

REPORT OF PLANNING HEARING OFFICER ACTION
Teresa Hillner, Planner III, Hearing Officer
Jazmine Braswell, Planner I, Assisting

October 17, 2018

ITEM 2

DISTRICT 7

SUBJECT:

Application #: Z-159-02-7 (PHO-1-18)
Zoning: A-1
Acreage: 8.30
Location: Northwest corner of 51st Avenue and Lower Buckeye Road
Proposal: 1) Modification of Stipulation No. 1 regarding design guidelines date stamped November 27, 2002.
2) Deletion of Stipulation No. 2 regarding a minimum of 20,000 square feet of retail space at the northwest corner of 51st Avenue and Lower Buckeye Road.
3) Technical correction to Stipulation Nos. 1, 1.B, 6, 7, 10, and 11.
Applicant: Rexco LLC
Owner: Rexco LLC
Representative: Cawley Architects - Kevin Fawcett

ACTIONS:

Planning Hearing Officer Recommendation: The Planning Hearing Officer took the case under advisement. On October 24, 2018, the Planning Hearing Officer took the case out from under advisement and recommended denial as filed and approved with a modification and an additional stipulation.

Village Planning Committee (VPC) Recommendation: At its October 16, 2018 meeting, the Estrella Village Planning Committee recommended approval with an additional stipulation by a 4 to 2 vote.

DISCUSSION:

Mr. Kevin Fawcett with Cawley Architects, representing the property owner, explained the original rezoning site, approximately 77 acres, was rezoned from RE-43 to A-1. In 2002, the area was largely undeveloped and farm land. There was an aspirational goal of residential development that would bring thousands of rooftops in the immediate area. Over the course of the last 15 years, there have been several rezoning cases that changed the character of the area to an industrial one. Due to the influx of industrial developments, the closest residential development to the subject site is approximately three quarters of a mile away. There is a natural barrier, a canal to the north that separates the residential development from the subject site. As well, the new freeway to the west will be another barrier between the subject site and any residential

development. For these reasons, a commercial development at the subject site would not be the best use of the site. The survivability of any retail development is subject to the number of residential rooftops that are in the immediate vicinity of the site. Although the subject site was rezoned to A-1, the stipulated design guidelines stated the development had to be subject to the Commerce Park development standards.

Ms. Teresa Hillner asked Mr. Fawcett if the design guidelines that do not work for the site are the building height and setbacks of the Commerce Park/General Commerce Park option or the architectural style that is also identified in the design guidelines.

Mr. Fawcett stated he is referring to the height and setbacks.

Ms. Hillner ask if the proposed development was going to meet the other design elements from the stipulated design guidelines.

Mr. Fawcett stated yes. If the proposed building was to be developed under the A-1 standards, the building would of within 12 feet of the property line. Currently the proposed building has more than a 30-foot setback due to a multi-use trail along the east property line.

Ms. Hillner stated there isn't a site plan that is stipulated as a part of the 2002 rezoning case. There is a 77-acre development plan along with details within the design guidelines.

Mr. Fawcett stated they are asking to delete all references to the Commerce Park development standards. The height and setbacks is the standards impacting the developable area of this property.

With regards to Stipulation No. 2, it requires that 20,000 square feet of retail space is developed at the immediate northwest corner of 51st Avenue and Lower Buckeye Road. He does not believe they would have a successful retail development at this location because they are not enough residential developments to support the retail business. He is proposing to construct a small industrial building and provide two pads for future development for potential retail uses. He does not want to be constrained to 20,000 square feet of retail but are leaving two undeveloped pads for a smaller retail development. Parking demands of retail uses and the width of typical retail users are the development standards that work in conjunction with the proposed industrial development loading docks, turning radius for larger vehicles, and the depth of a working truck yard. These factors are what they used to determine how much space would be left over for future redevelopment.

Ms. Hillner asked if the lot divisions and configuring of the proposed building all speculative based on business models of distribution centers or is there a proposed user for the distribution center?

Ms. Fawcett stated is not a build to suit and is speculative.

Ms. Hillner stated she does not want to stipulated to the site plan that Mr. Fawcett is proposing because it is speculative. The original stipulations granted some flexibility in the site planning process.

Mr. Fawcett stated he is asking for the Commerce Park development standards, regarding building height and setbacks, inside of the design guidelines to be deleted for this subject site.

Ms. Hillner asked if there is any other property in the Southwest Business Center that is going to be held to the height and setbacks that is more than this subject property?

Mr. Fawcett stated for his development to be competitive with other developments in the surrounding area, they are asking for a small degree of flexibility in the height and setbacks.

Ms. Hillner stated the Estrella Village Planning Committee had a concern with eliminating the requirement of providing retail space completely. She asked if they thought about either modifying the square footage number or deleting square footage number but maintain the requirement of providing retail space.

Mr. Fawcett stated he believes any size of retail on this site would not be viable.

Ms. Hillner asked about the proposed stipulation regarding traffic that was suggested by the Village Planning Committee.

Mr. Fawcett stated the village added a stipulation restricting the left-out traffic on 51st Avenue and Lower Buckeye Road. He stated when they went through the development pre-application process, they are not asked to provide a traffic impact analysis.

Ms. Hillner asked if the revised pre-app notes ask for a Traffic Impact Analysis (TIA).

Mr. Fawcett said no, it did not. But it was an Option 1 pre-application meeting and most Option 1 type of meeting do not require or ask for a TIA.

Ms. Hillner stated would like to see the traffic study for the entire 77 acres envisioned. She stated she is going to take this case advisement.

Mr. John Vanderwey with Rexco stated the study is not going to have taken into consideration the new freeway that is adjacent to the site.

Ms. Hillner stated she is going to review the traffic impact study with our traffic engineers and see if the TIA for this one subject site will address it.

FINDINGS:

1. This parcel is part of a much larger industrial subdivision totaling approximately 77 acres. The proposed request would be to allow the building height and building setbacks to follow the A-1 (Light Industrial) zoning district while maintaining the other design guidelines proposed for the entire industrial subdivision. There are other buildings within this development that have utilized the A-1 building heights and setbacks. This parcel will maintain those building height and setback standards while adhering to the overall design guidelines.
2. The request to delete the retail component seems premature now. 51st Avenue and Lower Buckeye Road are both major roadways within the area. The minimum square footage of 20,000 square feet could be reduced to accommodate the marketing of the property but the elimination of the retail completely does not seem to be aligned with the vision of the Estrella Village Character Plan for the need for more retail and commercial services.
3. The Estrella Village Planning Committee proposed an additional stipulation to restrict left turn out of the site on both 51st Avenue and Lower Buckeye Road for potential truck traffic. The turning movements of larger vehicles has a potential to create traffic safety concerns. Since the development is unknown now, a stipulation requiring a Traffic Impact Statement addressing the access to public streets will be required.

DECISION:

The Planning Hearing Officer took this case under advisement. On October 24, 2018, the Planning Hearing Officer took this case out from under advisement and recommended denial as filed and approved with a modification and an additional stipulation.

STIPULATIONS:

1.		The development shall be in general conformance to the conceptual development plan and the submitted Design Guidelines for the Southwest Business Center date stamped November 27, 2002 as approved or modified by the PLANNING AND Development Services Department.
	A.	Architectural design guidelines shall be included, but not limited to building massing, colors, materials, walls, and shall establish an integrated architectural theme for all buildings and structures in the project.
	B.	The design guidelines shall also establish the landscape architecture theme for the project. The architectural design guidelines shall be approved by the PLANNING AND Development Services Department prior to preliminary site plan approval for any parcel in the project.

	C.	THE BUILDING HEIGHT AND BUILDING SETBACK REQUIREMENTS IDENTIFIED IN THE ABOVE NOTED DESIGN GUIDELINES DATED NOVEMBER 27, 2002 SHALL NOT APPLY TO THE SOUTHEAST CORNER PARCEL OF THIS CASE (APN 104-40-010). ALL OTHER DEVELOPMENT GUIDELINES NOTED SHALL APPLY. A 30-FOOT BUILDING SETBACK SHALL REMAIN ADAJACENT TO 51ST AVENUE AND LOWER BUCKEYE ROAD.
2.		That There shall be a minimum of 20,000 square feet of retail space at the northwest corner of 51st Avenue and Lower Buckeye Road.
3.		That a 75' by 75' landscape triangle shall be provided at the northwest corner of 51st Avenue and Lower Buckeye Road.
4.		That n No outdoor storage shall be visible from either 51st Avenue or Lower Buckeye Road.
5.		That t The following public transit improvements shall be provided:
	A.	Right-of-way and construction for a bus bay (P1257P1256) and transit pad (P1261) at westbound Lower Buckeye Road west of 51st Avenue.
	B.	Right-of-way and construction of transit pads (P1262) at the following locations:
	--	Southbound 51st Avenue south of Durango Street
	--	Southbound 51st Avenue south of Watkins Street
6.		That t The following street improvements be provided as approved or modified by the PLANNING AND Development Services Department.
	A.	Right-of-way totaling 50 feet shall be dedicated for the north half of Lower Buckeye Road.
	B.	Right-of-way totaling 55 feet shall be dedicated for the west half of 51st Avenue.
	C.	A 21 foot by 21 foot right-of-way triangle shall be dedicated at the northwest corner of 51st Avenue and Lower Buckeye Road.
	D.	Sufficient right-of-way shall be dedicated to accommodate a busbay on Lower Buckeye Road at 51st Avenue.
7.		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.

8.	The applicant shall complete and submit the Developer Project Information form for the MAG Transportation Improvement Program to the Street Transportation Department. This form is a requirement of the EPA to meet clean air quality requirements.
9.	That t The developer shall pay for the development's fair share of the cost of the signal at 51st Avenue and Collector 1. (See traffic study)
10.	That a Additional right-of-way may be required for right turn lanes as determined by PLANNING AND Development Services Department at the time of site plan review.
11.	That t The developer shall participate in the Estrella Village Arterial Street Landscape program as approved or modified by PLANNING AND Development Services Department.
12.	That t The development shall provide a multi-use trail on both the west side of 51st Avenue and the north side of Lower Buckeye Road based on the adopted Estrella Village Multi-Purpose Trail Plan as approved or modified by the Parks and Recreation Department.
13.	A TRAFFIC IMPACT STATEMENT ADDRESSING TRAFFIC ACCESS TO PUBLIC STREETS SHALL BE SUBMITTED AND APPROVED BY THE STREET TRANSPORTATION DEPARTMENT. ANY IMPROVEMENTS RECOMMENDED BY THE TRAFFIC IMPACT STATEMENT SHALL BE DEDICATEED AND/OR CONSTRUCTED BY THE APPLICANT, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

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