

Attachment C

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

October 20, 2021

ITEM NO: 4	
	DISTRICT 8
SUBJECT:	
Application #:	PHO-1-21--Z-142-03-7(8)
Location:	Approximately 115 feet west of the southwest corner of 2nd Drive and Beverly Road
Existing Zoning:	MUA
Acreage:	12.79
Request:	<ol style="list-style-type: none">1) Modification of Stipulation 1 regarding specific conformance with the site plan date stamped November 24,2003.2) Deletion of Stipulation 2.B regarding zoning administrator determination regarding horse trailer storage.3) Deletion of Stipulation 2.D regarding landscaped areas.4) Deletion of Stipulation 3 regarding site plan approval for new development.5) Deletion of Stipulation 5 regarding construction of streets adjacent to the development.6) Technical corrections to Stipulations 2, 2.A and 2.C.
Applicant:	John Haldiman
Owner:	John Haldiman
Representative:	John Haldiman

ACTIONS

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended denial as filed and approval with a modification.

Village Planning Committee (VPC) Recommendation: The South Mountain Village Planning Committee heard this case on October 12, 2021 and recommended approval by a vote of 10-0.

DISCUSSION

Zach Haldiman, representative for the applicant, provided an overview of the request, site plan, and original rezoning case. He stated that a modification to Stipulation 1 regarding specific conformance to the site plan be modified to allow for a new single-family home on the approximately 12.79 gross acre site. He stated that the proposed deletion of 2.b regarding horse trailer storage applies to

conditions that are no longer relevant to the development and that any horse trailers stored on site are owned by the farm and in use. He stated that Stipulation 2.d regarding landscaped areas is difficult to accomplish for the farm and that any landscaping within reach of their animals would be eaten by the animals. He stated that Stipulation 3 regarding site plan approval for new development is unnecessary and that any development would be built and permitted per City standards. He stated that the farm would not be able to afford the right-of-way improvements as stipulated in Stipulation 5 and that the applicant requests to delete the stipulation. He stated that they are willing to abandon the right-of-way along Beverly Road or dedicate an easement to the City, but they cannot afford the improvement of the entire road. He stated that he had talked with different firms regarding the potential costs and that they were untenable for his family. He stated that they received feedback from many neighbors in support of their project.

Neal Haddad, Neighborhood Commission of Greater Phoenix member, stated he is in support of the proposal and that the Haldiman farm is an asset to the community. He stated that the farm provides relief in the otherwise overdeveloped communities that surround the farm. He stated that the programs at the farm help young children, those with special needs, and veterans of the military. He stated the South Mountain Village Planning Committee (VPC) recommended unanimous approval of the proposal.

Adam Stranieri provided a review of the South Mountain VPC recommendation. He recommended that the proposed modification of Stipulation 1 regarding specific conformance be approved with a modification to allow the development to occur with general conformance, which would allow greater flexibility in the final design. He recommended that the proposed deletion of Stipulation 2.b be approved because the use referenced in that stipulation is no longer present. He recommended that the proposed deletion of Stipulation 2.d be approved and noted that the development will still be required to follow the landscaping standards of the MUA zoning district and noted that it is difficult for the applicant to maintain the additional requirements due to the animals. He recommended that the applicant's request to delete Stipulation 3 be recommended for approval and stated the stipulation is unnecessary due to the Zoning Ordinance standards. He stated that the request to delete Stipulation 5 regarding construction of streets adjacent to the development be denied. He stated that the Street Transportation Department did not support the request and that the stipulation is a requirement for commercially zoned properties. He stated he did not have the authority to waive requirements to follow the City Code and other regulatory standards regarding developer responsibility to construct adjacent rights-of-way.

FINDINGS

- 1) The applicant's request for modification of Stipulation 1 is recommended for approval with a modification. The modification is to provide standard

language regarding plan conformance and to convert the requirement from “specific” to “general” conformance. “Specific conformance” does not allow any deviation in key design elements. The change is intended to allow deviation given that the proposed site plan lacks some detail required for plan review. The primary change from the stipulated plan is the addition of a 2380 square foot second dwelling unit on the property. The use is permitted by the district and represents a small addition on the approximately 12.79 gross acre site.

- 2) The applicant’s request for deletion of Stipulation 2.b is recommended for approval. At the time the stipulation was applied, there was horse trailer storage on the property and a lack of clarity as to whether this was a permitted use in the district. The stipulation was intended to compel the applicant to submit for an Informal Interpretation letter from the Zoning Administrator to evaluate this use. The applicant has indicated that this use is no longer present on this site. If this use is resumed and there are continuing questions, this process is still the appropriate route to pursue a response from the Planning and Development Department.
- 3) The applicant’s request for deletion of Stipulation 2.d is recommended for approval. The MUA zoning district has both building and landscape setback requirements that exceed those of the adjacent zoning districts and will mitigate potential impacts of the uses. The original staff report stated that the intent was to promote intended character of the MUA zoning district. The applicant will also be required with the unique design guidelines of this district. The applicant noted a unique difficulty in meeting this stipulation in that the animals would eat this landscaping making it difficult to maintain as it is stipulated to align with pastures.
- 4) The applicant’s request to delete Stipulation 3 regarding site plan approval is recommended for approval. This stipulation is unnecessary in that site plan approval is already required for new development per standards in the Zoning Ordinance. The applicant’s request in this PHO hearing is itself part of the process to obtain site plan approval.
- 5) The applicant’s request for deletion of Stipulation 5 is recommended for denial. The Street Transportation Department does not support the deletion of this stipulation. Right of way improvements are required by the City of Phoenix City Code for commercially zoned properties. The original entitlement resulted in an increase of density and utilization of the site accessed by the adjacent street; therefore, street improvements are required. The stipulation is standard language and is not prescriptive regarding specific dedications which will be determined through standard procedures during plan review processes.

STIPULATIONS

1.	That THE development shall be in specific GENERAL conformance to WITH the site plan date stamped November 24, 2003 SEPTEMBER 17, 2021, as modified by the following stipulations and /or APPROVED BY the PLANNING AND Development Services Department.
2.	That Prior to vesting, the applicant shall submit a Certificate of Occupancy, or other documentation to the Planning AND DEVELOPMENT Department to verify completion of the following improvements:
a.	That All areas used for parking and maneuvering of vehicles and trailers shall be dustproofed as approved by the PLANNING AND Development Services Department.
b.	That the applicant shall submit a letter and necessary documentation to the Zoning Administrator to determine if the storage of horse trailers is an allowed use in the Mixed Use Agricultural zoning district.
b. e.	That The applicant shall address outstanding emergency vehicle access and fire hydrant issues with the fire review section of the PLANNING AND Development Services Department.
d.	That a minimum of ten, twelve-foot by eight-foot landscaped areas shall be placed along the north, east, south and west property lines within the pastures as approved by the Development Services Department. These areas shall be landscaped with a minimum of two 1.5-inch trees and appropriate shrubs from the Mixed Use Agricultural Plant Materials list. One plant in each of the landscaped areas shall be Penstemon.
3.	That any new development shall be subject to site plan approval in the Development Services Department.
STREETS TRANSPORTATION	
3. 4.	That Right-of-way totaling 25-feet shall be dedicated for the south half of Beverly Road.
4. 5.	That The developer shall construct all streets adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, landscaping, and other incidentals as per plans approved by the City. All improvements shall comply with all ADA accessibility standards.

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