

Attachment B

Planning Hearing Officer Summary of November 20, 2019
Application Z-130-95-2(3)
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REPORT OF PLANNING HEARING OFFICER ACTION

Adam Stranieri, Planner III, Hearing Officer

Julianna Pierre, Planner I, Assisting

November 20, 2019

ITEM 4

DISTRICT 3

SUBJECT:

Application #: Z-130-95-2(3) (PHO-8-19)
Zoning: C-2
Location: Northwest corner of 3rd Avenue and Bell Road
Acreage: 1.87
Request: 1) Modification of Stipulation 1 regarding general conformance to the site plan dated October 17, 2018.
Applicant: Eve Collins, MAJC Enterprises LLC
Owner: Winco Foods LLC
Representative: Sixty First Place Architects

ACTIONS

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended approval with a modification.

Village Planning Committee (VPC) Recommendation: The Deer Valley Village Planning Committee chose not to hear this case.

DISCUSSION

Rob Barberio, representative with Sixty First Place Architects, explained that he is asking for a modification to Stipulation 1 to include the latest site plan for the proposed development.

Mr. Stranieri asked for confirmation regarding the site plan and whether there is a drive through. Mr. Barberio confirmed that the site will not have a drive through. He added that there is only dine-in space with a 600 square foot patio. Mr. Stranieri stated that this is an appropriate design choice considering the proximity to residential east of the site and the number of existing drive-through restaurants in the larger complex and the surrounding area.

Mr. Stranieri added that all of the referenced site plans in the stipulation are off site to the subject property of the case. He added that there is no need to retain the requirement for conformance to these prior site plans for the current request and that the stipulation should only reflect the site plan for the subject site.

FINDINGS

- 1) The subject property of this request is solely the parcel at the immediate northwest corner of 3rd Avenue and Bell Road. PHO-7-18--Z-130-95-2 also included this property and the approval letter for that action represented the current stipulations of approval for this site. The two site plans identified in Stipulation 1 include the adjacent property to the west and the originally approved 1995 site plan which depicted a Wal-Mart (currently a WinCo Foods). The subject property of this request was depicted solely as a parking area.
- 2) The conceptual site plan submitted in this request did not contain any other buildings or project sites. Therefore, the recommendation in this action removes references to the two other plans described above. The remaining subject property in PHO-7-18--Z-130-95-2 remains subject to the conditions of approval in that action.
- 3) The conceptual site plan depicts a 6,156 square foot restaurant with outdoor dining. No drive-through is proposed. The proposal is consistent in scale and character with development in the adjacent commercial center and the surrounding area.

DECISION: The Planning Hearing Officer recommended approval with a modification.

STIPULATIONS

1.	The development shall be in general conformance to the site plan dated October 11, 1995 and the cross-sections dated October 20, 1995 and the site plan date stamped SEPTEMBER 18, 2019 October 23, 2018 , as approved or modified by the Planning and Development Department.
2.	An average 30-foot landscaped setback shall be provided along Bell Road. Where the setback is less than 30 feet and adjacent to a parking area, adjoining landscape islands shall have a minimum width of 10 feet. Landscaping within this setback shall include mature shade trees, planted 20 feet on-center or in equivalent groupings as approved by the Planning and Development Department. The landscape setback shall also include berming and/or decorative walls to screen the parking areas as approved by the Planning and Development Department. No more than 50 percent of this landscaped setback may be used for retention purposes.
3.	An average 20-foot landscaped setback shall be provided along 7th Avenue. Landscaping within this setback shall include mature shade trees, planted 20 feet on center or in equivalent groupings as approved by the Planning and Development Department. The landscape setback shall also include berming and/or decorative walls to screen the parking areas as approved by the Planning and Development Department. No more than 50 percent of this landscaped setback may be used for retention purposes.
4.	An average 25-foot landscaped setback shall be provided along 3rd Avenue.

	Landscaping within this setback shall include mature shade trees, planted 20 feet on-center or in equivalent groupings as approved by the Planning and Development Department. The landscape setback shall also include berming and/or decorative walls to screen the parking/loading areas as approved by the Planning and Development Department. No more than 50% of this landscaped setback may be used for retention purposes.
5.	No loading dock shall be located north of the building located at the northeast corner of the site.
6.	A 10-foot landscape/sidewalk easement shall be provided along 7th Avenue, as approved by the Planning and Development Department.
7.	Identifiable pedestrian paths shall be provided among the buildings on the site as approved by the Planning and Development Department. This may be provided through the use of texture and color changes and/or landscaping.
8.	An eight-foot decorative masonry screen wall and heavy landscaping shall be provided to minimize the visual impact of the loading dock area from 3rd Avenue, as approved by the Planning and Development Department.
9.	The outdoor garden center (subject to use permit approval) and tire and lube express shall incorporate architectural relief to create an interesting facade. The tire and lube express shall utilize 10-foot wing walls along the facade of the building to assist in screening the entrance and exit bays of the building from Bell Road.
10.	The northeast driveway shall permit only right turns onto 3rd Avenue through the use of signage and raised pavement markers known as Bots Dots (Daymans) without obstructing the southbound traffic
11.	The portion of landscaping or useable hardscape that surrounds each commercial pad area should be approximately 35 percent of the building square footage. Approximately one-third (1/3) of the site improvements surrounding the building should be landscaped. If no parking is provided in front of the pad, all landscaping behind the public sidewalk on the pad site may be utilized in meeting this stipulation.
12.	The applicant shall dedicate sufficient right-of-way to accommodate a far-side bus bay (Detail P-1257) on 7th Avenue at Bell Road, or as otherwise may be modified by the Planning and Development Department. Pedestrian access is to be provided from the bus bay to the interior development as approved by the Planning and Development Department.
13.	The applicant shall place a twenty-five-foot minimum, twenty-eight foot average, landscaped setback that extends for the entire length of the north boundary of the site. Landscaping within the setback shall include, without substitution: (1) one row of 24-inch box bottle trees planted not more than fifteen feet on center and that

	there be no pruning up of the trees, (2) one row of pyracantha bushes planted not more than five feet on center and as close to the north boundary of the site as reasonable, and (3) one row of 15 gallon Australian willow trees planted not more than fifteen feet on center.
14.	If any plant or tree in any landscaped setback dies, the dead plant or tree must be removed and replaced within ninety days of dying.
15.	All parking lots and landscaped setback areas shall be maintained in a clean and orderly condition.
16.	The southern wall of Major Tenant B will not move farther north than shown on the site plan so that any reduction in the depth of Major Tenant B will increase the distance between the northern wall of Major Tenant B and the north boundary of the site. The northern wall of Major Tenant B will not move farther north.
17.	The finished floor of the building located at the northeast corner of the site and the Major Tenant B will not be higher than the finished floor of any home on the south side of Anderson Avenue that is directly north of the footprint of the building located at the northeast corner of the site and the proposed Major Tenant B respectively.
18.	No outdoor public address or speaker system shall be permitted on the site.
19.	All overnight parking shall be restricted on site within 150 feet of the south property line except for the personal vehicles of employees during their work hours and customers, and trailers in the loading dock area.
20.	All lights within 150 feet of the north boundary of the site will not exceed a height of fifteen feet.
21.	The property owner is responsible for removing any graffiti that appears on the southern wall of the community directly to the north of the site within fourteen days.
22.	All lighting on the site will be directed downward.
23.	No street fairs, carnivals, car shows, arts and craft shows, or similar events will be conducted in the parking lot or any other open area of the site.
24.	All exterior trash containers shall be secured in walled and gated enclosures, and access gates and container lids and doors shall remain closed except when being loaded or unloaded. The dumpster enclosure for the proposed Petsmart will contain an automatic closing door.
25.	No exterior trash containers or temporary storage containers shall be located within fifty feet of the north boundary of the site.

26.	Pedestrian access shall be provided at the northwest and northeast corners of the site.
27.	Notice of any future action on the site that requires a public hearing or allows for public participation will be provided to all persons identified in the attached list and to any person providing written notice to the Planning Commission.
28.	Lighting located on the north side of Major B shall be limited to a height of 10 feet.
29.	The developer shall install 3 speed bumps in the service drive along the north side of the site.
30.	The applicant agrees to restrict delivery and trash pickup hours to 7:00 a.m. to 10:00 p.m. for Major B.
31.	The applicant agrees to turn off sign lighting for Major B within 30 minutes after closing.
32.	The applicant agrees to install sound baffling material in the truck dock areas on the south wall of Major B adjacent to the cab area of trucks servicing the site (taking into account varying truck lengths).
33.	The truck dock screen walls shall be a minimum 14 feet in height above the loading ramp for a distance equal to the maximum length of trucks servicing the site (taking into account varying truck lengths).
34.	Any loading docks on north side of the Petsmart and Staples buildings will be equipped with doors that will enclose the front of the loading dock, and that will be closed at all times.
35.	The Petsmart store will be located on the 7th Avenue side of Major B.
36.	A Covenant, Conditions and Restriction will be recorded in favor of the neighborhood to the north agreeing to the hours of delivery as set forth in Stipulation 30.
37.	All structures on site shall have similar architectural treatment with specific regard to colors, as administratively approved by the Planning Hearing Officer.
38.	No neon or similar light bands shall be allowed on site, as approved by the Planning and Development Department.
39.	The developer shall record a notice to prospective purchasers of proximity to airport in order to disclose the existence, and operational characteristics of Phoenix Deer Valley Airport (DVT) to future owners or tenants of the property.

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