

## Attachment C

### REPORT OF PLANNING HEARING OFFICER ACTION Byron Easton, Planner III, Hearing Officer Teresa Garcia, Planner I, Assisting

May 21, 2025

ITEM NO: 8	
	DISTRICT NO. 8
SUBJECT:	
Application #:	PHO-4-25--Z-29-94-6(8)
Location:	Approximately 970 feet south of the southeast corner of 44th Street and Thomas Road.
Zoning:	C-2
Acreage:	1.82
Request:	1) Request to modify Stipulation 1 regarding general conformance to the site plan date stamped January 11, 1994 and elevations and exhibits dated January 12, 1994.
Applicant:	Michael Scarbrough, LTH Development Group, LLC
Owner:	Gen2 Arizona Properties, LLC
Representative:	Michael Scarbrough, LTH Development Group, LLC

#### **ACTIONS:**

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

Village Planning Committee (VPC) Recommendation: The Camelback East Village Planning Committee heard the request on May 6, 2025 and recommended approval by a vote of 15-0.

#### **DISCUSSION:**

Michael Scarbrough, representative of LTH Development Group LLC, gave an overview of the site and modification request. He stated the site would consist of a drive-through coffee shop and will be next to an existing Taco Bell. The proposed business will not take away any of the required parking spaces for Taco Bell and will provide adequate room for the queueing lanes. He stated the Camelback East Village Planning Committee (VPC) approved of the request unanimously.

Byron Easton, Planning Hearing Officer, asked Mr. Scarbrough if he knew how many square feet the existing Taco Bell is. Mr. Scarbrough stated it is approximately 510 square feet and has a 125 square foot storage facility to the north of it. Mr. Easton recommended approval with a modification.

### **FINDINGS:**

- 1) The request to modify Stipulation 1 regarding general conformance to a site plan and elevations is recommended for approval with a modification to provide more standard conformance language. The proposed project, a 7 Brew Drive-Thru Coffee (7 Brew), will have access to the ROW from existing drives immediately south of the parcel and via internal access drives within the larger commercial center. The proposed design provides for good on-site circulation, queueing, on-site landscaping, lighting and both the existing use to the south (Taco Bell) and the proposed use (7 Brew) will provide the required parking per code. The proposed conceptual site plan depicts a standard small coffee drive through kiosk style building.

### **STIPULATIONS:**

1.	<del>That</del> The development SHALL be in general conformance WITH to the site plan AND ELEVATIONS DATE STAMPED MARCH 28, 2025 AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. <del>(dated January 11, 1994) [or with the modifications to Anchor D as shown in the site plan dated September 7, 2001], together with the elevations and exhibits (dated 1/12/94) as may be modified by the following stipulations.</del>	
2.	<del>That</del> Development of the site SHALL be in accordance with the Development Agreement (Ordinance S-21748 amending Ordinance S-21068, dated 11-93) between Opus Southwest Corporation and the City of Phoenix.	
3.	<del>That</del> Particular attention shall be given during the Design Review process to provide building elevations that are consistent in design and materials around the entire center and that the linear nature of the design be minimized through the use of architectural embellishments, building offsets, shade structures and pedestrian plazas.	
4.	<del>That</del> The site plan be modified as approved by the Development Services Department to reflect the following changes:	
	a.	Building offsets for the major users shall be consistent with the site plan dated January 11, 1994;
	b.	Pad Sites three (3) and four (4) may be modified to create a unified pad development such as through the use of depressed parking and pedestrian plazas. A major gateway statement shall be provided at

		the Thomas Road and 44th Street intersection with views to the interior of the development;
	c.	<del>That</del> Access to the exception parcel at the southwest corner of the site SHALL be considered at the time of site plan approval.
5.		<del>That</del> The right-of-way dedications and off-site improvements shall be consistent with the Development Agreement (as identified in Stipulation No.2).
6.		<del>That</del> A single driveway access SHALL be permitted on 46th Street south of Shops "B" as approved by the Development Services Department, and no vehicular access between the library site and the retail center. Left turn access from the site onto Oak Street shall be prohibited.

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