

# ATTACHMENT E

## REPORT OF PLANNING COMMISSION ACTION November 7, 2024

ITEM NO: 14	
	DISTRICT NO.: 2
SUBJECT:	
Application #:	Z-39-23-2 (Companion Cases GPA-DSTV-2-23-2 and GPA-DSTV-3-23-2) (Continued from January 4, 2024)
Location:	Southwest corner of Black Mountain Boulevard and Deer Valley Drive
From:	S-1 DRSP (Approved R1-6 DRSP) and S-1 DRSP (Approved R-2 DRSP)
To:	C-2 DRSP
Acreage:	20.52
Proposal:	Commercial shopping center
Applicant:	Ryan Ash, Vestar
Owner:	Arizona State Land Department
Representative:	Ashley Z Marsh, Gammage & Burnham

### **ACTIONS:**

**Staff Recommendation:** Approval, subject to stipulations.

**Village Planning Committee (VPC) Recommendation:**

**Desert View** 8/1/2023 Information only.

**Desert View** 10/3/2023 Denial. Vote: 9-1.

**Desert View** 10/1/2024 Approval, per the staff recommendation. Vote: 10-1.

**Planning Commission Recommendation:**

11/2/2023 Continued to the January 4, 2024 Planning Commission Hearing, without fee. Vote: 9-0.

1/4/2024 Continued to a date uncertain and remanded back to the Desert View Village Planning Committee for reconsideration. Vote: 7-0.

11/17/2024 Approval, per the Desert View Village Planning Committee recommendation.

**Motion Discussion:** None

**Motion details:** Commissioner Matthews made a MOTION to approve Z-39-23-2, per the Desert View Village Planning Committee recommendation.

Maker: Matthews

Second: Read

Vote: 9-0

Absent: None

Opposition Present: Yes

### **Findings:**

1. The proposal is consistent with the proposed General Plan Land Use Map designation and will contribute to a mix of land uses in the surrounding area.

2. As stipulated, the proposal enhances the surrounding area with features promoting pedestrian safety, facilitating alternative transportation, and providing pedestrianized amenity spaces for the community.
3. As stipulated, the proposal provides trees and shade, promoting thermal comfort for users of the site and pedestrians on adjacent sidewalks.

Stipulations:

1. All on site lighting shall comply with the following:
  - a. Maximum of 20 feet in height including lamp, pole, and base.
  - b. All outdoor lighting fixtures must be designed, installed, and maintained to prevent light trespass, glare, and skyglow.
  - c. All outdoor fixtures must be full cutoff, ensuring zero light output emitted above the horizontal (90-degree plane).
  - d. Utilize LED lights with a correlated color temperature (CCT) of 3000K or lower.
2. A minimum 5,000-square-foot pedestrian plaza shall be provided and maintained by the developer as a gathering place for the public, adhering to the following standards, and as approved by the Planning and Development Department.
  - a. The plaza shall be designed to allow pedestrian access and shall not be restricted during the time the shopping center is open.
  - b. The plaza shall include seating for public use and a minimum of two additional amenities, such as a water feature, outdoor game area, splash pad, shaded seating, enhanced landscaping, performance stage, fire pit, or other similar amenities.
3. A minimum 6-foot-wide pedestrian pathway, providing cross-block access and connecting with the public plaza, shall be provided consistent with the following standards, and as approved by the Planning and Development Department.
  - a. The pathway shall adhere to the requirements of Section 1304.H of the Phoenix Zoning Ordinance.
  - b. The pathway shall connect with the HAWK crossing provided at Mayo Boulevard.
  - c. The pathway shall be lined on both sides with either of the following elements, or a combination of the two, except where a pedestrian pathway is a minimum of 16 feet wide:
    - (1) A minimum 5-foot-wide landscape strip, except where drive aisles cross the pathway where necessary. Structural shade elements may be used, and footers may be placed within the landscape strip along the pathway.

- (2) Building frontages meeting the glazing requirements of a minimum of 75 percent of the ground floor frontages facing the pedestrian pathway, measured as the area between 3 and 8 feet above grade for the entire width of the facade, consisting of clear windows that will allow a minimum of 75 percent of the visible light (as specified by the manufacturer) to be visible on either side of the window.
4. Where pedestrian walkways cross a vehicular path, the pathway shall be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrast parking and drive aisle surfaces, as approved by the Planning and Development Department.
5. All pedestrian pathways, including sidewalks and shared-use paths, shall be shaded by a structure or landscaping at maturity, or a combination of the two to achieve a minimum of 75 percent shade, as approved by the Planning and Development Department.
6. All uncovered surface parking lot areas shall be landscaped with minimum 2-inch caliper drought-tolerant shade trees. Landscaping shall be dispersed throughout the parking area and achieve 25 percent shade at maturity, as approved by Planning and Development Department.
7. Bicycle parking shall be provided, consistent with Section 1307.H of the Phoenix Zoning Ordinance, except that Section 1307.H.6.c shall not apply, as approved by the Planning and Development Department.
8. A minimum of 2 percent of the required parking shall be EV installed.
9. A minimum of 10% of the required shrubs, shall be a milkweed or other native nectar species, and shall be planted in groups of three or more, as approved by the Planning and Development Department.
10. The developer shall dedicate right-of-way and construct a bus stop pad on southbound Black Mountain Boulevard. Bus stop pad shall be constructed according to City of Phoenix Standard Detail P1260 with a minimum depth of 10 feet. Bus stop pad shall be spaced from Deer Valley Drive according to City of Phoenix Standard Detail P1258. Trees shall be placed to provide 50 percent shade coverage to bus stop pad at full maturity.
11. A minimum number of pedestrian connections shall be provided from the development to the adjacent sidewalk, as follows: 2 connections to Deer Valley Drive, 3 connections to Mayo Boulevard, and 3 connections to Black Mountain Boulevard, as approved by the Planning and Development Department. Pedestrian connections shall be sufficiently spaced to allow convenient pedestrian access to the sidewalk from any portion of the proposed development.
12. The landscape planters along all streets, separating the curb from the sidewalk, shall be planted to the following standards, as approved or modified by the Planning and Development Department.
  - a. Minimum 2-inch caliper shade trees planted 20 feet on center or in equivalent groupings to provide a minimum of 75 percent shade at tree maturity.

- b. Drought-tolerant shrubs, accents, and vegetative groundcovers to achieve a minimum of 75 percent live coverage at maturity.

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

- 13. A 20-foot-wide shared-use path easement (SUPE) shall be dedicated along Black Mountain Boulevard and a minimum 10-foot-wide shared-use path (SUP) shall be constructed within the easement in accordance with the MAG supplemental detail and as approved or modified by the Planning and Development Department.
- 14. A minimum 5-foot-wide detached sidewalk separated by a minimum 5-foot-wide landscape strip located between the back of curb and sidewalk, shall be provided along 34th Street, as approved or modified by the Planning and Development Department.
- 15. A minimum 70 feet of right-of-way shall be dedicated for the west half of Black Mountain Boulevard, adjacent to the development.
- 16. A minimum 55 feet of right-of-way shall be dedicated for the north half of Mayo Boulevard, adjacent to the development.
- 17. Mayo Boulevard shall be consistent with the Desert Ridge Specific Plan and the approved cross sections in the forthcoming Super Block 12 Master Street Plan.
- 18. The existing median in Black Mountain Boulevard shall be modified to extend northward to the Deer Valley Drive intersection.
- 19. The existing traffic signal at the intersection of Mayo Boulevard and Black Mountain Boulevard shall be fully funded and reconstructed to meet City of Phoenix standards.
- 20. A Traffic Impact Analysis (TIA) and Master Street Plan shall be submitted to the City for this development and Super Block 12 of the Desert Ridge Specific Plan. The Traffic Impact Analysis (TIA) shall also be expanded to address the proposed development's impact and funding responsibility on the Sonoran Desert Drive Corridor. No preliminary approval of plans shall be granted until the study and master street plan are reviewed and approved by the Street Transportation Department.
- 21. A HAWK traffic control device shall be fully funded and constructed on Mayo Boulevard between 34th Street and Black Mountain Boulevard, as approved by the Street Transportation Department.
- 22. Decorative metal view fencing shall be constructed in the landscape median along Mayo Boulevard, as approved by the Street Transportation Department.
- ~~22.~~ 23. Acquire, dedicate sufficient right-of-way, and construct a southbound right turn lane, including incidental intersection improvements, on the northwest corner of the Deer Valley Drive and Black Mountain Boulevard intersection.

24. Acquire, dedicate sufficient right-of-way, and construct a westbound right turn lane, including incidental intersection improvements, on the northeast corner of the Deer Valley Drive and Black Mountain Boulevard intersection.
25. Acquire, dedicate sufficient right-of-way, and construct an eastbound right turn lane, including incidental intersection improvements, on the southwest corner of the Deer Valley Drive and 40th Street intersection.
26. Acquire, dedicate sufficient right-of-way, and construct a westbound right turn lane, including incidental intersection improvements, on the northeast corner of the Deer Valley Drive and 40th Street intersection.
27. All streets within and adjacent to the development shall be constructed 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.
28. The property owner shall record documents that disclose the existence, and operational characteristics of the Phoenix Deer Valley Airport to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.
29. 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.
30. 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.
31. 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.
32. 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.

This publication can be made available in alternate format upon request. Please contact Teleia Galaviz at 602-291-2559, [teleia.galaviz@phoenix.gov](mailto:teleia.galaviz@phoenix.gov), TTY: Use 7-1-1.

REPORT OF PLANNING COMMISSION ACTION  
January 4, 2024

ITEM NO: 4	
	DISTRICT NO.: 2
SUBJECT:	
Application #:	Z-39-23-2 (Companion Cases GPA-DSTV-2-23-2 and GPA-DSTV-3-23-2)
Location:	Southwest corner of Black Mountain Boulevard and Deer Valley Drive
From:	S-1 DRSP (Approved R1-6 DRSP) and S-1 DRSP (Approved R-2 DRSP)
To:	C-2 DRSP
Acreage:	20.52
Proposal:	Commercial shopping center
Applicant:	Ryan Ash, Vestar
Owner:	Arizona State Land Department
Representative:	Stephen Anderson, Gammage & Burnham, PLC

**ACTIONS:**

Staff Recommendation: Continuance to a date uncertain.

Village Planning Committee (VPC) Recommendation:

**Desert View** 8/1/2023 Information only.

**Desert View** 10/3/2023 Denial. Vote: 9-1.

Planning Commission Recommendation: Continued to a date uncertain, without fee; and remand the case back to the Desert View Village Planning Committee for reconsideration.

Motion Discussion: N/A

Motion details: Commissioner Gorraiz made a MOTION to continue Z-39-23-2, to a date uncertain, without fee; and remand the case back to the Desert View Village Planning Committee for reconsideration. Direction was given to have the applicant notify everyone that registered to speak at the meeting.

Maker: Gorraiz  
Second: Perez  
Vote: 7-0  
Absent: Mangum  
Opposition Present: Yes

Findings: The applicant requested a continuance to a date uncertain and to be remanded back to the Desert View Village Planning Committee.

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REPORT OF PLANNING COMMISSION ACTION  
November 2, 2023

ITEM NO: 9	
	DISTRICT NO.: 2
SUBJECT:	
Application #:	Z-39-23-2 (Companion Cases GPA-DSTV-2-23-2 & GPA-DSTV-3-23-2)
Location:	Southwest corner of Black Mountain Boulevard and Deer Valley Drive
From:	S-1 DRSP (Approved R1-6 DRSP) and S-1 DRSP (Approved R-2 DRSP)
To:	C-2 DRSP
Acreage:	20.52
Proposal:	Commercial shopping center
Applicant:	Ryan Ash, Vestar
Owner:	Arizona State Land Department
Representative:	Stephen Anderson, Gammage & Burnham

**ACTIONS:**

Staff Recommendation: Continuance.

Village Planning Committee (VPC) Recommendation:

**Desert View** 8/1/2023 Information only.

**Desert View** 10/3/2023 Denial. Vote: 9-1.

Planning Commission Recommendation: Continued to the January 4, 2024 Planning Commission hearing, without fee.

Motion Discussion: N/A

Motion details: Commissioner Perez made a MOTION to continue Z-39-23-2, to the January 4, 2024 Planning Commission hearing, without fee.

Maker: Perez  
Second: Gorraiz  
Vote: 9-0  
Absent: None  
Opposition Present: Yes

Findings: The applicant requested a continuance to allow more to time to work with the State Land Department and the community.

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