

## ATTACHMENT E

### REPORT OF PLANNING COMMISSION ACTION November 3, 2022

ITEM NO: 11	
	DISTRICT NO.: 1
SUBJECT:	
Application #:	Z-47-22-1 (Companion Case Z-SP-5-22-1)
Location:	Southwest corner of 35th Avenue and Paradise Lane
From:	C-1
To:	C-2
Acreage:	1.56
Proposal:	Commercial use
Applicant:	David E. Richert
Owner:	Sunrise 1, LLC
Representative:	David E. Richert

#### **ACTIONS:**

Staff Recommendation: Approval, subject to stipulations.

Village Planning Committee (VPC) Recommendation:

**Deer Valley** 10/13/2022 Approval, per the staff recommendation. Vote: 7-2.

Planning Commission Recommendation: Approval, per the staff memo dated November 3, 2022, with a modification and a deletion of a stipulation.

Motion Discussion: Commissioner Busching agreed with the applicant's request to modify Stipulation No. 7 to reduce the width of the multi-use trail easement to 25 feet; and to delete Stipulation No. 11 regarding the restricted driveway access along 35th Avenue.

Motion details: Commissioner Busching made a MOTION to approve Z-47-22-1, per the staff memo dated November 3, 2022, with a modification to Stipulation No. 7 and deletion of Stipulation No. 11, as requested by the applicant.

Maker: Commissioner Busching

Second: Commissioner Gorraiz

Vote: 7-2 (Perez, Mangum)

Absent: 0

Opposition Present: Yes

#### **Findings:**

1. The proposed development is appropriate at this location and is consistent with the scale and existing uses in the surrounding area.
2. The proposal will provide commercial development on an underutilized parcel and will facilitate pedestrian-oriented design and promote a safer walking environment.
3. The development, as stipulated, will incorporate design and landscaping features that enhance the location, consistent with General Plan goals and principles.

Stipulations:

1. The maximum building height shall be ~~20~~ 12 feet.
2. A minimum building setback of ~~28~~ 25 feet shall be required along the west property line.
3. The primary customer parking area shall be located on the southeast quadrant of the site, as approved by the Planning and Development Department.
4. The applicant shall provide a 25-foot by 25-foot enhanced landscape area at the northeast corner of the site to include a minimum of two 4-inch caliper trees with five 5-gallon shrubs per tree and raised flower beds to compliment the landscape theme, as approved by the Planning and Development Department.
5. The developer shall construct a minimum 5-foot-wide detached sidewalk and minimum 11-foot-wide landscape strip located between the sidewalk and back of curb, along the west side of 35th Avenue, planted to the following standards and as approved by the Planning and Development Department.
  - a. Minimum 75 percent two-inch caliper single-trunk drought-tolerant shade trees and 25 percent three-inch caliper single-trunk drought-tolerant shade trees planted a minimum of 20 feet on center or in equivalent groupings and provide a minimum of 75 percent shade at maturity.

- b. Drought tolerant vegetation to achieve 75 percent live coverage at maturity.

Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.

6. The developer shall construct a minimum 5-foot-wide detached sidewalk and minimum 8-foot-wide landscape strip located between the sidewalk and back of curb, along the south side of Paradise Lane, planted to the following standards and as approved by the Planning and Development Department.
  - a. Minimum 75 percent two-inch caliper single-trunk drought-tolerant shade trees and 25 percent three-inch caliper single-trunk drought-tolerant trees planted a minimum of 20 feet on center or in equivalent groupings and provide a minimum of 75 percent shade at maturity.

- b. Drought tolerant vegetation to achieve 75 percent live coverage at maturity.

Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.

7. A ~~30~~25-foot wide multi-use trail easement (MUTE) shall be dedicated along the south side of Paradise Lane and a minimum 10-foot wide multi-use trail (MUT) shall be constructed within the easement, in accordance with the MAG supplemental detail indicated in Section 429 and as modified or approved by the Planning and Development Department.

8. Where pedestrian pathways cross a vehicular path, the pathway shall be constructed of decorative pavers, stamped, or colored concrete, or other pavement treatments that visually contrasts with parking and drive aisle surfaces, as approved by the Planning and Development Department.
9. A minimum of 4 bicycle parking spaces shall be provided through Inverted U and/or artistic racks installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, or in a secure room, as approved by the Planning and Development Department.
10. The developer shall construct a bus stop pad along southbound 35th Avenue with right-of-way dedication as necessary. The design shall be according to City of Phoenix Standard Detail P1260 with a depth of 10 feet and located from the intersection of Paradise Lane according to City of Phoenix Standard Detail P1258.
11. **~~The developer shall construct a modified P-1243-3 right-in / right-out and left-in only driveway along 35th Avenue, as approved by the Planning and Development Department and Street Transportation Department.~~**
4211. The developer shall dedicate minimum 30-feet of right-of-way for the south half of Paradise Lane, as approved by the Planning and Development Department.
4312. The developer shall dedicate minimum 55-feet of right-of-way for the west half of 35th Avenue, as approved by the Planning and Development Department.
4413. 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 Department. All improvements shall comply with all ADA accessibility standards.
4514. 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.
4615. 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.
4716. NO SIGNAGE SHALL BE LOCATED ALONG PARADISE LANE, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
4817. NO DIGITAL OR NEON SIGNAGE OR GRAPHICS SHALL BE ALLOWED.
4918. ANY VEHICULAR ACCESS ALONG PARADISE LANE SHALL BE RESTRICTED TO EMERGENCY VEHICLE USE ONLY. THE GATE AND FENCE SHALL BE WROUGHT IRON WITH SLATS TO COMPLIMENT THE BUILDING AND ROOF MATERIALS, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
2019. A MINIMUM 8-FOOT-HIGH WALL SHALL BE PROVIDED ALONG THE WEST SIDE OF THE SITE, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. THIS WALL SHALL EITHER REPLACE THE EXISTING SHARED

WALL OR A NEW WALL SHALL BE CONSTRUCTED ADJACENT TO THE  
EXISTING WALL.

This publication can be made available in alternate format upon request. Please contact Les Scott at 602-261-8980, [leslie.scott@phoenix.gov](mailto:leslie.scott@phoenix.gov) or TTY: Use 7-1-1.