

## ATTACHMENT C

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

September 18, 2024

ITEM NO: 3	
	DISTRICT NO. 7
SUBJECT:	
Application #:	PHO-1-24--Z-SP-11-05-7
Location:	Approximately 1,680 feet north of the northwest corner of 91st Avenue and Lower Buckeye Road
Zoning:	CP/GCP SP
Acreage:	6.91
Request:	1) Request to modify Stipulation 1 regarding general conformance to the site plan date stamped August 5, 2005. 2) Request to modify Stipulation 1.B regarding the construction of future buildings on the site. 3) Request to delete Stipulation 1.C 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 an additional stipulation.

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.

### **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) 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:**

STIPULATIONS	
SITE PLAN/ELEVATIONS	
1.	<del>That</del> The site shall be developed in general conformance to the site plan date stamped SEPTEMBER 13, 2024 <del>August 1, 2005</del> , as modified by the following stipulations and as approved or modified by the PLANNING AND Development Services Department.
A.	<del>That</del> Building heights in the CP/GCP shall not exceed 40 feet.
B.	<del>That</del> Any future buildings constructed ON SITE in the CP/GCP, shall have similar architecture and features as originally proposed in this request, as <del>may be</del> approved OR MODIFIED by the PLANNING AND Development

	Services Department.
C.	<del>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.</del>
LANDSCAPING	
2.	<del>That</del> 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.	<del>That,</del> 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.	<del>That</del> 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.	<del>That</del> 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.	<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 PLANNING AND Development Services Department. All improvements shall comply with all ADA accessibility standards.
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.
8.	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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