

## Attachment C

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

February 21, 2024

ITEM NO: 1	
	DISTRICT NO. 6
SUBJECT:	
Application #:	PHO-1-24--Z-10-96-6
Location:	Southwest Corner of 50th Street and Thistle Landing Drive
Zoning:	CP/GCP
Acreage:	1.6
Request:	1) Request to delete Stipulation 1 regarding general conformance with the site plan date stamped October 1995. 2) Request to delete Stipulation 2 regarding building elevations. 3) Request to delete Stipulation 3 regarding loading docks.
Applicant:	Thistle Income Partners LLC
Owner:	Thistle Income Partners, LLC c/o Menlo Equities
Representative:	Thistle Income Partners LLC

#### **ACTIONS:**

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

Village Planning Committee (VPC) Recommendation: The Ahwatukee Foothills Village Planning Committee heard this request on January 22, 2024 and recommended approval by a vote of 8-0.

#### **DISCUSSION:**

Nick Wood, representative of Snell & Wilmer LLC, provided an overview of the request language, and the subject site. He noted the subject site only includes the proposed area of the publicly accessible open space and indicated that the original stipulations were not applicable to the proposed "parklet" area. He stated that the proposed conceptual site plan will consist of 6 buildings, including a substation at the southeast portion and the publicly accessible open space at the northeast portion of the site. He further explained that during their public outreach, many residents were concerned about the height of the buildings, proximity to residential areas and traffic. The Applicant included a stipulation that provides a minimum 126-foot building perimeter setback to account for and offset the 56-foot height. He stated a 90-foot landscape setback would be created to

enhance the separation between the surrounding streets and the development. He stated their team will work with surrounding residents to determine the specific elements that will be included in the park.

Nikki Micale, 14817 South 46th Place, stated her concern with the building height and the distance between her home and some of the buildings. She owns two neighboring properties, one which her children live in. She stated she did not feel the conceptual design matched the residential theme. She stated the current site has always been open with minimal landscape, which ensured no homeless and wild animals were in the neighborhood. She stated the landscape plan lacked maturity and that a park to the north already exists.

Mr. Wood stated the buildings will be no closer than 270 feet from the nearest backyard. He stated the buildings can barely be seen on the conceptual renderings and landscape plan. He stated they had an informational presentation, where only 3 members of the public were in attendance. He stated the VPC were in support of this application. He stated they knocked on over 1,000 doors and was unsure why Ms. Micale or her children did not answer their door because they did not speak to them. He stated that although Ms. Micale may not be interested in the park, it was a great interest to some of the residents they spoke with. He stated that they are not taking the 56-foot height allowed for CP/GCP for granted, which is why they established the 126-foot setback to the property line.

Mr. Easton asked the Applicant what their permitted maximum height would be in the zoning district. The Applicant responded that based on their setback, they would be allowed a maximum height of 80 feet. The Planning Hearing Officer then asked Mr. Wood if there was a comparison done between the current site max occupancy average daily trip generation and the proposed site for the average daily trip generation. Mr. Wood explained that he would need a little time to produce that data, but there was a traffic study completed.

Mr. Easton stated that they would come back to traffic concerns during the companion case discussion.

Mr. Easton recommended approval with an additional stipulation.

**FINDINGS:**

- 1) The request to delete the three stipulations is recommended for approval. The stipulations are no longer applicable nor necessary due to the recommended approval of the companion case (PHO-2-24--Z-127-96-6). The development of the site must be in conformance with the Project site plan, which shows the northeast corner of the site as open space.

- 2) 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:**

1.	<del>That development be in general conformance with the site plan dated October 1995, as may be modified by the following stipulations and review by the Development Services Department.</del>
2.	<del>That building elevations shall be consistent and continuous in design and materials around the building.</del>
3.	<del>That all loading docks shall be screened from view and shall not be located such that they face the east side of the property.</del>
1.	PRIOR TO PRELIMINARY SITE PLAN APPROVAL, THE LANDOWNER SHALL EXECUTE A PROPOSITION 207 WAIVER OF CLAIMS IN A FORM APPROVED BY THE CITY ATTORNEY'S OFFICE. 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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