

Attachment C

REPORT OF PLANNING HEARING OFFICER ACTION

Teresa Hillner, Planner III, Hearing Officer

Jazmine Braswell, Planner I, Assisting

May 16, 2108

ITEM 3

DISTRICT 8

SUBJECT:

Application #: Z-151-05-7(8)

Zoning: S-1 (Approved C-2)

Acreage: 11.35

Location: Southeast corner of 59th Avenue and Baseline Road

Proposal:

- 1) Modification of Stipulation No. 1A regarding general conformance to site plan date stamped December 13, 2005.
- 2) Deletion of Stipulation No. 1B regarding general conformance to elevations date stamped October 13, 2005.
- 3) Deletion of Stipulation No. 2 regarding a landscape plan to be administratively approved by the Planning Hearing Officer.
- 4) Deletion of Stipulation No. 2A regarding shading seating within the courtyard and plaza areas.
- 5) Deletion of Stipulation No. 2B regarding shaded seating areas on the patios adjacent to Pads D and K.
- 6) Deletion of Stipulation No. 2C regarding all entry drives shall be developed with a minimum 50 X50 enhanced landscape areas.
- 7) Deletion of Stipulation No. 3 regarding pedestrian walkways shall be provided between Pads E and F.
- 8) Deletion of Stipulation No. 4 regarding pedestrian walkways located outside of driving aisles.
- 9) Deletion of Stipulation No. 14 regarding buildings being limited to single-story in height except for E and L.
- 10) Modification of Stipulation No. 16 regarding development shall be subject to a comprehensive sign plan that excluding LED electronic message reader boards.
- 11) Technical correction to Stipulation No. 8.

Applicant: Wendy Riddell, Berry Riddell, LLC

Owner: 59th and Baseline, LLC

Representative: Wendy Riddell, Berry Riddell, LLC

ACTIONS:

Planning Hearing Officer Recommendation: The Planning Hearing Officer took this case under advisement. On June 1, 2018, the Planning Hearing Officer took the case out from under advisement and approved with modifications.

Village Planning Committee (VPC) Recommendation: At their May 14, 2018 meeting, the Laveen Village Planning Committee recommended approval with modifications by a 8-0 vote.

DISCUSSION:

Ms. Wendy Riddell, representing Aldi, stated the site was rezoned to C-2 in 2005 with 17 stipulations that were very specific to the proposed use at the time. This area is located on the corner of a food desert as shown on the City of Phoenix maps therefore, Aldi is a much needed business. Over the past couple of months, they have had very productive conversations with the LCRD and last week they went before the Laveen Village Planning Committee. They had an unanimous recommendation of approval. They are in agreement with the revised stipulations the Laveen Village Planning Committee recommended with one small footnote. Stipulation No. 2 requires them to come back to the PHO for administrative approval of a landscape plan and it call out 15 percent landscaping in the parking lot. However, the Village Planning Committee recommended 15 percent across the entire site. They spoke about 10 percent is required per the Zoning Ordinance however, the Laveen Village Planning Committee wanted to see enhanced landscaping. Ms. Riddell stated they would be accommodating the additional landscaping along the perimeter of the site as well as in the parking area.

Ms. Teresa Hillner asked if there was a quantity or location specified for the parking diamonds that the Laveen Village Planning Committee stipulated to and if it was in-lieu of anything.

Ms. Riddell stated they did not talk about it being in-lieu of something, she understood it to be a desire to include them to hence shade opportunity. They did not talk about any minimum or maximum number of diamonds, just the inclusion of them.

Ms. Tonya Glass, representing the Laveen Village Planning Committee, stated they are very excited about the development and the partnership with Aldi. They concur with stipulation as what was present at the Village Planning Committee. They also concur with the correction Ms. Riddell noted regarding the 15 percent landscaping across the entire site. The purpose of the additional stipulation regarding the parking diamonds was to add additional shading within the parking area. They did not specific the amount or the location of the parking diamonds. They asked that any signage and landscape elements back come back to the Laveen Village Planning Committee for review prior to their approval.

Ms. Hillner stated she does not see that as a part of the village recommendation. According to the Village Planning Committee recommendation, they agreed to remove the stipulation regarding the need for comprehensive sign plan but, excluded any electronic message center. She asked Ms. Glass if they would like to retain the requirement for the comprehensive sign plan.

Ms. Glass stated the agreement was to see the sign plan before it was approved however, they did not want to hold up the development process.

Ms. Hillner asked if there was a need for the applicant to come back through another public hearing process, rather would they like to should show the sign plan to the Village Planning Committee.

Ms. Riddell stated what she believes was discussed is that if they were to do a comprehensive sign plan, yes, they would present it to the Village Planning Committee. In the event they were to do signage per the Zoning Ordinance standards, that would not be a concern or need to be presented to the Village Planning Committee.

Ms. Hillner stated she knows this village has a concern with electronic message display boards and the applicant has retained the exclusion of using them.

Ms. Glass stated their concern was that the signage should be appropriate to the environment and community. They did not want a huge sign at this location, they want it to be consistent with the rest of the area.

Ms. Hillner asked Ms. Riddell if they are interested in retaining their proposal regarding deleting the comprehensive sign plan requirement and possibly adding a stipulation that why would go back to the Laveen Village Planning Committee for an administrative review and comment of the proposed signage.

Ms. Riddell stated she is not opposed however, she would need to consult with her client. Although, if they were to do monument signage, she was under the impression that the Village Planning Committee was not concern with that type of signage. If they were to do larger signage across the entire site, that would warrant village review and approval.

Ms. Hillner stated that if she approved the request as proposed, there is no requirement for the sign manufacturer to come back before the Village Planning Committee. She stated she wanted to make sure the village had the same understanding of this modified stipulation.

Ms. Riddell stated at they did discuss at the Village Planning Committee meeting the difference between a comprehensive sign plan and signage per the Zoning Ordinance standards.

Ms. Stephanie Hurd stated there is some confusion regarding the signage. She stated she completely respects the representative and she knows they have spoken with LCRD about this development however, she feels they did not receive much information about the signage. She asked Ms. Riddell that when they know what type of signage they are going to use, would they show it to the LVPC. She is in support of this development however, they would like to see the proposed signage.

Ms. Riddell said that would be fine and they would commit to showing the LVPC the proposed signage. She stated, at this point she does not know what type of signage is going to be used but when they would, they would gladly show it to the LVPC.

Ms. Hurd stated they are very supportive of this project and they do not want to hold up the development process.

Ms. Glass stated they want to allow Aldi and their representative to move forward in the development process, they also want to be observant of elements of this project. They do not want to hold up the development progress. Therefore, if there is stipulation language that would allow them to review the signage prior to the approval of it, that is what they would like.

Ms. Hillner stated she is going to take this case under advisement to allow her to craft stipulation language to address the review of the signage.

FINDINGS:

1. The original site plan was for an office condominium complex with some small freestanding buildings. No development has occurred on the site since the rezoning case in 2005. This area is seeing an upturn in development in the recent months. The revised site plan is for a grocery store with six freestanding buildings, like the original site plan.
2. The revised elevations are more appropriate for retail establishments while keeping the rural design theme found in the Laveen area. The area has changed with the construction of the Laveen Area Conveyance Channel (LACC) to separate this commercial development from the residential development in the area.
3. There is a desire to increase the amount of landscaping and to reduce the urban heat island effect so the stipulation regarding landscaping has been retained.

DECISION:

The Planning Hearing Officer took this case under advisement. On June 1, 2018, the Planning Hearing Officer took the case out from under advisement and approved with modifications.

STIPULATIONS:

GENERAL CONFORMANCE		
1.	That the development shall be in general conformance with the following plans	
	A.	The site plan date stamped December 13, 2005 MARCH 2, 2018
	B	The elevations date stamped October 13, 2005 MAY 15, 2018

LANDSCAPING & SCREEN WALLS		
2.	That t The applicant shall provide a landscape plan to be administratively approved by the Planning Hearing Officer (PHO) with specific regard to landscaped office courtyards, plaza and patio areas and enhanced entry drives	
	A.	That the courtyard and plaza areas within the offices shall include shaded seating areas. 15% LANDSCAPING FOR THE ENTIRE SITE.
	B	That the patios adjacent to Pads D & K shall include shaded seating areas. BASELINE ROAD LANDSCAPING SHALL BE CONSISTENT WITH THE BASELINE SCENIC DRIVE DESIGN GUIDELINES AS MODIFIED BYT THE LAVEEN SOUTHWEST GROWHT STUDY.
	C..	That all entry drives shall be developed with a minimum 50 x 50' enhanced landscape areas. THE APPLICANT SHALL UTILIZE LANDSCAPE DIAMONDS THROUGHOUT THE PARKING LOT TO PROVIDE SHADING WITHIN THE PARKING AREA.
PEDESTRIAN WALKWAYS		
3.	That a pedestrian walkway shall be provided between Pads E & F as approved by the Development Services Department.	
4.	That all pedestrian walkways located outside of driving aisles shall be shaded as approved by the Development Services Department.	
STREET TRANSPORTATION		
35.	That r Right-of-way totaling 60 feet shall be dedicated for the south half of Baseline Road.	
46.	That ri Rght-of-way totaling 55 feet shall be dedicated for the east half of 59 th Avenue flaring to 70 feet as per the Laveen Commons (Z-126-00-7) traffic impact analysis, as approved by the Street Transportation Department.	
57.	That a A 21 foot by 21-foot right-of-way triangle shall be dedicated at the southeast corner of 59 th Avenue and Baseline Road.	
68.	That t The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median island landscaping, and other incidentals as per plans approved by the PLANNING AND Development Services Department. All improvements shall comply with all ADA accessibility standards.	

79.	That t The applicant shall complete and submit the Developer Project Information Form for the MAG Transportation Improvement Program to the Street Transportation Department. This form is a requirement of the EPA to meet clean air quality standards.
TRANSIT	
840.	That t Right-of-way shall be dedicated and a transit accessory pad (detail P1261) and a transit bus bay (detail P1256-2) be constructed on eastbound Baseline Road east of 59 th Avenue as approved by the Public Transit Department.
PARKS & RECREATION	
944.	That t Landscaping and irrigation shall be provided on the north side of Laveen Area Conveyance Channel (LACC) pursuant to the LACC North Bank Trail Plan.
1042.	That t A 30-FOOT WIDE MULTI-USE TRAIL EASEMENT SHALL BE DEDICATED AND an ADA compliant 10-foot multi-use trail shall be constructed pursuant to the adopted detail along the south side of Baseline Road as approved by the Parks and Recreation Department.
STIPULATIONS CARRIED OVER FROM Z-126-00-7 (LAVEEN COMMONS)	
1143.	That t The development shall conform with the Baseline Scenic Drive Design Guidelines as modified by the Laveen Southwest Growth Study as recommended by the Laveen Village Planner.
14.	That all buildings shall be limited to single story in height except for Pads E & L. If Pads E & L develop as a sit-down type restaurant, a second level outdoor patio roof top dining area shall be allowed at the rear of the buildings.
1245.	That a All buildings shall have a common architectural theme that includes four-sided architecture.
1346.	That the development shall be subject to a comprehensive sign plan approval in accordance with Section 705 of the Zoning Ordinance. The sign plan shall exclude LED electronic message reader boards. The sign plan shall be presented to the LVPC for review and comment prior to submission to the Zoning Administrator. A SIGN PACKAGE SHALL BE PRESENTED TO THE LVPC FOR REVIEW AND COMMENT PRIOR TO FINAL SITE PLAN APPROVAL. ELECTRONIC MESSAGE DISPLAY READER BOARDS SIGNS SHALL NOT BE PERMITTED.

1417.	That a Any request to delete or modify stipulations be presented to theLVPC for review and comment prior to submission to the PHO/ZHO. Notification of such request must also be given to Steven Klein, Phil Hertel, and Jon Kimoto.
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