

## ATTACHMENT B



### Village Planning Committee Meeting Summary PHO-3-24--Z-6-12-2

<b>Date of VPC Meeting</b>	July 11, 2024
<b>Date of Planning Hearing Officer Hearing</b>	July 17, 2024
<b>Request</b>	Modification of Stipulation 2 regarding the review of the conceptual site plan and elevations.
<b>Location</b>	Southwest corner of North Valley Parkway and Sonoran Desert Drive
<b>VPC Recommendation</b>	Approval with a modification and an additional stipulation
<b>VPC Vote</b>	8-0

#### **VPC DISCUSSION & RECOMMENDED STIPULATIONS:**

*One member of the public registered to speak in support of this item and one member of the public registered to speak in opposition.*

#### **Staff Presentation:**

**Matteo Moric**, staff, provided information regarding the location of the site, the entitled zoning, and the request. Mr. Moric stated the zoning of the site is C-2 M-R NBCOD (Intermediate Commercial, Mid-Rise District, North Black Canyon Overlay District) which was established in 2012. Mr. Moric provided background on area plans and overlays, indicating that the subject site is in the North Black Canyon Corridor Plan and Overlay District (NBCOD) and within both the Infrastructure Limit Line of the North Black Canyon Corridor Plan and within the North Gateway Village Core Plan area. Mr. Moric shared the approved stipulations of the entitled zoning, the stipulations associated with the request, and the proposed site plan and building elevations. Mr. Moric described the proposal as a 3,843 square foot restaurant with a drive-through on a 2.6-acre site and identified other characteristics of the site plan.

#### **Applicant Presentation:**

**Paul Gilbert**, representative with Gilbert Blilie, PLLC, introduced himself and the development team and then provided an overview of the proposal. Mr. Gilbert stated that the representatives from the development team were present to answer questions from the Committee. Mr. Gilbert discussed the history of the site, the development of the

stipulations, and review requirements. Mr. Gilbert stated that the initial approval in 2012 included commercial and residential development. Mr. Gilbert discussed the restaurant use and the inclusion of a drive-through which will require additional action. Mr. Gilbert stated that a Special Permit (Z-SP-2-23-2) for a self-storage facility has been approved south of the proposed restaurant. Mr. Gilbert noted that the existing driveway adjacent to the single-family residences will be removed and relocated and then displayed the existing and proposed driveways. Mr. Gilbert noted that the restaurant was intentionally located as far north as possible to be located away from the nearby single-family residences. Mr. Gilbert stated they have met with nine neighbors and the information presented includes their input. Mr. Gilbert provided copies of the site plan and reviewed the details, noting the building and landscape setbacks, retention basins, pedestrian connections, parking, outdoor patio, and the relocation of the waste enclosure. Mr. Gilbert presented the conceptual elevations, noting the height and variation of materials and colors. Mr. Gilbert stated that with the first development to start construction, either the restaurant or the self-storage facility, the driveway adjacent to the single-family residences will be removed as part of the project, and this is presented in the draft stipulation. Mr. Gilbert stated that the proposed stipulation that reflects the removal of the driveway is a request from the residential neighbors. Mr. Gilbert requested that the additional stipulation, as presented, be approved by the Committee. Mr. Gilbert stated that he will work with City staff to revise the stipulation as needed to ensure that it achieves the intent, prior to the Planning Hearing Officer hearing. Mr. Gilbert added that the restaurant is a lease, and the property will still be owned by the current property owner, who will be motivated to ensure the property is well-maintained.

**Questions from the Committee:**

**Chair Read** asked if the stipulation prepared by Mr. Gilbert was available for the Committee and asked Mr. Gilbert to read it aloud. **Mr. Gilbert** responded and read the stipulation.

*Unless the relocated driveway is under construction on the adjacent self-storage parcel, as approved in Z-SP-2-23-2, as part of construction of the McDonald's restaurant in conjunction with case PHO-3-24-Z-6-12-2, the existing driveway located adjacent to the single-family homes shall be relocated as part of the McDonald's construction in accordance with the self-storage facility plans for the relocated driveway pursuant to the approved site plan dated May 18, 2023 (Z-SP-2- 23-2 Stipulation #1). So that if the McDonald's restaurant commences construction prior to the adjacent self-storage facility, construction of the referenced relocated driveway shall be a part of McDonald's improvements.*

**Mr. Johnson** asked for clarification that the driveway would be relocated with the restaurant construction, to be located as depicted on the self-storage facility plans, if the self-storage facility has not started construction yet. **Mr. Gilbert** responded affirmatively.

**Scott McGill** commented that he appreciates Mr. Gilbert's responsiveness to the neighbors' comments and the inclusion of the patio and the pedestrian connectivity. Mr. McGill asked if retention for the site could be placed underground. **Mr. Gilbert**

responded that the retention was planned for above ground with a restriction depth of two feet.

**Kylie Kennelly** asked if the outdoor seating area will have shade coverage. **Scott Audsley**, the McDonalds Area Construction Manager, responded that the outdoor seating area is to be located on the north side of the building for shade coverage from the building and that the patio area has not been designed yet, but there are some options. Mr. Audsley stated that they would avoid any extended structures from the building as it could become more involved when needing to put in support columns.

**Vice Chair Ricart** stated that it would be preferable to keep the patio area open due to the potential for bicyclists coming in, for those with dogs, and because of some concerns from neighbors of unhoused people living in a shaded patio area. Vice Chair Ricart added that it seems to be more safe and secure if it is left open.

**Mr. McGill** concurred, noting that columns and other features could create visual impairments on the site.

**Chair Read** stated that she believes it would be sufficient if umbrellas were to be placed where the tables are located.

**Vice Chair Ricart** stated that including bicycle racks is a good design feature for the site.

**Andrea Crouch** asked about the glass reflectivity as shown on the building elevations. **Mr. Audsley** responded that the windows will be tinted with little reflectivity that will be similar to the adjacent convenience store and that the restaurant will have a similar exterior appearance to other restaurants in the area.

**Mr. Gilbert** added that the building's exterior conforms to the overlay architectural design requirements for the area.

**Vice Chair Ricart** asked about the restaurant's operating hours and exterior sign illumination. **Mr. Audsley** responded the hours are 5:00 a.m. to 11:00 p.m. and the monument sign will be illuminated and will be part of the site's comprehensive sign plan that will be reviewed with the neighborhood. **Vice Chair Ricart** asked about the adjacent vacant commercial pad to the south and if there was interest in development at that location. **Mr. Gilbert** responded that they do not have any plans for that site. Mr. Gilbert added that several offers have been written but there have not been any decisions made yet on what that user will be. **Vice Chair Ricart** asked for clarification that the user for the adjacent vacant commercial pad to the south would come back to the North Gateway Village Planning Committee for review and approval of the site plan and elevations. **Mr. Gilbert** responded affirmatively. **Vice Chair Ricart** asked about the site layout and for clarification on what is located in between the parking on the west side of the site, adjacent to the Circle K site, and the parking on the east side of the Circle K site. Vice Chair Ricart stated that there were previous plans for a car wash on the adjacent Circle K site. **Mr. Gilbert** responded that landscaping is currently located

between the two parking rows on both sites, and that he believes Circle K obtained a Use Permit for a car wash in the past for that location, but it did not move forward.

**Mr. Johnson** asked for clarification that the location of the existing driveway on the south side of the site would connect to the Circle K site. **Mr. Gilbert** responded affirmatively. **Mr. Johnson** asked for clarification that the vehicular access to the site coming from the south, heading northbound on North Valley Parkway, would need to cut through the self-storage facility site and the adjacent vacant commercial pad site.

**Chair Read** stated that the vehicular access coming from the south would be cutting through the parking areas.

**Vice Chair Ricart** stated that her concerns were that large moving trucks may be parked and in the way of the driveway aisle of the self-storage facility. **Chris Ryan**, the National Real Estate Manager for McDonald's, responded that there are two points of ingress and egress to the McDonald's site to the south. Mr. Ryan stated that there is a right-in/right-out access just south of the intersection, and a full movement access further south. Mr. Ryan added that not all traffic will be flowing from the south, heading northbound on North Valley Parkway. Mr. Ryan stated that there would be just as much traffic flowing southbound on North Valley Parkway as there would be flowing northbound.

**Mr. Johnson** stated that if a vehicle is coming from the south, there is only one way to access the McDonald's site. **Mr. Ryan** responded affirmatively and noted that it would be similar to vehicular access for other commercial centers with cross access. **Mr. Johnson** asked who would own the driveway on the properties to the south.

**Mr. Gilbert** responded that the landlord would own the driveway and the properties will each be under a lease.

**Vice Chair Ricart** stated that she is worried about the adjacent vacant commercial pad given the vehicular access. **Mr. Gilbert** responded that it would come back to the Committee for review and approval through the Planning Hearing Officer public hearing process once a user is confirmed.

**Chair Read** stated that the user is still unknown for the adjacent vacant commercial pad and noted that through discussions she had with McDonald's, the site plan was redesigned to accommodate for concerns shared by Chair Read. Chair Read stated that she requested the drive-through queue to be extended in order to avoid the queue from blocking vehicular access across the site. Chair Read asked Mr. Ryan to explain the redesign. **Mr. Ryan** explained that the landscape island located between the drive-through lanes and the driveway to the south was extended further to the west in order to avoid the drive-through queue backing up into the driveway to the south. **Chair Read** added that the redesign was intended to make it more difficult for drivers coming from the south to make the immediate right turn into the McDonald's drive-through lanes and to force drivers to go around instead. Chair Read asked Mr. Ryan to explain the other items that were redesigned after their discussions. **Mr. Ryan** explained that

adjustments were made for delivery truck access to prevent the delivery truck from parking in the driveway aisle. Mr. Ryan added that other adjustments made were the additions of bicycle parking and the outdoor patio, the retention basins, and relocation of the trash enclosure. **Chair Read** asked Mr. Ryan to discuss the landscaping on the west side of the adjacent parcel to the south, adjacent to the single-family residences. **Mr. Ryan** stated that they would be willing to plant trees in the landscape buffer adjacent to the single-family residences in order to create a buffer to the commercial development.

**Paul Carver** commended the applicant for positively responding to the neighbors' concerns and asked if lighting has been considered for the site. **Mr. Gilbert** responded affirmatively, noting that site lighting is regulated by the Phoenix Zoning Ordinance, and that there will not be any light spillage to the adjacent residential development.

**Vice Chair Ricart** commented that there is a planned multifamily residential development on the parcel across North Valley Parkway and that there is a crosswalk at the intersection of North Valley Parkway and Sonoran Desert Drive.

**Chair Read** stated that walkability and the outdoor patio were important because of the planned residential developments in the surrounding area. Chair Read added that many people in the community use the walking trails in the area and there is a lot of walking in the community.

**Vice Chair Ricart** noted that many of the surrounding multifamily residential developments have dog parks and dog wash stations, so there will be many residents that have dogs and walk in the area.

**Ms. Crouch** asked if there will be adequate accessible parking for the development. **Mr. Gilbert** responded affirmatively, noting that the development meets all the Phoenix Zoning Ordinance requirements and exceeds some requirements.

**Chair Read** commented that McDonald's comes very frequently to rate everything about their restaurant locations, noting that paint on the exterior would be addressed very quickly if there ever is an issue.

**Mr. Gilbert** added that the restaurant is a lease, so the landlord would be checking on it very carefully as well.

**Chair Read** noted that the bus pad has already been completed.

#### **Public Comments:**

**Buddy Schultz** introduced himself as a resident of the nearby Sonoran Commons community and commented on the proposed development of the self-storage facility south of the site. Mr. Schultz stated that safety was one of the main concerns of the self-storage facility regarding removal and relocation of the driveway adjacent to the single-family homes. Mr. Schultz stated that the removal and relocation of the driveway is very important in order to enhance the safety and quality of life for the adjacent

residents. Mr. Schultz stated that the applicant worked with the residents of Sonoran Commons which resulted in the stipulation that Mr. Gilbert had originally wrote. Mr. Schultz stated that he received the revised stipulation language that was written by City staff that same day, which he felt was not inclusive of the original intent that was agreed to by the residents of the community. Mr. Schultz stated that he did not understand the revised stipulation and that he does not believe it conveys the right message. Mr. Schultz stated that his primary concern was with the revised stipulation language provided by City staff.

**Rosa Somohano** introduced herself as a resident on Rancho Laredo Drive in the nearby Sonoran Commons community, opposed to the project. Ms. Somohano stated that she is not supportive of the restaurant and drive-through proposal. Ms. Somohano expressed concerns with traffic congestion. Ms. Somohano stated that the vehicular access to the Sonoran Commons community is a huge hassle. Ms. Somohano stated that if a restaurant was developed on the site, it should be a locally owned restaurant, not a fast-food chain.

#### **Applicant Response to Public Comments:**

**Mr. Gilbert** responded that he did not have a rebuttal to the comments provided and stated that the applicant is fine with using either the stipulation language drafted by Mr. Gilbert or by City staff. Mr. Gilbert added that they did not receive the stipulation language drafted by City staff until the day prior, so they did not have a lot of time to review it either, but he believes it still works. Mr. Gilbert expressed as a matter of record that he will work with City staff to make the stipulation more neighborhood friendly. Mr. Gilbert indicated that he hopes to work with City staff to create a stipulation that works for everyone. Mr. Gilbert stated that the main item of concern was removal and relocation of the driveway, that it is very important, and that the applicant is committed and prepared to do it.

#### **Discussion:**

**Chair Read** commented that when rezoning cases come before the Committee, members may or may not agree with a use proposed. Chair Read stated that the Committee does not get to choose particular businesses to be located at a site, and they are instead required to evaluate the application, stipulations, and other requirements to determine if the proposal fits into the subject area, based on adopted policies, the Village Core area, overlays, and plans for the area. Chair Read stated that the Committee has control over the stipulations, which will result in adjustments to the site plans and elevations in order for it to fit as best as they think it can within the Village. Chair Read stated that the list of permitted uses in the C-2 (Intermediate Commercial) zoning district is very extensive and there could be a worse use proposed. Chair Read added that it is not the Committee's purview as to which use should be located on the site since they do not own the property, but Committee members can provide feedback when receiving calls from land use attorneys or developers on proposed users for a site. Chair Read stated that they have done a really good job working with the Community and Economic Development Department to ask for more small businesses and locally owned restaurants, but the main problem in the North Gateway Village is land value and risk for small businesses.

**Mr. McGill** stated that as a commercial real estate broker and developer there are many financial risks and expenses that prevent small businesses from succeeding.

**Chair Read** stated that if the entitlements for the McDonald's proposal are all approved and it is built, she has asked McDonald's to have a representative available to respond to any community concerns, such as traffic, pollution, or odors, and address them right away. Chair Read stated that she takes her role on the Committee very seriously and ensures there are safeguards in place to protect the community and ensures that the community has a voice.

**Vice Chair Ricart** added that Chair Read lives nearby and would be able to see the McDonald's restaurant from her backyard every day.

**Mr. Gilbert** assured that they will be responsive to any community concerns.

**Mr. Carver** stated that there is a lot of value in supporting the version of the stipulation that Mr. Gilbert drafted because it reflects the community's input. Mr. Carver stated that the revised version provided by City staff has caused anxiety and by using the applicant's version it would go a long way to support the community.

**MOTION – PHO-3-24--Z-6-12-2:**

**Mr. Carver** motioned to recommend approval of PHO-3-24--Z-6-12-2 with a modification and an additional stipulation. **Aaron Stein** seconded the motion.

**VOTE – PHO-3-24--Z-6-12-2:**

**8-0**; motion to recommend approval of PHO-3-24--Z-6-12-2 passes with Committee members Carver, Crouch, Johnson, Kennelly, McGill, Stein, Ricart, and Read in favor.

*Stipulations listed for clarity:*

2. *Unless the relocated driveway is under construction on the adjacent self-storage parcel, as approved in Z-SP-2-23-2, as part of construction of the McDonald's restaurant in conjunction with case PHO-3-24-Z-6-12-2, the existing driveway located adjacent to the single-family homes shall be relocated as part of the McDonald's construction in accordance with the self-storage facility plans for the relocated driveway pursuant to the approved site plan dated May 18, 2023 (Z-SP-2- 23-2 Stipulation #1). So that if the McDonald's restaurant commences construction prior to the adjacent self-storage facility, construction of the referenced relocated driveway shall be a part of McDonald's improvements.*
25. *The restaurant portion of the commercial property shall be in general conformance with the site plan date stamped July 11, 2024 and elevations date stamped May 31, 2024.*

**VPC APPROVED STIPULATIONS:**

**SITE PLAN AND ELEVATIONS – RESIDENTIAL PORTION**

1. The development shall be in general conformance with the site plan and elevations date stamped February 1, 2012, as modified by the following stipulations and approved by the Planning and Development Department.

**SITE PLAN AND ELEVATIONS – COMMERCIAL PORTION**

2. Conceptual site plan(s) and elevations shall be reviewed and approved by the Planning Hearing Office through the Public Hearing process for stipulation modification prior to preliminary site plan as each parcel is to be developed. This is a legislative review for conceptual purposes only. Specific Development standards and requirements may be determined by the Planning Hearing Officer and the Planning and Development Department. **THE RESTURANT PORTION OF THE COMMERICAL PROPERTY SHALL BE IN GENERAL CONFORMANCE WITH THE SITE PLAN DATE STAMPED ~~MAY 31~~ JULY 11, 2024 AND ELEVATIONS DATE STAMPED MAY 31, 2024.**

**STREET TRANSPORTATION**

3. 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 or modified by the Planning and Development Department. All improvements shall comply with ADA accessibility requirements.
4. Coordinate driveway locations, design, and construction with the City's Street Transportation Department Capital Improvement Program project (ST85110090) and contact the project manager, Chris Kowalsky, at 602-495-3697.
5. The sidewalk on North Valley Parkway and Sonoran Desert Drive shall be setback a minimum of eight feet from the back of curb as approved by the Planning and Development Department.
6. The developer shall dedicate right-of-way totaling 70 feet for the west half of North Valley Parkway for the entire frontage as approved by the Street Transportation Department and Planning and Development Department.
7. The developer shall construct roadway improvements at a width of 52 feet to the face of curb for the west half street improvements to North Valley Parkway for the entire frontage of the site as approved by the Street Transportation and Planning and Development Departments.



8. The developer shall dedicate sufficient right-of-way to accommodate a bus bay, including a transit accessory pad, on North Valley Parkway south of Sonoran Desert Drive in accordance with Standard Detail P1256-2.
9. The developer shall provide a bus bay, including a transit accessory pad, on North Valley Parkway south of Sonoran Desert Drive in accordance with Standard Detail P1256-2.
10. The developer shall provide conduit and junction boxes at Sonoran Desert Drive and North Valley Parkway for future traffic signal equipment on the southwest corner of the intersection. The plan is to be submitted to the Street Transportation Department for review and approval. Submittal will be made as a separate document that shows the entire intersection with existing conduit runs and junction boxes. The Developer will submit the approved plan to the Civil Plans Coordinator as part of the civil engineering plan set. All work related to the construction or reconstruction of the conduit runs and junction box installation is the responsibility of the Developer.
11. A letter shall be submitted to the Street Transportation Department Traffic Signals Engineer that indicates the applicant's commitment to pay 25% for the cost of traffic signals at North Valley Parkway and Sonoran Desert Drive when the Street Transportation Department warrants the installation of the signal infrastructure.
12. The developer shall dedicate right-of-way totaling a minimum of 70 feet for the south half of Sonoran Desert Drive for the entire frontage as approved by the Street Transportation and Planning and Development Departments. Additionally, the developer shall dedicate sufficient right-of-way to accommodate an intersection flare for eastbound traffic at the southwest corner of North Valley Parkway and Sonoran Desert Drive.
13. The developer shall work with the Street Transportation and Planning and Development Departments to provide for, as necessary, drainage and slope easements along Sonoran Desert Drive as defined in the Sonoran Desert Drive: Interstate 17 to North Valley Parkway Design Report, or as modified by the Street Transportation and Planning and Development Departments.
14. The developer shall provide required pavement transitions, as necessary, on Sonoran Desert Drive to the west and on North Valley Parkway to the south, as approved by the Planning and Development Department.
15. A 25-foot by 25-foot right-of-way triangle shall be dedicated at the southwest corner of the intersection of Sonoran Desert Drive and North Valley Parkway as approved by the Planning and Development Department.
16. All driveway access points along Sonoran Desert Drive and North Valley Parkway shall be restricted to right-in / right-out turning movements only within

660 feet of the intersection of Sonoran Desert Drive and North Valley Parkway as approved by the Planning and Development Department.

17. A completed MAG Transportation Improvement Program Form shall be provided and submitted to the Street Transportation Department with a copy to the Planning & Development Department.
18. Complete the Red Border Letter process to notify the Department of Transportation of development adjacent to the 1-17 freeway corridor and submit a copy to the Street Transportation Department and to the Planning & Development Department.

#### OTHER

19. The developer shall show the planned 69kV underground power lines on the site, landscape, and grading and drainage plans All utilities and other construction shall be coordinated with the City and APS so as to not conflict with the planned power lines.
20. The applicant shall 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. Further archaeological monitoring and/or testing (trenching) may be necessary based on the results of the survey.
21. Prior to final site plan approval, the property owner shall record documents that disclose to purchasers of the property within the development the existence and operational characteristics of the mining operation near the development, that it is an active mine, has the potential to be active seven days a week, 24 hours a day, and is anticipated to continue until the rock resources are exhausted, which could be for 20 or more years. The form and content of such documents shall be reviewed and approved by the Law Department.
22. That prior to final site plan approval, the property owner shall record documents that disclose to purchasers of the property within the development the proximity to building heights up to 190 feet on the north, south and west and up to 56 feet on the east of the subject site. 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.
23. That prior to preliminary site plan approval, the landowner shall execute a Proposition 207 Waiver of Claims in a form approved by the City Attorney's Office. 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.
24. That the property owner shall record documents that disclose the existence, and operational characteristics of the 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.

25. **UNLESS THE RELOCATED DRIVEWAY IS UNDER CONSTRUCTION ON THE ADJACENT SELF-STORAGE PARCEL, AS APPROVED IN Z-SP-2-23-2, AS PART OF CONSTRUCTION OF THE MCDONALD'S RESTAURANT IN CONJUNCTION WITH CASE PHO-3-24-Z-6-12-2, THE EXISTING DRIVEWAY LOCATED ADJACENT TO THE SINGLE-FAMILY HOMES SHALL BE RELOCATED AS PART OF THE MCDONALD'S CONSTRUCTION IN ACCORDANCE WITH THE SELF-STORAGE FACILITY PLANS FOR THE RELOCATED DRIVEWAY PURSUANT TO THE APPROVED SITE PLAN DATED MAY 18, 2023 (Z-SP-2- 23-2 STIPULATION #1). SO THAT IF THE MCDONALD'S RESTAURANT COMMENCES CONSTRUCTION PRIOR TO THE ADJACENT SELF-STORAGE FACILITY, CONSTRUCTION OF THE REFERENCED RELOCATED DRIVEWAY SHALL BE A PART OF MCDONALD'S IMPROVEMENTS.**

**STAFF COMMENTS REGARDING VPC RECOMMENDATION:**

None.