

Attachment C

Planning Hearing Officer Summary of August 21, 2019
Application Z-152-03-7(8)
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REPORT OF PLANNING HEARING OFFICER ACTION Adam Stranieri, Planner III, Hearing Officer Sofia Mastikhina, Planner I, Assisting

August 21, 2019

ITEM 3

DISTRICT 8

SUBJECT:

Application #: Z-152-03-7(8) (PHO-3-19)
Zoning: S-1 (Approved R1-8, C-2)
Location: Approximately 225 feet west of the southwest corner of 43rd Avenue and Baseline Road
Acreage: 11.7
Request: 1) Modification of Stipulation No. 4 regarding landscape entry, art features, and plant palette along Baseline Road.
2) Modification of Stipulation No. 25 regarding specific conformance to the site plan date stamped September 17, 2004 and vehicular access from 45th Avenue.
Applicant: Keith Green, Next Idea Architects LLC
Owner: CCV Baseline and 43rd Ave LLC
Representative: Keith Green, Next Idea Architects LLC

ACTIONS

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended approval with modifications.

Village Planning Committee (VPC) Recommendation: At its August 12, 2019 meeting, the Laveen Village Planning Committee recommended approval by a 9-0 vote.

DISCUSSION

Keith Green, applicant and representative with Next Idea Architects LLC, stated that he presented the project to the Laveen Village Planning Committee (VPC) and the Laveen Citizens for Responsible Development (LCRD) and took their initial review comments, adding windows along the elevation facing Baseline Road. He added that the proposal received unanimous approval from both the Laveen VPC and LCRD.

Mr. Green stated that he wanted to eliminate the verbiage in Stipulation No. 4 regarding a 3-dimensional art feature and have that replaced with a requirement for a landscaped gateway entry feature. He added that Stipulation No. 25 should be modified to reflect the new use of the property as a church campus and remove the verbiage discussing vehicular access to 45th Avenue because the street is west of the adjacent D. R. Horton-owned property.

Adam Stranieri asked the applicant to summarize his meeting with the LCRD. Mr. Green stated that he met with LCRD members, presented the proposal, and found that all members were in favor. He noted that the only request of the members was to add more windows along the Baseline facing elevation. He elaborated that the LCRD members inquired about the impact of the proposal on traffic at the intersection of 43rd Avenue and Baseline Road. He explained that a cross-access easement will run from their site, across the property to the east, to 43rd Avenue. He added that he plans to work with the future developers of the property to the east to accommodate the cross access.

Mr. Green explained that he intends to abandon the multi-use trail easement (MUTE) and non-vehicular access easement (NVAE) along the east property line at a later time. Mr. Stranieri clarified that, according to the Parks and Recreation Department, the new location for the MUTE is on the east side of the current 43rd Avenue, rather than along the old alignment. He added that the future property owner to the east may have to abandon the remaining right-of-way (ROW) from the old 43rd Avenue alignment for the cross-access easement to be constructed.

Mr. Stranieri asked if the LCRD or Laveen VPC had any comments regarding the entry feature details. Mr. Green stated that they both liked the entry feature. He noted that the Laveen VPC wanted to ensure the sign could be seen because there is a large setback due to existing utility easements. He explained that the VPC requested some landscaping to be eliminated to improve visibility.

Mr. Stranieri stated that in the original rezoning case the site was intended to be a commercial center with six retail spaces with two anchor tenants. He explained that the art feature discussed in Stipulation No. 4 was more appropriate for a major commercial center. He added that CCV being a church has a greater need for identifying signage. He noted that the utilization of materials and preservation of plant palette is consistent with the goal regarding rural and agricultural character.

Mr. Stranieri asked for clarification regarding a comment from the VPC meeting about restrictions on the proposed driveway on 44th Lane. Mr. Green stated that this driveway would not be restricted in terms of traffic movement, but he had discussed possibly gating this entrance if necessary with the VPC. Mr. Green clarified that the VPC wanted a gate across the driveway to prevent traffic from the D. R. Horton property. He added that he did not want to add a gate unless the traffic became an issue.

Mr. Stranieri noted that the original stipulation discusses the commercial site and access from 45th Avenue, which is not adjacent to this property. Mr. Stranieri explained that he initially thought the reference to 45th Avenue was referring to the configuration of 44th Lane because the stipulated site plan does not depict access through the west perimeter of the commercial site. He noted that the applicant depicted an appropriate access point to 44th Lane, along the site's western perimeter which would allow access for residents in the surrounding area. He expressed concern that without this driveway, residents in the surrounding area would have to merge onto Baseline Road to access the site.

FINDINGS

- 1) In the original rezoning case, the subject site was proposed to develop with a major commercial center containing approximately six restaurant and retail spaces and two major anchor tenants. The stipulated site plan depicted a mixture of big-box, strip retail, and commercial pad sites. The stipulated 3-dimensional art feature was appropriate for a major commercial center. The current proposal consists of a major church campus which has a greater need for clear signage. The proposed landscaped gateway entry feature will utilize materials and landscaping that is consistent with the goal in the original stipulation of expressing the rural character of the Laveen Village. The applicant has not proposed any changes to the stipulated landscape palette.

- 2) The original rezoning case required the developer to provide vehicular access from 45th Avenue to the commercial site. 45th Avenue is not adjacent to the subject property of this request. However, the applicant has proposed a full-movement driveway along 44th Lane along the west perimeter of the site. This driveway will allow direct access to the church campus for residents in the subdivisions to the west and south of the site, without requiring them to enter or exit from Baseline Road. This driveway meets the intent of the original stipulation and does not need to be separately stipulated. Stipulating general conformance to the proposed site plan will allow staff to review future site plans to determine if alterations to the circulation pattern warrant further review.

DECISION: The Planning Hearing Officer recommended approval with modifications.

STIPULATIONS

COMMERCIAL DEVELOPMENT	
1.	That t The commercial portion of the site plan and elevations shall be reviewed and approved administratively by the Planning Hearing Officer.
2.	That s Street entry ways at Baseline Road and 43rd Avenue, neighborhood parks, perimeter fencing, and other appropriate public areas shall follow the guidelines outlined in the Laveen Residential Design Guidelines for the Preservation of Rural Character, created February 19, 2004, updated September 30, 2008, as approved or modified by Planning and Development Department.
3.	That f Four-sided architecture of the commercial buildings shall include architecturally articulated facades such as offsets, recesses, textural changes, window fenestrations, pilasters, and shadow boxes as approved by the Planning and Development Department.
4.	That a A minimum 75-foot by 75-foot landscaped GATEWAY entry feature, or equivalent area, shall be provided with a 3-dimensional art feature that

	<p>exemplifies the rural AND agricultural character of Laveen, SHALL BE PROVIDED at the entrance to the commercial development CHURCH CAMPUS from ALONG Baseline Road as approved by the Planning and Development Department. THE LANDSCAPED GATEWAY ENTRY FEATURE SHALL BE IN GENERAL CONFORMANCE WITH THE ENTRY FEATURE DETAILS DATE STAMPED JUNE 28, 2019, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. The proposed art feature shall be shown to the Laveen Village Chairperson or his/her representative for approval. The enhanced landscaped GATEWAY ENTRY feature shall include a turf area and provide plant types from the following list:</p>
a.	<p>Trees: pecan, Arizona ash, evergreen elm, heritage live oak, sycamore, or other similar canopied trees.</p>
b.	<p>Shrubs: myrtle (true, dwarf, and/or twisted), pomegranate, AZ yellowbells, bush lantana, Mexican honeysuckle, primrose jasmine, or other similar shrubs.</p>
c.	<p>Accents: deer grass, wild sunflowers, superb, canyon and firecracker penstemon, golden columbine, or other similar accents.</p>
d.	<p>Vines: White Lady Banks Rose, common trumpet creeper, coral vine, pink trumpet vine, and primrose jasmine, or other similar vines.</p>
5.	<p>The location of any gasoline pumps shall be located at the east end of the property along Baseline Road and away from residential lots.</p>
<p>RESIDENTIAL DEVELOPMENT</p>	
6.	<p>The development shall be in general conformance to the site plan date stamped May 2, 2013 and shall have a maximum 3.5 dwelling units per acre, with specific regard to street layout.</p>
7.	<p>That Residences along 43rd Avenue, Baseline Road, and the southern boundary of the property shall have a building height of one level no greater than 24 feet for a minimum of 50% of the lots.</p>
8.	<p>That a A minimum 800 square feet landscaped entry feature shall be provided on both sides of the main entry into the residential development located along 43rd Avenue, as approved by the Planning and Development Department.</p>
9.	<p>That a Adjacent to each residential street curb shall be a consistent tree pattern design as approved by Planning and Development Department. The trees shall be a minimum 1 ½ inch caliper and selected from the Acceptable Plants for Sonoran and Vegetative Areas as described in the February, 2004 draft Laveen Residential Design Guidelines for the Preservation of Rural Character, if approved. The homebuilder will be responsible for installation of the trees and the home buyer shall be responsible for maintaining the trees.</p>

10.	That a A 9-foot wide landscaped tract containing a minimum of 1 1/2 inch caliper shade tree and five-shrubs shall be provided at an average of 20 feet on center along the street of each corner lot. The home builder shall be responsible for installation, and the homeowner association shall be responsible for maintenance of the common landscaped area.
11.	All residential perimeter fencing shall follow the Laveen Residential Design Guidelines for the Preservation of Rural Character, created February 19, 2004, updated September 30, 2008, while avoiding stucco, as approved or modified by the Planning and Development Department. The residential perimeter fencing along 43rd Avenue shall be offset 2 feet for a minimum of every 250 feet.
12.	That t The visible portion of houses on lots adjacent to Baseline Road and 43rd Avenue shall be designed in general conformance with the rural character from the draft Laveen Residential Design Guidelines for the Preservation of Rural Character February, 2004.
STREETS	
13.	That r Right-of-way totaling 65 feet shall be dedicated for the south half of Baseline Road, or as may otherwise be modified by the Planning and Development Department.
14.	That r Right-of-way totaling 50 feet shall be dedicated for the west half of 43rd Avenue, or as may otherwise be modified by the Planning and Development Department.
15.	There shall be no vehicular access to South Mountain Avenue along the southern boundary of the development as approved by the Planning and Development Department because there is 33 feet of land that is not owned by the applicant. South Mountain Avenue may be built between 43rd Avenue and 45th Avenue as a public right-of-way by the city or others in the future.
16.	That t The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping, and other incidentals as per plans approved by the City. All improvements shall comply with all ADA accessibility standards.
17.	That t The applicant shall complete and submit the Developer Project Information Form for the MAG Transportation Improvement Program to Street Transportation Department, (602) 262-6193. This form is a requirement of the EPA to meet clear air quality requirements.
TRAILS	
18.	Dedicate a 30-foot multi-use trail easement and construct a 10-foot wide multi-use trail along Baseline Road in accordance with city of Phoenix MAG Supplemental Specifications Section 429, as approved by the Parks and Recreation

	Department.
LAVEEN VILLAGE PLANNING COMMITTEE ADDITIONAL STIPULATIONS	
19.	That The applicant agrees to the ordinance requirement of 15-foot rear yard setbacks and 10-foot (1-story) and 15-foot (2-story) side yard setbacks along South Mountain Avenue.
20.	That The applicant agrees to the ordinance requirement of 15-foot rear yard setbacks, and 10-foot (1-story) and 15-foot (2-story) side yard setbacks along 43rd Avenue.
21.	That 45-foot wide lots shall not exceed 15% of the residential lots.
22.	The remaining lots shall be a minimum of 60-foot lot width.
23.	That The minimum open space for the development shall be a minimum of 14.8%.
24.	That The minimum landscape setback along any wall on 43rd Avenue shall be 25 feet.
25.	That The commercial property shall be in specific GENERAL conformance to the site plan dated September 17, 2004 (attached) STAMPED AUGUST 13, 2019, as approved or modified by the FOLLOWING STIPULATIONS AND APPROVED BY THE Planning and Development Department. The developer shall provide vehicular access from 45th Avenue to the commercial site.
26.	That The final residential plat shall be reviewed as part of the Planning and Development Department process.
27.	That The final commercial plat and elevations shall be reviewed as part of the Planning and Development Department process.
28.	That The final landscape package shall be reviewed as part of the Planning and Development Department process.
29.	That The chairperson of the Laveen Village Planning Committee shall be asked as part of the Planning Hearing Officer (PHO) process if the Village Planning Committee would like to review the request prior to the PHO hearing.
30.	That The elevations, site plan, perimeter fence plan, landscape plan, and comprehensive trail plan shall be provided to the Laveen Village Planning Committee for review and comment prior to administrative approval by the Planning Hearing Officer.

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