

Attachment B

Planning Hearing Officer Summary of September 16, 2020

Application PHO-1-20--Z-88-08-2

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REPORT OF PLANNING HEARING OFFICER ACTION

Adam Stranieri, Planner III, Hearing Officer

Julianna Pierre, Planner I, Assisting

September 16, 2020

ITEM NO: 2

DISTRICT 2

SUBJECT:

Application #: PHO-1-20--Z-88-08-2
Zoning: C-2
Location: Northwest corner of 9th Street alignment and Union Hills Drive
Acreage: 3.0
Request: 1) Modification of Stipulation 1 regarding general conformance to the site plan date stamped October 3, 2008.
2) Modification of Stipulation 2 regarding general conformance to the elevations date stamped October 3, 2008.
3) Deletion of Stipulation 3 regarding CMU block on columns.
4) Deletion of Stipulation 5 regarding evergreen trees on the east and north sides.
5) Technical correction to Stipulation 4.
Applicant: William F. Allison, Withey Morris, PLC
Owner: 88 Ventures-UH, LLC
Representative: William F. Allison, Withey Morris, PLC

ACTIONS

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

Village Planning Committee (VPC) Recommendation: The Deer Valley Village Planning Committee opted not to hear this case.

DISCUSSION

William F. Allison, applicant and representative with Withey Morris, PLC, stated that the site is a vacant parcel adjacent to a commercial center at the northeast corner of 7th Street and Union Hills Drive. He stated that the property will be developed into 46 residential units in two story, 30-foot-high buildings. He stated that the proposed buildings will be at least 25 feet from the east property line to

mitigate impacts on the residential to the east and preserve the drainage corridor on the property. He stated that there have been problems with flooding on the property due to the drainageway being unimproved and blockages in the culvert. He stated that the developers intend to improve the drainageways to ensure that they function properly. He added that the drive aisles, parking, and trash enclosures will be on the west side of the property away from the existing residential.

Mr. Allison stated that they are requesting modification of Stipulation 1, regarding general conformance to the site plan date stamped October 3, 2008. He stated that the proposed development necessitates conformance to an updated site plan. He noted that the new site plan would remain in conformance to the stipulated minimum 20-foot landscape setback requirement on the east side of the property.

Mr. Allison stated that they are requesting modification of Stipulation 2, regarding general conformance to the elevations date stamped October 3, 2008. He stated that the proposed residential development necessitates conformance to updated elevations. He stated that the proposed elevations have a variety of materials and colors as well as four-sided architecture.

Mr. Allison stated that they are requesting deletion of Stipulation 3, regarding CMU block on columns. He stated this stipulation applied to upgrades to commercial buildings at the time of approval and does not apply to the proposed residential development.

Mr. Allison stated that they are requesting deletion of Stipulation 5, regarding evergreen trees on the east and north sides. He stated that the area will be landscaped, but evergreen trees are not a common tree in the area. He added that the evergreen trees drop limbs and pine needles, which become problems for drainage and landscape maintenance.

Nancy Gries, a member of the public speaking in opposition to the request stated that she lives adjacent to the site. She stated that she had concerns with privacy, specifically people in the proposed residential being able to see directly into their backyard and pool area. She stated that she also had concerns about how the proposed development will impact her quality of life, the value of her home, traffic flow, noise, and drainage.

Kent Nevitt, a member of the public speaking in opposition to the request stated that he lives adjacent to the site. He stated that he had concerns about drainage. He added that the 25 feet of landscaping provided by the development will obstruct views from his home.

Nick Ford, a member of the public speaking in opposition to the request stated that he lives adjacent to the site. He stated that he is concerned with privacy and the visual impact on the neighborhood. He added that the proposed development will negatively impact property values. He stated that the proposed units are small, which will attract a certain demographic and have a negative impact on the neighborhood. He stated that the development is undesirable, and the size of the site is too small for the proposed number of units. He added that most people in the neighborhood were not aware of the applicant's request.

Chelsea Walton, a member of the public expressing a neutral position, stated that she lives adjacent to the site. She asked for clarification regarding a graphic received with the applicant's notification letter. Adam Stranieri noted that the graphic was an excerpt from a zoning map from the Maricopa County Assessor's website. Ms. Walton stated that she had concerns about increased traffic and people. She asked if the traffic from this proposed development would flow behind the commercial site to the west. She also asked about the proposed timeline for construction. Mr. Stranieri clarified the PHO hearing schedule but noted that the current request is regarding stipulation modifications only and that the plans still have to go through technical plan reviews before construction permits are issued.

Mr. Allison stated that the first two speakers' homes would be approximately 100 feet from the closest proposed building. He stated that their homes would be closest to the retention area and the southern portion of the drainage corridor. He added that the drainage is currently free flowing which he believes is part of the issue regarding flooding and back up. He stated that drainage will be updated with the new development and engineered appropriately for retention and to maintain historic flows.

Mr. Allison stated that any new development will generate traffic, but traffic studies have shown residential development generates less traffic than commercial development. He added that the property will not use the north side for access. He stated that residents of the property will only have access through a gated driveway at the southwest corner. He added that there will be an additional gate at the northwest corner, but this will only be for emergency vehicles. He stated that there will not be an additional curb cut created in Union Hills Drive. He clarified that residents will use the existing curb cut on the commercial property to the west.

Mr. Allison stated that notification letters were sent and they met the necessary requirements. He clarified that notifications are dependent upon the radius from the property. He added that there will be approximately 6-9 months before construction will begin on the site. He added that the rents at the property are intended to start at \$1500.

Mr. Stranieri asked for clarification about the existing 80-foot drainage easement. Mr. Allison stated that the width of the drainage easement would be reduced and engineered properly to handle flows. He stated that his client is very invested in solving the flooding issues on the property to ensure that the units are desirable and rentable.

Mr. Stranieri stated that notification letters were received with similar concerns regarding the drainage easement and flooding. He added that additional letters were received with concerns that the request was a rezoning. Mr. Stranieri clarified that this is not a rezoning case and multifamily development is a permitted use in the C-2 (Intermediate Commercial) zoning district.

Mr. Stranieri stated that he had no issue updating general conformance to the proposed site plan and elevations. He reiterated that the multifamily residential use is permitted in the zoning district and meets the R-3 (Multifamily Residence District) development standards, which guide multifamily development in the C-2 zoning district. He added that the stipulated 20-foot landscape setback on the east side of the property is more restrictive than what the Ordinance requires and would be retained. He stated that the elevations either meet or exceed design requirements discussed in the Ordinance. Mr. Stranieri asked if the patios on the site plan were all oriented to the north and south. Mr. Allison stated that was correct. Mr. Stranieri stated that having the buildings setback from property lines and patio spaces being oriented interior to the site would mitigate privacy concerns. Mr. Stranieri stated that the applicant's plans depict 23 feet in height to the top of roof, which is lower than the stipulated plans' depiction of 30 feet in height. He added that the proposed elevations are also less intense than what is permitted in the zoning district.

Mr. Stranieri noted that modification of the drainage easement would not occur until after the PHO process. He added that if the City Council approves the PHO's recommendation, it does not simultaneously approve the modification of the easement. He stated that building to the proposed site plan is still necessitated upon the approval of additional processes that will occur later. He added that if the easement modification is not approved, the rezoning stipulations may need to be modified again if that drives a comprehensive redesign of the plan.

Mr. Stranieri stated that Stipulation 3 was specific to the original commercial center designs and had no concerns recommending deletion of that stipulation.

Mr. Stranieri stated that evergreen trees are not part of the dominant landscaping palette in the area. He stated that deletion of Stipulation 5 would allow the applicant to bring in landscaping more appropriate and consistent with the area.

FINDINGS

- 1) Original Rezoning Case No. Z-88-08-2 consisted of approximately 17.21 acres located at the northeast corner of 7th Street and Union Hills Drive. The request included an existing retail shopping center which was rezoned from C-1 (Neighborhood Retail) to C-2 (Intermediate Commercial) and a vacant parcel on the eastern portion of the site which was rezoned from R-O (Residential Office District) to C-2. The stipulated site plan proposed no changes to the existing shopping center but depicted new commercial development on the vacant parcel. The remaining stipulations applied solely to the proposed development on the vacant parcel which is the subject property of the current request.
- 2) For the subject property in this request, the stipulated site plan depicted three new commercial buildings with a combined footprint of approximately 30,240 square feet, 30 feet in height, and approximately 101 parking spaces. Vehicular access was provided from an existing driveway on the adjacent parcel to the west. A 20-foot drainage easement was depicted along the east property line. The proposed conceptual site plan depicts a multifamily residential development consisting of 36 units, 23 feet in height, and a pool, amenity area, and large retention basin centrally located along the east property line. This plan also shows access from an existing driveway on the adjacent parcel to the west. Currently, there is an 80-foot drainage easement along the east property line. The conceptual plan notes that the applicant will pursue a modification of this easement and depicts a 20-foot drainage way in this location. The applicant's request to modify Stipulation 1 regarding general conformance to the site plan is recommended for approval to allow development of a multifamily community on this vacant, underutilized parcel. However, the conceptual design relies on the modification of the drainage easement. If this separate process is not approved, a future stipulation modification may be required to accommodate a redesigned site plan.
- 3) The stipulated elevations depict a retail shopping center with a maximum building height of 30 feet. The buildings were oriented towards the east property line and separated by parking and drive aisles. The proposed conceptual elevations depict two-story multifamily apartment buildings with a maximum building height of 23-feet (top of roof). The elevations express material diversity by utilizing multiple building materials including stucco, ship lap, modular brick, metal awnings, and wood doors. Architectural relief is further provided with pop-outs and a varied roofline. The applicant's request to modify Stipulation 2 regarding general conformance to the elevations is recommended for approval.

- The applicant's request to delete Stipulation 3 regarding the use of CMU block on column bases is also recommended for approval. This requirement was intended to apply to the stipulated elevations to improve material diversity. However, the proposed change of land use renders this stipulation moot and the intent is retained in the requirement for general conformance to the proposed multifamily residential elevations.
- 4) Stipulation 4 required the applicant in the original case to landscape the north and east property lines of the vacant parcel with 2-inch caliper evergreen trees spaced 20-feet on center. This stipulation was originally intended to provide a buffer between the more intense commercial activities from adjacent residential uses. This stipulation was not complied with and the property remains vacant. Evergreen trees are not dominant or typical in the surrounding area. Further, the proposed change of land use to a multifamily residential development alleviates some concerns regarding intensity along the shared property lines. The applicant's request to delete this stipulation is recommended for approval to allow these areas to be landscaped consistent with Ordinance requirements for multifamily uses and to permit a landscape palette that is more consistent with landscaping in the surrounding area.
 - 5) The site is not classified as archaeologically sensitive. However, an additional stipulation is recommended to address reporting requirements in the event archaeological materials are encountered during construction.

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

STIPULATIONS

1.	That The development shall be in general conformance with the site plan date stamped AUGUST 17, 2020 October 3, 2008 , in WITH specific regard to a minimum 20-foot landscape setback on the east side of the property, as approved or modified by the PLANNING AND Development Services Department.
2.	That The development shall be in general conformance with the elevations date stamped JULY 30, 2020, October 3, 2008 , in specific regard to the split face concrete masonry unit (CMU) block, building foundation plantings, and arcaded walkway as approved or modified by the PLANNING AND Development Services Department.

3.	That the owner/developer shall provide CMU block on the base of remaining columns to the existing development as approved by the Development Services Department.
3. 4.	That t The owner/developer shall update the curb ramps in all of the existing driveways to meet current ADA design guidelines as approved by the PLANNING AND Development Services Department.
5.	That the developer shall provide a minimum of 2-inch caliper evergreen trees placed 20 feet on center, or in equivalent groupings, within the required landscape setback on the east side and north side of the vacant parcel to the east of the existing development as approved by the Development Services Department.
4.	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.
5.	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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