

Attachment C

REPORT OF PLANNING HEARING OFFICER ACTION
Mr. Adam Stranieri, Planner III, Hearing Officer
Bradley Wylam, Planner I, Assisting

October 20, 2021

| | |
|------------------|---|
| ITEM NO: 3 | |
| | DISTRICT 7 |
| SUBJECT: | |
| Application #: | PHO-1-21--Z-57-06-7 |
| Location: | Approximately 300 feet north of the northwest corner of 91st Avenue and Lower Buckeye Road |
| Existing Zoning: | S-1 (Approved C-2) |
| Acreage: | 7.10 |
| Request: | <ol style="list-style-type: none">1) Modification of Stipulation 1 regarding site plan, elevations, and conceptual landscape plan date stamped August 15, 2006.2) Deletion of Stipulation 1a regarding a master architecture theme.3) Deletion of Stipulation 2 regarding a pedestrian circulation plan.4) Deletion of Stipulation 3 regarding an enhanced landscape feature at the intersection of 91st Avenue and Lower Buckeye Road.5) Deletion of Stipulation 4 regarding an enhanced landscape feature on both sides of entrances on 91st Avenue and Lower Buckeye Road.6) Deletion of Stipulation 9 regarding a right of way triangle.7) Technical corrections to Stipulation 5, 7, 8 and 10. |
| Applicant: | William Allison, Withey Morris PLC |
| Owner: | Parkwood Partners LLC |
| Representative: | William Allison, Withey Morris PLC |

ACTIONS

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

Village Planning Committee (VPC) Recommendation: The Estrella Village Planning Committee heard this case on October 19, 2021 and recommended denial by a vote of 5-2.

DISCUSSION

William Allison, representative with Withey Morris, provided an overview of the subject site, the original rezoning case, and proposed site plan. He stated that the project proposed in the original case did not develop and the property has since been sold to different owners. He stated that the subject property depicts approximately 7.10 acres and would be developed with two-story townhomes. He stated that the proposed stipulation modifications are to update the site plan, elevations, and landscape plan to be consistent with the proposed project. He stated that Stipulations 1.a and 2 regarding a master architecture theme and pedestrian circulation plan are proposed to be deleted because these stipulations were related to the major commercial shopping complex that the stipulated plans depict. He stated that Stipulations 3, 4, and 9 are proposed to be deleted as they relate to the intersection of 91st Avenue and Lower Buckeye Road, which is off-site to this request. He stated a frontage road will provide connectivity between the subject site and the parcel at the northwest corner of 91st Avenue and Lower Buckeye Road. He provided an overview of the proposed site plan and noted the multifamily townhome project consists of 88 units at 14.21 dwelling units per acre. He stated that the proposed height is 26 feet, and the plan provides 15% open space where 5% open space is required. He noted that the residential use would produce less traffic than a commercial development of similar size. He noted that the development would provide a smooth transition from the commercial development at the corner and the charter school to the north. He stated that townhomes are a relatively new housing option in the Estrella area and this development would provide an additional townhome product. He stated that although the community hopes to see retail development in the area, this site is not likely to ever develop as commercial due to market demands and existing commercial development in the surrounding area. He displayed a graphic depicting the locations of existing commercial uses.

Abby Dunton, resident and coordinator with the Farmington Park Block Watch, stated that the community needs retail similar to what the stipulated plans represent and that there are limited options in Estrella to build commercial retail developments. She stated that additional residential would increase density above what the existing roadways can support, and that members of the community currently drive to Avondale to do most of their shopping. She stated the community is not opposed to any residential development, but as commercial properties develop as residential, it limits the space available for the desired retail.

Lisa Perez, Estrella Village Planning Committee member, stated that there are at least six multifamily developments between 67th Avenue and 99th Avenue like the proposed development. She stated that there are limited grocery stores and other retail spaces in the area, and that C-2 property continues to develop with residential uses which limits future retail possibilities. She stated that the proposed roadway improvements would not satisfy the need for traffic safety.

She stated that she hopes the PHO will deny the case and allow the developer more time for community feedback.

Mr. Allison stated that the applicant believes it is unlikely the subject site will develop with commercial uses and that roadway improvements will not occur for an extended period if the property remains vacant. He stated that the stipulation modifications are reasonable.

Adam Stranieri, Planning Hearing Officer, stated that nine letters of public correspondence were received and provided a summary of the concerns expressed in those letters which include regional traffic issues, a desire for retail uses, and school bus navigation interior to the proposed development. He provided a summary of the proposed development and development pre-application staff comments.

Mr. Stranieri noted concerns presented by Ms. Perez in a letter regarding shade and connectivity due to the location near a school and the transitional nature of the site. He noted that uneven landscape standards would potentially exist if this site developed as residential while the corner of 91st Avenue and Lower Buckeye Road developed using commercial landscape standards. He proposed that the subject site be developed with C-2 landscaping standards. Ms. Perez agreed that additional landscaping standards should be provided above the typical residential standards if the development were to be approved. Mr. Allison stated they would be comfortable with this addition and he believed the proposed site plan follows the C-2 landscaping standards already. Mr. Stranieri stated that pedestrian circulation was a concern expressed by the public in correspondence and proposed that a stipulation be added to provide defined pedestrian pathways across drive aisles as well as providing an access point along the south property line which is not currently depicted on the proposed conceptual site plan.

Mr. Stranieri stated the modification to Stipulations 1 and 1.a are recommended to be approved to allow for the proposed site plan and elevations. He stated Stipulation 2 is recommended to be deleted and that the recommended additional stipulations regarding pedestrian access, shading, and circulation address concerns brought forward by the public. He stated that the deletion of Stipulations 3 and 9 are recommended for denial. He noted that these stipulations do not impact the subject site but would remain in the case of future lot splits or parcel reconfiguration that may include these areas. He stated that the proposed deletion of Stipulation 4 be recommended for approval and that the stipulation existed to apply to primary entrances to the major commercial shopping complex. He stated an additional stipulation was recommended by the Street Transportation Department regarding bicycle parking.

FINDINGS

- 1) The original stipulated plans depicted a large-scale commercial shopping complex including four pads, one strip retail building, a gas station, and an approximately 102,867 square foot large scale retail anchor store (Home Depot). This project did not develop, and the subject site remains vacant.

The subject property constitutes approximately 7.10 gross acres of the approximately 23.76 gross acres of the original rezoning area. The subject property is L-shaped with frontage on 91st Avenue and Lower Buckeye Road, while not including the hard corner, where a Circle K gas station is currently planned. The proposed plan depicts a multifamily townhome project consisting of 88 units at 14.21 dwelling units per gross acre. The townhomes are two-story and approximately 26-feet in height. The proposal will contribute to housing diversity in an area dominated by single-family detached units. The proposed conceptual elevations depict a variety of building colors, materials, and architectural features, including varied window sizes, steel awnings, metal balcony enclosures, and decorative garage doors.

The applicant's request is recommended to be approved with modifications to provide standard language regarding general conformance and remove reference to the conceptual landscape plan. The proposed conceptual landscape plan lacks plant species, spacing, and size information. Removing reference to this plan is intended to allow staff flexibility to enforce Existing Stipulations 5 and 6 which require compliance with the Estrella Village Arterial Street Landscaping Program and installation of a multi-use trail along Lower Buckeye Road.

- 2) The applicant's request for deletion of Stipulations 1.a and 2 are recommended for approval. These stipulations were intended to apply to the original proposed site plan which included a major commercial shopping complex with a large-scale retail anchor store (Home Depot). Stipulation 1.a regarding a master architecture theme was intended to provide consistency between the various buildings and pads on site. Stipulation 2 regarding a pedestrian circulation plan was intended to address pedestrian movement throughout the complex.
- 3) The applicant's request for deletion of Stipulations 3 and 9 are recommended for denial. These stipulations regard an enhanced landscape feature and right-of-way triangle and apply solely to the immediate northwest corner of 91st Avenue and Lower Buckeye Road and therefore are off-site to the current request. However, these stipulations should be retained so that if the lots are reconfigured it is clear they should continue to apply to the corner.

- 4) The applicant's request for deletion of Stipulation 4 is recommended for approval. Stipulation 4 regarding an enhanced landscape feature was intended to apply to the primary entrances to the major commercial shopping complex proposed in the original stipulated site plan.

Note that there are no proposed changes to Existing Stipulation 5 which requires compliance with the Estrella Village Arterial Street Landscaping Program. The Program will control landscaping along the project's Lower Buckeye Road frontage regarding planting requirements. Also note that Lower Buckeye Road is identified in the Program as a Residential Parkway and has unique planting standards.

- 5) Three additional stipulations are recommended specific to the change in proposed land use from commercial to multifamily residential. The first requires street frontages to be landscaped to C-2 standards at a minimum. The property is adjacent to C-2 property proposed to develop with a gas station at the immediate northwest corner of 91st Avenue and Lower Buckeye Road. This requirement will provide consistency between this property and the subject property along the street frontages. This will also contribute to enhanced shade and pedestrian comfort in an area with multiple schools and anticipated increased pedestrian activity. The second requires pedestrian pathways crossing drive aisles to utilize alternative materials. This stipulation is proposed in lieu of the deleted pedestrian circulation plan to promote pedestrian safety internal to the development. The third is to provide minimum one pedestrian access point along the south property line. This is not depicted on the proposed site plan and will promote safe pedestrian access in this area, where adjacent to an arterial street with a planned multi-use trail.
- 6) The Street Transportation recommends an additional stipulation regarding bicycle parking. This stipulation is recommended for approval. The subject site is adjacent to an identified multi-use trail along Lower Buckeye Road and in proximity to established multi-use trails to the south, east, and west of the subject site. The development site is also near numerous bike lanes and within a mile of an identified shared-use path along the north side of the Rio Salado. Bicycle infrastructure supports the established and future planned multi-modal network and promotes the goals of the City Council approved Complete Streets Policy.

STIPULATIONS

| | |
|--------------------------|---|
| SITE PLAN AND ELEVATIONS | |
| 1. | That the site shall be developed THE DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE with the site plan, AND elevations and conceptual landscape plan date stamped August 15, 2006 AUGUST 19, |

| | |
|-------------------------------|---|
| | 2021 as approved or modified by the FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND Development Services Department. |
| | |
| a. | That prior to the first building being constructed, there shall be a master architecture theme that unifies the different building elements, colors, and materials. |
| | |
| PEDESTRIAN CIRCULATION | |
| | |
| 2. | That a pedestrian circulation plan, that includes shade along the front of the buildings, and the connections to the adjacent shops and pads shall be provided as approved or modified by the Development Services Department. |
| | |
| 2. | REQUIRED LANDSCAPE SETBACKS ALONG STREET FRONTAGES SHALL COMPLY WITH C-2 LANDSCAPE PLANTING STANDARDS AT A MINIMUM, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. |
| | |
| 3. | WHERE PEDESTRIAN PATHWAYS CROSS DRIVE AISLES, PATHWAYS SHALL BE CONSTRUCTED OF DECORATIVE PAVERS, STAMPED OR COLORED CONCRETE, OR ANOTHER MATERIAL, OTHER THAN THOSE USED TO PAVE PARKING SURFACES AND DRIVE AISLES, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. |
| | |
| 4. | THE DEVELOPER SHALL PROVIDE MINIMUM ONE PEDESTRIAN ACCESS POINT ALONG THE SOUTH PROPERTY LINE, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. |
| | |
| 5. | THE DEVELOPER SHALL PROVIDE SECURED BICYCLE PARKING AS REQUIRED IN CHAPTER 13, SECTION 1307.H FOR MULTI-FAMILY DEVELOPMENT, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. |
| | |
| LANDSCAPE FEATURE | |
| | |
| 6. 3- | That An enhanced landscape feature (a minimum of 75' x 75') shall be provided at the intersection of 91st Avenue and Lower Buckeye Road that is in conformance with the Estrella Village Arterial Street Landscape Program, as approved by the PLANNING AND Development Services Department. |
| | |
| 4. | That an enhanced landscape feature (a minimum of 50' x 50') shall be provided on both sides of the entrances on 91st Avenue and Lower Buckeye Road that is in conformance with the Estrella Village Arterial Street Landscape Program as approved by the Development Services |

| | |
|----------------------------|--|
| | Department. The public trail on the north side of Lower Buckeye Road shall blend in with the enhanced landscaped area. |
| 7. 5. | That The developer shall be required to follow the Estrella Village Arterial Street Landscape Program for all on site landscaping, as approved by the PLANNING AND Development Services Department. |
| PUBLIC TRAIL | |
| 8. 6. | That The developer shall provide a 10-foot wide multi-use trail along the north side of Lower Buckeye Road per adopted city trail standards, as approved by the Parks and Recreation Department. |
| STREET IMPROVEMENTS | |
| 9. 7. | That Right-of-way for 91st Avenue shall be dedicated per the approved Master Street Plan for the development on the west side of the road, as approved by the Streets Transportation Department. |
| 10. 8. | That Right-of-way for Lower Buckeye Road shall be dedicated per the approved Master Street Plan for Country Place, as approved by the Streets Transportation Department. |
| 11. 9. | That A 21-foot by 21-foot right-of-way triangle shall be dedicated at the northwest corner of 91st Avenue and Lower Buckeye Road, as approved by the Streets Transportation Department. |
| 12. 10. | That The developer shall construct all streets 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. |
| 13. 11. | That 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 clear air quality requirements. |
| 14. | 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. |

Upon request, this publication will be made available within a reasonable length of time through appropriate auxiliary aids or services to accommodate an individual with a disability. This publication may be made available through the following auxiliary aids or services: large print, Braille, audiotape or computer diskette. Please contact the Planning and Development Department, Angie Holdsworth, at voice number 602-495-5622 or TTY use 7-1-1.