

Attachment C



City of Phoenix

Staff Report: PHO-1-20—Z-62-02-7(8)

<u>APPLICATION:</u>	PHO-1-20—Z-62-02-7(8)
<u>APPLICANT:</u>	Ward Development
<u>REPRESENTATIVE:</u>	Alan Beaudoin, Norris Design
<u>OWNER:</u>	Rodney & Donna Kleck Family Trust Agreement
<u>LOCATION:</u>	Northeast corner of 59th Avenue and Dobbins Road
<u>REQUEST:</u>	<ol style="list-style-type: none">1) Modification of Stipulation 1 regarding general conformance with the site plan dated August 20, 2002.2) Planning Hearing Officer review and approval of site plan and elevations per Stipulation 3.3) Deletion of Stipulation 16 regarding a shade protected walkway along building walls with customer entrances.4) Modification of Stipulation 23 regarding canopy height.5) Presentation of commercial development plans to the Laveen Village Planning Committee for comment per Stipulation 29.6) Technical corrections to Stipulations 8, 11, 14, 15, and 22.

STAFF RECOMMENDATION

It is recommended that this request be denied as filed and approved with modifications and additional stipulations, as recommended by the Planning Hearing Officer.

PLANNING HEARING OFFICER RECOMMENDATION

The Planning Hearing Officer heard this case on July 15, 2020 and recommended denial as filed and approval with modifications and additional stipulations.

VILLAGE PLANNING COMMITTEE RECOMMENDATION

The Laveen Village Planning Committee heard this case on July 13, 2020 and recommended denial by a 6 to 2 vote.

BACKGROUND/ANALYSIS

The subject property is located at the northeast corner of 59th Avenue and Dobbins Road and is approximately 6.96 gross acres. This is a portion of the original rezoning area from Z-62-02-7. The property is zoned C-1 (Neighborhood Retail) and is currently vacant. The applicant proposes to develop four commercial uses on the property; specifically, a convenience store with fuel canopy, a restaurant with drive through, an auto repair shop, and a childcare center. The convenience store and fuel station are intended to be the first uses developed on the site. During the Planning Hearing Officer hearing the applicant clarified that he thought C-2 (Intermediate Commercial) was approved for the site, but through zoning verification found that the C-2 request was denied as filed and the case was approved for C-1. He stated that the auto repair shop is a permitted use in the C-2 zoning district and to have that use on the property may require rezoning.

The applicant requested modification of Stipulation 1, regarding general conformance with the site plan dated August 20, 2002, to reflect a new conceptual site plan. Neighborhood retail uses are proposed for the property. The site plan depicts two full access driveways along 59th Avenue and a right in, right out driveway along Dobbins Road. The applicant stated that the proposed plan breaks up the surface parking areas, provides enhanced landscaping, and provides internal pedestrian circulation and connectivity to public sidewalks. The first plan that the applicant submitted was date stamped May 28, 2020. The applicant stated that the plan is consistent with the character of the Laveen area, but that it was updated to accommodate recommendations from the Laveen Village Planning Committee (VPC) and Laveen Citizens for Responsible Development (LCRD). After the Planning Hearing Officer (PHO) hearing, the applicant submitted an updated site plan; this plan is date stamped July 20, 2020 and was the plan presented at the PHO hearing.

The applicant requested PHO review and approval of site plan and elevations per Stipulation 3. The applicant stated that going through the PHO process provided compliance with the stipulation. The applicant added that he had no concerns retaining the requirement for the applicant to invite the Chairs of the Laveen VPC and LCRD to preliminary site plan review meetings.

The applicant requested deletion of Stipulation 16, regarding a shade protected walkway along building walls with customer entrances. The applicant stated that the design elements detailed in the stipulation were applicable to the stipulated site plan which depicted strip retail, but not the proposed plan. The applicant stated that the buildings depicted on the proposed site plan will require different design solutions to promote shade and comfort.

The applicant requested modification of Stipulation 23, regarding canopy height. The applicant stated that the requested increase from 16 feet to 18 feet maximum canopy height will allow for an enhanced 42-inch fascia treatment. This will allow for a typical steel canopy structure design with adequate opportunity for corporate branding

requirements. The first elevations that the applicant submitted were date stamped May 28, 2020. During the PHO hearing, the applicant explained that conceptual elevations for the fuel canopy were revised in order to include a new mansard-roof style and provide enhanced rural character. After the PHO hearing, the applicant submitted updated elevations which were date stamped July 20, 2020 and were presented at the PHO hearing.

The applicant requested the presentation of commercial development plans to the Laveen Village Planning Committee for comment per Stipulation 29. The applicant stated that he went before the Laveen VPC on Monday July 13, 2020, which would satisfy the stipulation.

PREVIOUS HISTORY

On October 30, 2002, the City Council concurred in the recommendation of the Planning Commission and denied as filed a request for R1-8 (Single-Family Residence) and C-2. Instead, the City Council approved R1-8 and C-1 with modified and deleted stipulations, on a 143.20-acre area.

The proposed development consisted of 430 single-family homes and 130 single-family cluster units on 136 acres. The residential development also included an 11-acre parcel in the center for a proposed elementary school. The school was connected to the residential homes by a north-south trail. The project also included a 7-acre commercial site at the southwest corner. The proposed commercial site included four buildings with access from Dobbins Road and 59th Avenue. The commercial site was intended to provide local neighborhood retail and restaurants for the surrounding residences. Stipulations regarding commercial design were discussed, notably service station design guidelines.

Staff felt that C-1 zoning was more appropriate for the commercial site considering the proposed uses were for retail and restaurant uses for the surrounding residential homes.

NEIGHBORHOOD CONCERNS

Correspondence

Two letters of opposition were received regarding this request. Concerns included the following:

- Concerns regarding a fuel station use on the property (two letters)
- Negative impact to property values (two letters)
- Environmental concerns about ground and surface water contamination (one letter)
- Recommended changing the location of the development, potentially across the street or closer to the Loop 202 Freeway (one letter)

GENERAL PLAN DESIGNATION

Residential 2 to 3.5 dwelling units per acre.

CHARACTER OF SURROUNDING LAND USE

	<u>Zoning</u>	<u>Land Use</u>
On-site:	C-1	Vacant land
North:	R1-8	Single-family residential
South:	S-1	Agricultural
East:	R1-8	Single-family residential
West:	S-1	Agricultural

PLANNING HEARING OFFICER FINDINGS

The Planning Hearing Officer's recommendation was based on the following findings:

1. The original rezoning case consisted of approximately 143.30 acres located at the northeast corner of 59th Avenue and Dobbins Road. The case established R1-8 zoning on approximately 136.30 acres which was developed as a single-family subdivision and elementary school. The subject property of the current request is the remaining approximately 7 acres at the immediate northeast corner of 59th Avenue and Dobbins Road which was zoned C-1.
2. The stipulated site plan depicted commercial uses on this corner including a strip retail building at the northeast portion of the site, a drive-through restaurant, and a commercial pad site. Combined, the site plan depicted approximately 52,000 square feet of retail space at 19 percent lot coverage. Specific uses are not depicted on the site plan, however Stipulations 20, 23, and 24 establish conditions for gas stations and fuel pump canopies.

The proposed conceptual site plan depicts approximately 42,054 square feet of retail space at 17.3 percent lot coverage. Building height on all buildings is limited to maximum 15 feet. The primary distinction between building massing in the two plans is that the new proposed plan consists of five detached pad sites distributed throughout the site and does not depict a strip retail building. This is an improvement as there is less 'back-of-house' functions immediately adjacent to the single-family neighborhood to the north and northeast. The proposed height, lot coverage, and building massing is reduced and is compatible with this property's location adjacent to existing single-family homes.

General conformance to the proposed conceptual site plan is recommended. An additional sub-stipulation is recommended to require specific regard to the location of the service station at the immediate northeast corner of 59th Avenue and Dobbins Road in order to ensure that this use is located as far as possible from the single-family subdivision to the north and east.

The Street Transportation Department commented that the current full access driveways shall not be permitted along 59th Avenue as 59th Avenue is a CM Section and therefore the driveways will be median covered and restricted. The recommendation for general conformance does not approve the proposed driveway configuration on the conceptual plan and further modifications may be required to comply with Street Transportation Department requirements.

3. The proposed conceptual elevations include building design, screen walls, and a fuel canopy design. The conceptual building elevations include multiple building materials such as stone, decorative masonry, board and batten trim, open timber, and a minimal use of stucco. Architectural details include metal awnings, columns, and open timber. The mixed materials are consistent with the desired rural and agricultural character in the surrounding area and include significant material diversity. The conceptual fuel canopy elevations are compatible with the building elevations and utilize similar materials and a decorative mansard roof style. The screen wall elevations include decorative caps and multiple building materials and colors. General conformance to the proposed elevations is recommended.
4. An additional stipulation (New Stipulation 3) is recommended to require a Comprehensive Sign Plan (CSP) be approved for the commercial development. The CSP should express a rural and agrarian character compatible and consistent with development in the surrounding area and the desired character as expressed in the Laveen Southwest Growth Study.

The CSP may also include a gateway entry feature. However, the gateway entry feature may alternatively consist of a public art, sculptural, or landscape feature which would not be included in a CSP. The requirement for a gateway entry feature is separately recommended as New Stipulation 13 and discussed in further detail below in Finding 7.

5. Existing Stipulation 3 requires review and approval of the commercial development's site plan and elevations through the Planning Hearing Officer hearing process. This case constitutes compliance with this requirement and the stipulation language may be deleted as requested, except that the existing language regarding invitation of the Laveen VPC Chairperson to preliminary site plan review meetings is recommended to be retained with a modification to include the Chairperson of the Laveen Citizens for Responsible Development (LCRD).

Note that this recommendation also includes stipulations (New Stipulations 1, 1.A, and 2) requiring general conformance to the proposed conceptual site plan and elevations. These recommendations ensure that future modifications of these plans, exceeding the deviation permitted by general conformance, will be required to go through an additional public hearing process for review with an opportunity for public input.

6. New Stipulation 12 is recommended to require that the developer submit a Traffic Impact Study for review and approval prior to preliminary approval of plans. The applicant shall work with Street Transportation Department staff who will determine the appropriate scope and content of the study and determine if satisfactory resolutions of review comments have been achieved.
7. The subject property is located at the intersection of two arterial streets and in close proximity to a major exit from the Loop 202 Freeway. This location is ideal for implementation of a gateway entry feature marking arrival in the Laveen Village. New Stipulation 13 addresses the requirement for this feature.

This recommendation is consistent with the recommendation made by the LCRD. The applicant indicated that they do not know at this time what the feature may consist of but they intend to continue talks with this group regarding conceptual designs. If the gateway entry feature consists of signage, it should be included in the Comprehensive Sign Plan required in New Stipulation 3 and discussed above in Finding 4. If the entry feature consists of public art, sculpture, enhanced landscaping, or another feature, it should be included in the site plan. The applicant shall document any public meetings held on this subject and provide to City staff to aid in review and approval regarding compliance with this stipulation.

8. New Stipulation 15 requires the developer to provide pedestrian pathways, constructed of decorative pavers, stamped or colored concrete, or another similar material, other than those used to pave the parking surfaces and drive aisles, connecting the sidewalk or sidewalks to the main entrances of all buildings in the most direct route. This recommendation is consistent with the recommendation of the Pedestrian Safety Coordinator with the Street Transportation Department.
9. Original Stipulation 16 required that commercial structures provide a continuous shade protected walkway with a minimum depth of 10 feet along all building walls that have a customer entrance. This stipulation was aimed at the strip retail plaza located at the northeast corner of the site on the original stipulated site plan. This design was consistent with conceptual graphics in the Laveen Southwest Growth Study (Page 25) for shopping centers that have pedestrian walkways along multiple shops. The proposed conceptual site plan does not contain strip retail and breaks up the individual building massing into discrete buildings and pads.

The applicant's request to delete this stipulation is recommended to be denied as filed and approved with a modification. The modified stipulation language is intended to retain the requirement for shade protected architectural features at all main building entrances and all other building facades with adjacent pedestrian walkways. This modification allows the shade requirement to apply to the individual buildings where pedestrian activity will occur and reduces the depth to six feet to acknowledge that the walkways will not be a full arcade as originally envisioned.

10. The applicant's request for modification of existing Stipulation 23 is recommended for approval. The modification of maximum height of the canopy from 16 to 18 feet is a modest increase and remains significantly lower than the 30-foot maximum height permitted by the underlying zoning. This height is also compatible with the maximum 15 feet building height depicted on the conceptual site plan. Finally, the request does not alter the existing regulation of 14 feet maximum height to the underside of the canopy where recessed lighting may be located. Therefore, the modification will not increase any potential negative impact of lighting on nearby or adjacent properties.

However, note that the Zoning Ordinance contains a design presumption in Section 507 Tab A II.D.2. stating that canopy heights measured from finished grade to the lowest point of canopy fascia should not exceed 14 feet in height and that overall canopy height should not exceed 16 feet. This design presumption will need to be overcome during the plan review process regardless of the rezoning stipulation given that it is more restrictive.

11. The subject site is archaeologically sensitive and three additional stipulations are recommended to address potential survey and data testing requirements in the event archaeological materials are discovered during construction.
12. Original Stipulation 29 required that the commercial development plans be presented for comment to the Laveen Village Planning Committee prior to commencement of commercial development. This case represents compliance with this stipulation and the applicant's request for deletion is recommended for approval.

Further, note that the recommendation regarding New Stipulations 1, 1.A, and 2 require general conformance to the proposed conceptual site plan and elevations. These recommendations ensure that future modifications of these plans, exceeding the deviation permitted by general conformance, will be required to go through an additional public hearing process for review with an opportunity for public input. This requirement is more restrictive than the original language of Stipulation 29, which does not specify or require stipulation modification through a public hearing process.

PLANNING HEARING OFFICER RECOMMENDED STIPULATIONS

1.	That the COMMERCIAL development shall be in general conformance with the site plan DATE STAMPED JULY 20, 2020, dated August 20, 2002 as may be modified BY THE FOLLOWING STIPULATIONS and approved by the PLANNING AND Development Services Department, WITH SPECIFIC REGARD TO THE FOLLOWING:
A.	ANY GAS STATION SHALL BE LOCATED AT THE IMMEDIATE

		NORTHEAST CORNER OF 59TH AVENUE AND DOBBINS ROAD.
2.		THE COMMERCIAL DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE BUILDING, FUEL CANOPY, AND SCREEN WALL ELEVATIONS DATE STAMPED JULY 20, 2020, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
3.		A COMPREHENSIVE SIGN PLAN SHALL BE APPROVED FOR THE COMMERCIAL DEVELOPMENT IN ACCORDANCE WITH SECTION 705 OF THE ZONING ORDINANCE AND AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
4.		That Residential elevations SHALL conform to the Laveen Residential Design Guidelines.
5.		That the site plan and elevations of the commercial development prior to preliminary site plan review submittal shall be reviewed and approved through the Planning Hearing Officer hearing process. Also, t The ChairPERSONS of the LAVEEN VILLAGE PLANNING COMMITTEE (LVPC) AND LAVEEN CITIZENS FOR RESPONSIBLE DEVELOPMENT (LCRD) shall be invited BY THE APPLICANT to attend Development Service Department's ANY preliminary SITE PLAN review meeting HELD BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
Streets and Right-of-Way		
6.		That The following rights of way shall be dedicated:
a.		60 feet shall be dedicated for the north half of Dobbins Road;
b.		30 feet shall be dedicated for the south half of South Mountain Avenue;
c.		55 feet shall be dedicated for the east half of 59th Avenue;
d.		30 feet shall be dedicated for the west half of 55th Avenue.
7.		Twenty-one foot by 21-foot right-of-way triangles shall be dedicated:
a.		At the northeast corner of 59th Avenue and Dobbins Road;
b.		At the northwest corner of 55th Avenue and Dobbins Road;

	c.	At the southwest corner of 55th Avenue and South Mountain Avenue.
8. 6.	That	The applicant shall work with the developer of Laveen Commons to establish the alignment of 59th Avenue at South Mountain Avenue.
9. 7.	That	Sufficient right-of-way shall be dedicated to accommodate a far-side busbay (Detail P-1257) on 59th Avenue at Dobbins Road.
10. 8.	That	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 Services Department. All improvements shall comply with all ADA accessibility standards.
11. 9.	That	The applicant shall complete and submit the Developer Project Information Form for the MAG Transportation Improvements Program to the Chief Engineering Technician, (602) 262-6193, Street Transportation Department. This form is a requirement of the Environmental Protection Agency to meet clean air quality standards.
12.		THE APPLICANT SHALL SUBMIT A TRAFFIC IMPACT STUDY (TIS) TO THE CITY OF PHOENIX FOR THE COMMERCIAL DEVELOPMENT. NO PRELIMINARY APPROVAL OF PLANS SHALL BE GRANTED UNTIL THE STUDY IS REVIEWED AND APPROVED BY THE CITY UPON SATISFACTORY RESOLUTIONS OF REVIEW COMMENTS BY CITY STAFF, AS APPROVED OR MODIFIED BY THE STREET TRANSPORTATION DEPARTMENT.
Site Amenities		
13.		THE DEVELOPER SHALL PROVIDE A GATEWAY FEATURE SUCH AS ENHANCED LANDSCAPING, SIGNAGE, AND/OR PUBLIC ART, LOCATED AT THE NORTHEAST CORNER OF 59TH AVENUE AND DOBBINS ROAD, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
14. 10.	That	A walkway SHALL be provided between the commercial and residential development as noted on the site plan. Pedestrian walkways/connections within/between the commercial and residential developments shall be constructed of materials other than asphalt. If concrete is chosen it will be stamped.
15.		PEDESTRIAN PATHWAYS, CONSTRUCTED OF DECORATIVE PAVERS, STAMPED OR COLORED CONCRETE, OR ANOTHER

	SIMILAR MATERIAL, OTHER THAN THOSE USED TO PAVE THE PARKING SURFACES AND DRIVE AISLES, SHALL BE PROVIDED CONNECTING THE SIDEWALK OR SIDEWALKS TO THE MAIN ENTRANCES OF ALL BUILDINGS IN THE MOST DIRECT ROUTE, AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
Open Space, Trails, Fencing and Entrances	
16. 14.	That t The main entrance (59th Avenue, Dobbins, 55th Avenue, and South Mountain) to the housing subdivision shall incorporate subdivision entry signage and monumentation. Entry design concepts shall be attractive, low in profile, as approved by the PLANNING AND Development Services Department.
17. 12.	That a A continuous multi-use trail from Dobbins Road to South Mountain Road shall be provided, as approved by the Parks and Recreation Department.
18. 13.	That a A trail shall be provided along South Mountain Road between 55th and 59th Avenues that shall connect with the trail through the development, as approved by the Parks and Recreation Department. Said trail shall be 15 feet in width as shown on the site plan.
Commercial Design	
19. 14.	That r Rear and side facades and roofline treatment including color texture and material shall be “architecturally finished” to minimize visual impact to adjacent residential areas, as approved by PLANNING AND Development Services Department.
20. 15.	That e Corporate colors and associated graphics shall be used only as an accent feature as to not dominate the architectural design of the development, as determined by the PLANNING AND Development Services Department.
21. 16.	That commercial structures shall provide a continuous shade protected walkway a minimum of ten feet in depth along all building walls that have a customer entrance. COVERED WALKWAYS, EXTERIOR PORCHES, ARCADES, CANOPIES, AND/OR OTHER SIMILAR ARCHITECTURAL FEATURES WITH A MINIMUM DEPTH OF 6 FEET SHALL BE PROVIDED AT ALL MAIN BUILDING ENTRANCES AND ALONG ALL OTHER BUILDING FACADES WITH ADJACENT PEDESTRIAN WALKWAYS, AS APPROVED BY THE PLANNING AND DEVELOPMENT

	DEPARTMENT.
22. 17.	That a All buildings shall have a similar architectural character and have architectural enhancements such as stone, burnt adobe, textured brick, wood (when shaded by overhangs or deep recesses), slump block, ceramic tile (matte finish), stucco or exposed aggregate concrete.
23. 18.	That p Parking at the time of preliminary approval shall be limited to no more than 20% above that required by the Zoning Ordinance.
24. 19.	That i Landscaping along Dobbins Road and 59th Avenue shall include 2-inch caliper trees planted 20 feet on center. Landscaping or other forms of shading in the parking lots shall shade 25% of the parking lot by maturity. Berms or decorative walls shall be provided along Dobbins Road and 59th Avenue.
25. 20.	All items for sale, excluding fuel dispensing machines, shall be located within buildings or located in designated areas screened from view so as to minimize potential impacts.
26. 21.	That a All accessory equipment in the commercial development such as air, water, vacuums, and venting pipes shall be screened from view so as to minimize potential impacts.
27. 22.	That p Proposed drive-through facilities shall orient drive-through windows away from Dobbins Road or adjacent residential uses. Drive-through queueing lanes shall be screened from view of Dobbins Road and/or residential uses through the incorporation of a landscaped berm, screen wall, or a combination of a wall and berm at least four feet in height as approved by the PLANNING AND Development Services Department.
28. 23.	That a Any service station canopies, or drive-through canopies shall not exceed 14 feet in height measured from the ground to the underside of the canopy. The overall height of the canopy shall not exceed 46 18 feet. All lights attached to the underside of the canopy shall be fully recessed.
29. 24.	That a All canopy support pillars shall be a minimum of two feet wide by two feet deep from the ground to the underside of the canopy and shall be finished with compatible body and accent materials as the primary building.
30. 25.	That t The residential developments shall use the Planned Residential Development (PRD) option.
31.	That a At least one of the following options SHALL be offered to

26-	purchasers of single-family houses excluding cluster homes:
a.	Front porch
b.	Front yard patio
c.	Low wall or fence in the front yard
32. 27-	That The property owner shall record documents that disclose to purchasers of property within the development the existence and potential characteristics of agricultural use property in the vicinity. The form and content of such documents shall be reviewed and approved by the City Attorney.
33. 28-	That a Archaeological excavation shall occur to determine if there are prehistoric cemeteries within the site, per the City Archaeologist (602) 495-0901). If prehistoric human remains are discovered the remains shall be removed per the State of Arizona Antiquities Act Standards.
34.	IF DETERMINED NECESSARY BY THE PHOENIX ARCHAEOLOGY OFFICE, THE APPLICANT SHALL CONDUCT PHASE I DATA TESTING AND SUBMIT AN ARCHAEOLOGICAL SURVEY REPORT OF THE DEVELOPMENT AREA FOR REVIEW AND APPROVAL BY THE CITY ARCHAEOLOGIST PRIOR TO CLEARING AND GRUBBING, LANDSCAPE SALVAGE, AND/OR GRADING APPROVAL.
35.	IF PHASE I DATA TESTING IS REQUIRED, AND IF, UPON REVIEW OF THE RESULTS FROM THE PHASE I DATA TESTING, THE CITY ARCHAEOLOGIST, IN CONSULTATION WITH A QUALIFIED ARCHAEOLOGIST, DETERMINES SUCH DATA RECOVERY EXCAVATIONS ARE NECESSARY, THE APPLICANT SHALL CONDUCT PHASE II ARCHAEOLOGICAL DATA RECOVERY EXCAVATIONS.
36.	IN THE EVENT ARCHAEOLOGICAL MATERIALS ARE ENCOUNTERED DURING CONSTRUCTION, THE DEVELOPER SHALL IMMEDIATELY CEASE ALL GROUND-DISTURBING ACTIVITIES WITHIN A 33-FOOT RADIUS OF THE DISCOVERY, NOTIFY THE CITY ARCHAEOLOGIST, AND ALLOW TIME FOR THE ARCHAEOLOGY OFFICE TO PROPERLY ASSESS THE MATERIALS.
29-	That the commercial development plans be presented for comment to the Laveen Village Planning Committee prior to commencement of commercial development.
37.	That s Sidewalks, curbs, and streetscapes in the single-family residential

30.	areas SHALL be designed in such a way to allow for rural mail delivery unless forbidden by the local serving post office.
31.	
32.	That m Multi-story construction shall not be allowed on residential lots 408-415 inclusive.
33.	
34.	That w Wrap-around architectural details and materials SHALL be used on all sides of homes along all street frontages on corner lots.
35.	
36.	That h Home builders SHALL provide a range of durable materials that will minimize stucco and tile by offering decorative elements such as brick, decorative concrete block, and stone accents.
37.	
38.	That a All mechanical equipment in or on commercial developments must be ground mounted or be screened from view in such a manner to minimize potential impacts using materials consistent with the architectural character and theme of the development.
39.	
40.	That b Between the commercial development and the cluster residential area there SHALL be a minimum 15-foot-wide landscape buffer with two rows of two-inch caliper trees planted 15 feet on center.

PLANNING HEARING OFFICER RECOMMENDATION

The Planning Hearing Officer recommended denial as filed and approval with modifications and additional stipulations.

EXHIBITS

- A – Appeal Documents (2 pages)
- B – Applicant's Narrative (5 pages)
- C – Aerial Map (1 page)
- D – Zoning Map (1 page)
- E – Approval Letter for Rezoning Case No. Z-62-02-7 (5 pages)
- F – Sketch Map from Rezoning Case No. Z-62-02-7 (1 page)
- G – Proposed Site Plan date stamped July 20, 2020 (1 page)
- H – Proposed Elevations date stamped July 20, 2020 (3 pages)
- I – Stipulated Site Plan date stamped August 20, 2002 (1 page)
- J – PHO Summary for PHO-1-20—Z-62-02-7(8) (24 pages)
- K – Correspondence regarding PHO-1-20—Z-62-02-7(8) (2 pages)

EXHIBIT A

PLANNING HEARING OFFICER APPEAL I HEREBY REQUEST THAT THE PLANNING COMMISSION/CITY COUNCIL HOLD A PUBLIC HEARING ON:			
CASE NUMBER:	Z-62-02-7 (8) (PHO-1-20)		
LOCATION:	Northeast corner of 59th Avenue and Dobbins Road		
PHO HEARING DATE:	7/15/2020	RECEIVED:	7/17/2020
APPEALED BY:	<input checked="" type="checkbox"/> Opposition	<input type="checkbox"/> Applicant	
APPEALED TO:	PLANNING COMMISSION	9/3/2020	TENTATIVE DATE
	CITY COUNCIL		TENTATIVE DATE
APPELLANT NAME AND ADDRESS:		PHONE:	
Dr. Kathy Denise Wigal 9006 South 58th Drive Laveen, AZ 85339		602-320-3230	
RECEIPT NUMBER:			
REASON FOR REQUEST:			
Community members have only recently become involved in this process due to issues with the notification of community members by the applicant. PHO has determined-not to bring this back to Laveen Planning Committee for discussion. Therefore, it is essential that the community have input into additional stipulations that may be appropriate for this development. Thus, a public hearing is requested.			
TAKEN BY:	Julianna Pierre		

c: Alan Stephenson
 Joshua Bednarek
 Tricia Gomes
 Racelle Escolar
 Danielle Jordan
 Victoria Cipolla-Murillo
 Adam Stranieri
 Julianna Pierre
 Ben Ernyei - Posting
 GIS Team



JUL 17 2020

City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

Planning & Development
Department

The PLANNING HEARING OFFICER agenda for July 15, 2020 is attached.

The City Council May Ratify the Recommendation of the Planning Hearing Officer on August 26, 2020 Without Further Hearing Unless:

- A REQUEST FOR A HEARING BY THE PLANNING COMMISSION is filed by 5:00 p.m. on July 22, 2020. (There is a \$630 fee for hearings requested by the applicant.)

Any member of the public may, within seven (7) days after the Planning Hearing Officer's action, request a hearing by the Planning Commission on any application. If you wish to request a hearing, fill out and sign the form below and return it to the Planning and Development Department by 5:00 p.m. on July 22, 2020.

APPEAL FORM

I HEREBY REQUEST THAT THE PLANNING COMMISSION HOLD A PUBLIC HEARING ON:

PHO-1-20-Z-62-02-7 (8)	Northeast corner of 59th Avenue and Dobbins Road
APPLICATION NO.	LOCATION OF APPLICATION PROPERTY
Dr. Kathy Denise Wigal	<input checked="" type="checkbox"/> OPPOSITION <input type="checkbox"/> APPLICANT
NAME (PLEASE PRINT)	
9006 S 58th Drive	
STREET ADDRESS	602-320-3230
Laveen, Arizona 85339	TELEPHONE NO
CITY, STATE AND ZIP CODE	

BY MY SIGNATURE BELOW, I ACKNOWLEDGE THE SCHEDULED HEARING DATE AS FOLLOWS:

APPEALED FROM <u>July 15, 2020</u>	PHO HEARING TO <u>September 3, 2020</u>	PC HEARING
DATE	DATE	

SIGNATURE: Kathy D. Wigal DATE: July 16, 2020

REASON FOR APPEAL:

Community members have only recently become involved in this process due to issues with the notification of community members by the applicant. PHO has determined-not to bring this back to Laveen planning committee for discussion. Therefore, it is essential that the community have input into additional stipulations that may be appropriate for this development. Thus, a public hearing is requested.

APPEALS MUST BE FILED IN PERSON AT THE 2ND FLOOR ZONING COUNTER, 200 W. WASHINGTON STREET, 602-262-7131, Option 6

PLANNER TAKING APPEAL: JP

Copies to:

Case File

PHO Planner – Julianna Pierre

PHO Secretary – Stephanie Vasquez

EXHIBIT B

Z-62-02-7

Modification of Stipulations

May 27, 2020

Request Narrative

The proposed 5.6-acre development site is located at the northeast corner of 59th Avenue & Dobbins Road. Historically the site was used for agriculture and is now currently vacant land. In 2002, the property was rezoned to from Suburban District (S-1) to Intermediate Commercial (C-1) as part of the larger Z-62-02 zoning case which included 143.3 total acres. To the north and east of the property is the Paseo Point Single Family Neighborhood zoned R1-8. To the south and west of the property is agricultural land zoned S-1.

The subject parcel is a part of the Paseo Point Master Site Plan, approved with, and subject to the approval stipulations provided in the zoning case Z-62-02. The site plan now proposed at the northeast corner of 59th & Dobbins envisions four commercial uses that include a convenience store with fuel canopy, a restaurant with drive-through, an automotive service center, and a childcare center. The pad which includes the convenience store and fuel station is intended to be the first of four pads to be developed. The other three pads are envisioned to advance in a phased manner following market stability. Two entry/exit points will be provided along 59th Avenue and one entry/exit will be provided along Dobbins Road. A total of 160 parking stalls are provided throughout the proposed development, demonstrating compliance with stipulation number 18 of zoning approval. A ten-foot-wide multi-use trail will be provided along Dobbins Road with a walkway connecting the adjacent residential development to the commercial site. The perimeter of the subject property, that is adjacent to the residential use at to north and east, will be planted with trees to buffer the proposed commercial uses as required by stipulation 35 of zoning approval.

The first pad to be developed will be the convenience store and fueling station. The fueling station will include 8 gas pumps with a 5,900 square foot shade canopy. The convenience store is planned to include 5,500 square feet of space and will include a drive through for a small quick-service restaurant. The underground fuel storage tanks will be located to the west of the fueling canopy and designed to provide adequate, on site, circulation for fuel delivery.

The future developed pads include an automotive service center, a childcare center, and a restaurant with drive through facilities. Each of these intended uses have expressed interest in being developed at this location but are unable to make the full commitment under the current COVID 19 market environment. The Applicant is optimistic that each of these uses will advance through the Preliminary Site Plan Review Process within the next 12 to 18 months.

To respond to the emerging residential growth being experienced within the Laveen Area, and in response to the opening of the Southwest Loop Freeway, the proposed site plan at 59th Avenue and Dobbins Road is anticipated to provide necessary services to existing and future area residents. To accommodate the uses as envisioned, a request to modify four of the original thirty-five stipulations of zoning approval is being requested. Our request to modify stipulations 1, 3, 16, 23, and 29 from zoning case Z-62-02 is presented in the attached legislative edit document as necessary to define the specific amendments.

May 27, 2020

Z-62-02-7

October 30, 2002

Modification to Stipulations

General:

1. That the development shall be in general conformance with the site plan dated ~~August 20, 2002~~ MAY 28, 2020 as may be modified and approved by the ~~Development Services~~ PLANNING AND DEVELOPMENT Department.

Rationale: The conceptual site plan provided with the original zoning request, dated August 20, 2002, was very conceptual in character and form. Eighteen years later, following the opening of the Southwest Loop Freeway, the developer wishes to construct a Convenience Store / Fuel Station on the corner parcel of the subject commercial property and re-configure the commercial site plan design. Contractual discussions have begun regarding the other three uses depicted on the update site plan (Automobile Service Center, Childcare Center, and Restaurant use) are all tentatively proposed to configure a functional commercial property but are tentative at this time. An update to the conceptual site plan approved with case Z-62-07 is required to depict an update to the site configuration and promote community predictability regarding future uses.

2. That residential elevations conform to the Laveen Residential Design Guidelines.
3. ~~That the site plan and elevations of the commercial development prior to preliminary site plan review submittal shall be reviewed and approved through the Planning Hearing Officer hearing process. Also,~~
The Chair of the LVPC shall be invited to attend ~~Development Services~~ PLANNING AND DEVELOPMENT Department's preliminary review meeting.

Rationale: Site Plan for the commercial development and building elevations for the proposed commercial center have been provided for this PHO review process as required by Stipulation #3. The Applicant will be sure to coordinate the Preliminary Site Plan Review meeting invitation with the Chair of the Laveen Village Planning Committee. This PHO application is intended to satisfy the first requirement of the zoning approval.

Streets and Right-of-Way:

4. That the following rights-of-way shall be dedicated:
 - a. 60 feet shall be dedicated for the north half of Dobbins Road
 - b. 30 feet shall be dedicated for the south half of South Mountain Avenue
 - c. 55 feet shall be dedicated for the east half of 59th Avenue
 - d. 30 feet shall be dedicated for the west half of 55th Avenue
5. Twenty-one-foot by 21-foot right-of-way triangles shall be dedicated:
 - a. At the northeast corner of 59th Avenue and Dobbins Road
 - b. At the northwest corner of 55th Avenue and Dobbins Road
 - c. At the southwest corner of 55th Avenue and South Mountain Avenue
6. That the applicant shall work with the developer of Laveen Commons to establish the alignment of 59th Avenue at South Mountain Avenue.
7. That sufficient right-of-way shall be dedicated to accommodate a far-side busbay (Detail P-1257) on 59th Avenue and Dobbins Road

8. That 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 Development Services Department. All improvement shall comply with all ADA accessibility standards.
9. That the applicant shall complete and submit the Developer Project Information Form for the MAG Transportation Improvements Program to the Chief Engineering Technician (602) 262-6193 Street Transportation Department. This form is a requirement of the Environmental Protection Agency to meet clean air quality standards.

Site Amenities:

10. That a walkway be provided between the commercial and residential development as noted on the site plan. Pedestrian walkways/connections within/between the commercial and residential developments shall be constructed of materials other than asphalt. If concrete is chosen it will be stamped.

Open Space, Trails, Fencing and Entrances:

11. That the main entrance (59th Avenue, Dobbins, 55th Avenue and South Mountain) to the housing subdivisions shall incorporate subdivision entry signage and monumentation. Entry design concepts shall be attractive, low in profile, as approved by the Development Services Department.
12. That a continuous multi-use trail from Dobbins Road to South Mountain Road shall be provided as approved by the Parks and Recreation Department.
13. That a trail shall be provided along South Mountain Road Between 55th and 59th Avenues that shall connect with the trail through the development as approved by the Parks and Recreation Department. Said trail shall be 15 feet in width as shown on the site plan.

Commercial Design:

14. Commercial Design That rear and side facades and roofline treatment including color, texture, and material shall be "architecturally finished" to minimize visual impact to adjacent residential areas as approved by Development Services Department.
15. That corporate colors and associated graphics shall be used only as an accent feature, as to not dominate the architectural design of the development as determined by the Development Services Department.
16. ~~That commercial structures shall provide a continuous shade protected walkway a minimum of ten feet in depth along all building walls that have a customer entrance.~~

Rationale: The design intent of this stipulation is not immediately clear making the implementation ambiguous. The new site plan concept envisions four individual development parcels with uses ranging from a Convenience Store to a Child Care Center. In the evaluation of the previous, stipulated, conceptual site plan, it appears the proposed retail center was envisioned as a traditional 'strip' configuration with connected stores thereby perhaps justifying a continuous 10' wide arcade. The four individual uses now proposed will utilize specific points of building entry which, depending on the use, will require a different design solution to promote shade and comfort. To determine the best design solution, solar orientation must be considered, and pedestrian movements defined. Regardless, the City of Phoenix Design Review standards, by design, promote shade and comfort as a fundamental Design Principle and with corresponding design standards.

17. That all buildings shall have a similar architectural character and have architectural enhancements such as stone, burnt adobe, textured brick, wood (when shaded by overhangs or deep recesses), slump block, ceramic tile (matte finish) stucco, or exposed aggregate concrete.

18. That parking at the time of preliminary approval shall be limited to no more than 20% above that required by the Zoning Ordinance.
19. That landscaping along Dobbins Road and 59th Avenue shall include 2-inch caliper trees planted 20 feet on center. Landscaping or other forms of shading in the parking lots shall shade 25% of the parking lot by maturity. Berms or decorative walls shall be provided along Dobbins Road and 59th Avenue.
20. All items for sale, excluding fuel dispensing machines, shall be located within buildings or located in designated areas screened from view so as to minimize potential impacts.
21. That all accessory equipment in the commercial development such as air, water, vacuums and venting pipes shall be screened from view so as to minimize potential impacts.
22. That proposed drive-through facilities shall orient drive-through windows away from Dobbins Road or adjacent residential uses. Drive-through queuing lanes shall be screened from view of Dobbins Road and/or residential uses through the incorporation of a landscaped berm, screen wall, or a combination of a wall and berm at least four feet in height as approved by the Development Services Department.
23. That any service station canopies or drive-through canopies shall not exceed 14 feet in height, measured from the ground to the underside of the canopy. The overall height of the canopy shall not exceed ~~46~~ 18 feet. All lights attached to the underside of the canopy shall be fully recessed.

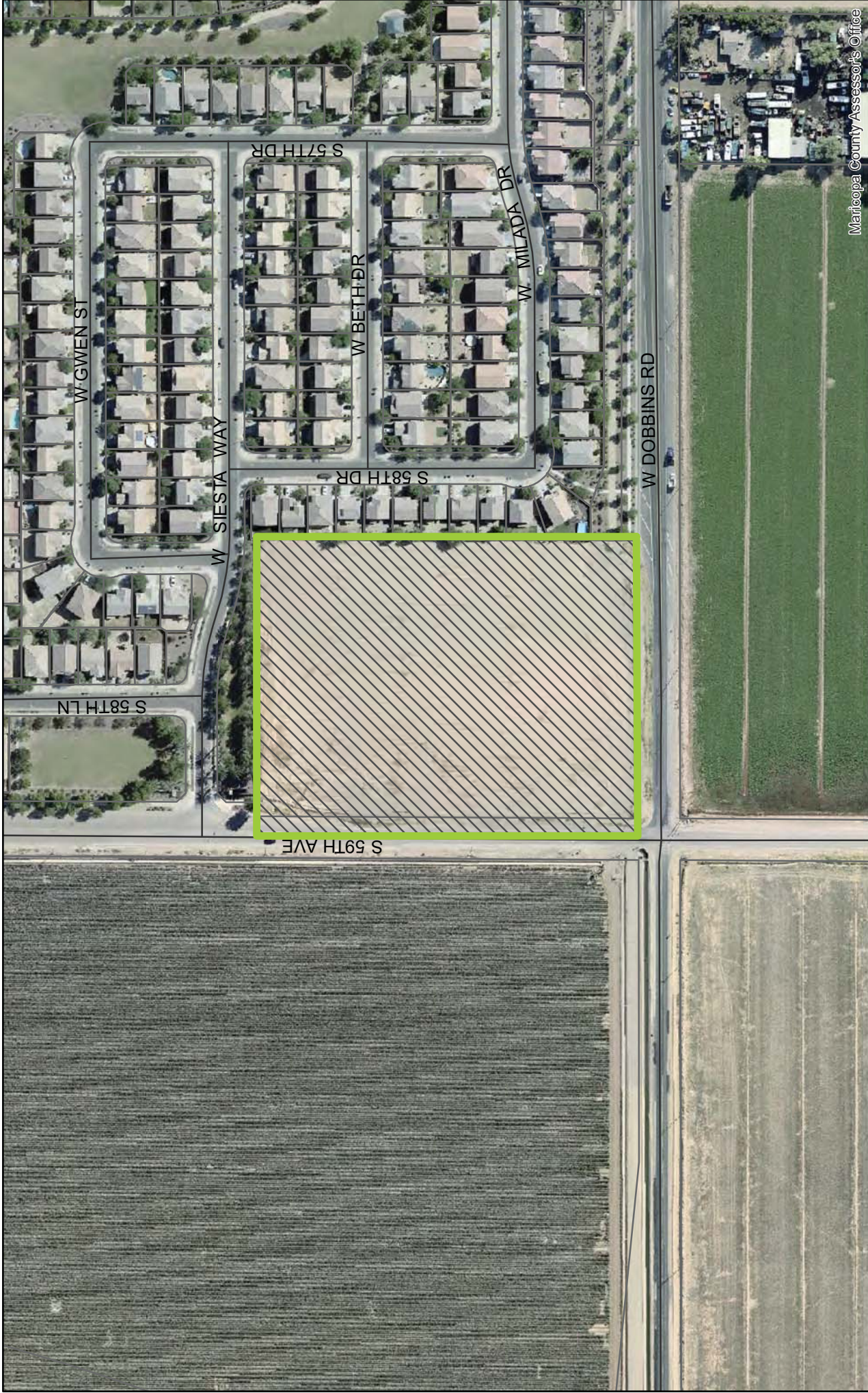
Rationale: The increase from 16 feet to 18 feet total canopy height is requested to allow a 42" fascia treatment. This will allow for a more typical steel canopy structure design and adequate opportunity for corporate branding requirements while providing additional architectural embellishment.

24. That all canopy support pillars shall be a minimum of two feet wide by two feet deep, from the ground to the underside of the canopy, and shall be finished with compatible body and accent materials as the primary building.
25. That the residential developments shall use the Planned Residential Development (PRD) option.
26. That at least one of the following options be offered to purchasers of single-family houses excluding cluster homes:
 - a. Front porch
 - b. Front yard patio
 - c. Low wall or fence in the front yard
27. That the property owner shall record documents that disclose to purchasers of property within the development the existence and potential characteristics of agricultural use property in the vicinity. The form and content of such documents shall be reviewed and approved by the City Attorney.
28. That archeological excavation shall occur to determine if there are prehistoric cemeteries within the site per the City Archeologist (602-495-0901). If prehistoric human remains are discovered, the remains shall be removed per the State of Arizona Antiquities Act Standards.
29. ~~That the commercial development plans be presented for comment to the Laveen Village Planning Committee prior to commencement of commercial development.~~

Rationale: Site Plan for the commercial development and building elevations for the proposed Convenience Store / Fuel Station have been provided for this PHO review process and will be reviewed for comment by the LVPC as part of this process. This process will satisfy the stipulation.

30. That sidewalks, curbs, and streetscape in the single-family residential areas be designed in such a way to allow for rural mail delivery unless forbidden by the local serving post office.
31. That multi-story construction shall not be allowed on residential lots 408-415 inclusive.
32. That wrap-around architectural details and materials be used on all sides of homes along all street frontages on corner lots.
33. That home builders provide a range of durable materials that will minimize stucco and tile by offering decorative elements such as brick, decorative concrete block, and stone accents.
34. That all mechanical equipment in or on commercial developments must be ground mounted or be screened from view in such a manner to minimize potential impacts using materials consistent with the architectural character and theme of the development.
35. That between the commercial development and the cluster residential area there be a minimum of 15 foot wide landscape buffer with two rows of two-inch caliper trees planted 15 feet on center.

EXHIBIT C



PHO-1-20--Z-62-02-7

Property Location: Northeast corner of 59th Avenue and Dobbins Road



Planning & Development Department

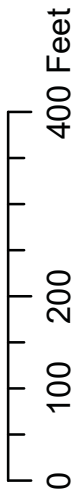
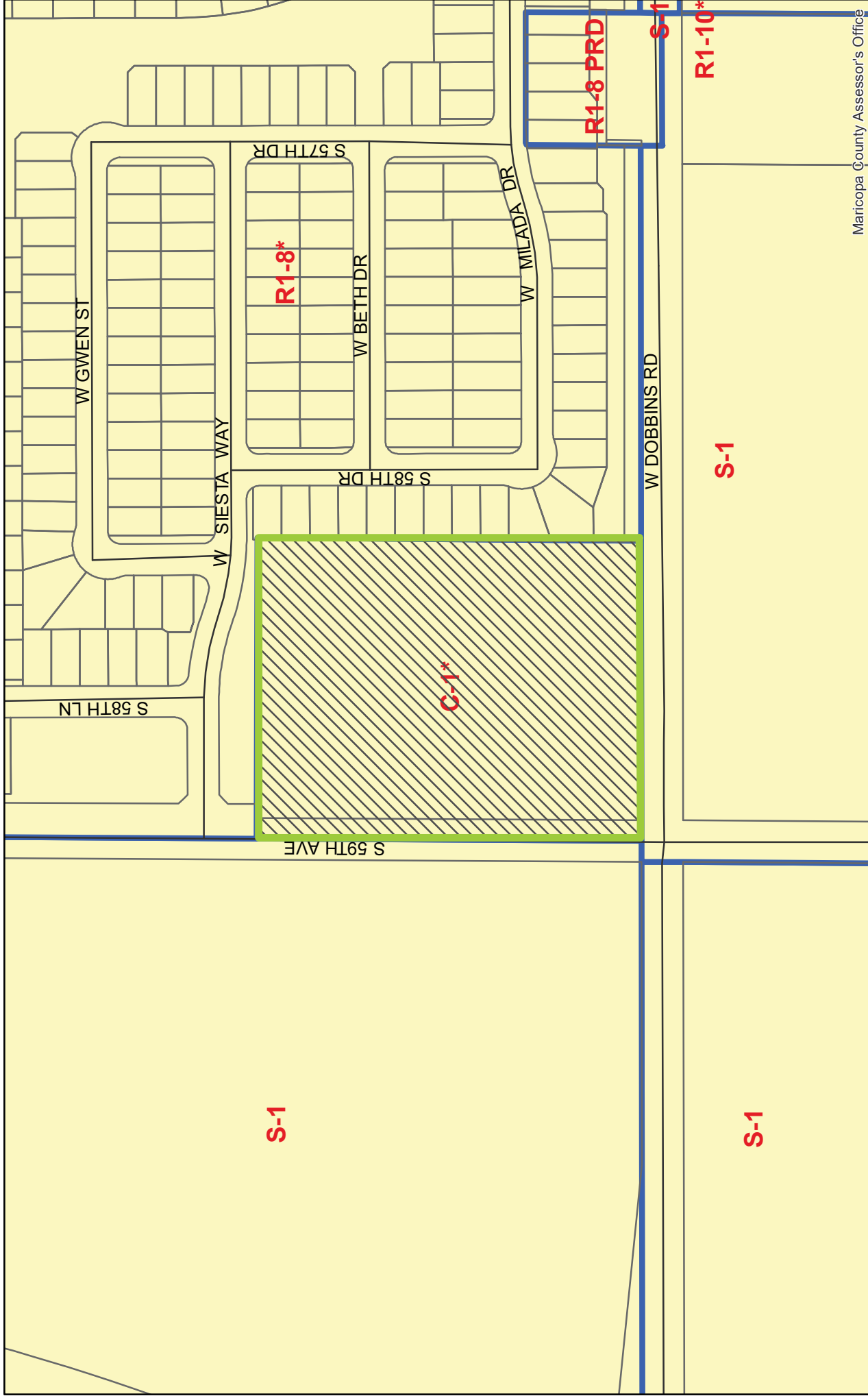


EXHIBIT D



PHO-1-20--Z-62-02-7

Property Location: Northeast corner of 59th Avenue and Dobbins Road



Planning & Development Department



EXHIBIT E



City of Phoenix

PLANNING DEPARTMENT

November 1, 2002

Edwin R. Jones
1007 Lorne Way
Sunnyvale, CA 94087

Dear Applicant:

RE: Z-62-02-7

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 October 30, 2002, concurred in the recommendation of the Planning Commission and has denied as filed, approved R1-8 & C-1 with modified and deleted stipulations, Application Z-62-02-7 for C-2 R1-8 on approximately 143.3 acres located on the northeast corner of 59th Avenue and Dobbins Road.

STIPULATIONS

1. That the development shall be in general conformance with the site plan dated August 20, 2002, as may be modified and approved by the Development Services Department.
2. That residential elevations conform to the Laveen Residential Design Guidelines.
3. That the site plan and elevations of the commercial development prior to preliminary site plan review submittal shall be reviewed and approved through the Planning Hearing Officer hearing process. Also, the Chair of the LVPC shall be invited to attend Development Service Department's preliminary review meeting.

Streets and Right-of-Way

4. That the following rights of way shall be dedicated:
 - 60 feet shall be dedicated for the north half of Dobbins Road.
 - 30 feet shall be dedicated for the south half of South Mountain Avenue.

- 55 feet shall be dedicated for the east half of 59th Avenue
 - 30 feet shall be dedicated for the west half of 55th Avenue
- 5 Twenty one foot by 21-foot right-of-way triangles shall be dedicated
- At the northeast corner of 59th Avenue and Dobbins Road
 - At the northwest corner of 55th Avenue and Dobbins Road
 - At the southwest corner of 55th Avenue and South Mountain Avenue
- 6 That the applicant shall work with the developer of Laveen Commons to establish the alignment of 59th Avenue at South Mountain Avenue
- 7 That sufficient right of way shall be dedicated to accommodate a far-side busbay (Detail P-1257) on 59th Avenue at Dobbins Road
- 8 That 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 Development Services Department All improvements shall comply with all ADA accessibility standards
- 9 That the applicant shall complete and submit the Developer Project Information Form for the MAG Transportation Improvements Program to the Chief Engineering Technician (602) 262 6193 Street Transportation Department This form is requirement of the Environmental Protection Agency to meet clean air quality standards

Site Amenities

- 10 That a walkway be provided between the commercial and residential development as noted on the site plan Pedestrian walkways/connections within/between the commercial and residential developments shall be constructed of materials other than asphalt If concrete is chosen it will be stamped

Open Space, Trails, Fencing and Entrances

- 11 That the main entrance (59th Avenue Dobbins 55th Avenue and South Mountain) to the housing subdivisions shall incorporate subdivision entry signage and monumentation Entry design concepts shall be attractive, low in profile, as approved by the Development Services Department

- 12 That a continuous multi use trail from Dobbins Road to South Mountain Road shall be provided as approved by the Parks and Recreation Department
- 13 That a trail shall be provided along South Mountain Road between 55th and 59th Avenues that shall connect with the trail through the development as approved by the Parks and Recreation Department Said trail shall be 15 feet in width as shown on the site plan
- 14 Commercial Design That rear and side facades and roofline treatment including color texture and material shall be "architecturally finished" to minimize visual impact to adjacent residential areas as approved by Development Services Department
- 15 That corporate colors and associated graphics shall be used only as an accent feature as to not dominate the architectural design of the development as determined by the Development Services Department
- 16 That commercial structures shall provide a continuous shade protected walkway a minimum of ten feet in depth along all building walls that have a customer entrance
- 17 That all buildings shall have a similar architectural character and have architectural enhancements such as stone burnt adobe textured brick wood (when shaded by overhangs or deep recesses) slump block ceramic tile (matte finish) stucco or exposed aggregate concrete
- 18 That parking at the time of preliminary approval shall be limited to no more than 20% above that required by the Zoning Ordinance
- 19 That landscaping along Dobbins Road and 59th Avenue shall include 2-inch caliper trees planted 20 feet on center Landscaping or other forms of shading in the parking lots shall shade 25% of the parking lot by maturity Berms or decorative walls shall be provided along Dobbins Road and 59th Avenue
- 20 All items for sale excluding fuel dispensing machines shall be located within buildings or located in designated areas screened from view so as to minimize potential impacts
- 21 That all accessory equipment in the commercial development such as air water vacuums and venting pipes shall be screened from view so as to minimize potential impacts

- 22 That proposed drive through facilities shall orient drive through windows away from Dobbins Road or adjacent residential uses Drive-through queueing lanes shall be screened from view of Dobbins Road and/or residential uses through the incorporation of a landscaped berm screen wall or a combination of a wall and berm at least four feet in height as approved by the Development Services Department
- 23 That any service station canopies or drive-through canopies shall not exceed 14 feet in height measured from the ground to the underside of the canopy The overall height of the canopy shall not exceed 16 feet All lights attached to the underside of the canopy shall be fully recessed
- 24 That all canopy support pillars shall be a minimum of two feet wide by two feet deep from the ground to the underside of the canopy and shall be finished with compatible body and accent materials as the primary building
- 25 That the residential developments shall use the Planned Residential Development (PRD) option
- 26 That at least one of the following options be offered to purchasers of single-family houses excluding cluster homes
 - Front porch
 - Front yard patio
 - Low wall or fence in the front yard
- 27 That the property owner shall record documents that disclose to purchasers of property within the development the existence and potential characteristics of agricultural use property in the vicinity The form and content of such documents shall be reviewed and approved by the City Attorney
- 28 That archeological excavation shall occur to determine if there are prehistoric cemeteries within the site per the City Archeologist (602/495-0901) If prehistoric human remains are discovered the remains shall be removed per the State of Arizona Antiquities Act Standards
- 29 That the commercial development plans be presented for comment to the Laveen Village Planning Committee prior to commencement of commercial development
- 30 That sidewalks curbs and streetscapes in the single family residential areas be designed in such a way to allow for rural mail delivery unless forbidden by the local serving post office

- 31 That multi-story construction shall not be allowed on residential lots 408 415 inclusive
- 32 That wrap-around architectural details and materials be used on all sides of homes along all street frontages on corner lots
- 33 That home builders provide a range of durable materials that will minimize stucco and tile by offering decorative elements such as brick decorative concrete block and stone accents
- 34 That all mechanical equipment in or on commercial developments must be ground mounted or be screened from view in such a manner to minimize potential impacts using materials consistent with the architectural character and theme of the development
- 35 That between the commercial development and the cluster residential area there be a minimum 15 foot wide landscape buffer with two rows of two inch caliper trees planted 15 feet on center

Sincerely



Sandra E. Zwick
Principal Planner

C City Clerk

Files

Tammy Henry (sent electronically)

E J Hyncik Public Transit (sent elec)

Book

Jason Sanks (sent electronically)

Jason Morris/Wilthey Anderson and Morris 3101 N Central Ave Ste 1690 Phoenix AZ 85012

LVA Urban Design Studio/Alan Beaudoin 7502 E Main St Scottsdale AZ 85251

Jay Neville (sent electronically)

Karen Stovall (sent electronically)

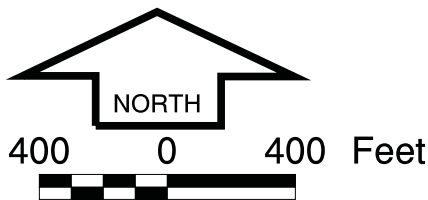
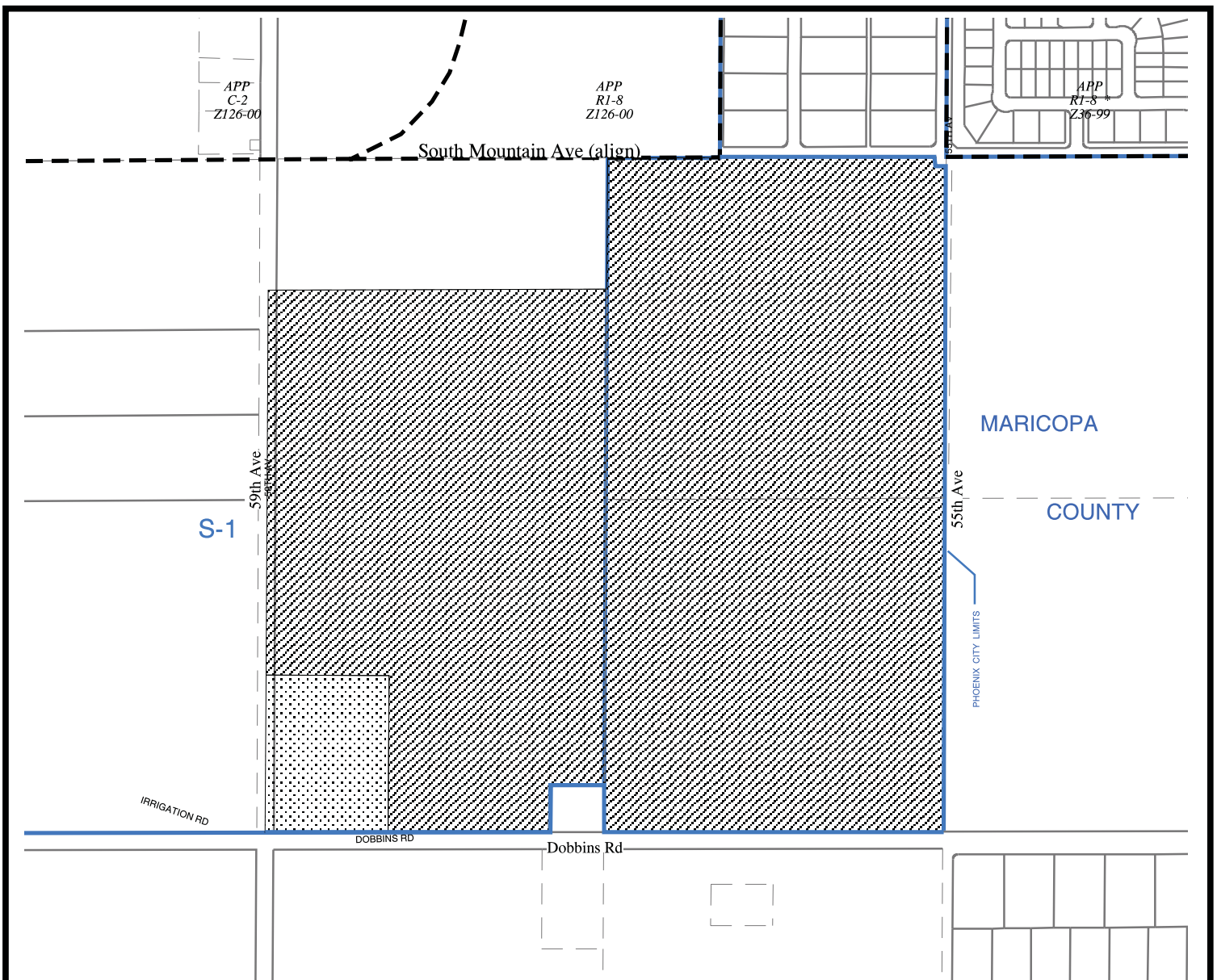
Dave Barner DSD (sent electronically)

Miguel Victor (sent electronically)

Lynn West (sent electronically)

Kenneth Black (sent electronically)

EXHIBIT F



CITY OF PHOENIX PLANNING DEPARTMENT

Laveen Village

CITY COUNCIL DISTRICT: 7

62-02



APPLICANT'S NAME: LVA Urban Design Studio/Alan Beaudoin		REQUESTED CHANGE:	
APPLICATION NO. 62-02	DATE: 8-14-2002	FROM: S-1, Rural-43 (S-1 Pending)	
GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX. 143.30 Acres	REVISION DATES:		TO: <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background: repeating-linear-gradient(45deg, transparent, transparent 2px, black 2px, black 4px); margin-right: 5px;"></div> R1-8 (136.30 ac) <div style="width: 20px; height: 20px; background: radial-gradient(circle, black 1px, transparent 1px); background-size: 4px 4px; margin-right: 5px;"></div> C-2 (7.00 ac) </div>
	AERIAL PHOTO & QUARTER SEC. NO. Q02-15		
ZONING MAP C5			
MULTIPLES PERMITTED S-1, Rural-43 (S-1 Pending) R1-8, C-2	CONVENTIONAL OPTION 143 545 / N/A		* UNITS P.R.D. OPTION N/A 616 / N/A

EXHIBIT G

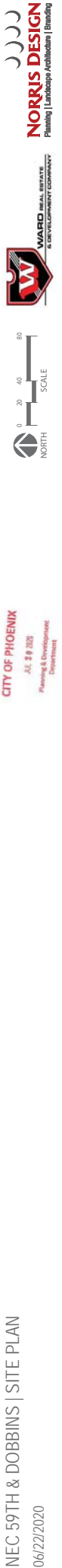
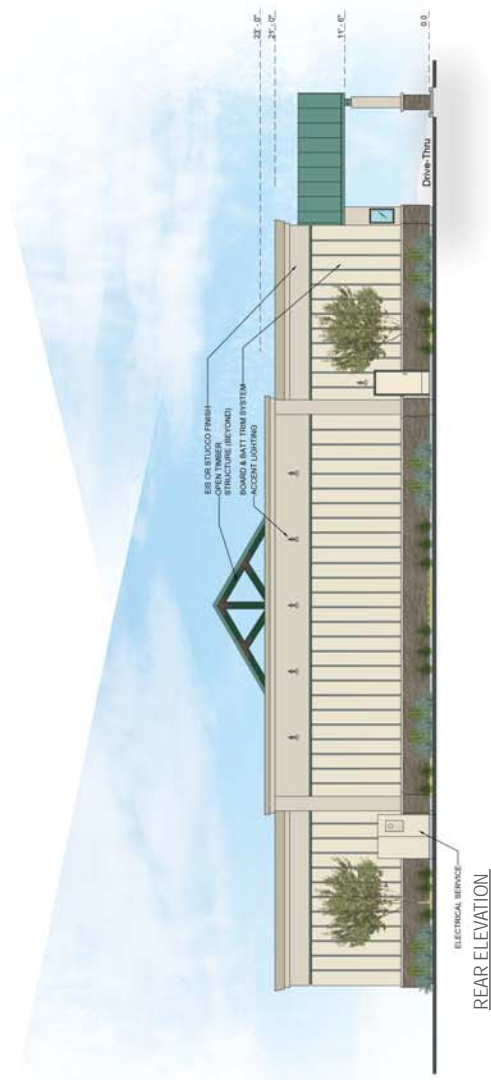
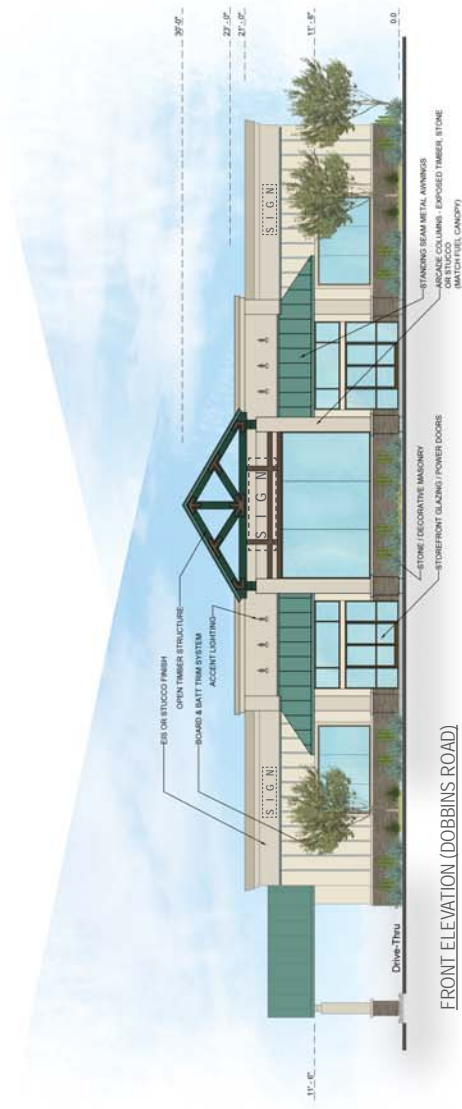


EXHIBIT H

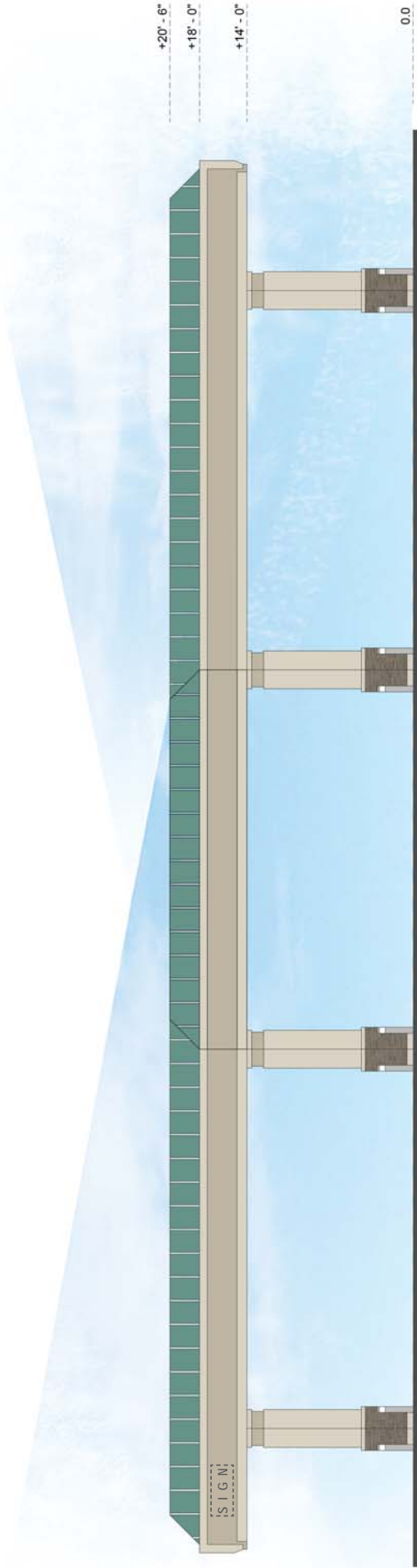


CITY OF PHOENIX

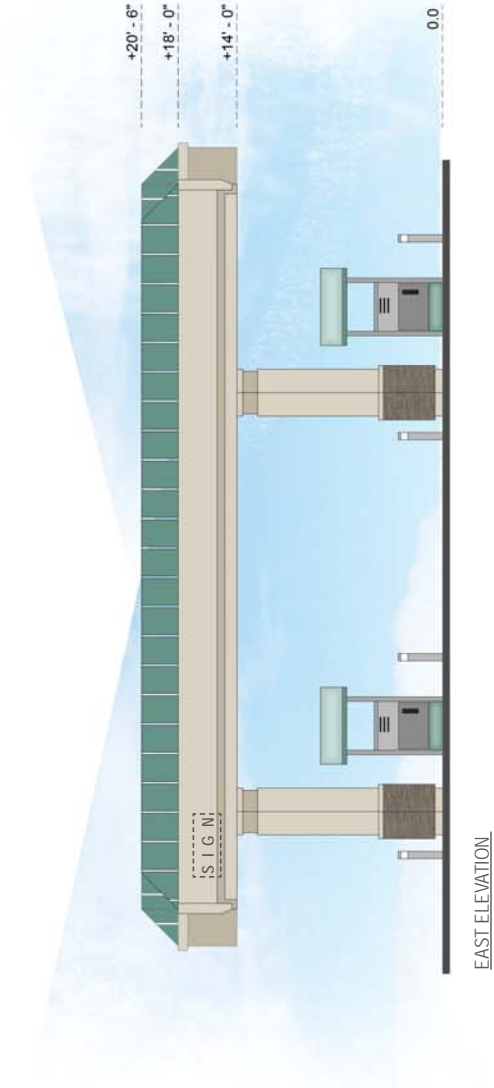
JUL 20 2020

Planning & Development
Department





FRONT ELEVATION (DOBBINS ROAD)



EAST ELEVATION

CITY OF PHOENIX

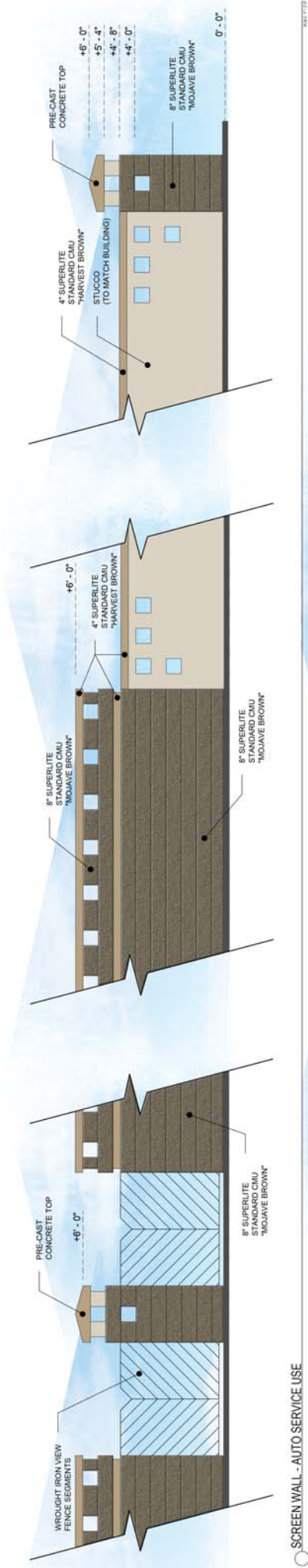
JUL 20 2020

Planning & Development
Department





○ SCREEN WALL - AUTO SERVICE USE



○ SCREEN WALL - AUTO SERVICE USE



○ SCREEN WALL - RESTAURANT



○ SCREEN WALL - RESTAURANT

CITY OF PHOENIX

JUL 20 2020

Planning & Development
Department

EXHIBIT I

Vicinity Map



S. 59th Ave.

55' R.O.W.

W. Dobbins Rd.

Paseo Pointe

Phoenix, Arizona

Conceptual Development Plan

Project Description: Paso Point is a proposed 142-acre subdivision in the Laven Village of Pleasanton. The site design incorporates state-of-the-art family residential, neighborhood commercial center, and a design concept for an elementary school site. The layout includes open space areas and pedestrian paths for recreation and integration. To implement the draft "Water Conservation Plan," funds for recreation and integration. The center of the site expanding the options

*SINGLE FAMILY RESIDENTIAL

AREA (NET):
AREA (GROSS):
OF LOTS
OVERALL PROJECT DENSITY
CONVENTIONAL RESIDENTIAL PRODUCT DENSITY
LOT SIZES (TYPICAL) AND # OF EACH
80' X 125'
65' X 120'
55' X 115'
50' X 80' (CLUSTER)

"The gross and net acreages exclude the land area with the section labeled, 'Plot A Part.' This property is anticipated to be included in the development of the single-family-dwelling parcel; however, it is not being reassessed at this time as it is not yet zoned into the City of Phoenix. It is anticipated that this parcel will be annexed and reassessed prior to the development of this parcel. The unit count and density indicated in this table exclude the

COMMERCIAL.

PROPOSED ZONING:
AREA (NET):
AREA (GROSS):
SQUARE FT. (ESTIMATED)

****Summary:**
Total # of lots:
Project density:
Gross Acres:
Residential Open Space:
(Approximate)
Existing Zoning:

*The total unit count and density excludes the eight (8) units partially or entirely within the section labeled, "Not A Part." This area is also not figured into the gross acreage for the site.

CITY OF PHOENIX

AUG 20 2002

PLAN. Bert.
ALVIN.

Note:
All streets are to be public;
local street Section of 32'
of pavement on 50' of
right-of-way.

SCALE: (1"=1') NORTH

DATE: 4-92
JOB NO.: 002.2
DRAWN BY: J. L. Smith
CHECKED BY: R. J. Smith
PROJECT NO.: R-20-02

ALAN BEADON
PROJECT MANAGER
1505 E. 10th Street
Tulsa, Oklahoma 74104
Phone: 336-1411
Fax: 336-1412

1702 10th Street
Tulsa, Oklahoma 74104
Phone: 336-1411
Fax: 336-1412

FOR THE CITY OF TULSA, OKLAHOMA
BY: J. L. Smith, P.E.
REGISTERED PROFESSIONAL ENGINEER
No. 10000, State of Oklahoma

CONTACT: ALAN BEADON

Urban Design Studio L.L.C.

EXHIBIT J

REPORT OF PLANNING HEARING OFFICER ACTION
Adam Stranieri, Planner III, Hearing Officer
Julianna Pierre, Planner I, Assisting

July 15, 2020

ITEM NO: 1

DISTRICT 8

SUBJECT:

Application #: PHO-1-20--Z-62-02-7(8)
Zoning: C-1
Location: Northeast corner of 59th Avenue and Dobbins Road
Acreage: 6.96
Request:

- 1) Modification of Stipulation 1 regarding general conformance with the site plan dated August 20, 2002.
- 2) Planning Hearing Officer review and approval of site plan and elevations per Stipulation 3.
- 3) Deletion of Stipulation 16 regarding a shade protected walkway along building walls with customer entrances.
- 4) Modification of Stipulation 23 regarding canopy height.
- 5) Presentation of commercial development plans to the Laveen Village Planning Committee for comment per Stipulation 29.
- 6) Technical corrections to Stipulations 8, 11, 14, 15, and 22.

Applicant: Ward Development
Owner: Rodney & Donna Kleck Family Trust Agreement
Representative: Alan Beaudoin, Norris Design

ACTIONS

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended denial as filed and approval with modifications and additional stipulations.

Village Planning Committee (VPC) Recommendation: The Laveen Village Planning Committee heard this case on July 13, 2020 and recommended denial by a 6-2 vote.

DISCUSSION

13 people spoke in opposition to the request.

3 people spoke in favor of the request.

5 people spoke indicating no position on the request.

Alan Beaudoin, representative with Norris Design, discussed the history of the site. He stated that the subject site was rezoned and planned in 2002 in unison with the surrounding Paseo Point subdivision and was intended to provide neighborhood retail uses for this community.

Mr. Beaudoin stated that he was asking for modification of Stipulation 1, regarding general conformance with the site plan dated August 20, 2002, to reflect a new conceptual site plan. He stated that neighborhood retail uses were proposed including a gas station, auto repair shop, day care, and drive through restaurant. He noted that the proposed site plan depicts two full access driveways along 59th Avenue and a right in, right out driveway along Dobbins Road. He added that the plan breaks up surface parking areas, provides enhanced landscaping, and provides internal pedestrian circulation and connectivity to public sidewalks. He added that the new plan is consistent with the character of the Laveen area and recommendations from the Laveen Village Planning Committee (VPC) and Laveen Citizens for Responsible Development (LCRD). He added that the existing multi-use trail along Dobbins Road will be extended to the intersection.

Mr. Beaudoin stated that going through the Planning Hearing Officer (PHO) process provides compliance with Stipulation 3, regarding PHO review and approval of site plan and elevations. He added that he had no concerns retaining the requirement for the applicant to invite the Chair of the Laveen VPC to preliminary site plan review meetings. He stated that while meeting with the LCRD, a request was made to invite the Chair of the LCRD to the preliminary review meeting as well. He indicated that was amenable to this request.

Mr. Beaudoin stated that the design elements detailed in Stipulation 16, regarding a shade protected walkway along building walls with customer entrances, were applicable to the stipulated site plan, but not the proposed plan.

Mr. Beaudoin stated that he was unsure how height was measured in Stipulation 23, regarding canopy height, but he sought modification to the stipulation to allow increased height for the proposed gas station canopy. He explained that the conceptual elevations for the fuel canopy had been revised in order to include a new mansard-roof style and provide enhanced rural character and consistency with the proposed building elevations.

Mr. Beaudoin stated that he went before the Laveen VPC on Monday, July 13, 2020 which would satisfy Stipulation 29 regarding presentation of commercial development plans to the Laveen Village Planning Committee for comment.

Mr. Stranieri asked for clarification regarding the elevations in Mr. Beaudoin's presentation as they appeared updated from the initial application. Ron Harris, representative with Norris Design, stated that the elevations had been updated since the PHO submittal with new design elements in response to comments received during their outreach and meetings with the LCRD and VPC. Mr. Stranieri explained that the updated plans would need to be formally submitted since they are being discussed and presented at a public hearing.

Mr. Beaudoin stated that per the Zoning Ordinance's provisions regarding commercial properties, a screen wall would be provided around the commercial property. He stated that the screen wall will block light emanating from the property and screen potential service bays from 59th Avenue.

Mr. Beaudoin stated that the LCRD requested an opportunity to review a Comprehensive Sign Plan, provision of a Traffic Impact Study, a gateway feature to be provided at the intersection of 59th Avenue and Dobbins Road, the proposed service station to be placed away from the residential use, that the applicant create a landscape focal point at the main access intersection, and diamond landscape planters to be used in larger parking areas. He stated that he was willing to accommodate these requests, and some had already been made on the revised plans. The LCRD also requested that Stipulation 29 remain, allowing for the opportunity to review plans as additional pads were developed on the site. He stated that he disagreed with the request because any proposed buildings would go through design review and the Chair of the LCRD would be invited to the preliminary site review meeting.

Alexander Romero, a member of the public, stated that he did not have any comments, but was in favor of the request.

Bryan Cerminaro, a member of the public, stated that he opposed the request. He stated that the services proposed by the applicant are already available within one mile of the site.

Ellen Johnson, a member of the public, stated that she did not have any comments, but was not opposed to the request.

Erika Corral Lopez, a resident of Paseo Point, block watch lead, and board member for the community, stated that she was opposed the request. She stated that a gas station would be better in a location closer to the highway or where there are no residences. She stated that only 17% of the community was notified. She stated that the applicant should have enhanced notification efforts because the proposal would impact more than 60 homes in the 435-home Paseo Point community. She stated that when she purchased her home in 2009, a gas station was not part of the Laveen Master Plan. The subject site was designated as light retail with a town center and community friendly environment. She stated

that a gas station is not a community friendly environment. She added that even if the zoning allows for a gas station, a gas station should not be placed in this location. She stated that the presenter at the Laveen VPC meeting mentioned that gas stations were safe. She stated that a Columbia University study examining the release of vapors from gas stations found emissions were 10 times higher than estimates used in setback regulations to determine how close schools, playgrounds, and parks can be to these uses. She added that gasoline vapors contain toxic chemicals and carcinogens. She stated that the study found people can be exposed to chemicals beyond the setback distance of 300 feet. She stated that data also shows gas stations next to residential communities increase vandalism and decrease home resale values. She stated that she currently hears cars from the Loop 202 Freeway and imagines increased traffic at night with a new gas station. She stated that the community currently pays off-duty Phoenix police officers due to vandalism from high school students. She stated that the gas station will worsen these issues and that the community cannot fund increased patrols. She stated that the screen wall will not have an impact because nearby homes are two-stories. She added that a Traffic Impact Study needs to be done, but there are only two lanes and the area does not have the infrastructure to sustain the potential traffic.

Felicitas Romero, a member of the public, stated that she is in favor of development of the area if land uses are community related. She stated that she was unsure of a gas station.

Jaime Sopena, a member of the public, stated that he was not directly impacted, but did have concerns. He stated that he understands the convenience of a local gas station but has concerns with the activity it may bring; especially increased traffic.

Kathy Wigal, a resident of Paseo Point and HOA board member, stated that she opposed the request. She stated that at the Laveen VPC meeting the applicant stated that a gas station had already been approved in 2002 and that nothing could be done, a statement she disagrees with. She added that in the applicant's presentation the site plan shows retail, but does not specify specific land uses, including a gas station or auto repair shop. She stated that 18 years have passed and most of the homes now impacted were not built in 2002 and the plan should be returned to the community and Laveen planning bodies for review and approval. She added that several members of the Laveen VPC have already indicated that this may not be the right site for this plan and have suggested alternatives. She stated that the applicant's notification was limited, so it was not surprising that he only received one response. She stated that research shows the impact of hazardous materials is far beyond 500 feet and from the comments received there is interest and concern in discussing this issue. She stated that in response to her health and safety concerns voiced at the VPC meeting, Mr. Beaudoin stated that it was safer to live behind a gas station than a day care.

She stated that the Fire Protection Association reports more than 5,000 gas station fires annually compared to 324 day care fires per year. She stated that Mr. Beaudoin maintained that new gas stations are safe and do not have the hazardous materials issues of the past. She stated that there is a growing body of research indicating that health effects extend much further from gas stations. She stated that a 2019 study on benzene emissions from underground storage tanks showed that emissions were high enough to constitute a health risk at up to 518 feet. She stated that the study also showed 10 times higher estimates than the current setbacks. She stated that this also raises concerns about the collocation of a day care facility on the property. She added that crime data from the Federal Bureau of Investigation (FBI) and a research study indicate that 6% of robberies target convenience stores. Convenience stores with food service, alcohol and tobacco sales, and 24-hour service experience increased instances of crime. She stated that mortgage lenders rely on property assessments and use the proximity of gas stations and repair facilities as a factor in determining resale values. She added that some lenders, such as the Federal Housing Administration (FHA), may not offer loans as a result. She stated that this will make property resale more difficult and at lower prices and lower equity. She expressed concerns regarding light pollution, noise, refuse odor, traffic, privacy loss, and potential vandalism. She stated that Mr. Beaudoin mentioned that only the gas station is ready to move forward at this point, leaving the remainder of the site vacant and subject to security concerns. She stated that the project could be built across the street or closer to the freeway and provide similar services without impacting existing residences. She stated that residents did their due diligence when moving here and disclosures indicated light retail. She stated that she also reviewed the Laveen Master Plan that laid out a town center and community friendly environment. She urged that the stipulation modifications be denied, and the property return to a model that preserves the health, safety, security, quality of life, and community character that residents came to Laveen for.

Mark Deaner, an HOA board member, stated that he opposed the request. He stated that he had the same concerns as Ms. Lopez and Ms. Wigal. He stated that gas stations lead to higher crime rates, which may lead to increased fees for the community because they would have to pay for more security. He stated that there were health concerns regarding gas fumes for residences adjacent to the site.

Mary DeLeon, a member of the HOA board, stated that her property is adjacent to the subject site. She stated that she opposes the request and had the same concerns as other speakers. She stated that if a gas station was built in this location the community would have to fund increased security and they cannot afford off-duty police or security patrols 7 days a week, 24 hours a day. She stated that there were also health and safety risks that the proposed development poses. She stated that when she moved in, she believed the site

would include walking paths and community focused and family-friendly amenities. She stated that a gas station and auto repair shop did not seem family friendly. She added that the refuse location was essentially in a resident's backyard. She stated that the case should go back to the Laveen VPC so they can continue to advise on alternative locations.

Melissa Groff, a resident of Paseo Point, expressed concern regarding how the proposal may impact home values, and lead to increased crime and safety concerns. She stated that she was not sure how this will affect home values but can't see that it would be good. She added that the proposed auto-focused uses do not make sense with the proposed day care facility.

Mia Spencer, a member of the public, stated that she opposed the request because she had concerns regarding the location of the gas station and auto repair shop.

Paul Gilbert, representing the developer, stated that the property was rezoned for commercial land uses. He stated that most of the opposition is to the proposed land uses, but the permitted land uses are not in question in the current request. He stated that since the property is zoned commercial, it would allow for a gas station. He stated that the stipulations require that the applicant come back for elevation and site plan approval. He added that there have been no comments on the proposed conceptual elevations. He stated that he was surprised that neighbors were surprised that a gas station is being proposed. He stated that the original stipulations in the rezoning case reference a gas station, specifically language about fuel canopies. He stated that the stipulations made it clear that a gas station was always contemplated for the site. He stated that he was not opposed to working with the neighborhood and various review agencies. He added that the applicant had worked with the LCRD, agreed to all their comments, and made substantial changes to proposed plans in response.

Regino Hinojosa, an HOA board member, stated that when he bought his house, he was told that the subject property would be developed for a community-focused land use. He stated that a gas station could increase crime. He stated that he was a mortgage professional and understood why residents would be concerned about the gas station and auto-repair uses. He added that the use may not affect home values, but constant crime at the location would. He stated that there were already issues with high school students vandalizing the area and the gas station would give them a new place to congregate. He stated that building across the street or closer to the Loop 202 Freeway would be more convenient. He also expressed concern regarding health impacts. He added that neighbors exercise throughout the area, which they would not be able to do with increased traffic. He stated that the day care center is community friendly but requested that other land uses be considered in place of the auto-related businesses.

Robert Branscomb, Chairperson of the Laveen VPC, stated that he opposed the request. He stated that the purpose of the Laveen VPC is to make recommendations and help the community and local businesses. He stated that the VPC works with the LCRD and their efforts to develop site plans with developers, but the VPC is the official community planning body for the City. He stated that the property is zoned for commercial, but that doesn't mean it has to be a gas station. He stated that the VPC and the community have concerns with the notification distance. He added that there are homes to the north and east, but no one to notify to the south. He stated that the proposed development may not fit the character of the area. He added that the gas station is the only solidified development, which could leave the remainder of the property vacant for years. He stated that there are issues with policing in the area. He added that there are crime issues with existing gas stations and cited a murder at a gas station at 51st Avenue and Baseline Road. He added that bringing a new gas station into the community is a justified concern. He stated that he would like the case to come back to the VPC for further work with the applicant and community.

Scott Kuknyo, a member of the public, stated that he opposed the request. He stated that the proposed businesses are not community friendly. He stated that the community already has issues with security and safety. He added that these uses will increase crime and existing issues along Baseline Road will make their way into the neighborhood.

Tonya Glass, a resident of Paseo Point and Vice-Chair of the Laveen VPC, stated that she opposed the request. She stated that, based on the proposed site plan, if there was a catastrophic event at the gas station or auto repair shop, the day care would have limited ingress and egress from the site. She added that adjacent residents would also be susceptible to hazardous materials. She stated that the site plan is not conducive to the safety of the day care or adjacent residents. She stated that some members of the Laveen VPC from 2002 are now members of the LCRD but are not residents of Paseo Point. She stated that this is the City's opportunity to give residents an opportunity to voice their opinion. She stated that future signage and lighting plans should be brought to the Laveen VPC for review and comment. She stated that because of the distance from the Loop 202 Freeway, any signage and lighting may be a nuisance to residents. She stated that she looked through her housing agreement and there was no disclosure of a proposed future gas station to the residents of Paseo Point.

Francisco Courith, a member of the public, stated that he opposed the request and would be directly impacted by the project. He stated that he opposes the proposed uses because of the hazardous materials that would pose a danger to the entire community. He stated that the community did not have the capacity for law enforcement to respond to increased calls. He stated that a gas station a

mile away had over 250 police calls since 2017. He stated that he has spoken to multiple police officers and there are not enough officers to respond to calls if an incident occurred. He stated that he was also opposed to the restaurant and expressed concerns regarding smells and noise pollution. He stated that this is not the appropriate site for the proposed uses and that there is plenty of land in the surrounding area for commercial businesses. He stated that the same services are available within a mile of the property. He stated that the proposal should be more community friendly. He stated that the proposed businesses will bring crime to the community and negatively impact home values.

John Carpenter, a member of the public, stated that he is not opposed to the case. He stated that he is a local realtor who sells properties all over town and these uses will not affect the value of homes in the community.

Jamie Adell, a member of the public, stated that she is opposed to the request. She stated that she does not want a gas station or auto repair shop so close to her home and that a better location would be closer to the Loop 202 Freeway. She stated that when she purchased her home, she was not informed that a gas station would be developed nearby. She added that the subject site was going to be a community walking path with a potential park. She stated that she was concerned about home values and potential for increased crime. She stated that this negatively impacts the residents of Paseo Point and the residents of Laveen should have a voice in this matter.

Derik Lett, a member of the public, stated that he was opposed to the request. He stated that the location is not a safe place for a gas station.

Melissa Kneeling, a member of the Paseo Point community, stated that she is opposed to the location of the gas station and the auto repair shop. She stated that she is not opposed to growth in Laveen and another gas station could benefit the area, but that it needs to be closer to the Loop 202 Freeway. She stated the location is a security concern as it is so close to the neighborhood. She stated that the proposal may increase crime and that signage would increase light pollution. She added that there may be additional environmental issues in residents' backyards.

Linda Abegg, a member of the Laveen VPC, stated that she wants to see the applicant work through issues with the site plan with the community. She stated that if the case goes forward, she recommends Stipulations 3 and 16 be maintained. She stated that shade canopies on commercial buildings should be retained, but the applicant could defer to the PHO's recommendation regarding their location and dimensions. She suggested that signage and lighting plans should also come back through the PHO process.

Mr. Beaudoin stated that this is an application to modify existing stipulations and not a discussion about the appropriate zoning designation for the site, which occurred in the rezoning case in 2002. He stated that when he first started the PHO process, he thought C-2 was approved for the site, but through zoning verification found that the C-2 request was denied as filed and the case was approved for C-1. He stated that an auto repair shop is a permitted use in the C-2 zoning district and to have that use on the property may require rezoning. He added that the gas station is a permitted use by right in the C-1 zoning district and is desirable at the subject property. He stated that he has been a professional planner for 33 years and believes the proposed uses for the site work together. He stated that 70 individual letters were mailed, and he followed City standards regarding required public notification. He stated that a modification of stipulations is typically a discussion with immediate residents and those persons were notified. Mr. Stranieri asked if any responses were received to the mailing. Mr. Beaudoin stated that he received one phone call and no written correspondence.

Mr. Beaudoin stated that he disagreed with statements made by Ms. Wigal. He stated that he did make a presentation at the Laveen VPC but that some comments attributed to him were made by others in attendance at the VPC meeting. He stated that when met with constructive comments, he immediately responded and incorporated those comments into the proposed plans. He stated that most remarks received at the Laveen VPC meeting were not constructive but that he was willing to further discuss the recommendations suggested by Ms. Abegg.

Mr. Stranieri asked if Paul Gilbert was in attendance as a representative of the applicant. Mr. Beaudoin clarified that he was the registered representative, but that Mr. Gilbert is a representative of the applicant and wanted to participate after hearing the VPC results.

Mr. Gilbert stated that the property is already zoned C-1 and that there are no stipulations prohibiting certain uses. He stated that most of the opposition was directed at the gas station, but that the proposed uses are permitted in the zoning district. He stated that the gas station is placed at the southwest corner of the site, as far away from the residences as possible. He stated that there was no discussion regarding the proposed elevations. He stated that the VPC denied the application due to a primary objection regarding the land use. He added that there is no reason to return to the VPC. He stated that all notification requirements were met, but no one attempted to discuss the project further or air any concerns until the VPC meeting.

Mr. Stranieri stated that the City received two letters of opposition. One letter from Joshua Litt expressed concerns about potential environmental impacts of a

gas station. A second letter from Sonja Jongeward discussed potential negative impacts on home values.

Mr. Stranieri clarified that the current hearing is restricted to the applicant's request to modify and delete stipulations of the original rezoning action. He stated that neither the City Council action in 2002 to approve the C-1 zoning designation nor the land uses permitted by right in that zoning district are in question. He noted that C-1 is the lowest intensity commercial zoning district in the City of Phoenix and that the intent of the district is to provide commercial uses that are compatible with and supportive of nearby residences.

Mr. Stranieri stated that the original stipulated site plan lacks detail and there are no specific land uses identified on the plan. However, he noted that Original Stipulations 20, 23, and 24 address fuel canopy height and a gas station. He also noted that there was public discussion about what conditions should be applied to a potential gas station during the public hearings for the original rezoning case.

Mr. Stranieri stated that the proposed site plan reflects some positive changes from the stipulated site plan. He stated that the stipulated site plan depicted a strip retail center wrapping around the northeast corner of the site, which would have concentrated back of house functions, such as trash and loading, adjacent to multiple residences. The proposed site plan reduces the scale of the buildings and building massing and includes an enhanced landscape buffer, placing buildings further away from homes. He stated that the total proposed square footage was reduced by approximately 10,000 square feet, which reduced proposed lot coverage from 19% to 17.3%. He stated that he had no concerns with approving the modification of the site plan to reflect the updated design, noting that the revised site plan reflecting recent changes needs to be submitted to the City immediately. He added that the LCRD recommended that the gas station be located as far from residential as possible. He recommended a modification of the applicant's request language to require this. He noted that the LCRD also requested that the Pad 4 refuse container be moved to the northeast corner of the pad and that a landscape focal point be created at the main access intersection. He stated that the revised site plan had addressed these requests. He stated that the LCRD also requested staggered tree planting along the east property line. He noted that Stipulation 35 required the applicant to provide enhanced tree planting in this area. Mr. Beaudoin stated that he was aware of the stipulation and intended to comply. Mr. Stranieri stated that the LCRD also requested diamond landscape planters be areas added to the parking lot. He stated that these were depicted on the site plan but were not the ideal landscaping configuration to support shade trees. He suggested that the applicant consider an increased total percentage of landscaping or larger islands rather than increasing the quantity of smaller diamonds.

Mr. Stranieri stated that Stipulation 3 regarding PHO review is typically added in cases where conceptual plans are not complete at the time of the initial approval, to ensure that those plans return to a public process for review. He added that the applicant has complied with the stipulation. He clarified that stipulations for future review processes are not typically added in cases where plans are stipulated because it would be redundant. He noted that deviations from general conformance to the stipulated plans would require a future PHO action and be routed to the VPC for recommendation at the discretion of the Committee Chair. He stated that to proceed through the plan review process, applicants must comply with all stipulations or return to the PHO process for modifications. He stated that he had no concerns with retaining the language to invite the VPC Chair to preliminary site plan review meetings and inviting the Chair of the LCRD as well. He clarified that the invitation would have to be initiated by the applicant.

Mr. Stranieri stated that the LCRD also requested that the applicant provide a distinctive fuel canopy design. He stated that the applicant's revised conceptual elevations, including the mansard roof design, are an improvement and satisfy that request. He stated that the LCRD also requested that Pad 2 have taller than typical screening along 59th Avenue. He recommended general conformance to the screen wall elevations. However, he stated that he was unsure how desirable it would be to have solid screen walls directly adjacent to public right-of-way considering how large and imposing the elevations appeared. He asked for clarification regarding the proposed location of the screen walls. Mr. Beaudoin stated that when the auto repair shop was originally proposed, the screen wall was going to be placed solely in front of the service bays.

Mr. Stranieri stated that Stipulation 16 regarding shade protected walkways originated from the Laveen Southwest Growth Study. This study includes conceptual graphics for commercial centers that are similar to the stipulated language regarding shade canopies. He stated that the shade protected walkways were intended to be applied to the strip retail center where there would be a continuous arcade leading past all shopfronts. He clarified that this stipulation is not relevant to the proposed plan because there is no strip retail center and no single arcade connecting the pads. However, he stated that the intent to provide structural shade at entrances and along pedestrian walkways is important to retain. He stated that it would be beneficial to identify shade features that would work for the design, decrease the depth, and identify the location of walkways. He suggested alternative stipulation language requiring structural shade over main entrances and building facades that have adjacent pedestrian walkways with a minimum depth of 6 feet. Mr. Beaudoin stated that he had no issue accommodating the recommended shade features.

Mr. Stranieri stated that Stipulation 23 stipulated the height of the underside and top of the proposed fuel canopies. He stated that he would have concerns if the applicant were modifying the underside height as it would change the height of

the stipulated recessed lighting and increase potential negative impacts of lighting on adjacent properties. He stated that since the underside height is stipulated to 14 feet and proposed buildings on the site are at 15 feet in height, the buildings themselves may also mitigate light pollution from certain vantages.

Mr. Stranieri stated that Stipulation 29 requiring commercial development plans be presented for comment to the Laveen VPC prior to commencement of development is not a legislative or administrative PHO review, but instead requires that the minutes from an informational presentation at the VPC be collected and given to the site plan review team for consideration. He stated that the LCRD requested that the stipulation be retained, but he disagreed with this request. He stated that the stipulation has been complied with since the applicant is currently going through a legislative process that requires City Council approval for the proposed plans. He clarified that other recommendations regarding general conformance would trigger public review requirements for future modifications. He also explained that these requirements would be more restrictive in nature than the language of Stipulation 29.

Mr. Stranieri asked for clarification regarding the proposed gateway feature discussed for inclusion in a future Comprehensive Sign Plan (CSP) submittal. He stated that it was unclear what this feature would consist of and public art, sculptural features, and enhanced landscaping would not be appropriate to be included in a CSP. Mr. Beaudoin stated that the recommendation originated with the LCRD but he was unsure of what the final gateway feature would consist of. He stated that he was willing to discuss this further with the LCRD, but the feature would have to be modest so as not to restrict access or interrupt the required multi-use trail. Mr. Stranieri expressed concern regarding integrating requirements for this feature and a CSP until a decision is reached. Ms. Abegg stated that the applicant did not give additional clarification about the gateway feature during the VPC meeting. Ms. Glass stated that the gateway feature was not discussed nor did the applicant discuss changes to the proposal regarding the auto repair shop. Mr. Branscomb stated that he would like for the case to return to the Laveen VPC because the applicant did not give enough information for the committee to make a proper recommendation. Mr. Stranieri noted that the location of the site along the Loop 202 Freeway Corridor and in close proximity to a major exit makes it an ideal location for a gateway feature. He asked if the applicant would support an additional stipulation requiring a review and comment presentation before the VPC regarding the entry feature. Mr. Beaudoin stated that he would prefer to speak with Jon Kimoto regarding the implementation of the entry feature as it was recommended by the LCRD. He added that he would also be willing to invite the Chairpersons of the LCRD and VPC to the meeting to resolve what the entry feature could be. Mr. Stranieri stated that Mr. Beaudoin should then document these meetings and be able to provide that documentation to staff for review during the site plan review process in order to determine

whether any proposed gateway feature was consistent with the outcome of these discussions.

Mr. Stranieri asked for clarification regarding the applicant's Traffic Impact Study. Mr. Beaudoin stated that they were in the process of preparing a Traffic Impact Statement based on information received from the site plan pre-application meeting. Mr. Stranieri asked if the applicant could discuss any information regarding the content of the study. Mr. Beaudoin stated that he understood additional vehicle lanes may be added, a new sidewalk constructed, curb and gutter built, and a bus bay added to the site. He stated that the Traffic Impact Statement would allow the Street Transportation Department to work towards a potential signal being built at the intersection of 59th Avenue and Dobbins Road but that he did not know the final determination on its feasibility. Mr. Stranieri stated that the Street Transportation Department requested that the applicant complete a Traffic Impact Study. Mr. Beaudoin stated this was inconsistent with the last discussion he had with the Street Transportation Department, but he had no issue with completing a Traffic Impact Study if stipulated. Mr. Stranieri noted that the recommended stipulation language allowed flexibility for Street Transportation Department staff to determine the appropriate scope of any study.

Mr. Stranieri stated that the site is archaeologically sensitive and addition stipulations were warranted to address City requirements for archaeological data testing and surveying.

Mr. Stranieri stated that the Pedestrian Safety Coordinator asked for pedestrian access to and from the site from perimeter sidewalks be provided. He asked Mr. Beaudoin to explain the proposed network of pedestrian walkways depicted on the proposed site plan. Mr. Beaudoin stated that the convenience store was designed with a direct connection to 59th Avenue and the proposed bus stop because this where primary pedestrian activity will be. He stated that he had concerns making pedestrian connections across the fuel service areas because it is mainly a vehicular area that is not pedestrian friendly. He stated that he also had concerns with pedestrian connections crossing drive through lanes. He stated that these concerns influenced the design of the pedestrian pathways on the site. Mr. Stranieri stated that there are pedestrian pathways connecting all adjacent streets to building entrances, the transit pad, and between individual commercial pads except where drive aisles conflict, and that the design was appropriate. However, he recommended an additional stipulation be added to require these pathways as proposed.

Mr. Stranieri noted that the Street Transportation Department did express concern regarding the configuration of the proposed full access driveways along 59th Avenue. He noted that the recommendation for general conformance to the site plan does not provide approval for the driveway configurations and that these may be further modified by staff during the plan review process.

Ms. Lopez stated that the Paseo Point HOA was not notified. Mr. Stranieri stated that the City's notification requirements are for property owners within 300 feet and registered neighborhood organizations within 600 feet of the subject site. Mr. Stranieri noted that three addresses and organizations associated with Paseo Point were included in the notification affidavit and he provided these names and addresses. Ms. Lopez stated one address is outdated, so they would not have received the notification. Mr. Stranieri stated that the contact information accessible to both staff and applicants is managed by the Neighborhood Services Department. He provided a staff contact to submit a request to update their contact information.

Ms. Wigal stated that she understands Mr. Beaudoin disagrees with statements he made at the VPC meeting, but she did record them correctly. She requested information regarding next steps. Mr. Stranieri stated that next steps were outlined on the PHO agenda and provided a staff contact for further questions.

Mr. Beaudoin stated that he had no further questions but wanted to clarify assertions made about his statements during the VPC meeting. He clarified that at the meeting he did not state that day cares were safer than gas stations and that this statement was made by another attendee.

FINDINGS

- 1) The original rezoning case consisted of approximately 143.30 acres located at the northeast corner of 59th Avenue and Dobbins Road. The case established R1-8 zoning on approximately 136.30 acres which was developed as a single-family subdivision and elementary school. The subject property of the current request is the remaining approximately 7 acres at the immediate northeast corner of 59th Avenue and Dobbins Road which was zoned C-1.
- 2) The stipulated site plan depicted commercial uses on this corner including a strip retail building at the northeast portion of the site, a drive-through restaurant, and a commercial pad site. Combined, the site plan depicted approximately 52,000 square feet of retail space at 19 percent lot coverage. Specific uses are not depicted on the site plan, however Stipulations 20, 23, and 24 establish conditions for gas stations and fuel pump canopies.

The proposed conceptual site plan depicts approximately 42,054 square feet of retail space at 17.3 percent lot coverage. Building height on all buildings is limited to maximum 15 feet. The primary distinction between building massing in the two plans is that the new proposed plan consists of five detached pad sites distributed throughout the site and does not

depict a strip retail building. This is an improvement as there is less 'back-of-house' functions immediately adjacent to the single-family neighborhood to the north and northeast. The proposed height, lot coverage, and building massing is reduced and is compatible with this property's location adjacent to existing single-family homes.

General conformance to the proposed conceptual site plan is recommended. An additional sub-stipulation is recommended to require specific regard to the location of the service station at the immediate northeast corner of 59th Avenue and Dobbins Road in order to ensure that this use is located as far as possible from the single-family subdivision to the north and east.

The Street Transportation Department commented that the current full access driveways shall not be permitted along 59th Avenue as 59th Avenue is a CM Section and therefore the driveways will be median covered and restricted. The recommendation for general conformance does not approve the proposed driveway configuration on the conceptual plan and further modifications may be required to comply with Street Transportation Department requirements.

- 3) The proposed conceptual elevations include building design, screen walls, and a fuel canopy design. The conceptual building elevations include multiple building materials such as stone, decorative masonry, board and batten trim, open timber, and a minimal use of stucco. Architectural details include metal awnings, columns, and open timber. The mixed materials are consistent with the desired rural and agricultural character in the surrounding area and include significant material diversity. The conceptual fuel canopy elevations are compatible with the building elevations and utilize similar materials and a decorative mansard roof style. The screen wall elevations include decorative caps and multiple building materials and colors. General conformance to the proposed elevations is recommended.
- 4) An additional stipulation (New Stipulation 3) is recommended to require a Comprehensive Sign Plan (CSP) be approved for the commercial development. The CSP should express a rural and agrarian character compatible and consistent with development in the surrounding area and the desired character as expressed in the Laveen Southwest Growth Study.

The CSP may also include a gateway entry feature. However, the gateway entry feature may alternatively consist of a public art, sculptural, or landscape feature which would not be included in a CSP. The

requirement for a gateway entry feature is separately recommended as New Stipulation 13 and discussed in further detail below in Finding 7.

- 5) Existing Stipulation 3 requires review and approval of the commercial development's site plan and elevations through the Planning Hearing Officer hearing process. This case constitutes compliance with this requirement and the stipulation language may be deleted as requested, except that the existing language regarding invitation of the Laveen VPC Chairperson to preliminary site plan review meetings is recommended to be retained with a modification to include the Chairperson of the Laveen Citizens for Responsible Development (LCRD).

Note that this recommendation also includes stipulations (New Stipulations 1, 1.A, and 2) requiring general conformance to the proposed conceptual site plan and elevations. These recommendations ensure that future modifications of these plans, exceeding the deviation permitted by general conformance, will be required to go through an additional public hearing process for review with an opportunity for public input.

- 6) New Stipulation 12 is recommended to require that the developer submit a Traffic Impact Study for review and approval prior to preliminary approval of plans. The applicant shall work with Street Transportation Department staff who will determine the appropriate scope and content of the study and determine if satisfactory resolutions of review comments have been achieved.
- 7) The subject property is located at the intersection of two arterial streets and in close proximity to a major exit from the Loop 202 Freeway. This location is ideal for implementation of a gateway entry feature marking arrival in the Laveen Village. New Stipulation 13 addresses the requirement for this feature.

This recommendation is consistent with the recommendation made by the LCRD. The applicant indicated that they do not know at this time what the feature may consist of but they intend to continue talks with this group regarding conceptual designs. If the gateway entry feature consists of signage, it should be included in the Comprehensive Sign Plan required in New Stipulation 3 and discussed above in Finding 4. If the entry feature consists of public art, sculpture, enhanced landscaping, or another feature, it should be included in the site plan. The applicant shall document any public meetings held on this subject and provide to City staff to aid in review and approval regarding compliance with this stipulation.

- 8) New Stipulation 15 requires the developer to provide pedestrian pathways, constructed of decorative pavers, stamped or colored concrete, or another similar material, other than those used to pave the parking surfaces and drive aisles, connecting the sidewalk or sidewalks to the main entrances of all buildings in the most direct route. This recommendation is consistent with the recommendation of the Pedestrian Safety Coordinator with the Street Transportation Department.
- 9) Original Stipulation 16 required that commercial structures provide a continuous shade protected walkway with a minimum depth of 10 feet along all building walls that have a customer entrance. This stipulation was aimed at the strip retail plaza located at the northeast corner of the site on the original stipulated site plan. This design was consistent with conceptual graphics in the Laveen Southwest Growth Study (Page 25) for shopping centers that have pedestrian walkways along multiple shops. The proposed conceptual site plan does not contain strip retail and breaks up the individual building massing into discrete buildings and pads.

The applicant's request to delete this stipulation is recommended to be denied as filed and approved with a modification. The modified stipulation language is intended to retain the requirement for shade protected architectural features at all main building entrances and all other building facades with adjacent pedestrian walkways. This modification allows the shade requirement to apply to the individual buildings where pedestrian activity will occur and reduces the depth to six feet to acknowledge that the walkways will not be a full arcade as originally envisioned.

- 10) The applicant's request for modification of existing Stipulation 23 is recommended for approval. The modification of maximum height of the canopy from 16 to 18 feet is a modest increase and remains significantly lower than the 30-foot maximum height permitted by the underlying zoning. This height is also compatible with the maximum 15 feet building height depicted on the conceptual site plan. Finally, the request does not alter the existing regulation of 14 feet maximum height to the underside of the canopy where recessed lighting may be located. Therefore, the modification will not increase any potential negative impact of lighting on nearby or adjacent properties.

However, note that the Zoning Ordinance contains a design presumption in Section 507 Tab A II.D.2. stating that canopy heights measured from finished grade to the lowest point of canopy fascia should not exceed 14 feet in height and that overall canopy height should not exceed 16 feet. This design presumption will need to be overcome during the plan review process regardless of the rezoning stipulation given that it is more restrictive.

- 11) The subject site is archaeologically sensitive and three additional stipulations are recommended to address potential survey and data testing requirements in the event archaeological materials are discovered during construction.
- 12) Original Stipulation 29 required that the commercial development plans be presented for comment to the Laveen Village Planning Committee prior to commencement of commercial development. This case represents compliance with this stipulation and the applicant's request for deletion is recommended for approval.

Further, note that the recommendation regarding New Stipulations 1, 1.A, and 2 require general conformance to the proposed conceptual site plan and elevations. These recommendations ensure that future modifications of these plans, exceeding the deviation permitted by general conformance, will be required to go through an additional public hearing process for review with an opportunity for public input. This requirement is more restrictive than the original language of Stipulation 29, which does not specify or require stipulation modification through a public hearing process.

DECISION: The Planning Hearing Officer recommended denial as filed and approval with modifications and additional stipulations.

STIPULATIONS

1.	That the COMMERCIAL development shall be in general conformance with the site plan DATE STAMPED JULY 20, 2020, dated August 20, 2002 as may be modified BY THE FOLLOWING STIPULATIONS and approved by the PLANNING AND Development Services Department, WITH SPECIFIC REGARD TO THE FOLLOWING:	
	A.	ANY GAS STATION SHALL BE LOCATED AT THE IMMEDIATE NORTHEAST CORNER OF 59TH AVENUE AND DOBBINS ROAD.
2.	THE COMMERCIAL DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE BUILDING, FUEL CANOPY, AND SCREEN WALL ELEVATIONS DATE STAMPED JULY 20, 2020, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.	
3.	A COMPREHENSIVE SIGN PLAN SHALL BE APPROVED FOR THE COMMERCIAL DEVELOPMENT IN ACCORDANCE WITH SECTION	

	705 OF THE ZONING ORDINANCE AND AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.	
4. 2.	That r Residential elevations SHALL conform to the Laveen Residential Design Guidelines.	
5. 3.	That the site plan and elevations of the commercial development prior to preliminary site plan review submittal shall be reviewed and approved through the Planning Hearing Officer hearing process. Also, t The ChairPERSONS of the LAVEEN VILLAGE PLANNING COMMITTEE (LVPC) AND LAVEEN CITIZENS FOR RESPONSIBLE DEVELOPMENT (LCRD) shall be invited BY THE APPLICANT to attend Development Service Department's ANY preliminary SITE PLAN review meeting HELD BY THE PLANNING AND DEVELOPMENT DEPARTMENT.	
Streets and Right-of-Way		
6. 4.	That t The following rights of way shall be dedicated:	
	a.	60 feet shall be dedicated for the north half of Dobbins Road;
	b.	30 feet shall be dedicated for the south half of South Mountain Avenue;
	c.	55 feet shall be dedicated for the east half of 59th Avenue;
	d.	30 feet shall be dedicated for the west half of 55th Avenue.
7. 5.	Twenty-one foot by 21-foot right-of-way triangles shall be dedicated:	
	a.	At the northeast corner of 59th Avenue and Dobbins Road;
	b.	At the northwest corner of 55th Avenue and Dobbins Road;
	c.	At the southwest corner of 55th Avenue and South Mountain Avenue.
8. 6.	That t The applicant shall work with the developer of Laveen Commons to establish the alignment of 59th Avenue at South Mountain Avenue.	

9. 7.	That s Sufficient right-of-way shall be dedicated to accommodate a far-side busbay (Detail P-1257) on 59th Avenue at Dobbins Road.
10. 8.	That t 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 Services Department. All improvements shall comply with all ADA accessibility standards.
11. 9.	That t The applicant shall complete and submit the Developer Project Information Form for the MAG Transportation Improvements Program to the Chief Engineering Technician, (602) 262-6193, Street Transportation Department. This form is a requirement of the Environmental Protection Agency to meet clean air quality standards.
12.	THE APPLICANT SHALL SUBMIT A TRAFFIC IMPACT STUDY (TIS) TO THE CITY OF PHOENIX FOR THE COMMERCIAL DEVELOPMENT. NO PRELIMINARY APPROVAL OF PLANS SHALL BE GRANTED UNTIL THE STUDY IS REVIEWED AND APPROVED BY THE CITY UPON SATISFACTORY RESOLUTIONS OF REVIEW COMMENTS BY CITY STAFF, AS APPROVED OR MODIFIED BY THE STREET TRANSPORTATION DEPARTMENT.
Site Amenities	
13.	THE DEVELOPER SHALL PROVIDE A GATEWAY FEATURE SUCH AS ENHANCED LANDSCAPING, SIGNAGE, AND/OR PUBLIC ART, LOCATED AT THE NORTHEAST CORNER OF 59TH AVENUE AND DOBBINS ROAD, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
14. 10.	That a A walkway SHALL be provided between the commercial and residential development as noted on the site plan. Pedestrian walkways/connections within/between the commercial and residential developments shall be constructed of materials other than asphalt. If concrete is chosen it will be stamped.
15.	PEDESTRIAN PATHWAYS, CONSTRUCTED OF DECORATIVE PAVERS, STAMPED OR COLORED CONCRETE, OR ANOTHER SIMILAR MATERIAL, OTHER THAN THOSE USED TO PAVE THE PARKING SURFACES AND DRIVE AISLES, SHALL BE PROVIDED CONNECTING THE SIDEWALK OR SIDEWALKS TO THE MAIN ENTRANCES OF ALL BUILDINGS IN THE MOST DIRECT ROUTE, AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT

	DEPARTMENT.
Open Space, Trails, Fencing and Entrances	
16. 14.	That t The main entrance (59th Avenue, Dobbins, 55th Avenue, and South Mountain) to the housing subdivision shall incorporate subdivision entry signage and monumentation. Entry design concepts shall be attractive, low in profile, as approved by the PLANNING AND Development Services Department.
17. 12.	That a A continuous multi-use trail from Dobbins Road to South Mountain Road shall be provided, as approved by the Parks and Recreation Department.
18. 13.	That a A trail shall be provided along South Mountain Road between 55th and 59th Avenues that shall connect with the trail through the development, as approved by the Parks and Recreation Department. Said trail shall be 15 feet in width as shown on the site plan.
Commercial Design	
19. 14.	That r Rear and side facades and roofline treatment including color texture and material shall be “architecturally finished” to minimize visual impact to adjacent residential areas, as approved by PLANNING AND Development Services Department.
20. 15.	That c Corporate colors and associated graphics shall be used only as an accent feature as to not dominate the architectural design of the development, as determined by the PLANNING AND Development Services Department.
21. 16.	That commercial structures shall provide a continuous shade protected walkway a minimum of ten feet in depth along all building walls that have a customer entrance. COVERED WALKWAYS, EXTERIOR PORCHES, ARCADES, CANOPIES, AND/OR OTHER SIMILAR ARCHITECTURAL FEATURES WITH A MINIMUM DEPTH OF 6 FEET SHALL BE PROVIDED AT ALL MAIN BUILDING ENTRANCES AND ALONG ALL OTHER BUILDING FACADES WITH ADJACENT PEDESTRIAN WALKWAYS, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

22. 17.	That a All buildings shall have a similar architectural character and have architectural enhancements such as stone, burnt adobe, textured brick, wood (when shaded by overhangs or deep recesses), slump block, ceramic tile (matte finish), stucco or exposed aggregate concrete.
23. 18.	That p Parking at the time of preliminary approval shall be limited to no more than 20% above that required by the Zoning Ordinance.
24. 19.	That l Landscaping along Dobbins Road and 59th Avenue shall include 2-inch caliper trees planted 20 feet on center. Landscaping or other forms of shading in the parking lots shall shade 25% of the parking lot by maturity. Berms or decorative walls shall be provided along Dobbins Road and 59th Avenue.
25. 20.	All items for sale, excluding fuel dispensing machines, shall be located within buildings or located in designated areas screened from view so as to minimize potential impacts.
26. 21.	That a All accessory equipment in the commercial development such as air, water, vacuums, and venting pipes shall be screened from view so as to minimize potential impacts.
27. 22.	That p Proposed drive-through facilities shall orient drive-through windows away from Dobbins Road or adjacent residential uses. Drive-through queueing lanes shall be screened from view of Dobbins Road and/or residential uses through the incorporation of a landscaped berm, screen wall, or a combination of a wall and berm at least four feet in height as approved by the PLANNING AND Development Services Department.
28. 23.	That a Any service station canopies, or drive-through canopies shall not exceed 14 feet in height measured from the ground to the underside of the canopy. The overall height of the canopy shall not exceed 46 18 feet. All lights attached to the underside of the canopy shall be fully recessed.
29. 24.	That a All canopy support pillars shall be a minimum of two feet wide by two feet deep from the ground to the underside of the canopy and shall be finished with compatible body and accent materials as the primary building.
30. 25.	That t The residential developments shall use the Planned Residential Development (PRD) option.

31. 26.	That a At least one of the following options SHALL be offered to purchasers of single-family houses excluding cluster homes:
	a. Front porch
	b. Front yard patio
	c. Low wall or fence in the front yard
32. 27.	That t The property owner shall record documents that disclose to purchasers of property within the development the existence and potential characteristics of agricultural use property in the vicinity. The form and content of such documents shall be reviewed and approved by the City Attorney.
33. 28.	That a Archaeological excavation shall occur to determine if there are prehistoric cemeteries within the site, per the City Archaeologist (602) 495-0901). If prehistoric human remains are discovered the remains shall be removed per the State of Arizona Antiquities Act Standards.
34.	IF DETERMINED NECESSARY BY THE PHOENIX ARCHAEOLOGY OFFICE, THE APPLICANT SHALL CONDUCT PHASE I DATA TESTING AND SUBMIT AN ARCHAEOLOGICAL SURVEY REPORT OF THE DEVELOPMENT AREA FOR REVIEW AND APPROVAL BY THE CITY ARCHAEOLOGIST PRIOR TO CLEARING AND GRUBBING, LANDSCAPE SALVAGE, AND/OR GRADING APPROVAL.
35.	IF PHASE I DATA TESTING IS REQUIRED, AND IF, UPON REVIEW OF THE RESULTS FROM THE PHASE I DATA TESTING, THE CITY ARCHAEOLOGIST, IN CONSULTATION WITH A QUALIFIED ARCHAEOLOGIST, DETERMINES SUCH DATA RECOVERY EXCAVATIONS ARE NECESSARY, THE APPLICANT SHALL CONDUCT PHASE II ARCHAEOLOGICAL DATA RECOVERY EXCAVATIONS.
36.	IN THE EVENT ARCHAEOLOGICAL MATERIALS ARE ENCOUNTERED DURING CONSTRUCTION, THE DEVELOPER SHALL IMMEDIATELY CEASE ALL GROUND-DISTURBING ACTIVITIES WITHIN A 33-FOOT RADIUS OF THE DISCOVERY, NOTIFY THE CITY ARCHAEOLOGIST, AND ALLOW TIME FOR THE ARCHAEOLOGY OFFICE TO PROPERLY ASSESS THE MATERIALS.

29. 30.	That the commercial development plans be presented for comment to the Laveen Village Planning Committee prior to commencement of commercial development.
37. 30.	That sSidewalks, curbs, and streetscapes in the single-family residential areas SHALL be designed in such a way to allow for rural mail delivery unless forbidden by the local serving post office.
38. 31.	That mMulti-story construction shall not be allowed on residential lots 408-415 inclusive.
39. 32.	That wWrap-around architectural details and materials SHALL be used on all sides of homes along all street frontages on corner lots.
40. 33.	That hHome builders SHALL provide a range of durable materials that will minimize stucco and tile by offering decorative elements such as brick, decorative concrete block, and stone accents.
41. 34.	That aAll mechanical equipment in or on commercial developments must be ground mounted or be screened from view in such a manner to minimize potential impacts using materials consistent with the architectural character and theme of the development.
42. 35.	That bBetween the commercial development and the cluster residential area there SHALL be a minimum 15-foot-wide landscape buffer with two rows of two-inch caliper trees planted 15 feet on center.

Upon request, this publication will be made available within a reasonable length of time through appropriate auxiliary aids or services to accommodate an individual with a disability. This publication may be made available through the following auxiliary aids or services: large print, Braille, audiotape or computer diskette. Please contact the Planning and Development Department, Tamra Ingersoll at voice number 602-534-6648 or TTY use 7-1-1.

EXHIBIT K

Julianna Pierre

From: Sonja Jongeward <sljongeward@gmail.com>
Sent: Tuesday, July 14, 2020 7:59 AM
To: PDD PHO
Subject: Upcoming meeting

Follow Up Flag: Follow up
Flag Status: Flagged

As a homeowner in the Paseo Pointe community, I do NOT want a gas station built so close to us. My concern is the effect it will have on our property values as studies have shown a negative impact.

I am not able to attend the upcoming meeting, but wanted to voice my concern.

Thank you.

Julianna Pierre

From: Joshua Litt <joshualitt09@gmail.com>
Sent: Tuesday, July 14, 2020 8:37 PM
To: PDD PHO
Subject: Reference #: Pho-1-20-Z-62-02-7

Hi there,

I unfortunately am unable to make the virtual meeting regarding reference # Pho-1-20-Z-62-02-7 on the gas station potentially being built directly adjacent to the homes at Paseo Pointe. My wife and I recently bought our house there (5756 W. Milada Dr.) and have a newborn. We have some concerns about the gas station being built in such close proximity to the houses. As well as some environmental concerns and comments.

I am unsure why the developers chose a location adjacent to the houses. A wall of separation is nothing. The noise alone and just being close to the gas station, one is an extreme nuisance and two, property values will drop. If I lived along the wall of the development, I would be extremely angry. This is a nice and quiet area and while a gas station is needed to meet the demands of the 202 freeway, why can they not move it across the way to being adjacent to the corn field or closer to the freeway? There is plenty of available land, so why build on top of this housing area? Dobbins here has two lanes total. How will this crumbling road be able to maintain that much traffic? That puts the residents at risk and in this area, there are plenty of children. Unnecessary risks to them and all of us.

Environmentally, I have concerns regarding both ground and surface water contamination. While I understand that underground storage tanks are under great scrutiny from ADEQ, leaks to occur. Groundwater in this area is shallow from what I have found. Drywells are usually installed at developments like this. While they are meant for stormwater purposes, it is not uncommon to find people dumping any and all liquids down them. The idea behind the drywall is to use soil to remediate the stormwater prior to it reaching the aquifer. If gasoline/diesel/oil are spilled and enter the drywell, these contaminants will continue down to the aquifer and be dispersed. The farm near here, if they use this aquifer, will then be using contaminated water on its' crops and those who eat said crops, will ingest it. Also, if the contaminant plume flows under the Paseo Pointe homes, values will drop and it runs a risk to all of us who live here. As for surface water, gas/diesel/oil runoff is a concern. There is a canal that runs parallel to this development on Dobbins. If this water becomes contaminated and again as mentioned above about groundwater being used for agricultural purposes, will risk whomever uses that water, whether it be a farm or individual.

I just want to reiterate, I understand the need for the gas station. I just ask that it be moved across the street or down towards the 202 and not be built directly adjacent to the houses of Paseo Pointe. As a new homeowner, I ask you to consider the property values (as they are to only go on up here) in the long term and to consider all the risks to the neighborhood in terms of homes, family, and the environment.

Thanks,
Joshua Litt
702-526-2467