

Attachment C

REPORT OF PLANNING HEARING OFFICER ACTION

Adam Stranieri, Planner III, Hearing Officer

Julianna Pierre, Planner I, Assisting

January 20, 2021

ITEM NO: 2

DISTRICT NO. 7

SUBJECT:

Application #: PHO-1-20--Z-43-13-7
Zoning: C-1
Location: Northwest corner of 67th Avenue and Broadway Road
Acreage: 3.13
Request: 1) Modification of Stipulation 1 regarding general
conformance to the site plan date stamped August 21,
2013.
Applicant: The Carioca Company
Owner: Butterfield Trail, LLC
Representative: Jeff Winter, Esencia LLC

ACTIONS

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

Village Planning Committee (VPC) Recommendation: The Estrella Village Planning Committee heard this case on January 19, 2021 and recommended approval by a 6-0 vote.

DISCUSSION

Jeff Winter, representative with Esencia, LLC, provided a brief history of the property. He stated that he is requesting modification of Stipulation 1, regarding general conformance to the site plan date stamped August 21, 2013, to accommodate the proposed site plan for a convenience store and fueling stations. He added that the stipulated 2013 site plan depicted the northwest corner of 67th Avenue and Broadway Road as commercial retail shops. Adam Stranieri stated that the scale of the new proposed use is comparable to what was depicted on the stipulated site plan.

Mr. Winter stated that the Planning Hearing Officer request was brought before the Estrella Village Planning Committee (VPC) the prior night and was approved by a vote of 6 to 0. Mr. Stranieri asked if any questions were raised during the VPC meeting. Mr. Winter clarified that the only questions were to clarify the history of the original rezoning case and the intent of Stipulation 1.

Mr. Stranieri asked for clarification regarding the intended use of the Recreational Vehicle (RV) canopy. Mr. Winter stated that this canopy would specifically be for fueling larger vehicles, such as recreational vehicles and trailers. Mr. Stranieri asked if the RV canopy was taller in height than the canopy on the south of the site. Mr. Winter stated that both canopies would be 17 feet to the bottom and 21 feet to the top of the canopy. He stated that the only difference between the canopies was that the RV canopy would allow more queuing and maneuvering space for the larger vehicles. Mr. Stranieri asked if the RV canopy would service large trucks or semitrucks. Mr. Winter clarified that the site would not be used for truck fueling. Mr. Stranieri asked if the developer considered reorienting the site to move the RV fueling canopy closer to 67th Avenue. Mr. Winter explained that the RV fueling canopy was located on the west side of the property to eliminate traffic conflicts with smaller vehicles.

Mr. Stranieri asked about the landscape plan in the applicant's presentation. Mr. Winter clarified that the landscape setback is the same on both the landscape plan and the site plan. He stated that the increased landscaping on the west side of the property is a result of the location of the retention basin. Mr. Stranieri stated that since the landscape setback dimension is not changing and there is no stipulated landscape plan, he was not inclined to stipulate to the conceptual landscape plan.

Mr. Stranieri stated that he was inclined to add an additional stipulation requiring the development to conform to the Estrella Village Arterial Street Landscape Program. He added that the policy plan identifies 67th Avenue as a parkway and provides a specific plant palette for the Estrella Village. Mr. Winter stated that he had no concerns with the addition of this stipulation.

Mr. Stranieri stated that the site is archaeologically sensitive and additional stipulations are warranted to address City requirements for archaeological data testing and surveying. Mr. Winter stated that he had no concerns with the additional stipulations.

Mr. Stranieri stated that Broadway Road is identified on the 2015 City of Phoenix Facilities Map for a proposed privately maintained multi-use trail. Mr. Winter stated that he was aware and was planning for the dedication of the easement and construction of the trail along Broadway Road. Mr. Stranieri recommended an additional stipulation for this condition.

Mr. Stranieri stated that the Pedestrian Safety Coordinator and Public Transit reviewer had concerns regarding pedestrian pathways. He clarified that corner properties at the alignment of two arterials will typically have pedestrian pathways as close to the hard corner as possible. He asked for clarification about the landscaping, retention, and possible restrictions at the southeast corner of the property. Mr. Winter stated that there are several easements in that

location, which limits development. He added that a pedestrian path from the hard corner to the convenience store would place pedestrians in the path of numerous moving vehicles. He stated that Planning and Development staff asked for a second pedestrian path from the west side of the convenience store to Broadway Road. Mr. Stranieri stated that he was inclined to recommend a stipulation requiring pedestrian pathways, but the stipulation would not be prescriptive to the specific location of those pathways. He noted that the applicant could work with staff to determine what the safest and most direct route would be for the pathways.

FINDINGS

- 1) The stipulated conceptual site plan depicted approximately 25,000 square feet of commercial retail space in 6 adjacent suites on the site's 3.13 gross acres. Parking was provided around the proposed building and access was provided from two driveways, one on 67th Avenue and one on Broadway Road. This project did not develop and the property remains vacant. The proposed conceptual site plan depicts an approximately 4,217 square foot convenience store with two fuel canopies. The canopy on the south portion of the site is approximately 4,200 square feet and intended to service automobiles. The canopy on the west portion of the site is approximately 1,480 square feet and intended to service recreational vehicles. The scale and intensity of the proposed development is comparable to the original proposal and compatible with existing development in the surrounding area. General conformance to the site plan is recommended as requested.
- 2) Two additional stipulations are recommended to address pedestrian pathways. The first specifies that pedestrian pathways shall be provided to connect building entrances, public sidewalks, bus stops, and community amenities, using the most direct route for pedestrians. The proposed conceptual site plan depicts one pedestrian pathway connecting 67th Avenue to the building entrance. There is no pedestrian pathway depicted along Broadway Road where there is a planned transit pad. The applicant noted that staff had requested the addition of a pedestrian pathway along Broadway Road and that they are amenable to including it. This stipulation will require this additional pathway while allowing flexibility in the determination of its final location. The second stipulation requires that these pathways be provided on an alternative surface other than that used to pave parking surfaces and drive aisles.
- 3) An additional stipulation is recommended to require that the development comply with the Estrella Village Arterial Street Landscaping Program. This policy plan establishes planting standards regarding trees, shrubs, groundcover, tree spacing and other considerations for properties adjacent to arterial streets in the Estrella Village. 67th Avenue is defined

in this plan as a village parkway which serves as one of the main arteries into the community and provides access to the Village's residential corridor. This will provide consistency with other recent approved zoning actions and developments in the surrounding area.

- 4) An additional stipulation is recommended to require that the developer dedicate and construct a multi-use trail easement and trail along the north side of Broadway Road. This trail is identified on the City of Phoenix Parks and Recreation Department Citywide Trails Map as a proposed, privately maintained multi-use trail. There are existing trail segments already dedicated and constructed on many properties on the Broadway corridor in the surrounding area, including on the adjacent residentially zoned property to the west.
- 5) The site is identified as archaeologically sensitive and three additional stipulations are recommended to be included to address requirements for archaeological survey and testing requirements.

DECISION: The Planning Hearing Officer recommended approval with additional stipulations.

STIPULATIONS

1.	The development shall be in general conformance with the site plan date stamped NOVEMBER 30, 2020 August 21, 2013 , as modified by the following stipulations and approved by the Planning and Development Department.
2.	PEDESTRIAN PATHWAYS SHALL BE PROVIDED TO CONNECT BUILDING ENTRANCES, PUBLIC SIDEWALKS, BUS STOPS, AND COMMUNITY AMENITIES, USING THE MOST DIRECT ROUTE FOR PEDESTRIANS, 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 DEDICATE A 30-FOOT WIDE MULTI-USE TRAIL EASEMENT (MUTE) ALONG THE NORTH SIDE OF BROADWAY ROAD AND CONSTRUCT A MINIMUM 10-FOOT WIDE MULTI-USE TRAIL (MUT) WITHIN THE EASEMENT IN ACCORDANCE

	WITH THE MAG SUPPLEMENTAL DETAIL AND AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. WHERE CONFLICTS OR RESTRICTIONS EXIST, THE DEVELOPER SHALL WORK WITH THE SITE PLANNING SECTION ON AN ALTERNATE DESIGN THROUGH THE TECHNICAL APPEAL PROCESS.
5.	THE DEVELOPMENT SHALL CONFORM TO THE ESTRELLA VILLAGE ARTERIAL STREET LANDSCAPING PROGRAM, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
6. 2.	A minimum of 15% open space shall be provided for the residential subdivision, as approved by the Planning and Development Department.
7. 3.	The maximum number of residential lots shall not exceed 142, as approved by the Planning and Development Department.
8. 4.	All sidewalks for the residential development shall be detached with a minimum five-foot wide landscaped strip located between the sidewalk and back of curb and shall include a minimum 2-inch caliper shade trees planted a minimum of 20 feet on center or equivalent groupings along both sides of the sidewalk, as approved by the Planning and Development Department. The landscape strip shall be installed by the developer and maintained by the HOA
9. 5.	The perimeter walls adjacent to Broadway Road and 67th Avenue shall include material and textural differences, such as stucco and/or split face block with a decorative element, such as tile, glass insets, or stamped designs, as approved by the Planning and Development Department.
10. 6.	Drive-through facilities shall be located a minimum 100 feet from any residential district, as approved by the Planning and Development Department.
11. 7.	Pueblo Avenue shall be constructed to connect the subject parcel and the existing adjacent single family neighborhood located to the west, as approved by the Planning and Development Department.
12. 8.	Right-of-way shall be dedicated and a bus bay detail # P1258 constructed southbound on 67th Avenue, south of the proposed residential entrance to the site, as approved by the Planning and Development Services Department.
13. 9.	Right-of-way shall be dedicated and a bus bay detail # P1256-1 constructed west bound on the northwest corner of Broadway Road and

	67th Avenue, as approved by the Planning and Development Services Department.
14. 40.	Right-of-way totaling 55 feet shall be dedicated for the north half of Broadway Road, as approved by the Planning and Development Department.
15. 41.	Right-of-way totaling 55 feet shall be dedicated for the west half of 67th Avenue, as approved by the Planning and Development Department.
16. 42.	A 25-foot by 25-foot right-of-way triangle shall be dedicated at the northwest corner of 67th Avenue and Broadway Road, as approved by the Planning and Development Department.
17. 43.	The applicant shall relocate all Salt River Project (SRP) irrigation out of right-of-way and into the appropriate easement.
18. 44.	The proposed entrance to the subdivision on Broadway Road shall be relocated to the east to be approximately 660 feet east of 69th Lane; this will also miss the 320KV power pole.
19. 45.	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.
20. 46.	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 approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
21.	IF DETERMINED NECESSARY BY THE PHOENIX ARCHAEOLOGY OFFICE, THE APPLICANT SHALL CONDUCT PHASE I DATA TESTING AND SUBMIT AN ARCHAEOLOGICAL SURVEY REPORT OF THE DEVELOPMENT AREA FOR REVIEW AND APPROVAL BY THE CITY ARCHAEOLOGIST PRIOR TO CLEARING AND GRUBBING, LANDSCAPE SALVAGE, AND/OR GRADING APPROVAL.
22.	IF PHASE I DATA TESTING IS REQUIRED, AND IF, UPON REVIEW OF THE RESULTS FROM THE PHASE I DATA TESTING, THE CITY ARCHAEOLOGIST, IN CONSULTATION WITH A QUALIFIED ARCHAEOLOGIST, DETERMINES SUCH DATA RECOVERY EXCAVATIONS ARE NECESSARY, THE APPLICANT SHALL

	CONDUCT PHASE II ARCHAEOLOGICAL DATA RECOVERY EXCAVATIONS.
23.	IN THE EVENT ARCHAEOLOGICAL MATERIALS ARE ENCOUNTERED DURING CONSTRUCTION, THE DEVELOPER SHALL IMMEDIATELY CEASE ALL GROUND-DISTURBING ACTIVITIES WITHIN A 33- FOOT RADIUS OF THE DISCOVERY, NOTIFY THE CITY ARCHAEOLOGIST, AND ALLOW TIME FOR THE ARCHAEOLOGY OFFICE TO PROPERLY ASSESS THE MATERIALS.
24.	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, Tamra Ingersoll at voice number 602-534-6648 or TTY use 7-1-1.