

## REPORT OF PLANNING HEARING OFFICER ACTION

Teresa Hillner, Planner III, Hearing Officer  
Jazmine Braswell, Planner I, Assisting

September 19, 2018

### ITEM 1

### DISTRICT 7

#### SUBJECT:

Application #: Z-120-88-7 (PHO-1-18)  
Zoning: A-2  
Acreage: 20.9  
Location: Approximately 565 feet west of the southwest corner of 39th Avenue and Lower Buckeye Road  
Proposal: 1) Deletion of Stipulation No. 1 regarding general conformance to site plan submitted and dated May 18, 1988.  
2) Deletion of Stipulation No. 2 regarding a maximum of .3 FAR.  
3) Deletion of Stipulation No. 3 regarding 25-foot landscape setbacks for street frontages along Lower Buckeye Road and 39th Avenue and 2.5 inch caliper trees to be planted.  
4) Deletion of Stipulation No. 5 regarding 6-foot masonry walls to be placed along the perimeter property lines.  
5) Deletion of Stipulation No. 6 regarding outdoor storage be limited to the yard area as specified on site plan dated May 18, 1988.  
6) Deletion of Stipulation No. 7 regarding future development plans shall be subject to review by the Planning Hearing Officer.  
Applicant: Exeter Property Group - Cristina Virgilio  
Owner: 303 and Lower Buckeye LLC  
Representative: Cawley Architects - Kevin Fawcett

#### **ACTIONS:**

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended denial as filed and approved with a modification.

Village Planning Committee (VPC) Recommendation: At its September 11, 2018 meeting, the Estrella Village Planning Committee recommended approval with modifications by a 7-0 vote.

#### **DISCUSSION:**

Mr. Benjamin Tate with Withey Morris PLC, representing Cawley Architects, described the proposed development spans across to the adjacent property that is not included in the original rezoning case boundaries. The full development area consists of about 33 acres. The 20.9 acres was rezoned in 1988 for a foundry to cast and manufacture light

weight aircraft components. The original stipulations were imposed based off the environmental concerns with the foundry use.

One of those stipulations was in regards to the Floor Area Ratio (FAR). The restricted FAR was to limit the footprint of the development therefore, it would lessen the environmental effects to the surrounding properties. The facility was never constructed and today's current use on the site is outdoor trailer and vehicle storage. He explained the original site plan and stipulations anticipated a phased development. The new proposed development, a 550,000-square foot distribution center, will not be phased.

Mr. Tate stated they are requesting to delete Stipulation No. 1 regarding general conformance to the 1988 site plan. The proposed development is for a different use therefore; they are proposing a new site plan. As well, they are requesting to delete Stipulation No. 2 regarding a maximum of .3 FAR. A distribution center is a very different use than a foundry, it doesn't carry with it the same environmental concerns. In addition, they are requesting to delete Stipulation No. 3 regarding a 25-foot landscape setback. They are going to provide a 50-foot landscape setback along Lower Buckeye Road. They are seeking to delete Stipulation No. 5 regarding a 6-foot high masonry wall along the perimeter of the property lines. They are proposing to provide an 8-foot high wall. Stipulation No. 6 limited the location and area of the outdoor storage. This use is different from the original proposal with potentially less noxious outdoor storage. All the proposed new storage will be fully screened and comply with the current zoning ordinance standards. They are requesting to delete Stipulation No. 7 regarding phasing of the development and the requirement to come back through the PHO process. The new proposed development will not be developed in phasing therefore; it eliminates the purpose of coming back through the PHO process.

Ms. Teresa Hillner asked if there was conversation at the Estrella Village Planning Committee meeting regarding adding the 50-foot landscape setback as a stipulation.

Mr. Kevin Fawcett stated there were no conversation regarding that.

Ms. Hillner stated if the Village Planning Committee had concerns, she could add it as a stipulation or could be shown on the new proposed site plan they are going to be stipulated to. She stated we received department comments from Floodplain Management Division therefore, she is going to add an additional stipulation regarding the finish floor elevation. Mr. Fawcett then explained they are going to go through the process to evaluate the Floodplain comments. The stipulation is not necessary given the site planning process would ensure compliance.

Mr. Adam Baugh, with Withey Morris PLC, they are not opposed to the additional stipulation however, he want to make sure it is going to be applied only to the portion of the property that is include in the original rezoning case boundaries. They do not want to burden the adjacent property with a stipulation that is only intended to comply with the portion of the site that is held to the rezoning stipulations.

Ms. Hillner stated she is going to deny the request as filed and approved with a modification.

**FINDINGS:**

1. The site has been vacant since the rezoning back in 1988. The proposed use of a foundry never was constructed. Several of the stipulations were directly related to the foundry use. Now the proposed use is a warehouse that does not have the same impacts on the adjacent properties.
2. The property is zoned A-2 (Industrial District) so screening and landscaping requirements are already prescribed in the Zoning Ordinance. The request to delete stipulations relating to those development standards are appropriate, given the proposed use. The request to delete the conformance to the site plan is not deleted so that the on-site circulation and building placement can be identified.

**DECISION:**

The Planning Hearing Officer recommended denial as filed and approved with a modification.

**STIPULATIONS:**

1.	That development be in general conformance to the site plan submitted and dated <del>May 18, 1988</del> AUGUST 3, 2018 and as may be modified by the following stipulations.
2.	<del>That development not exceed a .3 FAR.</del>
3.	<del>That 25-foot landscaped setbacks be provided for street frontages along Lower Buckeye Road and 39th Avenue at the time of Phased development. Such landscaping is to include 2 ½ inch caliper trees planted 20 feet on center or in equivalent groupings. The landscaping shall be maintained with an appropriate watering system.</del>
24.	That parking areas be screened with a three-foot screen wall and/or equivalent berm.
5.	<del>That six foot masonry walls be placed along the perimeter property lines exclusive of frontages along Lower Buckeye Road and 39th Avenue at the time of Phase I development. A five (5) foot landscape strip is to be placed along the face of the perimeter walls.</del>
6.	<del>That outdoor storage be limited to the yard area as specified on the submitted site plan dated May 18, 1988. The yard area shall be screened with a six-foot masonry wall and storage of items within the yard area shall not exceed six feet in height.</del>
7.	That future development plans shall be subject to review by the Planning Hearing

	<del>Officer to determine the level of compliance with the stipulations listed above.</del>	
38.	That land reserved for future development shall be maintained to be free of weeds and dust.	
49.	That right-of-way be dedicated within one year of final City Council action to include:	
	a.	A 33-foot half street for 39th Avenue.

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