

ATTACHMENT C

REPORT OF PLANNING HEARING OFFICER ACTION
Byron Easton, Planner III, Hearing Officer
Chase Hales, Planner I, Assisting

April 19, 2023

ITEM NO: 1	
	DISTRICT 2
SUBJECT:	
Application #:	PHO-1-23--Z-56-19-2
Location:	Southeast corner of the 29th Avenue alignment and Dove Valley Road
Zoning:	C-2 M-R NBCOD
Acreage:	10.29
Request:	1) Request for review and approval by the Planning Hearing Officer for site plan and elevations per Stipulation 1. 2) Deletion of Stipulation 1.e regarding incorporation of natural drainage features.
Applicant:	Thompson Thrift
Owner:	Britmet Ventures LLC
Representative:	Berry Riddell LLC

ACTIONS:

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

Village Planning Committee (VPC) Recommendation: The North Gateway Village Planning Committee heard this case on April 13, 2023 and recommended approval by a vote of 4-0.

DISCUSSION:

Wendy Riddell, representative with Berry Riddell LLC, gave an overview of the site and the proposed site plan and elevations. She presented the proposed stipulation language. She stated that the wash bifurcating the site must be undergrounded for the site to be developed. She stated that the original intent of Stipulation 1.e requiring the incorporation of natural drainage features was to further the goals of the North Gateway Village Core Plan. In the plan, however, the only wash that is referenced is Skunk Creek, which is not the wash located on the site. She stated that the applicant recognized the preservation of washes has an aesthetic value, so the applicant proposes a stipulation requiring a mural in lieu of preserving the wash.

Byron Easton, Planning Hearing Officer, asked what the maximum cubic square foot (CSF) flow of water through the wash on the site is. Ms. Riddell stated that the maximum flow was estimated to be 237 CSF. She noted that this was small, and significantly lower than that of the major washes, including Skunk Creek, in the surrounding area. Mr. Easton asked if the applicant was planning to meet the stipulation regarding the installation of a multi-use trail. Ms. Riddell stated that the stipulation would be met.

Mr. Easton noted that staff did not receive public correspondence regarding the item prior to the hearing. He stated that the North Gateway Village Planning Committee (VPC) recommended approval by a vote of 4-0. He stated that the site plan showed the multi-use trail along the north property line and an abundance of pedestrian pathways internal to the site as well as connecting to the external boundaries of the site, meeting the requirements of Stipulation 1.a. He stated that the conceptual elevations also met Stipulations 1.b and 1.c regarding architectural embellishments, materials, and paint colors. He stated that the site plan and elevations would be reviewed later in design review and that any necessary changes would be addressed through the design review process. He stated that the site plan demonstrated conformance to Stipulation 1.d, illustrating on-site parking areas spread out and clustered throughout the development. He stated that he would recommend approval of the deletion of Stipulation 1.e as part of the modification of the entirety of Stipulation 1 to create new standard general conformance language to the proposed conceptual site plan.

Mr. Easton stated that he would be modifying the request regarding installation of a mural to create a new stipulation that ties the review of the mural to the general conformance review of the elevations. He stated that a recorded Proposition 207 Waiver is still required prior to preliminary site plan approval and recommended it be added as a stipulation.

FINDINGS:

- 1) The request for review and approval of conceptual site plan and elevations per Stipulation 1 has been complied with through this hearing. The recommendation is therefore to modify Stipulation 1 to replace the existing language with a standard language general conformance stipulation to the proposed site plan. An additional stipulation is recommended regarding conceptual elevations as discussed below in Finding 2. The conceptual plan and elevations meet the intent of Stipulation 1 as follows:
 - a) The conceptual site plan depicts a multi-use trail along the north property line on Dove Valley Road. Additionally, there are provided sidewalks along the street facing perimeters. Within the

- site, the conceptual site plan has a pedestrian pathway system that connects the pads between themselves and to the adjacent rights-of-way.
- b) The conceptual building elevations contain multiple materials, colors, detailing, etc. consistent with the requirements of Stipulation 1.b. Additionally, the elevations will be subject to design review through the plan review process.
 - c) The conceptual building elevations show paint colors and materials which are compatible with goals in the NBCOD. The colors and materials blend in with each other and the surrounding desert environment.
 - d) The conceptual site plan adequately demonstrates conformance with Stipulation 1.d as the parking is broken up and spread out throughout the site in multiple clustered areas.
 - e) The applicant requested a deletion of Stipulation 1.e. However, per the recommendation above, the stipulation is recommended to be deleted in its entirety and replaced with general conformance. This property has minor drainage features that are not specifically mentioned in the North Gateway Village Core Plan. Drainage on site will be adequately controlled and addressed through the plan review process.
- 2) The applicant proposed the addition of a requirement for a mural to be added to the building labeled “Shops A”. To capture this requirement, it is recommended that the elevations be referenced in their own stipulation to allow specific regard to the inclusion of this mural. Note the mural was discussed in their narrative, however a specific proposal was not depicted on the site plan or elevations themselves. During plan review, staff will have an opportunity to review and approve a final design for this proposal.
- 3) An additional stipulation is recommended to require the developer to install a multi-use trail within a multi-use trail easement along the north property line on Dove Valley Road. This stipulation is standard for properties with trail alignments however, this was not added in the original rezoning case.
- 4) The applicant did not submit a Proposition 207 waiver of claims prior to the Planning Hearing Officer hearing. Submittal of this form is an application requirement. An additional stipulation is recommended to require the applicant to record this form and deliver it to the City to be included in the rezoning application file for record.

STIPULATIONS:

1.	<p>All site plans and elevations shall be reviewed and approved by the Planning Hearing Officer through the public hearing process prior to preliminary site plan approval for conceptual review of the applicable provisions of the goals and policies of the North Gateway Village Core Plan, which shall include:</p> <p>THE DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE SITE PLAN DATE STAMPED FEBRUARY 10, 2023, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.</p>
a.	<p>Promoting the overall pedestrian circulation within the North Gateway Core through wide sidewalks, detached sidewalks and overall connectivity.</p>
b.	<p>Ensure all building facades contain architectural embellishments and detailing such as textural changes, pilasters, offsets, recesses, window fenestration, shadow boxes and overhead/canopies at least every 50 feet.</p>
c.	<p>Ensure all paint colors and building materials are in compliance with the North Black Canyon Overlay District with specific regard to colors being muted and blend with, rather than contrast strongly, with the surrounding desert environment.</p>
d.	<p>Ensure parking lots are broken into multiple smaller parking areas.</p>
e.	<p>Incorporation of natural drainage features.</p>
2.	<p>THE DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE ELEVATIONS DATE STAMPED FEBRUARY 10, 2023, AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT, AND WITH SPECIFIC REGARD TO THE FOLLOWING:</p>
a.	<p>THE "SHOPS A" BUILDING WILL PROVIDE A MURAL INSTALLATION COMPATIBLE WITH THE DESIGN OF THE OVERALL DEVELOPMENT, THE SURROUNDING COMMUNITY, AND THE SURROUNDING DESERT CONTEXT.</p>

3. 2	Maximum building height shall be limited to 60 feet. If the following occurs prior to preliminary site plan approval, the maximum building height permitted shall be a maximum of 120 feet.
a.	A water report is submitted to and approved by the Water Services Department which demonstrates that sufficient water capacity exists or is being provided by the developer of this parcel.
b.	A wastewater report is submitted to and approved by the Water Services Department which demonstrates that sufficient wastewater capacity exists or is being provided by the developer of this parcel; and
c.	A traffic study is submitted to and approved by the Street Transportation Department which demonstrates that street improvements (existing and/or proposed) are sufficient to serve the site.
d.	A multi-modal (pedestrians, bicyclists, motorists, etc.) circulation plan is submitted and approved by the Street Transportation and Planning and Development departments that illustrates how the project and its corresponding infrastructure improvements will facilitate multi-modal connectivity within the site and to the site's surrounding streets and amenities as envisioned in the North Gateway Village Core Plan.
4. 3.	All sidewalks adjacent to streets shall be detached per the adopted Street Classification Map cross-section or with a minimum 8-foot wide continuous landscape area located between the sidewalk and back of curb; and shall include minimum 3-inch caliper, large canopy single-trunk shade trees (limbed-up a minimum of 10 feet clear from finished grade), planted 25 feet on center or in equivalent groupings; and minimum 5-gallon shrubs with a maximum mature height of 2 feet providing 75 percent live cover, as approved by the Planning and Development Department.
5. 4.	A minimum of 50 percent of the pedestrian pathways shall be shaded by a structure, landscaping or a combination of the two, as approved by the Planning and Development Department.
6. 5.	All pedestrian pathways, including those that intersect vehicular traffic lanes, shall be constructed with decorative pavers, stamped or colored concrete, or another material other than those used to pave the parking surfaces and drive aisles, as approved by the Planning and Development Department.

7. 6.	If a drive-through restaurant is developed, pick-up windows shall be architecturally integrated in proportion, color, material and texture to the building it serves by providing awnings or architecturally integrated structures for weather protection, as approved by the Planning and Development Department.
8. 7.	If a drive-through restaurant is developed, a minimum of 250 square feet of outdoor seating areas shall be provided, as approved by the Planning and Development Department.
9. 8.	A minimum of two inverted-U bicycle racks (four spaces) shall be provided for each building on site, located near building entries, and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department.
10. 9.	All surface retention areas shall be natural and organic in shape, as approved by the Planning and Development Department.
11. 10.	The glazing on all building windows shall have a maximum reflectivity of 20 percent, as approved by the Planning and Development Department.
12. 11.	All service areas must be screened to conceal trash containers, recycling containers, loading docks, transformers, backflow preventers and other mechanical and or electrical equipment from eye level adjacent to all public streets and private drives, as approved by the Planning and Development Department.
13.	A 30-FOOT-WIDE MULTI-USE TRAIL EASEMENT (MUTE) SHALL BE DEDICATED ALONG DOVE VALLEY ROAD AND A MINIMUM 10-FOOT-WIDE MULTI-USE TRAIL (MUT) SHALL BE CONSTRUCTED WITHIN THE EASEMENT IN ACCORDANCE WITH THE MAG SUPPLEMENTAL DETAIL AND AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
14. 12.	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.
15. 13.	The developer shall dedicate a minimum of 40 feet for public right-of-way along the full western limit of the site for 29th Avenue. Additional right-of-way for intersection or auxiliary turn lanes may be required as indicated in

	the approved Traffic Impact Study or through the North Gateway Core Study being conducted by the Street Transportation Department at the time of this zoning action. The determination of final right-of-way required will be made by the Street Transportation Department.
16. 14.	The developer shall construct half-street improvements for 29th Avenue inclusive of a minimum 25 feet of paving, curb, gutter, detached sidewalk and streetlighting for the full frontage of the property as modified and approved by the Street Transportation Department.
17. 15.	The developer shall dedicate the full width right-of-way for the Village Core Northern Collector street along the entirety of the southern zoning boundary. The full width of right-of-way required is 60 feet adjoined on each side by a minimum 10-foot sidewalk easement. Full width right-of-way and alignment may be modified by the Street Transportation Department.
18. 16.	The developer shall construct the full width roadway section of the Village Core Northern Collector street along the entirety of the southern zoning boundary. The minimum full width roadway section is 50 feet of paving, curb, gutter, and detached sidewalk for the full frontage of the property. Full width improvements may be modified by the Street Transportation Department.
19. 17.	The developer shall be responsible for proportional share of the funding and/or construction of any traffic control improvements for the intersection of Village Core Northern Collector and North Valley Parkway, as per the approved Traffic Impact Study and as approved by the Street Transportation Department.
20. 18.	All publicly dedicated roadways shall be designed as dry crossings per City standards for a minimum 100-year storm event. Drainage easement shall be dedicated to accommodate drainage structures and maintenance access ramps as approved by the Street Transportation Department.
21. 19.	The developer shall be responsible for proportional funding contributions towards traffic signals at 29th Avenue and Dove Valley Road and 29th Avenue and Sonoran Desert Drive. The funding contribution will be determined through an assessment of proportional traffic impact, as per the Traffic Impact Study and as approved by the Street Transportation Department.
22. 20.	All publicly dedicated roadways shall be designed as dry crossings per City standards for a minimum 100-year storm event as approved

	by the Street Transportation Department.
23. 24.	A Developer Project Information Form for the MAG Transportation Improvement Program shall be completed and submitted to the Street Transportation Department prior to preliminary site plan approval, as approved by the Planning and Development Department.
24. 22.	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 Department. All improvements shall comply with all ADA accessibility standards.
25.	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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