

## Attachment B

Planning Hearing Officer Summary of July 17, 2019  
Application Z-33-07-5  
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### REPORT OF PLANNING HEARING OFFICER ACTION

Adam Stranieri, Planner III, Hearing Officer  
Sofia Mastikhina, Planner I, Assisting

July 17, 2019

#### ITEM 1

#### DISTRICT 5

#### SUBJECT:

Application #: Z-33-07-5 (PHO-2-19)  
Zoning: C-2 HGT/WVR, C-2 H-R  
Location: Approximately 293 feet south of the southeast corner of 99th Avenue and Camelback Road  
Acreage: 28.92  
Request: 

- 1) Modification of Stipulation No. 1 regarding general conformance to site plan and elevations date stamped March 21, 2007.
- 2) Modification of Stipulation No. 3 regarding administrative approval of site plan and elevations for C-2 HR parcel and retail pads.
- 3) Deletion of Stipulation No. 4 regarding pedestrian circulation plan.
- 4) Deletion of Stipulation No. 5 regarding office building and parking structure elevations date stamped March 21, 2007 and May 8, 2007.
- 5) Modification of Stipulation No. 8 regarding street improvements within and adjacent to the development.
- 6) Deletion of Stipulation No. 13 regarding a recorded cross access, cross parking, and common driveway agreement with Maricopa County Department of Transportation.
- 7) Technical corrections to Stipulation Nos. 9 and 10.

Applicant: Advanced Acquisitions, LLC  
Owner: Donald K. Gearheart and Sharon L. Gearheart Revocable Trust  
Representative: Paul Gilbert/Dennis Newcombe, Beus Gilbert PLLC

#### **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 July 10, 2019 meeting. The Committee did not hear this case due to not having a quorum.

## **DISCUSSION**

Paul Gilbert, representing Advanced Acquisitions LLC, presented the case and noted that the property has not been developed since its original entitlement case in 2007. He explained that, since it is now 2019 and the proposal has changed from commercial to residential, the original stipulations from the case no longer apply. He stated that there was a request to modify stipulations in 2008 which was ultimately withdrawn and there has been no development on the property since then. He presented the proposed development, with Parcel A consisting of the main residential portion, Parcel B for commercial office, and Parcel C for a hotel. He explained that the residential portion will provide a new housing option for the area, with 267 rental units at a density of 10.9 dwelling units per acre. These units will be single-story, each with a private back yard, and resembling small cottages. Although they are multifamily in nature, they will function as a single-family product with multifamily amenities located throughout the site. He explained that this type of housing product serves to fill a niche in the market to provide residents with the benefits of single-family homes without the burdens associated with homeownership. He then outlined the requests for modifications of stipulations as follows: Stipulation No. 1 to be modified to include reference to the new proposed site plan, as the originally stipulated plan is now outdated. Stipulation No. 3 to be modified to clarify that site plan and elevations for the remaining Parcels B and C shall be administratively approved by the Planning Hearing Officer. He also submitted a revision to the original modification request to add that Parcels B and C may include future expansion of the multifamily component present in Parcel A. Stipulation No. 4 was originally intended to be deleted but, in working with the City's Street Transportation Department, he is now requesting to modify it to provide a pedestrian circulation plan showing pedestrian connections from the site to the abutting streets and future uses. Stipulation No. 5 is to be deleted as it is no longer relevant due to the change in proposed land use and the proposed themes, colors and materials are entirely different. He explained that Stipulation 8 regarding right-of-way improvements has already been complied with, and that he is proposing to update the language to reflect current ordinance standards. He then stated that Stipulation No. 13 was originally intended to be deleted, but that now he would like request to retain the original stipulation language regarding a cross access, cross parking and common driveway agreement in case the applicant's acquisition of the parcel along 99th Avenue is not finalized. He added that they had attended the Maryvale Village Planning Committee where there was no quorum and had an informal discussion regarding the proposal. Although there were members of the Committee present there, no one voiced their opposition.

Adam Stranieri thanked the applicant for providing a revised request for Stipulation No. 4, and for adopting the language suggested by the Street Transportation Department. He agreed that the new proposed language requiring a pedestrian circulation plan is appropriate given that the conceptual site plan lacks the detail to show pedestrian connectivity. He stated that this use may generate a high volume of pedestrian traffic and, as such, a circulation plan is recommended. Additionally, it addresses comments received from the City's Pedestrian Safety Coordinator regarding the high foot traffic that this development will generate. He addressed the housing type and elevations, stating that this new housing model is starting to become more popular and that the features included in the proposed elevations bring out the single-family character that is

desirable for these types of homes. He noted that the one-bedroom units are attached and asked if the 2- and 3-bedroom units are all detached. Mr. Gilbert replied that only the one-bedroom units are attached, while all 2- and 3- bedroom ones are detached. Mr. Stranieri stated that the elevations are consistent with the scale and character of other residential developments in the surrounding area. He then addressed Stipulation Nos. 1 and 3, stating that some clarification will be needed in the stipulation language to differentiate the development areas. He stated that Stipulation No. 1 specifically calls out the C-2 HGT/WVR parcel, which the majority of the proposed development falls into, with the exception of a small portion that crosses over into the C-2 H-R zoning designation. Stipulation No. 3 requires administrative approval of site plan and elevations by the Planning Hearing Officer for the C-2 H-R portion of the site, which means that, during plan review, the developer would be asked to submit for administrative approval for the small portion of the residential development that crosses over into this district. To avoid any future confusion regarding these stipulations, he suggested that they refer to the development areas as they are presented in the proposed site plan, so that it is clear that only the undeveloped portions outside of the proposed residential development will be required to obtain administrative Planning Hearing Officer approval prior to preliminary site plan approval. He then addressed the request to delete Stipulation No. 5 regarding the design and building materials, agreeing that the stipulation is now irrelevant given that the entire nature of the development has changed for the majority of the site. He stated that the request for Stipulation No. 8 was to update the language to reflect current standards. He pointed out that the only difference between the stipulated language and the proposed language is that the proposal deletes a reference to the "parcel designated 'not-a-part' at the corner." The original zoning case included a small leg along Camelback Road, which extended to the southeast corner of 99th Avenue. At the time, that portion of right-of-way was undeveloped and, now that it is developed, removing the reference to that sliver of land is appropriate. He then stated that, as Stipulation No. 13 is no longer being requested for deletion, he recommends retaining the original stipulation language.

## **FINDINGS**

- 1) The original stipulated site plan consisted of a mixed-use project with retail, office, and hotel uses. The northeastern portion of the site was identified for a high-rise hotel with a maximum building height of 90 feet. The remainder of the site included retail pads and office uses with maximum building heights of 56 feet. The subject property of the current request includes both areas, however the conceptual site plan only depicts proposed development on a portion of the site.

The recommended modifications to the applicant's request language are intended to clarify the applicability of the stipulations to the proposed multifamily development (Development Area A) and retain a trigger for future review of site plans and elevations for the commercial site (Development Area B) and hotel site (Development Area C), as depicted on the site plans date stamped May 31, 2019.

- 2) The conceptual elevations depict single-story bungalow-style homes with single and duplex units. The elevations include pitched roof elements, brick veneers, batten board, shutters, window canopies, wooden eaves, and other architectural features that create visual interest in massing and texture. The elevations are consistent with the scale and character of existing residential development in the surrounding area.
- 3) The applicant submitted revisions to their initial application to modify their requests for Stipulation Nos. 4 and 13. Regarding Stipulation No. 4, the Street Transportation Department indicated their agreement with the applicant's revised language that retains the requirement for a pedestrian circulation plan showing how the multifamily project will interact with adjacent properties and rights-of-way. This requirement is appropriate given the number of proposed units, the potential intensity of the adjacent C-2 HR and C-2 HGT/WVR parcels, and the proximity to a freeway corridor, major arterial streets, and transit infrastructure. In Stipulation No. 13, the applicant indicated that they are involved in ongoing discussions with the owner of the referenced out-parcel and that there is not currently a need to modify this language.

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

### **STIPULATIONS**

1.	<del>That the d</del> Development AREA A of the <del>C-2 HGT/WVR parcel</del> , shall be in general conformance with the site plan and elevations date stamped MAY 31, 2019 <del>March 21, 2007</del> , as modified by the following stipulations and approved by the PLANNING AND Development <del>Services</del> Department.
2.	<del>That t</del> The maximum building height for development of the C-2 HR parcel shall be 90 feet.
3.	<del>That the s</del> Site plans and elevations for DEVELOPMENT AREA B (A PORTION OF THE C-2 HGT/WVR PARCEL) AND DEVELOPMENT AREA C (A PORTION OF THE C-2 HR PARCEL), AS DEPICTED ON THE SITE PLAN DATE STAMPED MAY 31, 2019, <del>the C-2/HR parcel and retail pads</del> shall be administratively approved by the Planning Hearing Officer ( <del>PHO</del> ) prior to preliminary site plan approval. THE REVIEW SHALL EVALUATE COMPATIBILITY WITH THE RESIDENTIAL DEVELOPMENT SITE PLAN AND ELEVATIONS. THIS REVIEW IS FOR CONCEPTUAL PURPOSES ONLY. SPECIFIC DEVELOPMENT STANDARDS AND REQUIREMENTS WILL BE DETERMINED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
4.	<del>That a</del> A pedestrian circulation plan SHALL BE PROVIDED SHOWING PEDESTRIAN CONNECTIONS FROM THE PROPOSED SECURED MULTIFAMILY DEVELOPMENT TO THE ABUTTING STREETS AND FUTURE USES ONSITE <del>consisting of shaded walkways delineated with decorative</del>

	paving material between retail, hotel, and office uses shall be provided, as approved by the PLANNING AND Development Services Department.
5.	<del>That architectural design themes, colors and materials depicted on the "A to E" office building and parking structure elevations date stamped March 21, 2007 and May 8, 2007 shall be used for the entire development of the site to include all four sides of the retail and hotel buildings, as approved or modified by the Development Services Department.</del>
5. 6.	<del>That a</del> A comprehensive sign plan shall be approved for the entire development in accordance with Section 705 of the Zoning Ordinance.
6. 7.	<del>That if</del> any archaeological materials are discovered during any ground disturbing activities at this location, all work within thirty-three feet of that discovery shall cease and the City of Phoenix Archaeologist shall be contacted and allowed time to properly assess the site.
7. 8.	<del>That t</del> The developer shall construct all streets within and adjacent to the development (including the parcel designated "not-a-part" at the corner) with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping, and other incidentals as per plans approved by the PLANNING AND Development Services Department. All improvements shall comply with all ADA accessibility standards.
8. 9.	<del>That a</del> Additional review and approval for all roads within Arizona Department of Transportation (ADOT), Maricopa County (MCDOT), and City of Glendale jurisdiction shall be required, as approved by the PLANNING AND Development Services Department.
9. 10.	<del>That t</del> The applicant shall submit, and have approved, a Traffic Impact Study to the Street Transportation Department and the PLANNING AND Development Services Department prior to preliminary site plan review. The applicant shall be responsible for any dedications and required improvements as recommended by the approved study as approved by the PLANNING AND Development Services Department and the Street Transportation DepartmentS.
10. 11.	That the applicant shall complete and submit the Developer Project Information Form for the MAG Transportation Improvement Program to the Street Transportation Department. This form is a requirement of the EPA to meet clean air quality requirements.
11. 12.	That the applicant contact the Arizona Department of Transportation (ADOT) and file a "Red Border Letter" prior to preliminary site plan approval. For additional information, contact Louis Malloque at 602-712-8755 at ADOT.
12. 13.	That the developer shall provide a recorded cross access, cross parking, and common driveway agreement with Maricopa County Department of Transportation (MCDOT) for the future development of the MCDOT parcel (not

	right-of-way) along 99th Avenue. The agreement shall be reviewed and approved by the PLANNING AND Development <del>Services</del> Department prior to recordation with Maricopa County.
13. 14.	That the property owner shall record documents that disclose the existence and operational characteristics of City of Glendale Airport to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided, which have been reviewed and approved by the City Attorney.
14.	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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