side of the site.
17. 19.	That The developer shall complete and submit the Developer Project Information Form for the Maricopa Association of Governments Transportation Improvement Program to the Street Transportation Department. The U.S. Environmental Protection Agency requires this form to meet clean air quality requirements.
ARCHAEOLOGY	
18.	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.
19.	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.

20.	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.
General	
21. 20.	<p>That the developer present a final landscape plan to the Laveen Village for review.</p> <p>THE DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE LANDSCAPE PLAN DATE STAMPED OCTOBER 21, 2020 AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.</p>
22. 21.	That Light poles shall not exceed eighteen (18) feet in height.
23. 22.	That Light from gasoline station canopies shall not exceed thirty (30) foot candles measured at the ground plane.
24. 23.	<p>That signage on the property shall be in general conformance to the conceptual designs (three sheets) dated April 28, 2004, including the following elements, as approved or modified by the PLANNING AND Development Services Department:</p> <p>Ground/monument signs shall COMPLEMENT incorporate the materials and colors used for the major buildings on site, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.</p> <p>Size and height of ground/monument signs shall not exceed those indicated in the above referenced conceptual designs.</p> <p>In conformance to the Phoenix Sign Code, one additional ground sign is allowed on each street frontage to identify the user(s) of the pad building at the immediate corner of the intersection of 51st and Southern Avenues.</p> <p>Wall signs shall use individual, halo illuminated letters and numbers.</p>

25.	That the developer shall notify prospective owners/occupants that the subject development is in proximity to Phoenix Sky Harbor International Airport. The developer shall disclose the following:	
24.		
	A.	The Airport is considered a busy hub airport.
	B.	Forecasts predict that Airport operations will increase.
	C.	Extended flight tracks and traffic patterns may extend several miles beyond the Airport boundary.
	The notice shall be reviewed and approved by the City Attorney.	
26.	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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