

## Attachment C

Planning Hearing Officer Summary of February 19, 2020

Application Z-122-03-7

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### REPORT OF PLANNING HEARING OFFICER ACTION

Adam Stranieri, Planner III, Hearing Officer

Julianna Pierre, Planner I, Assisting

February 19, 2020

#### ITEM 5

#### DISTRICT 7

#### SUBJECT:

Application #: Z-122-03-7 (PHO-2-20)  
Zoning: S-1 (Approved C-2)  
Location: Approximately 315 feet north of the northwest corner of 51st Avenue and Southern Avenue  
Acreage: 4.50  
Request: 1) Modification of Stipulation 1 regarding general conformance with the site plan dated March 10, 2006.  
2) Deletion of Stipulation 6 regarding landscaped fingers.  
3) Modification of Stipulation 10 regarding equestrian amenities.  
4) Modification to Stipulation 13 regarding general conformance to the elevations dated March 10, 2006 and specific design requirements.  
5) Deletion of Stipulation 20 requiring the developer to present final landscape plans to the Laveen VPC for review.  
6) Modification of Stipulation 23 regarding general conformance to sign designs dated April 28, 2004.  
7) Technical corrections to Stipulations 3, 4, 5, 11, 12, and 16.  
Applicant: Rosa Pritchett, Andrews Design Group  
Owner: Laveen 51 2019 LLC  
Representative: Rosa Pritchett, Andrews Design Group

#### **ACTIONS**

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

Village Planning Committee (VPC) Recommendation: The Laveen Village Planning Committee heard this case on February 10, 2020 and recommended approval with modifications and an additional stipulation by an 11-0 vote.

#### **DISCUSSION**

Don Andrews, applicant and representative with Andrews Design Group, presented the history of the site. He stated that the entire site was intended to be a commercial shopping center. However, they are now proposing to develop only a small portion of the site adjacent to 51st Avenue. He added that the elevations and site plan were

improved after meeting with the LCRD and Laveen VPC and taking their comments into consideration. He stated that their requested modifications and deletions are to accommodate the new site plan and elevations.

Adam Stranieri discussed the Village Planning Committee recommendation and stated that he had no concerns regarding their requests to modify Stipulation 6 regarding landscaped fingers, require general conformance to the landscape plan dated February 3, 2020, and to return to the Laveen VPC for review and comment for any modifications to signs, lighting, landscape, and site plans. Mr. Stranieri asked if the applicant had any issues with the VPC's recommended stipulations. Mr. Andrews confirmed that he had no issues with the stipulations.

Mr. Stranieri stated that the proposed site plan depicted a reduction in intensity when compared to the stipulated site plan and is more aligned with the desired character of commercial uses adjacent to residential.

Mr. Stranieri stated that he agreed with the applicant's rationale regarding Stipulation 6 and the landscaped fingers were stipulated to mitigate the impact of a large parking lot adjacent to right-of-way and residential uses. He stated that the requirement to provide this landscaping element would not be necessary considering the scale of the proposed project.

Mr. Stranieri stated that he had no issue about reducing the number of equestrian amenities on site to one. He stated that the number of amenities was originally for the much larger original site.

Mr. Stranieri stated that the elevations are reflective of the character wanted in Laveen, specifically the roof design and variation in façade materials. He added that a reduction of 10-foot walkways to 6 feet would be appropriate for a building of this scale. There are also pedestrian pathways, landscaping, and access around the buildings and a thinner walkway would aid in allowing the intended circulation pattern.

Mr. Stranieri asked for clarification regarding the comprehensive sign program that the applicant submitted. Mr. Andrews clarified that the sign program was modified after meeting with the LCRD. Mr. Stranieri asked if the applicant intended to stipulate to the entire document or simply the monument sign detail. Mr. Andrews stated that they were asking for conformance to the entire document.

Mr. Stranieri stated that the original case did not contain any archaeology stipulations. However, since the City of Phoenix Office of Archaeology found that the site was in an archaeologically sensitive area, he was inclined to add standard language stipulations regarding archaeology.

## **FINDINGS**

- 1) The subject property of the request consists of 4.49 gross acres of the approximately 16.60 gross acres rezoned in the original case. The original

stipulated site plan depicts the property as containing a portion of a large-scale commercial and office complex consisting of approximately 100,000 square feet of building footprint. The plan included a major retail tenant, smaller shops, 24,000 square feet of offices, and four retail or drive-through restaurant pads. The proposed site plan depicts approximately 16,566 square feet of commercial space with two freestanding pads. The primary retail building is designed for patron access and parking on both the east and west facades and includes a shaded pedestrian walkway on both sides. The proposed site plan is more consistent in scale and character with the surrounding area which contains existing and planned single-family homes. General conformance to the site plan is recommended.

- 2) The applicant's request for deletion of Stipulation 2 regarding landscaped fingers in the parking lot is recommended for approval. The original stipulated site plan depicted a large parking lot that dominated the east and south portions of the site, adjacent to rights-of-way. Additionally, this stipulation referenced a gas station canopy that is not proposed in the current request. The reduced scale of the proposed project and the enhanced shaded pedestrian walkways make this stipulation no longer relevant. However, an additional stipulation requiring general conformance to the conceptual landscape plan is recommended, which is consistent with the Laveen Village Planning Committee's recommendation in this case.
- 3) Original Stipulation 10 required equestrian amenities to be provided on the site. Because the subject property of this request is for approximately 25% of the original rezoning area, it is appropriate to reduce the amount of required amenities. The applicant is proposing to install half the originally stipulated two hitching posts and troughs. This request is recommended for approval.
- 4) The proposed elevations include a variety of building materials and architectural features that are consistent with the Laveen Village's goals to preserve and promote its unique rural and agricultural character and history. These elements include metal roofs, wood batten, stone finishes, metal accents, cornices, and other features. General conformance to the elevations is recommended.

The applicant also requested deletion of stipulation language requiring exposed scuppers and a reduction in the minimum width of covered walkways. The proposed elevations adequately capture the community's desired character without the use of exposed scuppers. This reduction is appropriate given the reduced scale of the proposed commercial building and the smaller site area. Additionally, the applicant is proposing covered walkways on both the east and west facades of the building. The increased locations and area for shade are an appropriate tradeoff for a reduction in the walkway width.

Additional modifications are recommended to organize the stipulation language to clearly list the architectural features that are intended to be required with specific regard to the proposed elevations.

- 5) The applicant requested a deletion of Stipulation 20 regarding a requirement to present a final landscape plan to the Laveen Village Planning Committee for review. The Laveen Village Planning Committee recommended approval of a requirement for general conformance to the proposed landscape plan in this request. Therefore, this stipulation is no longer necessary. However, they also requested that modifications to plans presented in this request be presented to their Committee for review and comment. A modification is recommended to the applicant's request to update the review requirement to apply to any proposed modifications as recommended by the Village.
- 6) The draft comprehensive sign program presented to the Laveen Village Planning Committee utilizes colors, building materials, architectural design, and sign styles that are consistent with the Laveen Village's goals to preserve and promote its unique rural and agricultural character and history. General conformance to the draft sign program is recommended.

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

### **STIPULATIONS**

1.	<del>SITE PLAN</del> That the development shall be in general conformance with the site plan DATE STAMPED FEBRUARY 13, 2020 <del>dated March 10, 2006</del> , as approved or modified by THE FOLLOWING STIPULATIONS AND APPROVED BY the PLANNING AND Development <del>Services</del> Department, with specific regard to size, location, and number of pad buildings.
2.	<del>That a</del> All accessory equipment, such as air, water, vacuums, and venting pipes shall be located no closer than fifty (50) feet to public street frontages and residential neighborhoods to minimize potential impacts.
3.	<del>That</del> The developer shall screen any drive-through queuing lanes from view of 51st and Southern Avenues and/or residential uses through the incorporation of a landscaped berm, screen wall, or combination of a berm and wall at least four (4) feet in height, as approved or modified by the PLANNING AND Development <del>Services</del> Department.
4.	<del>That</del> The developer shall provide a landscape feature incorporating turf and monumentation on the immediate northwest corner of the intersection of 51st and Southern Avenues as approved or modified by the PLANNING AND Development <del>Services</del> Department.

5.	<del>That</del> The developer shall provide primary pedestrian walkways from Southern Avenue and the multi-use trail along 51st Avenue to the commercial buildings as approved or modified by the PLANNING AND Development <del>Services</del> Department.
6.	<del>That the developer shall provide a total of four (4) landscaped fingers, one on each side of the two (2) driveway entrances from the shopping center to the Pad 1/Pad 2 gasoline canopy area, that are seven (7) feet wide, as approved by the Development Services Department. Each of these landscape areas shall contain one (1) tree in addition to other landscape materials.</del>  THE DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE LANDSCAPE PLAN DATE STAMPED FEBRUARY 13, 2020, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
7.	<del>That</del> The developer shall treat all primary pedestrian crossings of vehicular circulation drives with a change of pavement materials (color and texture) to demarcate the pedestrian circulation plan.
8.	<del>That</del> The developer shall provide a multi-use trail along the west side of 51 <sup>st</sup> Avenue in a manner that complements that multi-use trail north of the subject property and in accordance with adopted City of Phoenix trail standards, as approved by the Parks and Recreation Department.
9.	<del>That a</del> All items for sale, excluding fuel dispensing machines and automatic teller machines, shall be located within buildings or screened from view of public streets.
10.	<del>That</del> The developer shall provide the following equestrian amenities on site, as approved by the PLANNING AND Development <del>Services</del> Department: ONE <del>two</del> (2) hitching rails, and ONE <del>two</del> (2) horse troughs.
11.	<del>That</del> The landscaped setbacks adjacent to residential development shall include staggered trees planted twenty (20) feet on center with fifty percent (50%) of such trees being a minimum four (4) inch caliper, as approved or modified by the PLANNING AND Development <del>Services</del> Department.
12.	<del>That a</del> Approved plans for the site shall emphasize the agricultural heritage and culture of Laveen and shall include the following, as approved or modified by the PLANNING AND Development <del>Services</del> Department. Trees: pecan, Arizona ash, evergreen elm, heritage live oak, sycamore, willow acacia or similar trees. Shrubs: myrtle (true, dwarf or twisted), pomegranate, or similar shrubs. Accents: deer grass, wild sunflowers, or similar accents. Vines: white Lady Banks rose or similar vines.
13.	<del>BUILDING DESIGN 13. That the major buildings on site</del> THE DEVELOPMENT shall be in general conformance WITH to the conceptual BUILDING elevations

	DATE STAMPED FEBRUARY 13, 2020 ( <del>Exhibits 4-6</del> ) dated <del>March 10, 2006</del> , including WITH SPECIFIC REGARD TO INCLUSION OF the following elements, all as approved or modified by the Development Services Department.
	A. Four-sided architecture, per the conceptual elevations. A variety of building materials, including a minimum of two (2) of the following materials: native stone, burnt adobe, textured brick, site made textured concrete, split-face block, wood (when shaded), slump block, simulated wood siding, exposed aggregate, corrugated metal, <del>or</del> rusted metal roofing, OR STONE VENEER.
	B. Natural and subdued color tones
	<del>Exposed scuppers</del>
	C. Pitched roof elements
	D. A minimum SIX <del>ten</del> -foot covered walkway SHALL BE PROVIDED ON THE EAST AND WEST FAÇADE OF THE MAIN RETAIL BUILDING. <del>which can create a staggered front façade.</del> Patios, trellises, and recesses may also be used to provide shading and break up building mass.
	E. THE PRIMARY ENTRANCES OF PAD A AND B SHALL BE SHADED UTILIZING A CANOPY, AWNING, OR SIMILAR FEATURE WITH A MINIMUM DEPTH OF 3 FEET.
14.	<del>That</del> The developer shall paint all transformer and service entry equipment boxes to match buildings or shall screen the boxes, subject to utility company approval.
15.	<del>That</del> The gasoline station canopy shall incorporate materials and colors that complement the buildings on the site and the developer is strongly encouraged to use a pitched roof with a gable or hipped end on the canopy.
STREET IMPROVEMENTS	
16.	<del>That</del> The developer shall construct all half-streets adjacent to the site with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals per plans approved by the PLANNING AND Development Services Department. All improvements shall comply with all ADA accessibility standards.
17.	<del>That</del> The developer shall provide right-of-way for, and shall construct, a transit pad (P1262) and a bus shelter (P1261) along Southern Avenue west of 51st Avenue.
18.	<del>That</del> The developer shall apply for the abandonment of Huntington Drive on the west side of the site.

19.	<del>That</del> The developer shall complete and submit the Developer Project Information Form for the Maricopa Association of Governments Transportation Improvement Program to the Street Transportation Department. The U.S. Environmental Protection Agency requires this form to meet clean air quality requirements.
ARCHAEOLOGY	
20.	IF DETERMINED NECESSARY BY THE PHOENIX ARCHAEOLOGY OFFICE, THE APPLICANT SHALL CONDUCT PHASE I DATA TESTING AND SUBMIT AN ARCHAEOLOGICAL SURVEY REPORT OF THE DEVELOPMENT AREA FOR REVIEW AND APPROVAL BY THE CITY ARCHAEOLOGIST PRIOR TO CLEARING AND GRUBBING, LANDSCAPE SALVAGE, AND/OR GRADING APPROVAL.
21.	IF PHASE I DATA TESTING IS REQUIRED, AND IF, UPON REVIEW OF THE RESULTS FROM THE PHASE I DATA TESTING, THE CITY ARCHAEOLOGIST, IN CONSULTATION WITH A QUALIFIED ARCHAEOLOGIST, DETERMINES SUCH DATA RECOVERY EXCAVATIONS ARE NECESSARY, THE APPLICANT SHALL CONDUCT PHASE II ARCHAEOLOGICAL DATA RECOVERY EXCAVATIONS
22.	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.
GENERAL	
23. <del>20.</del>	<del>That the developer present a final landscape plan to the Laveen Village for review.</del>  THE DEVELOPER SHALL PRESENT ANY PROPOSED MODIFICATIONS TO THE STIPULATED SITE PLAN, LANDSCAPE PLAN, SIGN PLAN, AND/OR LIGHTING PLAN TO THE LAVEEN VILLAGE PLANNING COMMITTEE FOR REVIEW AND COMMENT PRIOR TO FINAL PLAN APPROVAL.
24. <del>21.</del>	That light poles shall not exceed eighteen (18) feet in height.
25. <del>22.</del>	The light from gasoline station canopies shall not exceed thirty (30) foot candles measured at the ground plane.
26. <del>23.</del>	<del>That s</del> Signage on the property shall be in general conformance WITH THE DRAFT COMPREHENSIVE SIGN PROGRAM DATE STAMPED FEBRUARY 13, 2020 <del>to the conceptual designs (three sheets) dated April 28, 2004, including</del>

	WITH SPECIFIC REGARD TO the following elements, as approved or modified by the PLANNING AND Development <del>Services</del> Department.	
	A.	Ground/monument signs shall incorporate the materials and colors used for the major buildings on site.
	B.	Size and height of ground/monument signs shall not exceed those indicated in the above-referenced conceptual designs.
	C.	In conformance to the Phoenix Sign Code, one additional ground sign is allowed on each street frontage to identify the user(s) of the pad building at the immediate corner of the intersection of 51st and Southern Avenues.
	D.	Wall signs shall use individual, halo-illuminated letters and numbers.
27. 24.	That the developer shall notify prospective owner/occupants that the subject development is in proximity to Phoenix Sky Harbor International Airport. The developer shall disclose the following:	
	A.	The Airport is considered a busy hub airport.
	B.	Forecasts predict that Airport operations will increase.
	C.	Extended flight tracks and traffic patterns may extend several miles beyond the Airport boundary.
	The notice shall be reviewed and approved by the City Attorney.	

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