# Attachment D

PLEASE RESPOND ELECTRONICALLY TO CHASE HALES 2ND FLOOR, 602-262-4544



To: Departments Concerned

Date: November 17, 2022

From: Alan Stephenson Planning & Development Department Director

Subject: P.H.O. APPLICATION NO. PHO-5-22--Z-122-03-7 – Notice of Pending Actions by the Planning Hearing Officer

- 1. Your attention is called to the fact that the **<u>Planning Hearing Officer</u>** will consider the following case at a public hearing on **December 21, 2022**.
- 2. Information about this case is available for review at the Zoning Counter in the Planning and Development Department on the 2nd Floor of Phoenix City Hall, telephone 602-262-7131, Option 6.
- Staff, please indicate your comments and respond electronically to pdd.pho@phoenix.gov or you may provide hard copies at the Zoning Counter in the Planning and Development Department on the second floor of Phoenix City Hall by <u>November 23, 2022</u>.

# DISTRIBUTION

Mayor's Office (Tony Montola), 11th Floor City Council (Stephanie Bracken), 11th Floor Aviation (Jordan D. Feld ) CED (Michelle Pierson), 20th Floor Fire Prevention (Aaron Conway), 2nd Floor Light Rail (Joel Carrasco/Special TOD Only) Neighborhood Services (Gregory Gonzales, Lisa Huggins), 4th Floor Parks & Recreation (Natasha Hughes), 16th Floor Public Transit (Michael Pierce) Street Transportation Department (Maja Brkovic, Alan Hilty, Chris Kowalsky), 5th Floor Street Transportation - Ped. Safety Coordinator (Mailen Pankiewicz), 5th Floor Street Transportation - Floodplain Management (Kristina Jensen, Elise Moore, Rudy Rangel), 5th Floor Water Services (Don Reynolds, Victor Romo), 8th Floor Planning and Development (Alan Stephenson, Joshua Bednarek), 3rd Floor Planning and Development/Information Services (Ben Ernyei, Andrew Wickhorst), 4th Floor Planning and Development/Historic Preservation Office (Kevin Weight), 3rd Floor Planning Hearing Officer (Tricia Gomes, Adam Stranieri, Brad Wylam), 2nd Floor Village Planner (Enrique Bojorquez-Gaxiola, Laveen Village) Village Planning Committee Chair (Tonya Glass, Laveen Village)



#### APPLICATION FOR PLANNING HEARING OFFICER ACTION

APPLICATION NO: PHO-5-22--Z-122-03

#### **Council District: 7**

**Request For:** Stipulation Modification

**Reason for Request:** Modification of Stipulation 1 regarding general conformance with the site plan dated March 10, 2006. Deletion of Stipulation 6 regarding enhanced landscaping. Modification of Stipulation 13 regarding general conformance to the elevations dated March 10, 2006. Deletion of Stipulation 15 regarding gasoline canopy materials, color, and design. Deletion of Stipulation 18 regarding abandonment of Huntington Drive. Deletion of Stipulation 23 regarding general conformance to the signage designs dated April 28, 2004. Technical corrections to Stipulations 3, 4, 5, 10, 11, 12, and 16.

Owner	Applicant	Representative
Laveen 51 2019 LLC, et al.	M3 Design	M3 Design
10450 North 74th Street	2645 North 7th Avenue	2645 North 7th Avenue
Scottsdale AZ 85258	Phoenix AZ 85007	Phoenix AZ 85007
(480) 528-3136	(480) 528-3136	P: (480) 528-3136 F: (602) 530-8500
travis@glenwood.com	jmacias@m3designllc.com	jmacias@m3designIIc.com

Property Location: Northwest corner of 51st Avenue and Southern Avenue

Zoning Map: <u>D-5</u> Q	uarter Section: <u>3-16</u>	APN: <u>104-74-004L</u>	Acreage: <u>2.74</u>
Village:	Laveen		
Last Hearing:	CC HEARING		
Previous Opposition:	No		
Date of Original City Council Action:	06/09/2004 0300		
Previous PHO Actions:	05/17/2006 03/18/2020 1	1/18/2020 230 PM	
Zoning Vested:	S-1 (Approved C-2)		
Supplemental Map No.:			
Planning Staff:	081754		

An applicant may receive a clarification from the city of its interpretation or application of a statute, ordinance, code or authorized substantive policy statement. To request clarification or to obtain further information on the application process and applicable review time frames, please call 602-262-7131 (option 6), email zoning.mailbox@phoenix.gov or visit our website at http://phoenix.gov/pdd/licensetimes.html.

A Filing Fee had been paid to the City Treasurer to cover the cost of processing this application. The fee will be retained to cover the cost whether or not the request is granted

Fee	Fee Waived	Fee Date	Receipt	Purpose
\$1,725.00	\$0.00	11/02/2022	22-0094160	Original Filing Fee
ф.,, <u>с</u> ., с	<b>\$0.00</b>	11/02/2022	22 000 1100	enginar i migree

Signature of Applicant:

DATE: \_\_\_\_\_

Hearing Results							
Planning Hearing Officer	Planning Commission	City Council					
Date: 12/21/2022 1000 AM	Date:	Date:					
Appealed?:	Appealed?:						
Action:	Action:	Action:					



October 4<sup>th</sup>, 2022

CITY OF PHOENIX ZONING DEPARTMENT 200 W. WASHINGTION PHOENIX, AZ 85003

> RE: PHO –CAR WASH EXPRESS Proposed Cobblestone Express NWC 51<sup>st</sup> Avenue & Southern Ave Phoenix, AZ 85043

Dear City of Phoenix Zoning Team:

We are very pleased to be submitting for PHO review of Proposed Cobblestone Express Car Wash located at NWC 51<sup>st</sup> Avenue and Southern Avenue. The 1.35 Acre parcel which is Zoned C-2 and is currently vacant parcel that was part of an overall Parcel part of Z-122-03-02 from June 11<sup>th</sup> 2004.

On May 17, 2006, City Council approved PHO-1-06--Z-122-03 to modify stipulations on the full site. PHO 2 and PHO 3 also modified stipulations, but the case area for those modifications are off-site to the site proposed in this letter.

The proposed facility will include proposed 5,897 sf Car Wash Building that will include a Car Wash Tunnel/Equipment/Electrical Room. We are also proposing 30 On-Site Parking spaces, that also function as Covered Vacuum Stanchions requiring Use Permit. All Vacuum equipment (Motors/VFD) will be housed within Main Building or CMU Enclosure thus eliminating any concerns with Noise at Customer Stanchions as well as existing adjacent development. There are 2 Existing Curb Cuts off of 51st Avenue to remain, with new curb cuts being proposed off of Southern, (1) as part of Cobblestone project. Our proposed Development will provide On-Site Landscaping and Lighting all which fulfill one of City's Infill Program to develop vacant, unsafe and blighted parcels within existing Commercial/Residential communities. We are confident our proposed development meets and exceed General Plan and provides much needed quality services and goods to the local South Phoenix Community.

# <u>Z-122-03-7:</u>

# **Stipulation 1 - Modification**

1) SITE PLAN 1. That the development shall be in general conformance with the site plan dated March 10, 2006 DATE STAMPED NOVEMBER 2022, as approved or modified by the Development Services Department, with specific regard to size, location and number of pad buildings PLANNING AND DEVELOPMENT DEPARTMENT.



RATIONALE: Per PHO Stipulation our proposed Site Plan varies from Site Plan as part of Z-122-03-7 case (Gas Station Shown), thus requires approval. Our request is only for Corner Pad and does not propose any updates to balance of Master Development as shown in 2004 Case. Development is ever-changing and what was proposed and approved in 2004 Case has changed due to Development Market shifts, available Retailers thus parcel has remained vacant. We are confident our proposed Development meets and exceeds General Plan Commercial Designation as well as provide quality services and goods to the local South Phoenix Community.

6) That the developer shall provide a total of four (4) landscape fingers, one on each side of the two (2) driveway entrances from the shopping center to the Pad 1/Pad 2 gasoline canopy area, that are seven (7) feet wide, as approved by the Development Services Department. Each of these landscape areas shall contain one (1) tree in addition to other landscape materials Delete. Non-applicable as no gas station proposed at corner

13)-BUILDING DESIGN 13. That the major buildings on site DEVELOPMENT shall be in general conformance-to WITH the conceptual elevations (Exhibits 4-6) dated March 10, 2006 DATE STAMPED NOVEMBER 2022, including the following elements, all as approved or modified by the Development Services PLANNING AND DEVELOPMENT Department:

Four-sided architecture, per the conceptual elevations. A variety of building materials, including a minimum of two (2) of the following materials: native stone, burnt adobe, textured brick, site made textured concrete, split face block, wood (when shaded), slump block;. simulated wood siding, exposed aggregate, corrugated metal or rusted metal roofing.

- Natural and subdued color tones;
- Exposed scuppers;
- Pitched roof elements

A minimum ten-foot covered walkway, which can create a staggered front facade. Patios, trellises, and recesses may also be used to provide shading and break up building mass.

Request to Modify. Conceptual Elevations were for typical retail buildings. We will provide varied massing and some recesses to break up building façade.

Per PHO Stipulation our proposed exterior design Elevations varies from Conceptual Elevations as part of Z-122-03-7 case (Gas Station Shown), thus requires approval. Our request is only for Corner Pad and does not propose any updates to balance of Master Development as shown in 2004 Case.

15) That the gasoline station canopy shall incorporate materials and colors that complement the buildings on the site and the developer is strongly encouraged to use a pitched roof with gable or hipped end on the canopy

Request to Delete. Non-applicable as no gas station proposed at corner



18) That the developer shall apply for the abandonment of Huntington Drive on the west side of the site.

Request to Delete - Not applicable for Corner Cobblestone Pad

23) That signage on the property shall be in general conformance to the conceptual designs (three-sheets) dated April 28, 2004 including the following elements as approved or modified by the Development Services Department.

Ground/monument signs shall incorporate the materials and colors used for the major buildings on site.

Size and height of ground/monument signs shall not exceed those indicated in the abovereferenced conceptual designs.

# Request to Delete. All Signage to meet current Sign Ordinance Guidelines

We appreciate the opportunity to be submitting for PHO Hearing to modify/delete stipulations as itemized above. Please do not hesitate to contact us if you should have any questions and/or need any additional clarifications or supplement information.

Respectfully



Jesse Macias President 2645 N 7<sup>th</sup> Avenue Phoenix, AZ 85007 jmacias@m3designllc.com



May 18, 2006

Laveen Commons, LLLP Laveen Gateway LLLP 8149 North 87th Place Scottsdale, AZ 85258

Dear Applicant:

RE: Z-122-03-7 - Northwest corner of 51st Avenue and Southern Avenue

Please be advised that the Phoenix City Council, in accordance with the provisions of Section 506.B.1 of the Zoning Ordinance, has on May 17, 2006, concurred with the recommendation of the Planning Hearing Officer and has ratified application Z-122-03-7 for: 1) modification of stipulation 1 regarding general conformance to the site plan and site development Exhibits 1-3; 2) modification of stipulation 13 regarding general conformance to the elevations (Exhibits 4-6).

STIPULATION

TC

- Mod 1. SITE PLAN 1. That the development shall be in general conformance with the site plan dated March 10, 2006, as approved or modified by the Development Services Department, with specific regard to size, location and number of pad buildings.
  - 2. That all accessory equipment, such as air, water, vacuums, and venting pipes shall be located no closer than fifty (50) feet to public street frontages and residential neighborhoods to minimize potential impacts.
  - 3. That the developer shall screen any drive-through queuing lanes from view of 51st and Southern Avenues and/or residential uses through the incorporation of a landscaped berm, screen wall, or combination of a berm and wall at least four (4) feet in height, as approved or modified by the Development Services Department.
  - TC 4 That the developer shall provide a landscape feature incorporating turf and monumentation on the immediate northwest corner of the intersection of 51st and Southern Avenues as approved or modified by the Development Services Department.
  - TC 5. That the developer shall provide primary pedestrian walkways from Southern Avenue and the multi-use trail along 51st Avenue to the commercial buildings as approved or modified by the Development Services Department.

May 18, 2006 Ratification Z-122-03-7 Page 2

Del

TC

TC

TC

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That the developer shall provide a total of four (4) landscaped fingers, one on each side of the two (2) driveway entrances from the shopping center to the Pad 1/Pad 2 gasoline canopy area, that are seven (7) feet wide, as approved by the Development Services Department. Each of these landscape areas shall contain one (1) tree in addition to other landscape materials.

7. That't he developer shall treat all primary pedestrian crossings of vehicular circulation drives with a change of pavement materials (color and texture) to demarcate the pedestrian circulation plan.

8. That the developer shall provide a multi-use trail along the west side of 51st Avenue in a manner that complements that multi-use trail north of the subject property and in accordance with adopted City of Phoenix trail standards, as approved by the Parks and Recreation Department.

 That all items for sale, excluding fuel dispensing machines and automatic teller machines, shall be located within buildings or screened from view of public streets.

10. That the developer shall provide the following equestrian amenities on site, as approved by the Development Services Department: two (2) hitching rails, and two (2) horse troughs.

That the landscaped setbacks adjacent to residential development shall include staggered trees planted twenty (20) feet on center with fifty percent (50%) of such trees being a minimum four (4) inch caliper, as approved or modified by the Development Services Department.

That approved plants for the site shall emphasize the agricultural heritage and culture of Laveen and shall include the following, as approved or modified by the Development Services Department: Trees: pecan, Arizona ash, evergreen elm, heritage live oak, sycamore, willow acacia or similar trees. Shrubs: myrtle (true, dwarf or twisted), pomegranate, or similar shrubs: Accents: deer grass, wild sunflowers, or similar accents. Vines: white Lady Banks rose, or similar vines.

BUILDING DESIGN 13. That the major buildings on site shall be in general conformance to the conceptual elevations (Exhibits 4-6) dated March 10, 2006, including the following elements, all as approved or modified by the Development Services Department:

Four-sided architecture, per the conceptual elevations. A variety of building materials, including a minimum of two (2) of the following materials: native stone, burnt adobe, textured brick, site made textured concrete, split-face block, wood (when shaded), slump block; simulated wood siding, exposed aggregate, corrugated metal or fusted metal roofing.

May 18, 2006 Ratification Z-122-03-7 Page 3

- Natural and subdued color tones;
- Exposed scuppers;
- Pitched roof elements;

A minimum ten-foot covered walkway, which can create a staggered front facade. Patios, trellises, and recesses may also be used to provide shading and break up building mass.

14. That the developer shall paint all transformer and service entry equipment boxes to match buildings or shall screen the boxes, subject to utility company approval.

Del **15.** That the gasoline station canopy shall incorporate materials and colors that complement the buildings on the site and the developer is strongly encouraged to use a pitched roof with a gable or hipped end on the canopy.

# STREET IMPROVEMENTS

TC 16. That the developer shall construct all half-streets adjacent to the site with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping, and other incidentals per plans approved by the Development Services Department. All improvements shall comply with all ADA accessibility standards.

17. That the developer shall provide right-of-way for, and shall construct, a transit pad (P1262) and a bus shelter (P1261) along Southern Avenue west of 51st Avenue.

**18.** That the developer shall apply for the abandonment of Huntington Drive on the west side of the site.

19. That the developer shall complete and submit the Developer Project Information Form for the Maricopa Association of Governments Transportation Improvement Program to the Street Transportation Department. The U.S. Environmental Protection Agency requires this form to meet clean air quality requirements.

### GENERAL

Del

- 20. That the developer present a final landscape plan to the Laveen Village for review.
- 21. That light poles shall not exceed eighteen (18) feet in height.
- 22. That light from gasoline station canopies shall not exceed thirty (30) foot candles measured at the ground plane.

May 18, 2006 Ratification Z-122-03-7 Page 4

Del 2

That signage on the property shall be in general conformance to the conceptual designs (three sheets) dated April 28, 2004, including the following elements, as approved or modified by the Development Services Department:

Ground/monument signs shall incorporate the materials and colors used for the major buildings on site.

Size and height of ground/monument signs shall not exceed those indicated in the above-referenced conceptual designs.

In conformance to the Phoenix Sign Code, one additional ground sign is allowed on each street frontage to identify the user(s) of the pad building at the immediate corner of the intersection of 51st and Southern Avenues.

Wall signs shall use individual, halo-illuminated letters and numbers.

- 24. That the developer shall notify prospective owners/occupants that the subject development is in proximity to Phoenix Sky Harbor International Airport. The developer shall disclose the following:
  - A. The Airport is considered a busy hub airport.
  - B. Forecasts predict that Airport operations will increase.
  - C. Extended flight tracks and traffic patterns may extend several miles beyond the Airport boundary.

The notice shall be reviewed and approved by the City Attorney.

Development and use of the site is subject to compliance with all applicable codes and ordinances.

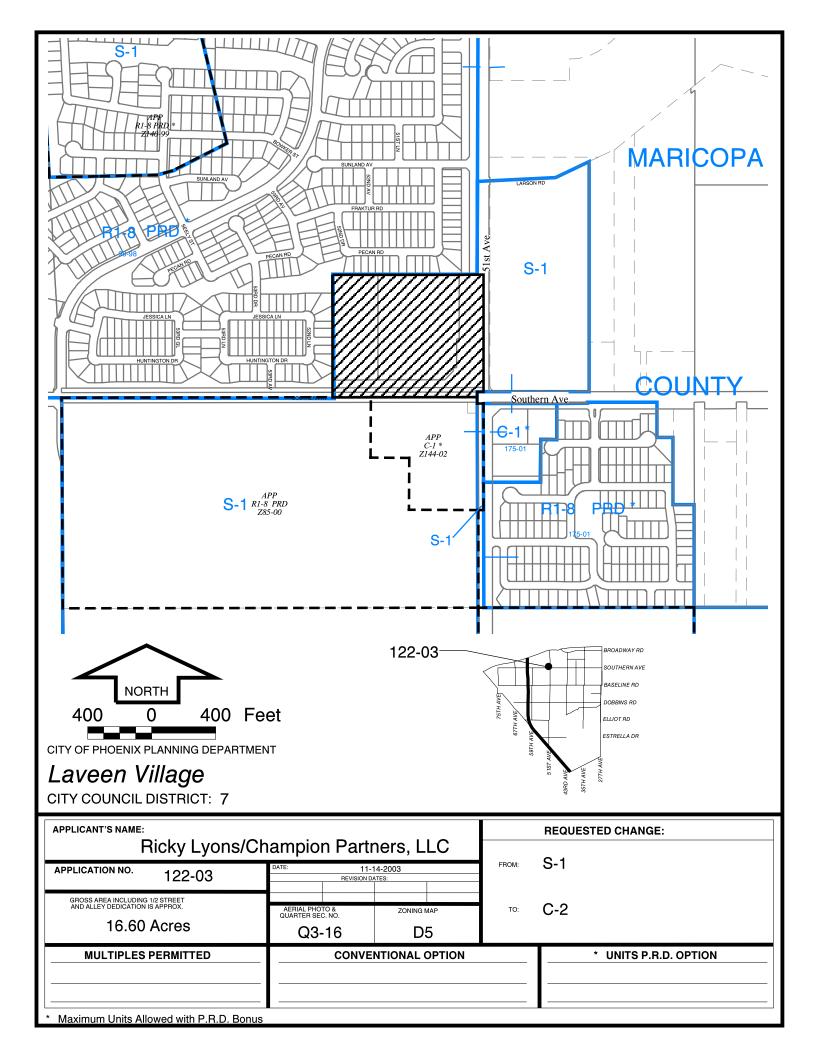
Sincerely,

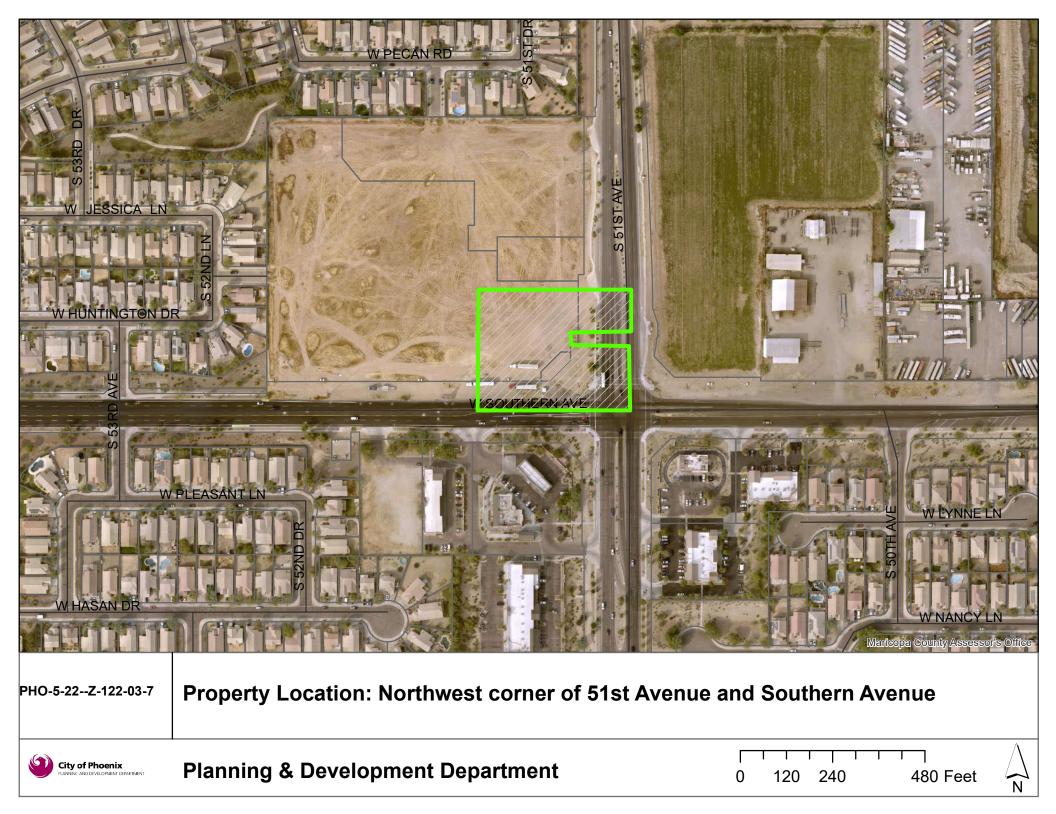
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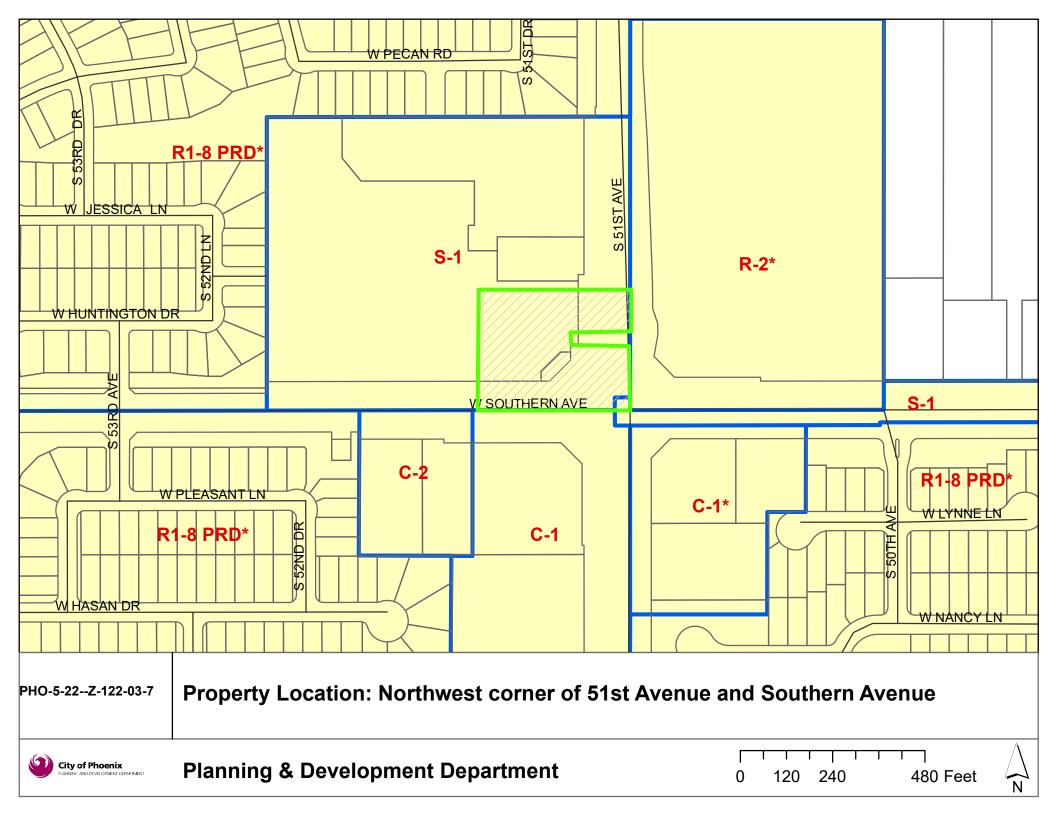
Donna Stevens Planner III

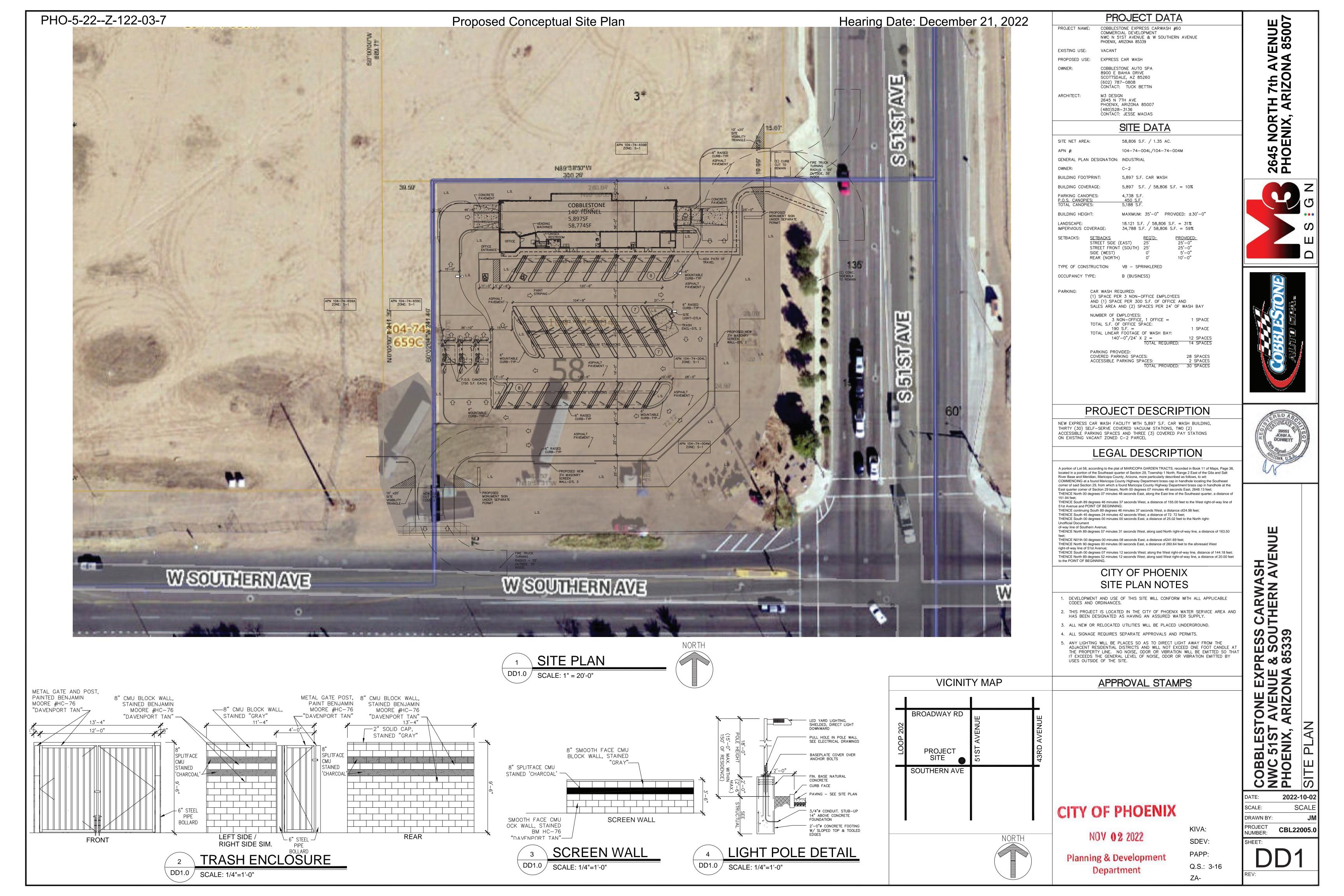
cc: Kelly Walker (Sent electronically) Jay Neville (Sent electronically) Dave Barrier, DSD (Sent electronically) Tom SedImeier (Sent electronically) Book Racelle Escolar (Sent electronically) Shawn Stevens (Sent electronically) Tricia Gomes (Sent electronically) E.J. Hyncik, Public Transit(Sent electronically) Case File

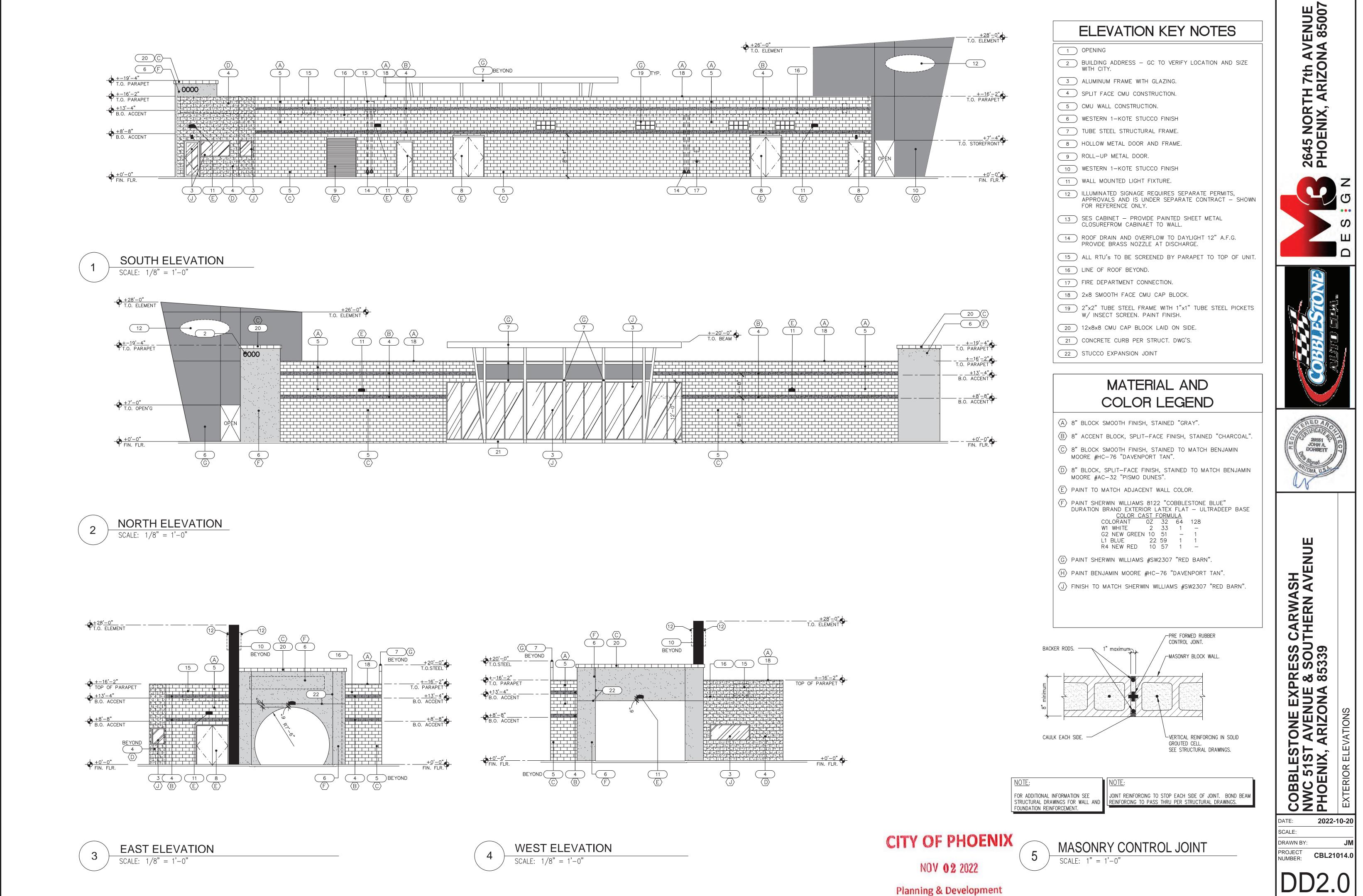
William Allison/Gallagher & Kennedy; 2575 East Camelback Road, Phoenix, AZ 85016









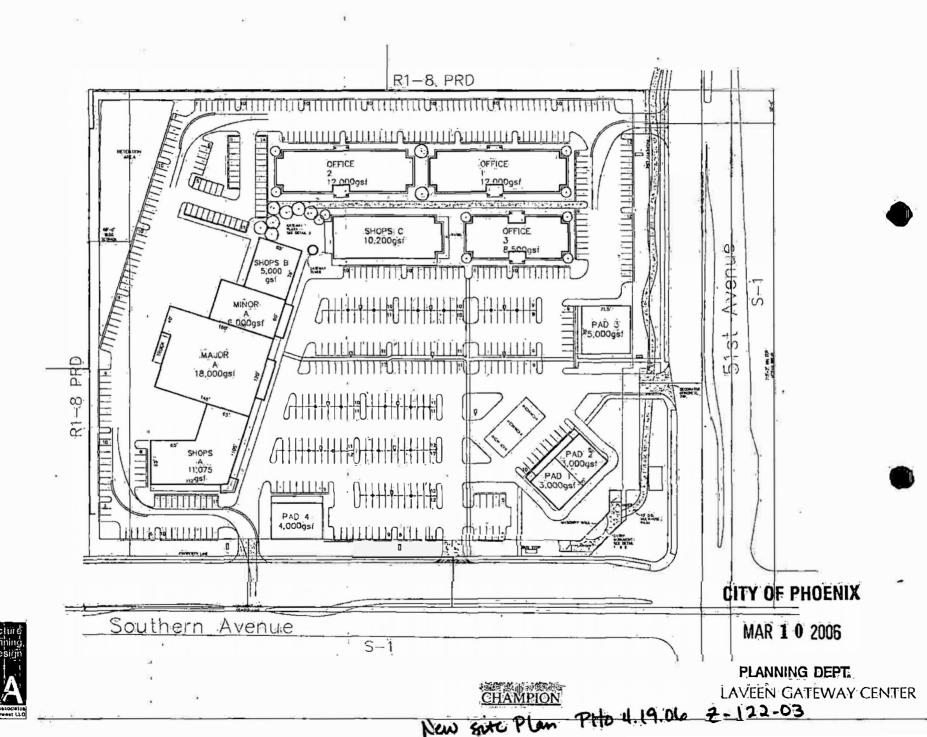


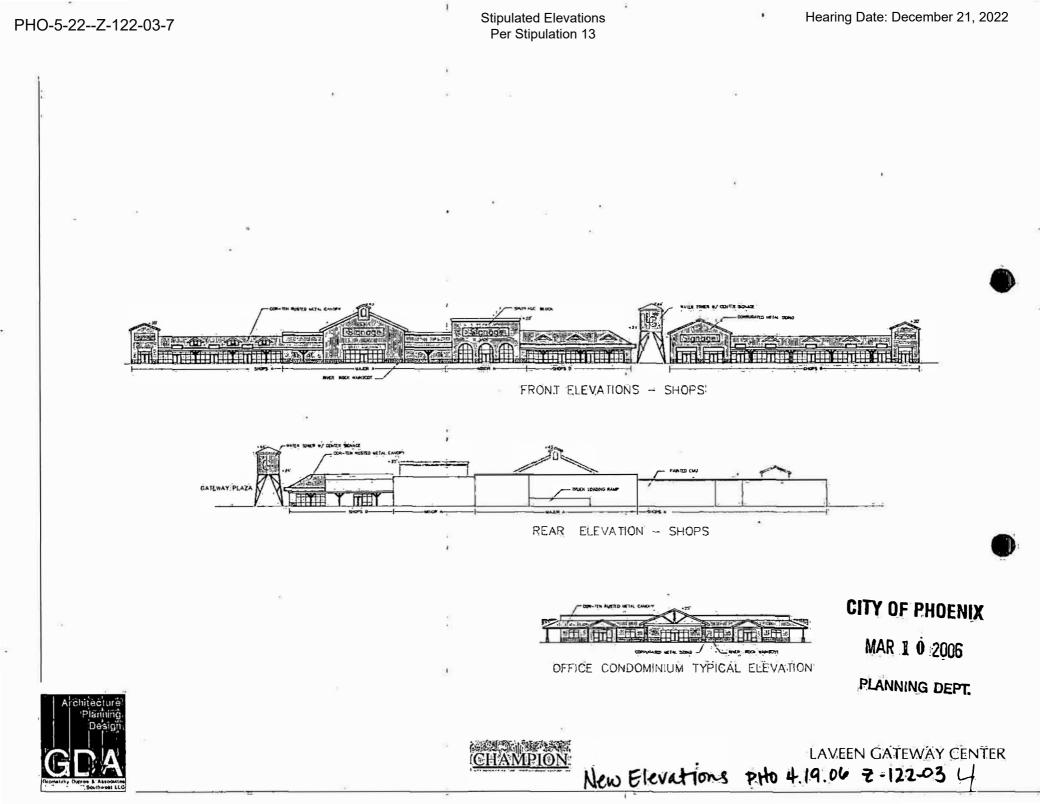




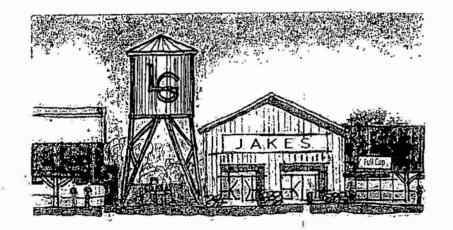
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PROJECT #:

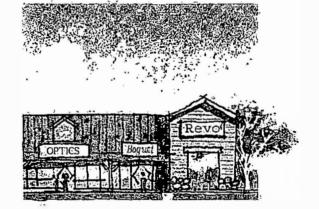




B Associates Southwest LLC



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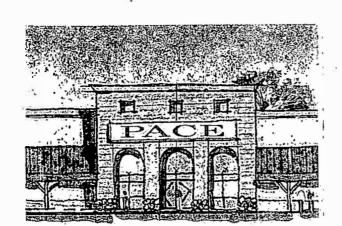
# **CITY OF PHOENIX**

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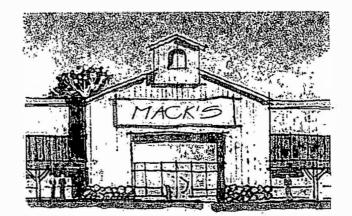
PLANNING: DEPT.

New Elevations Pitor 19.06 2-122-03 ------Laveen Gateway Phoenix, Arizona CHAMPION.

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CITY OF PHOENIX

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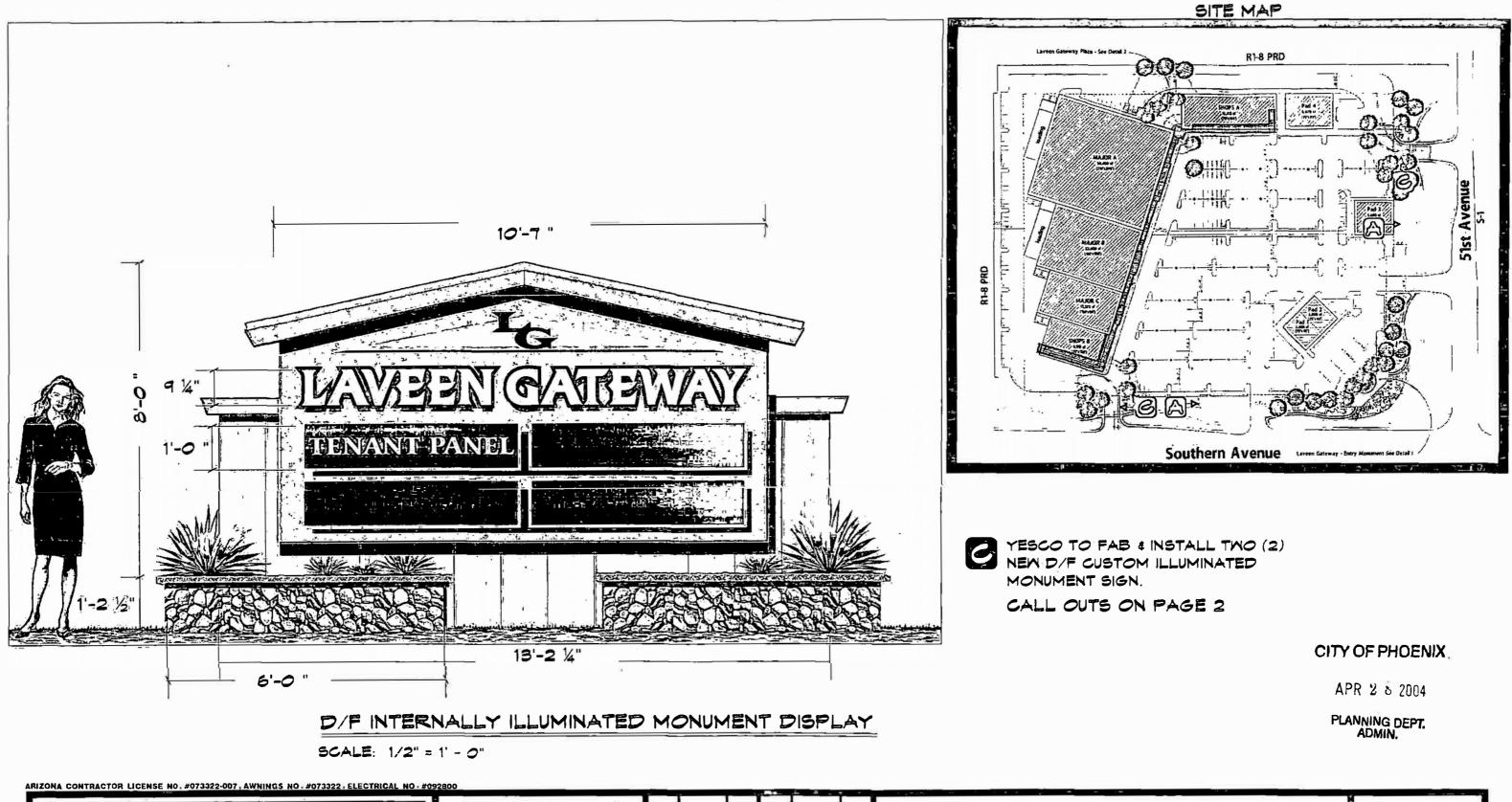
PLANNING DEPT. 6 New Elevations PHO 4.19.06 2-122-03 6

Laveen Gateway Phoenix, Arizona





# Stipulated Signage Conceptual Designs Per Stipulation 23

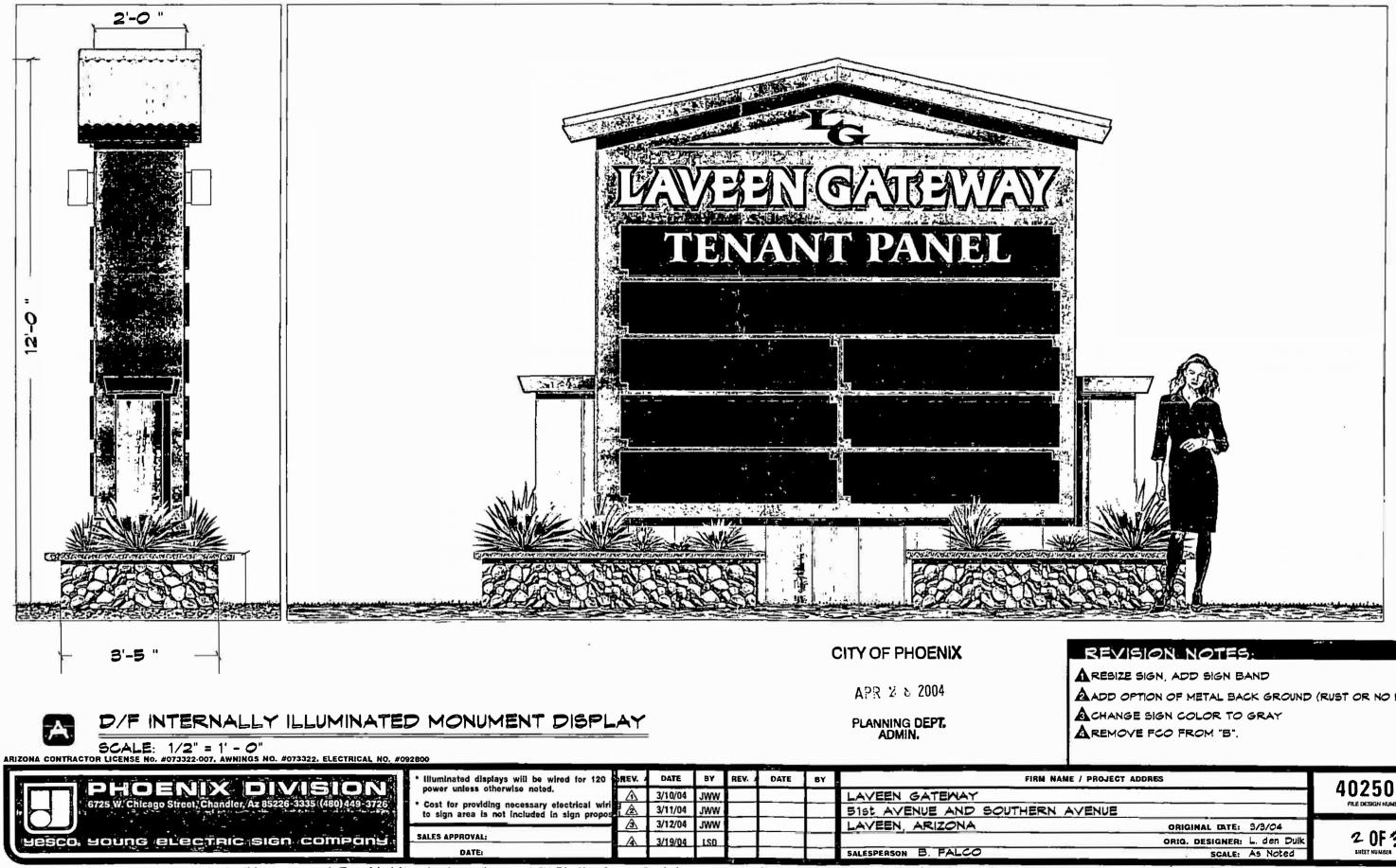


	* Illuminated displays will be wired for 120	REV.	DATE	BY	REV.	DATE	BY	FIRM NAME / PROJECT ADDRES	4025004
	power unless otherwise noted.	A	3/10/04	JWW				LAVEEN GATEWAY	40250R4
	* Cost for providing necessary electrical wiri to sign area is not included in sign propositions	1/2		JWW				51st AVENUE AND SOUTHERN AVENUE	
	SALES APPROVAL:	3		JWW				LAVEEN, ARIZONA ORIGINAL DATE: 3/3/04	1 OF 3
(Electronice lan any the land any any and	DATE:	<u>(A</u> ,	3/1,0/04	42J				SALESPERSON B. FALCO SCALE: A5 Noted	SHEET NUMBER

©This Drawing was created to assist you in visualizing our proposal. The original ideas herein are the proposal.

# Hearing Date: December 21, 2022

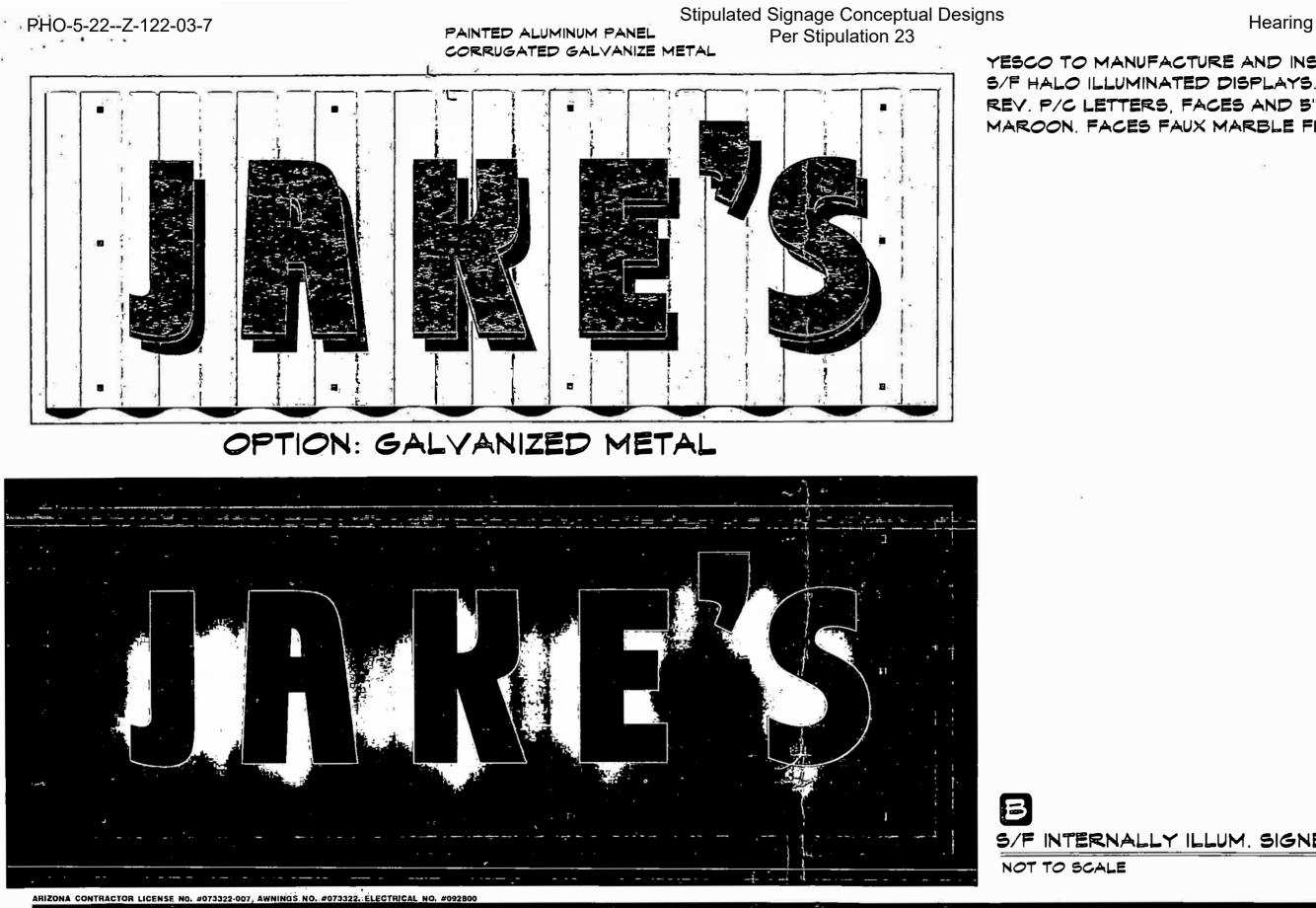
# Stipulated Signage Conceptual Designs Per Stipulation 23



This Drawing was created to assist you in visualizing our proposal. The original ideas herein are the preparty Electric Sign Company Permission to copy or revise this drawing can only be obtained thru a written agreementative or call the nearest officency Electric Sign Co.

ADD OPTION OF METAL BACK GROUND (RUST OR NO RUST).

40250R4
FILE DESIGN NUMBER
2 OF 3
SHEET NUMBER



	* Illuminated displays will be wired for 120	REV.	DATE	8Y	REV.	DATE	BY	FIRM NAME / PROJECT ADDRES	4025004
PHOENIX DIVISION	power unless otherwise noted.		3/10/04	JWW				LAVEEN GATEWAY	40250R4
6725 W. Chicago Street, Chandler, Az 85226 3335 (480) 449 3726	<ul> <li>Cost for providing necessary electrical wiri to sign area is not included in sign proposition</li> </ul>		3/11/04	JWW				51st AVENUE AND SOUTHERN AVENUE	FILE DESIGN NUMBER
		A	3/12/04	JWW		_		LAVEEN, ARIZONA ORIGINAL DATE: 3/3/04	
Jesco, Young electric sign company	SALES APPROVAL:	A	3/19/04	LSD				ORIG. DESIGNER: L. den Duik	3 OF 3
	DATE:							SALESPERSON B. FALCO SCALE: AS Noted	SHEET NUMBER

This Drawing was created to assist you in visualizing our proposal. The original ideas herein are the proposal.

Hearing Date: December 21, 2022

YESCO TO MANUFACTURE AND INSTALL A SERIES OF REV. P/C LETTERS, FACES AND 5" RETURNS PAINTED DARK MAROON, FACES FAUX MARBLE FINISH (TRASH BAG).

# **CITY OF PHOENIX**

APR 2 8 2004

PLANNING DEPT. ADMIN.

# S/F INTERNALLY ILLUM. SIGNBAND DISPLAY

#### May 17, 2006 City Council Minutes

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(May 17, 2006

#### PETITIONS, COMMUNICATIONS AND PUBLIC HEARINGS

MOTION was made by Mr. Lingner SECONDED by Mr. Siebert, that tltems 18 and 19A:H-be-granted as recommended (see individual items listed below for specific action); MOTION CARRIED UNANIMOUSLY

ITE <u>M 18</u>	DISTRICT 5

### MODIFICATION OF STIPULATION REQUEST FOR RATIFICATION OF PLANNING HEARING OFFICER ACTION

The Council heard request to approve the Planning Hearing Officer's recommendation without further hearing by the City Council on this matter taken under advisement by the Planning Hearing Officer on April 5, 2006. It was taken out from under advisement on April 17, 2006.

DISTRICT 5 33RD AVENUE AND STATE AVENUE APPLICANT: JENNA JONES OWNER: JENNA JONES REPRESENTATIVE: BRETT PALMER - MOUNTAIN VIEW HOMES

Application: OS-1-06-5

Request: To construct an off-site constructed dwelling unit. Location: Approximately 85 feet west of the northwest corner of 33rd Avenue and State Avenue (3310 West State Avenue); Acreage: 0.49

The Alhambra Village Planning Committee chose not to review this case.

The Planning Hearing Officer took the case out from under advisement on April 17, 2006, and approved it, subject to stipulations.

- 1. THAT THE DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE TO THE SITE PLAN DATE STAMPED FEBRUARY 23, 2006, AND ELEVATIONS DATE STAMPED APRIL 11, 2006, AS APPROVED OR MODIFIED BY THE DEVELOPMENT SERVICES DEPARTMENT. WITH SPECIFIC REGARD TO:
  - THÉ APPLICANT SHALL PROVIDE ALL ARCHITECTUAL
    ELEMENTS AS ILLUSTRATED ON EXHIBIT A.

#### - 447 -

#### May 17, 2006

DISTRICT 7 51ST AVENUE AND SOUTHERN AVENUE OWNER: LAVEEN COMMONS, LLLP - LAVEEN GATEWAY, LLLP APPLICANT: LAVEEN COMMONS, LLLP - LAVEEN GATEWAY, LLLP REPRESENTATIVE: WILLIAM ALLISON - GALLAGHER & KENNEDY

### 19-G.\_\_\_Application Z-122-03-7

Request: Modification of Stipulation 1 regarding general conformance to the site plan and site development Exhibits 1-3. Modification of Stipulation 13 regarding general conformance to the elevations (Exhibits 4-6).

Location:

Northwest corner of 51st Avenue, and Southern Avenue; Acreage: 16:6

The Planning Hearing Officer recommended approval to modify Stipulation 1 to reflect a site plan date stamped March 10, 2006, approval to modify Stipulation 13 to reflect building elevations date stamped March 10, 2006, and an additional stipulation regarding the landscape plan to be reviewed by the Laveen Village Planning Committee and elevations for the gas station to be administratively reviewed by the Planning Hearing Officer.

#### Site Plan

- That the development shall be intigeneral conformance with the site plan dated MARCH 10, 2006, April 28, 2004, and the site development Exhibits 1 through 3, dated April 28, 2004, as approved or modified by the Development Services Department, with specific regard to size, location and number of pad buildings.
- 2. That all accessory equipment, such as air, water, vacuums, and venting pipes shall be located no closer than 50 feet to public street frontages and residential neighborhoods to minimize potential impacts.

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May 17, 2006

- 3. That the developer shall screen any drive-through/queuing lanes from view of 51st and Southern Avenues and/or residential uses through the incorporation of a landscaped berm, screen wall, or combination of a berm and wall at least 4 feet in height, as approved or modified by the Development Services Department.
- 4. That the developer shall provide a landscape feature incorporating turf and monumentation on the immediate northwest corner of the intersection of 51st and Southern Avenues as approved or modified by the Development Services Department:
- 5. That the developer shall provide primary pedestrian walkways from Southern Avenue and the multi-use trail along 51st Avenue to the commercial buildings, as approved or modified by the Development;Services Department.
- 6. That the developer shall provide a total of four landscaped fingers, one on each side of the two driveway entrances from the shopping center to the Pad 1/Pad 2 gasoline canopy area, that are 7 feet wide, as approved by the Development Services Department. Each of these-landscape areas shall contain one tree in addition to other landscape materials.
- 7. That the developer shall treat all primary pedestrian crossings of vehicular circulation drives with a change of pavement materials (color and texture) to demarcate the pedestrian circulation plan.
- 8. That the developer shall provide a multi-use trail along the west side of 51st Avenue in a manner that complements that multi-use trail north of the subject property and in accordance with adopted City of Phoenix trail standards, as approved by the Parks and Recreation Department.
- That all items for sale, excluding fuel dispensing machines and automatic teller machines, shall be located within buildings or screened from view of public streets.
- 10. That the developer shall provide the following equestrian amenities on site, as approved by the Development Services Department: two hitching rails, and two horse troughs.

May 17, 2006

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- 11. That the landscaped setbacks adjacent to residential development shall include staggered trees planted 20 feet on center with 50% of such trees being a minimum 4-inch caliper, as approved or modified by the Development Services Department.
- 12. That approved plants for the site shall emphasize the agricultural heritage and culture of Laveen and shall include the following, as approved or modified by the Development Services Department: Trees: pecan, Arizona ash, evergreen elm, heritage live oak, sycamore, willow acacia or similar trees. Shrubs: myrtle (true, dwarf or twisted), pomegranate, or similar shrubs. Accents: deer grass, wild sunflowers, or similar accents. Vines: white Lady Banks rose, or similar vines.

#### Building Design

13. That the major buildings on site shall be in general conformance to the conceptual elevations (Exhibits 4-6) dated MARCH 10, 2006, April 28; 2004, including the following elements, all as approved or modified by the Development Services Department:

Four-sided architecture, per the conceptual elevations: A variety of building materials, including a minimum of two of the following materials: native stone, burnt adobe, textured brick, site made textured concrete, split-face block, wood (when shaded), slump block, simulated wood siding, exposed aggregate, corrugated metal or rusted metal roofing.

- Natural and subdued color tones
- Exposed scuppers
- Pitched roof elements

A minimum 10-foot covered walkway, which can create a staggered front facade. Patios, trellises, and recesses may also be used to provide shading and break up building mass.

- 14. That the developer shall paint all transformer and service entry equipment boxes to match buildings or shall screen the boxes; subject to utility company approval.
- 15. That the gasoline station canopy shall incorporate materials and colors that complement the buildings on the site and the developer is strongly encouraged to use a pitched roof with a gable or hipped end on the canopy.

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May 17, 2006

#### Street Improvements

- 16. That the developer shall construct all half-streets adjacent to the site with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping, and other incidentals per plans approved by the Development Services Department. All improvements shall comply with all Americans with Disabilities Act accessibility standards.
- 17. That the developer shall provide right-of-way for, and shall construct, a transit pad (P1262) and a bus shelter (P1261) along Southern Avenue west of 51st Avenue.
- 18. That the developer shall apply for the abandonment of Huntington Drive on the west side of the site.
- 19. That the developer shall complete and submit the Developer Project Information, Form for the Maricopa Association of Governments Transportation Improvement Program to the Street Transportation Department. The U.S. Environmental Protection Agency requires this form to meet clean air quality requirements.

General

2 2 2

- 20. THAT THE DEVELOPER PRESENT A FINAL LANDSCAPE PLAN TO THE LAVEEN VILLAGE FOR REVIEW.
- 21. That light poles shall not exceed 18 feet in height.

.....

- 22. That light from gasoline station canopies shall not exceed 30-foot candles measured at the ground plane.
- That signage on the property shall be in general conformance to
   the conceptual designs (three sheets) dated April 28, 2004, including the following elements, as approved or modified by the Development Services Department:

Ground/monument signs shall incorporate the materials and colors used for the major buildings on site.

Size and height of ground/monument signs shall not exceed those indicated in the above-referenced conceptual designs.

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#### May 1.7, 2006

In conformance to the Phoenix Sign Code, one additional ground sign is allowed on each street frontage to identify the user(s) of the pad building at the immediate corner of the intersection of 51st and Southern Avenues.

Wall signs shall use individual, halo-illuminated letters and numbers.

 24. That the developer shall notify prospective owners/occupants that
 23. the subject development is in proximity to Phoenix Sky Harbor International Airport. The developer shall disclose the following:

- A. The Airport is considered a busy hub airport.
- B. Forecasts predict that Airport operations will increase.
- C. Extended flight tracks and traffic patterns may extend several miles beyond the Airport boundary.

The notice shall be reviewed and approved by the City Attorney.

DISTRICT 8 40TH STREET AND BASELINE ROAD OWNER: CUZICK VAN PELT COMMERCIAL GROUP APPLICANT: VINCE DALKE -ARCHICON; L.C. REPRESENTATIVE: TIM RASNAKE - ARCHICON, L.C.

H. Application: Z-112-04-8

Request: Modification of Stipulation 1:e, regarding Planning Hearing Officer approval of site plan, and elevations prior to preliminary site plan approval with the Development Services Department.

Location:

n: Southwest corner of 40th Street and Baseline Road; Acreage: 4.26

The South Mountain Village Planning Committee reviewed this case on April 11, 2006, and recommended approval of the site plan, and requested a continuance for the elevations to be reviewed at the May 9, 2006 Village Planning Committee meeting.



### REPORT OF PLANNING HEARING OFFICER ACTION Ms. Donna Stevens, Planner III, Hearing Officer Shawn Stevens, Planner I, Assisting

April 19, 2006

ITEM NO: 5

**DISTRICT NO.: 7** 

SUBJECT:

Application #:	Z-122-03-7	
Zoning:	App. C-2	Q.S. 3-16
Location:	Northwest corner of 51st Avenue	and Southern Avenue
Ácreage:	16.6	
Request:	plan and site development Exhibit	
	Modification of stipulation 13 regardle	arding general conformance to the
Applicant:	Laveen Commons, LLLP/Laveen	Gateway LLLP
Owner:	Laveen Commons, LLLP/Laveen	Gateway LLLP
Representative:	William Allison/Gallagher & Kenn	edy

#### ACTIONS:

<u>Planning Hearing Officer Recommendation:</u> The Planning Hearing Officer recommended approval to modify stipulation 1, to reflect site plan date stamped March 10, 2006, approval to modify stipulation 13 to reflect building elevations date stamped March 10, 2006, and additional stipulation regarding the landscape plan to be reviewed by the Laveen VPC and elevations for gas station to be administratively reviewed by the PHO.

<u>Village Planning Committee (VPC) Recommendation</u>: The Laveen Village Planning Committee reviewed this case on April 10, 2006 and recommended approval, subject to a stipulation.

**DISCUSSION:** Bill Allison, 2575 East Camelback Road, was present on behalf of the applicant to request a modified site plan and elevations: He stated there were various changes to the site plan and the elevations were revised to address the preservation agricultural characteristics of the Laveen Village. Mr. Allison mentioned the retention area has been moved to the northwest corner of the property and the smaller pads have been moved towards Southern Avenue. He added the gas station near the intersection has been flipped and the fueling canopy has been oriented to the interior of the site.

Phil Hertel, 4532 West Dobbins Road, stated he supports the request because of less intense commercial uses, however, he requested the landscape plan be brought back to the village for review.

The PHO reviewed the site plan and elevations and mentioned she would like to administratively review the gas station elevations to ensure the building contains four sided architecture. She added the applicant be required to bring the landscape plan

back to the village for review and that Jon Kimoto, Steven Klein, and Phil Hertel be notified when the detailed office elevations are completed.

#### **FINDINGS:**

- 1. The revised elevations contribute to the preservation of agricultural characteristics in the Laveen Village.
- 2. The revised commercial site plan is sensitive to the adjacent residential neighborhood that serves as a gateway to the Laveen Village.

**DECISION:** Approval to modify stipulation 1, to reflect site plan date stamped March 10, 2006, approval to modify stipulation 13 to reflect building elevations date stamped March 10, 2006; and additional stipulation regarding landscape plan to be reviewed by the Laveen VPC and elevations for gas station to be administratively reviewed by the PHO.

### STIPULATIONS:

### SITE PLAN

- That the development shall be in general conformance with the site plan dated MARCH 10, 2006 April-28, 2004, and the site development-Exhibits 1 through 3, dated April-28, 2004, as approved or modified by the Development Services Department, with specific regard to size, location and number of pad buildings.
- That all accessory equipment, such astair, water, vacuums, and venting pipes shall be located no closer than fifty (50) feet to public street frontages and residential neighborhoods to minimize potential impacts.
- 3. That the developer shall screen any drive-through queuing lanes from view of 51st and Southern Avenues and/or residential uses through the incorporation of a landscaped berm, screen wall, or combination of a berm and wall at least four (4) feet in height, as approved or modified by the Development Services Department.
- 4. That the developer shall provide a landscape feature incorporating turf and monumentation on the immediate northwest corner of the intersection of 51st and Southern Avenues as approved or modified by the Development Services Department.
- 5. That the developer shall provide primary pedestrian walkways from Southern Avenue and the multi-use trail along 51st Avenue to the commercial buildings as approved or modified by the Development Services Department.
- 6. That the developer shall provide a total of four (4) landscaped fingers, one on each side of the two (2) driveway entrances from the shopping center to the Pad 1/Pad 2 gasoline canopy area, that are seven (7) feet wide, as approved by the Development Services Department. Each of these landscape areas shall contain one (1) tree in addition to other landscape materials.

- 7. That the developer shall treat all primary pedestrian crossings of vehicular circulation drives with a change of pavement materials (color and texture) to demarcate the pedestrian circulation plan.
- 8. That'the developer shall provide a multi-use trail along the west side of 51st Avenue in a manner that complements that multi-use trail north of the subject property and in accordance with adopted City of Phoenix trail standards, as approved by the Parks and Recreation Department.
- .9. That all items for sale, excluding fuel dispensing machines and automatic tellermachines; shall be located within buildings or screened from view of public streets.
- 10. That the developer shall provide the following equestrian amenities on site; as approved by the Development Services Department: two (2) hitching rails, and two (2) horse troughs.
- 11. That the landscaped setbacks adjacent to residential development shall include staggered trees planted twenty (20) feet on center with fifty percent (50%) of such trees being a minimum four (4) inch caliper, as approved or modified by the Development Services Department.
- 12. That approved plants for the site shall emphasize the agricultural heritage and culture of Laveen and shall include the following, as approved or modified by the Development Services Department: Trees: pecan, Arizona ash, evergreen elm, heritage live oak, sycamore, willow acacia or similar trees. Shrubs: myrtle (true, dwarf or twisted), pomegranate, or similar shrubs. Accents: deer grass, wild sunflowers, or similar accents. Vines: white Lady Banks rose; or similar vines.

#### BUILDING DESIGN

13. That the major buildings on site shall be in general conformance to the conceptual elevations (Exhibits 4-6) dated MARCH 10, 2006 April 28, 2004, including the following elements, all as approved or modified by the Development Services Department:

Four-sided architecture, per the conceptual elevations. A variety of building materials, including a minimum of two (2) of the following materials: native stone, burnt adobe, textured brick, site made textured concrete, split-face block, wood (when shaded), slump block, simulated wood siding, exposed aggregate, corrugated metal or rusted metal roofing.

Natural and subdued color tones; Exposed scuppers; Pitched roof elements;

A minimum ten-foot covered walkway, which can create a staggered front facade. Patios, trellises, and recesses may also be used to provide shading and break up building mass.



- 14. That the developer shall paint all transformer and service entry equipment boxes to match buildings or shall screen the boxes, subject to utility company approval.
- 15. That the gasoline station canopy shall incorporate materials and colors that complement the buildings on the site and the developer is strongly encouraged to use a pitched roof with a gable or hipped end on the canopy.

### STREET IMPROVEMENTS

- 16. That the developer shall construct all half-streets adjacent to the site with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping, and other incidentals per plans approved by the Development Services Department: All improvements shall comply with all ADA accessibility standards.
- 17. That the developer shall provide right-of-way for, and shall construct, a transitional pad (P1262) and a bus shelter (P1261) along Southern Avenue west of 51st Avenue.
- 18. That the developer shall apply for the abandonment of Huntington Drive on the west side of the site.
- 19. That the developer shall complete and submit the Developer Project Information Form for the Maricopa Association of Governments Transportation Improvement Program to the Street Transportation Department. The U.S. Environmental Protection Agency requires this form to meet clean air quality requirements.

## GENERAL

- 20. THAT THE DEVELOPER PRESENT A FINAL LANDSCAPE PLAN TO THE LAVEEN VILLAGE FOR REVIEW.
- 21. 20. That light poles shall not exceed eighteen (18) feet in height.
- 22. 21. That light from gasoline station canopies shall not exceed thirty (30) foot candles measured at the ground plane.
- 23. 22. That signage on the property shall be in general conformance to the conceptual designs (three sheets) dated April 28, 2004, including the following elements, as approved or modified by the Development Services Department:

Ground/monument signs shall incorporate the materials and colors used for the major buildings on site.

Size and height of ground/monument signs shall not exceed those indicated in the above-referenced conceptual designs.

In conformance to the Phoenix Sign Code, one additional ground sign is allowed on each street frontage to identify the user(s) of the pad building at the immediate corner of the intersection of 51st and Southern Avenues.

Wall signs shall use individual, halo-illuminated letters and numbers.

- 24. 23. That the developer shall notify prospective owners/occupants that the subject development is in proximity to Phoenix Sky Harbor International Airport. The developer shall disclose the following:
  - A. The Airport is considered a busy hub airport.
  - B. Forecasts predict that Airport operations will increase.
  - C. Extended flight tracks and traffic patterns may extend several miles beyond the Airport boundary.

The notice shall be reviewed and approved by the City Attorney.

Upon request, this publication will be made available within a reasonable length of time through appropriate auxiliary aids or services to accommodate an individual with a disability. This publication may be made available through the following auxiliary aids or services: large print, Braille, audiotape or computer diskette. Contact Theresa Damiani regarding ADA, 602-262-6368/voice, 602-534-5500 City TTY Relay.

Sierra Vista Homeowner Association Vice President **Pat Wuenschel** stated that she was in favor of the proposal because it is a quiet, low traffic use.

**Mr. Lolly** stated that a CVS pharmacy will be located next door to the planned mini-storage, so **Ms. Leitch's** concerns about a possible shortage of commercial uses is somewhat unfounded. **Mr. Lolly** further stated that there is heavy residential planned around the mini-storage site and that the applicant had done his homework to ensure that a mini-storage use would be appropriate at that location.

Committee member Mark Williams made a motion to approve the case subject to staff's recommended stipulations and the following additional stipulations:

- a. That perimeter fencing shall be view fencing painted to match the main entrance doors as approved or modified by the Development Services Department. The developer is encouraged to use non-stucco and non-CMU materials for the perimeter fence.
- b. That all window framing be painted to match the main entrance doors as approved or modified by the Development Services Department.
- c. That prior to preliminary site plan approval, a lighting plan and signage plan shall be submitted to the Laveen Village Planning Committee.

Committee member Williams motion was seconded by Committee member Michael Norton. Chairman Schlossser requested a roll call vote. The motion carried 6 in favor and 2 opposed, (Committee members Keenan and White opposed).

 Presentation, discussion and possible recommendation on PHO-1-6-Z-122-03-7, a request to modify stipulations of zoning, located at the northwest corner of 51<sup>st</sup> Avenue and Southern Avenue. Presentation by William Allison, Gallagher & Kennedy, PLC. The Planning Hearing Officer (PHO) will consider this request on April 19, 2006.

**William Allison** presenting on behalf of Laveen Commons. Applicant is requesting to change exhibits only, no text. Requesting to replace three elevations to reflect intention to create a community center with office functions and some retail. The gas station use has flipped, with the gas station provider being Shell. The project now has a new architect.

### **Committee Comments:**

Committee member **Don Miller** asked how many square feet the old plan encompassed. **Mr. Allison** stated the site is now 30,000 square feet less than originally planned. Committee member **Mark Williams** stated that he was pleased to find this applicant is staying current on changes to the developing face of Laveen as it grows, and that he is in favor of the project request.

Committee Chair Luke Schlosser stated that the changes to the elevations appear to be for the better.

Committee member Karie Cook asked about the retention area. Mr. Allison stated that the retention area would be landscaped.

Committee member **Mark Williams** asked about delivery truck and trash removal access. **Mr. Allison** responded that most of the deliveries are anticipated to use front access delivery utilizing a hand truck.

Vice Chair **Jessica Theobald** asked if the 2-10-2006 site plan is the most current plan, to which **Mr. Allison** responded in the affirmative.

#### Public Comments:

Laveen resident **Jon Kimoto** stated that this is one of the first major centers visitors will see when entering Laveen and that he supports the project as a result of the appropriate uses and the rural flavor of the buildings.

Laveen resident **Phil Hertel** stated that he would be willing to support the project with three stipulations as follows:

That a detailed exhibit of the elevations of the office product and shop C, including varying the height of the parapet wall at the top of the elevations presented, be brought back to the LVPC and the community for review and comment.

That the elevations of the gas station and canopy be brought back to the LVPC and the community for review and comment.

That a complete landscape package be brought back to the LVPC and the community for review and comment.

LCRD member **Steven Klein** stated that he has some concerns about how traffic is going to flow in and out of the project. **Mr. Klein** commented that the water tower is a nice addition and shows that the process does work. Mr. Klein stated that the changes requested by the applicant are reasonable.

Regarding returning again to the VPC, **Mr. Allison** stated that this may not be necessary, as all the project specs were approved in the original request.

Vice Chair **Jessica Theobald** made a motion to approve as presented with site plan dated 3-10-2006, and that concurrent with or prior to DSD submission, to return to VPC with a comprehensive landscape plan. Committee member **Michael Norton** seconded the motion. The motion carried unanimously, 8 to 0.

6. <u>Presentation, discussion and possible recommendation on PHO-2-6-Z-376-85-7, a request to modify stipulations of zoning, located at the northwest corner of 35<sup>th</sup> Avenue and Southern Avenue. Presentation by William Lolly, <u>Withey, Anderson & Morris, PLC.</u> The Planning Hearing Officer (PHO) will consider this request on April 19, 2006.</u>

**Jason Morris** presenting, stated that this case has come before the Committee 6 times previously. The Champion drain runs along one side of the commercial development. The applicant committed to return to VPC when actual users had been determined. The applicant also requested that the site plan already approved by the Village be updated by the new site plan. The corner user on the previous site plan was a gas station and is now shop space. Mr. **Morris** stated that the requested stipulation changes are only to accommodate the current, updated site plan. The development exhibit is intended to replace some stipulations. Mr. **Morris** also stated that the applicant is unable to accommodate Mr. **Hertel's** request for a larger 58' setback like Wal-Mart has. Committee member **Mark Williams** asked for specifics regarding the setback. Chairman **Luke Schlosser** stated the new site plan looks much better than the previous site plan and asked about users. (Anchor is the Mervyns).

### **Public Comments:**

LCRD member **Steven Klein** expressed concern regarding stipulation #13, stating that he is in favor of deleting this stipulation and replacing it with a different stipulation. **Mr. Klein** asked that the Committee be notified of requests for any further additions or deletions to any of the existing stipulations. **Mr. Klein** also requested that a comprehensive sign and lighting package be returned to the Committee for review and comment. **Mr. Klein** stated that these plans are much more plain than comparable businesses on corners adjacent in the area and that he would like to see the buildings 'dressed up'.

Laveen resident **Jon Kimoto** stated that he would like to see much more quality and detail, especially 'buffering' be more upscale to with regard to standard and quality, and that he would like to see at least 30' of landscaping with three staggered rows of trees. **Mr. Kimoto** stated that this appears to be somewhat of a 'shotgun' approach to development. **Mr. Kimoto** would prefer to see the development with no more than 7 pads, not more pads as requested by the applicant and that there needs to be some connectivity and enhancement of the buffer along the back of the project.