



**make** (mak) vb 1 to bring into being by shaping or altering 2 to form in the mind, a judgement or plan 3 to put together by combining parts 4 to build, construct, formulate, devise, create 5 to prepare for use; arrange 6 to cause to happen

January 20, 2015

**Re: Code Update Comments/Discussion**

Dear Planning Commission members

In response to discussion at the January 7 Planning Commission meeting and public input received on the code update, I've offered some clarifications and considerations below:

- Vehicular access and drive-through uses in the CBD. Below are clarifications of existing and proposed standards:
  - Businesses with drive through access are now prohibited in the Downtown-Little Bear Creek Corridor-Pedestrian Core Design District per WMC 21.14.371(4)(e).
  - New driveways are not allowed unless there is no other feasible option, as determined by the Director. WMC 21.14.371(4)(Table 1). *Comment – some sites may lack side street options and require a driveway for access. The frontage between 133<sup>rd</sup> and 135<sup>th</sup> illustrates this challenge (see image below). However, as a significant number of driveways now exist, the current provisions would lead to consolidation, elimination, and relocation of driveways along this corridor in conjunction with future redevelopment.*
  - Under the proposed code, “Commercial uses providing drive-through service” is listed as a distinct use in the Retail land use chart (WMC 21.08.070) where it is much more visible. The use is permitted in the CBD zone with footnote 5, which indicates that within the Pedestrian Core Design District, drive-through windows and stacking lanes are permitted only if they are enclosed within a building. *Comment: Such a provision would then minimize visual and pedestrian impacts of the use. Plus, such uses have been integrated in multi-story mixed-use developments. Examples could be pharmacies, banks, and fast food uses.*
- Code revisions in response to comments to expand on the list of permitted uses available in the Light Industrial Zone (notably those that complement the wineries):
  - Permitted: Small scale retail uses (less than 2,000sf) provided use is within a multi-tenant building. *Now not permitted.*
  - Permitted: Home improvement stores up to 5,000sf. *Now not permitted.*
  - Permitted: Heavy retail – up to 40,000sf in area. *Now not permitted.*
  - Permitted: Nurseries and greenhouses. *Now not permitted.*
  - Conditionally permitted: Indoor recreational uses. *Currently some specific uses are conditionally permitted, but some are not.*
  - Restaurants and bars – now permitted within a multi-tenant building and up to 2,000 (can be larger if not associated with a winery). *Per previous interpretation of code, only restaurants associated with wineries were allowed – and they had to be under the 2,000sf limit. But new interpretation is that there is no limit if associated with a winery and that other restaurants are permitted up to the 2,000sf limit. Given the interpretation change, discussion, and other code changes, we suggested in the proposed to retain the 2,000sf limit. However, some participants have sought to have larger restaurants. Based on some quick web research, 2,000sf would allow for about a*

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*100-seat restaurant (<http://yourbusiness.azcentral.com/national-average-size-restaurant-kitchen-29446.html>).*

- Considerations per January 7 letter from Collins Woerman:
  - WMC 21.12.040.A footnote 27 requires a fireplace for each new residential unit. *This is an existing code provision. I've never seen such a provision before and it appears to add unnecessary cost to construction as many new multifamily units throughout the region do not have fireplaces. Consider deleting the provision to focus on more visible community quality of life provisions.*
  - There are also a number of comments on the public benefit/density bonus features that warrant review that require considerable thought and analysis. Should this be an immediate priority, in this initial series of code updates associated with the Comprehensive Plan, we can provide a more thorough review and analysis on the topic.

Sincerely,



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Bob Bengford, Partner

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