

Attachment B

Planning Hearing Officer Summary of November 20, 2019
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REPORT OF PLANNING HEARING OFFICER ACTION

Adam Stranieri, Planner III, Hearing Officer

Julianna Pierre, Planner I, Assisting

November 20, 2019

ITEM 7

DISTRICT 7

SUBJECT:

Application #: Z-46-03-7 (PHO-1-19)
Zoning: C-2
Location: Northeast corner of 83rd Avenue and Encanto Boulevard
Acreage: 9.99
Request: 1) Modification of Stipulation 1 regarding general conformance to the site plan date stamped March 24, 2003.
2) Deletion of Stipulation 2 regarding orientation of parking and drive-throughs.
3) Modification of Stipulation 4 regarding textured concrete on pedestrian paths.
4) Modification of Stipulation 5 regarding general conformance to the elevations date stamped March 24 and April 10, 2003.
5) Technical corrections to Stipulations 3, 6 and 7.
Applicant: Brennan Ray, Burch & Cracchiolo P.A.
Owner: Columbia Group LTD
Representative: Brennan Ray, Burch & Cracchiolo P.A.

ACTIONS

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended denial as filed and approval with modifications and an additional stipulation.

Village Planning Committee (VPC) Recommendation: The request was scheduled to be heard by the Maryvale Village Planning Committee at its November 13, 2019 meeting. The Committee did not hear the case due to not having a quorum.

DISCUSSION

Brennan Ray, applicant and representative with Burch & Cracchiolo PA, presented the case and provided background regarding the product type and building elevations. He stated that the site was originally proposed for commercial retail, but was never developed. He added that the case was presented at the Maryvale Village Planning Committee meeting, but no action was taken because there was no quorum. Despite the lack of quorum, he noted that there was receptive dialogue with some Committee members.

Adam Stranieri asked if there would be any two-story homes in the development. Mr. Ray clarified that there would not be. Mr. Stranieri stated that he was inclined to recommend approval for the modification of Stipulation 1, regarding general conformance to the site plan date stamped March 24, 2003, because the development is compatible in scale and character with existing residential development in the surrounding area.

Mr. Stranieri stated that he was inclined to delete Stipulation 5, regarding general conformance to the elevations date stamped March 24 and April 10, 2003, and add the conformance requirement for elevations to Stipulation 1. He stated that it would be an improvement to have the site plan and housing product in one stipulation. Mr. Ray stated that he had no opposition to this modification.

Mr. Stranieri stated that Stipulation 2, regarding orientation of parking and drive throughs, is specific to a large scale commercial property and is not appropriate for this development. He added that he had no issues recommending deletion of Stipulation 2.

Mr. Stranieri stated that the proposed language of Stipulation 4, regarding textured concrete on pedestrian paths, is not clear as to what could be deemed "appropriate locations". He stated that all locations with pathways crossing drive aisles are appropriate for material differences or visual identification indicating that it is a pedestrian path. Mr. Ray stated that leading to parking areas but not crossing drive aisles or dead ending would not be considered appropriate locations. Mr. Stranieri stated that he believed the existing stipulation would not apply to these locations because as Mr. Ray pointed out, these did not cross drive aisles. He noted that the proposed conceptual site plan already depicted these crossings with alternative materials for those pathways that did cross drive aisles. For pathways that terminate at parking areas or do not have connections to additional pathways, the stipulation would not apply. He stated that he supported adding flexibility regarding what materials could be used for the pedestrian pathways and was inclined to approve the requested language.

Mr. Stranieri stated that the Maryvale Village Core Plan identified the northeast corner of 83rd Avenue and Encanto Boulevard as a high intensity mixed use commercial development and would have allowed for enhanced pedestrian access to existing transit stops and major amenities in the surrounding area. He stated that there should be a pedestrian pathway through the western perimeter that allows access from the development to 83rd Avenue. Mr. Stranieri stated that his concerns regarding access are supported by the Pedestrian Safety Coordinator, Street Transportation Department, and Public Transit Department. He suggested a pedestrian access gate between lots 69 and 70 because of the sidewalk depicted on the conceptual site plan in this location. Mr. Ray stated that this area did not lend itself to a pedestrian path. He stated that a gate between lots 65 and 68 was more feasible. Mr. Stranieri stated that would also be appropriate. He suggested language that would allow the pathway to be placed anywhere along the western perimeter within 220 feet of the intersection, the approximate distance from the corner to Lot 65, to allow the developer flexibility with the final location. Mr. Ray agreed to this suggestion. Mr. Stranieri stated that this design

feature would be consistent with community supported goals for the site discussed in the Maryvale Village Core Plan.

FINDINGS

- 1) The conceptual site plan depicts a multifamily residential development with a density of approximately 10.89 dwelling units per gross acre. The units include single-story bungalow-style homes with single and duplex units. The elevations include pitched roof elements, gable ornamentation, wood shutters, variation in window size and sill types, decorative cupolas, and other architectural features. The site plan and elevations are consistent with the scale and character of existing residential development in the surrounding area.
- 2) The applicant's request for modification to original Stipulation 4 was intended to permit stamped asphalt or similar treatment as an additional material option and to specify the locations where pedestrian pathways crossing drive aisles must be provided. However, the requested language applying this requirement only to 'appropriate locations' is unclear. The conceptual site plan, included in Stipulation 1 for general conformance, depicts these crossings at all locations where pedestrian pathways cross a drive aisle and connect sidewalks or pathways on opposite sides of that drive aisle. Sidewalks or pathways that do not connect across opposite sides of a drive aisle do not include pathways. This configuration is consistent with the original intent of the stipulation and therefore the requested additional language regarding 'appropriate' locations is not required. Stipulated pathways should be provided in all locations that connect sidewalks and pathways across a drive aisle.
- 3) The applicant's request for modification of original Stipulation 5 is recommended to be denied as filed and deleted in its entirety. This is solely to include the elevations in original Stipulation 1 rather than stipulate them separately from the site plan.
- 4) An additional stipulation requiring a pedestrian pathway along the west property line offering direct access to 83rd Avenue is recommended. There is an existing transit pad along 83rd Avenue near the southwest corner of the subject property. The property is also located in the Maryvale Village Core and in close proximity to major amenities including the concert pavilion, Desert Sky Mall, and other planned mixed use properties identified in the Core Plan. The pathway will promote safe and direct access to the transit infrastructure and use of these nearby amenities.

Additionally, the subject property was identified in the Maryvale Core Plan for retrofit and designated as a "walkable suburban center" with goals to increase pedestrian convenience, safety, and comfort. The provision of a pathway is consistent with these community supported goals. The pathway was also recommended by the Public Transit Department and the City of Phoenix Pedestrian Safety Coordinator in the Street Transportation Department.

DECISION: The Planning Hearing Officer recommended denial as filed and approval with modifications and an additional stipulation.

STIPULATIONS

Site		
1.	That The development shall be in general conformance to WITH the site plan AND ELEVATIONS date stamped OCTOBER 4, 2019 March 24, 2003 , as approved or modified by the FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND Development Services Department.	
2.	That parking/drive-throughs shall be reoriented as follows:	
	Pad A:	The drive-through shall be moved to minimize: 1) impacts (such as noise and fumes from idling cars) to the adjacent residential and 2) traffic circulation conflicts, as approved or modified by the Development Services Department.
	Pad B:	Parking shall be reoriented so the majority of parking provided for the restaurant is located so access to the main entry can be accommodated without crossing the drive-through aisle, or as approved or modified by the Development Services Department.
2.	THE DEVELOPER SHALL PROVIDE A PEDESTRIAN PATHWAY ALONG THE WEST PROPERTY LINE, WITHIN 220 FEET OF THE INTERSECTION OF 83RD AVENUE AND ENCANTO BOULEVARD, WHICH PROVIDES CONNECTIVITY BETWEEN THE PROPERTY AND 83RD AVENUE, AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.	
3.	That aAll public sidewalks shall be set back a minimum of eight feet from back-of-curb, including sidewalks adjacent to right-turn-lanes, as approved or modified by the PLANNING AND Development Services Department.	
4.	That textured concrete shall be installed at All locations where internal pedestrian paths cross drive aisles SHALL BE CONSTRUCTED OF STAMPED ASPHALT, DECORATIVE PAVERS, STAMPED OR COLORED CONCRETE, OR ANOTHER MATERIAL, OTHER THAN THOSE USED TO PAVE THE PARKING SURFACES AND DRIVE AISLES, as approved or modified by the PLANNING AND Development Services Department.	
5.	That the architectural theme of the site shall be in general conformance with the elevations date stamped March 24 and April 10, 2003, as approved or modified by the Development Services Department.	

5. 6.	That a All structures including buildings, site walls, enclosed service areas, and loading areas shall be integrated with the primary architectural theme of the site, as approved or modified by the PLANNING AND Development Services Department.
Streets and Right-of-Way	
6. 7.	The r Right-of-way shall be dedicated and a bus bay (Detail P-1256-2) and transit pad (P-1261) shall be constructed on northbound 83rd Avenue north of Encanto Boulevard, as approved by the PUBLIC Transit Department.

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