

## ATTACHMENT D

PLEASE RESPOND ELECTRONICALLY TO LOGAN ZAPPOLO 2ND FLOOR, 602-256-3322



**City of Phoenix**  
PLANNING & DEVELOPMENT DEPARTMENT

**To:** Departments Concerned  
**From:** Joshua Bednarek  
Planning & Development Department Director

**Date:** October 20, 2025

**Subject: P.H.O. APPLICATION NO. PHO-1-25-Z-131-99-7 – 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 **November 19, 2025**.
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 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 **October 27, 2025**.

### **DISTRIBUTION**

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City Council (Stephanie Bracken), 11th Floor  
City Council District 7 - Luke Black (council.district.7@phoenix.gov)  
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Neighborhood Services (Gregory Gonzales, Lisa Huggins), 4th Floor  
Parks & Recreation (Todd Shackelford), 16th Floor  
Public Transit (Skitch Kitchen)  
Street Transportation Department (Maja Brkovic, Josh Rogers, Alan Hilty, Chris Kowalsky), 5th Floor  
Street Transportation - Ped. Safety Coordinator (Kurt Miyamoto), 5th Floor  
Street Transportation - Floodplain Management (Tina Jensen, Priscilla Motola, Rudy Rangel), 5th Floor  
Water Services (Don Reynolds, Victor Romo), 8th Floor  
Planning and Development (Joshua Bednarek, Tricia Gomes), 3rd Floor  
Planning and Development/Information Services (Andrew Wickhorst), 4th Floor  
Planning and Development/Historic Preservation Office (Kevin Weight), 3rd Floor  
Planning Hearing Officer (Byron Easton, Logan Zappolo), 2nd Floor  
Village Planner (Nayeli Sanchez Luna, Estrella Village)  
Village Planning Committee Chair (Ms. Parris Wallace, Estrella Village)



**City of Phoenix**  
PLANNING & DEVELOPMENT DEPARTMENT

**APPLICATION FOR PLANNING HEARING OFFICER ACTION**

**APPLICATION NO: PHO-1-25-Z-131-99-7**

**Council District: 7**

**Request For:** Stipulation Modification

**Reason for Request:** Request to modify Stipulation 1 regarding outdoor activity.

**HEARING INFORMATION**

Hearing Type	Hearing Date	Hearing Time	Hearing Location
Planning Hearing Officer	11-19-2025	10:00 AM	Meetings to be held virtually

**Contact Information**

Name	Relationship Type	Address	Phone	Fax	Email
Daniel Chambers, QuikTrip Corporation	Applicant	1116 East Broadway Road Tempe AZ 85282	480-446-6321		dchamber@quiktrip.com
Peter Shaplin, Arizona Becknell Investors 2007 LLC.	Owner	280 East 96th Street Indianapolis IN 46240	7084439300		pshaplin@becknellindustrial.com
Robert Hennen, Kimley-Horn & Associates	Representative	14648 N Scottsdale Road, Suite 200 Scottsdale AZ 85254	602-219-1259		robert.hennen@kimley-horn.com

**Property Location:** Southeast corner of 59th Avenue and Lower Buckeye Road

**Acreage:** 7.82

**Geographic Information**

Zoning Map E5	APN 104-46-002M	Quarter Section Q6-15
Village: Estrella		

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@phoenix.gov](mailto:zoning@phoenix.gov) or visit our website at <https://www.phoenix.gov/pdd/licensing-time-frames>

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

I declare that all information submitted is true and correct to the best of my knowledge and belief. I acknowledge that any error in my application may be cause for changing its normal scheduling.

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

**Fee Information**

Fee	Fee Waived	Fee Date	Purpose
\$1,080.00	\$0.00	10/08/25	PHO (1-2 stipulations)

# PHO APPLICATION WRITTEN REQUEST

QT #1533 - SEC of 59<sup>th</sup> Avenue and Lower Buckeye Road



## APPLICANT:



Daniel Chambers

QuikTrip Corporation

1116 East Broadway Road

Tempe, AZ 85282

(480) 446-6321

[dchamber@quiktrip.com](mailto:dchamber@quiktrip.com)

## PROJECT BACKGROUND

QuikTrip Corporation conducted an Option 2 Pre-App meeting for the proposed QuikTrip Store 1533 located at the southeast corner of 59<sup>th</sup> Ave and Lower Buckeye Road. During the pre-application meeting it was discovered that the site is tied to an existing zoning case, Z-131-99-7, which includes a stipulation that conflicts with the proposed layout of this site. The zoning was approved in January of 2000 when the site was included in a larger commerce park development.

## DESCRIPTION OF PROPOSAL

The current proposal seeks to address these conflicts by amending the applicable stipulation to accommodate the development of QuikTrip Store 1533. The following section provides a detailed description of the proposed development and outlines the necessary modifications to align with the new intended use.

## EXISTING STIPULATIONS TO BE MODIFIED

The following stipulations from Z-131-99-7

1. That no loading docks or outdoor activity, other than passenger vehicle parking, shall be located between the north, south and west perimeter boundary of the property and adjacent buildings.

## PROPOSED MODIFICATIONS

1. That no loading docks or outdoor activity, other than passenger vehicle parking and fueling pumps for both passenger vehicles and trucks, shall be located between the north, south and west perimeter boundary of the property and adjacent buildings.

## RATIONALE

The rationale for each of the stipulation modifications are as follows:

Stipulation 1: We formally request a revision to Stipulation 1 to permit additional use along the perimeter boundaries the site. When zoning was approved in 1999, the site was intended to be part of a 125-acre commerce park. However, the commerce park was never developed in accordance with the original conceptual site plan.

It is our understanding that the intent of Stipulation 1 was to regulate industrial and warehouse uses by restricting the orientation of loading docks toward public streets. The proposed development does not include any loading docks, and therefore does not conflict with the underlying purpose of the stipulation.

Accordingly, we request that Stipulation 1 be revised to explicitly allow the proposed use, which is consistent with the original zoning designation and does not introduce any adverse impacts related to loading dock visibility or orientation.



## City of Phoenix

PLANNING DEPARTMENT

January 13, 2000.

Landen  
Michael J. Cronin  
4410 N. Saddlebag Trail  
Scottsdale, AZ 85251

Dear Applicant:

RE: Z-131-99-7

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 January 12, 2000, concurred in the recommendation of the Planning Commission and Zoning Hearing Officer and has denied as filed, approved CP/GCP for the west 600 feet and A-1 for the remainder, with stipulations, application Z-131-99-7 (approx. 128.41 acres) located on the southeast corner of Lower Buckeye Road and 59th Avenue.

### STIPULATION

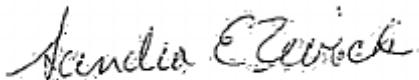
Mod

1. That no loading docks or outdoor activity, other than passenger vehicle parking, shall be located between the north, south and west perimeter boundary of the property and adjacent buildings.
2. That the area zoned A-1 conform to the commerce park development standards.
3. That the Estrella Village Major Street Landscape Plan be utilized for all landscaping along Lower Buckeye Road and 59th Avenue.
4. That the applicant shall notify the City Archeologist, prior to any constructional grading activity. The State Historic Preservation Officer and the City of Phoenix Archaeologist shall be notified if during construction any archaeological artifacts or remains are found.
5. That 8-foot wide multi-purpose trail be provided along the south side of Lower Buckeye Road, based on the guidance provided in the Estrella Village Multi Purpose Trail Plan.
6. That a transit stop/shelter be provided east bound on Lower Buckeye Road east of 59th Avenue, providing convenient access to pedestrians and persons with disabilities as per guidance from the Public Transit Department.

January 19, 2000  
Ratification #31-99-7  
Page 2

7. That the following right of way standards shall be provided:
  - A. Right of way totaling 40 feet and a 10 foot sidewalk easement shall be dedicated for the south half of Lower Buckeye Road;
  - B. Right of way totaling 40 feet shall be dedicated for the east half of 59th Avenue;
  - C. A 21 foot by 21 foot right of way triangle shall be dedicated at the southeast corner of 59th Avenue and Lower Buckeye Road;
  - D. Sufficient right of way shall be dedicated to accommodate a far side bus bay (Detail P-1257) on Lower Buckeye Road at 59th Avenue.
8. That the developer shall construct all streets adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals as per plans approved by the City. Improvements shall comply with all ADA standards.

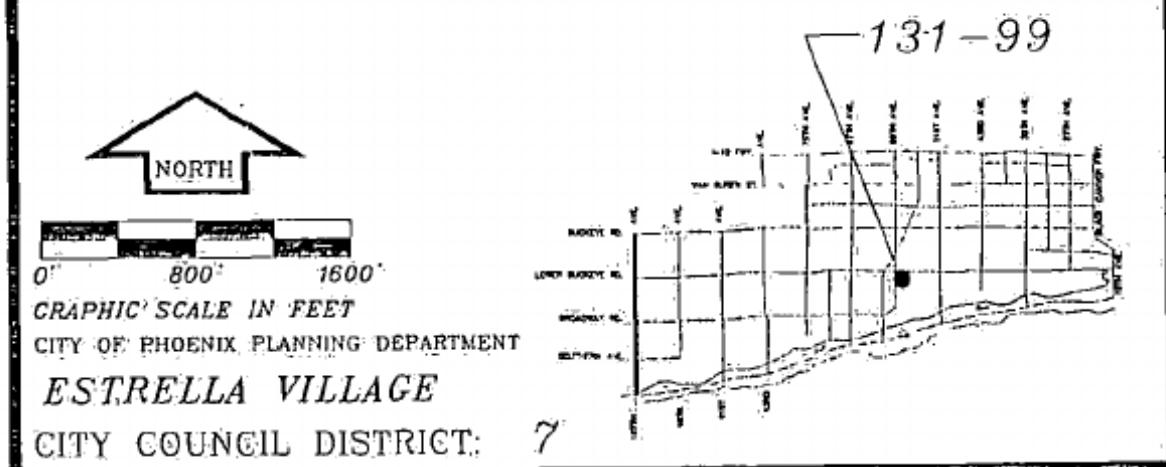
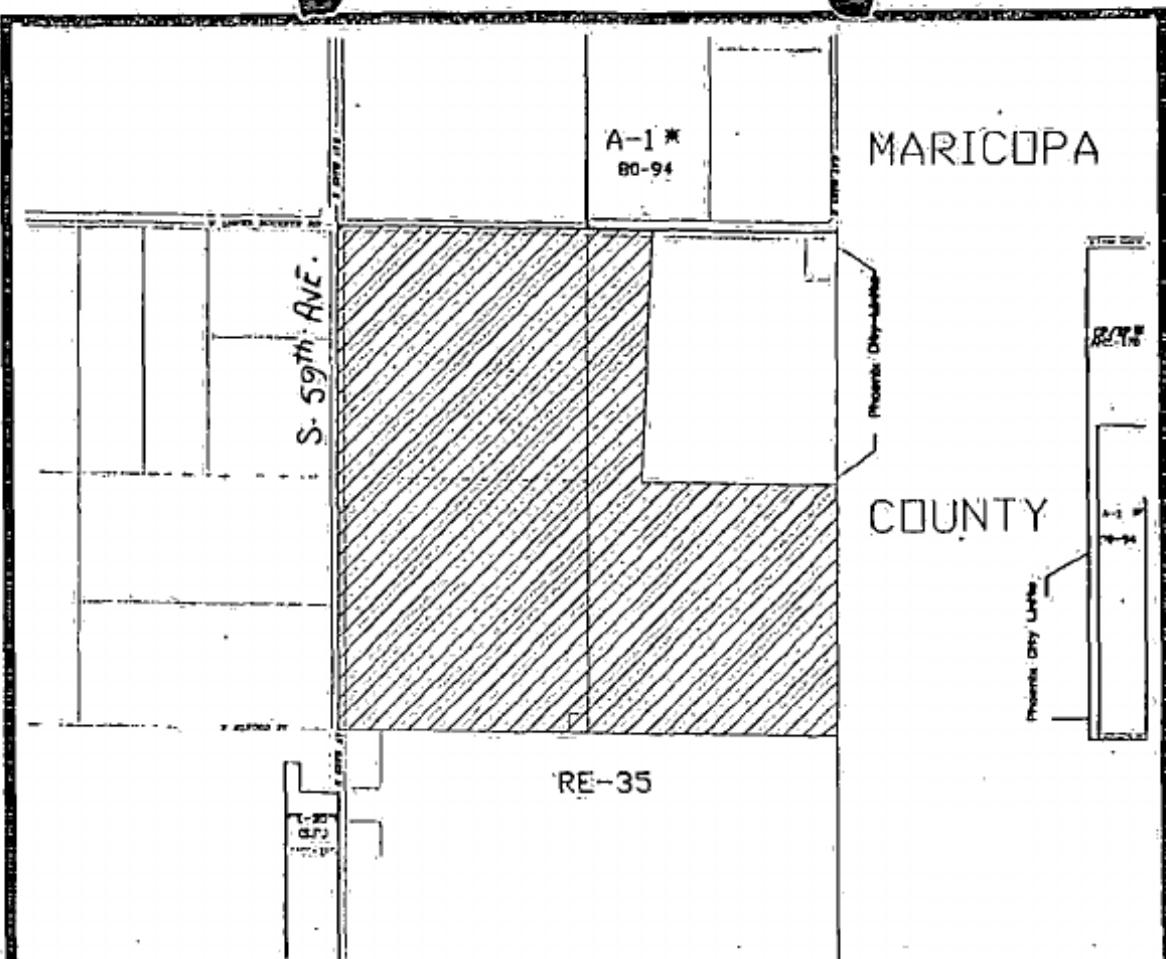
Sincerely,



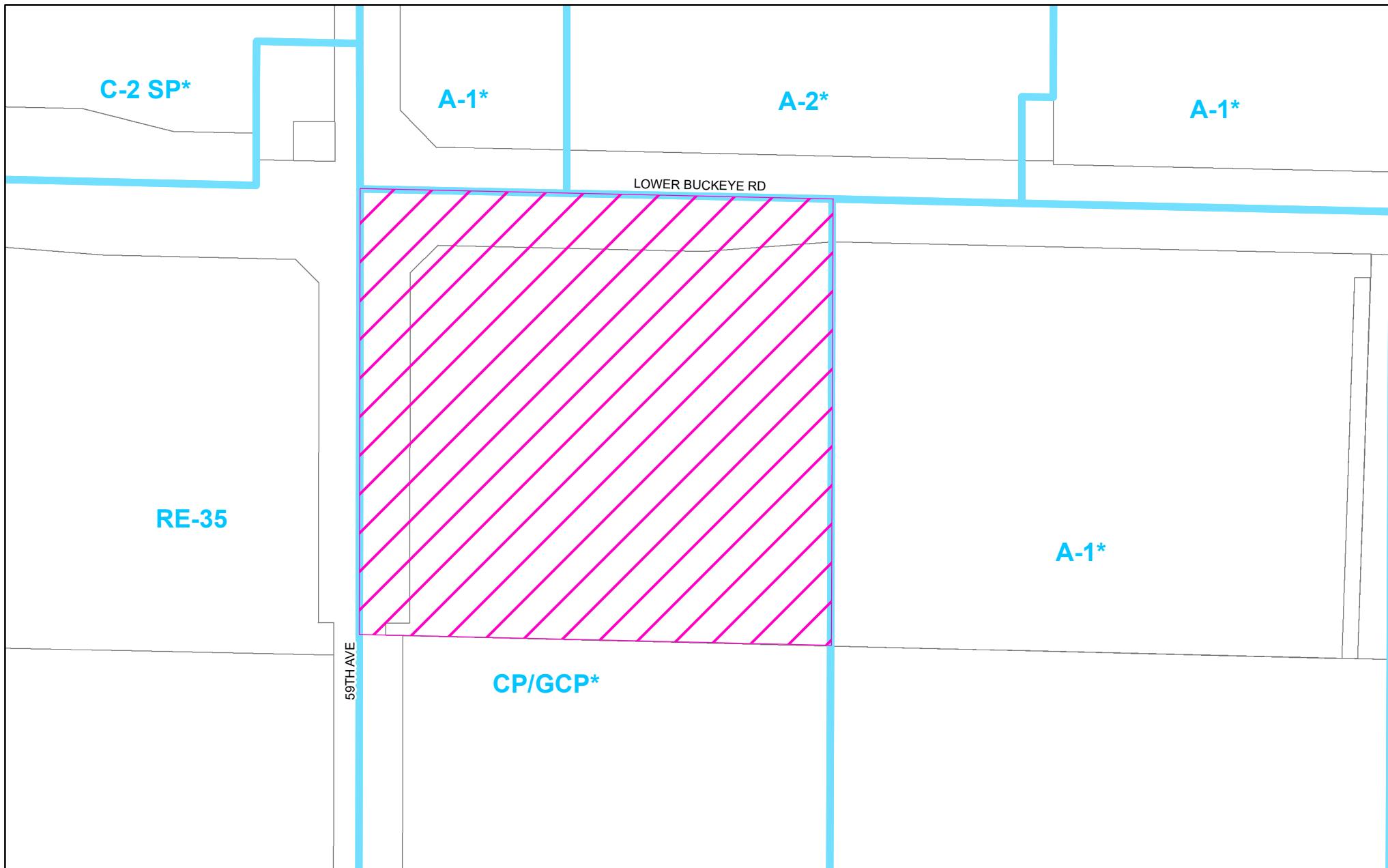
Sandra E. Zwick  
Planner III

SZ:zho\rat\131-99-7.w61

c:  City Clerk Steve Cohen (sent electronically)  
 Files Victor Morrison-Vega (sent electronically)  
Bernadine Alling (sent electronically) Bob Luxton, Sign Enf. (sent electronically)  
Ben Leonard, Public Transit (sent electronically) Kelly Zak, Site Planning (sent electronically)  
Charlene Bodine c/o Betty Wagner, 11811 N. Tatum Blvd. Suite 1005, Phoenix, AZ 85028

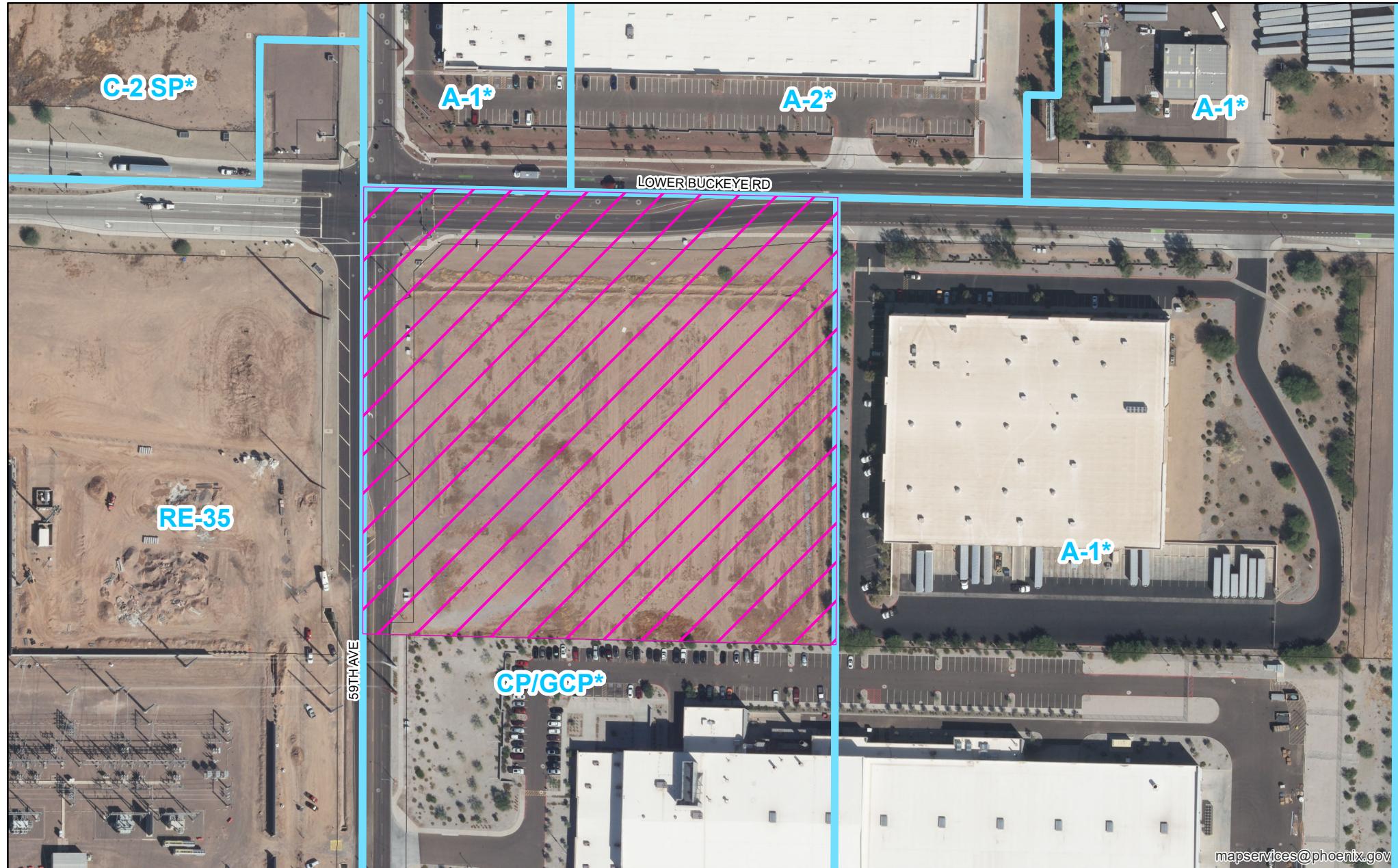


APPLICANT'S NAME: <i>LANDEN/MICHAEL J. CRONIN</i>		REQUESTED CHANGE:	
APPLICATION NO. <i>131-99</i>		DATE: <i>8-8-99</i>	FROM: <i>RE-35</i>
		REVISION DATES:	
CROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX. <i>128.64 ACRES</i>		AERIAL PHOTO & QUARTER SEC. NO. <i>6-15</i>	ZONING/MAP <i>E-5</i>
			TO: <i>A-1</i>
MULTIPLES PERMITTED <i>RE-35</i>		UNITS STANDARD OPTION <i>141</i>	
<i>A-1</i>		UNITS P.R.D. OPTION <i>148</i>	
		UNITS P.R.D. OPTION <i>N/A</i>	
* MAXIMUM UNITS ALLOWED WITH P.R.D. BONUS.			



PHO-1-25-Z-131-99-7

**Property Location: Southeast Corner of Lower Buckeye Road and 59th Avenue**



PHO-1-25-Z-131-99-7

Property Location: Southeast Corner of Lower Buckeye Road and 59th Avenue

1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | W. BUCKEYE RD | Q | P | N | M | L | K | J | I | H | G | F | E | D | C | B | A

**PRELIMINARY SITE PLAN FOR  
QUIKTRIP STORE #1533  
SEC 59TH AVENUE AND LOWER BUCKEYE ROAD  
PHOENIX, AZ 85043**

**SITE PLAN NOTES:**

1. DEVELOPMENT AND USE OF THIS SITE WILL CONFORM WITH ALL APPLICABLE CODES AND ORDINANCES.  
 2. ALL NEW OR RELOCATED UTILITIES WILL BE PLACED UNDERGROUND.  
 3. STRUCTURES AND LANDSCAPING WITHIN A TRIANGLE MEASURED BACK 10' FROM THE PROPERTY LINE AND 20' ALONG THE PROPERTY LINE ON EACH SIDE OF THE DRIVEWAYS ENTRANCES WILL BE MAINTAINED AT A MAXIMUM HEIGHT OF 3'.  
 4. STRUCTURES AND LANDSCAPING WITHIN A TRIANGLE MEASURING 33'X33' ALONG THE PROPERTY LINES WILL BE MAINTAINED AT A MAXIMUM HEIGHT OF 3'.  
 5. ANY LIGHTING WILL BE PLACED SO AS TO DIRECT LIGHT AWAY FROM ADJACENT RESIDENTIAL DISTRICTS AND WILL NOT EXCEED ONE FOOT CANDLE AT THE PROPERTY LINE. NO NOISE, ODOR, OR VIBRATION WILL BE EMITTED AT ANY LEVEL EXCEEDING THE GENERAL LEVEL OF NOISE, ODOR, OR VIBRATION EMITTED BY USES IN THE AREA OUTSIDE THE SITE.  
 6. OWNERS OF PROPERTY ADJACENT TO PUBLIC RIGHTS-OF-WAY WILL HAVE THE RESPONSIBILITY FOR MAINTAINING ALL LANDSCAPE LOCATED WITHIN THE RIGHTS-OF-WAY, IN ACCORDANCE WITH APPROVED PLANS.  
 7. ALL ROOFTOP EQUIPMENT AND SATELLITE DISHES SHALL BE SCREENED TO THE HEIGHT OF THE TALLEST EQUIPMENT.  
 8. ALL SERVICE AREAS SHALL BE SCREENED TO CONCEAL TRASH CONTAINERS, LOADING DOCKS, TRANSFORMERS, BACKFLOW PREVENTERS AND OTHER MECHANICAL OR ELECTRICAL EQUIPMENT FROM EYE LEVEL ADJACENT TO ALL PUBLIC STREETS.  
 9. BARBED, RAZOR, OR CONCERTINA WIRE (OR SIMILAR) SHALL NOT BE USED ON THIS SITE WHERE VISIBLE FROM PUBLIC STREETS OR ADJACENT RESIDENTIAL AREAS.  
 10. ALL SIGNAGE REQUIRES SEPARATE REVIEWS, APPROVALS, AND PERMITS. NO SIGNS ARE APPROVED PER THIS PLAN.

**PROJECT CONTACT LIST:**

**SURVEYOR OF RECORD**  
 JAMES G. SPRING, P.L.S. 22282  
 4700 E. SOUTHERN AVE.  
 MESA, AZ 85206  
 TEL: (480) 218-8831

**OWNER/DEVELOPER**  
 QUIKTRIP CORPORATION- PHOENIX DIVISION  
 DANIEL CHAMBERS  
 1116 E BROADWAY RD  
 TEMPE, AZ 85282  
 TEL: (480) 446-6321  
 FAX: (480) 921-1927  
 DCHAMBER@QUIKTRIP.COM

**ENGINEER OF RECORD**  
 KIMLEY HORN AND ASSOCIATES, INC.  
 ROBERT HANNEN, P.E.  
 14648 N. SCOTTSDALE RD, STE 200  
 SCOTTSDALE, AZ, 85254  
 TEL: (602) 607-1244  
 ROBERT.HANNEN@KIMLEY-HORN.COM

**QT\_CIVIL\_PROJECT\_MANAGER**  
 QUIKTRIP CORPORATION  
 TRAVIS WUNSCH  
 4705 SOUTH 120TH E. AVE  
 TULSA, OK 74134  
 TEL: (918) 994-3545  
 TWUNSCH2@QUIKTRIP.COM

**REZONING CASE Z-131-99 STIPULATIONS**

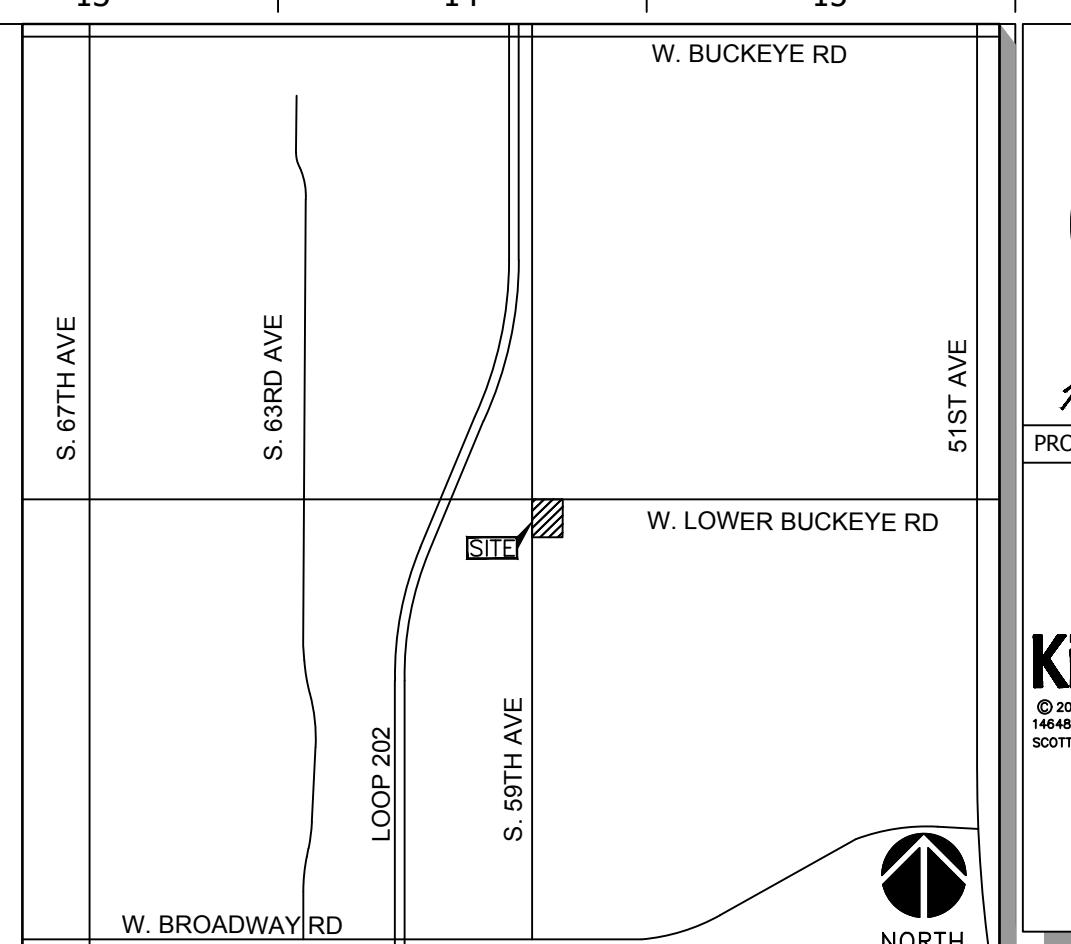
1. THAT NO LOADING DOCKS OR OUTDOOR ACTIVITY, OTHER THAN PASSENGER VEHICLE PARKING, SHALL BE LOCATED BETWEEN THE NORTH, SOUTH AND WEST PERIMETER BOUNDARY OF THE PROPERTY AND ADJACENT BUILDINGS.
2. THAT THE AREA ZONED A-1 CONFORM TO THE COMMERCE PARK DEVELOPMENT STANDARDS.
3. THAT THE ESTRELLA VILLAGE MAJOR STREET LANDSCAPE PLAN BE UTILIZED FOR ALL LANDSCAPING ALONG LOWER BUCKEYE ROAD AND 59TH AVENUE.
4. THAT THE APPLICANT SHALL NOTIFY THE CITY ARCHAEOLOGIST, PRIOR TO ANY CONSTRUCTIONAL GRADING ACTIVITY, THE STATE HISTORIC PRESERVATION OFFICER AND THE CITY OF PHOENIX ARCHAEOLOGIST SHALL BE NOTIFIED IF DURING CONSTRUCTION ANY ARCHAEOLOGICAL ARTIFACTS OR REMAINS ARE FOUND.
5. THAT 8-FOOT WIDE MULTI-PURPOSE TRAIL BE PROVIDED ALONG THE SOUTH SIDE OF LOWER BUCKEYE ROAD, BASED ON THE GUIDANCE PROVIDED IN THE ESTRELLA VILLAGE MULTIPURPOSE TRAIL PLAN.
6. THAT A TRANSIT STOP/SHELTER BE PROVIDED EAST BOUND ON LOWER BUCKEYE ROAD EAST OF 59TH AVENUE, PROVIDING CONVENIENT ACCESS TO PEDESTRIANS AND PERSONS WITH DISABILITIES AS PER GUIDANCE FROM THE PUBLIC TRANSIT DEPARTMENT.
7. THAT THE FOLLOWING RIGHT OF WAY STANDARDS SHALL BE PROVIDED:
  - 7.A. RIGHT OF WAY TOTALING 40 FEET AND A 10 FOOT SIDEWALK EASEMENT SHALL BE DEDICATED FOR THE SOUTH HALF OF LOWER BUCKEYE ROAD;
  - 7.B. RIGHT OF WAY TOTALING 40 FEET SHALL BE DEDICATED FOR THE EAST HALF OF 59TH AVENUE;
  - 7.C. A 21 FOOT BY 21 FOOT RIGHT OF WAY TRIANGLE SHALL BE DEDICATED AT THE SOUTHEAST CORNER OF 59TH AVENUE AND LOWER BUCKEYE ROAD;
  - 7.D. SUFFICIENT RIGHT OF WAY SHALL BE DEDICATED TO ACCOMMODATE A FAR SIDE BUS BAY (DETAIL P-1257) OF LOWER BUCKEYE ROAD AT 59TH AVENUE.
8. THAT THE DEVELOPER SHALL CONSTRUCT ALL STREETS ADJACENT TO THE DEVELOPMENT WITH PAVING, CURB, GUTTER, SIDEWALK, CURB RAMPS, STREETLIGHTS, MEDIAN ISLANDS, LANDSCAPING, AND OTHER INCIDENTALS AS PER PLANS APPROVED BY THE CITY. IMPROVEMENTS SHALL COMPLY WITH ALL ADA STANDARDS.

**PROJECT DATA:**

1. EXISTING/PROPOSED ZONING: CP/GCP  
 ZONING CASE: Z-131-99  
 APN: PORTION OF 104-46-002M  
 ADDRESS: SEC OF 59TH AVENUE & LOWER BUCKEYE ROAD  
 EXISTING USE: UNDEVELOPED  
 PROPOSED USE: GAS STATION/CONV. STORE  
 CONSTRUCTION TYPE: V-B
2. PROPOSED BUILDING HEIGHT: 20'-0"  
 PROPOSED QT BUILDING SQUARE FOOTAGE: 5,067 SQ. FT.  
 AUTO FUEL CANOPY AREA: 7,287 SQ. FT.  
 TRUCK FUEL CANOPY AREA: 3,109 SQ. FT.  
 PARKING SPACES REQUIRED: 17 SPACES  
 (5,067 S.F. X 1 SPACE/300 S.F. FLOOR AREA)  
 PARKING SPACES PROVIDED: 52 SPACES (3 ADA PARKING SPACES)
3. GROSS SITE AREA: 241,561 SQ. FT. (5.55 ACRES)
4. NET SITE AREA: 179,918 SQ. FT. (4.13 ACRES)
5. LOT COVERAGE: 12,392 SQ. FT. (0.28 ACRES)
6. LANDSCAPE COVERAGE: 50,649 SQ. FT. (1.16 ACRES)  
 50,649 S.F. / 179,918 S.F. = 28% LOT COVERAGE

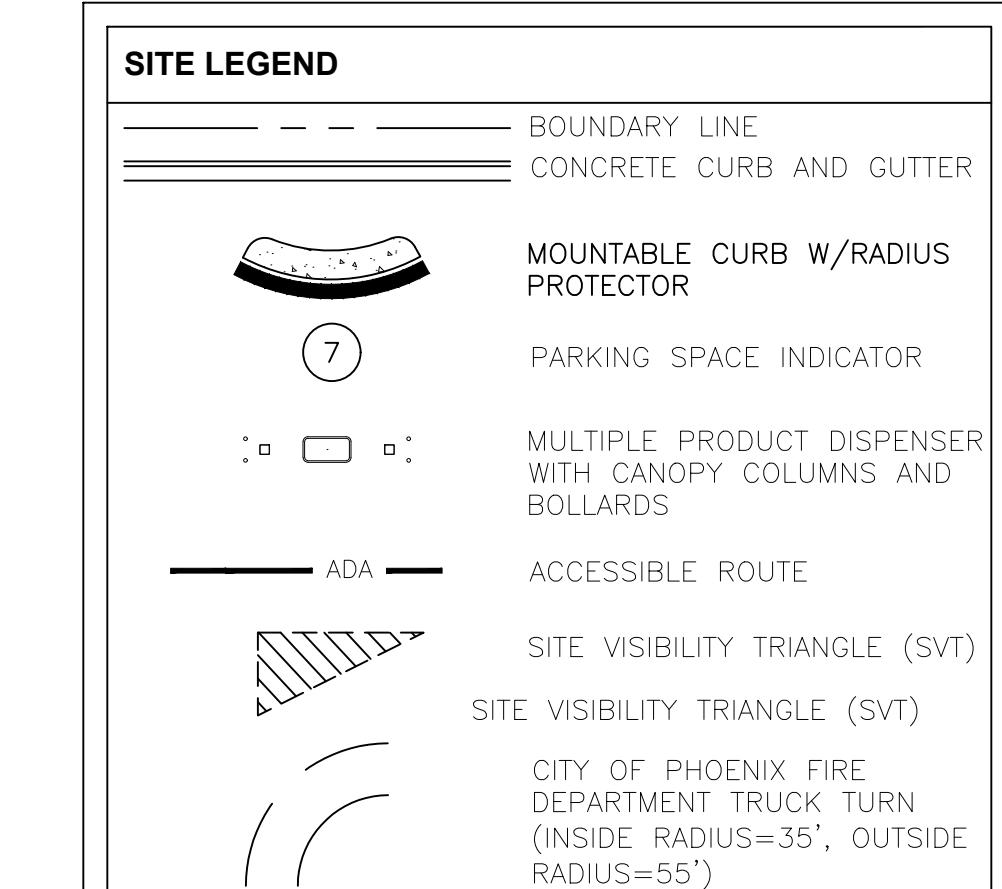
**PROJECT DESCRIPTION:**

THE SCOPE INCLUDES THE CONSTRUCTION OF A 5,067 S.F. CONVENIENCE STORE, A 7,287 S.F. AUTO FUELING CANOPY WITH EIGHT (8) MPD'S AND A 3,109 S.F. DIESEL FUELING CANOPY WITH (5) MPD'S.



**SITE LOCATION MAP**

PHOENIX, AZ  
N.T.S.



**QuikTrip No. 1533**  
SEC 59TH AVENUE & LOWER BUCKEYE ROAD  
PHOENIX, AZ 85043

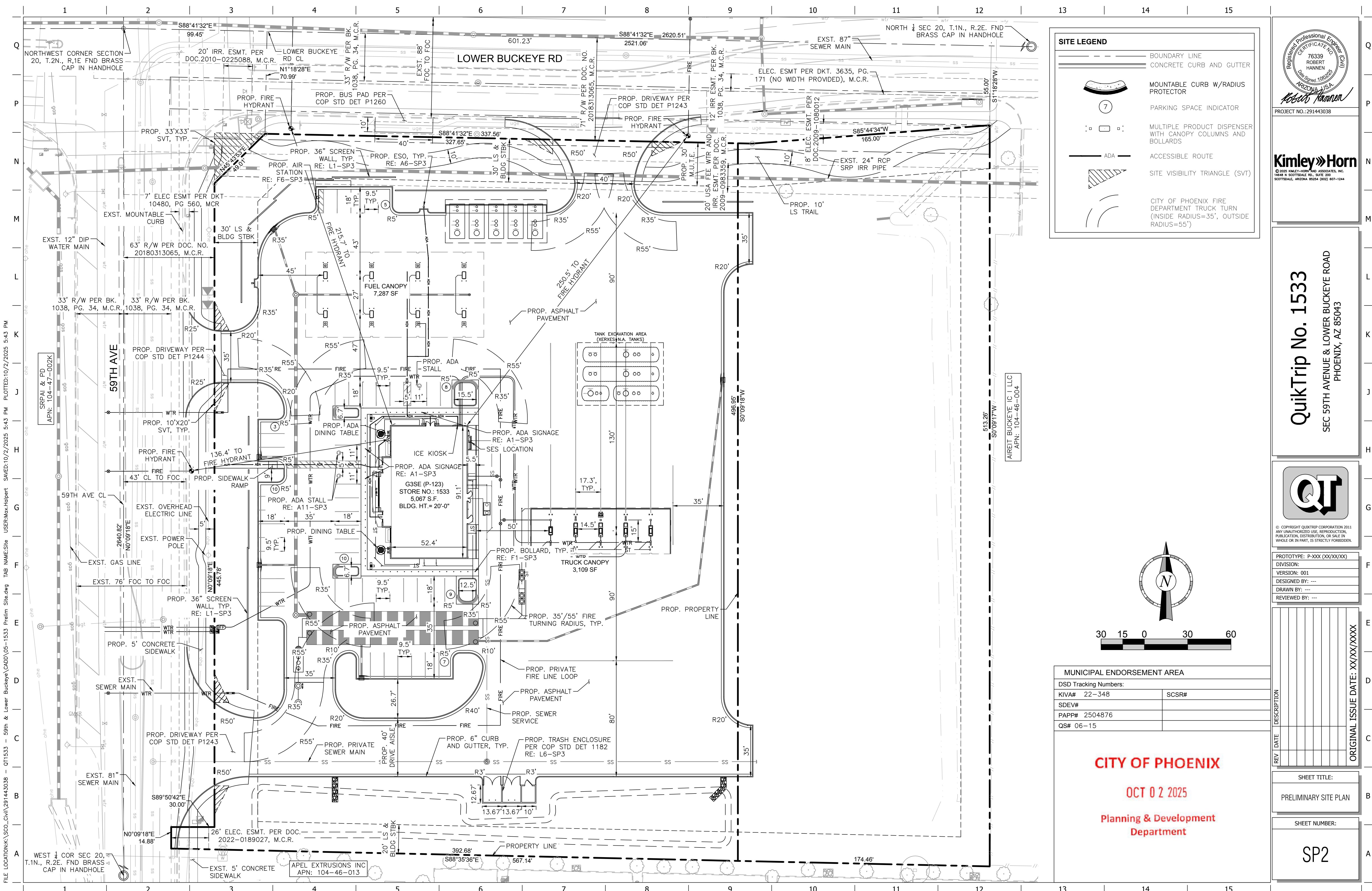


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WHOLE OR IN PART IS STRICTLY FORBIDDEN.

PROTOTYPE: P-XXX (XX/XX/XX)  
DIVISION:   
VERSION: 001  
DESIGNED BY: ---  
DRAWN BY: ---  
REVIEWED BY: ---

REV	DATE	DESCRIPTION	REV	DATE	DESCRIPTION

ORIGINAL ISSUE DATE: XX/XX/XXXX	SHEET TITLE:	PRELIMINARY SITE PLAN COVER SHEET	SHEET NUMBER:
SP1			



# Proposed Conceptual Site Plan





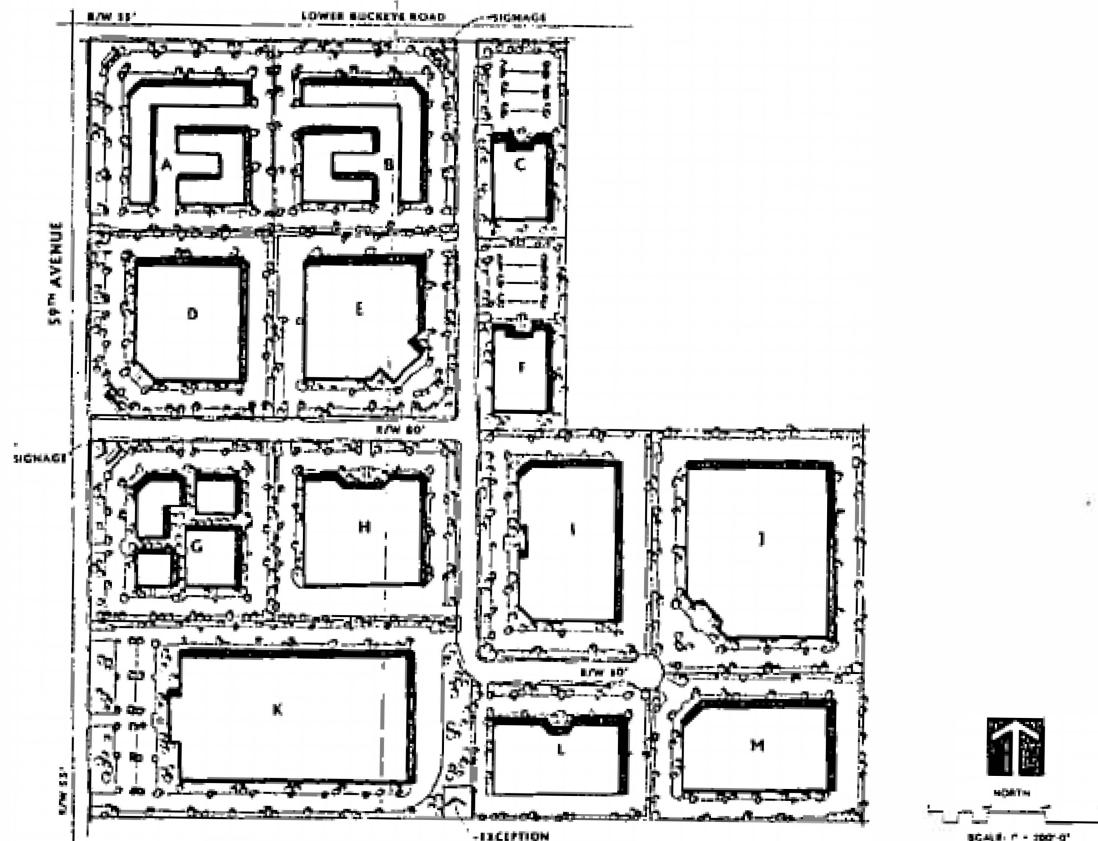


**CITY OF PHOENIX**

OCT 02 2025

Planning & Development  
Department

 <b>QuikTrip.</b>		<b>G3SE Fuel Stop Elevations</b>				<b>Address:</b> <b>City, State:</b>																																													
Store #	Serial #	Scale: 1/8" = 1'-0"	Issue Date:	Drawn By: JK	Rev./Notes:	<small>4705 South 129th East Ave. Tulsa, OK 74134-7008 P.O. Box 3475 Tulsa, OK 74101-3475 (918) 615-7700</small>																																													
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<table border="1"> <thead> <tr> <th>#</th> <th>FINISH</th> <th>MANUFACTURER</th> <th>SPECIFICATION</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>BRONZESTONE</td> <td>INTERSTATE BRICK</td> <td>ATLAS STRUCTURAL BRICK</td> </tr> <tr> <td>2</td> <td>MIDNIGHT</td> <td>INTERSTATE BRICK</td> <td>ATLAS STRUCTURAL BRICK</td> </tr> <tr> <td>3</td> <td>BRUSHED ALUMINUM</td> <td>REYNOBOND</td> <td>FASCIA</td> </tr> <tr> <td>4</td> <td>QT RED</td> <td>SHERWIN-WILLIAMS</td> <td>STANDING SEAM AWNING</td> </tr> <tr> <td>5</td> <td>QT POLYCARBONATE</td> <td>SHERWIN-WILLIAMS</td> <td>STANDING SEAM AWNING</td> </tr> <tr> <td>6</td> <td>QT BROWN</td> <td>SHERWIN-WILLIAMS</td> <td>METAL PAINT</td> </tr> <tr> <td>7</td> <td>BLACK</td> <td>ALL COURT FABRICS</td> <td>POLYPRO 95 MESH</td> </tr> <tr> <td>8</td> <td>CL-60R</td> <td>ALLEN INDUSTRIES</td> <td>SIGNAGE</td> </tr> <tr> <td>9</td> <td>GRANITE</td> <td>STO</td> <td>A100G EIFS</td> </tr> <tr> <td>10</td> <td>IDB-20</td> <td>ALLEN INDUSTRIES</td> <td>ILLUMINATED SIGNAGE</td> </tr> </tbody> </table>								#	FINISH	MANUFACTURER	SPECIFICATION	1	BRONZESTONE	INTERSTATE BRICK	ATLAS STRUCTURAL BRICK	2	MIDNIGHT	INTERSTATE BRICK	ATLAS STRUCTURAL BRICK	3	BRUSHED ALUMINUM	REYNOBOND	FASCIA	4	QT RED	SHERWIN-WILLIAMS	STANDING SEAM AWNING	5	QT POLYCARBONATE	SHERWIN-WILLIAMS	STANDING SEAM AWNING	6	QT BROWN	SHERWIN-WILLIAMS	METAL PAINT	7	BLACK	ALL COURT FABRICS	POLYPRO 95 MESH	8	CL-60R	ALLEN INDUSTRIES	SIGNAGE	9	GRANITE	STO	A100G EIFS	10	IDB-20	ALLEN INDUSTRIES	ILLUMINATED SIGNAGE
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# 59TH AVE. & LOWER BUCKEYE CONCEPTUAL SITE PLAN

PHO-1-25--Z-131-99-7

## Stipulated Site Plan

Hearing Date: November 19, 2025

#### SITE DATA

EXISTING ZONING: RE - 31  
PROPOSED ZONING: A-1 WITH COMMERCE PARK DISTRICT OVERLAY

PARCEL	ACRES	BLDG. S.F.	COVERAGE
A	6.7	165,800	24%
B	6.7	165,800	24%
C	4.5	56,000	29%
D	8.7	147,400	39%
E	8.7	156,200	41%
F	4.4	54,000	29%
G	8.7	75,000	25%
H	8.7	144,000	34%
I	10.4	187,600	17%
J	13.5	274,000	47%
K	19.1	399,100	48%
L	6.5	107,500	18%
M	8.3	151,000	47%
GRND	6.5		

TOTAL 125.1 ACRES 1,870,600 S.F.  
AVERAGE BUILDING COVERAGE 14%

BUILDING HEIGHT: 18' WITHIN 30' OF PERIMETER LOT LINE; 17' INCLINE PER 1'  
ADDITIONAL SETBACK, MAXIMUM 14'  
TO 68' WITH USE PERMIT AND SITE  
PLAN



PINNACLE  
DESIGN, INC. 4141 E. Colonnade Rd.  
Suite 1000/1000B/1000C  
Phoenix, AZ 85018  
Job No. 99011  
August 8, 1998

## City Council Meeting Minutes

January 12, 2000

DISTRICT 7  
OWNER: CHARLENE BODINE  
C/O BETTY WAGNER  
REPRESENTATIVE:  
LANDEN/MICHAEL J. CRONIN

G. Application: 131-99-7  
Request: Rezone from RE-35 to A-1  
Location: Southeast corner of Lower Buckeye Road and 59th Avenue (approximately 128.41 acres)  
Proposal: Industrial/Commerce Park Development

The Estrella Village Planning Committee reviewed this request on November 2, 1999 and recommended denial as filed and approval of Commerce Park/General Commerce Park for the west 600 feet east from 59th Avenue and A-1 for remainder of site subject to staff stipulations (6-0).

The Planning Commission concurred with the Zoning Hearing Officer and recommended this request be denied as filed, approved CP/GP for the west 600 feet and A-1 for the remainder, subject to stipulations.

MOTION was made by Mr. Lingner, SECONDED by Mr. Siebert, that Items 30A-G be granted as recommended. MOTION CARRIED UNANIMOUSLY.

### ITEM 31

### **DISTRICTS 3 AND 8**

### **ZONING CASES SCHEDULED FOR RATIFICATION OF PLANNING COMMISSION ACTION**

The Council heard request to approve recommendations made on the following matters, which were heard by the Planning Commission of December 8, 1999.

138893

CITY OF PHOENIX

CITY CLERK DEPT.

200 APR 24 AM 11:41

Planning Commission  
4 p.m. Briefing Session  
Hearing Room C, First Floor, City Hall  
200 West Washington Street

December 8, 1999

Commission

Morris Stein, Chairman  
Sandra Ferniza, Vice Chairperson  
Kelchner  
Keuth  
McComish

Staff

David Richert  
Joy Mee  
John Verdugo  
Mark Steele  
Carol Johnson  
Bill Bock  
Sandra Zwick  
Charles Fitzhugh

I. RATIFICATION OF ZONING HEARING OFFICER AGENDA OF 11/15/99.

November 15, 1999

The recommendation made by the ZHO for November 15, 1999, were put to a vote. Applications 125-99-2, SP-13-99-5, 126-99-4, SP-14-99-4, 137-99-5, 136-99-7, 131-99-7 and 128-99-4, were approved for ratification. Application 138-99-7 was referred to the 7:00 p.m. agenda of December 8, 1999.

II. DISCUSSION AND POSSIBLE RECOMMENDATION

A. General discussion by City Attorney's office regarding an overview of takings law as it relates to planning and zoning.

Mr. Bock explained that a governmental action that leaves any land value is not a taking. Land owners do not have a right to the existing zoning on their land unless they make a substantial investment relying upon that existing zoning.

B. Briefing on TA-5-99, review and discussion of single-family design review amendment.

Ms. Johnson stated that all of the Village Planning Committees and the Home Builders Association are in agreement with, and support this amendment. The summary of the last proposed changes to the text amendment is the design review for single family residential development. It is an outgrowth of the amendment that they processed last spring. This amendment was also discussed on three occasions with the Design Review Standards Committee and they were in agreement. Most of the changes were primarily around the garage treatment items where they had said that 75 percent of the houses had to provide garages that did not exceed more than 10 feet beyond the living space. A number of the villages wanted to increase that percent to 80. They want to give the 75 percent a chance to work before they adjust to 80.

Mr. Keuth stated that they do not want to see individual elements of the design review standards in stipulations. They want the Village Planners to be educated in these matters so they can guide the Village Planning Committees.

December 8, 1999

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C. Request to appoint a Planning Commissioner to be a member of the Development Advisory Board.

Mr. Verdugo explained that this board will hear appeals and be involved in major policy issues. Any appeals from this board will not go to City Council but rather will go to Superior Court. They will meet the second Thursday of each month and Mr. Ray Acuna will be the assigned city staff.

The Planning Commission expressed some concern about the possible overlap of the duties of this board with the Planning Commission. The board will be charged with development related issues, tied to architectural and engineering in ways to reduce plan review time and expedite processes. Appeals will be a minor part of this, but creating major policy and reviewing major policy matters will be an important aspect of it. Chairman Stein showed concern regarding this board's duties. Chairman Stein said he would take the matter under advisement and let Mr. Verdugo know within one week of the commissioner to be appointed.

D. Black Canyon PCD progress and status report.

Mr. Fitzhugh distributed information showing the location of the PCDs to the commission and explained the status. Plateau Ventures should come before the commission within one month with a project just over 1000 acres. Also, USAA is planning to purchase land in this area. Commissioner Keuth expressed a need for maps showing PCDs in other areas of the city in addition to the map just distributed for the north area.

E. North Area Planning Progress with State.

Mr. Steele explained that the City is working with the State to help them to achieve the highest and best use of their land while ensuring good planning. The total area is about 15,000 acres and is zoned S-1 or possibly RE-35.

F. Discussion of 34th St. North of Camelback Road. R-5 zoning redevelopment.

Mr. Richert explained that with the closing of the Charter Hospital the neighborhood will be concerned about the future use of the R-5 zoning. The hospital has been seen as a good neighbor. The R-5 zoning has been in existence since the annexation date. The zoning surrounding this parcel is R1-10. These issues will be discussed in the near future by the Camelback East Village Planning Committee.

Mr. Richert further explained that there are other pockets like this around the City where a long term use may cease and leave a high intensity zone that could cause problems for the surrounding neighborhood. This may be a long term project to develop policies that can address these situations.

III. NOMINATION AND ELECTION OF PLANNING COMMISSION CHAIRPERSON AND VICE CHAIRPERSON FOR 2000.

Mr. Keuth nominated Mr. Stein as the chairperson. Dr. Kelchner seconded and the motion passed five to zero. Mr. Keuth nominated Ms. Ferniza as vice chair. Dr. Kelchner seconded and the motion passed five to zero.

IV. SCHEDULING MATTERS

A. Request that the Planning Commission schedule hearings on January 26 and February 2, to be held in the City Council Chambers to conduct second hearings for General Plan amendments.

Commission members discussed schedules and decided on two additional General Plan Amendment hearings, one in the northern area on January 20, 2000, and one in the Council Chambers on February 2, 2000. It was determined to forego having a hearing on January 26, 2000.

Mr. Keuth made the motion. Ms. Ferniza seconded and the motion passed five to zero. Staff will return to Commission if additional hearings are needed.

B. Request to initiate city-equivalency zoning for the following annexations:

Ms. Mee explained the rationale for the six annexations and noted that all the land being annexed is zoned S-1.

Ms. Ferniza made the motion. Mr. Keuth seconded and the motion passed five to zero.

1. Annexation 223, Ordinance G-4206 - [51st Avenue & Dobbins Road] Area roughly bounded by Euclid Avenue alignment on the north, Dobbins Road on the south, 48th Avenue alignment on the east and 51st Avenue on the west.
2. Annexation 224, Ordinance G-4208 - [Union Hills & 68th Street] Area of Union Hills alignment between 72nd Street and the east and 68th Street on the west.
3. Annexation 225, Ordinance G-4210 - [Proposed 51st Avenue & Broadway Road] Area roughly bounded by Elwood Street extended on the north, Broadway Road on the south, 51st Avenue on the east and 55th Avenue extended on the west.
4. Annexation 226, Ordinance G-4216 - [Proposed 51st Avenue & Deer Valley Road] Area that is roughly the east 22 feet of the west 55 feet of 51st Avenue alignment from 660 feet south of the Deer Valley Road alignment and continuing south along 51st Avenue alignment, a distance of approximately 1320 feet.
5. Annexation 228, Ordinance G-4217 - [Proposed 48th Street & Forest Pleasant Place] Area bounded by 48th Street between Forest Pleasant Place on the north and Lone Mountain Road on the south.
6. Annexation 227, Ordinance G-4218 - [Proposed 47th Avenue & Baseline Road] Area generally bounded by Vineyard Road alignment on the north, Baseline Road on the south, 45th Avenue alignment on the east and 47th Avenue alignment on the west.

Ms. Ferniza made the motion to initiate. Mr. Keuth seconded and the motion passed five to zero.

C. Request to Initiate a General Plan Land Use Map amendment from Parks/Open Space to 2-5 Dwelling Units/Acre for approximately 320 acres at the northeast corner of 59th Avenue and Baseline Road.

Discussion of the Polecat Golf Course and a requested General Plan Amendment. There was never an intent for it to have 36 holes. At time of plan staff thought this area could be purchased by City but times have changed. One hearing in the area will be required.

The intent of the Commission is that the classification allow flexibility of development as was described by Mr. Richert. Ms. Ferniza made the motion to initiate. Mr. McComish seconded and the motion passed five to zero.

**V. DISCUSSION OF PLANNING COMMISSION GOALS AND STRATEGIES FOR THE YEAR 2000.**

Discussion items included: housing policy and the implementation, facilitate infill, streamline development process, joint meeting with Development Advisory Board and Parks Board, reconcile pedestrian and vehicular movement, collaborate with NSD, possible quarterly retreats, policy development independent of zoning decisions, match jobs with residential growth patterns, lunch meetings(s) with Mayor's staff, and another meeting with Village Planning Committee chairs. The meeting with Village Planning Committee chairs to be more intense. Ms. Zwick will be the person to keep track of these meetings. On the days that there is only General Plan Amendments there can be 4:00 p.m. briefings to bring the villages together that are in close proximity.

**VI. TIME ALLOCATIONS FOR PUBLIC HEARING ITEMS ON THE EVENING AGENDA.**

**VII. CONSENT ITEMS**

Ms. Zwick stated five items, Z-71-98, SP-5-99-7, Z-98-99-8, Z-73-99-3, and Z-138-99-7 may be continued to future hearing dates.

**VIII. ITEMS FOR FUTURE DISCUSSION**

**IV. DINNER - Tom's Tavern, 2 North Central Avenue**

Respectfully submitted,



Lori Canales  
Secretary II

*Kevin Lozier* stated that he is concerned with the density bonus standards and still feels that these things should be standard requirements for development.

A motion was made by Ginnie Ann Sumner to support changes recommended by the other committees, including 80% on the garage issue, and to recommend that the density options be standard requirements. The motion was seconded by Karen Havird. The motion was passed by a vote of 14-0 (Chair abstained).

9. Z-124-99-6: Review, discussion and possible recommendation on a request to rezone the property known as the Adobe and Links Golf Courses and five adjoining lots from RE-35, RE-35 SP, RE-24 SP, R1-10 SP, R-5 SP to GC (Golf Course) and R-5 Golf Course. Approval will have the effect of repealing the GC and R-5 SP previously approved under rezoning application Z-92-97 and Z-131-97.

*Katherine Wisehart* stated that when the previous zoning was approved, it was staff's opinion that there were development rights on the Kabuto property at the Arizona Biltmore. The zoning was approved, contested, and it went to court where a judge put the case on hold. If it is not put through now, a general election will be held. It is staff's recommendation that a golf course overlay district be approved for the Adobe and Links Golf Course. *Larry Lazarus* presented. He said a very explicit agreement was made between the developer and the surrounding property owners. There will be 113 dwelling units and all owners will become members of Abeva. An agreement will be created for use of the open space/golf course. He stated that Abeva did not want a hotel south of Camino Asequia. The proposed development is residential units (townhomes and condos). Each owner will be a member of Abeva HOA, there will be no hotel amenities, no centralized services, and the pricing will be \$500,000 to \$750,000 for the condos and \$700,000 to \$1.3 million for the townhomes. He said it cannot be converted into a hotel later due to the Abeva CCRs. He said the Arizona Biltmore, being represented by Larry Landry, is the opposition. They are in litigation with the developer and claim that the proposal is a 226-room hotel. The lock-off units and rental pool allow a wider range of access. They will be on 75 of the condos, all 2 bedrooms, and will allow two owners to buy one unit and stay there at the same time. *Jim Blockberger*, the architect, stated that there will be 75 condos and 38 townhomes, as well as a central clubhouse. The road will be straightened and the development will step down from 3 to 2-stories by the streets. Veneer stone and special plasters, as well as copper finishes in a Frank Lloyd Wright-style will be utilized. *Pam Koester* asked how many lock-off units there will be. *Blockberger* said 27, as they will be on 2 bedroom units. If they increase the number of 2 bedroom condos, they decrease the total number of units. *Ginnie Ann Sumner* stated that there is the potential for 75 lock-off units and asked if they planned on competing with the hotel. *Lazarus* stated that there will be 117 units total and that the lock-off units are not two separate units, but a marketing tool for convenience. *Sean Francis* stated that they are not in competition with the Arizona Biltmore as they do not have comparable amenities, only a pool and golf course. *Sumner* asked if there are time constraints on the lock-offs. *Lazarus* said there are not, but there are constraints on the number of people they can be sold to. *Francis* said they are limited to no less than 14 days occupancy in

the first year. *Sumner* asked if SRP has agreed to the realignment. *Lazarus* said they have met with SRP and can meet their specs. *Corey Johnson* asked if they can landscape the SRP property. *Lazarus* said they are working with SRP on landscaping. He stated that the maintenance facility has already been approved. *Joan Kleinberg* asked how the height compares to the hotel, if there will be deed restrictions, and when they plan to begin development. *Lazarus* answered that the Biltmore exceeds 36 feet and they are limited to 35 feet by stipulations. He said the golf course can only be used as a golf course or open space. He said development may be phased, but they plan on beginning as soon as they can. *Bill Hogan* of Abeva stated that the plans were approved and that it is a fair resolution.

*Stephen Earl* of Earl, Curley & Lagarde spoke in opposition to the development. He said he objects to any density of destruction to the golf course. He said he prefers an election because he feels the citizens do not want this development. He said the traffic count from this development would be over 2000 trips per day. He said there are 113 units that can be locked off, totaling 226 units. He said that if they plan not to rent daily, it needs to be put in writing. He said they can have 26 fractional ownerships per unit and in 3 years, that will go up to 52. He asked for a continuance to implement stipulations. *Rod Jarvis* was in agreement with Earl. He represents Dr. & Mrs. Brennan, who own a property adjacent to the maintenance facility. He stated that the maintenance facility should be put on the development site, but that the developers did not want it on their site. *Larry Landry*, a Biltmore resident and former President of the Biltmore said he resigned when this was approved. He said the Adobe Golf Course was not properly protected in 1974. He said he sent out a mailer last week and over 600 responses came back signed in opposition. *Rita Maguire* asked why the Board of Directors feels differently. *Lazarus* said he gave the Biltmore a traffic study in February 1999 that showed 440 trips per day if they utilized all of the lock-off units. He said the case cannot be continued because the referendum is only being held until December. He said the site plan has been submitted to Development Services and they have met with flood control. He noted that Larry Landry represents the Arizona Biltmore and not Abeva. *Maguire* asked if Kabuto is willing to stipulate to some items tonight. *Hogan* stated that there was an Abeva HOA meeting on May 19th and that the cards there showed the majority in favor. *Doug Ireland* asked if Abeva agrees to all of the condos being lock-off units and 7-day rentals. *Hogan* said Abeva's Architectural & Design Committee must approve all site plans. *Johnson* said he can't get excited about this deal.

A motion was made by *Corey Johnson* to deny the application. The motion was seconded by *Cheryl Figura*. The motion failed by a vote of 5-8 (Chair abstained).

*Lazarus* stated that the maintenance facility was approved through a minor amendment. *Blockberger* explained the architecture of the maintenance facility. The majority of the structure is 16 feet 4 inches tall. *Jarvis* noted that the emphasis should be that it was a minor amendment and that the committee can stipulate that the facility be located within the development. *Ginnie Ann Sumner* stated that everyone will lose if this goes to a

referendum, but the golf course needs to be preserved. She said she is concerned with the lock-off units and daily rentals, the maintenance facility and that the eating facility not become a full restaurant. *Joan Kleinberg*, a Biltmore resident who is unaffected by the development, stated that this is a better compromise than she had imagined. *Cheryl Figura* agreed that it was a good compromise, but thought there should be no microwaves or refrigerators in the lock-off units, as well as no full restaurant. *Sumner* asked what would happen if the developer made changes and Abeva denied them. *Hogan* said it would then go into arbitration. *Michael Peloquin* stated that he is in favor of whatever it takes to preserve the golf course and that this is a good compromise. *Gerard Myers* had concerns with the maintenance facility and the traffic. *Lazarus* said the Adobe Restaurant is at the golf course, but the hot dog stand will stay a hot dog stand. He also stated that the maintenance facility cannot be located in the middle of the development. *Sumner* asked if Kabuto would agree to only one restaurant at the Adobe Golf Course. *Lazarus* said no. *Kleinberg* wanted to stipulate that the clubhouse cannot contain a restaurant. *Kerry Moore* was concerned with the homeowner's needs by the maintenance facility and asked why it could not be located within the development. *Lazarus* said the townhomes are selling for \$1.3 million and buyers would not want the maintenance facility right there. *Jarvis* suggested reducing the number of units. *Lazarus* said if the number of units is reduced, the development will not work. *Dave Phader*, the General Manager of the Biltmore, said he has not been included in the discussions yet, but he has concerns with the maintenance facility, lock-off units, daily rentals and traffic.

A motion was made by Doug Ireland to move forward with stipulations, including a maximum 65 lock-off units on 2 bedroom condo units only; no restaurant on the proposed development, in perpetuity; no lock-offs on townhomes; no daily rentals, minimum 2 week rentals on the condos; and the maintenance facility to be located within the development. The motion was seconded by Rose Arck. The motion passed by a vote of 14-1 (Chair abstained).

10. Z-126-99-6/SP 141-99-6: Review, discussion and possible recommendation on a request to rezone 230 feet east of the SEC of 12th Street and Pierson from R1-6 to C-2 and SP (Special Permit) for parking accessory to auto sales (0.48 acres).

*Katherine Wisehart* stated that Courtesy Chevrolet is applying to use a vacant parcel of their land for fleet storage and possible employee parking. They did not meet the stipulations on their earlier rezoning (landscaping and walls) and this will now be tied into this case. *Andy Moore* of Earl Curley and Lagarde presented. He stated that in 1995 they applied for the same rezoning for the perimeter where they now park cars, but that this portion was withdrawn. They would now like to add it on. They will stipulate to a 6-foot block wall with exterior stucco and a decorative cap, as well as shielded lighting. *Doug Ireland* asked if the landscaping along the wall would be redone. *Moore* said it will be. The current setback will be extended and the landscaping filled out and maintained. *Mitch Miller*, who owns the parking lot adjacent to this parcel, stated that this parcel is Courtesy's water retention and that the wall between their properties has holes along the bottom. If they utilize this parcel for parking, the water from their property will drain