

ATTACHMENT C

REPORT OF PLANNING COMMISSION ACTION AUGUST 7, 2025

ITEM NO: 13	
	DISTRICT NO.: 8
SUBJECT:	
Application #:	PHO-1-25--Z-14-16-8
Location:	Northeast corner of 59th Avenue and Baseline Road
Existing Zoning:	C-1
Acreage:	3.94
Request:	Request to modify Stipulation 1 regarding general conformance with the site plan and elevations date stamped June 21, 2016.
Applicant:	Erik Baker, Chick-fil-A
Owner:	Walter Brown Jr., 59th & Baseline Holdings, LLC
Representative:	David Openshaw, 4G Development & Consulting, Inc.
Appellant:	Jon Kimoto, Laveen Citizens for Responsible Development (LCRD)

ACTIONS:

Village Planning Committee (VPC) Recommendation:

Laveen 5/12/2025 Approval. Vote: 10-3.

Planning Hearing Officer Recommendation (PHO): The Planning Hearing Officer heard the request on May 21, 2025 and recommended approval with a modification and additional stipulations.

Staff Recommendation: Approval with a modification and additional stipulations, per the Planning Hearing Officer recommendation.

Planning Commission Recommendation: Approval, with the modification and additional stipulations, per the Planning Hearing Officer recommendation, with an additional stipulation.

Motion Discussion: N/A

Motion details: Commissioner Read made a MOTION to approve PHO-1-25—Z-14-16-8, with the modification and additional stipulations, per the Planning Hearing Officer recommendation, and with an additional stipulation that the applicant work with the community to develop a gateway monument for 59th Avenue and Baseline Road, subject to Planning and Development Department approval.

Maker: Read
Second: Gorraiz
Vote: 8-0
Absent: Jaramillo
Opposition Present: Yes

Findings:

1. The request to modify Stipulation 1 regarding general conformance to a site plan and elevations is recommended for approval with a modification to provide more standard conformance language. The stipulated site plan depicted a commercial project comprising an approximately 4,000 square foot drive-through bank. The request to modify Stipulation 1 regarding general conformance to a site plan and elevations is

recommended for approval with a modification to provide more standard conformance language.

The stipulated site plan depicted a commercial project comprising an approximately 4,000 square foot drive-through bank, an approximately 2,000 square foot drive-through restaurant, and an approximately 12,500 square foot retail and restaurant building. This project did not develop, and the property remains vacant.

The proposed conceptual site plan depicts a 4,852 square foot free standing restaurant with a double wide drive-thru, 2 drive-thru canopies, and a trash enclosure separated from the building.

The stipulated conceptual elevations depict the commercial buildings with a maximum height of 30 feet for the tallest building. Architectural features and detailing include color CMU blocks with a brick look, rusted steel trellis, raw formed concrete and stucco. The buildings also feature undulating roof lines and with rusted steel panels and walls.

The conceptual elevations depict two story units with a maximum height of 27 feet, 10 inches (top of roof). Architectural features and detailing include brick veneers, metal awnings, mansard tile roofs, shade canopies, patios, pop outs, and varied rooflines. The proposal is compatible with the land use pattern in the surrounding area.

It should be noted; the site plan does not detail conformance with the zoning stipulations from the case. For example, the ROW dedication shown is 33 feet instead of the 55 feet that is stipulated. In addition, the applicant will be required to adhere to Stipulation 2 regarding landscape setbacks and will be required to be shown on the landscape plan.

2. The site is identified as archaeologically sensitive and three additional stipulations are recommended to be included to address requirements for archaeological survey and testing.
3. The additional stipulation regarding the gateway monument was incorporated to address the community's desires as communicated by the appellant.

Stipulations:

1. The development shall be in general conformance with the site plan and elevations date stamped MARCH 5, 2025 ~~JUNE 21, 2016~~, except as modified by the following stipulations and as approved by the Planning and Development Department.
2. A minimum 50-foot landscape setback shall be provided along the southern property line for the eastern 700 feet of the property and a minimum 35-foot landscape setback shall be provided along the southern property line for the western 287 feet of the property, as approved by the Planning and Development Department. The setback area shall be developed as shown in the Baseline Road Scenic Drive cross section.
3. The developer shall construct a 10-foot multi-use trail within a 30-foot multi-use trail easement that shall be dedicated along the north side of Baseline Road for the length of the project, as approved by the Planning and Development Department.
4. The development shall provide pedestrian pathways between buildings or pads. The pedestrian pathways shall be shaded either by trees or shade structures, as approved by the Planning and Development Department.

5. Entrances to the site and pedestrian path crossings shall be constructed with decorative pavers, stamped or colored concrete, or another material other than those used to pave the parking surfaces and drive aisles, as approved by the Planning and Development Department.
6. Drive-through queuing lanes shall be screened from view of arterial streets through the incorporation of a landscaped berm, screen wall or combination of a wall and berm at least four feet in height, as approved by the Planning and Development Department.
7. The development shall utilize view fencing or no fencing along the northern and eastern property lines, as approved by the Planning and Development Department.
8. Right-of-way totaling 55 feet shall be dedicated for the east half of 59th Avenue, as approved by the Planning and Development Department.
9. A 25-foot by 25-foot right-of-way triangle shall be dedicated at the northeast corner of 59th Avenue and Baseline Road, as approved by the Planning and Development Department.
10. The property owner shall construct all streets adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
11. The developer shall submit paving plans for all arterial streets within and adjacent to the development to the Street Transportation Department for review.
12. The developer shall complete and submit the Developer Project Information Form for the MAG Transportation Improvement Program to Mr. Alan Hilty, (602) 262-6193, with the Street Transportation Department. This form is required by the EPA for air quality standards.
13. The developer shall present the following plans to the Laveen Village Planning Committee prior to preliminary site plan approval through the Planning and Development Department.
 - a. Detailed building elevations
 - b. Detailed landscape plans
 - c. Detailed lighting plans
 - d. Detailed sign package
14. 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.
15. 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.

16. 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.
17. The developer shall notify the following individuals by mail 15 days prior to any of the
~~14.~~ following future public meetings regarding the subject site: (1) Planning Hearing Officer hearing, (2) preliminary site plan review meeting. The notice shall include the date, time and location of the meeting/hearing.
- a. All property owners within a 1 ,000 feet radius of the subject site
 - b. TOM METZGER, 5626 W. CARSON ROAD, LAVEEN, AZ 85339
 - c. JOHN & SELMA POE, 4335 W. BURGESS LANE, LAVEEN, AZ 85339
 - d. DON LAY, 7014 S. 57TH AVENUE, LAVEEN, AZ 85339
 - e. DARIN REEZER, 7201 S. 58TH AVENUE LAVEEN, AZ 85339
 - f. DAVID PAWLOWSKI, 7031 S. 58TH AVENUE, LAVEEN, AZ 85339
 - g. PHIL BISCHOFF, 4701 W. VALENCIA DRIVE, LAVEEN, AZ 85339
 - h. JONATHAN FAVORITE, 8010 S. 54TH LANE, LAVEEN, AZ 85339
 - i. PATRICK & CRYSTAL MARVIN, 4823 W. GWEN STREET, LAVEEN, AZ 85339
 - j. MICHELLE RUTKOWSKI, 7650 E. WILLIAMS DRIVE, SCOTTSDALE, AZ 85255
 - k. JULIE GUNN, 1809 W. MOODY TRAIL, PHOENIX, AZ 85041
 - l. JEFF GUNN, 1809 W. MOODY TRAIL, PHOENIX, AZ 85041
 - m. MARTYN WHITE, 10032 N. 38TH STREET, PHOENIX, AZ 85028
 - n. VERONICA MONTENIERI, 4314 W. MONTE WAY, LAVEEN, AZ 85339
 - o. P. MONTENIERI, 4314 W. MONTE WAY, LAVEEN, AZ 85339
 - p. JENNIFER ROUSE, 4821 W. ELLIS STREET, LAVEEN, AZ 85339
 - q. KARLA ZIDOW, 5204 W. DESERT DRIVE, LAVEEN, AZ 85339
 - r. DIANA KUDES, 5210 W. PEDRO LANE, LAVEEN, AZ 85339
 - s. GARY KUDES, 5210 W. PEDRO LANE, LAVEEN, AZ 85339
 - t. DESIREE HOOGERHUIS, 3217 W. MELODY DRIVE, LAVEEN, AZ 85339
 - u. JASON PALTZER, 6622 S. 50TH AVENUE, LAVEEN, AZ 85339

- v. JEFF & KAREN KEELOR, 7236 S. 57TH AVENUE, LAVEEN, AZ 85339
 - w. DAPHNE HERRING, 5506 W. GLASS LANE, LAVEEN, AZ 85339
 - x. DONNA SNOW, 6806 W. DESERT LANE, LAVEEN, AZ 85339
 - y. JODA SCHAUMBERG, 7205 S. 58TH AVENUE, LAVEEN, AZ 85339
 - z. FELICIA CORBETT, 4811 W. GWEN STREET, LAVEEN, AZ 85339
 - aa. BEN GRAFF, WITHEY MORRIS PLC, 2525 E. ARIZONA BILTMORE CIRCLE, PHOENIX, AZ 85016
 - bb. RICHARD FLOR, 2022 W. ASTER DRIVE, PHOENIX, AZ 85029
 - cc. SANDRA GUERRERO, 3247 W. BASELINE ROAD, LAVEEN, AZ 85339
 - dd. RALPH PADILLA, 5813 W. ARDMORE ROAD, LAVEEN, AZ 85339
 - ee. LORI GONZALES, 5740 W. HIDALGO AVENUE, LAVEEN, AZ 85339
 - ff. GARY JORGENSEN, 5527 W. CARSON ROAD, LAVEEN, AZ 85339
 - gg. WENDY ENSMINGER, 6806 S. 55TH LANE, LAVEEN, AZ 85339
 - hh. KURT GRONLUND, 6834 S. 58TH AVENUE, LAVEEN, AZ 85339
 - ii. BRIAN SMITH, 56222 W. CARSON ROAD, LAVEEN, AZ 85339
 - jj. MATT CHRISTOPHER, 7019 S. 55TH LANE, LAVEEN, AZ 85339
 - kk. DON MEDLING, 5529 W. DARREL ROAD, LAVEEN, AZ 85339
 - ll. AL MARTINEZ, 7011 S. 58TH AVENUE, LAVEEN, AZ 85339
 - mm. PHIL HERTEL, 2845 W. BROADWAY ROAD, PHOENIX, AZ 85041
 - nn. JON KIMOTO, 3216 W. ANSEL ROAD LAVEEN, AZ 85339
 - oo. JOHN MOCKUS, 4807 W. SAMANTHA WAY, PHOENIX, AZ 85339
18. All cellular communication facilities shall be building mounted or internal to the cross.
~~15.~~
19. The developer shall provide minimum 3-inch caliper trees, placed 20-feet on center or
~~16.~~ in equivalent groupings, within the eastern 560 feet of the northern landscape setback,
as approved by the Planning and Development Department.
20. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207
~~17.~~ waiver of claims in a form approved by the City Attorney's Office. The waiver shall be
recorded with the Maricopa County Recorder's Office and delivered to the City to be
included in the rezoning application file for record.
21. The Development shall not include any underground fuel storage tanks, as approved by
~~18.~~ the Planning and Development Department.

22. THE APPLICANT SHALL WORK WITH THE COMMUNITY TO DEVELOP A GATEWAY MONUMENT FOR 59TH AVENUE AND BASELINE ROAD, SUBJECT TO PLANNING AND DEVELOPMENT APPROVAL.

This publication can be made available in alternate format upon request. Please contact Saneeya Mir at 602-686-6461, saneeya.mir@phoenix.gov, TTY: Use 7-1-1.