



City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

Staff Report: Z-11-18-3

June 13, 2019

Paradise Valley [Village Planning Committee](#) Hearing Date July 1, 2019

[Planning Commission](#) Hearing Date August 1, 2019

Request From [C-1](#) (2.22 acres)

Request To [C-2](#) (2.22 acres)

Proposed Use Intermediate commercial uses

Location Approximately 228 feet north of the northwest corner of Tatum Boulevard and Shea Boulevard

Owner 3503 RP Phoenix, LLC

Applicant Ambassador Fine Cigars

Representative Paul E. Gilbert, Beus Gilbert, PLLC

Staff Recommendation Approval, subject to stipulations

General Plan Conformity			
General Plan Land Use Map Designation	Commercial		
Street Map Classification	Tatum Boulevard	Major Arterial	55-foot west half street
<p><i>STRENGTHEN OUR LOCAL ECONOMY CORE VALUE; ENTREPRENEURS AND EMERGING ENTERPRISES; LAND USE PRINCIPLE: Encourage land uses that promote the growth of entrepreneurs or new businesses in Phoenix in appropriate locations.</i></p> <p>Rezoning to intermediate commercial will support opportunities for additional businesses to develop in an existing commercial center in close proximity to many community amenities.</p>			
<p><i>CONNECT PEOPLE AND PLACES; OPPORTUNITY SITES; LAND USE PRINCIPLE: Support reasonable levels of increased intensity, respectful of local conditions and surrounding neighborhoods.</i></p> <p>The proposed development will be compatible to the existing shopping center to the east across Tatum Boulevard as well as the surrounding C-1 uses on site. The proposed development will be compatible with the existing single-family residential development to the north and west as the plaza has developed pedestrian pathways.</p>			

CELEBRATE OUR DIVERSE COMMUNITY; Certainty and Character; LAND USE PRINCIPLE: Locate land uses with the greatest height and most intense uses within limits based on village character, land use needs, infrastructure and transportation system capacity.

In proximity to height the more sensitive residential land uses to the east are buffered by a large landscape strip and building setback.

Applicable Plans, Overlays and Initiative

[Tree and Shade Master Plan](#) – see background item No. 6 below.

[Guiding Principles for Complete Streets](#) – see background item No. 6 below.

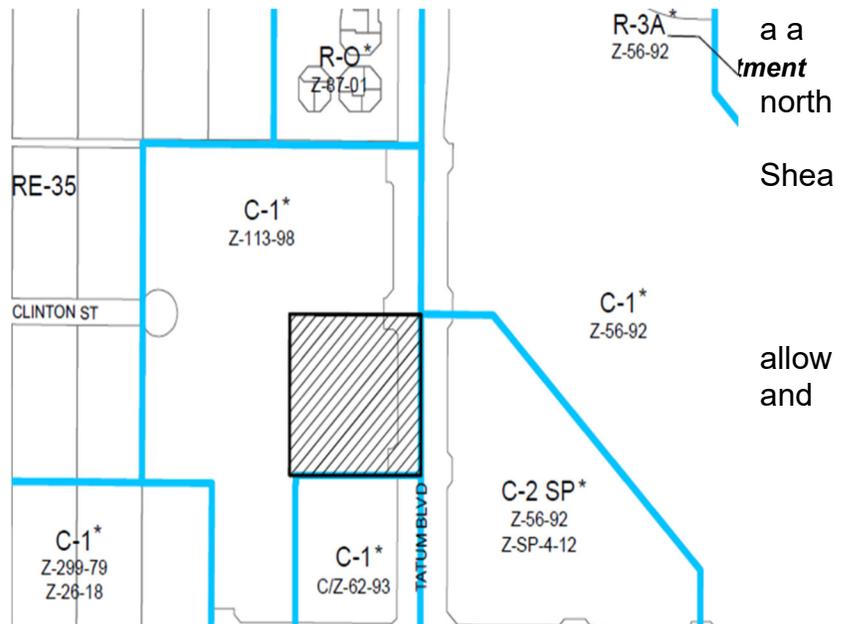
[Reimagine Phoenix](#) – see background item No. 12 below.

Surrounding Land Uses/Zoning

	<u>Zoning</u>	<u>Land Use</u>
On Site	C-1	Retail
North	C-1	Retail, Grocery, Commercial Services
South	C-1	Retail, Restaurants
East	C-2 SP	Retail, Bank, Cellular Provider
West	C-1	Retail, Bar/Restaurant

Background/Issues/Analysis

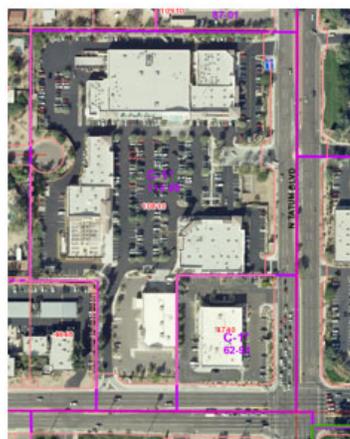
1. This request is to rezone 2.22 acre site located approximately 228 feet of the northwest corner of Tatum Boulevard and Boulevard from C-1 (Neighborhood Retail District) to C-2 (Intermediate Commercial District) to allow additional commercial retail uses.



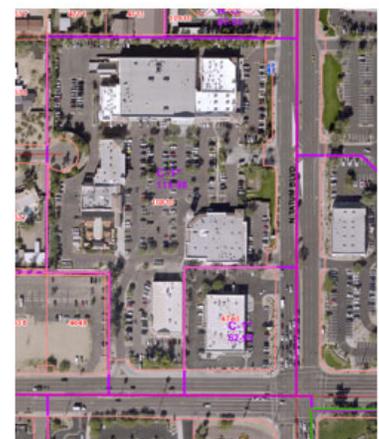
2. The subject site is under the ownership of Inland Western Phoenix, LLC. The subject site was annexed into the City of Phoenix in 1962 through Annexation No. 59. The majority of the area was vacant land in 1962 and Maricopa County Historical Aerial photographs illustrate that the subject site was not developed until 2002. The subject site was previously rezoned from RE-35 (Residential Estate District) and C-O (Commercial Office) to C-1 (Neighborhood Retail) in 1998 per Rezoning Case No. Z-113-98 to allow commercial uses.



2001



2009



2019

Source: Maricopa County Historic Aerials

SURROUNDING ZONING AND USES

3. **North**

Directly to the north of the subject site is a Whole Foods grocery store and a few smaller retail users which are part of the larger Paradise Valley Marketplace. The property is zoned C-1.

South

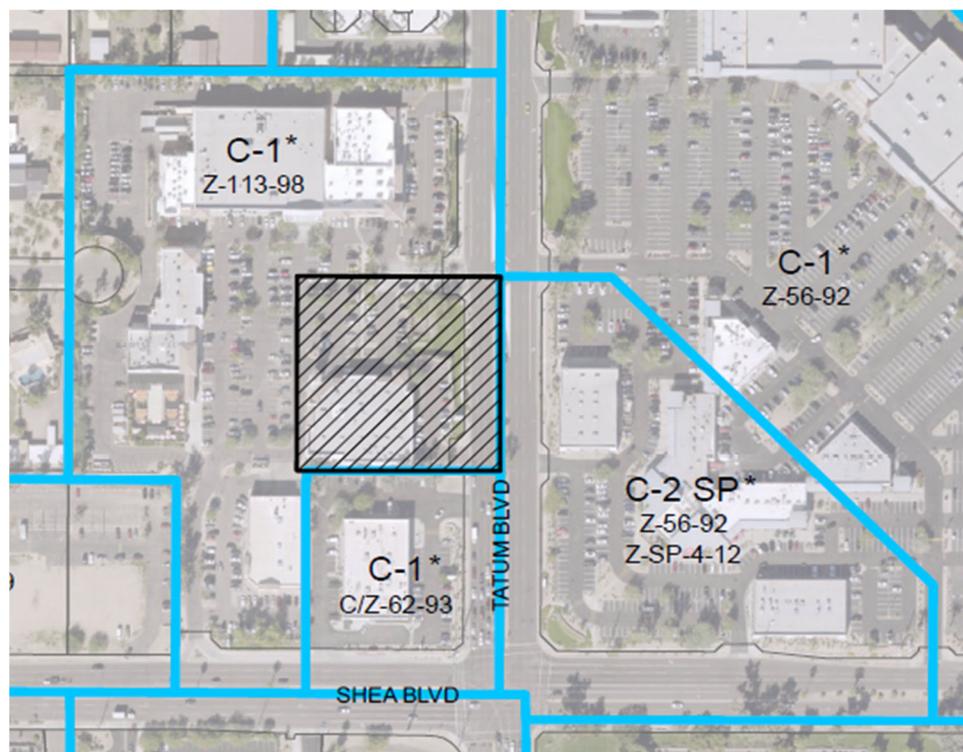
South of the subject site is Tatum Square shopping center which is located on the hard corner of two major arterial streets, Shea Boulevard and Tatum Boulevard. The shopping center is zoned C-1 per Rezoning Case No. Z-62-93 and includes restaurants and vacant tenant space.

East

The eastern boundary is Tatum Boulevard. Across Tatum Boulevard is a shopping center zoned C-2 SP (Intermediate Commercial, Special Permit) through Rezoning Case No. Z-SP-4-12. The special permit is for a massage therapy facility. Other uses in the shopping center include restaurants, retail and other commercial services.

West

Directly to the west of the subject site is a bar/restaurant, a pet market, a medical supplies store and a bank which are part of the larger Paradise Valley Marketplace. The property is zoned C-1, per Rezoning Case No. Z-113-98.



Source: City of Phoenix Planning & Development Department

STUDIES AND POLICIES

7. The Tree and Shade Master Plan has a goal of treating the urban forest as infrastructure to ensure that trees are an integral part of the city's planning and development process. A vision in the master plan is to raise awareness by leading by example. To accomplish the vision and goal of the policy document, Stipulation No. 1 require that the developer provide landscaping that will create a comfortable and pedestrian friendly environment for the shopping center prior to any future tenant improvements. The proposed stipulations require that the detached sidewalks along Tatum Boulevard remain and be replenished with 50% live ground cover. In addition, staff recommends that trees be planted close to the sidewalk and that the trees provide a minimum 75% shade of the adjacent sidewalk at maturity. Lastly, staff recommends that the shopping center provide 50% shade along pedestrian pathways within the site through a combination of landscaping and/or overhangs and canopies. As stipulated, this design is consistent with both the Tree and Shade Master Plan and the City Council adopted Guiding Principles for Complete Streets, one tenet of which is to make Phoenix more walkable.

COMMUNITY INPUT

8. One citizen submitted a letter addressing concerns related to restricted uses in the applicant's public outreach letter to the surrounding area. The specific restricted uses of concern include adult uses and medical marijuana dispensary facilities. These uses are restricted at this site due to stringent separation requirements to residential uses outlined in the City of Phoenix Zoning Ordinance.

INTERDEPARTMENTAL COMMENTS

9. The Street Transportation Department has no comments.
10. The City of Phoenix Floodplain Management division of the Public Works Department has determined that this parcel is not in a Special Flood Hazard Area (SFHA), but is located in a Shaded Zone X, on panel 1755 L of the Flood Insurance Rate Maps (FIRM) dated October 16, 2013.
11. The City of Phoenix Water Services Department has noted the site has water and sewer mains to serve this development.
12. The Fire Prevention division of the Fire Department has indicated no fire code issues are anticipated with this case and the site and/or buildings shall comply with the Phoenix Fire Code.

OTHER

13. As part of the Reimagine Phoenix initiative, the City of Phoenix is committed to increasing the waste diversion rate to 40 percent by 2020 and to better manage its solid waste resources. Section 716 of the Phoenix Zoning Ordinances establishes standards to encourage the provision of recycling containers for multifamily,

commercial and mixed-use developments meeting certain criteria. The provision of recycling is not addressed in the rezoning request.

14. No known archaeological work is necessary for this project. In the event archaeological materials are encountered during construction, all ground disturbing activities must cease within 33-foot radius of the discovery and the City of Phoenix Archaeology Office must be notified immediately and allowed time to properly assess the materials. This is addressed in Stipulation No. 2.
15. Development and use of the site is subject to all applicable codes and ordinances. Zoning approval does not negate other ordinance requirements. Other formal actions such as, but not limited to, zoning adjustments and abandonments, may be required.

Findings

1. The proposal is consistent with the Commercial General Plan Land Use Map designation.
2. The proposal is compatible with the surrounding land uses.
3. The development, as stipulated, will provide shade and enhanced pedestrian amenities.

Stipulations

1. Prior to permit issuance of any tenant improvements, the developer shall update the existing landscape areas along the Tatum Boulevard frontage per the C-2 streetscape landscape standards for planting type, size and quantity, unless underground utilities and/or drainage are found to conflict subject to the following requirements, as approved by the Planning and Development Department.
 - a) All required trees in the Tatum Boulevard landscape setback shall be planted adjacent to the sidewalk to provide shade/thermal comfort for pedestrians.
 - b) The sidewalk along Tatum Boulevard shall remain detached and the existing landscaped strip located between the sidewalk and the back of curb shall be planted to provide a minimum of 50% live ground cover.
2. 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.

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Exhibits

Sketch Map

Aerial

Community Correspondence (3 pages)