

ATTACHMENT C

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

November 20, 2024

ITEM NO: 2	
	DISTRICT NO. 7
SUBJECT:	
Application #:	PHO-2-24--Z-21-02-7
Location:	Southeast corner of 83rd Avenue and Lower Buckeye Road
Zoning:	C-1
Acreage:	2.71
Request:	<ol style="list-style-type: none">1) Request to modify Stipulation 1 regarding general conformance to the site plan date stamped July 1, 2016.2) Request to modify Stipulation 3 regarding compatible elevations date stamped July 1, 2016.3) Request to modify Stipulation 6 regarding an 8-foot wide multi-purpose trail along Lower Buckeye Road.
Applicant:	Cassandra Ayres, Berry Riddell, LLC
Owner:	Crossroad Commons LLC
Representative:	Cassandra Ayres, Berry Riddell, LLC

ACTIONS:

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended approval with a modification and an additional stipulation.

Village Planning Committee (VPC) Recommendation: The Estrella Village Planning Committee was scheduled to hear this request on November 19, 2024 but did not have a quorum.

DISCUSSION:

Byron Easton, Planning Hearing Officer, stated that the applicant is requesting the same stipulation modification requests as the companion case (PHO-1-24—Z-74-15-7) plus an additional request regarding the 8-foot multi-use trail (MUT). He stated the only public correspondence received was an email from the Estrella Village Planning Committee (VPC) chair, Lisa Perez, stating she was in support of the requests. He asked Ms. Ayres how she interprets the original stipulation regarding integration of open space and pedestrian connections between the commercial and residential development.

Ms. Ayres responded by stating that she interprets the stipulation to refer to the connection between the commercial and residential development from the

original rezoning case. She stated there was no residential development proposed for the property.

Mr. Easton recommended approval with a modification to Stipulation 1 regarding general conformance to the site plan, adding updated general conformance language for both the site plan and elevations. He recommended approval with a modification to Stipulation 3 regarding compatible elevations, stating the overall development shall use the same architecture materials throughout. He recommended approval to the modification of Stipulation 6 regarding a multi-purpose trail as they are looking to increase safety and walkability for the site. He added a new stipulation regarding submitting a Proposition 207 waiver prior to preliminary site plan approval.

FINDINGS:

- 1) The request to modify Stipulation 1 regarding general conformance to the site plan is recommended to be approved with a modification to include current stipulation language. Similar to the previous approvals, the proposal is still for single pad and multi-tenant commercial uses on the site. However, the site has recently changed ownership, so the site plan needs to be updated to reflect the new owner's proposal and to accommodate the interested commercial users. Further, I am deleting the references to providing connections between the commercial and residential developments as that is adequately demonstrated on the site plan. The residential south of the site, which was included in this zoning case was never developed and is now owned by the Roman Catholic Church Diocese. Since this site is on the hard corner, if the residential were to ever develop, pedestrians can access the commercial via S. 83rd Ave.
- 2) The request to modify Stipulation 3 regarding compatible elevations is recommended to be approved. Updated elevations have been submitted to accommodate the new commercial proposal. They are not developing the residential portion of the rezoning; therefore, no changes are being made to the stipulated architectural style of the residential development.
- 3) The request to modify Stipulation 6 regarding an 8-foot wide multi-purpose trail along Lower Buckeye Road is recommended to be approved. The applicant is proposing to develop a 10-foot Multi-Use Trail ("MUT") where only an 8-foot MUT is required. A larger multi-use trail will increase the walkability along Lower Buckeye and in surrounding area.
- 4) 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.	Development shall be in general conformance to the site plan dated OCTOBER 4, 2024 June 22, 2004 , AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT with a commercial pad development site plan date stamped July 1, 2016, and include the integration of open space and pedestrian connection between the commercial and residential and the conceptual commercial center elevations (including the one pad site). In addition, 4-sided architectural improvements to the commercial buildings shall be provided.
2.	Along arterial and adjoining local streets for a distance of 120 feet within the residential development, the sidewalks shall be detached, and a 5-foot-wide landscape strip shall be located between the sidewalk and back of curb. The planting area shall be planted with minimum 2-inch caliper trees placed an average of 20 feet on center with ground cover.
3.	Architecture materials for the commercial development shall be compatible with the elevations date stamped OCTOBER 22, 2024 July 1, 2016 . Mediterranean Tuscan design and architecture style shall be incorporated into the residential portion of the-development.
4.	A minimum 40 by 40-foot triangular landscape entry area shall be provided at the Lower Buckeye Road entrance into the residential development.
5.	Recreational amenities such as trails, ramadas, and playground equipment, shall be provided in the open space parcel. Connection to the community trails shall be provided where appropriate. Details about the open space layouts, amenities, and trail connections shall be illustrated on the site plan submitted by the developer and approved by the Planning and Development Department.
6.	A 108-foot-wide multi-purpose trail shall be provided along Lower Buckeye Road and shall be improved per Parks and Recreation Department standards and the Estrella Village Trails Plan.
7.	All retention areas shall be sloped no greater than 4: 1 throughout the site.
8.	View fencing shall be required for all lots that back onto the open space areas as approved by the Planning and Development Department.

9.	Prior to the final plat approval, the property owner shall record documents that disclose to purchasers of property within the development(s) the existence and characteristics of the Tolleson and 91st Avenue Wastewater Treatment Plants, the Sunland Beef Company, and the dairy operations in the area. The form and content of such documents shall be reviewed and approved by the City Attorney.
10.	The developer of this property shall participate in the Estrella Village Arterial Street Landscape Program.
11.	A homeowner's association shall be established which will have the responsibility for maintaining all landscaping within and adjacent to the right of way, and in all common areas and tracts in accordance with approved plans.
12.	A 75' by 75' landscape triangle shall be provided on the commercial center site located at the southeast corner of 83rd Avenue and Lower Buckeye Road.
13.	The following right-of-way shall be provided:
a.	Right-of-way totaling 55 feet shall be dedicated for the south half of Lower Buckeye Road.
b.	Right-of-way totaling 55 feet shall be dedicated for the east half of 83rd Avenue.
c.	A 21-foot by 21-foot right-of-way triangle shall be dedicated at the southeast corner of 83rd Avenue and Lower Buckeye Road.
d.	Sufficient right-of-way shall be dedicated to accommodate a far-side busbay (Detail P-1257 and 1261) on Lower Buckeye Road at 83rd Avenue.
e.	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.
f.	The applicant shall complete and submit the Developer Project Information Form for the MAG Transportation Improvement Program to Alan Hilty, 262- 6193, with the Street Transportation Department. This form is a requirement of the EPA to meet clean air quality

	requirements.
14.	There shall be no drive-through facilities for the commercial pad except for the property shown on the site plan date stamped July 1, 2016.
15.	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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