

## Attachment C

Planning Hearing Officer Summary of March 18, 2020  
Application Z-15-00-8  
Page 1

### REPORT OF PLANNING HEARING OFFICER ACTION

Adam Stranieri, Planner III, Hearing Officer

Julianna Pierre, Planner I, Assisting

March 18, 2020

#### ITEM 3

#### DISTRICT 8

#### SUBJECT:

Application #: Z-15-00-8 (PHO-2-19)  
Zoning: C-2 BAOD  
Location: Approximately 360 feet east of the southeast corner of 24th Street and Baseline Road  
Acreage: 0.73  
Request: 1) Modification of Stipulation 4 regarding general conformance with the elevations date stamped October 19, 2005  
2) Deletion of Stipulation 5.B regarding shade arcades.  
3) Deletion of Stipulation 5.C regarding pitched roofs.  
4) Deletion of Stipulation 5.H regarding trees on the west sides of buildings.  
5) Technical corrections to Stipulations 3, 7, 9, 14, 23, 26, and 28.  
Applicant: LuAron Foster, Raising Canes Restaurant  
Owner: Marketplace at South Mountain, LLC  
Representative: Hemant Modi, PM Design Group, Inc.

#### **ACTIONS**

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended denial as filed and approval with a modification and an additional stipulation.

Village Planning Committee (VPC) Recommendation: The South Mountain Village Planning Committee heard this case on March 10, 2020 and recommended approval with a modification by an 11-0 vote.

#### **DISCUSSION**

Hemant Modi, representative with PM Design Group, Inc., provided the history, mission, and goals for Raising Canes restaurants. He stated that Raising Canes has brand identity, which is displayed through the design and materials of their buildings. He stated that the colors and materials of the proposed elevations matched those existing in the center, but the proposed design is different from the 15-year-old design of the stipulated elevations.

Mr. Stranieri stated that the proposed elevations were compatible with the architectural style in the larger complex. He added the elevations integrated a southwestern color

palette with some rural design elements and materials such as stone and distressed metal accents.

Mr. Stranieri stated that shade arcades were implemented on the front of other buildings in the complex. He stated that the applicant's site is a free-standing restaurant pad and the shade arcade would not be appropriate for a single-building at this scale.

Mr. Stranieri stated that Stipulation 5.C, regarding pitched roofs, made a design presumption from the Baseline Area Overlay District into a requirement. Mr. Modi asked for clarification regarding the impact of the removal of the stipulation. Mr. Stranieri clarified that the design presumption would still have to be addressed during the site plan review process to ensure that the elevations are compatible with the other buildings on site and achieve the Ordinance's rationale of creating visual interest.

Mr. Stranieri stated that the South Mountain Village Planning Committee (VPC) recommended that Stipulation 5.H, regarding trees on the west sides of buildings, be retained. He added that the VPC wants the applicant to integrate landscaping on the west side of the building, especially where the outdoor dining is located. Mr. Modi stated that at the northwest corner there is outdoor dining under a canopy and the southwest corner has outdoor dining shaded with umbrellas. Mr. Stranieri stated that the applicant is providing architectural shade, but the stipulation requires vegetative shade. He added that the applicant would have flexibility to work with staff to determine what type of shade tree would be appropriate at the site. He asked if the applicant would be able to provide the trees on the west side of the building. Mr. Modi stated that they would be able to provide the trees and were willing to work with the City's landscape architect to determine what landscaping would be appropriate.

## **FINDINGS**

- 1) The stipulated elevations depicted commercial pad sites developed with a similar architectural style as the larger major tenant spaces including a southwestern style color palette, stone columns, and a Spanish style roof. The proposed conceptual elevations include a variety of building materials that differ from, but complement, existing buildings in the center such as reclaimed metal panels, multiple styles of brick, and metal canopies and overhangs.
- 2) The Baseline Area Master Plan and Baseline Area Overlay District design guideline referenced in Stipulation 5.b regarding shade arcades was intended to apply to large-scale commercial shopping centers with exterior pedestrian circulation. Shade arcades were built on the major tenant buildings in the shopping complex throughout the larger rezoning area. However, the subject property of this case is a single free-standing pad site for a drive-through restaurant and the requirement is not relevant.
- 3) Stipulation 5.c regarding pitched roofs is consistent with an existing design presumption in the Baseline Area Overlay District. Design presumptions must be complied with or overcome through the plan review process. The proposed conceptual elevations depict a flat roof with multiple planes and varying heights

which will provide architectural relief. The design is consistent with another free-standing drive-through restaurant pad located within the larger rezoning case site.

- 4) The applicant stated that they were willing to work with staff on options to integrate trees along the west side of the building in order to provide shade for outdoor dining areas and would support retaining the existing Stipulation 5.h regarding this provision, consistent with the recommendation of the South Mountain Village Planning Committee.

**DECISION:** The Planning Hearing Officer recommended denial as filed and approval with a modification and an additional stipulation.

### **STIPULATIONS**

1.	The largest single building shall not exceed 130,000 square feet, not including a garden center component (approximately 20,000 square feet).	
2.	Any buildings combined into one use not to exceed 130,000 square feet.	
3.	<del>That</del> THE Development SHALL be in general conformance with the site plan date stamped October 19, 2005 as approved or modified by the PLANNING AND Development <del>Services</del> Department.	
4.	<del>That</del> THE development SHALL be in general conformance with the elevations date stamped JANUARY 30, 2020, <del>October 19, 2005 as approved or modified by</del> the FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND Development <del>Services</del> Department.	
5.	<del>That</del> The building design shall be consistent with the commercial development guidelines for commercial sites 10 acres or larger in the Baseline Area Master Plan and the Baseline Overlay District.	
	A.	Deep landscape setbacks between the streets and any buildings
	B.	<del>Shade arcades</del>
	C.	<del>Pitched roofs rather than flat roofs hidden by parapets</del>
	B. D.	A variety of building materials
	C. E.	Internal pedestrian walkways
	D. F.	Pedestrian linkages between main buildings and perimeter streets via sidewalks

	E. <del>G.</del>	Limited parking areas between buildings and perimeter streets
	F. <del>H.</del>	Trees on the west-sides of buildings to protect pedestrians from direct solar exposure
	G. <del>I.</del>	With specific regard to a trail on 24th Street as approved by the Parks and Recreation Department
6.	<del>That</del>	The maximum building height SHALL not exceed 30 feet, and the maximum height of parapets and architectural embellishments SHALL not exceed 40 feet.
7.		The developer of this site will make all necessary traffic improvements as may be deemed necessary by the Street Transportation Department and PLANNING AND Development Services DepartmentS.
8.	<del>That</del>	Covered walkways and/or exterior porches/canopies SHALL be provided along the front façade of all buildings and along other sides of buildings where pedestrian walkways are provided.
9.	<del>That</del>	The rear and side facades and roof line treatment of the buildings, including texture, coloration and building material, shall be “architecturally finished” to minimize visual impact on the adjacent residentially zoned areas, as approved by the PLANNING AND Development Services Department.
10.	<del>That</del>	No drive-through facility shall locate its drive-through window facing the street, (i.e., queuing lanes to be screened from view) or adjacent to a residential neighborhood.
11.	<del>That</del>	All loading and unloading areas shall be recessed into the building, depressed, or screened from adjacent residential properties and streets.
12.	<del>That</del>	The landscaping locations and depths shall be provided as depicted in the site plan. This setback will be comprised of berms with mature trees (50%, 2 and 3-inch caliper trunk) and planted as required by the City of Phoenix. When planted, the trees should provide a visual barrier from adjacent properties.
13.	<del>That</del>	The development will conform with the Baseline Scenic Drive design guidelines.
14.	<del>That</del>	The street frontage landscaping shall conform to the Baseline Area Master Plan and the Baseline AREA Overlay District.
15.	<del>That</del>	The developer shall construct all streets adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, landscaping and other incidentals as per plans approved by the City. All improvements shall comply with

	all ADA accessibility standards.
16.	<del>That</del> The applicant shall complete and submit the Developer Project Information Form for the MAG Transportation Improvement Program to Mr. Alan Hilty, 602-262-6193, with the Street Transportation Department. This form is a requirement of the EPA to meet clean air quality requirements.
17.	<del>That</del> The applicant will apply for a Comprehensive Sign Plan for signs that are low profile, monument style design.
18.	<del>That</del> No external loud speakers will be used when conducting any business operations or in the delivery areas except for drive-thru uses.
19.	<del>That</del> All exterior lighting, including security and parking lot lighting, SHALL be low-level shielded lights directed down and inward toward the development and away from adjacent residences. <del>That</del> Parking light poles shall be limited to 25 feet in height and <del>that</del> poles within 150 feet of any residential zoning district shall be no taller than 15 feet. <del>That</del> No more than one-foot candle of light SHALL be detectable at the property line. <del>That</del> Lights along abutting residential districts shall have side shields.
20.	<del>That</del> Storage of merchandise, or any product meant for sale to the public, will not be permitted in semi-trailers, mini-storage buildings, or any other temporary structure or container that is visible from residential structures or adjacent streets.
21.	<del>That</del> There will be no overnight parking of recreational vehicles, traveling trailers, or similar vehicles permitted.
22.	<del>That</del> Upon approval by City Council, the South Mountain Village Planning Committee will be notified concerning any modification or deletion of stipulations.
23.	<del>That</del> The residential portion of the plan will comply with the Canal Banks DESIGN Guidelines, Section 507.7 TAB A of the Zoning Ordinance.
24.	<del>That</del> The development will comply with the South Mountain Village Trails Plan.
25.	<del>That</del> A buffer zone/landscaped area of no less than 25 feet wide shall be planted along the east property line adjacent to the subject building.
26.	<del>That</del> The developers of both the commercial and the residential portion of this property shall participate with any improvements with the PHOENIX OFFICE OF Arts and Culture Department on the Highline Canal landscape project.
27.	<del>That</del> The development of the remainder of the parcel shall be no more dense than the R1-8 PRD standards.

28.	<del>That</del> The following speaker cards submitted shall be notified of all PLANNING AND Development DEPARTMENT Services Design Review meetings:
A.	Mr. Paul Hornby, 3136 East Old Southern Road
B.	Ms. Suzanne Johnson, 3131 East Old Southern Road
C.	Ms. Tanis June Earle, 3602 East Vineyard Road
29.	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.

Upon request, this publication will be made available within a reasonable length of time through appropriate auxiliary aids or services to accommodate an individual with a disability. This publication may be made available through the following auxiliary aids or services: large print, Braille, audiotape or computer diskette. Please contact the Planning and Development Department, Tamra Ingersoll at voice number 602-534-6648 or TTY use 7-1-1.