



Village Planning Committee Meeting Summary

PHO-1-20—Z-62-02-7

Date of VPC Meeting	July 13, 2020
Planning Hearing Officer	July 15, 2020
Hearing Date	
Request	<ol style="list-style-type: none">1) Modification of Stipulation 1 regarding general conformance with the site plan dated August 20, 2002;2) Planning Hearing Officer review and approval of site plan and elevations per Stipulation 3;3) Deletion of Stipulation 16 regarding a shade protected walkway along building walls with customer entrances;4) Modification of Stipulation 23 regarding canopy height;5) Presentation of commercial development plans to the Laveen Village Planning Committee for comment per Stipulation 29;6) Technical corrections to Stipulations 8, 11, 14, 15, and 22.
Location	Northeast corner of 59th Avenue and Dobbins Road
VPC Recommendation	Denied
VPC Vote	6-2

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

Sofia Mastikhina, staff, provided a brief overview of the request, noting the location of the project, describing its surrounding areas, and presented the requested modifications to stipulations of entitlement as well as the proposed site plan and elevations.

Alan Beaudoin, with Norris Design, introduced himself to the Committee and stated that he was involved in the original rezoning case on this site in 2002, which included both the commercial corner and the Paseo Point subdivision, which was his design. He explained that during the original entitlement process, a commercial corner at this location was deemed to be appropriate due to its proximity to the planned freeway corridor and to support the residential community which has now been built out. He outlined the proposed changes to the site plan, explaining that the original site plan did not have any specific users in mind as the area was still undeveloped at the time. The

new site plan features a gas station, convenience store with a drive-thru restaurant component, an auto service station, a day care, and a standalone drive-thru restaurant. He then listed the proposed modifications to the stipulations and the justification for each one, which are as follows:

- Modification of Stipulation No. 1 to update the site plan related to this case;
- Modification of Stipulation No. 3 to delete the requirement for review and approval of the development plans by the Planning Hearing Officer as this is being complied with, and to retain the requirement to invite the Laveen Village Planning Committee Chair to attend the preliminary review meeting;
- Deletion of Stipulation No. 16 regarding shaded walkways along buildings that have entrances as it is unclear and does not apply to the updated site plan;
- Deletion of Stipulation No. 29 regarding presentation of development plans to the Laveen Village Planning Committee as this is being complied with.

He then presented the proposed building and gas canopy elevations, noting that the design was informed by the general character that Laveen has sought in its developments, and that the gas canopy design was updated based on comments received by the Laveen Citizens for Responsible Development (LCRD). This is how the request to raise the allowed height for gas canopies originated. Further, he presented the potential designs of perimeter screen walls to help the community visualize how uses such as the auto service station will be screened from view. He outlined the public hearing dates for this project, which will culminate with a City Council hearing on August 26 for ratification. He also summarized the comments provided by the LCRD and how the project responded to them:

- Modified Stipulation No. 3 to invite the LCRD Chair to the preliminary review meeting in addition to the Laveen VPC Chair;
- Moved the refuse container to the northeast corner of the property;
- Added a stipulation to require a Comprehensive Sign Plan submittal for the property;
- Not working with Circle-K for the gas station portion of the development;
- Providing staggered tree planting along the eastern property line;
- Disagreed with retaining Stipulation No. 29, as the project will go through the City's Design Review Process, to which the Chairs of the VPC and the LCRD will be invited;
- Gateway feature will be included in Comprehensive Sign Plan;
- Traffic Impact Statement has been commissioned;
- Gas station will be placed away from residential uses;
- Gas station will sell Diesel;
- Small roundabout and landscape focal point added at the intersection;
- Half diamond landscape planters added to parking areas;
- Gas canopy design has been enhanced;
- Enhanced screen walls have been provided.

Jennifer Rouse asked if Mr. Beaudoin received any input from the community and expressed concern with a gas station use on a residential corner, stating that she would like to hear what members of that community have to say about this project. **Mr. Beaudoin** stated that he received one call after completing the required mailings for this project, and that it was of an inquisitive nature. He added that the approved zoning on the site already allows gas stations as a permitted use.

Vice Chair Tonya Glass noted that she is a resident of the Paseo Point subdivision but did not receive a letter in the mail regarding this project. She stated that a gas station is not an appropriate use for this corner and that, even though the current zoning on the site allows for it, this type of use should be located in areas of more intense use such as along the Baseline corridor close to the Loop 202 freeway. She expressed concern with a gas station creating problems for the community, such as blight, crime, and environmental hazards. Further, although the applicant reached out to the LCRD for comments on this project, the outreach should have instead focused on the residents of the Paseo Point community, as they are the ones who will be impacted by this development. **Mr. Beaudoin** stated that he complied with the required notification procedures, which included sending letters to all property owners within a three-hundred-foot radius of the subject property.

Carlos Ortega expressed concern with the lack of communication with the community.

Linda Abegg agreed with previous comments regarding the incompatibility of a gas station use at this location but noted that the previous Committee approved this land use in 2002, so the focus now should be instead on the modifications being proposed. She provided the following suggestions:

- Stipulation No. 3 should be modified to require that the developer return through the hearing process if the development plans are changed in any way;
- Stipulation No. 16 should remain intact, as shade canopies on commercial buildings are still needed today and there is not enough justification for deleting this requirement;
- Include the suggested stipulations provided by the LCRD.

Mr. Beaudoin thanked Ms. Abegg for her comments and agreed to her suggestions, noting that Stipulation No. 16 is ambiguous, and he is not sure how to implement it, but that he is willing to work towards achieving the intent of providing shade for this project.

Ms. Abegg asked if staff had any suggestions for wording this stipulation in a more enforceable manner. **Ms. Mastikhina** explained that it depends on what type of shade is being sought after in this stipulation. If the intent is to provide structural shade for building entrances, a stipulation requiring awnings over all building entrances could be implemented. Likewise, if the intent is to provide shade for walkways along buildings, structural shade, awnings, and trees could be employed to satisfy the shade requirement. **Ms. Abegg** asked if the applicant has a standard shade awning size for all building entrances that the Committee could stipulate to. **Mr. Beaudoin** stated that the Planning Hearing Officer can provide a clear, enforceable shade stipulation that will meet the Committee's intent.

Chairman Branscomb stated that the notification radii required by the city are not always enough to provide proper notice to surrounding property owners when a new development is proposed. In this case, doing the bare minimum and sending out letters to property owners within three hundred feet of the subject site is not enough. He suggested that the applicant put forth a more concerted effort to notify the citizens of the Paseo Point subdivision of this development and, at the very minimum, expand the notification radius to six hundred feet. He asked if the property in question is already in escrow and if the development plans being presented are coming directly from the future property owner. **Mr. Beaudoin** replied yes. **Chairman Branscomb** asked if Mr. Beaudoin has been working with the director of the city's Community and Economic Development Department to establish which businesses will likely move into this development, outside of the gas station, and if there have been any commitments from businesses for this location. **Mr. Beaudoin** replied that he has had continuous discussions with the Community and Economic Development director, that the gas station company is fully committed to this location, and that tenants for the other three buildings have not yet been confirmed. He also stated that he will be sending out notification letters to all property owners within six hundred feet of the site to inform them of this development, per the Chairman's recommendation.

Public comment

Kathy Wigal, Board Member of the Paseo Point Homeowners' Association and resident of one of the homes adjacent to the property, stated that, just because a use is allowed by right in a zoning district, it does not mean that it is the best use for that site. She pointed out that the plan that was originally approved in 2002 did not show a gas station but rather just general retail. She then outlined her concerns with this project, which include health and safety impacts, pollution, environmental impacts, fire danger, hazardous materials, proximity to residential, risk to property values and resale values, security and violence issues that are typical with gas stations, the lack of business commitment for the remainder of the site, and disturbance of the neighborhood character and quality of life.

Dan Penton expressed concern over having a gas station and auto service station next to a daycare facility, stating that the ingress and egress from the auto site will pose a safety issue to children and families, as well as the fire and hazardous materials issues brought up by the previous speaker.

Phil Hertel stated that the site already has approved zoning and that, since they can't change the zoning through this process, they should be focusing on improving the proposal at hand as much as possible. He also stated that he is more concerned about the day care facility, which is directly adjacent to the neighboring residences, than the gas station, as a fire at this facility would be more impactful to the residents than one at the gas station.

Mr. Beaudoin stated that the site is zoned C-1, and that the request at hand is to modify stipulations of that entitlement. As such, the uses that have been pursued for this site have been directly informed by the permitted use list in the Phoenix Zoning Ordinance. He stated that he would like to move forward with this process as scheduled but that he will reach out to the nearby residents per the Chairman's recommendation to make them aware of this development.

MOTION & DISCUSSION

Vice Chair Glass made a motion to continue the case to allow the developer to reach out to the Paseo Point community and collect their input on this project. **Ms. Rouse** seconded the motion.

Ms. Abegg asked if the case will still go to the Planning Hearing Officer if the Committee votes to continue it. **Ms. Mastikhina** explained that the case would still go before the Planning Hearing Officer as scheduled unless the applicant agrees to the continuance and also requests a continuance for the PHO hearing date. If the applicant does not agree to the continuance, the case will go before the PHO and the VPC recommendation for continuance will be presented to the PHO as well. **Mr. Beaudoin** stated that he would not agree to a continuance and would like to appear before the PHO as scheduled.

Chairman Branscomb asked if the gas station user is scheduled to break ground on this development as soon as the project gets through the public hearing process. **Mr. Beaudoin** replied yes, and that he has a September deadline to finish the process so the gas station can close on the property and start on development. He added that a site plan is currently being designed for submittal once the PHO process has concluded.

Ms. Abegg asked if the original site plan included a gas station. **Mr. Beaudoin** stated that it had a corner pad but did not call out a gas station specifically. **Ms. Abegg** pointed out that the stipulations that are being discussed would not address the community's concerns with the gas station use itself, and that she is concerned about delaying a project and impeding a property sale based on community input that is not relevant to the request at hand. She explained that the only way that the Committee could vote against a gas station would be if the site plan modification included elements that were not present in the original site plan – however, Stipulation No. 23 of the original case already references a service station, indicating that a gas station was already envisioned for this site. She reiterated that this is not a rezoning request and that they can only vote on the proposed modifications to stipulations. If the new site plan is denied, the applicant can still build a gas station per the previously approved site plan.

Mr. Ortega noted that one of the stipulation modification requests is to elevate the gas canopy structure by a few feet and asked why this modification is necessary to accommodate a gas station if this use was already planned for the site. He stated that, if the Committee denies this request, the developer would not be able to build the desired gas canopy.

Vice Chair Glass made a motion to deny the case as filed. **Ms. Rouse** seconded the motion.

VOTE

6-2 Motion passed, with committee members Flunoy, Harlin, Ortega, Rouse, Glass, and Branscomb in favor. Committee members Abegg and Hurd dissenting.

STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:

None.