

# ATTACHMENT C

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

November 20, 2024

ITEM NO: 1	
	DISTRICT NO. 7
SUBJECT:	
Application #:	PHO-1-24--Z-74-15-7
Location:	Approximately 358 feet east of the southeast corner of 83rd Avenue and Lower Buckeye Road
Zoning:	C-2
Acreage:	7.04
Request:	1) Request to modify Stipulation 1 regarding general conformance with the site plan date stamped January 11, 2016 and elevations date stamped November 18, 2015. 2) Request to delete Stipulation 2 regarding a minimum landscape setback along the south property line.
Applicant:	Cassandra Ayres, Berry Riddell, LLC
Owner:	Crossroad Commons LLC
Representative:	Cassandra Ayres, Berry Riddell, LLC

### **ACTIONS:**

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

Village Planning Committee (VPC) Recommendation: The Estrella Village Planning Committee was scheduled to hear this request on November 19, 2024 but did not have a quorum.

### **DISCUSSION:**

Cassandra Ayres, representative of Berry Riddell LLC; 6750 East Camelback Road, introduced the subject site, surrounding uses and modification requests for this PHO case and the companion case (PHO-2-24--Z-21-02-7). She stated that the site is being developed cohesively to include six single tenant commercial pads, one multi-tenant pad, and one convenience store/gas station with a car wash. She stated that the site is long and narrow and has many easements, and that creates a need for their request to reduce their landscape setback and from 25' to 10' along Lower Buckeye Road. She stated the development team will increase the multi-use trail (MUT) from 8' to 10' to make it more consistent with the rest of the MUT's on the site and increase safety and walkability. Byron Easton, Planning Hearing Officer, provided an overview of the request and asked Ms. Ayres to identify the building setback along the southern property line.

Ms. Ayres stated it was 75 feet.

Mr. Easton noted there was no quorum at the Estrella Village Planning Committee (VPC) meeting on November 11, 2024, but Staff received email correspondence from the VPC chair, Lisa Perez, in support of the landscape setback reduction. He recommended approval of the deletion of Stipulation 2 regarding the minimum landscape setback along the south property line stating the intent of the stipulation is provide a buffer between the residential property to the south and this proposed commercial development. Mr. Easton reiterated that the 75 foot building setback provides an adequate buffer which includes a standard landscape setback as well. He asked Ms. Ayres what the connectivity from the original stipulation was referring to and how was it shown on their proposed site plan.

Ms. Ayres stated the connectivity was mainly focused on the connectivity between the C-2 property on the east to the C-1 property on the west of the site. Mr. Easton stated he did not see any pedestrian walkways on the stipulated site plan that shows the connectivity between the sites. He points out the proposed site plan shows connectivity and therefore meets the intent of the stipulation. Ms. Ayres stated that the Conceptual Site Plan that was submitted with this application includes pedestrian connections between each pad and the MUT. Mr. Easton recommended approval with a modification to Stipulation 1 regarding general conformance with the site plan and elevations by removing the extra language regarding the connectivity. He added a new stipulation regarding submitting a Proposition 207 waiver prior to preliminary site plan approval.

### **FINDINGS:**

- 1) The request to modify Stipulation 1 regarding general conformance to a site plan and elevations is recommended to be approved with a modification. The modification is to replace the existing stipulation with a new general conformance stipulation. The existing stipulation also referenced pedestrian connectivity within the site and to the C-1 parcel to the west. The conceptual site plan demonstrates this connectivity so this reference can be removed.

The proposed conceptual site plan in the current request depicts six commercial buildings on the site with both single pad and multi-tenant uses including retail, coffee shops and restaurants with drive through options, convenience store with fuel and car wash and an oil change shop. The proposal is compatible in scale and intensity with existing and planned development in the surrounding area. Additionally, the proposed elevations show a contemporary design with a variety of colors, materials, and roof lines that create visual interest for each building. While having its own defining look and features, each building will be compatible and complementary creating a cohesive and unified look throughout the development that meets the intent of the stipulated elevations.

- 2) The request to delete Stipulation 2 regarding the minimum landscape setback along the south property line is recommended to be approved. This is a request to delete this stipulation requiring an increased landscape setback and instead provide the landscape setback as required per the C-2 zoning district in the Zoning Ordinance. The Site is very long and has a narrow depth that must accommodate the proposed development as well as several required easements along Lower Buckeye Road and 83rd Avenue. These easements (some of which will be overlapping) include an 8-foot Public Utility Easement (“PUE”), 20-foot SRP Irrigation Easement, and a 30-foot Multi-Use Trail Easement (“MUTE”) with a 10-foot Multi-Use Trail (“MUT”). Nearly 20% of the depth of the Site (53 feet) will be dedicated to these easements and the landscape setback, all before any of the commercial can be developed.

In order to accommodate the 53 feet of easements and landscape setback on the north portion of the Site, plus the commercial pads with required circulation and parking, the 25- foot landscape setback along the southern property line would need to be reduced to the 10 feet required by the Zoning Ordinance.

- 3) 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:**

Phoenix Zoning Ordinance:	
1.	The development shall be in general conformance with the site plan date stamped OCTOBER 4, 2024 <del>January 11, 2016, with the specific regard to the east/west connectivity throughout the site and with the C-1 parcel to the west,</del> and the elevations date stamped OCTOBER 22, 2024 <del>November 18, 2015, AS APPROVED OR modified by the following stipulations, as approved by the Planning and Development Department.</del>
2.	<del>A minimum 25-foot landscape setback shall be provided along the south property line, as approved by the Planning and Development Department.</del>
2. 3.	The landscape setback along the south property line shall be planted with a minimum 50% 2-inch caliper trees and a minimum 50% 3-inch caliper trees planted 20-feet on center with a minimum of (5) 5-gallon shrubs per

	tree, as approved by the Planning and Development Department.
3. 4.	The development shall conform to the Estrella Village Arterial Street Landscaping Program as approved by the Planning and Development Department.
4. 5.	The developer shall dedicate a 30-foot multi-use trail easement along the south side of Lower Buckeye Road, as approved by the Planning and Development Department.
5. 6.	A 10-foot-wide multi-use trail shall be constructed along Lower Buckeye Road and shall be improved per Parks and Recreation Department standards and the Estrella Multi-Purpose Trail Plan, as approved by the Planning and Development Department.
6. 7.	Right-of-way totaling 55 feet shall be dedicated for the south half of Lower Buckeye Road for the length of the project, as approved by the Planning and Development Department.
7. 8.	The developer shall provide the following as approved by the Street Transportation Department. All improvements shall comply with all ADA accessibility standards.
	a. Paving along the south side of Lower Buckeye Road.
	b. Improvements including paving, curb, gutter, median island, 5' detached sidewalk, streetlights and other necessary incidentals as required.
	c. City of Phoenix standard paved transition tapers to all existing improvements.
8. 9.	The developer shall complete and submit the Developer Project Information Form for the MAG Transportation Improvement Program to the Street Transportation Department.
9.	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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