

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



**City of Phoenix**  
PLANNING & DEVELOPMENT DEPARTMENT

**To:** Departments Concerned  
**From:** Alan Stephenson  
Planning & Development Department Director  
**Date:** April 15, 2022  
**Subject:** **P.H.O. APPLICATION NO. PHO-2-22--Z-39-12-7** – Notice of Pending Actions  
by the **Planning Hearing Officer**

1. Your attention is called to the fact that the **Planning Hearing Officer** will consider the following case at a public hearing on **May 18, 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.
3. Staff, please indicate your comments and respond electronically to [pdd.pho@phoenix.gov](mailto: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 **April 22, 2022**.

**DISTRIBUTION**

Mayor's Office (Lisa Fernandez), 11th Floor  
City Council (Sina Matthes, Tony Motola ), 11th Floor  
Aviation (Sheldon Daisley)  
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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)  
Public Works (Ray Dovalina, Kristina Jensen, Elise Moore, Rudy Rangel), 5th Floor  
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Street Transportation - Ped. Safety Coordinator (Mailen Pankiewicz), 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 (Julianna Pierre, Laveen Village)  
Village Planning Committee Chair (Tonya Glass Laveen Village)



# City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

## APPLICATION FOR PLANNING HEARING OFFICER ACTION

**APPLICATION NO: PHO-2-22--Z-39-12**

**Council District: 7**

**Request For:** Stipulation Modification

**Reason for Request:** Deletion of Stipulation 3 regarding a 50-foot landscape setback along 51st Avenue and Baseline Road. Deletion of Stipulation 4 regarding a multi-use trail along 51st Avenue and Baseline Road.

Owner	Applicant	Representative
Cafe Investments LLC	M3 Design	M3 Design
2638 East Kingbird Court	2645 North 7th Avenue	2645 North 7th Avenue
Gilbert AZ 85297	Phoenix AZ 85007	Phoenix AZ 85007
(480) 528-3136	(480) 528-3136	P: (480) 528-3136 F:
jmacias@m3designllc.com	jmacias@m3designllc.com	jmacias@m3designllc.com

**Property Location:** Approximately 660 feet north of the northeast corner of 51st Avenue and Baseline Road

Zoning Map: D-5 Quarter Section: 1-17 APN: 104-89-366 Acreage: 1.98

Village: Laveen

Last Hearing: PHO MEETING

Previous Opposition: No

Date of Original City Council Action: 04/17/2013

Previous PHO Actions: \_\_\_\_\_

Zoning Vested: C-2

Supplemental Map No.: \_\_\_\_\_

Planning Staff: 065957

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](mailto: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	03/14/2022	22-0024175	Original Filing Fee

Signature of Applicant: \_\_\_\_\_ DATE: \_\_\_\_\_

### Hearing Results

Planning Hearing Officer	Planning Commission	City Council
Date: <u>05/18/2022 1000 AM</u>	Date: _____	Date: _____
Appealed?: _____	Appealed?: _____	Appealed?: _____
Action: _____	Action: _____	Action: _____



## TAKE 5 RETAIL/FUTURE PAD PROJECT NARRATIVE

April 14<sup>th</sup>, 2022

CITY OF PHOENIX

Development Services/Planning Division

200 W Washington

Phoenix, AZ 85003

RE: **PHO SUBMITTAL**  
**Proposed Take 5 Retail Facility**  
N NEC S 51<sup>st</sup> Avenue & W Baseline Rd  
Phoenix, AZ

Dear Planning Team:

We are very pleased to be submitting for PHO to delete Stipulations from 2013 Zoning Case, Z-39-12-7 / Ordinance G-5775 consisting of C-2 Zoned 25.61 Acre Development Northeast of NEC 51<sup>st</sup> Avenue and Baseline Rd. Our proposed 985sf Take 5/Future Pad consisting of 1.73 Acre vacant parcel, part of the overall 25.61 acre development, has (1) existing Shared Curb Cut at our Northern boundary and (1) proposed Curb Cut at our southern boundary, both off of 51<sup>st</sup> Avenue. On-site access will be shared between Lot 1 and Lot 2. Adjacent parcels to the East, West, North and South are also currently Zoned C-2. Our proposed development meets and/or exceeds the intent of the General Plan as well as provides much needed quality services and goods to the local South Phoenix Community.

Our Request to delete (2) two Stipulations as outlined below:

**Z-39-12-7:**

*1) The Development shall be in general conformance with the site plan date stamped September 26, 2012 as approved by the Planning and Development Department*

**Per discussion with DSD Staff it was concluded that our proposed Site Plan is in General Conformance and no Edits proposed**

*2) That all elevations of the building shall contain architectural embellishments and detailing such as textural changes, pilasters, offsets, recesses, variation in window size and location and/or other overhang canopies as approved by the Planning and Development Department*  
**No Changes/Edits proposed**

~~*3) A 50 foot landscape setback shall be provided along Baseline Road and 51<sup>st</sup> Avenue as approved by the Planning and Development Department*~~

**We request that said Stipulation be removed along our Proposed development. There is an existing 30' Landscape setback (MUTE-Multi-Use-Trail-Easement) along 51<sup>st</sup> Avenue on CVS pad as well as north of our proposed development. The existing Pads/Parcels do not currently maintain a consistent setback, with existing 25'-30' LS setback at CVS corner pad as well as**



## TAKE 5 RETAIL/FUTURE PAD PROJECT NARRATIVE

north of subject site (Dignity Health), so we propose to maintain 30' Landscape setback to match and/or exceed the minimum provided. Furthermore, we propose to further review incorporating additional trees within the two Pads that may be accommodated in larger landscape area.

Furthermore, at time of the Zoning Case the Master Plan provided did not account for future Lot Splits as they currently exist with established Parcel widths/lengths as well as existing development not allowing for flexibility to incorporate a 50' setback thus creating a hardship and ability to develop a variety of Users thus parcel remains vacant. Our Proposed Pads/Retailers will fill a need for goods and services for local community.

~~4) A 10 foot public multi-use trail shall be constructed within a 30 foot easement in accordance with City of Phoenix MAG Supplemental detail Section 429 of the Supplemental Specifications along 51<sup>st</sup> Avenue and Baseline Rd as approved by the Parks and Recreation Department and Planning and Development Department~~

**We request that said Stipulation be deleted.**

**We have discussed this with our Case Planner and they concur that trail is existing and established along 51<sup>st</sup> Avenue and DSD would not require any revisions to existing conditions.**

~~5) Detached sidewalks shall be provided along 51<sup>st</sup> Avenue and Baseline Road as approved by the Planning and Development Department.~~

**No Changes/Edits proposed**

~~6) Drive-thru facilities shall be located a minimum 100 feet from the north and east property lines as approved by the Planning and Development Department.~~

**Per discussion with DSD Staff and Case Planner, said stipulation does not apply to our proposed development and thus No Changes/Edits proposed**

~~7) The applicant shall pursue a recorded cross agreement for the subject parcel and the parcel located at the northeast corner of 51<sup>st</sup> Ave and Baseline Road to allow the proposed uses to function as a commercial center. The agreement is to be reviewed and approved by the Planning and Development Department prior to recordation with Maricopa County.~~

**No Changes/Edits proposed**

~~8) The property owner shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence and operational characteristics of Phoenix Sky Harbor International Airport to future owners or tenants of the property~~

**No Changes/Edits proposed**

~~9) The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals as per plans approved by the Planning and Development Department. All~~





## TAKE 5 RETAIL/FUTURE PAD PROJECT NARRATIVE

*improvements shall comply with all ADA accessibility standards*

### **No Changes/Edits proposed**

*10) That the applicant shall present for review and comment a detailed site plan, landscape plan, elevations, sign plan and trails plan to the Laveen Village Planning Committee prior to Preliminary site plan approval.*

**Village Planning Committee Submittal Package will be coordinated with Laveen Village Planner. We look forward to presenting our proposed Development to Laveen VPC.**

*11) The applicant shall notify the following individuals by mail 15 days prior to any Planning Hearing Office Hearings. The notice shall include the date, time and location of the hearings.*

- a) Claudine Reifschneider 4611 West Summerside Road, Laveen AZ 85339*
- b) Phil Hertel-2300 West Broadway Rd, Phoenix, AZ 85041*
- c) Steven Kline-6820 South 66<sup>th</sup> Avenue, Laveen AZ 85339*
- d) Wendy Ensminger-6806 South 55<sup>th</sup> Lane, Laveen AZ 85339*
- e) Jon Kimoto 3216 West Ansell Road, Laveen AZ 85339*
- f) Randy Schiller-8618 South 54<sup>th</sup> Lane, Laveen AZ 85339*
- g) Bryan Baker-7225 West Ellis Street, Laveen AZ 85339*
- h) Erika Lopez-4845 West Donner Drive, Laveen AZ 85339*

### **No Changes/Edits proposed. We will ensure notifications include the neighbor list above**

We feel our request is consistent with City's General Plan as well as meets the City's Infill Program with quality development on existing Vacant, unsafe and blighted parcels within existing commercial/residential communities. We are excited to be providing much needed quality services and goods to the local South Phoenix Community.

We appreciate the opportunity to making PHO Submittal and we look forward to your feedback and our forthcoming virtual hearing as applicable. Please do not hesitate to contact us if you should have any questions and/or need any additional clarifications or supplement information.

Respectfully,



A handwritten signature in blue ink, appearing to be 'J. Kimoto'.



## **TAKE 5 RETAIL/FUTURE PAD PROJECT NARRATIVE**

Jesse Macias  
President  
2645 N 7<sup>th</sup> Avenue  
Phoenix, AZ 85007  
[jmacias@m3designllc.com](mailto:jmacias@m3designllc.com)

5801G-2-1-1--  
sarabiam

ORDINANCE G-5801

AN ORDINANCE AMENDING ORDINANCE G-5775 ADOPTED  
JANUARY 16, 2013, TO CORRECT THE OWNER OF RECORD FOR  
REZONING CASE Z-39-12-7.

WHEREAS, the City Council previously adopted Ordinance G-5775 on January  
16, 2013; and

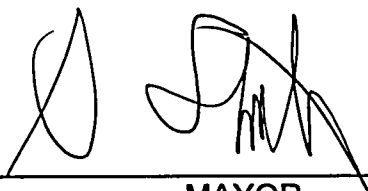
WHEREAS, the owner of record listed as Ernest Linsenmeyer and Kyle Hindman  
in Ordinance G-5775 was incorrect.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX, as follows:

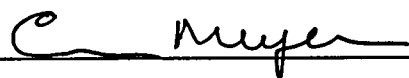
SECTION 1: That Ordinance G-5775 adopted January 16, 2013, is amended to  
reflect Ernest Linsenmeyer as the correct owner of record.

SECTION 2: The remainder of Ordinance G-5775 shall remain the same.

PASSED by the Council of the City of Phoenix this 17th day of April, 2013.

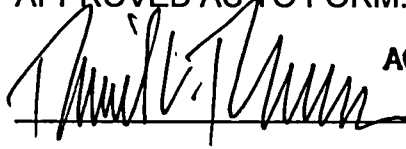
  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
City Clerk



APPROVED AS TO FORM:

 **ACTING**  
\_\_\_\_\_  
City Attorney *MLW*

REVIEWED BY:

 \_\_\_\_\_  
City Manager

MLW:tml:1041565v1: (CM#60) (Item #33) 4/17/13

5775G-7-1-1--  
Hoyp

ORDINANCE G-5775

AN ORDINANCE AMENDING THE CODE OF THE CITY OF PHOENIX, ARIZONA, PART II, CHAPTER 41, THE ZONING ORDINANCE OF THE CITY OF PHOENIX, BY AMENDING SECTION 601, THE ZONING MAP OF THE CITY OF PHOENIX, CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-39-12-7) FROM S-1 (RANCH OR FARM RESIDENCE) TO C-2 (INTERMEDIATE COMMERCIAL).

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WHEREAS, on September 26, 2012, the City of Phoenix Planning and Development Department received, in compliance with the requirements of the City of Phoenix Zoning Ordinance, Section 506, a written request for rezoning from Jason Morris of Withey Morris, PLC, having authorization to represent the owner, Ernest Linsenmeyer and Kyle Hindman of an approximately 25.60 acre property located approximately 750 feet east of the northeast corner of 51st Avenue and Baseline Road in a portion of Section 33, Township 1 North, Range 2 East, as described more specifically in Attachment "A," attached hereto and incorporated herein by this reference; and,

WHEREAS, pursuant to A.R.S. § 9-462.04, the Planning Commission, held a public hearing on December 11, 2012, and at this hearing recommended that the

City Council approve this rezoning request with the recommended staff conditions, as modified; and,

WHEREAS, the City Council, at their regularly scheduled meeting held on January 16, 2013, has determined that, in accordance with A.R.S. § 9-462.01.F, this rezoning request, with the appropriate site specific requirements provided in Section 2, is consistent with and conforms to the General Plan, will conserve and promote the public health, safety and general welfare, and should be approved, subject to the conditions herein.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX, as follows:

SECTION 1: The zoning of an approximately 25.61 acre property located approximately 750 feet east of the northeast corner of 51st Avenue and Baseline Road in a portion of Section 33, Township 1 North, Range 2 East, as described more specifically in Attachment "A," is hereby changed from "S-1" (Ranch or Farm Residence) to "C-2" (Intermediate Commercial) and that the Planning and Development Director is instructed to modify The Zoning Map of the City of Phoenix to reflect this use district classification change as shown in Attachment "B."

SECTION 2: The specific nature of the subject property and of the rezoning request is more particularly described in case file Z-39-12-7, on file with the Planning and Development Department. Due to the site's specific physical conditions and the use district applied for by the applicant, this rezoning is subject to the following stipulations, violation of which shall be treated in the same manner as a violation of the City of Phoenix Zoning Ordinance:

1. The development shall be in general conformance with the site plan date stamped September 26, 2012, as approved by the Planning and Development Department.
2. That all elevations of the building shall contain architectural embellishments and detailing such as textural changes, pilasters, offsets, recesses, variation in window size and location, and/or other overhang canopies, as approved by the Planning and Development Department.
3. A 50-foot landscape setback shall be provided along Baseline Road and 51st Avenue, as approved by the Planning and Development Department.
4. A 10-foot public multi-use trail shall be constructed within a 30-foot easement in accordance with City of Phoenix MAG Supplemental detail Section 429 of the Supplemental Specifications along 51st Avenue and Baseline Road, as approved by the Parks and Recreation Department and Planning and Development Department.
5. Detached sidewalks shall be provided along 51st Avenue and Baseline Road, as approved by the Planning and Development Department.
6. Drive-through facilities shall be located a minimum 100 feet from the north and east property lines, as approved by the Planning and Development Department.
7. The applicant shall pursue a recorded cross access agreement for the subject parcel and the parcel located at the northeast corner of 51st Ave and Baseline Road to allow the proposed uses to function as a commercial center. The agreement is to be reviewed and approved by the Planning and Development Department prior to recordation with Maricopa County.
8. The property owner shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence, and operational characteristics of Phoenix Sky Harbor International Airport to future owners or tenants of the property.
9. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.



10. That the applicant shall present for review and comment a detailed site plan, landscape plan, elevations, sign plan and trails plan to the Laveen Village Planning Committee prior to preliminary site plan approval.
11. The applicant shall notify the following individuals by mail 15 days prior to any Planning Hearing Officer hearings. The notice shall include the date, time, and location of the hearings.
  - a. Claudine Reifschneider - 4611 West Summerside Road, Laveen, AZ 85339
  - b. Phil Hertel - 2300 West Broadway Road, Phoenix, AZ 85041
  - c. Steven Kline - 6820 South 66th Avenue, Laveen, AZ 85339
  - d. Wendy Ensminger - 6806 South 55th Lane, Laveen, AZ 85339
  - e. Jon Kimoto 3216 West Ansell Road, Laveen, AZ 85339
  - f. Randy Schiller - 8618 South 54th Lane, Laveen, AZ 85339
  - g. Bryan Baker - 7225 West Ellis Street, Laveen, AZ 85339
  - h. Erika Lopez - 4845 West Donner Drive, Laveen, AZ 85339

SECTION 3: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 16th day of January, 2013.



ATTEST:

C. Meyer

City Clerk

Michael R. ...  
ACTING MAYOR

APPROVED AS TO FORM:

Margaret Wilson Acting City Attorney

REVIEWED BY:

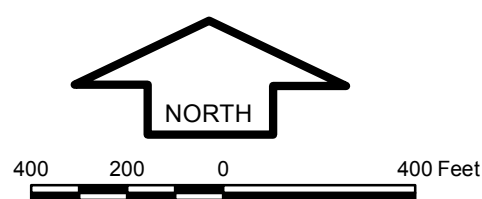
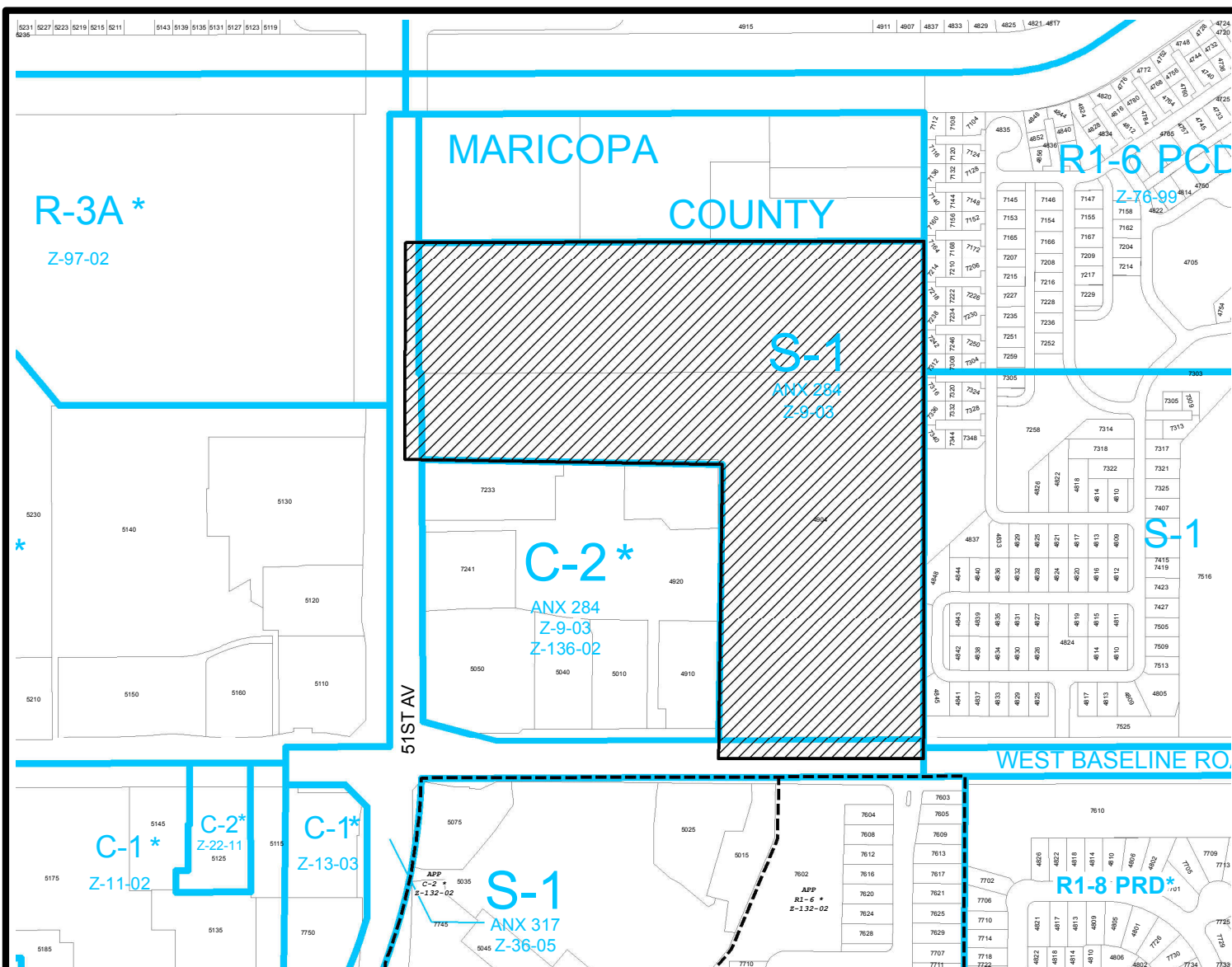
Dwight Long City Manager

MLW:tml:1019886v1: (CM#20) (Item #102) 01/16/13

Attachments:

A - Legal Description (1 Page)

B – Ordinance Location Map (1 Page)



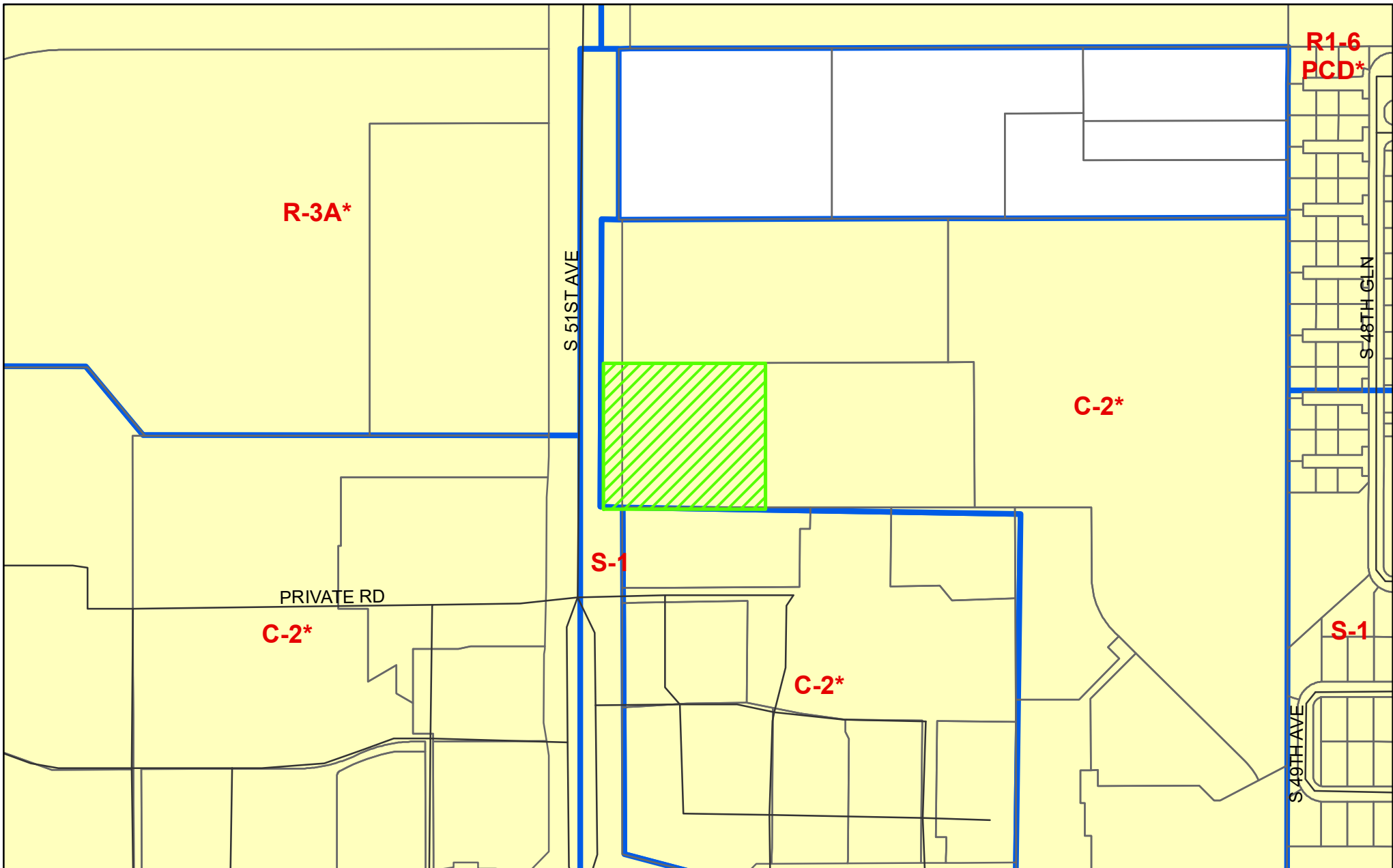
CITY OF PHOENIX PLANNING DEPARTMENT

## LAVEEN VILLAGE

CITY COUNCIL DISTRICT: 6

<b>APPLICANT'S NAME:</b> Jason Morris		<b>REQUESTED CHANGE:</b> FROM: S-1, (25.61 a. c.) TO: C-2, (25.61 a. c.)	
<b>APPLICATION NO.</b> Z-39-12	<b>DATE:</b> 10/11/12	<b>REVISION DATES:</b>	
<b>GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.</b> 25.61 Acres	<b>AERIAL PHOTO &amp; QUARTER SEC. NO.</b> Q1-17	<b>ZONING MAP</b> D-5	
<b>MULTIPLES PERMITTED</b> S-1 C-2	<b>CONVENTIONAL OPTION</b> 1 371		<b>* UNITS P.R.D. OPTION</b> 6 445

\* Maximum Units Allowed with P.R.D. Bonus



PHO-2-22--Z-39-12-7

**Property Location: Approximately 660 feet north of the northeast corner of 51st Avenue and Baseline Road**

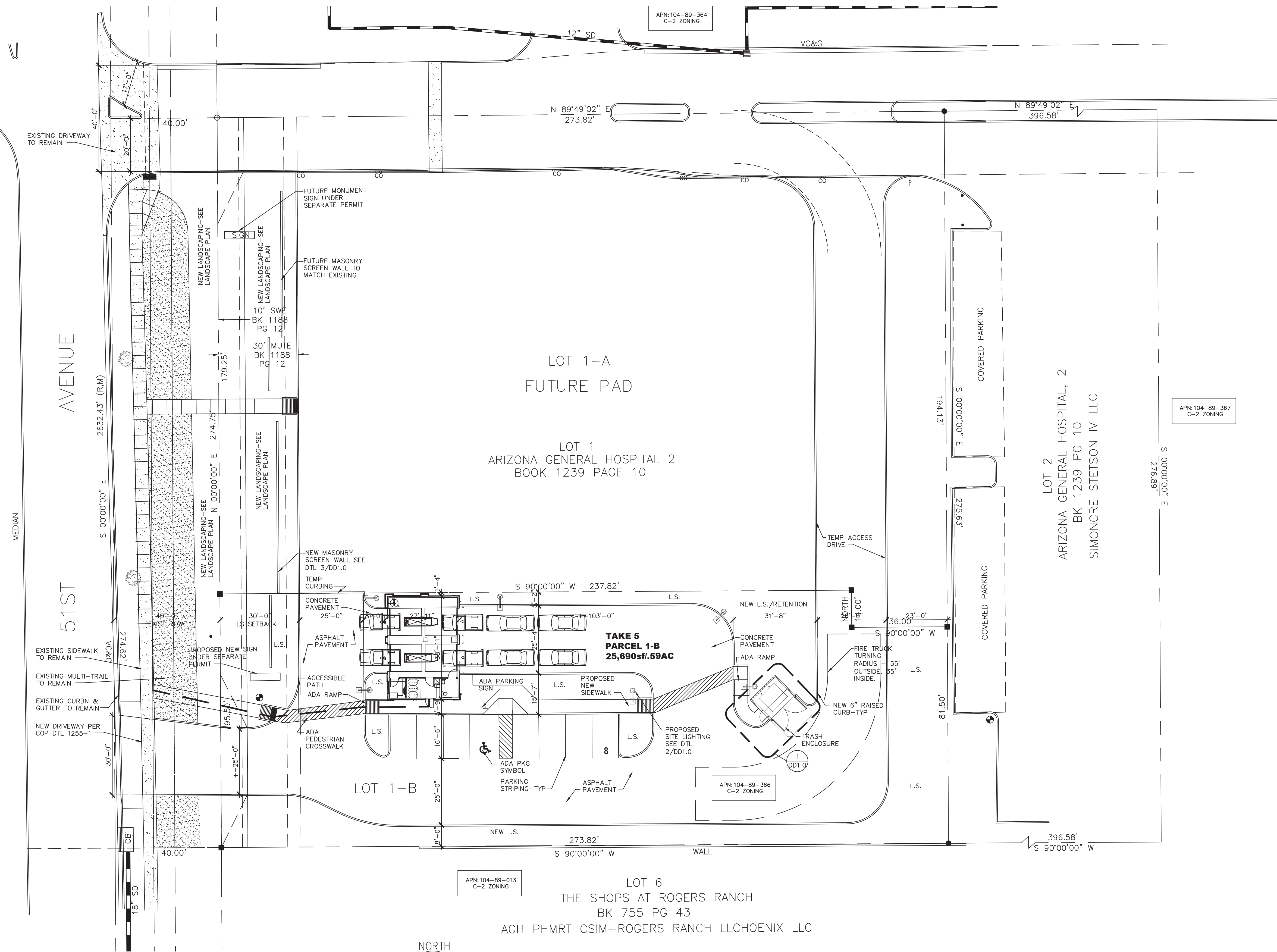




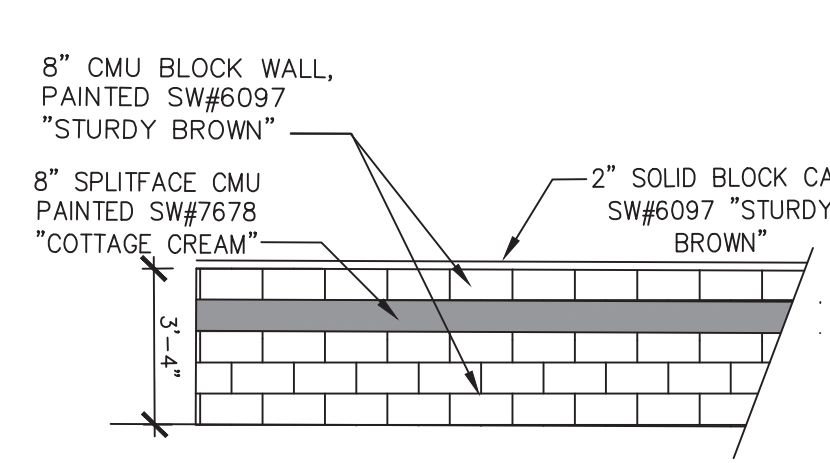
PHO-2-22--Z-39-12-7

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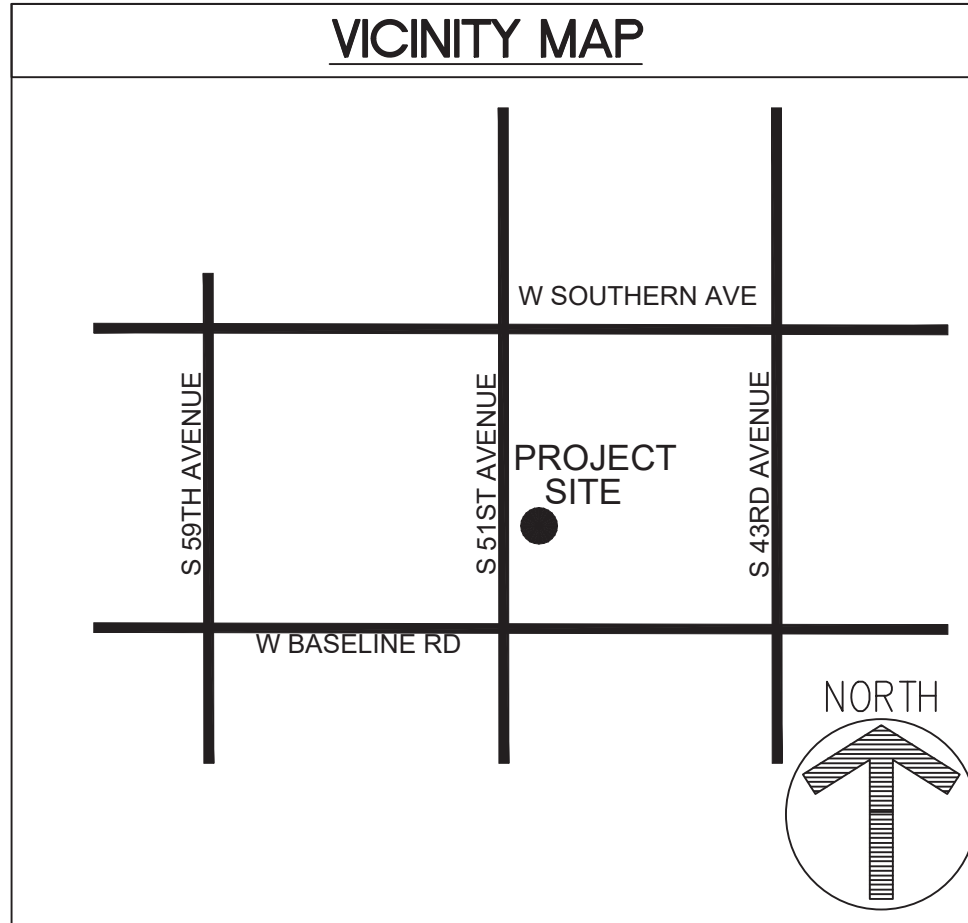




1 SITE PLAN  
DD1.0 SCALE: 1" = 20'-0"



3 SCREEN WALL DETAIL  
DD1.0 SCALE: 1/4"=1'-0" PHO-2-22--Z-39-12-7



CITY OF PHOENIX  
MAR 14 2022  
Planning & Development  
Department

PROJECT DATA	
PROJECT NAME:	TAKE 5 RETAIL/FUTURE PAD NEC 51ST AVENUE & BASELINE RD PHOENIX, ARIZONA
EXISTING USE:	VACANT PARCEL
PROPOSED USE:	OIL CHANGE/MINOR VEHICLE/FUTURE PAD
OWNER:	CAFE INVESTMENTS 2638 E KINGBIRD CT GILBERT, AZ 85297
DEVELOPER:	DRIVEN BRANDS 440 S. CHURCH ST #700 CHARLOTTE, NC 28202 CONTACT: MATTHEW GILBERT (980) 259-0701
ARCHITECT:	M3 DESIGN 2845 N 7TH AVE PHOENIX, ARIZONA 85007 (480)528-3136 CONTACT: JESSE MACIAS
SITE DATA	
SITE NET AREA:	OVERALL 75,352S.F. / 1.73 AC. LOT 1A: 49,706SF / 1.141 AC LOT 1B: 25,646SF / .59 AC
APN #:	104-89-366
GENERAL PLAN DESIGNATION:	COMMERCIAL
ZONING:	C-2
BUILDING FOOTPRINT:	1,315 S.F./FUTURE PAD 6,000SF
BUILDING COVERAGE:(TALE 5)	1,315 S.F. / 75,352 S.F. = 1.7%
BUILDING HEIGHT:	MAXIMUM: 30'-0" PROVIDED: ±24'-0"
LANDSCAPE:	LOT 1A 4,761 SF LANDSCAPE FRONTAGE LOT 1B 8,211 S.F./25,690S.F. = 32.0%
IMPERVIOUS:	LOT 1B 16,164 S.F./25,690S.F. = 62.9%
SETBACKS:	SETBACKS REQ'D PROVIDED: STREET FRONT (WEST) 50' 30'-0" SIDE (NORTH) 0' 5'-0" SIDE (SOUTH) 0' 8'-0" REAR (EAST) 0' 23'-0"
PROPOSED CONSTRUCTION:	VB - SPRINKLERED OCCUPANCY TYPE) SPACES PER 384X 2= 6 SPACES TOTAL REQUIRED: 6 SPACES
PARKING PROVIDED:	ACCESSIBLE PARKING SPACES: 1 SPACES STANDARD PARKING SPACES: 7 SPACES TOTAL PROVIDED: 8 SPACES
PROJECT DESCRIPTION	
NEW 1,315sf RETAIL/OIL CHANGE FACILITY WITH 8 SPACES ON EXISTING C-2 ZONED VACANT PARCEL. EXISTING CURB CUT ACCESS AND (1) PROPOSED ACCESS WITH PROPOSED NEW ON-SITE CIRCULATION, LANDSCAPE WITH FUTURE PAD. NEW FRONTAGE LANDSCAPE.	
LEGAL DESCRIPTION	
(PARENT PARCEL)  The Land referred to herein below is situated in the County of Maricopa, State of Arizona, and is described as follows:  Lot 1, of ARIZONA GENERAL HOSPITAL 2, according to the plot of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 1239 of Maps, Page 10	
LOT 1-A (SPLIT)  That portion of Lot 1, ARIZONA GENERAL HOSPITAL 2, according to the plot of record in the office of the County Recorder of Maricopa County, recorded in Book 1239 of Maps, Page 10, located in a portion of the Southwest quarter of Section 33, Township 1 North, Range 2 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, and being more particularly described as follows: BEGINNING at the Northwest corner of said Lot 1; Thence North 89° 49' 02"-East, along the North line of said Lot 1, 273.82 feet to the Northeast corner of said Lot 1; Thence South, along the East line of said Lot 1, a distance of 194.13 feet; Thence West, 36.00 feet; Thence North, 14.00 feet; Thence West, 237.82 feet to a point on the West line of said Lot 1; Thence North, along said West line, a distance of 179.25 feet to the POINT OF BEGINNING; Said Lot 1-A contains 49,706 square feet or 1.1411 acres more or less.	
LOT 1-B (SPLIT)  Lot 1, ARIZONA GENERAL HOSPITAL 2, according to the plot of record in the office of the County Recorder of Maricopa County, recorded in Book 1239 of Maps, Page 10;  EXCEPT the following described portion of said Lot 1: BEGINNING at the Northwest corner of said Lot 1;  Thence North 89° 49' 02"-East, along the North line of said Lot 1, a distance of 273.82 feet to the Northeast corner of said Lot 1;  Thence South, along the East line of said Lot 1, a distance of 194.13 feet; Thence West, 36.00 feet; Thence North, 14.00 feet; Thence West, 237.82 feet to a point on the West line of said Lot 1; Thence North, along said West line, a distance of 179.25 feet to the POINT OF BEGINNING;	
APPROVAL STAMPS	
Z-39-12/Z-39-12-7 KIVA: 13-2704 PAPP: 2200395 q.s.: 17-1 Hearing Date: May 18, 2022	
DATE: 2021-11-1 SCALE: SCALE DRAWN BY: JM PROJECT NUMBER: TFO20018.0 SHEET: DD1 REV:	

2008 NORTH 7th AVENUE  
PHOENIX, ARIZONA 85007

M3  
DESIGN

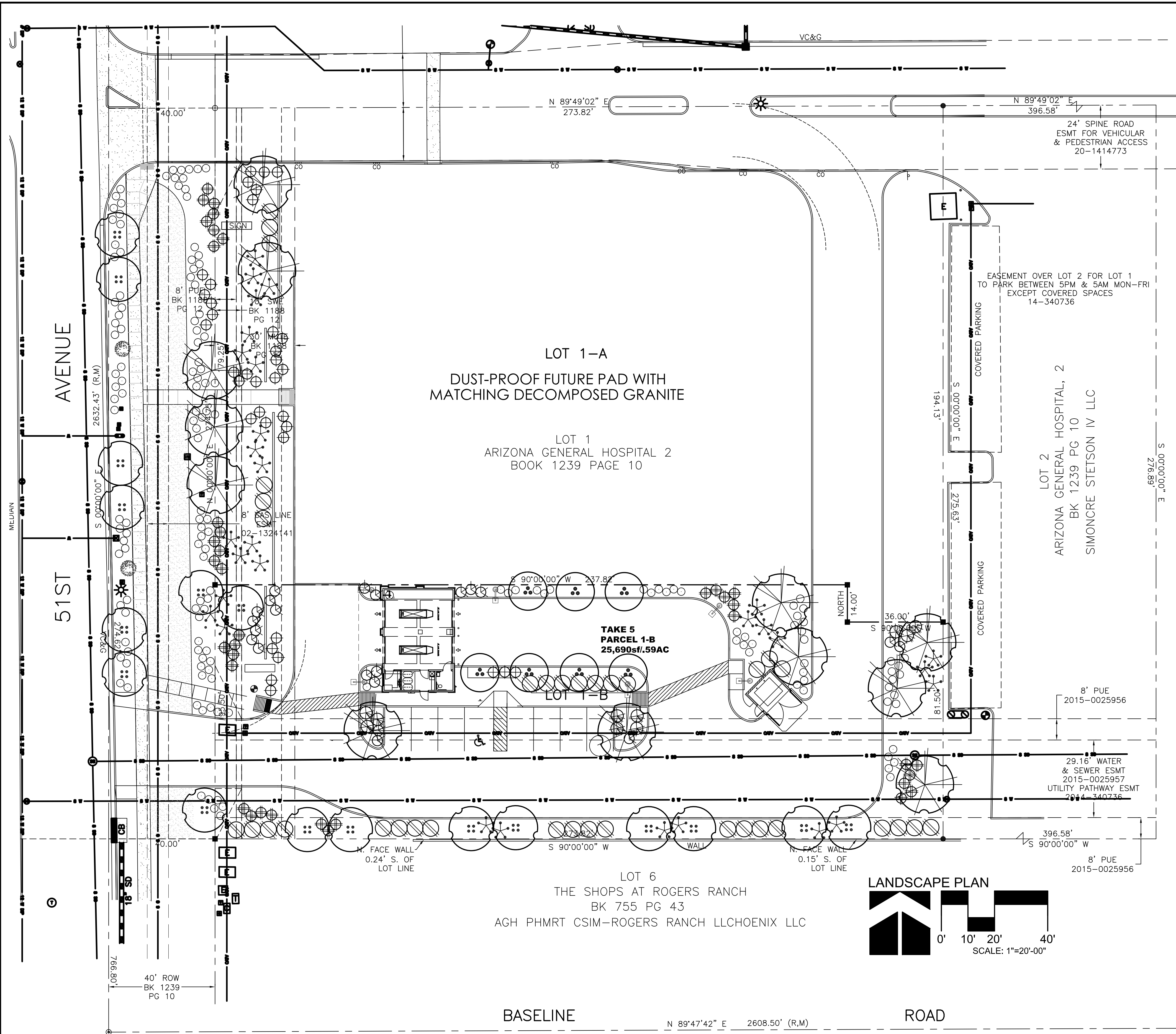
TAKE 5  
OIL CHANGE

REGISTERED ARCHITECT  
28581 JOHN A. DORSETT  
Date Signed: [Signature]  
ARIZONA, U.S.A.

TAKE 5  
NEC 51ST AVENUE & BASELINE  
PHOENIX, ARIZONA 85339

SITE PLAN





CERCIDIUM 'HYBRID'  
DESERT MUSEUM PALO VERDE  
2" CALIP., 6.5T, 4.5W

ACACIA 'ANEURA'  
MULGA (SRP/APS APPROVED)  
2" CALIP., 5.5T, 4W

SOPHORA SECUNDIFLORA  
TEXAS MOUNTAIN LAUREL  
1.5" CALIP. (MULTI) 4T, 3.5W

MUHLBERGIA CAPILARIS  
REGAL MIST DEER GRASS  
5 GALLON

CAESALPINIA MEXICANA  
MEXICAN BIRD OF PARADISE  
5 GALLON

TECOMA 'ORANGE JUBILEE'  
ORANGE JUBILEE  
5 GALLON

HESPERALOE PARVIFLORA  
RED YUCCA  
5 GALLON

DASYLIRION WHEELERII  
DESERT SPOON  
5 GALLON

LEUCOPHYLLUM FRUTESCENS  
'GREEN CLOUD'  
5 GALLON

LANTANA MONTEVIDENSIS  
'GOLD MOUND'  
1 GALLON

LANTANA MONTEVIDENSIS  
TRAILING PURPLE  
1 GALLON

**CITY OF PHOENIX GENERAL LANDSCAPE NOTES:**

THE CITY OF PHOENIX GENERAL NOTES ARE THE ONLY NOTES APPROVED ON THIS PLAN. ADDITIONAL GENERAL NOTES GENERATED BY THE SEALANT AND PLACED ON THE PLANS ARE NOT APPROVED AS PART OF THIS PLAN AND ARE NOTED AS SUCH ON THE PLANS.

THE DESIGN ON THESE PLANS IS ONLY APPROVED BY THE CITY IN SCOPE AND NOT IN DETAIL. CONSTRUCTION QUANTITIES ON THESE PLANS ARE NOT VERIFIED BY THE CITY. APPROVAL OF THESE PLANS ARE FOR PERMIT PURPOSES ONLY AND SHALL NOT PREVENT THE CITY FROM REQUIRING CORRECTION OF ERRORS IN THE PLANS WHERE SUCH ERRORS ARE SUBSEQUENTLY FOUND TO BE IN VIOLATION OF ANY LAW, ORDINANCE, HEALTH, SAFETY, OR OTHER DESIGN ISSUES.

CONSTRUCTION WITHIN THE RIGHT-OF-WAY SHALL CONFORM TO THE LATEST APPLICABLE MARICOPA ASSOCIATION OF GOVERNMENTS (MAG) UNIFORM STANDARD SPECIFICATIONS AND DETAILS AND THE LATEST CITY OF PHOENIX SUPPLEMENT TO THE MAG UNIFORM STANDARD SPECIFICATIONS AND DETAILS.

FINAL BUILDING PERMIT CANNOT BE OBTAINED UNTIL BONDING AND APPROVED ASSURANCES ARE PROVIDED FOR THE LANDSCAPING WITHIN THE RIGHT-OF-WAY.

NO PLANT SUBSTITUTIONS, TYPE, SIZE, OR QUANTITY, OR DEVIATIONS FROM THE APPROVED LANDSCAPE OR IRRIGATION PLANS ARE ALLOWED WITHOUT PRIOR APPROVAL FROM THE CITY OF PHOENIX LANDSCAPE SECTION AT 602-262-7811.

ALL PLANT MATERIAL AND SPECIFICATIONS SHALL CONFORM TO THE ARIZONA NURSERYMAN ASSOCIATION STANDARDS.

ALL RIGHT-OF-WAY AND CITY-REQUIRED (PERIMETER, RETENTION, AND PARKING) PLANT MATERIAL SHALL BE IN COMPLIANCE WITH THE DEPARTMENT OF WATER RESOURCES LOW WATER USE PLANT LIST.

CONTACT THE PARKS AND RECREATION DEPARTMENT FORESTRY SUPERVISOR AT 602-262-6862 TO VERIFY OWNERSHIP OF ANY PLANT MATERIAL IN THE PUBLIC R.O.W. PRIOR TO ANY PLANT RE-LOCATIONS OR REMOVALS. OBTAIN WRITTEN PERMISSION FROM THE PARKS AND RECREATION DEPARTMENT PRIOR TO THE RE-LOCATION OR REMOVAL OF ANY CITY PLANT MATERIAL OR EQUIPMENT.

CONTACT THE STREET TRANSPORTATION DEPARTMENT HORTICULTURIST AT 602-262-6284 PRIOR TO THE RE-LOCATION OR REMOVAL OF EXISTING PLANT MATERIAL IN THE A.D.O.T. R.O.W. THAT IS ON THE CITY'S SIDE OF THE SOUND WALL. OBTAIN WRITTEN PERMISSION FROM THE STREET TRANSPORTATION DEPARTMENT PRIOR TO THE RE-LOCATION OR REMOVAL OF ANY PLANT MATERIAL OR EQUIPMENT.

ALL EXISTING TREES AND SHRUBS IN RIGHT-OF-WAY DESIGNATED TO REMAIN BUT ARE DAMAGED OR DESTROYED WILL BE REPLACED IN LIKE SIZE AND KIND BY THE CONTRACTOR.

THE PROPOSED IRRIGATION SYSTEM SHALL INCLUDE ANY MODIFICATIONS REQUIRED TO TIE INTO THE EXISTING CITY OF PHOENIX IRRIGATION SYSTEM IN RIGHT-OF-WAY TO THE PROPOSED SYSTEM. ALL THOUGH IRRIGATION SYSTEMS IN THE RIGHT-OF-WAY SHALL BE MAINTAINED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CAPPING AND/OR ABANDONING EXISTING IRRIGATION TO PLANT MATERIALS AND PROVIDING NEW IRRIGATION TO THE EXISTING PLANT MATERIAL IN THE RIGHT-OF-WAY PER THE APPROVED PLAN.

WALLS ARE NOT APPROVED AS PART OF THE LANDSCAPE PLAN BUT ARE SHOWN FOR REFERENCE ONLY.

TREES ADJACENT TO PEDESTRIAN WALKWAYS SHOULD HAVE A MINIMUM CANOPY CLEARANCE OF SIX FEET EIGHT INCHES (6' 8") PER SECTION 507 TAB A.II.A.3.1.10 OF THE CITY OF PHOENIX ZONING ORDINANCE.

PVC PIPE LATERALS ARE REQUIRED A MAXIMUM OF FIVE FEET (5') OF POLY TUBING OFF OF THE PVC PIPE LATERAL IS ALLOWED. NO POLY TUBING LATERALS ARE ALLOWED.

PLANT QUANTITIES AND CALIPER SIZES PER THE ZONING REQUIREMENTS FOR THIS SITE PROVIDED IN THE LEGEND ON THE APPROVED PLANS ARE REQUIRED TO BE INSTALLED IN THE FIELD. ANY DEVIATIONS FROM THE PLAN WILL REQUIRE A REVISION TO THE APPROVED PLAN.

NOTE: MINIMUM CALIPER SIZE IS A ZONING REQUIREMENT. IF THE MINIMUM CALIPER CANNOT BE MET AT BOX SIZE THAT IS SPECIFIED, THEN THE BOX SIZE MUST BE INCREASED TO MEET CALIPER REQUIREMENTS.

PLAN APPROVAL IS VALID FOR 180 DAYS. PRIOR TO PLAN APPROVAL EXPIRATION ALL ASSOCIATED PERMITS SHALL BE PURCHASED OR THE PLANS SHALL BE RESUBMITTED FOR EXTENSION OF PLAN APPROVAL. THE EXPIRATION, EXTENSION, AND REINSTATEMENT OF LANDSCAPE PLANS AND PERMITS SHALL FOLLOW THE SAME GUIDELINES AS THOSE INDICATED IN THE PHOENIX BUILDING CONSTRUCTION CODE ADMINISTRATIVE PROVISIONS SECTION 105.3 FOR BUILDING PERMITS.

**MISC. LANDSCAPE NOTES** THESE NOTES ARE NOT REVIEWED OR APPROVED BY THE CITY OF PHOENIX.

- THE ENTIRE SITE WILL BE MAINTAINED IN ACCORDANCE WITH PHOENIX STANDARDS.
- TREES ADJACENT TO PEDESTRIAN WALKWAYS SHOULD HAVE A MIN. CANOPY OF 6'-8".
- USE PVC LATERALS WITH A MAXIMUM A 5' OF POLY TUBING OFF OF PVC. NO POLY LATERALS WILL BE ACCEPTED.
- PLANT QUANTITIES AND CALIPER SIZES PROVIDED ON THE APPROVED PLAN AND IN THE LEGEND ARE REQUIRED TO BE INSTALLED IN THE FIELD.
- ALL NEW AND DISTURBED LANDSCAPE AREAS WILL RECEIVE A 2" TOP-DRESS OF MATCHING DECOMPOSED GRANITE (MIN. 1/2" MINUS).
- PLANT MATERIAL WITHIN THE CITY OF PHOENIX SIGHT DISTANCE TRIANGLES IF EXISTING WILL BE MAINTAINED AT A MAXIMUM 24' IN HEIGHT. TREES WILL BE MAINTAINED WITH A 7' MINIMUM CLEAR CANOPY.
- NO PLANT SUBSTITUTIONS, TYPE, SIZE OR QUANTITY DEVIATIONS FROM THE APPROVED LANDSCAPE OR IRRIGATION PLANS WITHOUT PRIOR APPROVAL FROM THE CITY OF PHOENIX LANDSCAPE SECTION AT (602) 262-7811
- NO SLOPES ARE GREATER THAN 4:1
- THERE IS NO OVERHEAD POWER LINES ON SITE
- NO SALVAGED PLANT MATERIAL

LANDSCAPE ARCHITECT

CITY OF PHOENIX

DATE

ESTIMATED RIGHT-OF-WAY COST \$

ESTIMATED S.F. OF LANDSCAPE IN RIGHT-OF-WAY

MAINTENANCE BY: ( ) CITY (x) OWNER

TOTAL ACRES (OR PORTIONS) LANDSCAPED AREAS

SQUARE FOOTAGE OF TURF

DATE OF PRELIMINARY SITE PLAN APPROVAL

CITY OF PHOENIX

MAR 14 2022

Planning & Development  
Department

T.J. McQUEEN & ASSOCIATES, INC.

LANDSCAPE ARCHITECTURE  
URBAN DESIGN  
SITE PLANNING

10450 N. 74th Street, Suite 120  
Scottsdale, Arizona 85258  
P. (602) 265-0320

EMAIL: timmcqueen@tjmla.net

DATE: 2021-11-1

SCALE:

DRAWN BY: JM

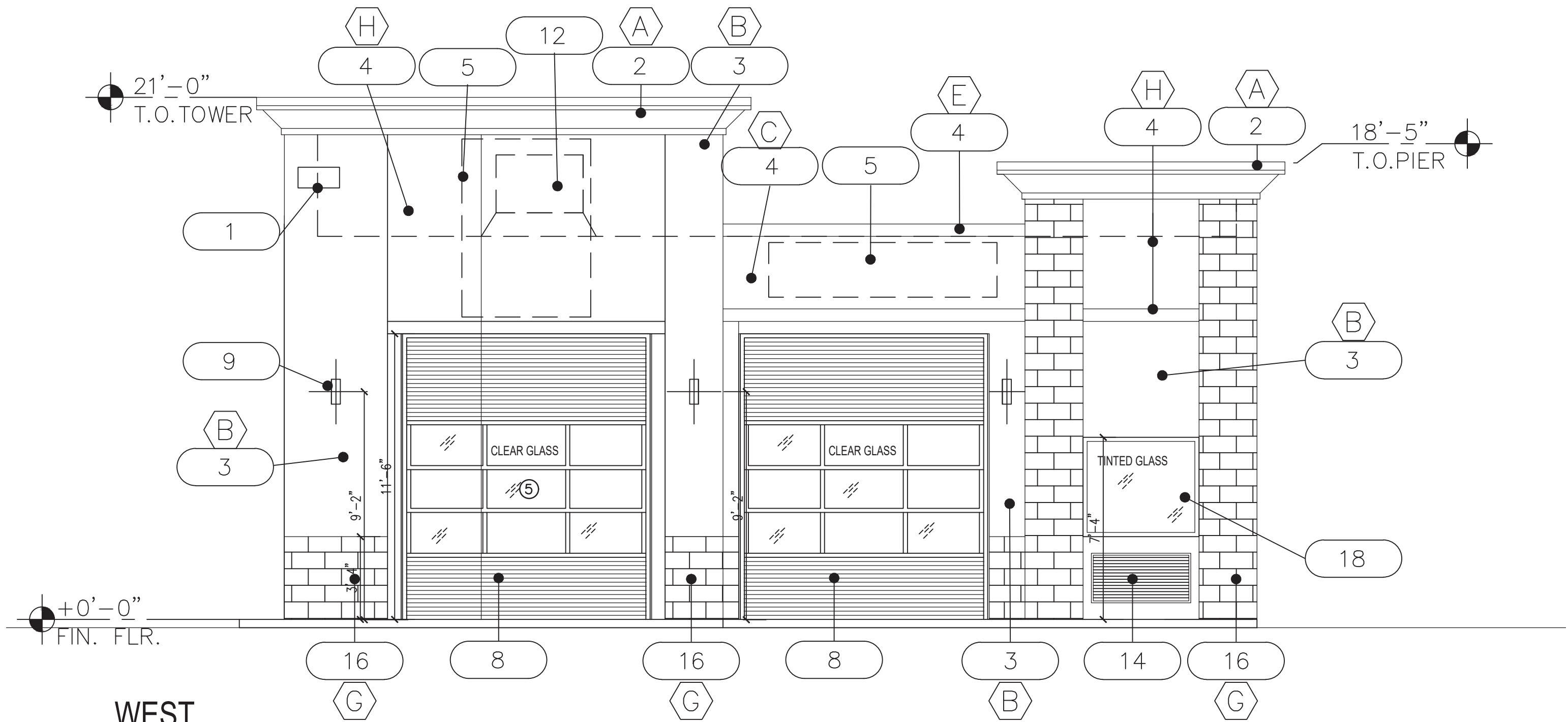
PROJECT NUMBER: TFO20018.0

SHEET: La.01

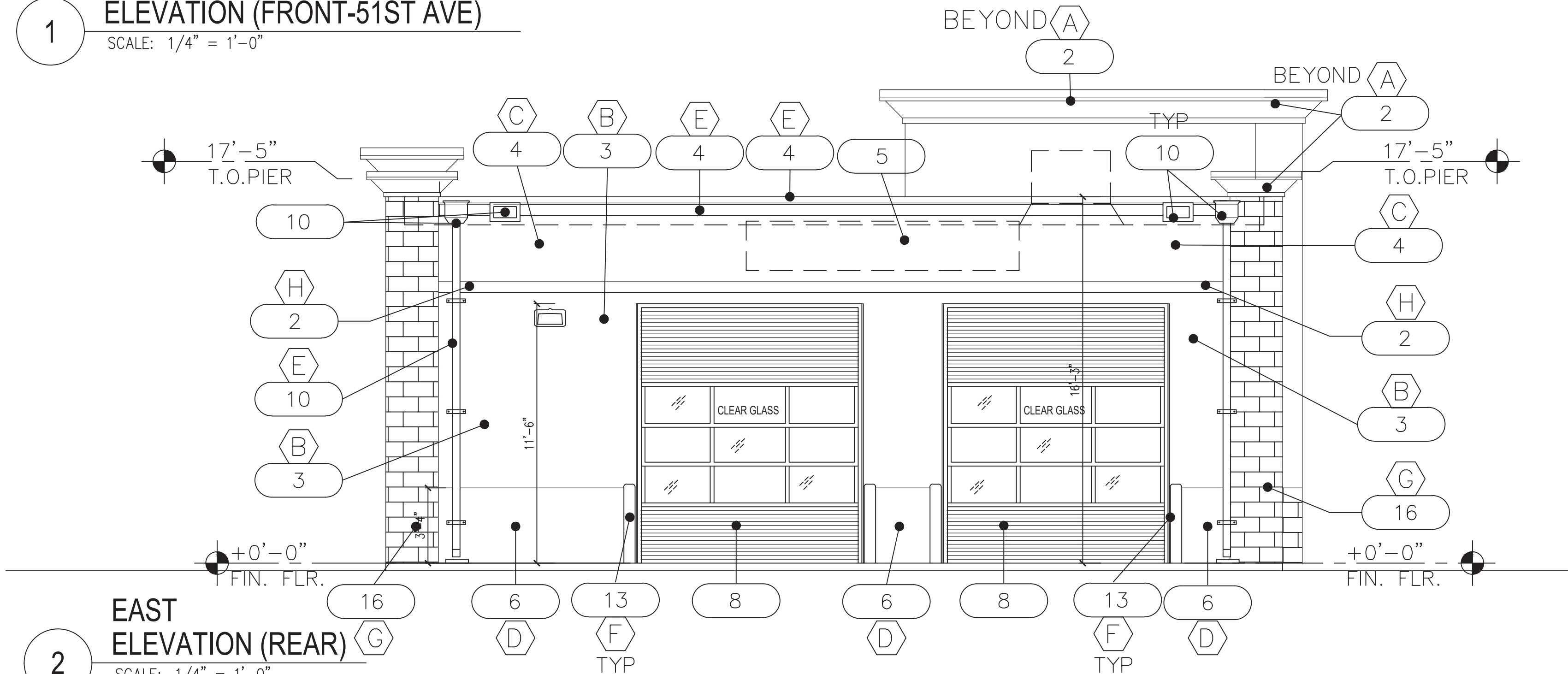
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Hearing Date: May 18, 2022

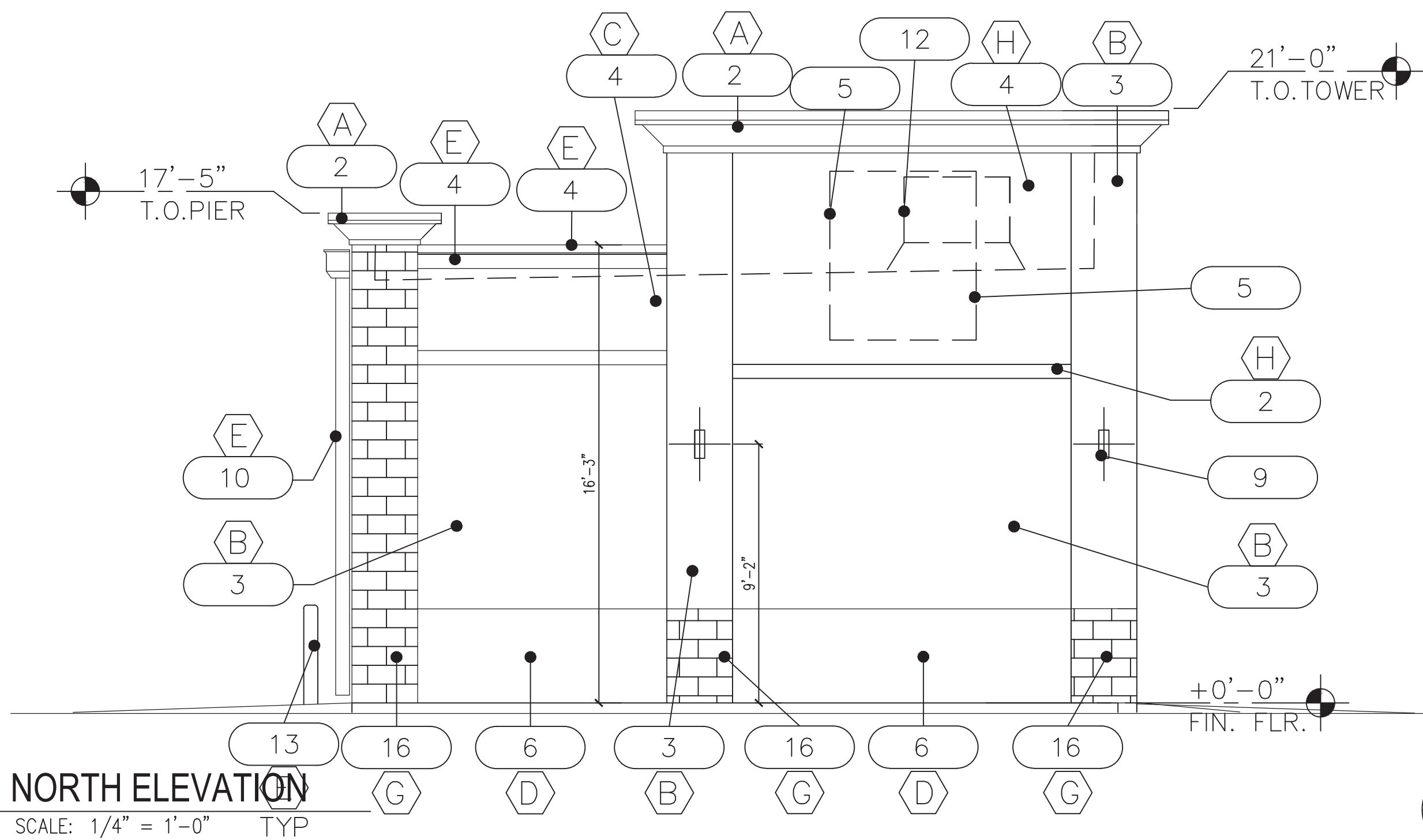




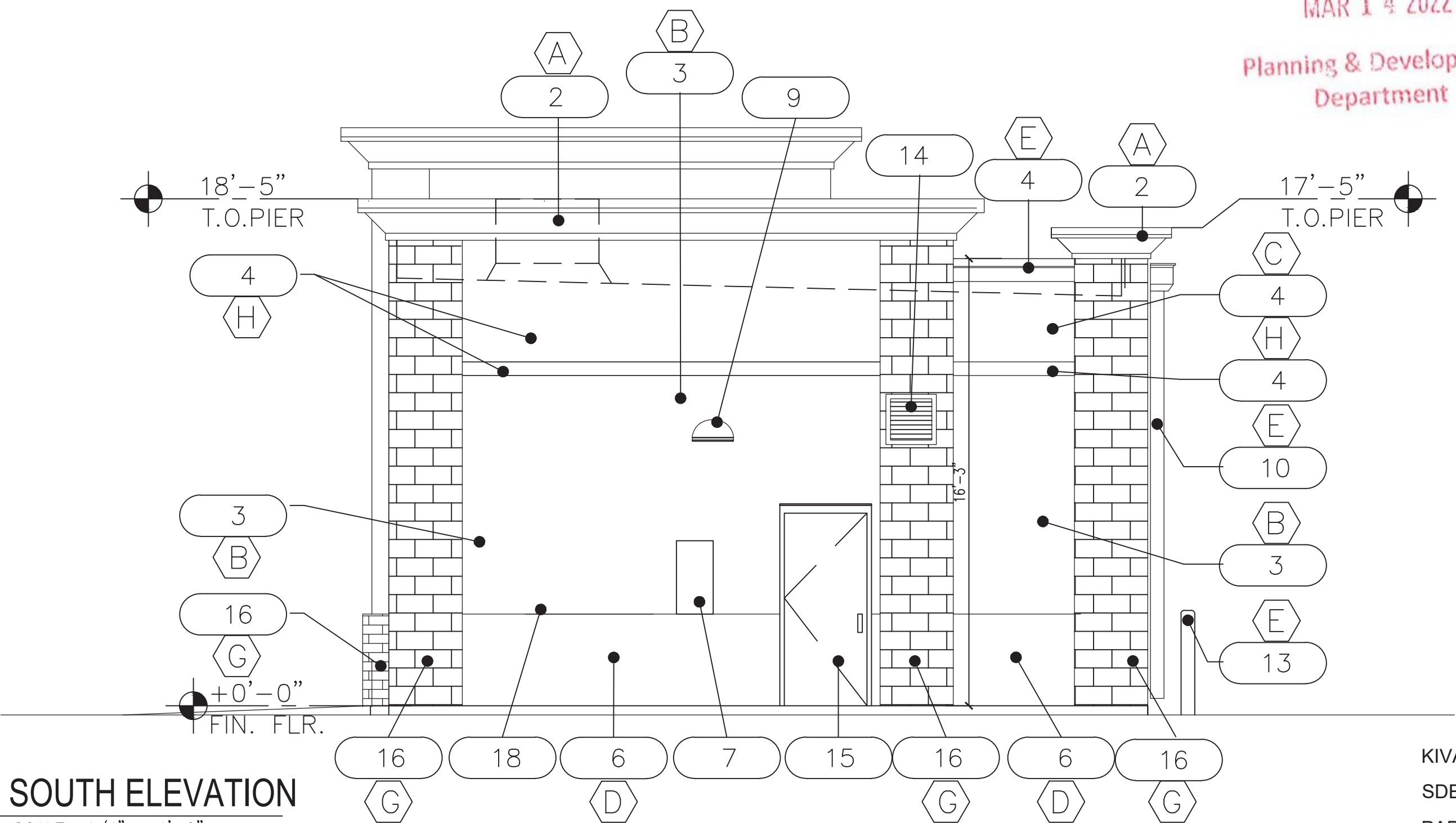
1 WEST  
ELEVATION (FRONT-51ST AVE)  
SCALE: 1/4" = 1'-0"



2 EAST  
ELEVATION (REAR)  
SCALE: 1/4" = 1'-0"



3 NORTH ELEVATION  
SCALE: 1/4" = 1'-0"



4 SOUTH ELEVATION  
SCALE: 1/4" = 1'-0"

## ELEVATION KEY NOTES

- 1 BUILDING ADDRESS - MIN 6" LETTERS W/CONTRASTING BACKGROUND
- 2 PRE-FINISHED METAL COPING-24GA GALVALUME
- 3 STUCCO SYSTEM MAIN BUILDING - PAINTED
- 4 STUCCO ACCENT BAND/COPING - PAINTED
- 5 SIGNAGE SHOWN FOR REF - UNDER SEPARATE PERMIT
- 6 STUCCO WAINSCOT - PAINTED
- 7 SES - PAINTED TO MATCH ADJACENT WALL
- 8 OVERHEAD ROLL UP DOOR PRE-FINISHED DARK BRONZE
- 9 BUILDING MOUNTED WALL SCONCE - DARK BRONZE
- 10 DOWNSPOUT/OVERFLOW - PAINTED DARK BRONZE
- 11 STUCCO REVEAL
- 12 ROOF MTD UNITS - FULLY SCREENED
- 13 6" PIPE BOLLARD - PAINTED
- 14 VENT GRILLES - PREFINISHED DARK BRONZE
- 15 HM METAL DOOR - PAINTED TO MATCH ADJACENT WALL
- 16 MASONRY VENEER
- 17 NOT USED
- 18 DARK BRONZE ALUM STOREFRONT SYSTEM

## MATERIAL AND COLOR LEGEND

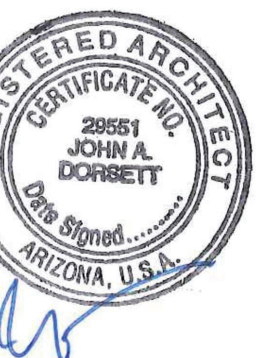
- (A) METAL COPING (PRE-FINISHED) - SW#7678 "COTTAGE CREAM"  
(B) STUCCO SYSTEM-MAIN BUILDING COLOR SW#7693 "STONEBRIAR"  
(C) STUCCO BAND-SW#7678 SW#6871 "POSITIVE RED"  
(D) STUCCO WAINSCOT - SW#6097 "STURDY BROWN"  
(E) PARAPET CAP/DOWNSPOUT-SW#6871 "WELL-BRED BROWN"  
(F) BOLLARDS/STL CANOPY - SW#6871 "POSITIVE RED"  
(G) MASONRY VENEER-SUPERLITE GRAY  
(H) STUCCO ACCENT/MTL BAND-SW#7678 "COTTAGE CREAM"

CITY OF PHOENIX

MAR 14 2022

Planning & Development  
Department

2008 NORTH 7th AVENUE  
PHOENIX, ARIZONA 85007

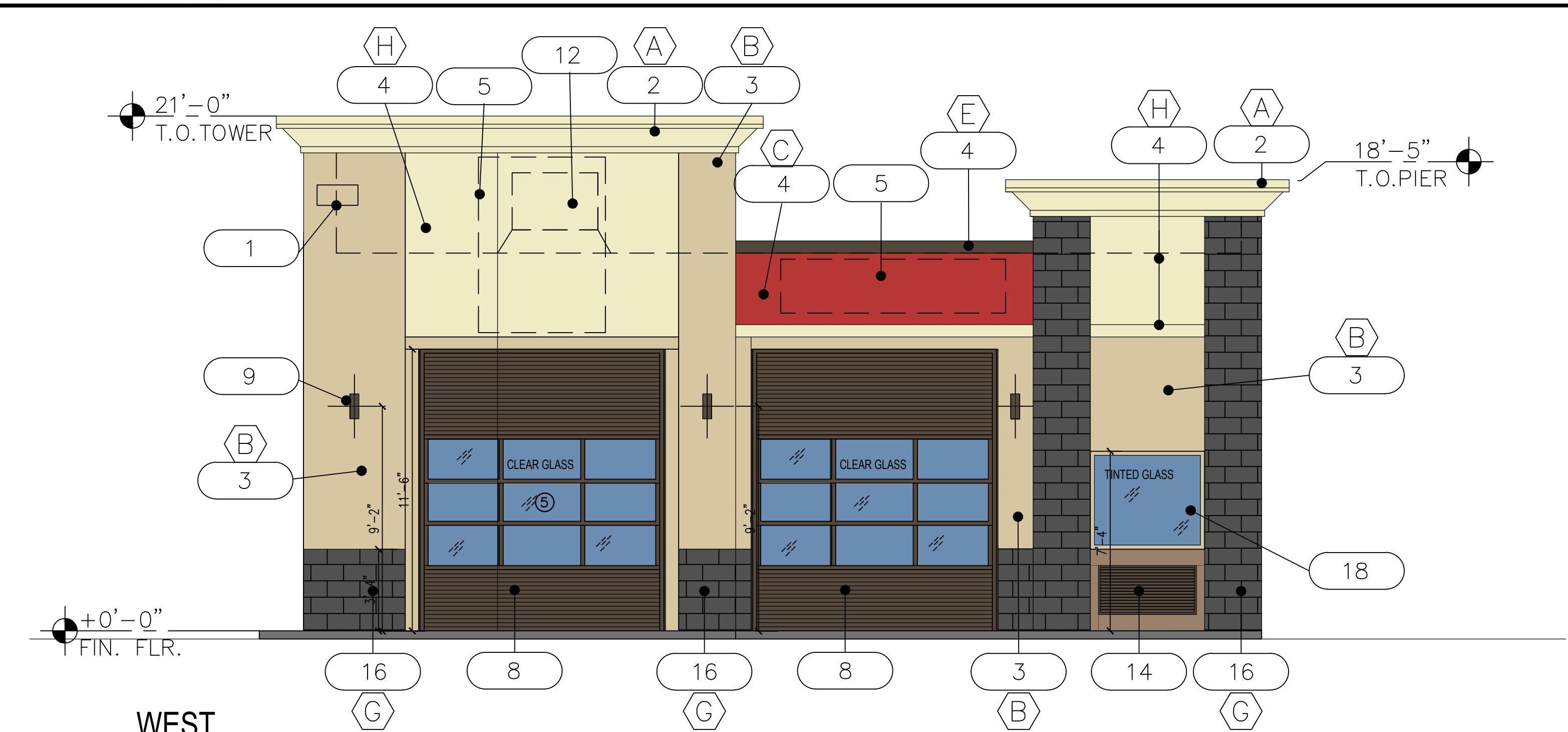


TAKE 5  
NEC 51ST AVENUE & BASELINE  
PHOENIX, ARIZONA 85339

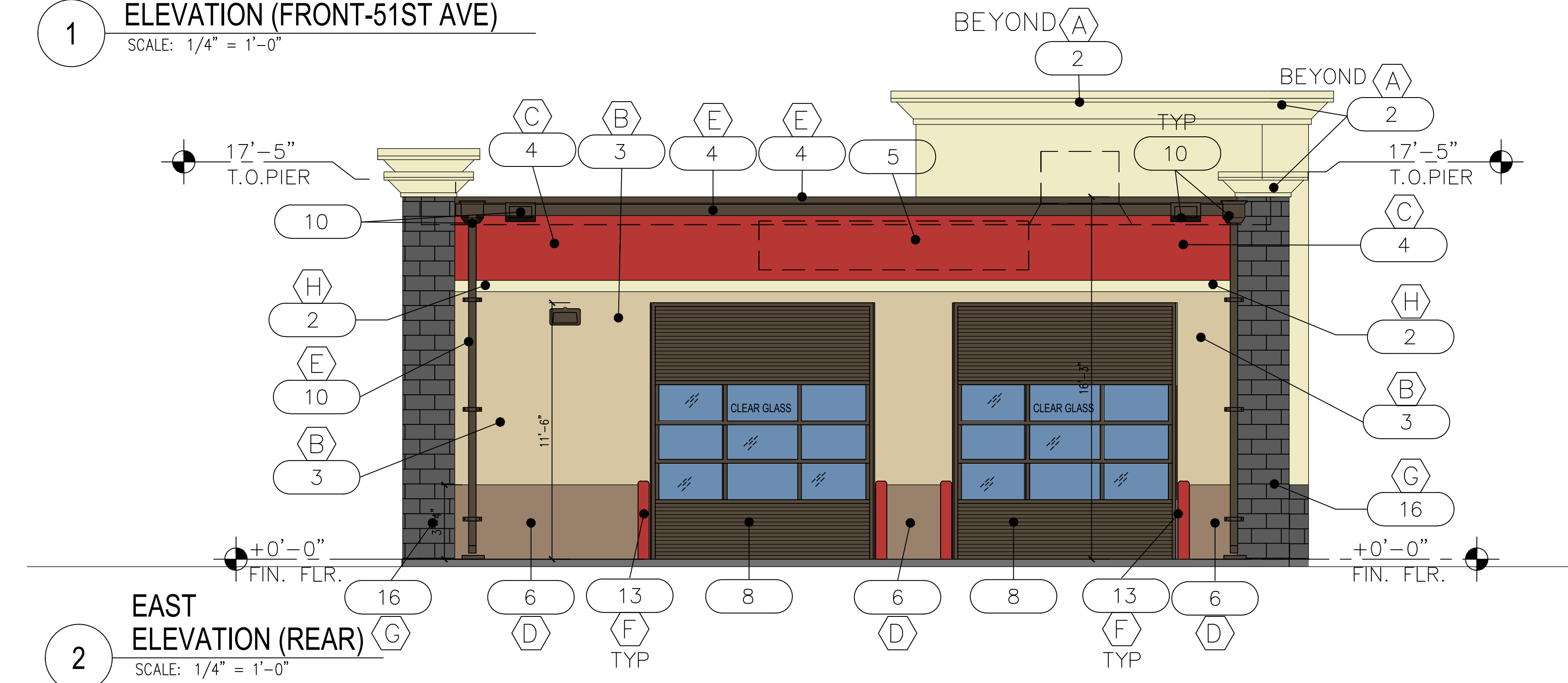
ELEVATIONS

DATE: 2021-11-1  
SCALE: SCALE  
DRAWN BY: JM  
PROJECT NUMBER: TFO20018.0  
SHEET: DD2.0  
REV:

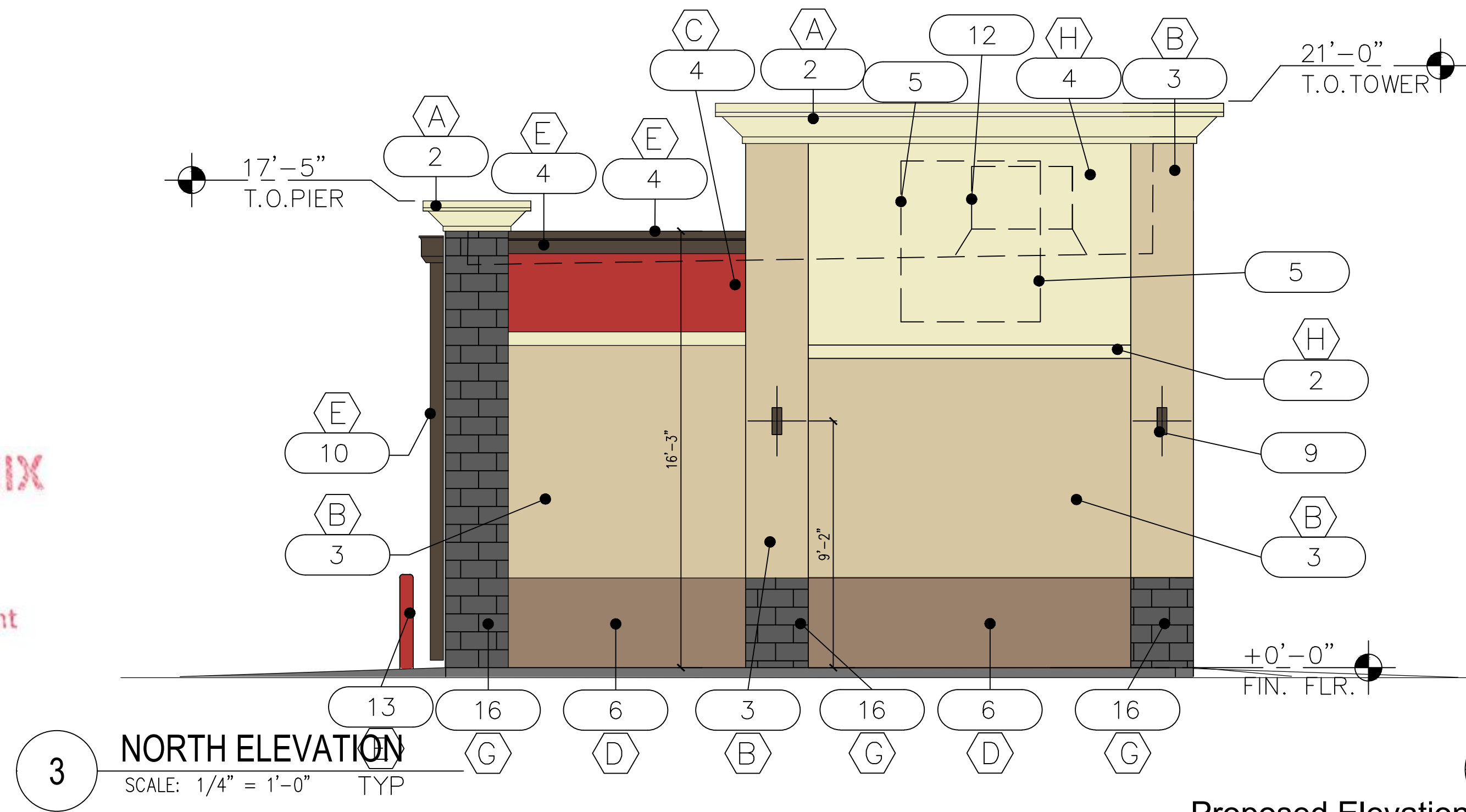




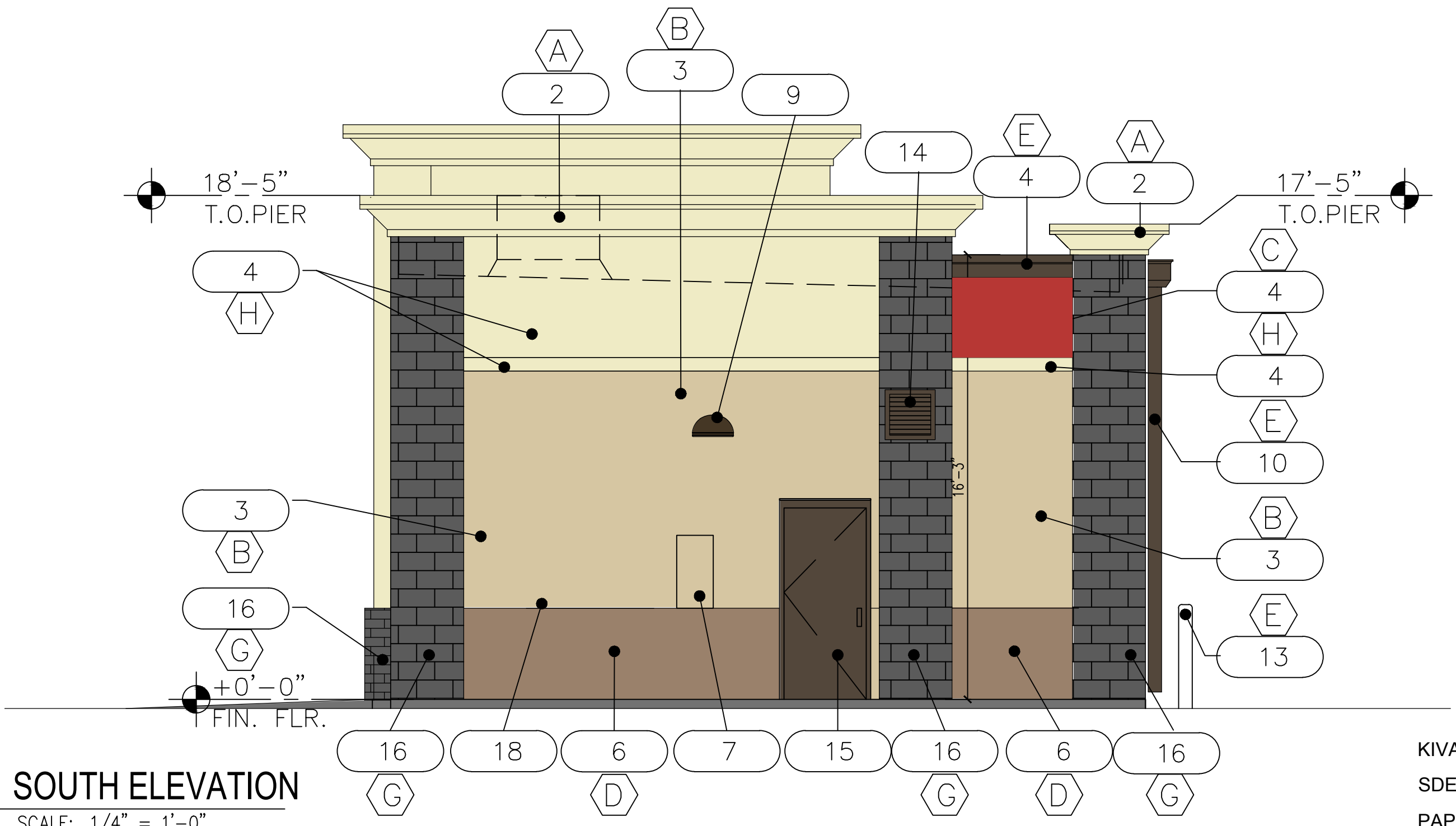
1 WEST  
ELEVATION (FRONT-51ST AVE)  
SCALE: 1/4" = 1'-0"



2 EAST  
ELEVATION (REAR)  
SCALE: 1/4" = 1'-0"



3 NORTH ELEVATION  
SCALE: 1/4" = 1'-0"



4 SOUTH ELEVATION  
SCALE: 1/4" = 1'-0"

ELEVATION KEY NOTES	
1	BUILDING ADDRESS - MIN 6" LETTERS W/CONTRASTING BACKGROUND
2	PRE-FINISHED METAL COPING-24GA GALVALUME
3	STUCCO SYSTEM MAIN BUILDING - PAINTED
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15	HM METAL DOOR - PAINTED TO MATCH ADJACENT WALL
16	MASONRY VENEER
17	NOT USED
18	DARK BRONZE ALUM STOREFRONT SYSTEM

MATERIAL AND COLOR LEGEND	
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(B)	STUCCO SYSTEM-MAIN BUILDING COLOR SW#7693 "STONEBRIAR"
(C)	STUCCO BAND-SW#7678 SW#6871 "POSITIVE RED"
(D)	STUCCO WAINSCOT - SW#6097 "STURDY BROWN"
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(H)	STUCCO ACCENT/MTL BAND-SW#7678 "COTTAGE CREAM"



CITY OF PHOENIX  
MAR 14 2022  
Planning & Development  
Department

PHO-2-22--Z-39-12-7

Proposed Elevations

Hearing Date: May 18, 2022 Q.S.: 17-1

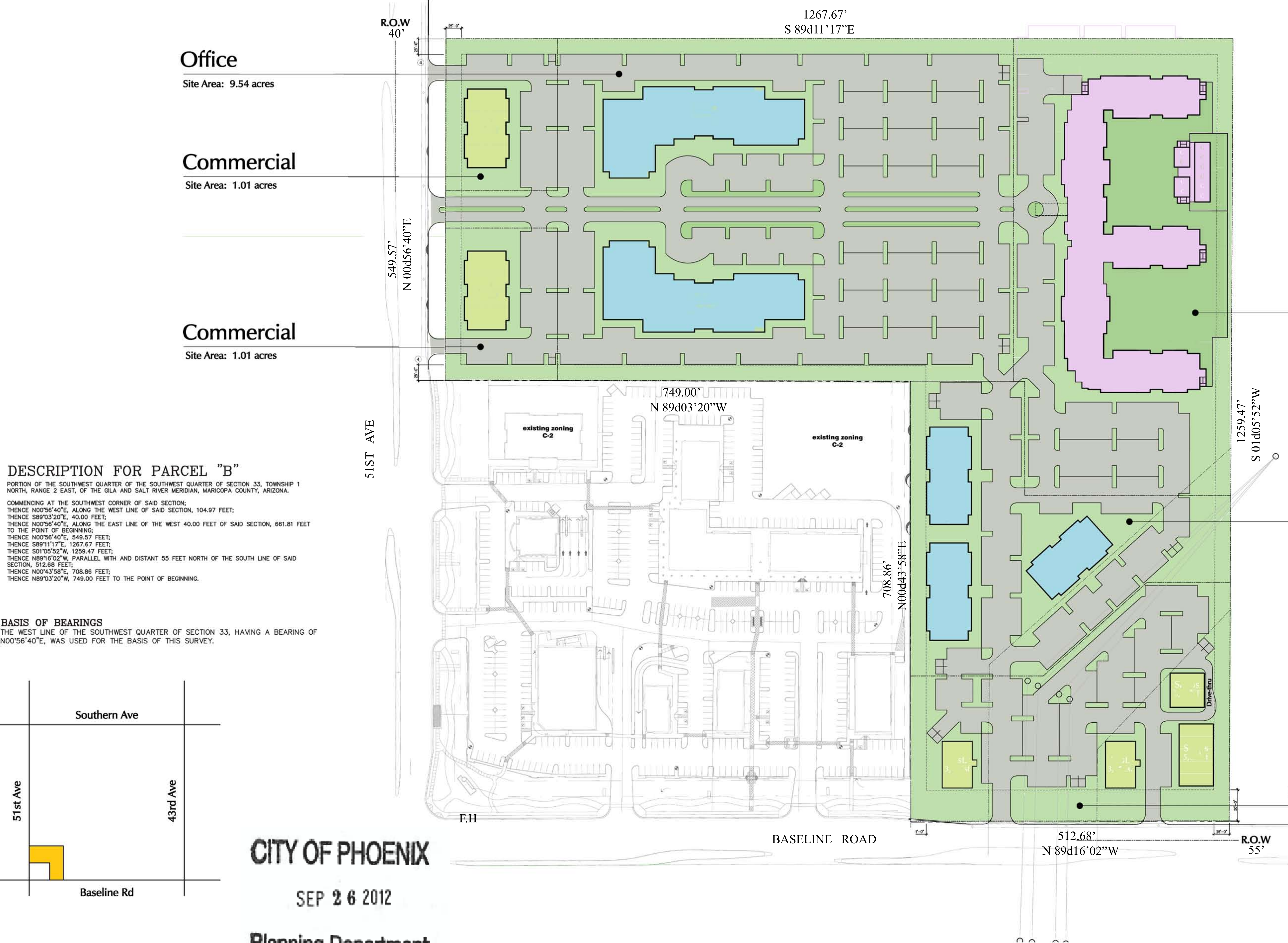
2008 NORTH 7th AVENUE  
PHOENIX, ARIZONA 85007

TAKE 5  
NEC 51ST AVENUE & BASELINE  
PHOENIX, ARIZONA 85339  
RENDERED ELEVATIONS

DATE: 2021-11-1  
SCALE:  
DRAWN BY: JM  
PROJECT NUMBER: TFO20018.0  
SHEET:  
REV:

DD3.0





**Office**

Site Area: 9.54 acres

**Commercial**

Site Area: 1.01 acres

**Commercial**

Site Area: 1.01 acres

**Conceptual Site Plan**

Total Site Area: 24.40 acres net  
24.98 acres gross

Current Zoning: S-1  
Proposed Zoning: C-2

**Assisted Living / Memory Care**

Site Area: 5.86 acres

**OFFICE**

Site Area: 3.47 acres

**COMMERCIAL**

Site Area: 3.50 acres

**DESCRIPTION FOR PARCEL "B"**  
PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 1 NORTH, RANGE 2 EAST, OF THE GLA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA.  
COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION;  
THENCE N00°56'40"E, ALONG THE WEST LINE OF SAID SECTION, 104.97 FEET;  
THENCE S89°03'20"E, 40.00 FEET;  
THENCE N00°56'40"E, ALONG THE EAST LINE OF THE WEST 40.00 FEET OF SAID SECTION, 661.81 FEET TO THE POINT OF BEGINNING;  
THENCE N00°56'40"E, 549.57 FEET;  
THENCE S89°11'17"E, 1267.67 FEET;  
THENCE S01°05'52"W, 1259.47 FEET;  
THENCE N89°16'02"W, PARALLEL WITH AND DISTANT 55 FEET NORTH OF THE SOUTH LINE OF SAID SECTION, 512.68 FEET;  
THENCE N00°43'58"E, 708.86 FEET;  
THENCE N89°03'20"W, 749.00 FEET TO THE POINT OF BEGINNING.

**BASIS OF BEARINGS**  
THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 33, HAVING A BEARING OF N00°56'40"E, WAS USED FOR THE BASIS OF THIS SURVEY.



Owner  
Mr. Ernie Linsenmeyer  
3719 East Baseline Road  
Phoenix, AZ 85040  
Phone: 602.437.8964  
malphx@cox.net

Zoning Attorney  
Withey Morris  
Jason Morris  
Mike Withey  
2525 E Arizona Biltmore Circle #A-212  
Phoenix, AZ 85016  
Phone: 602.230.0600  
Contact: Jason Morris / Mike Withey  
mike@witheymorris.com  
jason@witheymorris.com

Architect  
DAVIS  
60 E. Rio Salado Parkway  
Suite 118  
Tempe, Arizona 85281  
Phone: 480.638.1100  
Fax: 480.638.1101  
Contact: Buck Yee  
bye@thedavisexperience.com



**CITY OF PHOENIX**

SEP 26 2012

**Planning Department**

**51st Avenue and Baseline  
Phoenix, Arizona**

12115  
21.SEP.12

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January 16, 2013

**ITEM 102**

**DISTRICT 7**

**PUBLIC HEARING -**  
**ORDINANCE G-5775 -**

**Z-39-12-7 -**

**51ST AVENUE AND BASELINE**  
**ROAD**

---

The Council heard request to hold a public hearing and approve the rezoning for the following item by adopting the Planning Commission's recommendation and the related ordinance.

Application: Z-39-12-7 -Companion Case GPA-LV-1-12-7  
From: S-1  
To: C-2  
Acreage: 25.61  
Location: Approximately 750 feet east of the northeast corner of  
51st Avenue and Baseline Road  
Proposal: Office/Commercial and Assisted Living and Memory Care  
Facility  
Applicant: Jason Morris - Withey Morris, PLC  
Owner: Ernest Linsenmeyer and Kyle Hindman  
Representative: Jason Morris - Withey Morris, PLC  
Staff: Approved, subject to stipulations.  
VPC Action: Laveen - November 19, 2012 - Approved with additional  
stipulations. Vote 7-3  
PC Action: December 11, 2012 - Approved, subject to additional and  
modified stipulations. Vote 8-0

The following stipulations were subject to discussion at the meeting, and the City Council might add, delete, or amend stipulations.

**Stipulations**

1. The development shall be in general conformance with the site plan date stamped September 26, 2012, as approved by the Planning and Development Department.

January 16, 2013

2. That all elevations of the building shall contain architectural embellishments and detailing, such as textural changes, pilasters, offsets, recesses, variation in window size and location, and/or other overhang canopies, as approved by the Planning and Development Department.
3. A 50-foot landscape setback shall be provided along Baseline Road and 51st Avenue, as approved by the Planning and Development Department.
4. A 10-foot public multi-use trail shall be constructed within a 30-foot easement in accordance with City of Phoenix Maricopa Association of Governments Supplemental Detail Section 429 of the Supplemental Specifications along 51st Avenue and Baseline Road, as approved by the Parks and Recreation Department, and Planning and Development Department.
5. Detached sidewalks shall be provided along 51st Avenue and Baseline Road, as approved by the Planning and Development Department.
6. Drive-through facilities shall be located a minimum 100 feet from the north and east property lines, as approved by the Planning and Development Department.
7. The applicant shall pursue a recorded cross access agreement for the subject parcel and the parcel located at the northeast corner of 51st Avenue and Baseline Road to allow the proposed uses to function as a commercial center. The agreement is to be reviewed and approved by the Planning and Development Department prior to recordation with Maricopa County.
8. The property owner shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence and operational characteristics of Phoenix Sky Harbor International Airport to future owners or tenants of the property.
9. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping, and other incidentals as per plans approved by the Planning and Development Department. All improvements shall comply with all Americans with Disabilities Act accessibility standards.

January 16, 2013

10. THAT THE APPLICANT SHALL PRESENT FOR REVIEW AND COMMENT A DETAILED SITE PLAN, LANDSCAPE PLAN, ELEVATIONS, SIGN PLAN, AND TRAILS PLAN TO THE LAVEEN VILLAGE PLANNING COMMITTEE PRIOR TO PRELIMINARY SITE PLAN APPROVAL.
11. THE APPLICANT SHALL NOTIFY THE FOLLOWING INDIVIDUALS BY MAIL 15 DAYS PRIOR TO ANY PLANNING HEARING OFFICER HEARINGS. THE NOTICE SHALL INCLUDE THE DATE, TIME, AND LOCATION OF THE HEARINGS.
  - a. CLAUDINE REIFSCHNEIDER - 4611 WEST SUMMERSIDE ROAD, LAVEEN, AZ 85339
  - b. PHIL HERTEL - 2300 WEST BROADWAY ROAD, PHOENIX, AZ 85041
  - c. STEVEN KLINE - 6820 SOUTH 66TH AVENUE, LAVEEN, AZ 85339
  - d. WENDY ENSMINGER - 6806 SOUTH 55TH LANE, LAVEEN, AZ 85339
  - e. JON KIMOTO - 3216 WEST ANSELL ROAD, LAVEEN, AZ 85339
  - f. RANDY SCHILLER - 8618 SOUTH 54TH LANE, LAVEEN, AZ 85339
  - g. BRYAN BAKER - 7225 WEST ELLIS STREET, LAVEEN, AZ 85339
  - h. ERIKA LOPEZ - 4845 WEST DONNER DRIVE, LAVEEN, AZ 85339

Acting Mayor Johnson declared the public hearing open. Noting there was no one present wishing to speak, Acting Mayor Johnson declared the public hearing closed.

January 16, 2013

**MOTION** was made by Mrs. Williams, **SECONDED** by Mr. Nowakowski, that Item 102 be granted as recommended by the Planning Commission, subject to Stipulations 1 through 11 as listed above, and the related ordinance adopted.

Roll Call:	Ayes:	DiCiccio, Gates, Nowakowski, Valenzuela, Waring, Williams, and Acting Mayor Johnson
	Nays:	None
	Absent:	Simplot and Mayor Stanton

**MOTION CARRIED.**

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REPORT OF PLANNING COMMISSION ACTION  
December 11 2012

ITEM NO 4

DISTRICT NO 7

SUBJECT

Application #	Z 39 12 7
Location	Approximately 750 feet east of the northeast corner of 51st Avenue and Baseline Road
Request	S-1 To C 2 Acreage 25 61
Proposal	Office/Commercial & Assisted Living & Memory Care Facility
Applicant	Jason Morris
Owner	Ernest Linsenmeyer & Kyle Hindman
Representative	Jason Morris

**ACTIONS**

Staff Recommendation Approval subject to stipulations

Village Planning Committee (VPC) Recommendation  
Laveen 11/19/2012 Approval with additional stipulations Vote 7 3

Planning Commission Recommendation Approval per the Laveen Village Planning Committee recommendation as modified by staff and read into the record

**Stipulations**

- 1 The development shall be in general conformance with the site plan date stamped September 26 2012 as approved by the Planning and Development Department
- 2 That all elevations of the building shall contain architectural embellishments and detailing such as textural changes pilasters offsets recesses variation in window size and location and/or other overhang canopies as approved by the Planning and Development Department
- 3 A 50 foot landscape setback shall be provided along Baseline Road and 51st Avenue as approved by the Planning and Development Department
- 4 A 10 foot public multi use trail shall be constructed within a 30 foot easement in accordance with City of Phoenix MAG Supplemental detail Section 429 of the Supplemental Specifications along 51st Avenue and Baseline Road as approved by the Parks and Recreation Department and Planning and Development Department
- 5 Detached sidewalks shall be provided along 51st Avenue and Baseline Road as approved by the Planning and Development Department
- 6 Drive through facilities shall be located a minimum 100 feet from the north and east property lines as approved by the Planning and Development Department
- 7 The applicant shall pursue a recorded cross access agreement for the subject parcel and the parcel located at the northeast corner of 51st Ave and Baseline Road to allow the proposed uses to function as a commercial center The agreement is to be reviewed

The property owner shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence, and operational characteristics of Phoenix Sky Harbor International Airport to future owners or tenants of the property

THAT THE APPLICANT SHALL PRESENT FOR REVIEW AND COMMENT A DETAILED SITE PLAN LANDSCAPE PLAN ELEVATIONS SIGN PLAN AND TRAILS PLAN TO THE LAVERN VILLAGE PLANNING COMMITTEE PRIOR TO PRELIMINARY SITE PLAN APPROVAL

THE APPLICANT SHALL ALSO NOTIFY THE FOLLOWING INDIVIDUALS BY MAIL 15 DAYS PRIOR TO ANY PLANNING HEARING OFFICER HEARINGS THE NOTICE SHALL INCLUDE THE DATE TIME AND LOCATION OF THE HEARINGS

- 27  
 14 17

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***The Planning Hearing Officer will hold a public hearing for this case on December 19, 2012.***

**Ms. Wendy Ensminger** arrived to bring the quorum total to 9 members present

\*SEE ITEM #6 FOR DISCUSSION

**MOTION**

Mr Findlay moved, with a second from Mr Kimoto to continue PHO-2-12-Z-57-04 to the January 14<sup>th</sup> Laveen VPC meeting to allow for community discussion, further traffic analysis, request the PHO to continue without fee

**VOTE**

9-0 motion passes unanimously

- 6 PHO-2-12--Z-124-06 Presentation, discussion and possible action regarding a request to modify stipulations of entitlement for a 112 23 acre parcel located approximately 900 feet west of the northwest corner of 43rd Avenue and Ceton Drive. The request is to modify and delete several stipulations regarding general conformance, building envelop, grading and drainage, location of fencing and walls, landscaping, canal access, open space and archaeology Presentation by Mr Ed Bull, Burch and Cracchiolo, P A**

***The Planning Hearing Officer will hold a public hearing for this case on December 19, 2012.***

Items #5 & 6 were heard together

Mr Ed Bull provided overview of the PHO application and specifically discussed the zoning history of the parcel to date, the two phases of the previous project located on the north and south side of carver mountain, 121 and 128 lots with previous entitlements, the applicant donating a 98 acre park to the City of Phoenix on the south side of the mountain, Parks Board considering the donation at its meeting this Thursday, monies involved by owner to donate to the City of Phoenix, discussed proposed deed restriction for the south side of mountain that is to be donated to the city, the deed restriction would allow only 1 home to be constructed in the future, outlined types of homes to be constructed and showed possible elevation examples, gated community, discussed density and duplex and tri plex units, no garage units displayed outward of development, attached single family product, price points starting at \$277K to \$520K depending on size of unit, \$480-\$720K for single family detached custom home units, prime location, creative, diverse, and attractive housing opportunity

VPC members had questions and statements regarding support of open space donation, like idea of housing mix, want a quality development, LCRD reviewed

VPC members had questions regarding the power lines, concerned with setbacks adjacent to neighborhoods, height questions, appreciated density has been reduced, Laveen needing office space, wanting to delete/limit retail on southern portion of subject site, assisted living questions, request for more detailed site plan, elevations and landscape plans, limit drive thru facility, good use for the site, why C-2? Would C-1 not work?, needed use in the area, irregularly shaped lot and good proposal, concerns with fast food uses along arterials

Mr. Baugh answered questions from the VPC stating the buildings are limited to their proposed locations because of the power lines, two stories in height maximum, moving buildings creates issues for vehicular ingress and egress to site, removing buildings would affect the financial viability of the project

The VPC suggested moving the buildings to the north end of the site and away from adjacent residential uses, requested number of commercial square footage as there is a large amount of existing commercial in the village, expressed great concern with not knowing exact uses for the parcel, would like to know the square footage of the proposed commercial and office uses, would like additional mitigation between subject parcel and neighborhood to the east

**Mr. Baugh** answered stating the assisted living/memory care facility is an appropriate use adjacent to the neighborhood, couldn't give exact number for proposed commercial square footage but noted that the area could not support more than is being proposed, committed to coming back and showing the VPC more detailed site plan, elevations, landscape plan etc

Resident **Gene Holmend** stated living at 16<sup>th</sup> Street south of Baseline and discussed connectivity of trail as it relates to east property line of subject parcel

#### **MOTION**

**Mr. Hertel** moved, with a second from **Mr. Findlay**, to approve GPA-LV-1-12-7 as presented

#### **VOTE**

9-1 item passes (Reifschneider dissenting)

- \*7 **Z-39-12-7** Presentation, discussion and possible recommendation on a request to rezone a parcel located approximately 750 feet east of the northeast corner of 51st Avenue and Baseline Road from S-1 (25.61 acres) to C-2 (25 61 acres) for office/commercial/assisted living facility  
Presentation by Adam Baugh, Withey Morris PLC

***The Planning Commission will consider this request on December 11, 2012.***

SEE BACKGROUND OF ITEM # 6

**MOTION**

**Mr. Hertel** moved, with a second from **Mr Kimoto**, to approve Z-39-12-7 as presented with the following additional stipulations

- 1 Along the eastern property line adjacent to the single family subdivision the elevations shall represent the rural character of the Laveen Village by incorporating gables and eliminating the amount of needed parapet walls The intent is to soften the commercial feel of the buildings located adjacent to the existing neighborhood
- 2 That the applicant shall present for review and comment a detailed site plan, landscape plan, elevations, sign plan and trails plan to the Laveen Village Planning Committee prior to preliminary site plan approval
- 3 That any request to modify or delete stipulations of entitlement shall be reviewed and commented on by the Laveen Village Planning Committee prior to any Planning Hearing Officer hearing The applicant shall also notify the following individuals by mail 15 days prior to any Planning Hearing Officer hearings The notice shall include the date, time and location of the hearings
  - a Claudine Reifschneider - 4611 W Summerside Road, Laveen AZ 85339
  - b Phil Hertel – 2300 West Broadway road, Phoenix, AZ 85041
  - c Steven Kline – 6820 South 66<sup>th</sup> Avenue, Laveen ,AZ 85339
  - d Wendy Ensminger – 6806 S 55<sup>th</sup> Lane, Laveen AZ 85339
  - e Jon Kimoto 3216 West Ansell Road, Laveen, AZ 85339
  - f Randy Schiller – 8618 S 54<sup>th</sup> Lane, Laveen AZ 85339
  - g Bryan Baker – 7225 W Ellis Street, Laveen AZ 85339
  - h Erika Lopez – 4845 W Donner Drive, Laveen, AZ 85339
- 4 No drive thru facilities shall be permitted at the southeast corner of the site along Baseline Road

**VOTE**

7-3 motion passes (Findlay, Ensminger, Reifschneider dissenting)

**8 Overview of Phoenix Bike Program and Plans for Village Bicycle Summit Presentation by Joseph Perez**

**Joe Perez** reviewed the current efforts regarding the city's Bike Program and described a desire for a Village Bicycle Summit He reported that a Bicycle Summit was held earlier this year at the Burton Barr Library and it was well attended He is visiting all the village committees to talk about a bike summit and to let members know that one is being planned for their area

VPC members had comments and questions regarding the status of the bike route recommendations they made last year, map including staff trail recommendations, monies allocated for the bike lane project, re-allocating monies for signage along

Excerpt from the November 19 2012 Laveen VPC

**Z-39-12-7** Presentation, discussion and possible recommendation on a request to rezone a parcel located approximately 750 feet east of the northeast corner of 51st Avenue and Baseline Road from S-1 (25 61 acres) to C-2 (25 61 acres) for office/commercial/assisted living facility Presentation by Adam Baugh, Withey Morris PLC

***The Planning Commission will consider this request on December 11, 2012***

SEE BACKGROUND OF ITEM # 6

**MOTION**

**Mr Hertel** moved, with a second from **Mr Kimoto**, to approve Z-39-12-7 as presented with the following additional stipulations

- 1 Along the eastern property line adjacent to the single family subdivision the elevations shall represent the rural character of the Laveen Village by incorporating gables and eliminating the amount of needed parapet walls The intent is to soften the commercial feel of the buildings located adjacent to the existing neighborhood
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  - h Erika Lopez – 4845 W Donner Drive, Laveen, AZ 85339
- 4 No drive thru facilities shall be permitted at the southeast corner of the site along Baseline Road

**VOTE**

7-3 motion passes (Findlay, Ensminger, Reifschneider dissenting)