

Attachment C

Planning Hearing Officer Summary of May 20, 2020
Application Z-29-11-7(8)
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REPORT OF PLANNING HEARING OFFICER ACTION Adam Stranieri, Planner III, Hearing Officer Julianna Pierre, Planner I, Assisting

May 20, 2020

ITEM 4

DISTRICT 8

SUBJECT:

Application #: Z-29-11-7(8) (PHO-1-20)
Zoning: C-1
Location: Approximately 400 feet north of the northwest corner of Central Avenue and Euclid Avenue
Acreage: 0.84
Request:

- 1) Modification of Stipulation 1 regarding general conformance with the site plan date stamped January 17, 2012.
- 2) Deletion of Stipulation 1.a regarding a 10-foot landscape setback along the south property line.
- 3) Deletion of Stipulation 1.b regarding a 5-foot landscape setback along the building facade.
- 4) Deletion of Stipulation 1.c regarding parking spaces between Central Avenue and the front of the buildings.
- 5) Modification of Stipulation 2 regarding general conformance with the building elevations date stamped January 27, 2012.
- 6) Deletion of Stipulation 4 regarding a minimum of 5,000 square feet of open space and landscaping.
- 7) Deletion of Stipulation 5 regarding trash receptacles along the west property lines.
- 8) Modification of Stipulation 6 regarding the construction of three pedestrian paths.

Applicant: Reece Satre
Owner: Luther Alkhasch & Kathleen Shepard
Representative: Andy Pitts

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 South Mountain Village Planning Committee heard this case on March 10, 2020 and recommended denial by a 9-2 vote.

DISCUSSION

Ted Luther, representative with Luther Engineering and Development, stated that the Vison One Modern Villages proposal is for detached, economical single unit buildings that provide the efficiency of a condominium. He stated that the original case was for a larger area and proposed a commercial use. He added that part of the commercial center was built, while the rest remained vacant. He stated that the some of the stipulations from the original rezoning case are only applicable to the original proposed commercial use. He added that the request is required to accommodate the new multifamily residential use.

Dom Corpora, a member of the public, stated that he submitted a letter regarding the case. He added that he was concerned with the elimination of the south setback since he owned the property adjacent to the south and had concerns regarding the potential impact. He stated that he wanted to prevent possible future complaints about noise, privacy, and views.

Andy Pitts, representative with Williams Luxury Homes, stated that he believed Stipulation 1.a, regarding a 10-foot landscape setback along the south property line, was intended for the entire original commercial development, not each individual parcel. He added that the development would meet the setback requirements of the C-1 (Neighborhood Retail) zoning district. Adam Stranieri clarified that their development would have to meet R-3 (Multifamily Residence) standards as a multifamily residential use.

Mr. Corpora asked if it would be possible to change the layout of the development, shifting it further north and away from the southern property line. Mr. Luther stated that this would be an issue because the site has a significant slope which would require retaining walls and is not feasible.

Mr. Stranieri stated that he did have concerns regarding proposing general conformance to the site plan submitted with the request. Since multifamily development in a C-1 district is required to meet R-3 standards, he asked the applicant which R-3 development option they intended to develop under. Mr. Luther stated that they intended to develop under the Planned Residential Development (PRD) option. Mr. Stranieri stated that their plan depicts setbacks specific to the Subdivision development option. Mr. Luther asked for clarification regarding development standards. The Planning Hearing Officer and the applicants discussed possible development options. The applicants agreed that the Subdivision option would best fit their development.

Mr. Stranieri added that he had other concerns regarding compliance with Ordinance standards. He stated that there was one amenity drawn on the plan, when the Zoning Ordinance requires minimum two. He added that the site plan depicted parking spaces within the required front yard setbacks. He stated that this parking would have to be removed because required building setbacks adjacent to a street have to be landscaped. He added that the plan stated 20% open space, but he was only able to calculate approximately 8%. He stated that the Street Transportation Department did not have additional stipulations, but did reiterate that an engineer requested the

driveway be aligned with Ardmore Road during the site plan pre-application process. He stated that if the alignment becomes a requirement during site plan review, that the applicant may not be able to build in general conformance to the current site plan. He stated that due to the plan not meeting numerous development standards, he did not feel comfortable recommending general conformance to the site plan.

Mr. Stranieri stated that Stipulation 1.a, regarding a 10-foot landscape setback along the south property line, was intended for the property to the south of the subject site. He stated that he had no issue recommending deletion of the stipulation because the stipulation is for a location off site and the developer would still have building and landscape setback requirements.

Mr. Stranieri stated that Stipulation 1.b, regarding a 5-foot landscape setback along the building façade, is intended to be applied to commercial buildings. He stated that this is more applicable to landscaping along the street facing side of commercial buildings in planters, rather than residential buildings which may have patios, courtyards, doors, or other architectural features that would make implementing this stipulation difficult.

Mr. Stranieri stated that Stipulation 1.c, regarding parking spaces between Central Avenue and the front of the buildings, is not a desirable design element for a multifamily residential development as written. He stated that it would be better to promote building forward design, activation of the streetscape, and decreased parking.

Mr. Stranieri stated that the elevations provided are lacking in material and architectural features and do not meet the minimum standard of diversity for multifamily development. He added that the Rio Montaña Area Plan applies to this area and calls for specific types of design character relating to the rural and agricultural history of South Phoenix. He added that stipulating general conformance to the elevations is not recommended and suggested an additional stipulation requiring elevations to include four-sided architecture and detailing. Mr. Luther asked if this meant improving the design and having it conform to other architecture in the area. Mr. Stranieri stated that this was correct, and that embellishments or details would be provided on all four sides of the building. Mr. Luther stated that they had no issue with the addition of that stipulation.

Mr. Stranieri stated that Stipulation 4, regarding a minimum 5,000 square feet of open space and landscaping, was intended to establish an open space standard for the entire original commercial development. He added that this is common in south Phoenix and the South Mountain Village where it is desired to see public open space integrated within commercial sites. He stated that there are conflicts between the open space percentage depicted on the site plan (20%), in the applicant's presentation (14%), and the number he calculated (8%). He asked if the applicant would be willing to be stipulated to a minimum 10% gross open space. Mr. Pitts stated that providing 10% would not be an issue.

Mr. Stranieri stated that the intent of Stipulation 5, regarding trash receptacles along the west property lines, was to mitigate the impacts of trash collection from a larger commercial center. He stated that he had no issues recommending deletion of the

stipulation as long as the development could comply with all solid waste codes and building and landscape setbacks.

Mr. Stranieri stated that Stipulation 6, regarding the construction of three pedestrian paths, was for the larger commercial center. He stated that he had no issues modifying the number of pedestrian paths to one considering the subject property is a small portion of the original rezoning area.

Mr. Stranieri stated that without general conformance he would recommend two additional stipulations. He stated that one stipulation would require landscape setbacks to be planted to commercial standards to provide consistency in landscaping standards with the adjacent commercial properties. He stated that the second stipulation would be for the development to provide bike parking to support multimodal transit options in the surrounding area. He noted the property is near planned light rail and bus-rapid transit infrastructure. The applicants stated that they had no issues with the additional stipulations.

FINDINGS

- 1) Stipulation 1 requires general conformance to a site plan that depicted a commercial shopping center on approximately 3.75 acres. This plan included two retail buildings at approximately 9,300 and 11,900 square feet respectively. The north portion of this project was developed and is currently a Dollar General. The south portion of the site remains vacant. The proposed conceptual site plan consists of a 10-unit multifamily residential project on approximately 0.84 acres in the center of the original rezoning area. The 10 units are detached single-unit buildings at a maximum height of 15 feet. The density is approximately 11.90 dwelling units per gross acre and the lot coverage is approximately 28%. The scale and intensity of the proposal is compatible with development in the surrounding area.

However, the proposed site plan has multiple issues regarding compliance with Zoning Ordinance standards. The property is zoned C-1 which permits multifamily residential uses subject to the yard, height, and area standards of the R-3 zoning district. The site plan depicts setbacks consistent with the Table B, Subdivision development option. Issues include but are not limited to:

- There is one amenity (ramada) depicted in the required open space where minimum two are required.
- Parking spaces are depicted within the required front landscape setback.
- The open space calculation of 20% is not accurate. Private courtyards and required landscape setbacks cannot be counted towards common open space. See Finding #6 for a detailed discussion regarding open space.
- The building setback along the south property line is depicted at 3-feet. A minimum 5-foot landscape setback is required along this property line.

- There is no landscape setback depicted along the west property line. A minimum 5-foot landscape setback is required along this property line.
- The proposed driveway location is not aligned with Ardmore Road. The alignment requirement was communicated in the site plan pre-application notes (KIVA 19-4098, PAPP 1909300) and reiterated by Street Transportation Department staff in response to this request.

General conformance to the site plan is not recommended and the applicant's request is recommended for denial as filed. However, additional stipulations are recommended which address landscape standards along Central Avenue and bicycle parking. Because the property is adjacent to C-1 zoned properties to the north and south along Central Avenue, a stipulation is recommended to require C-1 planting standards in the required landscape setback. This will provide consistency in the landscaping and promote enhanced shade for pedestrians. Additionally, the subject property is approximately 0.6 miles from the terminus of the planned South Central Light Rail extension and a future bus-rapid transit line along Baseline Road. Bicycle infrastructure on the site will support and promote multi-modal transit use appropriate for a multifamily development in this location. These two stipulations in addition to those regarding maximum height, open space, and pedestrian pathways (new Stipulations 4-6) will mitigate potential impacts of the development and promote an appropriate design.

- 2) Stipulation 1.a regarding a 10-foot landscape setback along the south property line refers to the south property line of the original rezoning area, which is off-site to the current request. The stipulation was originally intended to capture the proposed landscaping on the stipulated site plan for the commercial center. The proposed multifamily use will be developed to R-3 standards which require a minimum 5-foot landscape setback along interior property lines. This standard is appropriate for a multifamily project adjacent to commercially zoned property. Finally, the Street Transportation Department also noted that the proposed driveway location may need to be moved to better align with Ardmore Road on the east side of Central Avenue. Increasing the setback along the south property line may complicate this by pushing buildings further north where this alignment may occur.
- 3) Stipulation 1.b requires a 5-foot landscape setback along the building façade. This stipulation is not consistent with Zoning Ordinance language regarding landscaping adjacent to commercial buildings which discusses the width and percentage of exterior wall length to be treated with planters, arcades, or similar features. Landscape setbacks are typically applied along perimeter property lines. Regardless, this standard is related to commercial building facades and not residential buildings, which may contain courtyards, private pathways, doorways, patios, stairwells, and other architectural features that make it difficult to implement building-adjacent planters. Deletion of the stipulation is recommended. Note that enhanced streetscape planting standards on Central Avenue are also recommended (new Stipulation 2).

- 4) Stipulation 1.c was written such that one row of single-loaded parking spaces is required between Central Avenue and the front of the proposed commercial buildings, consistent with the stipulated site plan. However, typically stipulations would try to mitigate the potential impacts of parking on the streetscape and reduce visible parking areas. This stipulation was likely intended to ensure that a large parking lot dominating the Central Avenue streetscape would not be permitted. The deletion of the stipulation will remove the requirement that parking be provided in this area and allow a more building-forward design.
- 5) Stipulation 2 requires general conformance to building elevations for a planned commercial shopping center that did not develop in full. The proposed building elevations depict single-story detached units at approximately 11-feet in height. These elevations lack material and architectural diversity. The building façade is composed solely of stucco and there are no architectural embellishments identified. General conformance to the proposed elevations is not recommended. An additional stipulation is recommended requiring four-sided architecture, embellishments, and detailing.
- 6) Stipulation 4 requires a minimum 5,000 square feet of landscaped open space to be provided throughout the entire planned commercial shopping center. This project did not develop in full and the proposed multifamily project is developing independently of the remaining area of the original rezoning case. The multifamily development standards require a minimum 5% of the gross site area be retained as open space. The conceptual site plan proposes 20% open space. It is unclear how the 20% was calculated, given that required landscape setbacks and private courtyards cannot be included in this calculation. At the hearing the applicant indicated that they could provide 14% open space. The open space/retention depicted on the north portion of the site is approximately 3,125 square feet or 8% of the gross site area. Denial of the request as filed and approval with a modification to provide a minimum 10% of the gross site area as open space is recommended.
- 7) Stipulation 5 requires trash receptacles maintain a minimum setback of 25 feet from the west property line. This stipulation was intended to mitigate the potential impacts of trash service for a large-scale commercial shopping center. The proposed multifamily use is less intense and does not merit the 25-foot setback. Additionally, the adjacent property to the west is zoned R-5 which would permit a more intense multifamily residential development than the current proposal. However, it should be noted that the conceptual site plan depicts the dumpster at a zero-foot setback from the south and west property lines. A minimum 5-foot landscaped setback is required along all interior property lines.

- 8) Stipulation 6 requires a minimum three pedestrian pathways connecting the commercial shopping center to the sidewalk along Central Avenue. The original rezoning area had approximately 750 feet of frontage along Central Avenue. The current request has approximately 155 feet of frontage along Central Avenue. The modification of the stipulation to require one pedestrian pathway for this property is appropriate given the reduced frontage along Central Avenue.

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

STIPULATIONS

1.	Development shall be in general conformance with the site plan date stamped January 27, 2012, as approved by the Planning and Development Department with specific regard to the following:
a.	10-foot landscape setback along the south property line
b.	5-foot landscape setback along the building façade
c.	One row of single-loaded parking spaces between Central Avenue and the front of the buildings.
2.	Development shall be in general conformance with the building elevations date stamped January 27, 2012, as approved by the Planning and Development Department.
1.	ALL BUILDING ELEVATIONS SHALL CONTAIN ARCHITECTURAL EMBELLISHMENTS AND DETAILING SUCH AS TEXTURAL CHANGES, PILASTERS, OFFSETS, RECESSES, VARIATION IN WINDOW SIZE AND LOCATION, AND/OR OTHER OVERHANG CANOPIES, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
2.	FOR ANY RESIDENTIAL LAND USE, THE LANDSCAPE SETBACK ALONG CENTRAL AVENUE SHALL BE PLANTED WITH A MINIMUM 50% 2-INCH CALIPER, MINIMUM 25% 3-INCH CALIPER OR MULTI-TRUNK AND MINIMUM 25% 4-INCH CALIPER OR MULTI-TRUNK TREES, SPACED 20 FEET ON-CENTER OR IN EQUIVALENT GROUPINGS, WITH A MINIMUM FIVE (5) 5-GALLON SHRUBS PER TREE, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
3.	THE DEVELOPER SHALL PROVIDE BICYCLE PARKING PER SECTION 1307.H OF THE PHOENIX ZONING ORDINANCE, AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

2.	Development shall be in general conformance with the building elevations date stamped January 27, 2012, as approved by the Planning and Development Department.
4. 3.	The maximum building height shall be 18 feet.
5. 4.	A minimum 5,000 square feet of the site outside of the required and stipulated landscaped setbacks shall be provided as open space and landscaped. Landscape shall be provided in accordance with the C-1 Zoning District's streetscape landscape standards as approved by the Planning and Development Department. A MINIMUM OF 10 PERCENT OF THE GROSS AREA SHALL BE RETAINED AS OPEN SPACE, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
5.	Trash receptacles shall be located a minimum of 25 feet from the west property line.
6.	At THE DEVELOPER SHALL PROVIDE a minimum OF ONE ,three pedestrian paths constructed of decorative pavers, stamped or colored concrete, or another material, other than those used to pave the parking surfaces and drive aisles, shall be provided across the drive aisles and provide pedestrian connections WHICH PROVIDES DIRECT CONNECTIVITY with the sidewalk on Central Avenue, and between all buildings as approved by the Planning and Development Department.
7.	A minimum 30% of the required parking stalls shall be composed of a permeable alternative surface as approved by the Zoning Administrator.
8.	Right-of-way totaling 50 feet shall be dedicated for the west half of Central Avenue as approved by the Planning and Development Department.
9.	No vehicular access shall be provided along the west boundary of the property, as approved by the Planning and Development Department.
10.	The property owner shall record a Notice of Prospective Purchasers of Proximity to Airport in order to disclose the existence, and operational characteristics of Phoenix Sky Harbor International Airport to future owners or tenants of the property.
11.	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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