

Attachment D

REPORT OF PLANNING COMMISSION ACTION September 3, 2020

ITEM NO: 12	
	DISTRICT NO.: 8
SUBJECT:	
Application #:	PHO-1-20--Z-62-02-7(8)
Location:	Northeast corner of 59th Avenue and Dobbins Road
Request:	<ul style="list-style-type: none">• Modification of Stipulation No. 1 regarding general conformance with the site plan, dated August 20, 2002.• Planning Hearing Officer review and approval of site plan and elevations per Stipulation No. 3.• Deletion of Stipulation No.16 regarding a shade protected walkway along building walls with customer entrances.• Modification of Stipulation No. 23 regarding canopy height• Presentation of commercial development plans to the Laveen Village Planning Committee for comment per Stipulation No. 29.• Technical corrections to Stipulation Nos. 8, 11, 14, 15, and 22.
Acreage:	6.96
Applicant:	Ward Development
Owner:	Rodney & Donna Kleck Family Trust Agreement
Representative:	Alan Beaudoin, Norris Design

ACTIONS:

Staff Recommendation: Denial as filed and approval with modifications and additional stipulations, as recommended by the Planning Hearing Officer.

Village Planning Committee (VPC) Recommendation:
Laveen 7/13/2020 Denial. Vote: 6-2.

Planning Hearing Officer Recommendation:
7/15/2020 Denial as filed and approval with modification and additional stipulations.

Planning Commission Recommendation: Approval, per the Planning Hearing Officer recommendation with an additional stipulation.

Motion Discussion: N/A

Motion details: Commissioner Shank made a MOTION to approve PHO-1-20--Z-62-02-7(8), per the Planning Hearing Officer recommendation with an additional stipulation as read into the record.

Maker: Shank
Second: Howard
Vote: 8-1 (Busching)

Absent: None

Opposition Present: Yes

Findings:

1. The original rezoning case consisted of approximately 143.30 acres located at the northeast corner of 59th Avenue and Dobbins Road. The case established R1-8 zoning on approximately 136.30 acres which was developed as a single-family subdivision and elementary school. The subject property of the current request is the remaining approximately 7 acres at the immediate northeast corner of 59th Avenue and Dobbins Road which was zoned C-1.
2. The stipulated site plan depicted commercial uses on this corner including a strip retail building at the northeast portion of the site, a drive-through restaurant, and a commercial pad site. Combined, the site plan depicted approximately 52,000 square feet of retail space at 19 percent lot coverage. Specific uses are not depicted on the site plan, however Stipulations 20, 23, and 24 establish conditions for gas stations and fuel pump canopies.

The proposed conceptual site plan depicts approximately 42,054 square feet of retail space at 17.3 percent lot coverage. Building height on all buildings is limited to maximum 15 feet. The primary distinction between building massing in the two plans is that the new proposed plan consists of five detached pad sites distributed throughout the site and does not depict a strip retail building. This is an improvement as there is less 'back-of-house' functions immediately adjacent to the single-family neighborhood to the north and northeast. The proposed height, lot coverage, and building massing is reduced and is compatible with this property's location adjacent to existing single-family homes.

General conformance to the proposed conceptual site plan is recommended. An additional sub-stipulation is recommended to require specific regard to the location of the service station at the immediate northeast corner of 59th Avenue and Dobbins Road in order to ensure that this use is located as far as possible from the single-family subdivision to the north and east.

The Street Transportation Department commented that the current full access driveways shall not be permitted along 59th Avenue as 59th Avenue is a CM Section and therefore the driveways will be median covered and restricted. The recommendation for general conformance does not approve the proposed driveway configuration on the conceptual plan and further modifications may be required to comply with Street Transportation Department requirements.

3. The proposed conceptual elevations include building design, screen walls, and a fuel canopy design. The conceptual building elevations include multiple building materials such as stone, decorative masonry, board and batten trim, open timber, and a minimal use of stucco. Architectural details include metal awnings, columns, and open timber. The mixed materials are consistent with the desired rural and agricultural character in the surrounding area and include significant material diversity. The conceptual fuel canopy elevations are compatible with the building elevations and utilize similar materials and a

decorative mansard roof style. The screen wall elevations include decorative caps and multiple building materials and colors. General conformance to the proposed elevations is recommended.

4. An additional stipulation (New Stipulation 3) is recommended to require a Comprehensive Sign Plan (CSP) be approved for the commercial development. The CSP should express a rural and agrarian character compatible and consistent with development in the surrounding area and the desired character as expressed in the Laveen Southwest Growth Study.

The CSP may also include a gateway entry feature. However, the gateway entry feature may alternatively consist of a public art, sculptural, or landscape feature which would not be included in a CSP. The requirement for a gateway entry feature is separately recommended as New Stipulation 13 and discussed in further detail below in Finding 7.

5. Existing Stipulation 3 requires review and approval of the commercial development's site plan and elevations through the Planning Hearing Officer hearing process. This case constitutes compliance with this requirement and the stipulation language may be deleted as requested, except that the existing language regarding invitation of the Laveen VPC Chairperson to preliminary site plan review meetings is recommended to be retained with a modification to include the Chairperson of the Laveen Citizens for Responsible Development (LCRD).

Note that this recommendation also includes stipulations (New Stipulations 1, 1.A, and 2) requiring general conformance to the proposed conceptual site plan and elevations. These recommendations ensure that future modifications of these plans, exceeding the deviation permitted by general conformance, will be required to go through an additional public hearing process for review with an opportunity for public input.

6. New Stipulation 12 is recommended to require that the developer submit a Traffic Impact Study for review and approval prior to preliminary approval of plans. The applicant shall work with Street Transportation Department staff who will determine the appropriate scope and content of the study and determine if satisfactory resolutions of review comments have been achieved.
7. The subject property is located at the intersection of two arterial streets and in close proximity to a major exit from the Loop 202 Freeway. This location is ideal for implementation of a gateway entry feature marking arrival in the Laveen Village. New Stipulation 13 addresses the requirement for this feature.

This recommendation is consistent with the recommendation made by the LCRD. The applicant indicated that they do not know at this time what the feature may consist of but they intend to continue talks with this group regarding conceptual designs. If the gateway entry feature consists of signage, it should be included in the Comprehensive Sign Plan required in New Stipulation 3 and discussed above in Finding 4. If the entry feature consists of public art, sculpture, enhanced landscaping, or another feature, it should be included in the site plan. The applicant shall document any public meetings

held on this subject and provide to City staff to aid in review and approval regarding compliance with this stipulation.

8. New Stipulation 15 requires the developer to provide pedestrian pathways, constructed of decorative pavers, stamped or colored concrete, or another similar material, other than those used to pave the parking surfaces and drive aisles, connecting the sidewalk or sidewalks to the main entrances of all buildings in the most direct route. This recommendation is consistent with the recommendation of the Pedestrian Safety Coordinator with the Street Transportation Department.
9. Original Stipulation 16 required that commercial structures provide a continuous shade protected walkway with a minimum depth of 10 feet along all building walls that have a customer entrance. This stipulation was aimed at the strip retail plaza located at the northeast corner of the site on the original stipulated site plan. This design was consistent with conceptual graphics in the Laveen Southwest Growth Study (Page 25) for shopping centers that have pedestrian walkways along multiple shops. The proposed conceptual site plan does not contain strip retail and breaks up the individual building massing into discrete buildings and pads.

The applicant's request to delete this stipulation is recommended to be denied as filed and approved with a modification. The modified stipulation language is intended to retain the requirement for shade protected architectural features at all main building entrances and all other building facades with adjacent pedestrian walkways. This modification allows the shade requirement to apply to the individual buildings where pedestrian activity will occur and reduces the depth to six feet to acknowledge that the walkways will not be a full arcade as originally envisioned.

10. The applicant's request for modification of existing Stipulation 23 is recommended for approval. The modification of maximum height of the canopy from 16 to 18 feet is a modest increase and remains significantly lower than the 30-foot maximum height permitted by the underlying zoning. This height is also compatible with the maximum 15 feet building height depicted on the conceptual site plan. Finally, the request does not alter the existing regulation of 14 feet maximum height to the underside of the canopy where recessed lighting may be located. Therefore, the modification will not increase any potential negative impact of lighting on nearby or adjacent properties.

However, note that the Zoning Ordinance contains a design presumption in Section 507 Tab A II.D.2. stating that canopy heights measured from finished grade to the lowest point of canopy fascia should not exceed 14 feet in height and that overall canopy height should not exceed 16 feet. This design presumption will need to be overcome during the plan review process regardless of the rezoning stipulation given that it is more restrictive.

11. The subject site is archaeologically sensitive and three additional stipulations are recommended to address potential survey and data testing requirements in the event archaeological materials are discovered during construction.

12. Original Stipulation 29 required that the commercial development plans be presented for comment to the Laveen Village Planning Committee prior to commencement of commercial development. This case represents compliance with this stipulation and the applicant's request for deletion is recommended for approval.

Further, note that the recommendation regarding New Stipulations 1, 1.A, and 2 require general conformance to the proposed conceptual site plan and elevations. These recommendations ensure that future modifications of these plans, exceeding the deviation permitted by general conformance, will be required to go through an additional public hearing process for review with an opportunity for public input. This requirement is more restrictive than the original language of Stipulation 29, which does not specify or require stipulation modification through a public hearing process.

Stipulations:

1. ~~That~~ The COMMERCIAL development shall be in general conformance with the site plan DATE STAMPED JULY 20, 2020, ~~dated August 20, 2002~~ as may be modified BY THE FOLLOWING STIPULATIONS and approved by the PLANNING AND Development Services Department, WITH SPECIFIC REGARD TO THE FOLLOWING:
 - A. ANY GAS STATION SHALL BE LOCATED AT THE IMMEDIATE NORTHEAST CORNER OF 59TH AVENUE AND DOBBINS ROAD.
2. THE COMMERCIAL DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE BUILDING, FUEL CANOPY, AND SCREEN WALL ELEVATIONS DATE STAMPED JULY 20, 2020, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
3. A COMPREHENSIVE SIGN PLAN SHALL BE APPROVED FOR THE COMMERCIAL DEVELOPMENT IN ACCORDANCE WITH SECTION 705 OF THE ZONING ORDINANCE AND AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
4. ~~That~~ Residential elevations SHALL conform to the Laveen Residential Design Guidelines.
5. ~~That the site plan and elevations of the commercial development prior to preliminary site plan review submittal shall be reviewed and approved through the Planning Hearing Officer hearing process. Also, the Chair~~ PERSONS OF the LAVEEN VILLAGE PLANNING COMMITTEE (LVPC) AND LAVEEN CITIZENS FOR RESPONSIBLE DEVELOPMENT (LCRD) shall be invited BY THE APPLICANT to attend Development Service Department's ANY preliminary SITE PLAN review meeting HELD BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

Streets and Right-of-Way

6. ~~That~~ The following rights of way shall be dedicated:
4.

 - a. 60 feet shall be dedicated for the north half of Dobbins Road;
 - b. 30 feet shall be dedicated for the south half of South Mountain Avenue;
 - c. 55 feet shall be dedicated for the east half of 59th Avenue;
 - d. 30 feet shall be dedicated for the west half of 55th Avenue.

7. Twenty-one foot by 21-foot right-of-way triangles shall be dedicated:
5.

 - a. At the northeast corner of 59th Avenue and Dobbins Road;
 - b. At the northwest corner of 55th Avenue and Dobbins Road;
 - c. At the southwest corner of 55th Avenue and South Mountain Avenue.

8. ~~That~~ The applicant shall work with the developer of Laveen Commons to establish the alignment of 59th Avenue at South Mountain Avenue.
6.
9. ~~That~~ Sufficient right-of-way shall be dedicated to accommodate a far-side busbay (Detail P-1257) on 59th Avenue at Dobbins Road.
7.
10. ~~That~~ 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 by the PLANNING AND Development Services Department. All improvements shall comply with all ADA accessibility standards.
8.
11. ~~That~~ The applicant shall complete and submit the Developer Project Information Form for the MAG Transportation Improvements Program to the Chief Engineering Technician, (602) 262-6193, Street Transportation Department. This form is a requirement of the Environmental Protection Agency to meet clean air quality standards.
9.
12. THE APPLICANT SHALL SUBMIT A TRAFFIC IMPACT STUDY (TIS) TO THE CITY OF PHOENIX FOR THE COMMERCIAL DEVELOPMENT. NO PRELIMINARY APPROVAL OF PLANS SHALL BE GRANTED UNTIL THE STUDY IS REVIEWED AND APPROVED BY THE CITY UPON SATISFACTORY RESOLUTIONS OF REVIEW COMMENTS BY CITY STAFF, AS APPROVED OR MODIFIED BY THE STREET TRANSPORTATION DEPARTMENT.

Site Amenities

13. THE DEVELOPER SHALL PROVIDE A GATEWAY FEATURE SUCH AS ENHANCED LANDSCAPING, SIGNAGE, AND/OR PUBLIC ART, LOCATED

AT THE NORTHEAST CORNER OF 59TH AVENUE AND DOBBINS ROAD,
AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

14. ~~That a~~ A walkway SHALL be provided between the commercial and residential
40. development as noted on the site plan. Pedestrian walkways/ connections
within/between the commercial and residential developments shall be
constructed of materials other than asphalt. If concrete is chosen it will be
stamped.
15. PEDESTRIAN PATHWAYS, CONSTRUCTED OF DECORATIVE PAVERS,
STAMPED OR COLORED CONCRETE, OR ANOTHER SIMILAR MATERIAL,
OTHER THAN THOSE USED TO PAVE THE PARKING SURFACES AND
DRIVE AISLES, SHALL BE PROVIDED CONNECTING THE SIDEWALK OR
SIDEWALKS TO THE MAIN ENTRANCES OF ALL BUILDINGS IN THE MOST
DIRECT ROUTE, AS APPROVED OR MODIFIED BY THE PLANNING AND
DEVELOPMENT DEPARTMENT.

Open Space, Trails, Fencing and Entrances

16. ~~That t~~ The main entrance (59th Avenue, Dobbins, 55th Avenue, and South
44. Mountain) to the housing subdivision shall incorporate subdivision entry signage
and monumentation. Entry design concepts shall be attractive, low in profile, as
approved by the PLANNING AND Development ~~Services~~ Department.
17. ~~That a~~ A continuous multi-use trail from Dobbins Road to South Mountain Road
42. shall be provided, as approved by the Parks and Recreation Department.
18. ~~That a~~ A trail shall be provided along South Mountain Road between 55th and
43. 59th Avenues that shall connect with the trail through the development, as
approved by the Parks and Recreation Department. Said trail shall be 15 feet in
width as shown on the site plan.

Commercial Design

19. ~~That r~~ Rear and side facades and roofline treatment including color texture and
44. material shall be "architecturally finished" to minimize visual impact to adjacent
residential areas, as approved by PLANNING AND Development ~~Services~~
Department.
20. ~~That e~~ Corporate colors and associated graphics shall be used only as an accent
45. feature as to not dominate the architectural design of the development, as
determined by the PLANNING AND Development ~~Services~~ Department.
21. ~~That commercial structures shall provide a continuous shade protected walkway~~
46. ~~a minimum of ten feet in depth along all building walls that have a customer~~
~~entrance.~~

COVERED WALKWAYS, EXTERIOR PORCHES, ARCADES, CANOPIES,
AND/OR OTHER SIMILAR ARCHITECTURAL FEATURES WITH A MINIMUM
DEPTH OF 6 FEET SHALL BE PROVIDED AT ALL MAIN BUILDING
ENTRANCES AND ALONG ALL OTHER BUILDING FACADES WITH

ADJACENT PEDESTRIAN WALKWAYS, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

- ~~22.~~ ~~That a~~ All buildings shall have a similar architectural character and have architectural enhancements such as stone, burnt adobe, textured brick, wood (when shaded by overhangs or deep recesses), slump block, ceramic tile (matte finish), stucco or exposed aggregate concrete.
- ~~23.~~ ~~That p~~ Parking at the time of preliminary approval shall be limited to no more than 20% above that required by the Zoning Ordinance.
- ~~24.~~ ~~That l~~ Landscaping along Dobbins Road and 59th Avenue shall include 2-inch caliper trees planted 20 feet on center. Landscaping or other forms of shading in the parking lots shall shade 25% of the parking lot by maturity. Berms or decorative walls shall be provided along Dobbins Road and 59th Avenue.
- ~~25.~~ All items for sale, excluding fuel dispensing machines, shall be located within buildings or located in designated areas screened from view so as to minimize potential impacts.
- ~~26.~~ ~~That a~~ All accessory equipment in the commercial development such as air, water, vacuums, and venting pipes shall be screened from view so as to minimize potential impacts.
- ~~27.~~ ~~That p~~ Proposed drive-through facilities shall orient drive-through windows away from Dobbins Road or adjacent residential uses. Drive-through queueing lanes shall be screened from view of Dobbins Road and/or residential uses through the incorporation of a landscaped berm, screen wall, or a combination of a wall and berm at least four feet in height as approved by the PLANNING AND Development Services Department.
- ~~28.~~ ~~That a~~ Any service station canopies, or drive-through canopies shall not exceed 14 feet in height measured from the ground to the underside of the canopy. The overall height of the canopy shall not exceed ~~46~~ 18 feet. All lights attached to the underside of the canopy shall be fully recessed.
- ~~29.~~ ~~That a~~ All canopy support pillars shall be a minimum of two feet wide by two feet deep from the ground to the underside of the canopy and shall be finished with compatible body and accent materials as the primary building.
- ~~30.~~ ~~That t~~ The residential developments shall use the Planned Residential Development (PRD) option.
- ~~31.~~ ~~That a~~ At least one of the following options SHALL be offered to purchasers of single-family houses excluding cluster homes:

 - a. Front porch
 - b. Front yard patio
 - c. Low wall or fence in the front yard

32. ~~That t~~The property owner shall record documents that disclose to purchasers of property within the development the existence and potential characteristics of agricultural use property in the vicinity. The form and content of such documents shall be reviewed and approved by the City Attorney.
33. ~~That a~~Archaeological excavation shall occur to determine if there are prehistoric cemeteries within the site, per the City Archaeologist (602) 495-0901). If prehistoric human remains are discovered the remains shall be removed per the State of Arizona Antiquities Act Standards.
34. 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.
35. 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.
36. 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.
29. ~~That the commercial development plans be presented for comment to the Laveen Village Planning Committee prior to commencement of commercial development.~~
37. ~~That s~~Sidewalks, curbs, and streetscapes in the single-family residential areas SHALL be designed in such a way to allow for rural mail delivery unless forbidden by the local serving post office.
38. ~~That m~~Multi-story construction shall not be allowed on residential lots 408-415 inclusive.
39. ~~That w~~Wrap-around architectural details and materials SHALL be used on all sides of homes along all street frontages on corner lots.
40. ~~That h~~Home builders SHALL provide a range of durable materials that will minimize stucco and tile by offering decorative elements such as brick, decorative concrete block, and stone accents.

41. ~~That a~~ All mechanical equipment in or on commercial developments must be
34. ground mounted or be screened from view in such a manner to minimize
potential impacts using materials consistent with the architectural character and
theme of the development.
42. ~~That b~~ Between the commercial development and the cluster residential area
35. there SHALL be a minimum 15-foot-wide landscape buffer with two rows of two-
inch caliper trees planted 15 feet on center.
43. 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.

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