

## ATTACHMENT D

### REPORT OF PLANNING COMMISSION ACTION April 4, 2024

ITEM NO: 12	
	DISTRICT NO.: 1
SUBJECT:	
Application #:	Z-5-24-1
Location:	Northeast corner of 43rd Avenue and Thunderbird Road
From:	C-O
To:	C-2
Acreage:	1.69
Proposal:	Restaurant with drive-through
Applicant:	Wendy Riddell, Berry Riddell, LLC
Owner:	43rd Thunderbird, LLC
Representative:	Wendy Riddell, Berry Riddell, LLC

#### **ACTIONS:**

Staff Recommendation: Approval, subject to stipulations.

Village Planning Committee (VPC) Recommendation:

**North Mountain** 3/20/2024 Approval, per the staff recommendation. Vote: 11-1 (1 Abstention).

Planning Commission Recommendation: Approval, per the North Mountain Village Planning Committee recommendation.

Motion Discussion: N/A

Motion details: Commissioner Jaramillo made a MOTION to approve Z-5-24-1, per the North Mountain Village Planning Committee recommendation.

Maker: Jaramillo  
Second: Perez  
Vote: 8-0  
Absent: Mangum  
Opposition Present: No

#### **Findings:**

1. The proposal is consistent with the General Plan Land Use Map designation of Commercial and with the surrounding land uses.
2. The proposal, as stipulated, will provide buffering between the proposed development and the adjacent townhomes.
3. The proposal as stipulated, will incorporate landscaping and shading that will enhance the location, consistent with General Plan goals and principles.

Stipulations:

1. A minimum 65-foot building setback shall be provided along the north perimeter of the site.
2. A minimum 50-foot building setback shall be provided along the east perimeter of the site.
3. The developer shall provide evidence of undertaking reasonable efforts to work with the adjacent Homeowners Association to the north and east, to provide direct pedestrian access between the two developments, as approved by the Planning and Development Department.
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 contrasts parking and drive aisle surfaces, as approved by the Planning and Development Department.
5. All pedestrian walkways shall be shaded by a structure, landscaping, or a combination of the two to provide a minimum of 75% 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% shade, as approved by Planning and Development Department.
7. A minimum of 10 percent of the required parking spaces shall include EV ready infrastructure.
8. A minimum of one of the required bicycle parking spaces shall include standard electrical receptacles for electric bicycle charging capabilities, as approved by the Planning and Development Department.
9. A minimum of four bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near building entrances and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.
10. Bicycle parking spaces shall be shaded by a structure, landscaping, or a combination of the two to provide a minimum of 75% shade, as approved by the Planning and Development Department.
11. 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.
12. Commercial landscaping and common areas shall be maintained by permanent and automatic/water efficient WaterSense labeled irrigation controllers (Smart Controller) to minimize maintenance and irrigation water consumption for all on and offsite landscape irrigation.

13. Provide a landscape irrigation plan that includes zones to establish the amount of irrigation to apply based on maturity and type of the landscaping. Irrigation should be applied efficiently based on the maturity and need for the vegetation.
14. Only landscape materials listed in the Phoenix Active Management Area Low-Water-Use/Drought-Tolerant Plant List shall be utilized, as approved or modified by the Planning and Development Department.
15. The sidewalk along 43rd Avenue shall be a minimum of six feet in width and detached with a minimum ten-foot-wide landscape strip located between the sidewalk and back of curb and planted to the following standards, as approved by the Planning and Development Department.
  - a. Minimum 2-inch caliper, single-trunk, large canopy, drought-tolerant shade trees planted 20 feet on center, or in equivalent groupings, that provide shade to a minimum 50 percent.
  - b. Drought tolerant vegetation to achieve a minimum of 75 percent live coverage.
16. The sidewalk along Thunderbird Road shall be a minimum of six feet in width and detached with a minimum ten-foot-wide landscape strip located between the sidewalk and back of curb and planted to the following standards, as approved by the Planning and Development Department.
  - a. Minimum 2-inch caliper, single-trunk, large canopy, drought-tolerant shade trees planted 20 feet on center, or in equivalent groupings, that provide shade to a minimum 50 percent.
  - b. Drought tolerant vegetation to achieve a minimum of 75 percent live coverage.
17. The existing driveway on 43rd Avenue shall be restricted to right-in/right-out only, or shall be restricted by the construction of a raised median in 43rd Avenue, from Thunderbird Road to the northern limits of the subject property.
18. The existing driveway on Thunderbird Road shall be reconstructed to comply with ADA standards.
19. A minimum 65 feet of right-of-way shall be dedicated for the north half of Thunderbird Road.
20. Replace unused driveways with sidewalk, curb, and gutter. Also, replace any broken or out-of-grade curb, gutter, sidewalk, curb ramps on all streets and upgrade all off-site improvements to be in compliance with current ADA guidelines.
21. 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.
22. 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.

23. 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.

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.