



## Village Planning Committee Meeting Summary

### PHO-1-18—Z-114-06-7

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| <b>Date of VPC Meeting</b>      | March 19, 2019   |
| <b>Planning Hearing Officer</b> | March 20, 2019   |
| <b>Hearing Date</b>             |  |
| <b>Request</b>                  | 1) Delete Stipulation Nos. 1, 2, 3, 6, and 7;<br>2) Modify Stipulation Nos. 5 and 10;<br>3) Technical corrections to Stipulation Nos. 4, 8, and 9. |
| <b>Location</b>                 | Southeast corner of 67th Avenue and Lower Buckeye Road   |
| <b>VPC Recommendation</b>       | Approval with modifications and an additional stipulation  |
| <b>VPC Vote</b>                 | 6-0  |

#### **VPC DISCUSSION & RECOMMENDATION:**

**Mr. Klimek** provided an overview of the request including the history of the property and the nature of the request. The request comes from a change in the owner and desired use of the property from restaurant and convenience store to a convenience store with fuel pumps. An overview of the request was provided.

- Stipulation 1. General conformance to the site plan – the applicant is requesting to remove the stipulation.
- Stipulation 2. General conformance to building elevations – the applicant is requesting to remove the stipulation.
- Stipulation 3: A requirement for a 50' by 50' landscape area at 67<sup>th</sup> and Lower Buckeye – the applicant is requesting to remove the stipulation.
- Stipulation 5: A requirement for an easement and multi-use trail on Lower Buckeye - the applicant is requesting to add a condition that the trail be developed once a trail is developed on the adjacent properties.
- Stipulation 6. A requirement for a shaded outdoor eating space with landscaping – the applicant is requesting to remove the stipulation because the stipulation was specific to the restaurant use proposed in the original site plan.
- Stipulation 7. A requirement for an enhanced landscape buffer between the carwash and the surrounding planned commercial areas – the applicant is requesting to remove the stipulation because the stipulation was specific to the carwash use proposed in the original site plan.

- Stipulation 10. A requirement for additional right of way dedication on Lower Buckeye for a bus bay – the applicant is requesting to modify the technical language of the stipulation.

**Mr. Klimek** further noted several items the committee may want to consider. Regarding Stipulation 1, a new site plan has been submitted and it is common to update stipulation language to reference a newer site plan. Regarding Stipulation 2, it is common to update stipulation language to reference newer elevations. Regarding Stipulation 3, the property at the northeast corner of 67<sup>th</sup> and Lower Buckeye was stipulated to, and constructed, a 75' by 75' landscaped entryway feature, larger than that stipulated for the subject property; the history of stipulation language appears to come from the Estrella Village Arterial Landscape Program but it is not clear whether the intersection of 67<sup>th</sup> and Lower Buckeye was intended for an entry feature, being that it is centrally located in the Estrella Village. Regarding Stipulation 5, that trails are commonly dedicated and constructed at the time of development and this segment is identified in the City's master trails plan. Regarding Stipulations 5, 6, and 7, all are either technical in nature or related to the previous site plan.

**Mr. Bret Ryan**, architect and representative, presented the proposal for the site. The proposed stipulation modifications came from a change in the proposed development of the site from a restaurant and convenience store to now a convenience store with fuel service and from a development pre-application meeting with the City of Phoenix. They are requesting to eliminate stipulations 1 and 2 (general conformance to site plan and elevations) to reflect the new proposal; to eliminate stipulation 3 to allow for a natural landscape area rather than the paved plaza space depicted on the original site plan; to eliminate stipulation 6 and 7 (outdoor dining area and carwash buffer) to reflect the updated proposal; and to modify stipulation 10 for a technical correction regarding a transit pad, instead of a bus bay.

**Mr. Kahland** explained that the Estrella Village has been very successful in attracting large employment and distribution centers and is home to many large residential areas and both sectors are rapidly growing; however, the area has not provided restaurant, park, and recreational amenities at an appropriate pace. While the change in use from a Jack in the Box to a convenience store/gas station may seem trivial, people in the village travel for miles to restaurants and other amenities; a shaded outdoor seating and dining area, for example, would be attractive for many residents and may also be good for business as an accessory to the convenience store.

Regarding the landscaped entryway feature, he noted that 67<sup>th</sup> and Lower Buckeye is an appropriate location for an entryway to the Estrella Village due to the Loop 202. Once the Loop 202 is open, this location will function as a gateway to the residential areas of the village and that he is therefore in support of preserving the stipulation. The proposed use may be more appropriate along the freeway.

Regarding the construction of the trail, he noted that trails are built one segment at a time and that the people of the Estrella Village need and want multi-use trails.

Discussion from VPC including concerns about traffic congestion, pedestrian safety issues, flooding issues at the intersection, and the whether the Estrella Village Arterial Landscape Plan should be updated to reflect changing transportation conditions in the village such as Loop 202.

**Mr. Ryan** stated the proposal is: adding right of way; had planned to add a deceleration lane / bus bay but that was not preferred by the transit department during the development pre-application meeting; and prefers to save the upfront cost of installing a trail once it has another segment to connect to and avoid the risk of the trail being damaged during construction.

**Mr. Kahland** expressed support for preserving the trail stipulation as written and asked members for their opinions on whether they should consider this intersection a gateway with regard to stipulation 3.

**Ms. Perez** expressed support for updating stipulation 1 to reference the updated site plan and strong support for the construction of the trail noting that it is dangerous to walk or ride a bike in the Estrella Village and that many are ready for this trail to be completed.

**Mr. Barquin** and **Mr. Sanou** agreed with the points raised by Perez and Kahland noting the area should be considered an entryway.

**Mr. Kahland** asked Klimek to follow-up with the public transit department regarding their preference toward bus stops being adjacent to the travel lane rather than in a dedicated pull off.

Discussion regarding options to stipulate a development to elevations when elevations are not available. Further discussion about whether the case would return to the village for review.

**Mr. Klimek** explained that, if approved as written and if developed as planned, there is nothing to require the applicant to return to the Village Planning Committee. Regarding elevations, there is stipulation language requiring proposed elevations be submitted to the village for “review and comment.”

**Mr. Ryan** shared examples of the interior and exterior architectural treatments the owner intends to incorporate into the development of this project.

## **MOTION**

**Mr. Kahland** motioned to approve the request subject to the following modifications and addition:

Stipulation 1: that the development shall be in general conformance with the site plan date stamped ~~October 20, 2006~~ JANUARY 18, 2019, as approved or modified by the ~~Development Services Department~~ PLANNING AND DEVELOPMENT DEPARTMENT.

Stipulation 3: retain with no changes but noting the intent of the stipulation is not to require a concrete pad as depicted on the October 20, 2006 site plan.

Stipulation 5: retain with no changes.

Additional stipulation: THE CONCEPTUAL ELEVATIONS SHALL BE ADMINISTRATIVELY APPROVED BY THE PLANNING HEARING OFFICER PRIOR

TO PLANNING AND DEVELOPMENT DEPARTMENT FINAL SITE PLAN APPROVAL. THIS REVIEW IS FOR CONCEPTUAL PURPOSES ONLY. SPECIFIC DEVELOPMENT STANDARDS AND REQUIREMENTS WILL BE DETERMINED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

**Mr. Sanou** seconded from the motion.

**VOTE**

**6-0**, motion passed, with Committee Members Perez, Kahland, Ademolu, Barquin, Cardenas, and Sanou in favor.

**STAFF COMMENTS REGARDING VPC RECOMMENDATION:**

None.