

ATTACHMENT C

REPORT OF PLANNING HEARING OFFICER ACTION Byron Easton, Planner III, Hearing Officer Teresa Garcia, Planner I, Assisting

September 18, 2024

ITEM NO: 2	
	DISTRICT NO. 7
SUBJECT:	
Application #:	PHO-1-24--Z-45-05-7
Location:	Approximately 1,290 feet north of the northwest corner of 91st Avenue and Lower Buckeye Road
Zoning:	CP/GCP
Acreage:	15.38
Request:	<ol style="list-style-type: none">1) Request to modify Stipulation 1 regarding general conformance to the site plan date stamped August 5, 2005.2) Request to modify Stipulation 1B. regarding the construction of future buildings on the site.3) Request to modify Stipulation 1C. regarding dustproofing.
Applicant:	Marcela Mora-Yatko, Gilbert Blilie PLLC
Owner:	Cortez Holdings LLC
Representative:	Jeff Blilie, Gilbert Blilie PLLC

ACTIONS:

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended approval with modifications and additional stipulations.

Village Planning Committee (VPC) Recommendation: The Estrella Village Planning Committee reviewed the request on September 17, 2024 and recommended approval with a vote of 7-0.

DISCUSSION:

Jeff Blilie, representative of Gilbert Blilie PLLC, gave an overview the site. He stated they are updating the site plan and elevations to meet current standards. He stated they are proposing two buildings in the CP/GCP SP area and two buildings on the CP/GCP area during Phase II. He stated the dustproofed area will feature a future parking lot that will be developed during the first phase, two proposed buildings for the second phase, and a retention area.

Byron Easton, Planning Hearing Officer, recommended approval to Request 1 regarding general conformance to the site plan dated stamped September 13,

2024. He recommended approval with a modification to Request 2 regarding Stipulation 1.B regarding the construction of the buildings on the site as the proposed buildings have been moved to the special permit area and the future buildings will have to match the buildings proposed on the current conceptual site plan. He recommended approval to Request 3 regarding dustproofing as the area is being developed as a retention and storage area for the site. He recommended an additional stipulation per the Public Transit Department regarding the construction of a bus pad along the west side of 91st Avenue.

Mr. Blilie stated he was not aware of the new stipulation and asked if it was a standard stipulation the department gave.

Mr. Easton confirmed it was a standard stipulation.

FINDINGS:

- 1) The request to modify Stipulation 1 regarding general conformance to the site plan is recommended to be approved. Since the 2005 stamped site plan, GMS has updated the site plan to relocate the office building and storage buildings from the CP/GCP area to the CP/GCP-SP area, relocated and added parking spaces, and has reduced the number of driveways into the site from two to one primary driveway and one fire access driveway. Furthermore, GMS plans to develop the southern portion of the project in a future phase which differs from the August 2005 site plan. While these changes differ from the site plan date stamped August 1, 2005, the overall proposed development fulfills a similar intent to what was originally proposed.
- 2) The request to modify Stipulation 1.B is recommended to be approved. Since the approval of the 2005 zoning case, the proposed buildings have been relocated from the CP/GCP area to the CG/GCP-SP area. Therefore, it is requested that any future buildings on the site conform to the same architecture and features regardless of where the building is located on the site. Additionally, the property owner has since developed an updated design for the office building and storage building on site. The modification of Stipulation 1.B requests that any buildings constructed on the site conform with the updated architecture and features proposed with this request.
- 3) The proposed deletion of Stipulation 1.C is recommended to be approved. The request is in response to the revised site plan and the area that previously identified as a dust proofed area being developed as retention, future storage buildings and parking. Due to the proposed development of the dust-proofed area on the site, the proposed site plan included with this application no longer identifies a dust-proofed area, therefore, this stipulation is longer be applicable.

- 4) An additional stipulation has been added at the request of the Public Transit Department. Future transit service will need to serve the 91st Avenue corridor, and there should be stops every 1/4 mile to adequately serve transit users.
- 5) 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:

<u>STIPULATIONS</u>	
SITE PLAN/ELEVATIONS	
1.	That The site shall be developed in general conformance to the site plan date stamped SEPTEMBER 13, 2024 August 1, 2005 , as modified by the following stipulations and as approved or modified by the PLANNING AND Development Services Department.
A.	That Building heights in the CP/GCP shall not exceed 40 feet.
B.	That Any future buildings constructed ON SITE in the CP/GCP, shall have similar architecture and features as originally proposed in this request, as may be approved OR MODIFIED by the PLANNING AND Development Services Department.
C.	That, if the area shown as a dust-proofed area is developed in the future, the revised site plan shall be subject to a Planning Hearing Officer process for review and approval.
LANDSCAPING	
2.	That The developer shall provide and maintain a minimum 10-foot-wide landscape setback with minimum 2-inch caliper shade trees along the inside of the 6-foot block walls where adjacent to the school site and proposed city park, as approved or modified by the PLANNING AND Development Services Department.
PAVING	
3.	That, Excluding the customer parking area, location of administrative offices and both parking stalls for trucks and driveway leading to the truck stalls, all other areas on this site shall be paved with stabilized granite and treated with "Soil-Loc" dust retardant or similar product, rather than

	asphalt, concrete, or decorative pavers, as approved by the Zoning Administrator, to minimize the “heat island” effect of large paved surfaces.
RIGHT-OF-WAY	
4.	That The development along 91st Avenue shall conform to the Estrella Village Arterial Street Landscaping program, that specifically provides landscaping requirements for arterial streets in the Estrella Village.
5.	That Right-of-way totaling 55 feet and a 10-foot sidewalk easement shall be granted for the west half of 91st Avenue. (Note: 91st Avenue is off-set by 9 feet to the west to miss the 69kv power poles)
6.	DEDICATE RIGHT OF WAY AND CONSTRUCT A BUS PAD THAT IS 10 FEET WIDE AND 40 FEET WIDE CONFORMING WITH CITY OF PHOENIX STANDARD DETAIL P1260. THE PAD SHALL BE LOCATED ON SOUTHBOUND 91ST AVENUE SOUTH OF WHYMAN AVENUE. THE PAD SHALL BE LOCATED 60 TO 110 FEET SOUTH OF WHYMAN AVENUE PER STANDARD DETAIL P1258.
7. 6.	That 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 PLANNING AND Development Services Department. All improvements shall comply with all ADA accessibility standards.
8. 7.	The applicant shall complete and submit the Developer Project Information Form for the MAG Transportation Improvement Program to Mr. Alan Hilty, (602) 262-6193, with the Street Transportation Department. This form is a requirement of the EPA to meet clean air quality requirements.
9.	PRIOR TO PRELIMINARY SITE PLAN APPROVAL, THE LANDOWNER SHALL EXECUTE A PROPOSITION 207 WAIVER OF CLAIMS FORM. 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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