

REPORT OF PLANNING HEARING OFFICER ACTION  
Adam Stranieri, Planner III, Hearing Officer  
Daniel Jordan, Planner I, Assisting

May 19, 2021

ITEM NO: 3

DISTRICT 7

SUBJECT:

Application #: PHO-5-21--Z-111-98-7  
Location: Approximately 238 feet east of the southeast corner of 67th Avenue and Lower Buckeye Road  
Existing Zoning: C-1  
Acreage: 3.28  
Request: 1) Deletion of Stipulation 26.c regarding review and approval of conceptual site plan and elevations for Phase II development.  
Applicant: The Carioca Company  
Owner: RG3 Solar LLC  
Representative: Jeff Winter, Esencia LLC

**ACTIONS**

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

Village Planning Committee (VPC) Recommendation: The Estrella Village Planning Committee heard this case on May 18, 2021 and recommended denial by a 5-0 vote.

**DISCUSSION**

Jeff Winter, the representative, gave an overview of the request. He stated that the subject property of this request is a portion of the larger commercially zoned site at the southeast corner of 67th Avenue and Lower Buckeye Road which is being developed as a gas station and is planned to open in approximately one week. He stated the current request is intended to address a development proposal for the back portion of their property which was identified as a future phase area in the prior PHO request. He stated the development would include a gas canopy for RVs on the east side of the property and a future pad on the south side of the property. He stated that their initial request was for the deletion of Stipulation 26.c regarding Planning Hearing Officer review for a conceptual site plan and elevations for the Phase II development. He stated that concerns were expressed at the Estrella Village Planning Committee meeting regarding

the deletion and they are open to alternative modifications or additional stipulations as needed. He noted that the Village recommended denial of the request.

Adam Stranieri stated he had spoken with the Estrella Village Planner who noted that the Committee was concerned that the site could be developed without public participation if Stipulation 26.c was deleted. He asked Mr. Winter what aspects of the submitted conceptual site plan they intended to develop immediately. Mr. Winter stated both the driveway from 67th Avenue and the RV gas canopy on the east would be developed in the short term. Mr. Stranieri clarified by asking Mr. Winter if the plan is to dustproof the site, make a continuation of the driveway, and develop the canopy on the east. Mr. Winter agreed that is their plan, and they would provide additional landscaping around the perimeter as well.

Mr. Stranieri stated he believed the Committee's area of concern was the portion of the site labeled as "future building pad." Mr. Winter confirmed this was how he interpreted their recommendation as well. Mr. Stranieri stated that there were a few possible options that could address these concerns. He stated he could retain the stipulation as recommended by the VPC but expressed concern that this would halt the project for even the RV canopy and driveway. He stated that he could establish a general conformance requirement for the canopy only and leave the future building pad site for review at a future PHO. However, he noted that the general conformance requirement applied to the entire site would also limit modifications to the pad site in terms of setbacks, height, footprint, and other considerations. Finally, he noted he could establish a future review requirement for the future building pad. He stated that it was clear that the Estrella Village Planning Committee would like to be involved in the review process for the future building. He stated that he would recommend the Estrella Village Planning Committee review the conceptual building elevations in a review and comment session which would allow staff to utilize these comments during plan review.

## **FINDINGS**

- 1) The subject property consists of approximately 3.28 gross acres located east of the southeast corner of 67th Avenue and Lower Buckeye Road. Rezoning Case No. Z-114-06 established Approved C-2 (Intermediate Commercial) zoning on approximately 2.01 gross acres at the hard corner of this intersection. These two cases do not directly correlate to the existing parcel lines for the commercially zoned property at this corner. In 2019, Case Nos. PHO-1-19--Z-114-06 and PHO-4-19--Z-111-98-7 were approved concurrently with multiple stipulation modifications, including establishing a site plan conformance requirement for the Phase I area (Current Stipulation 26.a in this case). The Phase II area, the subject

- property of this request, did not contain any specific development proposal and therefore a PHO review requirement was established (Current Stipulation 26.c in this case). The applicant's proposal in this request is to conform with this requirement for PHO review and to delete the stipulation.
- 2) The proposed conceptual site plan includes an RV fuel canopy with an approximate footprint of 1,940 square feet at 20 feet in height. The fuel canopy will serve as a component of the gas station use that is in the Phase I development, located almost entirely within the subject property of Rezoning Case No. Z-114-06, as described in Finding #1. The proposed elevations depict fuel canopies consisting of painted metal panels. The site plan and elevations are consistent with the approved gas station plans on the adjacent parcel to the west. However, the applicant's request for deletion of the stipulation is recommended for denial as filed and approval with a modification. The modification is to instead require general conformance to the conceptual plans.
  - 3) The conceptual site plan depicts a future building pad on the site with no specific land use or tenant. The conceptual elevations do not include any design for this building. The Estrella Village Planning Committee expressed concerns regarding the unknown character of this building and a desire to have an opportunity to evaluate future proposals for this building. The general conformance requirement to the site plan in this recommendation will control the development standards regarding this building and a future public hearing would be required if the footprint, height, or setbacks of this building change significantly. However, an additional stipulation is required to require a public process once the developer establishes conceptual building elevations. The recommended stipulation is a review and comment session by the Estrella Village Planning Committee prior to final site plan approval which will allow staff to collect public comments for use in the plan review process.
  - 4) The site was identified as archaeologically sensitive and archaeological survey and testing may be required. Stipulations 31-33 were previously established regarding these standards and no additional stipulations are required.
  - 5) There is a proposed privately maintained multi-use trail along the south side of Lower Buckeye Road. Stipulation 29 was previously established regarding the standards for this trail and no additional stipulation is required.

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

**STIPULATIONS**

1.	The development of the R1-8 shall be in general conformance to the site plan dated October 6, 1998, and the development shall include the open space elements, landscape tracts, and perimeter setbacks as described in the submitted Riverside Heights Rezoning Request and Plan of Development document dated October 9, 1998. If the commercial portion of this request is denied, stub street access shall be provided to accommodate residential development as approved by the Planning and Development Department.
2.	Development shall be under the Planned Residential Development option.
3.	The open space area shall provide active amenities for recreation activities such as tennis courts, volleyball, playgrounds and picnic areas, as approved by the Planning and Development Department.
4.	The minimum residential lot depth shall be 110 feet.
5.	The housing elevations shall provide pop-outs or other window detailing on the front elevations and on those side and rear elevations adjacent to streets.
6.	Garage door windows should be an option on any available model.
7.	The living space of a house and/or the entry shall be set back no more than 10-14 feet from the garage for 75% of those properties that have lot widths of less than 55 feet.
8.	Staggered front yard setbacks shall occur for every third lot for those properties with less than 55 feet in lot width.
9.	There shall be floor plans that have front porches as an optional element.
10.	The project fencing shall consist of block, which shall be finished with a smooth texture or decorative design on the outside surface (no unfinished block) or may be of wrought iron, steel, or aluminum.
11.	Wherever properties face out into the common open space areas, viewing fencing shall be provided.
12.	At least three distinctive elevations shall be provided for each standard plan.

13.	Accent materials including brick or stone shall be options available for all models.
14.	All subdivision entrances located at 63rd Avenue and Lower Buckeye Road and the local streets extending from the entrances to the open space tracts shall include detached sidewalks behind a landscaped strip and the curb. The landscape shall include trees and live ground cover.
15.	The applicant shall utilize dual pane windows, solid core doors, and additional insulation which is higher than R-19 on the east exterior walls of those residential units adjacent to 63rd Avenue.
16.	Right-of-way totaling 40 feet and a 10-foot sidewalk easement shall be dedicated for the south half of Lower Buckeye Road.
17.	Right-of-way totaling 40 feet and a 10-foot sidewalk easement shall be dedicated for the east half of 67th Avenue.
18.	Right-of-way totaling 30 feet shall be dedicated for the west half of 63rd Avenue.
19.	An 18-foot by 18-foot right-of-way triangle shall be dedicated at the southwest corner of 63rd Avenue and Lower Buckeye Road.
20.	Right-of-way dedication and street alignments for local streets within the subdivision will be determined by the Planning and Development Department at the time of Preliminary Subdivision Plat Review.
21.	The developer shall construct all streets within and 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.
22.	If the City Council adopts an infrastructure financing program for the Estrella Village, the developer of this property agrees to participate in the program. The Estrella Village boundaries are from Interstate 17/19th Avenue to 107th Avenue and from Interstate 10 to the Rio Salado.
23.	The developer of this property will participate in any future Estrella Village Major Street Landscape Program prior to final site plan/plat approval if such a program is adopted by the City Council. The landscape program will impact the major streets abutting this property.

24.	The developer agrees to participate in a Master Drainage/Open Space Study for the Estrella Village prior to preliminary site plan/plat approval to ensure linkage between developments and the Rio Salado.
25.	The developer agrees to work with the local school district in acquiring and providing infrastructure services for a new school location.
The following stipulations apply to the C-1 portion of the site:	
26.	Site Plan and Elevations:
a.	The Phase I development shall be in general conformance with the site plan date stamped January 18, 2019, as approved or modified by the Planning and Development Department.
b.	The developer shall present Phase I elevations to the Estrella Village Planning Committee for review and comment prior to final site plan approval.
c.	<p>THE PHASE II DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE SITE PLAN AND ELEVATIONS DATE STAMPED MARCH 16, 2021, AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.</p> <p><del>Conceptual site plan and elevations for the Phase II development shall be reviewed and approved by the Planning Hearing Officer through the public hearing process for stipulation modification prior to preliminary site plan approval. This is a legislative review for conceptual purposes only. Specific development standards and requirements may be determined by the Planning Hearing Officer and the Planning and Development Department.</del></p>
D.	THE DEVELOPER SHALL PRESENT PHASE II ELEVATIONS FOR THE FUTURE BUILDING PAD, AS DEPICTED ON THE SITE PLAN DATE STAMPED MARCH 16, 2021, TO THE ESTRELLA VILLAGE PLANNING COMMITTEE FOR REVIEW AND COMMENT PRIOR TO FINAL SITE PLAN APPROVAL.
27.	Access shall be limited to two driveways onto 67th Avenue and two driveways onto Lower Buckeye Road as approved by the Planning and Development Department.

28.	The site shall be developed with a similar architectural and landscape theme to include minimum 24-inch box size shade trees (spaced 20 feet on center) along the south and east property lines, together with a minimum 50' x 50' landscaped entryway feature at the southeast corner of 67th Avenue and Lower Buckeye Road as approved by the Planning and Development Department.
29.	The developer shall dedicate a 30-foot wide Multi-Use Trail Easement (MUTE) along the south side of Lower Buckeye Road and construct a 10' wide multi-use trail (MUT) within the easement in accordance with the MAG supplemental detail, as approved or modified by the Parks and Recreation Department.
30.	A pedestrian circulation pathway shall be provided across and through the site by utilizing concrete sidewalks, or similar. Where said path crosses a drive-aisle or parking surface, a material that contrasts any asphalt surface shall be used, such as stamped concrete or brick pavers. Said path shall connect with the northeast, northwest, and southwest corners of the site to allow easy pedestrian access to the structure and through the site, as approved or modified by the Planning and Development Department.
31.	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.
32.	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.
33.	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.

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