

ATTACHMENT C

REPORT OF PLANNING HEARING OFFICER ACTION
Byron Easton, Planner III, Hearing Officer
Logan Zappolo, Planner I, Assisting

March 18, 2026

ITEM NO: 6	
	DISTRICT NO. 8
SUBJECT:	
Application #:	PHO-3-26--Z-14-19-8
Location:	Northeast corner of 59th Avenue and Elliot Road
Zoning:	C-1
Acreage:	1.58
Request:	1) Modification of Stipulation 3 regarding minimum landscape setback.
Applicant:	Dana Burkhardt, Sustainability Engineering Group
Owner:	Amed Partners LLC
Representative:	Dana Burkhardt, Sustainability Engineering Group

ACTIONS:

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended approval with an additional stipulation.

Village Planning Committee (VPC) Recommendation: The Laveen Village Planning Committee heard this request on March 16, 2026 and recommended approval by a vote of 10-0.

DISCUSSION:

Dana Burkhardt, representative of Sustainability Engineering Group for Terrible's Fuel Center, overviewed the subject site located at the northeast corner of 59th Avenue and Elliot Road. Mr. Burkhardt explained the history of the surrounding area with C-2 and R-3 zoning surrounding the subject C-1 zoned site. He added the proposed development is a Terrible's convenience store, car wash, and fuel center. Mr. Burkhardt explained easement conflict and how he had arrived at the site plan proposed. He explained the developments along 59th Avenue were only required to provide a 25-foot Mixed Use Trail Easement and explained this request is to match existing development. Mr. Burkhardt presented the proposed site plan and stated the access, Mixed Use Trail Easement, and connections will be in compliance with all regulations.

Mr. Easton stated the Laveen Village Planning Committee recommended approval of the request by vote of 10-0. He added he has not received any

correspondence for the case and recommended approval of the request with an additional stipulation because a Prop 207 waiver was not submitted.

FINDINGS:

- 1) The request to modify Stipulation 3 regarding a decreased landscape setback is recommended to be approved. The proposed development seeks a reduction of the 30-foot landscape setback to 25 feet to ensure architectural and aesthetic continuity with adjacent projects. Both the Isola development to the east and Wentworth Storage to the north—currently under construction—were granted the same 5-foot reduction.

The submitted site plan aligns landscape, wall, and shared-path improvements with these neighboring developments to create a unified streetscape. While the proposed building encroaches into the 30-foot setback for 81 feet of the 345-foot frontage along W. Elliott Rd (maintaining a 27-foot distance from the property line), the overall average setback for the frontage exceeds the 30-foot requirement. Furthermore, this adjustment aligns with the existing 25-foot Multi-Use Trail Easement (MUTE) on-site. All other site plan elements strictly comply with approved stipulations.

- 2) 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:

Phoenix Zoning Ordinance	
1.	The conceptual site plan, landscape plan, lighting plan and building elevations for the commercial (C-1) portion of the site shall be reviewed and approved by the Planning Hearing Officer through the public hearing process prior to preliminary site plan approval.
2.	The development shall be in general conformance with the site plan and elevations date stamped May 3, 2019, as approved by the Planning and Development Department, and as modified by the following criteria.
a.	The front elevations shall consist of a minimum of 10% non-stucco accent material.
b.	The development shall provide gated access.

	c. The development shall have a maximum of 249 units.
3.	A 25 30 -foot minimum landscape setback shall be provided along 59th Avenue and along Elliott Road, as approved by the Planning and Development Department.
4.	The developer shall provide a minimum of 10% open space, as approved by the Planning and Development Department.
5.	The developer shall install a minimum of 20 inverted U-bicycle racks for guests, installed per the requirements of Section 1307.H.4 of the Zoning Ordinance, as approved by the Planning and Development Department.
6.	A pedestrian connection shall be provided between the R-3 and C-1 portions of the site, as approved by the Planning and Development Department.
7.	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.
8.	The applicant shall submit a Traffic Impact Study to the City for this development. The conclusions of the study will be used to determine the required roadway and traffic improvements to be provided by the developer. No preliminary approval of plans shall be granted until the study is reviewed and approved by the City. Contact Mr. Matthew Wilson (602-262-7580) to set up a meeting to discuss the requirements of the study. The Traffic Impact Study shall also be submitted to the Arizona Department of Transportation for review and approval.
9.	The developer shall provide for a 55-foot half street right-of-way dedication for the east side of 59th Avenue for the entire length of property, extending to Elliot Road. This shall include 37 feet of paving for the east half of 59th Avenue.
10.	The developer shall provide for a 55-foot half street right-of-way dedication on the north side of Elliot Road from 59th Avenue to the existing residential development to the east. Include 37 feet of paving for the north half of Elliot Road and additional improvements, as approved by the Planning and Development Department.
11.	The developer shall provide for a 25-foot by 25-foot right-of-way triangle

	dedication at the northeast corner of the 59th Avenue and Elliot Road intersection.
12.	Open irrigation facilities are to be relocated and piped outside of the right-of-way. Contact Salt River Project to identify existing land rights and establish an appropriate process to relocate facility. Relocations that require additional dedications or land transfer require completion prior to obtaining plat and/or civil plan review approval.
13.	The developer shall underground existing overhead electrical utilities within the public right-of-way that are impacted or to be relocated as part of this project, as approved by the Planning and Development Department.
14.	The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, 5-foot sidewalk, curb ramps, streetlights, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with the current ADA Guidelines.
15.	Any request to change, delete or modify stipulations shall be presented through the Planning Hearing Officer process and notification shall be given to the Laveen Village Planning Committee prior to the Planning Hearing Officer hearing.
16.	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.

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