

## ATTACHMENT B



### City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

**Staff Report: Z-237-L-85-2**

March 22, 2024

**Desert View Village Planning Committee Hearing Date:**

April 2, 2024

**Planning Commission Hearing Date:**

April 4, 2024

**Request From:**

C-1 PCD (Neighborhood Retail, Planned Community District) (0.98 acres)

**Request To:**

C-2 PCD (Intermediate Commercial, Planned Community District) (0.98 acres)

**Proposal:**

Wine bar

**Location:**

Southeast corner of Cave Creek Road and Desert Willow Parkway

**Owner:**

Tuscany Village Center, LLC c/o Randall Raskin

**Applicant:**

Ellie Brundige, Gammage and Burnham, PLC

**Representative:**

Chloe Plaisance, Gammage and Burnham, PLC

**Staff Recommendation:**

Approval, subject to stipulations

<u>General Plan Conformity</u>	
<u>General Plan Land Use Map Designation</u>	Residential 2 to 5 dwelling units per acre
<u>Street Map Classification</u>	N/A
<b><i>STRENGTHEN OUR LOCAL ECONOMY CORE VALUE; ENTREPRENEURS AND EMERGING ENTERPRISES; LAND USE PRINCIPLE: Encourage land uses that promote the growth of entrepreneurs or new businesses in Phoenix in appropriate locations.</i></b>  The proposal will allow a wine bar to locate within an existing shopping center, expanding opportunities for new businesses in Phoenix.	
<b><i>CELEBRATE OUR DIVERSE COMMUNITIES AND NEIGHBORHOODS CORE VALUE; DIVERSE NEIGHBORHOODS; LAND USE PRINCIPLE: Communities should consist of a mix of land uses to provide housing, shopping, dining and recreational options for residents.</i></b>  The proposal increases the range of retail and services available to nearby residents in an already established shopping center.	



### General Plan Conformity

***BUILD THE SUSTAINABLE DESERT CITY CORE VALUE; TREES & SHADE; DESIGN PRINCIPLE: Integrate trees and shade into the design of new development and redevelopment projects throughout Phoenix.***

Upon any future redevelopment, the proposal, as stipulated, would provide enhanced shading for the surface parking lot.

### **Applicable Plans, Overlays and Initiatives**

[North Land Use Plan](#) – See Background Item No. 5.

[Comprehensive Bicycle Master Plan](#) – See Background Item No. 6.

[Tree and Shade Master Plan](#) – See Background Item No. 7.

[Phoenix Climate Action Plan](#) – See Background Item No. 8.

[Transportation Electrification Action Plan](#) – See Background Item No. 9.

[Zero Waste PHX](#) – See Background Item No. 10.

### **Surrounding Land Uses/Zoning**

	<u>Land Use</u>	<u>Zoning</u>
<b>On Site</b>	Shopping center	C-1 PCD
<b>Northeast (Across Desert Willow Parkway)</b>	Single-family residential	RE-35 PCD
<b>South</b>	Single-family residential and golf course	R1-10 PCD and RE-35 SP PCD
<b>Northwest (Across Cave Creek Road)</b>	Single-family residential and City water facility	R1-6 PCD

### **C-2 (Intermediate Commercial)**

<u>Standards</u>	<u>Requirements</u>	<u>Provisions on the proposed site plan</u>
<i>Building Setbacks</i>		
Street	Average 25 feet, Minimum 20 feet	N/A (no street frontage)
Not adjacent to street (south property line)	Minimum 25 feet (one-story), Minimum 50 feet (two-story)	Approximately 50 feet (Met)
<i>Landscape Setbacks</i>		
Street	Average 25 feet, Minimum 20 feet	N/A (no street frontage)



<b>C-2 (Intermediate Commercial)</b>		
<b><u>Standards</u></b>	<b><u>Requirements</u></b>	<b><u>Provisions on the proposed site plan</u></b>
Not adjacent to street (south property line)	Minimum 10 feet	Approximately 50 feet (Met)
Lot Coverage	Maximum 50 percent	Overall site: 13.73 percent (Met)
Building Height	Maximum 2 stories, 30 feet	1 story, 23 feet (Met)
Parking	Overall site: 188 spaces Retail: 1 space per 300 square feet Restaurant: 1 space per 50 square feet	Overall site: 232 spaces (Met)

### **Background/Issues/Analysis**

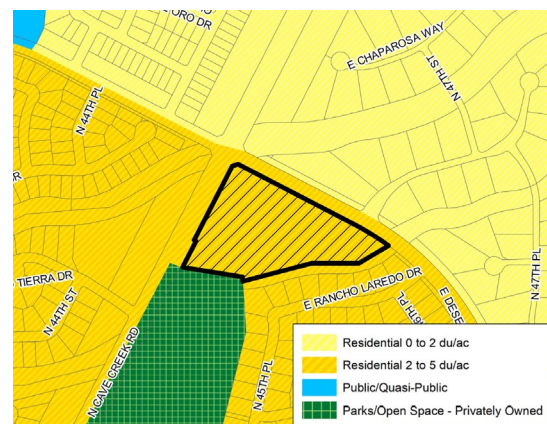
#### **SUBJECT SITE**

1. This is a request to rezone a 0.98-acre site from C-1 PCD (Neighborhood Retail, Planned Community District) to C-2 PCD (Intermediate Commercial, Planned Community District) to allow a wine bar.

The subject site is within the Tatum Ranch PCD. The parcel containing the subject site was rezoned to R1-6 PCD (Single-Family Residence District, Planned Community District) in 1987 as part of a major amendment to the Tatum Ranch PCD (Z-237-A-85-2) and was later rezoned to C-1 PCD in 2001 through another major amendment to the PCD (Z-13-01-2). The parcel was later developed as a shopping center. This request is Amendment L to the Tatum Ranch PCD.

2. The General Plan Land Use Map designation for the parcel containing the subject site is Residential 2 to 5 dwelling units per acre. The proposal is not consistent with the designation; however, since the site is less than 10 acres, a General Plan Amendment is not required.

Properties to the west, across Cave Creek Road, and to the southeast are also designated Residential 2 to 5 dwelling units per acres on the General Plan Land Use Map.



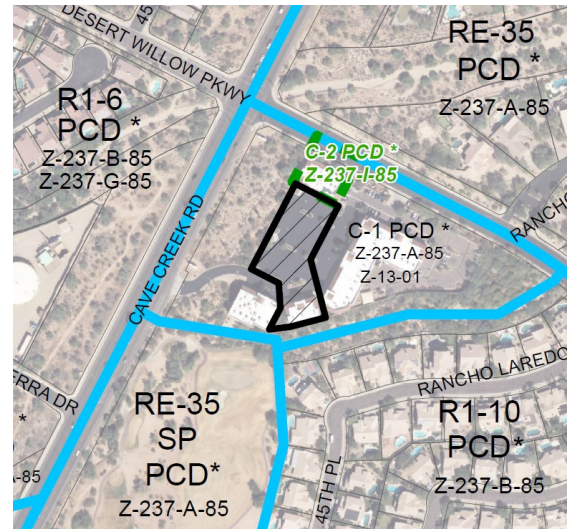
*General Plan Land Use Map, Source: Planning and Development*



Properties to the northeast, across Desert Willow Parkway, are designated as Residential 0 to 2 dwelling units per acre. Property to the south is designated Parks/Open Space - Privately Owned.

#### EXISTING CONDITIONS & SURROUNDING ZONING

3. The subject site is zoned C-1 PCD and is a portion of a shopping center parcel zoned C-1 PCD and C-1 PCD (Approved C-2 PCD). Across Desert Willow Parkway to the northeast are single-family homes zoned RE-35 PCD. Across Cave Creek Road to the northwest are single-family homes zoned R1-6 PCD. To the south are single-family homes zoned R1-10 PCD and a golf course zoned RE-35 SP PCD.



*Aerial Map, Source: Planning and Development Department*

#### PROPOSAL

4. The proposed rezoning would cover a portion of the existing Tuscan Village Shopping Center, including the 3,520-square-foot Building 2 at the southern edge of the property. The applicant proposes to allow a wine bar in the existing suite. The proposed use would be classified as a “bar” in the Zoning Ordinance, requiring a minimum of C-2 zoning. There are no proposed changes to the site plan.

Staff recommends the following stipulations to ensure the site maintains elements of the original PCD approval and does not have any negative impact to the surrounding area:

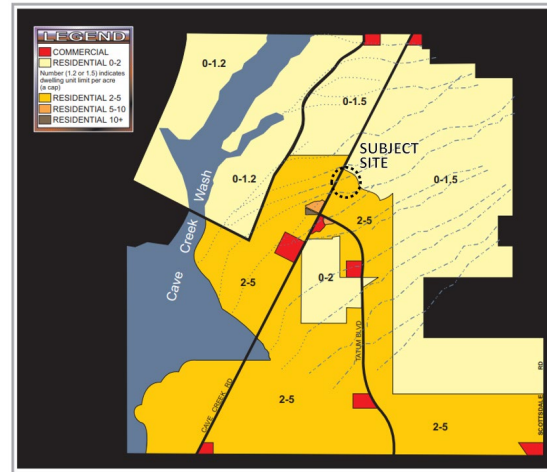
- All buildings shall exhibit a cohesive architectural theme and style with buildings on the entire site. This will ensure any new development maintains cohesive architecture with the rest of the shopping center parcel that is outside of the rezoning area. (Stipulation No. 1)
- All on site lighting shall be a maximum of 15 feet in height including lamp, pole, and base. (Stipulation No. 2)
- The maximum building height shall be 23 feet. (Stipulation No. 3.a)



## AREA PLANS, OVERLAY DISTRICTS, AND INITIATIVES

### 5. [North Land Use Plan](#)

In 1996, the Phoenix City Council adopted the North Land Use Plan, which established recommendations for land use and future development for the area generally bounded by Cave Creek Wash to the west, Scottsdale Road to the east, Carefree Highway to the north, and Pinnacle Peak Road to the south. The plan shifted residential density designations from the previous General Plan Land Use Map with the goals of protecting the desert character, recognizing washes as a development constraint, and maximizing infrastructure efficiency. The subject site is designated as Residential 2 to 5 dwelling units per acre in the plan.



*North Land Use Map, Source: Planning and Development Department*

### 6. [Comprehensive Bicycle Master Plan](#)

The City of Phoenix adopted the Comprehensive Bicycle Master Plan in 2014 to guide the development of its Bikeway System and supportive infrastructure. The Comprehensive Bicycle Master Plan supports options for both short- and long-term bicycle parking as a means of promoting bicyclist traffic to a variety of destinations. Upon any future redevelopment, bicycle parking will be provided, per Stipulation No. 3.c.

### 7. [Tree and Shade Master Plan](#)

The Tree and Shade Master Plan encourages treating the urban forest as infrastructure to ensure the trees are an integral part of the City's planning and development process. Sidewalks on the street frontages should be detached from the curbs to allow trees to be planted on both sides of the sidewalk to provide thermal comfort for pedestrians and to reduce the urban heat island effect. Upon any future redevelopment, enhanced shading would be incorporated for surface parking lot areas, per Stipulation No. 3.b.

### 8. [Phoenix Climate Action Plan](#)

In October 2021, the Phoenix City Council approved the Climate Action Plan. The Climate Action Plan will serve as a long-term plan to achieve greenhouse gas emissions reductions and resiliency goals from local operations and community activities as well as prepare for the impacts of climate change. This plan contains policy and initiatives regarding stationary energy, transportation, waste management, air quality, local food systems, heat, and water. Goal W2 (Water), Action W2.4, pertains to the implementation of the [Greater Phoenix Metro Green Infrastructure \(GI\) and Low Impact Development](#)



[Details for Alternative Stormwater Management](#) to benefit the environment, promote water conservation, reduce urban heat, improve the public health, and create additional green spaces. This goal is addressed in Stipulation No. 3.e, which requires a minimum of two GI techniques for stormwater management to be implemented upon any future redevelopment.

9. [Transportation Electrification Action Plan](#)

In June 2022, the Phoenix City Council approved the Transportation Electrification Action Plan. The current market desire for the electrification of transportation is both a national and global phenomenon, fueled by a desire for better air quality, a reduction in carbon emissions, and a reduction in vehicle operating and maintenance costs. Businesses, governments and the public are signaling strong future demand for electric vehicles (EVs), and many automobile manufacturers have declared plans for a transition to fully electric offerings within the coming decade. This Plan contains policy initiatives to prepare the City for a future filled with more EVs, charging infrastructure and e-mobility equity, and outlines a roadmap for a five-step plan to prepare for the EV infrastructure needs of 280,000 EVs in Phoenix by 2030. One goal of the Plan to accelerate public adoption of electric vehicles through workplace, business, and multifamily charging infrastructure recommends a standard stipulation for rezoning cases to provide EV charging infrastructure. Stipulation No. 3.d provides requirements for electric vehicle parking, charging and infrastructure upon any redevelopment.

10. [Zero Waste PHX](#)

The City of Phoenix is committed to its waste diversion efforts and has set a goal to become a zero-waste city, as part of the city's overall 2050 Environmental Sustainability Goals. One of the ways Phoenix can achieve this is to improve and expand its recycling and other waste diversion programs. Section 716 of the Phoenix Zoning Ordinance establishes standards to encourage the provision of recycling containers for multifamily, commercial and mixed-use developments meeting certain criteria. The application materials do not state whether the development does or will participate in a recycling program.

COMMUNITY INPUT SUMMARY

11. At the time this staff report was written, staff has not received any letters in support or opposition to this request.

OTHER

12. The site has not been identified as being archaeologically sensitive. However, in the event archaeological materials are encountered during construction, all ground disturbing activities must cease within 33-feet of the discovery and the City of Phoenix Archaeology Office must be notified immediately and allowed time to properly assess the materials. This is addressed in Stipulation No. 4.



13. Staff has not received a completed form for the Waiver of Claims for Diminution in Value of Property under Proposition 207 (A.R.S. 12-1131 et seq.), as required by the rezoning application process. Therefore, a stipulation has been added to require the form be completed and submitted prior to final site plan approval. This is addressed in Stipulation No. 5.
14. Development and use of the site is subject to all applicable codes and ordinances. Zoning approval does not negate other ordinance requirements. Other formal actions such as, but not limited to, zoning adjustments and abandonment may be required.

### **Findings**

1. The proposal is consistent with the existing commercial use of the parcel.
2. The proposal will provide additional retail and service options for the surrounding neighborhoods within an existing shopping center.
3. Upon any redevelopment, as stipulated, the proposal will provide enhanced standards for shade and bicycle parking.

### **Stipulations**

1. All buildings shall exhibit a cohesive architectural theme and style with buildings on the entire site.
2. All on site lighting shall be a maximum of 15 feet in height including lamp, pole, and base.
3. Upon site plan approval and permit issuance for any new building(s) or structure(s) or expansion of existing buildings by at least 25% of the floor area within the rezoned area, as shown on the site plan date stamped January 3, 2024, the following shall apply within the rezoned area:
  - a. The maximum building height shall be 23 feet, as approved by the Planning and Development Department.
  - b. A minimum of 25% of the surface parking areas shall be shaded, as approved by the Planning and Development Department. Shade may be achieved by structures or by minimum 2-inch caliper, drought tolerant, shade trees at maturity, or a combination thereof. Landscaping shall be maintained by permanent and automatic/water efficient WaterSense labeled irrigation controllers (or similar smart controller) to minimize maintenance and irrigation water consumption for all on and offsite landscape irrigation.



- c. Bicycle parking shall be provided, consistent with Section 1307.H of the Phoenix Zoning Ordinance.
  - d. A minimum of 10 percent of the required parking shall be EV Ready.
  - e. A minimum of two green infrastructure (GI) techniques for stormwater management shall be implemented per the Greater Phoenix Metro Green Infrastructure and Low Impact Development Details for Alternative Stormwater Management, as approved or modified by the Planning and Development Department.
4. 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.
5. Prior to final 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.

**Writer**

Anthony Grande

March 22, 2024

**Team Leader**

Racelle Escolar

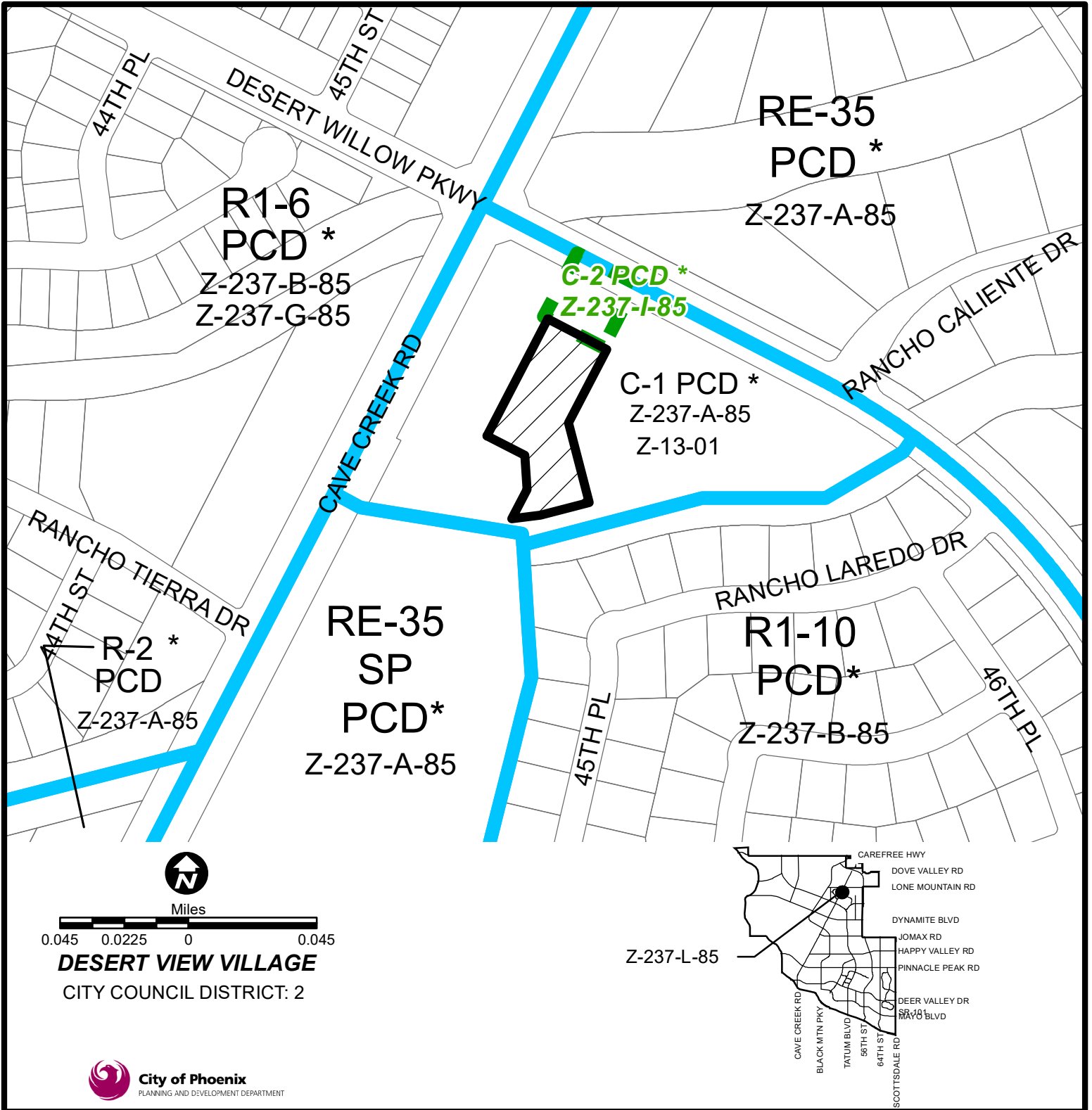
**Exhibits**

Sketch Map

Aerial Map

Site Plan date stamped January 3, 2024

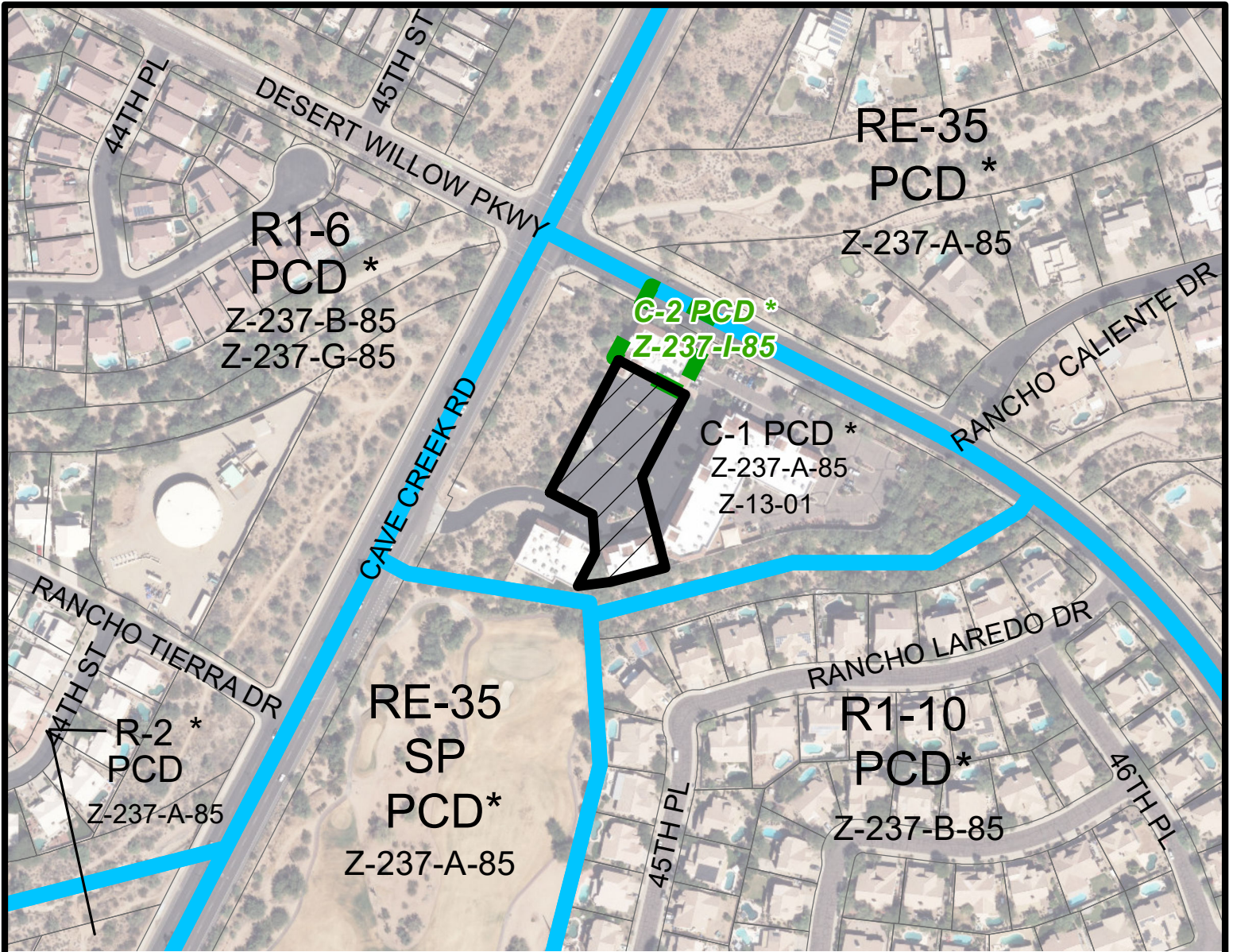




<b>APPLICANT'S NAME:</b> Gammage & Burnham, PLC		<b>REQUESTED CHANGE:</b>	
<b>APPLICATION NO.</b> Z-237-L-85		<b>FROM:</b> C-1 PCD ( 0.98 a.c.)	
<b>DATE:</b> 1/1/2024 <b>REVISION DATES:</b>		<b>TO:</b> C-2 PCD ( 0.98 a.c.)	
<b>2/13/2024</b>			
<b>GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.</b> 0.98 Acres		<b>AERIAL PHOTO &amp; QUARTER SEC. NO.</b> QS 54-38	
		<b>ZONING MAP</b> Q-11	
<b>MULTIPLES PERMITTED</b>		<b>CONVENTIONAL OPTION</b>	
C-1 PCD		14	
C-2 PCD		14	
		<b>* UNITS P.R.D. OPTION</b>	
		17	
		17	

\* Maximum Units Allowed with P.R.D. Bonus





Miles

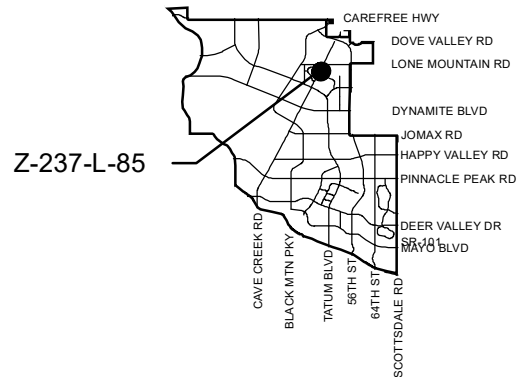
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**DESERT VIEW VILLAGE**

CITY COUNCIL DISTRICT: 2



**City of Phoenix**  
PLANNING AND DEVELOPMENT DEPARTMENT



APPLICANT'S NAME: **Gammage & Burnham, PLC**

**REQUESTED CHANGE:**

FROM: **C-1 PCD ( 0.98 a.c.)**

APPLICATION NO. **Z-237-L-85**

DATE: **1/1/2024**  
REVISION DATES:

**2/13/2024**

GROSS AREA INCLUDING 1/2 STREET  
AND ALLEY DEDICATION IS APPROX.

**0.98 Acres**

AERIAL PHOTO &  
QUARTER SEC. NO.  
**QS 54-38**

ZONING MAP  
**Q-11**

TO: **C-2 PCD ( 0.98 a.c.)**

**MULTIPLES PERMITTED**

**C-1 PCD**  
**C-2 PCD**

**CONVENTIONAL OPTION**

**14**  
**14**

**\* UNITS P.R.D. OPTION**

**17**  
**17**

\* **Maximum Units Allowed with P.R.D. Bonus**



