

ATTACHMENT D

REPORT OF PLANNING COMMISSION ACTION February 2, 2023

ITEM NO: 4	
	DISTRICT NO.: 7
SUBJECT:	
Application #:	Z-35-21-7 (The Crossing at Dobbins PUD) (Companion Case GPA-LV-3-21-7)
Location:	Northeast corner of 63rd Avenue and Dobbins Road
From:	C-2 H-R SP (Approved C-2 or CP/GCP), C-2 or CP/GCP SP (Approved C-2 or CP/GCP), C-2 H-R (Approved C-2 or CP/GCP), and S-1 (Approved C-2 or CP/GCP)
To:	PUD
Acreage:	66.10
Proposal:	Planned Unit Development to allow single-family, multifamily, retail, office, and commerce park uses.
Applicant:	Alex Stedman, RVi Planning & Landscape Architecture
Owner:	Dairy 51.8, LLC and Dairy 51.8 Trust
Representative:	Alex Stedman, RVi Planning & Landscape Architecture

ACTIONS:

Staff Recommendation: Approval, subject to stipulations.

Village Planning Committee (VPC) Recommendation:

Laveen 12/13/2021 Information only.

Laveen 12/12/2022 Continued to January 9, 2023. Vote: 10-0.

Laveen 1/9/2023 Approval, per the staff recommendation with modifications and additional stipulations. Vote: 7-1.

Planning Commission Recommendation: Approval, per the Laveen Village Planning Committee recommendation, with modifications and a deleted stipulation.

Motion Discussion:

Commissioner Busching made the MOTION to approve Z-35-21-7, per the Laveen Village Planning Committee recommendation with a modification to Stipulation No. 1.e to read that, *A graphic shall be inserted within the Land Use Section identifying the boundaries for Village Core North and Village Core South in addition to language that states that Village Core North and Village Core South will each be approximately 10 acres in size.*

And the deletion of Stipulation No. 1.k.

Commissioner Gorraiz seconded the motion.

Commissioner Boyd offered a friendly amendment to have any multifamily residential have no more than 30 percent on the ground floor in the village core.

Commissioner Busching countered the friendly amendment with 20 percent multifamily on the ground floor.

Commissioner Boyd agreed to this modification.

Commissioner Gorraiz did not agree to the amendment. The friendly amendment failed

Ms. Racelle Escolar (staff) requested that Stipulation No. 1.f. be changed back to original language since it is related to the size of the Village Core areas.

Commissioner Busching agreed and stated that the stipulation shall read that,
Appendices: Legal descriptions for Development Units 1 and 2 and Village Core North and Village Core South shall be added to the PUD as additional appendices. Acreages for Development Units 1 and 2 will be consistent with the Conceptual Development Plan exhibit and acreages for Village Core North and Village Core South will be approximately 10 acres each.

Commissioner Gorraiz agreed with the amendment to the motion.

A roll call vote was held, and the motion passed with a vote of 8-1.

Motion details: Commissioner Busching made a MOTION to approve Z-35-21-7, per the Laveen Village Planning Committee recommendation with a modification to Stipulation No. 1.e to read that,

A graphic shall be inserted within the Land Use Section identifying the boundaries for Village Core North and Village Core South in addition to language that states that Village Core North and Village Core South will each be approximately 10 acres in size.

And with the deletion of Stipulation 1.k., and a modification to Stipulation No. 1.f. to read that,
Appendices: Legal descriptions for Development Units 1 and 2 and Village Core North and Village Core South shall be added to the PUD as additional appendices. Acreages for Development Units 1 and 2 will be consistent with the Conceptual Development Plan exhibit and acreages for Village Core North and Village Core South will be approximately 10 acres each.

Maker: Busching
Second: Gorraiz
Vote: 8-1 (Perez)
Absent: None
Opposition Present: Yes

Findings:

1. The proposed development is compatible with the existing land use pattern in the area and is consistent with the proposed General Plan Land Use Map designation of Mixed Use (Commercial / Commerce/Business Park).
2. The proposed development contains enhanced standards that will result in a more walkable, shaded and pedestrian-friendly environment. The development will provide increased shade which will help to reduce the urban heat island effect.
3. The proposed PUD will provide for a mixture of uses such as retail, restaurants, offices, and hotels within and adjacent to the Laveen Village Core.

Stipulations:

1. An updated Development Narrative for the Crossing at Dobbins PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The

updated Development Narrative shall be consistent with Development Narrative dated December 7, 2022 as modified by the following stipulations.

- a. Front Cover, add "City Council adopted: [Insert Adoption date]"
- b. Remove any reference to Urban Air Mobility or Vertiport.
- c. Page 34, Land Use Section: The following uses shall be added to the prohibited land use section for Development Unit 2.
 - Adult Uses
 - Automobile Parts and Supplies, New Retail and Wholesale
 - Auto Seat Covers and Trim Shop
 - Boats, Retail Sales
 - Motorcycles, Repairing and Sales
 - Tire Repairing Equipment and Supplies
 - Tractors, Retail Sales, Display
 - Truck Stop/Travel Center
 - Self-Storage Service Warehouse
 - Automobile Service Station/ Gas Station
 - Car Wash
 - Garage Repair
 - Warehousing
 - Wholesaling, as a primary use
 - Distribution Facility, as a primary use
 - Outdoor Uses (Section 626.F.2z)
- d. All applicable sections that reference drive-thru restaurants, which include but not limited to, land use and design guidelines, shall be updated to reflect the maximum of two drive-thru restaurants.
- e. Page 17: A graphic shall be inserted within the Land Use Section identifying the boundaries for Village Core North and Village Core South in addition to language that states that Village Core North ~~IS APPROXIMATELY 20 ACRES~~ and Village Core South will each be approximately 10 acres in size.
- f. Appendices: Legal descriptions for Development Units 1 and 2 and Village Core North and Village Core South shall be added to the PUD as additional appendices. ~~AN UPDATED CONCEPTUAL DEVELOPMENT PLAN EXHIBIT SHALL BE PROVIDED IN THE DEVELOPMENT NARRATIVE. Acreages for Development Units 1 and 2 will be consistent with the Conceptual Development Plan exhibit and acreages for Village Core North and Village Core South will be approximately 10 acres each.~~
- g. Pages 45-46: Language referring to a Comprehensive Sign Plan found on page 46 shall be moved under the text of 5K on page 45 and be reworded as follows:

ON-PREMISE SIGNS WILL COMPLY WITH CHAPTER 7 OF THE PHOENIX ZONING ORDINANCE AND A COMPREHENSIVE SIGN PLAN MAY BE REQUIRED AS DETERMINED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

- h. Page 45, Signs Section, Second Bullet Point: Modify the last sentence in the paragraph to read as follows:

FINAL DESIGN OF OFF-PREMISE SIGNS TO BE REVIEWED AND APPROVED BY THE LAVEEN VILLAGE PLANNING COMMITTEE.

- i. MODIFY THE DEVELOPMENT NARRATIVE, WHERE APPLICABLE, TO REFLECT THE FOLLOWING:

ALL DISTRIBUTION, MANUFACTURING, WAREHOUSE USES AS A PRIMARY USE, WHERE PERMITTED, SHALL COMPLY WITH THE FOLLOWING STANDARDS AND RESTRICTIONS.

- I. THERE SHALL BE A MAXIMUM OF 1 DOCK DOOR PER 20,000 SQUARE FEET OF INDUSTRIAL USE TO ENSURE DISTRIBUTION AND WHOLESALING ARE NOT A PRIMARY USE.
 - II. DISTRIBUTION USES ARE ONLY ALLOWED AS AN ACCESSORY USE.
 - III. WHOLESALING AND DISTRIBUTION AS PRIMARY USES SHALL BE PROHIBITED.
- J. THE MAXIMUM PERMITTED BUILDING HEIGHT FOR OFFICE USES IN DEVELOPMENT UNIT 2 SHALL BE 120 FEET, FOLLOWING THE SAME STEP BACK STANDARDS AS LISTED IN EXISTING THE DEVELOPMENT STANDARDS TABLE AND HEIGHT EXHIBIT. ALL OTHER USES SHALL BE RESTRICTED TO A MAXIMUM BUILDING HEIGHT OF 56 FEET. ALL HEIGHT EXHIBITS AND DEVELOPMENT STANDARDS SHALL BE UPDATED TO REFLECT THIS MODIFICATION.
- K. ~~THE ACREAGE OF DEVELOPMENT UNIT 1 (VILLAGE CORE) SHALL BE INCREASED TO A MINIMUM OF 30 NET ACRES. THE DEVELOPMENT NARRATIVE, INCLUDING EXHIBITS AND LEGAL DESCRIPTIONS, SHALL BE UPDATED ACCORDINGLY.~~**

- 2. Prior to Preliminary Site Plan approval, a Pedestrian Circulation Plan for Development Unit 1 (Village Core) shall be provided. This plan shall demonstrate how pedestrians will connect to 63rd Avenue, Dobbins Road, required open space areas and Development Unit 2 through a network of dedicated pedestrian paths and a minimum of one Pedestrian Paseo. The Pedestrian Paseo shall provide continuous north to south connectivity from Dobbins Road to Development Unit 2. The Pedestrian Circulation Plan will be updated with each site plan amendment to demonstrate how pedestrian connectivity will be accomplished as the Village Core parcel develops, as approved by the Planning and Development Department and in compliance with the following standards:

- a. The Pedestrian Paseo shall be a minimum of 20 feet in width. Of the width, 10 feet shall remain completely free of any pedestrian impediments, including benches. The remaining 10 feet may be used for pedestrian friendly amenities or features, such as benches, tables and courtyards, etc.

- b. A minimum of 10 feet of the Pedestrian Paseo shall be comprised of enhanced surfacing materials, such as stamped or colored concrete or other pavement treatments, that visually contrast with the adjacent parking and drive aisle surfaces shall be provided to delineate all areas where paseos cross drive aisles.
 - c. The Pedestrian Paseos shall be shaded at a minimum of 50% at maturity.
- 3. Prior to preliminary site plan approval of any and all development within Development Unit 1 South, the developer shall demonstrate how the following elements will be addressed as part of the subject submittal or as part of a future submittal or phase of the project, as approved by the Planning and Development Department.
 - a. A standalone EV Charging Demonstration Project with a minimum of eight Level 2 electric vehicle charging stations and two fast charging stations.
 - b. Construction of a minimum 10,000 square feet common open space location with a splash pad.
- 4. No permits for off-premise signs (billboards) will be issued until a certificate of occupancy for a sit down restaurant with a minimum 2,500 square feet of interior dining area and 1,000 square feet of outdoor dining area, and without a drive-through, is issued, as approved by the Planning and Development Department.
- 5. Prior to obtaining a permit for an off-premise sign (billboard), the developer and the City must agree to enter into an agreement wherein the developer will make five annual \$100,000 donations to the City of Phoenix Parks and Recreation Department to construct, operate, or maintain a City park within the Laveen Village area.
- 6. The developer shall dedicate 55 feet of right-of-way and construct the north side of Dobbins Road, per Cross Section Z-C Standards.
- 7. The developer shall dedicate and construct 63rd Avenue consistent with the approved Traffic impact Analysis.
- 8. Right-of-way improvements must be complete along the entire rezoning frontage during the first phase of development.
- 9. The applicant shall submit a Traffic Impact Study (TIS) to the City for this development. No preliminary approval of plans shall be granted until the study is reviewed and approved by the City. Contact the Street Transportation Department to set up a meeting to discuss the requirements of the study. The TIS shall include signal warrant analysis of abutting and nearby intersections effected as part of this development. The developer shall be responsible for any additional dedications and cost of improvements as required by the approved Traffic Impact Study.
- 10. The developer shall be responsible for the installation of traffic signals and or escrow funds as identified in the approved Traffic Impact Analysis.
- 11. Existing irrigation facilities along any existing and or proposed right-of-way are to be undergrounded and relocated outside of City right-of-way. Contact SRP to identify existing land rights and establish the appropriate process to relocate the facility.

Relocations that require additional dedications or land transfer require completion prior to obtaining plat and/or civil plan review approval.

12. 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.
13. 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.
14. If determined necessary by the Phoenix Archeology 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 Archeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.
15. If Phase I data testing is required, and if, upon review of the results from Phase I data testing, the City Archeologist, in consultation with a qualified archeologist, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archeological data recovery excavations.
16. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 Waiver of Claims forms. 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.
17. ALL SITE PLANS, ELEVATIONS AND PEDESTRIAN CIRCULATION PLANS WITHIN DEVELOPMENT UNIT 1 (VILLAGE CORE NORTH AND SOUTH) SHALL BE PRESENTED FOR REVIEW AND COMMENT TO THE LAVEEN VILLAGE PLANNING COMMITTEE PRIOR TO PRELIMINARY SITE PLAN REVIEW.
18. LEVEL 1 ELECTRIC VEHICLE (EV) CHARGING STATIONS SHALL BE PROVIDED FOR ALL MULTIFAMILY RESIDENTIAL DEVELOPMENTS AT A RATE OF 1 EV CHARGING STATION PER 500 SQUARE FEET OF INDOOR AMENITY SPACE OR EQUAL TO 2% OF THE RESIDENTIAL UNIT COUNT, WHICHEVER IS GREATER, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

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