

## Attachment B

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

April 21, 2021

ITEM NO: 3

DISTRICT 6

SUBJECT:

Application #: PHO-1-21--Z-141-97-6  
Location: Approximately 400 feet southeast of the intersection of 50th Street and Thistle Landing Drive  
Existing Zoning: CP/GCP  
Acreage: 30.64  
Request: 

- 1) Modification of Stipulation 1 regarding general conformance to the site plan dated November 17, 1997.
- 2) Modification of Stipulation 4 regarding access points onto 50th Street.
- 3) Deletion of Stipulation 5 regarding right-of-way for a box culvert crossing 50th Street.
- 4) Deletion of Stipulation 6 regarding a drainage channel and related construction details and right-of-way.
- 5) Deletion of Stipulation 7 regarding retention for the 100-year 2-hour rainfall event in a single common retention basin.
- 6) Technical correction to Stipulation 2

Applicant: Jason Morris, Withey Morris PLC  
Owner: Kyrene Elementary School District  
Representative: Jason Morris, Withey Morris PLC

### **ACTIONS**

Planning Hearing Officer Recommendation: The Planning Hearing took the case under advisement. On May 11, 2021, the Planning Hearing Officer took the case out from under advisement and recommended approval with modifications and additional stipulations.

Village Planning Committee (VPC) Recommendation: The Ahwatukee Foothills Village Planning Committee opted not to hear this request.

### **DISCUSSION**

Benjamin Tate, the representative, gave an overview of the request. He stated that the site is just over 28 acres and located southeast of the intersection of 50th Street and Thistle Landing Drive. He stated that the site was acquired by the

Kyrene School District in 1995 for a school site, but they ultimately chose a different site and it was rezoned to from RE-43 to CP/GCP in 1998. The original rezoning request was for a larger area and the parcel to the north is already developed. He stated that they are requesting a new site plan for general conformance for light industrial uses per Stipulation 1, modification of Stipulation 4 to increase the number of access points allowed on the site from two to four, deletion of Stipulation 5 regarding the box culvert due to the stipulation being met, deletion of Stipulation 6 regarding a drainage channel, and deletion of Stipulation 7 regarding retention. He stated that the proposed use is 3 light industrial buildings with a total of 510,000 square feet with parking and loading bays between each building. He stated that the loading bays will be screened from the adjacent roadways to reduce their visual impact and due to its location along the I-10 frontage road and vehicular access is only available along 50th Street. The property will also include detached sidewalks along 50th Street and shade trees along the sidewalks.

Adam Stranieri stated that the site plan is consistent with the scale and intensity with commerce park developments in the surrounding area and the style and size is expected with this type of use. He stated that the screening is also consistent with other stipulations that were not included in the request and will be retained.

Mr. Stranieri moved on to Stipulation 4 regarding the number of driveways. He stated that the Street Transportation Department noted that there was already a driveway access point near the southwest corner of the site which provides access to an existing drainage channel to the south. He stated that due to this they are willing to support increasing the number of driveways from two to three but not to four. He noted concerns regarding the capacity to align additional driveways with other driveways along 50th Street. He stated that the Street Transportation Department also requested an additional stipulation requiring the dedication of a 20-foot drainage easement adjacent to the existing 30-foot drainage easement to the south of the property. He stated that the existing driveway was intended to provide access to the existing 30-foot drainage easement. The requirement for the new 20-foot drainage easement is intended to provide continued access to the existing drainage easement once the site is developed. Mr. Tate noted that if the intent behind the easement is strictly for access then it should not restrict them from providing parking within that easement. He stated that he would rather the language be modified to reflect an access easement rather than a drainage easement. Mr. Stranieri asked what the concern was with the wording of drainage easement. Mr. Tate explained that he would want to ensure that the developer could provide landscaping and parking within the easement area as depicted on the plan and stated that they would be amenable to the term public easement.

Mr. Stranieri moved on to Stipulation 5 and stated that the box culvert was constructed at the time when the property to the north was developed and can be deleted. He stated that Stipulation 6 regarding a drainage channel and related construction details and right-of-way reflected drainage concerns that impact outfall from the parcel to the north through the subject site. He stated that these concerns are still present today and the stipulation needs to be retained. He stated that Stipulation 7 regarding retention for the 100-year 2-hour rainfall event in a single common retention basin should remain. He noted that the subject property is considerably larger than the parcel to the north and that that parcel had met the stipulation with an approved grading and drainage plan. He noted that the applicant's narrative expressed concern regarding meeting the stipulation for only a portion of the site and stated that staff felt the condition was still appropriate and achievable given the existing development to the north.

Mr. Stranieri went back to Stipulation 4 and stated that he did not know whether the Street Transportation Department would be amenable to changing the easement type in the additional stipulation or whether landscaping and parking would be permitted within the proposed easement type. He recommended to take the case under advisement to investigate the appropriate easement type to achieve the intent of the Street Transportation Department staff taking into consideration the applicant's concerns regarding the capacity to develop within the easement. He asked if Mr. Tate had any questions regarding his position on the remainder of the stipulations and if he had concerns regarding taking the case under advisement. Mr. Tate stated that he did not have any further questions. Mr. Stranieri took the case under advisement.

## **FINDINGS**

- 1) The original stipulated site plan was conceptual in nature and depicted an office complex arranged in a square pattern centered around a circular open space with a rotary driveway configuration. The offices were split into four buildings consisting of approximately 73,250 square feet each and approximately 293,000 square feet in total. Large parking areas were depicted north and south of the office buildings. This proposal failed to develop, and the property remains vacant. The proposed site plan depicts three shell warehouse buildings lying in an east-west pattern across the site. Total building square footage is approximately 510,831 square feet with the individual buildings at approximately 140,941, 159,220, and 210,670 square feet respectively. Loading areas are depicted in screened, gated areas between the buildings. The proposal is consistent in scale and intensity with other large-scale office and warehouse developments in the surrounding area, particularly along 50th Street to the north and west. General conformance to the conceptual site plan is

- recommended with a minor modification to the applicant's request to incorporate more current standard language.
- 2) Stipulation 4 currently limits the total number of access points along 50th Street to a maximum of two. The Street Transportation Department noted that a special circumstance exists on the site in that a driveway access point is already present near the southwest corner of the site to provide access to an existing drainage channel. Therefore, the Street Transportation Department is amenable to accept a third driveway to be located at the existing drive location. This recommendation is consistent with guidelines in the Street Transportation Planning and Design Manual which states that driveways should align with those on the opposing side of the street to avoid conflicting turn movements, provide adequate queuing and storage between each driveway, and be consolidated whenever possible. Therefore, the applicant's request is recommended to be approved with a modification to permit a maximum of three, rather than the proposed four, access points.
  - 3) The Street Transportation Department also noted that the existing third driveway will be utilized for site access and drainage channel access. Therefore, an additional stipulation is recommended to require a 20-foot wide public drainage easement to be dedicated abutting the existing 30-foot-wide drainage easement. This 20-foot public drainage easement is intended to provide access to the existing drainage channel in accordance with the third driveway. The case was taken under advisement in order to allow additional research on the applicant's concerns regarding potential construction in this area. Street Transportation Department staff subsequently confirmed their initial recommendation was appropriate and this additional stipulation is recommended for inclusion.
  - 4) The applicant's request for deletion of Stipulation 5 is recommended for approval. The box culvert in the stipulation was constructed at the time that the adjacent property to the north was developed and is present today. This property is within the boundaries of the original rezoning case but is not included in the subject property of this request.
  - 5) The applicant's request for deletion of Stipulation 6 regarding a drainage channel is recommended to be denied. In the original rezoning case, it was noted that the site is affected by both on and off-site drainage issues with inadequate outfall south of Pecos Road and channels to reach Pecos Road. The intent of the stipulation was to help mitigate impacts by providing appropriate easements and channels and attenuate flows by using common retention areas and routing off-site flows through them. These concerns remain today. Additionally, Planning and Development staff noted that the ultimate site outfall from the north parcel is through this site to a channel adjacent to the south property line. The applicant

argued that this stipulation has been satisfied. These drainage issues will continue to be reviewed by staff through the plan review process to determine whether additional work is required to satisfy this condition.

- 6) The applicant's request for deletion of Stipulation 7 regarding a requirement for the developer to provide retention for the 100-year 2-hour rain fall event is recommended to be denied. The applicant argued that at the time of the original rezoning approval, the stipulation was intended to apply to the entire 41.55 gross acre site. They stated that this condition is not feasible on the approximately 30.64 gross acres that constitutes the subject property of the current request, without the inclusion of the parcel adjacent to the north. However, the approximately 10.91 gross acre site adjacent to the north fulfilled this stipulation during development with the approved grading and drainage plan for the Mountain Vista Commercial Center. The stipulation is feasible to be satisfied for the subject property of this request and should be retained.

**DECISION:** The Planning Hearing took the case under advisement. On May 10, 2021, the Planning Hearing Officer took the case out from under advisement and recommended approval with modifications and additional stipulations.

**STIPULATIONS**

1.	<del>That</del> THE development SHALL be in general conformance to WITH the site plan dated DATE STAMPED MARCH 5, 2021 <del>November 17, 1997,</del> AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
2.	<del>That</del> The entire site SHALL be developed with a unified architectural theme. The theme should assure the building colors, elevations, exterior materials, landscaping, lighting and signage convey a sense of continuity throughout the development, as approved by the PLANNING AND Development Services Department.
3.	<del>That</del> All loading docks shall be screened from view.
4.	<del>That</del> A maximum of <del>two</del> THREE access points SHALL be permitted on 50th Street as approved by the PLANNING AND Development Services Department.
5.	<del>That the developer provide right of way as determined by Development Services Department for a box culvert crossing 50th Street at the southwest corner of the site, or in an alternate location as approved by the Development Services Department.</del>

5. <del>6.</del>	<del>That</del> The developer shall provide, at a minimum, right-of-way for a drainage channel along a portion of the east property boundary. This channel shall connect to the channel proposed within the Interstate 10 right-of-way and the existing channel located south of the existing site. The location of this channel shall be consistent with drainage studies approved or accepted by the PLANNING AND Development <del>Services</del> Department. <del>That</del> if required by the PLANNING AND Development <del>Services</del> Department, the applicant shall construct the channel only for that portion which is located outside of the ADOT right-of-way.
6.	THE DEVELOPER SHALL DEDICATE A 20-FOOT-WIDE PUBLIC DRAINAGE EASEMENT ALONG THE SOUTH PROPERTY LINE, ABUTTING THE EXISTING 30-FOOT-WIDE DRAINAGE EASEMENT, AND ALIGNED WITH THE PROPOSED SOUTHERN ACCESS POINT TO 50TH STREET, AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
7.	<del>That</del> The developer SHALL provide retention for the 100-year 2-hour rainfall event in a single common retention basin, or in an alternate configuration as approved by the PLANNING AND Development <del>Services</del> Department, and to be maintained by a property owner's association.
8.	<del>That</del> The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping, and other incidentals as per plans approved by the City. All improvements shall comply with all ADA accessibility standards.
9.	<del>That</del> The developer shall provide the City with a revised Traffic Impact Study. Additional right-of-way dedications may be required based upon the approved revised Traffic Impact Study.
10.	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.