Attachment D

PLEASE RESPOND ELECTRONICALLY TO BRAD WYLAM 2ND FLOOR, 602-256-3322



To: Departments Concerned Date: November 15, 2022

From: Alan Stephenson

Planning & Development Department Director

Subject: P.H.O. APPLICATION NO. PHO-1-22--Z-48-97-2 – 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 22, 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 (Racelle Escolar, Deer Valley Village)

Village Planning Committee Chair (Robert Gubser, Paradise Valley Village)



APPLICATION FOR PLANNING HEARING OFFICER ACTION **APPLICATION NO: PHO-1-22--Z-48-97-2**

Council District: 2

Degreet For							
Reason for Request: Deletion of Stipulation 1 regarding development of a plant nursery within 24 months of City Council's approval. Modification of Stipulation 2 regarding general conformance with the site plan dated April 4, 1997. Technical correction to Stipulation 9.							
20640 North 3: Phoenix AZ 85 (602) 569-6604	aca Properties LLC 20640 North 32nd Street Phoenix AZ 85050 Jenifer Tedrick, SEG L 16910 Dallas Parkway Dallas TX 75248				Representative Jenifer Tedrick, SEG LLC 16910 Dallas Parkway, Suite 200 Dallas TX 75248 P: (214) 396-7756 F: jenifer@azseg.com		
Property Location: Southwest corner of Cave Creek Road and Lone Cactus Drive Zoning Map: N-9 Quarter Section: 42-32 APN: 213-09-010N Acreage: 2.27 Village: Paradise Valley Last Hearing: CC RATIFICATION Previous Opposition: No Date of Original City Council Action: Zoning Vested: C-2 DVAO Supplemental Map No.: 1032 Planning Staff: 066840							
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							
\$1,080.00	\$0.00	10/27/2022	22-009063	Original Filing Fe	е		
Signature of Applicant:					DATE:		
Hearing Results							
Planning Hearing Officer Date: 12/21/2022 1000 AM Appealed?: Action:			Date: Appealed?:	ng Commission		City Council	
				·	_		



Planning Hearing Officer (PHO) Request

Rezoning Stipulation Modification

October 27, 2022

21222 N. Cave Creek Road, Phoenix, AZ 85024 SWC N. Cave Creek Road and E. Lone Cactus Drive (Parcel # 213-09-010N)

Development Team

Owner

JACA Properties, LLC 20640 N. 32nd Street Phoenix, AZ 85050 Attn: Christine Augustine 602-569-6604 jacaprollc@gmail.com

Developer

Desert De Oro

3845 Stockton Hill Road Kingman, AZ 86409 Attn: Mark Lowry 928-377-1315 marklowry@ddofoods.com

Applicant

SEG 8280 E. Gelding Drive, Ste. 101 Scottsdale, AZ 85260 Attn: Jenifer Tedrick (214) 396-7756 jenifer@azSEG.com



I. Background

Sustainability Engineering Group (SEG) (as "Applicant") is applying for to the City of Phoenix Planning Hearing Officer (PHO) to modify zoning stipulations for the property located at 21222 North Cave Creek Road, located on the southwest corner of the intersection of Cave Creek Road and Lone Cactus Drive. The request applies to the entirety of parcel number 213-09-010N, a portion of the southeast quarter of the northeast quarter of Section 22, Township 04 North, Range 03 East. The parcel is not a part of a larger plat or masterplan.

The purpose of this request is to modify zoning stipulations created by a 1997 rezoning case from S-1 to C-2 which permitted a retail plant nursery and garden center. However, the business has since closed, and new nursery tenants are not interested in a parcel of this size or location. Therefore, the building remains vacant. The modifications will allow for the site to be redeveloped for multiple quick service restaurants that will bring added value to the property and dining options to the neighborhood.

II. Existing Conditions and Zoning

The existing parcel is approximately 75,728 square feet (1.738 acres) with frontage to both Cave Creek Road and Lone Cactus Drive. The improvements completed in 1997 for the retail nursery and garden center remain on the site including screening walls and access drives from the abutting streets.

RE-43

S-1

E LONE CACTUS DRIVE

Subject
Property

C-2

S-1

C-2

C-2

Figure 1 – Aerial and Zoning Map of Subject Property

The subject property is primarily zoned C-2 (Intermediate Commercial) with a small portion of the southwest corner zoned S-1 (Ranch or Farm Residential). See zoning map of the area shown in figure 1 above. The surrounding properties are zoned as follow:

• To the north, across Lone Cactus Drive, is a 95-acre City of Phoenix CAP treatment Plant zoned RE-43 (One-Family Residence).



- To the east, across Cave Creek Road, is a parcel of approximately 16.7 acres that has been developed as part of the Central Arizona Project (CAP) canal zoned S-1. To the southeast of the subject property, is a retail center zoned C-2.
- South of the subject property are two lots zoned C-2 and S-1. The property zoned C-2, occupied by a Quick Quack Carwash. To the southwest of the subject property is a residential home zoned S-1.
- To the west is a 1.13-acre property zoned CP/GCP (Commerce Park/General Commercial Park Option).

III. Redevelopment Overview

The purpose of the request is to allow for the redevelopment of the site. The existing building and pavement will be demolished but some improvements, such as screen walls and landscaping abutting Cave Creek Road and Lone Cactus Drive will be preserved.

The property will be developed in two phases, with shared access drives from Lone Cactus Drive and Cave Creek Road. The first phase will be a Whataburger restaurant with a single drive-through lane on the south side of the building on the southern portion of the property. The remainder of the property, on the north side, will be developed at later time. The user has not yet been identified but is anticipated to also be a quick service restaurant and/or retail with a drive-through service lane on the north side of the building. A property lot split is also proposed that will subdivide the north and south phases.

Phase 1:

The first phase will develop approximately 0.99 acres. The Whataburger building will be 3,751 square feet that includes areas for food preparation and indoor dining. The drive-through service lane and pick-up window will wrap the building on the west and south sides. The drive-through will meet all required development standards, including vehicle queuing and screening to adjacent properties.

A total of 32 parking spaces will be constructed (23 spaces required per code) for the Whataburger restaurant. Interior traffic circulation will be provided for visitors and emergency vehicles via the proposed cross-access to Lone Cactus Drive (where the existing driveway will be relocated further west from the intersection), while maintaining the existing access drive to Cave Creek Road that will be utilized with phase 1.

Architectural design and materials will follow typical corporate themes for Whataburger restaurants, which include primarily brick material with metal accent. The building will be oriented so the main entry faces north towards the associated parking that will service this building and a secondary entry with a large storefront facing towards Cave Creek Road.

Landscape improvements are proposed throughout this phase of the property including trees and shrubs along the west, south, and east side of the property. A landscape plan will be submitted through a separate process, which will also include a landscape inventory and salvage plan for this site. The inventory and salvage plan will show native and non-native plant material protected by code within the Lone Cactus Drive and Cave Creek Road right-of-way abutting the property.



The site will be lighted to provide safety and visibility for clientele but will not create a spillover into adjacent streets or adjacent properties. Lighting will be provided throughout by both pole-mounted lights in the parking lot and drive aisles, and wall-mounted lights on the building. Wall-mounted lighting will match the corporate themes and materials for Whataburger. Pole-mounted lighting will use a modern and efficient design to minimize overflow. Additionally, any lighting used on the south and west side of the drive-through will be back shielded as required by the stipulations of the variance/use permit.

Phase 2:

The northern portion of the property, approximately 0.75 acres, will be a future redevelopment phase of the overall subject property. It is anticipated that this portion of the property will be either a retail or quick service restaurant. The proposed site plan shows a 3,087 square foot building with a drivethrough service lane wrapping the east and north side of the building.

Any site planning and entitlement applications for this future phase and proposed improvements will require a separate application. This request to modify rezoning stipulations will allow the northern portion of the property to be developed when a user is identified and future action or modification to stipulations by the PHO will not be necessary.

Based on the anticipated building size, a total of 26 parking spaces are proposed. Phase 2 will include interior traffic circulation and will connect to the access drive to Lone Cactus Drive (to be constructed with Phase 1) and cross-access to the drive on Cave Creek Road.

Building elevations for Phase 2 have not been designed. However, architectural design and materials are anticipated to be complementary to the Whataburger building built with phase 1. Landscape is also not determined at this time but will be provided at the time of phase 2 construction, which will require similar landscape improvements as completed in the first phase, including a separate landscape plan review that includes an inventory and salvage plan.

IV. Request for Modification to Stipulations

As previously stated, the purpose of this request is to modify stipulations related to rezoning of the property in 1997 to allow the development of a plant nursery and garden center. The building and associated improvement constructed for this use are now vacant and redevelopment is needed to maximize the property's value. The information cited below are the existing stipulations (related to case 48-97-2), and proposed modifications for each of the stipulations necessary for the proposed redevelopment of the property.

That the approval be conditioned on the development of the site as a plant nursery within 24
months of City Council's approval of the zone change in accordance with Section 506.B.1 of
the Zoning Ordinance and that the zoning does not vest until final site plan approval by the
Development Services Department.



- 2. That the site be developed in general conformance with the site plan submitted in support of the rezoning application dated April 4, 1997 October 27, 2022, except as may be modified to incorporate the stipulations and the requirement of the Development Services Department.
- 3. That a minimum 6' high concrete block or masonry fence incorporating decorative detailing and high quality finished surfaces be constructed along the southerly and westerly property lines.
- 4. That a maximum 3' high concrete or masonry fence, with wrought iron view fence above that incorporating decorative detailing and high quality finished surfaces be constructed along the easterly and northerly property lines abutting Cave Creek Road and Lone Cactus Road.
- 5. That the aforementioned walls/fences and the architectural detailing of the building(s), signage and lighting and other site plan features be coordinated to present a high quality image consistent with commerce park/ business park standards.
- 6. That the enhanced landscaping be undertaken along the Cave Creek Road side of the property within the setback area and within the landscaped portion of the Cave Creek Road right-of way.
- 7. That the area shown as bulk storage and deliveries be landscaped and screened from external views of the property so that it does not detract from the visual qualities of the property.
- 8. That on-site lighting be reviewed to ensure that it does not disturb neighboring properties.
- 9. That the Cave Creek half road be constructed, asphalted, curbed and landscaped across the frontage of the property as approved by the Development Services Department.

V. Rationale for Modifications

This request to modify the stipulations are straightforward and do not impact the integrity of the stipulations or rezoning case. The modification will only allow remove the restriction of the site only being used for a plant nursery and allow the site to be redevelopment as shown in the revised site plan. The other stipulations, which require enhancements to the site or building to protect public health and safety, are not proposed to be modified.

The proposed redevelopment will bring new life to a site that has a building and improvements that have reached their end of life. Additionally, the use restrictions placed on the property 25 years ago did not anticipate big box stores that offer landscaping materials that ultimately compete with smaller landscape business. This site is near two national chain home improvement stores that provide offer similar services as the former plant nursery. Removing the use restriction and allowing the redevelopment of the site, will limit the property from becoming a blight in the neighborhood.

Furthermore, the proposed improvements will not have a detrimental impact on the public or surrounding property. Rather the new improvements will be beneficial to the citizens and are compatible with neighboring development. Additionally, this project will meet current City of Phoenix ordinances and design guidelines, in addition to stipulations related to approved variance/use permit.





July 12, 1997

Winner of the Carl Bertelsman Prize



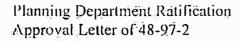
Willene Weaver 7802 North 21st Lane Phoenix AZ-85024

Dear Applicant:

RE: 48-97-2

Please be advised that the Phoenix City Council, in accordance with the provisions of Section 506.B.4 of the Zoning Ordinance, as amended, has on July 2, 1997, concurred in the recommendation of the Planning Commission and Zoning Hearing Officer and has ratified Application 48-97-2 for rezoning from S-1 to C-2, on approximately 2:26 acres located at the southwest corner of Cave Creek Road and Lone Cactus Drive, subject to the following stipulations:

- Del
- That the approval be conditioned on the development of the site as a plant nursery within 24 months of City Council's approval of the zone change in accordance with Section 506.B.1 of the Zoning Ordinance and that the zoning not vest until final site plan approval by the Development Services Department.
- Mod
- That the site be developed in general conformance with the site plan submitted in support of the rezoning application dated April 4, 1997, except as may be modified to incorporate the stipulations and the requirements of the Development Services Department.
- 3. That a minimum 6' high concrete block or masonry fence incorporating decorative detailing and high quality finished surfaces be constructed along the southerly and westerly property lines.
- 4. That a maximum 3' high concrete or masonry fence, with wrought iron view fence above that incorporating decorative detailing and high quality finished surfaces be constructed along the easterly and northerly property lines abutting Cave Creek Road and Lone Cactus Road.
- 5. That the aforementioned walls/fences and the architectural detailing of the building(s), signage and lighting and other site plan features be coordinated to present a high quality image consistent with commerce park/business park standards.
- 6. That enhanced landscaping be undertaken along the Cave Creek Road side of the property within the setback area and within the landscaped portion of the Cave Greek Road right-of-way.



- 7. That the area shown as bulk storage and deliveries be landscaped and screened from external views of the property so that it does not detract from the visual qualities of the property.
- 8. That on-site lighting be reviewed to:ensure that it does not disturb neighboring properties.

TC That the Cave Creek half road be constructed, asphalted, curbed and landscaped across the frontage of the property as approved by the Development Services Department.

Sincerely,

Mark A. Steele Principal Planner

MAS:vet:zho\rat\48972.w61

City Clerk c:

Vesting Planner

Victor Morrison-Vega, NSD

Ben Leonard, Public Transit

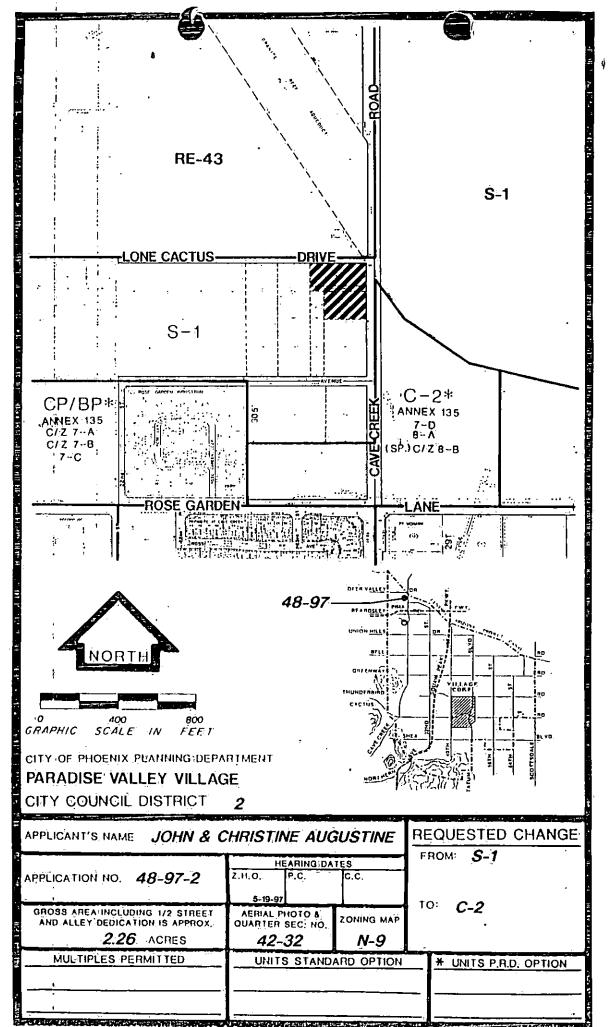
Randy Watson

Bob Luxton, Sign Enforcement.

Kelly Zak, Site Planning

Rick Doell, Building Safety

John and Christine Augustine, 2744 East Utopia Road, Phoenix AZ 85024



* MAXIMUM UNITS, ALLOWED WITH, P.R.D., BONUS

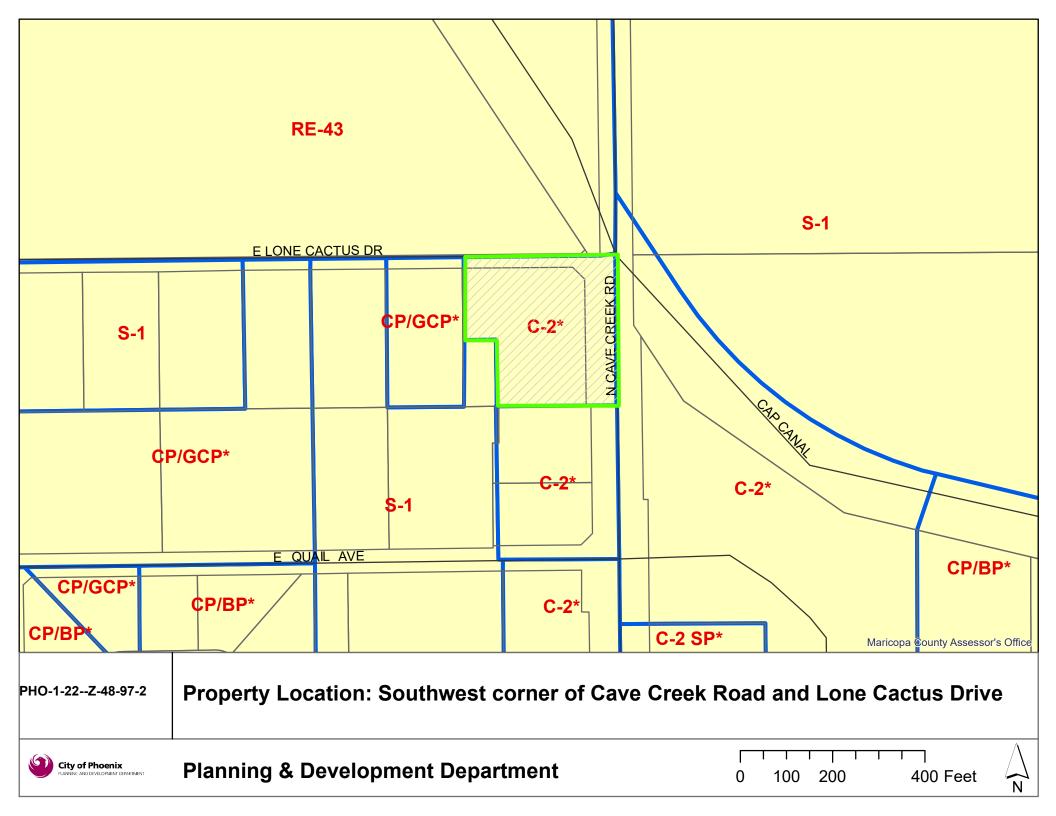


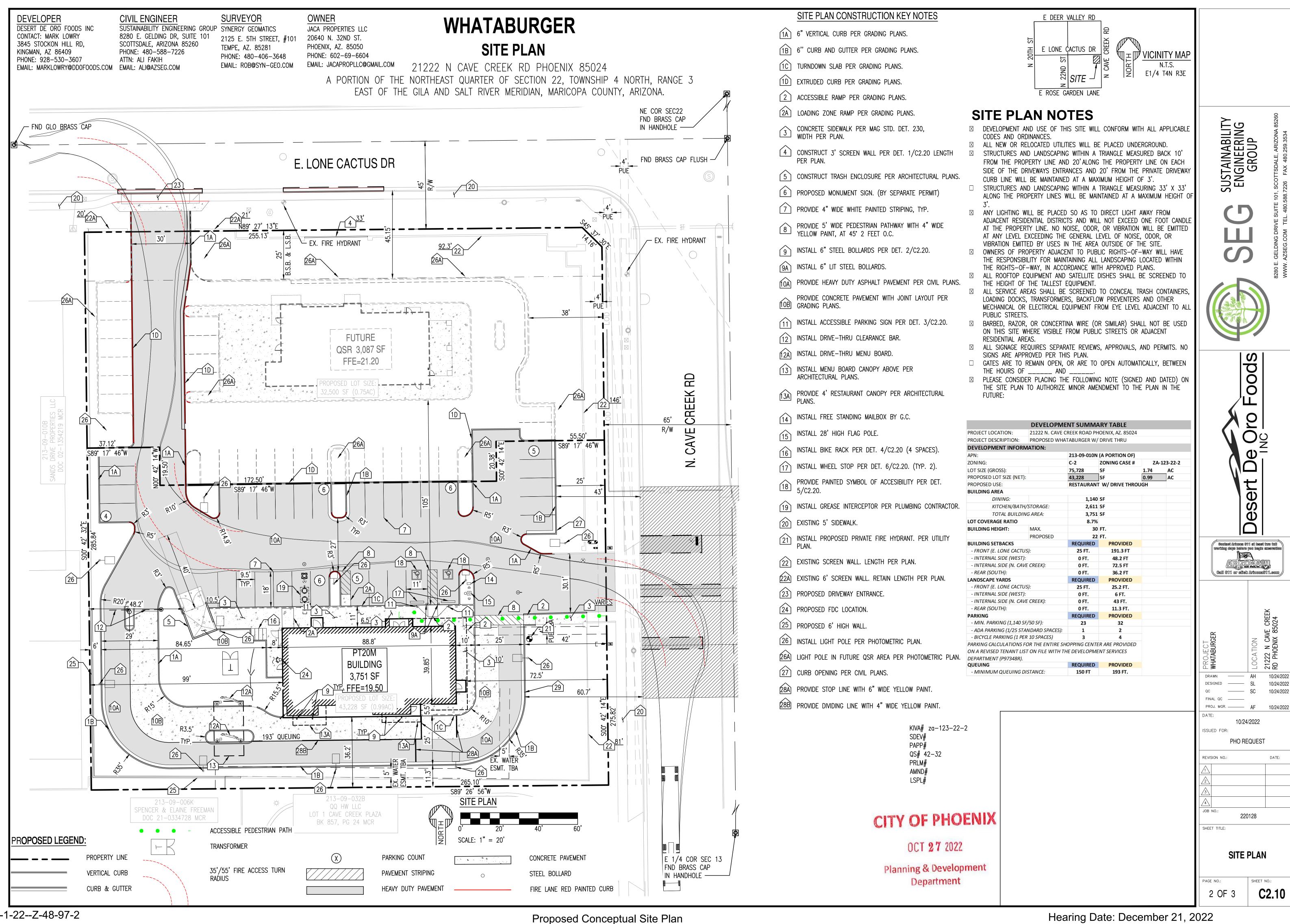
PHO-1-22--Z-48-97-2

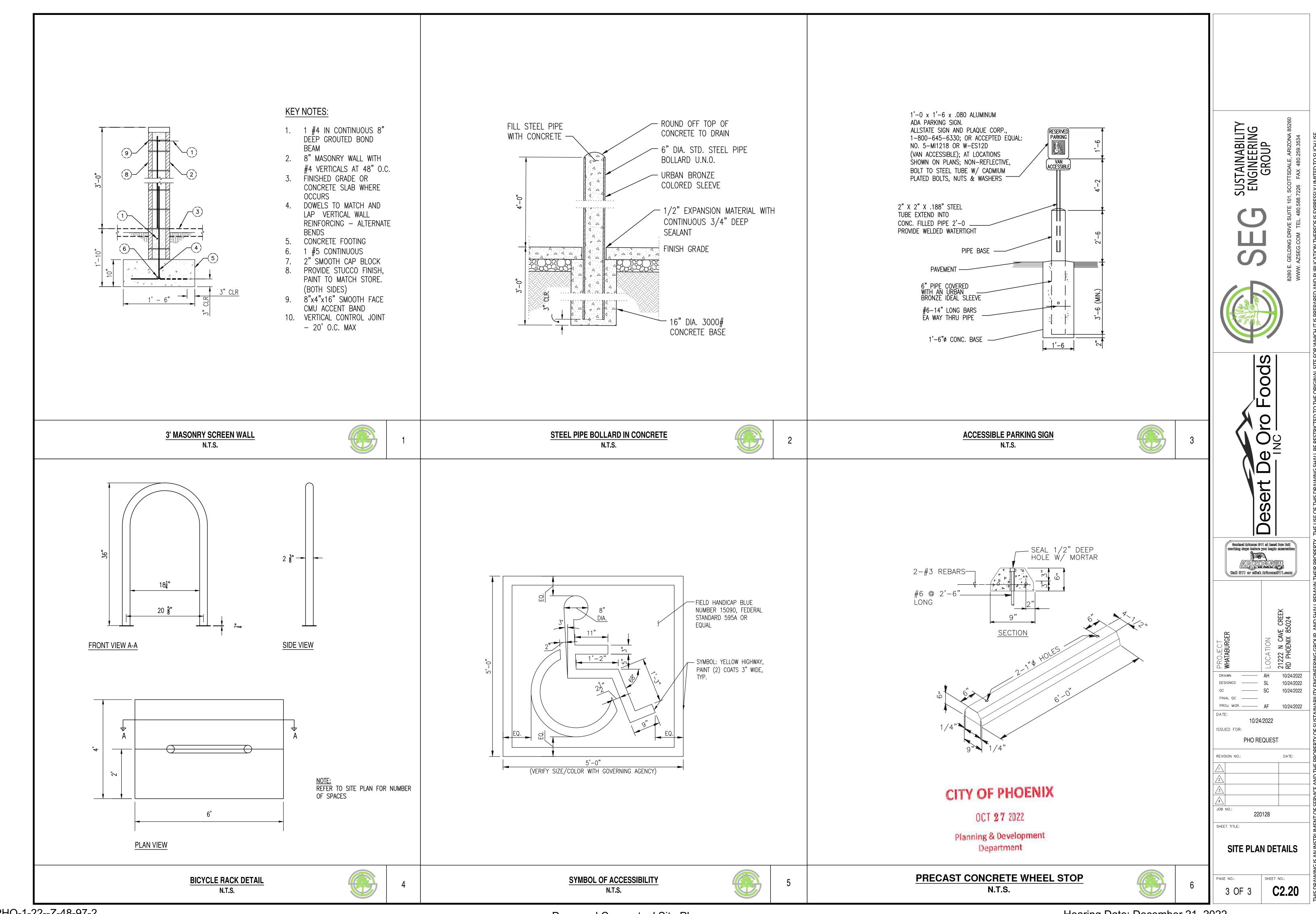
Property Location: Southwest corner of Cave Creek Road and Lone Cactus Drive

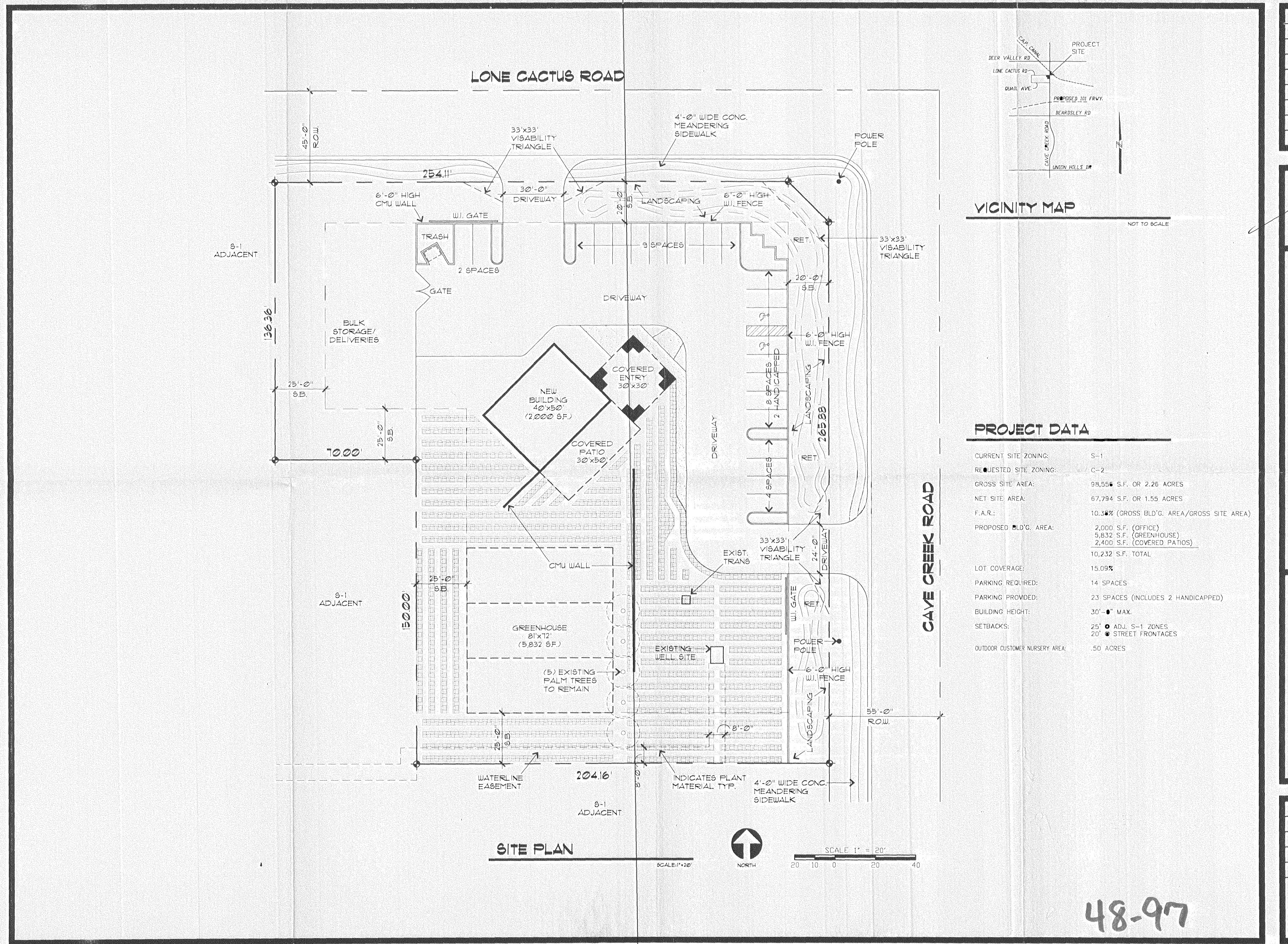


0 100 200 400 Feet









REVISIONS



ARCHITECTURE PLANNING
PASS EAST QUAIL AVENUE
PHOENIX, ARIZONA 85024
FORMARIZONA 85024

DRAWN
DRJ

CHECKED
JM

DATE
4-4-97

SCALE
1'-20'

JOB NO.
DESERT TREE

SHEET

July 2, 1997

PETITIONS, COMMUNICATIONS, AND PUBLIC HEARINGS

MOTION was made by Mr. Nelson, <u>SECONDED</u> by Mr. Williams, that Items 28A and B, 29A and B, 31A-E, and 32A and B be granted as recommended by the Planning Commission. <u>MOTION CARRIED UNANIMOUSLY</u>.

ITEM 28

DISTRICTS 2 AND 6 -ZONING CASES FOR RATIFICATION OF PLANNING COMMISSION ACTION - F-2700

The Council heard request to approve recommendations made on the following zoning matters which were heard by the Zoning Hearing Officer on June 2, 1997. The cases were ratified by the Planning Commission on June 10, 1997.

DISTRICT 6 -OWNER: SCHOOL DISTRICT #38 REPRESENTATIVE: CLIFF NORDYKE

A. Special Permit 17-97-7: Request to allow a cellular communication monopole/ communication array/elementary school and related school activities on approximately 0.18 acre located at approximately 834 feet east of 16th Street, 759 feet north of Missouri Avenue. Existing zoning is R1-6.

The Camelback East Village Planning Committee reviewed this request at their May 6, 1997, meeting and recommended denial.

The Planning Commission concurred with the Zoning Hearing Officer and recommended this request be withdrawn.

Item 28A was withdrawn as recommended by the Planning Commission.

DISTRICT 2 OWNER: CHAPARRAL
LEASING, INC.
REPRESENTATIVE: ALLEN
GARRISON

B. Application 54-97-2: Request to rezone a parcel located at approximately 225 feet west of Cave Creek Road, and 205 feet south of Union Hills Drive (approximately 0.146 acre) from R-4A to C-3. (Proposed Use: Veterinarian office).

The Paradise Valley Village Planning Committee reviewed this application at their meeting on May 5, 1997, and recommended that it be approved, subject to stipulations (12-1).

The Planning Commission concurred with the Zoning Hearing Officer and recommended this request be approved, subject to stipulations.

<u>ITEM 29</u>

DISTRICTS 2 AND 7 -ZONING CASES FOR RATIFICATION OF PLANNING COMMISSION ACTION - F-2700

The Council heard request to approve recommendations made on the following zoning matters which were heard by the Zoning Hearing Officer on May 19, 1997. The cases were ratified by the Planning Commission on June 10, 1997.

DISTRICT 2 - OWNER: WILLENE WEAVER REPRESENTATIVE: JOHN AND CHRISTINE AUGUSTINE

A. Application 48-97-2: Request to rezone a parcel located at the southwest corner of Cave Creek Road and Lone Cactus Drive (approximately 2.26 acres) from S-1 to C-2. (Proposed Use: Retail plant nursery and garden center).

The Paradise Valley Village Planning Committee reviewed this application at their meeting on May 5, 1997, and recommended approval.

The Planning Commission concurred with the Zoning Hearing Officer and recommended this request be approved, subject to modified stipulations.

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CITY OF PHOENIX

4 p.m. Briefing Session Hearing Room C City Hall

1998 JUL 20 PM 2: 20

CITY CLERK DEPT.

200 West Washington Street

June 10, 1997

Commission

Staff

Mike Bielecki Virgil Berry, Jr. Robert Frank Sandra Ferniza Morris Stein David Richert Mark Steele Bill Allison Richard Clewis Carol Johnson

I. RATIFICATION OF ZHO AGENDA ITEMS OF MAY 19, 1997 AND JUNE 2, 1997.

May 19, 1997

The recommendations made by the Zoning Hearing Officer for May 19, 1997, were put to a vote. Application Nos. 42-97-3 and 45-97-1 were appealed. Application No. 40-97-7 was forwarded to the 7 p.m. agenda. Application Nos. 48-97-2 and 47-97-7 were ratified.

June 2.1997

The recommendations made by the Zoning Hearing Officer for June 2, 1997 were put to a vote. Application No. 56-97-2 was appealed. Application No. 51-97-4 was forwarded to the July 9, 1997 hearing. Application Nos. SP-17-97-6 (a withdrawal) and 54-97-2 were ratified.

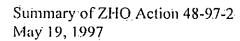
II. DISCUSSION AND POSSIBLE RECOMMENDATION

A. Presentation of results of survey on guest house/accessory living unit regulations, and request for direction on scope of pending guest house text amendment.

Ms. Johnson explained at the present time, the city allows guest homes and servant quarters only in the largest lot residential districts of the RE-43 and the RE-35 zone. Many other municipalities require a use permit regardless of the underlying zoning district as long as there is a minimum lot size of 10,000 square feet. Other municipalities do it through spacing requirements. However, most of them have a maximum size of 800 square feet and no more than two bedrooms for the accessory unit. Therefore, staff is requesting some direction from the Planning Commission as to how broad or how narrow of a scope they would like to have this issue addressed.

Chairman Bielecki said Councilman Tribken reported that the number of units between census counts in District 4 had gone up by 2,000, and that the population had increased by 25,000. Is this reflective of the city not effectively being able to regulate these accessory living units.

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SUMMARY OF ZONING HEARING OFFICER May 19, 1997

ITEM NO.: 4

DISTRICT NO: 2

48-97-2

SUBJECT

Application:

Location: Southwest corner of Cave Creek Road and Lone

Cactus Drive (approximately 2.26 acres)

Reguest: Rezone from S-1 to C-2

Proposed Use: Retail plant nursery and garden center

ACTIONS

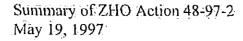
Zoning Hearing Officer Recommendation: It is recommended this request be approved, subject to modified stipulations.

<u>Staff Recommendation</u>: It is recommended this request be approved, subject to stipulations.

<u>Village Planning Committee Recommendation</u>: The Paradise Valley Village Planning Committee reviewed this application at their meeting on May 5, 1997, and recommended approval.

Z.H.O. HEARING HIGHLIGHTS

Staff - Mr. Powers stated that this request seeks approval of C-2 zoning to establish a retail plant nursery and outdoor garden center. The site is located in a area that had its' General Plan Land Use designation of Industrial confirmed through a 1994 General Plan Amendment. While the requested C-2 zoning is not consistent with that designation, staff does not believe that the application will be precedent setting. The subject site is also located immediately south of the Cave Creek Road Scenic Corridor. Staff's recommended stipulations of approval seek to ensure that on-site development achieves a Commerce Park standard of appearance and recognizes the Scenic Corridor to the north by providing enhanced landscaping within the right-of-way.



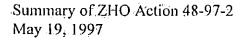
Applicant - John Augustine stated that he agrees with the staff's recommendation. However, he noted concerns regarding development of the site within 24 months (Stipulation #1). He also stated that he is uncomfortable with Stipulation #9, largely in part due to the lack of guidance on the Streets and Transportation Department's behalf. They have not attended meetings and he is unsure of what kind of commitment they are expecting. He requested that the stipulations be modified.

ZHO. - Mr. Doug Jorden stated that Mr. Augustine's request was fair and he would modify Stipulation#9, that the Cave Creek half road be constructed, asphalted, curbed and landscaped across the frontage of the property as approved by the Development Services Department.

Mr. Powers clarified the 24-month development of site stipulation, by explaining that they only need to pull a permit within 24 months and the permit is good for six-months. A six month extension can be obtained depending on the circumstances.

FINDINGS:

- A rezoning request for G-2 zoning is not consistent with the Industrial land use designation in the General Plan but an amendment is not required due to the small size of the site.
- Although a retail plant nursery and outdoor garden center is a commercial use, it would be permitted in an A-1 Light Industrial zone, which would be consistent with the General Plan designation. It is not however, desirable to rezone the site to A-1 because of the range of industrial uses and the development standards that would be permitted in an A-1 zone when it is hoped that this area will achieve commerce park/business park qualities.
- Although from a purely practical standpoint the use may fit well on the site and in the location, from a land use policy perspective it raises an important policy issue. Even though the proposal is for a retail plant nursery and outdoor garden center, the C-2 zone would permit a wide range of commercial uses including retail stores, business uses, restaurants, bars and cocktails lounges which may not be desirable in this location. Rezoning the property for commercial uses could set a precedent that could lead to other applications for commercial rezonings resulting in commercial strip development along Cave Creek Road. The development of the property for commercial uses could also potentially have an impact on the development of the site and surrounding lands for industrial uses consistent with the General Plan.
- 4. It is appropriate to address a number of site plan matters related to external improvements and to make provision for the image of the site to meet commerce park/business park standards, to make the transition to the Gave Creek Scenic Corridor and to buffer abutting, residential properties.



- 8. That on-site lighting be reviewed to ensure that it does not disturb neighboring properties.
- 9. That the Cave Creek half road be constructed, asphalted, curbed and landscaped across the frontage of the property as approved by the Development Services Department.

Zoning Hearing Officer

Data

Date

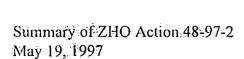
The Zoning Hearing Officer attests to the finding of facts, recommendation, and any stipulations resulting from the Zoning Hearing Officer hearing.

Upon request, this publication will be made available within a reasonable tength 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, 262-6368/v or 534-5500 TDD.

RSP/THE:vet:48972.w61

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RECOMMENDATION:

It is recommended that the application be approved, with stipulations. Stipulations are recommended to ensure that on-site development achieves a commerce park/business park standard, but does not look like commercial strip development and provides a transition to the Cave Creek Scenic Corridor.

STIPULATIONS:

- That the approval be conditioned on the development of the site as a plant nursery within 24 months of City Council's approval of the zone change in accordance with Section 506.B.1 of the Zoning Ordinance and that the zoning not vest until final site plan approval by the Development Services Department.
- 2. That the site be developed in general conformance with the site plan submitted in support of the rezoning application dated April 4, 1997, except as may be modified to incorporate the stipulations and the requirements of the Development Services Department.
- 3. That a minimum 6 high concrete block or masonry fence incorporating decorative detailing and high quality finished surfaces be constructed along the southerly and westerly property lines.
- That a maximum 3' high concrete or masonry fence, with wrought iron view fence above that incorporating decorative detailing and high quality finished surfaces be constructed along the easterly and northerly property lines abutting Cave Creek Road and Lone Cactus Road.
- That the aforementioned walls/fences and the architectural detailing of the building(s), signage and lighting and other site plan features be coordinated to present a high quality image consistent with commerce park/business/park standards.
- That enhanced landscaping be undertaken along the Cave Creek Road side of the property within the setback area and within the landscaped portion of the Cave Creek Road right-of-way:
- 7. That the area shown as bulk storage and deliveries be landscaped and screened from external views of the property so that it does not detract from the visual qualities of the property.

motion stated, "That this issue not be heard by the Village Planning Committee and to ask the Planning Commission to postpone their vote until this issue could be heard again by the P.V. Village after the appropriate neighborhoods are notified by mail and all other channels used in the planning process. This motion was seconded and passed unanimously. See attached letter.

- d. 3-97-2 An application from zone change from S-1 to C-2 to permit a car wash on approximately 2 acres on the NEC of an extension of Union Hills and Tatum Boulevard. David Schwikert applicant.
- *5. Review, discussion and possible action on the following new zoning cases:
 - a. 48-97-2

 Site specific zone change application. S-1 (Suburban Ranch or Farm Residential) to C-2 (Intermediate Commercial) to permit an outdoor plant nursery and garden center on the southwest corner of Lone Cactus Road and Cave Creek Road (near the water treatment plant and CAP canal) on a 2.26 acre site. John and Christine Augustine applicants.

Motion was made by Mike Sklar to investigate a C-1 rating with a use permit for this application. If the applicant could not operate his business with this zoning then a zoning of C-2 would be granted. Seconded by Brian Kunkel. Passed one no vote - Shriver.

b. 03-97 City-wide zoning ordinance Text Amendment. Amendment to permit outside storage racks for the sale of pre-filled propane gas barbecue cylinders in C-1 (Neighborhood Retail), C-2 (Intermediate Commercial) and C-3 (General Commercial) zoning districts.

AmeriGas L.P. applicant.

Motion was made to table this amendment until more data could be brought forward and researched. Seconded.

Passed unanimously.

c. 04-97 City-wide zoning ordinance text amendment. Drive-through facilities in C-1 (Neighborhood Commercial) and C-2 (Intermediate Commercial) zoning districts. Initiated by the City of Phoenix Planning Commission. Paul Kelly.

A motion was made to approve this Text Amendment as presented -- seconded. This motion was approved.