



Village Planning Committee Meeting Summary
Z-45-23-1
INFORMATION ONLY

Date of VPC Meeting	November 16, 2023
Request From	C-2 M-R PCD
Request To	PUD PCD
Proposed Use	PUD to allow shopping center (existing) with temporary/promotional events
Location	Northwest corner of Norterra Parkway and Happy Valley Road

VPC DISCUSSION:

No quorum.

STAFF COMMENTS:

None.



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Z-45-23-1

Date of VPC Meeting	January 16, 2024
Request From	C-2 M-R PCD
Request To	PUD PCD
Proposal	PUD to allow shopping center (existing) with temporary/promotional events
Location	Northwest corner of Norterra Parkway and Happy Valley Road
VPC Recommendation	Approval, per the staff recommendation, with a modification
VPC Vote	9-0

No member of the public registered to speak on this item.

VPC DISCUSSION:

STAFF PRESENTATION

Matteo Moric, staff, provided an overview of the PUD request. Mr. Moric noted the proposal was to allow a shopping center with temporary and promotional events and added as part of the request was to have off-premise advertising signage (billboards). Mr. Moric identified the surrounding zoning, land uses and the general plan land use designations. Mr. Moric then explained the staff findings and staff recommendation. Mr. Moric walked through the recommended stipulations and identified the next steps.

APPLICANT PRESENTATION

Jason Morris, applicant representative, said this is an improvement on an older development which was developed around 2006 during a transitional time for retail development. Mr. Morris commented retail is much more experiential today and the idea is to create more excitement. Mr. Morris said every time an operator wants to do a special event they have to apply for a new permit for events such as Christmas tree lighting or car shows. Mr. Morris stated this PUD would provide flexibility with the number of the events, frequency, hours of operation and would allow some upgrade of the signage. Mr. Morris said the code permits the temporary promotional events with administrative temporary use permits. Mr. Morris added the operator is only allowed so many special events per year. Mr. Morris then identified the two proposed event areas. Mr. Morris said they were careful to not take up the tenant parking spaces and to conduct events at a time which would not negatively impact the tenants.

Mr. Morris noted this PUD would simplify the process and showed what is permitted under existing regulations and what they are proposing. Mr. Morris stated they wanted to allow events by right and not interfere with traffic flow of existing tenants and allow the maximum number of events per year. Mr. Morris added there are PUD enhancements such as the addition of electric vehicle charging, bicycle parking, and landscaping for future development.

Mr. Morris said the second part of his presentation was about the requested onsite and offsite signage because of the PUD. Mr. Morris stated the existing small tenant pylon will be updated with new tenants and colors to match the shopping center itself. Mr. Morris added there is a new on and off-site sign proposed in the middle and an existing large tenant pylon. Mr. Morris said all three pylon signs would be designed to match each other and directed more towards the freeway.

QUESTIONS FROM COMMITTEE & APPLICANT RESPONSE

Keith Greenberg asked about standards of temporary events.

Jason Morris said today the operator can conduct events by right, but they were asking for variations in the event standards.

Gregory Freeman asked about restaurants if they could extend outside. **Mr. Morris** said for alcohol they would still be required to go to the Arizona Department of Liquor License and Control.

Braden Lopez-Biggs questioned if the tenants would be allowed to bring liquor out in Event Area 1. **Mr. Morris** said the PUD would allow the user to extend the premise for special events but they would still need to go through the Department of Liquor License.

Mr. Morris said he hopes this would breathe new life in the shopping center and make things a little easier.

Ricardo Romero asked if the event areas would be modified. **Mr. Morris** said that the parking lot itself and the landscaping would not change.

James Sutphen asked what else may need to be done such as an event at the Texas Roadhouse. **Mr. Morris** said that if there is a proposed event outside of what the PUD requests, this would not prevent an operator to apply for an administrative temporary use permit outside the parameters of the request.

Braden Lopez-Biggs asked if there was a reason staff did not want it to be a digital billboard. **Mr. Morris** responded that the City of Phoenix Code requires every board go through another process to be digital.

Mr. Morris said that digital billboards should not be everywhere as the angle and

design should be away from residential properties. Mr. Morris said he did not see a problem with getting the billboard approved through the use permit process. Mr. Morris added that in this instance he felt the location of the billboard was fine and they did a more extensive outreach as part of the PUD.

Mr. Moric said the use permit process is similar to going through a variance process, however, the criteria to be approved is different and it must not cause a negative impact to the surrounding properties.

Chair DiLeo asked if the billboard currently exists. Mr. Morris said it currently does not exist.

Mr. Freeman asked if the intent of the billboard is to advertise to the freeway rather than the frontage road.

Ms. DiLeo asked if the billboard will be a marketing mechanism for some of the events.

Mr. Moric said his superiors indicated that it would need to go through a separate process for the use permit and through the process they can provide stipulations for billboards such as the amount of animation. **Mr. Morris** said the City has now put that into their sign permits so all digital sign permits have the same reviews.

Ms. DiLeo asked if the Committee could advise their thoughts on the digital portion of the billboard.

Mr. Lopez-Biggs said just to remove the stipulation that would not allow digital on the billboards and added this would show they are fine with having a digital billboard as they would still be required to get a sign permit through the City.

Sandra Hoffman commented that the PUD goes through a legislative process while the use permit would go through a judicial review process with a hearing officer and if appealed go to the Board of Adjustment and potentially go to court. Ms. Hoffman stated there would be two different paths.

Mr. Morris said if the VPC was comfortable with it and did not change the staff language that he could at least use the meeting minutes when going through the use permit process noting the VPC is comfortable with the digital portion of the request.

Mr. Morris added that it is within the City policy to require digital portion of the billboard to go through the separate use permit process.

Keith Greenberg asked if the PUD always overrides the Zoning Ordinance. **Mr. Morris** said where there is a conflict the Ordinance will govern unless they specifically asked for the request in the PUD.

PUBLIC COMMENTS

None.

MOTION

Vice Chair Gregory Freeman made a motion to recommend approval of the request per staff recommendation, with a modification to remove Stipulation No. 1.b. regarding deleting the word “digital.” **Committee Member Braden Lopez-Biggs** seconded the motion.

VOTE

9-0, motion to recommend approval of the request per staff recommendation, with a modification passes with Committee Members Davenport, Greenberg, Herber, Hoffman, Lopez-Biggs, Romero, Sutphen, Freeman, and DiLeo in favor.

Chair DiLeo commented she wanted the meeting minutes to clearly reflect that the VPC is fine with the request of it being a digital billboard.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

Staff does not recommend the removal of Stipulation 1.b. The approval of digital off-premise signs is subject to the requirements of Section 705.2 of the City of Phoenix Zoning Ordinance, which requires a use permit. The provisions of the PUD cannot circumvent the Zoning Ordinance requirements as stated in Section 671.B.5.