

**Attachment D**  
**\*CORRECTION TO DEPARTMENT DUE DATE\***

**PLEASE RESPOND ELECTRONICALLY TO TERESA GARCIA 2ND FLOOR, 602-262-7399**



**City of Phoenix**  
PLANNING & DEVELOPMENT DEPARTMENT

**To:** Departments Concerned

**From:** Joshua Bednarek

Planning & Development Department Director

**Date:** April 23, 2025

**Subject: P.H.O. APPLICATION NO. PHO-4-25-Z-29-94-6(8) – Notice of Pending Actions by the Planning Hearing Officer**

1. Your attention is called to the fact that the **Planning Hearing Officer** will consider the following case at a public hearing on **May 21, 2025**.
2. Information about this case is available for review at the Zoning Counter in the Planning and Development Department on the 2nd Floor of Phoenix City Hall, telephone 602-262-7131, Option 6.
3. Staff, please indicate your comments and respond electronically to [pdd.pho@phoenix.gov](mailto:pdd.pho@phoenix.gov) or you may provide hard copies at the Zoning Counter in the Planning and Development Department on the second floor of Phoenix City Hall by **\*April 30, 2025**.

**DISTRIBUTION**

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City Council (Stephanie Bracken), 11th Floor  
Aviation (Jordan D. Feld)  
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Neighborhood Services (Gregory Gonzales, Lisa Huggins), 4th Floor  
Parks & Recreation (Todd Shackelford), 16th Floor  
Public Transit (Skitch Kitchen)  
Street Transportation Department (Maja Brkovic, Josh Rogers, Alan Hilty, Chris Kowalsky), 5th Floor  
Street Transportation - Ped. Safety Coordinator (Kurt Miyamoto), 5th Floor  
Street Transportation - Floodplain Management (Tina Jensen, Priscilla Motola, Rudy Rangel), 5th Floor  
Water Services (Don Reynolds, Victor Romo), 8th Floor  
Planning and Development (Joshua Bednarek, Tricia Gomes), 3rd Floor  
Planning and Development/Information Services (Andrew Wickhorst), 4th Floor  
Planning and Development/Historic Preservation Office (Kevin Weight), 3rd Floor  
Planning Hearing Officer (Byron Easton, Teresa Garcia), 2nd Floor  
Village Planner (Anthony Grande, Camelback East Village)  
Village Planning Committee Chair (William Fischbach, Camelback East Village)



**City of Phoenix**  
PLANNING & DEVELOPMENT DEPARTMENT

**APPLICATION FOR PLANNING HEARING OFFICER ACTION**  
**APPLICATION NO: PHO-4-25-Z-29-94-6(8)**  
**Council District: 8**

**Request For:** Stipulation Modification

**Reason for Request:** Request to modify Stipulation 1 regarding general conformance to the site plan date stamped January 11, 1994 and elevations and exhibits dated January 12, 1994.

**Contact Information**

Name	Relationship Type	Address	Phone	Fax	Email
Gen2 Arizona Properties, LLC	Owner	PO Box 4179, Kingman, AZ 86402	480-322-3822		johnrose@ddofoods.com
Michael Scarbrough, LTH Development Group, LLC	Applicant	10645 North Tatum Boulevard, #200-455 Phoenix Arizona 85028 United States			mike@lthdevelopment.com
Michael Scarbrough, LTH Development Group, LLC	Representative	10645 North Tatum Boulevard, #200-455 Phoenix Arizona 85028 United States			mike@lthdevelopment.com

**Property Location:** Approximately 970 feet south of the southeast corner of 44th Street and Thomas Road

**Acreage:** 1.82

**Geographic Information**

Zoning Map G11	APN 126-08-133	Quarter Section Q14-38
Village: Camelback East		

An applicant may receive a clarification from the city of its interpretation or application of a statute, ordinance, code or authorized substantive policy statement. To request clarification or to obtain further information on the application process and applicable review time frames, please call 602-262-7131 (option 6), email [zoning@phoenix.gov](mailto:zoning@phoenix.gov) or visit our website at

<https://www.phoenix.gov/pdd/licensing-time-frames>

A Filing Fee had been paid to the City Treasurer to cover the cost of processing this application. The fee will be retained to cover the cost whether or not the request is granted

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

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

**Fee Information**

Fee	Fee Waived	Fee Date	Purpose
\$1,080.00	\$0.00	04/15/25	PHO (1-2 stipulations)



LTH Development Group, LLC

**REQUEST FOR STIPULATION MODIFICATION  
PHO-3-20-Z-29-94-6**

The property that is the subject of this Application is part of an approximately 1.82 acre parcel located approximately 1,000 feet south of the southeast corner of 44<sup>th</sup> Street and Thomas Road in Phoenix, Az, as depicted below and outlined in Yellow.



The subject parcel is a portion of Pad 7 of the Preliminary Site Plan of Arcadia Crossing (outlined in Yellow above), is located within a larger commercial center and is currently a parking lot with all of the off-site improvements (bus bay, curb, gutter, sidewalk, landscaping, etc.) in place. The proposed project, a 7 Brew Drive-Thru Coffee (7 Brew), will have access to the ROW from existing drives immediately south of the parcel and via internal access drives within the larger commercial center. The proposed design provides for good on-site circulation, queuing, on-site landscaping, lighting and both the existing use to the south (Taco Bell) and the proposed use (7 Brew) will provide the required parking per code.

In order to proceed with this development, a modification to the previously approved Zoning stipulations is required to accommodate the 7 Brew on the northern portion of the 1.82 acre parcel. The modification of the Zoning stipulations will allow the existing parking lot to be developed as a drive-thru use, which is highly compatible with the surrounding land uses, and places this underutilized portion of the larger parcel into a productive use. Therefore, the Applicant proposes to modify the Zoning stipulations as set forth below:

**STIPULATIONS:**

1. That the development be in general conformance to the site plan (dated January 11, 1994) [or with the modifications to Anchor D as shown in the site plan dated September 7, 2001], with the northern portion of PAD 7 being developed in accordance to the Site Plan, date stamped, 2025, together with the elevations and exhibits (dated 1/12/94) as may be modified by the following stipulations.

*Modification Rationale: The above modification to the previously approved Zoning stipulation will allow for the development on this underutilized parcel with a new drive-thru use. The proposed 7 Brew Drive-Thru Coffee will convert a parking lot into a new and vibrant business for the community.*

2. That development of the site be in accordance with the Development Agreement (Ordinance S-21748 amending Ordinance S-21068, dated 11-93) between Opus Southwest Corporation and the City of Phoenix
3. That particular attention shall be given during the Design Review process to provide building elevations that are consistent in design and materials around the entire center and that the linear nature of the design be minimized through the use of architectural embellishments, building offsets, shade structures and pedestrian plazas.
4. That the site plan be modified as approved by the Development Services Department to reflect the following changes:
  - a. Building offsets for the major users shall be consistent with the Site Plan dated January 11, 1994;
  - b. Pad Sites three (3) and four (4) may be modified to create a unified pad development such as through the use of depressed parking and pedestrian plazas. A major gateway statement shall be provided at the Thomas Road and 44<sup>th</sup> Street intersection with views to the interior of the development;
  - c. That access to the exception parcel at the southwest corner of the site be considered at the time of site plan approval

5. That the right-of-way dedications and off-site improvements shall be consistent with the Development Agreement (as identified in Stipulation No. 2).
6. That a single driveway access be permitted on 46<sup>th</sup> Street south of Shops "B" as approved by the Development Services Department, and no vehicular access between the library site and the retail center. Left turn access from the site onto Oak Street shall be prohibited.

Except as listed above, all other stipulations provided for in zoning case # PHO-3-20—Z-29-94-6 shall remain unchanged and in full force and effect.

The Applicant submits that the new proposed drive-thru development will provide a highly compatible use to the existing larger commercial center. The stipulation modification requested herein all for the new 7 Brew Drive-Thru Coffee development to proceed in accordance with the proposed plan of development, the current C-2 zoning and the current development criteria of the City.

Attachments:

Exhibit A – Zoning Case PHO-3-20—Z-29-94-6

Exhibit B – Preliminary Site Plan for Arcadia Crossing (date stamped May 10, 1994)

Exhibit C – Proposed Site Plan for the northern portion of PAD 7

Exhibit D – Legal Description for the Proposed 7 Brew project

# EXHIBIT A



## City of Phoenix

PLANNING DEPARTMENT

June 4, 2004

Costco Whosale Corporation  
999 Lake Drive  
Issaquah, WA 98027

Dear Applicant:

RE: Z-29-94-6 –Southeast corner of 44th Street and Thomas Road.

Please be advised that the Phoenix City Council, in accordance with the provisions of Section 506.B.1 of the Zoning Ordinance, has on June 2, 2004, concurred with the recommendation of the Planning Hearing Officer and has ratified on the Consent Agenda Z-29-94-6 for modification of stipulation regarding general conformance to site plan dated May 10, 1994, to allow a gasoline facility.

### STIPULATIONS

1. That the development be in general conformance to the site plan (dated January 11, 1994) [or with the modifications to Anchor D as shown in the site plan dated September 7, 2001], together with the elevations and exhibits (dated 1/12/94) as may be modified by the following stipulations.
2. That development of the site be in accordance with the Development Agreement (Ordinance S-21748 amending Ordinance S-21068, dated 11-93) between Opus Southwest Corporation and the City of Phoenix.
3. That particular attention shall be given during the Design Review process to provide building elevations that are consistent in design and materials around the entire center and that the linear nature of the design be minimized through the use of architectural embellishments, building offsets, shade structures and pedestrian plazas.
4. That the site plan be modified as approved by the Development Services Department to reflect the following changes:
  - a. Building offsets for the major users shall be consistent with the site plan dated January 11, 1994;
  - b. Pad Sites three (3) and four (4) may be modified to create a unified pad development such as through the use of depressed parking and pedestrian plazas. A major gateway statement shall be provided at the Thomas Road and 44th Street intersection with views to the interior of the development;

June 4, 2004  
Application 29-94-6  
Page 2

- c. That access to the exception parcel at the southwest corner of the site be considered at the time of site plan approval.
- 5. That the right-of-way dedications and off-site improvements shall be consistent with the Development Agreement (as identified in Stipulation No. 2).
- 6. That a single driveway access be permitted on 46th Street south of Shops "B" as approved by the Development Services Department, and no vehicular access between the library site and the retail center. Left turn access from the site onto Oak Street shall be prohibited.

Development and use of the site is still subject to all applicable codes and ordinances.

Sincerely,



Michelle Dodds, AICP  
Principal Planner

C: Kelly Walker (Sent electronically)  
Bernadine Alling (Sent electronically)  
Jay Neville (Sent electronically)  
Marquitrice Short  
Dave Barrier, DSD/Building Safety (Sent elec)  
E.J. Hyncik, Public Transit(Sent elec)  
Case File  
Book  
Bruce Creager/Barghausen Consulting, 18215 72nd Ave. So., Kent, WA, 98032

## EXHIBIT B

### PROJECT INFORMATION

SITE DATA:	
Site Area	Gross Area 3,085,083 S.F. 70.84 Acres
	Net Area (existing) 2,865,463 S.F. 69.03 Acres
	<102,170 S.F. > DEI (2.345 Acres)
	<33,400 S.F. > DEI (1.00 Acres)
	Net Area (Phase I, Phase II and PAD's) 2,719,763 S.F.* DEI 62.44 Acres
	*Net Area S.F. is inclusive of an existing T.B.A. (63,995 S.F. (1.47 Acres)) Phase I and PAD Sites.
Total Building Area	430,275 S.F. 13.52 Acres
PHASE I	130,275 S.F. 55,744 S.F.
PHASE II	55,744 S.F. 62,147 S.F.
Proposed Structure to Follow	22.84% 2,796 Spaces
PAD Sites	2,796 Spaces
Total Lot Coverage	430,275 S.F.
Total Parking Required (City of Phoenix, 4.5/1000)	2,810 Spaces
Total Parking Provided	56 Spaces
PHASE I	705 Spaces
EMPLOYEE SPACES AT REAR PAD SITES (Parking shown is future, by others)	3,573 Spaces
Total Parking Provided	3,573 Spaces
PROJECT DATA	2,209,827 S.F. DEI 2,209,827 S.F. DEI 2,209,827 S.F. DEI
Net Area (All Site Developed)	2,209,827 S.F. DEI 2,209,827 S.F. DEI 2,209,827 S.F. DEI
Building Area	74,414 S.F. 2 115,392 S.F. 3 100,200 S.F. 2 73,268 S.F. 2 26,674 S.F. 2 23,363 S.F. 0 8,000 S.F. 0 50,700 S.F. 2 15,061 S.F. 0 10,000 S.F. 0/A 22,500 S.F. 0 135,408 S.F. 3 565,683 S.F. 14 2,546 Spaces 2,810 Spaces
ANCHOR A	74,414 S.F. 2
ANCHOR B	115,392 S.F. 3
ANCHOR C	100,200 S.F. 2
MAJOR A	73,268 S.F. 2
MAJOR B	26,674 S.F. 2
MAJOR C	23,363 S.F. 0
MAJOR D	8,000 S.F. 0
MAJOR E	50,700 S.F. 2
NOT A PART	15,061 S.F. 0
ANCHOR F	10,000 S.F. 0/A
ANCHOR G	22,500 S.F. 0
ANCHOR H	135,408 S.F. 3
ANCHOR I	565,683 S.F. 14
ANCHOR J	2,546 Spaces
ANCHOR K	2,810 Spaces
ANCHOR L	35 Spaces
ANCHOR M	41 Spaces
ANCHOR N	419,906 S.F. DEI 9.64 Acres
ANCHOR O	32,441 S.F. DEI (0.75 Acres) 7,000 S.F. 43 Spaces
ANCHOR P	17,639 S.F. DEI (0.40 Acres) 3,263 S.F. 10 Spaces
ANCHOR Q	37,506 S.F. DEI (0.60 Acres) 10,000 S.F. 55 Spaces
ANCHOR R	65,305 S.F. DEI (1.50 Acres) 16,185 S.F. 78 Spaces
ANCHOR S	44,455 S.F. DEI (1.02 Acres) 10,000 S.F. 85 Spaces
ANCHOR T	56,322 S.F. DEI (1.29 Acres) 12,000 S.F. 125 Spaces
ANCHOR U	56,651 S.F. DEI (1.30 Acres) 12,000 S.F. 125 Spaces
ANCHOR V	54,956 S.F. DEI (1.26 Acres) 12,000 S.F. 100 Spaces
ANCHOR W	54,531 S.F. DEI (1.25 Acres) 12,000 S.F. 76 Spaces
ANCHOR X	54,531 S.F. DEI (1.25 Acres) 12,000 S.F. 76 Spaces
ANCHOR Y	54,531 S.F. DEI (1.25 Acres) 12,000 S.F. 76 Spaces
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ANCHOR EE	54,531 S.F. DEI (



# EXHIBIT D

**2601 N 44TH STREET  
LEGAL DESCRIPTION  
LOT 7B**

That portion of Lot 7 as said lot is shown on the plat entitled "ARCADIA CROSSING" recorded in Book 381 of Maps, Page 06, Official Records of the Maricopa County Recorder, is situated in the Northeast Quarter of Section 31, Township 2 North, Range 4 East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows;

Commencing at a brass cap in handhole marking the North Quarter corner of said Section 31, from which a brass cap in handhole, marking the center of said Section 31 bears South 00°56'21" West, a distance of 2,650.64 feet;

Thence along the North-South Mid-Section line of said Section 31, South 00°56'21" West, a distance of 1015.17 feet;

Thence North 89°03'39" East, a distance of 79.00 feet to the East right-of-way line of 44th Street and the Northwest corner of Lot 7 of the Final Plat of "ARCADIA CROSSING" Book 381 Page 06, official records Maricopa County Recorder, and the TRUE POINT OF BEGINNING;

Thence continuing North 89°03'39" East, a distance of 204.62 feet to the Northeast corner of said Lot 7.

Thence South 00°54'50" East, a distance of 63.62 feet;

Thence South 88°48'55" West, a distance of 18.00 feet;

Thence South 01°51'22" East, a distance of 59.19 feet;

Thence South 88°08'38" West, to the East right-of-way line of 44th Street, a distance of 187.56 feet;

Thence along said right-of-way, North 00°56'21" West, a distance of 125.88 feet to the TRUE POINT OF BEGINNING;

Containing 24,385 square feet, or 0.559 acres of land, more or less.



Helix Engineering, LLC Engineering / Surveying / Consulting 3240 E Union Hills, Suite 113, Phoenix, AZ 85050 ph 602-788-2616, www.hxeng.com	DRAWN BY: TDS DATE: MARCH 19, 2025 JOB. NO.: 882 CHECKED BY: MJT	SHEET NAME EXHIBIT "B" 7 BREW LOT 7B LEGAL DESCRIPTION	SHEET NO. 1 OF 1
--	---	---	---------------------



## City of Phoenix

PLANNING DEPARTMENT

June 4, 2004

Costco Whosale Corporation  
999 Lake Drive  
Issaquah, WA 98027

Dear Applicant:

RE: Z-29-94-6 –Southeast corner of 44th Street and Thomas Road.

Please be advised that the Phoenix City Council, in accordance with the provisions of Section 506.B.1 of the Zoning Ordinance, has on June 2, 2004, concurred with the recommendation of the Planning Hearing Officer and has ratified on the Consent Agenda Z-29-94-6 for modification of stipulation regarding general conformance to site plan dated May 10, 1994, to allow a gasoline facility.

### STIPULATIONS

Mod

- ① That the development be in general conformance to the site plan (dated January 11, 1994) [or with the modifications to Anchor D as shown in the site plan dated September 7, 2001], together with the elevations and exhibits (dated 1/12/94) as may be modified by the following stipulations.
2. That development of the site be in accordance with the Development Agreement (Ordinance S-21748 amending Ordinance S-21068, dated 11-93) between Opus Southwest Corporation and the City of Phoenix.
3. That particular attention shall be given during the Design Review process to provide building elevations that are consistent in design and materials around the entire center and that the linear nature of the design be minimized through the use of architectural embellishments, building offsets, shade structures and pedestrian plazas.
4. That the site plan be modified as approved by the Development Services Department to reflect the following changes:
  - a. Building offsets for the major users shall be consistent with the site plan dated January 11, 1994;
  - b. Pad Sites three (3) and four (4) may be modified to create a unified pad development such as through the use of depressed parking and pedestrian plazas. A major gateway statement shall be provided at the Thomas Road and 44th Street intersection with views to the interior of the development;

June 4, 2004  
Application 29-94-6  
Page 2

- c. That access to the exception parcel at the southwest corner of the site be considered at the time of site plan approval.
- 5. That the right-of-way dedications and off-site improvements shall be consistent with the Development Agreement (as identified in Stipulation No. 2).
- 6. That a single driveway access be permitted on 46th Street south of Shops "B" as approved by the Development Services Department, and no vehicular access between the library site and the retail center. Left turn access from the site onto Oak Street shall be prohibited.

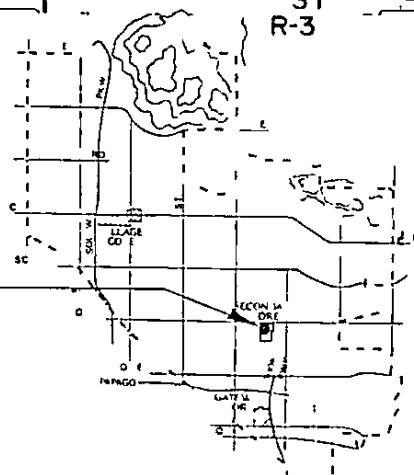
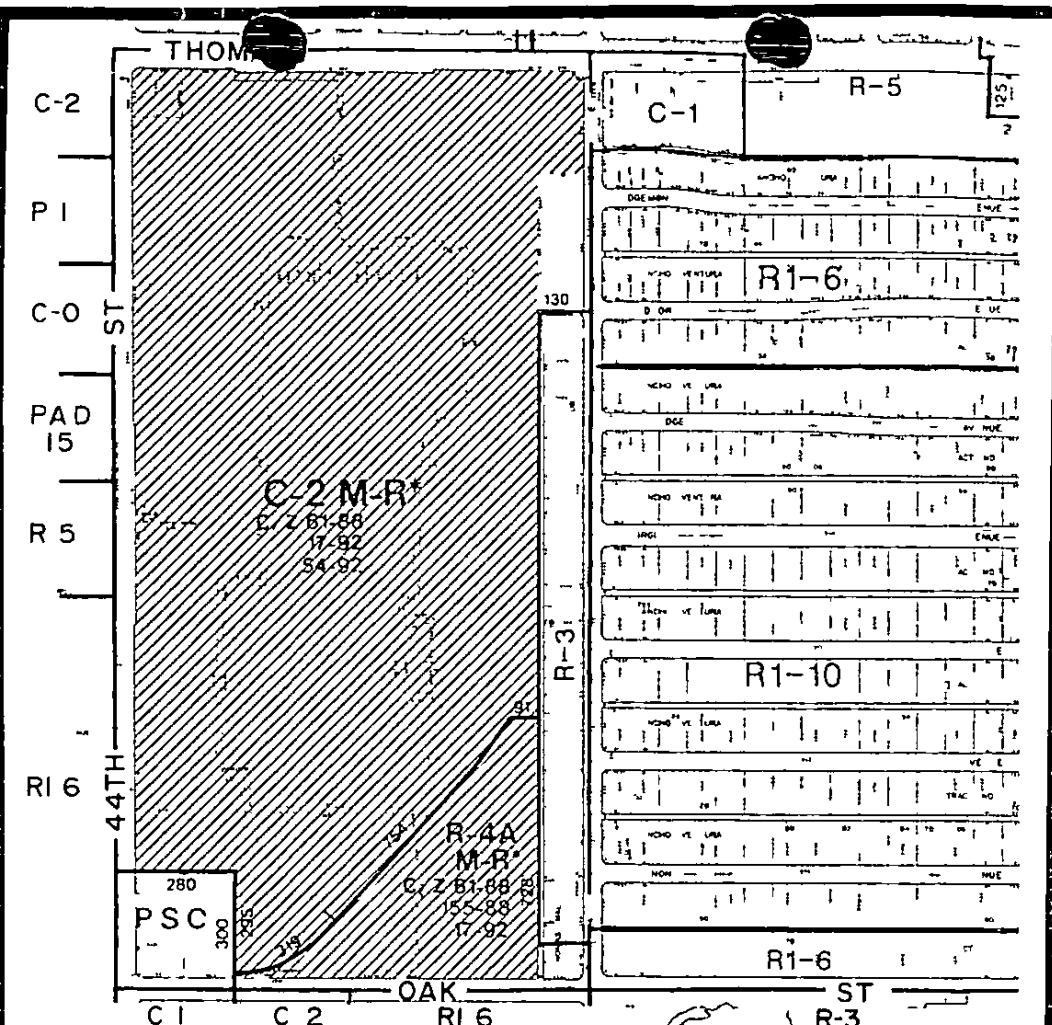
Development and use of the site is still subject to all applicable codes and ordinances.

Sincerely,



Michelle Dodds, AICP  
Principal Planner

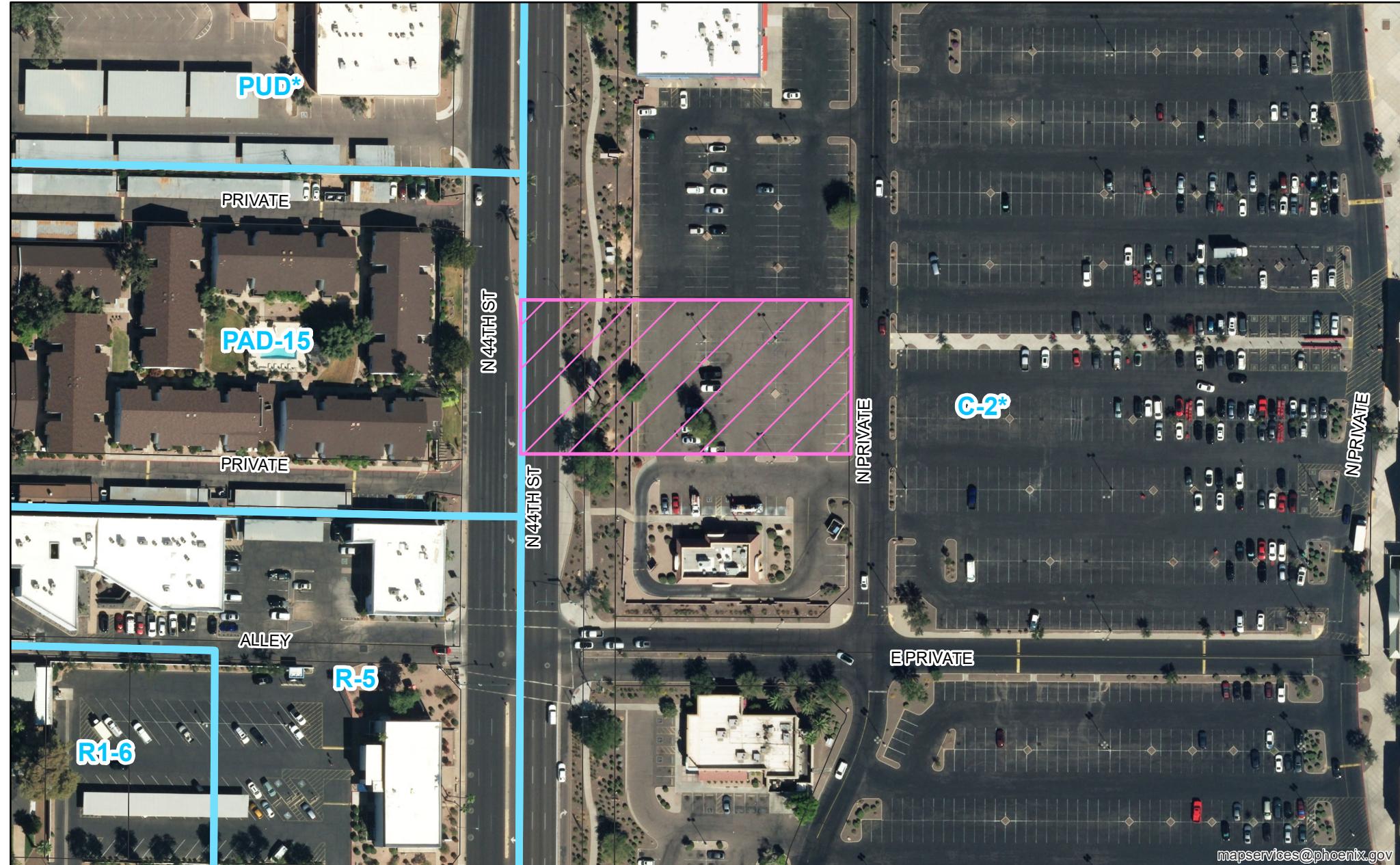
C: Kelly Walker (Sent electronically)  
Bernadine Alling (Sent electronically)  
Jay Neville (Sent electronically)  
Marquitrice Short  
Dave Barrier, DSD/Building Safety (Sent elec)  
E.J. Hyncik, Public Transit(Sent elec)  
Case File  
Book  
Bruce Creager/Barghausen Consulting, 18215 72nd Ave. So., Kent, WA, 98032



CITY OF PHOENIX PLANNING DEPARTMENT  
CAMELBACK EAST VILLAGE  
CITY COUNCIL DISTRICT 6

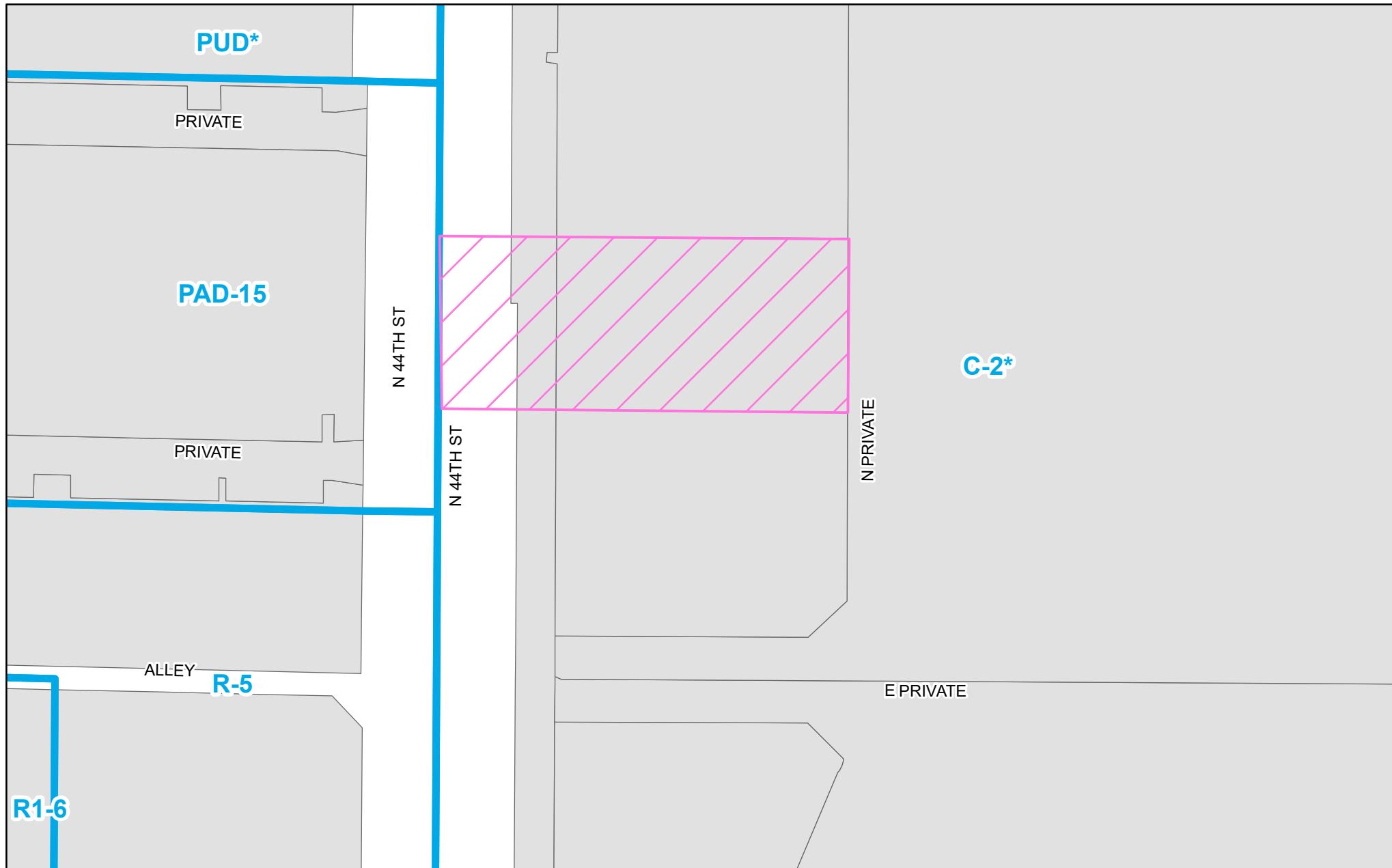
APPLICANT'S NAME OPUS SOUTHWEST CORPORATION	REQUESTED CHANGE		
APPLICATION NO 29-94 6	FROM R-4A(763AC) C-2M R (6322AC)		
GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX 7085 ACRES	HEARING DATES Z HO PC CC 29 94	AERIAL PHOTO & QUARTER SEC NO 14 38	ZONING MAP G 11(F 9)
MULTIPLES PERMITTED	UNITS STANDARD OPTION		* UNITS PRD OPTION

- MAXIMUM UNITS ALLOWED WITH PRD BONUS



PHO-4-25-Z-29-94-6(8)

Property Location: Approximately 970 feet south of the southeast corner of 44th Street and Thomas Road



PHO-4-25-Z-29-94-6(8)

**Property Location:** Approximately 970 feet south of the southeast corner of 44th Street and Thomas Road

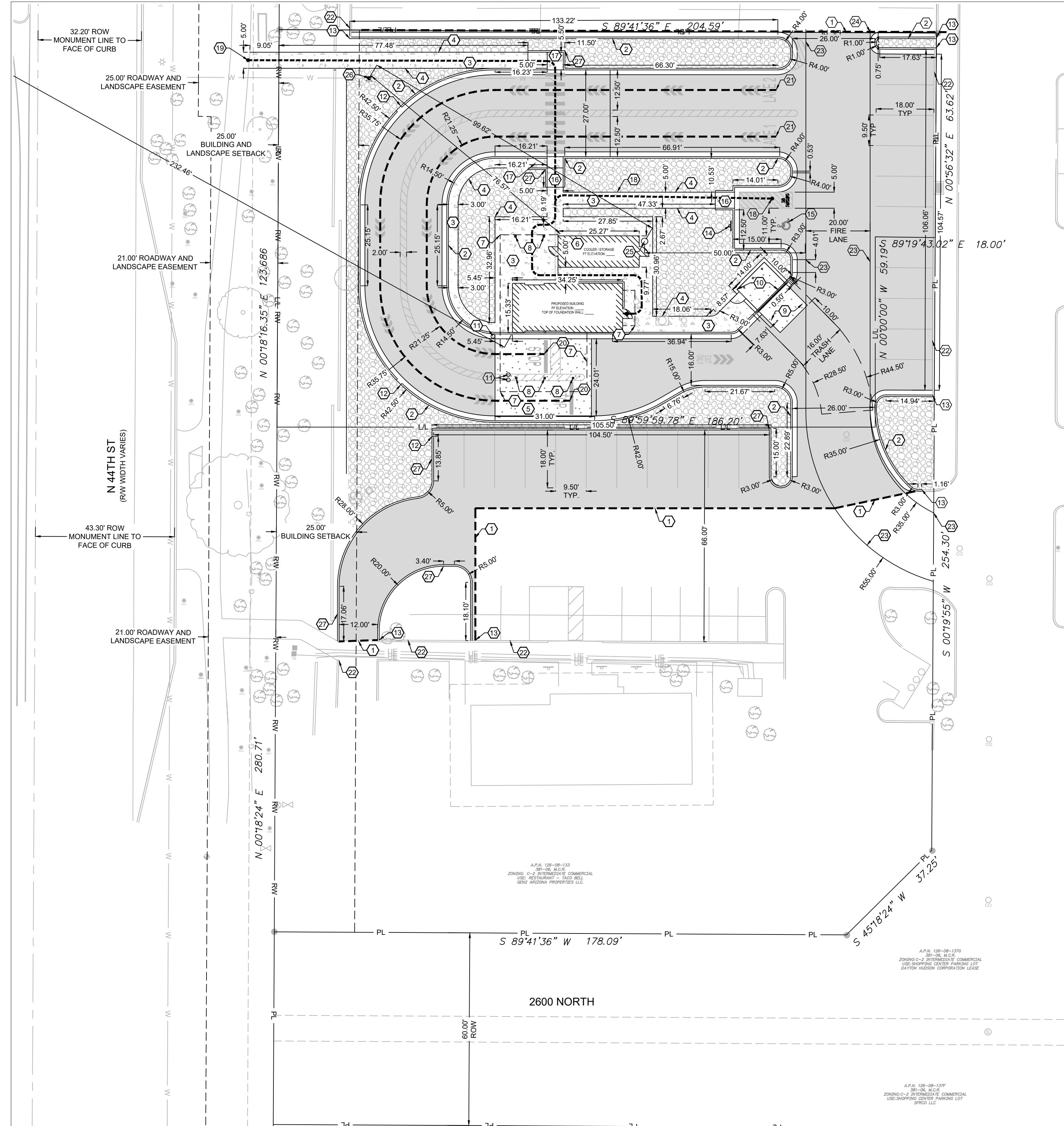


# SEVEN 7 BREW

DRIVE THRU COFFEE

PRELIMINARY  
FOR REVIEW AND  
DISCUSSION ONLY

2601 N 44TH ST  
PHOENIX, AZ 85008



**HATCH LEGEND:**

- ASPHALT PAVEMENT PER DETAIL 2.06, SHEET C7.1.
- CONCRETE SIDEWALK PER SIDEWALK DETAIL 2.02, SHEET C7.1.
- CONCRETE PAVEMENT PER CONCRETE PAVEMENT DETAIL 2.03 AND 2.05, SHEET C7.1.
- LANDSCAPE AREA REFER TO LANDSCAPE PLAN.

**KEY NOTES:**

- MATCH EXISTING PAVEMENT.
- 6" CONCRETE CURB & GUTTER PER DETAIL 2.01, SHEET C7.1.
- EDGE OF CONCRETE SLAB TO BE THICKENED CONCRETE PER STOOP/WALK DETAIL 2.04, SHEET C7.1.
- CONCRETE PAVEMENT PER CONCRETE PAVEMENT DETAILS 2.03 & 2.05, SHEET C7.1.
- REMOTE COOLER LOCATION, COOLER TO BE INSTALLED ON 4" THICK CONCRETE PAD WITH THICKENED EDGE PER DETAIL 2.04, SHEET C7.1.
- BUILDING CANOPY OUTLINE.
- CANOPY COLUMNS LOCATIONS, TYPICAL.
- 6" CONCRETE PAD FOR TRASH ENCLOSURE PER CITY DETAILS, SHEET C7.3.
- TRASH ENCLOSURE AND GATE AND BOLLARDS, PER CITY DETAILS, SHEET C7.3.
- 3" PIPE BOLLARD, TYPICAL PER DETAIL 2.09, SHEET C7.1.
- CONCRETE CURB CUT PER DETAIL 2.17, SHEET C7.2.
- CONNECT TO EXISTING CURB.
- ADA VAN ACCESSIBLE SIGN PER DETAIL 2.08, SHEET C7.1.
- BLUE PAINTED ADA ACCESSIBLE PARKING SYMBOL PER DETAIL 6.01, SHEET C7.1.
- TYPE 4 ADA CURB RAMP PER DETAIL 2.14, SHEET C7.2.
- MODIFIED TYPE 4 ADA CURB RAMP PER DETAIL 2.14, SHEET C7.2.
- ACCESSIBLE PATH FROM PARKING TO BUILDING.

Z CASE NO.: Z-29-94 PHO 01-03

**STIPULATIONS:**  
A. THAT THE DEVELOPMENT BE IN GENERAL CONFORMANCE TO THE SITE PLAN (DATED JANUARY 11, 1994) OR, WITH THE MODIFICATIONS TO ANCHOR 11 AS SHOWN IN THE SITE PLAN DATED SEPTEMBER 7, 2001 TOGETHER WITH THE ELEVATIONS AND EXHIBITS (DATED 1/12/94) AS MAY BE MODIFIED BY THE FOLLOWING STIPULATIONS.

B. THAT DEVELOPMENT OF THE SITE BE IN ACCORDANCE WITH THE DEVELOPMENT AGREEMENT (ORDINANCE S-21748 AMENDING ORDINANCE S-21068 DATED 11-93) BETWEEN OPUS SOUTHWEST CORPORATION AND THE CITY OF PHOENIX.

C. THAT PARTICULAR ATTENTION SHALL BE GIVEN DURING THE DESIGN REVIEW PROCESS TO PROVIDE BUILDING ELEVATIONS THAT ARE CONSISTENT IN DESIGN AND MATERIALS AROUND THE ENTRE CEDARWOODS. THE LINEAR NATURE OF THE DESIGN BE MINIMIZED THROUGH THE USE OF ARCHITECTURAL EMBELLISHMENTS, BUILDING OFFSETS SHADE STRUCTURES AND PEDESTRIAN PLAZAS.

D. THAT THE SITE PLAN BE MODIFIED AS APPROVED BY THE DEVELOPMENT SERVICES DEPARTMENT TO REFLECT THE FOLLOWING CHANGES.

E. BUILDING OFFSETS FOR THE MAJOR USERS SHALL BE CONSISTENT WITH THE SITE PLAN DATED JANUARY 11, 1994.

F. PAD SITES THREE (3) AND FOUR (4) MAY BE MODIFIED TO CREATE A UNIFIED PAD DEVELOPMENT SUCH AS THROUGH THE USE OF DEPRESSED PARKING AND PEDESTRIAN PLAZAS. A MAJOR GATEWAY STATEMENT SHALL BE PROVIDED AT THE THOMAS ROAD AND 44TH STREET INTERSECTION WITH VIEWS TO THE INTERIOR OF THE DEVELOPMENT.

G. THAT ACCESS TO THE EXCEPTION PARCEL AT THE SOUTHWEST CORNER OF THE SITE BE CONSIDERED AT THE TIME OF SITE PLAN APPROVAL.

H. THAT THE RIGHT-OF-WAY DEDICATIONS AND OFF-SITE IMPROVEMENTS SHALL BE CONSISTENT WITH THE DEVELOPMENT AGREEMENT (AS IDENTIFIED IN STIPULATION NO 2).

**CITY OF PHOENIX GENERAL SITE PLAN NOTES:**

DEVELOPMENT AND USE OF THIS SITE WILL CONFORM WITH ALL APPLICABLE CODES AND ORDINANCES.

ALL NEW OR RELOCATED UTILITIES WILL BE PLACED UNDERGROUND.

ALL SIGNAGE REQUIRES SEPARATE REVIEWS, APPROVALS, AND PERMITS. NO SIGNS ARE APPROVED FOR THIS PLAN.

ANY LIGHTING WILL BE PLACED SO AS TO DIRECT LIGHT AWAY FROM ADJACENT RESIDENTIAL DISTRICTS AND WILL NOT EXCEED ONE FOOT CANDLE AT THE PROPERTY LINE. NO NOISE, ODOR, OR VIBRATION WILL BE EMITTED SO THAT IT EXCEEDS THE GENERAL LEVEL OF NOISE, ODOR, OR VIBRATION EMITTED BY USES IN THE AREA OUTSIDE OF THE SITE.

OWNERS OF PROPERTY ADJACENT TO PUBLIC RIGHTS-OF-WAY WILL HAVE THE RESPONSIBILITY FOR MAINTAINING ALL LANDSCAPING WITHIN THE RIGHTS-OF-WAY, IN ACCORDANCE WITH APPROVED PLANS.

STRUCTURES AND LANDSCAPING WITHIN A TRIANGLE MEASURED BACK 10' FROM THE PROPERTY LINE AND 20' ALONG THE PROPERTY LINE ON EACH SIDE OF THE DRIVEWAYS ENTRANCES WILL BE MAINTAINED AT A MAXIMUM HEIGHT OF 3'.

STRUCTURES AND LANDSCAPING WITHIN A TRIANGLE MEASURING 33' X 33' ALONG THE PROPERTY LINES WILL BE MAINTAINED AT A MAXIMUM HEIGHT OF 3'.

ALL ROOFTOP EQUIPMENT AND SATELLITE DISHES SHALL BE SCREENED TO THE HEIGHT OF THE TALLEST EQUIPMENT.

BARBED, RAZOR, OR CONCERTINA WIRE (OR SIMILAR) SHALL NOT BE USED ON THIS SITE WHERE VISIBLE FROM PUBLIC STREETS OR ADJACENT RESIDENTIAL AREAS.

ALL SERVICE AREAS SHALL BE SCREENED TO CONCEAL TRASH CONTAINERS, LOADING DOCKS, TRANSFORMERS, BACKFLOW PREVENTERS, AND OTHER MECHANICAL OR ELECTRICAL EQUIPMENT FROM EYE LEVEL ADJACENT TO ALL PUBLIC STREETS.

#### PARCEL DESCRIPTION:

A PORTION OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 2 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

#### PROJECT DESCRIPTION:

THE PROJECT WILL INCLUDE A DRIVE-THROUGH ONLY COFFEE RESTAURANT ON AN EXISTING DEVELOPED PARCEL. THE EXISTING DEVELOPED PARCEL IS CURRENTLY A PARKING LOT. FOR THIS PROPOSED USE, THE SPACE WILL BE REPLACED WITH NEW PAVING AND THE DRIVE-THROUGH ONLY COFFEE RESTAURANT.

#### PARCEL NUMBER: LOT SALES:

APN: 126-08-133 NO

#### PROPOSED USE:

RESTAURANT WITH DRIVE THRU.

#### ZONING:

ZONING: C-2 INTERMEDIATE COMMERCIAL.

#### PARKING REQUIREMENTS:

EXISTING PARKING: 90 PARKING SPACES

PROPOSED PARKING: 1 SPACE PER 50 S.F. (EXCLUDING KITCHEN, RESTROOM, STORAGE AND INCLUDING OUTDOOR SALES) = APPROXIMATELY 350 S.F. = 7 STALLS PROVIDED + 7, 6 STANDARD AND 1 ADA

#### STORMWATER NOTES:

PRE-PROJECT IMPERVIOUS AREA = 25,665 S.F.  
PRE-PROJECT PVIOUS AREA = 3,473 S.F.  
POST-PROJECT IMPERVIOUS AREA = 19,327 S.F.  
POST-PROJECT PVIOUS AREA = 9,811 S.F.

#### SETBACKS:

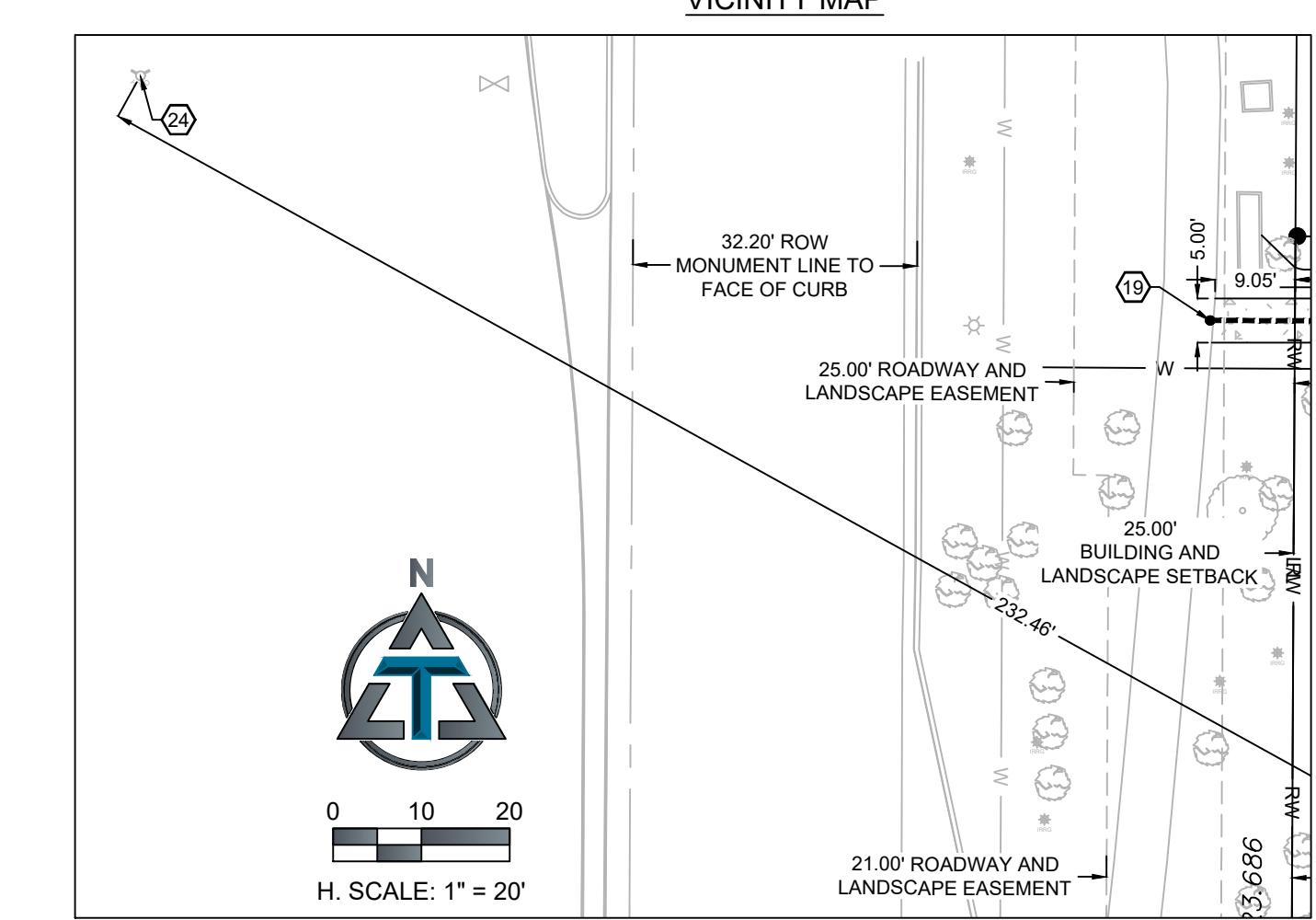
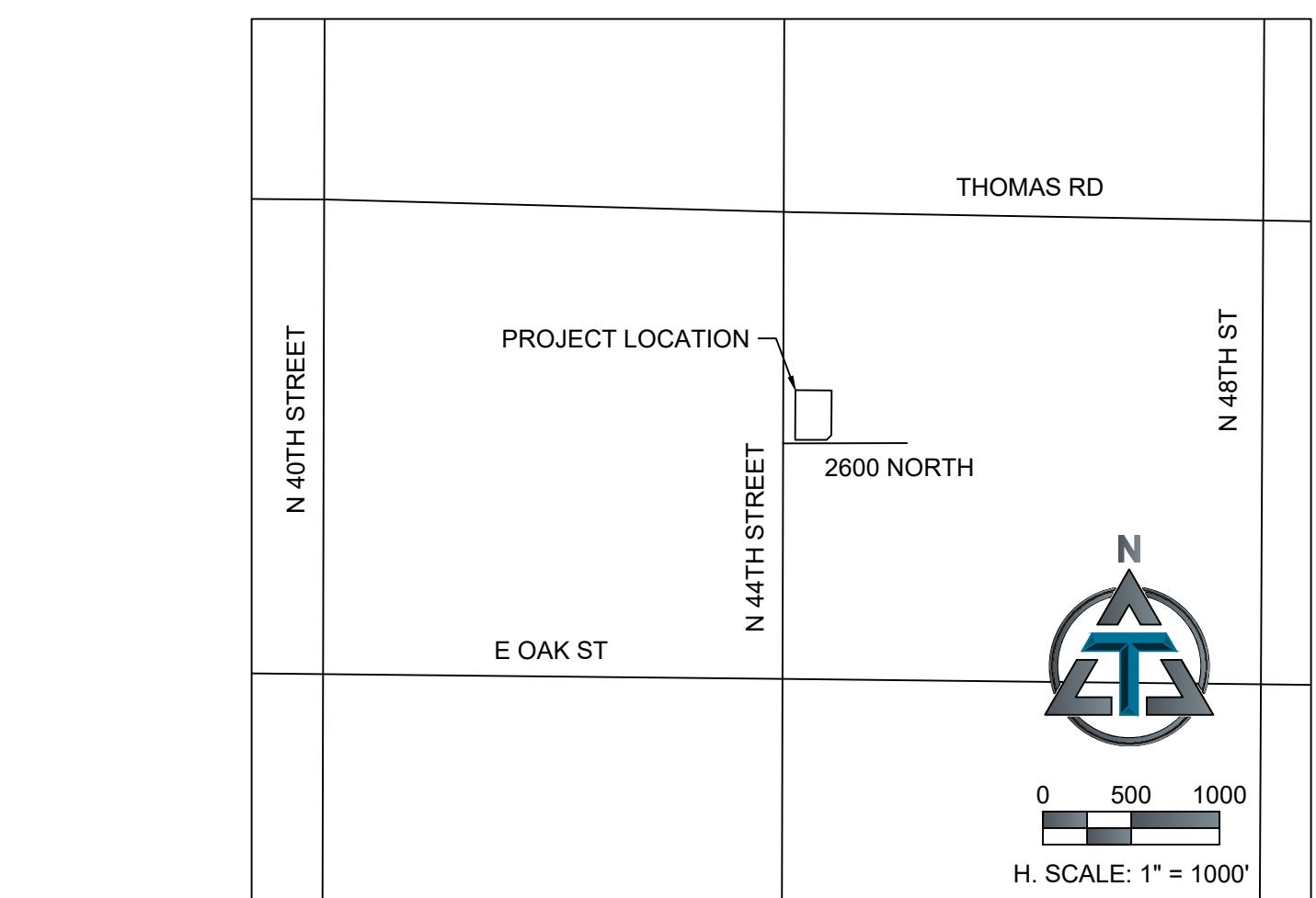
REQUIRED BUILDING SETBACK = 25 FT  
REQUIRED LANDSCAPE SETBACK = 50 FT  
PROVIDED BUILDING SETBACK = 70 FT  
PROVIDED LANDSCAPE SETBACK = 50 FT

#### DEVELOPER:

ENCORE LLC  
DWYANE RASH  
(228)205-4662  
dwash@encorellc.com  
6900 E MALLS PKWY, THIRD FLOOR  
PLANO, TX 75024

#### PREPARED BY:

TOTH AND ASSOCIATES  
MATT MILLER  
(417) 888-0645  
miller@tothassociates.com  
1550 E REPUBLIC ROAD  
SPRINGFIELD, MO 65804



#### BUILDING AND LOT DATA:

PROJECT LOT AREA (GROSS) 24,096 S.F. = 0.55 ACRES  
NET LOT AREA 24,096 S.F. = 0.55 ACRES  
AREA RESTRICTED 26,646 S.F. = 0.61 ACRES  
PROPOSED BUILDING (1 STORY) - RETAIL 517 S.F.  
REMOTE COOLER 248 S.F.  
CANOPY 750 S.F.  
BUILDING, COOLER, AND CANOPY = 1515 S.F.  
CONSTRUCTION TYPE: V-B  
MAXIMUM HEIGHT ALLOWED (2 STORIES) = 30 FT  
BUILDING HEIGHT = 20 FT  
NET PARKING LOT LANDSCAPE COVERAGE = 20%  
MINIMUM PARKING LOT LANDSCAPE = 10%  
NET LOT COVERAGE = 5%  
MAXIMUM ALLOWED LOT COVERAGE = 50%

#### QUANTITIES

CURB & GUTTER: 1,198 L.F.  
ASPHALT PAVEMENT: 15,761 S.F.  
8" CONCRETE PAVEMENT: 948 S.F.  
4" CONCRETE SIDEWALK: 2,285 S.F.  
LANDSCAPING AREA: 6,445 S.F.

**CITY OF PHOENIX**

MAR 28 2025

Planning & Development  
Department



Call 811 or  
1-800-782-5348  
www.arizona811.com

KIVA: 04-1709A5 SDEV: 0401251 PAPP: 2404183

**C 2.1**  
SITE PLAN

DATE: 07/12/2024

EXTERIOR ELEVATION MATERIALS LEGEND	
MARK	DESCRIPTION
A	ARCHITECTURAL CEMENT BOARD SIDING (BRK-2)
B	ARCHITECTURAL CEMENT BOARD SIDING (BRK-1)
C	BRACE METAL FASCIA (MP-2)
D	SOFFIT PANELS (MP-2)
E	STANDING SEAM ROOF PANELS (MP-2)
F	METAL BRAKE CAP (MP-3)
G	SPLIT FACE CMU BLOCK TO MATCH BRK-1 COLOR

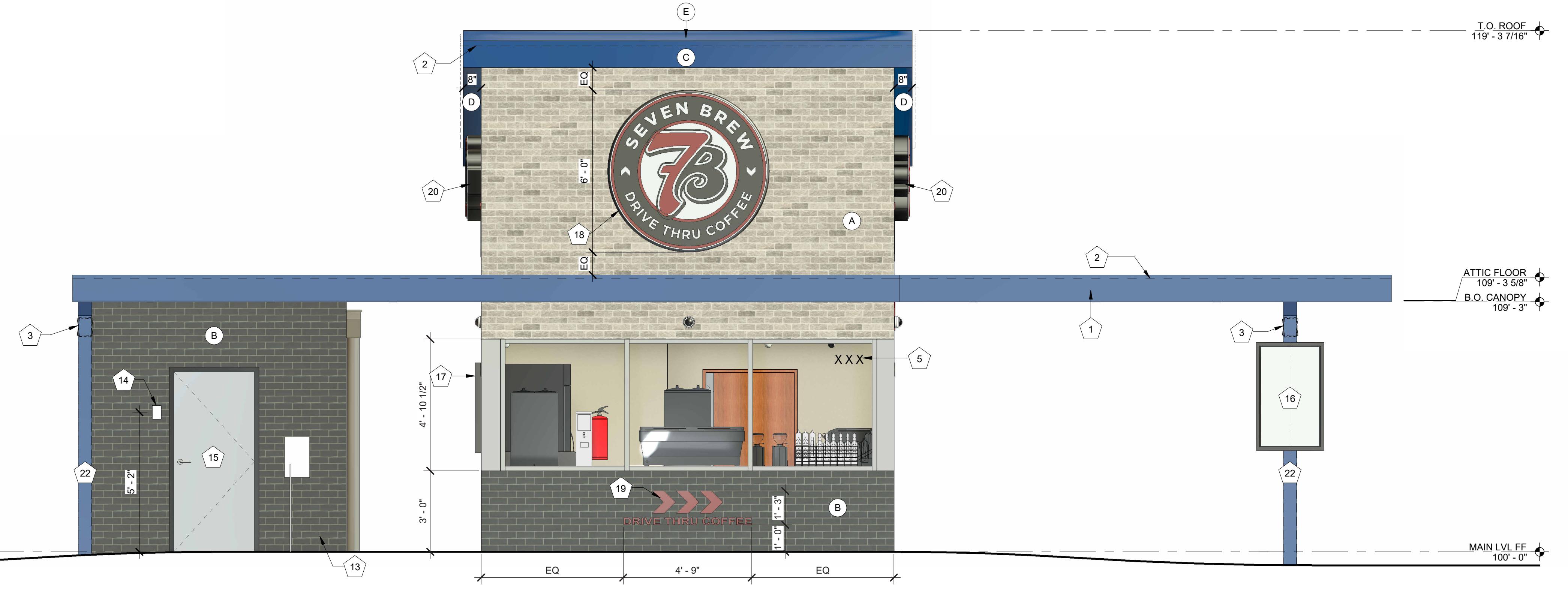
707 n. 6th street  
 kansas city, ks 66101  
[www.veritas-ad.com](http://www.veritas-ad.com)  
 913.308.1460  
 consulting engineer:

## 7 BREW DRIVE THRU - PHOENIX AZ - N 44TH ST

ENCORE 7 BREW, LLC

2601 NORTH 44TH STREET, PHOENIX, ARIZONA 85008

EXTERIOR ELEVATION KEYNOTES	
MARK	DESCRIPTION
1	PRE-ENGINEERED ALUMINUM CANOPY BY OTHERS; REF STRUCTURAL
2	SHIELDED SURFACE-MOUNTED LED NEON FLEX LIGHTING AS INDICATED (SHOWN DASHED), TYP; REF ELECTRICAL
3	MOUNTED SPEAKER SYSTEM; REF SYSTEMS PLAN
4	LOCATION OF FDC
5	ADDRESS NUMBERS TO BE 8" TALL x 2" BRUSH STROKE
6	ELECTRICAL EQUIPMENT, PAINTED TO MATCH BUILDING; REF ELECTRICAL
7	FROST-PROOF FLUSH HOSE BIB
8	EXTERIOR WEATHER-PROOF OUTLET; REF ELECTRICAL
9	PREFABRICATED COMPLIANT MECHANICAL SERVICE GUARDRAIL PER IBC SECTION 1015 W/ BRK-1 SCREENING PANELS ATTACHED
10	KNOX BOX
11	THROUGH-WALL ROOF SCUPPER; TYP
12	OUTLINE OF MECHANICAL UNIT BEYOND
13	PREFABRICATED COOLER BY NATIONAL MODULAR MANUFACTURING; COORD LOCATION & SPECS WITH CIVIL & STRUCT
14	COOLER LOCK & CONTROLS
15	36" COOLER DOOR
16	SAMSUNG DIGITAL DISPLAYS; INSTALLED IN FIELD BY IT PROVIDER; CHASE FOR DATA CABLE INSTALLED AT BUILDING MANUFACTURING FACILITY
17	SURFACE-MOUNTED LIGHTED SIGN BOX
18	ROUND STOREFRONT SIGN; SUPPLIED AND INSTALLED BY SIGN CONTRACTOR
19	1/4" THICK ACRYLIC SIGNAGE APPLIED TO SIDING WITH VH DOUBLE SIDE TAPE
20	ILLUMINATED STOREFRONT SIGNAGE BY SIGN CONTRACTOR
21	IN-WALL DOWNSPOUT W/ ABOVE GRADE OUTLET; CONNECT TO STORMWATER SYSTEM; REF CIVIL
22	PAINTED STRUCTURAL CANOPY COLUMN; RAINWATER DOWNSPOUT WITHIN; CONNECT BASE OF DOWNSPOUT TO STORMWATER SYSTEM; REF CIVIL
23	PAINTED STRUCTURAL CANOPY COLUMN; REF CIVIL



CITY OF PHOENIX

MAR 28 2025

Planning & Development  
 Department

REVISIONS  
 No. Description Date  
 sheet issue date:  
 02/11/2025  
 project no.:  
 22.46.15  
 sheet contents:  
 EXTERIOR ELEVATIONS  
 sheet no.:

A2.0

1 EXTERIOR ELEVATION - WEST  
 3/8" = 1'-0"

ALL SIGNAGE IS UNDER A SEPARATE PERMIT





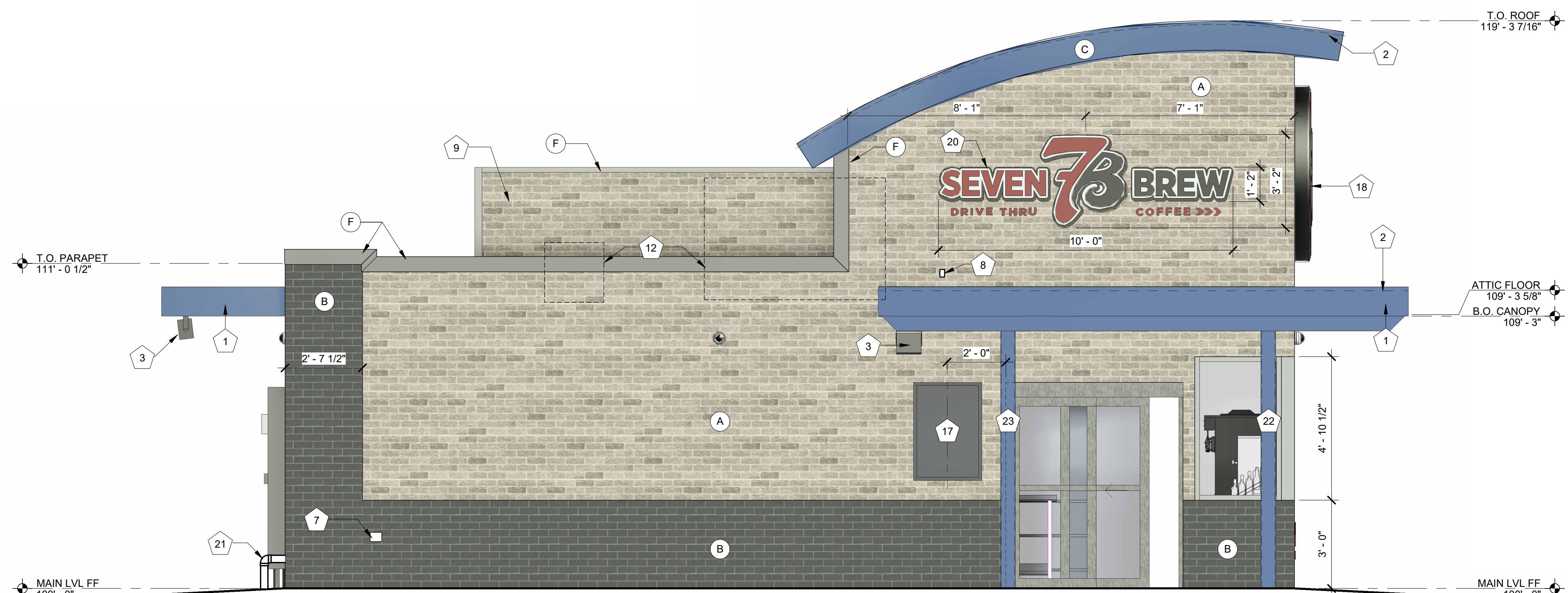
**2 EXTERIOR ELEVATION - NORTH W/ COOLER**

3/8" = 1'-0"

EXTERIOR ELEVATION MATERIALS LEGEND	
MARK	DESCRIPTION
A	ARCHITECTURAL CEMENT BOARD SIDING (BRK-2)
B	ARCHITECTURAL CEMENT BOARD SIDING (BRK-1)
C	BRACE METAL FASCIA (MP-2)
D	SOFFIT PANELS (MP-2)
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G	SPLIT FACE CMU BLOCK TO MATCH BRK-1 COLOR

707 n. 6th street  
kansas city, ks 66101  
www.veritas-ad.com  
913.308.1460

consulting engineer:



**1 EXTERIOR ELEVATION - NORTH**

3/8" = 1'-0"

ALL SIGNAGE IS UNDER A SEPARATE PERMIT

**CITY OF PHOENIX**

**MAR 28 2025**

**Planning & Development  
Department**

7 BREW DRIVE THRU - PHOENIX AZ - N 44TH ST

ENCORE 7 BREW, LLC

2601 NORTH 44TH STREET, PHOENIX, ARIZONA 85008

REVISIONS  
No. Description Date

sheet issue date:  
02/11/2025

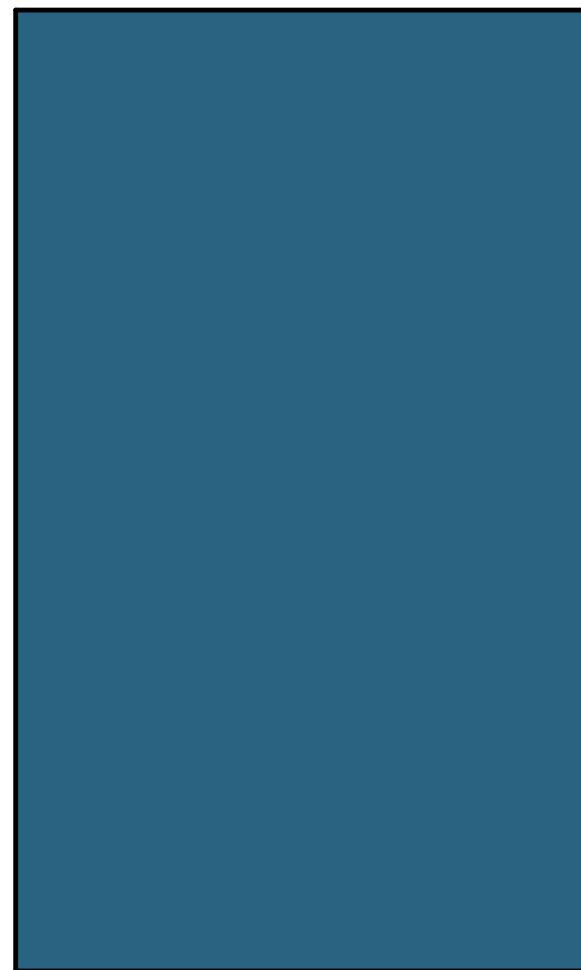
project no.:  
22.46.15

sheet contents:  
EXTERIOR ELEVATIONS

sheet no.:

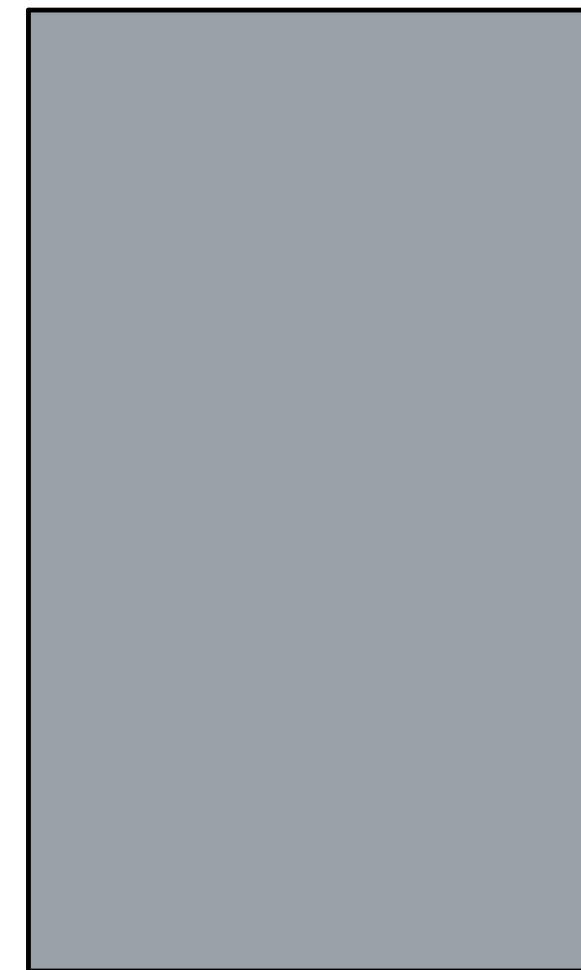
A2.2





BLUE METAL PANEL MP-2

BRAND: BERRIDGE  
COLOR: ROYAL BLUE  
FINISH: LOW SHEEN SMOOTH - REFLECTIVITY .26



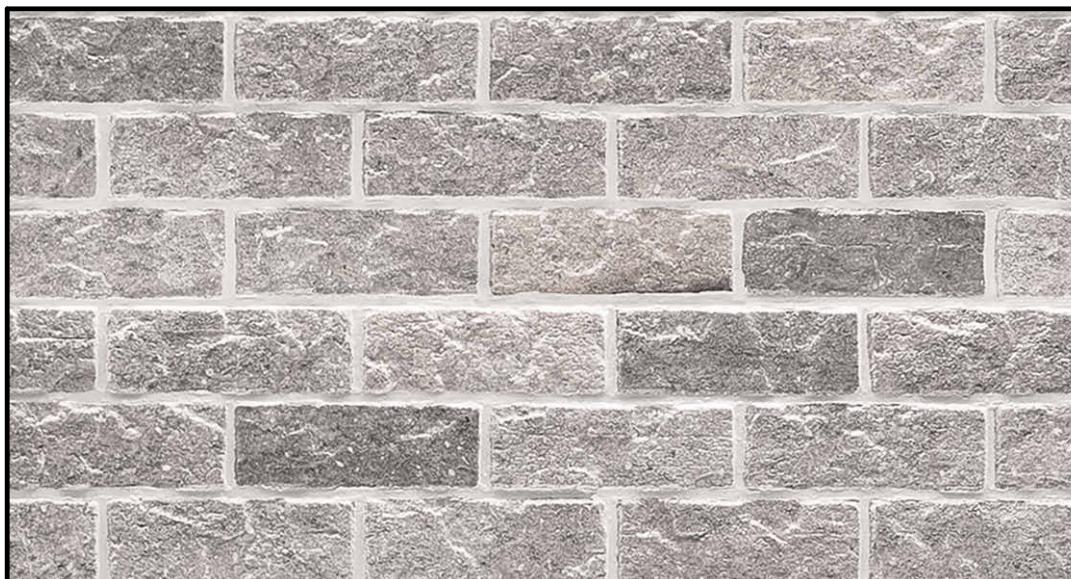
COPING TRIM METAL MP-3

BRAND: BERRIDGE  
COLOR: ZINC GREY  
FINISH: LOW SHEEN SMOOTH - REFLECTIVITY .39

CITY OF PHOENIX

MAR 28 2025

Planning & Development  
Department



FIBER CEMENT PANEL SIDING - BRK-2

BRAND: NICHIA  
COLOR: SHALE BROWN  
STYLE: CANYON BRICK



FIBER CEMENT PANEL SIDING - BRK-1

BRAND: NICHIA  
COLOR: MIDNIGHT  
FINISH: MODERN BRICK

22.46.15  
7 BREW DRIVE THRU -  
PHOENIX AZ - N 44TH  
ST  
02/11/2025

MATERIAL COLOR  
BOARD

PHO-4-25--Z-29-94-6(8)

Proposed Conceptual Elevations

Hearing Date: May 21, 2025



CITY OF PHOENIX

MAR 28 2025

Planning & Development  
Department



22.46.15  
7 BREW DRIVE THRU -  
PHOENIX AZ - N 44TH  
ST  
02/11/2025

RENDERS

## EXHIBIT B

### PROJECT INFORMATION

SITE DATA:	
Site Area	Gross Area 3,085,083 S.F. 70.84 Acres
	Net Area (existing) 2,865,463 S.F. 69.03 Acres
	<102,170 S.F. > DEI (2.345 Acres)
	<33,400 S.F. > DEI (1.00 Acres)
	Net Area (Phase I, Phase II and PAD's) 2,719,763 S.F.* DEI 62.44 Acres
	*Net Area S.F. is inclusive of an existing T.B.A. (63,995 S.F. (1.47 Acres)) Phase I and PAD Sites.
Total Building Area	430,275 S.F. 13.52 Acres
PHASE I	132,475 S.F. 55,744 S.F.
PHASE II	62,147 S.F. 22.84% 2,796 Spaces
PAD Sites	2,796 Spaces
Total Lot Coverage	2,796 Spaces
Total Parking Required (City of Phoenix, 4.5/1000)	2,810 Spaces
Total Parking Provided	56 Spaces
PHASE I	705 Spaces
PHASE II	3,573 Spaces
PAD Sites (Parking shown is future, by others)	3,573 Spaces
Total Parking Provided	2,796 Spaces
PROJECT DATA	2,209,827 S.F. DEI 52,800 S.F. DEI 2,209,827 S.F. DEI 2,209,827 S.F. DEI
Net Area (All Site Developed)	2,209,827 S.F. DEI 52,800 S.F. DEI
Building Area	74,414 S.F. 2 115,392 S.F. 3 100,320 S.F. 2 73,268 S.F. 2 26,674 S.F. 2 23,363 S.F. 0 8,000 S.F. 0 50,700 S.F. 2 15,061 S.F. 0 10,000 S.F. 0/A 22,500 S.F. 0 135,408 S.F. 3 56,683 S.F. 14 2,546 Spaces 2,810 Spaces
ANCHOR A	74,414 S.F. 2
ANCHOR B	115,392 S.F. 3
ANCHOR C	100,320 S.F. 2
MAJOR A	73,268 S.F. 2
MAJOR B	26,674 S.F. 2
MAJOR C	23,363 S.F. 0
MAJOR D	8,000 S.F. 0
MAJOR E	50,700 S.F. 2
LEASABLE AREA	15,061 S.F. 0
SHOP	10,000 S.F. 0/A
ANCHOR D (Proposed Structure to Follow)	22,500 S.F. 0
TOTAL	135,408 S.F. 3
Lot Coverage	56,683 S.F. 14
Parking Required (City of Phoenix, 4.5/1000)	2,546 Spaces
Parking Provided (Exclusive of Pad Sites)	2,810 Spaces
Accessible Parking Required:	35 Spaces
(25/1st 1000 spaces, + Balance x .5%)	41 Spaces
Accessible Parking Provided	41 Spaces
PAD SITES	35 Spaces
Net Area	419,906 S.F. DEI 9.64 Acres
PAD 1	32,441 S.F. DEI (0.75 Acres) 7,000 S.F. 43 Spaces
Site Area	Building Area Parking Provided
PAD 2	17,639 S.F. DEI (0.40 Acres) 3,263 S.F. 10 Spaces
Site Area	Building Area Parking Provided
PAD 3	37,506 S.F. DEI (0.80 Acres) 10,000 S.F. 55 Spaces
Site Area	Building Area Parking Provided
PAD 4	65,305 S.F. DEI (1.50 Acres) 16,185 S.F. 78 Spaces
Site Area	Building Area Parking Provided
PAD 5	44,455 S.F. DEI (1.02 Acres) 7,000 S.F. 85 Spaces
Site Area	Building Area Parking Provided
PAD 6	56,322 S.F. DEI (1.29 Acres) 12,000 S.F. 129 Spaces
Site Area	Building Area Parking Provided
PAD 7	56,651 S.F. DEI (1.30 Acres) 12,000 S.F. 129 Spaces
Site Area	Building Area Parking Provided
PAD 8	54,956 S.F. DEI (1.26 Acres) 7,000 S.F. 100 Spaces
Site Area	Building Area Parking Provided
PAD 9	54,531 S.F. DEI (1.25 Acres) 7,000 S.F. 76 Spaces
Site Area	Building Area Parking Provided

Note: All illustrations and data are conceptual and subject to revision.

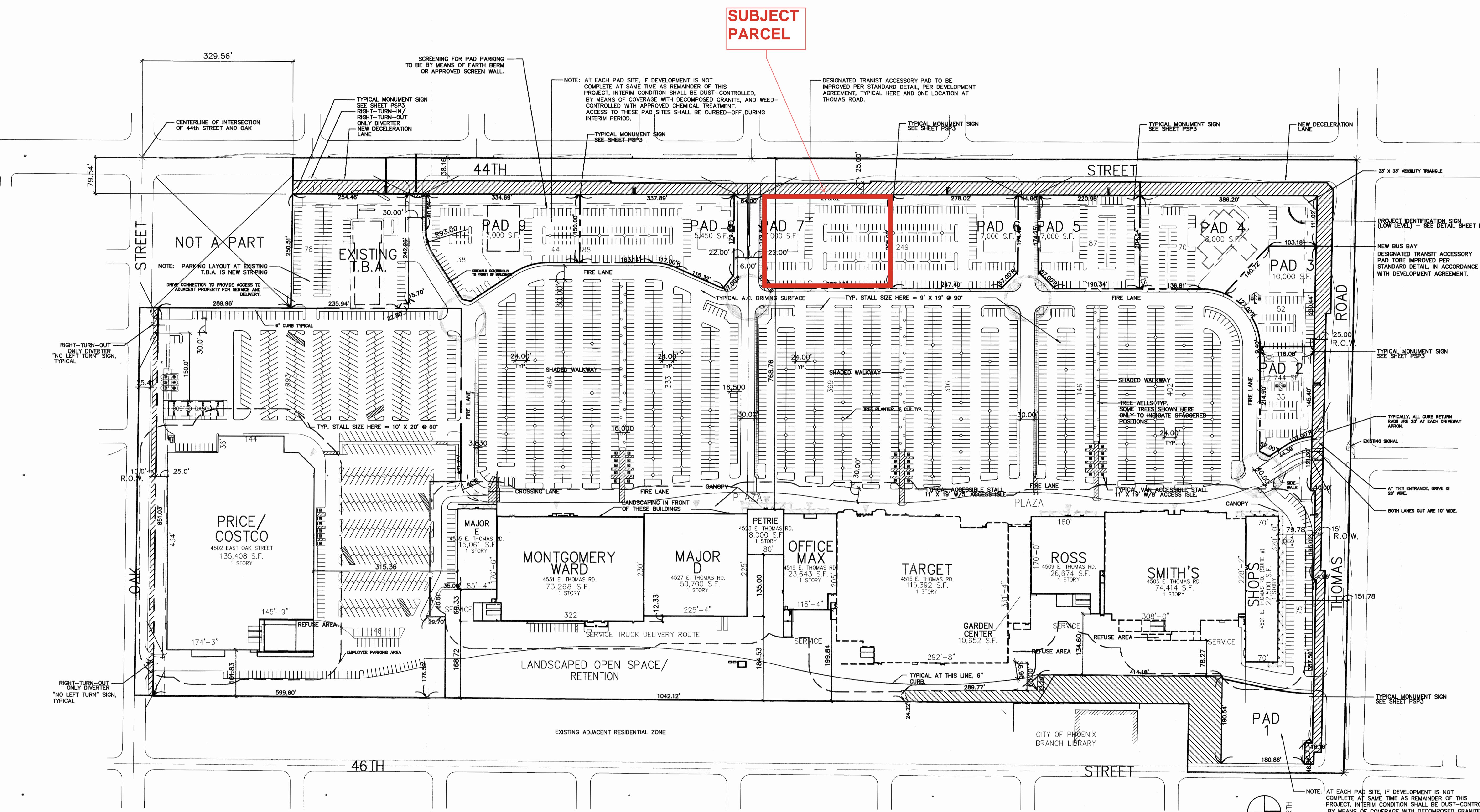
APRIL 8, 1994

REVISIONS:  
9/7/01 - Add Costco Gasoline; revise parking calculations.



Opus Southwest Corporation  
4701 North 24th Street, Suite 100  
Phoenix, Arizona 85016-4860  
Project Manager: David J. O'Donnell  
Phone: (602) 468-7000  
Fax: (602) 468-7045

PROJECT TITLE	
ARCADIA CROSSING	
44TH STREET AND THOMAS ROAD PHOENIX, ARIZONA	
DRAWING TITLE	
PRELIMINARY SITE PLAN	
1" = 100'-0"	
SEAL	
 DAVIS FREDRIKSON DAVIS ARCHITECTURE PLANNING DESIGN 4201 North 24th Street, Suite 100 Phoenix, Arizona 85016 602-467-4760 FAX 602-467-9860	
PSP1	
PSP1 DATE ISSUED: 10 MAY 1994 DRAWN BY: PSR ETAL CHECKED BY: PSR PROJECT NUMBER: DFD93145 CAD FILENAME: PSP10427	

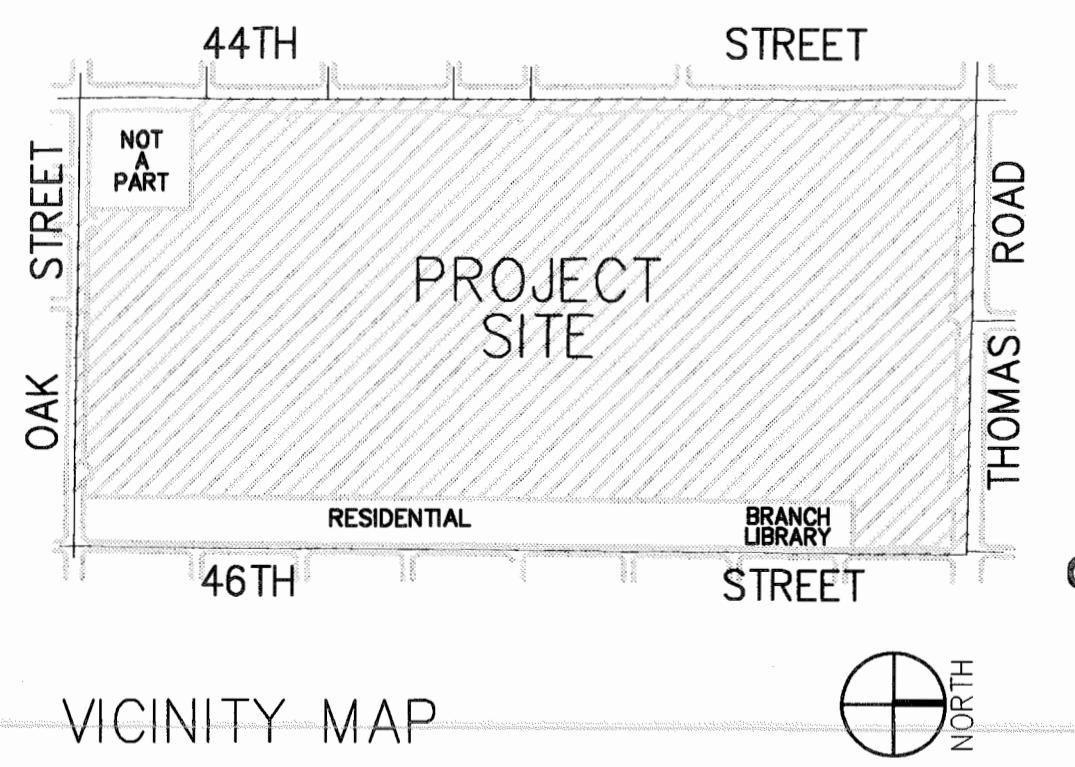


### DEVELOPMENT INFORMATION

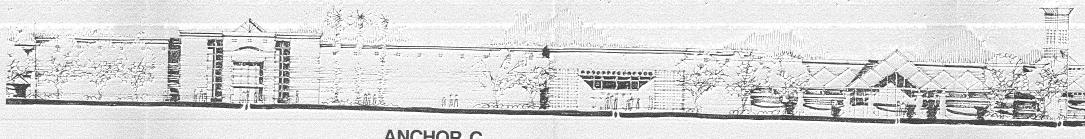
- SITE HAS BEEN REZONED UNDER CASE NO.29-94-6, TO C-2. HEARING DATE WAS FEBRUARY 5, 1994.
- SEE CONCEPTUAL UTILITY PLAN FOR LOCATIONS OF FIRE HYDRANTS ON SITE.
- SITE LIGHTING IS PROVIDED UNDER DESIGN-BUILD CONTRACT. LAYOUT OF ACTUAL POLES SHALL BE AS FOLLOWS. FOR PERIMETER (PROPERTY LINE INTO SITE FOR A DISTANCE 210'), POLE HEIGHT INCLUDING BASE SHALL BE 25' FROM GROUND. POLE HEIGHT FOR INTERIOR OF SITE (WITHIN LIMITS DESCRIBED ABOVE) SHALL BE 35' FROM GROUND. DUGOUTS AND OTHER CONSTRUCTION PREPARATIONS FOR THE PHOTOMETRIC CALCULATIONS SHALL BE SUBMITTED TO THE CITY OF PHOENIX FOR APPROVAL, WHEN COMPLETED. REFER TO POLE DETAIL ON SHEET PSP-3 ATTACHED HERETO.
- ALL SITE DEVELOPMENT, EXCLUSIVE OF PAD SITE AREAS, SHALL BE PERFORMED UNDER A SINGLE PHASE.

### SYMBOLS

- BUILDING ENTRANCE
- ▬ LOADING SPACE
- ▬ RIGHT-OF-WAY
- ▬ THE CITY OF PHOENIX
- ▬ BRANCH LIBRARY SITE
- ▬ BRANCH PURCHASE SITE

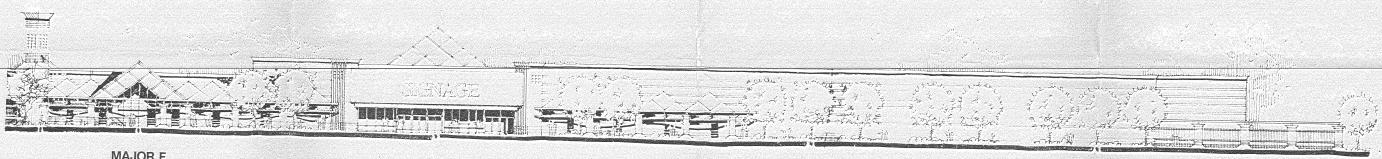


FUTURE PROJECT INFORMATION	
20-94 Z 61-38	
PHO 11.07.01	
SUBMITTED ON 09.20.01	
PLANNING DEPT. 2nd fl. RECEPTION	SEP 20 2001
PLANNING DEPT. 2nd fl. RECEPTION	SEP 20 2001
CITY OF PHOENIX	
CITY OF PHOENIX	
2nd fl. RECEPTION	
2nd fl. RECEPTION	



ANCHOR C

MAJOR E



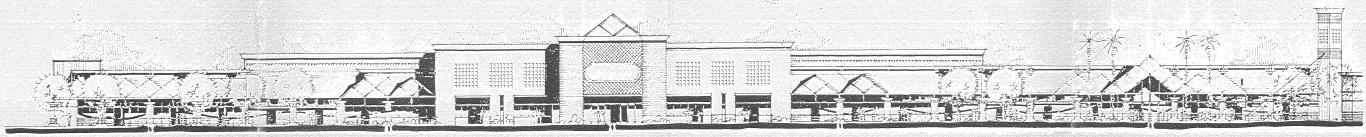
ANCHOR D

MAJOR F



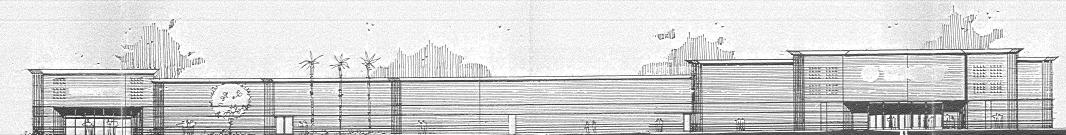
ARCADIA CROSSING



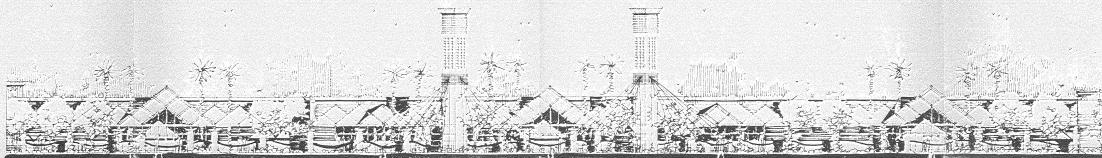


ANCHOR A

MAJOR A



ANCHOR B



MAJOR C

MAJOR D

## ARCADIA CROSSING



DAVIS PARTNERSHIP DAVIS  
ARCHITECTURE PLANNING DESIGN



29-94-6

June 2, 2004

"D.R. Horton, America's Builder, Continental Series

June 2, 2004

Councilwoman Peggy Neely  
City of Phoenix Council District 2  
200 W. Washington St., 11th Floor  
Phoenix, Arizona 85003

Via Fascimile 602-495-0527

Re: Desert Peak R-2 Residential - NWC Cave Creek and Pinnacle Peak Roads  
Zoning Case Z-8-04-2

Dear Ms. Neely:

For further clarification, we would like to note that the requested R-2 parcel within the Desert Peak project will consist of entirely for sale units, as will all residential within Desert Peak. Please feel free to contact us should you need any other information.

Sincerely,  
D.R. Horton - Continental Series  
/s/Roger Pryor  
Director of Entitlements"

With those comments on the record, MOTION was made by Ms. Neely, SECONDED by Mr. Lingner, that Item 47A be granted as recommended.

Mr. Ed Hansen, 23243 North 26th Street, submitted a speaker card in opposition, but waived his opportunity to speak.

**MOTION CARRIED UNANIMOUSLY.**

MOTION was made by Mrs. Bilsten, SECONDED by Mr. Lingner, that Items 48 and 49A-E be granted as recommended. **MOTION CARRIED UNANIMOUSLY.**

June 2, 2004

**ITEM 48**

**DISTRICT 6**

**MODIFICATION OF  
STIPULATION REQUEST FOR  
RATIFICATION OF PLANNING  
HEARING OFFICER ACTIONS**

---

The Council heard request to approve Planning Hearing Officer's recommendations without further hearing by the City Council on this matter heard by the Planning Hearing Officer on Wednesday, November 7, 2001.

DISTRICT 6  
THOMAS ROAD AND 44TH  
STREET  
OWNER: COSTCO  
WHOLESALE CORPORATION  
APPLICANT: BRUCE  
CREAGER/BARGHAUSEN  
CONSULTING  
REPRESENTATIVE: BRUCE  
CREAGER/BARGHAUSEN  
CONSULTING

---

Application: **Z-29-94-6**

Request: To amend the May 10, 1994, Arcadia Crossing Preliminary Site Plan (P94018) with a Costco gasoline facility on "Anchor D" site (4502 East Oak Street)

Location: Southeast corner of 44th Street and Thomas Road; Acreage: 70.84

Camelback East Village Planning Committee chose to not review this request.

The Planning Hearing Officer approved the request with modified stipulations.

1. That the development be in general conformance to the site plan (dated January 11, 1994) [or with the modifications to Anchor D as shown in the site plan dated February 4, 1994 September 7, 2001], together with the elevations and exhibits (dated January 12, 1994) as may be modified by the following stipulations.
  
2. That development of the site be in accordance with the Development Agreement (Ordinance S-21748 amending Ordinance S-21068, dated November 1993) between Opus Southwest Corporation and the City of Phoenix.

June 2, 2004

3. That particular attention shall be given during the Design Review process to provide building elevations that are consistent in design and materials around the entire center and that the linear nature of the design be minimized through the use of architectural embellishments, building offsets, shade structures and pedestrian plazas.
4. That the site plan be modified as approved by the Development Services Department to reflect the following changes:
  - a. Building offsets for the major users shall be consistent with the site plan dated January 11, 1994.
  - b. Pad Sites Three (3) and Four (4) may be modified to create a unified pad development such as through the use of depressed parking and pedestrian plazas. A major gateway statement shall be provided at the Thomas Road and 44th Street intersection with views to the interior of the development.
  - c. That access to the exception parcel at the southwest corner of the site be considered at the time of site plan approval.
5. That the right-of-way dedications and off-site improvements shall be consistent with the Development Agreement (as identified in Stipulation 2).
6. That a single driveway access be permitted on 46th Street south of Shops "B" as approved by the Development Services Department, and no vehicular access between the library site and the retail center. Left turn access from the site onto Oak Street shall be prohibited.

**ITEM 49**

**DISTRICTS 2, 7 AND 8**

**MODIFICATION OF  
STIPULATION REQUESTS FOR  
RATIFICATION OF PLANNING  
HEARING OFFICER ACTIONS**

The Council heard request to approve the Planning Hearing Officer's recommendations without further hearing by the City Council on matters heard by the Planning Hearing Officer on Wednesday, May 5, 2004.

REPORT OF PLANNING HEARING OFFICER ACTION

Mr John R Verdugo Principal Planner Hearing Officer  
Mr Miguel Victor, Planner II Assisting

November 7 2001

SUBJECT

Application #	Z-29-94 6
Zoning	C 2
Location	Southeast corner of 44th Street & Thomas Road
Acreage	70 84
Request	To amend the May 10 1994 Arcadia Crossing Preliminary Site Plan (P94018) with a Costco gasoline facility on Anchor D site (4502 E Oak Street)
Applicant	Kim Stever
Owner	Kim Stever
Representative	Bruce Creager

PLANNING HEARING OFFICER RECOMMENDATION

Approval with modified stipulations

VILLAGE PLANNING COMMITTEE RECOMMENDATION

The Camelback East VPC chose to not review this request

FINDINGS

The representative Mr Bruce Creager Barghausen Consulting Engineers 18215 72<sup>nd</sup> Avenue South Kent WA 98032 stated that his proposal was for the addition of a new gasoline station at the southwest portion of the COSTCO site. The initial facility would consist of a 3 island canopy with the addition of a fourth island in the future. The required parking would not be reduced but there would be 103 existing parking that would be removed. The landscaping would be increased to meet current standards. The facility would have an attendant on site at all times of operation from 6 00am to 10 00pm.

The Planning Hearing Officer, Mr John Verdugo found that the gasoline addition the existing Costco facility was a trend that major wholesale retailers are moving more to. There would be no major impact to the site with the addition of the gasoline facility. Mr Verdugo also stated that this would provide a convenience to the clients of the Costco and be a benefit.

MOTION

The Planning Hearing Officer moved to approve this request subject to modified stipulations

**STIPULATIONS**

- 1 That the development be in general conformance to the site plan (dated 1/11/94) [or with the modifications to Anchor D as shown in the site plan dated 2/04/94 September 7, 2001] together with the elevations and exhibits (dated 1/12/94) as may be modified by the following stipulations
- 2 That development of the site be in accordance with the Development Agreement (Ordinance S-21748 amending Ordinance S-21068 dated 11-93) between Opus Southwest Corporation and the City of Phoenix
- 3 That particular attention shall be given during the Design Review process to provide building elevations that are consistent in design and materials around the entire center and that the linear nature of the design be minimized through the use of architectural embellishments building offsets shade structures and pedestrian plazas
- 4 That the site plan be modified as approved by the Development Services Department to reflect the following changes
  - a Building offsets for the major users shall be consistent with the site plan dated 1/11/94
  - b Pad Sites Three (3) and Four (4) may be modified to create a unified pad development such as through the use of depressed parking and pedestrian plazas. A major gateway statement shall be provided at the Thomas Road and 44<sup>th</sup> Street intersection with views to the interior of the development
  - c That access to the exception parcel at the southwest corner of the site be considered at the time of site plan approval
- 5 That the right-of way dedications and off-site improvements shall be consistent with the Development Agreement (as identified in Stipulation No 2)
- 6 That a single driveway access be permitted on 46<sup>th</sup> Street south of Shops B as approved by the Development Services Department and no vehicular access between the library site and the retail center. Left turn access from the site onto Oak Street shall be prohibited