

Attachment C

REPORT OF PLANNING HEARING OFFICER ACTION

Byron Easton, Planner III, Hearing Officer

Teresa Garcia, Planner I, Assisting

February 21, 2024

ITEM NO: 4	
	DISTRICT NO. 6
SUBJECT:	
Application #:	PHO-2-24--Z-127-96-6
Location:	Southeast corner of 48th Street and Thistle Landing Drive
Zoning:	CP/GCP
Acreage:	40.36
Request:	<ol style="list-style-type: none">1) Request to modify Stipulation 1 regarding general conformance with the site plan dated October 15, 1997.2) Request to delete Stipulation 2 regarding a Comprehensive Sign Plan.3) Technical Correction to Stipulation 3.4) Request to modify Stipulation 7 regarding building height.5) Request to delete Stipulation 8 regarding a landscaped entryway.6) Request to delete Stipulation 9 regarding landscaped pedestrian walkways.
Applicant:	Thistle Income Partners LLC
Owner:	Thistle Income Partners LLC
Representative:	Thistle Income Partners LLC

ACTIONS:

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

Village Planning Committee (VPC) Recommendation: The Ahwatukee Foothills Village Planning Committee heard this request on January 22, 2024 and recommended approval with additional stipulations by a vote of 8-0.

DISCUSSION:

Nick Wood, representative of Snell & Wilmer LLC, gave an overview of the site and modification requests. He stated the one of the primary concerns voiced by surrounding neighbors was building setbacks. He stated that even though the applicant is allowed up to 80-feet in height by the Zoning District, the buildings will be 56 feet tall with a minimum 126-foot setback. He stated the size of the

streets provides a greater distance from surrounding homes. He stated the substation will be 770 feet away from the nearest single-family home. He stated the park will be publicly accessible from 6:00AM-10:00PM and have substantial security 24/7. He stated in the event the project is phased; the park will be built when the final certificate of occupancy is issued.

Nikki Micale, 14817 South 46th Place, stated the applicant's public outreach map showed minimal dots for the southwest corner of 48th Street and Thistle Landing Drive. She stated that the before mentioned area is where her two properties are located and that she has video footage showing no one approached her homes for public outreach. She clarified that her neighbors attended the meeting because it was a work night. She stated that if the developer was interested in building a park, it would be located closer to 48th Street. She stated she is concerned with the heat, noise and traffic generated for the proposed site.

Byron Easton, Planning Hearing Officer, asked Mr. Wood if he can provide data regarding daily trips generated for the proposed site.

Mr. Wood stated the existing site would produce 226 daily a.m. arrival trips and 59 daily a.m. departure trips during peak morning times at full capacity; the proposed project would produce 65 daily a.m. arrival trips and 51 departing. He stated the existing site would produce 56 arrivals and 160 departing during peak evening times; the proposed project would produce 28 arrivals and 65 departing.

Mr. Easton asked how the park will be fenced.

Mr. Wood stated the conceptual plan may not indicate the actual shape of the park. He stated when the geometry is determined, the fence and gates will be designed to go around the perimeter of the park.

Mr. Easton recommended denial as filed, approval with modifications and additional stipulations.

FINDINGS:

- 1) The request to modify Stipulation 1 regarding general conformance with the site plan dated October 15, 1997 is recommended to approved with a modification to replace the general conformance stipulation with targeted, specific stipulations that ensure the site plan adheres to goals that were agreed upon by the developer and surrounding neighborhoods. The first stipulation ensures that the developer will maintain a minimum 126' perimeter building setback as depicted on the proposed site plan. The second stipulation ensures that the substation will be located away from the single-family residential neighborhoods adjacent to the site as shown on the proposed site plan. The third stipulation ensures that the park will

be constructed to the size and location as shown on the proposed site plan and will operate at the hours listed by the fourth stipulation.

The original stipulated site plan consisted of four (4), L-shaped buildings that were designed for a call center use, higher employee numbers/parking and more traffic. The proposed use will produce lower impacts to the community, will provide more dense landscaping and will provide 24 hour security to the area.

- 2) The request to delete Stipulation 2 regarding a Comprehensive Sign Plan is approved. There is no need for a CSP with one, unified user.
- 3) The request for a technical correction to Stipulation is approved.
- 4) The request to modify Stipulation 7 regarding building height is recommended for approval to match the proposed design of the data center, which require additional interior height for operational uses. As such, in order to accommodate this Project, this application requests to modify this stipulation so that the maximum permitted building height is in conformance with the Zoning Ordinance's baseline standards for the CP/GCP zoning district (which is the Property's underlying zoning).
- 5) The request to delete Stipulation 8 regarding a landscaped entryway feature is recommended for approval. Since the Project is no longer a commercial center, an entryway feature is no longer required.
- 6) The request to delete Stipulation 9 regarding landscaped walkways is recommended denial as filed. Workers on site will still need walkways to connect to the other buildings and adjacent right of ways for public transit access.
- 7) The new stipulation is added to provide clarity for City Staff regarding the timing of the of the construction of the publicly accessible open space (park) and how that it now tied to the certificate of occupancy for the final building on the site. This stipulation allows for the buildings that are build in earlier phases be completed an occupied while allowing the installation and completion of the park to be timed by the contractor to avoid conflicts with construction equipment. It is noted by the Planning Hearing Officer and agreed upon by the applicant that the Phasing Plan referenced by the stipulation be submitted to the Development Division for Director approval at the time of preliminary site plan review.
- 8) The applicant did not submit a Proposition 207 waiver of claims prior to the Planning Hearing Officer hearing. Submittal of this form is an application requirement. An additional stipulation is recommended to

require the applicant to record this form and deliver it to the City to be included in the rezoning application file for record.

STIPULATIONS:

1.	<p>That development be in general conformance with the site plan dated October 15, 1997 as may be modified by the following stipulations, and the Development Services Department.</p> <p>THE DEVELOPER SHALL PROVIDE MINIMUM 126' BUILDING SETBACKS FROM ALL PERIMETER PROPERTY LINES, AS DEPICTED ON THE SITE PLAN DATE STAMPED DECEMBER 11, 2023, AND AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.</p>	
2.	<p>THE PROPOSED SUBSTATION SHALL BE LOCATED IN THE SOUTHEAST QUARTER OF SITE, AS DEPICTED ON THE SITE PLAN DATE STAMPED DECEMBER 11, 2023, AND AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.</p>	
3.	<p>THE DEVELOPER SHALL PROVIDE AN APPROXIMATELY 2 ACRE PUBLICLY ACCESSIBLE OPEN SPACE AREA IN THE NORTHEAST QUARTER OF THE SITE, AS DEPICTED ON THE SITE PLAN DATE STAMPED DECEMBER 11, 2023, AND AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.</p>	
4.	<p>THE PUBLICLY ACCESSIBLE OPEN SPACE SHALL BE OPEN TO THE PUBLIC FROM 6AM-10PM.</p>	
2.	<p>That the property be subject to a Comprehensive Sign Plan per Section 705.JJJ of the Zoning Ordinance. The sign plan shall convey a sense of continuity between the buildings and the property as a whole.</p>	
5. 3.	<p>That all buildings within the project shall be harmonious with each other and each building elevation shall be consistent and continuous in design and materials around the building, as approved by the PLANNING AND Development Services Department.</p>	
6. 4.	<p>That the following right-of-way dedications be provided:</p>	
a.	<p>A 55-foot half street and landscape/sidewalk for 48th Street.</p>	
b.	<p>A 33-foot half street and a 10-foot landscape/sidewalk easement for</p>	

	Thistle Landing Drive; and
c.	A 35-foot half street and a 10-foot landscape/sidewalk easement for 50th Street;
d.	An 18-foot by 18-foot triangle at 48th Street and Thistle Landing Drive.
7. 5.	Additional right-of-way dedications may be required upon review of the final approved Traffic Impact Study by the Street Transportation Department.
8. 6.	The Developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, streetlights, median islands, landscaping and other incidentals as per plans approved by the City.
9. 7.	That no buildings shall exceed 56-FEET one story in height.
8.	That a landscape entryway feature be provided at the northwest corner of the site approved by the Development Services Department.
10. 9.	That landscaped pedestrian walkways be proved throughout the site connecting buildings and adjacent rights-of-way as approved by the Development Services Department.
11.	IN THE EVENT THE PROJECT IS PHASED, THE PUBLICLY ACCESSIBLE OPEN SPACE WILL NOT BE REQUIRED TO BE COMPLETED UNTIL PRIOR TO THE ISSUANCE OF THE FINAL CERTIFICATE OF OCCUPANCY FOR THE LAST BUILDING OF THE PROJECT, AS PER A PHASING PLAN FOR THE OVERALL PROJECT, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
12.	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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