

Attachment C

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

April 17, 2024

ITEM NO: 5	
	DISTRICT NO. 7
SUBJECT:	
Application #:	PHO-2-24--Z-62-13-7
Location:	Approximately 1320 feet south of the southwest corner of 59th Avenue and Lower Buckeye Road
Zoning:	A-1
Acreage:	9.77
Request:	1) Request to modify Stipulation 1 regarding general conformance with the site plan and landscape plans date stamped September 20, 2017. 2) Request to modify Stipulation 3 regarding Commerce Park/General Commerce Park Development Standards along the east property line. 3) Technical Correction to Stipulation 8.
Applicant:	Earl & Curley P.C., Taylor Earl
Owner:	Phoenix Jones Partners, LLC.
Representative:	Michael S Buschbacher, II AICP

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 heard this request on April 16, 2024 and recommended approval by a vote of 9-0.

DISCUSSION:

Taylor Earl, representative of Earl & Curley P.C. 3101 North Central Avenue, gave an overview of the site. He stated the site itself is very narrow compared to the Amazon Warehouse site across the street. He stated the proposed development will have enough landscaping to make it more attractive. He stated the height of the buildings will not be as tall as the other industrial buildings in the area and the color palette will be consistent with the property across the street. He stated the new site and landscape plan will bind to the zoning of the property since the original site plan showed a blank slate for the site. He stated Item 2 will provide more clarification to Stipulation 3 because it will specify interior standards

in the language. He stated since the site is zoned A-1, the zoning matches the adjacent zoning district, making it an interior lot line condition instead of a perimeter lot line condition. He stated the setback on the south side of the site addresses a 125-foot setback, but the setback is over 200-feet, exceeding what is asked for in the stipulation and matters because there is residential development to the south of the site. He stated the request will clarify that east property line is deemed an interior lot line on a street.

Byron Easton, Planning Hearing Officer, asked if the Commerce Park interior standard is more restrictive than the A-1 interior standard.

Mr. Earl stated the A-1 will just have a building setback standard, not an interior standard. He stated they are meeting the interior and perimeter setback standards but run into an issue with the step-back provision because the 18-foot building height requires an additional 3-feet for every foot of height, putting their setback at over 80 feet.

Mr. Easton clarified Item 3 was a modification to Stipulation 3. He recommended approval with modifications and additional stipulations.

FINDINGS:

- 1) Request to modify Stipulation 1 regarding general conformance with the site plan and landscape plans date stamped September 20, 2017 is recommended to be approved. The existing stipulation refers back to plans that show the subject parcel as a future phase in both the site plan and the landscape plan. Thus, they are void of any detail. Because of this lack of detail, the new site plan and landscape plans are in general conformance with both. However, to clarify and update to the current proposal the applicant is offering to update this stipulation to require general conformance to the current site plan and landscape plan date stamped February 23, 2024.
- 2) Request to modify Stipulation 3 regarding Commerce Park/General Commerce Park Development Standards along the east property line is approved. If this site was zoned Commerce Park, the applicant would pursue a variance for setback relief and would likely have a good case as conditions in the area have changed.

It is the PHO's opinion that the requested modification/clarification is minor. Whereas 59th Avenue once served as the north/south corridor for this area, this is no longer the case. The freeway serves that purpose. The east/west arterials still serve that function, but this parcel doesn't abut Lower Buckeye Rd. or Broadway Rd. It only abuts 59th Avenue. 59th Avenue is now positioned more as an internal roadway to an industrial park than it is a regional arterial. The applicant will still be required to

adhere to the rest of the Commerce Park standards, and so the streetscape will be appropriate for this area. Imposing an aggressive step back regime is overly burdensome for this narrow parcel and doesn't serve a compelling public interest.

- 3) Request for technical correction to Stipulation 8 is not correct, the applicant is requesting for a modification of Stipulation 8. The applicant requested to reduce the right-of-way dedication from 55 to 45 feet. While the Street Transportation Department agrees with the applicant's request to reduce the dedication to 45 feet, they also requested additional info to be added to the stipulation regarding the width of the sidewalk easement and sidewalk.

Due to the existence of the high voltage electrical lines leading to the SRP substation directly north of the site, the Street Transportation Department reviewed and approved a modified Arterial CM cross-section with the applicant in December 2022, allowing for the 10-foot-sidewalk easement in lieu of right-of-way. The requested modifications to the stipulation from the Street Transportation Department are to ensure the requirement of the sidewalk easement and the mutually agreed upon sidewalk width is included. The request for modification of Stipulation 8 is approved with a modification.

- 4) The Public Transit Department recommends an additional stipulation requiring the developer to construct a bus stop pad. This additional Stipulation has been added as new Stipulation 9.

STIPULATIONS:

1.	The development shall be in general conformance with the site plan and landscape plans date stamped FEBRUARY 23, 2024 September 20, 2017 , as approved by the Planning and Development Department.
2.	A minimum 75-foot landscape setback shall be provided along the south property lines and shall utilize the Commerce Park/General Commerce Park landscape standards for plant types, quantity and spacing, as approved by the Planning and Development Department.
3.	Commerce Park/General Commerce Park Development standards shall be provided along the east property line, WITH THE EAST PROPERTY LINE BEING DEEMED AN INTERIOR LOT LINE ON A STREET, as approved by the Planning and Development Department.
4.	A minimum 125-foot building setback shall be provided along the south property line, as approved by the Planning and Development Department.

5.	Building height shall be limited to a maximum of 48 feet within 150 feet of the south property line, as approved by the Planning and Development Department.
6.	Outdoor storage shall not be permitted within 250 feet of the south and west property lines, except for the trailer storage shall not be located closer than 200 feet, as approved by the Planning and Development Department.
7.	Submit amended Traffic Impact Study Analysis updated to proposed development use. Additional improvements may be stipulated based upon study findings.
8.	Right-of-way totaling 45 55 feet AND A 10-FOOT-WIDE SIDEWALK EASEMENT WITH AN 8-FOOT-WIDE SIDEWALK shall be dedicated AND CONSTRUCTED for the west half of 59th Avenue. Provide curb, gutter, paving, sidewalk, curb ramps, streetlights, landscaping, and incidentals for the length of the project.
9.	THE DEVELOPER SHALL CONSTRUCT A BUS STOP PAD THAT CONFORMS WITH STANDARD DETAIL P1260 ON THE NORTHEAST CORNER OF THE SITE ON SOUTHBOUND 59TH AVENUE.
10. 9.	The developer shall update all existing off-site street improvements (sidewalks, curb ramps and driveways) to current ADA guidelines.
11. 10.	Complete a Red Border Letter to notify ADOT of development adjacent to its freeway corridor and submit it to the Street Transportation Department with a copy to the Traffic Engineer and Civil Plans Reviewer.
12. 11.	Provide underground street light circuits, poles and fixtures on all public streets in locations approved by the Street Transportation Department. Submit one copy of the approved site plan with three copies of the streetlight plans to the 2nd floor of City Hall to be routed to Street Lighting Section reviewer.
13. 12.	The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, setback sidewalk, curb ramps, streetlights, landscape and other incidentals as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
14. 13.	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.
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