



**Village Planning Committee Meeting Summary**  
**Z-47-19-7**

<b>Date of VPC Meeting</b>	November 4, 2019
<b>Request From</b>	S-1 (approved CP/GCP and/or C-2)
<b>Request To</b>	CP/GCP, C-2 HGT/WVR and R-4
<b>Proposed Use</b>	Commerce park development, commercial development with a height waiver for up to 56 feet and multifamily residential
<b>Location</b>	Southeast corner of 63rd Avenue and Baseline Road
<b>VPC Recommendation</b>	Approval with modified stipulation
<b>VPC Vote</b>	8-0

**DISCUSSION & RECOMMENDED STIPULATIONS:**

**Ms. Samantha Keating** provided an overview of the request, noting the location and proximity to the Loop 202 freeway. **Ms. Keating** explained that the site was broken up into subareas in terms of staff’s recommended stipulations.

**Mr. Carlos Ortega** explained that he was concerned about not having a bus pull out.

**Mr. John Mockus** asked if the height waiver was being requested for both Sites A and B. **Ms. Keating** confirmed that the height waiver was for both portions of the development site and noted they were treated differently in the stipulations because Site A has a conceptual site plan that requires general conformance.

**Ms. Stephanie Hurd** asked why a path was being asked for in Site B. **Ms. Keating** relayed that the stipulation called for a wider sidewalk that could also be used as a pathway.

**Vice Chair Tonya Glass** commented that she understood why the height was needed for Site A because of the height of the movie screens, but was unsure why it was needed for Site B.

**Ms. Wendy Riddell** of Berry Riddell LLC, the applicant explained she was representing Kitchell, the property owner. **Ms. Riddell** explained that the certainty of the Harkins theater will help ensure the needs of the community are met. The project looks to reduce the number of overall dwelling units currently permitted. They are hoping to

attract other entertainment-type uses next to the planned Harkings theater. The planned multifamily will make the retail more successful. The proposal is really a refinement of the existing entitlements on the site.

**Chairman Robert Branscomb** asked for clarification on the size of the units. **Ms. Riddell** stated they would be a mix of one to three bedrooms.

**Ms. Hurd** commented that she liked the elevated design and plan for trails. She explained that commercial land is important in the area and does not want to see too much of it turn residential. She also commented that although palm trees do not provide shade, she thinks they add a nice aesthetic.

**Ms. Hurd** also commented that she would like to see ground floor retail with units above. She suggested fun bike racks.

**Ms. Jennifer Rouse** commented that the development should be dog friendly and that she understands certain retail uses will follow a theater. Multifamily can be beautiful but it needs to be better than just stucco. The mountain views need to be maintained.

**Mr. Mockus** explained he was excited to have the project move forward but wants to see the project done right.

**Mr. Ortega** commented that everyone talks about mountain views and he suggest oriented the multifamily project toward the mountains.

**Mr. Gary Flunoy** asked what the planned height was for Site B and the multifamily area. **Ms. Riddell** responded that the use for Site B was hopefully an entertainment-type use and they were looking for flexibility on the height. No height waiver is being requested for the multifamily area.

*Nine public comment cards were submitted for this item. Two cards were submitted by Tracie Riggs and Joe Jannuzzi in opposition to the request, but not wishing to speak. Two cards were submitted indicating they were in favor of the request and wishing to speak. Two cards were submitted indicating they were in opposition to the item and wishing to speak. Three cards were submitted wishing to speak, not indicating in favor or opposed.*

**Mr. Jon Kimoto** indicated he liked the uses proposed and the early meetings the applicant held, but felt there was no compelling argument for the height variance. The apartments were to be built on a higher piece of land and maintaining mountain views would be critical. The scale should not dominate the environment. It is important to maintain the guidelines in the Southwest Growth Study and other formative documents.

**Ms. Jae Storm** president of Mir' Ra Image explained she was before the committee representing youth. She indicated she would like to see the builders and developers be involved with the youth. She felt that there should be stipulations for more neighborhood meetings.

**Ms. Lynette Lee** explained to the committee she had questions regarding the proposed theater and asked if the theater was planning to have reclining seats. She also asked how much the apartments were planned to rent for and how they will be maintained.

**Ms. Riddell** responded that only newer, luxury theaters with reclining seats are being

built now. The developer will ensure the multifamily is maintained as they have a financial interest and want to keep a good reputation.

**Ms. Riddell** also responded to some of the preceding comments and explained that they were not seeking a height variance, but a height waiver and were not required to demonstrate a hardship. The development team is also sympathetic to youth and the commercial uses planned will help address concerns with youth.

**Mr. Sandy Hamilton** explained he was on the LCRD and agrees with the additional height for the movie theater site only. He indicated he tried contacting Kitchell the previous week but was unsuccessful.

**Mr. Dan Penton** explained that the community worked on a Central Laveen Commercial Area Plan in 2003 which stated that there were to be a maximum of four stories to keep views of the mountains. He also commented that art features should be southwest in nature and the multifamily should provide a view corridor and look into providing commercial space on the bottom floor. He indicated support of the request, but had some concerns with the western side of the request and the amount of parking shown on the conceptual plans.

**Mr. Phil Hertel** explained he had no problem with the height waiver for the theater site, but was not in favor of the additional height for Site B without seeing a plan. He wants the site to be planned carefully and planned well and would like to be on a notification list for future cases.

**Ms. Claudine Reifschneider** commented that this was a crucial time and the community needed to put their best foot forward and work to elevate standards. This, in turn, will increase home values and impact fees. The committee should think about the community vision when making their decision. This project will set the tone for others.

**Vice Chair Glass** asked if the apartments and theater were a packaged deal and if the theater and height for Site B were a packaged deal. **Ms. Riddell** indicated that they were and that she believed they all were after the same thing, which is why the developer is agreeing to return to review plans with the committee.

**Ms. Riddell** also explained that limiting the height on Site B would limit who would look at the site for future development. The team also reached out to Mr. Hamilton.

**Chairman Branscomb** commented that since the committee cannot restrict uses, they need to be sure it is done right.

**Mr. Ortega** and **Mr. Mockus** commented that they want something great, but understand it is Catch 22 regarding the height and attracting entertainment uses on Site B.

**Ms. Rouse** commented that the multifamily needs to be beautiful and wants to see stone work and heightened standards.

**Ms. Hurd** commented that views should be looked at.

**Ms. Riddell** indicated that these would all be taken into consideration.

**Vice Chair Glass** asked if the applicant was willing to consider less height on Site B.

**Ms. Riddell** indicated she conferred with her client and project architect and they were willing to agree to the following heights on Site A and B:

- 56 feet for Site A
- 45 feet for Site B
- 30 feet within 150 feet of 59th Avenue

**Ms. Cinthia Estela** asked if solar panels were planned for covered parking. **Ms. Riddell** responded they would look into this.

### **MOTION**

**Mr. John Mockus** moved to approve the proposal as recommended by staff with a modification to the height stipulation for Site B as proposed by the applicant.

**Ms. Jennifer Rouse** seconded the motion.

### **Vote**

**8-0**, Motion to approve, with Committee Members Branscomb, Estela, Flunoy, Glass, Hurd, Mockus, Ortega and Rouse in favor.

### **RECOMMENDED STIPULATIONS:**

#### **Stipulations**

##### **Overall Site**

1. The development shall be in General Conformance to the Conceptual Master Site Plan date stamped October 23, 2019, with specific regard to the site locations, as approved by the Planning and Development Department.
2. All parking areas adjacent to public streets, excluding the freeway, shall be screened by a combination of decorative screenwalls and a minimum 3-foot high landscaped mound/berm along the perimeter streets, as approved by the Planning and Development Department.
3. All sidewalks adjacent to public streets shall be detached with a minimum 5-foot wide continuous landscape area located between the sidewalk and back of curb; and shall include minimum 3-inch caliper, large canopy single-trunk shade trees (limbed-up a minimum of 10-feet clear from finish grade), planted 25 feet on center or in equivalent groupings; and minimum 5-gallon shrubs with a maximum mature height of 2 feet providing 75 percent live cover, as approved by the Planning and Development Department. If there is limited right-of-way along the Baseline Road frontage requiring a modified cross section, an attached sidewalk

design may be considered, as approved by the Planning and Development Department.

4. The developer shall provide clearly defined, accessible pathways at vehicular crossings, constructed of decorative pavement that visually contrasts with the adjacent parking and drive aisle surfaces for internal drive aisles and accessways, as approved by the Planning and Development Department.
5. The applicant shall submit a Traffic Impact Study (TIS) to the City for this development for review and approval by the Street Transportation Department (except for the Site A, Harkins) prior to the submittal of preliminary site plans. Additional right-of-way and street improvements may be required following TIS review. Phasing of off-site improvements must be consistent with the TIS recommendations. Phased street improvements will require the installation of pavement transition tapers, as approved by the Street Transportation Department.
6. The developer shall construct all streets within and adjacent to the development required for each phase with paving, curb, gutter, minimum 5- foot wide sidewalk, curb ramps, streetlights, landscaping and other incidentals as per plans approved by the Planning and Development Department. All improvements shall comply with the current ADA Guidelines.
7. Open irrigation facilities are to be piped outside of right-of-way and shown on the preliminary site plan, as approved by the Planning and Development Department.
8. All multi-use trails and shared use paths shall be shaded a minimum of 50 percent with 2-inch minimum caliper, large canopy shade trees, located 5 to 8 feet from the edge of the trail, as approved by the Planning and Development Department.
9. The right-of-way shall be dedicated, if required, and a bus pad (detail P1260 or P1262) constructed at the following locations, unless otherwise modified by the Planning and Development Department and Public Transit Department:
  - a) Eastbound Baseline Road east of 63rd Avenue. Pad shall be spaced from the intersection of 63rd Avenue and Baseline Road according to City of Phoenix Standard Detail P1258.
  - b) Three bus stop pads shall be located along Southbound 59th Avenue.

10. If determined necessary by the Phoenix Archaeology 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 Archaeologist prior to clearing and grubbing, landscape salvage, and/or grading approval
11. If Phase I data testing is required, and if, upon review of the results from the Phase I data testing, the City Archaeologist, in consultation with a qualified archaeologist, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archaeological data recovery excavations.
12. 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.

### **Site A**

13. The development shall be in general conformance with the site plan and elevations date stamped October 23, 2019 as modified by the following stipulations and approved by the Planning and Development Department.
14. The maximum building height shall be limited to 56 feet.
15. There shall be a 150-foot stepback provided from 59th Avenue for buildings over 30 feet in height.
16. A minimum of one clearly defined pedestrian connection shall be provided from Site A to connect with the trail along the Laveen Area Conveyance Channel with one pedestrian scale amenity (benches, tables, etc.) provided within close proximity of the trail, as approved by the Planning and Development Department.
17. A minimum of two pedestrian pathways that are a minimum 6 feet wide shall be provided from the west side of Site B through Site A to the proposed buildings. The parking lot shall be designed to have minimal vehicular drive crossings through these pathways. These pathways shall have a minimum 50 percent shade provided by 2-inch minimum caliper trees located in minimum 5-foot wide landscape areas and/or an architectural shading element, as approved by the Planning and Development Department.
18. A minimum of two inverted-U bicycle racks (4 spaces) shall be provided for each building on site, located near building entries, and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department.

19. The developer shall construct the west half street of 59th Avenue, as consistent with the Street Classification Map, including the landscaped median between the Laveen Area Conveyance Channel and the southern boundary of Site A, as approved by the Planning and Development Department. Asphalt pavement transition tapers are required between ultimate and interim street conditions, as approved by the Street Transportation Department.
20. The developer shall construct a 10 foot wide Shared Use Path (SUP) along the west side of 59th Avenue in lieu of the required sidewalk, consistent with the improvements on 59th Avenue north of the Laveen Area Conveyance Channel, as approved by the Planning and Development Department.
21. The developer shall construct a 10 foot wide Multi-Use Trail (MUTE) along the south side of the Laveen Area Conveyance Channel, as approved by the Planning and Development Department.

**Site B (Retail/ Restaurant)**

22. The maximum building height shall be limited to 30 FEET WITHIN 150 FEET OF 59TH AVEUNUE AND 45 ~~56~~ feet FOR THE REMAINDER OF SITE B.
23. There shall be a 150-foot step back provided from 59th Avenue for building over 30 feet in height.
24. The site plan, landscape plan showing pedestrian circulation and elevations, shall be reviewed and approved by the Planning Hearing Officer through the public hearing process prior to preliminary site plan approval for conceptual review of the applicable provisions of the goals and policies of the Southwest Growth Study which shall include the following:
  - a. Promoting the overall pedestrian circulation within the commercial corner through wide sidewalks, detached sidewalks and overall connectivity including:
    - (i) A minimum of two pedestrian pathways that are a minimum of 6 feet wide shall be provided from 59th Avenue through the site to connect to buildings and the pedestrian pathways at Site A. The parking lot shall be designed to have minimal vehicular drive crossings through these pathways. These pathways shall have a minimum 50% shade provided by 2-

inch minimum caliper trees located in minimum 5-foot wide landscape areas and/or an architectural shading element.

- (ii) A minimum of two clearly defined pedestrian connections shall be provided to connect with the trail along the Laveen Area Conveyance Channel with two pedestrian scale amenities (open space, benches, tables, etc.) provided within close proximity of the trail.

- b. Arcades and overhangs shall be incorporated into the buildings to promote shade.
- c. All building facades shall contain architectural embellishments and detailing such as textural changes, pilasters, offsets, recesses, window fenestration, shadow boxes and overhead/canopies at least every 50 linear feet.
- d. Accent building materials such as: native stone, burnt adobe, textured brick, wood (when shaded by overhangs or deep recesses), slump block, ceramic tile (matte finish), stucco and/or exposed aggregate concrete shall be used on buildings or otherwise demonstrate that the architectural style is consistent with prior phases of the project and development in the area.

- 25. Drive-through restaurant pick-up windows shall be architecturally integrated in proportion, color, material and texture to the building it serves by providing awnings or architecturally integrated structures for weather protection, as approved by the Planning and Development Department.
- 26. Drive-through restaurant facilities shall provide a minimum of 250 square feet of outdoor seating areas, as approved by the Planning and Development Department.
- 27. A minimum of 25 percent of the surface parking areas shall be shaded by 2-inch minimum caliper, large canopy single-trunk shade trees, located within minimum 5-foot wide landscape areas, as approved by the Planning and Development Department.
- 28. A minimum of two inverted-U bicycle racks (4 spaces) shall be provided for each building on site, located near building entries, and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department.



29. A minimum of 30 percent of the linear frontage of the buildings, that has main public entries oriented towards parking areas, shall be provided with planting. Planting areas shall be sized to provide adequate area for planting materials to thrive. Trees and shrubs shall be sized to provide 30 percent shading of area at maturity, as approved by the Planning and Development Department.
30. The developer shall construct the west half street of 59th Avenue, as consistent with the Street Classification Map, including landscaped median between the Laveen Area Conveyance Channel and the southern boundary of Site B, as approved by the Planning and Development Department. Asphalt pavement transition tapers are required between ultimate and interim street conditions, as approved by the Street Transportation Department.
31. The developer shall construct a 10' Shared Use Path (SUP) on 59<sup>th</sup> Avenue in lieu of the required sidewalk, consistent with the improvements on 59<sup>th</sup> Avenue north of the Laveen Area Conveyance Channel.
32. The developer shall construct a 10 foot wide Multi-Use Trail (MUTE) along the southside of the Laveen Area Conveyance Channel, as approved by the Planning and Development Department.

### **Site C (Multifamily)**

33. The site plan, landscape plan showing pedestrian circulation and elevations shall be reviewed and approved by the Planning Hearing Officer through the public hearing process prior to preliminary site plan approval for conceptual review of the applicable provisions of the goals and policies of the Southwest Growth Study which shall include the following:
  - a. Promoting pedestrian connections with the adjacent commercial development through sidewalks, detached sidewalks and overall connectivity including:
  - b. A minimum of three evenly dispersed pedestrian connection points to the commercial development to the north. This pedestrian connection shall be clearly defined and minimize vehicular conflicts.
  - c. Arcades and overhangs shall be incorporated into the buildings to promote shade.
  - d. All building facades shall contain architectural embellishments and detailing such as textural changes, pilasters, offsets, recesses, window fenestration, shadow boxes and overhead/canopies at least

every 50 linear feet, as approved by the Planning and Development Department.

- e. Ensuring architectural style is consistent with prior phases of the project and development in the area.
34. There shall be a minimum of 10 percent common area open space provided onsite, as approved by the Planning and Development Department.
  35. A minimum of 25 percent of the surface parking areas shall be shaded by a minimum 2 inch caliper, large canopy single-trunk shade trees, located within minimum 5-foot wide landscape areas, as approved by the Planning and Development Department.
  36. The developer shall construct the west half street of 59th Avenue, as consistent with the Street Classification Map, including the landscaped median for the full extent of Site C, as approved by the Planning and Development Department. Asphalt pavement transition tapers are required between ultimate and interim street conditions, as approved by the Street Transportation Department.
  37. The developer shall construct a 10-foot wide Shared Use Path (SUP) on 59th Avenue in lieu of the required sidewalk, consistent with the improvements on 59th Avenue north of the Laveen Area Conveyance Channel.
  38. The developer shall provide conduit plan and junction boxes at 59th Avenue and South Mountain Avenue on project site for future traffic signal equipment and all work related to the construction or reconstruction of the conduit runs and junction box installation shall be the responsibility of the Developer, as approved by the Planning and Development Department.

**Site D (Commerce Park/ General Commerce Park North of the LACC)**

39. The site plan, landscape plan showing pedestrian circulation and elevations shall be reviewed and approved by the Planning Hearing Officer through the public hearing process prior to preliminary site plan approval for conceptual review of the applicable provisions of the goals and policies of the Southwest Growth Study which shall include the following:
  - a. Promoting the overall pedestrian circulation within the development through wide sidewalks, detached sidewalks and overall connectivity including:
    - (i) A minimum of two pedestrian connections to the Laveen Area Conveyance Channel.

- (ii) There shall be an employee open space area provided adjacent to the Laveen Area Conveyance Channel. The open space areas shall provide a minimum of one amenity (tables, benches, yard games, etc.) each.
    - b. Arcades and overhangs shall be incorporated into the buildings to promote shade.
    - c. All building facades shall contain architectural embellishments and detailing such as textural changes, pilasters, offsets, recesses, window fenestration, shadow boxes and overhead/canopies at least every 50 linear feet.
    - d. Ensuring architectural style is consistent with prior phases of the project and development in the area.
- 40. There shall be a minimum of one exterior employee balcony provided on each four-story building that is a minimum of 12 feet in depth and a minimum of 200 square feet in size, as approved by the Planning and Development Department.
- 41. The glazing on all building windows shall have a maximum reflectivity of 20 percent, as approved by the Planning and Development Department.
- 42. A minimum of 25 percent of the surface parking areas shall be shaded by minimum 2-inch caliper, large canopy single-trunk shade trees, located within minimum 5-foot wide landscape areas, as approved by the Planning and Development Department.
- 43. A minimum of six inverted-U bicycle racks (12 spaces) shall be provided for each building on site, located near building entries, and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department.
- 44. A minimum of 30 percent of building linear frontage, that has main public entries oriented towards parking areas, shall be provided with planting. Planting areas shall be sized to provide adequate area for planting materials to thrive. Trees and shrubs shall be sized to provide 30 percent shading of area at maturity, as approved by the Planning and Development Department.
- 45. The developer shall protect in place the shared-use path and 20 foot wide public trail/sidewalk easement along the north side of the Laveen Area Conveyance Channel, as approved by the Planning and Development Department.
- 46. The developer shall dedicate a 30 foot wide public trail/sidewalk easement along the west side of the 202 Loop or adjacent to 63rd Avenue, whichever

provides greater connectivity, at the time of preliminary site plan approval. Developer shall construct a 10 foot wide shared-use path (SUP) within the easement as indicated in section 429 of the City of Phoenix MAG Supplement, as approved by the Planning and Development Department.

47. A minimum 10-foot public multi-use trail shall be constructed within a 30-foot easement in accordance with MAG supplemental detail 429 along the south side of Baseline Road to connect to the trails to the east and west, as approved by the Parks and Recreation Department.
48. The developer shall dedicate 60 feet of right-of-way for the full parcel limits for the south half of Baseline Road, as approved by the Planning and Development Department.
49. The developer shall dedicate a minimum of 40 feet of right-of-way for the full parcel limits for the east half of 63rd Avenue. Additional right-of-way dedications and improvements as required by the TIS, as approved by the Street Transportation Department.
50. The developer shall dedicate 40 feet of right-of-way for the full parcel limits for the east half of 63rd Avenue and improvements as required by the TIS, as approved by the Planning and Development. Asphalt pavement transition tapers are required between ultimate and interim street conditions, as approved by the Street Transportation Department.
51. The developer shall dedicate a 25-foot by 25-foot right-of-way triangle at the southeast corner of Baseline Road and 63rd Avenue, as approved the Planning and Development Department.

**Site E (Commerce Park/ General Commerce Park South of the LACC)**

52. The site plan, landscape plan showing pedestrian circulation and elevations shall be reviewed and approved by the Planning Hearing Officer through the public hearing process prior to preliminary site plan approval for conceptual review of the applicable provisions of the goals and policies of the Southwest Growth Study which shall include the following:
  - a. Promoting the overall pedestrian circulation within the development through wide sidewalks, detached sidewalks and overall connectivity including:
    - (i) A minimum of two pedestrian connections to the Laveen Area Conveyance Channel.

- (ii) There shall be an employee open space area provided adjacent to the Laveen Area Conveyance Channel. The open space areas shall provide a minimum of one amenity (tables, benches, yard games, etc.) each.
    - b. Arcades and overhangs shall be incorporated into the buildings to promote shade.
    - c. All building facades shall contain architectural embellishments and detailing such as textural changes, pilasters, offsets, recesses, window fenestration, shadow boxes and overhead/canopies at least every 50 linear feet.
    - d. Ensuring architectural style is consistent with prior phases of the project and development in the area.
- 53. There shall be a minimum of one exterior employee balcony provided on each four-story building that is a minimum of 12 feet in depth and a minimum of 200 square feet in size, as approved by the Planning and Development Department.
- 54. The glazing on all building windows shall have a maximum reflectivity of 20 percent, as approved by the Planning and Development Department.
- 55. A minimum of 25 percent of the surface parking areas shall be shaded by minimum 2-inch caliper, large canopy single-trunk shade trees, located within minimum 5-foot wide landscape areas, as approved by the Planning and Development Department.
- 56. A minimum of six inverted-U bicycle racks (12 spaces) shall be provided for each building on site, located near building entries, and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department.
- 57. A minimum of 30 percent of building linear frontage, that has main public entries oriented towards parking areas, shall be provided with planting. Planting areas shall be sized to provide adequate area for planting materials to thrive. Trees and shrubs shall be sized to provide 30 percent shading of area at maturity, as approved by the Planning and Development Department.
- 58. The developer shall dedicate a 30 foot wide public trail/sidewalk easement along the west side of the 202 Loop Freeway or adjacent to 63rd Avenue, whichever provides greater connectivity, at the time of preliminary site plan approval. Developer shall construct a 10-foot wide shared-use path (SUP) within the easement per Section 429 of the City of Phoenix MAG Supplement, as

approved by the Planning and Development Department.

59. The developer shall construct a 10 foot wide Multi-Use Trail (MUTE) along the southside of the Laveen Area Conveyance Channel, as approved by the Planning and Development Department.
  
60. The developer shall dedicate a minimum of 40 feet of right-of-way for the full parcel limits for the east half of 63rd Avenue. Additional right-of-way dedications and improvements as required by the TIS, and as approved by the Street Transportation Department. Asphalt pavement transition tapers are required between ultimate and interim street conditions, excepting the frontage of APN 300-020-017C, as approved by the Street Transportation Department.

**STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:**

None.