

Attachment C

Planning Hearing Officer Summary of May 15, 2019
Application Z-6-03-7
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REPORT OF PLANNING HEARING OFFICER ACTION

Adam Stranieri, Planner III, Hearing Officer

Sofia Mastikhina, Planner I, Assisting

May 15, 2019

ITEM 2

DISTRICT 7

SUBJECT:

Application #: Z-6-03-7 (PHO-1-19)
Zoning: C-1
Location: Southeast corner of 91st Avenue and Lower Buckeye Road
Acreage: 14.59
Request: 1) Modification of Stipulation No. 10a regarding two detached pads and general conformance to the site plan date stamped January 13, 2003.
2) Deletion of Stipulation No. 10b regarding a landscape feature at the southeast corner of 91st Avenue and Lower Buckeye Road.
3) Modification of Stipulation No. 10c regarding general conformance to the rendering date stamped February 5, 2003.
4) Deletion of Stipulation No. 10d regarding a pedestrian connection to adjacent residential property.
5) Planning Hearing Officer review and approval of site plan and elevations per Stipulation No. 15.
6) Technical corrections to Stipulation Nos. 1, 4, 6, 8, 9 and 13.
Applicant: Brandon Treger
Owner: Margaret & Patrick Hurley, Trustees
Representative: Steve Shea

ACTIONS

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended denial as filed and approval with modifications.

Village Planning Committee (VPC) Recommendation: At its April 16, 2019 meeting, the Estrella Village Planning Committee recommended approval by a 6-0 vote.

DISCUSSION

Michael Treger, applicant, stated that their case was presented at the Estrella Village Planning Committee on April 16, 2019 and was approved unanimously after some discussion with neighbors. He explained that they have developed several multifamily apartments in the region, which are now professionally managed by other companies such as Mark Taylor. He stated that the property owner, Michael Hurley, intends to develop a similar project at this site. He explained that the site was originally planned for a commercial development which failed to develop. He stated that the proposal is for an apartment community with 128 units in 53 one and two story buildings on a 12-acre site.

He noted that single-story structures are located along the entire perimeter to mitigate impacts on adjacent single-family homes to the south and east. He also noted resort-style landscaping along the perimeter and throughout the site. He stated that the Village Planning Committee expressed concern regarding the request to remove a pedestrian connection to the adjacent neighborhood, and that residents would not want this connection if the site was developed as multifamily residential. He noted that the walkway connecting the southeast corner of the site to the Hurley Ranch subdivision is walled off and pedestrian access is not possible. He presented the proposed elevations and stated that their product is consistent with single-family homes in the surrounding area.

Kristine Morris, superintendent of Union Elementary School District, stated that the proposed community would have families with school-aged children that would attend the nearby district school. She stated that if there is no access through the neighborhood to the southeast, children would be forced to walk along 91st Avenue and Lower Buckeye Road, which are major streets with significant traffic. She expressed concern for children's safety if access is not provided to local streets to the southeast.

Norma Nava, speaking in opposition to the request, stated that her home is adjacent to the site's south perimeter and that she does not want a parking lot directly behind her house. Mr. Treger explained that the site is designed so that single-family apartment buildings buffer the parking areas from all adjacent properties. Ms. Nava then expressed concern with the possible increase in traffic, stating that the area already has significant traffic, and that there are police officers stationed in the area during the week to safely escort children to school. She noted that adding more driveways on 91st Avenue would exacerbate the problem. Mr. Treger replied that they will be addressing any traffic issues through the plan review process.

Adam Stranieri stated that the Village Planning Committee had discussed traffic concerns and proposed limiting the Lower Buckeye Road driveway to exit only. He asked if the applicant would be open to limiting this access point if approved by the Planning and Development Department. Steve Shea, representing the applicant, stated that the primary entrance on 91st Avenue was originally planned for right-in, right-out only, so the only access to the site would be from northbound 91st Avenue. Therefore, they would need a secondary access from Lower Buckeye Road. Mr. Stranieri explained that to change the 91st Avenue right-of-way configuration to allow a full-access driveway, they would need approval from the Street Transportation Department. He noted that, given the testimony regarding concerns with traffic volume in this area, this may not be approved. Mr. Shea explained that the proposed southbound 91st Avenue left turn lane into the property is for residents only, not deliveries or visitors, and that there would still be a right-turn-only exit. Mr. Treger added that residents would also have the option to access the site through the gated entry on Lower Buckeye Road to avoid traffic on 91st Avenue. Mr. Stranieri explained that he is not inclined to stipulate to specific traffic circulation patterns on the site and that he would prefer to allow the Street Transportation Department discretion to review the proposal in the plan review process.

Mr. Stranieri stated that there was significant discussion at the Estrella Village Planning Committee meeting regarding the stipulated pedestrian pathway to the adjacent

neighborhood. He asked if the applicant had also discussed pedestrian connectivity elsewhere on the site. Mr. Treger stated the project will have pathways at the main driveways and internally to connect resident amenities. He noted that the main point of discussion at the VPC meeting was regarding the pedestrian connection to the adjacent single-family subdivision, which was planned when the site was going to be a commercial shopping center. He stated that now that the site will no longer be commercial, the residents did not want a connection. Mr. Stranieri explained that the pedestrian pathway at the southeast corner of the site was originally intended to connect to a trail system that ran behind the commercial development. He noted that the multifamily proposal does not contain a perimeter trail, and that there may be security concerns providing access into the subject site, where the gate would connect into a rear landscape setback inside a gated development. Mr. Treger agreed that providing access into the site from the adjacent subdivision would be problematic.

Mr. Stranieri asked if there was any discussion about connecting through the north and west property lines to the right-of-way, other than at main driveways. Mr. Treger said no. Mr. Stranieri then discussed the north and west property lines, noting that the proposed site plan shows approximately 600 feet between the driveway and the bus bay and signalized intersection on Lower Buckeye Road. He said that the distance from the driveway and the same intersection along 91st Avenue is approximately 550 feet. He stressed that this is a long distance and with 128 units there will be a significant number of residents. He also noted that the design includes deep landscape setbacks along these property lines. He stated that these landscape setbacks provide ample space to provide pedestrian connections to the transit bay and signalized intersection. He stated that the concern with the lack of pedestrian connectivity to the existing street and transit infrastructure was expressed by both the Public Transit and Street Transportation Departments. He noted that the Street Transportation Department commented that the multifamily development will be a large trip-generating use close to two schools and should provide pathways to direct foot traffic to the bus pad and intersection in order to discourage mid-block crossings. They also noted a number of fatal traffic accidents in the surrounding area in past years. He noted that the Public Transit Department recommended that access to the transit bay be prioritized. He stated that the large landscape setbacks provide ample opportunities to provide these pedestrian connections. Mr. Treger asked for clarification regarding the location of where these pathways should be. Mr. Stranieri identified the location of the bus bay and intersection and stated that pathways should be located close to the northwest corner of the site. Mr. Treger agreed to implement these changes, as they would like to promote pedestrian safety throughout the development.

Mr. Shea added that the site will have access control at the main entrances and proposed that they could add an access-controlled gate at the southeast corner of the site so that the children in the development can access the neighborhood to the south to get to school safely. He also stated that they are willing to provide the recommended pedestrian connections to the intersection and bus bay. Mr. Stranieri explained that providing an access gate at the southeast corner of the site would eliminate the need to delete Stipulation No. 10d. He further explained that providing pedestrian connections at the northwest corner of the site will also encourage residents to utilize the stipulated multi-use trail that will be developed along the perimeter of the site. He stated that the

proposed elevations are consistent with existing properties in the surrounding area and that the single-story buildings located along the perimeter will help mitigate impacts on adjacent single-family homes. He then explained that while the intersection of 91st Avenue and Lower Buckeye Road is not identified as a gateway intersection in the Estrella Village Arterial Street Landscaping Program, the stipulation regarding the 75-foot by 75-foot landscape entry feature still applies to the site. However, given the drainage easements, proposed enhanced landscape setbacks, and recommended general conformance to the conceptual site plan, he would support removing the stipulation.

FINDINGS

- 1) The conceptual site plan includes a multifamily residential development of 128 units at 10.52 dwelling units per gross acres. The proposal will support increased housing diversity in an area where the land use pattern is dominated by single-family residential. The proposed elevations are compatible with development in the surrounding area and include façade treatments such as stone veneers and wood detailing, such as decorative trellis elements.
- 2) The conceptual site plan includes a combination of one and two story buildings. The perimeter of the site consists solely of single-story buildings and two-story buildings are located solely in the interior of the site. This configuration will mitigate potential impacts of the building height on nearby single-family residential developments to the east and south, which are predominantly single-story.
- 3) Stipulation 10.d regarding a pedestrian connection to adjacent residential properties shall be retained. The adjacent Hurley Ranch subdivision constructed a concrete pathway that provides a direct connection from the southeast corner of the subject site to 89th Drive and Crown King Road. The change in land use from the proposed commercial development to multifamily residential does not necessitate the deletion of this stipulation. The subject site is in close proximity to Hurley Ranch Elementary to the south. The pedestrian pathway will encourage direct and safe access to the school site along local streets. Removal of the stipulation would force pedestrians onto 91st Avenue, an arterial street with high rates of speed and traffic activity. The applicant indicated a willingness to comply with this stipulation and suggested a one-way gate with key-fob access control for residents of the subject site.
- 4) The Public Transit and Street Transportation Departments recommend an additional stipulation requiring a pedestrian pathway from the site that provides direct access to the bus bay on the south side of Lower Buckeye Rd and the signalized intersection adjacent to the northwest corner of the site. The pathway will promote walkability and encourage use of this existing infrastructure. The proposed driveways on both the north and west property lines are approximately 500 to 600 feet away from these amenities. This distance would encourage dangerous mid-block crossings or dissuade residents from utilizing this existing infrastructure.

DECISION: The Planning Hearing Officer recommended denial as filed and approval with modifications.

STIPULATIONS

| Site Plan | | |
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| 1. | That t The single-family development shall be in general conformance to the site plan date stamped March 21 as approved or modified by the PLANNING AND Development Services Department. | |
| 2. | That a A minimum 40 by 40 foot triangular landscape entry area shall be provided to the main entrance either at the 87th Avenue or Lower Buckeye Road entrance. | |
| 3. | That a Active recreation/open space areas, such as tot lots, ramadas, basketball or other play courts, BBQ areas and similar activities, shall be high and dry under the 100-year two-hour storm event. | |
| 4. | That a All sidewalks, except those adjacent to side yards on corner lots, shall be detached and a 6-foot wide landscaped strip shall be located between the 4-foot wide sidewalk and back of vertical curb on all local and perimeter streets as approved by PLANNING AND Development Services Department. The planting area shall have at a minimum one-inch caliper theme trees placed 20 feet on center, and ground cover. The home-builder shall be responsible for installation and the homeowner association shall be responsible for maintenance. | |
| 5. | That a An 8-foot wide landscape tract containing a minimum of one 15-gallon shade tree and five shrubs shall be provided an average 20 feet on center along the street side of each corner lot. The homebuilder shall be responsible for installation and the homeowner association shall be responsible for maintenance. | |
| 6. | That t The developer of this property shall participate in the Estrella Village Arterial Street LandscapINGe Program for designated street trees and plants along 91st Avenue. | |
| 7. | That t The following shall be provided as approved by the Parks and Recreation Department: | |
| | A) | A 10-foot multi-use trail and exercise course shall be provided along the Elwood Road/future Durango Area Drainage Channel/WAPA Utility corridor. |
| | B) | A 10-foot multi-use shall be provided on the north side of Broadway Road. |
| | C) | An 8-foot multi-use trail shall be provided along the south side of Lower Buckeye Road. |
| | D) | An 8-foot multi-use trail shall be provided at the mid section line east side of |

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| | | 87th Avenue south of the utility corridor based on the Estrella Multi-Purpose Trail Plan. |
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| 8. | | Should an Intergovernmental Agreement be formed in the future to facilitate the construction of the Durango Area Conveyance Channel, the developer agrees to coordinate in the design of the drainage way through this project. The developer shall submit to the PLANNING AND Development Services Department a design that shows the clean take line and the adjacent land uses including school, park and subdivision plats. Once an intergovernmental agreement is completed, the developer agrees to coordinate with the City and the County for temporary improvements. The property owner agrees to dedicate only the property where the drainage way is located under the power line corridor and provide temporary landscaping improvements to the county drainage way. The City shall not own or maintain common private retention areas. Final ownership and maintenance responsibilities for the drainage way will be determined between the City and the Maricopa County Flood Control District. |
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| 9. | | That The property owner shall record documents that disclose to purchasers of the property within the development the existence and potential characteristics of the dairy operations and 91st Avenue Wastewater Treatment Plant. The form and content of such documents shall be reviewed and approved by the City Attorney. |
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| 10. | | That If the commercial portion of the request is approved, the following conditions shall be included: |
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| | A. | The parcel shall be limited to two detached pads along each arterial street. General conformance to the conceptual site plan, concept 2 date stamped January 13, 2003. THE DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE SITE PLAN AND ELEVATIONS DATE STAMPED MARCH 29, 2019, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. |
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| | B. | An average 75' by 75' landscape entry feature shall be provided at the southeast corner of 91st Avenue and Lower Buckeye Road. THE DEVELOPER SHALL PROVIDE A PEDESTRIAN PATHWAY AT THE NORTHWEST CORNER OF THE SITE CONSTRUCTED OF POROUS, INTERLOCKING, OR OPEN-GRID PAVERS OR ANOTHER ALTERNATIVE SURFACE MATERIAL, WHICH PROVIDES CONNECTIVITY BETWEEN THE PROPERTY AND THE BUS BAY ON THE SOUTH SIDE OF LOWER BUCKEYE ROAD, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. |
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| | C. | General conformance to the rendering date stamped February 5, 2003, as approved or modified by the Development Services Department. |
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| | C. D. | THE DEVELOPER SHALL PROVIDE A pedestrian connection shall be provided to the residential portion through the open space locations. |
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| | | Street Improvements |
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| 11. | That | The following right of way shall be provided: |
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| | A. | Right of way totaling 55 feet shall be dedicated for the east half of 91st Avenue. |
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| | B. | Right of way totaling 55 feet shall be dedicated for the south half of Lower Buckeye Road. |
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| | C. | Right of way totaling 55 feet shall be dedicated for the north half of Broadway Road. |
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| | D. | A 21 foot by 21 foot right of way triangle shall be dedicated at the northeast corner of 91st Avenue and Broadway Road. |
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| | E. | A 21 foot by 21 foot right of way triangle shall be dedicated at the southeast corner of 91st Avenue and Lower Buckeye Road. |
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| | F. | Sufficient right of way shall be dedicated to accommodate a far side bus bay (Detail P-1257) on Lower Buckeye Road at 91st Avenue. |
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| | G. | Sufficient right of way shall be dedicated to accommodate a far side bus bay (Detail P-1257) on 91st Avenue at Broadway Road. |
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| | H. | 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. |
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| | I. | The applicant shall complete and submit the Developer Project Information Form for the MAG Transportation Improvement Program to Alan Hilty, (602) 262-6193, with the Street Transportation Department. This form is a requirement of the EPA to meet clean air quality requirements. |
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| 12. | That | The traffic analysis report submitted with this request shall be subject to review and changes recommended by the Street Transportation Department. |
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| 13. | That | The applicant shall submit to THE PLANNING AND Development Services Department, prior to preliminary site plan approval, a conceptual street plan showing street connections to neighboring properties. |
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| 14. | That | a minimum 25 acre school site as shown on the map "Hurley Ranch |

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| | Conceptual Site Plan" (1/13/03) in the document Rezoning Exhibits for Hurley Ranch, unless otherwise waived, shall be reserved for one (1) year from the date of final site plan approval. |
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| 15. | That the Planning Hearing Officer shall review elevations and the site plans, through the hearing process on the C-1 portion, prior to Development Services Department preliminary site plan review. |

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