



STAFF REPORT

Planning Commission

CASE #S-814-22			
PC Date:	January 03, 2023	Case Planner:	Jennifer Jones, AICP
CC Date:	February 06, 2022		
Location:	Northeast corner of E. 104 th Avenue and Chambers Road		
Applicant/Owner:	Thompson Thrift		
Address:	2398 E. Camelback Road, Suite 210 Phoenix, Arizona 85016		

Case Summary	
Request:	Final subdivision plat to replat two commercial lots into three commercial lots for future development.
Project Description:	Thompson Thrift is requesting approval of the Second Creek Village Amendment No. 6 Subdivision Plat to replat two commercial lots into three commercial lots for future development, for the property located at the northeast corner of E. 104 th Ave and Chambers Rd, zoned Second Creek Village PUD (Planned Unit Development District).
Issues/Concerns:	<ul style="list-style-type: none"> Plat meets the standards in LDC and PUD
Key Approval Criteria:	<ul style="list-style-type: none"> Land Development Code (LDC) final plat criteria
DRT Recommendation:	Approval
Current Zone District:	PUD (Planned Unit Development District)
Comp Plan Designation:	Commercial

Attachments for Review: *Checked if applicable to case.*

- Vicinity Map
- Proposed Final Plat

Background Information

Site Information	
Site Size:	Approximately 2.4 acres
Current Conditions:	Partially developed
Existing Right-of-Way:	E. 104 th Avenue to the south; Chambers Road to the west
Neighborhood:	Second Creek Village
Existing Buildings:	Yes; No new development proposed at this time.
Buildings to Remain?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Site in Floodplain	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Surrounding Properties

<u>Existing Land Use</u>		<u>Occupant</u>	<u>Zoning</u>
North	Undeveloped	Vacant	PUD
East	Retail	Dutch Bros	PUD
West	Restaurant	McDonald's	PUD
South	Retail	Walgreens	PUD

Case History

The Second Creek Village PUD Zone Document was approved by City Council in 2002. There were numerous property owners and separate parcels at that time. In 2017 the Second Creek Village Subdivision consolidated 13 parcels into two lots for future development and one tract for the floodplain area. Subsequent subdivision applications have been approved with Amendments 1, 2, 3, 4, and 5. The current request, Amendment 6, will create three commercial lots from two existing commercial lots.

<u>Case</u>	<u>Date</u>	<u>Request</u>	<u>Action</u>
S-688-17	October 2017	Second Creek Village Subdivision	Approval
S-708-18	August 2018	Second Creek Village Amendment No. 1	Approval
S-728-19	March 2019	Second Creek Village Amendment No. 2	Approval
S-733-19	March 2019	Second Creek Village Amendment No. 3	Approval
S-741-19	October 2019	Second Creek Village Amendment No. 4	Approval
S-752-20	August 2020	Second Creek Village Amendment No. 5	Approval

Applicant's Request

Thompson Thrift requests approval of the Second Creek Village Amendment No. 6 final subdivision plat to replat two existing commercial lots into three commercial lots for future development. The total site size of all three proposed commercial lots is approximately 2.4 acres. The purpose of the replat is to clean up lots lines and create commercial lots which are more suitable for future development. There is no specific new development proposed at this time.

Development Review Team Analysis

Scope of Review:

The request for consideration at this hearing is a final subdivision plat. The Land Development Code (LDC) sets out the specific criteria for review of a plat application. The default process for a subdivision case is to be reviewed and approved administratively in accordance with the City's (LDC). However, the LDC allows City Council to request that a subdivision be required to go through the public hearing process, with final approval authority reserved for Council. As it relates to subdivisions, the LDC sets out the specific criteria upon which a plat application can be approved or denied. Therefore, the analysis and evaluation must be limited to those criteria; no outside considerations may be the basis of a decision of approval or denial.

Public Hearing Background:

In accordance with Section 21-3241(2) of the Land Development Code (LDC), Final Plats are typically considered through an administrative approval process after review by the Development Review Team (DRT) and the Director of Community Development. As a part of the administrative approval process, the LDC requires notification to the public and Council prior to approval of an application. During the

notification period, an application may be requested for review in public hearings before Planning Commission and City Council if one of the following occurs.

Section 21-3241(4) states:

Public Hearings Required. Public hearings before the planning commission and the city council shall be required if:

- a) The applicant or any property owner within 300 feet of the property submits a written request to the director by the date scheduled for department approval. This written objection request must be directly related to the proposed subdivision. General objections regarding existing land use, zoning, or issues unrelated to the subdivision will not be considered valid objections for purposes of this provision;
- b) If any public entity or utility affected by the proposed subdivision claims it is negatively impacted by the proposed subdivision and submits written request to the director by the date scheduled for department approval;
- c) The director determines that the final plat should be reviewed through a public hearing process; or
- d) **The city council requests that the final plat be reviewed through a public hearing process if such request is made before the date scheduled for department approval.**

Once staff completed the technical review and determined the application was ready for the notification period, staff proceeded with the standard process for notifying the public. In November 2022, during the notification period for this application, City Council voted to require public hearings for this case.

Site Overview:

The requested subdivision plat (Second Creek Village Amendment No. 6) is approximately 2.4 total acres generally bounded by E. 104th Ave. to the south and Chambers Road to the west. It is located within the Second Creek Village PUD. The area is partially developed with an existing multi-tenant building that includes Ent Credit Union, G's Tacos, Wingstop, and Jersey Mikes, as well as shared parking and additional developable area. Additional commercial development exists surrounding this plat area, including a Dutch Bros coffee, Panda Express, Sherwin Willaims retail store, and a car wash.

The unique configuration of this proposed plat is in response to the need for the existing Ent ATM and storefront to be located on the same lot. Due to the fact that this commercial development utilizes private drive aisles, access easements, and shared parking, the shape of the lots is functional and acceptable as they meet all PUD standards.

The Comprehensive Plan identifies the future land use of this area as Commercial. The current PUD zoning and the plat are in conformance with the commercial designation.

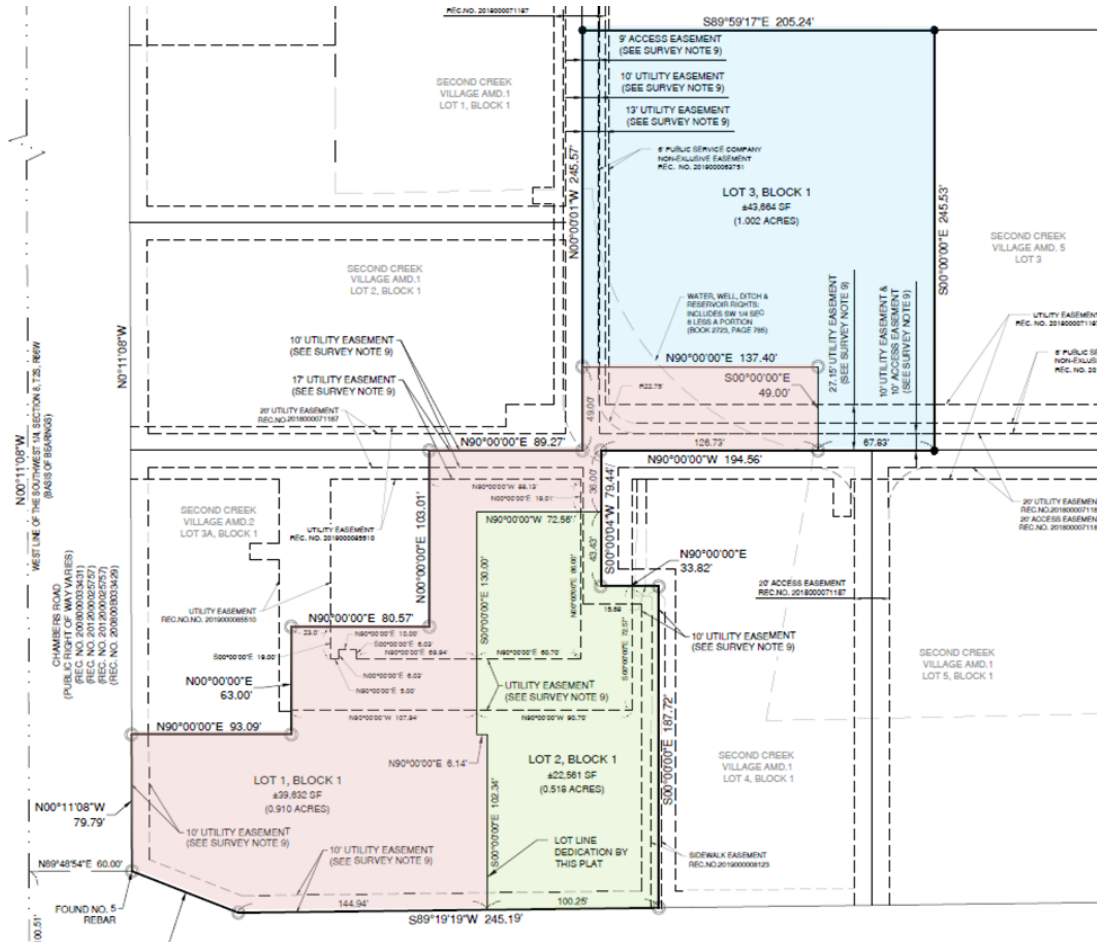
The applicant intends to continue to develop this area with commercial uses, as allowed per the approved Second Creek Village PUD Zone Document.

Proposed Plat:

The *Proposed Lots* graphic shown below is a colored illustration of the proposed three lots to be created by this Amendment No. 6 plat. Lot 1, which includes the existing in-line multi-tenant building with the Ent Credit Union and various restaurants, extends to the north to encapsulate the existing ATM and

totals 39,632 square feet. Per the Second Creek Village PUD, the minimum lots size for this commercial area is 20,000 square feet. All three lots meet this minimum requirement. Lot 2, which includes an undeveloped pad site along E. 104th Avenue is 22,561 square feet. Finally, Lot 3, located north of the Ent ATM drive-thru facility, is the largest lot at 43,664 square feet. Lot 3 is vacant and undeveloped.

Proposed Lots



DRT Analysis:

The DRT examined this request through the traditional cycles of development review. The following chart is a general summary of the comparison between the subdivision proposal’s design attributes and the City’s standards, requirements of the Land Development Code, and Second Creek Village PUD. During this review, staff determined that the proposed plat meets all of the City’s relevant requirements.

Proposed Plat Requirements – Non-Residential			
ISSUE	PROPOSED	CITY STANDARD	MEETS CITY STANDARD?
Access	Previously dedicated private drives	Access is required to be provided via public street or other approved access	Yes
Comprehensive Plan	Commercial	Commercial	Yes
Floor Area Ratio	N/A – No change proposed (new development will be required to meet standard)	.20 FAR Minimum per the PUD Zone Document	N/A
Lot Frontage(s) - Minimum	Lot 1: 211.5' Lot 2: 100.25' Lot 3: 196.75'	N/A per the PUD Zone Document	Yes
Lot Size(s) - Minimum	Lot 1: 39,632 SF Lot 2: 22,561 SF Lot 3: 43,664 SF	20,000 SF per the PUD Zone Document	Yes
Right-of-Way Dedications	No Additional ROW dedication needed or planned	To dedicate and install ROW that complies with City standards	Yes
Total Lots/Tracts	3 lots/0 tracts	N/A	Yes

Impacts to the Overall Road Network:

The proposed changes with this plat will have minimal (if any) impact on the overall road network. The developable area remains the same; the lot lines simply make the vacant area more marketable for potential users. No direct access to these lots (existing or new) is provided from E. 104th Avenue nor Chambers Road. All access is via internal private drive aisles and access easements. This plat does not change any parking lot configurations or drive aisles. It was determined that no Development Agreement is required for this plat.

Impacts to the School District:

Second Creek Village Amendment No. 6 is entirely non-residential and therefore has no impact on the school district.

Impacts to Parks and Recreation:

As a non-residential development, this plat requires no land dedication nor cash-in-lieu for parks.

LDC Final Plat Approval Criteria Analysis

The DRT recommendation for this case is based on the following LDC criteria, from **Sec. 21-3241**:

Approval Criteria. A final plat may be approved if the decision maker finds that:

Criteria (a): The subdivision is consistent with any approved rezoning, concept plan or PUD Zone Document;

Analysis: The Second Creek Village PUD is the approved PUD Zone Document for this location. This plat application is consistent with the lot standards in the PUD Zone Document.

Staff finds this application meets this criterion.

Criteria (b): The subdivision is consistent with and implements the intent of the specific zoning district in which it is located;

Analysis: This subdivision is consistent with the intent of the Second Creek Village PUD Zone Document. The PUD intends this area south of Second Creek to develop with commercial land uses. The proposed plat is intended to help spur such development.

Staff finds this application meets this criterion.

Criteria (c): There is no evidence to suggest that the subdivision violates any state, federal, or local laws, regulations, or requirements;

Analysis: There is no indication that the proposed subdivision violates any laws, regulations, or requirements.

Staff finds this application meets this criterion.

Criteria (d): The general layout of lots, roads, driveways, utilities, drainage facilities, and other services within the proposed subdivision is designed in a way that minimizes the amount of land disturbance, maximizes the amount of open space in the development, preserves existing trees/vegetation and riparian areas, and otherwise accomplishes the purposes and intent of this land development code;

Analysis: The overall layout is designed to implement the intent of the PUD while preserving Second Creek and minimizing access points onto arterial roadways.

Staff finds this application meets this criterion.

Criteria (e): The subdivision complies with all applicable city standards and does not unnecessarily create lots or patterns of lots that make compliance with such standards difficult or infeasible;

Analysis: The subdivision plat complies with the requirements and standards for lot design from the LDC and the PUD Zone Document.

Staff finds this application meets this criterion.

Criteria (f): The subdivision:

(i) Will not result in a substantial or undue adverse effect on adjacent properties, traffic conditions, parking, public improvements, either as they presently exist or as they may in the future exist as a result of the implementation of provisions and policies of the comprehensive plan, this land development code, or any other plan, program or ordinance adopted by the city; or

(ii) Any adverse effect has been or will be mitigated to the maximum extent feasible;

Analysis: This plat will not result in a substantial or undue adverse effect on adjacent properties, traffic conditions, parking, or public improvements. This assertion is supported by numerous reviews by the various agencies and departments of the DRT.

Staff finds this application meets this criterion (i).

Criteria (g): Adequate and sufficient public safety, transportation, utility facilities and services, recreation facilities, parks, and schools are available to serve the subject property, while maintaining sufficient levels of service to existing development;

Analysis: Numerous referral agencies that reviewed this proposal and none have raised concerns or objections to the proposed plat.

*Staff finds this application **meets this criterion.***

Criteria (h): A development agreement between the city and the applicant has been executed and addresses the construction of all required public improvements; and

Analysis: Per the City’s Public Works Department, no Development Agreement is required for this proposed plat.

*Staff finds this application **meets this criterion.***

Criteria (i): As applicable, the proposed phasing plan for development of the subdivision is rational in terms of available infrastructure capacity.

Analysis: Not applicable, as no phasing plan is included or needed for this subdivision plat.

*Staff finds this **criterion is not applicable.***

Comprehensive Plan Analysis

In reviewing the requested final plat, the DRT reviewed the request’s compatibility with the City’s Comprehensive Plan. That analysis is provided in the following table.

The DRT recommendation for this case is supported by the following Comprehensive Plan Goal:

Section	Goal	Description
Fiscal Stability	FS 2	Retain/Increase Employment Base
Analysis:	The proposed plat will create three commercial lots for future development from two existing (larger) commercial lots. These newly created lots are intended to be more attractive for prospective retailers. New non-residential development will provide additional jobs for the community as well as additional amenities for residents.	

Development Review Team Recommendation

The DRT discussed this case, Second Creek Village Amendment No. 6, also referred to as case S-814-22, in a meeting on October 10, 2022. No concerns or objections were raised by the DRT. The DRT made an official recommendation of APPROVAL for this case.

Recommended Motion

To recommend approval:

I move that the Planning Commission enter a finding that the Second Creek Village Amendment No. 6 Final Plat, for the property located at the northeast corner of E. 104th Avenue and Chambers Road, contained in case S-814-22 meets the criteria of the Land Development Code and based upon such finding, recommend that the City Council approve the Final Plat.