

Attachment C

REPORT OF PLANNING HEARING OFFICER ACTION Adam Stranieri, Planner III, Hearing Officer Bradley Wylam, Planner I, Assisting

January 19, 2022

ITEM NO: 6	
	DISTRICT 7
SUBJECT:	
Application #:	PHO-4-21--Z-47-19-7
Location:	Approximately 800 feet south of the southwest corner of 59th Avenue and Baseline Road
Zoning:	C-2 HGT/WVR
Acreage:	8.16
Request:	1) Review of site plan, landscape plan, and elevations per Stipulation 24.
Applicant:	Laveen Baseline LLC
Owner:	Laveen Baseline LLC
Representative:	Wendy Riddell, Berry Riddell LLC

ACTIONS:

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

Village Planning Committee (VPC) Recommendation: The Laveen Village Planning Committee heard this request on January 10, 2022 and recommended approval by a vote of 7-0.

DISCUSSION:

Wendy Riddell, representative with Berry Riddell, provided an overview of the Laveen Village Planning Committee's (VPC) unanimous recommendation of approval, the original rezoning case, and the previous Planning Hearing Officer cases neighboring the subject site. She reviewed the proposed conceptual site plan, landscape plan, and elevations that depict a 55,000 square foot anchor store along with two future phase areas. She stated that the proposed elevations depict brick, overhangs, and textural changes that are consistent with the area and previous phases of the original rezoning case area.

Adam Stranieri, Planning Hearing Officer, stated that no correspondence was received and reviewed the unanimous approval by the Laveen VPC. He stated he had no concern with approving the site plan, landscape plan, and elevations, but did want to retain portions of the original Stipulation 24 to provide specific regard to these details as they pertained to some missing figures on the

conceptual plans and future development of the future phase areas. He stated that because there are two future phase areas within the subject site, the original stipulation should not be deleted entirely, but proposed a modification intended to allow future reviewers to see the intended criteria for review on these areas.

FINDINGS:

- 1) The applicant submitted a site plan, landscape plan, and elevations in compliance with the requirements for Planning Hearing Officer review in Stipulation 24. The plans are determined to appropriately reflect the criteria for review in Stipulations 24.a through 24.d. Therefore, it is recommended that Stipulation 24 be deleted and replaced with standard language requiring general conformance to these plans and elevations.

However, because the conceptual site plan only depicts proposed development on the east half of the site, and undetermined future phase developments on the west, it is not recommended to delete the review criteria from the stipulation language. Instead, the review criteria are recommended to be added as requirements for plans to be in “specific regard” to these elements. These criteria are met for the proposed development area. However, retaining them will ensure that these criteria remain for review at the time that the future phase areas return through the Planning Hearing Officer process for review.

The general conformance requirement for elevations is recommended to be adapted into a stand-alone stipulation as the criteria in Original Stipulations 24.b, 24.c, and 24.d do not apply to the site plan or landscape plans.

2) **Evaluation of Specific Review Criteria**

- a) Stipulation 24.a.(i) requires minimum two pedestrian pathways with a minimum width of 6-feet to connect 59th Avenue to on-site buildings and pathways on Site A (west of the subject site). The proposed conceptual site plan depicts these two pathways running north and south of the anchor retail building. Further, as called for in the stipulation, the parking lot is designed so that there is only one vehicular crossing on the northern pathway. There are no vehicular crossings on the southern pathway. The pathways do connect to planned future connections on Site A as depicted on the plans. The proposed conceptual landscape plan depicts large canopy shade trees along both pathways intended to achieve the shading called for in the stipulation.

However, there are no dimensions to identify the minimum 5-foot wide landscape areas called for in the stipulation, or a shade calculation to address the minimum 50 percent shading. Therefore, Stipulation 24.a.(i) should be retained to ensure that these specific details are also enforced during plan review.

- b) Stipulation 24.a.(ii) requires minimum two clearly defined pedestrian connections along the north property line to connect with trails along the Laveen Area Conveyance Channel (LACC) and two pedestrian scale amenities in proximity to the trails. The proposed conceptual site plan depicts both connections and pedestrian benches in proximity to the site's shared property line with the LACC.

However, only the western connection is proposed to develop with the current plan. The eastern connection is within a future phase area. Therefore, Stipulation 24.a.(ii) is recommended to be retained to ensure that when the future phase areas are later reviewed, this second connection is not missed during plan review.

- c) Stipulations 24.b, 24.c, and 24.d require the use of arcades or overhangs to promote shade, architectural embellishments on building facades, and accent materials, respectively. The proposed conceptual building elevations depict these features clearly and general conformance is recommended. The main building entry contains a shaded arcade. The building facades include columns, variations in wall plans, trellises, and terraces at a minimum of 50 feet spacing as called for in Stipulation 24.c. The building materials include brick accents as called for in Stipulation 24.d.

STIPULATIONS:

<u>Overall Site</u>	
1.	The development shall be in General Conformance to the Conceptual Master Site Plan date stamped October 23, 2019, with specific regard to the site locations, as approved by the Planning and Development Department.
2.	All parking areas adjacent to public streets, excluding the freeway, shall be screened by a combination of decorative screen walls and a minimum 3-foot high landscaped mound/berm along the perimeter streets, as approved by the Planning and Development Department.

3.	All sidewalks adjacent to public streets shall be detached with a minimum 5-foot wide continuous landscape area located between the sidewalk and back of curb; and shall include minimum 3-inch caliper, large canopy single-trunk shade trees (limbed-up a minimum of 10-feet clear from finish grade), planted 25 feet on center or in equivalent groupings; and minimum 5-gallon shrubs with a maximum mature height of 2 feet providing 75 percent live cover, as approved by the Planning and Development Department. If there is limited right-of-way along the Baseline Road frontage requiring a modified cross section, an attached sidewalk design may be considered, as approved by the Planning and Development Department.
4.	The developer shall provide clearly defined, accessible pathways at vehicular crossings, constructed of decorative pavement that visually contrasts with the adjacent parking and drive aisle surfaces for internal drive aisles and accessways, as approved by the Planning and Development Department.
5.	The applicant shall submit a Traffic Impact Study (TIS) to the City for this development for review and approval by the Street Transportation Department (except for the Site A, Harkins) prior to the submittal of preliminary site plans. Additional right-of-way and street improvements may be required following TIS review. Phasing of off-site improvements must be consistent with the TIS recommendations. Phased street improvements will require the installation of pavement transition tapers, as approved by the Street Transportation Department.
6.	The developer shall construct all streets within and adjacent to the development required for each phase with paving, curb, gutter, minimum 5-foot wide sidewalk, curb ramps, streetlights, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with the current ADA Guidelines.
7.	Open irrigation facilities are to be piped outside of right-of-way and shown on the preliminary site plan, as approved by the Planning and Development Department.
8.	All multi-use trails and shared use paths shall be shaded a minimum of 50 percent with 2-inch minimum caliper, large canopy shade trees, located 5 to 8 feet from the edge of the trail, as approved by the Planning and Development Department.

9.	The right-of-way shall be dedicated, if required, and a bus pad (detail P1260 or P1262) constructed at the following locations, unless otherwise modified by the Planning and Development Department and Public Transit Department:
a.	Eastbound Baseline Road east of 63rd Avenue. Pad shall be spaced from the intersection of 63rd Avenue and Baseline Road according to City of Phoenix Standard Detail P1258.
b.	Three bus stop pads shall be located along Southbound 59th Avenue.
10.	If determined necessary by the Phoenix Archaeology Office, the applicant shall conduct Phase I data testing and submit an archaeological survey report of the development area for review and approval by the City Archaeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.
11.	If Phase I data testing is required, and if, upon review of the results from the Phase I data testing, the City Archaeologist, in consultation with a qualified archaeologist, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archaeological data recovery excavations.
12.	In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.
13.	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.
<u>Site A</u>	
14. 13.	The development shall be in general conformance with the site plan and elevations date stamped October 23, 2019, as modified by the following stipulations and approved by the Planning and Development Department.
15. 14.	The maximum building height shall be limited to 56 feet.

16. 15.	There shall be a 150-foot stepback provided from 59th Avenue for buildings over 30 feet in height.
17. 16.	A minimum of one clearly defined pedestrian connection shall be provided from Site A to connect with the trail along the Laveen Area Conveyance Channel with one pedestrian scale amenity (benches, tables, etc.) provided within close proximity of the trail, as approved by the Planning and Development Department.
18. 17.	A minimum of two pedestrian pathways that are a minimum 6 feet wide shall be provided from the west side of Site B through Site A to the proposed buildings. The parking lot shall be designed to have minimal vehicular drive crossings through these pathways. These pathways shall have a minimum 50 percent shade provided by 2-inch minimum caliper trees located in minimum 5-foot wide landscape areas and/or an architectural shading element, as approved by the Planning and Development Department.
19. 18.	A minimum of two inverted-U bicycle racks (4 spaces) shall be provided for each building on site, located near building entries, and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department.
20. 19.	The developer shall construct the west half street of 59th Avenue, as consistent with the Street Classification Map, including the landscaped median between the Laveen Area Conveyance Channel and the southern boundary of Site A, as approved by the Planning and Development Department. Asphalt pavement transition tapers are required between ultimate and interim street conditions, as approved by the Street Transportation Department.
21. 20.	The developer shall construct a 10-foot-wide Shared Use Path (SUP) along the west side of 59th Avenue in lieu of the required sidewalk, consistent with the improvements on 59th Avenue north of the Laveen Area Conveyance Channel, as approved by the Planning and Development Department.
22. 21.	The developer shall construct a 10-foot-wide Multi-Use Trail (MUT) along the south side of the Laveen Area Conveyance Channel, as approved by the Planning and Development Department.
<u>Site B (Retail/Restaurant)</u>	

23. 22.	The maximum building height shall be limited to 30 feet within 150 feet of 59th Avenue and 45 feet for the remainder of Site B.		
24. 23.	There shall be a 150-foot stepback provided from 59th Avenue for building over 30 feet in height.		
25. 24.	<p>The site plan, landscape plan showing pedestrian circulation and elevations, shall be reviewed and approved by the Planning Hearing Officer through the public hearing process prior to preliminary site plan approval for conceptual review of the applicable provisions of the goals and policies of the Southwest Growth Study which shall include the following:</p> <p>THE DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE SITE PLAN AND LANDSCAPE PLAN DATE STAMPED DECEMBER 3, 2021, AS MODIFIED BY THE FOLLOWING STIPULATIONS, WITH SPECIFIC REGARD TO THE FOLLOWING, AND AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.</p>		
	a.	Promoting the overall pedestrian circulation within the commercial corner through wide sidewalks, detached sidewalks and overall connectivity including:	
		A. (i)	A minimum of two pedestrian pathways that are a minimum of 6 feet wide shall be provided from 59th Avenue through the site to connect to buildings and the pedestrian pathways at Site A. The parking lot shall be designed to have minimal vehicular drive crossings through these pathways. These pathways shall have a minimum 50 percent shade provided by 2-inch minimum caliper trees located in minimum 5-foot wide landscape areas and/or an architectural shading element.
		B. (ii)	A minimum of two clearly defined pedestrian connections shall be provided to connect with the trail along the Laveen Area Conveyance Channel with two pedestrian scale amenities (open space, benches, tables, etc.) provided within close proximity of the trail.
26.	THE DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE ELEVATIONS DATE STAMPED DECEMBER 3, 2021, AS MODIFIED BY THE FOLLOWING STIPULATIONS, WITH SPECIFIC REGARD TO THE FOLLOWING, AND AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.		

	A. b.	Arcades and overhangs shall be incorporated into the buildings to promote shade.
	B. c.	All building facades shall contain architectural embellishments and detailing such as textural changes, pilasters, offsets, recesses, window fenestration, shadow boxes and overhead/canopies at least every 50 linear feet.
	C. d.	Accent building materials such as: native stone, burnt adobe, textured brick, wood (when shaded by overhangs or deep recesses), slump block, ceramic tile (matte finish), stucco and/or exposed aggregate concrete shall be used on buildings or otherwise demonstrate that the architectural style is consistent with prior phases of the project and development in the area.
27. 25.		Drive-through restaurant pick-up windows shall be architecturally integrated in proportion, color, material and texture to the building it serves by providing awnings or architecturally integrated structures for weather protection, as approved by the Planning and Development Department.
28. 26.		Drive-through restaurant facilities shall provide a minimum of 250 square feet of outdoor seating areas, as approved by the Planning and Development Department.
29. 27.		A minimum of 25 percent of the surface parking areas shall be shaded by 2-inch minimum caliper, large canopy single-trunk shade trees, located within minimum 5-foot wide landscape areas, as approved by the Planning and Development Department.
30. 28.		A minimum of two inverted-U bicycle racks (4 spaces) shall be provided for each building on site, located near building entries, and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department.
31. 29.		A minimum of 30 percent of the linear frontage of the buildings, that has main public entries oriented towards parking areas, shall be provided with planting. Planting areas shall be sized to provide adequate area for planting materials to thrive. Trees and shrubs shall be sized to provide 30 percent shading of area at maturity, as approved by the Planning and Development Department.
32. 30.		The developer shall construct the west half street of 59th Avenue, as consistent with the Street Classification Map, including landscaped median between the Laveen Area Conveyance Channel and the southern

	boundary of Site B, as approved by the Planning and Development Department. Asphalt pavement transition tapers are required between ultimate and interim street conditions, as approved by the Street Transportation Department.
33. 34.	The developer shall construct a 10-foot Shared Use Path (SUP) on 59th Avenue in lieu of the required sidewalk, consistent with the improvements on 59th Avenue north of the Laveen Area Conveyance Channel.
34. 32.	The developer shall construct a 10-foot-wide Multi-Use Trail (MUT) along the south side of the Laveen Area Conveyance Channel, as approved by the Planning and Development Department.
<u>Site C (Multifamily)</u>	
35. 33.	The site plan, landscape plan showing pedestrian circulation, and elevations shall be reviewed and approved by the Planning Hearing Officer through the public hearing process prior to preliminary site plan approval for conceptual review of the applicable provisions of the goals and policies of the Southwest Growth Study which shall include the following:
	a. Promoting pedestrian connections with the adjacent commercial development through sidewalks, detached sidewalks and overall connectivity including:
	b. A minimum of three evenly dispersed pedestrian connection points to the commercial development to the north. This pedestrian connection shall be clearly defined and minimize vehicular conflicts.
	c. Arcades and overhangs shall be incorporated into the buildings to promote shade.
	d. All building facades shall contain architectural embellishments and detailing such as textural changes, pilasters, offsets, recesses, window fenestration, shadow boxes and overhead/canopies at least every 50 linear feet, as approved by the Planning and Development Department.
	e. Ensuring architectural style is consistent with prior phases of the project and development in the area.

36. 34.	There shall be a minimum of 10 percent common area open space provided onsite, as approved by the Planning and Development Department.		
37. 35.	A minimum of 25 percent of the surface parking areas shall be shaded by a minimum 2-inch caliper, large canopy single-trunk shade trees, located within minimum 5-foot wide landscape areas, as approved by the Planning and Development Department.		
38. 36.	The developer shall construct the west half street of 59th Avenue, as consistent with the Street Classification Map, including the landscaped median for the full extent of Site C, as approved by the Planning and Development Department. Asphalt pavement transition tapers are required between ultimate and interim street conditions, as approved by the Street Transportation Department.		
39. 37.	The developer shall construct a 10-foot wide Shared Use Path (SUP) on 59th Avenue in lieu of the required sidewalk, consistent with the improvements on 59th Avenue north of the Laveen Area Conveyance Channel.		
40. 38.	The developer shall provide conduit plan and junction boxes at 59th Avenue and South Mountain Avenue on project site for future traffic signal equipment and all work related to the construction or reconstruction of the conduit runs and junction box installation shall be the responsibility of the Developer, as approved by the Planning and Development Department.		
<u>Site D (Commerce Park/General Commerce Park North of the LACC)</u>			
41. 39.	The site plan, landscape plan showing pedestrian circulation and elevations shall be reviewed and approved by the Planning Hearing Officer through the public hearing process prior to preliminary site plan approval for conceptual review of the applicable provisions of the goals and policies of the Southwest Growth Study which shall include the following:		
	a.	Promoting the overall pedestrian circulation within the development through wide sidewalks, detached sidewalks and overall connectivity including:	
		(i)	A minimum of two pedestrian connections to the Laveen Area Conveyance Channel.
		(ii)	There shall be an employee open space area provided adjacent to the Laveen Area Conveyance Channel. The open space

		areas shall provide a minimum of one amenity (tables, benches, yard games, etc.) each.
	b.	Arcades and overhangs shall be incorporated into the buildings to promote shade.
	c.	All building facades shall contain architectural embellishments and detailing such as textural changes, pilasters, offsets, recesses, window fenestration, shadow boxes and overhead/canopies at least every 50 linear feet.
	d.	Ensuring architectural style is consistent with prior phases of the project and development in the area.
42. 40.	There shall be a minimum of one exterior employee balcony provided on each four-story building that is a minimum of 12 feet in depth and a minimum of 200 square feet in size, as approved by the Planning and Development Department.	
43. 41.	The glazing on all building windows shall have a maximum reflectivity of 20 percent, as approved by the Planning and Development Department.	
44. 42.	A minimum of 25 percent of the surface parking areas shall be shaded by minimum 2-inch caliper, large canopy single-trunk shade trees, located within minimum 5-foot wide landscape areas, as approved by the Planning and Development Department.	
45. 43.	A minimum of six inverted-U bicycle racks (12 spaces) shall be provided for each building on site, located near building entries, and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department.	
46. 44.	A minimum of 30 percent of building linear frontage, that has main public entries oriented towards parking areas, shall be provided with planting. Planting areas shall be sized to provide adequate area for planting materials to thrive. Trees and shrubs shall be sized to provide 30 percent shading of area at maturity, as approved by the Planning and Development Department.	
47. 45.	The developer shall protect in place the shared-use path and 20-foot wide public trail/sidewalk easement along the north side of the Laveen Area Conveyance Channel, as approved by the Planning and Development Department.	

48. 46.	The developer shall dedicate a 30-foot-wide public trail/sidewalk easement along the west side of the 202 Loop or adjacent to 63rd Avenue, whichever provides greater connectivity, at the time of preliminary site plan approval. Developer shall construct a 10-foot-wide shared-use path (SUP) within the easement as indicated in section 429 of the City of Phoenix MAG Supplement, as approved by the Planning and Development Department.
49. 47.	A minimum 10-foot public multi-use trail shall be constructed within a 30-foot easement in accordance with MAG supplemental detail 429 along the south side of Baseline Road to connect to the trails to the east and west, as approved by the Parks and Recreation Department.
50. 48.	The developer shall dedicate 60 feet of right-of-way for the full parcel limits for the south half of Baseline Road, as approved by the Planning and Development Department.
51. 49.	The developer shall dedicate a minimum of 40 feet of right-of-way for the full parcel limits for the east half of 63rd Avenue. Additional right-of-way dedications and improvements as required by the TIS, as approved by the Street Transportation Department.
52. 50.	The developer shall dedicate 40 feet of right-of-way for the full parcel limits for the east half of 63rd Avenue and improvements as required by the TIS, as approved by the Planning and Development. Asphalt pavement transition tapers are required between ultimate and interim street conditions, as approved by the Street Transportation Department.
53. 51.	The developer shall dedicate a 25-foot by 25-foot right-of-way triangle at the southeast corner of Baseline Road and 63rd Avenue, as approved the Planning and Development Department.
<u>Site E (Commerce Park/General Commerce Park South of the LACC)</u>	
54. 52.	The site plan, landscape plan showing pedestrian circulation and elevations shall be reviewed and approved by the Planning Hearing Officer through the public hearing process prior to preliminary site plan approval for conceptual review of the applicable provisions of the goals and policies of the Southwest Growth Study which shall include the following:
a.	Promoting the overall pedestrian circulation within the development through wide sidewalks, detached sidewalks and overall connectivity including:

		(i)	A minimum of two pedestrian connections to the Laveen Area Conveyance Channel.
		(ii)	There shall be an employee open space area provided adjacent to the Laveen Area Conveyance Channel. The open space areas shall provide a minimum of one amenity (tables, benches, yard games, etc.) each.
	b.	Arcades and overhangs shall be incorporated into the buildings to promote shade.	
	c.	All building facades shall contain architectural embellishments and detailing such as textural changes, pilasters, offsets, recesses, window fenestration, shadow boxes and overhead/canopies at least every 50 linear feet.	
	d.	Ensuring architectural style is consistent with prior phases of the project and development in the area.	
55. 53.	There shall be a minimum of one exterior employee balcony provided on each four-story building that is a minimum of 12 feet in depth and a minimum of 200 square feet in size, as approved by the Planning and Development Department.		
56. 54.	The glazing on all building windows shall have a maximum reflectivity of 20 percent, as approved by the Planning and Development Department.		
57. 55.	A minimum of 25 percent of the surface parking areas shall be shaded by minimum 2-inch caliper, large canopy single-trunk shade trees, located within minimum 5-foot wide landscape areas, as approved by the Planning and Development Department.		
58. 56.	A minimum of six inverted-U bicycle racks (12 spaces) shall be provided for each building on site, located near building entries, and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department.		
59. 57.	A minimum of 30 percent of building linear frontage, that has main public entries oriented towards parking areas, shall be provided with planting. Planting areas shall be sized to provide adequate area for planting materials to thrive. Trees and shrubs shall be sized to provide 30 percent		

	shading of area at maturity, as approved by the Planning and Development Department.
60. 58.	The developer shall dedicate a 30-foot-wide public trail/sidewalk easement along the west side of the 202 Loop Freeway or adjacent to 63rd Avenue, whichever provides greater connectivity, at the time of preliminary site plan approval. Developer shall construct a 10-foot wide shared-use path (SUP) within the easement per Section 429 of the City of Phoenix MAG Supplement, as approved by the Planning and Development Department.
61. 59.	The developer shall construct a 10-foot-wide Multi-Use Trail (MUT) along the south side of the Laveen Area Conveyance Channel, as approved by the Planning and Development Department.
62. 60.	The developer shall dedicate a minimum of 40 feet of right-of-way for the full parcel limits for the east half of 63rd Avenue. Additional right-of-way dedications and improvements as required by the TIS, and as approved by the Street Transportation Department. Asphalt pavement transition tapers are required between ultimate and interim street conditions, excepting the frontage of APN 300-020-017C, as approved by the Street Transportation Department.

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