

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

July 21, 2021

ITEM NO: 9

DISTRICT 8

SUBJECT:

Application #: PHO-1-21--Z-14-19-8
Location: Approximately 776 feet north of the northeast corner of 59th Avenue and Elliot Road
Existing Zoning: R-3
Acreage: 22.87
Request: 1) Modification of Stipulation 2 regarding general conformance to the site plan and elevations date stamped May 3, 2019.
2) Modification of Stipulation 2.c regarding a maximum of 249 units.
Applicant: Isola Elliot LLC
Owner: Isola Elliot LLC
Representative: Benjamin Tate, Withey Morris PLC

ACTIONS

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

Village Planning Committee (VPC) Recommendation: The Laveen Village Planning Committee heard this request on July 12, 2021 and recommended approval with a modification by a vote of 5-3-1.

DISCUSSION

Benjamin Tate, representative with Withey Morris, gave an overview of the proposal and context related to the case. He stated the applicant originally sought to purchase the parcel to the south and include that property in the original rezoning case but could not come to an agreement with the owner at the time. He stated that this property has since been acquired and is currently the subject property of pending Rezoning Case No. Z-22-21. He noted that this case will help provide additional space for the multifamily development on the subject property of this PHO action. He stated that the increased size of the development will allow for a better site plan that alleviates issues that could have occurred if the site was developed in accordance with the stipulated site plan. He stated that the proposed site plan will incorporate the additional approximately 5 acres from Z-22-21, which will result in an overall increase in units, but decrease overall

density when compared to the stipulated site plan from 11.06 dwelling units per gross acre to 10.65 dwelling units per gross acre. He stated that open space would increase from 12% to 16% and that the main entrance would be relocated to Elliot Road which would alleviate traffic concerns along 59th Avenue. He provided a comparison between the stipulated plan and the conceptual site plan. He stated that the total unit count, when combining the subject area with the additional 5 acres from Z-22-21, will be 299. Mr. Tate reiterated the proposed site plan provides a better, more complete, and more cohesive land plan for the project and overall area.

Adam Stranieri, Planning Hearing Officer, asked Mr. Tate to clarify how many units would be in the subject property of the original Rezoning Case No. Z-14-19. Mr. Tate stated the number of units would increase from 249 to 264 units.

Dan Penton, member of Laveen Citizens for Responsible Development (LCRD), stated that he supports the request and noted that the proposed site plan would help reduce traffic on 59th Avenue when compared to the original request.

Phil Hertel, member of the LCRD, recommended that 24 parking spaces be available for guests on the south side of the development near the clubhouse recreation center and main entrance on Elliot Road. He stated that the recommendation from the Village Planning Committee to decrease the number of units within the approximately 28-acre site when combined with Z-22-21 to 255 units is unreasonable.

Linda Abegg, Laveen Village Planning Committee (VPC) member, gave an overview of the Laveen VPC discussion related to multifamily developments within Laveen. She stated that she is in support of the development and appreciates the improvements made to connectivity by implementing two access points on 59th Avenue and Elliot Road. She stated that by implementing the additional 5-acres into the site, the density will remain at a similar level as the original rezoning case. Mr. Stranieri asked for clarification on her position at the Laveen Village Planning Committee regarding her vote to modify the number of units allowed. Ms. Abegg stated that the original vote to approve the case as filed did not pass and that an additional vote was made to approve the case with a modification to the unit number which ended up passing. She stated she was in support because she believed the development should take place and that the modification was a middle ground that the Laveen VPC had agreed upon.

Mr. Tate stated that the comments made by the attendees of the hearing show the support from the community despite the questions raised at the Laveen VPC meeting and that they are presenting the case to the PHO as originally filed because the development would be at risk if the number of units were decreased to 280 units between the two rezoning sites. He stated that the proposed density is in line with the original case.

Mr. Stranieri stated that the situation is unique due to the related rezoning case and the recent acquisition of the property to the south, which incorporates a portion of the

proposed site plan in the PHO request. He stated the proposed site plan on the subject property of the PHO request alone shows improvements in terms of the configuration of the site regarding traffic flow, drive aisles, and building layout. He stated that the increase in units is modest and remains significantly below the hypothetical maximum density in the R-3 zoning district. He stated that the combined site allows for direct access to Elliot Road and improved open space. He stated he is inclined to approve the proposals as requested. He noted a department comment requiring a shared use path on the western side of the site, which would require an additional stipulation to the case. Mr. Tate asked for clarification regarding this requirement. Mr. Stranieri explained that the alignment of this shared use path had been impacted by the final alignment and agreements surrounding construction of the Loop 202 and acknowledged that the required path alignment may require further input from staff. He explained that his stipulation and finding would clarify that the path would be as approved, modified, and/or required by staff.

FINDINGS

- 1) The applicant stated that before filing the original rezoning application, Rezoning Case No. Z-14-19, the applicant had sought to purchase the remnant parcel immediately south of the subject site and adjacent to Elliot Road. While they were unsuccessful at the time and subsequently rezoned and planned the subject property without this parcel, they have since acquired it and are now revising prior approvals to incorporate it into their planned development. Rezoning Case No. Z-22-21 is running on a roughly parallel path to this application and seeks to rezone the parcel to R-3, consistent with the subject property in this case.
- 2) The proposed conceptual site plan depicts a multifamily residential community on both the subject property of this PHO request and Rezoning Case No. Z-22-21 consisting of 299 units at an overall density of 15.23 dwelling units per gross acre. The applicant's request regarding Stipulation 2.c notes that 264 units are on the subject property of this PHO request (22.87 gross acres) for a density in this area of 11.54 dwelling units per gross acre. Dwelling units are a mixture of standalone detached and 1 and 2-bedroom duplex units. All units are single-story. Proposed conceptual elevations depict units styled similarly to conventional single-family homes with a mixture of materials and architectural features including corbels, tiled roof, board and batten, wood, varied window styles and framing, popouts, canopies, decorative doors, and more. The development is compatible with land uses in the surrounding area. The applicant's request for modification of Stipulation 2 to regarding general conformance to the proposed plans is recommended for approval.
- 3) The applicant requested a modification of Stipulation 2.c to increase the maximum unit count from 249 to 264 total dwelling units. This request

represents a modest increase in density from approximately 11.06 to 11.54 dwelling units per gross acre. This increase will also allow positive improvements to the overall circulation pattern on the site and the integration of the southern parcel as discussed in Finding 1. Further, as discussed in Finding 2, the density for the overall project (encompassing the subject property of Z-14-19 and Z-22-21) is 299 units at a density of 10.7 dwelling units per gross acre. This overall project density represents a reduction from the stipulated density of Z-14-19, when viewed at isolation (11.06 dwelling units per gross acre). The applicant’s request is recommended to be approved.

- 4) The Parks and Recreation Department recommends a stipulation requiring the developer to provide a shared use path and related easement along the east side of 59th Avenue. This proposed shared use path is depicted on the City of Phoenix Facilities Map. The current proposed alignment shows a meandering pathway that crosses through multiple privately owned parcels along 59th Avenue and in other areas mirrors the alignment of the Loop 202 South Mountain Freeway. The recent construction of the Loop 202 may impact the final alignment of the shared use path in the surrounding area. Therefore, the stipulation is recommended for inclusion with the caveat that the trail is to be provided as approved, modified, and required by the Parks and Recreation and Planning and Development Departments. This language is intended to provide staff flexibility to further clarify the final location, dimension, and alignment of the shared use path and the intention for this path to be located along the east side of 59th Avenue.

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

STIPULATIONS

1.	The conceptual site plan, landscape plan, lighting plan and building elevations for the commercial (C-1) portion of the site shall be reviewed and approved by the Planning Hearing Officer through the public hearing process prior to preliminary site plan approval.
2.	The development shall be in general conformance with the site plan and elevations date stamped APRIL 19, 2021 May 3, 2019 , as approved by the Planning and Development Department, and as modified by the following criteria:
	a. The front elevations shall consist of a minimum of 10% non-stucco accent material.
	b. The development shall provide gated access.

	c.	The development shall have a maximum of 249 264 units.
3.		A SHARED-USE PATH SHALL BE PROVIDED ALONG THE EAST SIDE OF 59TH AVENUE IN ACCORDANCE WITH THE CITY OF PHOENIX STANDARD TRAIL DETAIL AND AS APPROVED, MODIFIED, AND REQUIRED BY THE PARKS AND RECREATION AND PLANNING AND DEVELOPMENT DEPARTMENTS.
4.		A 30-foot minimum landscape setback- shall be provided along 59th Avenue
3.		and along Elliott Road, as approved by the Planning and Development Department.
5.		The developer shall provide a minimum of 10% open space, as approved by
4.		the Planning and Development Department.
6.		The developer shall install a minimum of 20 inverted U-bicycle racks for
5.		guests, installed per the requirements of Section 1307.H.4 of the Zoning Ordinance, as approved by the Planning and Development Department.
7.		A pedestrian connection shall be provided between the R-3 and C-1
6.		portions of the site, as approved by the Planning and Development Department.
8.		In the event archaeological materials are encountered during construction,
7.		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.
9.		The applicant shall submit a Traffic Impact Study to the City for this
8.		development. The conclusions of the study will be used to determine the required roadway and traffic improvements to be provided by the developer. No preliminary approval of plans shall be granted until the study is reviewed and approved by the City. Contact Mr. Matthew Wilson (602-262-7580) to set up a meeting to discuss the requirements of the study. The Traffic Impact Study shall also be submitted to the Arizona Department of Transportation for review and approval.
10.		The developer shall provide for a 55-foot half street right-of-way dedication
9.		for the east side of 59th Avenue for the entire length of property, extending to Elliot Road. This shall include 37 feet of paving for the east half of 59th Avenue.
11.		The developer shall provide for a 55-foot half street right-of-way dedication
10.		on the north side of Elliot Road from 59th Avenue to the existing residential development to the east. Include 37 feet of paving for the north

	half of Elliot Road and additional improvements, as approved by the Planning and Development Department.
12. 44.	The developer shall provide for a 25-foot by 25-foot right-of-way triangle dedication at the northeast corner of the 59th Avenue and Elliot Road intersection.
13. 42.	Open irrigation facilities are to be relocated and piped outside of the right-of-way. Contact Salt River Project to identify existing land rights and establish an appropriate process to relocate facility. Relocations that require additional dedications or land transfer require completion prior to obtaining plat and/or civil plan review approval.
14. 43.	The developer shall underground existing overhead electrical utilities within the public right-of-way that are impacted or to be relocated as part of this project, as approved by the Planning and Development Department.
15. 44.	The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, 5-foot sidewalk, curb ramps, streetlights, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with the current ADA Guidelines.
16. 45.	Any request to change, delete or modify stipulations shall be presented through the Planning Hearing Officer process and notification shall be given to the Laveen Village Planning Committee prior to the Planning Hearing Officer hearing.
17.	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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